

**MEMORANDUM**

**TO:** Regina Hanshaw, Ohio Board of Building Standards

**FROM:** Christopher Smyke, Regulatory Policy Advocate

**DATE:** May 1, 2018

**RE:** **CSI Review – Ohio Plumbing Code (OAC 4101:3-3-01, 4101:3-6-01, and 4101:3-7-01)**

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On behalf of Lt. Governor Mary Taylor, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Agency as provided for in ORC 107.54.

**Analysis**

This rule package consists of 3 amended rules submitted by the Ohio Board of Building Standards for review. It was submitted to the CSI Office on March 16, 2018 and the comment period closed on April 11, 2018. No comments were received during the CSI comment period.

The rules in this package address portions of the Ohio Plumbing Code pertaining to general provisions, water supply systems, and sanitary drainage systems. Proposed amendments to the rules include incorporation of corrections (errata) approved by the International Code Council, as well as prohibiting pipe and fitting joints within a foundation wall, and reinstating previously deleted text regarding spatial separation of sewage and water sharing a common trench, as well as restricting potable water lines under a cesspool or septic tank.

Prior to filing the rules with CSI, the Board notified a stakeholder list comprised of building department personnel, contractors, designers, and professional associations. In addition to accepting comments via email, the Board held a public stakeholder meeting on January 5, 2018. The Board received a comment from Public Health - Dayton and Montgomery County, regarding

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building sewer pipelines; the Board determined that the issue addressed in the comment did not fall in the scope of its jurisdiction, so the change was not incorporated. The Board received a second comment via petition 18-01 from Gamechanger Fittings LLC, which suggested that the Board prohibit the installation of pipe and fitting joints inside of a foundation wall; the Board elected to incorporate this suggestion into the proposed rules. No comments were received during the CSI public comment period.

The Board identifies the impacted business community as building owners, design professionals, plumbing contractors, and code enforcement personnel. The Board notes that the only substantive change of prohibiting the use of fitting and pipe joints inside of foundation walls has very little impact on the business community; the change may require a change in plumbing practice, but should not impact labor or material costs. The BIA justifies the proposed changes to the rules, citing its statutory authority under ORC 3781.10 to set standards regarding the erection, construction, repair, alteration, and maintenance of nonresidential buildings.

After reviewing the proposed rules, BIA and response to comments, the CSI Office has determined that the rules satisfactorily meet the standards espoused by the CSI Office, and the purpose of the rule package is justified.

### **Recommendation**

For the reasons explained above, the CSI office does not have any recommendations for this rule package.

### **Conclusion**

Based on the above comments, the CSI Office concludes that the Ohio Board of Building Standards should proceed with the formal filing of this rule package with the Joint Committee on Agency Rule Review.

CC: Emily Kaylor: Lt. Governor's Office