

**MEMORANDUM**

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

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

**DATE:** May 1, 2018

**RE:** **CSI Review – Ohio Mechanical Code (OAC 4101:2-4-01, 4101:2-5-01, and 4101:2-6-01)**

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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 Mechanical Code, covering ventilation, exhaust, and duct systems. Proposed amendments to the rules include the addition of model code language pertaining to equipment identification plates which were unintentionally left out, and requiring fire and smoke dampers to have an access door. In addition, the rules incorporate corrections (errata) approved by the International Code Council, which correct equations and code references, modify several rule exceptions, add missing content, and make minor formatting changes.

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.

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The Board received no comments during early stakeholder outreach. However, the new requirement regarding damper access doors was a result of petition 17-01, which was accepted and incorporated into the rules. No comments were received during the CSI public comment period.

The BIA identifies the impacted business community as building owners, design professionals, mechanical contractors, and code enforcement personnel. The Board notes that the only substantive change of requiring damper access doors would impact a minimal material cost to the business community. 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