

**MEMORANDUM**

**TO:** Tracie Boyd, Ohio Department of Commerce

**FROM:** Jacob Ritzenthaler, Regulatory Policy Advocate

**DATE:** October 15, 2018

**RE:** **CSI Review – 2017 Ohio Fire Code Errata (OAC 1301:7-7-01, 1301:7-7-02, 1301:7-7-03, 1301:7-7-05, 1301:7-7-07, 1301:7-7-09, 1301:7-7-10, 1301:7-7-11, 1301:7-7-23, 1301:7-7-27, 1301:7-7-32, 1301:7-7-50, 1301:7-7-56, 1301:7-7-57, 1301:7-7-60, 1301:7-7-61, and 1301:7-7-62)**

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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 17 amended rules proposed by the Ohio Department of Commerce (ODC). The rule package was submitted to the CSI Office on September 17, 2018 and the public comment period was held open through September 27, 2018.

The rules in this package are part of the Ohio Fire Code (OFC), which sets forth practices and requirements for fire safety for all premises and structures in Ohio. The OFC in its entirety was updated in 2017 to reflect changes in national standards, Ohio law, and the Ohio Building Code. The rules in this package are being amended to include language that was inadvertently omitted from the previous update during the rule filing process. Additional amendments are being made to address new updates to the rules, regarding mobile food units and portable fire extinguishers. Ohio Administrative Code (OAC) 1301:7-7-03 sets forth requirements for all structures regarding occupancy, maintenance, and precautions surrounding fires. The rule includes new amendments

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that allow for exceptions for carbon monoxide detectors in certain units, additional types of LP-Gas containers, and tank location. OAC 1301:7-7-09 establishes regulations for fire protection systems and features new amendments that allow for more flexible placement of portable fire extinguishers in education facilities.

During early stakeholder outreach, ODC sent the rules to relevant industry stakeholders for comment. ODC received comments from stakeholders that suggested changes to rule language regarding mobile food units and portable fire extinguishers. Mobile food unit operators, restaurant industry representatives, and fire service personnel submitted comments that were included in the rules. Regarding OAC 1301:7-7-09 and language that covered portable fire extinguishers, the Fire Equipment Manufacturers' Association submitted comments that suggested allowing flexibility for certain buildings in placing fire extinguishers. The comments were accepted and added to the rules after ODC worked with the Ohio Board of Building Standards to adopt the changes in the Ohio Building Code.

During the CSI public comment period, one comment was received. The stakeholder suggested including provisions in the rules for discretionary operation permits for mobile food units and inspections for gas containers. ODC did not include these suggested changes into the rules. ODC stated that authorizing new permits and annual inspections at this stage of the rule review would be unfeasible, and that the inclusion of the suggested provisions in future reviews of the OFC would allow the Department to properly engage with stakeholders.

The rules in this package impact every business with structures or premises in Ohio and the BIA details each rule's impact. OAC 1301:7-7-03 and 1301:7-7-09 both feature new amendments that minimize the adverse impacts of the rules by allowing businesses greater flexibility in addressing fire prevention measures. The majority of the changes to the rules had already been reviewed by the CSI Office during the 2017 OFC update and had been found to meet the standards of the CSI Office. After reviewing the proposed rules and the BIA, 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.

### **Recommendations**

For the reasons described above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

Based on its review of the proposed rule package, the CSI Office recommends the Ohio Department of Commerce should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.