



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Regina Hanshaw, Ohio Board of Building Standards

FROM: Jacob Ritzenthaler, Regulatory Policy Advocate

DATE: February 14, 2020

RE: **CSI Review – Ohio Plumbing Code (OAC 4101:3-4-01, 4101:3-7-01, 4101:3-8-01, 4101:3-9-01, 4101:3-10-01, and 4101:3-15-01)**

On behalf of Lt. Governor Jon Husted, 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 six amended rules proposed by the Ohio Board of Building Standards (Board). This rule package was submitted to the CSI Office on November 11, 2019, and the public comment period was held open through December 13, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on November 11, 2019.

Ohio Administrative Code (OAC) 4101:3-4-01 establishes regulations for fixtures and faucets and includes amendments that address the number of required fixtures by gender and additional clarifications. OAC 4101:3-7-01 and 4101:3-8-01 regulate sanitary drainage and indirect waste piping and include amendments that remove certain prohibitions on drainage piping and sinks used in food preparation. OAC 4101:3-9-01 and 4101:3-10-01 establish the design and installation requirements for vents and traps. The rules include amendments that address combination waste and drain pipes and the vertical distance requirements for fixture traps. OAC 4101:3-15-01 provides a list of references standards and is amended to update the referenced rules and regulations.

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During early stakeholder outreach, the Board sent the rules to relevant stakeholders for feedback and welcomed input during public meetings. During this time, the Board received comments from three stakeholders. Two stakeholders requested clarification regarding the amendments, which the Board provided. One stakeholder submitted comments that suggested changes to the requirements for traps, food preparation sinks, and installation. These changes were approved by the Board and added to the rules. During the CSI public comment period, the Board received comments from one stakeholder that suggested returning to the original code for installing combination waste and vent systems. The Board amended the rule to reflect the suggested changes.

The business community impacted by these rules includes all individuals and businesses involved in the design, construction, and ownership of buildings. The adverse impact created by these rules is largely comprised of the time and effort spent by businesses complying with the requirements of the rules, including periodic updates. In the BIA, the Board states that the rules and the proposed amendments provide guidelines for buildings that is consistent with Ohio statute and offers businesses clear requirements for installation and maintenance.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.