



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Carrie Kuruc**, Director

### Business Impact Analysis

Agency, Board, or Commission Name: Board of Building Standards

Rule Contact Name and Contact Information:

Regina Hanshaw 614-644-2613

Regulation/Package Title (a general description of the rules' substantive content):

Amendments Group 99 - Ohio Building Code Amendments

Rule Number(s): 4101:1-1-01, 4101:1-10-01, 4101:1-13-01, 4101:1-15-01, 4101:1-29-01,  
and 4101:1-35-01

Date of Submission for CSI Review: 11/15/19

Public Comment Period End Date: 12/13/19

Rule Type/Number of Rules:

New/\_\_\_ rules

No Change/\_\_\_ rules (FYR? \_\_\_)

Amended/ 6 rules (FYR? N)

Rescinded/\_\_\_ rules (FYR? \_\_\_)

The Common Sense Initiative is established in R.C. 107.61 to eliminate excessive and duplicative rules and regulations that stand in the way of job creation. Under the Common Sense Initiative, agencies must balance the critical objectives of regulations that have an adverse impact on business with the costs of compliance by the regulated parties. Agencies should promote transparency, responsiveness, predictability, and flexibility while developing

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regulations that are fair and easy to follow. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

### **Reason for Submission**

1. **R.C. 106.03 and 106.031 require agencies, when reviewing a rule, to determine whether the rule has an adverse impact on businesses as defined by R.C. 107.52. If the agency determines that it does, it must complete a business impact analysis and submit the rule for CSI review.**

**Which adverse impact(s) to businesses has the agency determined the rule(s) create?**

**The rule(s):**

- a. ☒ **Requires a license, permit, or any other prior authorization to engage in or operate a line of business.**
- b. ☐ **Imposes a criminal penalty, a civil penalty, or another sanction, or creates a cause of action for failure to comply with its terms.**
- c. ☐ **Requires specific expenditures or the report of information as a condition of compliance.**
- d. ☐ **Is likely to directly reduce the revenue or increase the expenses of the lines of business to which it will apply or applies.**

### **Regulatory Intent**

2. **Please briefly describe the draft regulation in plain language.**

***Please include the key provisions of the regulation as well as any proposed amendments.***

The Ohio Board of Building Standards (Board) proposes to amend Ohio Administrative Code (OAC) Rules as follows:

**4101:1-1-01** to clarify in section 101.2 that the IBC model code text is incorporated within the rule, to clarify that model homes are within the scope of the RCO, to clarify the pipeline exemption; and to make other grammatical and editorial corrections within the rule.

**4101:1-10-01** to change the occupant load factor for business spaces from 100 gross to 150 gross and add a reference to a new section for concentrated business use areas in Table 1004.1.2; to adjust the occupant load factor for certain concentrated business use areas in section 1004.7; to allow flexibility and relief for sprinklered buildings in the design of exterior areas for assisted rescue in section 1009.7.2; to correct a typographical error in Section 1010.1.9.4; to add new section 1010.3.3 addressing security access turnstiles in the means of egress; to clarify intent of “ambulatory care

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facilities” as applied to corridor width determination in Section 1020.2; to provide an exception in Section 1023.3.1 to the separation requirement between an interior exit stairway and the exit passageway extension if both are pressurized; to clarify code Section 1029.6 to be used to determine aisle capacity for assembly occupancies; to reorganize section 1030.1 to clarify intent, to add Group R-4 to the occupancies requiring emergency escape and rescue openings, and to add an exception for sprinklered dwelling units and sleeping units having prescribed egress characteristics.

**4101:1-13-01** to modify the exception to allow certain Group R-3 occupancies to use all paths of the RCO, including the OHBA path, to demonstrate energy code compliance.

**4101:1-15-01** to recognize and provide requirements for building-integrated photovoltaic (BIPV) roof panels and to incorporate ICC errata.

**4101:1-29-01** to add an exception to the distribution of plumbing fixtures by gender; to allow single-user or separate facilities to be used in the calculation of the required number of plumbing fixtures; to clarify that ambulatory care facilities are business occupancies; and to add design flexibility by allowing mixed-gender facilities.

**4101:1-35-01** to update the IFGC to the 2018 edition and to update the IFGC referenced standard ANSI LC1/CSA 6.26 to the 2018 edition; to adopt the NFPA 70 TIA 17-8 which eliminates a conflict between NFPA 99 and NFPA 70 with regard to wiring protection for emergency systems in health care occupancies where persons are not capable of self-preservation.

A detailed summary of the proposed amendments is attached as Exhibit A.

3. **Please list the Ohio statute(s) that authorize the agency, board or commission to adopt the rule(s) and the statute(s) that amplify that authority.**

Revised Code § 3781.10: <http://codes.ohio.gov/orc/3781.10>

4. **Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**  
*If yes, please briefly explain the source and substance of the federal requirement.*

No.

5. **If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

NA

6. **What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

Revised Code § 3781.10 directs the Board to “formulate and adopt rules governing the erection, construction, repair, alteration and maintenance of all buildings specified in section 3781.06 of the

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Revised Code...” It further requires that the Board’s rules also “relate to the conservation of energy and the safety and sanitation of those buildings.”

**7. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The enforcement of these rules will be implemented by certified township, city, and county building departments. Rule 4101:1-1-01 lays out the administrative procedures certified building departments must follow to implement the substantive requirements of these rules to determine compliance. These provisions require a builder or owner to make application to a building department to obtain an approval to build (permit). As part of this application the owner must submit sufficient information and/or construction documents for the building official/plans examiner to determine whether the proposed work complies with the code. After the builder or owner obtains the approval (permit), construction may commence and the building department inspectors will inspect the construction to ensure that the work conforms with the original approval. Rule 4101:1-1-01 § 105.2 provides that in the absence of fraud or a serious safety or sanitation hazard, any non-residential structure built in accordance with approved plans shall be conclusively presumed to comply with these rules. The Board requires that certified nonresidential building departments submit an annual yearly operational report which lists the following information: current employees and their certifications, total number of permits issued during the year for each type of occupancy, total number of inspections made, the total value of construction, and the total number of appeals of the code requested by a builder or owner during the year.

**8. Are any of the proposed rules contained in this rule package being submitted pursuant to R.C. 101.352, 101.353, 106.032, 121.93, or 121.931?**

*If yes, please specify the rule number(s), the specific R.C. section requiring this submission, and a detailed explanation.*

No.

**Development of the Regulation**

**9. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

*If applicable, please include the date and medium by which the stakeholders were initially contacted.*

The Board maintains a stakeholder distribution list including building department personnel, contractors, designers and professional associations. The stakeholder list is available upon request. On May 23, 2019, the Board sent an email to all agency stakeholders informing them of a scheduled stakeholder meeting on June 17, 2019 to hear comments and respond to questions on these rules. The notice summarized the proposed amendments and also informed stakeholders that if they could not attend the stakeholder meeting, they could submit questions or comments via email or regular

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mail by June 17, 2019. On June 17, 2019 the Board conducted a stakeholder meeting on the proposed rules between 10:00 AM and 11:30 AM and the following individuals attended: Amit Ghosh, City of Columbus; Bill Prenosil, OFCC; Gary Eodice, Heapy Engineering; Nathan Alwood, ACCCO; and David Mann, American Technology Council

**10. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

A copy of the correspondence the Board received in response to May 23, 2019 email and a summary of the June 17, 2019 stakeholder meeting are attached as Exhibit B. Mr. Ghosh questioned the need for posting structural loads in OBC Section 108.9. He stated that once the postings are in place the building department no longer has jurisdiction. Staff responded that the information is provided for occupants to be aware of maximum loads for different areas of a building.

Mr. Ghosh requested whether the new provisions for security access turnstiles addressed the pressure to actuate. Staff responded that the new language does not but would be addressed in accessibility requirements.

Mr. Mann stated opposition for extension of R-3 exception for energy code compliance in Chapter 13 to include OHBA option. Mr. Mann also submitted written comments attached. Staff explained that the Board's Code Committee is still reviewing the newer editions of the energy codes and likely would move forward with adoption in the near future. The reason for including the expanded R-3 exception was to coincide with the new Residential Code of Ohio going into effect July 1 as close as possible. Staff also noted the Board conducted an analysis of R-3 module OHBA option minimum values and required equipment efficiencies as conditions, and it met the 2018 ERI method included in the new RCO. Mr. Mann stated if that was the case it would be the be hard to argue against, but they would also do an analysis of equivalency.

At its meeting on June 21, 2019, the Board reviewed with comments submitted at the stakeholder meeting and determined to not make any changes as a result of the comment and to move forward with initiating the eNotification process and file the rules with CSI Office.

Josh Young, American Technology Council, and Jenn Klein, Ohio Chemistry Technology Council submitted written comments opposing the proposed amendment in 4101:1-13-01 to allow certain Group R-3 occupancies to use all the RCO energy conservation compliance paths, including the OHBA path. Mr. Young and Ms. Klein comments also encouraged the Board to adopt the 2018 ICC for commercial construction.

Eric Lacey, Responsible Energy Code Alliance, also submitted comments opposing expanding OHBA Alternative Compliance Path for certain R-3 occupancies and supported adoption of the 2018 IECC commercial provisions.

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In response to Mr. Lacey's, Mr. Young's and Ms. Klein's comments, the Board's Code Committee invited Dr. Merle McBride of ASHRAE to present information at its August 1, 2019 meeting on the development of the 2016 edition of the ASHRAE 90.1 and the methodology for evaluating the cost effectiveness of the changes made. After learning about the cost impact of the newer energy codes, the Code Committee voted to table consideration of updating the energy code standards until 2020. Therefore, the Board took no action in response to Mr. Lacey's, Mr. Young's and Ms. Klein's comments.

**11. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Continuing law is based on the 2015 International Building Code (IBC) promulgated and amended by the International Code Council (ICC). The model codes developed by ICC are updated every three years through a process that incorporates petitioning, public hearings and voting by ICC members. The ICC Committees that oversaw the development of the different provisions 2015 IBC included building and fire code officials, architects, engineers, contractors, and representatives from the National Association of Home Builders, the National Fire Protection Association, Underwriters Laboratories, and other professional organizations.

When a petition to amend the model code is submitted, the proponent of the change must submit the proposed language of the amendment, the reason for the amendment including scientific data when applicable, and the cost impact of the amendment. All submitted petitions are then published prior to initial code development hearings on the petitions. Interested persons may review the proposed changes and attend the code development hearing and provide comments. A report then is published on the public hearings for review and then final action is taken on the proposed changes at final action hearings. All successful changes are incorporated into the next edition of the model code.

Upon publication the Board's code committee reviews each substantive change included in the newest edition of the code and determines whether to recommend the change to the Board for adoption. The Board last fully updated the Ohio Building Code on November 1, 2017.

**12. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

See response to Question 11.

**13. Did the Agency specifically consider a performance-based regulation? Please explain. *Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

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Continuing law permits a registered design professional's alternative engineered design to be a compliance alternative method to the prescriptive requirements of the code. Section 106.5 of the OBC permits a registered design professional to submit sufficient technical data to substantiate that performance of the proposed alternative engineered design meets the intent of the code. Additionally, section 107.4.3 provides that when construction documents have been prepared by an Ohio registered design professional conforming to the requirements of the rules of the Board pertaining to design loads, stresses, strength, and stability and other requirements involving technical analysis, the documents need only be examined to the extent necessary to determine conformity with other requirements of the rules of the Board.

**14. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

Editorial changes are routinely made to the rules to provide consistency with the Ohio Revised Code and other Board and agencies' rules. Additionally, RC § 3781.10 gives the Board sole authority to adopt rules which regulate the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified RC 3781.06 including residential and non-residential buildings.

**15. Please describe the Agency's plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

For these rules to be enforced by a local government, its building department must be certified by the Board. The Board also certifies the personnel who work within these departments to ensure only qualified personnel are enforcing the Board's rules. Certified personnel must complete continuing education to maintain their certifications and continue to be authorized to enforce these rules. The Board has authority to suspend or revoke certifications for failure to properly enforce the rules. Also, the Board has a staff member dedicated to responding to complaints by persons affected by the Board rules. This program helps promote consistent and predictable application of the Board rules.

**Adverse Impact to Business**

**16. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community; and**

- Building owners
- Design Professionals
- Contractors
- Building Department Personnel

**b. Identify the nature of all adverse impact (e.g., fees, fines, employer time for compliance,); and**

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- Obtaining updated rules as published as the Ohio Building Code
- Becoming familiar with the changes through research and training

**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

After adoption of amendments to the building codes, publishers issue replacement pages for code users to update code books. If a code user has purchased a code book from a publisher and wish would keep it updated, the cost of replacement page packet is approximately \$25. However, the Board provides free view access to electronic versions of Ohio’s building codes which are regularly updated through a contract with International Code Council: [https://codes.iccsafe.org/category/Ohio?year\[\]=Current+Adoption&page=1](https://codes.iccsafe.org/category/Ohio?year[]=Current+Adoption&page=1)

**17. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

The amendments included in this package incorporate ICC Errata for the 2015 IBC, select sections from the 2018 IBC, unique Ohio text, and editorial fixes. The amendments are intended to correct mistakes, answer questions, and clarify existing code requirements. The clarifications help in the application and enforcement of the code. Consistent application and enforcement of the code can result in cost savings. Additionally, several proposed provisions provide more design flexibility such recognizing building-integrated photovoltaic (BIPV) roof panels and allowing mixed-gender bathroom facilities.

**Regulatory Flexibility**

**18. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The rules do not have special exemptions or alternative means of compliance specifically for small business. The OBC requires a building official to issue an adjudication order to an owner when the design or construction of a building does not comply with the OBC. The adjudication order must comply with Revised Code Chapter 119 and give the owner an opportunity to appeal. This mechanism is often utilized by an owner voluntarily to obtain a variance from the requirements. Variance requests are heard by either the Ohio Board of Building Appeals or a certified local board of building appeals.

Also, the OBC permits alternative engineered designs prepared by a registered design professional to not strictly comply with the prescriptive requirements of the rules. To obtain approvals based on

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alternative engineered designs, the design professional must submit sufficient technical information to demonstrate that the performance meets the intent of the rules.

**19. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Revised Code § 3781.102 does not authorize the Board to set the fees and/or penalties assessed by local certified building departments in connection with the enforcement of these rules. Compliance with the rules is accomplished through construction conforming to the certificate of plan approval (permit). Therefore, there are no potential paperwork violations of these rules.

**20. What resources are available to assist small businesses with compliance of the regulation?**

The Board's technical staff spends approximately 25% of their time responding to questions on the building codes and educating design professionals, contractors, the public, and code officials of the intent of the Board's rules assisting all parties in compliance.



May 2019

**AMENDMENTS GROUP 99 - OHIO BUILDING CODE PROPOSED CHANGES**

Ohio Administrative Code Rule Number	Paragraph/Section	Source of Proposed Change	Reason for Proposed Change
4101:1-1-01	101.2, Exception 1	BBS	Clarifies that one-, two-, and three-family dwellings used as models are outside the scope of the OBC
	101.2, Exception 12	BBS	Clarifies the intent of the gas pipeline exemption
	102.11	BBS	Corrects a code reference
	105.1.4	BBS	Provides a code reference
	108.9	BBS	Corrects a code reference
	114.2	BBS	Corrects a grammar mistake
4101:1-10-01	Table 1004.1.2	2018 IBC	Changes the occupant load factor for business spaces from 100 gross to 150 gross and adds a reference to a new section for concentrated business use areas
	1004.7	2018 IBC	Adjusts the occupant load factor for certain concentrated business use areas
	1009.7.2	2018 IBC	Allows flexibility and relief for sprinklered buildings in the design of exterior areas for assisted rescue
	1010.1.9.4, #4	BBS	Adds a missing "S" occupancy
	1010.3.3	2018 IBC	Adds a new section addressing security access turnstiles in the means of egress
	1020.2	2018 IBC	Clarifies intent of "ambulatory care facilities" as applied to corridor width determination
	1023.3.1	2018 IBC	Provides an exception to the separation requirement between an interior exit stairway and the exit passageway extension if both are pressurized
	1029.6	2018 IBC	Clarifies code sections to be used to determine aisle capacity for assembly occupancies
	1030.1	2018 IBC	Reorganizes the section to clarify intent, adds Group R-4 to the occupancies requiring

			emergency escape and rescue openings, and adds an exception for sprinklered dwelling units and sleeping units having prescribed egress characteristics
4101:1-13-01	1301.1.1	BBS	Provides an exception to allow certain Group R-3 occupancies to use the RCO energy conservation requirements
	1301.1.1.1	BBS	Prescribes conditions for use of the RCO OHBA method when used to demonstrate compliance for multi-family residential buildings
4101:1-15-01	Table 1504.1.1	ICC Errata	Corrects code reference in column heading
	1504.5	ICC Errata	Corrects code references
	1507.18	2018 IBC	Recognizes and prescribes requirements for the installation of building-integrated photovoltaic (BIPV) roof panels
	1510.5.1	ICC Errata	Corrects a code reference
4101:1-29-01	2902.1.1, Exception 2	2021 IPC	Adds an exception to the distribution of plumbing fixtures by gender
	2902.1.2	2021 IPC	Removes the word “facilities” and adds a sentence to allow single-user or separate facilities to be used in the calculation of required number of plumbing fixtures
	Table 2902.1	2018 IPC Errata	Clarifies that ambulatory care facilities are business occupancies
	2902.2, Exceptions 5 & 6	2021 IPC	Adds design flexibility by allowing mixed-gender facilities
4101:1-35-01	ICC	2018 IBC	Updates the IFGC standard from the 2015 edition to the 2018 edition
	NFPA	BBS	Adopts the NFPA 70 TIA 17-8 which eliminates a conflict between NFPA 99 and NFPA 70 with regard to wiring protection for emergency systems in health care occupancies where persons are not capable of self-preservation

### June 17, 2019 Stakeholder Meeting

### OBC, OMC & OPC Rules – Selected Amendments from 2018 I-Codes

#### Attendees:

Amit Ghosh, City of Columbus  
Bill Prenosil, OFCC  
Gary Eodice, Heapy  
Nathan Alwood, ACCCO  
David Mann, American Technology Council

#### Staff Present:

Regina Hanshaw  
Steve Regoli  
Debbie Ohler  
Jay Richards  
Rob Johnson

#### Board Members Present

Dave Collins

Board Staff presented overview of proposed OBC, OMC and OPC Rules including selected amendments from 2018 I-Codes.

#### Comments Submitted:

Ohio Mechanical Code Rules

Typos were noted by Staff for correction in Section 107.2

Ohio Plumbing Code

Clarification was noted by Staff that Section 701.8 was reference to the building code.

Mr. Ghosh requested to also incorporate the “less effective” language from Section 3401.2 in the maintenance section in Chapter 1 of the building code.

Mr. Eodice stated agreement with language in Section 701.8 regarding reuse of existing drainage piping and that scoping all the time should not be required but the design professional should be relied to specify when needed.

Both Mr. Ghosh and Mr. Eodice requested clarification of the new language in 915.2 and whether it was intended to be an exception to the 8 feet limitation for vertical distance of combination waste and vent pipe. Mr. Eodice stated in some larger factory/manufacturing installations. Staff responded that the language was the result of an approved petition and that we would research the review the petition to determine if that was the intent.

#### Ohio Building Code

Mr. Ghosh questioned the need for posting structural loads in Section 108.9. He stated that once the postings are in place the building department no longer has jurisdiction. Staff responded that the information is provided for occupants to be aware of maximum loads for different areas of a building.

Mr. Ghosh requested whether the new provisions for security access turnstiles addressed the pressure to actuate. Staff responded that the new language does not but would be addressed in accessibility requirements.

Mr. Mann stated opposition for extension of R-3 exception for energy code compliance in Chapter 13 to include OHBA option. Mr. Mann also submitted written comments attached. Staff explained that the Board's Code Committee is still reviewing the newer editions of the energy codes and likely would move forward with adoption in the near future. The reason for including the expanded R-3 exception was to coincide with the new Residential Code of Ohio going into effect July 1 as close as possible. Staff also noted the Board conducted an analysis of R-3 module OHBA option minimum values and required equipment efficiencies as conditions, and it met the 2018 ERI method included in the new RCO. Mr. Mann stated if that was the case it would be the be hard to argue against, but they would also do an analysis of equivalency.



June 17, 2019

Gerald Holland  
Chair, Ohio Board of Building Standards  
6606 Tussing Road  
Reynoldsburg, Ohio 43068

Via Email: [BBS@com.state.oh.us](mailto:BBS@com.state.oh.us)

**RE: ACC Comments On Proposed Ohio Building Code Rules Chapter 13**

Dear Chairman Holland and Members of the Committee:

The American Chemistry Council (ACC) is a national trade association representing a diverse set of companies engaged in the business of chemistry. Our members are committed to the safety of their products and public health through Responsible Care® and other beneficial programs. Over 96% of all manufactured goods are directly touched by the business of chemistry, making this industry an essential part of our nation's economy. Thanks to chemistry, Ohio citizens' lives are healthier, safer, more sustainable, and more productive.

The Ohio Chemistry Technology Council (OCTC) is a statewide trade organization representing chemical companies who are involved in manufacturing products for a diverse mix of industries. Ohio's chemical industry is the second largest manufacturing industry in the State and Ohio is the 6<sup>th</sup> largest chemical manufacturing state, employing over 44,000 people with an average wage of over \$80,000 and providing \$1.3 billion in federal, state and local taxes.

We urge you only to strengthen, not weaken, the energy conservation requirements in the code. The current Ohio requirements are already falling behind much of the country. Citizens and businesses in the state of Ohio have much to gain from adopting a more aggressive energy code.

Unfortunately, the proposed rule in front of you today is a step backward for efficiency. Specifically, the amendment at **4101:1-13-01** to provide an exception to allow certain Group R-3 occupancies to use the RCO energy conservation requirements and prescribe conditions for use of the RCO OHBA method when used to demonstrate compliance for multi-family residential buildings. This exception allows for a much less stringent set of efficiency requirements. It will create a loophole and result in the tenants of these units using more energy, being less comfortable, and paying higher

bills. We strongly opposed this compliance path during the review of the residential energy code and reiterate that opposition today.

Instead, we encourage the Board to adopt the 2018 IECC for commercial construction as it will be good for Ohio's economy. Ohio has a vibrant manufacturing sector. Many businesses employ people in the production and sale of building products and systems used to increase the energy efficiency of buildings and homes. These companies have also invested substantially in R&D that leads to cutting edge products with enormous environmental and cost savings. Similarly new tools of material science are being used to test and evaluate innovation before incorporation into the code. Adopting an updated energy code takes advantage of innovation and technology in a win-win that supports consumers, home owners, workers, and the state economy.

We are happy to answer any questions that you have as you work to maximize building energy efficiency. Please contact us if we can be of any further assistance.

Sincerely,

Josh Young  
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**VIA ELECTRONIC MAIL**

Gerald Holland, Chairman  
Ohio Board of Building Standards  
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Reynoldsburg, OH 43068

June 14, 2019

**Brief RECA Comments on Proposed Revisions to Ohio's Commercial Energy Code Contained in Amendments Group 99**

Dear Mr. Holland:

The Responsible Energy Codes Alliance (RECA)<sup>1</sup> submits the following response to a request for comments on the proposed revisions to Chapter 13 of the Ohio Building Code contained in Amendments Group 99. **We urge the Board of Building Standards to reject the proposed changes to Section 1301, which could substantially weaken the long-term efficiency of Group R-3 buildings by allowing compliance via the Ohio Home Builder Association (OHBA) Alternative Energy Code Option.** We also encourage the Board to move forward with a comprehensive update of the commercial energy provisions to the 2018 *IECC* as soon as it is feasible.

**RECA Opposes Expanding OHBA Alternative to Cover R-3 Buildings.**

The proposed amendments to Section 1301 of the Ohio Building Code would add a new exception to the energy conservation requirements, permitting Group R-3 buildings to comply with the OHBA Alternative outlined in Section N1105 of the Residential Code of Ohio. The OHBA Alternative allows builders to substantially reduce the efficiency of certain long-term home components – such as insulation and fenestration – below what would be required by the Residential Code of Ohio (and Chapter 13 of the Ohio Building Code). Even if the Board determined that an alternative compliance path was necessary for Group R-3 buildings, we note that the OHBA Alternative was developed using analyses of single-family

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<sup>1</sup> RECA is a broad coalition of product and equipment manufacturers, trade associations, building science experts, and energy efficiency advocates. A list of our members can be found on our website, [www.reca-codes.com](http://www.reca-codes.com). RECA's mission is to promote the adoption of the latest model energy codes without substantive weakening amendments, and to help states and cities achieve the benefits their citizens have come to expect from modern building energy codes.

residential buildings and was included as part of a broad compromise to update the Residential Code of Ohio to the 2018 *IECC*. (To our knowledge, Group R-3 buildings were not considered in the development of the OHBA Alternative.) Allowing compliance with the Ohio Building Code via the reduced efficiency requirements in the OHBA Alternative would weaken the commercial energy provisions that currently apply to Group R-3 buildings – a step in the wrong direction for Ohio’s energy policy.

**RECA Supports a Comprehensive Update to the 2018 *IECC* Commercial Provisions.**

Although a full commercial energy code update is not proposed as part of Amendments Group 99, we encourage the Board to consider the 2018 *IECC* for the Ohio Building Code energy conservation provisions. The owners, renters, and occupants of Ohio’s commercial buildings stand to benefit from the adoption of the 2018 *IECC* through improvements to the building thermal envelope, including improvements in insulation and fenestration that will keep occupants more comfortable in both heating and cooling seasons. The 2018 *IECC* also contains higher standards for mechanical equipment and lighting will likewise save energy and help maintain occupant health. And the 2018 *IECC* contains the most up-to-date references, definitions, and streamlined language, providing a solid platform for effective code compliance and enforcement. Constructing commercial buildings to the most recent national model energy codes is a solid investment in Ohio’s energy future.

**Conclusion**

In sum, we urge the Board to take steps to improve the commercial energy provisions by considering the 2018 *IECC*, and to reject the proposed changes to Section 1301 because they could result in reduced efficiency requirements for Group R-3 buildings. We offer our assistance and experience in energy code adoption and implementation as you work to maximize building energy efficiency. We hope that you will not hesitate to draw on RECA’s support and willingness to help. Please contact me at (202) 339-6366 if you have any questions or would like to discuss how RECA can be of assistance.

Sincerely,

Eric Lacey  
RECA Chairman