Ohio | 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 Mechanical Code (OAC 4101:2-5-01, 4101:2-9-01, 4101:2-11-01, and 4101:2-15-01)**

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 four 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) 4101:2-5-01 establishes requirements for the design, construction, and installation of exhaust systems. An amendment is proposed for this rule that would add an exemption for Type I exhaust hoods installed near combustibles. OAC 4101:2-9-01 sets forth requirements for fireplaces and similar equipment and is being amended to increase the distance cooling towers and condensers must be located from building ventilation inlets. OAC 4101:2-11-01 regulates the allowable design and installation requirements for refrigeration systems. The rule includes amendments that reorganize the rule to clarify where refrigerant piping may not be placed. OAC 4101:2-15-01 lists the codes and standards referenced throughout this Section and include general updates to references.

During early stakeholder outreach, the Board sent the rules to relevant stakeholders for feedback and welcomed input during public meetings. No comments were received during this time.

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.

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.