

**Rule Summary and Fiscal Analysis (Part A)****Department of Commerce**

Agency Name

**Board of Building Standards: Ohio Building** **Regina S. Hanshaw****Code**

Division

Contact

**6606 Tussing Road P.O. Box 4009 Reynoldsburg OH614-644-2613****43068-9009**

Agency Mailing Address (Plus Zip)

Phone

Fax

**4101:1-7-01**

Rule Number

**NEW**

TYPE of rule filing

Rule Title/Tag Line

**Fire and smoke protection features.****RULE SUMMARY**

1. Is the rule being filed consistent with the requirements of the RC 119.032 review? **No**

2. Are you proposing this rule as a result of recent legislation? **No**

3. Statute prescribing the procedure in accordance with the agency is required to adopt the rule: **119.03**

4. Statute(s) authorizing agency to adopt the rule: **3781.10(A)**

5. Statute(s) the rule, as filed, amplifies or implements: **3781.10, 3781.11, 3791.04**

6. State the reason(s) for proposing (i.e., why are you filing,) this rule:

To update to the 2009 model codes published by ICC.

7. If the rule is an AMENDMENT, then summarize the changes and the content of the proposed rule; If the rule type is RESCISSION, NEW or NO CHANGE, then summarize the content of the rule:

This rule prescribes when required and how to incorporate fire resistance rated construction into a building.

Changes were made to the following sections: 702.1, 703.3, 703.6, 705.5, 705.8, 705.8.1, 706.6, 707.1, 708.2, 713.4.1.2, 715.3, 715.4.6.1, 715.4.6.4, 716.2.2, 716.5.3, 716.5.4, 716.6.1, 716.6.2, 716.6.3, 717.2.6, 717.3.2, 717.4.2, 717.5, 719.1., and 719.7

8. If the rule incorporates a text or other material by reference and the agency claims the incorporation by reference is exempt from compliance with sections 121.71 to 121.74 of the Revised Code because the text or other material is **generally available** to persons who reasonably can be expected to be affected by the rule, provide an explanation of how the text or other material is generally available to those persons:

The referenced standards are generally available to the affected parties. The referenced standards can easily be purchased from the standards making organization. The affected parties typically would be product manufacturers, design professionals, builders, and contractors. These parties would be expected to already own the standards in order to conduct their business of manufacturing, testing, designing, and installing the building systems and products.

9. If the rule incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material electronically, provide an explanation of why filing the text or other material electronically was infeasible:

It was infeasible for the agency to file the text electronically due to copyright issues with the standards making organizations. The standards are generally available.

10. If the rule is being **rescinded** and incorporates a text or other material by reference, and it was **infeasible** for the agency to file the text or other material, provide an explanation of why filing the text or other material was infeasible:

*Not Applicable.*

11. If **revising** or **refiling** this rule, identify changes made from the previously filed version of this rule; if none, please state so:

Jun. 2011: The rule is being refiled to remove editing notes that were inadvertently left in section 704.1.

Feb. 2011 refiling: No changes were made to the previously filed version of this rule. The RSFA was updated to include additional information in response to Question 15.

## 12. 119.032 Rule Review Date:

(If the rule is not exempt and you answered NO to question No. 1, provide the scheduled review date. If you answered YES to No. 1, the review date for this rule is the filing date.)

NOTE: If the rule is not exempt at the time of final filing, two dates are required: the current review date plus a date not to exceed 5 years from the effective date for Amended rules or a date not to exceed 5 years from the review date for No Change rules.

**FISCAL ANALYSIS**

13. Estimate the total amount by which *this proposed rule* would **increase / decrease** either **revenues / expenditures** for the agency during the current biennium (in dollars): Explain the net impact of the proposed changes to the budget of your agency/department.

This will have no impact on revenues or expenditures.

\$0.00

This is a building design issue. It does not fiscally affect the board.

14. Identify the appropriation (by line item etc.) that authorizes each expenditure necessitated by the proposed rule:

Not applicable.

15. Provide a summary of the estimated cost of compliance with the rule to all directly affected persons. When appropriate, please include the source for your information/estimated costs, e.g. industry, CFR, internal/agency:

Due to the variance in allowed building design, it is nearly impossible to ascertain in dollars a cost increase or decrease in the design cost of a building as a result of this proposed rule change. In conjunction with a team of constituent code experts, however, the Board has evaluated the overall cost impact of the significant changes included in a proposed rule change within a range of high savings impact, moderate savings impact, neutral impact, moderate cost impact, and high cost impact. This proposed rule change has been determined to have a neutral impact as well as a neutral impact when intangibles are taken into account. Additional information regarding these findings and the findings of the cost impact of the entire Ohio Building Code can be found in the attachment to this RSFA.

Note: While not a direct cost of compliance, persons affected by this rule may

obtain a collection of rules 4101:1-1-01 to 4101:1-35-01 published by the International Code Council or Thomson West Publishing and known as the Ohio Building Code. At filing, the Ohio Building Code can be purchased at a cost of \$120.00 from the International Code Council and at a cost of \$158.00 from Thomson West Publishing. Traditionally, the Board has made these codes available to the public at no cost on the Board's website:  
<http://www.com.ohio.gov/dico/BBS.aspx>

16. Does this rule have a fiscal effect on school districts, counties, townships, or municipal corporations? **No**

17. Does this rule deal with environmental protection or contain a component dealing with environmental protection as defined in R. C. 121.39? **No**

**THIS RULE:** In 2010, the Board's Code Committee and an assembled team of constituent code experts performed an evaluation of the impact of the proposed rule changes to the Ohio Building, Mechanical, and Plumbing Codes. The overall results of the code scoring efforts *for this rule* are shown below in Table 1 below. The significance of the score *for this rule* is indicated in the Score Impact Ranges table shown in Table 3 below.

**TABLE 1**

<b>Rule 4101:1-7-01</b>	
<b>Savings Score – Cost Score</b>	-0.44
<b>Savings Score – Cost Score + Intangibles Score</b>	2.36

**ALL RULES:** The overall results of the code scoring efforts were tabulated, normalized, and are summarized in Table 2 below. The code scoring methodology and the resultant score values by individual code rule are shown in a report available on the Board of Building Standards' web site.

The resulting evaluation code scores for the Building Code rules and for all proposed code rules (Building, Mechanical, and Plumbing) are shown below in Table 2. The significance of these score is indicated in the Score Impact Ranges table shown in Table 3 below.

**TABLE 2**

	<b>OBC Code Score</b>	<b>Mean OBC, OMC, OPC Total Score</b>
<b>Savings Score – Cost Score</b>	0.00	<b>0.14</b>
<b>Savings Score – Cost Score + Intangibles Score</b>	2.71	<b>2.62</b>

**TABLE 3**

<b>Score Impact Ranges</b>	
<b>High Savings Impact</b>	<b>≥12 to 18</b>
<b>Moderate Savings Impact</b>	<b>≥ 5 to &lt; 12</b>
<b>Neutral Impact</b>	<b>&lt; -2 to &lt; 5</b>
<b>Moderate Cost Impact</b>	<b>≥ -2 to &lt; -7</b>
<b>High Cost Impact</b>	<b>≥-7 to -10</b>

**SUMMARY:** With mean scores of 0.14 and 2.62, the overall effect of the proposed changes to all three codes (Building, Mechanical, and Plumbing) is shown to be solidly within the neutral impact results range. These results validate that an appropriate balance between savings and cost has been maintained as well as assuring that Ohio's citizens are living in a safe and sanitary built environment ensuring their continued health, safety, and security.