

Rule Summary and Fiscal Analysis

Part A - General Questions

Rule Number: 4101:3-4-01

Rule Type: Amendment

Rule Title/Tagline: Fixtures, faucets and fixture fittings.

Agency Name: Department of Commerce

Division: Board of Building Standards: Ohio Plumbing Code

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I. Rule Summary

1. **Is this a five year rule review?** No
 - A. **What is the rule's five year review date?** 3/1/2029
2. **Is this rule the result of recent legislation?** Yes
 - A. **If so, what is the bill number, General Assembly and Sponsor?** SB 104 - 135 - Jerry C. Cirino and Andrew O. Brenner
3. **What statute is this rule being promulgated under?** 119.03
4. **What statute(s) grant rule writing authority?** 3781.10(A)(1), 3781.109(A)
5. **What statute(s) does the rule implement or amplify?** 3781.10, 3781.11, 3791.04
6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No
 - A. **If so, what is the citation to the federal law or rule?** Not Applicable
7. **What are the reasons for proposing the rule?**

The rule is proposed to incorporate ICC errata and to incorporate design options and clarifications from the 2021 International Mechanical Code (IMC) and make other editorial corrections and clarifications.

8. Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.

This rule prescribes the number of plumbing fixtures required and the specifications for the fixtures.

The Board of Building Standards is proposing rule amendments to the 2024 Ohio Plumbing Code to exclude institutions of higher education from the exception for separate facilities and make editorial corrections and clarifications.

9. Does the rule incorporate material by reference? Yes

10. If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75, please explain the basis for the exemption and how an individual can find the referenced material.

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

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.

11. If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.

Not Applicable

II. Fiscal Analysis

12. Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.

This will have no impact on revenues or expenditures.

\$0.00

This rule addresses building design issues. The requirements of the rule do not fiscally affect the Board of Building Standards, the Department of Commerce, or the state.

13. What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?

Due to the variance in allowed building designs, it is very difficult to ascertain, in dollars, a cost increase or decrease in the design cost of a building as a result of this proposed code update. When a code change proponent submits a petition to the ICC to amend the model code an estimated cost impact of the proposal is included with the proposed change. Some changes result in a cost increase while others actually reduce the cost of construction. The board has carefully evaluated all of these changes and balanced any increases in cost with an added benefit of enhanced life safety to the building occupants or ease of maintenance of required systems. Additional information regarding the cost impact of the entire Building Code can be found in the attached BIA document.

14. Does the rule increase local government costs? (If yes, you must complete an RSFA Part B). No

15. Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C). No

16. If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.

Not applicable

III. Common Sense Initiative (CSI) Questions

17. Was this rule filed with the Common Sense Initiative Office? Yes

18. Does this rule have an adverse impact on business? No

A. Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business? No

B. Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?
No

- C. Does this rule require specific expenditures or the report of information as a condition of compliance? No**
- D. Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies? No**

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? Yes

A. How many new regulatory restrictions do you propose adding to this rule?
1

(E) Modify section 403.3.1 as follows:

Replace the first sentence with the following to read "The route to the public toilet facilities required by Section 403.3 shall not pass through kitchens, storage rooms, closets or similar spaces not available to the public." Add two sentences to the end of the section that read "The building owner is permitted to control access to the toilet facilities. Where such access is controlled, a sign is to be posted indicating how access is to be obtained."

B. How many existing regulatory restrictions do you propose removing from this rule? 0

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.
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D. Please justify the adoption of the new regulatory restriction(s).

The Board has adopted the language of the next edition of model code that more clearly states and narrows the scope in the application of the restriction as replacement of language from an older model code with a similar restriction.