

**CSI – Ohio**  
**The Common Sense Initiative**  
**Business Regulation Impact Analysis**

Ohio Board of Building Standards

Rule Numbers: 4101:1-1-01, 4101:1-4-01, 4101:1-9-01, 4101:1-10-01, 4101:1-11-01, 4101:1-30-01, 4101:1-31-01, 4101:1-35-01, 4101:2-4-01, 4101:2-5-01, 4101:2-15-01, and 4101:3-13-01.

Introduction

In compliance with Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, the Ohio Board of Building Standards (Board) has conducted a Business Regulation Impact Analysis (Analysis) of proposed amendments to Ohio Administrative Code (OAC) Rules 4101:1-1-01, 4101:1-4-01, 4101:1-9-01, 4101:1-10-01, 4101:1-11-01, 4101:1-30-01, 4101:1-31-01, 4101:1-35-01, 4101:2-4-01, 4101:2-5-01, 4101:2-15-01, and 4101:3-13-01.

Background

The Board is charged with the duty to formulate and adopt, amend, modify or repeal rules of the Administrative Code governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code. Further, the Board of Building Standards certifies building departments to enforce the Ohio Building, Mechanical, Plumbing, and Residential Codes for the types of buildings and subject matters specified by the Board pursuant to Revised Code Section 3781.10.

Regulatory Intent

1. *Please briefly describe the draft regulation in plain language.  
Please include the key provisions of the regulation as well as any proposed amendments.*

The Board proposes to amend Ohio Administrative Code (OAC) as follows:

*Ohio Building Code Rules*

4101:1-1-01 to make corrections and delete provisions related to the certification of building departments, personnel, boards of building appeals, and fire protection system designers which are being moved in their entirety to OAC Division 4101:7;

4101:1-4-01 to correct references to ICC 117.1 and to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders;

4101:1-9-01 to correct references to the Ohio Fire Code, to make corrections to accessibility provisions, and to add a reference to manually activated smoke exhaust system to coordinate with section 910.5;

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OBC, OMC, OPC Rules

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4101:1-10-01 to make corrections, to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders, and to readopt language included in Petition 11-01 approved by the Board related to Group F-1 and S-1 exit access travel distances; 4101:1-11-01 to amend several sections to further coordinate Ohio's accessibility provisions with federal requirements; 4101:1-30-01 to make corrections in references to ICC A117.1, NFPA 72, and the Ohio Elevator Code. 4101:1-31-01 to rescind and adopt new OAC Rule 4101:1-31-01 to delete sections 3102.1.1 and 3101.1.2 and move to section 3103, incorporate clarifying model code language related to tents and membrane structures, clarify existing language related to gates as a required means of egress, add reference to Ohio Manufactured Homes Commission rules for parks, and adds a new section for refuse containers previously in OAC Chapter 4101:2-88 which are to be rescinded. 4101:1-35-01 to edit Table 3501.2 to remove the references to the 2007 Ohio Plumbing Code and the NFPA 70-08 for 1-, 2-, 3- Family Dwellings to coordinate with the updates to the Residential Code of Ohio effective January 1, 2013, to add CPSC Standard 16 CFR 1301, to delete the reference to the International Fire code, and to edit the title of NFPA 72.

*Ohio Mechanical Code Rules*

4101:2-4-01 to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders

4101:2-5-01 to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders

4101:2-15-01 to add standard ASHRAE 170 for ventilation of health care facilities, update ASME BPVC from the 2004 to the 2010 edition to coordinate with the Boiler and Pressure Vessel Rule five year rule review, make corrections in reference to NFPA 70 and 72 Standards, and to edit the reference ASME B16.9 standard to the 2007 edition, to edit the AWWA C110/A21.10 standard to the 2008 edition, and to edit reference to ASME CSD-1 to the 2009 edition.

*Ohio Plumbing Code Rules*

4101:3-13-01 to update the ASME BPVC Standard to the 2010 edition.

2. *Please list the Ohio statute authorizing the Agency to adopt this regulation.*

Revised Code § 3781.06: <http://codes.ohio.gov/orc/3781.06>

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

3. *Does the regulation implement a federal requirement?*

Yes.

*Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal environmental law or to participate in a federal environmental program?*

No.

*If yes, please briefly explain the source and substance of the federal requirement.*

The Department of Justice published revised final regulations implementing the Americans with Disabilities Act (ADA) for title II (State and local government services) and title III (public accommodations and commercial facilities) on September 15, 2010, in the Federal Register. These requirements clarify and refine issues that have arisen over the past 20 years and contain new and updated requirements including the 2010 Standards for Accessible Design ("2010 Standards"). The 2010 Standards can be found here: [http://www.ada.gov/2010ADASTandards\\_index.htm](http://www.ada.gov/2010ADASTandards_index.htm)

Since 1993, the Board has attempted to create a "safe harbor" for compliance with federal accessibility requirements. With the adoption of the 2010 Standards, the Board amended its rules to reflect the changes. These proposed rules further this coordination to help streamline compliance.

Additionally, proposed rule 4101:1-31-01 incorporates updated provision related to refuse containers currently in a miscellaneous rule proposed to be rescinded. Revised Code § 3791.21 requires the Board to adopt safety standards in compliance with regulations adopted by the consumer product safety commission (CPSC). However, the statute and the current rule reference an out-of-date CPSC standard. The proposed rule makes this correction and refers to the Consumer Product Safety Act Regulations, 16 C.F.R. 1301. The intent of the standards is to prevent tipping of these containers.

4. *If the regulation includes provisions not specifically required by the federal government, please explain the rationale for not incorporating the federal counterpart.*

Not applicable.

5. *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 Revised Code..." Additionally, Revised Code 3781.06 provides:

*Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so*

*constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.*

This statute defines safe and sanitary as follows:

*“Safe,” with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.*

*“Sanitary,” with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.*

The Ohio Building Code sets forth the construction standards for nonresidential buildings in the State of Ohio to ensure that they are safe and sanitary. Additionally, Revised Code § 3781.01 provides that local governments may not adopt regulations that conflict with the Board’s rules to facilitate the uniform application of the standards. These proposed amendments further this purpose by clarifying requirements and furthering coordination with other agency rules.

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

#### *Ohio Building Code Rules*

It is expected that these proposed amendments will result in further clarification of the substantive requirements for the administration of the building code set forth in 4101:1-1-01 by moving the requirements for certification of building departments and code enforcement personnel to another division of the administrative code. Additionally, these proposed amendments will result on further coordination of regulations of adult care facilities with the licensure requirements of the Department of Health and the enhancement of quality of life for elders. The remaining changes to the rules are expected to increase clarification of the rules by making corrections and updating references to other agencies’ rules.

#### *Ohio Mechanical Code Rules*

It is expected that these proposed amendments will result in further coordination of regulation of adult care facilities with the licensure requirements of the department of health and the enhancement of quality of life for elders. Additionally, it is expected that these proposed rules will provide further clarification for the manufacture of boilers used in Ohio by recognizing new editions of ASME standards which are already acceptable industry standards and practice.

### *Ohio Plumbing Code Rules*

It is expected that these proposed rules will provide further clarification for the manufacture of boilers used in Ohio by recognizing new a edition of ASME BPVC standard which are already acceptable industry standards and practice.

### Development of Regulation

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

On June 29, 2012, the Board sent an email to all agency stakeholders informing them of a scheduled stakeholder meeting on July 13, 2012 to hear comments and respond to questions on the proposed amendments to these rules. The email and stakeholder distribution list are attached as Exhibit A. 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 mail. On July 9, 2012, the Board sent a follow-up email to stakeholders updating the proposed amendment list. The follow-up email and stakeholder list are attached as Exhibit B. On July 13, 2012, the Board conducted a stakeholder meeting on the proposed rules between 10:00 AM and 11:00 AM and the following individuals attended: Michael Long, Washington Township; David Lockhan, City of Cincinnati; Craig Rauch, Washington Township; Tim Curry, OCILB & Curry Electric; Dan Larkin, Larkin Electric; Kathy Kimmet, Ohio Department of Health; Drema Phelps, Ohio Department of Health; Gaylord Poe, IBI, SW IAEI; Bonnie Kantor-Burman, Ohio Department of Aging; Felicia Sherman, Ohio Department of Aging; Dennis Dickard, Hamilton County Building Department.

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

See above.

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

Copies of the correspondence the Board received in response to June 29, 2012 and July 13, 2012 emails are attached as Exhibit C.

Mr. Brown submitted general inquiry regarding the proposed rules. Board Staff responded to his inquiry.

Mr. Collins inquired into the requirements for accessibility for bariatric patients. After receipt of Mr. Collins correspondence, Board Staff confirmed the language included in the proposed rules to be consistent with actions related to this issue at the code hearings in Dallas. Proposed Ohio Building Code Section 1109.2, Exception 6 includes an added text change to respond to Marsha Mazz's (with the US Access Board) concern over the possibility that a hospital would use the bariatric units in the count of accessible rooms

thus reducing the number of general population accessible rooms. It was at Ms. Mazz's prompting that Code Change Committee in Dallas added the text: "The sleeping units served by bariatric toilet or bathing rooms shall not count toward the required number of accessible sleeping rooms." Ms. Mazz is nationally recognized expert on American with Disabilities Act intent. Ms. Mazz's group in Washington at the Access Board writes the ADA standards for accessible design and construction.

Mr. Rauch submitted an inquiry regarding Ohio Building Code Sections 407.2.5(8), 1016.3, and 1018.2(6). After review of Mr. Rauch's comments, Board Staff has determined the following: The intent of the 8<sup>th</sup> condition listed in the proposal for the new section 407.2.5 is a shut-off device to assure that the cooking equipment is not operated without staff present and was added to account for accidental resident fires in the cooking area. Section 1016.3 was inadvertently deleted from the version to be published and made effective November 1, 2011. In order to reinsert the provision, it had to be treated as a new added-in subsection. The issue of required corridor width is not changing in intent. The sections dealing with corridor width in I-2 occupancies in previous editions of the code only required 96" corridors when the plan for emergency response in patient or resident rooms did not require the movement of the patient or resident's beds through the room door and into and through the corridor. The section is being revised to clarify the condition that allows the regular sized corridor width. While the provision in 1001.4 is also a new added revision, the concept has been in place and required for decades...an example of the historical provision is Section 705 in the 1998 Ohio Fire Code which required an "Evacuation Plan" to be written and available in each I-2 occupancy. Although not previously indicated in the building code, the assumption that a plan was required and in place at each I-2 facility was assumed as part of the overall risk management and control method for these higher risk occupancies. Adding this text was not intended to change who is responsible for enforcement or to add a new requirement but rather to clarify what is necessary for the comprehensive level of safety to be assured. Board Staff is confident these changes are not creating conflicts, and, in fact, changes like these are occurring to enhance the compatibility of the two codes. Mr. Rauch also attended the July 13, 2012 Stakeholder Meeting and inquired about shut off timers. The Department of Aging informed Mr. Rauch they that would research the intent of the provision and provide him with additional information. The Department of Aging's correspondence to Mr. Rauch is attached as Exhibit D.

Mr. Bull submitted a general inquiry regarding the rule amendment process as well as a question related to Ohio Building Code Chapter 31. Board Staff responded to Mr. Bull's questions related to process and also explained the intent of the proposed changes to Chapter 31. The changes proposed would not change the intent of how the code requirements for temporary tents and membrane structures, but to clarify how to apply the requirements. The detailed code provisions are located in the Ohio Fire Code, Chapter 24, and will remain unchanged. The responsibility and authority for enforcing these provisions continue to be placed with the Building Official who would refer to the Ohio Fire Code for the requirements. When a tent or membrane structure is intended for temporary use (under 180 days) the provisions are limited to the provisions in OBC

Chapter 31 and OFC Chapter 24. When the tent or membrane structure is intended for permanent use, the other provisions of the code apply.

The State Fire Marshal submitted proposed amendments to be incorporated into 4101:1-1-01 and 4101:1-27-01 as a result of a July 2, 2012 meeting, with the Department of Commerce and the State Fire Marshal to discuss coordination of the building and fire codes related to above-ground storage tanks. During this meeting, it was discussed that fencing around these tanks and associated generators required by the Ohio Fire Code are sometimes not installed. To address this problem, a reference to the Fire Code for temporary or permanent storage of flammable or combustible liquids has been added to 4101:1-1-01 to inform owners that there may be additional requirements for these items. The proposed changes to 4101:1-27-01 are not included in this rule package.

9. *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?*

The substantive changes included in the proposed rules are based on changes incorporated into the National Fire Protection Association Life Safety Code as well changes to be incorporated into the future International Building Code published by the International Code Council and the American Society of Mechanical Engineers boiler standards. These entities regularly update their publications through an American National Standards Institute (ANSI) approved voluntary consensus process to incorporate the most up-to-date scientific data and recognized new technologies. Many of the proposed amendments are to recognize the newest editions of the technical standards these entities publish.

Specifically, the proposed amendments to the Ohio Building and Mechanical Codes related to health care facilities in developed in coordination with the Ohio Department of Aging and Ohio Department of Health, Board Staff attended the International Council Council's Spring 2012 code hearings in Dallas, Texas. At these hearings, the ICC Code Technology Committee for Care Facilities presented proposed changes based on its recent work. This committee reviews appropriate occupancies for care facilities (R-4, I-4, I-1, I-2); thresholds in terms of number of occupants for supervision; coordination with state laws; the necessary types of fire protection; and small group homes for both ambulatory and non-ambulatory care in residential environment. It was this committee that developed and presented the language incorporated into the proposed rules for future adoption in the model building code. The committee is made up of experts in risk management of health care facilities.

Likewise, the proposed amendments related to accessibility were also developed by ICC Code Technology Committee on the International Building Code Coordination with the New ADAAG. This committee is responsible for code changes needed to coordinate with the new ADAAG. This committee is made up of state and federal experts in accessibility and the administration of the ADAAG requirements.

10. *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?*

#### *Ohio Building Code Rules*

Many of the proposed amendments, while not substantively changing the rules, provide further clarity to the intent of the rules and improve ease of use of the code. The major substantive changes are related to the effort to coordinate with the Departments of Aging and Health related to make changes that would enhance the quality of living for elders. As the Board was working with these departments, making code changes were not initially considered but rather that the Board would issue guidance documents to explain the application of the building code when a waiver is sought by a adult care facility owner from the Department of Health. While the Board intends to still issue a guidance document, the decision was made to incorporate code changes as well to reduce conflicts between Department of Health's licensure rules/policies and the building code.

#### *Ohio Mechanical Code Rules*

See above. The other proposed change is intended to coordinate with referenced standard editions proposed to be adopted in the boiler and pressure vessel rules as a result of five year rule review and to be consistent with industry practice. To not make these changes would result in lack of coordination between the codes.

#### *Ohio Plumbing Code Rules*

This proposed change is intended to coordinate with referenced standard editions within other Board rules. To not make this change would result in lack of coordination between the codes.

11. *Did the Agency specifically consider a performance-based regulation? Please explain.*

While many the proposed rules are non-substantive changes to the Ohio Building Code, 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 code 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.

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



Editorial changes are routinely made to the rules to provide consistency with the Ohio Revised Code and other Board and agencies' rules. Additionally, many of the proposed amendments were developed in collaboration with other federal and state agencies.

Significant changes to the Americans with Disabilities Act Accessibility Guidelines (ADAAG) were adopted by the US Department of Justice effective March 15, 2011. Since 1993 Ohio has adopted accessibility requirements to coordinate with ADAAG. With the 2010 updates, Board Staff worked in conjunction with the International Code Council and representatives of the federal government to develop a group of revisions to the accessibility requirements included in the Ohio Building Code intended to streamline compliance. The Board previously adopted these changes. The additional revisions included in these proposed rules are intended to further this coordination.

In April 2012, the Department of Aging coordinated a meeting between the State Fire Marshal, the Board, the Department of Commerce and the Department of Health to discuss upcoming waivers to the National Fire Protection Association's (NFPA) Life Safety Code requirements for licensure of adult care facilities through the Department of Health and their impact on the building and fire codes. As a result of this meeting, the Board developed amendments based on proposed changes discussed at the International Code Council's (ICC) code hearings on the 2015 International Building Code conducted in Dallas, Texas in Spring 2012. The discussions at the ICC hearings were spurred by efforts to coordinate the life safety code and international building code requirements to permit the development of a more home-like atmosphere in adult care facilities at a national level. These proposed amendments to the Ohio Building Code advances these efforts in Ohio and will help to minimize conflicts between the life safety code and the building code and will safely enhance the quality of life for elders in Ohio. These rules have been reviewed by the Ohio Department of Aging, Ohio Department of Health, and the State Fire Marshal.

On July 2, 2012, the Board participated in a meeting with the Department of Commerce and the State Fire Marshal to discuss coordination of the building and fire codes related to above-ground storage tanks. During this meeting, it was discussed that fencing around these tanks and associated generators required by the Ohio Fire Code are sometimes not installed. To address this problem, a reference to the Fire Code for temporary or permanent storage of flammable or combustible liquids has been added to 4101:1-1-01 to inform owners that there may be additional requirements for these items.

With the transfer of regulatory authority for manufactured home parks from the Department of Health and the Public Health Council to the Ohio Manufactured Homes Commission (OMHC) included in HB 487, the proposed amendments include a reference to the rules of the rules of OMHC for manufactured home parks.

13. *Please describe the Agency's plan for implementation of the regulation including any measures 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

14. *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;*

The Board does not estimate an increased cost to the business community to comply with the substantive changes in the rules. Other potential impacts include time spent to familiarize oneself with the substantive changes and the purchasing of the update pages for code books.

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

See above.

- 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.*

Cost to purchase update pages for a code book is approximately \$32. However, the Board does post adopted amendments to the Board's rules on its website and provides free online access to eCodes via a link from the Board's website:

<http://publicecodes.cyberregs.com/st/oh/st/OH-P-2011-000004.htm>

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

Many of the proposed amendments provide coordination with other agency requirements to help streamline compliance which may actually reduce costs.

Additionally, a significant portion of OAC 4101:1-1-01 related to building department and personnel certification requirements is being moved to another division of the administrative code. Removing these provisions from the Ohio Building Code will decrease costs to the regulated community in the long run because they will not have to purchase updates to the building code for future amendments to certification requirements that would not affect a builder.

#### Regulatory Flexibility

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

The rules do not have special exemptions or alternative means of compliance specifically for small business. The Ohio Building Code 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 Ohio Building Code. 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 Ohio Building Code 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 alternative engineered designs, the design professional must submit sufficient technical information to demonstrate that the performance meets the intent of the rules.

17. *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 residential 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.

18. *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. Also, it is the intent of the Board's rules that they be liberally construed. Continuing law provides:

*The rules of the board and proceedings shall be liberally construed in order to promote its purpose. When the building official finds that the proposed design is a*

*reasonable interpretation of the provisions of this code, it shall be approved. Materials, equipment and devices approved by the building official pursuant to section 114 shall be constructed and installed in accordance with such approval.*

## Lane, Michael

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**From:** Lane, Michael  
**Sent:** Friday, June 29, 2012 3:51 PM  
**To:** Lane, Michael  
**Subject:** Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

Board of Building Standards Stakeholder:

You are receiving this message pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the Ohio Board of Building Standards (Board), to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community, and provide opportunity for the affected public to provide input on the rules.

### Stakeholder Meeting

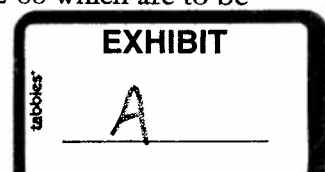
The Board will conduct a Stakeholder Meeting to hear comments and respond to questions on the proposed amendments summarized below on July 13, 2012 from 10:00 AM to 1:00 PM in Training Room 1, 6606 Tussing Road, Reynoldsburg, Ohio 43068. All interested stakeholders are invited to attend. The Agenda for the Meeting is as follows:

10:00 AM – 11:00 AM	Proposed Ohio Building Code Rules Proposed Mechanical Code Rules
11:00 AM – 12:00 PM	Proposed Certification Rules Miscellaneous Rules Proposed To Be Rescinded
12:00 PM – 1:00 PM	Proposed Boiler Rules

### Overview of Proposed Rules

#### Proposed Ohio Building Code Rules

The Board proposes to amend Ohio Administrative Code (OAC) as follows: 4101:1-1-01 to make corrections and delete provisions related to building departments, personnel, boards of building appeals, and fire protection system designers which are being moved in their entirety to OAC Division 4101:7; 4101:1-4-01 to correct references to ICC 117.1 and to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders; 4101:1-9-01 to correct references to the Ohio Fire Code, to make corrections to accessibility provisions, and to add a reference to manually activated smoke exhaust system to coordinate with section 910.5; 4101:1-10-01 to make corrections, to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders, and to readopt language included in Petition 11-01 approved by the Board related to Group F-1 and S-1 exit access travel distances; 4101:1-11-01 to amend several sections to further coordinate Ohio's accessibility provisions with federal requirements; 4101:1-30-01 to make corrections in references to ICC A117.1, NFPA 72, and the Ohio Elevator Code. The Board further proposes to rescind and adopt new OAC Rule 4101:1-31-01 to delete sections 3102.1.1 and 3101.1.2 and move to section 3103, incorporate clarifying model code language related to tents and membrane structures, clarify existing language related to gates as a required means of egress, add reference to Ohio Manufactured Homes Commission rules for parks, and adds a new section for refuse containers previously in OAC Chapter 4101:2-88 which are to be rescinded.



These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedOhioBuildingCodeRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedOhioBuildingCodeRules.pdf)

#### Ohio Mechanical Code Rules

The Board proposes to amend OAC Rules 4101:2-4-01 and 4101:2-5-01 to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders and 4101:2-15-01 to add standard ASHRAE 170 for ventilation of health care facilities, update ASME BPVC from the 2004 to the 2010 edition to coordinate with the Boiler and Pressure Vessel Rule five year rule review, and make corrections in reference to NFPA 30 and 72 Standards.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedOhioMechanicalCodeRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedOhioMechanicalCodeRules.pdf)

#### Proposed Certification Rules

The Board proposes to adopt new OAC Rules 4101:7-1-01, 4101:7-1-02, 4101:7-2-01, 4101:7-3-01, 4101:7-4-01, 4101:7-5-01 to add clarity by moving provisions related to building departments, personnel, boards of building appeals, and fire protection system designer certification requirements out of the building code and miscellaneous Board rules and consolidate into new rules specific to certification requirements.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedCertificationRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedCertificationRules.pdf)

#### Miscellaneous Rules Proposed To Be Rescinded

The Board proposes to rescind OAC Rules 4101:2-87-01, 4101:2-87-02, 4101:2-87-03, 4101:2-87-04, 4101:2-87-05, 4101:2-87-06, 4101:2-88-01, 4101:2-88-02, 4101:2-88-03, 4101:2-88-04, 4101:2-89-01, 4101:2-89-02, 4101:2-89-03, 4101:2-89-04, 4101:2-89-05, 4101:2-90-01, 4101:2-90-02, 4101:2-90-03, 4101:2-90-04, 4101:2-90-06, 4101:2-90-07, 4101:2-90-08, 4101:2-90-09, 4101:2-90-10, 4101:2-90-11, 4101:2-90-12, 4101:2-90-13, 4101:2-90-13, 4101:2-90-14, 4101:2-90-15, 4101:2-90-16, 4101:2-90-17, 4101:2-90-18, 4101:2-90-19, 4101:2-90-20, 4101:2-90-21, 4101:2-90-22, 4101:2-90-23, 4101:2-90-24, 4101:2-90-25, 4101:2-90-26, 4101:2-92-01, 4101:2-92-02, 4101:2-93-01, 4101:2-93-02, 4101:2-93-03, 4101:2-93-04, 4101:2-93-05, 4101:2-93-06, 4101:2-93-07, 4101:2-93-08, 4101:2-93-09, 4101:2-93-10, 4101:2-93-11, 4101:2-93-12, 4101:2-93-13 because these rules are either obsolete, duplicate provisions addressed by other Board rules, or have been moved into to proposed new certification rules.

These rules proposed to be rescinded can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_MiscellaneousRulesProposedToBeRescinded.pdf](http://www.com.ohio.gov/dico/docs/dico_MiscellaneousRulesProposedToBeRescinded.pdf)

#### Proposed Boiler Rules

As a result of a five year rule review, the Board proposes to amend OAC Rules 4101:4-1-01, 4101:4-2-01, 4101:4-2-02, 4101:4-3-01, 4101:4-4-04, 4101:4-9-01 to make corrections, to update ASME BPVC from the 2004 to the 2010 edition, to add clarification to National Board publications NB-371, NB-263, NB-27 and the National Board Inspection Code, and to add a provision regarding the maintenance of boilers and pressure vessels. As a result of the five year rule review, the Board further proposes to make no change to OAC Rules 4101:4-4-01, 4101:4-4-02, 4101:4-4-03, 4101:4-4-05, 4101:4-5-01, 4101:4-6-01, 4101:4-7-01, 4101:4-8-01, 4101:4-10-01.

These proposed rules can be viewed here: [http://www.com.ohio.gov/dico/docs/dico\\_ProposedBoilerRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedBoilerRules.pdf)

#### **Contact Information for Comments or Questions**

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Sincerely,

Regina S. Hanshaw  
Executive Secretary

Ohio Board of Building Standards

\*\*\*\*\*

\* The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this email in error please contact the sender and delete the material from any computer.

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Aurora  
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Baltimore  
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Beachwood  
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Bedford Heights  
Berea  
Bexley  
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Commercial point  
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Deer Park  
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Garfield Heights  
Gates Mills  
Geauga County  
Georgetown  
Girard  
Grafton  
Grandview Heights  
Greenhills  
Grove City  
Groveport  
Hamilton  
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Hartville  
Harveysburg  
Highland Heights  
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Madison County  
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Pickerington  
Portage County  
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Preble County  
Ravenna  
Ravenna  
Reminderville  
Reynoldsburg  
Richland County  
Richmond Heights  
Rocky River  
Ross County  
Ross County  
Saint Bernard  
Sandusky  
Sebring  
Seven Hills  
Shaker Heights  
Sharonville  
Sheffield Lake  
Sheffield Village  
Sidney  
Solon  
South Euclid

South Russell  
Springdale  
Springfield  
Stark County  
Steubenville  
Stow  
Streetsboro  
Streetsboro  
Strongsville  
Summit County  
Terrace Park  
Toledo  
Trenton  
Trotwood  
Trumbull County  
Tuscarawas County  
Twinsburg  
Union  
Union County  
University Heights  
Upper Arlington  
Valley View  
Vandalia  
Vermilion  
Vermilion  
Wadsworth  
Walton Hills  
Walton Hills  
Warren  
Warrensville Heights  
Washington County  
Washington Court Hou:  
Wauseon  
Wauseon  
Wayne County  
West Carrollton  
West Jefferson  
Westerville  
Westerville  
Westlake  
Whitehall  
Whitehouse  
Wickliffe  
Willoughby  
Willoughby Hills  
Willowick  
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Wooster  
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Youngstown  
Zanesville

American Council of Engineering Companies of  
Ohio  
Midwest Energy Alliance  
Herman Gibans Fodor Architects  
US Department of Justice  
Ohio Home Builders Association  
Ohio Township Association  
Federal Emergency Management Agency  
Associated Builders and Contractors  
Ohio Association of Consulting Engineers  
Building Owners and Managers Association  
Insurance Services Offices  
National Fire Sprinkler Association  
Ohio Fire Chiefs Association  
Ohio Hotel and Lodging Association  
Ohio Petroleum Marketers and Convenience  
Store Association  
Ohio Manufactured Homes Association  
American Institute of Architects  
Pacific Northwest National Laboratories  
National Institute of Standards and Technology  
Ohio Statewide Independent Living Council  
Mechanical Contractors Association of Central  
Ohio  
National Institute of Building Sciences  
Ohio Society of Professional Engineers  
Ohio Building Officials Association  
Ohio Association of Plumbing Inspectors  
National Fire Protection Association  
International Association of Electrical Inspectors  
Ohio Chapters  
International Code Council  
International Brotherhood of Electrical Workers  
Ohio State Building Trades (Dennis Duffey)  
Village of South Amherst (Kim Green)  
CR Architecture and Design  
Building Code Compliance  
Building Code Compliance  
National Council of Architectural Registration  
Boards  
Ohio Department of Aging  
Ohio Department of Health  
Oak Group  
Washington Township Fire Department  
**Boiler Section**  
Plumbing-Heating-Cooling Contractors of Ohio  
Mechanical Contractors Association of  
Northwestern Ohio  
Toledo Heating & Air Conditioning Contractors  
Association  
National Board of Boiler & Pressure Vessel  
Inspectors  
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Inspectors

National Board of Boiler & Pressure Vessel  
Inspectors  
American Society of Mechanical Engineers  
Information Handling Services  
National Institute for the Uniform Licensing of  
Power Engineers  
Buckeye Association of School Administrators  
Ohio Manufacturer's Association  
Ohio Hospital Association  
Arise Boiler Inspection and Insurance Company  
Chubb and Son  
Cincinnati Insurance Companies  
CNA Insurance Companies  
Factory Mutual Insurance Company  
Hartford Steam Boiler Inspection and Insurance  
Company  
Liberty Mutual Insurance Company  
OneCIS America Insurance Company  
Travelers Risk  
XL Insurance America  
Zurich Services Corporation  
**Residential Code Advisory Board**

## Lane, Michael

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**From:** Lane, Michael  
**Sent:** Monday, July 09, 2012 1:13 PM  
**To:** Lane, Michael  
**Cc:** Hanshaw, Regina  
**Subject:** \*\*Update\*\* Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

**\*\* UPDATE \*\***

The Board has added two additional rules to the list of proposed amendments: Ohio Building Code (OBC) Chapter 35 Referenced Standards (OAC 4101:1-35-01) and Ohio Plumbing Code (OPC) Chapter 13 Referenced Standards (OAC 4101:3-13-01). Additionally, the Board has revised the proposed amendments to Ohio Mechanical Code (OMC) Chapter 15 (OAC 4101:2-15-01). These additions are summarized below and have also been added to the July 13, 2012 Stakeholder Meeting Agenda.

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### Board of Building Standards Stakeholder:

You are receiving this message pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the Ohio Board of Building Standards (Board), to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community, and provide opportunity for the affected public to provide input on the rules.

### Stakeholder Meeting

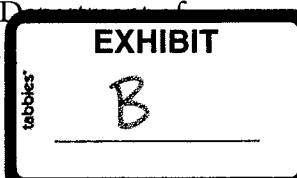
The Board will conduct a Stakeholder Meeting to hear comments and respond to questions on the proposed amendments summarized below on July 13, 2012 from 10:00 AM to 1:00 PM in Training Room 1, 6606 Tussing Road, Reynoldsburg, Ohio 43068. All interested stakeholders are invited to attend. The Agenda for the Meeting is as follows:

10:00 AM – 11:00 AM	Proposed Ohio Building Code Rules Proposed Ohio Mechanical Code Rules Proposed Ohio Plumbing Code Rule
11:00 AM – 12:00 PM	Proposed Certification Rules Miscellaneous Rules Proposed To Be Rescinded
12:00 PM – 1:00 PM	Proposed Boiler Rules

### Overview of Proposed Rules

#### \*\* Updated \*\* Proposed Ohio Building Code Rules

The Board proposes to amend Ohio Administrative Code (OAC) as follows: 4101:1-1-01 to make corrections and delete provisions related to building departments, personnel, boards of building appeals, and fire protection system designers which are being moved in their entirety to OAC Division 4101:7; 4101:1-4-01 to correct references to ICC 117.1 and to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders; 4101:1-9-01





references to the Ohio Fire Code, to make corrections to accessibility provisions, and to add a reference to manually activated smoke exhaust system to coordinate with section 910.5; 4101:1-10-01 to make corrections, to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders, and to readopt language included in Petition 11-01 approved by the Board related to Group F-1 and S-1 exit access travel distances; 4101:1-11-01 to amend several sections to further coordinate Ohio's accessibility provisions with federal requirements; 4101:1-30-01 to make corrections in references to ICC A117.1, NFPA 72, and the Ohio Elevator Code. The Board further proposes to rescind and adopt new OAC Rule 4101:1-31-01 to delete sections 3102.1.1 and 3101.1.2 and move to section 3103, incorporate clarifying model code language related to tents and membrane structures, clarify existing language related to gates as a required means of egress, add reference to Ohio Manufactured Homes Commission rules for parks, and adds a new section for refuse containers previously in OAC Chapter 4101:2-88 which are to be rescinded. *Update:* The Board also proposes to amend 4101:1-35-01 to edit Table 3501.2 to remove the references to the 2007 Ohio Plumbing Code and the NFPA 70-08 for 1-, 2-, 3- Family Dwellings to coordinate with the updates to the Residential Code of Ohio effective January 1, 2013, to add CPSC Standard 16 CFR 1301, to delete the reference to the International Fire Code, and to edit the title of NFPA 72.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedOhioBuildingCodeRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedOhioBuildingCodeRules.pdf)

#### **\*\* Updated \*\* Ohio Mechanical Code Rules**

The Board proposes to amend OAC Rules 4101:2-4-01 and 4101:2-5-01 to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders and 4101:2-15-01 to add standard ASHRAE 170 for ventilation of health care facilities, update ASME BPVC from the 2004 to the 2010 edition to coordinate with the Boiler and Pressure Vessel Rule five year rule review, and make corrections in reference to NFPA 70 and 72 Standards. *Update:* The Board also proposes to add additional amendments to 4101:2-15-01 to edit the reference ASME B16.9 standard to the 2007 edition, and to edit the AWWA C110/A21.10 standard to the 2008 edition.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedOhioMechanicalCodeRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedOhioMechanicalCodeRules.pdf)

#### **\*\* Added \*\* Proposed Ohio Plumbing Code Rule**

The Board proposes to amend 4101:3-13-01 to update the ASME BPVC Standard to the 2010 edition.

This proposed rule can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedOhioPlumbingCodeRule.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedOhioPlumbingCodeRule.pdf)

#### **Proposed Certification Rules**

The Board proposes to adopt new OAC Rules 4101:7-1-01, 4101:7-1-02, 4101:7-2-01, 4101:7-3-01, 4101:7-4-01, 4101:7-5-01 to add clarity by moving provisions related to building departments, personnel, boards of building appeals, and fire protection system designer certification requirements out of the building code and miscellaneous Board rules and consolidate into new rules specific to certification requirements.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedCertificationRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedCertificationRules.pdf)

#### **Miscellaneous Rules Proposed To Be Rescinded**

The Board proposes to rescind OAC Rules 4101:2-87-01, 4101:2-87-02, 4101:2-87-03, 4101:2-87-04, 4101:2-87-05, 4101:2-87-06, 4101:2-88-01, 4101:2-88-02, 4101:2-88-03, 4101:2-88-04, 4101:2-89-01, 4101:2-89-02, 4101:2-89-03, 4101:2-89-04, 4101:2-89-05, 4101:2-90-01, 4101:2-90-02, 4101:2-90-03, 4101:2-90-04, 4101:2-90-06, 4101:2-90-07, 4101:2-90-08, 4101:2-90-09, 4101:2-90-10, 4101:2-90-11, 4101:2-90-12, 4101:2-90-13, 4101:2-90-13, 4101:2-90-14, 4101:2-90-15, 4101:2-90-16, 4101:2-90-17, 4101:2-90-18, 4101:2-90-19, 4101:2-90-20, 4101:2-90-21, 4101:2-90-22, 4101:2-90-23, 4101:2-90-24, 4101:2-90-25, 4101:2-90-26, 4101:2-92-01, 4101:2-92-02, 4101:2-93-01, 4101:2-93-02, 4101:2-93-03, 4101:2-93-04, 4101:2-93-05, 4101:2-93-06, 4101:2-93-07, 4101:2-93-08, 4101:2-93-09, 4101:2-93-10, 4101:2-93-11, 4101:2-93-12, 4101:2-93-13 because these rules are either obsolete, duplicate provisions addressed by other Board rules, or have been moved into to proposed new certification rules.

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#### Proposed Boiler Rules

As a result of a five year rule review, the Board proposes to amend OAC Rules 4101:4-1-01, 4101:4-2-01, 4101:4-2-02, 4101:4-3-01, 4101:4-4-04, 4101:4-9-01 to make corrections, to update ASME BPVC from the 2004 to the 2010 edition, to add clarification to National Board publications NB-371, NB-263, NB-27 and the National Board Inspection Code, and to add a provision regarding the maintenance of boilers and pressure vessels. As a result of the five year rule review, the Board further proposes to make no change to OAC Rules 4101:4-4-01, 4101:4-4-02, 4101:4-4-03, 4101:4-4-05, 4101:4-5-01, 4101:4-6-01, 4101:4-7-01, 4101:4-8-01, 4101:4-10-01.

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Sincerely,

Regina S. Hanshaw  
Executive Secretary  
Ohio Board of Building Standards

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Wadsworth  
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West Carrollton  
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CNA Insurance Companies  
Factory Mutual Insurance Company  
Hartford Steam Boiler Inspection and Insurance  
Company  
Liberty Mutual Insurance Company  
OneCIS America Insurance Company  
Travelers Risk  
XL Insurance America  
Zurich Services Corporation  
**Residential Code Advisory Board**

## Hanshaw, Regina

**From:** Sokolnicki, Jan  
**Sent:** Tuesday, July 03, 2012 3:22 PM  
**To:** Hanshaw, Regina  
**Subject:** FW: Proposed Code Changes

Jan A. Sokolnicki  
 Senior Staff  
 Ohio Department of Commerce  
 Ohio Board of Building Standards  
 6606 Tussing Road, P.O. Box 4009  
 Reynoldsburg, OH 43068-9009  
 614/644-2613 Phone 614/222-2198 Fax  
<http://www.com.ohio.gov/dico/BBS.aspx>

*This message and any response to it may constitute a public record and thus may be publicly available*

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**From:** Craig Rauch [mailto:CRauch@washingtontwp.org]  
**Sent:** Monday, July 02, 2012 11:05 AM  
**To:** Sokolnicki, Jan  
**Subject:** Proposed Code Changes

I just stumbled on some proposed code changes on your website. I suggest that a short cover letter explaining the scope and purpose behind these changes, and how one can provide input regarding these proposed changes would be helpful.

I hope you don't mind if I bring up a few points related to these changes.

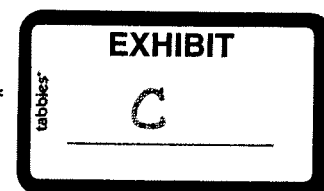
- 407.2.5(8) Is confusing. Is this an automatic shutdown tied to suppression system or is it a lockout so that only the staff can activate the cooking appliances?
- 1016.3 looks like it is already in the code, but is underlined like a new change. Am I missing something?
- 1018.2(6) Would this allow the I-2 corridor to be 44 inches if there is a defend in place strategy? Would this strategy have to comply with 1001.4, and thus must be approved by the fire official? In general plans include provisions for relocation within the building. How would this impact moving of patients into a different smoke compartment as provided for in 407.4? While I know that the 101 LSC is not your responsibility, would this create a new conflict?

Just wanted to throw my two cents in and provide a different vantage point.

Thanks

Craig Rauch  
 Plans Examiner  
 Washington Township Fire Department  
 937-433-3083  
[crauch@washingtontwp.org](mailto:crauch@washingtontwp.org)

\*\*\*\*\*  
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## Hanshaw, Regina

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**From:** John Bull [jbull@natinspect.com]

**Sent:** Friday, July 13, 2012 9:03 AM

**To:** Hanshaw, Regina

**Subject:** Public Hearing Questions

Good Morning Regina.

I have a couple of questions about Friday's Public Hearing.

If passed when will it go into effect? 30 days??

The way I read the new Section 3102 & 3103, Tents under 180 days is strictly by the Fire Department and over 180 days falls back to the Building Department? I assume electrical is separate?

The new 4101:7 which is labeled as \*\*\*DRAFT NOT YET FILED\*\*\* means what? Does it still have to go to another Public Hearing before approval??

Thanks in advance for your answers

Have a great Friday the 13th.

**John Bull, Jr.**  
**Building Official**  
**National Inspection Corporation**  
**888-433-4642**

8/10/2012

## Hanshaw, Regina

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**From:** Thompson, Tim  
**Sent:** Tuesday, July 10, 2012 3:12 PM  
**To:** Hanshaw, Regina  
**Cc:** Flowers, Larry; Leaming, Jeff; McCann, Denny; Johnston-Cook, Holly; Smith, Jennifer  
**Subject:** 2012 OBC Update - 106 1 2 - Special Conditions (ASTs - SFM Suggestions)  
**Attachments:** 2012 OBC Update - 106 1 2 - Special Conditions (ASTs - SFM Suggestions).docx

Regina – as a follow up to our meeting last week about AST construction issues, attached is some suggested language for inclusion in the OBC that cross-references the OFC for AST construction.

Thanks for considering this.

Tim

\*\*\*\*\*

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#### 106.1.2 Special provisions.

The following are special provisions:

1. When construction includes the use of industrialized units or alternative materials, designs and methods of construction or equipment approved by the board, documentation shall be provided to the building official describing how they are to be used. Before these items are installed or used, the following shall be submitted:

1.1. A copy of the construction documents approved by the board; and

1.2. Details pertaining to on-site interconnection of modules or assemblies.

Exception: When construction includes the use of industrialized units for one-, two-, and three-family dwellings and their accessory structures, the documents shall be provided to the residential building official. If no residential department is certified in a jurisdiction, construction documents for one-, two-, or three-family dwellings comprised of industrialized units are not required to be submitted for approval.

2. Construction documents submitted that include construction of public swimming pools shall include documentation indicating approval of the pool construction documents by the Ohio department of health in accordance with Section 3109.1.1 of the "OBC."

3. Construction documents submitted that include alterations or construction of, or additions to buildings where sales, display, storage or manufacture of consumer fireworks, 1.4g or display fireworks, 1.3g shall include documentation indicating that the applicant has received preliminary approval for construction issued by the state fire marshal pursuant to Sections 3743.04 and 3743.17 of the Revised Code.

4. The elevation certification provided by a registered surveyor and dry floodproofing certification, when required in Section 1612.5 for buildings or structures located in communities with identified flood hazard areas, shall be submitted to the building official.

5. When a certified building department receives an application for plan approval in a jurisdiction in which the local fire official has requested an opportunity to provide input to the certified building department on issues related to fire protection, the building official shall require that the applicant provide a set of relevant construction documents for the local fire official. The building official shall evaluate the local fire official's comments related to fire protection provisions of this code that are received within the timeframe established by the building official and Section 3791.04 of the Revised Code prior to issuing the plan approval certification.

6. Construction documents submitted that include alterations or construction of, or additions to jails, workhouses, or municipal lockups shall include documentation indicating that the applicant has received preliminary approval for construction issued by the Ohio Department of rehabilitation and Corrections.

*7. When, as a part of the work subject to this code, construction includes or relates to the temporary or permanent storage of flammable or combustible liquids, such construction shall be in accordance with the provisions of this code and the fire code (including obtaining all necessary permits as required by the fire code).*

#### **2702.1.2 Flammable/Combustible Liquid Fuel Supply Storage Tanks**

**2702.1.2.1 Permits** *In addition to any permits required by this code, a fire code permit is required to install, alter or remove any flammable or combustible liquid storage, sub-base generator or stand-alone tank supplying fuel to a stationary generator.*

**Hanshaw, Regina**

---

**From:** Hanshaw, Regina  
**Sent:** Friday, July 06, 2012 10:21 AM  
**To:** 'brown@nfsa.org'  
**Subject:** FW: Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

Ron,

No, these amendments are not based on the 2012 IBC. They are mostly Ohio-specific changes to the current OBC. The changes are summarized in the notice and you can review the changes at the links.

Thanks,

Regina

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**From:** Ron Brown [mailto:brown@nfsa.org]  
**Sent:** Monday, July 02, 2012 10:58 AM  
**To:** Lane, Michael  
**Subject:** RE: Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

I'm sorry but I'm a bit out of the loop on this hearing. Is the hearing regarding proposed amendments to the of the Ohio version of the 2012 International Building Code? If not what edition of the ICC / IBC is under consideration at this Stake Holder Meeting?

Ron Brown

---

**From:** Lane, Michael [mailto:Michael.Lane@com.state.oh.us]  
**Sent:** Friday, June 29, 2012 4:33 PM  
**To:** Lane, Michael  
**Cc:** Hanshaw, Regina  
**Subject:** Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

Board of Building Standards Stakeholder:

You are receiving this message pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the Ohio Board of Building Standards (Board), to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community, and provide opportunity for the affected public to provide input on the rules.

### **Stakeholder Meeting**

The Board will conduct a Stakeholder Meeting to hear comments and respond to questions on the proposed amendments summarized below on July 13, 2012 from 10:00 AM to 1:00 PM in Training Room 1, 6606 Tussing Road, Reynoldsburg, Ohio 43068. All interested stakeholders are invited to attend. The Agenda for the Meeting is as follows:

10:00 AM – 11:00 AM	Proposed Ohio Building Code Rules Proposed Mechanical Code Rules
11:00 AM – 12:00 PM	Proposed Certification Rules Miscellaneous Rules Proposed To Be Rescinded
12:00 PM – 1:00 PM	Proposed Boiler Rules

7/6/2012



## Overview of Proposed Rules

### Proposed Ohio Building Code Rules

The Board proposes to amend Ohio Administrative Code (OAC) as follows: 4101:1-1-01 to make corrections and delete provisions related to building departments, personnel, boards of building appeals, and fire protection system designers which are being moved in their entirety to OAC Division 4101:7; 4101:1-4-01 to correct references to ICC 117.1 and to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders; 4101:1-9-01 to correct references to the Ohio Fire Code, to make corrections to accessibility provisions, and to add a reference to manually activated smoke exhaust system to coordinate with section 910.5; 4101:1-10-01 to make corrections, to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders, and to readopt language included in Petition 11-01 approved by the Board related to Group F-1 and S-1 exit access travel distances; 4101:1-11-01 to amend several sections to further coordinate Ohio's accessibility provisions with federal requirements; 4101:1-30-01 to make corrections in references to ICC A117.1, NFPA 72, and the Ohio Elevator Code. The Board further proposes to rescind and adopt new OAC Rule 4101:1-31-01 to delete sections 3102.1.1 and 3101.1.2 and move to section 3103, incorporate clarifying model code language related to tents and membrane structures, clarify existing language related to gates as a required means of egress, add reference to Ohio Manufactured Homes Commission rules for parks, and adds a new section for refuse containers previously in OAC Chapter 4101:2-88 which are to be rescinded.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedOhioBuildingCodeRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedOhioBuildingCodeRules.pdf)

### Ohio Mechanical Code Rules

The Board proposes to amend OAC Rules 4101:2-4-01 and 4101:2-5-01 to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders and 4101:2-15-01 to add standard ASHRAE 170 for ventilation of health care facilities, update ASME BPVC from the 2004 to the 2010 edition to coordinate with the Boiler and Pressure Vessel Rule five year rule review, and make corrections in reference to NFPA 30 and 72 Standards.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedOhioMechanicalCodeRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedOhioMechanicalCodeRules.pdf)

### Proposed Certification Rules

The Board proposes to adopt new OAC Rules 4101:7-1-01, 4101:7-1-02, 4101:7-2-01, 4101:7-3-01, 4101:7-4-01, 4101:7-5-01 to add clarity by moving provisions related to building departments, personnel, boards of building appeals, and fire protection system designer certification requirements out of the building code and miscellaneous Board rules and consolidate into new rules specific to certification requirements.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_ProposedCertificationRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedCertificationRules.pdf)

### Miscellaneous Rules Proposed To Be Rescinded

The Board proposes to rescind OAC Rules 4101:2-87-01, 4101:2-87-02, 4101:2-87-03, 4101:2-87-04, 4101:2-87-05, 4101:2-87-06, 4101:2-88-01, 4101:2-88-02, 4101:2-88-03, 4101:2-88-04, 4101:2-89-01, 4101:2-89-02, 4101:2-89-03, 4101:2-89-04, 4101:2-89-05, 4101:2-90-01, 4101:2-90-02, 4101:2-90-03, 4101:2-90-04, 4101:2-90-06, 4101:2-90-07, 4101:2-90-08, 4101:2-90-09, 4101:2-90-10, 4101:2-90-11, 4101:2-90-12, 4101:2-90-13, 4101:2-90-13, 4101:2-90-14, 4101:2-90-15, 4101:2-90-16, 4101:2-90-17, 4101:2-90-18, 4101:2-90-19, 4101:2-90-20, 4101:2-90-21, 4101:2-90-22, 4101:2-90-23, 4101:2-90-24, 4101:2-90-25, 4101:2-90-26, 4101:2-92-01, 4101:2-92-02, 4101:2-93-01, 4101:2-93-02, 4101:2-93-03, 4101:2-93-04, 4101:2-93-05, 4101:2-93-06, 4101:2-93-07, 4101:2-93-08, 4101:2-93-09, 4101:2-93-10, 4101:2-93-11, 4101:2-93-12, 4101:2-93-13 because these rules are either obsolete, duplicate provisions addressed by other Board rules, or have been moved into to proposed new certification rules.

These rules proposed to be rescinded can be viewed here:

[http://www.com.ohio.gov/dico/docs/dico\\_MiscellaneousRulesProposedToBeRescinded.pdf](http://www.com.ohio.gov/dico/docs/dico_MiscellaneousRulesProposedToBeRescinded.pdf)

### Proposed Boiler Rules

As a result of a five year rule review, the Board proposes to amend OAC Rules 4101:4-1-01, 4101:4-2-01, 4101:4-2-

02, 4101:4-3-01, 4101:4-4-04, 4101:4-9-01 to make corrections, to update ASME BPVC from the 2004 to the 2010 edition, to add clarification to National Board publications NB-371, NB-263, NB-27 and the National Board Inspection Code, and to add a provision regarding the maintenance of boilers and pressure vessels. As a result of the five year rule review, the Board further proposes to make no change to OAC Rules 4101:4-4-01, 4101:4-4-02, 4101:4-4-03, 4101:4-4-05, 4101:4-5-01, 4101:4-6-01, 4101:4-7-01, 4101:4-8-01, 4101:4-10-01.

These proposed rules can be viewed here: [http://www.com.ohio.gov/dico/docs/dico\\_ProposedBoilerRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedBoilerRules.pdf)

#### Contact Information for Comments or Questions

If you cannot attend the above Stakeholder Meeting, you can submit written comments or questions on the proposed amendments to the Board. You may submit your comments via email at [BBS@com.state.oh.us](mailto:BBS@com.state.oh.us) or U.S. Mail at Ohio Board of Building Standards, 6606 Tussing Rd, Reynoldsburg, Ohio 43068, Attn: Regina Hanshaw.

Sincerely,

Regina S. Hanshaw  
Executive Secretary  
Ohio Board of Building Standards

\*\*\*\*\*

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## Hanshaw, Regina

---

**From:** Sokolnicki, Jan  
**Sent:** Tuesday, July 03, 2012 3:22 PM  
**To:** Hanshaw, Regina  
**Subject:** FW: Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

Jan A. Sokolnicki  
Senior Staff  
Ohio Department of Commerce  
Ohio Board of Building Standards  
6606 Tussing Road, P.O. Box 4009  
Reynoldsburg, OH 43068-9009  
614/644-2613 Phone 614/222-2198 Fax  
<http://www.com.ohio.gov/dico/BBS.aspx>

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**From:** David Collins [mailto:[dcollins@preview-group.com](mailto:dcollins@preview-group.com)]  
**Sent:** Monday, July 02, 2012 1:30 PM  
**To:** Sokolnicki, Jan  
**Subject:** Re: Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

Last time we asked her about bariatric patient care she indicated that they must be included in the "types of patient rooms" that required 10% to be accessible. If I am reading this correctly, you are indicating that they aren't part of the patient sleeping room count. I'm not sure that is accurate from an ADA point of view.

Dave

David S. Collins, FAIA  
**The Preview Group, Inc.**  
Architects providing regulatory solutions...

632 Race Street  
Cincinnati, Ohio 45202  
513.621.2109 (p)  
513.403.3837 (c)  
email: [dcollins@preview-group.com](mailto:dcollins@preview-group.com)  
website: [www.preview-group.com](http://www.preview-group.com)



**PREVIEWGROUP**

ARCHITECTS PROVIDING REGULATORY SOLUTIONS

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On Jul 2, 2012, at 1:17 PM, Sokolnicki, Jan wrote:

*In what way.....I was of the impression that Marsha was good with this...*

Jan A. Sokolnicki  
Senior Staff  
Ohio Department of Commerce  
Ohio Board of Building Standards  
6606 Tussing Road, P.O. Box 4009  
Reynoldsburg, OH 43068-9009  
614/644-2613 Phone 614/222-2198 Fax  
<http://www.com.ohio.gov/dico/BBS.aspx>

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**From:** David Collins [mailto:[dcollins@preview-group.com](mailto:dcollins@preview-group.com)]  
**Sent:** Monday, July 02, 2012 12:28 PM  
**To:** Sokolnicki, Jan  
**Subject:** Fwd: Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

Jan,

I assume you know that the proposed rules for bariatric facilities conflicts with the Access Board's interpretation of the rules? While I appreciate the effort, I am afraid of the eventual impact of this change on facility owners and designers.

Dave

David S. Collins, FAIA  
The Preview Group, Inc.  
Architects providing regulatory solutions...

632 Race Street  
Cincinnati, Ohio 45202  
513.621.2109 (p)  
513.403.3837 (c)  
email: [dcollins@preview-group.com](mailto:dcollins@preview-group.com)  
website: [www.preview-group.com](http://www.preview-group.com)

<image001.gif>

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Begin forwarded message:

**From:** "Rick Helsinger" <[rick1@one.net](mailto:rick1@one.net)>  
**Subject:** Fw: Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

8/10/2012

**Date:** July 2, 2012 9:51:31 AM EDT  
**To:** "All Groups" <[rhelsinger@fairfield-city.org](mailto:rhelsinger@fairfield-city.org)>

----- Original Message -----

**From:** Lane, Michael

**To:** Lane, Michael

**Sent:** Friday, June 29, 2012 3:51 PM

**Subject:** Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

Board of Building Standards Stakeholder:

You are receiving this message pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the Ohio Board of Building Standards (Board), to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community, and provide opportunity for the affected public to provide input on the rules.

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11:00 AM – 12:00 PM	Proposed Certification Rules Miscellaneous Rules Proposed To Be Rescinded
12:00 PM – 1:00 PM	Proposed Boiler Rules

### **Overview of Proposed Rules**

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The Board proposes to amend Ohio Administrative Code (OAC) as follows: 4101:1-1-01 to make corrections and delete provisions related to building departments, personnel, boards of building appeals, and fire protection system designers which are being moved in their entirety to OAC Division 4101:7; 4101:1-4-01 to correct references to ICC 117.1 and to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders; 4101:1-9-01 to correct references to the Ohio Fire Code, to make corrections to accessibility provisions, and to add a reference to manually activated smoke exhaust system to coordinate with section 910.5; 4101:1-10-01 to make corrections, to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders, and to readopt language included in Petition 11-01 approved by the Board related to Group F-1 and S-1 exit access travel distances; 4101:1-11-01 to amend several sections to further coordinate Ohio's accessibility provisions with federal requirements; 4101:1-30-01 to make corrections in references to ICC A117.1, NFPA 72, and the Ohio Elevator Code. The Board further proposes to rescind and adopt new OAC Rule 4101:1-31-01 to delete sections 3102.1.1 and 3101.1.2 and move to section 3103, incorporate clarifying model code language related to tents and membrane structures, clarify existing language related to gates as a required means of egress, add reference to Ohio Manufactured Homes Commission rules for parks, and adds a new section for refuse containers previously in OAC Chapter 4101:2-88 which are to be rescinded.

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#### Ohio Mechanical Code Rules

The Board proposes to amend OAC Rules 4101:2-4-01 and 4101:2-5-01 to amend provisions related to health care facilities in coordination with the Ohio Department of Aging and Ohio Department of Health to safely enhance the quality of life for elders and 4101:2-15-01 to add standard ASHRAE 170 for ventilation of health care facilities, update ASME BPVC from the 2004 to the 2010 edition to coordinate with the Boiler and Pressure Vessel Rule five year rule review, and make corrections in reference to NFPA 30 and 72 Standards.

These proposed rules can be viewed

here:[http://www.com.ohio.gov/dico/docs/dico\\_ProposedOhioMechanicalCodeRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedOhioMechanicalCodeRules.pdf)

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The Board proposes to adopt new OAC Rules 4101:7-1-01, 4101:7-1-02, 4101:7-2-01, 4101:7-3-01, 4101:7-4-01, 4101:7-5-01 to add clarity by moving provisions related to building departments, personnel, boards of building appeals, and fire protection system designer certification requirements out of the building code and miscellaneous Board rules and consolidate into new rules specific to certification requirements.

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These rules proposed to be rescinded can be viewed

here:[http://www.com.ohio.gov/dico/docs/dico\\_MiscellaneousRulesProposedToBeRescinded.pdf](http://www.com.ohio.gov/dico/docs/dico_MiscellaneousRulesProposedToBeRescinded.pdf)

#### Proposed Boiler Rules

As a result of a five year rule review, the Board proposes to amend OAC Rules 4101:4-1-01, 4101:4-2-01, 4101:4-2-02, 4101:4-3-01, 4101:4-4-04, 4101:4-9-01 to make corrections, to update ASME BPVC from the 2004 to the 2010 edition, to add clarification to National Board publications NB-371, NB-263, NB-27 and the National Board Inspection Code, and to add a provision regarding the maintenance of boilers and pressure vessels. As a result of the five year rule review, the Board further proposes to make no change to OAC Rules 4101:4-4-01, 4101:4-4-02, 4101:4-4-03, 4101:4-4-05, 4101:4-5-01, 4101:4-6-01, 4101:4-7-01, 4101:4-8-01, 4101:4-10-01.

These proposed rules can be viewed here:[http://www.com.ohio.gov/dico/docs/dico\\_ProposedBoilerRules.pdf](http://www.com.ohio.gov/dico/docs/dico_ProposedBoilerRules.pdf)

#### **Contact Information for Comments or Questions**

If you cannot attend the above Stakeholder Meeting, you can submit written comments or questions on the proposed amendments to the Board. You may submit your comments via email at [BBS@com.state.oh.us](mailto:BBS@com.state.oh.us) or U.S. Mail at Ohio Board of Building Standards, 6606 Tussing Rd, Reynoldsburg, Ohio 43068, Attn: Regina Hanshaw.

Sincerely,

Regina S. Hanshaw  
Executive Secretary  
Ohio Board of Building Standards

\*\*\*\*\* The information transmitted is intended solely for the individual or entity to which it is addressed and may contain confidential and/or privileged material. Any review, retransmission, dissemination or other use of or taking action in reliance upon this information by persons or entities other than the intended recipient is prohibited. If you have received this email in error please contact the sender and delete the material from any computer.

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**Hanshaw, Regina**

**From:** Felicia Sherman [FSherman@age.state.oh.us]  
**Sent:** Friday, August 03, 2012 8:25 AM  
**To:** crauch@washingtontwp.org  
**Cc:** Hanshaw, Regina  
**Subject:** Ohio Building code stove timers  
**Attachments:** Discussion points for open kitchens (G65).docx; 18.3.2.5 Cooking Facilities proposal.docx  
 Dear Mr. Rauch,

Bonnie Kantor-Burman asked that I send the attached in response to your question during the BBS Rules Stakeholder Meeting on July 13<sup>th</sup> regarding stove timers as it relates to the Cooking Facilities proposed changes. Upon further research, the following will clarify the decisions on timer shut offs that were discussed in Dallas:

Automatic timer-shut offs were indeed requested in both ICC and NFPA language. The attached documents include ICC language, as modified during the public comment period (and the document on Discussion points summarizes the justification) and the attached 18.3.2.5 is the NFPA proposal.

**G65(D)** Kitchens in nursing homes**Public comments request approved as modified****Further modify proposal as follows:**

**407.2.5 Cooking facilities.** In Group I-2 ~~nursing homes~~ Condition 1, rooms or spaces that contain ~~domestic~~ a cooking ~~facilities~~ facility with domestic cooking appliances shall be permitted to be open to the corridor where ~~the number of sleeping units within the smoke compartment is limited to 30 residents and~~ all of the following requirements are met:

1. The number of care recipients housed within the smoke compartment is limited to 30.
2. The cooking facility shall be limited to serving a maximum of 30 care recipients.
3. Only one ~~area with domestic cooking facilities~~ facility area is permitted within a smoke compartment.
- 4.2. The types of ~~domestic~~ cooking appliances permitted are limited to ovens, cooktops, ranges, warmers and microwaves.
- 5.3. The corridor is a clearly identified space delineated by, construction or floor pattern, material or color.
- 6.4. The space containing ~~the domestic cooking facilities~~ facility shall be arranged so as not to obstruct access to the required exit.
- 7.5. A domestic cooking hood installed and constructed in accordance with IMC Section 505 is provided over the cooktop or range.
- 8.6. The domestic cooking hood provided over the cooktop or range shall be equipped with an automatic fire-extinguishing system of a type recognized for protection of domestic cooking equipment. Pre-engineered automatic extinguishing systems shall be tested in accordance with UL 300A and listed and labeled for the intended application. The system shall be installed in accordance with this code, its listing and the manufacturer's installation instructions.
- 9.7. A manual actuation device for the hood suppression system shall be installed in accordance with IFC Section 904.11.1 and 904.11.2.
10. An interlock device shall be provided such that upon activation of the hood suppression system the power or fuel supply to the cooktop or range will be turned off.

**EXHIBIT**

tabbles

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**6.11.** A shut ~~down~~ off for the fuel and electrical power supply to the cooking equipment, shall be provided in a location that is accessible only to staff.

**12.** A timer shall be provided that automatically deactivates the cooking appliances within a period of not more than 120 minutes.

**9.13.** A portable fire extinguisher shall be installed in accordance with IFC 906.

**Reasoning:** Based on the feedback from the Committee and the Opponents of the proposal, The CTC has revised some of the language to be more specific and more stringent.

The charging paragraph has been modified to more clearly define the space and the number of occupants has been moved to the requirements for greater clarity. The Condition 1 is coordination with G257-12.

**Item #1** (new) states the maximum number of residents that may live within the same smoke compartment as the cooking facility. This limits the number of residents that could be at risk from an incident.

**Item #2** (new) this clarifies that the cooking facility that is open to the corridor may only serve a maximum of 30 residents. This prohibits the central kitchen, serving the whole facility, from being open to the corridor. Further, this limits the number of meals that are being prepared in this facility which limits time of cooking duration, grease production and risk.

**Item #3** The language was clarified to be clearer that only one cooking facility is permitted in a smoke compartment and for consistency with the other requirements.

**Item #4** Added the word "domestic" to be consistent with the terminology contained within the Mechanical Code.

**Item #6** Clarification for correlation.

**Item #10** (new) added the requirement for an interlock that shuts off the power source/fuel supply if the hood suppression system activates.

**Item #11** (previous #8) Terminology changed from shutdown to shutoff to correlate to the IMC and to be clear on its purpose. Also clarified that the switch is located in a location accessible only to staff.

**Item #12** (new) Adds the requirement for a timer to deactivate the appliance in the event staff forgets to turn off the appliance. This adds a belt and suspenders level of safety which does not solely rely on human action.

In Skilled Nursing and Assisted Living care settings across the country, there are hundreds of similar kitchens, open to the corridor and common spaces, in operation today (see notes below). The ones in existence have been the result of varied negotiations with the AHJ and have resulted in a very inconsistent application/interpretation of the code. This code change is needed to create more consistency in the construction of these open kitchens and to standardize the level of safety features provided.

This proposal was originally brought forward by a group representing all of the major stakeholder groups in the Long-Term Care industry. This group worked closely with the CTC, along with Fire Marshals and other Code Officials to craft the language you see here to ensure an appropriate level of safety while providing a great benefit to the quality of life for the care recipients.

A similar proposal to what is contained here has already been approved by the Life Safety Code, and the Center for Medicare and Medicaid (CMS) endorses the use of open kitchens for small groups of residents.

Please bear in mind that all new nursing homes have been required to be fully sprinkled since 2003. All existing nursing homes have been mandated, by CMS, to be fully sprinkled by August of 2013. In the last 15 years of NFPA fire data, there has **never been a multiple death fire in a fully sprinkled nursing home.** The majority of the single death fires are the result of a resident smoking while on oxygen.

A NIST study\* found that a single, low-flow residential sprinkler was able to control a cooking oil fire and extinguish any fire spread to the cabinets and walls. Because the nursing homes are sprinkled, combined with the small number of meals, hood suppression system, and automatic shut off features contained in this proposal, along with the 24/7 staffing in a nursing home create a high level of safety and will protect the residents when the kitchen is open to other spaces.

*\*NIST Special publication 1066 "Overview of NIST/USFA Localized Residential Suppression System Project", PG 5 & 6  
Daniel Madrzykowski, Anthony Hamins, Shivani Mehta*

Please let me know if you have additional questions or concerns and I will be sure to pass this along to Bonnie Kantor-Burman. Thank you for the questions and feedback during the Stakeholder Meeting.

Felicia Sherman

## Open Kitchens – proposal G65

### Background:

As nursing homes move away from institutional models, it is critical to have a functioning kitchen that can serve as the hearth of the home. Instead of a large centralized, institutional kitchen where all meals are prepared and delivered to a central dining room or the resident's room, the new "household model" nursing home uses de-centralized kitchens and small dining areas to create the feeling and focus of home.

For persons with dementia, it is particularly important to have spaces that look familiar, to increase their understanding and ability to function at their highest level. For this reason, it is important that facilities have the choice of using residential appliances in these de-centralized kitchens.

Allowing kitchens to be open to common spaces and corridors is critically important to enhancing the feeling and memories of home for older adults. This allows residents to see and smell the food being prepared, which can enhance their appetites and evoke positive memories. Some residents, based on their abilities and cognition level may even be able to participate in food preparation activities such as stirring, measuring ingredients, peeling vegetables, or folding towels. This becomes a social activity, where they can easily converse with the staff member cooking, as well as a way for the resident to maintain their functional abilities and to feel like they are still an important contributing member of society.

Currently, in the US, there are hundreds of these open kitchens in operation in both Nursing home and Assisted Living settings. Because there is nothing written in the code currently, these open kitchens have come about based on negotiations with individual jurisdictions and there is no consistent level of safety provided. Some have full commercial hood suppression while others have no suppression system at all. This code change is needed to consistently address a need in the industry and provide a uniform measure of safety.

That being said, with hundreds of these kitchens already in operation, if there was a major threat to residents we would hear all about it. The fact is, though, that in the last 15 years of NFPA fire data, there has never been a multiple death fire in a fully sprinkled nursing home.

This proposal was submitted by a group representing all of the major trade and stakeholder organizations in long-term care. They worked closely with the ICC Code Technical Committee to provide supporting research, answer questions, address concerns and carefully craft the language that you see here.

A similar proposal has been approved by the National Life Safety Code (NFPA 101) and published in the 2012 edition (Section 18.3.2.5.3). Further, The Centers for Medicare and Medicaid (CMS) has endorsed this concept and code change. They have issued a S&C letter allowing facilities to request a waiver to follow this section of NFPA 101/2012 and allow open kitchens.

### Talking points/important facts:

- **A critical point to understand is that the residents are not cooking the meals.** Staff members are doing the cooking. In some instances, residents may assist in some meal preparation tasks like measuring and mixing ingredients, folding towels or just sitting at the counter talking to the “chef”. Staff members are required to be trained in basic food handling procedures as well as fire safety precautions.
- **Nursing homes have staff members that are awake and alert around the clock.** These staff members are trained in how to respond to an emergency. They are very familiar with the residents and the building.
- We know that cooking fires are the leading cause of fires in a residential setting. However, we also know that unattended cooking is the primary cause of these cooking fires. In fact, in 73% of residential cooking fires, the person cooking was not in the room at the time of ignition.
- All newly built nursing homes are required to be fully sprinkled per NFPA 13 with quick-response heads. In addition, CMS has mandated that all existing nursing homes must be fully sprinkled by August 2013.
- **A NIST study found that a single, low-flow residential sprinkler was able to control a cooking oil fire and extinguish any fire spread to the cabinets and walls.** (*NIST Special publication 1066 “Overview of NIST/USFA Localized Residential Suppression System Project”, PG 5 & 6, Daniel Madrzykowski, Anthony Hamins, Shivani Mehta, February 2007*)
- In the last 15 years of NFPA fire data, there has **never been a multiple death fire in a fully sprinkled nursing home.** The majority of the single death fires are the result of a resident smoking while on oxygen.
- The fire safety record for nursing homes is one of the lowest of any occupancy in the US. A resident over the age of 65 is 12 times less likely to die from a fire in a nursing home than one living in a private residential home.
- This proposal limits an open kitchen to serve 30 residents or fewer. This would be a smaller sized area, generally, than an “old-style” nursing home wing, with shorter travel distances and less residents at risk. The majority of these household-style nursing homes have households of 12-20 residents. The 30 resident threshold was set by the needs of the VA, for their veteran homes.

### Safety features of this proposal:

- In addition to the protection that sprinklers provide, the proposal calls for a domestic range hood with a suppression system in accordance with UL 300A. A domestic range hood meeting the requirements of 300A provides a high level of protection without requiring a full commercial range hood. The volume of meals prepared is more in line with a residential setting than a commercial kitchen operation.

- A pull station to manually activate the hood suppression system will also be provided.
- A shut-off switch, that controls the gas or electric power to the range, will be provided. This switch will be locked, or in a locked cabinet, so that staff must have a key to activate the range. This is intended to prevent a resident from walking up to the stove, turning on the burners, and walking away. The stove may only be used when staff is aware and present.
- Based on comments from the General Committee at the first hearing, a requirement for an interlock has been provided. This will shut off the power/fuel source for the stove upon activation of the hood suppression system.
- Further, based on comments from the General Committee, the requirement for a timer has been added. This will automatically shut off the power/fuel for the stove top after a specified time period, independent of staff action. This provides an added layer of safety to the switch.
- Lastly, a K-type fire extinguisher must be installed in the kitchen.

**In summary:**

We strongly believe that the safety features that already exist in nursing homes, including 24/7 staffing, sprinklers and detection devices, with the addition of the extra precautions outlined in this proposal combine to provide an acceptable level of risk with a great reward to a resident's quality of life. Please vote to approve, as modified, proposal G65. Thank you!

We have confirmed open kitchens are currently built and in operation in long-term care facilities in the following states:

AK, AL, AR, AZ, GA, IA, IL, KS, KY, MA, MD, MI, MS, MT, NE, NJ, OR, PA, TN, TX, WA, WI (22 states!)

# NFPA Public Input Form

NOTE: All Public Input must be received by 5:00 pm EST/EDST on the published Public Input Closing Date.

For further information on the standards-making process, please contact the Codes and Standards Administration at 617-984-7249 or visit [www.nfpa.org/codes](http://www.nfpa.org/codes).

For technical assistance, please call NFPA at 1-800-344-3555

## FOR OFFICE USE ONLY

Log #: \_\_\_\_\_

Date Rec'd: \_\_\_\_\_

Date 2/16/12 Name Peter Reed Tel. No. \_\_\_\_\_

Company Pioneer Network Email \_\_\_\_\_

Street Address \_\_\_\_\_ City \_\_\_\_\_ State \_\_\_\_\_ Zip \_\_\_\_\_

Please indicate organization represented (if any) Life Safety Code Task Force

1. (a) Title of NFPA Standard Life Safety Code NFPA No. & Year 101 - 2012

(b) Section/Paragraph 18.3.2.5.2 & 19.3.2.5.2 Cooking Facilities

2. Public Input Recommends (check one): ☒ new text ☐ revised text ☐ deleted text

3. Proposed Text of Public Input (Include proposed new or revised wording, or identification of wording to be deleted): [Note: Proposed text should be in legislative format; i.e., use underscore to denote wording to be inserted (inserted wording) and strike-through to denote wording to be deleted (~~deleted wording~~).]

### 18.3.2.5.2\*

Where residential cooking equipment is used for food warming or limited cooking, the equipment shall not be required to be protected in accordance with 9.2.3, and the presence of the equipment shall not require the area to be protected as a hazardous area.

### 18.3.2.5.2.1\*

Where a residential cooktop or range is used for food warming, limited cooking, activity or therapy cooking, the equipment shall not be required to be protected in accordance with 9.2.3, and the presence of the equipment shall not require the area to be protected as a hazardous area, when all of the following conditions are met:

(1)\* A switch meeting all of the following is provided:

(a) A locked switch, or a switch located in a restricted location, is provided that deactivates the cooktop or range.

(b) The switch is used to deactivate the cooktop or range whenever the equipment is not under staff supervision.

(c) The switch is on a timer, not exceeding a 120-minute capacity, that automatically deactivates the cooktop or range, independent of staff action.

(2) A quick response sprinkler head is located a minimum of 18 inches (457 mm) from the edge of the cooktop or range and a maximum of 5 feet (1.5 m) from the center of the cooktop or range

(3) A Class K, portable fire extinguisher, in accordance with NFPA 10 shall be located within 15 feet (4.6 m) of the cooktop or range.

(4) A residential-style range hood, with grease filter, and equal to the width of the cooktop, shall be provided.

## Existing Facilities

### 19.3.2.5.2.1\*

Where a residential cooktop or range is used for food warming, limited cooking, activity or therapy cooking, the equipment shall not be required to be protected in accordance with 9.2.3, and the presence of the equipment shall not require the area to be protected as a hazardous area, when all of the following conditions are met:

(1)\* A switch meeting all of the following is provided:

(a) A locked switch, or a switch located in a restricted location, is provided that deactivates the cooktop or range.

(b) The switch is used to deactivate the cooktop or range whenever the equipment is not under staff supervision.

(c) The switch is on a timer, not exceeding a 120-minute capacity, that automatically deactivates the cooktop or range, independent of staff action.

(2) The smoke compartment where the cooktop or range is located is protected throughout by an approved, supervised automatic sprinkler system in accordance with Section 9.7.

(3) A quick response sprinkler head is located a minimum of 18 inches (457 mm) from the edge of the cooktop or range and a maximum of 5 feet (1.5 m) from the center of the cooktop or range

(4) A Class K, portable fire extinguisher, in accordance with NFPA 10 shall be located within 15 feet (4.6 m) of the cooktop or range.

(5) A residential-style range hood, with grease filter, and equal to the width of the cooktop, shall be provided.

## Annex Material:

**A18.3.2.5.2** This provision is intended to permit small appliances used for reheating, such as microwave ovens, hot plates, toasters, and nourishment centers be exempt from the requirements for commercial cooking equipment and hazardous area protection.

**A18.3.2.5.2.1** Residential and small appliances used for limited cooking, activity and therapy cooking, such as residential cooktops, wall ovens, ranges, convection ovens, microwave ovens, electric griddles, toasters and waffle makers, and that use limited quantities of butter, cooking spray or oil to prevent food from sticking, to be exempt from the requirements for commercial cooking equipment and hazardous area protection. A limited quantity is defined as one Tablespoon of butter or oil, or less. Residential cooktops and stoves may have a residential, re-circulating range hood.

Deep fat fryers or other, similar equipment that fully immerses food in oil or grease are prohibited under this conditional use and must only be used in conjunction with a hood system in accordance with NFPA 96.

**A18.3.2.5.2.1(1)** The intent of this requirement is that the fuel source for the cooktop or range is

to be turned on only when staff is present or aware that the kitchen is being used. The timer function is meant to provide an additional safeguard if the staff forgets to deactivate the cooktop or range.

**A19.3.2.5.2.1 Residential and small appliances used for limited cooking, activity and therapy cooking, such as residential cooktops, wall ovens, ranges, convection ovens, microwave ovens, electric griddles, toasters and waffle makers, and that use limited quantities of butter, cooking spray or oil to prevent food from sticking, to be exempt from the requirements for commercial cooking equipment and hazardous area protection. A limited quantity is defined as one Tablespoon of butter or oil, or less. Residential cooktops and stoves may have a residential, recirculating range hood.**

Deep fat fryers or other, similar equipment that fully immerses food in oil or grease are prohibited under this conditional use and must only be used in conjunction with a hood system in accordance with NFPA 96.

**A19.3.2.5.2.1(1) The intent of this requirement is that the fuel source for the cooktop or range is to be turned on only when staff is present or aware that the kitchen is being used. The timer function is meant to provide an additional safeguard if the staff forgets to deactivate the cooktop or range.**

**4. Statement of Problem and Substantiation for Public Input:** (Note: State the problem that would be resolved by your recommendation; give the specific reason for your Public Input, including copies of tests, research papers, fire experience, etc. If more than 200 words, it may be abstracted for publication.)

In many nursing homes, residential ranges are used for activity cooking (baking cookies) and Occupational Therapy activities. In order to prove that an elder is able to move back into their own home, it is important to demonstrate that they can safely cook for themselves, and sometimes this is part of the rehabilitation therapy that is needed. The current code provision for limited cooking does not address or allow a range or cooktop to be part of the limited cooking equipment, though many AHJ permit it under this provision. This proposal is meant to address the issue head-on, and provide safety measures that are not explicitly in force today.

Furthermore, many jurisdictions that have allowed ranges to be installed for limited cooking purposes, are now saying that no amount of butter or oil can be used in conjunction with the preparation of food. While we recognize that some amount of grease-laden vapor can be produced by this activity, we also know that it is very difficult, if not impossible to cook items like eggs or grilled cheese sandwiches without any "lubricant", even in non-stick pans. We are proposing the proven safety measure of a sprinkler head in close proximity of the stove, as well as a nearby fire extinguisher to address the fire concern. In addition, a residential hood is required, which will collect much of the cooking vapors and have the ability to be cleaned.

## **5. Copyright Assignment**

- (a) ☒ I am the author of the text or other material (such as illustrations, graphs) proposed in the Public Input.
- (b) ☐ Some or all of the text or other material proposed in this Public Input was not authored by me. Its source is as follows: (please identify which material and provide complete information on its source)

*I hereby grant and assign to the NFPA all and full rights in copyright in this Public Input (including both the Proposed Text and the Statement of Problem and Substantiation). I understand that I acquire no rights in any publication of NFPA in which this Public Input in this or another similar or analogous form is used. Except to the extent that I do not have authority to make an assignment in materials that I have identified in (b) above, I hereby warrant that I am the author of this Public Input and that I have full power and authority to enter into this assignment.*

**Signature (Required)** \_\_\_\_\_

**PLEASE USE SEPARATE FORM FOR EACH PUBLIC INPUT**

To: Secretary, Standards Council National Fire Protection Association  
1 Batterymarch Park · Quincy, MA 02169-7471 OR  
Fax to: (617) 770-3500 OR Email to: [proposals\\_comments@nfpa.org](mailto:proposals_comments@nfpa.org)

8/3/2012