

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

Ohio Board of Building Standards

Rule Numbers: 4101:7-1-01, 4101:7-1-02, 4101:7-2-01, 4101:7-3-01, 4101:7-4-01, 4101:7-5-01, 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

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 adoption of new Ohio Administrative Code (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, and the proposed rescission of 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.

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 and their personnel to enforce the Board's rules for the types of buildings and subject matters specified by the Board pursuant to Revised Code Section 3781.10.

Regulatory Intent

Business Regulation Impact Analysis  
New Certification Rules and Rescinded Misc Rules  
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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 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.

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.

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

Revised Code § 3781.105: <http://codes.ohio.gov/orc/3781.105>

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

Revised Code § 3781.20: <http://codes.ohio.gov/orc/3781.20>

Revised Code Chapter 3783: <http://codes.ohio.gov/orc/3783>

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

No.

*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.*

Not applicable.

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(E) directs the Board to certify municipal, township, and county building departments and their personnel to enforce the rules promulgated by the Board. The Board's certification program is unique in the country ensuring uniform enforcement by qualified code officials. The Board requires a separate certification for Building Official, Plans Examiners, and Inspectors. Conditions of certification include minimum experience requirements as well as the passage of prescribed examinations within two years of initial certification. An individual must hold the appropriate certification to perform the duties set forth in the Board's rules for that certification.

Revised Code Chapter 3783 sets forth the requirements for certification of electrical safety inspectors by the Board.

Revised Code § 3781.20 sets forth the requirements for certification local boards of building appeals to hear and decide appeals from orders issued under the Ohio Building code. If a community does not have a certified local board of building appeals, appeals may be heard by the Ohio Board of Building Appeals established by Revised Code § 3781.19.

Revised Code § 3781.105 directs the Board to certify individuals who design fire protection systems for buildings.

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

This rule package proposes the rescission of 58 Ohio Administrative Code the Board refers to as miscellaneous rules. Many of these rules are proposed to be rescinded because they duplicate provisions already addressed by the Ohio Building Code. The remaining rules are being rescinded because they are being moved to other rules to further improve the organization of the Board's rules or are obsolete. This should result in easier navigation of the Board's rules.

#### 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 11:00 AM and 12:00 PM and the following individuals attended: Tom Moore, Ohio Chapter IAEI, Tim Curry, OCILB & Curry Electric; Gaylord Poe, IBI, SW IAEI; Dave Lockhorn, City of Cincinnati.

*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. Poe submitted an inquiry regarding language for electrical safety inspector certification requirements being rescinded in 4101:2-93-06 and incorporated in new rule 4101:7-3-01. Mr. Poe asked whether it was the intent to remove requirement that an electrical safety inspector applicant be required to pass the examination requirement prior to qualifying for an interim. Board Staff reviewed the proposed rules referenced in Mr. Poe's correspondence and determined that this was an oversight. Following receipt of Mr. Poe's email and his comments at the stakeholder meeting, Board made the correction and forwarded the revision to Mr. Poe for review. Mr. Poe reviewed the corrected draft and indicated that the revision had addressed his concerns. The corrected rule is included in this rule package and is consistent with the requirements in Revised Code Chapter 3783.

Mr. Moore submitted a comment regarding proposed rule 4101:7-3-01(E)(1). Mr. Moore suggested that the Board incorporate new subsection 9b) to 4101:7-3-01(E)(1) clarifying that applicants for electrical safety inspector cannot use experience in working in the building department to qualify for certification. Board Staff reviewed the proposed rule and determined that this addition would provide more clarification and would be consistent with Revised Code Chapter 3783. Board Staff included the language and forwarded the revision to Mr. Moore for review. Mr. Moore reviewed the revised rule and indicated that the revision addressed his concerns. The corrected rule is 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?*

Not applicable. The proposed amendments/rescissions do not include any new or amended substantive changes or regulations other than the addition of a provision clarifying the inspections should be performed during normal business hours.

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?*

This rule package primarily a reorganization of the Board's rules as well as the elimination of redundant and obsolete rules to improve the accessibility and usability of the Board's rules. Substantive alternatives were not considered as they would not be necessary to accomplish the goals of the reorganization.

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

Not applicable. The proposed new rules regulate the certification of building departments, building department personnel, boards of building appeals, and fire protection system designers and have no substantive changes in the requirements for certification. As these rules regulate experience and examination requirements for individuals and entities that enforce the Board's rules, performance-based regulation considerations would not be applicable.

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

This rule package proposes the rescission of 58 Ohio Administrative Code the Board refers to as miscellaneous rules. Many of these rules are proposed to be rescinded because they do duplicate provisions already addressed by the Ohio Building Code. The remaining rules are being rescinded because they are being moved to other rules to further improve the organization of the Board's rules.

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.*

With the adoption of new rules specifically related to certification and the removal of these rules from the Ohio Building Code, it is the Board's plan to prepare a document of these certification rules for easier dissemination to building departments. Currently, these rules are in various parts of the Ohio Administrative Code and consolidating all the certification requirements into one place will make it easier for individuals and communities seeking certification to learn about the requirements and the process.

#### Adverse Impact to Business

14. *Provide a summary of the estimated cost of compliance with the rule.*

The proposed amendments do not include any new or amended substantive changes or regulations which would increase the cost of compliance.

*Specifically, please do the following:*

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

The proposed amendments do not include any new or amended substantive changes or regulations that would negatively impact the business community. It is the intent of the proposed amendments to foster consistent and predictable enforcement and the usability of the Ohio Building Code. 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.

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

Not applicable. 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.*

Not applicable. See above.

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

The proposed amendments do not include any new or amended substantive changes or regulations that would adversely impact the regulated population. It is the intent of the proposed amendments to foster consistent and predictable enforcement and the usability of the Ohio Building Code.

#### Regulatory Flexibility

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

Not applicable. The proposed amendments do not include any new or amended substantive changes or regulations that would affect small business.

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?*

Not applicable. The proposed amendments do not include any new or amended substantive changes or regulations.

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

The proposed amendments do not include any new or amended substantive changes or regulations that would affect small business. However, 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.

## 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

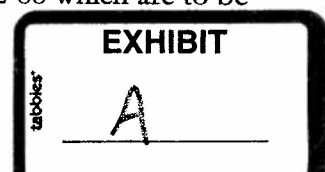
The Board will conduct a Stakeholder Meeting to hear comments and respond to questions on the proposed amendments summarized below on July 13, 2012 from 10:00 AM to 1:00 PM in Training Room 1, 6606 Tussing Road, Reynoldsburg, Ohio 43068. All interested stakeholders are invited to attend. The Agenda for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

|                     |  |
|---------------------|--|
| 10:00 AM – 11:00 AM | Proposed Ohio Building Code Rules<br>Proposed Mechanical Code Rules          |
| 11:00 AM – 12:00 PM | Proposed Certification Rules<br>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**

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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Licking County  
Licking County  
Lima  
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Lorain County  
Louisville  
Louisville  
Loveland  
Lucas County  
Lyndhurst  
Macedonia  
Madison County  
Mahoning County  
Mansfield  
Mansfield  
Mariemont  
Marietta  
Mason  
Massillon  
Mayfield  
Mayfield  
Mayfield Heights  
Medina  
Medina County  
Mentor  
Miami County  
Miamisburg  
Middletown  
Milford  
Montgomery County  
Moraine  
Mount Healthy  
Munroe Falls

Napoleon  
New Albany  
Newburgh Heights  
Newtown  
Niles  
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North Randall  
North Ridgeville  
Norton  
Norwood  
Oakwood Village  
Oberlin  
Olmsted Falls  
Olmsted Township  
Orange  
Oregon  
Oregon  
Ottawa County  
Painesville  
Parma  
Parma Heights  
Pepper Pike  
Pickerington  
Portage County  
Powell  
Powell  
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  
Wilmington

Wood County  
Woodmere  
Wooster  
Worthington  
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  
National Board of Boiler & Pressure Vessel  
Inspectors

National Board of Boiler & Pressure Vessel  
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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<br>Proposed Ohio Mechanical Code Rules<br>Proposed Ohio Plumbing Code Rule |
| 11:00 AM – 12:00 PM | Proposed Certification Rules<br>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.

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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Amherst Township  
Anna  
Ashtabula County  
Ashville  
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Avon  
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Baltimore  
Baltimore  
Barberton  
Barberton  
Bay Village  
Beachwood  
Bedford  
Bedford Heights  
Berea  
Bexley  
Bloom Township  
Bratenahl  
Brecksville  
Broadview Heights  
Brook Park  
Brooklyn  
Brooklyn Heights  
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Centerville  
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Cincinnati  
Circleville  
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Crestline  
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Deer Park  
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Fairborn  
Fairfax  
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Fairlawn  
Fairview Park  
Fairview Park  
Fayette County  
Forest Park  
Franklin County  
Gahanna  
Galion  
Garfield Heights  
Gates Mills  
Geauga County  
Georgetown  
Girard  
Grafton  
Grandview Heights  
Greenhills  
Grove City  
Groveport  
Hamilton  
Hamilton County  
Hamilton County  
Harrison  
Hartville  
Harveysburg  
Highland Heights  
Highland Hills  
Hilliard  
Holland

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Lake County  
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Licking County  
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Lima  
Lincoln Heights  
Logan County  
London  
Lorain  
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Louisville  
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Loveland  
Lucas County  
Lyndhurst  
Macedonia  
Madison County  
Mahoning County  
Mansfield  
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Mariemont  
Marietta  
Mason  
Massillon  
Mayfield  
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Mayfield Heights  
Medina  
Medina County  
Mentor  
Miami County  
Miamisburg  
Middletown  
Milford  
Montgomery County  
Moraine  
Mount Healthy  
Munroe Falls



Napoleon  
New Albany  
Newburgh Heights  
Newtown  
Niles  
North Olmsted  
North Randall  
North Ridgeville  
Norton  
Norwood  
Oakwood Village  
Oberlin  
Olmsted Falls  
Olmsted Township  
Orange  
Oregon  
Oregon  
Ottawa County  
Painesville  
Parma  
Parma Heights  
Pepper Pike  
Pickerington  
Portage County  
Powell  
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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  
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Wadsworth  
Walton Hills  
Walton Hills  
Warren  
Warrensville Heights  
Washington County  
Washington Court House  
Wauseon  
Wauseon  
Wayne County  
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Westerville  
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Building Owners and Managers Association  
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Ohio Fire Chiefs Association  
Ohio Hotel and Lodging Association  
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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)  
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Building Code Compliance  
Building Code Compliance  
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National Institute for the Uniform Licensing of  
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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**

## Hanshaw, Regina

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**From:** Tom Moore [tmoore1767@aol.com]  
**Sent:** Wednesday, July 11, 2012 10:54 PM  
**To:** Hanshaw, Regina  
**Subject:** Fwd: Proposed Certification Rules

Sent from my iPad

Begin forwarded message:

**From:** TMoore1767@aol.com  
**Date:** July 11, 2012 10:04:12 PM EDT  
**To:** ReginaHanshaw@com.state.oh.us  
**Subject:** Proposed Certification Rules

Hello Regina,

This is a follow up to our phone conversation in reference to language as stated for ESI certification. I fully understand the draft language has not changed and the ESI certifications are different in they are regulated by ORC 3783. I further understand the rules are being relocated and clarified. Although the rules are not proposed to be changed in regards to qualifications, when made public they are sometimes captivated and misconstrued. As clarification being one of the objectives I would like to suggest additional language to 4101:7-3-01(E)(1) iii for clarity. The Draft Section reads:

*(iii) An employee of a certified non-residential building department who is a holder of a board certification other than that for which application is being made; or*

*(a) Certified non-residential building department employees who are applicants for plumbing inspector certification and do not comply with paragraph (E)(9) of this rule shall enter the plumbing inspector trainee program;*

Suggest to add a new subsection (b) to read.

*(b) Certified non-residential building department employees who are applicants for electrical safety inspector certification shall comply with paragraph (E)(10) of this rule.*

Substantiation: The proposed paragraph (b) will be concise and clarify applicants for electrical safety inspector certification shall meet the qualifications as set forth in paragraph (E)(10). Furthermore, the language will reflect ORC 3783 requirements.

Please feel free to contact me if there are any questions. Looking forward to attending the July 13. Stakeholder Meeting.

Sincerely,  
Tom Moore  
Ohio Chapter IAEI  
Chairman: Public Relations Committee  
TMoore1767@aol.com  
Cell: 330.289.7932

EXHIBIT

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## Hanshaw, Regina

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**From:** Gaylord Poe [GPoe@inspectionbureau.com]  
**Sent:** Monday, July 02, 2012 3:47 PM  
**To:** Hanshaw, Regina  
**Subject:** RE: Board of Building Standards Proposed Rule/Stakeholder Meeting Notification

Hi Regina,

I looked this thing over pretty good and I have a concern. It looks like while moving stuff around the writers may have unintentionally changed the ESI certification requirements. Not being as well-versed as you in OBC language I wanted to ask you about this before going to the meeting and making myself look foolish - I manage to do that enough as it is!

From my initial "read" it appears that if this goes as written that ESI applicants will now be able to receive an interim certification and make electrical inspections **BEFORE taking the test!!** Current language in section 4101:2-93-06 Paragraph (C) and (C)-(2) provides that an ESI applicant must pass their test prior to being considered for an interim. But that said, my concern is that 4101:2-93-06 is on the "rescinded" list and try as I might I don't see replacement language with that restriction in the proposed rules!

Is the intent of the proposed rules to allow an ESI applicant to secure an interim certificate and make electrical inspections without first taking the test?

Thank you for all that you do,

Gaylord