



## Common Sense Initiative

**Mike DeWine**, Governor  
**Jon Husted**, Lt. Governor

**Joseph Baker**, Director

### MEMORANDUM

**TO:** Regina Hanshaw, Ohio Board of Building Standards

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** May 17, 2023

**RE:** **CSI Review – Ohio Mechanical Code (OAC 4101:2-1-01, 4101:2-2-01, 4101:2-3-01, 4101:2-4-01, 4101:2-5-01, 4101:2-6-01, 4101:2-7-01, 4101:2-8-01, 4101:2-9-01, 4101:2-10-01, 4101:2-11-01, 4101:2-12-01, 4101:2-13-01, 4101:2-14-01, and 4101:2-15-01)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Board as provided for in ORC 107.54.

#### Analysis

This rule package consists of fifteen new rules that replace fifteen rescinded rules proposed by the Ohio Board of Building Standards (Board). This rule package was submitted to the CSI Office on April 21, 2023, and the public comment period was held open through May 10, 2023. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on April 21, 2023.

The rules in this chapter establish the Ohio Mechanical Code (OMC), which provides requirements for design, installation, maintenance, alteration, repair, use, and inspection of mechanical systems within buildings. The Board is reorganizing the content of the rules to no longer duplicate the language of the 2021 International Mechanical Codes (I-Codes), which are already adopted through the rules. Instead, the rules will list only the parts of the I-Codes that are being deleted, modified, or replaced in Ohio.

Ohio Administrative Code (OAC) 4101:2-1-01 concerns the administration of the OMC and includes

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the scope of the code, rules for construction, enforcement provisions, and referenced standards. OAC 4101:2-2-01 lists definitions relevant to the OMC. OAC 4101:2-3-01 establishes general regulations, including requirements for the design and installation of mechanical systems. OAC 4101:2-4-01 and 4101:2-5-01 set forth requirements regarding ventilation and exhaust systems. OAC 4101:2-6-01 and 4101:2-7-01 provide guidelines for duct and combustion air systems. OAC 4101:2-8-01 and 4101:2-9-01 establish requirements for chimneys and vents, as well as fireplaces and solid fuel-burning equipment. OAC 4101:2-10-01 concerns boilers, water heaters and pressure vessels. OAC 4101:2-11-01 and 4101:2-12-01 establish requirements for refrigerator systems and hydroponic piping. OAC 4101:2-13-01 and 4101:2-14-01 set forth requirements concerning fuel oil piping and storage as well as solar energy thermal systems. OAC 4101:2-15-01 includes the standards that are referenced throughout the OMC.

During early stakeholder outreach, the Board sent the proposed rules to industry stakeholders for feedback, including builders, contractors, designers, and professional associations. In response to stakeholder comments, the Bureau made changes to correct language errors. The Board did not make changes in response to suggested changes that were already supported in the proposed rules or would be more appropriate in other Chapters. The Board received one comment during the CSI public comment period, which suggested amending the rules to allow for compliance with 2021 American Society of Heating, Refrigeration and Air-Conditioning Engineers standards. The Board accepted this comment and incorporated the proposed change into the rules.

The business community impacted by the rules includes building owners, designers, contractors, and building department personnel. The adverse impacts created by the rules include compliance with the OMC standards and requirements, as well as potential increased costs due to new construction methods or materials required through the adoption of the I-Codes. The Board states that the update has the potential to decrease costs by allowing additional flexibility to certain construction requirements.

### **Recommendations**

Based on the information above, the CSI Office has no recommendations on this rule package.

### **Conclusion**

The CSI Office concludes that the Board should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.