



Common Sense Initiative

Mike DeWine, *Governor*
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Tracie Boyd, Ohio Department of Commerce, Division of State Fire Marshal

FROM: Jacob Ritzenthaler, Business Advocate

DATE: August 29, 2025

RE: CSI Review – 2025 Ohio Fire Code (OAC 1301:7-7-01, 1301:7-7-02, 1301:7-7-03, 1301:7-7-04, 1301:7-7-05, 1301:7-7-06, 1301:7-7-07, 1301:7-7-08, 1301:7-7-09, 1301:7-7-10, 1301:7-7-11, 1301:7-7-12, 1301:7-7-20, 1301:7-7-21, 1301:7-7-22, 1301:7-7-23, 1301:7-7-24, 1301:7-7-25, 1301:7-7-26, 1301:7-7-27, 1301:7-7-28, 1301:7-7-29, 1301:7-7-30, 1301:7-7-31, 1301:7-7-32, 1301:7-7-33, 1301:7-7-34, 1301:7-7-35, 1301:7-7-36, 1301:7-7-37, 1301:7-7-38, 1301:7-7-39, 1301:7-7-40, 1301:7-7-50, 1301:7-7-51, 1301:7-7-53, 1301:7-7-54, 1301:7-7-55, 1301:7-7-56, 1301:7-7-57, 1301:7-7-58, 1301:7-7-59, 1301:7-7-60, 1301:7-7-61, 1301:7-7-62, 1301:7-7-63, 1301:7-7-64, 1301:7-7-65, 1301:7-7-66, 1301:7-7-67, and 1301:7-7-80)

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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of fifty-one new rules and forty-eight rescinded rules proposed by the Ohio Department of Commerce, Division of State Fire Marshal (SFM) as part of the statutory five-year review requirement. This rule package was submitted to the CSI Office on March 10, 2025, and the public comment period was held open through March 24, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on March 10, 2025.

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Ohio Administrative Code (OAC) Chapter 1301:7-7 establishes the Ohio Fire Code (OFC), which addresses fire safety requirements for all premises and structures in the state. The chapter previously included the text of the International Fire Code (IFC), and these rules are proposed for rescission. With the new rules proposed in this package, the IFC will be incorporated by reference and any changes will be noted in the rule language. OAC 1301:7-7-01 establishes the scope of the OFC and includes amendments that add new operational permits, clarify application to agricultural uses and local fire codes, update hotel renewal fees, include language concerning non-payment of fees, and update applicability, change of use or occupancy provisions, and other regulations. OAC 1301:7-7-02 lists relevant definitions and includes amendments that add and delete definitions, as well as including definitions relevant to flam effects and exhibitions. OAC 1301:7-7-03 establishes requirements for occupancy and maintenance and includes amendments concerning grandstands, dumpsters and containers, mobile food preparation vehicles, sky lanterns, and batteries. OAC 1301:7-7-04 establishes requirements for emergency planning and preparedness and includes amendments concerning crowd managers, participation in fire and evacuation drills, and tornado drill frequency. OAC 1301:7-7-05 concerns fire service features, including permits, access roads, water supplies, and command centers. Amendments include requirements for approval of fire apparatus access road surface material to be obtained by fire code officials. OAC 1301:7-7-06 concerns building electrical services and systems and includes amendments regarding relocatable power taps, fuel oil tank storage, requiring type 1 hoods over commercial cooking equipment, and requirements for refrigerant detection, exhaust, and spill containment. OAC 1301:7-7-07 sets forth requirements for fire and smoke detection systems and is amended to update fire resistance rating language, maintain inventory of fire resistance rated materials, and remove language concerning opening protectives, hanging goods from ceiling systems, and inspection and testing requirements for fire doors. OAC 1301:7-7-08 establishes requirements for interior finish, decorative materials, and furnishings, and includes amendments concerning referenced standards and testing methodologies, fire retardant coating, testing, and artificial vegetation.

OAC 1301:7-7-09 sets forth requirements for fire protection and life safety systems and includes amendments that require sprinkler systems in educational occupancies with an occupant load of at least 300, remove sprinkler exemptions from open parking structures and garages, include exceptions for emergency voice/alarm communication systems, prohibit alteration of communication methods, permit reciprocal licensure for individuals with similar licensure in other states, and allow electronic licensure information. OAC 1301:7-7-10 concerns means of egress and includes amendments concerning occupant loads, egress distances, illumination, doors, locks, refuge areas, and fire escape maintenance. OAC 1301:7-7-11 establishes construction requirements for existing buildings and includes amendments concerning automatic sprinkler systems, identification of existing photovoltaic power systems, and fire-resistance ratings. OAC 1301:7-7-12 sets forth requirements for energy systems and includes requirements concerning emergency and standby power systems, portable

generators, solar photovoltaic power systems, stationary fuel cell power systems, electrical, energy storage systems, and roof access. OAC 1301:7-7-20 sets forth requirements for aviation facilities and includes amendments that clarify standards. OAC 1301:7-7-21 concerns dry cleaning facilities and does not include substantive changes. OAC 1301:7-7-22 sets forth requirements for combustible dust-producing operations and includes amendments that introduce exceptions, address explosion preventions, and include test requirements. OAC 1301:7-7-23 sets forth requirements for motor fuel-dispensing facilities and repair garages and includes amendments concerning device locations, emergency disconnect switches, residential fueling, hydrogen, and ventilation, as well as prohibitions against vaping while dispensing fuel. OAC 1301:7-7-24 concerns the application of flammable finishes and includes updates concerning the separation of electrical wiring and equipment, fire barrier wall assembly, and area requirements. OAC 1301:7-7-25 and 1301:7-7-26 concern ethylene gas used to ripen produce and fumigation and are proposed without amendments. OAC 1301:7-7-27 establishes requirements for semiconductor fabrication facilities and is updated to amend the quantity of hazardous materials a single fabrication area. OAC 1301:7-7-28 concerns lumber yards, biomass facilities, and woodworking facilities and includes amendments concerning pile size and pallet storage. OAC 1301:7-7-29 concerns the manufacture of organic coatings and does not contain substantive changes.

OAC 1301:7-7-30 sets forth requirements for industrial ovens and includes new exceptions for automatic fire extinguishing systems above specific ovens. OAC 1301:7-7-31 concerns tents, temporary special event structures, and other structures and includes amendments regarding construction documents, tent and structure size, testing and certification requirements, fire extinguishers, and the inclusion of temporary special event structures. OAC 1301:7-7-32 concerns high-piled combustible storage and includes amendments regarding storage layout and evacuation plans, commodity classification, aisle widths, access doors, and fire extinguishing systems. OAC 1301:7-7-33 sets forth requirements for fire safety during construction and demolition and includes amendments concerning owner responsibility for fire protection, fire watch, cooking prohibitions, portable generators, emergency telephones, and enforcement. OAC 1301:7-7-34, 1301:7-7-35, 1301:7-7-36, and 1301:7-7-37 set forth fire safety requirements for tire rebuilding and storage, welding, marinas, and combustible fibers. The rules are proposed without substantive changes. OAC 1301:7-7-38 establishes new IFC requirements for higher education laboratories, including general safety provisions, suite constructions, and sprinklers. OAC 1301:7-7-39 establishes requirements for plant processing and extraction facilities and includes amendments concerning applicability, extraction equipment, gas detection systems, and interlocks. OAC 1301:7-7-40 establishes new IFC requirements for the storage of distilled spirits and wine in barrels and casks, which include requirements for fire precautions, storage, and signage.

OAC 1301:7-7-50 sets forth requirements for hazardous waste and includes amendments concerning fireworks, refrigerants, and other considerations. OAC 1301:7-7-51 concerns aerosol products and is

amended to clarify applicability. OAC 1301:7-7-53 concerns storage, usage, and handling of compressed gases and includes amendments that concern training requirements, separation rooms, gas cabinets, and carbon dioxide systems. OAC 1301:7-7-54 and 1301:7-7-55 establish requirements for corrosive materials and cryogenic fluids and are proposed without substantive changes. OAC 1301:7-7-56 establishes requirements for explosive materials and includes amendments that concern flame effects and exhibitions, license reciprocity, and storage. OAC 1301:7-7-57 establishes requirements for flammable and combustible liquids and includes amendments that concern piping standards, leak detection, transfers, distilleries, and mobile fueling. OAC 1301:7-7-58 sets forth requirements for flammable gases and cryogenic fluids and is amended to update standards and gas detection system requirements. OAC 1301:7-7-59 concerns the storage of flammable solids and is proposed without substantive changes. OAC 1301:7-7-60 sets forth requirements for the storage and use of toxic and highly toxic materials and includes language reorganization. OAC 1301:7-7-61 establishes requirements for liquefied petroleum gas and includes amendments concerning permissible occupancy groups, minimum separation distances, and out-of-service containers. OAC 1301:7-7-62, 1301:7-7-63, and 1301:7-7-64 set forth requirements for the storage and use of organic peroxides, oxidizing materials, and pyrophoric materials. OAC 1301:7-7-65, 1301:7-7-66, and 1301:7-7-67 establish requirements for plastic substances, unstable or reactive materials, and water reactive solids and liquids. OAC 1301:7-7-80 sets forth referenced standards and includes updates to references.

During early stakeholder outreach, the SFM initiated the rule review process with a meeting on April 15, 2024, during which the proposed rules were discussed with industry stakeholders and initial drafts were posted to the SFM website. Stakeholder feedback collected during that time resulted in changes and amendments concerning fireworks and flame effects exhibitors, changes in use or occupancy, alternative methods or materials, signage, clearances, fire protection-related equipment, exceptions for sprinkler system supervision and alarms, document submission, vaping, energy storage systems, tornado drills, fire access roads and lanes, document submission timeframes, portable fire extinguishers, distilleries, commercial cooking systems, emergency messaging, and other clarifications and reference corrections. Stakeholder feedback also prompted the removal of proposed electric vehicle charging stations restrictions and other electric vehicle requirements, with the SFM committing to further review.

During the CSI public comment period, SFM received comments from the Ohio Petroleum Gas Association (OPGA) that expressed concerns regarding the reflection of National Fire Protection Association standards within the OFC. SFM conducted meetings with OPGA and provided clarification, at which point OPGA submitted a letter stating that it no longer has concerns with the rules as proposed. SFM also received comments from flame effect exhibitors, which resulted in additional language that would allow flame effects exhibitions to occur as long as a licensed exhibitor applies for a permit, oversees the show and its safety protocols, and stays on the site of the exhibition.

Subsequently, the individual representing flame effects exhibitors submitted a letter stating that the changes address the group's concerns.

The business community impacted by the rules includes a broad range of industries, with businesses including hotels, fireworks manufacturers and exhibitors, motor fuel dispensing businesses, aviation facilities, drycleaning facilities, combustible dust-producing facilities, tire storage facilities, welders, lumber yards, and others subject to fire safety requirements. Due to the nature of the OFC, many of the adverse impacts created by the rules impact have been in effect for years. In the BIA, SFM has provided an extensive description of anticipated adverse impacts on businesses created by the updates to the OFC. These adverse impacts include the inclusion of required reporting procedures, operational permits and construction permits, fire suppression for mobile food preparation vehicles, 3D printing requirements, lithium-ion battery storage requirements, additional tornado drills for schools, site safety plans and emergency preparedness plans, fire command centers, inventory and record maintenance, automated sprinklers, refuge areas and egress points requirements, energy storage requirements, sign installation, fire extinguisher placement, water flow requirements, and combustible liquid safety devices. Also incorporated in these rules are requirements for personnel training, storage of potentially hazardous or flammable materials, and spacing and placement of fire hazards. The SFM notes that several of the amendments will reduce the regulatory burden on businesses by removing some operation permits, decreasing renewal fees for hotels and single-room occupancies, increasing liquified petroleum gas maximum quantities for food preparation vehicles, removing requirements for emergency responder radio coverage systems at smaller facilities, removing messaging requirements, and adding allowances for different types of storage, as well as adding exceptions for commercial cooking hood systems, standpipe hose connections, fire extinguishers, visible alarm notification requirements, egress construction and lighting. The SFM states that the adverse impacts created by the rules are necessary to provide minimum standards for the safeguarding of life and property from fires and explosions and that the adoption of these rules brings Ohio in line with current national standards.

Recommendations

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

Conclusion

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