
Report on Comments

Summary of comments received
to revise the 2007 Ohio Fire Code

February 1, 2011
Ohio Department of Commerce
Division of State Fire Marshal

David Goodman, Director

Donald C. Cooper, Interim State Fire Marshal

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Information on the Ohio Fire Code Rule Revision/Development Process

The Ohio Department of Commerce, Division of State Fire Marshal (SFM), Code Enforcement Bureau, has begun its periodic review of the existing Ohio Fire Code (2007) as based on the International Code Council's 2006 International Fire Code.

The Five Steps of the Rule Revision/Development Process

We value the input of all stakeholders and encourage the participation of all Ohioans in the rule revision/development process. Generally, this process involves five steps:

1. The Petition Period is when a stakeholder may submit a written petition to revise an existing or newly drafted rule and have the petition be considered in the current revision cycle. Petitions must meet the requirements of Section 113 of the Ohio Fire Code (Amendments to the Fire Code).
 - A report of all submitted petitions, along with the Fire Code Work Group response to each of the petitions, will be published after the Petition Period closes. This report is called the "Report on Petitions" or "ROP."
 - Although petitions for rule changes are accepted by SFM at any time, submissions made during the Petition Period (e.g., before the end of the Petition Period) are assured of being considered in the current revision cycle. Petitions submitted after the end of the Petition Period may not be considered until the next revision cycle.
2. The Comment Period is when a stakeholder may submit one or more written comments regarding one or more previously submitted petitions (after the ROP is published).
 - A compendium of all submitted comments, along with the Fire Code Work Group response to each of the comments, will be published shortly after the comment period closes. This report is called the "Report on Comments" or "ROC."
3. The e-Notification process is initiated after the ROC is published. It enables individuals, businesses and other interested parties to track, review and comment on rules that are being proposed or reviewed by Ohio's regulatory agencies (users may register at <http://business.ohio.gov/reform/>).
4. Ohio's Formal Rule Adoption Process involves meeting the requirements of R.C. 119 and 3737.86 including filing the new draft of the rules with both the legislature and State Fire Commission, publishing the rules on the Register of Ohio, holding a mandatory public hearing in accordance with R.C. 119 and OFC 114, and going through the Joint Committee on Agency Rule Review (JCARR) process for final acceptance.
5. Publishing of, and training for, the new Ohio Fire Code (hard copy and on-line versions).

With the publishing of this ROC, the formal rule adoption process starts. Once determined, dates for the mandatory public hearing will be published on the SFM web site.

OHIO FIRE CODE

DOCUMENT PETITION/COMMENT FORM

For further information on the rule making process, please contact the Code Enforcement Bureau at 614.728.5460 or 1.888.276.0303 or visit www.lsc.state.oh.us/membersonly/127/rulemaking.pdf. For technical assistance, please call the Code Enforcement Bureau.

This is a: Petition to change new or existing code Comment on proposed code

First Name Middle Name Last Name
 Company/Organization
 Address
 City State Zip Code
 Email Address Phone Number
 Re-type Email Address

Indicate Company/Organization Represented(if any)

1. Ohio Fire Code Section/Paragraph or Table Number/Petition Number

2. Other OFC Sections / Paragraphs or Tables Affected by This

3. Petition/Comment Recommends (check one): New Text Revised Text Deleted Text

4. Petition/Comment (include section/paragraph stated in full, proposed new or revised wording, or identification of wording to be deleted)
Note: Proposed text should be in legislative format, i.e., use underscores to denote wording to be inserted (inserted wording) and strike-through to denote wording to be deleted (~~deleted wording~~).

B I U     

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

B I U     

The information on this form may constitute a public record and is subject to disclosure in accordance with **R.C. 149.43**

By submitting a request for the inclusion of new or revised text to the Ohio Fire Code as described on this form, the person submitting such text agrees to forever waive all rights in any copyright(s) the submitter may have in any authorship contributions made to the Ohio Fire Code. This waiver includes any petition or comment in its original form as submitted or in any revised form. The submitter acknowledges and accepts that they will have no rights in any publications that use such contributions in the form as submitted or another similar form and certify that such contributions are not protected by the copyright of any other person or entity.

If you wish to provide any additional information/attachments, please email the documents along with your petition ID number to webcode@com.state.oh.us.

Fig. 1 - Ohio Fire Code online petition/comment form that can be found and completed at:
https://www.comapps.ohio.gov/sfm/fire_apps/fire/petition/FormCODE.aspx

The Principles of the Rule Development Process

In March, 2009, the SFM Code Enforcement Bureau organized a “stakeholder meeting” where stakeholders, industry representatives, and subject matter experts met to exchange ideas with the SFM. The purpose of this exchange was to (a) inform stakeholders about the rule development/revision process; (b) inform stakeholders of what to expect in the initial draft of a future rule; (c) solicit feedback from those present regarding the concepts the SFM presented; and (d) have stakeholders inform the SFM of ideas and concerns about the process, even if they have nothing to do with anything previously presented. At the stakeholder meeting, there was no exchange of written documents because the focus was on the exchange of concepts and ideas.

After the SFM was well informed of the ideas, concerns and positions of stakeholders, a call for petitions was initiated on March 9, 2009, and the SFM announced that it was accepting petitions for proposed OFC rule changes from all interested parties until the end of the Petition Period, which was identified as May 17, 2009. Although petitions for rule changes are accepted by SFM at any time, submissions made during the Petition Period (e.g., before the end of the Petition Period) were assured of being considered in the current revision cycle. Petitions submitted after the end of the Petition Period may not be considered until the next revision cycle. After the Petition Period closed, each petition was thoroughly considered, researched and a response was prepared by the SFM and included in the Report on Petitions (ROP). This ROP and a draft of the Ohio Fire Code were then recommended to the Department of Commerce for approval. After approval, this ROP was publically released along with the draft of the proposed Ohio Fire Code. The ROP was released on April 26, 2010, which is also the date the Comment Period commenced.

Comments were submitted on the online Petition/Comment Form (Fig. 1) from April 26 until October 31, 2010. Each comment was thoroughly considered and researched, and a response was prepared and included in this ROC. For the convenience of commenters, the ROC only notes changes made in response to the comments that are submitted. (In this regard, to review the changes made pursuant to the Petition Period, please consult the ROP.) The ROC and a final draft of the Ohio Fire Code were recommended to the Department of Commerce for approval. After approval, the ROC was published and the final draft of the proposed rules will be published through the e-notification system and then submitted through Ohio’s Formal Rules Adoption process.

Ohio Fire Code Rule Revision/Development Process Workgroup

The Division of State Fire Marshal’s (SFM) Ohio Fire Code Workgroup (OFC WG) includes the following:

- SFM Division Counsel
- SFM Assistant Division Counsel
- SFM Code Enforcement Bureau Chief
- SFM Code Enforcement Bureau Staff Engineer/Assistant Bureau Chief
- SFM Code Enforcement Bureau Administrative Assistants (2)
- SFM Code Enforcement Bureau Fire Safety Inspectors (2)

After reviewing, researching, and thoughtfully considering each petition and comment, the OFC WG made a recommendation to the State Fire Marshal who authorized its inclusion in the ROP and/or this document (ROC).

Ohio Fire Code Workgroup Actions

In the ROP and ROC, the OFC Workgroup (WG) shall take one of the following actions in response to each petition or comment:

1. Accept – Accept the petition or comment as submitted.
2. Reject – Reject the petition or comment as submitted.
3. Accept in Principle – Accept the petition or comment in principle but with changes in the proposed wording. This action also includes accepting the petition/comment only in part.

The WG actions “Reject” and “Accept in Principle” shall include a statement by the WG, preferably technical in nature, on the reason for the action. Every attempt in the ROP/ROC is taken to make such a statement sufficiently detailed so as to convey the WG’s rationale for its action. A petition or comment that does not include all the information required (e.g., all fields in the form) may be rejected by the WG for that reason.

If duplicate petitions or comments are received with all the same recommendation and with similar substantiation for the proposal, the WG may combine these proposals into a single or several proposals with multiple submitters. In this case, the statement of the problem and the substantiation for the proposal shall be a general summary of the submitted material.

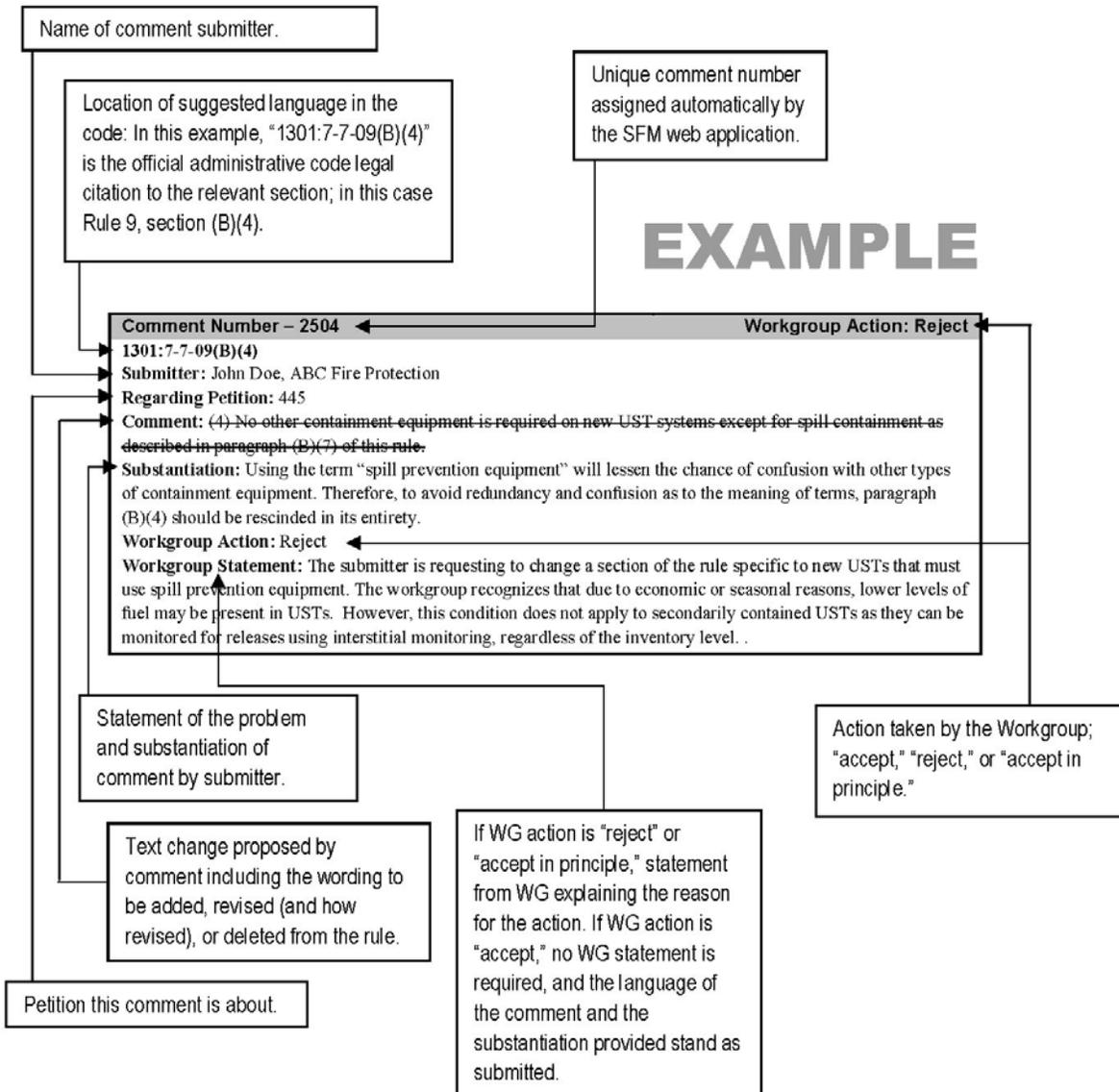
A submitter of a petition or comment may withdraw the submission before the published petition/comment closing date. Petitions/comments cannot be withdrawn after the established petition/comment closing date.

If a petition or comment is submitted with an inaccurate rule number or legal code citation, the WG will renumber these petitions or comments in order to correctly cite the exact part of the rule that the petition or comment addresses. The comments in both the ROP and ROC are listed in rule number order, thus making it easier for the reader to follow the rule changes as they appear in the draft rules. Ultimately, the WG must conform to Legislative Services Commission Guidelines for rule numbering (www.lsc.state.oh.us/membersonly/127rulemaking.pdf).

Some non-substantive changes (e.g., addressing acronyms, capitalization, verb tense and other minor punctuation issues) may be made by the WG to the proposed rules without petitions or comments. These changes are identified in the proposed rules using underline/strikeout edits.

Format of Comments in the ROC

Comments in this report shall be formatted as shown here:



When duplicate comments are submitted, a table is included with each comment that, for all duplicates, shows the comment numbers along with the commenter’s name, company, and location. Note that the substantiations for each of these duplicate comments are not always exactly identical. If the substantiations for two duplicate comments are sufficiently different, they are considered separate and unique comments.

Also, in the interest of conveying the full and accurate message and intent of each commenter, the language of each comment is reproduced here precisely as it was entered into the comment form.

Index of Comments in Rule Number Order

<p>Rule 1 - 1301:7-7-01 1</p> <p> Comment Number - 2441 1</p> <p> Comment Number - 2442 1</p> <p> Comment Number - 2448 1</p> <p> Comment Number - 2513 1</p> <p> Comment Number - 2606 3</p> <p> Comment Number - 2600 3</p> <p> Comment Number - 2601 3</p> <p> Comment Number - 2500 4</p> <p> Comment Number - 2604 4</p> <p> Comment Number - 2603 5</p> <p> Comment Number - 2673 5</p> <p> Comment Number - 2598 5</p> <p> Comment Number - 2674 7</p> <p>Rule 2 - 1301:7-7-02 8</p> <p> Comment Number - 2498 8</p> <p>Rule 3 - 1301:7-7-03 8</p> <p> Comment Number - 2443 8</p> <p> Comment Number - 2444 9</p> <p> Comment Number - 2404 9</p> <p>Rule 4 - 1301:7-7-04 9</p> <p> Comment Number - 2405 9</p> <p> Comment Number - 2403 10</p> <p> Comment Number - 2407 10</p> <p> Comment Number - 2445 10</p> <p>Rule 6 - 1301:7-7-06 11</p> <p> Comment Numbers - 2516 & 2532 11</p> <p>Rule 9 - 1301:7-7-09 11</p> <p> Comment Number - 2607 11</p> <p> Comment Number - 2608 12</p> <p> Comment Number - 2609 12</p> <p> Comment Number - 2610 12</p> <p> Comment Number - 2611 12</p> <p> Comment Number - 2446 13</p> <p> Comment Number - 2406 13</p> <p> Comment Number - 2499 13</p> <p> Comment Number - 2514 13</p> <p> Comment Number - 2501 14</p> <p> Comment Number - 2502 14</p> <p> Comment Number - 2503 15</p>	<p>Rule 10 - 1301:7-7-10- 16</p> <p> Comment Number - 2612 16</p> <p> Comment Number - 2613 16</p> <p> Comment Number - 2614 16</p> <p> Comment Number - 2615 17</p> <p> Comment Number - 2616 17</p> <p> Comment Number - 2617 17</p> <p> Comment Number - 2618 18</p> <p> Comment Number - 2619 18</p> <p> Comment Number - 2620 19</p> <p> Comment Number - 2621 19</p> <p> Comment Number - 2622 20</p> <p>Rule 22 - 1301:7-7-22 20</p> <p> Comment Numbers - 2517 & 2534 20</p> <p> Comment Numbers - 2518 & 2535 21</p> <p> Comment Numbers - 2519 & 2536 21</p> <p> Comment Numbers - 2520 & 2537 22</p> <p> Comment Numbers - 2521 & 2539 22</p> <p> Comment Numbers - 2522 & 2540 22</p> <p> Comment Numbers - 2523 & 2541 23</p> <p> Comment Numbers - 2530 & 2538 23</p> <p> Comment Numbers - 2515 & 2533 25</p> <p>Rule 33 - 1301:7-7-33 26</p> <p> Comment Number - 2605 26</p> <p> Comment Number - 2602 28</p> <p>Rule 34 - 1301:7-7-34 29</p> <p> Comment Numbers - 2531, 2542 & 2543 29</p> <p> Comment Numbers - 2524 & 2544 29</p> <p> Comment Numbers - 2525 & 2545 30</p> <p> Comment Numbers - 2526 & 2546 31</p> <p> Comment Numbers - 2527 & 2547 32</p> <p> Comment Numbers - 2528 & 2548 32</p> <p> Comment Numbers - 2529 & 2549 33</p> <p>Rule 46 - 1301:7-7-46 34</p> <p> Comment Number - 2447 34</p> <p>Rule 47 - 1301:7-7-47 34</p> <p> Comment Number - 2623 34</p>
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RULE 1

Comment Number - 2441**Workgroup Action: Reject****1301:7-7-01****Submitter:** Craig Rauch, Southwest Ohio Fire Safety Council**Regarding Petition:** 2371**Comment:** Is the intent of 117.2 to require the notification of the fire department of unfriendly fires in vehicles and buildings not regulated by the Ohio Building Code? Will the change substantively change the current requirements?**Substantiation:****Workgroup Action:** Reject**Workgroup Statement:** In response to the question posed in the comment, OFC 117.2 does require an additional notification of hazardous situations to fire departments. The reference to premise includes locations on the premise such as vehicles. As this comment does not suggest a specific change in the code, the appropriate workgroup action is to reject.**Comment Number - 2442****Workgroup Action: Accept****1301:7-7-01****Submitter:** Craig Rauch, Southwest Ohio Fire Safety Council**Regarding Petition:** 2353**Comment:** Clarify in Ohio Code Commentary**Substantiation:** The upcoming Ohio Fire Code Commentary should include an entry clarifying the intent of the additional code language.**Workgroup Action:** Accept**Comment Number - 2448****Workgroup Action: Reject****1301:7-7-01****Submitter:** Craig Rauch, Southwest Ohio Fire Safety Council**Regarding Petition:** 2349**Comment:** Recommend rejection of the proposed deletion of International Fire Code Language**Substantiation:** If there is a problem with this section being misinterpreted, then the answer should be to provide training for fire code officials and to press forward with the development of a code commentary for the Ohio Fire Code. The removal of International Fire Code language due to concerns over misinterpretation is unwarranted.**Workgroup Action:** Reject**Workgroup Statement:** Current legal opinion is that these sections are unenforceable in Ohio and may be unconstitutional. Case law provides that the due process provisions of the 14th amendment to the U.S. Constitution require laws to give a person a reasonable opportunity to know what is prohibited so that he or she may act accordingly. If a law fails to give such an opportunity, the law may be considered vague and therefore unenforceable (*City of Akron v. Rowland*, 67 Ohio St. 3d 374 [Ohio 1993]). Thus, the underlying problems of the vagueness and unenforceability of these OFC sections are not likely to be solved by enhanced training because any attempt by a fire code official to enforce these sections may be contrary to the due process provisions. However, even with the deletion of these sections, the fire code official retains the ability to suggest safe practices. The removal of these sections reduces the risk of a fire department incurring liability by trying to enforce an otherwise unenforceable rule.**Comment Number - 2513****Workgroup Action: Accept****1301:7-7-01****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2343**Comment:** (2) 101.2 Scope. This code establishes state fire marshal rules for the administration and enforcement of authorities granted to the fire marshal and fire code officials in Chapters 3701., 3731., 3737., 3741., 3743., 3781., and 3791. of the Revised Code including but not limited to, regulations affecting or relating to structures, processes, premises and safeguards regarding: 1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; 2. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises; 3. Fire hazards in the structure or on the premises from occupancy or operation; 4. Matters related to the construction, extension, repair, alteration or removal of fire ~~suppression or alarm~~ protection systems; and 5. Conditions affecting the safety of fire fighters and emergency responders during emergency operations. (a) 101.2.1 Appendices. Provisions in the appendices of any "International Fire Code" are not adopted as part of this code. (b) 101.2.1: Unless specifically exempted or as limited by federal or state law or this code, the provisions of this code are intended to safeguard life and property from fire and explosion and shall apply to all aspects of fire safety at any

structures, buildings, premises, vehicles or other locations within the territorial jurisdiction of the State of Ohio. The scope of this code includes, but is not limited to, property owned by the State of Ohio or other political subdivisions of the state, residential premises (one, two and three family dwellings), and agricultural premises. The scope of this code includes all aspects of fire safety for any occupancy of or any activities at the places subject to this code, including actions of or uses by any individual, corporation, business trust, estate, trust, partnership, associations, the state, a political subdivision of the state, and any other entity, public or private. This code does not apply to any of the following: 1. Property owned by the United States government in accordance with Chapter 159 of the Revised Code and any other structures owned by and used for a function of the United States government; 2. Structures controlled by the United States government used for a non-administrative military function of the United States Government; 3. Structures owned or controlled by the State of Ohio that are used for a military function in accordance with 10 U.S.C. Chapter 1803.; 4. The organization or structure of a municipal or township fire department; 5. Structural building requirements covered by the Ohio Building Code; 6. Agricultural labor camps, to the extent required by Section 3733.42 of the Revised Code or rules adopted under that section; 7. Type B family daycare homes in accordance with Sections 3737.22(G) and 5104.051 of the Revised Code; 8. Manufactured homes, to the extent required by “24 CFR Part 3280,” “Manufactured Home Construction and Safety Standards,” and the rules adopted by the Ohio Manufactured Home Commission. This code shall not be construed to: 1. Cause an employer, in complying with it, to be in violation of the “Occupational Safety and Health Act of 1970,” 84 Stat. 1590, 29 U.S.C.A. 651, or the “Consumer Product Safety Act of 1972,” 86 Stat. 1207, 15 U.S.C.A. 2051 ; 2. Regulate manufacturers or manufacturing facilities with respect to occupational hazards where they are subject to regulation by the federal occupational safety and health administration; 3. Be inconsistent with, or in conflict with, regulations of the federal occupational safety and health administration or the hazardous materials regulations of the hazardous materials regulations board of the federal highway administration, United States department of transportation, or the public utilities commission; 4. Establish a minimum standard of flammability for consumer goods in any area where the “Flammable Fabrics Act,” 81 Stat. 568 (1967), 15 U.S.C. 1191 authorizes the federal government or any department or agency of the federal government to establish national standards of flammability for consumer goods; 5. Establish a health or safety standard for the use of explosives in mining, for which the federal government through its authorized agency sets health or safety standards pursuant to section 6 of the “Federal Metal and Nonmetallic Mine Safety Act of 1966,” 80 Stat. 772, 30 U.S.C. 725, or section 101 of the “Federal Coal Mine Health and Safety Act of 1969,” 83 Stat. 745, 30 U.S.C. 811

Substantiation: As a follow up to petition 2343, this language further specifies the scope of the Ohio Fire Code’s (OFC) applicability. Specifically, it provides very clear parameters as to the type of structure and properties subject to the fire code and under what circumstances. The new language also specifies, consistent with R.C. 3737.84, the exceptions to the fire code’s applicability. These changes clarify but do not change the scope of the OFC; these parameters and exceptions reflect the historical and current interpretation and application of the OFC. Having the scope clarified will provide better notice to fire code officials and the public of the OFC’s applicability. For further information about the coordination of the OFC and the Residential Code of Ohio, see comment number 2606. For further information about the limitations on the applicability of the OFC to construction at agricultural locations, see comment 2674.

Workgroup Action: Accept

Comment Number - 2606**Workgroup Action: Accept****1301:7-7-01****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (5) 102.5 Application of residential code of Ohio. Where structures are designed and constructed in accordance with the residential code of Ohio as listed in rule 1301:7-7-47 of the Administrative Code, the provisions of this code shall apply as follows:

Construction and design provisions: To the extent consistent with Chapter 3781 of the revised Code, the provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed and such systems are not subject to the residential code of Ohio, the provisions for plan review and construction permits required by this ~~rule~~ code shall also apply.

Administrative, operational, and maintenance provisions: All such provisions of this code shall apply.

Substantiation: The intent of the additional language is to clarify that although the Ohio Fire Code can apply to many aspects of residential occupancies, it is appropriate to limit the application of the Ohio Fire Code at such occupancies to the extent it is consistent with the residential code of Ohio. As part of this synchronization, language was added that focuses the application of the Ohio Fire Code to the exterior of residential structures and limits permit requirements for such structures.

Workgroup Action: Accept**Comment Number - 2600****Workgroup Action: Accept****1301:7-7-01****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2350

Comment: 103.1 General. A political subdivision may adopt and enforce a local fire code in accordance with the provisions of Ohio law. ~~In the event a political subdivision does not adopt a fire code, said political subdivision may enforce the Ohio Fire Code. If a political subdivision adopts a local fire code, that local fire code constitutes an additional set of fire safety regulations in the applicable jurisdiction and such local fire codes shall not and do not modify, repeal, invalidate or otherwise nullify any provisions of this code. Such local fire codes shall not be called the "Ohio Fire Code". Regardless of whether a political subdivision adopts a local fire code, this code remains in effect and is enforceable at all locations in the state in accordance with the applicable provisions of the Revised Code and this code.~~

Substantiation: The new language clarifies the continuing applicability of the Ohio Fire Code when a local jurisdiction adopts or does not adopt a local fire code. There have been instances when a local jurisdiction which adopted local fire code erroneously asserted the Ohio Fire Code no longer applied. Building further upon the clarification proposed in petition 2350, this new language explains that the Ohio Fire Code always remains in effect and is enforceable at all locations in the state even when local fire code is adopted.

Workgroup Action: Accept**Comment Number - 2601****Workgroup Action: Accept****1301:7-7-01****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2354

Comment: 104.10 Fire investigations. ~~The fire code official in accordance with section 3737.24 of the Revised Code shall have the authority to investigate the~~ The state fire marshal, or an assistant state fire marshal as designated by the state fire marshal, and the chief of the fire department of each municipal corporation in which a fire department is established, the chief of the fire department of the fire department of a joint fire district, or the fire prevention officer in each township or village where no fire department is established shall have the authority to investigate the cause, origin and circumstances of any major fire or explosion shall be investigated in accordance with section 3737.24 of the Revised Code.

Substantiation: In lieu of merely referencing the Revised Code, the new language is from R.C. 3737.24 and specifically lists the persons who have the authority to investigate major fires or explosions. The word "major" is inserted as this is the language used in R.C. 3737.24.

Workgroup Action: Accept

Comment Number - 2500**Workgroup Action: Reject****1301:7-7-01****Submitter:** Tony R. Abston, City of Franklin Fire**Regarding Petition:**

Comment: 108.1 Appeals of orders. Appeals of orders made Citations and orders issued by the fire code official relative to the application of this code shall be may be appealed by the responsible person to the state board of building appeals in accordance with the provisions of Chapters 3737. and 3781 of the Revised Code including sections 3737.43 and 3781.19 of the Revised Code. 108.2 Fees collected. All fees collected in the appeals process through the appeals board shall go to the local jurisdiction that issued the original citation.

Substantiation: We have been through the appeals process two times. The fire division worked hard in presenting the case to the appeals board and the appeals board issued a fine to the company. After spending all the time and labor on the case the money went to the State of Ohio. The only positive for the local government was the violations were corrected but no reimbursement occurred to apply to the local government for the time and cost associated.

Workgroup Action: Reject

Workgroup Statement: This comment does not appear to be associated with any submitted petition and therefore is considered a new petition. Generally, a new petition would be considered in future revision cycles; however the issue will be addressed here. R.C. 3781.19 indicates that all fees paid for appeals under the state fire code shall be paid to the state board of building appeals. Similarly, R.C. 3737.51 (H) mandates that all fines collected from state fire code enforcement actions be paid into the state general revenue fund. The state fire marshal does not have the authority to alter the application of the Ohio Revised Code via an administrative rule as is requested in this petition.

Comment Number - 2604**Workgroup Action: Accept****1301:7-7-01****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2364

Comment: (e) *109.3.5 Violation civil penalties. Penalties are specified in sections 3737.51 and 3737.99 of the Revised Code. The fire code official may propose a civil penalty for each violation of this code in accordance with section 3737.51(B) and (C). The fire code official may propose a civil penalty for each day of violation for each violation of this code in accordance with section 3737.51 (D) of the Revised Code.*

Substantiation: The added language clarifies that each violation is subject to a single penalty of up to \$1000 and that an additional civil penalty for each day of violation after the abatement period expires may be imposed in accordance with Section 3737.51(D) of the Revised Code.

Workgroup Action: Accept

Comment Number - 2603**Workgroup Action: Accept****1301:7-7-01****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2372

Comment: *(a) 118.7.3.4.1 If the approval of a proposed transfer would be contrary to applicable law or this code, ~~the~~ the state fire marshal may refuse to permit a license already issued to be transferred to a different owner. Pursuant to and in accordance with Chapter 119, of the Revised Code, the aggrieved party may request a hearing on the denial of transfer. Such hearing shall be held in accordance Chapter 119, of the Revised Code.*

(c) 118.7.3 If the approval of a proposed transfer would be contrary to applicable law or this code, ~~the~~ the state fire marshal may refuse to grant any license to operate a hotel or to permit a license already issued to be transferred. Pursuant to and in accordance with Chapter 119, of the Revised Code, the aggrieved party may request a hearing on the denial of transfer. Such hearing shall be held in accordance Chapter 119 of the Revised Code.

Substantiation: The added language provides notice of the reasons for which the State Fire Marshal may refuse to grant any license or permit the transfer of a license and clarifies that an aggrieved party may request a hearing pursuant to chapter 119 of the Revised Code. The new language further clarifies that any hearing requested shall be held in accordance with Chapter 119 of the Revised Code.

Workgroup Action: Accept**Comment Number - 2673****Workgroup Action: Accept****1301:7-7-01****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2342

Comment: 119.2 Qualifications. *Only a qualifying small government that currently operates a fire department organized under section 505.37, 505.371, 737.21 or 505.375 of the Revised Code or a qualifying small government that is a township or municipality that has adopted a resolution or ordinance authorizing the creation of a fire department, fire district, joint fire district or joint fire and ambulance district under one of these sections is eligible to receive a loan.*

Substantiation: Language was amended to clarify the meaning of section 3737.17(A) of the Revised Code and to ensure that the code terminology is consistent with the language and standards set forth in statute.

Workgroup Action: Accept**Comment Number - 2598****Workgroup Action: Accept****1301:7-7-01****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2373**Comment:** (1) *120.1 Definitions. As used in this rule:*

“Certified training program.” A firefighter training program conducted under the rules of the “Department of Public Safety” that results in the certification of an individual student as a volunteer firefighter, firefighter I transition, firefighter I, firefighter II, fire safety inspector or firefighting instructor.

“Fire department.” A fire department organized under section 505.37, 505.371, 505.375 or 737.21 of the Revised Code.

“Joint fire district.” A fire department organized under section 505.371 or 505.375 of the Revised Code.

“Private volunteer fire company” means a company of trained fire fighters, organized under applicable Ohio and federal laws, with at least one-half of its members serving as volunteer fire fighters for the company and that has a valid contract to actively furnish fire protection services to one or more small municipalities or townships or fire districts, or a combination thereof, of this state. “Small municipality or small township.” A duly constituted municipality or village under Title 7 of the Revised Code or township under Title 5 of the Revised Code having a population of less than 25,000 permanent residents.

“Volunteer fire department.” A fire department, organized under section 505.37, 505.371, 505.375 or 737.21 of the Revised Code, wherein at least one-half of the firefighters are volunteer firefighters.

“Volunteer firefighter.” A duly appointed member of a fire department on either a nonpay or part-pay basis who is ineligible to be a member of the Ohio police and fire pension fund, or whose employment as a firefighter does not in itself qualify any such person for membership in the public employees retirement system, or who has waived membership in the public employees retirement system.

(2) *120.2 Scope. This rule applies to “Fire Department Grant” funds specifically appropriated by the General*

Assembly to the state fire marshal for award and distribution to eligible recipients for the provision of firefighting or rescue equipment, gear or similar items to the recipient, as full or partial reimbursement for the documented costs of firefighter training for, or sponsored by, an eligible recipient or, in the discretion of the state fire marshal, for other fire department needs related to the provision of fire protection services within that eligible recipient's jurisdiction. The state fire marshal may establish any additional policies and procedures as may be deemed necessary to carry out the intent of this rule.

(3) 120.3 Eligibility.

Eligible recipients for grants awarded under this rule are:

(a) A volunteer fire department;

(b) A fire department that serves one or more small municipalities or small townships;

(c) A joint fire district comprised of ~~volunteer~~ departments that primarily serves small municipalities or small townships;

(d) The local unit of government responsible for:

(i) A ~~volunteer~~ fire department;

(ii) A fire department that serves small municipalities or small townships; or

(iii) A portion of a joint fire district comprised of volunteer departments that primarily serves small municipalities or small townships; and

(e) The local unit of government responsible for the provision of fire protection services for a small municipality or small township.

For training grants awarded under rule, a private volunteer fire company is also an eligible recipient.

(4) 120.4 General terms and conditions.

(a) Funds provided by a grant under this rule shall only be used for purposes for which the eligible recipient may lawfully expend public funds and in accordance with the terms of the grant award and this code.

(b) An eligible recipient may receive up to \$15,000 in a fiscal year from this grant for firefighting or rescue equipment, gear or similar items or for other fire department needs related to the provision of fire protection services. If, during the preceding or current fiscal year of the grant award, the eligible recipient is in a jurisdiction that has had a natural disaster as declared by the Governor, the recipient may receive up to \$25,000 in a fiscal year from this grant for firefighting or rescue equipment, gear or similar items or for other fire department needs related to the provision of fire protection services. In addition to any other funds awarded under this grant, an eligible recipient may receive up to \$15,000 in a fiscal year from this grant as full or partial reimbursement for the documented costs of firefighter training.

(c) For each fiscal year, the state fire marshal shall, as the state fire marshal determines is appropriate, apportion the available grant funds for expenditure for any of the particular purposes allowed under this paragraph. Each eligible recipient may receive only one grant for each state fiscal year for which funds are made available by the Ohio General Assembly, but such a grant may be awarded by the state fire marshal in multiple parts, including for the purposes described in paragraphs (T)(6)(a)(120.6.1) and (T)(6)(b)(120.6.2) of this rule, to an eligible recipient during a state fiscal year.

(d) The awarding of all grants shall be at the sole discretion of the state fire marshal.

(e) All grants awarded are subject to the availability of funds.

(f) The state fire marshal may require repayment to the state of Ohio any or all of a grant should an eligible recipient fail after a reasonable time, to expend all or any part of its grant.

(g) Should the eligible recipient expend any portion of or the entire grant for any purpose other than that which was approved by the state fire marshal, the state fire marshal may require repayment of that amount to the state of Ohio.

(h) The state fire marshal may audit any awarded grant and may also require an eligible recipient receiving a grant to provide evidence that the grant has been used for the intended purpose and maintain such inventory or other records concerning purchases made with the grant as the state fire marshal deems necessary.

(i) To offset the cost of administering grants under this rule, the state fire marshal may retain in the state fire marshal's operating account an amount of money equal to not more than one and one half per cent of the total funds available under this rule.

(j) The state fire marshal shall not award a grant under this paragraph unless the eligible recipient is in compliance with the provisions of this rule and other applicable laws, rules and regulations. This includes compliance with fire department fire incident reporting requirements and participation, when required, in the volunteer firefighters' dependents fund described in Chapter 146. of the Revised Code.

(5) 120.5 Application.

(a) All applications for any grants awarded under this rule shall be made on a form prescribed by the state fire marshal and include all of the information and documents required by the state fire marshal. Any application that fails to

provide the requested information shall be deemed incomplete and not considered by the state fire marshal for an award of a grant under this rule.

(b) Applicants for a grant shall certify on the application form that the applicant is eligible to receive a grant under this rule. The form shall be signed by the chief of the fire department or chief executive official(s) of the local government entity applying for the grant.

(6) 120.6 Award of grant funds.

Grants awarded under this rule are divided into two parts: equipment and training grants.

(a) 120.6.1 In determining which eligible recipients will receive awards, the state fire marshal shall consider:

1. The population protected by the eligible recipient;

2. The size of the area for which the eligible recipient provides fire protection;

3. The operating budget of the eligible recipient from both public and private sources;

4. The intended use of the grant funds by the eligible recipient;

5. The number of fires occurring within the area protected by the eligible recipient as evidenced by reports filed with the state fire marshal under section 3737.24 of the Revised Code;

6. The amount of money being requested by the eligible recipient; and

7. Additional factors which the state fire marshal determines necessary to assist in determining which eligible recipient should receive a grant.

(i) 120.6.1.1 Equipment grants. The state fire marshal may award equipment grants to eligible recipients under this rule for any of the following purposes:

(a) The acquisition of firefighting or rescue equipment, gear or similar items; or

(b) For other fire department needs related to the provision of fire protection services.

In awarding these grants, the state fire marshal may give a preference to grants relating to the acquisition of personal protective equipment for firefighters.

(ii) 120.6.1.2 Training grants.

(a) The state fire marshal may award training grants to eligible recipients under this rule for any of the following purposes:

(i) Reimbursement of the costs of certified firefighter training programs for individual firefighters, including instructional and administrative costs and the cost of training manuals, workbooks and other similar items.

(ii) Reimbursement of the cost of in service or advanced training courses provided by the Ohio fire academy, including, "Fire Officer 1," "Fire Officer 2," "Emergency Vehicle Operations," "Structural Fire Attack 101," "Training in Acquired Structures" and "Understanding Fire Behavior."

(b) The state fire marshal shall, for each fiscal year, set forth the specific trainings and classes for which grants can be awarded under this paragraph, the maximum grant amounts to be awarded for such classes and types of documentation to be submitted to verify eligibility for reimbursement.

(c) Expenses for travel, food and lodging are not eligible for reimbursement under this paragraph.

Substantiation: House Bill 1, Section 241.10 of the 128th General Assembly effective October 16, 2009, substantially revised the State Fire Marshal's fire department grant program. It consolidated the training and equipment grants into a single grant changed the fire department and political subdivisions eligible for the grants, changed the potential maximum amount of grant awards and revised the overall grant administration process. Section 120 of the fire code has been completely revised to reflect the mandates of House Bill pursuant to petition #2373. Section 121 of the fire code was deleted as the training grant rules previously in that section were combined with the equipment grant rules and placed in section 120 of the Ohio Fire Code. Per this comment, modifications were made with respect to the eligible grant recipients to be consistent with the requirements of section 241.10 of HB 1.

Workgroup Action: Accept

Comment Number - 2674

Workgroup Action: Accept

1301:7-7-01

Submitter: Division of State Fire Marshal

Regarding Petition: 2346

Comment: 102.1 Construction and design provisions. (a) 102.1.1 General applicability. Except as otherwise provided in paragraph (B)(1)(b) (102.1.2) of this rule, the construction and design provisions of this code shall apply to: (a)(i) Structures, facilities and conditions arising after the adoption of this code. This includes structures, facilities and conditions exempt from or not otherwise subject to Chapters 3781. or 3791. of the Revised Code, including properties zoned for agricultural uses. (b)(ii) Existing structures, facilities and conditions not legally in existence at the time of adoption of this code. (c)(iii) Existing structures, facilities and conditions not in strict compliance with the requirements of this code where the conditions constitute a distinct hazard to life or property in the opinion of the fire

code official, including existing structures subject to rule 1301:7-7-46 of the Administrative Code. If a distinct hazard to life or property cannot be proven by the fire official by a preponderance of the evidence, the provisions of this code shall not apply to an existing building or condition. This includes structures, facilities and conditions exempt from or not otherwise subject to Chapters 3781. or 3791. of the Revised Code, including properties zoned for agricultural uses. (b) 102.1.2 Agricultural uses and locations. The construction and design provisions of this code, including any construction permit requirements, shall not apply to structures: (i) subject to section 3781.061 of the Revised Code, or (ii) otherwise exempt from the building code as listed in 1301:7-7-47 of the Administrative Code because such structures are being used for agricultural purposes unless the conditions at the structure constitute a distinct hazard to life or property or the occupancy of structure constitutes a change of use or occupancy of the structure from one of the exempt uses listed in this division to another occupancy classification subject to this code.

Substantiation: The additional language clarifies the scope of the references to the applicability of the Ohio Fire Code to “agricultural premises” in both this section and in Ohio Administrative Code §1301:7-7-01(A)(2)(b), Ohio Fire Code §101.2.2. Specifically, this revised language ensures that the general exemptions applicable to agriculture in the Ohio Building Code are also used in the Ohio Fire Code (i.e., exemptions for new agriculture related construction and permit requirements), while ensuring a proper level of protection to the public should a distinct hazard exist or a change of use occur at either a new or existing structure/location at an agricultural premises.

Workgroup Action: Accept

RULE 2

Comment Number - 2498

Workgroup Action: Accept

1301:7-7-02

Submitter: Sally McCann-Mirise, Liberty Twp. Fire Dept.

Regarding Petition:

Comment: A child day care center, other than a type A family day care home, for six or more children with **not** more than five children two and one-half years of age or less, shall be classified as Group E occupancy.

Substantiation: word in sentence incorrect. Grammatical error

A child day care center, other than a type A family day care home, for six or more children with **not** more than five children two and one-half years of age or less, shall be classified as Group E occupancy.

Workgroup Action: Accept

RULE 3

Comment Number - 2443

Workgroup Action: Reject

1301:7-7-03

Submitter: Craig Rauch, Southwest Ohio Fire Safety Council

Regarding Petition: 834

Comment: Accept the original proponent’s submission to delete all of Exception 3.

Substantiation: It should be noted that Exception 3 is not found in the International Fire Code. This exception was inserted into the Ohio Fire Code by the Ohio Fire Marshals Office. The workgroups own statement states that changes to the IFC model code should be proposed to the ICC for consideration in their established code development process.

Workgroup Action: Reject

Workgroup Statement: Without evidence supporting the claims set forth in the original petition, it is not possible for the work group to evaluate the validity of the specific claims forwarded. However, the work group acknowledges the significant impact and importance of home fires involving both gas and solid-fueled grills (<http://www.nfpa.org/assets/files/PDF/grillFactSheet.pdf>). Regarding the petitioner’s claim (as referenced indirectly in the comment) that some language in this section was inserted “with opposition from Ohio’s fire service” and that “the exception for sprinklers is not founded,” section 308.3.1(2) is a part of the Ohio Fire Code (OFC) by virtue of its inclusion in the International Fire Code (IFC), the model code for the OFC. With regard to the specific exception for sprinklers, the IFC Commentary states that the exception is intended to recognize “...the added protection of sprinklers” (Section 308.3.1, IFC Commentary, 2006, p. 3-9). Thus, the language in 308.3.1 was inserted into the model code by the vote of a majority of relevant IFC stakeholders, including members of the Ohio fire service, following the International Code Council’s well-developed and widely accepted code development process. Suggestions for change to the IFC model code should be directed to the ICC (<http://www.iccsafe.org/cs/codes/>). The petitioner’s claim that the current exceptions under 308.3.1 are “unenforceable” is an opinion not shared by the work group and the Division of State Fire Marshal. In fact, relevant jurisdictions in Ohio have issued citations for violations

of this section. The approval of the usage of charcoal burners meeting all the conditions set forth under 308.3.1(3) is at the discretion of the local fire code official who may choose not to approve the described (excepted) use of the devices.

Comment Number - 2444

Workgroup Action: Reject

1301:7-7-03

Submitter: Craig Rauch, Southwest Ohio Fire Safety Council

Regarding Petition: 825

Comment: Recommend rejection of proposed new language.

Substantiation: No evidence was provided to support the claims of the petitioner. The substantiation states that "...affected parties demonstrated that 1) the modification would not threaten the public health, safety, or welfare; and 2) measures to protect the public health, safety and welfare are substantially equivalent to the measures otherwise required under the state fire code..." The substantiation fails to show how this was demonstrated. Without specific evidence it is not possible to evaluate and comment on this code change

Workgroup Action: Reject

Workgroup Statement: In addition to the substantiations provided at the time of the original modification to the Ohio Fire Code, the Division of State Fire Marshal is not aware of fire incidents related to this activity since 2007. Therefore, the Division of State Fire Marshal does not agree that the substantive changes proposed in Ohio Fire Code Petition 825 should be further modified or rejected.

Comment Number - 2404

Workgroup Action: Reject

1301:7-7-03

Submitter: Doug Srock

Regarding Petition: 823

Comment: Back in 2007, I contacted your office concerning the lack of any rules or restrictions concerning storage of gasoline at multi-unit apartment complexes. Based on the email response I received, I made the ill-informed assumption that something would be added to the rule book. This evening, while doing a Google search, I tripped over the following document. https://www.comapps.ohio.gov/sfm/fire_apps/fire/petition/docs/fire_OFCCReportPetitions.pdf Included in that document under a section call Rule 3 in a section called Petition 823 are the HALF_ASSED results of my email as improperly handled by your employees. I was NEVER asked to provide Specific Language. I did not contact your office via phone. I never used the word residences in the singular sense. I spoke specifically about multi-unit complexes. I was NEVER asked to formalize my concerns or to provide "evidence". What evidence do you need to support the common sense stance, that Gasoline and other Flammable Liquids should NEVER be stored ANYWHERE in multi-unit complexes like apartments or townhomes. The risk to adjoining residents is astronomical. The fool I complained about had 5, 10 gallon containers of gasoline stored on his porch. 8 units in his building and within explosion distance of 6 other units including mine. I don't know which one of your MORONS screwed this up the first time around but it needs to be reconsidered for the 2010 rules and IMPLEMENTED. Sincerely, Doug Srock

Substantiation: N/A

Workgroup Action: Reject

Workgroup Statement: This comment does not provide adequate substantiation or additional evidence to warrant further action in accordance with the established rule development procedure.

RULE 4

Comment Number - 2405

Workgroup Action: Reject

1301:7-7-04

Submitter: Roger Brenneman, Wooster Division of Fire

Regarding Petition: 845

Comment: (b) 404.5.2 An evacuation plan indicating the primary and secondary emergency evacuation routes, and including proper occupant-to-building orientation, shall be ~~permanently~~ legible, durable and conspicuously posted at the main exit door inside of each ~~classroom accessible to all persons~~ and assembly area in all educational occupancies. The plan shall be securely affixed to the structure and shall not be obscured from view by any materials.

Substantiation: The word "permanently" give the connotation that it cannot be removed. This would create problems when updating of the plan was needed or when repainting the room. The wordage "legible and durable" is more in line with what is required in the code for electrical rooms in section 605.3.1. This adds a requirement for the quality of the plan also. Adding the wordage "shall be securely affixed to the structure" would cover the issue noted in the initial substantiation of people removing them during summer break but would not stop them from being updated or moved for maintenance needs. Changing the wordage from "accessible to all persons" to "classrooms and assembly areas" is

more in keeping with the initial substantiation that spoke of using these as an instructional tool. The way it was proposed would require plans to be posted in all offices and restrooms as well as many other rooms. If a classroom was locked as they are in many schools it could be argued that classrooms are not “accessible to all persons” but only to the students enrolled in that class and therefore would not require a plan. There would be a financial burden on the schools to produce and mount signs in ever room of a school. I feel the change in wording better meets the intent to securely mount plans where they would be used.

Workgroup Action: Reject

Workgroup Statement: The workgroup believes the commenter is misinterpreting existing model code language and therefore rejects the comment. The commenter indicates that signs would have to be permanently posted and that rooms such as restrooms require signage. The word “permanent” only modifies the word legible. “Accessible to all persons” modifies the word “classroom.” If a room is not accessible to all persons, such as restroom or utility area, which are also not classrooms, then such room is not subject to the requirements of this paragraph. Also, if a room, e.g. a gymnasium, is an assembly area, then such a room would also be subject to the requirements of this paragraph. The commenter references a locked classroom. A lock is a temporary measure to restrict access to a classroom or assembly area that is designed to be generally “accessible to all persons ... in all educational occupancies.” This temporary locking would not negate the signage requirement.

Comment Number - 2403

Workgroup Action: Reject

1301:7-7-04

Submitter: Elmer Beard, Mad River Twp (ENON) Fire/EMS

Regarding Petition:

Comment: *Tornado drills shall be conducted at least once a month whenever school is in session during the tornado season. For the purpose of this rule, "tornado season" is the period from the first day of April to the last day of July. A record of such drills shall be maintained in the office of each school for examination by the fire code official. At least one tornado drill will be conducted within the first thirty days of start of school.*

Substantiation: Although tornados are most prevalent from April through July, Ohio has experienced tornados in all 12 months of the year. It is important that the school population at the beginning of the year conduct at least one tornado drill to acquaint new / reassigned staff and new students to the proper location for shelter from a tornado. On November 22, 1992 a major tornado struck Arcanum, Ohio destroying most of the town. Had this hit on a school day, would waiting until April to conduct the first tornado drill have made sense?

Workgroup Action: Reject

Workgroup Statement: This is a new petition to change the Ohio Fire Code not a comment on an existing petition. Because this suggested revision affects many stakeholders who may want input before accepting such a change, fully exploring the impact of this petition is not possible in the current revision cycle and no substantive change will be made to the proposed rule. The Division of State Fire Marshal will consider this request a petition in the next code review cycle.

Comment Number - 2407

Workgroup Action: Accept

1301:7-7-04

Submitter: Roger Brenneman, Wooster Division of Fire

Regarding Petition: 877

Comment: (b) 912.3.2 Clear space around connections. A working space of not less than 36 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided and maintained in front of and to the sides of wall-mounted fire department connections and around the circumference of free-standing fire department connections, except as otherwise required or approved by the *fire code official*. *The fire code official shall notify the chief building code official of the certified building department having jurisdiction of any conditions approved by the fire code official that exceed the minimum requirements contained in this paragraph.*

Substantiation: This is just a grammatical change to better blend with the wording in other sections of the code. The word “chief” is not used when referring to the building code official in sections 901.5.1, 907.7.5.1, 909.18.8.3.1, 912.2.1 but is referred to as the building code official.

Workgroup Action: Accept

Comment Number - 2445

Workgroup Action: Accept In Principle

1301:7-7-04

Submitter: Craig Rauch, Southwest Ohio Fire Safety Council

Regarding Petition: 1098

Comment: Section 404.3.2 (viii) A copy of the certificate of occupancy, when such certificate has been issued by the building official in accordance with Section 110 of the Ohio Building Code.

Substantiation: The intent of this change would be to require a copy of the certificate of occupancy to be included in the Fire safety Plan where such a plan is required by Chapter 4 of the OFC. This change would eliminate any inconsistency with the Ohio Building code since it would only require the certificate of occupancy to be included in the fire safety plan when said certificate has already been issued by the building official for new buildings, alterations or additions, or changes in occupancy. Since the revised wording would not require existing buildings to obtain a certificate of occupancy, unless already required by OBC Section 110, there would be no additional cost beyond that of a single photocopy.

Workgroup Action: Accept In Principle

Workgroup Statement: The SFM accepts in principle the commenter’s recommendation. However, the substantive change proposed in the comment is more appropriate for inclusion in rule 1 as follows in a modified version:

102.3.1.1 Certificate of occupancy. A responsible person shall maintain a copy of the current certificate of occupancy, for a structure regulated by the building code in accordance with 1301:7-7-47 of the Administrative Code and make it available to the fire code official upon request. This paragraph only applies to a certificate of occupancy in existence as of the effective date of this rule issued by a building official and/or a certificate of occupancy issued by a building official after the effective date of this rule.

RULE 6

Comment Numbers - 2516 & 2532

Workgroup Action: Accept

1301:7-7-06

Submitters:

Comment	LName	FName	Company Name	City	State
2516	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2532	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition:

Comment: 603.3.3.4 Installation. Tanks and piping systems shall be installed and separated from other uses in accordance with section 915 and chapter 13 both of the *mechanical code as listed in rule 1301:7-7-47 of the Administrative Code*, as applicable. Exception: Protected aboveground tanks complying with *paragraph (D)(2)(i)(vii)(3404.2.9.76) of rule 1301:7-7-34 of the Administrative Code* shall not be required to be separated from surrounding areas.

Substantiation: The exception of this paragraph refers to protected aboveground tanks; however, the cited section of 1301:7-7-34 refers to aboveground tanks outside of buildings. Paragraph (D)(2)(i)(vi)(3404.2.9. 6) of 1301:7-7-34 was renumbered due to the proposed addition of a new paragraph (D)(2)(i)(i)3404.2.9.1. The exception should reference the paragraph (D)(2)(i)(vii)(3404.2.9.7) of 1301:7-7-34 which refers to additional requirements for protected aboveground tanks.

Workgroup Action: Accept

Workgroup Statement: These comments were submitted to correct an editorial error. Even though editorial revisions are not usually included in the ROC, these comments are included in the interest of full disclosure.

RULE 9

Comment Number - 2607

Workgroup Action: Accept

1301:7-7-09

Submitter: Division of State Fire Marshal

Regarding Petition: 2402

Comment: ~~(b)(c)903.2.2903.2.3~~ Group E. An automatic sprinkler system shall be provided for Group E occupancies as follows: (i) Throughout all Group E fire areas greater than 20,000 square feet (1858 m2) in area.

Substantiation: The proposed 2011 Ohio Building Code requires an automatic sprinkler system for Group E occupancies throughout all Group E fire areas greater than 20,000 square feet (the 2009 IBC and IFC set the minimum threshold at 12,000 square feet). This revision to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code.

Workgroup Action: Accept

Comment Number - 2608**Workgroup Action: Accept****1301:7-7-09****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (e) (f) ~~903.2.5~~ 903.2.6 Group I. An automatic sprinkler system shall be provided throughout buildings with a Group I fire area. Exceptions: 1. An automatic sprinkler system installed in accordance with paragraph (C)(3)(a)(ii)(903.3.1.2) or (C)(3)(a)(iii)(903.3.1.3) of this rule shall be allowed in Group I-1 facilities. 2. An automatic sprinkler system installed in accordance with Section 903.3.1.2 shall be allowed in Group I-4 facilities.

Substantiation: The proposed 2011 Ohio Building Code provides for a second exception. (The IBC and IFC do not include a second exception.) The addition of the second exception to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code.

Workgroup Action: Accept**Comment Number - 2609****Workgroup Action: Accept****1301:7-7-09****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (b) 903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. Exception: Water-flow alarms are not required for limited area sprinkler systems installed in accordance with Section 903.3.5.1.1.

Substantiation: The current Ohio Building Code provides for an exception to this paragraph. (The IBC and IFC do not include an exception.) The addition of the exception to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the Ohio Building Code.

Workgroup Action: Accept**Comment Number - 2610****Workgroup Action: Accept****1301:7-7-09****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (e) 907.7.5 Monitoring. Fire alarm systems required by this rule or by the building code as listed in rule 1301:7-7-47 of the Administrative Code shall be monitored by an approved supervising station in accordance with NFPA 72 as listed in rule 1301:7-7-47 of the Administrative Code. Exception: Monitoring by a supervising station is not required for: 1. Single- and multiple-station smoke alarms required by paragraph (G)(2)(k)(907.2.11) of this rule. 2. Smoke detectors in Group I-3 occupancies.

Substantiation: The third exception is rescinded in the proposed 2011 Ohio Building Code. (The IBC and IFC still maintain the third exception.) The rescission of the third exception in the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code.

Workgroup Action: Accept**Comment Number - 2611****Workgroup Action: Accept****1301:7-7-09****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (d) 909.10.4 Automatic dampers. Automatic dampers, regardless of the purpose for which they are installed within the smoke control system, shall be listed and conform to the requirements of ~~approved-recognized standards~~ Section 716.3 of the Ohio Building Code.

Substantiation: The addition of the language specifically setting forth the relevant section of the Ohio Building Code to the proposed 2011 Ohio Fire Code ensures that the user is referred to the Ohio Building Code for compliance.

Workgroup Action: Accept

Comment Number - 2446**Workgroup Action: Reject****1301:7-7-09****Submitter:** Craig Rauch, Southwest Ohio Fire Safety Council**Regarding Petition:** 928

Comment: In conjunction with the code change it is recommended that the State Fire Marshal develop a reporting procedure and corresponding forms for fire officials, building officials and members of the general public to report evidence of unauthorized fire protection installer work or fire protection installer work performed in violation of the applicable codes.

Substantiation: There must to be a robust mechanism in place to ensure that applicants who have been guilty of conducting unauthorized installation work or installation work in violation of the code do not receive certification or recertification.

Workgroup Action: Reject

Workgroup Statement: The Division of State Fire Marshal does not interpret this comment as a request for a change to the Ohio Fire Code, therefore, no substantive change will be made to the proposed rule. The Division of State Fire Marshal will, however, consider these requests as it continues to evaluate its policies for enforcing rules regulating fire protection installers.

Comment Number - 2406**Workgroup Action: Accept****1301:7-7-09****Submitter:** Roger Brenneman, Wooster Division of Fire**Regarding Petition:** 876

Comment: (2) 912.2 Location. With respect to hydrants, driveways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus. The location of the fire department connections shall be approved by the fire *code official*. After approving the location of the fire department connection(s), the fire code official shall submit this approval to the ~~chief~~ building code official of the certified building department having jurisdiction.

Substantiation: This is just a grammatical change to better blend with the wording in other sections of the code. The word chief is not used when referring to the building code official in sections 901.5.1, 907.7.5.1, 909.18.8.3.1, 912.2.1 but is referred to as the building code official.

Workgroup Action: Accept**Comment Number - 2499****Workgroup Action: Accept In Principle****1301:7-7-09****Submitter:** Sally McCann-Mirise, Liberty Twp. Fire Dept.**Regarding Petition:** 868

Comment: (b) *Fire service mains and water tanks; Exception: Excavation and earth moving equipment operators are not required to be certified in this category provided the work they perform to meet the requirements of NFPA 22 and 24 is conducted under the direct supervision and active direction of an individual certified in this category.*

Substantiation: Does the above code section statement mean that the individual doing the direct supervision or direction have to be on the premises during the entire time the work is being done?

Below is just a suggestion, but I think it needs clarification: (b) *Fire service mains and water tanks; Exception: Excavation and earth moving equipment operators are not required to be certified in this category provided the work they perform to meet the requirements of NFPA 22 and 24 is conducted under the direct supervision and active direction of an individual certified in this category (who remains at the site during the work being performed.)*

Workgroup Action: Accept In Principle

Workgroup Statement: The supervisor should be on site while providing supervision. Therefore, the comment is accepted in principle with minor editorial adjustments as follows: "...and who remains on site while the work is performed."

Comment Number - 2514**Workgroup Action: Reject****1301:7-7-09****Submitter:** Ron Brown, National Fire Sprinkler Association**Regarding Petition:**

Comment: Add a new Section to 901.6.3 as written below: 901.6.3.2 When an inspection tag indicating a system impairment is placed on a fire sprinkler system in accordance with (c) 901.6.3 (iv) the inspector shall submit a copy of

the fire sprinkler inspection report to the local fire department and the local fire official.

Substantiation: Currently, unless required by local ordinance or in the case of a system shut down, a fire sprinkler contractor inspecting a fire sprinkler system under the Ohio Fire Prevention Code lacks the authority to provide a copy of the inspection report to a local fire department or the local code official. Under the current code fire sprinkler inspectors find themselves in a very difficult position torn between a sense of responsibility to report a faulty system to the local AHJ and their legal responsibility in the handling and processing of a business document. As a result of the current code many fire sprinkler systems may be unreliable placing the property, its occupants and responding firefighters at risk.

Workgroup Action: Reject

Workgroup Statement: This submission is a petition not a comment and therefore will be considered during the next revision cycle.

Comment Number - 2501

Workgroup Action: Accept In Principle

1301:7-7-09

Submitter: John Lindberg, Dial One Security

Regarding Petition: 983

Comment: (b) 901.8.2 Notification of Termination of Supervising Services. Each service that directly provides alarm, supervisory, and/or trouble signal monitoring services to a structure regulated by this code shall notify the local fire department having jurisdiction, in a manner approved by that department, of the termination of any such services within twenty-four (24) hours of such termination.”

Substantiation: As a monitoring company we do not know when service terminates. We may continue to keep a account active weeks or months after the service is terminated. An example of this is when a client stops paying for the service, we try to collect for many weeks and will continue to keep the account active to make sure a fire alarm signal is not missed. In the mean time the client may have moved out, disconnected phone lines, or switch to another company. If we had to send notice to the local fire department having jurisdiction when we suspected that the service was terminated it would put a huge burden on the local fire department having jurisdiction to followup on each of these. We have know way of knowing if a client switched to another monitoring company. We only see when the 24 hour test signals stop getting received. But that could be for a number of reasons. If we sent the local fire department having jurisdiction a notice of every 24 hour test signal that was missed, they again would have a huge burden of followups, 95% of which would be resolved by the client.

Workgroup Action: Accept In Principle

Workgroup Statement: In response to multiple petitions and comments on this issue, the following revised language shall be used: 901.8.2 Notification of termination of supervisory service. *The responsible person shall notify the local fire code official of the termination of any supervisory service within twenty-four (24) hours of such termination.*

Multiple petitions and comments seem to agree that (a) the fire department should be notified of termination of supervisory services (for both required and non-required supervisory services), (b) the building owner or occupant (responsible person) should be the primary person responsible to notify the fire department, and (c) the notification should be made within 24 hours of termination. The revised language is in direct response to the areas of agreement across the various petitions and comments and is consistent with the remainder of the building and fire codes, and NFPA 25, 2008, 4.1.3, that require that the “responsible person” make certain notifications. Consistent with these codes and standards, this revised language specifically removes the supervising service from being the party responsible to notify the fire department.

Comment Number - 2502

Workgroup Action: Accept In Principle

1301:7-7-09

Submitter: Beverly Bailey, Electronic Security Association of Ohio

Regarding Petition: 983

Comment: "901.8.2 Discontinuation or Change of Service. Notice shall be made to the fire code official whenever contracted alarm services for monitoring or testing or inspection of an existing fire alarm system are terminated for any reason, or a change in alarm monitoring provider or other service provider is made. Notice shall be made in writing, to the fire code official by the building owner and where required, by the alarm service provider being terminated."

Substantiation: The building and fire codes have always made the building owner responsible for the condition of their buildings and structures. Therefore, the Work group’s revised wording is a major departure from standard owner-liability language. Making the service provider responsible for actions of the building owner will not be enforceable or practical. The proposal’s original language uses “termination of contracted alarm services”, which is a documentable and verifiable action. The new, revised wording makes no mention of a “contract” and its use of “termination” is vague. A “termination” of this nature could occur without the service provider’s knowledge. The

OFC also requires regular testing and inspections, so it doesn't make sense to eliminate these important terms from the original proposal. Testing and inspection provide increased reliability and decreased false alarms. The cancellation of monitoring creates an impairment of the system. Also, if the system is not monitored at all, but is still programmed to report, a local trouble signal on site will be indicated. The OFC clearly states that the owner is responsible for notification to the FD of any "impairments" or "out of service events"; of which both of the above events would fall into. On the other hand, cancellation of a Testing and Inspection contract causes no such "impairment". Therefore, the Test & Inspection provision in the originally proposed wording is key and needs its own language added to the code for notification of *this* type of event. In the 2010 Edition of NFPA 72, the National Fire Alarm and Signaling Code, the BUILDING OWNER will be required to *annually* notify the FD of the name of the party (business or individual) performing the fire alarm system Testing and Inspection and list their qualifications. See 26.5.2.

Workgroup Action: Accept In Principle

Workgroup Statement: In response to multiple petitions and comments on this issue, the following revised language shall be used:

901.8.2 Notification of termination of supervisory service. *The responsible person shall notify the local fire code official of the termination of any supervisory service within twenty-four (24) hours of such termination.* Multiple petitions and comments seem to agree that (a) the fire department should be notified of termination of supervisory services (for both required and non-required supervisory services), (b) the building owner or occupant (responsible person) should be the primary person responsible to notify the fire department, and (c) the notification should be made within 24 hours of termination. The revised language is in direct response to the areas of agreement across the various petitions and comments and is consistent with the remainder of the building and fire codes, and NFPA 25, 2008, 4.1.3, that require that the "responsible person" make certain notifications. Consistent with these codes and standards, this revised language specifically removes the supervising service from being the party responsible to notify the fire department.

Comment Number - 2503

Workgroup Action: Accept In Principle

1301:7-7-09

Submitter: Greg Kessinger

Regarding Petition: 983

Comment: *(b) 901.8.2 Notification of Termination of Supervising Services. Each service that directly provides alarm, supervisory, and/or trouble signal monitoring services to a structure regulated by this code shall notify the local fire department having jurisdiction, in a manner approved by that department, of the termination of any such services within twenty four (24) hours of such termination."*

Substantiation: Due to the removal of key wording and change of scope, and as the original submitter, I wish to withdraw my proposal.

Workgroup Action: Accept In Principle

Workgroup Statement: In response to multiple petitions and comments on this issue, the following revised language shall be used:

901.8.2 Notification of termination of supervisory service. *The responsible person shall notify the local fire code official of the termination of any supervisory service within twenty-four (24) hours of such termination.* Multiple petitions and comments seem to agree that (a) the fire department should be notified of termination of supervisory services (for both required and non-required supervisory services), (b) the building owner or occupant (responsible person) should be the primary person responsible to notify the fire department, and (c) the notification should be made within 24 hours of termination. The revised language is in direct response to the areas of agreement across the various petitions and comments and is consistent with the remainder of the building and fire codes, and NFPA 25, 2008, 4.1.3, that require that the "responsible person" make certain notifications. Consistent with these codes and standards, this revised language specifically removes the supervising service from being the party responsible to notify the fire department.

RULE 10

Comment Number - 2612**Workgroup Action: Accept****1301:7-7-10****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (8) 1004.8 Outdoor areas. Yards, patios, courts and similar outdoor areas accessible to and usable by the building occupants shall be provided with means of egress as required by this rule. The occupant load of such outdoor areas shall be assigned by the fire code official pursuant to *paragraph (A)(1)(1001.1) of this rule* in accordance with the anticipated use. Where outdoor areas are to be used by persons in addition to the occupants of the building, and the path of egress travel from the outdoor areas passes through the building, means of egress requirements for the building shall be based on the sum of the occupant loads of the building plus the outdoor areas. *At locations or in structures not regulated by the building code as listed in rule 1301:7-7-45 1301:7-7-47 of the Administrative Code, the occupant load shall be approved by the fire code official.* Exceptions: 1. Outdoor areas used exclusively for service of the building need only have one means of egress. 2. Both outdoor areas dedicated to individual dwelling units in associated with Group R-3 and individual dwelling units of Group R-2.

Substantiation: The current Ohio Building Code provides for more specific language in the second exception. The addition of the specific language in the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the current Ohio Building Code. The cite to the reference standards was also updated.

Workgroup Action: Accept**Comment Number - 2613****Workgroup Action: Accept****1301:7-7-10****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (a) 1008.1.1 Size of doors. The minimum width of each door opening shall be sufficient for the occupant load thereof and shall provide a clear width of ~~not less than~~ 32 inches (813 mm). Clear openings of doorways with swinging doors shall be measured between the face of the door and the stop, with the door open 90 degrees (1.57 rad). Where this *paragraph* requires a minimum clear width of 32 inches (813 mm) and a door opening includes two door leaves without a mullion, one leaf shall provide a clear opening width of 32 inches (813 mm). The maximum width of a swinging door leaf shall be 48 inches (1219 mm) nominal. Means of egress doors in ~~an occupancy in a~~ Group I-2 occupancy used for the movement of beds shall provide a clear width not less than 41½ inches (1054 mm). The height of ~~doors~~ door openings shall not be less than 80 inches (2032 mm). Exceptions: 1. The minimum and maximum width shall not apply to door openings that are not part of the required means of egress ~~in occupancies in~~ Group R-2 and R-3 occupancies. 2. Door openings to resident sleeping units, *not required to be accessible*, in Group I-3 occupancies shall have a clear width of not less than 28 inches (711 mm). 3. Door openings to reach in storage closets less than 10 square feet (0.93 m²) in area shall not be limited by the minimum width. 4. Width of door leafs in revolving doors that comply with ~~paragraph (H)(1)(e)(i)(1008.1.3.1)~~ paragraph (H)(1)(d)(i)(1008.1.4.1) of this rule shall not be limited. 5. Door openings within a dwelling unit or sleeping unit shall not be less than 78 inches (1981 mm) in height. 6. Exterior door openings in dwelling units and sleeping units, other than the required exit door, shall not be less than 76 inches (1930 mm) in height. 7. In other than Group R-1 occupancies, the minimum widths shall not apply to interior egress doors within a dwelling unit or sleeping unit that is not required to be an accessible unit, Type A unit or Type B unit. 8. *Door openings required to be accessible within Type B units shall have a minimum clear width of 31.75 inches (806 mm).*

Substantiation: The current Ohio Building Code provides for more specific language in the third exception and maintains the eighth exception. The addition of the more specific language and maintaining the eighth exception in the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the Ohio Building Code. The remaining language changes are based on the model code changes.

Workgroup Action: Accept**Comment Number - 2614****Workgroup Action: Accept****1301:7-7-10****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (c) 1008.1.3 Door opening force. Doors required to be accessible shall comply with ADAAG. Doors not required to be accessible or for which ADAAG has no requirements, shall comply with the following: The opening force for interior side swinging doors without closers. The force for pushing or pulling open interior swinging egress doors, other than fire doors, shall not exceed 5-pound5 pounds(22 N) force. For other side swinging doors, as well as

sliding and folding doors, the door latch shall release when subjected to a 15-pound (67 N) force. The door shall be set in motion when subjected to a 30-pound (133 N) force. The door shall swing to a full-open position when subjected to a 15-pound (67 N) force.

Substantiation: The proposed 2011 Ohio Building Code indicates accessible doors must comply with ADAAG. The addition of the new language to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed Ohio Building Code and Federal law. The remaining language changes are based on the model code changes.

Workgroup Action: Accept

Comment Number - 2615

Workgroup Action: Accept

1301:7-7-10

Submitter: Division of State Fire Marshal

Regarding Petition: 2402

Comment: ~~(d)~~ (e) ~~1008.1.4~~ 1008.1.5 Floor elevation. There shall be a floor or landing on each side of a door. Such floor or landing shall be at the same elevation on each side of the door. Landings shall be level except for exterior landings, which are permitted to have a slope not to exceed ~~0.25~~one unit vertical in ~~40~~forty units horizontal (*2 per cent* slope). **Exceptions:** 1. Doors serving individual dwelling units in Group R-2 and R-3 where the following apply: 1.1 A door is permitted to open at the top step of an interior flight of stairs, provided the door does not swing over the top step. 1.2 Screen doors and storm doors are permitted to swing over stairs or landings. 2. Exterior doors as provided for in *paragraph (C)(5)(1003.5) of this rule* exception 1, and *paragraph ~~(R)(2)(1018.2)-(T)(2)(1020.2) of this rule~~*, which are not on an accessible route. 3. In Group R-3 occupancies not required to be accessible units, Type A units ~~and or~~ Type B units, the landing at an exterior doorway shall not be more than ~~7.75~~7 3/4 inches (197 mm) below the top of the threshold, provided the door, other than an exterior storm or screen door, does not swing over the landing. 4. *In units not required to be Type A, Type B or accessible, variations* in elevation due to differences in finish materials, but not more than ~~0.5~~ 1/2 inch (12.7 mm). 5. Exterior decks, patios or balconies that are part of Type B dwelling ~~units and~~ units, have impervious surfaces and that are not more than 4 inches (102mm) below the finished floor level of the adjacent interior space of the dwelling unit.

Substantiation: The addition of the new language to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the current Ohio Building Code.

Workgroup Action: Accept

Comment Number - 2616

Workgroup Action: Accept

1301:7-7-10

Submitter: Division of State Fire Marshal

Regarding Petition: 2402

Comment: ~~(e)~~ (f) ~~1008.1.5~~ 1008.1.6 Landings at doors. Landings shall have a width not less than the width of the stairway or the door, whichever is greater. Doors in the fully open position shall not reduce a required dimension by more than 7 inches (178 mm). When a landing serves an occupant load of 50 or more, doors in any position shall not reduce the landing to less than one half its required width. Landings shall have a length measured in the direction of travel of not less than 44 inches (1118 mm). **Exception:** Landing length in the direction of travel in Groups R-3 and U and within individual units of Group R-2 need not exceed 36 inches (914 mm) *when the units are not required to be accessible or Type A units.*

Substantiation: The addition of the new language to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the current Ohio Building Code.

Workgroup Action: Accept

Comment Number - 2617

Workgroup Action: Accept

1301:7-7-10

Submitter: Division of State Fire Marshal

Regarding Petition: 2402

Comment: (a) 1008.1.9.5.1 Closet and bathroom doors in Group R-4 occupancies. In *Group I-1 and* Group R-4 occupancies, closet doors that latch in the closed position shall be ~~operable~~ *operable* from inside the closet, and bathroom doors that latch in the closed position shall be capable of being unlocked from the ingress side.

Substantiation: The addition of the new language to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code.

Workgroup Action: Accept

Comment Number - 2618**Workgroup Action: Accept****1301:7-7-10****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (b) 1009.4.2 Riser height and tread depth. Stair riser heights shall be 7 inches (178 mm) maximum and 4 inches (102 mm) minimum. ~~Stair tread depths shall be 11 inches (279 mm) minimum.~~ The riser height shall be measured vertically between the leading edges of adjacent treads. ~~The tread depth shall be~~ Rectangular tread depths shall be 11 inches (279 mm) minimum measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. Winder treads shall have a minimum tread depth of 11 inches (279 mm) measured ~~at a right angle to the tread's leading edge at a point 12 inches (305 mm) from the side where the treads are narrower~~ between the vertical planes of the foremost projection of adjacent treads at the intersections with the walk line and a minimum tread depth of 10 inches (254 mm) within the clear width of the stair. Exceptions: 1. Alternating tread devices in accordance with ~~paragraph (A)(9)(1009.9)(I)(10)(1009.10) of this rule.~~ 2. Ship ladders in accordance with paragraph (I)(11)(1009.11) of this rule. ~~2.~~ 3. Spiral stairways in accordance with ~~paragraph (A)(8)(1009.8)(I)(9)(1009.9) of this rule.~~ 3. ~~4.~~ Aisle stairs in assembly seating areas where the stair pitch or slope is set, for sightline reasons, by the slope of the adjacent seating area in accordance with ~~paragraph (Y)(11)(b)(1025.11.2)(BB)(11)(b)(1028.11.2) of this rule.~~ 4. ~~5.~~ In Group R-3 occupancies, within dwelling units in Group R-2 occupancies; and in occupancies in Group U ~~which that~~ are accessory to a Group R-3 occupancy or accessory to individual dwelling units in Group R-2 occupancies; the maximum riser height shall be ~~7.75-8 1/4 inches (197-209.55 mm);~~ the minimum tread depth shall be ~~10 inches (254-228.6 mm);~~ the minimum winder tread depth at the walk line shall be 10 inches (254 mm), and the minimum winder tread depth shall be 6 inches (152 mm). A nosing not less than ~~0.75 3/4 inch (19.1 mm) but not more than 1.25 1/4 inches (32 mm)~~ shall be provided on stairways with solid risers where the tread depth is less than 11 inches (279 mm). ~~5.~~ ~~6.~~ See ~~paragraph (AA)(1027.10) of this rule section 3404.1 of the building code as listed in rule 1301:7-7-47 of the Administrative Code~~ for the replacement of existing stairways. 7. In Group I-3 facilities, stairways providing access to guard towers, observation stations and control rooms, not more than 250 square feet (23 m²) in area, shall be permitted to have a maximum riser height of 8 inches (203 mm) and a minimum tread depth of 9 inches (229 mm).

Substantiation: The majority of the new language is language based on model code language. However, language indicating measurements in OFC 1009.4.2. , exception 5, is based on the proposed 2011 Ohio Building Code. The addition of the new language to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code.

Workgroup Action: Accept**Comment Number - 2619****Workgroup Action: Accept****1301:7-7-10****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2402

Comment: (1) 1011.1 Where required. Exits and exit access doors shall be marked by an approved exit sign readily visible from any direction of egress travel. ~~Access.~~ The path of egress travel to exits and within exits shall be marked by readily visible exit signs to clearly indicate the direction of egress travel in cases where the exit or the path of egress travel is not immediately visible to the occupants. Intervening means of egress doors within exits shall be marked by exit signs. Exit sign placement shall be such that no point in ~~a~~ an exit access corridor or exit passageway is more than 100 feet (30 480 mm) or the listed viewing distance for the sign, whichever is less, from the nearest visible exit sign.

Exceptions: 1. Exit signs are not required in rooms or areas ~~which that~~ require only one exit or exit access. 2. Main exterior exit doors or gates which obviously and clearly are identifiable as exits need not have exit signs where approved by the fire code official ~~pursuant to paragraph (A)(1)(1001.1) of this rule. At locations or in structures not regulated by the building code as listed in rule 1301:7-7-45-1301:7-7-47 of the Administrative Code,~~ main exterior exit doors or gates which obviously and clearly are identifiable as exits need not have exit signs where approved by the fire code official. 3. Exit signs are not required in occupancies in Group U and individual sleeping units or dwelling units in Group R-1, R-2 or R-3. 4. Exit signs are not required in dayrooms, sleeping room areas rooms, or dormitories in occupancies in Group I-3. 5. In occupancies in Groups A-4 and A-5 ~~that include grandstand seating arrangements,~~ exits signs are not required on the seating side of vomitories or openings into seating areas where exit signs are provided in the concourse that are readily apparent from the vomitories. Egress lighting is provided to identify each vomitory or opening within the seating area in an emergency.

Substantiation: The majority of the new language is based on model code changes. However, language indicating Group I in OFC 1011.1. , exception 4, is based on the proposed 2011 Ohio Building Code. The change to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code.

Workgroup Action: Accept

Comment Number - 2620

Workgroup Action: Accept

1301:7-7-10

Submitter: Division of State Fire Marshal

Regarding Petition: 2402

Comment: (3) 1013.3 Opening limitations. ~~Open-Required~~ guards shall ~~have balusters or ornamental patterns such that a~~ not have openings which allow passage of a sphere 4 ~~inch-inches~~ diameter (102 mm) ~~sphere cannot pass through any opening up to a height of 34 inches (864 mm). From a height of 34 inches (864 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, a sphere 8 inches (203 mm) in diameter shall not pass in diameter from the walking surface to the required guard height.~~ Exceptions: 1. The triangular openings at the open sides of a stair, formed by the riser, tread and bottom rail at the open side of a stairway shall be a maximum size such that a sphere of 6 inches (152 mm) in diameter cannot pass through the opening ~~not allow passage of a sphere 6 inches (152 mm) in diameter.~~ 2. At elevated walking surfaces for access to and use of electrical, mechanical or plumbing systems or equipment, guards shall ~~have balusters or be of solid materials such that a sphere with a diameter of 21 inches (533 mm) cannot pass through any opening~~ not have openings which allow passage of a sphere 21 inches (533 mm) in diameter. 3. In areas ~~which that~~ are not open to the public within occupancies in Group I-3, F, H or S, and for alternating tread devices and ship ladders, balusters, horizontal intermediate rails or other construction shall not permit a sphere with a diameter of 21 inches (533 mm) to pass through an opening ~~guards shall not have openings which allow passage of a sphere 21 inches (533 mm) in diameter.~~ 4. In assembly seating areas, guards at the end of aisles where they terminate at a fascia of boxes, balconies and galleries shall ~~have balusters or ornamental patterns such that a~~ not have openings which allow passage of a sphere 4-inch-inches in diameter (102 mm) sphere cannot pass through any opening up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (10661067mm) above the adjacent walking surfaces, guards shall not have openings which allow passage of a sphere 8 inches (203 mm) in diameter shall not pass. 5. ~~Within individual dwelling units and sleeping units in Group R-2 and R-3 occupancies, openings for required guards on the sides of stair treads shall not allow a sphere of 4.375 inches (111 mm) to pass through.~~

Substantiation: The proposed 2011 Ohio Fire Code had a new exception #1 which stated, “[f]rom a height of 36 inches (914 mm) to 42 inches (1067 mm), guards shall not have openings which allow passage of a sphere 4-3/8 inches (111 mm) in diameter.” The proposed 2011 Ohio Building code does not contain this exception and also rescinds exception 5. The rescission of exception one and six in the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code. The remaining language changes are based on changes to the model code.

Workgroup Action: Accept

Comment Number - 2621

Workgroup Action: Accept

1301:7-7-10

Submitter: Division of State Fire Marshal

Regarding Petition: 2402

Comment: Table ~~1017.1~~ 1018.1...a. For requirements for occupancies in Group I-2, see ~~Section sections 407.2 and 407.3 of the building code as listed in rule 1301:7-7-45~~ 1301:7-7-47 of the Administrative Code. b. For a reduction in the fire-resistance rating for occupancies in Group I-3, see ~~Section 408.7~~ section 408.8 of the building code as listed in rule 1301:7-7-45 1301:7-7-47 of the Administrative Code. c. Buildings equipped throughout with an automatic sprinkler system in accordance with paragraph (C)(3)(a)(i)(903.3.1.1) or (C)(3)(a)(ii)(903.3.1.2) of rule 1301:7-7-09 of the Administrative Code where allowed. (2) ~~1017.2~~ 1018.2 Corridor width. The minimum corridor width shall be determined in paragraph (E)(1)(1005.1) of this rule, but not less than 44 inches (1118 mm). d. One hour when design qualifies in accordance with Section 903.2.8, exception 3.

Substantiation: The addition of the new language (section d) to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code. The remaining language changes are based on changes to the model code and the update to the reference standards cite.

Workgroup Action: Accept

Comment Number - 2622

Workgroup Action: Accept

1301:7-7-10

Submitter: Division of State Fire Marshal

Regarding Petition: 2402

Comment: (f) (8) ~~4020.1.6~~ ~~1022.8~~ ~~Stairway floor number~~ Floor identification signs. A sign shall be provided at each floor landing in interior exit enclosures connecting more than three stories designating the floor level, the terminus of the top and bottom of the stair exit enclosure and the identification of the stair or ramp. The signage shall also state the story of, and the direction ~~of to,~~ the exit discharge and the availability of roof access from the stairway enclosure for the fire department. The sign shall be located 5 feet (1524 mm) above the floor landing in a position ~~which that is~~ readily visible when the doors are in the open and closed positions. Floor level identification signs in tactile characters complying with ADAAG ICC A117.1 as listed in rule 1301:7-7-47 of the Administrative Code, shall be located at each floor level landing adjacent to the door leading from the enclosure into the corridor to identify the floor level. (a) 1022.8.1 Signage requirements. Stairway identification signs shall comply with ADAAG and with all of the following requirements:

Substantiation: The addition of the new language regarding ADAAG to the proposed 2011 Ohio Fire Code ensures that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code. The remaining language changes are based on changes to the model code and the update to the reference standards cite.

Workgroup Action: Accept

RULE 22

Comment Numbers - 2517 & 2534

Workgroup Action: Reject

1301:7-7-22

Submitters:

Comment	LName	FName	Company Name	City	State
2517	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2534	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 2205.2 Equipment maintenance and inspection. Motor fuel-dispensing facility equipment shall be maintained in proper working order at all times in accordance with *paragraphs (E)(2)(a)(2205.2.1) to (E)(2)(e)(2205.2.5) of this rule.* (a) 2205.2.1 Inspections. Flammable and combustible liquid fuel dispensing ~~and containment~~ equipment shall be ~~periodically~~ inspected ~~where required by the fire code official~~ not less than once per year to verify that it is in proper working order and not subject to leakage. (b) 2205.2.2 Repairs and service. The fire code official is authorized to require damaged or unsafe ~~containment and~~ dispensing equipment to be repaired or serviced in an approved manner including, but not limited to, equipment that shows signs of physical damage, internal and external corrosion, leakage, brittleness, aging or undue wear and tear.

Substantiation: *The requirement for periodic inspection when required is vague and subject to interpretation. When will inspections be required? What does periodic mean? Under what circumstances will an inspection be required? We recommend that specific criteria such as an annual inspection be included. In addition, it is unclear what is meant by containment equipment referred to in 2205.2.1 and 2205.2.2. Containment referred to in 1301:7-7-22 is either secondary containment or spill containment. Is this what is intended? What equipment is to be inspected? We recommend deleting this term.*

Workgroup Action: Reject

Workgroup Statement: This language is based on the International Fire Code (IFC) as developed by the International Code Council (ICC). Pursuant to R.C. 3737.82, the State Fire Marshal is directed to consider using national model code standards as the basis of the fire code. National model codes are developed via a consensus process that involves all of the stakeholders to the codes- a process designed to provide uniform, clear, fair, cost effective and consistent rules for both the regulator and regulated party. Through the code development process, the ICC hears proposals from stakeholders to change the ICC. A proposal to change language based on ICC model code may be directed to the ICC. Therefore, the State Fire Marshal is not inclined to accept changes that differ from national standards without some particularized evidence of why conditions in Ohio require variation. A specific meaning of “periodic” and the circumstances under which inspections may take place is not provided in the code as the timing of inspections and such circumstances are at the discretion of the fire code official. The proposed language requiring discretionary inspections

is consistent with R.C. 3737.14 and the SFM's established policy to not impose, whenever possible, operational mandates on local fire code officials. Thus, the SFM is not inclined to further define "periodic" or the circumstances under which inspections may occur. Finally, the comments in the 2009 edition of *Significant Changes to the IFC* indicate that "the new provision in Section 2205.2.1 requires that dispenser containment sumps, as well as any other containment structures or designs, be inspected."

Comment Numbers - 2518 & 2535**Workgroup Action: Accept****1301:7-7-22****Submitters:**

Comment	LName	FName	Company Name	City	State
2518	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2535	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition:

Comment: 2205.4 Sources of ignition. Smoking and open flames shall be prohibited in areas where fuel is dispensed. The engines of vehicles being fueled shall be shut off during fueling. Electrical equipment shall be in accordance with the *building code and NFPA 70 as listed in rule 1301:7-7-47 of the Administrative Code. (a) 2205.4.1 Hold-open latches. Persons using dispensers with hold-open latches must remain at the refueling point during refueling.*

Substantiation: A petition was not submitted for this change. In his August 16, 2010 response to procedural issues raised at the August 11, 2010 petroleum industry stakeholder meeting, the SFM noted that the addition of paragraph 2205.4.1 was an editorial change and therefore not subject to the petition process. Further, the SFM noted that the requirements of this paragraph are already provided in 2205.6 and ORC 3741.14(B)(6). Paragraph 2205.6 applies to signage required at a motor fuel dispensing facility and ORC 3741.14(B)(6) applies specifically to customers of a self-service filling station. ORC 3741.14(B)(6) states that "Gasoline dispensing nozzles used by any person other than a supervisor, employee, or attendant be of an approved automatic closing type. Any person other than a supervisor, employee, or attendant using a dispenser with a hold-open latch shall remain at the refueling point during refueling." The addition of paragraph 2205.4.1 deals with a broader application of this requirement to any motor fuel dispensing facility included marine and commercial facilities. Further as stated in the response to procedural issues the purpose is to provide a specific section for a person to refer to on issues related to persons using dispensers. If that is the purpose, isn't this addition more than an editorial change since it is creating a new paragraph for a purpose that is not currently available in the rule. Has there been confusion over the applicability of this requirement? Is this paragraph being added to clarify that confusion? If so, then it is not editorial. If not then why is it needed? In addition, the placement of this requirement under 2205.4 is not appropriate since this paragraph refers to sources of ignition. We recommend removing this proposed paragraph; however, if this paragraph is to be added to the rule, than it should be added as a separate paragraph (e.g., new paragraph 2205.8) and it's applicability to various types of motor fuel facilities should be clarified.

Workgroup Action: Accept**Comment Numbers - 2519 & 2536****Workgroup Action: Accept****1301:7-7-22****Submitters:**

Comment	LName	FName	Company Name	City	State
2519	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2536	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 2206.7 Fuel-dispensing systems for flammable or combustible liquids. The design, fabrication and installation of fuel-dispensing systems for flammable or combustible liquid fuels shall be in accordance with *paragraphs (F)(7)(a)(2206.7.1) to (F)(7)(i)(ii)(d)(2206.7.9.2.4) of this rule. Fuel-dispensing systems for alcohol blended fuels dispensing systems shall also comply with paragraph (F)(8)(2206.8) of this rule.*

Substantiation: The modification to the language of this paragraph has been recommended to provide consistent terminology between the existing sentence of this paragraph and the proposed new sentence. Terminology should be used consistently throughout the code. This is not always the case in the proposed language from the 2009 version of the International Fire Code. The Ohio Fire Code should use consistent terminology. See comment on 2206.8.

Workgroup Action: Accept

Comment Numbers - 2520 & 2537**Workgroup Action: Accept In Principle**

1301:7-7-22

Submitters:

Comment	LName	FName	Company Name	City	State
2520	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2537	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 2206.8 ~~Alcohol blended fuel-dispensing systems for alcohol blended fuels operations.~~ The design, fabrication and installation of ~~alcohol blended fuel-dispensing systems for alcohol blended fuels~~ shall also be in accordance with *paragraphs (F)(7)(2206.7) and paragraphs (F)(8)(a)(2206.8.1) to (F)(8)(e)(2206.8.5) of this rule.*

Substantiation: The modification to the title and language of this paragraph has been recommended to provide consistent terminology with 2206.7 which is referenced in this paragraph and provide consistency in terminology. Terminology should be used consistently throughout the code. This is not always the case in the proposed language from 2009 version of the International Fire Code. The Ohio Fire Code should use consistent terminology. See comment on 2206.7.

Workgroup Action: Accept In Principle

Workgroup Statement: The SFM accepts this language needs revised. However, the SFM will use the language “alcohol blended fuel dispensing systems” as the title of the section.

Comment Numbers - 2521 & 2539**Workgroup Action: Reject**

1301:7-7-22

Submitters:

Comment	LName	FName	Company Name	City	State
2521	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2539	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 2206.8.2 Change of system contents. Fuel dispensing systems subject to change in contents from gasoline to alcohol blended fuels shall require a permit in accordance with (A)(2)(2201.2) of this rule ~~be subject to fire code official review and approval prior to commencing dispensing operations.~~

Substantiation: Is this paragraph referring to permitting requirements under 105.1.1.1.2 or some other form of approval process. What is the fire code official to review? Is this referring to a review of plans, an inspection of the system, or both? A consistent process should be used.

Workgroup Action: Reject

Workgroup Statement: The fire code official is to review for compliance with 3404.2.1, change of tank contents. The process is similar to many other portions of the OFC which require fire code official approval of an activity. Permits are discretionary and may be part of the approval process at the discretion of the fire code official. As for the inspection, the comments in the 2009 edition of *Significant Changes to the IFC* indicate that “part of the approval process should include a review of manufacturer data sheets or listing to confirm the component’s compatibility with ethanol.”

Comment Numbers - 2522 & 2540**Workgroup Action: Accept In Principle**

1301:7-7-22

Submitters:

Comment	LName	FName	Company Name	City	State
2522	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2540	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: (c) 2206.8.3 Fill pipe ~~Facility identification. Facilities dispensing alcohol blended fuels shall be identified by an~~ The fill pipe or access covers for a tank storing alcohol blended fuels associated shall be identified in accordance with the API RP 1637 color code or other approved means.

Substantiation: As written, it is unclear what type of identification is required in 2206.8.3. We spoke with Scott Stookey from the International Fire Code who explained that the purpose of this section was to ensure that the storage tank fill pipe appropriately identify the tank as containing an alcohol blended fuel. This section was not intended to include the entire facility. Further there is still a lot of uncertainty as to the percentages of blends that may be present at

a facility. We are recommending that this paragraph be modified to reference the API color coding system described in API RP 1637 - Using the API Color-Symbol System to Mark Equipment and Vehicles for Product Identification at Gasoline Dispensing Facilities and Distribution Terminals, Third Edition as one means to mark the tank fill pipe but also allow for other alternatives.

Workgroup Action: Accept In Principle

Workgroup Statement: The commenter recommended that instead of general facility markings, that “fill pipe or access covers for a tank storing alcohol blended fuels” be identified in accordance with the API RP 1637 color code (or other approved means). The SFM accepts this concept, but intends to maintain the existing scope of this section and include a reference to facilities as defined in Chapter 2 of the OFC. The following language will be used: **2206.8.3**

Facility identification. Facilities dispensing alcohol blended fuels shall be identified by marking the fill pipes in accordance with API 1637 as listed in rule 1301:7-7-47 of the Administrative Code or an approved means.

Comment Numbers - 2523 & 2541

Workgroup Action: Accept In Principle

1301:7-7-22

Submitters:

Comment	LName	FName	Company Name	City	State
2523	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2541	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: ~~(d) 2206.8.4 Marking. Dispensers shall be marked in an approved manner to identify the types of alcohol blended fuels to be dispensed~~

Substantiation: The issue of pump labeling is and will be addressed by several different federal agencies. In particular, the Federal Trade Commission (FTC) is current considering regulations for labeling of ethanol blends including mid-grade ethanol blends. From a flammable and combustible liquid perspective what is the issue for alcohol blended fuels? Is it the actual percentage of alcohol blended fuels that is needed or is it a need to know that the fuel is an alcohol blended fuel? Labels are already available for E85 dispensers (see example below); however, the outcome of FTC’s rule making will likely govern the specific labeling requirements. We would recommend holding off on including this requirement until there has been a resolution on appropriate labeling for alcohol blended fuels. We believe other agencies such as the FTC or weights and measure will develop specific labeling requirements for dispensers for alcohol blended fuels. As a result, we have proposed deleting this paragraph. If it is the SFM’s intent to retain this requirement, then we would suggest this paragraph be revised as follows: (d) **2206.8.4 Marking.** Dispensers shall be identified as dispensing alcohol blended fuels ~~marked in an approved manner to identify the types of alcohol blended fuels to be dispensed~~

Workgroup Action: Accept In Principle

Workgroup Statement: The commenter recommended that the SFM rescind the language as the Federal Trade Commission (FTC) is promulgating rules which will address specific labeling requirements for E85 dispensers. The SFM intends to retain the language since the FTC has not finalized the promulgation of such rules. However, the workgroup proposes language to indicate that the SFM approves the means by which dispensers shall be marked. Having one authority determine the approved means will ensure consistency across the state. The SFM will determine the approved means by receiving input from industry organizations. When the FTC effectuates a rule, the SFM will consider using that rule as the basis for the approved means. The following language will be used: **2206.8.4 Marking.** As approved by the State Fire Marshal, ~~Dispensers shall be marked in an approved manner to identify the types of alcohol blended fuels to be dispensed.~~

Comment Numbers - 2530 & 2538

Workgroup Action: Accept In Principle

1301:7-7-22

Submitters:

Comment	LName	FName	Company Name	City	State
2530	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2538	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: ~~(a) 2206.8.1 Approval of equipment. Dispensers, hoses, nozzles, breakaway fittings, swivels, flexible connectors or dispenser emergency shutoff valves, vapor recovery systems and pumps used in alcohol blended fuel dispensing systems shall be listed or approved for the specific purpose.~~

Substantiation: This section is redundant to the other sections of this rule that require a component to be listed or approved with the exception of the use of the term “for the specific purpose.” It also could suggest that there is an additional listing or approval required when it appears that the sole purpose is to clarify that the listing or approval

needs to be for the specific purpose of dispensing alcohol blended fuels. The listing or approval of the components of a fuel dispensing system is addressed in many paragraphs of this rule. Creating a component list as proposed in this new paragraph either has to be all inclusive or very general; otherwise it will create confusion as to how various provisions of the rule may apply to alcohol blended fuels. As it is now written, terminology can be a problem since various terms are used to mean the same thing (e.g., hose, dispenser hose). The term “listed” is defined in 1301:7-7 to include the term “found suitable for a specified purpose” and the term “approved” is defined in paragraph 2202.2 of this rule. It would be more appropriate to modify the definition of “approved” and rely on these definitions. This would provide consistency in the rule with respect to the requirements for fuel dispensing systems and limit the issues for alcohol blended fuels only to those issues that are unique to the fuels. Further as fuel composition changes in the future, the issue of listing and approval will not have to be addressed for each new fuel mix. We are recommending that this paragraph be deleted and the definition of “approval” in paragraph 2202.2 be modified as follows: “Approved” as used in rule 1301:7-7-22 of the Administrative Code as follows: As used in this rule and notwithstanding the definition as set forth in rule 1301:7-7-22 of the Administrative Code, the term “approved”, unless otherwise further specified or defined in this rule, means: listed, labeled or tested for the specified purpose and documented in research reports from an authoritative source listed in paragraph (O)(2)(115.2) of rule 1301:7-7-01 of the Administrative Code, or otherwise acceptable to the fire code official. In addition, we recommend that the term “alcohol blended fuel dispensing systems” be revised to fuel dispensing systems for alcohol blended fuels” to be consistent with other terminology in the rule and our comments on paragraphs 2206.7 and 2206.8.

Workgroup Action: Accept In Principle

Workgroup Statement: The SFM agrees in principle but is not inclined to rescind 2206.8.1. If this section were deleted the effects would go beyond the intention indicated in the comment. Thus, the SFM will maintain 2206.8.1 with a minor amendment as follows: (a) 2206.8.1 Approval of equipment. Dispensers, hoses, nozzles, breakaway fittings, swivels, flexible connectors or dispenser emergency shutoff valves, vapor recovery systems and pumps used in alcohol blended fuel dispensing systems shall be approved as that term is defined in this rule~~listed or approved for the specific purpose~~. Further, the SFM will amend the definition of “approved” to read as follows: (2) 2202.2 “Approved” as used in rule 1301:7-7-22 of the Administrative Code. As used in this rule and notwithstanding the definition as set forth in rule 1301:7-7-22 of the Administrative Code, the term “approved”, unless otherwise further specified or defined in this rule, means: listed, labeled or tested for the specified purpose and documented in research reports from an authoritative source listed in paragraph (O)(2)(115.2) of rule 1301:7-7-01 of the Administrative Code, or otherwise acceptable to the fire code official.

Comment Numbers - 2515 & 2533**Workgroup Action: Reject****1301:7-7-22****Submitters:**

Comment	LName	FName	Company Name	City	State
2515	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2533	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 2202 – Definitions “~~Aircraft motor vehicle fuel dispensing facility.~~” That portion of property where flammable or combustible liquids or gases used as motor fuels are stored and dispensed from fixed automotive type equipment into the fuel tanks of aircraft. “~~Alcohol blended fuels.~~” ~~Alcohol blended fuels, including those containing 85-per cent ethanol and 15-per cent unleaded gasoline (E85), are f~~ Flammable liquids used as motor fuel consisting of ethanol or other alcohols blended with gasoline in concentrations greater than 15 per cent by volume, including those containing 85-per cent ethanol and 15-per cent unleaded gasoline (E85).

Substantiation: Aircraft motor vehicle fuel-dispensing facility is only used one time in the document and that is in the scope. The application of this document and the reference to NFPA 30 or 30A for aircraft refueling is inappropriate. Aircraft refueling is a significantly different refueling operation than automotive or marine refueling due to the variety of different aircraft and refueling facilities. Aircraft refueling is more appropriately addressed through NFPA 407: Standard for Aircraft Fuel Servicing. Note that NFPA 407 does reference NFPA 30, but does not reference NFPA 30A. Further it is unclear what is meant by “automotive-type equipment”. Dispensing to an aircraft is typically not done from a conventional dispenser or pump similar to those used at a retail or commercial automotive dispensing facility. In many cases dispensing to an aircraft is done using a cabinet enclosure that contains the meter and a hose reel. The general application of this rule or NFPA 30A, in particular, could be problematic. We recommend removing this definition and the references to this term in the rule. If there is a need to address aircraft refueling than the definition should not refer to “automotive type” equipment and NFPA 407 should be referenced rather than 1301:7-7-22 or NFPA 30A. As it relates to alcohol blended fuels, the definition provided in the IFC Chapter 22 and proposed for adoption by the Ohio Fire Code is difficult to read and does not adequately describe alcohol blended fuels. The proposed revision provides a more clear description of an alcohol blended fuel and specifically references the liquid it is blended with (i.e., gasoline).

Workgroup Action: Reject

Workgroup Statement: “Aircraft motor vehicle fuel dispensing facility” is referenced twice in OFC Chapter 11 with references to OFC Chapter 22 and NFPA 407. The meaning of “automotive type equipment” may be derived by referencing associated sections and applying common definitions to the terms. The commenter has not proposed alternative language or a specific definition for this phrase so the SFM is not inclined to rescind this phrase. Also, the SFM believes it is a standard practice for a smaller aircraft to be fueled by the use of automotive-type equipment. Finally, this language (“aircraft motor vehicle fuel dispensing facility” and “alcohol blended fuels”) is based on the International Fire Code (IFC) as developed by the International Code Council (ICC). Pursuant to R.C. 3737.82, the State Fire Marshal is directed to consider using national model code standards as the basis of the fire code. National model codes are developed via a consensus process that involves all of the stakeholders to the codes- a process designed to provide uniform, clear, fair, cost effective and consistent rules for both the regulator and regulated party. Through the code development process, the ICC hears proposals from stakeholders to change the ICC. A proposal to change language based on ICC model code may be directed to the ICC. Therefore, the State Fire Marshal is not inclined to accept changes that differ from national standards without some particularized evidence of why conditions in Ohio require variation.

RULE 33

Comment Number - 2605**Workgroup Action: Accept****1301:7-7-33****Submitter:** Division of State Fire Marshal**Regarding Petition:** 2401**Comment:** (K) Section 3311 Flame effects permit (1)3311.1 *Scope. This paragraph shall apply to the following:*

- (a) *Use of flame effects for entertainment, exhibition, demonstration or simulation before an audience*
- (b) *Design, fabrication, installation, testing, control, operation, and maintenance of equipment, materials, procedures, and systems used to produce flame effects*
- (c) *Rehearsal, videotaping, audio taping, or filming of any television, radio, or movie production if such production is before an audience and includes the use of flame effects*
- (d) *Rehearsal of any production incorporating flame effects intended to be presented before an audience*
- (e) *Storage and holding at a venue where flammable and combustible materials are used to create flame effects*

This rule shall not apply to:

- (a) *Flame effects produced solely by pyrotechnic special effects devices*
- (b) *Use of pyrotechnic special effects*
- (c) *Storage of flammable solids, liquids, and gases not to be used to create flame effects*
- (d) *Manufacture, off-site storage, and transportation of materials and equipment used to produce flame effects*
- (e) *Use of flame effects in fire training, except where there is an audience that is not part of the training*
- (f) *Manufacture, transportation, storage, sale, or use of model or high-power rocket motors*
- (g) *Traditional non-theatrical public display of flames such as the following:*
 - (i) *Use of lighted candles in restaurants or religious services*
 - (ii) *Fireplace in areas open to the public*
 - (iii) *Restaurant cooking visible to the patrons*
 - (iv) *Listed Group II flame effects*
- (h) *Use of motor vehicles in races or sanctioned competitive sporting events*

(2)3311.2 *Permit. A permit shall be obtained from the local fire code official of the jurisdiction for the use of indoor and outdoor flame effects as set forth in division 3311.1 of this rule at least five days in advance of the production, exhibition, demonstration, or simulation using the flame effects. Failure to obtain a permit prior to five days in advance of the production or non-compliance with the requirements of this rule and NFPA 160 as listed in rule 1301:7-7-47 of the Administrative Code may, in the discretion of the local fire code official, result in denial or revocation of the permit. Before any flame effects exhibition permit issued under this rule is considered to be a valid permit to allow the licensed flame effects exhibitor to exhibit a flame effects exhibition, the permit, upon approval, must be signed and dated by the local fire code official having jurisdiction. As required by the local fire code official to confirm compliance with this paragraph, receipt of the permit and any conditions associated thereto, the flame effects exhibitor shall sign and date the permit application, the permit and/or other required documentation. When a permit is required by this rule, a local fire code official shall be present during the production, exhibition, demonstration, or simulation using flame effects. Exception: When issuing a permit for a group II flame effects production, exhibition, demonstration, or simulation using flame effects, the local fire code official shall determine that a local fire code official need not be present during such an exhibition. If a permit is required by this rule, the permit shall identify the local fire code official who will be present before, during, and after the flame effects exhibition. If a portion of the fire protection or life safety systems of a structure are interrupted during the operation of flame effects, a fire code official must grant a prior approval of and be present during such interruptions. Any performance adding flame effects different from the performance described in the permittee's plan shall require approval by the local fire code official having jurisdiction.*

(3)3311.3 *Permit form. The application form for exhibition permit as prescribed by the state fire marshal shall be legibly and fully completed by the licensed flame effects exhibitor to clearly indicate the circumstances and class of the flame effects exhibition the flame effects exhibitor wishes to conduct. (4) 3311.4 Flame Effects Use Plan. Before the performance of any production, the permit applicant shall submit a plan for the use of flame effects to the local fire code official. The plan shall be made in writing in such form as is acceptable to the local fire code official and shall demonstrate compliance with this rule and NFPA 160 listed in rule 1301:7-7-47 of the Administrative Code. The plan shall include but is not limited to the following:*

- (a) *The name of the person, group, or organization sponsoring the production;*
- (b) *The date and time of day of the production;*
- (c) *The exact location of the production;*
- (d) *The name of the flame effects exhibitor and proof of valid flame effects exhibitor license issued by the state fire marshal.*

marshal;

(e) The number, names, and ages of all assistants that will be present;

(f) The qualifications and experience of the flame effects exhibitor;

(g) The flame effects classification and design criteria in accordance with NFPA 160 listed in rule 1301:7-7-47 of the Administrative Code;

(h) A diagram of the site indicating the location of all flame effects devices, the areas effected by each device, location of the audience and separation distances, means of egress, and information on all fuels and ventilation for each effect;

(i) A narrative description of the flame effects, controls, and control sequences of all devices, and emergency response procedures;

(j) If applicable, a valid Material Safety Data Sheet (MSDS) for each fuel utilized;

(k) Documentation that the set, scenery, and rigging materials are treated with appropriate flame retardant.

After a permit has been granted, the permittee shall keep the plan available at the site for safety inspectors or other designated agents of each authority having jurisdiction.

(5) 3311.5 Fee. When the legislative authority of the political subdivision has prescribed a fee for the issuance of a permit for a flame effects exhibition, the local fire code official shall not issue such permit until the flame effects exhibitor pays the requisite fees as required by the local legislative enactment setting forth such fee.

(6) 3311.6 Inspection of site. Prior to issuance, the local fire code official having jurisdiction shall inspect the premises where the flame effects exhibition is to take place and determine whether the exhibition, demonstration, or simulation using flame effects is in compliance with this rule, Chapter 3743. of the Revised Code, and NFPA 160 (Annex C, Inspection Guidelines) listed in rule 1301:7-7-47 of the Administrative Code.

(7) 3311.7 Inspection checklist. At the time of the required site inspection, the local fire code official having jurisdiction shall complete the required detailed inspection checklist as prescribed by the state fire marshal. No production, exhibition, demonstration, or simulation using flame effects shall occur in this state until the licensed flame effects exhibitor possesses a copy of the appropriate checklist signed by the local fire code official.

(8) 3311.8 Requirements to Exhibit Flame Effects. No person shall engage in the production, exhibition, demonstration, or simulation using flame effects unless the person obtains a permit in accordance with this rule. No permit for a flame effects exhibition shall be granted unless the applicant is in possession of a valid flame effects exhibitor's license in accordance with OFC 3319 to exhibit, demonstrate, or simulate using flame effects. Each applicant for a permit shall show the applicant's license as a flame effects exhibitor's license to the local fire code official and, upon request, to the police chief or other similar law enforcement officer.

(9) 3311.9 Permit, denial and revocation. The local fire code official may deny or revoke a flame effects exhibition permit for any of the following:

(a) The applicant/exhibitor does not possess a valid flame effects exhibitor's license issued by the state fire marshal.

(b) The site on which the flame effects exhibition is to take place does not conform to the applicable rules.

(c) The applicant has failed to pay the permit fee or provide the required information.

(d) The applicant has failed to provide the required indemnity bond or proof of insurance, if such indemnity bond or proof of insurance is required by the local fire code official at the local fire code official's discretion.

(e) The flame effects exhibitor has failed to postpone a flame effects exhibition when so ordered due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this rule.

(f) The flame effects exhibitor has failed to store the flame effects in a safe manner prior to or during the flame effects exhibition or is firing the flame effects exhibition in an unsafe manner.

(g) The licensed flame effects exhibitor present at the flame effects exhibition is not the licensed flame effects exhibitor that was designated to be present pursuant to paragraph 3311.2 and 3311.4 of this rule. The local fire code official is authorized to approve a substitution of another licensed flame effects exhibitor under extenuating circumstances prior to the flame effects exhibition provided that the substitute licensed flame effects exhibitor:

(i) Demonstrates to the local fire code official possession of a valid flame effects exhibitor's license;

(ii) Signs the flame effects exhibition permit and thereby accepts the full responsibility and liability for conducting the flame effects exhibition as initially approved;

(iii) If required by the local fire code official, produces proof that general liability insurance or indemnity bond issued by a company licensed to provide such coverage in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the local fire code official, is in force for the applicant and includes acts of all employees;

(iv) Demonstrates to the local fire official that they are authorized by the initial flame effects exhibitor to conduct the flame effects exhibition;

(v) Follows the initially approved conditions of the flame effects exhibition permit;

(vi) Conducts the flame effects exhibition in accordance with the requirements of this rule.

(h) *The licensed flame effects exhibitor failed to produce, exhibit, demonstrate, or simulate using flame effects in accordance with this rule or otherwise failed to comply with the requirements set forth in this rule.*

(10) 3311.10 *Ceasing operations. Operations shall immediately cease and the flame effects exhibition shall be postponed by the licensed flame effects exhibitor when so ordered by the local fire code official or due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this rule. The local fire code official shall order the immediate cessation of the flame effects exhibition due to unsafe conditions or operations, unsafe spectator conditions, or any other condition in violation of this rule. The orders to cease operations, postpone the flame effects exhibition and the revocation of the flame effects exhibition permit may be communicated verbally by the local fire code official. When so ordered or when the flame effects exhibition permit has been revoked, the flame effects exhibitor shall cease the flame effects exhibition immediately. The flame effects exhibitor may reapply for a new permit for the flame effects exhibition when the local fire code official is satisfied that all rules, conditions, and operations are safe or have been complied with.*

(11) 3311.11 *General. All flame effects control systems shall be designed and installed to prevent accidental firing and unintentional release of fuel.*

(12) 3311.12 *Holding Areas, Quantity, Use, Operation, Design, and Control of Flame Effects.*

3311.12.1 *General All flame effect materials and devices not connected for use shall be stored in accordance with applicable codes and standards and any state and local regulations.*

3311.12.2 *Holding Areas All flammable flame effect materials and loaded devices that have been removed from storage areas in anticipation of use shall be stored in a holding area acceptable to the local fire code official.*

3311.12.3 *Quantity Limitations The maximum quantity of flammable flame effect materials and loaded devices stored in a holding area shall be that quantity used in one day. Quantities of flammable flame effect materials and devices in excess of those used in one day shall be permitted to be stored in holding areas with the approval of the local fire official. Flammable flame effect materials and loaded devices in holding areas shall be secured or supervised continuously by an attendant trained in emergency response procedures. All flame effects and flame effects exhibitors shall comply with NFPA 160 and the NFPA 160 annexes as listed in rule 1301:7-7-47 of the Administrative Code.*

(13) 3311.13 *Insurance. The local fire code official having jurisdiction may require the applicant to maintain valid general liability insurance or an indemnity bond in force for the applicant and includes acts of all employees that is issued by a company licensed to provide such coverage in the state of Ohio, for an amount no less than one million dollars or as otherwise required in a higher amount by the local fire official.*

(14) 3311.14 *Documentation. General All flame effects devices and materials shall have drawings, manuals, or written descriptions to describe the type of item and performance specifications of the flame effects created. This documentation shall be on site and available to the local fire official.*

(15) 3311.15 *Operating Procedures All flame effects shall have written operating instructions including start-up, show operations normal shutdown procedures, and emergency shutdown procedures. Operating instructions shall be available to the operator.*

Substantiation: Pursuant to R.C. 3743.54(G), the director of commerce appointed a committee consisting of the state fire marshal or the marshal's designee, three representatives of the fireworks industry, and three representatives of the fire service to assist the state fire marshal in revising fireworks exhibition and flame effects rules. This new flame effect language is the product of that committee's work and is being added to Ohio Fire Code at this time to complete the overall restructuring of all public exhibition rules (See petition 2401 referencing new OFC Section 3308 for further information about other changes to exhibition rules.)

Workgroup Action: Accept

Comment Number - 2602

Workgroup Action: Accept

1301:7-7-33

Submitter: Division of State Fire Marshal

Regarding Petition: 937

Comment: 3316.2 *Denial or revocation of license. A manufacturer or wholesaler license may be denied or revoked pursuant to Chapter 119. of the Revised Code when any of the following occur: (a) ~~3317.2.1~~3316.2.1 The applicant has failed to submit proof of comprehensive general liability insurance or licensee has failed to maintain the same. (b) ~~3317.2.2~~3316.2.2 The applicant has failed to provide the required information on the application form provided by the state fire marshal, including, but not limited to failure to include~~ing~~ the identification of a statutory agent if applicable or other designated agent for service of process at the time of application and prompt notification of any changes in the statutory agent. (c) ~~3317.2.3~~3316.2.3 The applicant has failed to include the required fee for the license with the application. (d) ~~3317.2.4~~3316.2.4 The applicant withdraws his or her application prior to an investigation or inspection by the state fire marshal to determine if the license shall be issued. (e) ~~3317.2.5~~3316.2.5 The applicant or*

licensee has made a misrepresentation or filed false statements. (f) ~~3317.2-63316.2.6~~ There is substantial evidence that the fireworks premises are not in full compliance with Chapters 3781. and 3791. of the Revised Code, or any applicable building or zoning regulations. (g) ~~3317.2-73316.2.7~~ The state fire marshal shall revoke or deny renewal of a license or permit first issued under Chapter 3743. of the Revised Code on or after July 1, 1997, if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a felony under the laws of this state, another state, or the United States. (h) ~~3317.2-83316.2.8~~ The licensed premises fails to comply with the requirements as set forth in paragraph ~~(W)(3323)~~(V)(3322) of this rule. (i) ~~3317.2-93316.2.9~~ The applicant, licensee or premises fails to comply with the requirements or any provision of the Ohio Revised Code, Ohio Administrative Code or NFPA standards as listed in rule ~~1301:7-7-45~~1301:7-7-47 of the Administrative Code, or any order of the state fire marshal.

Substantiation: The new language was added to clarify that an application may be denied for failing to include information other than just the identification of a statutory agent.

Workgroup Action: Accept

RULE 34

Comment Numbers - 2531, 2542 & 2543

Workgroup Action: Accept

1301:7-7-34

Submitters:

Comment	LName	FName	Company Name	City	State
2531	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2542	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio
2543	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 3404.1.2 Security. Storage, dispensing, use and handling shall be secured against unauthorized entry and safeguarded against public access. Aboveground ~~T~~anks that are not enclosed in vaults shall be enclosed by a chain link fence at least 6 feet (1.8 m) high. The fence shall be separated from the tanks by at least 3 feet (0.9 m) and shall have a gate that is secured against unauthorized entry.

Substantiation: We recommend the propose change to make it clear that fencing applies only to above ground storage tanks.

Workgroup Action: Accept

Comment Numbers - 2524 & 2544

Workgroup Action: Reject

1301:7-7-34

Submitters:

Comment	LName	FName	Company Name	City	State
2524	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2544	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 3404.2.7.5.2 Filling, emptying and vapor recovery connections. Filling, emptying and vapor recovery connections to tanks containing Class I, II or IIIA liquids shall be located outside of buildings in accordance with paragraph (D)(2)(g)(v)(f)(3404.2.7.5.6) of this rule at a location free from sources of ignition and not less than 5 feet (1524 mm) away from building openings or lot lines of property that can be built on. Such openings shall be properly identified and provided with a liquid-tight cap which shall be closed when not in use and properly identified. ~~Filling and emptying connections to indoor tanks containing Class IIIB liquids and connected to fuel burning equipment shall be located at a finished ground level location outside of buildings. Such openings shall be provided with a liquid tight cap which shall be closed when not in use. A sign in accordance with paragraph (C)(6)(2703.6) of rule 1301:7-7-27 of the Administrative Code that displays the following warning shall be permanently attached at the filling location: "TRANSFERRING FUEL OTHER THAN CLASS IIIB COMBUSTIBLE LIQUID TO THIS TANK CONNECTION IS A VIOLATION OF THE FIRE CODE AND IS STRICTLY PROHIBITED"~~

Substantiation: It is unclear whether this provision is to apply to any Class IIIB liquid or only to Class IIIB liquids connected to fuel burning equipment. In any case, based on 3401.2 (c) 1301:7-7-34 does not apply to the "Storage and use of fuel oil in tanks and containers connected to oil burning equipment." Given that this rule does not apply to fuel oil tanks, the application of this provision is inappropriate, potentially unenforceable, and should not be included here. We have recommended deleting this entire portion of this paragraph since as written it appears to only apply to tanks connected to fuel burning equipment. If the intent is for this to be applied to other Class IIIB liquids, then at minimum

the term “and connected to fuel burning equipment” should be deleted. Requirements for fuel oil systems should be in 1301:7-7-06.

Workgroup Action: Reject

Workgroup Statement: This language is based on the International Fire Code (IFC) as developed by the International Code Council (ICC). Pursuant to R.C. 3737.82, the State Fire Marshal is directed to consider using national model code standards as the basis of the fire code. National model codes are developed via a consensus process that involves all of the stakeholders to the codes- a process designed to provide uniform, clear, fair, cost effective and consistent rules for both the regulator and regulated party. Through the code development process, the ICC hears proposals from stakeholders to change the ICC. A proposal to change language based on ICC model code may be directed to the ICC. Thus, the State Fire Marshal is not inclined to accept changes that differ from national standards without some particularized evidence of why conditions in Ohio require variation. This proposed code change adds prudent controls for Class IIIB liquid tanks inside buildings connected to fuel-burning equipment. The proposal intentionally only addresses tanks connected to fuel-burning equipment because it is not intended to subject all Class IIIB liquid tanks (i.e. waste oil tanks at motor vehicle repair facilities and indoor bulk motor oils in industrial buildings) to these new requirements. This proposed change would require that tanks connected to fuel-burning equipment intended for Class IIIB fuels be provided with: 1. Vents that terminate on the outside of the building; 2. A fill opening located on the outside of the building; 3. An approved overfill prevention system in accordance with Rule 3404.2.9.6.6 that sounds a local alarm when the tank capacity hits 90% full and automatically stops the flow of fuel when the tank capacity reaches 95% full; and 4. A permanent label on the tank as well as permanent signage at the fill location prohibiting delivery of fuels other than Class IIIB fuels to that fill location. Rule 34 does apply to fuel burning equipment not exclusively related to Chapter 6.

Comment Numbers - 2525 & 2545

Workgroup Action: Reject

1301:7-7-34

Submitters:

Comment	LName	FName	Company Name	City	State
2525	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2545	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 3404.2.7.5.8 Overfill prevention. A means or method in accordance with *paragraph (D)(2)(i)(vii)(f)(3404.2.9.7.6) and (D)(2)(i)(vii)(g)(3404.2.9.7.7) of this rule* shall be provided to prevent the overfill of all Class I, II and IIIA liquid storage tanks. Storage tanks in refineries, bulk plants or terminals regulated by *paragraphs (F)(4)(3406.4) or (F)(7)(3406.7) of this rule* shall have overfill protection in accordance with API 2350 as listed in 1301:7-7-47 of the Administrative Code. ~~An approved means or method in accordance with *paragraph (D)(2)(i)(vii)(f)(3404.2.9.7.6) of this rule* shall be provided to prevent the overfilling of Class IIIB liquid storage tanks connected to fuel burning equipment inside buildings.~~

Substantiation: Based on 3401.2 (c) 1301:7-7-34 does not apply to the “Storage and use of fuel oil in tanks and containers connected to oil burning equipment.” Given that this rule does not apply to fuel oil tanks, this provision is inappropriate, potentially unenforceable, and should not be included here. We recommend deleting this sentence. Requirements for fuel oil systems should be in 1301:7-7-06. Further the inclusion of 3404.2.9.7.7 which applies only to protect aboveground tanks mandates tight fill connections for all transfers to tanks regardless of size or use. This would eliminate transfers using a nozzle for smaller farm, commercial or construction tanks. See our comments on 3404.2.9.7.7. We recommend deleting this reference.

Workgroup Action: Reject

Workgroup Statement: It is correct that 3401.2(c) indicates that storage and use of fuel oil in tanks and containers connected to oil burning equipment is not subject to Rule 34. However, this section also refers you to OFC Chapter 6 (building services and systems) but OFC Chapter 6 specifically refers back to Chapter 34 (fuel oil storage inside buildings). Therefore, some sections in rule 34 apply to the storage and use of fuel oil in tanks and containers connected to oil burning equipment and the specific section in question is appropriate. In addition, this language is based on the International Fire Code (IFC) as developed by the International Code Council (ICC). Pursuant to R.C. 3737.82, the State Fire Marshal is directed to consider using national model code standards as the basis of the fire code. National model codes are developed via a consensus process that involves all of the stakeholders to the codes- a process designed to provide uniform, clear, fair, cost effective and consistent rules for both the regulator and regulated party. Through the code development process, the ICC hears proposals from stakeholders to change the ICC. A proposal to change language based on ICC model code may be directed to the ICC. Thus, the State Fire Marshal is not inclined to accept changes that differ from national standards without some particularized evidence of why conditions

in Ohio require variation. Finally, as to the concerns regarding section 3404.2.9.7.7, the comment associated with this section, #2528, was accepted.

Comment Numbers - 2526 & 2546
Workgroup Action: Reject
1301:7-7-34
Submitters:

Comment	LName	FName	Company Name	City	State
2526	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2546	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 3404.2.9.5 Aboveground tanks inside of buildings. Tanks storing Class I, II and IIIA liquids inside buildings shall be equipped with a device or other means to prevent overflow into the building including, but not limited to: a float valve; a preset meter on the fill line; a valve actuated by the weight of the tank's contents; a low-head pump which that is incapable of producing overflow; or a liquid-tight overflow pipe at least one pipe size larger than the fill pipe and discharging by gravity back to the outside source of liquid or to an approved location. ~~Tanks containing Class IIIB liquids and connected to fuel burning equipment shall be provided with a means to prevent overflow into buildings in accordance with paragraph (D)(2)(g)(v)(h)(3404.2.7.5.8) of this rule.~~

Substantiation: It is unclear whether this provision is to apply to any Class IIIB liquid or only to Class IIIB liquids connected to fuel burning equipment. In any case, based on 3401.2 (c) 1301:7-7-34 does not apply to the "Storage and use of fuel oil in tanks and containers connected to oil burning equipment." Given that this rule does not apply to fuel oil tanks, the application of this provision is inappropriate, potentially unenforceable, and should not be included here. We have recommended deleting this entire portion of this paragraph since as written it appears to only apply to tanks connected to fuel burning equipment. If the intent is for this to be applied to other Class IIIB liquids, then at minimum the term "and connected to fuel burning equipment" should be deleted. Requirements for fuel oil systems should be in 1301:7-7-06.

Workgroup Action: Reject

Workgroup Statement: This language is based on the International Fire Code (IFC) as developed by the International Code Council (ICC). Pursuant to R.C. 3737.82, the State Fire Marshal is directed to consider using national model code standards as the basis of the fire code. National model codes are developed via a consensus process that involves all of the stakeholders to the codes- a process designed to provide uniform, clear, fair, cost effective and consistent rules for both the regulator and regulated party. Through the code development process, the ICC hears proposals from stakeholders to change the ICC. A proposal to change language based on ICC model code may be directed to the ICC. The State Fire Marshal is not inclined to accept changes that differ from national standards without some particularized evidence of why conditions in Ohio require variation. With respect to this comment, after analyzing the available information, the State Fire Marshal does not find particularized evidence to further amend this section of the code. Specifically, tanks containing Class IIIB liquids that are connected to fuel-burning equipment as regulated in this section are not adequately addressed elsewhere in the code and the specified regulations for these substances/activities are appropriate and enforceable. Therefore, this comment is not accepted. Section 3404.2.9.5 does not apply to all class IIIB liquids (e.g. tanks of discarded motor oil at an oil change business). The second paragraph (the language in question) of section 3404.2.9.5 does apply to one specific type of Class IIIB liquids: such liquids that are in tanks (ASTs) inside buildings connected to fuel burning equipment. The location of this regulation is appropriate because, although 3401.2(c) refers you to OFC Chapter 6 (building services and systems), OFC Chapter 6 specifically refers back to Chapter 34 (fuel oil storage inside buildings) for rules governing this activity. Specifically, the last sentence of 3404.2.9.5 refers to tanks containing class IIIB liquids that are connected to fuel burning equipment. *Fuel* burning equipment is not within the scope of Chapter 6 which addresses *oil* burning equipment. It is important to note that the commenter references "fuel oil" as being inappropriately being included in the scope of this regulation. NFPA 31 defines "fuel oil" as having a flash point range between 100 degrees F and 145 degrees F. The IFC and the OFC do not contain a definition of fuel oil, so one relies on the NFPA definition. As "class IIIB liquids" are defined in the OFC, IFC, and NFPA 30 as having a flash point at or above 200 degrees F, fuel oil is not a class IIIB liquid. Therefore, "fuel oil" is not inappropriately included in the scope of this rule. Please refer to the definitions for additional detail:

NFPA 31 (Installation of Oil-Burning Equipment):

"Used Oil-Burning Appliances" (not defined – Chapter 12)

"Fuel Oil:" Any hydrocarbon oil as specified by ASTM D 396, *Standard Specifications for Fuel Oils*, or the Canadian Government Specification Board, 3-GP-2e, *Heating Fuel Oil*, and having a minimum flash point of 100 F

"Oil Burner:" A device for burning oil in heating appliances such as boilers, furnaces, water heaters, ranges and the like (also defines Oil burner: Auxiliary tank, gravity tank, integral tank, storage tank, supply tank)

“Oil Burning Appliance:” An appliance equipped with one or more oil burners and all the necessary safety controls, electrical equipment, and related equipment manufactured for assembly as a complete unit.

“Oil-Burning Equipment:” An oil burner of any type, together with its tank, piping, wiring, controls, and related devices, including all oil burners, oil-fired appliances, and heating and cooking appliances but excluding those exempted by 1.1.4 (internal combustion engines, oil lamps, or portable devices not covered by this standard)

“Used Oil:” Oil that consists of primarily used automotive crankcase oil from internal combustion engines, including, but not limited to, used engine oils, used automotive transmissions fluids, used gear lubricants, machining oils, used hydraulic fluids, or any mixture thereof and which can vary considerably in its chemical and physical properties.

The American Heritage Dictionary:

“Fuel Oil” A liquid or liquefiable petroleum product that is used to generate heat or power.

Comment Numbers - 2527 & 2547

Workgroup Action: Accept In Principle

1301:7-7-34

Submitters:

Comment	LName	FName	Company Name	City	State
2527	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2547	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 3404.2.9 Aboveground tanks. Aboveground storage of flammable and combustible liquids in tanks shall comply with *paragraph (D)(2)(3404.2) of this rule and paragraphs (D)(2)(i)(i)(3404.2.9.1) to (D)(2)(i)(vii)(j)(3404.2.9.7.10) of this rule. Existing aboveground tank installations, even if previously approved, that are determined to constitute a hazard by the fire code official shall not be continued in service. Unsafe tanks shall be made code compliant or removed as required by the fire code official and in accordance with this code.*

~~(i) 3404.2.9.1 Existing noncompliant installations. Existing aboveground tanks shall be maintained in accordance with the code requirements that were applicable at the time of installation. Aboveground tanks that were installed in violation of code requirements applicable at the time of installation shall be made code compliant or shall be removed in accordance with paragraph (D)(2)(n)(3404.2.14) of this rule, regardless of whether such tank has been previously inspected. See paragraph (F)(4)(106.4) of rule 1301:7-7-01 of the Administrative Code.~~

Substantiation: OPMCA and the State Fire Marshal spent considerable time developing the current language of 3404.2.9.1 at the time the Ohio Fire Code was converted to the International Fire Code in 2005 to address both retroactive enforcement of older installations and debates over the applicability of codes and approvals for older installations, specifically to focus on tanks that presented a hazard. We also believe that a tank that is determined to be unsafe should also be allowed to be brought into compliance when appropriate rather than removing it. This proposed language raises many of the issues that were resolved by the current language. We recommend that the proposed 3404.2.9.1 be deleted and revisions made to 3404.2.9 to allow a tank to be brought back into compliance.

Workgroup Action: Accept In Principle

Workgroup Statement: The SFM accepts the commenter’s recommendation to rescind the language in (i)3404.2.9.1. Also, the language regarding unsafe tanks will be amended, but different than commenter’s recommendation, to read, “[u]nsafe tanks shall be brought into compliance with the provisions of this code or removed...”

Comment Numbers - 2528 & 2548

Workgroup Action: Accept

1301:7-7-34

Submitters:

Comment	LName	FName	Company Name	City	State
2528	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2548	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 924

Comment: (g) 3404.2.9.7.7 Fill pipe connections. The fill pipe shall be provided with a means for making a direct connection to the tank vehicle’s fuel delivery hose so that the delivery of fuel is not exposed to the open air during the filling operation including but not limited to, a camlock, screw on or twist lock connection between the delivery hose and the tank fill pipe. This connection shall remain liquid and vapor tight and connected during the filling operation.

Where any portion of the fill pipe exterior to the tank extends below the level of the top of the tank, a check valve shall be installed in the fill pipe not more than 12 inches (305 mm) from the fill hose connection.

Substantiation: This mandates tight fill connections for all transfer to protected aboveground tanks regardless of size, use, or class of liquid stored. Further with the reference in paragraph 3404.2.7.5.8 this would require tight fill for any above ground storage tank. Why is it necessary for the transfer of a Class III or even a Class II liquid to be vapor tight? The rule currently requires overfill protection, spill protection, and secondary containment. The specific requirement

for a liquid and vapor tight fill is an added burden that impacts the ability to delivery into a tank. We believe that the current language is appropriate and should not be changed.

Workgroup Action: Accept

Comment Numbers - 2529 & 2549

Workgroup Action: Reject

1301:7-7-34

Submitters:

Comment	LName	FName	Company Name	City	State
2529	Polesovsky	Christine	Ohio Petroleum Marketers and Convenience Store Assoc.	Dublin	Ohio
2549	Polesovsky	Christine	Ohio Petroleum Contractors Assoc.	Dublin	Ohio

Regarding Petition: 2402

Comment: 3406.5.4.5 Commercial, industrial, governmental or manufacturing. Dispensing of Class I, II and III motor vehicle fuel from tank vehicles into the fuel tanks of motor vehicles located at commercial, industrial, governmental or manufacturing establishments is allowed provided such dispensing operations are conducted in accordance with the following: (v) Operators shall place a drip pan or an absorbent pillow under each fuel fill opening or wrap an absorbent pad or rag around the fuel fill opening prior to and during dispensing operations. Drip pans shall be liquid-tight. The pan or absorbent pillow shall have a capacity of not less than 3 gallons (11.36 L). Spills retained in the drip pan or absorbent pillow need not be reported. Operators, when fueling, shall have on their person an absorbent pad capable of capturing diesel foam overfills. Except during fueling, the nozzle shall face upward and an absorbent pad shall be kept under the nozzle to catch drips. Contaminated absorbent pads or pillows shall be disposed of regularly in accordance with local, state and federal requirements.

Substantiation: We support the intent to establish a process to reduce the potential for spills; however, we believe that the use of drip pans and absorbent pillows poses a significantly higher potential for back or head injuries to drivers from bending down to position a pan or pillow and then again to pick it back up. Given the nature of vehicle to vehicle refueling a driver may fuel dozens of motor vehicles at a single location and possibly hundreds of vehicles during a work period. This repetitive bending would create significant potential for a back injury and head injury since this bending will occur in the immediate vicinity of trucks and other equipment. We recommend that use of a standard absorbent pad wrapped around the fill opening and dispenser nozzle also be allowed to collect drips and small spills during transfer to the vehicle. We believe that this will meet the intent to capture small "spills" related to a minor overfill and/or spit back from the fuel fill opening. This would reduce the repeated bending activity and maintain a safer work environment for the driver while still serving to contain the small drips, mists and splash backs. Absorbent pads are a standard "spill response material" on delivery vehicles. They are relatively easy to store on a delivery truck and relatively easy to work with and maneuver. If a pad does absorb petroleum, it can be easily and safely stored on a truck in a bucket, transported off site and then safely disposed of. A drip pan with petroleum in it must be handled carefully and any attempt to empty the drip pan in essence becomes another fuel transfer operation with likely more potential for a spill than the actual fueling activity using a nozzle. Further, a drip pan is a larger, fixed sized piece of equipment that may not be easily stored on a delivery vehicle since delivery vehicles do not have excess storage capabilities. Handling of a drip pan could be an awkward activity and the more difficult or awkward the job, the less likely people will conduct the activity effectively. It seems more effective and logical to use materials that can be more easily stored and maneuvered rather than require materials that are prohibitive in application.

Workgroup Action: Reject

Workgroup Statement: It is the intent of the rule that the material or pan used under each fuel fill opening have the capacity to absorb "not less than 3 gallons (11.36 L)" as required by OFC 3406.4.5(v). It is unlikely that an absorbent pad or rag that may be wrapped around a fuel fill opening would have the capacity to absorb 3 gallons and the suggested language does not require it. Therefore, because revising the language as suggested would diminish the standard set forth in both the OFC and model codes outside of the process for revising the model code, and since no evidence was provided to demonstrate the practical difficulties in following the existing language, the comment is rejected.

RULE 46

Comment Number - 2447 **Workgroup Action: Reject**

1301:7-7-46

Submitter: Craig Rauch, Southwest Ohio Fire Safety Council

Regarding Petition: 2377

Comment: Recommend rejection of Ohio modifications to International Fire Code

Substantiation: The requirements of Chapter 46 Construction Requirements for Existing Buildings are intended to be retroactive and apply to all existing buildings. The conditions addressed in this chapter have been determined to be distinct hazards by the ICC code development process. There is no need for code officials to repeat the process of determining such conditions are distinct hazards.

Workgroup Action: Reject

Workgroup Statement: Although the commenter is correct in describing how the State limits the scope of the existing structure rules, as those rules were proposed in the 2009 IFC, the limitations are consistent with previous Ohio Fire Code rules governing such structures, the Ohio Building Code and, more importantly, longstanding Ohio case law describing the limits of retroactive application of administrative rules (See [Griffith v. Rielage, 127 Ohio Misc. 2d 122 \(Ohio C.P. 2004\)](#) for limitations of retroactive application).

RULE 47

Comment Number - 2623 **Workgroup Action: Accept**

1301:7-7-47

Submitter: Division of State Fire Marshal

Regarding Petition: 2402

Comment:

1301:7-7-47 Referenced standards.

ASME The American Society of Mechanical Engineers Three Park Avenue New York, NY 10016-5990

<u>Standard Reference Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>B31.3-2004-2008</u>	<u>Process Piping.....</u>	<u>2209.5.4.3.1, 2703.2.2.2, Table 3403.6.2</u>

ASTM ASTM International 100 Barr Harbor Drive West Conshohocken, PA 19428-2959

<u>Standard Reference Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>B 42-02e01-10</u>	<u>Specification for Seamless Copper Pipe, Standard Sizes.</u>	<u>909.13.1</u>
<u>B 43-98 (2004) 09</u>	<u>Specification for Seamless Red Brass Pipe, Standard Sizes</u>	<u>909.13.1</u>
<u>B 88-03-09</u>	<u>Specification for Seamless Copper Water Tube.....</u>	<u>909.13.1</u>
<u>B 251-02e01-10</u>	<u>Specification for General Requirements for Wrought Seamless Copper and Copper-Alloy Tube.....</u>	<u>909.13.1</u>
<u>B 280-03-08</u>	<u>Specification for Seamless Copper Tube for Air Conditioning and Refrigeration Field Service.....</u>	<u>909.13.1</u>
<u>D 86-07a-10a</u>	<u>Test Method for Distillation of Petroleum Products at Atmospheric Pressure.....</u>	<u>2702.1</u>
<u>D 93-07-10</u>	<u>Test Method for Flash Point by Pensky-Martens Closed Up Tester.....</u>	<u>3402.1</u>
<u>D 3278-96 (2004)e01</u>	<u>Test Methods for Flash Point of Liquids by Small Scale Closed-Cup Apparatus.....</u>	<u>3402.1</u>
<u>E 84-07-10b</u>	<u>Test Method for Surface Burning Characteristics of Building Materials.....</u>	<u>802.1, 803.1, 803.1.1, 803.1.2,</u>

		<u>803.5.1, 803.6.2, 803.9, 804.1, 804.1.1, 804.2.4</u>
<u>E 681-04-09</u>	<u>Test Method for Concentration Limits of Flammability of Chemicals (Vapors and Gases).....</u>	<u>3502.1</u>
<u>E 1354-04a-10a</u>	<u>Standard Test Method for Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter.....</u>	<u>304.3.2, 304.3.4, 317.1, 808.1</u>
<u>E 1966-01-07</u>	<u>Test Method for Fire-Resistant Joint Systems.....</u>	<u>702.1</u>
<u>E 2072-04-10</u>	<u>Standard Specification for Photoluminescent (Phosphorescent) Safety Markings.....</u>	<u>1024.4</u>
<u>E 2404-07a-10</u>	<u>Standard Practice for Specimen Preparation and Mounting of Textile, Paper or Vinyl Wall or Ceiling Coverings to Assess Surface Burning Characteristics</u>	<u>803.6.2</u>
<u>E 2573-07a</u>	<u>Standard Practice for Specimen Preparation and Mounting of Site-Fabricated Stretch Systems to Assess Surface Burning Characteristics</u>	<u>803.9</u>

BHMA Builders Hardware Manufacturers' Association 355 Lexington Avenue, 17th Floor New York, NY 10017-6603

<u>Standard Reference Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>A156.19-02-07</u>	<u>American National Standard for Power Assist and Low Energy Power Operated Doors.....</u>	<u>1008.1.4.2</u>

NFPA National Fire Protection Association 1 Batterymarch Park Quincy, MA 02269-7471

<u>Standard Reference Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>10-07-10</u>	<u>Portable Fire Extinguishers.....</u>	<u>308.1.4, 308.1.4.1, Table 901.6.1, 906.2, Table 906.3(1), 906.3.2, Table 906.3(2), 906.3.4, 2106.3</u>
<u>11-05-10</u>	<u>Low-, Medium- High-Expansion Foam.....</u>	<u>904.7, 3404.2.9.2.2</u>
<u>12-05-08</u>	<u>Carbon Dioxide Extinguishing Systems.....</u>	<u>Table 901.6.1, 904.8, 904.11</u>
<u>13-07-10</u>	<u>Installation of Sprinkler Systems.....</u>	<u>903.3.1.1, 903.3.2, 903.3.5.1.1, 903.3.5.2, 904.11, 905.3.4, 907.7.3, 2301.1, 2304.2, Table 2306.2, 2306.9, 2307.2, 2307.2.1, 2308.2.2, 2308.2.2.1, 2308.4, 2310.1, 2501.1, 2804.1, 2806.5.7, 3323.3, 3322.2.1.3, 3322.3.1.1, 3404.3.3.9, Table 3404.3.6.3(7), 3404.3.7.5.1,</u>

<u>13D-07-10</u>	<u>Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes.....</u>	<u>3404.3.8.4</u> <u>903.3.1.3, 903.3.5.1.1</u>
<u>13R-07-10</u>	<u>Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height..</u>	<u>903.3.1.2, 903.3.5.1.1,</u> <u>903.3.5.1.2, 903.4</u>
<u>14-07-10</u>	<u>Installation of Standpipe and Hose Systems.....</u>	<u>905.2, 905.3.4,</u> <u>905.4.2, 905.6.2,</u> <u>905.8</u>
<u>17-02-09</u>	<u>Dry Chemical Extinguishing Systems.....</u>	<u>Table 901.6.1, 904.6,</u> <u>904.11</u>
<u>17A-02-09</u>	<u>Wet Chemical Extinguishing Systems.....</u>	<u>Table 901.6.1, 904.5,</u> <u>904.5.2, 904.11</u>
<u>20-07-10</u>	<u>Installation of Stationary Pumps for Fire Protection.....</u>	<u>913.1, 913.2, 913.5.1</u>
<u>31-04-06</u>	<u>Installation of Oil-Burning Equipment.....</u>	<u>603.1.7, 603.3.1,</u> <u>603.3.3</u>
<u>40-07-11</u>	<u>Storage and Handling of Cellulose Nitrate Film.....</u>	<u>306.2</u>
<u>58-08-11</u>	<u>Liquefied Petroleum Gas Code.....</u>	<u>603.5.1.1, 3801.1, 3803.1, 3803.2.1, 3803.2.1.2, 3803.2.1.7, 3803.2.1.1, 3803.2.2, 3804.1,</u> <u>3804.2, 3804.3.1, 3804.4, 3805.1, 3805.2, 3806.1, 3806.2, 3806.3, 3807.2, 3808.1, 3808.2,</u> <u>3809.7, 3809.11.2, 3809.13.1, 3811.3, 3812.1</u>
<u>70-08-11</u>	<u>National Electrical Code.....</u>	<u>603.1.3, 603.1.7,</u> <u>603.6.2,</u> <u>604.2.15.1, 604.2.15.2, 605.3, 605.4, 605.9, 606.16, 904.3.1, 907.7.1, 909.11, 909.12.1,</u> <u>909.16.3, 1106.3.4, 1204.2.3, Table 1304.1, 1404.7, 1503.2.1, 1503.2.1.1, 1503.2.1.4,</u> <u>1503.2.5, 1504.6.1.2.2, 1504.9.4, 1604.5, 1703.2.1, 1803.7.1, 1803.7.2, 1803.7.3, 1903.4,</u> <u>2004.1, 2201.5, 2205.4, 2211.8.1.2.4, 2209.2.3, 2211.3.1, 2211.8.1.2.4, 2403.12.6.1,</u> <u>2404.15.7, 2606.4, 2703.7.3, 2703.8.7.1, 2703.9.4, 2704.7, 2705.1.5, 3003.7.6, 3003.8,</u> <u>3003.16.11, 3003.16.14, 3203.6, 3203.6.2, 3403.1, Table 3403.1.1, 3403.1.3, 3404.2.8.12,</u> <u>3404.2.8.17, 3406.2.8, 3503.1.5, 3503.1.5.1, 3507.1.10, 3606.5.5, 3606.5.6, 3704.2.2.8</u>
<u>72-07-10</u>	<u>National Fire Alarm Code.....</u>	<u>508.1, Table 901.6.1, 903.4.1, 904.3.5, 907.2, 907.2.6, 907.2.11, 907.2.13.2, 907.4, 907.4.3,</u> <u>907.4.4, 907.6.2, 907.6.2.1.2, 907.6.2.2, 907.6.2.3, 907.7, 907.7.1, 907.7.2, 907.7.5, 907.8,</u> <u>907.8.1, 907.8.2, 907.9, 907.9.2, 907.9.5, 1007.6.3.1</u>
<u>80-07-10</u>	<u>Fire Doors and Other Opening Protectives.....</u>	<u>703.1.3, 703.2,</u> <u>1008.1.4.3</u>
<u>92B-05-09</u>	<u>Smoke Management Systems in Malls, Atria and Large Spaces.....</u>	<u>909.8</u>
<u>105-07-10</u>	<u>Installation of Smoke Door Assemblies and Other Opening Protectives</u>	<u>703.1.2</u>
<u>110-05-10</u>	<u>Emergency and Standby Power Systems.....</u>	<u>604.1, 604.3, 604.4,</u> <u>913.5.2, 913.5.3</u>

<u>111-05-10</u>	<u>Stored Electrical Energy Emergency and Standby Power Systems.....</u>	<u>604.1, 604.3, 604.4</u>
<u>120-04 10</u>	<u>Coal Preparation Plants.....</u>	<u>Table 1304.1</u>
<u>170-06-09</u>	<u>Standard for Fire Safety and Emergency Symbols</u>	<u>1024.2.6.1</u>
<u>211-06 11</u>	<u>Chimneys, Fireplaces, Vents and Solid Fuel-Burning Appliances.....</u>	<u>603.2</u>
<u>409-04 11</u>	<u>Aircraft Hangars.....</u>	<u>914.8.2, Table 914.8.2, 914.8.2.1, 914.8.5</u>
<u>484-06 09</u>	<u>Combustible Metals...</u>	<u>Table 1304.1</u>
<u>701-04 10</u>	<u>Methods of Fire Tests for Flame-Propagation of Textiles and Films.....</u>	<u>806.2, 807.1, 807.1.2, 807.2, 807.4.2.2, 1703.5, 2404.2</u>

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<u>Standard Reference Number</u>	<u>Title</u>	<u>Referenced in code section number</u>
<u>268-06 09</u>	<u>Smoke Detectors for Fire Alarm Signaling Systems.....</u>	<u>907.2.6.2</u>
<u>723-03 08</u>	<u>Standard for Test for Surface Burning Characteristics of Building Materials-with Revisions through May 2005</u>	<u>802.1, 803.5.1, 803.6.2, 803.9, 804.1, 804.2.4</u>
<u>793-03 08</u>	<u>Automatically Operated Roof Vents for Smoke and Heat with Revisions through April 2004.....</u>	<u>910.3.1</u>
<u>1363-07</u>	<u>Relocatable Power Taps.....</u>	<u>605.4.1</u>
<u>2200-04 98</u>	<u>Stationary Engine Generator Assemblies with Revisions through July 2004.....</u>	<u>604.1.1</u>

Substantiation: A substantial portion of the amendments to the reference standards is based on changes to the model code. Also, the proposed 2011 Ohio Building Code incorporates updated standards by reference. If rule 47 of the proposed Ohio Fire Code is not likewise updated, there will be multiple inconsistencies between the two sets of reference standards. Therefore, the reference standards for the 2011 proposed Ohio Fire Code were updated. The updates to the reference standards in the proposed 2011 Ohio Fire Code ensure that the Ohio Fire Code is consistent with the proposed 2011 Ohio Building Code.

Workgroup Action: Accept

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