

BBS Newsletter



Ted Strickland
Governor
Gerald O. Holland
Chairman

Appeals Court Decision in Dublin vs. Ohio/BBS Case

The Franklin County Court of Common Pleas rendered a decision in the Dublin vs. State of Ohio/BBS case on June 5th, 2008.

BACKGROUND: Prior to May 27th, 2005, there was no statewide building code in Ohio that governed residential construction, just a BBS-recommended residential code that the jurisdiction could adopt if they so chose. In May of 2005 this all changed. That year the Ohio legislature passed H.B. 175, which amended certain sections of the Ohio Revised Code in order to authorize the creation of a statewide residential building code. This statewide code was designed to supersede all local municipal building codes. Furthermore, H.B. 175's amendments created a requirement that municipal code enforcement departments and their enforcement personnel become certified by the State of Ohio so as to properly enforce the statewide residential building code.

The responsibility of drafting this new residential code was delegated to the Ohio Board of Building Standards (BBS)

which in turn relied upon the newly formed Residential Construction Advisory Committee (RCAC) for recommendations as to what should be included in the code. The RCAC is made up of nine individuals drawn from the housing industry, fire service, code enforcement, and city government. After conducting a review of model codes and the BBS-recommended residential code, the RCAC made its recommendations to the Board. The Board reviewed the RCAC's recommendations and adopted the Ohio statewide residential building code (the Residential Code of Ohio for 1-, 2-, and 3-Family Dwellings or RCO) effective on May 27, 2006.

The RCO not only created a statewide standard for residential building in Ohio, it also limits individual municipalities from enacting contrary provisions. In fact, pursuant to the Ohio Revised Code, no local municipality is authorized to deviate from the mandates of the State Code. The ORC states that, "In no case shall any local code or

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The RCO, IECC, and NEC—Status

BACKGROUND: Early this year the Residential Construction Advisory Committee (RCAC) and BBS were asked to consider actions that would allow the 2003 International Energy Conservation Code (IECC) and the 2005 National Fire Protection Association electrical standard (NFPA 70) to continue to be used for 1-, 2-, 3-family dwellings. As a result, a decision was made to create committees to study the concerns related to the 2006 IECC and the 2008 NEC. Director of Commerce, Kimberly Zurz, selected an energy code ad-hoc committee, which has already held its first meeting, and selected members of an electrical code ad-hoc committee. Over the past several months the RCAC and BBS have considered many different options to address these concerns, and the Board made its final decision at its March 28, 2008 meeting.

BOARD ACTION: At its March 28, 2008 meeting, the Board of Building Standards accepted the RCAC recommendations and directed

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BBS Updates—Billy Phillips

OHIO BUILDING CODE ACADEMY FAQ'S

UPDATE—After receiving numerous phone calls and other inquiries regarding the Ohio Building Code Academy, I have decided to do another list of FAQ'S. Please review them again because a lot of the information in the previous addition has changed or has been updated.

• **Where and when will the Ohio Building Code Academy take place?**

The Ohio Building Code Academy (OBCA) is usually scheduled for one week in April and October. The OBCA is held at the Quest Conference Center located at 8405 Pulsar Place in Columbus, Ohio.

• **How often will the Ohio Building Code Academy take place?**

The OBCA will be scheduled at least twice a year. The dates of the OBCA may vary but will always be scheduled every six months around April & October. We have selected the Quest Conference Center as the permanent location for the OBCA. The Quest Conference Center is centrally located north of Columbus with plenty of free parking, lodging and restaurants nearby.

• **Who must attend the Ohio Building Code Academy?**

Pursuant to section 103.3.4 (1) & (2) of rule 4101:1-1-03 of the Administrative Code, an applicant must complete the "Ohio Building Code Academy", requirements during the first year of the two-year interim certification granted by the Board. The effective date of this rule was January 1, 2005.

Any applicant who was granted a two-year interim certification as a building official, master plans examiner, plumbing plans exam-

iner, electrical plans examiner, building inspector or trainee, mechanical inspector or trainee, plumbing inspector or trainee, fire protection inspector, electrical safety inspector or trainee by the Board after January 1, 2005 must attend the Ohio Building Code Academy within one year from the date of approval.

• **Who is not required to attend the Ohio Building Code Academy?**

If you were certified prior to January 1, 2005, you are not required to attend the OBCA. Industrialized unit inspectors and medical gas inspectors are not required to attend the OBCA and all residential certified building department personnel will not be required to attend the OBCA.

• **How do I register for the Ohio Building Code Academy?**

The Board sends out notices in February & August to all applicants eligible to attend the OBCA. Once you receive your notice and forward your registration back to the Board you will receive a confirmation letter. If you do not receive a notice or confirmation letter regarding the OBCA, you will automatically be scheduled for the next OBCA. The maximum number of students we can accept for the OBCA is 120 but we also prepare a waiting list just in case someone is not able to attend.

• **Can I receive continuing education credit for attending the OBCA?**

All students (interim) required to attend the OBCA will not receive any continuing education credits. All trainees attending the OBCA will receive 40 hours of continuing education credits that can be used as part of the 100 hours required during your first year of

training. Anyone attending the OBCA on a space available basis will receive continuing education credits for the amount of time spent in class.

• **When does the clock start for the 30 hours of continuing education?**

Anyone holding an interim certification approved by the Board after January 1, 2005, is not required to start the 30 hours continuing education until you have applied for and have been granted a full certification by the Board. This cannot be accomplished until you have completed the OBCA and the required national examinations.

• **If I attend the Ohio Building Code Academy, do I still have to take the national examinations?**

Pursuant to section 103.3.4 (1) & (2) of rule 4101:1-1-03 of the Administrative Code, an applicant is granted a two-year interim certification from the date of approval to allow the applicant to complete the Ohio Building Code Academy, and the examination requirements.

Yes, you still have to pass the required national examination specific to your certification category. The Ohio Building Code Academy was not intended to take the place of the required national examinations.

To determine what examinations are required for each certification category, please refer to the BBS Web Page at (www.com.state.oh.us/dic/dicbbs.htm), in the BBS Web Document Catalogue under Document # 100, Certified Building Department Personnel Experience & Exam Requirements Matrix.

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Getting Mechanical—Debbie Ohler, P.E.

Following BBS code changes—Based upon a number of recent phone calls, E-mails, and published articles that reveal some confusion as to how the BBS referenced standards in the building codes are updated and how the public is notified, I would like to provide an overview of the process. This overview will describe how and when the codes are updated, how the published versions of the codes differ from the official rule filings, how the board staff communicates these changes to the certified building departments and the public, and how the public can follow these changes so that no one is “blindsided” or caught off guard. In this article I will try to describe the system, a system that often appears to be a very complicated legal process.

It is first important to understand that the building codes are administrative rules that are adopted by the BBS. The entire collection of administrative rules adopted by all state agencies is called the Ohio Administrative Code (OAC). In accordance with Ohio law (Ohio Revised Code Chapter 119), before an administrative rule can be adopted, amended, or rescinded by the BBS, a public hearing is required to be held to allow interested parties to testify, either in support, or in opposition, to the proposed rules.

Thirty days prior to a public hearing, the BBS staff is required to electronically publish a “Notice of Public Hearing” and to electronically file the text of any proposed rule changes with the Ohio Legislative Service Commission (LSC) and the Joint Committee on Agency Rule Review (JCARR) and published on a publically accessible website called the “Register of

Ohio” (www.registerofohio.state.oh.us). Once on the website, you can “Browse the Proposed Rules above or by the filing agency (4101). Division level 1 (4101:1) contains the building code rules. Division level 2 (4101:2) contains the mechanical code rules, non-residential and residential building department certifications, and other miscellaneous rules. Division level 3 (4101:3) contains the plumbing code rules. Division levels 4 and 5 (4101:4 and 4101:5) contain the boiler and elevator rules, respectively. Division level 8 (4101:8) contains the Residential Code of Ohio rules. This initial filing of rules in their proposed form is called an “original filing”.

In addition to the statutorily required electronic proposed rule filing that can be followed on the “Register of Ohio”, the BBS creates what is called a “Public Hearing Draft”. Approximately thirty days prior to the public hearing one copy of the “Public Hearing Draft” is mailed to each certified building department and to a list of interested parties who have requested to be notified of an upcoming public hearing. Anyone wishing to be added to this public hearing notification list may simply contact the board office and request to be added to the list at no cost. The “Public Hearing Draft” is also posted on the BBS website under the link titled “Code Information”. Remember that the “Public Hearing Draft” is simply a list of proposed rules that the BBS is proposing to adopt, amend, or rescind.

By law, the BBS is also required to file the full text of any pro-

posed rule, amendment, or rule to be rescinded with the clerk of the board of county commissioners of each county a minimum of thirty days prior to the scheduled public hearing. A certified return receipt letter is sent to each of the 88 county commissioner’s offices to satisfy this requirement.

The BBS generally holds two (sometimes three) public hearings every year for the purpose of proposing rule changes. These hearings usually occur in May and November. Sometimes, the board will also hold a public hearing in August, if necessary. Anyone wishing to testify in support or opposition to proposed rules before the BBS at a public hearing may do so either orally or in writing. The public hearing proceedings are recorded by a court reporter. Transcripts of the public hearing records are available for purchase through the company that provides the court reporter.

After the BBS public hearing, the proposed rules are subject to another public hearing before a legislative committee called the Joint Committee on Agency Rule Review (JCARR). At this hearing, the legislative committee reviews the board’s proposed rules to ensure: the rules do not exceed the scope of the rule-making agency’s statutory authority; the rules do not conflict with a rule of that agency or another rule-making agency; the rules do not conflict with the intent of the legislature in enacting the statute under which the rule is proposed; and, the rule-making agency has prepared a complete and accurate rule summary and fiscal analysis of the proposed rule, amendment, or rescission ([ORC 127.18](#)) and if the agency has incorporated a text or other material by reference, the agency has not met the standards stated in ORC sections 121.72, 121.75, or 121.76. The public is

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Mechanical

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permitted to testify or challenge the BBS' proposed rule adoption before JCARR only based upon the four prongs mentioned above. If the JCARR finds that the BBS has not followed the requirements of the law, the JCARR has the authority to invalidate the rules.

Usually at the first scheduled BBS meeting following the public hearing, the BBS will make a decision whether or not to adopt the proposed rule changes that were heard at the public hearing. At the same meeting that the BBS adopts the proposed changes, an effective date for the rules is set into the record. Sometimes, instead of adopting the rules as proposed, the BBS decides to table the rules for further discussion. Sometimes, instead of adopting the rules as proposed, after hearing the public testimony, the BBS will direct staff to revise or refile the rules to incorporate the concerns of the interested parties. After the BBS adopts a final version of the resulting proposed rules, BBS staff will electronically file the resulting rule text in final form. This is technically called a "final filing". Remember that all of the recent filings of the BBS, including revised and refiled rules, can be monitored on the "Register of Ohio" website. The "Register of Ohio" is usually updated the day after a filing and only the most recent actions of a given rule are shown on the website. The Legislative Service Commission (LSC) administers the "Register of Ohio" and can purge rules after a year if they are no longer in active change status.

Currently, there are two publishers who have decided to print and market hardcopy printed versions of the building codes. These publishers are the International Code Council (ICC) and Thomson/West. In addition

to the hardcopy versions, there are electronic versions of the codes and the rules available to view on the internet. ICC publishes a free electronic version of the BBS codes accessible from the ICC website by clicking the BBS website "button" entitled *Ohio e-Codes*.

LaWriter (i.e. law writer) was awarded an exclusive contract as web publisher of the online Ohio Administrative Code as provided to the public by the Legislative Service Commission. This Ohio Administrative Code version of the building code rules is accessible through the following link: <http://codes.ohio.gov/>.

The hardcopy publishers are simply taking our official legal rule filings and putting them into a user-friendly published paper version. Each hardcopy publisher puts together their own building code package, each with its own unique look. The publications differ in various ways including cover, format, font size, paper weight, etc. Although the BBS would desire for each publisher to publish updates as soon as possible after our rule changes are final filed, each publisher makes their own business decisions as to when they publish updates to the published codes. Unfortunately, as a result of these business decisions made by the publishers, the hardcopy versions and the on-line published versions are not always completely up-to-date. Additionally, sometimes, unintentionally, publishing mistakes occur and there are differences between the resulting published versions of the codes and the official legally adopted versions of the rules. The *LaWriter* website for the Ohio Administrative Code is updated monthly and is perhaps the most official

and up-to-date version of the entire collection of the BBS rules in effect and accessible to the public without assistance. You will notice that even the *LaWriter* website has limitations. All of the tables and figures that are found in our codes are not available on the *LaWriter* website. There are, however, links to the "Register of Ohio" version that may get you to the information. The important point to understand is that **the published versions of the codes are not the official legally adopted versions of the rules.** The only official version of a rule is the version filed by the BBS with LSC and JCARR. If you notice typos or discrepancies between published versions of a building code, please contact our office for clarification. We can confirm for you what was officially filed and adopted.

For a more detailed, polished explanation of the rule filing process, I encourage you to review the BBS publication titled "Public Involvement in our Rule Making Process" available for review on our website at <http://www.com.state.oh.us/dic/pub/DICBBS6001.PDF>. There is a strict legal process which the BBS follows to ensure that those members of the public who have an interest in the rules of the board are given ample opportunity to participate and follow the rule change process. If you are interested in following the rule change process, simply ask to be added to our mailing list or log on to our website a couple times a year to follow along.

I hope this clarifies the building code update process. As always, if you have further questions, feel free to contact me at doh-ler@com.state.oh.us or call the board office.



Around the Code World with Mike Brady



SWIMMING POOLS—THE OBC & DEPARTMENT OF HEALTH RULES. Once in awhile we run into a situation where another agency's rules are written or enforced in a way that creates a conflict with the rules of the Board of Building Standards (BBS). If an agency enforces a provision that would cause an owner to be in violation of the Building Code, the owner is forced into a dilemma that can only be resolved by provisions in the law that address such conflicts. For example, the following rules from the Ohio Building Code (OBC) and the Ohio Department of Health (ODH) have been a source of conflict between local building departments and health departments:

- **OBC Section 1009.1.8 Door operations.** Except as specifically permitted by this section, egress doors shall be readily openable from the egress side without the use of a key or special knowledge or effort.
- **OBC Section 3109.3 Public swimming pool enclosures.** Public swimming pools shall be completely enclosed by a fence or similar barrier at least 4 feet (1290 mm) in height. Openings in the fence shall not permit the passage of a 4-inch-diameter (102 mm) sphere. The fence or barrier shall be equipped with self-closing and self-latching gates. Gates within the means of egress serving as required exits from buildings shall conform to the requirements of section 1008.2.
- **Ohio Department of Health Rule 3701-31-04.1** - Design requirements for construction, installation, renovation, or other substantial alteration of public swimming pools, public spas,

and special use pools on or after January 1, 1999, paragraph (G) Fences states:

(1) The licensee shall provide a perimeter fence or permanent structural barrier to enclose an outdoor or indoor public swimming pool, public spa, special use pool or complex of pools or spas that shall be at least forty-eight inches in height. All gates or doors in the perimeter fence or barrier shall be lockable, and any gates or doors that are used for ingress or egress of pool or spa patrons shall be self-closing and self-latching. The actuating device for the latching mechanism shall be at least thirty-eight inches above the ground. The fence or barrier shall be constructed on the outside without horizontal members on the exterior side that would make it easy to climb. In no event shall a perimeter fence or barrier be constructed to allow a space equal to or exceeding four inches regardless of the materials used, the manner of installation or the amount of deflection within the components. Electronic detection devices shall not be used in place of the required fence or barrier.

Some have interpreted this rule to mean that exit doors or gates in building walls acting as a portion of a swimming pool barrier must be kept locked if they discharge into swimming pool areas (both indoor and outdoor). This interpretation conflicts with the provisions of the OBC in sections 1009.1.8, 1008.2 and 3109.3 where such exits are required to be readily openable. The ODH has an understandable concern that unauthorized or unsupervised individuals, once inside a pool area, may fall into the water and drown or

otherwise become seriously injured. Previous discussions between the Board of Building Standards and ODH have not turned up any statistics or records that would strongly substantiate this concern or provide compelling evidence to warrant making changes to the OBC.

As previously stated, there is a provision in the law that addresses conflicts between the rules of the Board and the rules of other agencies. **Ohio Revised Code section 3781.11 paragraph (B) addresses the rules of Board of Building Standards:**

"The rules of the board shall supersede and govern any order, standard, or rule of the division of industrial compliance in the department of commerce, division of the fire marshal, the department of health, and of counties and townships, in all cases where such orders, standards, or rules are in conflict with the rules of the board, except that rules adopted and orders issued by the fire marshal pursuant to Chapter 3743. of the Revised Code prevail in the event of a conflict."

This section of the law means if there is a health department rule in conflict with the rules of the BBS, the rules of the Board will supersede the application of that rule and the Building Code requirement will prevail.

For owners, this conflict becomes apparent after the construction has been substantially completed and the project can't comply with the changes demanded by a health department and the conditions of their building department approval at the same time. **OBC section 105.4 Validity of approval,** states a building must conform to the required plans approved by the building official and such plans are con-

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Making it Understandable - Jan Sokolnicki



Building Codes vs Property Maintenance Codes and Who Does the Enforcement? -

With the carryover of older residential departments and the historical procedures & practices, we're finding ourselves between more and more owners and the residential building departments. But it's not the statewide code that needs the majority of the explanation. We're finding frequent calls are related to local property maintenance code enforcement personnel going into existing buildings and issuing violation notices for heating/cooling equipment, plumbing fixtures and electrical systems. The belief out there seems to be that if it's in an existing building and needs to be fixed, it is the responsibility of the property maintenance enforcement folks to perform this function. This view is incorrect.

Let's start from the beginning.... the scope of the building code (including mechanical, plumbing, electrical, etc.) doesn't change when a building is approved or occupied. The building just becomes an approved existing building and as the code states in OBC section 3401.2 and RCO section 115.2, the building and its approved systems must be maintained in accordance with the approval, and, if it is not, the related building official is the responsible party for issuing an order to rectify the problem.

What this basically means is that the inspections leading to orders requiring repairs on systems regulated by the building codes must be performed by personnel certified by the Board.

The other thing that some local communities don't understand is that adopting a nationally devel-

oped property maintenance code (like the ICC version) creates conflicts with Ohio law unless it is significantly revised. The ICC Property Maintenance Code (PMC) is developed by folks from around the country who need a code to help control the problems they have in their communities. Many of those contributing to the text are located in states without comprehensive state-wide building and fire codes. Consequently, provisions are included in the code that solves problems for their kind of needs. Most code development professionals who contribute to the development of the ICC codes represent states or local jurisdictions with statewide building codes and don't contribute to the nationally developed property maintenance code. The bottom line is that the content of the property maintenance code has less scrutiny involved and more provisions that must be revised in order to avoid conflict with laws related to statewide application of building and fire codes.

So, what can be contained in a property maintenance code and what does a property maintenance inspector do? The content could be any properly codified items/provisions found in the PMC that don't conflict with the OBC or RCO. Those items typically are property, grass & weed control, painting, vehicle & junk located on the property, storm water drainage, fencing, walks, driveways, grading, trash, etc.

It is important to understand this line of demarcation since some of the violations issued end up in court. A notice issued by a property maintenance inspector requiring electrical (or other RCO or OBC scope) repairs would be found completely invalid since the law

requires that any electrical inspections be conducted by Electrical Safety Inspectors certified by the Board as well as any other required inspections for buildings within the scope of the building.

Another predominant error that occurs relates to inspectors attempting to apply new code provisions to existing conditions. There is clear legislative intent in law and the related rules of the Board indicating that the provisions for new construction shall not be applied to existing conditions. (RCO Section 102.6 and OBC Section 102.6.)

Existing Buildings and what provisions should I use????

After all the seminars, Code Academy classes, and BBS Memos, it appears that many are returning to code enforcement habits from the '80s.

Within the past 2 months, I've had 8-10 calls in which the designer, building official, or plans examiner has not understood that OBC, Chapter 34, applies to all existing buildings. Somehow, there is a gap in our collective understanding when it comes to existing conditions. There *are* some really different concepts related to managing risk and how we go about it in Chapter 34. In this article I am not speaking of the Compliance Alternatives in section 3410...forget those...except for extremely unusual old building situations, you shouldn't even be thinking of using those provisions....no, I'm pointing to all the other stuff...Change of Occupancy, Alterations, Additions and Accessibility in Existing Buildings.

Here's a recommendation...for every project being proposed involving an existing building, read the related Chapter 34 provisions first.

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OBOA Updates



FROM THE PRESIDENT

The OBOA Board of Directors have been busy so far this year and I wish to thank all that step up and participate; not only at the directors meetings, but rather the time spent preparing for the OBOA meetings, time spent at the local chapters, and the overall commitment to the organization(s).

OBOA is on the road once again this year with a visit to NCOBOA completed, the upcoming Past Presidents Meeting and OBOA Meeting at Maumee Bay on August 7th and 8th in conjunction with NWBOA, at FBOA on October 8th for the General Membership Meeting, and last but not least the Code Academy. The July, September, and November meetings will be held at the ICC Offices in Westerville. We look forward to participating with the chapters during their regularly scheduled meetings during these road trips and, hopefully, these networking meetings will help with the understanding of what OBOA actually does for the membership.

All Chapter Presidents should have received the new Welcome Packets for distribution to new members. These packets contain information about OBOA and should include information about the individual chapter. These packets are great information tools describing what, where and when of the individual chapter and OBOA. I believe these packets are a great promotional tool and would like to thank Renee

Snodgrass for her time and effort in producing these Welcome Packets.

Rick Helsinger has officially thrown his hat into the ring for a Directors Position this September during the ICC conference. I appreciate the letters from the Chapter Presidents requesting a Region V General Membership Meeting to nominate Rick as the single Region V candidate. Although the meeting did not occur, a letter of recommendation through Region V has been sent confirming Rick as our candidate of choice. I once again respectfully request a letter of support from each Chapter President now addressing ICC and declaring Rick Helsinger as the State of Ohio and Member of Region V their candidate of choice. With that said, I am hopeful even with the budget crunch all departments are enduring, Ohio Building Officials along with Region V show a strong delegation of members not only to support Rick in this endeavor but to participate in the Final Action Hearings in Minneapolis, September 14th-23rd.

Finally yet importantly, please forward your information to your chapter including name, place of employment, and contact information including phone number (s), fax number, and e-mail address(es). This is the most efficient means of communication for this organization to provide you, the Members of Ohio Building Officials the information you need and deserve.

Bruce Wholf
OBOA President

OBOA Treasurer's Report

Expenditures:

OBOA Lunch	\$ 259.60
Supplies	\$ -
Promotion Supplies	\$ 300.00
Doughnuts	\$ -
Total	\$ 559.60

Deposits/Revenue:

FBOA - OBOA Dues	\$1,680.00
Total	\$1,680.00

CD'S

\$15,000.00	Interest rate at 3.92% matures 3-15-2008
\$12,474.63	Interest rate at 2.47% matures 5-20-2008
\$ 6,319.27	Interest rate at 2.47% matures 12-18-2008
\$33,793.90	Total

Adjust checking account balance 5-5-2008

\$	15,224.39
Minus Expenditures	
\$	(559.60)

Sub Total

\$	14,664.79
Plus Deposits/Revenue	
\$	1,680.00
Checking account balance 5-5-2008	
\$	16,344.79
CD Total's	
\$	33,793.90
Total OBOA accounts balance	\$ 50,138.69

Respectfully submitted by
Guy M Fursdon, OBOA Treasurer

OBOA ANGLE

SWOBOA



SWOBOA will be holding its 13th annual golf outing on Friday, July 18, 2008, at the Pleasant Hill Golf Club in Middletown, Ohio, 6487 Hawkins Road.

You are invited to come golf with us—as an individual or a 4-person team. Carts provided, scramble format and lunch provided. Contact Rick Helsinger at 513-896-8149.

Visit the SWOBOA website for other current activities and events at www.SWOBOA.org.

UPCOMING SEMINARS

- July 24, 2008 - Load Paths for Commercial Construction 1 p.m. to 4 p.m.
- August 21, 2008 - Structural Insulated Panels 1 p.m. – 4 p.m.

MVBOC



EDUCATIONAL OPPORTUNITIES OF NOTE

- July meeting is scheduled for City of Trotwood with a possibility of credit hours.
- September will be our annual outing this year with reservations at La Comedia Dinner Theatre.

MVBOC is planning to take full advantage of the residential code training packages that OBOA has compiled to provide needed residential training.

MVBOC OUTREACH

Plans for 2008 included: MVBOC still striving to recruit more participants for several

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NWOBOA



NWOBOA is close to closing the books on this year's successfully joint conference. We have chosen August 20th for our annual golf outing. If anyone wishes to participate please contact Gary Swope at 419-354-9190. NWOBOA is also in the process of setting dates for classes. See the web site, www.nwoboa.org, for the schedule as we confirm our dates and classes. In an effort to help build a better relationship with our local contractors we will be jointly sponsoring some of our classes with our local Home Builders and Home Remodelers Associations.

FBOA



FBOA held its last education meeting on May 7th, before recessing for the summer months. We will hold our next education meeting on Wednesday, September 3rd, at Tangiers in Akron, Ohio.

The FBOA Board of Directors is still meeting through the summer conducting business as usual and getting ready for the fall education meetings.

The FBOA Board of Directors will be hosting OBOA's October 10th meeting.

FBOA is also hosting a Golf Outing at the Elms Golf Course in North Lawrence, just outside Massillon. To participate please contact Bill Kraft, President of FBOA, City of Massillon Building Department, 151 Lincoln Way East, 2nd Floor, Massillon, Ohio, 44646. This is a four (4)

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NCOBOA



We are currently on our summer break and only the Executive Board and the Board of Directors meet in the months of June, July and August. The general membership meetings will start up again in September. Fall education classes have been scheduled, check the web site for information. Friday June 27th, 2008 Star Builders will be hosting a 6 hour seminar for us in the City of Sandusky, Ohio. The seminar will be on Tilt-up concrete construction and will include a field trip to the Northern Ohio Medical Specialists job site to see the construction work in process. Look to our web site for more information and sign up assistance. Saturday August 16th, 2008 is the annual golf outing for NCOBOA, check the flyer information and sign-up, we hope to see you all there for

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BOCONEO



I hope that everyone is having a great summer so far. June is always nice because the entire summer is still in front of us. Autumn is still far enough away that it is hard to think of the weather not being nice again. There are several things to bring up in June's newsletter. The Golf Outing is on July 11th. I hope that everyone will try to get out and get a hole sponsor or two for our scholarship program. I also want to encourage all of our golfers to get your foursomes together and play. This is a very nice event at a beautiful course. To top it all off there is a great meal waiting for everyone that takes part. I hope to see everyone there. August is a month to recharge our batteries and be ready to come out strong in September. Beginning with the meeting on September 17th, our

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ODPCA



ODPCA held its General Meeting on May 22 at the Columbus Building Services Office at 757 Carolyn Ave. The 2-hour program was split between Electronic Plan Approval submission per the State of Ohio Bureau of Building Compliance and the new Building Permit process implemented by the City of Columbus in September.

Geoff Eaton, State Chief Building Official, spoke about the new electronic process that has been in place for nearly two years. Geoff and his staff have evolved the process to work entirely online from start to finish. "Walk In" projects are usually processed for plan approval in 3-5 days, larger projects are usually processed with 10 days. A word of caution, all submissions must be made electronically. Not all subcontractors or suppliers are adept at making PDF files and attaching certification. The process is very refined, and it is speeding up the approval process, a bonus to both the Building Officials and the Design Professionals. Submissions and approvals are made without leaving your office.

The Columbus Building Services Department has been working with Accela Systems to implement their new project tracking and Inspector log of daily inspections. The projects, once accepted and entered, can be tracked by customers online to determine review and approval status of submit-

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COCOA



Please mark your calendars to attend the third-quarter COCOA Permit Technician meeting for 2008 on Thursday, July 17, 2008. Maureen Brady and the folks from the Powell Building Dept. (47 Hall St., Powell, Ohio) will be hosting. The meeting is scheduled 10 a.m. to noon, and participants have the option of ordering a box lunch from Express Yourself Music Café for a luncheon immediately following the meeting.

The agenda for the meeting includes committee reports and updates on issues relating to Permit Technicians. Our guest speaker for the meeting will be Lt. Sally McCann Mirise

of the Liberty Township Fire Department. She will speak to the group about fire protection systems and fire safety as it relates to commercial buildings.

Central Ohio Code Consistency Committee meets at 10am on the third Wednesday of the month at the Westerville ICC, everyone is welcome to attend.

COCOA is planning a golf outing for Monday September 8th at 1pm.

Check for updates and educational opportunities at www.cocoaonline.org

SWOFSC



During the last couple of months we have toured a unique construction project in Beaver Creek, called the Greenes, and attended training on hood systems at Cintas Corp. in Cincinnati.

The project is similar to the retail setting in Easton, Ohio, with beautiful streetscapes, clubs, restaurants, stores, etc. The difference is the residential section made up of pre-constructed units that are assembled in Indiana. Every thing is in place, including sprinklers, and is lowered into place by crane. Power and water connect in the hallway. This is a first for SW Ohio and, I believe, for the State.

Our commercial hood systems training was attended by both fire and building inspectors in their new building. They also have a lab that can trigger devices and view the inter-workings of the system. Our goal is to have more

Board-approved classes like this approved for credits. Even without the BBS credit, fire inspectors now need 30 hours of continuing education every 3 years.

The Building Safety Week event was held this year at the Lowes in Springdale, Ohio. Yours truly represented SWOFSC at the event and had an excellent time.

We now set our sights on the ICC hearings in Minneapolis. We should have representatives at the hearings but with rising fuel costs departments are cutting travel. Most members are dismayed because due to the amount of days involved they cannot afford to attend the business meetings and social events. It is my opinion that the ICC has failed to understand government budgets; I don't recall making these choices when BOCA existed.

Craig A. Best, President

OBOA Info./Chapter Reports (Cont.)

NCOBOA



(Continued from page 8)

a great day of golf and prizes. V/ President Tim Golden and I have already been approved to attend the ICC Annual Conference in Minneapolis, Minnesota, September 14 – 23, 2008. We are hopeful a few more of our membership may be able to attend also. All of our current Committees are currently working hard and are ready to report back to us and the association any pertinent details of significance during the year, so we all are kept fully informed on any local, State and National issues and occurrences. Remember - check our web site at www.NCOBOA.org for the latest on our education, meetings, and our great entertainment events. Enjoy the summer!
Tom Carleton,
President

MVBOC



(Continued from page 8)

committees that need new blood. Schedule educational programs that promote code official professionalism. Promoting building safety in our communities through cable program and promotional pamphlets. Has formed the committee to start the process of planning for the 2010 joint conference. Roy Bavers so graciously offered to chair the conference planning committees.

RECOGNITION

A special thank you to all MVBOC members who help

in the education process and other committees in which they serve. A special thanks to Scott Adams for the work he does as chair of our education committee.

Congratulations to Dave Bunn for his upcoming retirement and for the many years of dedication to our profession; good luck Dave.

MVBOC has awarded two \$1000.00 scholarships; thanks go to the Scholarship Committee for its fine work and for the time spent.

ODPCA



(Continued from page 9)

ted plans. Once plans are approved and permits granted, inspectors log inspections via a wireless laptop computer. Nan Miller, Chief of Customer Relations, explained that the system, in effect since February 25th, is still being debugged. One of the biggest changes owners and contractors will see "pay as you go" for all inspections. Permits will only include 2 structural inspections, all other structural and MEP inspections will cost \$150 per trip. This policy will require much better scheduling on the part of contractors or the inspection costs will grow quickly. In the near future it will be possible to go paperless from permitting through inspections.

Over 30 Design Professionals and Code Officials attended with food provided by ODPCA.

BOCONEO



(Continued from page 8)

meetings will be held at the brand new Wickliffe Senior Center on Warden Road in Wickliffe. Ray Sack has outdone himself in arranging for us to use this wonderful facility until we outgrow it. The June meeting will be the last one for the Lodge in Richmond Heights. It will be an interesting move to this new facility, but I believe that it will be a good move. Richmond Heights accommodated us for a long time, and we owe them a large debt of gratitude for their hospitality, but its time for us to move on. Our meeting attendance now approaches 150 members consistently, and we have just outgrown the Lodge. Watch the website for directions to the new facility. Finally, the planning for the next Joint Conference which will be held in Cleveland is well under way and seems to be progressing well. We have a great committee working on all of the details and everyone can look forward to a good time next February. Have a nice summer, and I'll see everyone at the September 17th meeting – our first meeting in our new digs. Kindest Regards
Phil Seyboldt
BOCONEO President

FBOA



(Continued from page 8)

person Scramble at \$60.00 per person. Everyone is welcome to participate. Dinner and social will be held afterwards at the Tuslaw Community Park, approximately ½ mile south of the Elms Golf Course. Shotgun start at 12:30 PM.

BBS Updates

(Continued from page 2)

- **How long do I have to complete the required national examinations?**

All candidates must pass the required national examinations within two years from the date of approval of your two-year interim certification. If the required examinations are not successfully completed within the two-year interim period the applicant is no longer certified to perform those duties authorized by each certification category. There are no provisions that would provide for an extension of time past the two-year period to pass the examination. Anyone who does not pass the examinations within the two-year period can apply for a new interim certification. Once the Board approves the new interim certification you are required to attend the OBCA a second time and then pass the required national examinations within the two-year period.

- **Can I get an extension if I don't pass the required national examination within the two-year interim period?**

No, if an applicant does not pass the required national examination within the two-year interim certification period the applicant is no longer certified but may apply for a new interim certification.

- **Can I take the required examinations prior to attending the Ohio Building Code Academy?**

The required national examinations can be taken at anytime. There are no pre-approvals to take the examinations. You can take the required examination even before or after you obtain

your two-year interim certification. The only exception is for the Electrical Safety Inspectors examinations, which required pre-authorization from the Board prior to taking the examinations.

- **Is it possible to fail the Ohio Building Code Academy?**

The only way you can fail the Ohio Building Code Academy is by not attending. Part of the Ohio Building Code Academy includes an evaluation phase which requires each student to be evaluated through the use of examinations specific to the classroom instruction and workbooks. The examinations are used as a method to evaluate each student's knowledge, skill and abilities and not as a device to eliminate a student from successfully completing the Ohio Building Code Academy. The worse case scenario is that a student could be assigned additional coursework based on the evaluation.

- **What additional coursework is required after attending the Ohio Building Code Academy?**

If during the evaluation phase of the Ohio Building Code Academy, it is determined that the applicant must complete additional coursework, the additional coursework must be completed during the two-year interim certification period.

- **How do I know if I have to complete additional coursework?**

After completion of the 40 hour Ohio Building Code Academy, any student who needs additional coursework will be provided with a transcript outlining what additional coursework is required. All additional coursework must be completed within the two-year interim period.

- **What happens if I don't complete the additional coursework within the two-year interim pe-**

- **riod?**

If the additional coursework is not completed during the two-year interim certification period and the applicant provides evidence of successfully completing the examination requirements of Section 103.3.4 (2) within the two-year interim period, the Board may grant a one-time, one year extension to allow completion of the additional coursework.

- **How long is the Ohio Building Code Academy and what is the cost associated with it?**

The Ohio Building Code Academy will consist of 40 hours of continuous training and evaluation. The cost of the Ohio Building Code Academy, including course material and workbooks, is being covered by the three percent assessment fund. Students will be required to cover the cost of their travel and lodging expenses while attending the Ohio Building Code Academy. Students must also cover the cost of any required additional post academy coursework. Students attending the OBCA are not required to bring any code books or any other material to class. All course material and workbooks will be provided when the students arrive for class.

- **What is the background and expertise of the instructors?**

The instructors for the Ohio Building Code Academy will have proven track records that are adequately versed in the specific discipline they will be instructing. Each instructor will utilize clear and complete course outlines and each instructor will be required to teach to the structured lesson plan so that the evaluation of each student will be consistent, fair and equal.

- **How are the instructors selected for the Ohio Building Code**

(Continued on page 12)

Code World

(Continued from page 5)

clusively presumed to comply with Ohio Revised Code sections 3781 and 3791. This means the owner has a legal right to construct the building in accordance with the approved plans. This assures that the operation of a required exit is maintained even if it might be in conflict with the rules of another agency. In this case egress safety is of paramount importance.

As always, you can call us at (614) 644-2613 or send an email us at www.com.state.oh.us/dic/dicbbs.htm and click on "contacts." Also, you can view the building codes online. Just go to www.ecodes.biz and click on the button marked "free codes" or try our website at www.com.state.oh.us/dic/dicbbs.htm and click on "Ohio E Codes."



Understandable

(Continued from page 6)

Case 1: What accessibility provisions are required when a school is proposed for a change to a apartment building?

Answer: You do not find the answer by turning to Chapter 11. The accessibility provisions for a change of occupancy are significantly different for a change of occupancy versus when a new apartment structure is built.

Case 2: A proposal to add a 5,000 sq ft addition to a 100,000 sq ft school is proposed; the existing construction is 2B and the school has only limited area sprinkler protection. Since this condition isn't allowed by the height & area table, this proposal is doomed, right?

Answer: No, You first must read the provisions related to additions for occupancies like schools. Get the Idea???



ICC Code Hearings

Residential sprinklers and improved energy efficiency are just a few of the code change proposals expected to be debated during the hearings at the 2008 Annual Conference held Sept. 14-23, at the Minneapolis Convention Center in Minneapolis.

The ICC Annual Conference features the Final Action Hearings, Sept. 17-23, which will result in the 2009 International Codes, and gives all attendees the opportunity to voice their opinions about proposed code changes by fostering full and open participation in the Code Council's governmental process.

Nearly 30 education sessions will be offered, giving participants the opportunity to earn CEUs and LUs. Topics include hazard response, disaster mitigation, green building and more.

The Expo will feature more than 100 exhibitors and a special section dedicated to plumbing, mechanical and fuel gas products.



BBS Updates

(Continued from page 11)

Academy?

The Education Ad Hoc Committee will evaluate the credentials for all Ohio Building Code Academy instructors. The Subject Matter Experts for each discipline will also make recommendations for instructors to the Education Ad Hoc Committee. After the Education Ad Hoc Committee has reviewed the qualifications of each instructor applicant, a list of qualified instructors will be developed for the Ohio Building Code Academy.

• What classes have been developed for the Ohio Building Code Academy?

The following is a list of classes established for the Ohio Building Code Academy: Communications

and People Skills; Personnel and Supervisory Skills; General Business and Ethics; Administrations and Law; General Building Code Occupancy; Building Limitations and Construction Types; Fire-resistant Materials and Construction; Fire Protection Systems and Fire Alarms; Means of Egress; General Structures; Accessibility; Existing Building; National Electric Code; Ohio Plumbing Code; and the Ohio Mechanical Code.

• How do I obtain a full certification?

The process to move from interim certification status to full certification is as follows:

Fill out the Application for Full Certification, pay \$30.00 application fee, provide OBCA Certificate of Completion, and pro-

vide proof of passing the required national examinations.

Once the application and additional information is received by the Board and it is determined the information provided meets the requirements for a full certification, the applicant will receive full certification approval. The full certification is good for three years from the date of issuance at which time you have to apply for your renewal. The three year thirty hours of continuing education begins on the date of the full certification approval. The Board does not recognize any continuing education that was obtained during the two-year interim certification period.

If you have any questions regarding the OBCA, contact Vicky Williams at 614-644-2613.



Appeals Court Decision

(Continued from page 1)

regulation differ from the state residential building code unless that code or regulation addresses subject matter not addressed by the state residential building code or is adopted pursuant to section 3781.01 of the Revised Code.” ORC 3781.10(A)(2).

This general prohibition against contrary regulations does not mean that all regulations being enforced in local municipalities become automatically void. If a local regulation differs from or is not included in the regulations found in the State Code, it must be submitted to the Board. After submission, the regulation is subject to a multipart analysis pursuant to ORC 3781.10. This analysis proceeds as follows: 1) The Board first determines whether the submitted regulation is in conflict with any provision of the State Code. 2) If the Board determines that the submitted regulation is not in conflict, no further action is taken and the municipality is free to enforce the regulation. 3) If the Board finds that the regulation is in conflict with a provision of the State Code, it can then choose one of two options. A) The first is to reject the municipality’s conflicting regulation, thereby making it unenforceable. B) The second is to adopt the municipality’s regulation into the State Code, which would make it applicable throughout Ohio.

It was allegedly over this process - determining conflicts - that Dublin filed with the court. With the enactment of the RCO, Dublin submitted numerous regulations contained within the Dublin Code to the Board for approval. Several of these regulations were found to be

not in conflict with the provisions of the State Code and the ORC was clear that Dublin was permitted to continue enforcing them.

However, this was not the case for all of the regulations submitted by Dublin. Some of the Dublin Code’s regulations, however, were found to be in conflict with the State Code and were deemed unenforceable. It is these regulations that became the subject of the legal action.

The RCAC recommended and the Board agreed that several local regulations were found to be in conflict with the RCO.

Dublin had raised the minimum room ceiling height; had raised the minimum ceiling height in basements; had raised the minimum ceiling height for sloped ceilings; had modified the minimum riser and tread dimensions; and had required several modifications to the NFPA 70, the NEC, requirements for dwellings – meter to panel conduit, dedicated circuits and alternate outlet circuits in kitchens, and minimum 200 amp service per dwelling.

Dublin also maintained that it was not required to be certified by the State — the Board of Building Standards — to enforce its own residential code.

In its findings, rendered in early June, the court found that, “the enactment of a local residential building code is an exercise of a municipality’s police power rather than its power of local self-government; therefore, the Dublin Code is subordinate to contrary

State regulation. The State Code is a law of general application throughout Ohio. Therefore, the State Code preempts any provisions of the Dublin Code that are determined to be in conflict. With the sole exception of section 150.021 of the Dublin Code concerning electrical wiring, all of the Dublin Code sections presented to the Court are in conflict with the State Code. Since this is so, the State Code preempts the conflicting regulations of the Dublin Code and those regulations are unenforceable. R.C. 3781.10(A)(2) and R.C. 3781.01 (B)-(C) do not usurp judicial authority. Finally, the State Code and its enacting statutes provide a certification requirement for local enforcers of the State Code. This certification requirement is not unconstitutional under the Home Rule Amendment. Therefore, Dublin is required to be certified in order to enforce the provisions of the State Code.”


It is important to understand that the court was affirming that the law is valid as adopted in HB 175 and as such and is still in effect in Ohio. As such, it still applies to jurisdictions enforcing or seeking to enforce a residential code.

The City of Dublin will appeal this decision and that appeal will proceed through the court system as required by Ohio law. The Board will also appeal the electrical code determination in the decision.

If you have any questions about the decision, you can contact the Board offices as 614-644-2613. The Board will attempt to keep interested parties updated on the status of the case via the BBS Newsletter or website (www.com.state.oh.us/dic/dicbbs.htm).



Ohio Board of Building Standards' Calendar

JULY 2008							AUGUST 2008							SEPTEMBER 2008									
Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat	Sun	Mon	Tue	Wed	Thu	Fri	Sat			
			1	2	3	4	5						1	2		1	2	3	4	5	6		
6	7	8	9	10	11	12	3	4	5	6	7	8	9	7	8	9	10	11	12	13			
13	14	15	16	17	18	19	10	11	12	13	14	15	16	14	15	16	17	18	19	20			
20	21	22	23	24	25	26	17	18	19	20	21	22	23	21	22	23	24	25	26	27			
27	28	29	30	31										28	29	30							
<p>4 July—Independence Day</p> <p>11 July—BBS Conference Meeting</p> <p>30 July—RCAC Meeting</p>							<p>1 Aug—ESIAC Meeting</p> <p>15 Aug—BBS Conference Meeting</p> <p>27 Aug—RCAC Meeting</p> <div style="text-align: center; margin-top: 20px;">  </div>							<p>1 Sept—Labor Day</p> <p>11 Sept—Patriot Day</p> <p>19 Sept—ESIAC Meeting</p> <p>22 Sept—Autumn Begins</p> <p>24 Sept—RCAC Meeting</p>									



ICC Events

10-12 July—Climate, Commerce, Community; 2008 SW Sustainability Conference and Green Fest; Vancouver, WA

11-16 July—NACo 2008 Annual Conference & Exposition; Jackson County (Kansas City), MO

17-18 July—2008 Carolinas AGC; Westin Savannah Harbor Golf Resort & Spa; Savannah, GA

22-26 July—National Conference of State Legislatures (NCSL); New Orleans, LA

30 July-Aug. 2 Southeast Building Conference; Orlando, FL

30 July-Aug. 4—2008 HBA of SC Convention

13-16 Aug—Annual MACo Summer Conference; Ocean City, MD

15-17 Aug—Fire Rescue International 2008; Denver, CO

21-24 Aug—Being Green - 2008 Design Conference; Charlotte, NC

27-29 Aug—Texas Association of Counties Annual Conference; Austin, TX

3-6 Sept—New York State Building Officials Conference; Lake Placid, NY

3-7 Sept—Alabama Association of Fire Chiefs; 58th Annual Conference; Orange Beach, AL

9-12 Sept—Code Officials Associations of Alabama Conference; Orange Beach, AL

10-13 Sept—Remodeling Show 2008; Baltimore, MD

14-23 Sept—2008 International Code Council Annual Conference and Final Action Hearings; Minneapolis Convention Center; Minneapolis, Minnesota

21-24 Sept—94th Annual ICMA Conference & Expo; Richmond, VA

23-27 Sept—SEAOC 2008; Hawaii



RCO, NEC, IECC Status

(Continued from page 1)

staff to request an executive order authorizing the filing of Emergency Rules OAC 4101:1-35-01, 4101:2-15-01, 4101:3-13-01, and 4101:8-43-01.2. These emergency rules, when filed, would take effect immediately upon authorization to file the rules from the Governor and would allow the 2003 IECC and the 2005 NEC to be used **for 1-, 2-, and 3-family dwellings only.**

On March 28, 2008, BBS made a request to the Governor's Office for an executive order to authorize the filing of emergency rules. On March 31, 2008, the Governor signed Executive Order 2008-06S authorizing the BBS to file the emergency rules. BBS filed the emergency rules the same day and therefore, **as of March 31, construction documents for all residential 1-, 2-, and 3-family dwelling projects must meet or exceed the 2003 IECC and the 2005 NEC to comply with the RCO.** The Board's permanent rules were filed on April 1, 2008, and will be heard at a public hearing on May 2, 2008.

UPDATE:

At its June 13th, 2008, meeting the BBS set the effective for June 24th, so that the 2003 IECC and the 2005 NEC will seamlessly continue to be used without any gaps after the emergency rules expired on June 29, 2008. When the Board receives recommendations from the Ad-Hoc Committees established by Director Zurz, the rules may be further modified and the Board will hold public hearings to receive comments on any proposed future changes. It is anticipated that the rules adopting the agreed-upon energy and electrical code modifications will be submitted to JCARR on or before October 1, 2008. The Board's permanent rules will be in effect until

rules containing agreed-to modifications are submitted to JCARR later this year. If the parties are not able to reach a compromise that allows the Board to submit modified rules by Oct. 1, 2008, then BBS may submit its own permanent rules for implementation.

Non-residential construction will continue to use the 2006 IECC and 2008 NEC for compliance throughout this time period; only 1-, 2-, and 3-family dwellings are affected by these rules. The rules do not affect 1-, 2-, and 3-family dwellings for which applications for plan approval were submitted between Jan. 1 and Mar. 31, 2008. Any application for plan approval submitted to a Residential Department from Jan. 1 to Mar. 31, 2008 must use the 2006 IECC and 2008 NEC.

A *BBS Memo* was mailed to all certified residential and non-residential building departments explaining these actions. An electronic version of the BBE Memo was distributed to all subscribers to the OBOA E-mail distribution system (go to the OBOA web site to add your E-mail address to the list). Copies were also mailed to many professional, contractor, code, and public associations. The *BBS Memo* is also available on the BBS web page at www.com.state.oh.us/dic/dicbbs.htm.

Questions are still being asked, however, about OBC group R-3 occupancies that qualify to use the RCO via OBC Section 310. The emergency rules, and any subsequent permanent rules the Board files, are meant to apply only to 1-, 2-, and 3-family dwellings. If an R-3 qualifies per OBC Section 310 to use the RCO, it is still an R-3 and is not a 1-, 2-, or 3-family dwelling. As such it would not be able to use the 2003 IECC or the 2005 NEC.

CPCSC Recall

Counterfeit Circuit Breakers Recalled By Specialty Lamp International Due to Fire Hazard

Name of Product: Counterfeit Circuit Breakers labeled as "Square D"

Units: About 371,000

Distributor: Specialty Lamp International Inc., of Deerfield Beach, Fla.

Hazard: The recalled circuit breakers labeled "Square D" have been determined by Square D to be counterfeit and can fail to trip when they are overloaded, posing a fire hazard to consumers.

Incidents/Injuries: None reported.

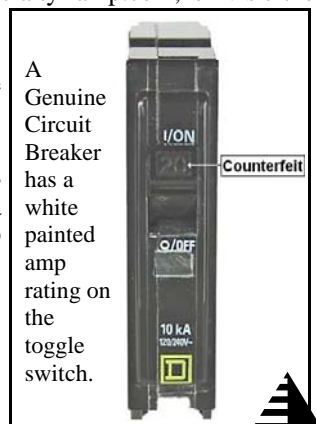
Description: Counterfeit circuit breakers are black, labeled as Square D QO-series models 115, 120, 130, 215, 220, 230, 240, 250, 260 and 2020 and Square D QOB-series models 115, 120, 130, 220, 230, 250, 260 and 1515. Actual Square D circuit breakers have (a) the amp rating written on the handle in white paint on the front of the breaker (authentic Square D circuit breakers manufactured prior to 2003 did not have white paint on the amperage numbers); (b) the Square D insignia molded onto the breaker side, and; (c) a yellow chromate mounting clip with half of the top of the clip visible. If your breaker, labeled as Square D, does not match this description, it could be counterfeit.

Sold by: Electrical product distributors nationwide from May 2005 - June 2006 for between \$3 and \$23.

Manufactured in: China or Unknown

Consumer Contact: For additional information, contact Specialty at (866) 650-3076, 8 a.m. - 5 p.m. ET, by email bart@specialty-lamp.com, or visit the com-

pany's Web site at www.ebulb.net. This is not a Square D Company recall.





Ohio Board of Building Standards

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