



Department of Commerce

Division of 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 (hereinafter, “SFM”) has begun its periodic review of the existing Ohio Fire Code and SFM rules (also known as Ohio Administrative Code sections 1301:7-7-01 through 1301:7-7-47) (hereinafter, collectively “OFC”). The purpose of this review is to comply with relevant Chapters of the Ohio Revised Code (hereinafter, “Rev. Code”) and specifically sections 119.03 and 119.032, and to update current Ohio Fire Code provisions to incorporate the most current standards and best practices where needed.

The process to update the OFC will include a review of the International Code Council’s 2015 International Fire Code and incorporation of certain relevant provisions of that code into a new version of the Ohio Fire Code. This new Ohio code will ultimately be known as the 2017 Ohio Fire Code. In addition, the SFM will consider petitions submitted by stakeholders and interested parties. The SFM values the input of its stakeholders and encourages the participation of all Ohioans in the rule revision/development process. Therefore, the SFM is opening a call for petitions and will begin considering proposed changes to the current provisions of the OFC in October 2015.

All changes or modifications submitted to the SFM for consideration will be reviewed by an internal working group formed by the SFM, known as the SFM’s Ohio Fire Code Work Group (WG). The WG has primary responsibility for processing all petitions submitted and will duly consider and take action regarding each petition.

The Five Steps of the Rule Revision / Development Process

Pursuant to Ohio law and the internal operating procedures of the SFM, there are generally five steps in the OFC review and revision process. This process begins with the submission of ideas by interested parties and ends with the final filing and adoption of the new rules by the SFM. The five steps of this process are as follows:

1. **The Petition Period.** This is the period when a stakeholder or other interested party may submit one or more written petitions to the SFM for consideration and adoption. Petitions may suggest a new provision be added to the OFC, the revision of an existing provision of the OFC, or a revision to a newly drafted/proposed provision of the OFC.

- ❖ Although Petitions for rule changes are accepted by SFM at any time, Petitions must be received prior to the end of the Petition Period to ensure their consideration during the current code revision cycle. **Any Petition that is received after the close of the Petition Period may not be considered for adoption until the next code revision cycle.**

- **The Petition Period for the 2017 Code Revision Cycle will close on November 20, 2015.**

- ❖ All petitions must meet the requirements of Section 113 of the OFC, which provides:

Ohio Administrative Code §1301:7-7-1(M) / OFC § 113 Amendments to the fire code.

113.1 *When any person desires to petition the state fire marshal to adopt, amend or rescind a provision of this code, such person shall file on a format prescribed by the state fire marshal the petition with the state fire marshal.*

113.2 *The petition shall include the following:*

- (a) *The date the petition is submitted;*
- (b) *The number of the section of this code which is proposed for amendment, adoption or rescission;*
- (c) *The section numbers of all other sections of this code which will be affected by the matter proposed;*
- (d) *The name and address of the petitioner and the name of the petitioner's representative if a representative is employed;*
- (e) *The provisions of this code, which are proposed for adoption, amendment or rescission stated in full and in the form specified in this rule;*
- (f) *The reasons for and purpose of the matter proposed;*
- (g) *The adoption, amendment or rescission of any provision of this code shall be accomplished according to Chapter 119. and sections 3737.82 and 3737.86 of the Revised Code.*

113.3 Changes. *Petitions for adoption, amendment or rescission of this code, required under this rule, shall conform to the requirements of this rule including:*

113.3.1. *All matter proposed to be eliminated from this code shall be deleted by means of striking through the text.*

113.3.2. *All proposed new matter to be inserted into this code shall be inserted and be underlined.*

- ❖ All Petitions must be submitted on the on-line form designated by the SFM. For those who cannot access the online form, the Division of State Fire Marshal, Code Enforcement Bureau (hereinafter, "CEB") is available to assist and can be contacted at 8895 E. Main Street, Reynoldsburg, OH 43068, via phone at (614) 728-5460 or (888) 276-0303, via facsimile at (614) 728-5168, or at OhioFireCode@com.state.oh.us.

- Petitions may be submitted on any topic pertaining to the OFC, and petitioners can file as many petitions as necessary; however, each Petition should be limited to one topic.
 - All information in the petition form must be completed (e.g., all fields in the form must be filled out). Incomplete Petitions may be rejected by the SFM for that reason. But, generally, the SFM's WG will return deficient Petitions to the submitter for revision.
 - The submitter of a Petition may withdraw the Petition before the published petition closing date. Petitions cannot be withdrawn after the established petition closing date.
- ❖ All Petitions submitted will be reviewed and thoroughly researched and considered by the SFM's WG.
- The WG will take one of the following actions in response to each Petition submitted:
 - Accept – Accept a petition as submitted.
 - Reject – Reject a petition as submitted.
 - Accept in Principle – accept a petition in principle but with changes in the proposed wording. This action also includes accepting the petition / comment only in part.
 - The WG will submit each of its recommendations to the SFM who will authorize or disapprove its inclusion in the ROP (see below). (More information regarding the process used by the SFM's WG is contained below.)
- ❖ Shortly after the Petition Period closes, the SFM WG will publish a proposed draft of the 2017 OFC and will issue a compendium report of all submitted petitions, along with the WG's response to each of the Petitions. This report is called the "Report on Petitions" or "ROP."
- The date for the issuance of the proposed draft of the 2017 OFC and the ROP for the 2017 OFC Code Revision Cycle is tentatively set for January 15, 2016.
 - The draft 2017 OFC and the ROP will be available for review by any person via the SFM's website and will remain on the SFM's website throughout the Comment Period.

- When the draft 2017 OFC and the ROP is published, the Comment Period commences.
2. **The Comment Period.** This is the period when a stakeholder or interested party may submit one or more written comments regarding one or more of the previously submitted Petitions. The stakeholder may submit comments on a Petition submitted by any party either advocating for or discouraging adoption of the proposed rule or rule amendment. The Comment Period also includes stakeholder meetings. Various stakeholder meetings will be held during the Comment Period to allow stakeholders an additional opportunity and a specific forum to be heard and to convey their perspectives and ideas with the SFM and the SFM's WG.
- These stakeholder meetings will afford stakeholders the opportunity to ask questions regarding specific actions taken by the WG, and will provide the SFM and SFM's WG an opportunity to clarify any issues with stakeholder petitions. This will ensure the WG fully understands the perspective of stakeholders and the intent of their submitted petitions.
 - Specific dates and locations for stakeholder meetings will be set and published on the SFM's website. In addition, the SFM will make every attempt to contact all stakeholders via e-mail. Finally, stakeholders may periodically contact the CEB to inquire whether and when meetings are scheduled. The CEB may be contacted at 8895 E. Main Street, Reynoldsburg, OH 43068, at (614) 728-5460 or (888) 276-0303, via facsimile at (614) 728-5168, or at OhioFireCode@com.state.oh.us.
- ❖ Comments on the draft 2017 OFC or the petitions previously submitted and as reported in the ROP are accepted from the time the ROP is published until the closing of the Comment Period. The Comment Period shall be no less than thirty days and the specific date the Comment Period ends will be published on the SFM's website.
- **The Comment Period for the 2017 Code Revision Cycle is currently set to run from January 15, 2016 through March 1, 2016.**
- ❖ Comments must be submitted on the on-line form designated by the SFM. For those who cannot access the online form, the CEB is available to assist and can be contacted at 8895 E. Main Street, Reynoldsburg, OH 43068, via phone at (614) 728-5460 or (888) 276-0303, via facsimile at (614) 728-5168, or at OhioFireCode@com.state.oh.us.
- All comment forms must reference the Petition Number that the comment concerns. [All Petitions are assigned a number by the SFM when they are received and will be referenced by that number. The Petition Number assigned to a particular Petition will be found on the ROP.]

- All information in the comment form must be completed (e.g., all fields in the form must be filled out). Incomplete comments may be rejected by the SFM for that reason. But, generally, deficient comments will be returned to the submitter for revision.
 - Comments may be submitted on any petition previously submitted and contained in the ROP. Commenters may file as many comments as necessary; however, each comment form should be limited to one topic and must address only the specific Petition Number referenced.
 - The submitter of a comment may withdraw the comment before the published comment closing date. Comments cannot be withdrawn after the established comment closing date.
- ❖ Each comment submitted will be thoroughly researched and considered by the SFM’s WG. The WG will prepare a response to each comment.
 - The process and actions of the WG will be the same used by the WG in considering Petitions (i.e., each comment will be accepted, rejected, or accepted in principle).
- ❖ The WG will submit each of its responses to the SFM who will authorize or disapprove their inclusion in the ROC (see below).
- ❖ Shortly after the Comment Period closes, the SFM WG will prepare a compendium report of all submitted comments, along with the WG’s response to each of the comments. This report is called the “Report on Comments” or “ROC.”
 - The ROC and a revised draft of the proposed 2017 Ohio Fire Code (which will incorporate additional changes made and caused by comments received and stakeholder input) will be submitted to the Department of Commerce for approval.
 - After approval, the ROC will be publically released and published on the SFM’s website along with the revised draft of the proposed 2017 Ohio Fire Code.
 - The date for the issuance of the ROC for the 2017 OFC Code Revision Cycle and the revised draft of the proposed 2017 Ohio Fire Code is tentatively set for June 1, 2016.
 - The ROC and the revised draft of the proposed 2017 Ohio Fire Code will be available for review by any person via the SFM’s website and will remain on the SFM’s website throughout the remainder of the formal rule adoption process.

- ❖ With the publishing of the ROC and the revised draft of the proposed 2017 Ohio Fire Code, the formal rule adoption process starts. Once determined, dates for the mandatory public hearing will be published on the SFM's website.

3. **The Common Sense Initiative (CSI) and e-Notification Process.** The CSI requires all state agencies that propose rules that will impact Ohio businesses to file the proposed rules with the CSI Office for analysis. The CSI Office reviews the proposed rules to determine if the regulatory intent of the rule justifies the impact to businesses. This process enables individuals, businesses and other interested parties to track, review and comment on rules that are being proposed or reviewed by the SFM (or any other Ohio regulatory agency). Interested parties may sign up for e-Notification at <http://business.ohio.gov/reform/> and will thereafter receive e-notification of proposed rule changes from any specific regulatory agency or on any subject area that the user chooses.

- ❖ Before filing with the CSI office, the SFM will prepare a Rule Packet regarding the proposed rules that are being submitted for formal review to CSI and ultimately to JCARR (see below).

- ❖ The Rule Packet will consists of the following:

- A draft of the propose new rule(s)
- A Business Impact Analysis, and
- A Public Notice
 - The Public Notice will be issued to all affected stakeholders and will notify them of proposed changes to the OFC. Additionally, the Public Notice will identify the rules being affected by the proposed change(s) and will provide a summary of the change(s).
 - Any entity or individual may contact the SFM's CEB and request to be added to the SFM's stakeholder list.

- ❖ After the Rule Packet is submitted to the CSI Office, CSI staff will review the Rule Packet and issue a recommendation regarding it.

- ❖ After receipt of the CSI recommendation, the SFM will review the recommendation and proceed accordingly.

- This will include a review and incorporation of CSI comments, if any, and the filing of a response to the CSI office by the SFM, known as a Letter of Acknowledgment.

- The SFM’s Letter of Acknowledgment to the CSI Office will set forth the SFM’s response to any CSI recommendations and the SFM’s justification for the response. It will also include the SFM’s intent regarding how the SFM will proceed with the rule.
 - ❖ Once the SFM has filed its Letter of Acknowledgement with the CSI Office, it may proceed with the JCARR process.
- 4. **Joint Committee on Agency Rule Review (JCARR) Process.** This is the formal rule review and adoption process and involves meeting the requirements of Rev. Code Chapter 119 and § 3737.86. This process begins with the filing of the proposed new rule with JCARR and the State Fire Council. The purpose of JCARR is to review proposed new, amended, and rescinded rules from Ohio’s regulatory agencies (including the SFM) to ensure they do not exceed the agency’s rule-making authority.
 - ❖ When filing with JCARR, the SFM must file the following documents:
 - A draft of the proposed new rule(s)
 - A Rule Summary and Fiscal Analysis
 - A Business Impact Analysis (this will be the same document filed with CSI)
 - The CSI Recommendation regarding the proposed rule
 - The SFM’s Letter of Acknowledgment to the CSI Recommendation
 - ❖ All of these documents will be published on the Register of Ohio and/or available through the JCARR filing system or the SFM’s website.
 - ❖ JCARR jurisdiction lasts for 65 days.
 - Between days 31 and 40 of JCARR’s jurisdiction period, the SFM must hold a public hearing in accordance with Rev. Code § 119 and OFC § 114.
 - The public hearing will be held at the SFM’s offices and will be open to all interested parties.
 - The date and time for the public hearing concerning the 2017 Ohio Fire Code will be established and published after the JCARR process is initiated. The date will be published on the SFM’s website.

- At the public hearing, the SFM will receive oral and written testimony regarding the proposed rules.
 - After the public hearing the SFM will prepare a Hearing Summary Report, which will summarize all of the comments received during the hearing process. The Hearing Summary Report will be filed with JCARR and will be made available on the SFM's Website.
 - Between days 41 and 65 of JCARR's jurisdiction, the proposed rule will be scheduled for a JCARR hearing. This is where JCARR will hear testimony from interested parties regarding the validity of the rule and will take formal action regarding the rule. JCARR will either approve the rule, or recommend the rule for invalidation.
 - If JCARR recommends invalidation of the rule, the rule will be submitted to the Ohio Legislature for consideration.
 - The Legislature may either approve the rule, or invalidate the rule. If the Legislature approves the rule, the SMF may move forward with final adoption of the rule. If the Legislature does not approve the rule, the SFM may not move forward with the adoption of the rule.
 - If JCARR approves the rule, the SFM will move forward with final filing of the rule and its final adoption.
 - Upon approval and after the end of JCARR's jurisdiction, or 66 days after the submission of the rule to JCARR, the SFM may Final File the proposed rule.
 - Ten days after the rule is "Final Filed" it can become effective.
 - The effective date will be announced and published on the SFM's website and in the Register of Ohio.
 - ❖ After the JCARR process concludes and the rule is Final Filed, the SFM will proceed with publication of the 2017 Ohio Fire Code.
5. **Publishing** of the 2017 Ohio Fire Code will be the final step in the rule revision / development process. Hard copy and on-line versions of the 2017 OFC will be published.

SFM Ohio Fire Code Work Group

As stated above, all changes or modifications submitted to the SFM for consideration will be reviewed by SFM's WG. The WG has primary responsibility for processing all petitions submitted

and will duly consider and take action regarding each petition and comment. The WG consists of various SFM staff members as follows:

- SFM Division Legal Counsel
- SFM Assistant Division Legal Counsel (2)
- SFM Code Enforcement Bureau Chief
- SFM Code Enforcement Administrative Staff (2)
- SFM Code Enforcement Bureau District Assistant Chiefs and Fire Safety Inspectors (3)

The WG will take one of three actions regarding each petition and comment submitted, each is discussed in detail below.

The WG may “Accept” a petition or comment submitted. This means that the petition or comment will be incorporated into the proposed changes to the OFC. The WG may “Reject” a petition or comment. This means that the petition or comment will not be incorporated into the proposed changes of the OFC. The WG may also “Accept in Principle” the petition or comment. This means that the WG accepts the concept of the petition or comment, but not the specific wording of the proposal. It may also mean that only a part of the petition or comment is accepted by the WG. For each action taken by the WG, the WG will provide a statement, preferably technical in nature, regarding the reason(s) for the action taken. The statement is intended to be sufficiently detailed so as to convey the WG’s rationale for its action.

The WG may combine petitions or comments. This will be done if a large number of petitions or comments are received with the same recommendations and with similar substantiation for the petition or comments. If this is done, the statement regarding the petitions or comments will contain a summary of the submitted material.

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 Service Commission Guidelines for rule numbering (www.lsc.state.oh.us/membersonly/127rulemaking.pdf).

The WG may make non-substantive changes to the OFC. These non-substantive changes may include addressing acronyms, capitalization, verb tense and other minor punctuation issues. These changes may be made by the WG without petition or comment. They will be identified in the proposed rules using underline/strikeout edits.

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