

# CSI - Ohio

The Common Sense Initiative

## Business Impact Analysis

Agency Name: Ohio Board of Building Standards

Regulation/Package Title: Ohio Mechanical Code Amendments

Rule Number(s): 4101:2-2-01, 4101:2-3-01, 4101:2-5-01, 4101:2-9-01,  
4101:2-13-01, 4101:2-15-01

Date: August 3, 2015

**Rule Type:**

New

Amended

5-Year Review

Rescinded

The Common Sense Initiative was established by Executive Order 2011-01K and placed within the Office of the Lieutenant Governor. Under the CSI Initiative, agencies should balance the critical objectives of all regulations with the costs of compliance by the regulated parties. Agencies should promote transparency, consistency, predictability, and flexibility in regulatory activities. Agencies should prioritize compliance over punishment, and to that end, should utilize plain language in the development of regulations.

**Regulatory Intent**

1. Please briefly describe the draft regulation in plain language.

*Please include the key provisions of the regulation as well as any proposed amendments.*

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[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

The Ohio Board of Building Standards (Board) proposes to amend Ohio Administrative Code (OAC) Rules as follows:

**4101:2-2-01** to add definitions for above-ground storage tank, building service equipment, engine-mounted tank and fuel tank;

**4101:2-3-01** to add requirement for manufacturer identification, to add requirement for listing of plastic pipe, to add requirement for approved agency testing or listing of piping, tubing, and fittings and to make general editorial corrections;

**4101:2-5-01** to coordinate the supervision requirement found in the fire code, to add diesel fuel § 502.9.5, Exception 3, to add requirements for underground grease ducts, to add code references in § 507.1 which are exempt from certain requirements, to add an exception for integral down draft exhaust systems and to make general editorial corrections;

**4101:2-9-01** to add design guidance and clarification for fuel tanks supplying engine-driven building service equipment, to add design guidance for gaseous fuel supply for engines supplying building service equipment, to add design guidance for engine- driven generators and to make general editorial corrections;

**4101:2-13-01** to add design guidance for diesel oil storage and piping systems associated with building service equipment, to add design guidance for diesel oil storage and piping systems associated with building service equipment, to add design guidance for fuel oil and diesel oil storage for building service equipment and to make general editorial corrections;

**4101:2-15-01** to update NFPA standard 31 and to add NFPA standards 30 and 96 and to update standard UL 2200 and to add UL standard 2085.

**2. Please list the Ohio statute authorizing the Agency to adopt this regulation.**

Revised Code § 3781.10: <http://codes.ohio.gov/orc/3781.10>

Revised Code § 3781.11: <http://codes.ohio.gov/orc/3781.11>

**3. Does the regulation implement a federal requirement? Is the proposed regulation being adopted or amended to enable the state to obtain or maintain approval to administer and enforce a federal law or to participate in a federal program?**

*If yes, please briefly explain the source and substance of the federal requirement.*

No.

**4. If the regulation includes provisions not specifically required by the federal government, please explain the rationale for exceeding the federal requirement.**

Not applicable.

**5. What is the public purpose for this regulation (i.e., why does the Agency feel that there needs to be any regulation in this area at all)?**

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Revised Code § 3781.10 directs the Board to “formulate and adopt rules governing the erection, construction, repair, alteration and maintenance of all buildings specified in section 3781.06 of the Revised Code...” Additionally, Revised Code 3781.06 provides:

*Any building that may be used as a place of resort, assembly, education, entertainment, lodging, dwelling, trade, manufacture, repair, storage, traffic, or occupancy by the public, any residential building, and all other buildings or parts and appurtenances of those buildings erected within this state, shall be so constructed, erected, equipped, and maintained that they shall be safe and sanitary for their intended use and occupancy.*

This statute defines safe and sanitary as follows:

*“Safe,” with respect to a building, means it is free from danger or hazard to the life, safety, health, or welfare of persons occupying or frequenting it, or of the public and from danger of settlement, movement, disintegration, or collapse, whether such danger arises from the methods or materials of its construction or from equipment installed therein, for the purpose of lighting, heating, the transmission or utilization of electric current, or from its location or otherwise.*

*“Sanitary,” with respect to a building, means it is free from danger or hazard to the health of persons occupying or frequenting it or to that of the public, if such danger arises from the method or materials of its construction or from any equipment installed therein, for the purpose of lighting, heating, ventilating, or plumbing.*

The Ohio Building Code sets forth the construction standards for nonresidential buildings in the State of Ohio to ensure that they are safe and sanitary. Additionally, Revised Code § 3781.01 provides that local governments may not adopt regulations that that conflict with the Board’s rules to facilitate the uniform application of the standards.

Revised Code 3781.11 lists conditions that rules of the Board must address, including:

(1) For nonresidential buildings, provide uniform minimum standards and requirements, and for residential buildings, provide standards and requirements that are uniform throughout the state, for construction and construction materials, including construction of industrialized units, to make residential and nonresidential buildings safe and sanitary as defined in section 3781.06 of the Revised Code;

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(2) Formulate such standards and requirements, so far as may be practicable, in terms of performance objectives, so as to make adequate performance for the use intended the test of acceptability;

(3) Permit, to the fullest extent feasible, the use of materials and technical methods, devices, and improvements, including the use of industrialized units which tend to reduce the cost of construction and erection without affecting minimum requirements for the health, safety, and security of the occupants or users of buildings or industrialized units and without preferential treatment of types or classes of materials or products or methods of construction;

(4) Encourage, so far as may be practicable, the standardization of construction practices, methods, equipment, material, and techniques, including methods employed to produce industrialized units;

**6. How will the Agency measure the success of this regulation in terms of outputs and/or outcomes?**

The enforcement of these rules will be implemented by certified township, city, and county building departments. Rule 4101:1-1-01 lays out the administrative procedures certified building departments must follow to implement the substantive requirements of these rules to determine compliance. These provisions require a builder or owner to make application to a building department to obtain an approval to build (permit). As part of this application the owner must submit sufficient information and/or construction documents for the building official/plans examiner to determine whether the proposed work complies with the code. After the builder or owner obtains the approval (permit), construction may commence and the building department inspectors will inspect the construction to ensure that the work conforms with the original approval. Rule 4101:1-1-01 § 105.2 provides that in the absence of fraud or a serious safety or sanitation hazard, any non-residential structure built in accordance with approved plans shall be conclusively presumed to comply with these rules. The Board requires that certified nonresidential building departments submit an annual yearly operational report which lists the following information: current employees and their certifications, total number of permits issued during the year for each type of occupancy, total number of inspections made, the total value of construction, and the total number of appeals of the code requested by a builder or owner during the year.

## **Development of the Regulation**

### **7. Please list the stakeholders included by the Agency in the development or initial review of the draft regulation.**

***If applicable, please include the date and medium by which the stakeholders were initially contacted.***

Continuing law in Rules 4101:2-2-01, 4101:2-5-01 and 4101:2-15-01 were previously reviewed by the Common Sense Initiative (CSI) Office. On October 31, 2012, the CSI Office issued a memorandum making no recommendation regarding Rules 4101:2-2-01, 4101:2-5-01 and 4101:2-15-01, and concluded that the Board should proceed with formal rule filing with the Joint Committee on Agency Rule Review. On June 12, 2014, the CSI Office issued a memorandum making no recommendation regarding Rule 4101:2-15-01 and concluded that the Board should proceed with formal rule filing with the Joint Committee on Agency Rule Review.

On February 24, 2015, the Board sent an email to all agency stakeholders informing them of a scheduled stakeholder meeting on March 13, 2015 to hear comments and respond to questions on these rules. The email and stakeholder distribution list are attached as Exhibit A. The notice summarized the proposed amendments and also informed stakeholders that they if they could not attend the stakeholder meeting, they could submit questions or comments via email or regular mail by March 31, 2015. On March 13, the Board conducted a stakeholder meeting on the proposed rules between 10:00 AM and 2:00 PM and the following individuals attended: Richard Nelson, Medina County, Timothy Payne, Medina County, Robert Kerst, BBA, Pete Baldauf, City of Vandalia, Mike Miller, City of Strongsville, James Richardson, City of Columbus, Greg Wajcik, Simpson Strong Tie, Shane Vilasineekul, Simpson Strong Tie, DeWayne Jenkins, City of Kettering, John Witherspoon, Vectren, and Tim Curry, IAEI & Curry Electric. The stakeholder meeting agenda and material distributed at the meeting are attached as Exhibit B.

### **8. What input was provided by the stakeholders, and how did that input affect the draft regulation being proposed by the Agency?**

A copy of the correspondence the Board received in response to February 24, 2015 email and a summary of the March 13, 2015 stakeholder meeting are attached as Exhibit C.

All comments received were reviewed by the Board's Code Committee at its April 16, 2015 meeting.

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[CSIOhio@governor.ohio.gov](mailto:CSIOhio@governor.ohio.gov)

Steve Risser submitted written comments regarding amendments in several rules for above-ground storage tanks. As a result of concerns raised by a building official in early 2014 regarding duplication of enforcement by the building and fire codes of above-ground storage tanks, the Board developed rules to define the scope of the building/mechanical codes as it relates to tanks. If a tank is attached to building services equipment, then it is regulated by the building/mechanical codes. If it is not attached to building services equipment, then it solely regulated by the fire code and may require a permit issued by the fire official. This clarification intends to draw a bright line to avoid duplication of enforcement. See response to Question 12. Mr. Risser's comments sought further clarification of the role of the building and fire officials. After review, the Board's Code Committee determined not make a change as a result of the comments as the roles are already adequately defined in the proposed rules.

**9. What scientific data was used to develop the rule or the measurable outcomes of the rule? How does this data support the regulation being proposed?**

Continuing law is based on is the 2009 International Mechanical Code (IMC) promulgated and amended by the International Code Council (ICC). The model codes developed by ICC are updated every three years through a process that incorporates petitioning, public hearings and voting by ICC members. The ICC Committees that oversaw the development of the different provisions 2009 IMC included building and fire code officials, architects, engineers, contractors, and representatives from the National Association of Home Builders, Underwriters Laboratories, .and other professional organizations.

When a petition to amend the model code is submitted, the proponent of the change must submit the proposed language of the amendment, the reason for the amendment including scientific data when applicable, and the cost impact of the amendment. All submitted petitions are then published prior to initial code development hearings on the petitions. Interested persons may review the proposed changes and attend the code development hearing and provide comments. A report then is published on the public hearings for review and then final action is taken on the proposed changes at final action hearings. All successful changes are incorporated into the next edition of the model code.

Upon publication the Board's code committee reviews each substantive change included in the newest edition of the code and determines whether to recommend the change to the Board for adoption. The Board last fully updated the Ohio Mechanical Code on November 1, 2011.

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Many of the changes included in the package are as a result of the Board's review of 2012 IMC. The Board determined to not do a full code update on the 2012 IMC, but instead adopt select provisions that provide clarification and keep the code responsive to trends and new technologies in construction. Other provisions provide clarification of the scope of the mechanical code as a result of unique regulatory structure in Ohio.

**10. What alternative regulations (or specific provisions within the regulation) did the Agency consider, and why did it determine that these alternatives were not appropriate? If none, why didn't the Agency consider regulatory alternatives?**

The majority of the amendments included in this package provides clarification as to the scope of the mechanical code or provide additional options/exceptions to requirements thereby providing regulatory relief. To not make these changes would prevent designers and building owners from taking advantage of these clarifications.

**11. Did the Agency specifically consider a performance-based regulation? Please explain.**

***Performance-based regulations define the required outcome, but don't dictate the process the regulated stakeholders must use to achieve compliance.***

Continuing law permits a registered design professional's alternative engineered design to be a compliance alternative method to the prescriptive requirements of the code. Section 106.5 of the Ohio Building Code permits a registered design professional to submit sufficient technical data to substantiate that performance of the proposed alternative engineered design meets the intent of the code. Additionally, section 107.4.3 provides that when construction documents have been prepared by an Ohio registered design professional conforming to the requirements of the rules of the Board pertaining to design loads, stresses, strength, and stability and other requirements involving technical analysis, the documents need only be examined to the extent necessary to determine conformity with other requirements of the rules of the Board.

**12. What measures did the Agency take to ensure that this regulation does not duplicate an existing Ohio regulation?**

Editorial changes are routinely made to the rules to provide consistency with the Ohio Revised Code and other Board and agencies' rules. Additionally, RC § 3781.10 gives the Board sole authority to adopt rules which regulate the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified RC 3781.06 including residential and non-residential buildings.

**13. Please describe the Agency’s plan for implementation of the regulation, including any measures to ensure that the regulation is applied consistently and predictably for the regulated community.**

For these rules to be enforced by a local government, its building department must be certified by the Board. The Board also certifies the personnel who work within these departments to ensure only qualified personnel are enforcing the Board’s rules. Certified personnel must complete continuing education to maintain their certifications and continue to be authorized to enforce these rules. The Board has authority to suspend or revoke certifications for failure to properly enforce the rules. Also, the Board has a staff member dedicated to responding to complaints by persons affected by the Board rules. This program helps promote consistent and predictable application of the Board rules.

**Adverse Impact to Business**

**14. Provide a summary of the estimated cost of compliance with the rule. Specifically, please do the following:**

**a. Identify the scope of the impacted business community;**

No impact. The amendments included in this package provide clarification as to the scope of the building/mechanical codes and provide additional options/exceptions to requirements thereby providing regulatory relief,

**b. Identify the nature of the adverse impact (e.g., license fees, fines, employer time for compliance); and**

See above.

**c. Quantify the expected adverse impact from the regulation.**

*The adverse impact can be quantified in terms of dollars, hours to comply, or other factors; and may be estimated for the entire regulated population or for a “representative business.” Please include the source for your information/estimated impact.*

See above.

**15. Why did the Agency determine that the regulatory intent justifies the adverse impact to the regulated business community?**

Not applicable. See above.

## **Regulatory Flexibility**

### **16. Does the regulation provide any exemptions or alternative means of compliance for small businesses? Please explain.**

The rules do not have special exemptions or alternative means of compliance specifically for small business. The Ohio Building Code (OBC) requires a building official to issue an adjudication order to an owner when the design or construction of a building does not comply with the OBC. The adjudication order must comply with Revised Code Chapter 119 and give the owner an opportunity to appeal. This mechanism is often utilized by an owner voluntarily to obtain a variance from the requirements. Variance requests are heard by either the Ohio Board of Building Appeals or a certified local board of building appeals.

Also, the OBC permits alternative engineered designs prepared by a registered design professional to not strictly comply with the prescriptive requirements of the rules. To obtain approvals based on alternative engineered designs, the design professional must submit sufficient technical information to demonstrate that the performance meets the intent of the rules.

### **17. How will the agency apply Ohio Revised Code section 119.14 (waiver of fines and penalties for paperwork violations and first-time offenders) into implementation of the regulation?**

Revised Code § 3781.102 does not authorize the Board to set the fees and/or penalties assessed by local certified residential building departments in connection with the enforcement of these rules. Compliance with the rules is accomplished through construction conforming to the certificate of plan approval (permit). Therefore, there are no potential paperwork violations of these rules.

### **18. What resources are available to assist small businesses with compliance of the regulation?**

The Board's technical staff spends approximately 25% of their time responding to questions on the building codes and educating design professionals, contractors, the public, and code officials of the intent of the Board's rules assisting all parties in compliance.

## Hanshaw, Regina

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**From:** Lane, Michael  
**Sent:** Tuesday, February 24, 2015 4:05 PM  
**To:** Lane, Michael  
**Cc:** Hanshaw, Regina; Regoli, Steve; Ohler, Debbie; Johnson, Robert; Thiel, Kelly  
**Subject:** Board of Building Standards Proposed Rules/Stakeholder Meeting Notification  
**Attachments:** Stakeholder Meeting Notification.pdf

Board of Building Standards Stakeholder:

You are receiving this message pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the Ohio Board of Building Standards (Board), to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community, and provide opportunity for the affected public to provide input on the rules.

### Stakeholder Meeting

The Board will conduct a Stakeholder Meeting to hear comments and respond to questions on the proposed amendments summarized below on March 13, 2015 from 9:00 AM to 1:00 PM in Training Room 1, 6606 Tussing Road, Reynoldsburg, Ohio 43068. All interested stakeholders are invited to attend. The agenda for the meeting is as follows:

10:00 AM – 11:00 AM	Proposed Ohio Building Code Rules
11:00 AM – 12:00 PM	Proposed Ohio Plumbing Code Rules
12:00 PM – 1:00 PM	Proposed Ohio Mechanical Code Rules Proposed Residential Code of Ohio Rules

### Overview of Proposed Rules

#### Proposed Ohio Building Code Rules

The Board proposes to amend the Ohio Administrative Code as follows: **4101:1-1-01** to clarify that public water systems, private water systems, marinas, and portable mobile vehicles are outside the scope of the codes, to exempt above-ground storage tanks from approval, to clarify that gas process equipment, tanks, and foundations are exempt from approval, to clarify that process equipment tanks and foundations are exempt from approval, to add the option and requirements for an incidental inspection program, to correct references that no longer apply, to delete the requirement to provide the fire protection system installer to the building department prior to approval, to clarify that the building department is to be notified of hazardous materials storage, to define the incidental inspection program, to require that Industrialized Unit manufacturer's report the insignia number of shipped units, and to modify the fees for services provided by the Division of Industrial Compliance; **4101:1-2-01** to add definitions for 24-hour care definition, above-ground storage tank, engine-mounted tank, fuel tank and incapable of self-preservation, to modify definitions for ambulatory health care facility, building services equipment and historic building, and to delete the definitions for adult family home and home, adult family; **4101:1-3-01** to add casinos and cafeterias, to modify term "Ambulatory Health Care Facility," to modify definition of Ambulatory Health Care Facility, to add commercial kitchens in § 306.2, to clarify intent of exception in § 307.1 as it relates to building service equipment, to add row and note "q" for combustible dusts and modify note "i" to add diesel oil and references to OMC in Table 307.1, to add qualifier and code reference for combustible dust, to add clarification and conditions for those buildings permitted to use the RCO design requirements, and to clarify that building service equipment tanks are Group U; **4101:1-4-01** to modify requirements for Ambulatory Care Facilities and to make general editorial corrections; **4101:1-5-01** to modify note "b" in table 503 to provide reference to Chapters 4 and 5; **4101:1-7-01** to add a reference to NFPA 221 for the construction of double fire walls, to add an exception to the hoistway venting requirement, to add two exceptions to the smoke barrier continuity requirements, to add two exceptions to the membrane penetration protection requirements, to add an exception for exterior curtain wall intersection requirements, and to add an additional exception to the fire damper requirement; **4101:1-9-01** to clarify requirements for Ambulatory Care Facilities, to clarify that two fire pumps are not necessarily required in all cases, to provide a cross reference to existing § 407.2.5 which

allows domestic type hood suppression systems meeting UL 300A, to provide clarification of hose connection locations, to delete marina standpipe requirements as outside the scope, to clarify extinguisher requirements in Group I-2 nursing homes, to coordinate with existing Chapter 11 requirements for voice/alarm systems, to coordinate Ambulatory Care Facility requirements, to require emergency voice/alarm communication systems in schools, to add clarifying language and to add additional options consistent with OEPA rules and NFPA 20; **4101:1-27-01** to provide clarification and design guidance for emergency and standby power systems, to provide clarification and design guidance for stationary generators and the associated fuel supplies, to add a row for casinos, to add note “I” eliminating the requirement for service sinks in certain B and M occupancies, to increase the threshold for separate facilities in mercantile occupancies, to add a new section that allows two family or assisted use toilet facilities to serve as separate facilities, to clarify the drinking fountain requirements and to clarify the setting requirements for fixtures; **4101:1-31-01** to remove language relating to mobile units; **4101:1-35-01** to update NFPA standards 30 and 31 and add standards 37 and 221 and to add UL standard 300A.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/documents/dico\\_OBCproposedchangesforMarch2015stakeholdermeeting.pdf](http://www.com.ohio.gov/documents/dico_OBCproposedchangesforMarch2015stakeholdermeeting.pdf)

#### Proposed Ohio Plumbing Code Rules

The Board proposes to amend the Ohio Administrative Code as follows: **4101:3-2-01** to add definitions for above-ground storage tank, building service equipment, containment backflow prevention device, engine-mounted device, fuel tank, isolation and backflow prevention device, to modify definitions for combination waste and vent system, listed and plumbing fixture and to delete definitions for third party certification agency, third party certified and third part tested; **4101:3-3-01** to clarify that materials should include markings required by the referenced standards, to change ‘third party’ to ‘approved agency’ and clarifying language to delete third party requirements in Table 303.4, to clarify that insulation is required for each hot water pipe when bundled, to reference § 1612 of the building code for flood resistance, to clarify plastic pipe testing procedure, to clarify plastic pipe testing procedure, to clarify isolation backflow prevention device inspection and testing procedure as a result of coordination with OEPA, to add operational testing of low pressure cut-off device, low suction throttling valves, and variable speed suction limiting controls as a result of coordination with OEPA and to make general editorial corrections; **4101:3-4-01** to add specific plumbing fixture requirements for casinos and to add a service sink exemption for business and mercantile occupancies with occupant load fewer than 15 in Table 403.1, to allow family or assisted-use toilet facilities to serve as separate facilities, to clarify toilet room location, to clarify drinking fountain fixture locations, to remove Figure 405.3.1, to modify the minimum number of drinking fountains required and exceptions, to remove reference to commercial food waste grinders, to modify the language requiring tempered water for public hand-washing facilities, to add standard for liquid-type, trowel-applied, load-bearing, bonded waterproof materials, to add requirements for water closet personal hygiene devices and to make general editorial corrections; **4101:3-6-01** to modify reference standards, add pipe as well as tubing, and add polyethylene of raised temperature (PE-RT) plastic tubing in Table 605.3, to add polyethylene of raised temperature (PE-RT) plastic tubing and reference standard in Table 605.4, to modify reference standards and to add polyethylene of raised temperature (PE-RT) plastic tubing and reference standard in Table 605.5, to add polyethylene of raised temperature plastic requirements, to add PE-RT flared joints and mechanical joints requirements, to add variable speed suction limiting controls to booster pump requirements and to clarify jurisdiction as a result of coordination with OEPA, to add temperature limiting means to hot water supply system requirements, to specify installation of temperature-actuated mixing valves and to make general editorial corrections; **4101:3-9-01** to clarify the length of a combination drain and vent system shall be unlimited and to add § 920 Single Stack Vent System; **4101:3-13-01** to add ASME standards A112.4.2-2008, ASTM standards F2735-09 and F2769-09, WWA standards C901-08 and C904-08, CSA standards B45.10, B45.15, B125.1, B125.2, B125.6, B356-05, and B483.1-07, to update ASME standards A112.18.1, A112.18.2, A112.18.3, A112.18.6, A112.19.1, A112.19.2, A112.19.3, A112.19.5, A112.19.7, CSA standards B45.1, B45.2, B45.4, and to remove ASME standards A112.19.6, A112.19.8M, A112.19.9M, and A112.19.13 and ASSE standards 1009-90.

These proposed rules can be viewed here:

<http://www.com.ohio.gov/documents/dico OPCproposedchangesforMarch2015stakeholdermeeting.pdf>

#### Proposed Ohio Mechanical Code:

The Board proposes to amend the Ohio Administrative Code as follows: **4101:2-2-01** to add definitions for above-ground storage tank, building service equipment, engine-mounted tank and fuel tank; **4101:2-3-01** to add requirement for manufacturer identification, to add requirement for listing of plastic pipe, to add requirement for approved agency testing or listing of piping, tubing, and fittings and to make general editorial corrections; **4101:2-5-01** to coordinate the supervision requirement found in the fire code, to add diesel fuel § 502.9.5, Exception 3, to add requirements for underground grease ducts, to add code references in § 507.1 which are exempt from certain requirements, to add an exception for integral down draft exhaust systems and to make general editorial corrections; **4101:2-9-01** to add design guidance and clarification for fuel tanks supplying engine-driven building service equipment, to add design guidance for gaseous fuel supply for engines supplying building service equipment, to add design guidance for engine-driven generators and to make general editorial corrections; **4101:2-13-01** to add design guidance for diesel oil storage and piping systems associated with building service equipment, to add design guidance for diesel oil storage

and piping systems associated with building service equipment, to add design guidance for fuel oil and diesel oil storage for building service equipment and to make general editorial corrections; **4101:2-15-01** to update NFPA standard 31 and to add NFPA standards 30 and 96 and to update standard UL 2200 and to add UL standard 2085.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/documents/dico\\_OMCproposedchangesforMarch2015stakeholdermeeting.pdf](http://www.com.ohio.gov/documents/dico_OMCproposedchangesforMarch2015stakeholdermeeting.pdf)

Proposed Residential Code of Ohio Rules:

The Board proposes to amend the Ohio Administrative Code as follows: **4101:8-1-01** to add language including electrical equipment associated with bodies of water, to add an exception for private water systems, to add above-ground storage tanks as work exempt from approval, to add an incidental inspection program and requirements, to remove language regarding the installer of fire protection systems, o add accessibility provisions to plan submittal and to make general editorial corrections; **4101:8-2-01** to add definitions for above ground storage tank, building service equipment, engine mounted tank and fuel tank; **4101:8-3-01** to add detached garages with an exterior wall located ≥3 ft from a lot line in to exceptions to § 302.1, to specify the technology requirements in § 314.1, to add an exception for systems meeting in § 314.2, to add Type C (visitable) to accessibility scope and to make general editorial corrections; **4101:8-5-01** to update references in §§ 502.1.1 and 502.2.1, to remove deck lateral load connection language, to remove figure 502.2.2.3, and to add clarification to the exceptions for vapor retarder requirements in § 506.2.3; **4101:8-19-0** to add a section for Engine and gas-turbine powered equipment and appliances, to add requirements for engine-driven equipment and appliances and fuel tanks connected to engine-driven building services equipment requirements and to make general editorial corrections; **4101:8-22-01** to add a scope to the Special piping and storage systems chapter, to add diesel oil to the scope of above-ground tanks requirements, to add an exception and specify a reference standard in § 2201.2 and to add regulated underground storage of fuel oil requirements; **4101:8-24-01** to add CSST bonding and to update language from ‘air conditioners’ to ‘equipment and appliances;’ **4101:8-34-01** to add provisions for emergency and standby power systems; **4101:8-44-01** to update the OAC referenced codes, to add NFPA standards 30-15, 37-10, 110-10, and 111-10 and update standard 31-11, and to add UL standard 2200-12.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/documents/dico\\_RCOproposedchangesforMarch2015stakeholdermeeting.pdf](http://www.com.ohio.gov/documents/dico_RCOproposedchangesforMarch2015stakeholdermeeting.pdf)

**Contact Information for Comments or Questions**

If you cannot attend the above Stakeholder Meeting, you can submit written comments or questions on the proposed amendments to the Board. You may submit your comments via email at [BBS@com.state.oh.us](mailto:BBS@com.state.oh.us) or U.S. Mail at Ohio Board of Building Standards, 6606 Tussing Rd, Reynoldsburg, Ohio 43068, Attn: Regina Hanshaw by March 31, 2015.

Sincerely,

Regina S. Hanshaw  
Executive Secretary  
Ohio Board of Building Standards



Regina Hanshaw  
Executive Secretary  
Ohio Department of Commerce  
Board of Building Standards  
6606 Tussing Rd., Reynoldsburg, OH 43068  
614-644-2613  
[www.com.ohio.gov](http://www.com.ohio.gov)

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2/24/15

Abrams	dva59@aol.com
ADAM	ladam@masonoh.org
Adams	bryan.adams@daytonohio.gov
ADAMS	scottinohio@roadrunner.com
ADKINS	wradkins@windstream.net
Adkinson	badkinson@richlandcountyooh.us
Adler	adler1@hughes.net
ADLEY	wadley@neo.rr.com
AFFOLTER	jeff@mmelectricinc.com
AKERS	heinz33346@roadrunner.com
Akester	dgakester@gmail.com
ALBERT	joealbert@gmail.com
ALBRIGHT	galbright@horizonview.net
ALEKSICH	a.aleksich@femoran.com
Alesci	johnnyboy317@att.net
Alexander	jalexanderplumbing@yahoo.com
Alexander	oalexander@city.cleveland.oh.us
ALFORD	stevejalford@yahoo.com
ALI	columbuselectric@aol.com
ALLEN	jma819@juno.com
ALLINDER	callinder@columbus.gov
ALLRED	tallred@pfscorporation.com
ALT	jalt@altarchitecture.com
ALVAREZ	RA859@neo.rr.com
AMATO	jamato@co.delaware.oh.us
Amburgey	bamburgey@newtechlexington.com
AMICK	dcamick@columbus.gov
AMOS	gamos@cityofwestlake.org
AMOS	amos@cityofmentor.com
ANDERSON	diana_lee_@hotmail.com
ANGLIN	paulanglin@jomory.com
ANKROM	jhankrom@yahoo.com
ANTROBUS	rob.antrobus@ohiovalleymonitoring.com
APANASEWICZ	rapanasewicz@munibis.com
Arbogast	jarbogast@simplexgrinnell.com
ARDITO	Tom.Ardito@yahoo.com
Ark	reese@arkplumbingandpiping.com
Armeni	jnarmeni@sbcglobal.net
ARNDT	arndt-mike@maumee.org
Arnold	arnoldb@ci.fairlawn.oh.us
ARNOLD	SArnold@city.cleveland.oh.us
ARNOLD	tatcahd@gmail.com
ARORA	ldarora@com.state.oh.us
ARRENDALE	rla4938@neo.rr.com
ARRIAGA	arriaga2012@yahoo.com
ARTERS	rusa@cityofnorton.org

ARTHUR	karthur@richlandcountyoh.us
Artrup	bjartrup@hotmail.com
Artrup	bjartrup@grandviewheights.org
ARVIN	dkssarvin@yahoo.com
Asebrook	masebrook@asebrook.com
ATER	pggater@gmail.com
ATHANAS	tedathanas19633@gmail.com
ATHY	rich@systems28.com
ATHYA	k25velo@neo.rr.com
ATKINS	sgatkins@columbus.gov
Austin Jr	donald_austin@sbcglobal.net
AVEN	kaven@avenfire.com
Ayres	rayres@grandviewheights.org
BAGGETT	mbaggett@cinci.rr.com
Bailey	baileyted39@yahoo.com
BAILEY	jbailey@vanguardalarms.com
Baker	gary.baker@cantonohio.gov
BAKER	leejbaker@gmail.com
BAKER	bakert67@aol.com
BALDAUF III	tbaker@vandaliaohio.org
BALDWIN	esi@vandaliaohio.org
BALESTER	jeanlen@embarqmail.com
BALOGH	wbalester@seuclid.com
BALSER	kenketo@gmail.com
BALSER	j.balserjr@comcast.net
Barber	jbmdia@comcast.net
Bargdill	ericbarber36@yahoo.com
Barisic	joe.bargdill@westerville.org
Barisic	tonybarisic@aol.com
BARKALOW	tbarisic@city.cleveland.oh.us
Barkas	nealbarkalow@hotmail.com
Barker	jbarkas@sbcglobal.net
Barnes	barkerf@yahoo.com
Barnes	r21barn@yahoo.com
Barnes III	iaeiakrondiv@gmail.com
BARNETT	rbarnes@city.cleveland.oh.us
BARNETT II	bbarnett@masonoh.org
Barnum	paul.barnett11@gmail.com
BARR	ericmbarnum@yahoo.com
Bartley	mjbhd@aol.com
Barton	bbartley.mail@gmail.com
Bashaw	kn5dx@hotmail.com
Bass	andreabashaw@asidaco.com
BASSETT	jbass_0182@fuse.net
BASTIAN	mark@bassettsprinkler.com
BAUER	don_bastian@yahoo.com
	bbauer@lycos.com

BAUGHMAN  
BAUMANN  
BAUMGARTNER  
BAUSCHLINGER  
BAUSCHLINGER  
BAXTER  
Baytos  
BAYUS  
BEACH  
BEAM  
BEAN  
BEARDEN  
BECKER  
BECKWITH  
Becoat  
Becoat  
BEDILION  
BEELER  
Beetz  
BEIRNE  
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BELL  
BELLOMA  
Belsole  
BENEDETTI  
Benjamin  
Benko  
BENNETT  
BENNETT  
BENNETT  
BENSON  
Bentley  
Beres  
BERGMAN  
BERGMAN JR  
BERLING  
BERLINGER  
Berry  
Berry  
BERTEAU  
BERTEAU  
BEUTLER  
BEVERLY JR  
BEYER  
Bichara  
BIDDISON  
BIEDENBACH

johnfireray@embarqmail.com  
proalert@fuse.net  
baumgartnerfarm@msn.com  
jbauschlinger@cityofbarberton.com  
jbauschlinger@neo.rr.com  
baxterskyles@hotmail.com  
jbaytos@romanoffgroup.cc  
rebayus@earthlink.net  
brian\_beach@norwichtownship.org  
mike.beam@comunale.com  
electraglide1450@gmail.com  
bmonaro@yahoo.com  
dbecker@simplexgrinnell.com  
john.beckwith@comunale.com  
blanchelouis@yahoo.com  
mbecoat@city.cleveland.oh.us  
williambedilion@windstream.net  
stan.beeler@yahoo.com  
rwb@beetzplumbing.com  
kfbeirne52@yahoo.com  
rbelding@cityofcolumbiana.org  
gear910@aol.com  
william.belloma@gmail.com  
bellselectric2@gmail.com  
vinniebene@yahoo.com  
thebenjfamily@yahoo.com  
jbenko@medinaoh.org  
jrbennett@neo.rr.com  
mibennett@simplexgrinnell.com  
rbennett@warren.org  
captain\_hook@roadrunner.com  
sbentley@ci.union.oh.us  
kurtb@ma-architects.com  
billb@securcom.com  
bergman@inglewood.oh.us  
gerry.berling@cincinnati-oh.gov  
mberlinger@totalsafety.com  
jberry@hardfire.com  
bcbd@frontier.com  
rberteau@broadview-heights.org  
rob379@sbcglobal.net  
wbeutler@sbcglobal.net  
nithawk48@neo.rr.com  
jebeyer@columbus.gov  
cbichara@middleburgheights.com  
rbbiddison@columbus.gov  
plbiedenbach@aol.com

BIEDERMAN	1@biedermanfire.com
Bieler	michaelbieler@sbcglobal.net
BIERLEY	rebarch@aol.com
BIGELOW	rbigelow@co.delaware.oh.us
BIGELOW	rbigelow12@hotmail.com
Biggert	daveb@gatesmillsvillage.com
BIHLMAN	mbihlman@fuse.net
BILLS	tsbills@hometowncable.net
Binder Jr	rickbinder78@gmail.com
BINFORD	reggie.binford@cincinnati-oh.gov
BIONDILLO	tony.biondillo@strongsville.org
Birckelbaw	birckelbaw06@gmail.com
BISHOP	rod.bishop@atech-fire.com
BLAGG	blagg79@yahoo.com
BLAKEY	jerryblakey@yahoo.com
BLANKEMEYER	blankemeyerelectric@hotmail.com
BLATCHFORD	BA@studio-10.com
BLONDIN	jkbringer@sbcglobal.net
Blue Donald	ayonna.blue.donald.esq@gmail.com
BOARD	cboard@centralfp.com
BODO	abodo@cityofsteubenville.us
Bogart	jbogart@bogartarchitecture.com
Bogart	bogart66@yahoo.com
BOGNER	jbogner3@neo.rr.com
BOHACHEK	kip.bohachek@ketteringoh.org
Bohland	tbohland257@att.net
Bohnert	scott.bohnert@cincinnati-oh.gov
Bolender	bolenderj@cintas.com
BOLES	dboles@ntainc.com
BOLL	bbbooll@windstream.net
Bonifas	bonifass@nwoss.com
BONNOUGH	tfd.darrell@yahoo.com
Bonvissuto II	sbonvissuto@cityofeuclid.com
BOOGHIER	danaboo1@msn.com
Booth	arniebooth@wjohio.org
BORDER	mcmayor46@yahoo.com
Boring	rboring@ntainc.com
Boros	glennboros@att.net
BORYCA	mike@eco-arch.com
BOSHANE	cboshane@solonohio.org
BOSO	mboso@columbus.rr.com
BOSO	mboso@grovecityohio.gov
Bourquin	MTB@Copp.com
BOWMAN	rdbowman@co.miami.oh.us
BOZAK	cubmstr161@yahoo.com
BOZEMAN JR	cbozeman@mjwood.com
Bozman	jbbozman@yahoo.com

BRADLEY	khbldz@neo.rr.com
BRADY	mbrady7411@gmail.com
BRAKHAGE	sbrakhage@3s-incorporated.com
BRANDT	t.a.brandt@att.net
BRANKATELLI	rossbrank@aol.com
BRANSON	ronnie.branson2@gmail.com
BRATHWAITE JR	wwbrathwaite@columbus.gov
BRATTON	hydromark@msn.com
Brauer	brauerbuilding@gmail.com
BREEZE	breezea@ohio.edu
BREMMER	bremmer038@roadrunner.com
Brennan	sbrennan@cityofwillowick.com
Brennan Jr	cowboybrennan@yahoo.com
Bright	millwooddog@yahoo.com
Brill	dbrill@delawarehealth.org
Brinkley	whicks@mcs.us
BRINLEY	tbrinley@richlandcountyoh.us
Bristow	jeffrey.bristow@siemens.com
BROKAW	ROBERT.BROKAW1@GMAIL.COM
BROOKS	dbrooks@harrisonohio.gov
BROOKS	rbrooks@co.greene.oh.us
BROOKS	rjb086@woh.rr.com
BROOKS	mbrooks@integratedprotection.com
BROOKS	sbrooks@westchesteroh.org
BROWER	bmbrower@roadrunner.com
Brown	bbrown@cityofwarrensville.com
Brown	wbstevebrown@gmail.com
BROWN	fredbrown1947@fuse.net
BROWN	gary.brown@ketteringoh.org
BROWN	william.brown@cityhall.lima.oh.us
BROWN	larrybrown1st@aol.com
BROWN	sbrown2@sbcglobal.net
BROWN	mike.sdes@yahoo.com
BROWN	sbrown3@city.cleveland.oh.us
BROWN	brownfcjr@sbcglobal.net
BROWN JR	scbrown1@gmail.com
Brownlee	rbrown@bedfordoh.gov
Brownlee	naemale@aol.com
BRUEN	nbrownlee@city.cleveland.oh.us
Bruggeman	kenbruen@sbcglobal.net
BRULPORT	agbrugg1@gmail.com
Brumfield	dbrulport@sidneyoh.com
BRUNNER	brumfield.s@gmail.com
Bruns	james.brunner@cincinnati-oh.gov
Bryant	mbruns@moteassociates.com
BRYKALSKI JR	rjb298@hotmail.com
	resw7cmf@frontier.com

Buchler	gbuchler@ovis.cc
BUEHRER	pbuehrer@ci.oregon.oh.us
BUELOW	gwbinc@gmail.com
BUHROW	tbuhrow@co.ottawa.oh.us
BULL JR	jebulljr@aol.com
BUMBALIS	abumbalis@aol.com
BUNN	db333313@yahoo.com
BURDAY	curt7@windstream.net
BURG	gerald.burg@com.state.oh.us
BURG	s.l.burg@sbcglobal.net
BURNS	BILLBURNS08@AIM.COM
Burnside	tburnside@ci.lancaster.oh.us
BURRIS	deburris@columbus.gov
Burroughs	timothyburroughs1120@yahoo.com
Burroughs	eburroughs@phoenixssinc.com
BUSCH	dave_busch@cityoflorain.org
BUTCHER	rcbutcvher@columbus.gov
BUTCHKO	bclick@butchkoelectric.com
Butkovic	jbutkovic@ipsid.com
BUTTS	jwbuttsjw@gmail.com
BUZA	sbuza@aol.com
CACIOPPO	cmykey@neo.rr.com
CAITO	larrycaito@gmail.com
CALAWAY	ccalaway@brunswick.oh.us
CALDWELL	jimc@firefoe.com
Calkins	richard.calkins@cincinnati-oh.gov
CALLIHAN	callihan@callihanelectric.com
CAMBURU	acamburu@yahoo.com
Camou	david100483@gmail.com
CAMP	sparkette661@sbcglobal.net
CAMPBELL	blair.campbell@com.state.oh.us
CAMPBELL	mcampbell@dupps.com
CAMPION	rcampion@springdale.org
Canady Jr.	tmitchell@midwestsprinkler.com
Canterbury	mcanterbury@simplexgrinnell.com
CANTRELL	jcantrell@co.miami.oh.us
CANTU	ralph_cantu@cityoflorain.org
Cantu Jr	cantuforu@gmail.com
CAPLINGER	ron@craynonfireprotection.com
CAPUCINI	topdawg45@bex.net
Caraballo	wcaraballo2@city.cleveland.oh.us
CARBONE	pvcddw@yahoo.com
CAREY JR	bcarey@stow.oh.us
CARLETON	tomster213@gmail.com
CARLSON	acarlson@pyramid1inc.com
CARLSON	sci@firedefense.com
CARMACK	tcarmack@afire1.com

Carney	milton.carney@gmail.com
CARR	admin@carr-electric.com
Carraher	vince_carraher@yahoo.com
CARROLL	carrollrandy15@gmail.com
CARTER	tcarter@silcofs.com
CARVER	rgcarver@columbus.gov
CASINI	ncasini@rcuarchitects.com
Catacutan	rcatacutan2@city.cleveland.oh.us
CATALONA	tcatalano@stow.oh.us
CATTRELL	bcattrell3802@wideopenwest.com
CAVAN	the220@yahoo.com
Cavanaugh	leah309ang@yahoo.com
Cavender	bcavender@a1ssi.com
CEGELKA	dcegelka@twinsburg.oh.us
CENDOL	robert.cendol@toledo.oh.gov
CENZORI	ampy2000@sbcglobal.net
CEREPAK	tim.cerepak@comunale.com
Cerrone	arcerrone@aol.com
Chaffin Jr	eagleinspectionsrc@yahoo.com
CHANDLER	schandler@healeyfire.com
Chapin Jr.	jchapin68@gmail.com
CHARTOUNI	char2ni705@comcast.net
CHATHAM	dchatham@wowway.com
CHEATHAM	jcheatham@safebuilt.com
CHINN	mchinn@grovecityohio.gov
CIEPIEL	paul@apmcabaling.com
CIRVENCIC	cirvann@sbcglobal.net
Clark	chris.clark@cincinnati-oh.gov
CLARK	jflashusa2000@yahoo.com
CLARK	paultheelectrician@gmail.com
Claytor	claytorj@mymail.shawnee.edu
CLIFFORD	jcliffordc@mindspring.com
CLIFTON	jake4426@yahoo.com
Cline	mcline@schmidtsecurity.com
Clines	pjc8581@aol.com
CLINGMAN	ddclingman@columbus.gov
CLIPSON	addisonclipson@yahoo.com
CLOES	bcloes@ci.mansfield.oh.us
CLOUSE	jclouse@trarnold.com
CO	ctco40@aol.com
COAKLEY	kcoakley@co.union.oh.us
Cockayne	robert.cockayne2@daytonohio.gov
COCKRELL	dcockrell@ntainc.com
COFFEY	dencoffey@hotmail.com
COHEN	sd98@aol.com
COHN III	william.cohn@cincinnati-oh.gov
Coleman	bcoleman3@aol.com

COLLINS	dcollins@preview-group.com
COLWELL	lcolwell@natinspect.com
COLWELL	robc@transtarcorp.com
COMBS	bruce.combs@toledo.oh.gov
COMBS	bruacom@gmail.com
COMBS	cbotex37@aol.com
CONNER	taconthehill@yahoo.com
CONNOLLY	wconnolly772@live.com
Conrad	mconradarchitect@gmail.com
CONROY II	billeconroy@gmail.com
Conti	fra4157@aol.com
CONVERY	tconvery@ameritech.net
Conway	bconway@dublin.oh.us
Conwell	rfconwell@windstream.net
Cook	hcook001@roadrunner.com
Cook	t_jcook@sbcglobal.net
Cook	kcook@ntainc.com
COOK	cookelectricinc.jc@gmail.com
Cooley	b4mookie@aol.com
Cooley	dcooley@city.cleveland.oh.us
COOPER	djcooper@roadrunner.com
COPELAND	mypc123@roadrunner.com
COPELAND	srcarchitect@sbcglobal.net
CORCORAN	cjcorcoran@oakgroupcode.com
Corfman Sr	northcoastpower@hotmail.com
Cormack Jr	ohioplumber@hotmail.com
CORRENTI	mcserinc@yahoo.com
Cossin	cbd288@att.net
COTRELL	rtcotrell@watchtv.net
COUCH	flloyd1@ameritech.net
COUNTS	djcounts@columbus.gov
Cowles	americanplumbing@oh.rr.com
Cox	dcox@simplexgrinnell.com
COX	ecox@painesville.com
CRAIG JR	mittendiver@gmail.com
CRAWFORD	charles.crawford@cincinnati-oh.gov
CREASE	proncon@windstream.net
CRIPPEN	rcrippen@clarkcountyohio.gov
CROMARTIE	mikec54@gmail.com
Cromer II	tcromer@medinaoh.org
CRONK	sdcronk@columbus.gov
CROSBY	fireguardinc@aol.com
Crutchley	mcrutch@tlglss.com
CUCCIA	mcuccia@brecksville.oh.us
CUEVAS	bgc161@yahoo.com
CUFFARI	paulcuffari@gmail.com
Cummins	cummins@cvelimited.com

CUNNINGHAM	edward.cunningham@cincinnati-oh.gov
CUNNINGHAM	dave44@embarqmail.com
CUNNINGHAM	bldg@huntingvalley.net
CUNNINGHAM	m.cunningham@csuohio.edu
CUREE	cureeenterprises@aol.com
CURRIER	seth.currier@cincinnati-oh.gov
CURRY	tim@curryelectric.com
CURTIS	LIFTEDJEEP@ROADRUNNER.COM
CYPHERT	mcyphert@pfscorporation.com
CZAPP	louiecza@yahoo.com
DABDOUB	majed.dabdoub@cincinnati-oh.gov
DABDOUB	majed@dabdoub.net
D'Agostino	quinn090909@yahoo.com
DAKIN	ben.dakin@vfpfire.us
DALEY	backtrax@ameritech.net
DANDO JR	jim.dando@troyohio.gov
DANE	ld4rn@yahoo.com
D'ANGELO	jimd@absolutefp.net
DANIEL	dldaniel@columbus.gov
DANN	bdann@columbus.rr.com
DANOLFO	witchatalinesman@att.net
DANTZLER	ddladd1@aol.com
Darragh	rdarragh@columbus.rr.com
Davis	fightingfire93@neo.rr.com
Davis	cdavis4@city.cleveland.oh.us
DAVIS	joshd@concordfp.com
DAVIS	john.davis@xentrysi.com
DAVIS	sdavis@woosteroh.com
DAVIS	cdavis3@city.cleveland.oh.us
DAWSON	gdavis@pickaway.org
DAY	dardawdude@yahoo.com
DEAL	donmo10090@yahoo.com
DeAmicis	deals5526@hotmail.com
DEBENEDICTIS	david_deamicis@yahoo.com
DECKER	lance@x-celeng.com
DECKER JR	dandecker@safetysystems.net
DeGeorge	jedjrpe@oh.rr.com
DEICHMANN	rdegeorge@neo.rr.com
DeJesus Jr	pdeichmann@cityofparma-oh.gov
Delaney	cjabdejesus211@gmail.com
DELGIUDICE	jdelaney@ssoe.com
DeLorenzo	ndgarchitect@yahoo.com
DELZANI	bobdelo@att.net
DeMassimo	jdelzani@rrcity.com
DEMEDAL	r.demassimo@yahoo.com
DEMYAN	mdemedal@yahoo.com
	rdem1300@sbcglobal.net

DENICHOLAS  
DEROSA  
DERR  
Derrett  
DESVARI  
DETTMANN  
DeVault  
DEVITO JR  
DEWHURST  
DICKARD  
DICKERSON  
Dickey  
Dickinson  
Dicks  
DIEHL  
DIETZ  
DiFranco  
DILES  
Dinardo  
Dinardo  
Dingle  
Dinwiddie  
Disalvo  
DIZDAR  
Dizdarevic  
DODDS  
Dodovich  
DODSON  
DOEHNE  
Doll  
DOMER  
DOMINICK  
DONOVAN  
DOOLEY  
DORENKOTT  
DORGAN  
DORN  
DORN  
Dotson  
DOTTS  
Downs Jr  
DOZER  
Draganoiu  
Drago  
DREW  
DRIGGS  
Drobina  
tdbyrd@zoominternet.net  
satisfaction1001@yahoo.com  
jack.derr@hamilton-co.org  
rderrett@city.cleveland.oh.us  
desvar@aol.com  
tdettmann@mjwood.com  
bryandevault@sbcglobal.net  
richarddevito@aol.com  
ddewhurst@ahernfire.com  
dickardfamily@gmail.com  
adicke7092@yahoo.com  
jdickeydesigner@hotmail.com  
mdickinson@vanguard-fire.com  
jdicks@trarnold.com  
dadiehl34@gmail.com  
CHARLES.DIETZ@HAMILTON-CO.ORG  
mdifranco615@aol.com  
dilessr@yahoo.com  
rdinardo@sbcglobal.net  
rdinardo@cedarwoodd.com  
dingle.p@gmail.com  
rdinwiddie@firetechstl.com  
d-sdisalvo@sbcglobal.net  
dizytocro@aol.com  
benjod@cox.net  
edodds2393@aol.com  
jdodovich@gmail.com  
carl@advantage-fire.com  
edoehne@cityofwestlake.org  
jim@jacksonsprinkler.com  
nicet4@att.net  
jd9393@sbcglobal.net  
inspt99@yahoo.com  
pdooley1@yahoo.com  
dorenkottn@north-olmsted.com  
sdorgan@cinci.rr.com  
tdorncdfp@fuse.net  
chris.dorn@dornfireprotection.com  
dotsondwayne@ymail.com  
rdotts@telgian.com  
jdowns@clarkcountyohio.gov  
sprinklerman@wideopenwest.com  
gdraganoiu@cityofwestlake.org  
h2odr1936@gmail.com  
jdrew2@neo.rr.com  
ddriggs@co.ottawa.oh.us  
jdrobina98@gmail.com

DUBER	jduber@technearchitects.com
DUCKWORTH	ducks91804@yahoo.com
DUCKWORTH	rosscbo@horizonview.net
DUFFY	164alan@gmail.com
Duncan	gduncan@geaugacountyhealth.org
Dunham	lrd@usautomaticfire.com
DUNNING	cinnkid@zoomtown.com
DURANTE	electsummit@sbcglobal.net
DURBIN	davedurbin@embarqmail.com
Durflinger	helen.durflinger@gmail.com
DUVALL	rduvall@shambaugh.com
Dvorak	jdvorak@city.cleveland.oh.us
Dvorscak	ddvorscak@comcast.net
Dye	kenjoan02@aol.com
Dziak	mdzhazmat@yahoo.com
DZURILLA	astech@nacs.net
Earley	kearley@westlickingfire.org
EASTEP	reastep@uaoh.net
EATON	Geaton@com.state.oh.us
Ebeling	gerald@3dfiredesign.com
EBY	jameseby65@gmail.com
Echeverri	john@ejengineering.com
Eckart	geman353@yahoo.com
ECKERT	doneckert@eckertfireprotection.com
ECKERT	jasoneck112@yahoo.com
EDDY	mike@elitesprinklerdesign.com
EDDY	chriseddy@roadrunner.com
EDDY	rpeddy@juno.com
Edwards	harry@chagrin-falls.org
Edwards	rzrfun111@gmail.com
EDWARDS	darryl.edwards@cincinnati-oh.gov
EDWARDS	tfaye@zoomtown.com
EDWARDS	dedwards2007@cinci.rr.com
EHRHARDT	atlas.fire@yahoo.com
EICHORN JR	b.eichorn@aol.com
EIFERT	ceifert@preferredfire.com
EIFERT	bob.eifert@hamilton-co.org
EISENHUTH	jeisenhuth@solonohio.org
ELASIVICH	llepasivich@zoominternet.net
ELEY	larryeley@live.com
ELLIOTT	ronelliottarchitect@live.com
Ellis	kellis@cityofparma-oh.gov
ELLIS	larrymellis@sbcglobal.net
ELLIS	jellislr@yahoo.com
ELLISON	eellison@co.greene.oh.us
Elmi	ericelmi@yahoo.com
Elrod Jr.	kelrodjr@gmail.com

Elzein	yaelzein61@hotmail.com
EMLING	temling@middleburgheights.com
ENGLAND JR	rob16u@aol.com
Enterman	centerman@westcarrollton.org
Erb	terb0@aol.com
Erbe	rxerbe@franklincountyohio.gov
ERITANO	teritano@akronohio.gov
Etzwiler	tetzwiler@wayneoh.org
EUDELL	marcuseudell@hotmail.com
Evans	chris.evans@vfpfire.us
Evans	ejevans943@ctcn.net
EVANS	beevans@hardfire.com
Faciana Jr.	dfacianajr@sbcglobal.net
FAGRELL	bfagrell@ci.lancaster.oh.us
FAHRNI	kfahrni@woosteroh.com
FAHRNI	kfahrni1923@gmail.com
Faile	failejt@gmail.com
FAIR	rfair@masonoh.org
FAIRFAX	sefairfax@yahoo.com
FALK SR	jcf_sr@yahoo.com
Faller	mfaller@ntainc.com
Fandrigh	jrfandrigh@wowway.com
FARKAS	dfarkas@cityofelyria.org
FARMWALD	kofarmwa@franklincountyohio.gov
FARRELL III	mfarrelliii@yahoo.com
FAULKNER	ed.faulkner@ci.fairborn.oh.us
FAULKNER	rick.faulkner@hamilton-co.org
FAULKNER	rickandregina@yahoo.com
FEHN	mike.fehn@cincinnati-oh.gov
Feick	feickja@aol.com
FELGER	bfelger@grovecityohio.gov
Felice	mfelice@aol.com
FERGUSON	katray7@msn.com
FERREE	brian.ferree@troyohio.gov
Ferritto	ajax1369@gmail.com
FICKERT	rfickert@a1ssi.com
FIEDLER	ameky@hotmail.com
Fields	dfields@city.cleveland.oh.us
Filarski	jfilarski@munibis.com
FILASETA	dfilaseta@centervilleohio.gov
Filby	filby69@gmail.com
Fillar	jeff.fillar@lakewoodoh.net
FINCH	finchacn@yahoo.com
FINK	john.fink@co.warren.oh.us
Finney II	bob.finney@ci.ravenna.oh.us
FISHER	rofisher@columbus.gov
Fistek	ttf1002@hotmail.com

FITZGERALD	efitzgerald@brooklynohio.gov
FITZPATRICK	DanF@cityofspringboro.com
FITZPATRICK	danbev86@roadrunner.com
FLANIK	skillbuilder64@aol.com
Flannery	matthew.flannery@cincinnati-oh.gov
FLOOD	dflood@brunswick.oh.us
FLOOK JR	jim_flook@comcast.net
Flora	bflora@wtwp.com
FLOWERS	msgflowers@hotmail.com
Floyd III	donfloyd55@yahoo.com
FLUM	fluma@ci.hamilton.oh.us
FODOR	afodor1881@gmail.com
FOLGER	empireess@att.net
FOLSOM	cobradf54@aol.com
Fomby	ifomby@yahoo.com
FOOTE	mfoote@city.cleveland.oh.us
FORD	dfordsr@gmail.com
FORD	cwford@sbcglobal.net
FORD SR	fordsteven62@yahoo.com
Fornwalt	jj2nca@yahoo.com
Forrester	meishack@hotmail.com
FORT	gafort@gmail.com
FOSTER	roger.foster@cincinnati-oh.gov
FOULKES JR	keith.foulkes@strongsville.org
Fourman	brent_fourman@yahoo.com
FOWLER	ffowler@co.delaware.oh.us
FRANCISCO	richard_francisco@att.net
Franke	ian.franke@cincinnati-oh.gov
FRANKINO	jcf212@att.net
FRANKLIN	kfranklin@city.cleveland.oh.us
FRANKS	efranks36@gmail.com
FREDERICK	kfred1125@hotmail.com
FREIMAN	FREIMANK@YAHOO.COM
FREY	mike.frey@gahanna.gov
FRITTS	fsfzz@aol.com
FRITZ	aafritz1699@sbcglobal.net
FULKS	roberttfulks@hotmail.com
FULTZ	ken.fultz@gahanna.gov
FURSDON	gfursdon@nridgeville.org
FUSSNER	pfussner.ipe@att.net
GALASKA SR	emgalaska@hotmail.com
GALDUN	galduns@yahoo.com
GALL	ngall271@gmail.com
GALLAGHER	bgallagher@ctconsultants.com
GALLAGHER-BONVENUTO	tgallagher@eastlakeohio.com
Gamble	gambledoug66@yahoo.com
GARCIA	dgarcia2@city.cleveland.oh.us

Gardner	sgardner@cityofeuclid.com
GAREAU	gareaud@north-olmsted.com
GATES	bgates@newconcord-oh.gov
Gaus	lgaus@roadrunner.com
GAVER	jgaver@ci.springfield.oh.us
Gaylord	rgaylord@cityofsteubenville.us
Geiser	srgeiser@gmail.com
Gemberling	timmyed@frontier.com
GEORGE	jimgeorge8@gmail.com
GERBER	geraldgerber@aol.com
GERO	mjgero@sbcglobal.net
GHOSH	amit.ghosh@cincinnati-oh.gov
GIFFORD	accounting@centralfp.com
GIFFORD	mike.gifford@vfpfire.us
GIFFORD	neptune235@aol.com
Gilkey	tgagaglg@fuse.net
Gill	gilbert6464@hotmail.com
GILLY JR	pgilly53@aol.com
GILMORE	jgilmore@oregonohio.org
GILREATH	dlgilreath@insight.rr.com
Gilyard	dgilyard@city.cleveland.oh.us
GIRBINO	mgirbino@mayfieldvillage.com
Givens	s4c11g6@suddenlink.net
GLADD	bigladd@co.trumbull.oh.us
GLADISH	dangladish@msn.com
Gleason	sgleason@earthlink.net
Gleisinger	lgleisinger@embarqmail.com
Glenn	andyglenn@reagan.com
Glisic	mglisic@cityofeuclid.com
Glover	rdg@tlglss.com
GLUZINSKI	vgluzinski@yahoo.com
GOLDEN	tdgolden@wowway.com
GOLDEN	tgolden@cityofelyria.org
GOLIS	david.golis@toledo.oh.gov
GOLIS	davidgolis@aol.com
GONZALEZ	joseanddee@ncwcom.com
GOODALL	cg.arch@earthlink.net
GRABFELDER	dgrabfelder@highlandhts.com
GRACE	rgrace@city.cleveland.oh.us
Grady	sunrise_1959@hotmail.com
GRASSI	inspectorgrassi@gmail.com
Graves	tgraves@garberconnect.com
Graves	dcg412@att.net
GRAVES	jgraves@ci.worthington.oh.us
GRAYEM	grayem04@yahoo.com
GRAYSHAW	paul.grayshaw@att.net
GREBER	cgreber@fuse.net

Green  
Green  
Green  
Green  
GREEN  
GREENWALT  
Greer  
GREGGERSON  
GRGIC  
GRIESHOP  
Griffiths  
GRIMES  
GRISWOLD  
GRIVENSKY  
GRIZZLE  
GRIZZLE  
GROB  
GROGEAN  
Grubbs  
GRUBER  
GRUENWALD  
GRUSENMEYER  
GUDAT  
GUNSALUS  
GUSTAFSON  
GYURE  
HAAG  
Hackney  
Hackney  
HAFELE  
HAGAN  
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Hall  
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HALL  
HALL  
HALL  
HALL  
HALLORAN  
HALUSKER  
HAMMOND  
Hampton  
HAMPTON  
Hanigan  
HANKEY

jgreen@ohio.net  
greent@jacksontwp.org  
greenanthony@msn.com  
bgreen8539@aol.com  
Pgreen@ryanfp.com  
electricwe@aol.com  
greer8870@gmail.com  
nicholas.greggerso@sbcglobal.net  
mgrgic@city.cleveland.oh.us  
jamgrieshop@aol.com  
mark.griffiths@comunale.com  
nathang1077@gmail.com  
griswoldw@yahoo.com  
centralelectricinspection@yahoo.com  
randallgrizzle.rg@gmail.com  
grizzlerw@butlercountyohio.org  
grmxride@hotmail.com  
rgrogean@beavercreektownship.org  
twgrubbs60@wowway.com  
mgruber@simplexgrinnell.com  
arc1000@juno.com  
jagarch@wowway.com  
keith@piofinish.com  
Dgunsalus@hotmail.com  
jgustafson@hwceng.com  
gyure@windstream.net  
harley0523@gmail.com  
mehackney@gmail.com  
mehackney@columbus.gov  
steve.hafele@cincinnati-oh.gov  
pawsrus8@frontier.com  
c.k.hahn@att.net  
thale@clarkcountyohio.gov  
dustinhall1982@gmail.com  
khall@wadsworthcity.org  
aph585@aol.com  
thallsr@adelphia.net  
mr\_wesley@yahoo.com  
jhestic@juno.com  
koleary@cityofgirard.com  
nhalloran33@att.net  
hesinc690@sbcglobal.net  
jason@rollercoasterfreak.com  
hamptonmark40@yahoo.com  
tom@rthampton.com  
rdh@asebrook.com  
mgmidget73@yahoo.com

Hanley	bhanley01@comcast.net
HANNA	hannaeric3@aol.com
Hannan	jthannan@yahoo.com
HANSON	ehanson@cityofavon.com
Haponek	dhoppy25@yahoo.com
HARD	mike@hardfire.com
Harden	alfred.harden@cincinnati-oh.gov
HARDER	tharder@co.ottawa.oh.us
HARDING	stharding@yahoo.com
HARDY JR	dhardyjr@zoominternet.net
HAREN	dave.haren@comunale.com
HARLER	inspector522@yahoo.com
HARPER	mharper@harstone.com
HARPHAM	rmharpham@gmail.com
Harpster	amy.harpster@cityhall.lima.oh.us
HARRIS	harrist@mcoho.org
Hartman	ladymedic991@yahoo.com
HARTUNG	albert.hartung@cincinnati-oh.gov
HATCHER	lavelleH01@aol.com
Hatchett	chatchett@city.cleveland.oh.us
HATFIELD	poppajoe01@yahoo.com
Hatton	whhatton@columbus.gov
HATTON	james.hatton@cincinnati-oh.gov
HAUGHN	tony@starelectricgc.com
HAUGHN	tlhaughn@franklincountyohio.gov
HAUSMANN	bhausmann@a1ssi.com
Hayek	zhayek@universityheights.com
HAYNES JR	jhaynes@ovsi.net
HAYNES JR	bud.haynes@hamilton-co.org
HAYS	whays2@columbus.rr.com
Heckelmoser	dheckelmoser@city.cleveland.oh.us
Heckelmoser	donn.heck@gmail.com
HECKENMUELLER	mheckenmueller@masonoh.org
Hed	rhed@summitfire.com
HEFFRON	aircruet@hotmail.com
HEIDEN	lheiden@co.geauga.oh.us
HEIDENESCHER	raheidenscher@columbus.gov
Heilman	laura6111@roadrunner.com
Heimbach	adam@pennfire.com
Heise	debheise@hotmail.com
Heitkamp	firefighter_nb29@yahoo.com
HELMER	shelmer@nkyei.com
HELMS	erichelms@woh.rr.com
Helsel	ron3636@hotmail.com
HELSINGER	rhelsinger@fairfield-city.org
Hemchak	rjh71truck@aol.com
HEMMING	mike.hemming@chapel.com

HEMPFLING	marylee502@yahoo.com
Henderson	ihenderson@p-e-i.com
HENDERSON	nec_inspector@yahoo.com
HENDLEY	jhendley@beavercreektownship.org
HENDRICKS	bdh@zoominternet.net
Henry	henry@cvelimited.com
HENSLEY	dhensley@fairfield-city.org
Herda	mherda@simplexgrinnell.com
Hermanson	bhermanson@tristarfire.com
HERNANDEZ-DENTINGER	dentinm@ameritech.net
HERWERDEN	nherwerden@middleburgheights.com
HESTER	john9@zoomtown.com
Hettinger	jr_hettinger@yahoo.com
HIATT	mhiatt@a1ssi.com
Hickman	joto_hicks@yahoo.com
HICKMAN	jhick007@gmail.com
HICKMAN II	rhickman@neo.rr.com
Hicks	bhicks@bass-security.com
HICKS	jricks2@gmail.com
HILDITCH	dave.hilditch@comunale.com
HILL	gailene.hill@cincinnati-oh.gov
Hinders	paulhinders@aol.com
Hinkle	jeffery.hinkle@cincinnati-oh.gov
HISSEY	jehissy@columbus.gov
HITTINGER	davidhittinger@gmail.com
Hlad	mhlad@macedonia.oh.us
HOBART	info@dynastyinspections.com
Hobby	hobbywoodbutcher@gmail.com
HOBGOOD	esi942@woh.rr.com
HOBSON	mhobson@calcominc.com
HOCEVAR	dhocevar@outlook.com
Hodges	MSH88SLH@aol.com
Hodulik	commish40@gmail.com
Hoffman	rick.hoffman@cantonohio.gov
HOFFMAN	r.hoffman@ieee.org
Holbert	hholbert@sycamoretownship.org
Holbrook	jholbrook@co.delaware.oh.us
HOLDERMAN	holdermand@zoominternet.net
Holfeltz	jacobman1@sbcglobal.net
HOLMAN	gholman1@hotmail.com
HONEYCUTT	alleycatlures@yahoo.com
HONG	corkyhong@totalink.net
HOPPER	chet.hopper@gmail.com
Hormann	randyh@firecodeacademy.com
HORNER	whorner@woh.rr.com
HORSTMAN	horstmand@mcoho.org
HORVATH	shorvath002@neo.rr.com

HORVATH JR	chorvath@northrandall.com
HOUPT	rhaupt2000@yahoo.com
Houston	jhouston@city.cleveland.oh.us
HOVANCSEK	hovancsekl@orangevillage.com
HOWARD	brentdhoward@gmail.com
HOWARD	markhoward607@gmail.com
Hren	hren@cvelimited.com
Hribar	lhribar@sbcglobal.net
HRICZIK	j.hriczik@csuohio.edu
Hubbard	dan.hubbard@uponor.com
HUBBS	gary.hubbs@co.warren.oh.us
HUBER	chuber@medinaco.org
HUBER	chuber3@neo.rr.com
HUELSMAN	fpdinc@gmail.com
Hughes	bhughes@cityofeuclid.com
HUGHES	dcharchitect@sbcglobal.net
HUGHES	darhughes@aol.com
HUIET	tomh@cityofmiddletown.org
HULSEY	mike@lima.parable.com
HUMMEL	dkhum67@aol.com
HUMPHREY	humphreyjohn@sbcglobal.net
Hunt	ajhunt@columbus.rr.com
Hunter	anthonyhunter@att.net
HUNZIKER	ahoakwood@hotmail.com
HURLEY JR	hoopsburley@gmail.com
HURST	jhurst@cityofbrookpark.com
Hussain	nhussain@city.cleveland.oh.us
HUSTON	mhuston@baymec.com
HUTSON	shutson@sonitrolsw.com
ICE	aaron.ice@cincinnati-oh.gov
ILIANO	miliano@city.cleveland.oh.us
INGRAM	dri53@aol.com
INMAN	michael.inman@hamilton-co.org
IRVINE	insp1332@gmail.com
IRVINE JR	dirvinejr@brigadefire.com
IVENSO	manny.ivenso@cincinnati-oh.gov
IWAN	MIwan@city.cleveland.oh.us
Iwenofu	t_iwenofu@yahoo.com
Jackson	drj@reagan.com
JACKSON	bobjackson@windstream.net
Jacobs	mjacobs0508@gmail.com
JACOBS	inspector509@yahoo.com
JACOBS	larry.jacobs@daytonohio.gov
JACOBSEN	curt.jacobsen@nordyne.com
JACQUES	anthony.jacques@com.state.oh.us
James	micjam1965@yahoo.com
JAMES	terry.james@cincinnati-oh.gov

JAMISON JR	jackjamisonjr@comcast.net
JANKOWSKI	mjankowski@p-e-i.com
JARUS	tjarus@hotmail.com
Jenkins	zachjenkins07@yahoo.com
JENKINS	dewayne.jenkins@ketteringoh.org
JENSEN	al.jensen@securitycorp.com
JERN	jeff.jern@koorsen.com
JEWETT	tim.jewett@westerville.org
JEWITT	mark.jewitt@lakewoodoh.net
JIANG	ytjiang@com.state.oh.us
JINDAL	sudhir.jindal@com.ohio.gov
Johnson	wayne.johnson@shakeronline.com
Johnson	eric49115@gmail.com
Johnson	gjohnson@ntainc.com
JOHNSON	corvette721946@hotmail.com
JOHNSON	lynn.johnson@hamilton-co.org
JOHNSON	johnsonralphy@yahoo.com
JOHNSON	prjaia@wowway.com
JOHNSON	2specfad@gmail.com
JOHNSON	stephjohns@gmail.com
JOHNSON	bjohnson@co.delaware.oh.us
Joly	martin.joly@vfpfire.us
Jones	rijones@simplexgrinnell.com
Jones	rjones@simplexgrinnell.com
Jones	mejarch@gmail.com
JONES	radco.pitt@gmail.com
Josefiv	dmjmgmt@yahoo.com
Joseph	shockelectric@cox.net
JOSEPH	alan.joseph@siemens.com
Juby	josephbd1321@yahoo.com
Jump	r-juby@sbcglobal.net
JUSTICE	bjump@fairfield-city.org
KACZOR	mjustice4198@gmail.com
KAMINSKI	plansappr@att.net
KAMMER	pdkaminski@aol.com
KAMPHAKE	CAK1050@yahoo.com
Kareha	tvskamphake@fuse.net
KARR	3nid@sbcglobal.net
KASUNICK	mark@mgfiredesign.com
KAUFMAN	jkasunick@city.cleveland.oh.us
KAUH	rkaufmans@aol.com
Kautz	jae.kauh@com.state.oh.us
KAVARAS	dkautz@cinci.rr.com
KEARNS	kavaras.mark@att.net
KEEN	dkearns@fokeng.com
KELLEHER	chriskeen@woh.rr.com
	kellehermike1@gmail.com

KELLER	darkeller@gmail.com
Kellerman	deborah.kellerman@cincinnati-oh.gov
Kelley	jkelly8474@yahoo.com
KELLEY	kevin.kelley@lakewoodoh.net
KELLEY	bobkelley@triscontrols.com
KELLY	skelly@a1ssi.com
KELLY	markpkelly@bex.net
KENT	GRKENT@CO.STARK.OH.US
Kepple	djkepple@gmail.com
KERST	rak1776@earthlink.net
KESSLER	kesslergl@butlercountyohio.org
KESSLER	lkessler@tyco.com
KESSLER	jkessler@zenithsystemsllc.com
Kidd	kidda@chsmco.com
Kidd	kiddg2@netzero.com
KIEFFER	lkieffer@mac.com
KIGHT	kelly.kight@ci.chillicothe.oh.us
Kilbane	jjk5755@hotmail.com
KILEY	dkiley@kaarchitecture.com
Kilgore Jr.	dkilgore@telgian.com
KING	kk7105@sssnet.com
KING	gekmb@msn.com
KIRBY JR	ferd.terri@gmail.com
KIRIN	dkirin@cityofoberlin.com
Kissner	grkissner@gmail.com
KITCHEN	lkitchen99@aol.com
KITTRICK	alexplus5@aol.com
KITZMILLER	rgkitz@yahoo.com
Klakamp	bklakamp@sbcglobal.net
KLEIN	jklein_3@yahoo.com
Klenke	jklenke@clarkcountyohio.gov
KLINAR	richard_klinar@cityoflorain.org
KLOCINSKI	pklocin@co.lucas.oh.us
Klubnik	john.klubnik@comunale.com
KLUG	paul.klug@cincinnati-oh.gov
Kneidl	ronkneidl@fuse.net
KNISS	phillkniess@sbcglobal.net
KNIGHT	whk03@hotmail.com
KNILANS	rknilans@clarkandpost.com
KNISLEY	jimbobalan@yahoo.com
KNOX	docdestructo@yahoo.com
KOCAB	mkocab@willoughbyohio.com
Koch Jr.	sideoutck@yahoo.com
KOEHLER	jamespaul.koehler@gmail.com
KOKEN	smokinkoken@sbcglobal.net
Koller	tskoller@columbus.gov
KONYS	pkonys@gmail.com

KOOGAN	koogan@buckeye-express.com
KORNICK	jbkornick@aol.com
KOSKI	ckoski@embarqmail.com
KOSSLER	randC816@gmail.com
KOSSLER	rkossler@simplexgrinnell.com
KOSZTALA	sk9@fuse.net
KOSZTALA	steve.kosztala@hamilton-co.org
KOVACS	skovacs1503@comcast.net
KOWALCZYK	pkowalczyk@seuclid.com
KRAFT	wkraft@massillonohio.com
KRAMER	mkramer@ohiovalleyelectric.com
Krill	thomasjknill@gmail.com
KRINER	hkriner@warren.org
Krisjanis	tom.krisjanis@gmail.com
Krueger	bill.krueger63@gmail.com
Ksiri	aksiri@columbus.rr.com
Kueffner	mike.kueffner@hamilton-co.org
KULCHYTSKY	danylo@sbcglobal.net
KULCSAR	dkulcsar@brooklynohio.gov
KULCSAR	sel.kulcsar@fairviewpark.org
KUNZ	tpk25@roadrunner.com
KURELIC	1bucketom@gmail.com
KURTZ	inspectorkurtz@yahoo.com
KURZEN	jbkurzen@msn.com
KUSS	jonaku@aol.com
KUZMA	akuzma@co.greene.oh.us
Kuznik	rkuznik@cityofbayvillage.com
Kuznik	rkuznik17@gmail.com
LABRIOLA	jlabriola@summitoh.net
LACAVA	glml86@roadrunner.com
LACKEY JR	eugene.lackey@cincinnati-oh.gov
LAHETTA	plahetta@cityofelyria.org
LaLonde	lnddg@bex.net
Lalvani	latika.lalvani@hamilton-co.org
LAMB	chrisl@concordfp.com
LAMPING	clamping@clermontcountyohio.gov
LANDEG	blandeg@lakecountyohio.gov
Landis	llandis@ci.springfield.oh.us
Langhorst	evanlanghorst@gmail.com
LANZER	stuart.lanzer@siemens.com
LARGE	klarge@aol.com
LARKIN	dan@larkinelectric.com
Larkins	slarkins@city.cleveland.oh.us
LASKO	jlasko@com.state.oh.us
LATTARULO	william.lattarulo@hamilton-co.org
Lauer	bigtrain10@yahoo.com
LAVALLE	gene.lavalle@wowway.com

LAW	wesleyelaw@gmail.com
Lawrence	glawrence@simplexgrinnell.com
LAZAROWSKI	G.Lazarowski@gmail.com
LECHER	rricklecher@aol.com
Ledbetter	bledbetter@ntainc.com
Ledbetter	ledbetter48@aol.com
Lee	rlee@ntainc.com
Leffel	mleffel@garfieldhts.org
Leffingwell	dleffingwell@hardfire.com
Lehman	llehman@ntainc.com
LEHMAN	jlehman@bw.edu
LEHMAN	clehman@ntainc.com
Leitner	gary_leitner@yahoo.com
LEMAITRE	rlemaitre@oregonohio.org
LEMAITRE	gracie-pie@bex.net
Lemanski	lemanskijon@aol.com
LEMASTER	lemastere@mcoho.org
Lemasters Jr.	bill.lemasters@hotmail.com
LE-MON	cindyle-mon@neo.rr.com
Lenardos	dlenardos@simplexgrinnell.com
LENKO	blenko@dublin.oh.us
LENZ	lenzgroup@gmail.com
LEONARD	rleonard@ntainc.com
LEOVIC	dleovic@wickliffefire.org
Leslie	pjleslie@aol.com
LESZCZYNSKI	rleszczynski@telgian.com
LEWIS	glewis@shambaugh.com
LEWIS	llewis.obcc@gmail.com
LEWIS	dlewis@lifesafetyllc.com
LEWIS	MLEWIS@STOW.OH.US
Lewis Sr	jlewissr@sbcglobal.net
LIEBIG	hjllebig@aol.com
Limes	dlimes0669@gmail.com
Lindsay	mlindsay@ntainc.com
LINN	linnwilliam@yahoo.com
LISTERMANN	davel@concordfp.com
Little	mlittle@newtechlexington.com
Little	ricklittle1219@aol.com
Littrell	tlittrell70@gmail.com
LIVECCHI	rlivecchi@netzero.net
LLOYD	bill.lloyd@ci.fairborn.oh.us
LOBOSCHEFSKI	loboschefski-brandon@maumee.org
LOCKHORN	dave.lockhorn@gmail.com
LOCONTI	rloconti@munibis.com
LOGUE	mlogue@cityofgirard.com
LOGUE JR	vloguejr@gmail.com
Lonchar	lalonchar@gmail.com

Long	roderick.long@daytonohio.gov
LONG	dlong004@insight.rr.com
LONG	david.long@whitehall-oh.us
LONG	mlong@washingtontwp.org
LOPER	eloper@dublin.oh.us
Lopez	llopez@city.cleveland.oh.us
Loree	mattloree@yahoo.com
LOTUS	lotuselectrix@yahoo.com
Loury-Blockum	gblockum@city.cleveland.oh.us
Loury-Blockum	leeloury@yahoo.com
LOVELL	tlovell@nridgeville.org
Lu	dweilu@ibts.org
LUCKETT JR	tom.luckett@ketteringoh.org
Lulla	fisheye1858@aol.com
LUSTER SR	joseph.luster@cincinnati-oh.gov
LUSTER SR	cincystop@yahoo.com
Lutz	brettlutz@mdia.us
LYDA	jerrylyda@aol.com
LYDAY	dlyday@groveport.org
LYNAM JR	rjaylynam@tpmechanical.com
Lyons	rlyons@cityofbayvillage.com
LYONS	mlfiredesign@gmail.com
LYONS	jlyons@hwceng.com
Macartney	macartney620@yahoo.com
MacBride	dona149@dom.com
MacBride	pmacbride@cityofwestlake.org
MACIASZEK	jimmyemac@gmail.com
MACK	jmack@ecohba.com
Mackless	j1060@roadrunner.com
Maddamma	maddelectric@yahoo.com
MAGUIRE	allan.maguire@comcast.net
MAHAFFEY	ronmahaffey@cinci.rr.com
MAHONEY	mjxmahoney@earthlink.net
MAICHLE	john.maichle@beachwoodohio.com
Maitino	paulmaitino@windstream.net
MALONEY	tom.maloney@co.warren.oh.us
MANDATO	mandatoj@lyndhurst-oh.com
Mandic	stevan2207@gmail.com
MANGAN	manganj@mcohoio.org
MANGIO	amangio@yahoo.com
MANION	tjmanion@columbus.gov
MANION	memanion@columbus.gov
MANOS	moveup01@msn.com
MANSOUR	jmmansour@columbus.gov
Marburger	gmarburger@uprightsprinkler.com
MAREK	bn.marek@roadrunner.com
MARINUCCI	ncx@msn.com

Marksberry	allenmarksberry@brownandbills.com
Marksberry	allenmarksberry@att.net
MARRELLI JR	jmarrelli@mayfieldvillage.com
MARRIOTT	kmarrriott@city.cleveland.oh.us
MARSH	jmarsh56@cox.net
MARSHALL	acmarshall@msn.com
MARSTILLER	team.marstil@yahoo.com
MARTI	marti@cityofmentor.com
MARTIN	bobm675@fuse.net
MARTIN	RMARTIN15@WOH.RR.COM
MARTIN	kenmartinarchitect@netzero.net
MARTIN JR	martinsprinklerdesign@yahoo.com
MASON	rwmason@ashtabulacounty.us
MASSON	gmasson@cityofavon.com
MASTANDREA	rmastandrea@solonohio.org
MASTRINO	cmastrino@woh.rr.com
MATAN	dbmatan@columbus.gov
Mate	bmate@wideopenwest.com
Matheis	bikerbyjesus@gmail.com
Mathews	aray1230@gmail.com
Mathez	raym@firecontrolinc.net
MATLACK	dmatlack@co.delaware.oh.us
Matthews	cmatt2@roadrunner.com
MAXWELL	troublmax@gmail.com
MAYNARD	walt@maynardent.com
MCBRIDE	aweinspired777@gmail.com
MCBRIDE	david.mcbride@whitehall-oh.us
MCCARTHY	chris.mccarthy@fs.utc.com
MCCLINTOCK	timmclintock@gmail.com
MCCOLGAN	jwm2@hotmail.com
McCORKENDALE	ryan@americanfiretech.com
MCCOURT	mmccourt2@cox.net
MCCOURT	mmccourt@cityofbrookpark.com
McCullah	mikemccullah@yahoo.com
MCCUNE	russmccune@gmail.com
MCCURDY	mmccurdy@wowway.com
MCDANIEL	jmcdaniel@telgian.com
MCDERMITT	dmcdermitt@cityofgreenville.org
McDermott	mcdermott89@msn.com
MCDONOUGH	timothyj.mcdonough@gmail.com
MCDOUGAL	toddmcDougal@aol.com
McDowell	damcdowell@columbus.gov
McElroy	brian.mcelroy@hamilton-co.org
MCERLANE	wmcerlane@springdale.org
MCFANN	searayone19@aol.com
MCFARLAND	james.mcfarland@cincinnati-oh.gov
McGinley	mmcginley@city.cleveland.oh.us

MCGLOTHEN	david.mcglotten@ci.fairborn.oh.us
MCGURN III	McGurn.Joe@gmail.com
MCINTYRE	rmcintyre@fairfieldtwp.org
MCINTYRE	sighomeinc@aol.com
MCLAUGHLIN	rrmcl@ameritech.net
MCLAUGHLIN	cjmarct@yahoo.com
McMichael	jmcmichael@city.cleveland.oh.us
MCMULDREN	rmcmuldren@medinaco.org
MCNAMARA	casey.mcnamara@hamilton-co.org
McNicholl	erinmcnicholl@brownandbills.com
MCREYNOLDS	jmcreynolds1492@yahoo.com
MEDANCIC	muci9119@gmail.com
MEDLEY	bmedley@columbus.rr.com
MEEHAN	tudorlawn@gmail.com
MEEKER	rmeek2@hotmail.com
MEEKS	doug.meeks@brewerfire.com
Meiring	glenntmeiring@gmail.com
Mejias-Yancey	joanne.mejias@ketteringoh.org
MEMORY	kvolt45@yahoo.com
MENKE	jmenke@a1ssi.com
MENN	dmenn@eastlakeohio.com
MENSTER	wmenster@comcast.net
MEOLA	jmeola@ctconsultants.com
MERCER	dmercer1@cinci.rr.com
Merritt	jimmerritt@competentelectrical.com
MERZ	mmerz@hilliardohio.gov
MESSING	cmessing@femoranalarm.com
MESSNER	326mmessner@lightstream.net
Metrick	metricksprinkler@yahoo.com
METZ	rmetz@wcgov.org
Meyer	tmeyerarch@neo.rr.com
MEYER	chrism@concordfp.com
MEYER	gerald.meyer@cincinnati-oh.gov
MEYER	mmeyer@co.wood.oh.us
MEYER	mey_chas2704@fuse.net
MEYERS	joseph.meyers@lakewoodoh.net
MICK	rmick@ci.springfield.oh.us
MIDGLEY	kenneth1@aol.com
MIELKE	terry@mwmielke.com
MIHALISIN	mmihalisin@co.geauga.oh.us
Milinkovich	marcvich@zoominternet.net
Miller	mike.miller@strongsville.org
Miller	damiller1@sssnet.com
Miller	gmiller@co.delaware.oh.us
MILLER	Randym@capfire.com
MILLER	kamlmm@netscape.net
MILLER	bobmiller2110@yahoo.com

MILLER	cmiller@cedcolumbusoh.com
MILLER	ididitnooneelse@yahoo.com
Mindyas	jeff.mindyas@strongsville.org
MINIHAN	sean.minihan@cincinnati-oh.gov
Minnick	duder29@gmail.com
Miracle	customhi@aol.com
MISENKO	jjmisenko@aol.com
Mitchell	m.ronald@sbcglobal.net
MITCHELL	jmittchell@centuryfp.com
MITCHELL	jimm@ma-architects.com
MITCHELL	mittchell.8@osu.edu
MLYNAR	patronml@aol.com
MODAFARI	jmodafari@simplexgrinnell.com
Moeller	wmoeller@cityofstbernard.org
Molinski	m_molinski@yahoo.com
Molnar	dmolnar1@hotmail.com
Monaco	mxm32167@yahoo.com
MONACO	sky88line@hotmail.com
MONACO	ninomonaco@sbcglobal.net
MONEA	tmonea@woosteroh.com
Mong	cmong352@yahoo.com
Monroe	ljmrc29@yahoo.com
MONTAN	nmontan@ecohba.com
MONTGOMERY	lamontgomery@columbus.gov
Moody	ajmoody200@yahoo.com
Moore	pmoore20@yahoo.com
Moore	hardwkr17@yahoo.com
MOORE	tmoore1767@aol.com
MOORE	smoore019@columbus.rr.com
MORAN	sean.moore@hamilton-co.org
MORELOCK	kmoran256@aol.com
Morgan	reasemo@yahoo.com
MORO	angela.morgan@daytonohio.gov
Morris	mmoro001@ameritech.net
MORRIS	pyro34230@gmail.com
Morton	morris06@adelphia.net
MOSER	rdmorton_77@yahoo.com
Mould	jm26km24@roadrunner.com
MUCCI	jmould@emdstudioinc.com
MUELLER	statese@gmail.com
MULARONI	jmueller@epssecurity.com
MULLENS	mularoni@aol.com
Mullins	mmullens@hilliardohio.gov
Mullins	lmullins@selectsecurity.com
Mullins	E50213@aol.com
MUMFREY	dmullins0982@yahoo.com
	mmumfrey@inspectionbureau.com

Munz	dmunz@ntainc.com
Murawski Jr	benniemurawski@yahoo.com
MURPHY	murphyfiredesign@yahoo.com
MURRAY	lgmurray@netzero.com
Murray Jr	tjmurray73@yahoo.com
MURRY	robertm@securitec1.com
MUSKA	davidw.muska@energizer.com
Myers	matt.myers@fssi.us
MYERS	bdp@cityofstbernard.org
MYERS	jay.myers@fayette-co-oh.com
MYERS	Sharon.Myers@com.state.oh.us
NADEAU	wcnadeau@yahoo.com
NADER	joe.nader@kzf.com
NAGY JR	pnagy11@bex.net
NAKOUZI	raficn@forestpark.org
NAPLES	john.naples@com.state.oh.us
NASH	emscoord@westcarrollton.org
NAYDER	jnayder@ryanfp.com
NEAL	blneal@columbus.rr.com
NEAL JR	lnealabco@woh.rr.com
NEAL JR	billaur95@hotmail.com
Neargarder	steve.neargarder@chapel.com
NEFF	dneff@koester-corp.com
NEFF	roger.neff@evendaleohio.org
NEIGHBOR	banvln@aol.com
Nelson	pnelsond@gmail.com
NELSON	rnelson@medinaco.org
NEMCHIK	davidnemchik@msn.com
NEMEC	steve200769@yahoo.com
Neufer	tanarch@cox.net
NEUMEYER	neumeyerken@yahoo.com
Nice	KNICE@SSSNET.COM
Nicholas	jimn@firefoe.com
NICHOLAS	earniesr@firefoe.com
NICHOLSON	frankn@speelmanelectric.com
NIED	walnutrdg@gmail.com
NIMON	jnimon@newalbanyohio.org
Nissel	dnissel@sbcglobal.net
NITZSCHE	nitz424@gmail.com
Nochta	michelle.nochta@lakewoodoh.net
NOE	cnoe@cityofsharonville.com
NOE	claudenoeh@gmail.com
NOLAND	L7445@aol.com
NORRIS	donn63@comcast.net
NORTH	kevinnorth@firedande.com
NOTTER	hnotter@suite224.net
NOTTURNIANO	tonynotturniano@gmail.com

NOVAK	nj8464@sbcglobal.net
Nugent	pnugent@rrcity.com
NUSKY	nuskydl@butlercountyohio.org
Nussbaum	mnussbaum@woosteroh.com
OBERG	wireguy68@gmail.com
OBERST	koberst@integratedprotection.com
O'BRIAN	reo'brian@columbus.gov
OCKINGTON	tockington@frontier.com
O'CONNELL	mvoconnell@sbcglobal.net
O'CONNELL	moconnell@city.cleveland.oh.us
O'CONNORS	boconno@live.com
O'CONNORS	boconnors@elford.com
O'Donnell	jodonnell@cityofeuclid.com
OHLER	dohler@com.state.oh.us
Ohrstedt	mohrstedt@sbcglobal.net
Oldham	bill@apfire.net
Oliver	mark.oliver@cincinnati-oh.gov
Oliver	olivers1092@yahoo.com
OLIVER JR	ned.oliver@koorsen.com
OLIVER JR	joliver@city.cleveland.oh.us
Olszewski	volszewski@co.union.oh.us
Olszewski	vicolszewski@gmail.com
OPATRYNY	carlopatryny@sbcglobal.net
OPREA	steve.oprea@strongsville.org
O'REGAN	pipewerx@yahoo.com
ORR	thebear4945@yahoo.com
OSGOOD	rosgood@cityofsharonville.com
OSPELT	ospelt@sbcglobal.net
OSSEGE	sossege@cinci.rr.com
OSTERDAY JR	costerday@ntainc.com
OSTERTAG	bobo2@aaahawk.com
OTTO	eric.otto@cincinnati-oh.gov
OYSTER	royster@simplexgrinnell.com
PACHAN	wmichael9@gmail.com
PACKARD	spackard1@msn.com
PAHANISH	BPahanish@aol.com
PAIGE	george.paige@ci.ravenna.oh.us
PAISLEY	kpaisley@hotmail.com
PALL	richspall@aol.com
Pallens	joepallens@yahoo.com
Pannetti	rapannetti@gmail.com
Parker	bparker@co.champaign.oh.us
PARKER	jparker81546@aol.com
PARKER	kenparker@hlparker.com
Parks	mikeparks58@icloud.com
Parmelee	christopherparmelee@yahoo.com
Parmelee	christopher.parmelee@lakewoodoh.net

PARROTT	bparrott@columbus.rr.com
PARSLEY	parsley8993@msn.com
PARSONS	larryeparsons65@yahoo.com
PARSONS	larry@cityofspringboro.com
PARTEE	lpartee@simplexgrinnell.com
Partridge	philip.partridge@cincinnati-oh.gov
Passarell	pbhomeimprovement@gmail.com
Patchen	bpatchen2000@yahoo.com
Pate	dpate@mapleheightsohio.com
PATRICK	duanekpatrick@gmail.com
PATRICK	rlpelectric@aol.com
PATTERSON	mpatterson@live.com
PATTERSON	doug.patterson@atech-fire.com
PATTON	rp4290160@aol.com
PATZKOWSKY	chpatzkowsky@msn.com
PAULLIN	devonddp@gmail.com
Paulsen	jpaulsen@wittenberg.edu
PAULSEN	john@crwnfire.com
PAYNE	jwpayne@earthlink.net
PAYNE	talt4093@yahoo.com
Pearce	jpearce@superiorfire.net
PECH	apech@arpheating.com
Peltz	peltzd@north-olmsted.com
Peniston	wpeniston@numail.org
PENNIX	jerod.pennix@cantonohio.gov
Peoples	lpeoples@yahoo.com
Perkins	bperkins@simplexgrinnell.com
PERKINS	aperkins@wtwp.com
Peterman	steven.peterman@cincinnati-oh.gov
PETERS	bpeters@preferredfire.com
PETERSON	bipeters@co.trumbull.oh.us
PETO	fpeto@att.net
Petrecca	jpetrecca@jcparchitectural.com
Petrecca	jpetrecca@zoominternet.net
PETRIE	dpetrie@cebridge.net
Petrou	candtp@live.com
Petrucci	petrucci@jacksonassociatesinc.com
PETTIT II	RPETTIT@CO.UNION.OH.US
PHILLIPS	jeffphillips1@frontier.com
PHILLIPS	william.phillips@com.state.oh.us
PHILLIPS JR	dphillips@columbus.rr.com
Phipps	mhipps@delawareohio.net
PIASECKI JR	jerry@gfpadvantage.com
PIATAK	jpiatak@sbcglobal.net
Piatt	mpiatt@integratedprotection.com
PIATT	mpiatt@fairfield-city.org
PIAZZA	donald53@juno.com

PIETRZAK	rdy2race02@woh.rr.com
PINKERMAN	esinspector@ameritech.net
PINKNEY	pincdogg@sbcglobal.net
PINNEY	jepinneys@gmail.com
PIRKO	johnpirko@att.net
PISCOPO	rapiscopo@roadrunner.com
PITZER	gpitzer@clermontcountyohio.gov
PITZER	inspector510@yahoo.com
Pizzuti	gpizzuti@glennpizzutiarchitect.com
PLANT	hplant@uaschools.org
PLATTON	mplatton@aol.com
PLAZA	saul_plaza@cityoflorain.org
Plowman	chadplowman@yahoo.com
Pochatek	jpochatek@cityofberea.org
POE	gpoe@inspectionbureau.com
POIRIER	m-epoirier@sbcglobal.net
POIRIER	mpoirier@groveport.org
POLAND	icerun@woh.rr.com
POLING	troy@affordablefirepro.com
POLINSKI	spolinski@cityofoberlin.com
POLINSKI	stevepolinski@adelphia.net
POLLEY	pjpolley@earthlink.net
Pollock	myra.pollock@lakewoodoh.net
POLLOCK JR	pol8129@yahoo.com
Ponchak	gponchak@ipsid.com
Pool	timpool@sbcglobal.net
Poorman	jarrodp@xfireprotection.com
PORTER	weilerot@gmail.com
POST	op317@sbcglobal.net
POTTLITZER	todd@vulcanfiresystems.com
POTTS	robpotts1@woh.rr.com
POULIMENOS	j.poulimenos@femoran.com
POULOS	building@ci.sandusky.oh.us
Powell	roger@summitsprinklerdesign.com
Powell	kathy.powell@siemens.com
Powers	rpowers@trarnold.com
POWERS	robert.powers@fayette-co-oh.com
Prather	aepinohio@aol.com
Preston	prestonatorx@gmail.com
Price	matt@capfire.com
PRICE	rprice14@columbus.rr.com
PRYKAN	lprykan@medinaco.org
PRYOR	jprior@lcounty.com
Pugh	megpugh@windstream.net
Puhl Sr	gspbb@aol.com
Pullins	tp4plumbing@gmail.com
Purkey	npurkey@comcast.net

PUSKAS	larrypuskas@yahoo.com
PUSKAS	puskasl@lyndhurst-oh.com
PUSTI	dpusti@mparc.com
Puterbaugh	jsputerbaugh@juno.com
PUTNAM	kwputt@horizonview.net
PYERS	gpyers@columbus.gov
PYERS	georgepyers@yahoo.com
Quesenberry	jasonryan2778@yahoo.com
RABE	rrabe@shambaugh.com
RABER	john.raber@koorsen.com
RADY	brady@painesville.com
Ramos	jramos@city.cleveland.oh.us
RAMSER	smrandajr@yahoo.com
Ramsey	rodney_ramsey@att.net
Randles	randlesc@hotmail.com
RANKIN	carankin@columbus.gov
Rao	lkss3941@aol.com
Rapnicki	mjrpnicki@sbcglobal.net
RASKIN	stanraskin@aol.com
RAUCH	crauch@washingtontwp.org
RAWSON	jrawson@villageofnewalbany.org
RAPE	reapemechanical@hotmail.com
REAPER	wayne.reaper@gmail.com
Reed	jreed@woosteroh.com
Reedy	pdq_electrical_contractors@yahoo.com
REEVES	MACREEVES52@CINCI.RR.COM
REFFITT	mreffitt@co.logan.oh.us
REGAN	michael.regan@com.state.oh.us
Reich	rayreich68@gmail.com
REID	rreid@co.union.oh.us
Reiff	casey.reiff@koorsen.com
REINSMITH	lreinsmith1@ci.wilmington.oh.us
Renzulli	vrenzulli@simplexgrinnell.com
Retherford	retherfordmd@butlercountyohio.org
Retherford	MR05HD@aol.com
RETTBERG	inspector64@att.net
REVILOCK	gtrcom@ameritech.net
REYNOLDS	tim.reynolds@beachwoodohio.com
RHODES	kevin.rhodes@cincinnati-oh.gov
RHYM	rrhym@sbcglobal.net
Riccardi	rriccardi@city.cleveland.oh.us
Rice	ricepaddy1@hotmail.com
RICHARDS	cathyjrich@aol.com
RICHARDSON JR	jarichardson@columbus.gov
RICHCREEK	LLRichcreek@muskingumcounty.org
RICHHART	danrch@aol.com
Richter	drichter@ntainc.com

RIEDE	bill@riceelectricalsales.com
Riley	brock.riley25@yahoo.com
RILEY	gunneriley@gmail.com
Rinehart	rinehartwl@yahoo.com
RISSER	stephen.risser@gmail.com
Ritchey	djritchey@herculesfire.com
Ritchey	fxritchey@columbus.gov
Rivera	cgcrivera@yahoo.com
RIVERA	riverak@ci.hamilton.oh.us
ROAHRIG	clroahrig@columbus.gov
ROBBINS	chrobbins@simplexgrinnell.com
Roberts	joe.roberts@cincinnati-oh.gov
ROBERTS	swilkie25@gmail.com
ROBERTS	proberts721@yahoo.com
ROBERTS	rroberts@portageco.com
ROBERTSON JR	xtreamcomfortsystems@gmail.com
ROBINSON	ttlogann@gmail.com
ROBINSON	chrobinson82@yahoo.com
ROBINSON	jeff.robinson@comunale.com
Robison	rrobison@cityofdefiance.com
Robison	rexandlori@aol.com
RODIC	bobrodic@mayfieldheights.org
RODIC	rrodic@twinsburg.oh.us
Rodriguez	jill.rodriguez@convergint.com
ROE	roefire@insightbb.com
ROENIGK	baroenigk@msn.com
ROGERS	grogers815@aol.com
ROGGE	crogge@preferredfire.com
Romanyak	andrew.romanyak@grunau.com
Romp	jmromp@yahoo.com
ROOSA	inspecluso851@yahoo.com
Rosato	lelandrosato@gmail.com
ROSE	denniswrose04@yahoo.com
ROSE	brian.rose@fairfield-city.org
Ross	paul.ross@cincinnati-oh.gov
ROSS	santoro@one.net
ROSS	rossarch@msn.com
ROSS	metdross@hotmail.com
Roulette	japadyn@columbus.rr.com
ROUSH	maroush@columbus.gov
ROYAL	seroyal@currenthvac.com
ROZANSKI	jrozanski@dublin.oh.us
Rubadue	tim@rubadueconstruction.com
RUCKER	jrucker3@woh.rr.com
RUDA	mjrgfps@yahoo.com
RUDEY	mrudey@co.wood.oh.us
RUFFIN	jruffin@city.cleveland.oh.us

RUMMEL	bob@rummelectric.net
Rupert	rupertd@ci.hamilton.oh.us
RUSANOWSKY	jerusanowsky@gmail.com
Rush	jeffrush2112@gmail.com
Rush	lwb704@hotmail.com
RUSINOW	chunkner@aol.com
Russ	charles_russ1964@yahoo.com
RUSSELL	dandrussell@sbcglobal.net
RUSSELL	inspectorrussell@yahoo.com
RUSSO	arusso3@oh.rr.com
RUST	rj51rust@cinci.rr.com
Ryan	ronald.ryan@yahoo.com
RYAN	DSRYAN@FUSE.NET
Sack	rsack@cityofwickliffe.com
Sadler	asadler@asebrook.com
SALATA	dukdipple@roadrunner.com
SALLAZ	charnsal@att.net
SALMEN	steve.salmen@comunale.com
Salsbury	joes03@att.net
SAMMON JR	dsammon@centervilleohio.gov
SAMPSEL	msampsel@co.union.oh.us
SANDER	tal61@aol.com
Sanders	jsanders@co.greene.oh.us
SANKAL	sank2new@yahoo.com
Santillo	aeselectric@sbcglobal.net
Santillo	vsantillo@city.cleveland.oh.us
SANTORA	rsantora@city.cleveland.oh.us
Saunders	radconc@rtmc.net
Savasta	msavasta@cityofpascagoula.com
Savasta	mgsavasta@msn.com
Saxe	dsaxe@macedonia.oh.us
Sayre	rjgard950@aol.com
SCHAEFER	jcschaefer@columbus.gov
SCHAFER	ohbeemer2004@yahoo.com
Schaffert	electricalservice162@gmail.com
SCHARTON	johnscharton@schartonelectric.net
SCHERRY	dscherry@herschmanarchitects.com
SCHIFERL	dsqualityfire@embarqmail.com
SCHILLING	rschill@hughes.net
SCHMENK	wschmenk@att.net
Schmersal	schmersal.sa@me.com
Schmidt	randall_ds@yahoo.com
SCHMIDT	fsdinc@hotmail.com
SCHMIDT	rschmidt@ovis.cc
SCHMITT	schmitt.ronald@gmail.com
SCHMITZ	schmitzjsj@hotmail.com
SCHNEIDER	schneiderj@north-olmsted.com

SCHOENER	steve.schoener@daytonohio.gov
SCHOLL	sscholl@fmsarchitects.com
SCHREINER	paulmschreiner@gmail.com
SCHRIEWER	richard.schriewer@cincinnati-oh.gov
SCHROEDER	schroeder_252@yahoo.com
SCHUELER	jeschueler@fuse.net
SCHULKE	wgschulke@woh.rr.com
Schultz	william.schultz@toledo.oh.gov
SCHULTZ	gaschultz@columbus.gov
SCHUMACHER	william.l.schumacher@jci.com
SCHUTZ	rjschutz@aol.com
Schwonek	pauls@firefoe.com
SCOLARO	SCOLAROGERALD@YAHOO.COM
Scott	stevescott723@gmail.com
SCOTT	dascott@dependablefireprotection.com
SCRAGG	trscragg@newtechwv.com
Scudder	bscudder@telgian.com
SEBASTIAN	sebastianlr@msn.com
SEGUIN	jseguin@firelinesprinkler.com
SEIBERT	anseib@atmc.net
SELLERS JR	ernie.sellers@cantonohio.gov
SELLERS JR	sellersbuilding9@hotmail.com
SELLS	levisells@eckertfireprotection.com
SEMPSTOTT	ron.sempstott@co.warren.oh.us
SERINA	pserina@sbcglobal.net
SETTERS	dts@dts-llc.com
SEYBOLDT	pseyboldt@sbcglobal.net
Seymore	cseymore@ntainc.com
SHAFFER	tshaffer@clarkcountyohio.gov
SHAFFER	donshaffer@woh.rr.com
Shane	pshane@summitoh.net
SHANER	mshanermike@aol.com
SHARP	dsharp@avenfire.com
SHARP	wsharp@cincylifesafety.com
Shaver	shaver.20@sbcglobal.net
SHAVER	mshaver@maverickfirepro.com
SHAW	rs60rs@buckeye-access.com
SHAWVER	dshawver@co.greene.oh.us
SHEETS	larry.sheets@strongsville.org
SHELDON	roundtowncbo@hotmail.com
Shelley	joshanddanashelley@gmail.com
SHENOT	mshenot@summitoh.net
Shepherd	shepherd@buckeye-express.com
Shewfelt	nshewfelt@telgian.com
SHIELDS	william_shields@earthlink.net
SHIELDS	806gtp@gmail.com
Shifflet	tim@powerupohio.com

SHILLING	shilling@toast.net
Shirey	danshirey575@gmail.com
Shockley	mshockley@city.cleveland.oh.us
SHOEMAKER	tshoe140@horizonview.net
SHORTER	estringshorter@yahoo.com
SHULL	bshull@brigadefire.net
SHUMAKER	deshumaker@att.net
Siebert	m_siebert@att.net
Siegfried	rsiegfried@rsaarchitects.com
SIEHL	siehl@englewood.oh.us
SIERKS	rsierks@trarnold.com
SIEVERS	ssievers1@hotmail.com
SILLA	fsilla@massillonohio.com
SILVER	charlesshelley@aol.com
SIMMONS	dsimmons@karpinskieng.com
SIMMONS	knsimmons216@roadrunner.com
SIMMONS	wj.simmons@earthlink.net
SIMON	martinsimon@sprintmail.com
SIMONS	wsimons@eriecohealthohio.org
SINCLAIR	msinclair@city.cleveland.oh.us
SINCLAIR	ksinclair@integratedprotection.com
SINES III	rsines@simplexgrinnell.com
SINGLETON	jsingleton@westlickingfire.org
SIPKA	jksipka@neo.rr.com
Sisia	tyler@pdssystems.com
Sisia	philip@pdssystems.com
SIVINSKI	dsivinski@uaoh.net
SKAPIN	jskapin@aol.com
SKELDON	sskeldon@wtwp.com
SKVASIK	mjskvasik@gmail.com
SLIWINSKI	bisliwin@co.trumbull.oh.us
Slota	fcslota@hotmail.com
Slota	fslota@ci.reynoldsburg.oh.us
SMEREK	smerekroseann@yahoo.com
SMEREK	dsmerek@northroyalton.org
Smith	jsmith@essexohio.com
Smith	c.smith@siemens.com
Smith	bjsmith@woh.rr.com
Smith	65cls@columbus.rr.com
SMITH	csmith2@city.cleveland.oh.us
SMITH	rick.smith@comunale.com
SMITH	rsmith@centralfp.com
SMITH	smithgrs@fuse.net
SMITH	smithcandrew@aol.com
SMITH	greg.smith@daytonohio.gov
SMITH	smithrd@ci.hamilton.oh.us
SMITH	tsmith@coz.org

SMITH	jps4444@gmail.com
SMITH	smith1282@roadrunner.com
SMITH	geojsmith@windstream.net
SMITH	jasmith7520@yahoo.com
SMYCZEK	niceter4@grandecom.net
SMYTHE	ongeeson@att.net
Snider	rsmythe@ohioelectricsservices.com
SNODGRASS	justin.snider@jesshoward.com
Snyderburn	PEDBZI@westcarrollton.org
Sobotka	msnyderb04@hughes.net
SOCOLOFF	tsobotka@cityofelyria.org
Sonenstein	shelnan1@roadrunner.com
SOULES	howardsonenstein@aol.com
Sowers	rsoules@neo.rr.com
Spada	jsowers@miamicountyohio.gov
Sparks	dwsrt74@aol.com
Spayth	jpsparkscompany@yahoo.com
SPEARS	tspayth@co.madison.oh.us
SPENCER	tearle.spears@toledo.oh.gov
SPEWEIKE	spncr497@aol.com
Sphon	speweike@msn.com
SPIERS	northcoastatv@gmail.com
Spies	espiers@co.delaware.oh.us
SPILLE	espies@zoomtown.com
SPIVEY	kjspille@aol.com
SPLAWN	sspydux@aol.com
SPRAGG	shannon.splawn@jacobs.com
Spruill Jr	mspragg437@comcast.net
SPRY	jcspruill@columbus.gov
SPRY	michael.spry@cincinnati-oh.gov
SPURLING	mtspry@fuse.net
SPURLING	spurjp@co.warren.oh.us
SPURLING	crazyones@zoomtown.com
STACEY	dspurling@clermontcountyohio.gov
STACY	jstaceyinspector@yahoo.com
STADLER	mstacy1@columbus.rr.com
STADLER	robert_g_stadler@keybank.com
Stadtman	stadra@co.warren.oh.us
Stahl	rstadtman@fire101.net
Stallman II	jacksue_1981@yahoo.com
Stalnaker	towncraftbuilders@gmail.com
STALTER	rewire70@gmail.com
Stanback	donalde.stalter@energizer.com
Standerig	fortypoint2@yahoo.com
Stanich	standering@aol.com
STANLEY	stanich.chris@gmail.com
	gws@wiginton.net

Starks	duane.starks@cincinnati-oh.gov
States	stateselectric@outlook.com
Steele	burlsteele@buckeye-express.com
STEELE	andrew.steele@daytonohio.gov
STEHLIN	mstehlin@gmail.com
Steidel	yarn2crochet@yahoo.com
Steigerwald	petesteigerwald@aol.com
Steiner	electric65@ymail.com
STEINGASSER	sarahjo4@comcast.net
STELZER	rstelzer@insight.rr.com
STEMM	DCCS@COZ.ORG
STEPENBACKER	dsteppenbacker@twinsburg.oh.us
Stevens	jstevens@columbuspowerllc.com
Stevens	dstev111@aol.com
STEWART	lstewart@brigadefire.net
STEWART	phil_stewart1224@yahoo.com
STEWART	Petegstewart@gmail.com
Stewart III	bstewart742@yahoo.com
STIEB	bobstieb@gmail.com
STIGALT	jstigalt@eastlakeohio.com
STIGALT	jstigalt@aol.com
Stillion	cs8485@gmail.com
STITT	tbr1563@aol.com
STITZEL	dstitzel@vandaliaohio.org
STOCKSDALE	jestocksdale@columbus.gov
STOCKY	mstocky9@gmail.com
STOECKEL	stoeckel@eckertfireprotection.com
STOKER	gerry@stoker.org
STOLL	tad.stoll@cityofspringboro.com
Stoltz	bstoltz1@hotmail.com
Stone	mstonecaps@yahoo.com
Stone	fyerguy1998@sbcglobal.net
STONE	jstone11@neo.rr.com
STONER	sues@wolverinefp.com
Storey	cincystitch@hotmail.com
STOROZUK	mstrohz51@gmail.com
STOUFFER	ilovemyzee@yahoo.com
Stover	john.stover@continental-fire.com
Straub	lori.straub@toledo.oh.gov
Streng	aaronstreng@zoominternet.net
STRICHKO	dstrichko@munibis.com
STRICKLAND	durango105@sbcglobal.net
STROME	bob.strome@cityofmiamisburg.org
Strong	jstrong@ntainc.com
STROUD	dhoodman43@yahoo.com
STROUT	richard.strout@siemens.com
Studer	studers4@yahoo.com

STUDER	tastuder@hotmail.com
STUMP	sstumpnsf@hotmail.com
STYBORSKI	kcajski@ameritech.net
Sugar	asugar@city.cleveland.oh.us
SUGAR	elvissugar@hotmail.com
SUGAR	esugar@city.cleveland.oh.us
Sullivan	msul@ma.rr.com
Sullivan	jsullivan518@yahoo.com
SURELLA	surella@wowway.com
SUSAK	meighansmimi@aol.com
SUSONG	rsusong@woh.rr.com
Sutphin	chazmsut@bex.net
SWAN	swanstef@bex.net
SWARTZ	klswartz@hotmail.com
SWEENEY	michael.sweeney@cincinnati-oh.gov
SWEIGARD	dsweigard@wcgov.org
SWICK	edwardswick@sbcglobal.net
Switzer	therentedpencil@roadrunner.com
SWOPE	gswope@co.wood.oh.us
SWYMELE	todd.swymeler@gmail.com
SYLVESTER	jsylves845@aol.com
SZKUDLAREK	ellsworth Eugene@hotmail.com
Taborn	jeff.taborn@ci.chillicothe.oh.us
Tadych	christopher@architects-llc.cc
TALBOTT	rstalbott@brewersprinkler.com
Tanner	tanner.jr@fuse.net
TANSY	btansy@dalmatianfire.net
TAPPER	wjtapper@hotmail.com
TARKEY	tarkey@sbcglobal.net
TARVIN	tarvinelectric@zoomtown.com
TATRO	ldtatro@muskingumcounty.org
Taylor	ltaylor@a1ssi.com
Taylor	dtaylor@bass-security.com
Taylor	co8fireman@yahoo.com
Taylor	brock.taylor@daytonohio.gov
TAYLOR	tytaylor@hotmail.com
TAYLOR	twtaylor@columbus.gov
TAYLOR	rtaylor@city.cleveland.oh.us
TAYLOR	al.taylor@cincinnati-oh.gov
TAYLOR	taylorbros@att.net
TAYLOR	kmjt2000@cox.net
TAYLOR	jtaylor@painesville.com
TEAL	phillip.teal@com.state.oh.us
TEGELER	btegeler@ntainc.com
Temkiewicz	tooski@gmail.com
TEMME	ltem32@yahoo.com
TENSI	davetensi@yahoo.com

TEPE	darlenetepe@gmail.com
TERRACE	terrace@englewood.oh.us
TESAR	timothytesar@mayfieldheights.org
Thom	sthom@ecghd.org
Thomas	mthomas@progressivemech.com
Thomas	ddt@columbus.rr.com
Thomas	ohioarchitect@gmail.com
Thomas	jt92577@yahoo.com
THOMAS	bradenthomas1@gmail.com
Thomason III	rthomas3801@gmail.com
Thompson	thomasonm@zoominternet.net
THOMPSON	rethompson1961@gmail.com
THOMPSON	mttdesigner@comcast.net
THOMPSON	tfdllc@gmail.com
THOMPSON	ncfire@earthlink.net
THOMPSON	Pappaw0057@yahoo.com
THOMPSON	jntcrafts@msn.com
THOMPSON	mthomp3@frontier.com
THOMPSON	lynn.thompson@toledo.oh.gov
THORNTON	pthornton@sixmoae.com
TILLER	tillerd@uakron.edu
TIPTON	onedogand3cats@aol.com
TIROLY	atiroly@atcofirepro.com
TODD	inspector521@yahoo.com
TOMPOS	dtompos@ntainc.com
TOMPOS	gtompos@ntainc.com
TOOLE	keywest57@frontier.com
TORDIFF JR	rftordiff@hotmail.com
TOTH	nicetdesigner@gmail.com
TOY JR	evtoy612@zoominternet.net
TREBISKY	dtrebisky@simplexgrinnell.com
Trent	n2_actn@yahoo.com
TRENTMAN	strentman@eckertfireprotection.com
TRIBOLET	ctribolet@frontier.com
Trill	bngplumbing@yahoo.com
Tschida	davidt@firepros.com
TUCKER	jtucker4@frontier.com
TUCK-MACALLA	ericmacalla@yahoo.com
TUDOR	gatudor@columbus.gov
TUNISON	tunisonj@mcoho.org
TURCHANIK	mturchanik@aol.com
TURNER	maturner50@cinci.rr.com
TURNER	gturner7_23@yahoo.com
TURNER	turner1750@comcast.net
TURNER	lcturner44@aol.com
TUSING	ron@rontusing.com
TUTTLE	larryt@cityofmiddletown.org

TYLER	jtyler@dublin.oh.us
UBELHOR	du374@aol.com
ULRICH	bruce@jacksonsprinkler.com
ULRICH	bulrich@co.lucas.oh.us
UNGAR	cungar@columbus.rr.com
UNGERER	gary@technicondesigngroup.com
URANKAR	jurankar@sbcglobal.net
UROSEVA	juroseva@sbcglobal.net
UTER III	uterplumbing2007@yahoo.com
UTIS	innau@sbcglobal.net
Vail	pvail@ci.lancaster.oh.us
Valerius	tvalerius23@aol.com
VAN GORDER	tvangorder@silcofs.com
VANBENSCHOTEN	phil.vanbenschoten@hamilton-co.org
VANCE	vancecapt15@midohio.twcbc.com
Vance Jr.	bobvance@brownandbills.com
Vandergrift	d.vand@yahoo.com
Vanderman	tvanderman38@fuse.net
VANHART	vanhartengr@yahoo.com
VANOVER	tomvanover1@gmail.com
VANTINE	chuck.vantine@honeywell.com
VAUGHN SR	rvaughn@orrprotection.com
Velez	evelez@city.cleveland.oh.us
Velez	davidvelezelectrical@yahoo.com
VELLIQUETTE	denvelliquette@rocketmail.com
VENDELAND	normanvendeland@yahoo.com
VERBIAR	j.verbiar@yahoo.com
Veronie	gveronie@bex.net
VESELSKY	dveselsky@city.cleveland.oh.us
VICARS	wcvicars@frontier.com
VIGORITO	tvigorito@thecityofniles.com
VILKAS	robert.vilkas@hotmail.com
VINAY	mvinay@cityofbarberton.com
VINCENT III	wcviii@yahoo.com
VIOLA	mark@sasipmvarchitect.com
Virosteck	tteck67@yahoo.com
VITTARDI	blueboy7661@yahoo.com
VOGEL	steevo6161@yahoo.com
VOGEL	svogel@medinaoh.org
VOLLE	dvolle@cityofavon.com
VON DUHN	mike@bassettsprinkler.com
VON DUHN	mikevonduhn@hotmail.com
Vorhees	karen_e_2002@yahoo.com
VOROS	jvoros@nridgeville.org
VUKETICH	ronaldvuke@aol.com
WADE	clwade@columbus.gov
WAGENKNECHT	kewagenknecht@columbus.gov

Wagner	robert.wagner@cincinnati-oh.gov
WAGNER	markwagner@poulosarchitects.com
Wakeley	bwakeley@wccgov.org
WAKELEY	twakeley@co.union.oh.us
WALDEN	katwalden@live.com
Walker	dwalker1340@yahoo.com
WALKER	walkerbtw@yahoo.com
WALKER	napskarenwalker@yahoo.com
WALKER JR	DWalker@northcantonohio.com
WALKER JR	heywalk2000@yahoo.com
WALSH	tim@bci-tech.com
WALSH	mwalsh@colerain.org
WALSH	epayer@eastlakeohio.com
Walters	swalt007@gmail.com
WALTERS	dynatimhd@yahoo.com
WALTERS	mwfpd7@yahoo.com
WALTERS	hwalters25@gmail.com
WALTERS	inspector514@yahoo.com
WALTON JR	jwalton@trarnold.com
WAMBO	patrick.wambo@sbcglobal.net
Ward	michaelward9744@sbcglobal.net
WARD	rlw8169@yahoo.com
Warner	jwarner@delawareohio.net
Warnock	twarnock@lcounty.com
WASKIELIS	robert.waskielis@comunale.com
WASSERMAN	gwasserman@ci.oregon.oh.us
Watercutter	mkwatercutter@myfrontiermail.com
WATKINS	troywatkins1111@gmail.com
WATSON	mwatson@akronohio.gov
WAYMER	jwaymer@roadrunner.com
Webber	radco@bnin.net
Weber	rgweber159j@aol.com
WEBER	frankweber@oh.rr.com
WEHRKAMP	mwehrkamp@wehrkampengr.com
WEIL	eweil@zoomtown.com
Weishaupt	ericweishaupt@gmail.com
WEISSMANN	tweissmann1@fuse.net
WEIZER	res727@att.net
Welch	bobby.welch@tpmechanical.com
WELCH	bwelch@tyco.com
WELKER	terry.welker@ketteringoh.org
Wells	rwells@city.cleveland.oh.us
WELLS	2mjwells@gmail.com
WELLS	dwells@richlandhealth.org
WELTNER	jweltner@simplexgrinnell.com
WENECK	dennis@weneck.com
WENNER	neal.wenner@comunale.com

WENZEL	dwenzel@cityofpowell.us
WENZLER	twenzler@moraineoh.org
WERTZ	kathyawertz@yahoo.com
WERVEY	billwervey@adelphia.net
WEST	mwest@dalmatianfire.net
WESTBROOK	rwestbrook@wtwp.com
Westcott III	bighouse@bex.net
WESTFALL	rkitect76@sssnet.com
Weston	eric@firefoe.com
Westphal	dwestphal55@yahoo.com
WETRICK	rwet314@sbcglobal.net
WETZEL	swetzel779@aol.com
WEYGANDT	john.veygandt@comunale.com
Wheeler	jwheeler@3s-incorporated.com
Whewell	awhewell@silcofireprotection.com
White	white@englewood.oh.us
WHITE	inspectormw@aol.com
WHITE	bwhite@milfordohio.org
WHITE	michael.s.white@siemens.com
WHITE	inspectorfw@aol.com
WHOLF	wholf-bruce@maumee.org
WHOLF	bwholfman@yahoo.com
Wiblin	buildddept@hotmail.com
WICKMAN	mawickman@aol.com
WICKMAN	jwickman@msn.com
Widlak	gwidlak@att.net
WIELAND	rwieland@fieldsfire.com
WIEMAN	tsfadscott@aim.com
WIESMAN	wiesman@fuse.net
WILCOX JR	rtwilcox@cinci.rr.com
WILDER	rwilder@cityofwestlake.org
WILDERMUTH	mhwildermuth@oh.rr.com
WILES	greg.wiles@cincinnati-oh.gov
Wiley	wilos@hotmail.com
WILHELM	garylwilhelm@aol.com
WILHELM	gary@wristengineering.com
Wilkin	twilkin@hillsboroohio.net
Williams	jwilliams@mov-is.com
Williams	lwilliams22@city.cleveland.oh.us
WILLIAMS	blwilliams@ashtabulacounty.us
WILLIAMS	twilliams@genesishcs.org
WILLIAMS	willifam@wcoil.com
WILLMAN	rjwilliams@columbus.gov
WILLS	131313@firehousemail.com
WILMOT	mrwills@columbus.gov
WILSON	danielwilmot@earthlink.net
	rwilson@firematic.comcastbiz.net

WILSON	polkaplayer9@gmail.com
WILSON	kwilson@cityofpowell.us
WILSON	ctwilson@muskingumcounty.org
WILSON	pwilson@com.state.oh.us
WINKEL	winkelectric@hotmail.com
WINN	swinn@miamicountyohio.gov
Wise	tom.wise@cincinnati-oh.gov
WISE	lonnie.wise@cincinnati-oh.gov
Wissinger	dwissinger9@wowway.com
WOJKOWSKI JR	joewojkowski@yahoo.com
WOJTILA	fire5cpa@hotmail.com
WOLFE	wwolfe3120@aol.com
WOLFF	norma.wolff@cityofmiamisburg.org
WOLNY	larry@rlawconstruction.com
WOLNY	kellie@rlawconstruction.com
WONG	gwong@cityofsharonville.com
WOOD	bobbye.wood@cincinnati-oh.gov
Woodarski	woodarski@zoominternet.net
WOOLACE	amber@woolace.com
Woolum	rwoolum@earthlin.net
WORKLEY	tkworkley@yahoo.com
WORKMAN	joe_w31@yahoo.com
Wray	mwrap1444@hotmail.com
WRIGHT	rochellew@rwjsprinkler.com
WRIGHT	lloyd.wright@vfpfire.us
WURTH	pfwurth@bex.net
WYCKOFF	wyckoffm@mcoho.org
Wygonski Jr	mrfixit4u@cox.net
Wyss Jr	fdenningwyss@yahoo.com
Wyss Jr	fredwyss@willoughbyhills-oh.gov
Yarrow	jyarrow@garberconnect.com
YODER	dyoder@brigadefire.com
YOST III	nyost@trarnold.com
Young	ryoung@cityofbayvillage.com
YOUNG	watchman1@roadrunner.com
YOUNG	myoung@completegeneral.com
YUPA	misterbob2462@hotmail.com
Yutzy	yutzyheat@gmail.com
ZAHN	ddzahn@gmail.com
ZALA	lzala@roadrunner.com
Zavatchen	joemzav@yahoo.com
ZBASNIK	jzbasnik@neo.rr.com
ZELEZNIKAR	frankzeleznikar@yahoo.com
ZELLE JR	chukzel@hotmail.com
ZIEGLER	zieglerjamesp@gmail.com
ZIMMER II	skip.zimmer@cincinnati-oh.gov
Zimmerman	tzimmerman@napoleonohio.com

ZIMMERMAN	azimmerman@shambaugh.com
ZIMMERMAN	jaz@hurontwp.org
ZINN	markzinn@att.net
ZOFKO	dezcon@penn.com
ZOMBEK	tzombek@aol.com
ZRONEK	ZRONEK@ZOOMINTERNET.NET
Zwahlen	brettwahlen@sbcglobal.net
ZYTOWIECKI JR	rzytowiecki@wayneoh.org
Alliance	eng.bld.zon@allianceoh.gov
Amherst	building@amherstohio.org
Amherst Township	buildinginspector007@msn.com
Anna	rbowman@miamicountyohio.gov
Arlington Heights	syoun@natinspect.com
Ashland	kremser.shane@ashland-ohio.com
Ashville	agrube@ashvilleohio.gov
Aurora	januskad@auroraoh.com
Aurora	crainec@auroraoh.com
Avon	bschumacher@cityofavon.com
Avon Lake	tcarleton@avonlake.org
Barberton	lhowe@cityofbarberton.com
Beachwood	building@beachwoodohio.com
Bedford	cbeverly@bedfordoh.gov
Berea	buildingdept@cityofbera.org
Bexley	rshetler@bexley.org
Blendon Township	cla@asebrook.com
Bratenahl	building@bratenahl.org
Brecksville	nwerner@brecksville.oh.us
Brecksville	spackard@brecksville.oh.us
Brecksville	ssynek@brecksville.oh.us
Broadview Heights	rwestfall@broadview-heights.org
Brook Park	buildingdept@cityofbrookpark.com
Brooklyn Heights	ssocoloff@brooklynhts.org
Brookville	plans@natinspect.com
Brown County	building@browncountyohio.gov
Butler County	dickardda@butlercountyohio.org
Canal Fulton	tward@massillonohio.com
Canal Winchester	gwebb@canalwinchesterohio.gov
Canton	david.molnar@cantonohio.gov
Centerville	buildinginspection@centervilleohio.gov
Champaign County	prittenhouse@co.champaign.oh.us
Cheviot	wls@zoomtown.com
Circleville	dmorrow@pickaway.org
Cleveland	tvanoer@city.cleveland.oh.us
Cleveland	dcooper@city.cleveland.oh.us
Cleveland Heights	rferritto@clvhts.com
Clinton County	clintoncobuildingzoning@yahoo.com
Crestline	mmilliron@crestlineoh.com

Cuyahoga Heights	w.heinzman@cuyahogaheights.com
Dayton	michael.cromartie@daytonohio.gov
Defiance	cseimet@cityofdefiance.com
Doylestown	jgardner@doylestown.com
Dublin	dfite@dublin.oh.us
East Cleveland	swallace@eastcleveland.org
East Cleveland	tbumbalis@eastcleveland.org
Eaton	ebd@cityofeaton.org
Euclid	lbock@cityofeuclid.com
Euclid	buildingdept@munibis.com
Evendale	donald.mercer@evendaleohio.org
Fairfax	jhester@fairfaxoh.org
Fairfield	rick1@one.net
Fairlawn	randlesc@ci.fairlawn.oh.us
Fairview Park	leanne.fuller@fairviewpark.org
Fairview Park	bldgcom@fairviewpark.org
Gahanna	building@gahanna.gov
Galion	bobjohnston@ci.galion.oh.us
Garfield Heights	wwervey@garfieldhts.org
Girard	petecgirardcity@hotmail.com
Glenwillow	mskvasik@glenwillow-oh.gov
Grafton	jklein@villageofgrafton.org
Grandview Heights	jkuss@grandviewheights.org
Greenfield	davidduckworth@rosscountyohio.gov
Groveport	smoore@groveport.org
Hamilton County	joy.peak@hamilton-co.org
Hartville	office@hartvilleoh.com
Highland Hills	bldg@vhhohio.org
Hilliard	jamicon@hilliardohio.gov
Independence	gerom@independenceohio.org
Independence	gerom@independence.org
Kent	brownk@kent-ohio.org
Kent	nitzsche@kent-ohio.org
Lake County	jflanik@lakecountyohio.org
Lakewood	michael.molinski@lakewoodoh.net
Lebanon	anna.helton@co.warren.oh.us
Lithopolis	mike@asebrook.com
London	vbenedetti@ci.london.oh.us
Lorain	heather_graves@cityoflorain.org
Louisville	citymanager@louisvilleohio.org
Louisville	planningdirector@louisvilleohio.org
Loveland	eparker@lovelandoh.com
Lucas County	dsmith@co.lucas.oh.us
Lyndhurst	manfredis@lyndhurst-oh.com
Madison County	dhughes@co.madison.oh.us
Mahoning County	aferns@mahoningcountyoh.gov
Mansfield	lprice@ci.mansfield.oh.us

Mansfield	grice@ci.mansfield.oh.us
Mariemont	bldgdept@mariemont.org
Marietta	conniejh@wcgov.org
Mason	gnicholls@masonoh.org
Mayfield	dgarbo@mayfieldvillage.com
Mayfield Heights	tomjamieson@mayfieldheights.org
Medina	tmorris@medinaoh.org
Miami County	nharleman@miamicountyohio.gov
Moreland Hills	villagehall@morelandhills.com
Mount Healthy	rosgood@mthealthy.org
Muskingum County	jetrout@muskingumcounty.org
New Albany	tschaffner@villageofnewalbany.org
Niles	csmeltzer@thecityofniles.com
North Canton	jfitch@northcantonohio.com
North Olmsted	grusenmeyerj@north-olmsted.com
North Royalton	dkulchytsky@northroyalton.org
Norwood	nbd@norwood-ohio.com
Norwood	gstoker@norwood-ohio.com
Oberlin	sphillips@cityofoberlin.com
Obetz	llewis@obetz.oh.us
Olmsted Falls	building@olmstedfalls.org
Olmsted Township	ttabor@olmstedtownship.org
Oregon	jgilmore@ci.oregon.oh.us
Ottawa County	dbarnes@co.ottawa.oh.us
Parma	building@cityofparma-oh.gov
Parma Heights	building@parmaheightsoh.gov
Pepper Pike	building@pepperpike.org
Perkins Township	jcurtis@perkinstownship.com
Perkins Township	beckys@perkinstownship.com
Pickerington	swhittington@pickerington.net
Portsmouth	pgilliland2@portsmouthoh.org
Reminderville	remindervillebuildingofficial@gmail.com
Richland County	srisser@richlandcountyoh.us
Rocky River	rockyriver@rrcity.com
Ross County	rosscobd@bright.net
Sandusky	mstookey@ci.sandusky.oh.us
Seven Hills	building@sevenhillsohio.org
Shaker Heights	heinz.akers@shakeronline.com
Sheffield Village	lesliee@sheffieldvillage.com
South Amherst	clerk@neohio.twcbc.com
South Bloomfield	southbloomfield@hotmail.com
South Russell	building@soutrussell.com
Springdale	building@springdale.org
Springfield	jtuttle@ci.springfield.oh.us
Stark County	srbergener@co.stark.oh.us
Steubenville	cdp@cityofsteubenville.us
Streetsboro	chaylett@cityofstreetsboro.com

Strongsville	kathy.zamrzla@strongsville.org
Summit County	kbrown@summitoh.net
Terrace Park	jhester@terracepark.org
Trenton	rob@cityoftrenton.com
Union	ggreen@ci.union.oh.us
University Heights	building@universityheights.com
Valley View	lellis@valleyview.net
Vandalia	tbaker@ci.vandalia.oh.us
Vermilion	bobkurtz@vermilion.net
Violet Township	don.day@violet.oh.us
Warren	inspect1@warren.org
Warrensville Heights	mlester@cityofwarrensville.com
Washington County	cwilson@wcgov.org
Washington Court House	rbryant@cityofwch.com
Wauseon	thomas.hall@cityofwauseon.com
Wauseon	trudi.mahnke@cityofwauseon.com
Wayne County	vwidmer@wayneoh.org
Wellington	skyfox44035@yahoo.com
West Carrollton	Rsnodgrass@westcarrollton.org
Westerville	edward.ungar@westerville.org
Westlake	lschaefer@cityofwestlake.org
Willard	manager@willard-oh.com
Willoughby	dkeller@willoughbyohio.com
Willoughby Hills	building@willoughbyhills-oh.gov
Wilmington	mhorner@ci.wilmington.oh.us
Woodlawn	bknight@beautifulwoodlawn.us
Worthington	dphillips@ci.worthington.oh.us
Wyoming	tvanderman@wyomingohio.gov
Zanesville	buildingcode@coz.org
Alliance to Save Energy (Maria Ellingson)	mellingson@ase.org
American Council of Engineering Companies of Ohio	acec@acec.org
American Institute of Architects	infocentral@aia.org
American Wood Council (James Smith)	jsmith@awc.org
Architectural Products Resource (Alicia Holloway)	alicia@apresource.us.com
Baldwin, Mike	mikebaldwin@metlabs.com
Bartley, Ronald K.	bartleyrk@att.net
Berardi and Partners (Chris Bruzzese)	cbruzzese@berardipartners.com
Berardi and Partners (Larry Brehm)	lbrehm@berardipartners.com
Buckeye Power (Teresa Staats)	tstaats@buckeyepower.com
Building Code Compliance	geaton@com.state.oh.us
Building Code Compliance	yjiang@com.state.oh.us
Building Industry Association of Central Ohio	jim@biahomebuilders.com
Building Owners and Managers Association	sesterly@bomacleveland.org
Campbell Equipment (Chad Dupler)	chadd@campbellequipment.com
Clearcreek Fire District (Chris Vecchi)	chris.vecchi@clearcreektownship.com
Construction Specifications Institute (Rich Pontius)	rpontius@thomas-marker.com
Cornwell, Paul (Architect)	pvcornwell@yahoo.com

CR Architecture and Design	j.berry@cr-architects.com
Cuyahoga Falls (Tim Mier)	miertp@cityofcf.com
Dewi, Shirley	shirley.dewi@iapmort.org
Driscoll, Liana	neffcoinc@aol.com
Duecker, Bill	William.duecker@resservices.com
Eisenhart, Greg	plumber@spii.net
Episcopo, Paul	paul@vipplumbing.com
Erb, Ron	rerb@smeinc.com
Federal Emergency Management Agency	fema-correspondence-unit@dhs.gov
Fetz, Rob	rfetz@ctcn.net
Finley, Tony	tonyf@inverness-usa.com
Frederick, Karl	kfred1125@hotmail.com
Freund, Freeze, and Arnold (John Witherspoon)	jwitherspoon@ffalaw.com
Gieseke Rosenthal Architecture	rosenthal@grad.cc
Gieseke Rosenthal Architecture (Joseph Moss)	moss@grad.cc
Gross Builders (Rick Porter)	Rick@Grossbuilders.com
Grundahl, Kirk	kgrundahl@qualtim.com
Haberek, Jim	office@haberek.com
Heger, Jeff	jeff@nixcoplumbing.com
Heritage Ohio	jbarrett@heritageohio.org
Herman Gibans Fodor Architects	afodor@hgfarchitects.com
Hirt, Bill	bhirt@anab-aiclass.org
Home Builders Association of Greater Cincinnati (Dan Dressman)	ddressman@cincybuilders.com
Home Builders Association of Greater Cincinnati (Greg Haggand)	Haggand@westernhomesllc.com
Hostetler Builders (Susanna Strauss)	susannakstrauss@aol.com
IAEI Western Reserve Division (Joe Cenzori)	ampy2000@sbcglobal.net
IAF	secretary1@iaf.nu
Image Line Design (John Bacik)	imageline@sbcglobal.net
Innovative Engineering Group (Behzad Vedaie)	bvedaie@iegi.com
Insurance Services Offices	csfeedback@iso.com
International Accreditation Service	hbrewer@iasonline.org
International Accreditation Service	smccracken@iasonline.org
International Accreditation Service	rcoiner@iasonline.org
International Accreditation Service	pmccullen@iasonline.org
International Accreditation Service	msabaratham@iasonline.org
International Accreditation Service	rnathan@iccsafe.org
International Accreditation Service	cramani@iccsafe.org
International Association of Electrical Inspectors Ohio Chapter	timmcclintock@gmail.com
International Brotherhood of Electrical Workers	pwilliams@ibew540.org
International Code Council	croblee@iccsafe.org
International Code Council Evaluation Services	smoinian@iccsafe.org
International Code Council Evaluation Services	gnichols@iccsafe.org
Intertek	michael.beaton@intertek.com
Johns Manville	jeannette.voelzke@jm.com
Johnson, Jarrod	jjohnson@qai.org
Jonhenry, Nathanael	nathanael.jonhenry@squiresanders.com
K&A Architecture	dkiley@kaarchitecture.com

Kale, Justin (Efficiency Smart)	jkale@efficiencysmart.org
Kale, Justin (VEIC)	jkale@veic.org
Koken, Michael	smokinkoken@sbcglobal.net
Kennedy, Tom	tknorwoodian@msn.com
Luketic, Tony	archluketic@sbcglobal.net
McGovern, Kevin	kevin@kmahvac
Mechanical Contractors Association of Central Ohio	mcaco@mcaco.org
Menard's Sidney (Jody Harris)	sdnymcam@menards.com
Midwest Energy Alliance	adwoodworth@aol.com
Miller Coors (John Wells)	john.wells@millercoors.com
Miller Coors (Mark Koch)	mark.koch@millercoors.com
Miller Engineering	jackjamisonjr@comcast.net
MKC Associates (Rachel Beecher)	rbeecher@mkcinc.com
Motter & Meadow Architects	dpatterson@mottermeadows.com
Motter & Meadow Architects	rmeadows@mottermeadows.com
National Council of Architectural Registration Boards	jameslinkearchitect@hotmail.com
National Fire Protection Association	stds_admin@nfpa.org
National Fire Sprinkler Association	info@nfsa.org
National Heating (Steve Lynch)	lynch80national@gmail.com
National Institute of Building Sciences	nibs@nibs.org
National Institute of Standards and Technology	kandy.hauk@nist.gov
Nationwide Insurance	weaver1@nationwide.com
Nieman, Brian	brian@niemanplumbing.com
No-Burn (Lindsay Lenze)	lindsay@noburn.com
NTA (Ryan Knowles)	rknowles@ntainc.com
NVR/Ryan Homes (John Hedden)	jhedden@nvrinc.com
Oak Group	cjcorcoran@oakgroupcode.com
Oberst, Ken	koberst@att.net
Ohio Association of Consulting Engineers	info@acecoho.org
Ohio Association of Plumbing Inspectors	ronnie.branson2@gmail.com
Ohio Association of Realtors	williams@ohiorealtors.org
Ohio Building Officials Association	rick1@one.net
Ohio Construction Industry Licencing Board	carol.ross@com.state.oh.us
Ohio Construction Industry Licencing Board	michelle.moye@com.state.oh.us
Ohio Department of Commerce	Stephen.Darling@com.ohio.gov
Ohio Department of Commerce	ebailik@com.state.oh.us
Ohio Department of Commerce	jhutchins@com.state.oh.us
Ohio Department of Commerce	jhowdyshell@com.state.oh.us
Ohio Department of Commerce	ppainter@com.state.oh.us
Ohio Department of Commerce	fbrown@com.state.oh.us
Ohio Department of Health	Kathryn.kimmet@odh.ohio.gov
Ohio Department of Health	rebecca.fugitt@odh.ohio.gov
Ohio Fire Chiefs Association	info@ohiofirechiefs.com
Ohio Home Builders Association	build@ohiohba.com
Ohio Hospital Association	ricks@ohanet.org
Ohio Manufactured Homes Association	info@welcomehomeohio.com
Ohio Petroleum Marketers and Convenience Store Association	info@opmca.org

Ohio Petroleum Marketers and Convenience Store Association	bbehrendt@opmca.org
Ohio Secretary of State	BHarbage@ohiosecretaryofstate.gov
Ohio Society of Professional Engineers	ospe@ohioengineer.com
Ohio State Building Trades (Dennis Duffey)	osbctc@ohiostatebtc.org
Ohio State Fire Marshal (Thomas Miller)	tmiller@com.state.oh.us
Ohio Statewide Independent Living Council	kgrier@ohiosilc.org
Ohio Township Association	cochran@ohiotownships.org
Olson Architectural Products (Adam Olson)	adam@oapinc.us
Pacific Northwest National Laboratories	inquiry@pnnl.gov
Paino, Peter	peter-paino@neo.rr.com
Pontia Architecture	pcornwell@dpaarchitecture.com
Pontia Architecture	dpontia@dpaarchitecture.com
Preview Group	srice@preview-group.com
Ptacek and Sons Fire Equipment (Jim Davis)	jdavis@gpsfire.com
Pulte Homebuilders	keith.filipkowski@pulte.com
Pulte Homebuilders	scott.revill@pulte.com
Redinger, Dane	daner@resourceinternational.com
Reed, Jeff	jreed@customairco.com
Reich, Richard	richard@reich.co.uk
Reliable Electric Services (Larry)	famlywiz@aol.com
RNR Designs (Rich Rokisky)	rich@rnrdesigns.net
Schaefer Associates	mpc@ssastructural.com
Schlekie, Dennis	dennis@approvedplumbing.com
Schmitt, Ron	schmitt.ronald@gmail.com
Seaman, Marty	mseaman@epssecurity.com
Seifert, Rick	ricks@crowngrouphio.com
Shambaugh and Sons (Ron Stewart)	rstewart@shambaugh.com
Sperber, Eric	esperber@altwitzig.com
Sprinkler Fitters Local #669 (Tim Skinner)	tskinner669@aol.com
Stahl, John	stahljhn@aol.com
State Fire Marshal (Tracie Boyd)	tboyd@com.state.oh.us
Stayflex (John Stahl)	john.stahl@stayflex.com
Stebbins, Bruce	stebplumb@gmail.com
Steer, Susan	susan.steer@com.state.oh.us
Strauss Construction (Randy Strauss)	randykstrauss@aol.com
Sweitzer, Rodger	baumannplumbing@ameritech.net
Sycamore Township (Harry Holbert)	hholbert@sycamoretownship.org
Tanner, Tom	ttanner@tannerhvac.com
Therm-All	mburns@therm-all.com
Todd, John	jtodd@arrowhc.com
Underwriters Laboratories	john.k.taecker@ul.com
Unibilt	cook.dave@unibilt.com
Unibilt (Doug Scholz)	scholz.doug@unibilt.com
US Department of Justice	askdoj@usdoj.gov
Vector Security (Steve Miller)	sjmiller@vectorsecurity.com
Washington Township Fire Department	crauch@washingtontwp.org
Wolfe, Dave	dwolfe@watkem.com



Black  
Burkhard  
Butler  
Chaney  
Combeq  
Davidson  
Dreyer  
Dupuis  
Furst  
Geraghty  
Jim  
Kelly  
Klein  
KMA  
Linn  
Malkin  
McAdams  
Mengon  
Miller  
Miller, Brittany  
Moore  
Nickerson  
Pierce  
Rob  
Roberts  
Safarz  
Schmidt  
Schaefer, Benjamin (AEP)

mjhenderson@nuwool.com  
mpatel@ohiohba.com  
mrudey@co.wood.oh.us  
ojgp@roadrunner.com  
Renee.Snodgrass@westcarrollton.org  
reshenbaugh@ohiohba.com  
rhelsinger@fairfield-city.org  
rocco@phccohio.org  
ronb@zmchd.org  
rovloc93@aol.com  
sfrancis@awc.org  
tskinner669@aol.com  
TMcClintock@nfpa.org  
tmoore1767@aol.com  
tspayth@co.madison.oh.us  
twanner@mapic.org  
vsquillace@ohiohba.com  
wholf-bruce@maumee.org  
WMcErlane@springdale.org  
lawrence\_r\_black@hsb.com  
piperdavidl@aol.com  
tbutler@niulpe.org  
jchaney@ovec.com  
combeq@gmail.com  
WDAVIDSO@travelers.com  
tdreyer@whgardiner.com  
mdupuis@vaporpower.com  
tfurst@brunercorp.com  
greg.geraghty@zurichna.com  
jim@delval.com  
gkelly@keldenequipment.com  
jklein@ohiochemistry.org  
joe@kmahvac.com  
LLINN@travelers.com  
dennis.malkin@robertsmech.com  
amcadams@parkertrutec.com  
mark.mengon@fmglobal.com  
Michael\_Miller@CINFIN.com  
brittany\_miller@cargill.com  
Brian\_Moore@hsb.com  
r.nickerson@econtrol.com  
rpierce@hurstboiler.com  
rob@boilerspecialists.com  
groberts@robertsmech.com  
jsafarz@combustionsafety.com  
tes@stoermer-anderson.com  
bschaeffer@aep.com

Smith	rick.smith@ate-inc.com
Hughes	info@smithhughes.com
Hughes	brad@smithhughes.com
Stoermer	KAW@stoermer-anderson.com
Sullivan, Robert	sullivan.rl.2@pg.com
Walters	walters@boilerworks.com
Wilson	steamworksllc@att.net
Plumbing-Heating-Cooling Contractors of Ohio	rocco@phccohio.org
American Society of Mechanical Engineers	infocentral@asme.org
Arise Boiler Inspection and Insurance Company	paul.welch@ariseinc.com
Buckeye Association of School Administrators	ash@basa-ohio.org
Chubb and Son	vsordillo@chubb.com
Cincinnati Insurance Companies	wayne_pinney@cinfin.com
Eagle Mechanical	eaglemechanical@neo.rr.com
Eastgate Graphics (Tom Ludeke)	tomludeke@eastgategraphics.com
Factory Mutual Insurance Company	phillip.cole@fmglobal.com
Information Handling Services	Bryan.Forrest@ihs.com
National Board of Boiler & Pressure Vessel Inspectors	ddouin@nationalboard.org
National Board of Boiler & Pressure Vessel Inspectors	fbrown@nationalboard.org
National Board of Boiler & Pressure Vessel Inspectors	information@nationalboard.org
Ohio Hospital Association	rickf@ohanet.org
Ohio Manufacturer's Association	oma@ohiomfg.com
OneCIS America Insurance Company	ed.whittle@onecis.com
Toledo Heating & Air Conditioning Contractors Association	info@thacca.org
Travelers Risk	ckent@travelers.com
XL Insurance America	gary.cox@bpcllca.com
Zurich Services Corporation	ken.leavelle@zurichna.com

# Exhibit B

## Hanshaw, Regina

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**From:** Lane, Michael  
**Sent:** Tuesday, February 24, 2015 4:05 PM  
**To:** Lane, Michael  
**Cc:** Hanshaw, Regina; Regoli, Steve; Ohler, Debbie; Johnson, Robert; Thiel, Kelly  
**Subject:** Board of Building Standards Proposed Rules/Stakeholder Meeting Notification  
**Attachments:** Stakeholder Meeting Notification.pdf

Board of Building Standards Stakeholder:

You are receiving this message pursuant to the requirements of Executive Order 2011-01K and Senate Bill 2 of the 129th General Assembly, which require state agencies, including the Ohio Board of Building Standards (Board), to draft rules in collaboration with stakeholders, assess and justify any adverse impact on the business community, and provide opportunity for the affected public to provide input on the rules.

### Stakeholder Meeting

The Board will conduct a Stakeholder Meeting to hear comments and respond to questions on the proposed amendments summarized below on March 13, 2015 from 9:00 AM to 1:00 PM in Training Room 1, 6606 Tussing Road, Reynoldsburg, Ohio 43068. All interested stakeholders are invited to attend. The agenda for the meeting is as follows:

10:00 AM – 11:00 AM	Proposed Ohio Building Code Rules
11:00 AM – 12:00 PM	Proposed Ohio Plumbing Code Rules
12:00 PM – 1:00 PM	Proposed Ohio Mechanical Code Rules Proposed Residential Code of Ohio Rules

### Overview of Proposed Rules

#### Proposed Ohio Building Code Rules

The Board proposes to amend the Ohio Administrative Code as follows: **4101:1-1-01** to clarify that public water systems, private water systems, marinas, and portable mobile vehicles are outside the scope of the codes, to exempt above-ground storage tanks from approval, to clarify that gas process equipment, tanks, and foundations are exempt from approval, to clarify that process equipment tanks and foundations are exempt from approval, to add the option and requirements for an incidental inspection program, to correct references that no longer apply, to delete the requirement to provide the fire protection system installer to the building department prior to approval, to clarify that the building department is to be notified of hazardous materials storage, to define the incidental inspection program, to require that Industrialized Unit manufacturer's report the insignia number of shipped units, and to modify the fees for services provided by the Division of Industrial Compliance; **4101:1-2-01** to add definitions for 24-hour care definition, above-ground storage tank, engine-mounted tank, fuel tank and incapable of self-preservation, to modify definitions for ambulatory health care facility, building services equipment and historic building, and to delete the definitions for adult family home and home, adult family; **4101:1-3-01** to add casinos and cafeterias, to modify term "Ambulatory Health Care Facility," to modify definition of Ambulatory Health Care Facility, to add commercial kitchens in § 306.2, to clarify intent of exception in § 307.1 as it relates to building service equipment, to add row and note "q" for combustible dusts and modify note "i" to add diesel oil and references to OMC in Table 307.1, to add qualifier and code reference for combustible dust, to add clarification and conditions for those buildings permitted to use the RCO design requirements, and to clarify that building service equipment tanks are Group U; **4101:1-4-01** to modify requirements for Ambulatory Care Facilities and to make general editorial corrections; **4101:1-5-01** to modify note "b" in table 503 to provide reference to Chapters 4 and 5; **4101:1-7-01** to add a reference to NFPA 221 for the construction of double fire walls, to add an exception to the hoistway venting requirement, to add two exceptions to the smoke barrier continuity requirements, to add two exceptions to the membrane penetration protection requirements, to add an exception for exterior curtain wall intersection requirements, and to add an additional exception to the fire damper requirement; **4101:1-9-01** to clarify requirements for Ambulatory Care Facilities, to clarify that two fire pumps are not necessarily required in all cases, to provide a cross reference to existing § 407.2.5 which

allows domestic type hood suppression systems meeting UL 300A, to provide clarification of hose connection locations, to delete marina standpipe requirements as outside the scope, to clarify extinguisher requirements in Group I-2 nursing homes, to coordinate with existing Chapter 11 requirements for voice/alarm systems, to coordinate Ambulatory Care Facility requirements, to require emergency voice/alarm communication systems in schools, to add clarifying language and to add additional options consistent with OEPA rules and NFPA 20; **4101:1-27-01** to provide clarification and design guidance for emergency and standby power systems, to provide clarification and design guidance for stationary generators and the associated fuel supplies, to add a row for casinos, to add note “I” eliminating the requirement for service sinks in certain B and M occupancies, to increase the threshold for separate facilities in mercantile occupancies, to add a new section that allows two family or assisted use toilet facilities to serve as separate facilities, to clarify the drinking fountain requirements and to clarify the setting requirements for fixtures; **4101:1-31-01** to remove language relating to mobile units; **4101:1-35-01** to update NFPA standards 30 and 31 and add standards 37 and 221 and to add UL standard 300A.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/documents/dico\\_OBCproposedchangesforMarch2015stakeholdermeeting.pdf](http://www.com.ohio.gov/documents/dico_OBCproposedchangesforMarch2015stakeholdermeeting.pdf)

#### Proposed Ohio Plumbing Code Rules

The Board proposes to amend the Ohio Administrative Code as follows: **4101:3-2-01** to add definitions for above-ground storage tank, building service equipment, containment backflow prevention device, engine-mounted device, fuel tank, isolation and backflow prevention device, to modify definitions for combination waste and vent system, listed and plumbing fixture and to delete definitions for third party certification agency, third party certified and third part tested; **4101:3-3-01** to clarify that materials should include markings required by the referenced standards, to change ‘third party’ to ‘approved agency’ and clarifying language to delete third party requirements in Table 303.4, to clarify that insulation is required for each hot water pipe when bundled, to reference § 1612 of the building code for flood resistance, to clarify plastic pipe testing procedure, to clarify plastic pipe testing procedure, to clarify isolation backflow prevention device inspection and testing procedure as a result of coordination with OEPA, to add operational testing of low pressure cut-off device, low suction throttling valves, and variable speed suction limiting controls as a result of coordination with OEPA and to make general editorial corrections; **4101:3-4-01** to add specific plumbing fixture requirements for casinos and to add a service sink exemption for business and mercantile occupancies with occupant load fewer than 15 in Table 403.1, to allow family or assisted-use toilet facilities to serve as separate facilities, to clarify toilet room location, to clarify drinking fountain fixture locations, to remove Figure 405.3.1, to modify the minimum number of drinking fountains required and exceptions, to remove reference to commercial food waste grinders, to modify the language requiring tempered water for public hand-washing facilities, to add standard for liquid-type, trowel-applied, load-bearing, bonded waterproof materials, to add requirements for water closet personal hygiene devices and to make general editorial corrections; **4101:3-6-01** to modify reference standards, add pipe as well as tubing, and add polyethylene of raised temperature (PE-RT) plastic tubing in Table 605.3, to add polyethylene of raised temperature (PE-RT) plastic tubing and reference standard in Table 605.4, to modify reference standards and to add polyethylene of raised temperature (PE-RT) plastic tubing and reference standard in Table 605.5, to add polyethylene of raised temperature plastic requirements, to add PE-RT flared joints and mechanical joints requirements, to add variable speed suction limiting controls to booster pump requirements and to clarify jurisdiction as a result of coordination with OEPA, to add temperature limiting means to hot water supply system requirements, to specify installation of temperature-actuated mixing valves and to make general editorial corrections; **4101:3-9-01** to clarify the length of a combination drain and vent system shall be unlimited and to add § 920 Single Stack Vent System; **4101:3-13-01** to add ASME standards A112.4.2-2008, ASTM standards F2735-09 and F2769-09, WWA standards C901-08 and C904-08, CSA standards B45.10, B45.15, B125.1, B125.2, B125.6, B356-05, and B483.1-07, to update ASME standards A112.18.1, A112.18.2, A112.18.3, A112.18.6, A112.19.1, A112.19.2, A112.19.3, A112.19.5, A112.19.7, CSA standards B45.1, B45.2, B45.4, and to remove ASME standards A112.19.6, A112.19.8M, A112.19.9M, and A112.19.13 and ASSE standards 1009-90.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/documents/dico\\_OPCproposedchangesforMarch2015stakeholdermeeting.pdf](http://www.com.ohio.gov/documents/dico_OPCproposedchangesforMarch2015stakeholdermeeting.pdf)

#### Proposed Ohio Mechanical Code:

The Board proposes to amend the Ohio Administrative Code as follows: **4101:2-2-01** to add definitions for above-ground storage tank, building service equipment, engine-mounted tank and fuel tank; **4101:2-3-01** to add requirement for manufacturer identification, to add requirement for listing of plastic pipe, to add requirement for approved agency testing or listing of piping, tubing, and fittings and to make general editorial corrections; **4101:2-5-01** to coordinate the supervision requirement found in the fire code, to add diesel fuel § 502.9.5, Exception 3, to add requirements for underground grease ducts, to add code references in § 507.1 which are exempt from certain requirements, to add an exception for integral down draft exhaust systems and to make general editorial corrections; **4101:2-9-01** to add design guidance and clarification for fuel tanks supplying engine-driven building service equipment, to add design guidance for gaseous fuel supply for engines supplying building service equipment, to add design guidance for engine-driven generators and to make general editorial corrections; **4101:2-13-01** to add design guidance for diesel oil storage and piping systems associated with building service equipment, to add design guidance for diesel oil storage

and piping systems associated with building service equipment, to add design guidance for fuel oil and diesel oil storage for building service equipment and to make general editorial corrections; **4101:2-15-01** to update NFPA standard 31 and to add NFPA standards 30 and 96 and to update standard UL 2200 and to add UL standard 2085.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/documents/dico\\_OMCproposedchangesforMarch2015stakeholdermeeting.pdf](http://www.com.ohio.gov/documents/dico_OMCproposedchangesforMarch2015stakeholdermeeting.pdf)

Proposed Residential Code of Ohio Rules:

The Board proposes to amend the Ohio Administrative Code as follows: **4101:8-1-01** to add language including electrical equipment associated with bodies of water, to add an exception for private water systems, to add above-ground storage tanks as work exempt from approval, to add an incidental inspection program and requirements, to remove language regarding the installer of fire protection systems, o add accessibility provisions to plan submittal and to make general editorial corrections; **4101:8-2-01** to add definitions for above ground storage tank, building service equipment, engine mounted tank and fuel tank; **4101:8-3-01** to add detached garages with an exterior wall located ≥3 ft from a lot line in to exceptions to § 302.1, to specify the technology requirements in § 314.1, to add an exception for systems meeting in § 314.2, to add Type C (visitable) to accessibility scope and to make general editorial corrections; **4101:8-5-01** to update references in §§ 502.1.1 and 502.2.1, to remove deck lateral load connection language, to remove figure 502.2.2.3, and to add clarification to the exceptions for vapor retarder requirements in § 506.2.3; **4101:8-19-0** to add a section for Engine and gas-turbine powered equipment and appliances, to add requirements for engine-driven equipment and appliances and fuel tanks connected to engine-driven building services equipment requirements and to make general editorial corrections; **4101:8-22-01** to add a scope to the Special piping and storage systems chapter, to add diesel oil to the scope of above-ground tanks requirements, to add an exception and specify a reference standard in § 2201.2 and to add regulated underground storage of fuel oil requirements; **4101:8-24-01** to add CSST bonding and to update language from ‘air conditioners’ to ‘equipment and appliances;’ **4101:8-34-01** to add provisions for emergency and standby power systems; **4101:8-44-01** to update the OAC referenced codes, to add NFPA standards 30-15, 37-10, 110-10, and 111-10 and update standard 31-11, and to add UL standard 2200-12.

These proposed rules can be viewed here:

[http://www.com.ohio.gov/documents/dico\\_RCOproposedchangesforMarch2015stakeholdermeeting.pdf](http://www.com.ohio.gov/documents/dico_RCOproposedchangesforMarch2015stakeholdermeeting.pdf)

**Contact Information for Comments or Questions**

If you cannot attend the above Stakeholder Meeting, you can submit written comments or questions on the proposed amendments to the Board. You may submit your comments via email at [BBS@com.state.oh.us](mailto:BBS@com.state.oh.us) or U.S. Mail at Ohio Board of Building Standards, 6606 Tussing Rd, Reynoldsburg, Ohio 43068, Attn: Regina Hanshaw by March 31, 2015.

Sincerely,

Regina S. Hanshaw  
Executive Secretary  
Ohio Board of Building Standards



Regina Hanshaw  
Executive Secretary  
Ohio Department of Commerce  
Board of Building Standards  
6606 Tussing Rd., Reynoldsburg, OH 43068  
614-644-2613  
[www.com.ohio.gov](http://www.com.ohio.gov)

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**Stakeholder Meeting**  
**Proposed Ohio Mechanical Code & Residential Code of Ohio Rules**  
**March 13, 2015**  
**12:00 PM – 1:00 PM**

The Board is conducting this stakeholder meeting as part of the Common Sense Initiative (CSI) Business Regulation Impact process to provide information on proposed rules and respond to questions from interested persons prior to formal rule-filing. After review of all comments submitted in writing and at today's meeting, the Board will incorporate any approved changes as a result of the comments and document the reasons for the changes in a Business Regulatory Impact Analysis. The revised rules and the Business Regulatory Impact Analysis will then be filed with the CSI Office for review and recommendation and resent to stakeholders via e-notification. After receipt of the CSI Office recommendations, the Board will determine whether to move forward with formal rule-filing. If the Board does determine to formally file these rules, as revised, the Board will also conduct a regular public hearing prior to their adoption as required by Revised Code Chapter 119.

**Proposed Ohio Mechanical Code:**

The Board proposes to amend the Ohio Administrative Code as follows: **4101:2-2-01** to add definitions for above-ground storage tank, building service equipment, engine-mounted tank and fuel tank; **4101:2-3-01** to add requirement for manufacturer identification, to add requirement for listing of plastic pipe, to add requirement for approved agency testing or listing of piping, tubing, and fittings and to make general editorial corrections; **4101:2-5-01** to coordinate the supervision requirement found in the fire code, to add diesel fuel § 502.9.5, Exception 3, to add requirements for underground grease ducts, to add code references in § 507.1 which are exempt from certain requirements, to add an exception for integral down draft exhaust systems and to make general editorial corrections; **4101:2-9-01** to add design guidance and clarification for fuel tanks supplying engine-driven building service equipment, to add design guidance for gaseous fuel supply for engines supplying building service equipment, to add design guidance for engine-driven generators and to make general editorial corrections; **4101:2-13-01** to add design guidance for diesel oil storage and piping systems associated with building service equipment, to add design guidance for diesel oil storage and piping systems associated with building service equipment, to add design guidance for fuel oil and diesel oil storage for building service equipment and to make general editorial corrections; **4101:2-15-01** to update NFPA standard 31 and to add NFPA standards 30 and 96 and to update standard UL 2200 and to add UL standard 2085.

**Proposed Residential Code of Ohio Rules:**

The Board proposes to amend the Ohio Administrative Code as follows: **4101:8-1-01** to add language including electrical equipment associated with bodies of water, to add an exception for private water systems, to add above-ground storage tanks as work exempt from approval, to add an incidental inspection program and requirements, to remove language regarding the installer of fire protection systems, to add accessibility provisions to plan submittal and to make general editorial corrections; **4101:8-2-01** to add definitions for above ground storage tank, building service equipment, engine mounted tank and fuel tank; **4101:8-3-01** to add detached garages with an exterior wall located  $\geq 3$  ft from a lot line in to exceptions to § 302.1, to specify the technology requirements in § 314.1, to add an exception for systems meeting in § 314.2, to add Type C (visitable) to accessibility scope and to make general editorial corrections; **4101:8-5-01** to update references in §§ 502.1.1 and 502.2.1, to remove deck lateral load connection language, to remove figure 502.2.2.3,

and to add clarification to the exceptions for vapor retarder requirements in § 506.2.3; **4101:8-19-0** to add a section for Engine and gas-turbine powered equipment and appliances, to add requirements for engine-driven equipment and appliances and fuel tanks connected to engine-driven building services equipment requirements and to make general editorial corrections; **4101:8-22-01** to add a scope to the Special piping and storage systems chapter, to add diesel oil to the scope of above-ground tanks requirements, to add an exception and specify a reference standard in § 2201.2 and to add regulated underground storage of fuel oil requirements; **4101:8-24-01** to add CSST bonding and to update language from ‘air conditioners’ to ‘equipment and appliances;’ **4101:8-34-01** to add provisions for emergency and standby power systems; **4101:8-44-01** to update the OAC referenced codes, to add NFPA standards 30-15, 37-10, 110-10, and 111-10 and update standard 31-11, and to add UL standard 2200-12.



**Department  
of Commerce**

Division of Industrial Compliance  
John R. Kasich, Governor  
Andre T. Porter, Director

**List of BBS Proposed Ohio Mechanical Code Rule Changes– Spring 2015  
2011 OHIO MECHANICAL CODE PROPOSED CHANGES**

<b>Ohio Administrative Code Rule Number</b>	<b>OMC Section</b>	<b>Reason for proposed change</b>
4101:2-2-01	Above-ground storage tank	To add definition
	Approved Agency	To modify definition
	Building Service Equipment	To add definition
	Engine-Mounted Tank	To add definition
	Fuel Tank	To add definition
4101:2-3-01	301.3	To add requirement for manufacturer identification
	301.4	To add requirement for listing of plastic pipe
	301.5	To add requirement for approved agency testing or listing of piping, tubing, and fittings
	301.6 – 301.18	Renumber sections
	301.8	To correct code references
	301.16	To provide a code reference
4101:2-5-01	502.4.3	To coordinate the supervision requirement found in the fire code
	502.9.5, Exception 3	To add diesel fuel
	502.10.1	To add item 8 which was an ICC errata
	506.3.13	To add requirements for underground grease ducts
	507.1, Exceptions 1 and 2	To add code references which are exempt from certain requirements
	507.2	To add an exception for integral down draft exhaust systems
	915.1	To clarify
4101:2-9-01	915.2	To clarify
	915.2.1	To add design guidance and clarification for fuel tanks supplying engine-driven building service equipment
	915.2.2	To add design guidance for gaseous fuel supply for engines supplying building service equipment
	915.3	To add design guidance for

		engine- driven generators
4101:2-13-01	1301.1	To add design guidance for diesel oil storage and piping systems associated with building service equipment
	1301.2	To add design guidance for diesel oil storage and piping systems associated with building service equipment
	1308	To add design guidance for fuel oil and diesel oil storage for building service equipment
	1309	To renumber section
4101:2-15-01	NFPA	To update standard 31 and to add standards 30 and 96
	UL	To update standard 2200 and to add standard 2085



### BUILDING REGULATIONS DIVISION

451 West Third Street, 10th Floor  
Dayton, Ohio 45422-1070  
937-225-4622 - phone  
937-225-6327 - fax

[www.mcoho.org/build](http://www.mcoho.org/build)

### COUNTY COMMISSIONERS

Judy Dodge  
Dan Foley  
Deborah A. Lieberman

### COUNTY ADMINISTRATOR

Joseph P. Tuss

### COMMUNITY & ECONOMIC DEVELOPEMENT DIRECTOR

Erik S. Collins

March 3, 2015

Ohio Board of Building Standards  
6606 Tussing Road  
PO Box 4009  
Columbus, Ohio 43068-9009

Dear Sirs and Madams,

I have some concerns about upcoming Ohio Plumbing Code changes that I would like to share with the Board at the hearing on March 13, 2015.

Below is an excerpt of the changes proposed to Section 410 the Ohio Plumbing Code:

### SECTION 410 DRINKING FOUNTAINS

**410.1 Approval.** Drinking fountains shall conform to ASME A112.19.1M/CSA B45.2 or ASME A112.19.2M or ASME A112.19.9M/CSA B45.1 and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, *or where bottled water coolers are provided in other occupancies*, drinking fountains shall not be required.

**410.2 Minimum number.** Where drinking fountains are required, not fewer than two drinking fountains shall be provided. One drinking fountain shall comply with the requirements for people who use a wheelchair and one drinking fountain shall comply with the requirements for standing persons.

Exception: A single drinking fountain that complies with the requirements for people who use a wheelchair and standing persons shall be permitted to be substituted for two separate drinking fountains.

**410.2 410.3 Prohibited location.** Drinking fountains, water coolers and bottled water dispensers shall not be installed in public restrooms.

I believe this can be construed that under 410.1, if one provides a bottled water cooler, one could argue that drinking fountains are not required, and therefore, one does not have to abide by the provisions of 410.2 for high-low drinking fountains because they are only required "where drinking fountains are required."

I raised this issue with the Board a few years ago due to the apparent conflict between 410.1 and the provisions of OBC Chapter 11, which has language similar to 410.2. I was told that the provisions of Chapter 11 for accessible drinking fountains superseded plumbing code language to the extent that you must first provide the high-low drinking fountain, and the substitution of bottled water dispensers was only applicable if more than one drinking fountain was required, additional water service could be provided by the water coolers.

Additional questions arise if bottled water dispensers are allowed to substitute for accessible drinking fountains. By what measures does one address the accessibility of the bottled water dispenser? Does the spigot have to deliver water without a tight grasping or pinching action? Does the cup dispenser have to also provide cups without requiring tight grasping or pinching? Do the cups themselves have to be capable of being held without tight grasping and pinching? In a nutshell, if my hands are closed, fist-like, due to arthritis or some similar disability, can I operate that bottled water dispenser to quench my thirst?

Are we to require cut sheets for the dispensers at the time of plan review in order to evaluate the claims of usability by persons with disabilities? Because these are portable, plug-in devices, do we notate on the Certificate of Occupancy that they must be provided and filled as a condition of occupancy approval?

I think the Board should take this opportunity to be very clear about your intent, and not let such language persist that pits my interpretation against applicants' time and time again.

Thank you for your consideration,

Maurice D. Wyckoff  
Chief Building Official  
Montgomery County Building Regulations

## Hanshaw, Regina

---

**From:** Richard Nelson <rnelson@medinaco.org>  
**Sent:** Thursday, March 19, 2015 3:08 PM  
**To:** Hanshaw, Regina; Regoli, Steve  
**Subject:** stake holder mtg comments

Hello

Follow up on my comments at the meeting;

RCO 302.1 new exception #6 I commented that existing exemption #2 conflicted with the associated table- I retract the comment- I now understand what it is saying.

OBC 716.5.4 new exception #4 I commented that the first sentence wording is bad. Now knowing that it came straight from the IBC, it may be best to leave it alone, but I do think it could read better, such as:

4. HVAC duct penetrations in fire partitions which have a required fire resistance rating of (1) hour or less, and, are in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.1.1 or 903.1.2.

Thank you ( I don't have Robs e-mail)

**Richard Nelson**

Residential Building Official/Inspectors Supervisor

**Medina County Building Department**

791 W. Smith Rd.

Medina, OH 44256

p 330 764 8289

f 330 764 8204

<http://building.medinaco.org>

## Hanshaw, Regina

---

**From:** Stephen Risser <srisser@richlandcountyoh.us>  
**Sent:** Tuesday, March 31, 2015 4:28 PM  
**To:** Ohler, Debbie  
**Cc:** Hanshaw, Regina; Ken Arthur  
**Subject:** Re: Above-ground storage tank/generator rule language

Debbie,

Thanks again for sending the draft rules for our comment. Our comments are below. From our understanding, the associated structural (including foundation) and electrical work would also be exempt from the scope of the OBC unless the tanks or equipment serve or are connected to building services equipment.

1. Page 1. **Rule 4101:1-1-01 (OBC Chapter 1).** Work exempt from approval per OBC 102.10. I would suggest that clarifications are added to the Building and Electrical Sections under section 102.10 to clarify these scopes are exempt from work as well related to engine-mounted tanks and fuel tanks. The building section as written does already mention above-ground storage tanks.
2. Page 5-6. **Rule 4101:1-27-01 (OBC Chapter 27).** **I see the inconsistencies between the NFPA standards. Agree that this is an NFPA code change proposal and would be difficult to bridge the inconsistencies in the OBC.** Is the SFM language proposed to be added in this section? This will make the OBC consistent with the OFC. It may be prudent to add the minimum prescriptive requirements as written and allow for alternate methods of protection subject to the approval of the building official. Allowing for the alternate methods of approval will still allow the designers flexibility while reminding them that certain levels of protection (impact protection, security, etc.) are still required. In our opinion, sometimes designers will only design when the code requires or "reminds" them to.
3. Page 8. **Rule 4101:2-9-01 (OMC Chapter 9).** Agreed on OBC 915.2.1.1 on the prescriptive requirements for generator and tank protection. Is the SFM language proposed to be added in this section too? Agreed as well on consistency requirements. See comments on OBC Chapter 27.
4. Page 9. **Rule 4101:2-13-01 (OMC Chapter 13).** OBC 1301.2.....I don't see a section for OMC 1308.3.6. Is this a new proposed section?

From a technical standpoint, I think the proposed rules are very good and the definitions have been altered in a way to minimize confusion. I think the only issues are the scope of work with regard to what type of work requires an approval and by what agency. The education process may be difficult as currently multiple agencies (building, local fire vs state fire) may be enforcing multiple codes on a project. Again, thanks for the opportunity to provide comments.

Sincerely,

Stephen M. Risser, PE  
Director

Richland County Building Department  
1495 W. Longview Avenue Suite 202A  
Mansfield, Ohio 44906

voice: (419) 774-5517  
fax: (419) 774-6317  
email: [srisser@richlandcountyoh.us](mailto:srisser@richlandcountyoh.us)  
web: [www.richlandcountyoh.us/c&p.htm](http://www.richlandcountyoh.us/c&p.htm)

On Mon, Mar 2, 2015 at 9:44 AM, Ohler, Debbie <[Debbie.Ohler@com.state.oh.us](mailto:Debbie.Ohler@com.state.oh.us)> wrote:

Good morning, Steve.

If possible, we would like the comments by March 31<sup>st</sup>.

Thanks again!

Debbie



Deborah D. Ohler, P.E., Staff Engineer  
Ohio Board of Building Standards  
PO Box 4009, 6606 Tussing Rd  
Reynoldsburg, OH 43068-9009  
Office Phone: ~~614-644-2613~~ Fax: ~~614-222-2147~~  
[dohler@com.state.oh.us](mailto:dohler@com.state.oh.us)  
<http://www.com.ohio.gov/dico/BBS/>

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**From:** Stephen Risser [<mailto:srisser@richlandcountyoh.us>]  
**Sent:** Friday, February 27, 2015 4:20 PM  
**To:** Ohler, Debbie  
**Subject:** Re: Above-ground storage tank/generator rule language

Debbie,

Thanks for the email. I'll review here with our staff and put some comments together.

Being the OBOA conference is the first part of the week and we have a workgroup conference call on the 11th, we most likely will not be at the March 13th meeting. When is the deadline for email comments?

Stephen M. Risser, PE  
Director

Richland County Building Department  
1495 W. Longview Avenue Suite 202A  
Mansfield, Ohio 44906  
voice: (419) 774-5517  
fax: (419) 774-6317  
email: srisser@richlandcountyoh.us  
web: www.richlandcountyoh.us/c&p.htm

On Fri, Feb 27, 2015 at 8:34 AM, Ohler, Debbie <[Debbie.Ohler@com.state.oh.us](mailto:Debbie.Ohler@com.state.oh.us)> wrote:

Good morning, Steve.

I hope you are staying warm during this long, cold winter!

You and I had spoken a few months ago about our proposal to change the rules relating to above-ground storage tanks and generators. You had indicated, at that time, that you would be willing to take a look and provide comments/suggestions/questions on our proposed changes.

If you are still willing to take a look, I have attached a copy of the relevant rule changes for your reference. You may have noticed that these proposed changes are also included in the stakeholder rule review package that we sent out earlier this week. However, the attached document includes only the changes relating to above-ground tanks and generators.

If you have the time, please consider reviewing the rules and offering any comments/suggestions/ questions either, in person at our March 13<sup>th</sup> stakeholder meeting, or via e-mail to myself or Regina.

Thank you for your consideration.

Debbie



Deborah D. Ohler, P.E., Staff Engineer  
 Ohio Board of Building Standards  
 PO Box 4009, 6606 Tussing Rd  
 Reynoldsburg, OH 43068-9009  
 Office Phone: 614-644-2613 Fax: 614-222-2147  
[dohler@com.state.oh.us](mailto:dohler@com.state.oh.us)  
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\*



## Medina County Building Department

791 W Smith Rd Medina OH 44256-2422

[www.building.medinaco.org](http://www.building.medinaco.org) [chuber@medinaco.org](mailto:chuber@medinaco.org)

ph 330-722-9221 fax 330-764-8204

Regina Hanshaw Esq  
Ohio Board of Building Standards  
PO Box 4009  
Reynoldsburg OH 43068-9009  
Via e-mail [BBS@com.state.oh.us](mailto:BBS@com.state.oh.us)

March 31, 2015

Subject: Proposed Rules/Stakeholder Meeting March 13, 2015

Michael Lane e-mail February 24, 2015 announced subject meeting and stated comments could be submitted in writing. Attached are comments to three proposed changes.

Sincerely,

A handwritten signature in cursive script that reads "Charles E. Huber".

Charles E. Huber  
Chief Building Official

Atch  
a/s

cc: Jeffery Rettberg, FBOA President, [jrettberg@fboa.org](mailto:jrettberg@fboa.org)  
James Stocksdale, OBOA President, [JESocksdale@Columbus.gov](mailto:JESocksdale@Columbus.gov)

Medina County Building Dept point-of-contact: Charles Huber, ph 330-722-9221, e-mail chuber@medinaco.org Mr Huber didn't attend nor were his comment at the Stakeholders' Meeting March 13, 2015.

BBS e-mail February 24, 2015 distributed the proposed change to the OBC 101.2 to add exceptions including:

13. Private water systems (including tanks, fountains, piping, and process equipment associated with these systems) regulated by the Ohio Department of Health in accordance with section 3701.344 of the Revised Code.

The wording located in Ohio Revised Code 3781.10 boldface added for emphasis below, provides scope of the tasking to the Board of Building Standards to develop rules. A building's electrical system serving private water systems and septic systems are within the statute's tasking.

***ORC 3781.10 Board of building standards - powers and duties.******(A) (1) The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.***

Medina County Building Department proposes OBC 101.2 not be amended to add the exception excluding private water systems' electrical systems.

Medina County Building Dept point-of-contact: Charles Huber, ph 330-722-9221, e-mail chuber@medinaco.org Mr Huber didn't attend nor were his comment at the Stakeholders' Meeting March 13, 2015.

BBS e-mail February 24, 2015 distributed the proposed change to the OBC 101.2 to add exceptions including:

14. Marinas, boatyards, and docks.

OBC 1110.4.9 regulates boat slips and boat launch ramps with regards to accessibility. These requirements exist in OBC pursuant to ORC 3781.111(B) requiring OBC be in accordance with the Americans with Disabilities Act.

Medina County Building Department proposes OBC 101.2 be amended to read:

14. Marinas, boatyards, and docks except with regard to accessibility as described in Chapter 11.

Medina County Building Dept point-of-contact: Timothy Payne, ph 330-764-8286, e-mail tpayne@medinaco.org This follows-up Mr Payne's comments he presented at the Stakeholders' Meeting March 13, 2015.

BBS e-mail February 24, 2015 distributed the proposed change to the RCO 101.2 to read in part:

*101.2 Scope. The provisions of the "Residential Code of Ohio for One-, Two-, and Three-Family Dwellings" shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every one-, two-, or three-family dwelling, any appurtenances connected or attached to such buildings or structures, or any accessory structure incidental to that dwelling house ~~electrical equipment associated with bodies of water as defined in article 680 of NFPA 70 as referenced in part IX, chapter 44.~~ This code also applies to a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. No building or its equipment or accessories, to which the rules of the board apply shall be erected, constructed, or installed, except in conformity with the rules of the board. ...*

The wording located in Ohio Revised Code 3781.10 boldface added for emphasis below, should be added to the Residential Code of Ohio for One-, Two-, and Three-Family Dwellings Section 101.2 Scope to avoid the RCO deviating from statute and will show that NFPA 70 Article 680 Swimming Pools, Fountains, and Similar Installations is within the scope of the RCO.

***ORC 3781.10 Board of building standards - powers and duties.*** (A) (1) *The board of building standards shall formulate and adopt rules governing the erection, construction, repair, alteration, and maintenance of all buildings or classes of buildings specified in section 3781.06 of the Revised Code, including land area incidental to those buildings, the construction of industrialized units, the installation of equipment, and the standards or requirements for materials used in connection with those buildings. The board shall incorporate those rules into separate residential and nonresidential building codes. The standards shall relate to the conservation of energy and the safety and sanitation of those buildings.*

Medina County Building Department proposes RCO 101.2 be amended to read:

*101.2 Scope. The provisions of the "Residential Code of Ohio for One-, Two-, and Three-Family Dwellings" shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every one-, two-, or three-family*

*dwelling, any appurtenances connected or attached to such buildings or structures, or any accessory structure incidental to that dwelling house including land area incidental to those buildings or structures. This code also applies to a one-family, two-family, or three-family dwelling house that is used as a model to promote the sale of a similar dwelling house. No building or its equipment or accessories, to which the rules of the board apply shall be erected, constructed, or installed, except in conformity with the rules of the board.*

## Hanshaw, Regina

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**From:** Soma, Jack  
**Sent:** Friday, April 03, 2015 10:51 AM  
**To:** Hanshaw, Regina; Regoli, Steve; Schell, Susan  
**Subject:** FW: Booster Pumps



Jack Soma  
Plumbing Section Supervisor  
Ohio Department of Commerce  
Bureau of Building Code Compliance  
6606 Tussing Road, Reynoldsburg, OH 43068-9009  
614-644-3153  
[Jack.Soma@com.state.oh.us](mailto:Jack.Soma@com.state.oh.us)

*This message and any response to it may constitute a public record and thus may be publicly available to anyone who requests it.*

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**From:** Rocco Fana [<mailto:rocco@phccohio.org>]  
**Sent:** Friday, April 03, 2015 10:15 AM  
**To:** Soma, Jack  
**Subject:** Booster Pumps

Jack

Hope your week has been going well. Thank you again for the Plumbing Code class and sitting on the OCILB/DOC Panel.

With things settling down, I can finally forward this to you...received this email about 2 weeks ago and wanted to get your feedback

"At the recent meeting that I attended, residential booster pumps came up. They plan to put a line in the code that dictates that a low pressure switch not only be installed (ok) but the homeowner be required to certify to the water dept. (EPA) every 12 months that it works. I don't think that it is the business of the BBS to dictate a relationship between the homeowner and their water dept. By including this in the code, they will be dictating that the water dept. keep records and enforce this."

"I don't think this should be addressed by the our code. The homeowner has an implied contract with the water department that they will comply with their rules or lose water (i.e. annual backflow tests). And I don't think we should tell other govt. agencies what to do. Not our business!"

Thanks again

Rocco

Rocco Fana, Jr., Executive Director  
Plumbing-Heating-Cooling Contractors of Ohio  
20040 Carolyn Ave / Rocky River, OH 44116

800-686-7422 / fax 216-393-0095

[www.phccohio.org](http://www.phccohio.org)

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April 10, 2015

Regina Hanshaw  
Executive Secretary  
Ohio Department of Commerce  
Board of Building Standards  
6606 Tussing Rd., Reynoldsburg, OH 43068

*Via email: [Regina.Hanshaw@com.state.oh.us](mailto:Regina.Hanshaw@com.state.oh.us)*

Dear Ms. Hanshaw,

On behalf of the Fire, Life Safety, Security and Emergency Communication Section of the National Electrical Manufacturers Association (NEMA), I am writing to express concerns regarding proposed changes to the Ohio Residential Code which would require both photoelectric and ionization smoke detecting devices in residential buildings.

NEMA member companies, along with the Fire Protection Research Foundation and Underwriters Laboratories, continue to conduct research and amend consensus standards to confront the new home furnishings typically used in today's dwellings. The results of the research will lead to new detection technologies and add new performance requirements to consensus product standards designed to enhance the early detection of smoldering fires and flaming fires while improving the nuisance alarm immunity without sacrificing the detection performance. For example, the National Fire Protection Association (NFPA) National Fire Alarm and Signaling Code (NFPA 72-2013) includes spacing requirements crafted to address a need for enhanced performance and reduction of unwanted alarms.

NEMA supports these requirements and believes that incorporation of parallel language into the legislation/regulation is a better path to the ends you desire.

While the proposed amendments to Section 314 of the Ohio Residential Code are well-intentioned, the measure could have the unintended consequence of eliminating future consumer choice in installing smoke detection technology that may provide advanced protection for them and their families. NEMA recommends that the legislation be amended to allow other investigated and listed single or multi-criteria smoke detection devices. We recommend replacing the current proposed language in Section 314.1 with the following:

*On each level within each dwelling unit smoke alarms shall be single detection technology or multi-criteria technology listed by a nationally recognized testing laboratory (NRTL) to the applicable American National Standards Institute*

*(ANSI)/Underwriters Laboratories (UL) product standards and installed according to National Fire Protection Association (NFPA) standards.*

Adoption of this recommended amendment would ensure that advancements in smoke detection technology are not prohibited by Ohio statute or code.

In a paper presented by the US Fire Administration last month at the Smoke Alarm Summit sponsored by Vision 2020 and Johns Hopkins, the USFA stated that there were "Several new sensor types ... identified that could provide improved fire detection." It would be unfortunate to preclude such new, advanced technology by a specific reference to current sensor types.

Adoption of this recommended amendment would assure that advancements in smoke detection technology are not precluded by Ohio's codes.

NEMA commends you for your attention to life safety and stands ready to work with you to advance this goal in a manner that protects future advancements in smoke detection technology. Please consider our industry as your best resource for fire and life safety product information. We are available at any time to consult with you on matters of life safety.

NEMA is the association of electrical equipment manufacturers, founded in 1926 and headquartered in Rosslyn, Virginia. It represents nearly 400 electrical and medical imaging manufacturers. Our combined industries account for more than 400,000 American jobs and more than 7,000 facilities across the U.S. Domestic production exceeds \$117 billion per year. NEMA Fire, Life Safety, Security and Emergency Communication members manufacture fire, smoke, and carbon monoxide detection and warning equipment.

If you have any questions regarding NEMA's concerns please contact me at (703) 841-3245 or via email at [jonathan.stewart@nema.org](mailto:jonathan.stewart@nema.org).

Respectfully,



Jonathan Stewart  
Manager, Government Relations



25 Massachusetts Ave., NW  
Washington, DC 20001  
Phone: 202-346-1100

April 14, 2015

Regina Hanshaw  
Executive Secretary  
Ohio Department of Commerce  
Board of Building Standards  
6606 Tussing Rd., Reynoldsburg, OH 43068

Dear Ms. Hanshaw:

On behalf of Google and Nest Labs, I am writing to express concerns regarding proposed changes to the Ohio Residential Code that would create multiple new technology requirements for smoke detecting devices in residential buildings. Google and Nest support strong safety standards that encourage innovation in home technologies, and believe that modifications to this proposed rule can strengthen consumer safety and encourage customer choice in the growing home technology market.

Proposed amendments to Section 314 of the Ohio Residential Code, while well-intentioned, could unfortunately limit consumer choice in advanced smoke detection technologies by requiring two specific technologies (photoelectric and ionization detection). To resolve this issue and allow innovative smoke detection technologies to be made available to Ohio families, we suggest replacing the proposed language to Section 314.1 with the below sentence:

*On each level within each dwelling unit smoke alarms shall be single-criteria or multi-criteria detection technology listed by a nationally recognized testing laboratory (NRTL) to the applicable American National Standards Institute (ANSI)/Underwriters Laboratories (UL) product standards and installed according to National Fire Protection Association (NFPA) standards.*

Adoption of this recommended amendment would ensure that advancements in smoke detection technology are not prohibited by Ohio statute or code. As companies working to deliver more advanced home safety devices to consumers, it would be unfortunate to unintentionally preclude innovations in detection technology by mandating specific current sensor types.

Google and Nest appreciate your work to strengthen home safety and are prepared to work with you to deliver more advanced home safety products to consumers in Ohio. Thank you for your consideration of this request, and I am happy to answer any questions you may have.

Sincerely,

A handwritten signature in black ink, appearing to read "Ron Barnes". The signature is fluid and cursive, with the first name "Ron" being more prominent than the last name "Barnes".

Ron Barnes  
Head of State Legislative Affairs



## COMMUNITY & ECONOMIC DEVELOPEMENT

### BUILDING REGULATIONS DIVISION

451 West Third Street, 10th Floor  
Dayton, Ohio 45422-1070  
937-225-4622 - phone  
937-225-6327 - fax

[www.mcoho.org/build](http://www.mcoho.org/build)

### COUNTY COMMISSIONERS

Judy Dodge  
Dan Foley  
Deborah A. Lieberman

### COUNTY ADMINISTRATOR

Joseph P. Tuss

### COMMUNITY & ECONOMIC DEVELOPEMENT DIRECTOR

Erik S. Collins

March 3, 2015 **WITH JULY 17, 2015 FOLLOW UP**

Ohio Board of Building Standards  
6606 Tussing Road  
PO Box 4009  
Columbus, Ohio 43068-9009

Dear Sirs and Madams,

I have some concerns about upcoming Ohio Plumbing Code changes that I would like to share with the Board at their hearing on March 13, 2015.

Below is an excerpt of the changes proposed to Section 410 the Ohio Plumbing Code:

### SECTION 410 DRINKING FOUNTAINS

**410.1 Approval.** Drinking fountains shall conform to ASME A112.19.1M/CSA B45.2 or ASME A112.19.2M or ASME A112.19.9M/CSA B45.1 and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. Where water is served in restaurants, *or where bottled water coolers are provided in other occupancies*, drinking fountains shall not be required.

**410.2 Minimum number.** Where drinking fountains are required, not fewer than two drinking fountains shall be provided. One drinking fountain shall comply with the requirements for people who use a wheelchair and one drinking fountain shall comply with the requirements for standing persons.

Exception: A single drinking fountain that complies with the requirements for people who use a wheelchair and standing persons shall be permitted to be substituted for two separate drinking fountains.

**410.2 410.3 Prohibited location.** Drinking fountains, water coolers and bottled water dispensers shall not be installed in public restrooms.

I believe this can be construed that under 410.1, if one provides a bottled water cooler, one could argue that drinking fountains are not required, and therefore, one does not have to abide by the provisions of 410.2 for high-low drinking fountains because they are only required "where drinking fountains are required". If that is truly the intent of the Board, so be it.

However, when I raised this issue with the Board a few years ago due to the apparent conflict between 410.1 and the provisions of OBC Chapter 11, which has language similar to 410.2, I was told that the provisions of Chapter 11 for accessible drinking fountains superseded plumbing code language to the extent that you must first provide the high-low drinking fountain, and the substitution of bottled water dispensers was only applicable if more than one drinking fountain was required, additional water service could be provided by the water coolers.

Additional questions arise if bottled water dispensers are allowed to substitute for accessible drinking fountains. By what measures does one address the accessibility of the bottled water dispenser? Does the spigot have to deliver water without a tight grasping or pinching action? Does the cup dispenser have to also provide cups without requiring tight grasping or pinching? Do the cups themselves have to be capable of being held without tight grasping and pinching? In a nutshell, if my hands are closed, fist-like, due to arthritis or some similar disability, can I operate that bottled water dispenser to quench my thirst?

Are we to require cut sheets for the dispensers at the time of plan review in order to evaluate the claims of usability by persons with disabilities? Because these are portable, plug-in devices, do we notate on the Certificate of Occupancy that they must be provided and filled as a condition of occupancy approval?

I think the Board should take this opportunity to be very clear about your intent, and not let such language persist that pits my interpretation against applicants time and time again.

Thank you for your consideration,

Maurice D. Wyckoff  
Chief Building Official  
Montgomery County Building Regulations

July 17, 2015

Follow up:

It has been pointed out to me by Debbie Ohler that the Board did review my March 3 comments, and indeed intends to allow bottled water coolers to be substituted for drinking fountains, and therefore does indeed intend to supersede any Chapter 11 requirements for high-low drinking fountains. Okay, I get that. I don't agree, but I get that.

In light of that, I would then recommend clarifying language in OBC Table 2902.1. I recommend the Board change the title of the column "Drinking Fountains" to "Provisions for Drinking Water". I also recommend a similar change to the title of Section 410.1 of the Plumbing Code. Then it should enumerate the three approved ways of providing drinking water; 1) via drinking fountains, 2) via water service at restaurants, or 3) via bottled water coolers.

I would also recommend that the Board clarify that bottled water coolers must still comply with ICC A117.1 Section 308, Reach Ranges, and Section 309, Operable Parts. This will ensure that the designers and installers locate the dispenser in an accessible location, and that the controls will allow persons with disabilities to use them.

One comment was made by Ms. Ohler suggested that part of the rationale for reducing the requirements for built in drinking fountains is that many people now carry around there own cups or water bottles. New York City addressed this in 2012 by allowing up to 50 percent of drinking fountains to be substituted by a permanent plumbing fixture designed for filling a container. See attached 2012 New York City Plumbing Code update #47.

Therefore, I think Ohio should also consider adding a similar provision allowing water filling stations as a fourth option for providing drinking water to the users of our buildings.

As a final note, the Board has authorized "bottled water coolers" which requires refrigerated water. Non-cooled "bottled water dispensers" are not an acceptable solution. If that is not the Board's intent, perhaps it should clarify that language too.

A good reference for definitions can be found at:  
<http://www.newair.com/articles/water-dispenser-basics>

## CONSTRUCTION CODES UPDATE PAGE

Matter in plain text is unchanged. Matter underlined is new. ~~Matter stricken through~~ is deleted. **Source:** Local Law 55 of 2010, effective July 1, 2012.

## PLUMBING CODE

*Insert between pages 26 and 27 of your bound volume.*

Amend sections 410.1 and 410.2 and add a new section 410.3, to read as follows:

**410.1 Approval.** Drinking fountains shall conform to ASME A112.19.1M, ASME A112.19.2M or ASME A112.19.9M, and water coolers shall conform to ARI 1010. Drinking fountains and water coolers shall conform to NSF 61, Section 9. ~~Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, bottled water dispensers shall be permitted to be substituted for not more than 50 percent of the required drinking fountains.~~ Drinking fountains required by Table 403.1 shall be equipped with both a bubbler faucet for drinking and a separate faucet designed for filling a container at least 10 inches (254 mm) in height.

**410.2 Prohibited location.** ~~Drinking fountains shall not be installed in public restrooms.~~ **Required drinking fountains.** Where water is served in restaurants, drinking fountains shall not be required. In other occupancies, where drinking fountains are required, up to 50 percent of required drinking fountains conforming to Section 410.1 may be substituted by dedicated plumbing fixtures with faucets designed for filling a container at least 10 inches (254 mm) in height. Bottled water dispensers shall not be substituted for required drinking fountains.

**410.3 Prohibited location.** Drinking fountains and plumbing fixtures with faucets permitted to be substituted for required

**March 13, 2015 Stakeholder Meeting**  
**Ohio Building, Plumbing, Mechanical Codes and Residential Code of Ohio Rules**

Attendees:

Ohio Building Code

Richard Nelson, Medina County  
Timothy Payne, Medina County  
Mike Long, Washington Twp  
Craig Rauch, Washington Twp  
Robert Kerst, BBA  
Ronald K Bartley, SWO ASPE  
Pete Baldauf, City of Vandalia  
Mike Miller, City of Strongsville  
Don Hutchinson, Montgomery County  
Rick Lecher, Inspection Bureau Inc  
Ron Schmitt, PHCC Ohio  
Sophia Papadimos, Lt Governor  
Keith Wagenknecht, OBOA  
James Richardson, City of Columbus

Ohio Plumbing Code

James Richardson, City of Columbus  
Ronald Bartley, SWO ASPE  
Robert Schutz, City of Columbus  
Mike Miller, City of Strongsville  
Robert Kerst, BBA  
Rodger Switzer, PHCC  
Ronald Schmitt, PHCC

Ohio Mechanical Code and Residential Code of Ohio

Greg Wajcik, Simpson Strong Tie  
Shane Vilasineekul, Simpson Strong Tie  
Pete Baldauf, City of Vandalia  
Dewayne Jenkins, City of Kettering  
John Witherspoon Jr., Vectren  
Mike Wilson, Vectren  
Tim Curry, IAEI & Currey Electric  
Mike Miller, City of Strongsville  
Timothy Payne, Medina County  
Rich Nelson, Medina County  
James Richardson, City of Columbus

Robert Kerst, BBA

## **Issues/Questions Raised:**

### **Ohio Building Code**

#### Electrical

Richard Nelson asked about electrical connections of proposed exempt structures. Tim Payne also asked about marinas and asked for clarification for the scope of the exemption.

#### Incidental Inspection Program

Don Hutchinson presented the requirements from RC § 3783.03 and asked about compensation for inspectors and inquired whether the next step would contact his HR department since his department does have a collective bargaining.

Richard Nelson/Tim Payne supported the incidental program and stated that recognizes what is already happening for minor work inspections. 99% is going to furnaces and water heaters.

#### Above ground storage tanks

Craig Rauch commented on exemption for tanks in Chapter 1 vs the definition of tank and concern that may be missed by some departments. Also asked about back up power generators for cell towers.

#### Section 310.1, R-3

Richard Nelson asked about proposed dual technology smoke alarm in the RCO and whether should applied in for commercial residential buildings. Staff responded that if you go to RCO Chapters 1 -10 for R-3 then the smoke alarm language would apply.

#### Section 414.5

Pete Baldauf asked how this would apply to process equipment and electrical being a source of ignition for inside storage dispensing. Is the fire marshal going to look at it? Should we exempt sources of ignition? Stated pharmaceutical company that had two explosions because no one is looking at electrical connected to process equipment. Staff responded that design professional will ultimately be responsible and the process equipment exemption is not new.

Craig Rauch asked whether the fire code should be added to exception 2.

#### Section 716.5.4 (1:30)

Richard Nelson stated that language was unclear and suggested language instead " HVAC duct penetrations in walls shall have a fire resistance rating of 1 hour or less".

#### Section 907.2.3 Group E

Richard Nelson asked for the reasoning for reducing 50 to 30.

General Comments:

Keith Wagenknecht provided background information on the proposed incidental inspection.

**Ohio Plumbing Code (2:00)**

Definitions

Jim Richardson asked why reference tanks in the OPC when plumbing inspectors do not look at tanks and EPA's authority.

Rodger Sweitzer questioned inclusion of definitions for containment and isolation backflow devices from OEPA in OPC.

Sections 312.2/312.3 (2:16)

Jim Richardson stated that new language appeared redundant.

Section 312.11

Jim Richardson questioned the need to bring language into OPC because it is an OPEA requirement. OEPA should not be in the building.

Bob Schutz also stated the OEPA requirements should not be in OPC and explained history of coordination between OEPA and OPC.

Roger Sweitzer also opposed the inclusion of OEPA annual inspection should be removed.

Figure 405.3.1 (2:45)

Jim Richardson stated that the figure is helpful. Staff responded that the figure may conflict with ANSI accessibility standard.

Tim Curry stated that UL changed the listing for fountains to water coolers.

Section 413.1

Ron Schmitt asked about fixture requirements for kitchen sinks if there is a garbage disposal. Staff responded fixture requirement not affected.

Section 920 (3:02)

Bob Schutz stated that he supported the change and requested training on the method for inspectors and contractors.

PHCC representatives stated that training would be beneficial.

Ron Bartley stated that trainings should be open to designers as well.

## General Comments

### Section 419

Bob Schutz asked about the deletion for urinal screen.

### Section 613.1

Jim Richardson questioned location of mixing valve at source as opposed to 1070 device. Happy with clarifications.

## **Ohio Mechanical Code**

No comments

## **Residential Code of Ohio (3:09)**

### Swimming Pools

Tim Payne stated that the reference to NEC Article 680 should be in Chapter 34 rather than in Chapter 1.

Pete Baldauf stated his discussion with RCAC that the reference to Article 680 needed to be in the scoping to be able to go past the first disconnect.

### Incidental Inspections

DeWayne Jenkins asked about the general consensus from earlier discussion. Staff summarized earlier discussions and questioned whether incidental inspections will be knowledgeable enough to competently perform these inspections.

Don Hutchinson again stated his concerns allowing incidental inspections and that the practice of building inspection is near and dear to him.

Ron Schmitt asked how a plumbing inspector cannot inspect the wiring on a water heater how can the plumbing contractor do the electric work. If the contractor can hook it up why can't we trust the plumbing inspector look at 3 wires and the ground.

Pete Baldauf asked whether this would be in accordance with Revised Code. Staff responded stated yes.

### Section 302.1, Exception 6

Richard Nelson asked about the intent of the change. Stated that exception 2 is a full exception and questioned the need for additional exception.

### Figure 502.2.2.3

Shane Vilasineekul stated that 2012 IRC corrected section – struck “as applicable” and then building officials of Washington State submitted code change proposal approved in the 2015 IRC allows for alternative detail that does not require access inside of the structure.

Section 2411

General discussion on CSST between attendees.