

1301:7-7-39 Plant processing and extraction facilities

(A) Section 3901 General

(1) 3901.1 Scope. Plant processing or extraction facilities shall comply with this *rule* and the *building code as listed in rule 1301:7-7-80 of the Administrative Code*. The extraction process includes the act of extraction of the oils and fats by use of a solvent, desolventizing of the raw material, production of the miscella, distillation of the solvent from the miscella and solvent recovery. The use, storage, transfilling and handling of hazardous materials in these facilities shall comply with this rule, other applicable provisions of this code and the *building code as listed in rule 1301:7-7-80 of the Administrative Code*.

(2) 3901.2 Existing buildings or facilities. Existing buildings or facilities used for the processing of plants or where the medium of extraction or solvent is changed shall comply with this *rule*.

(3) 3901.3 Permits. Permits shall be required as set forth in *rule 1301:7-7-01 of the Administrative Code*.

(4) 3901.4. All plant processing or extraction facilities subject to both this rule and Chapter 3796 of the Revised Code shall be inspected by the state fire marshal to determine facility and operational compliance with this code. Such inspections shall initially occur in coordination with the medical marijuana processor license application process described in rule 3796:3 of the Administrative Code and recur at least annually thereafter. Fire code officials may conduct other inspections of facilities subject to this rule in accordance with section 3737.14 of the Revised Code and this code.

(B) Section 3902 Definitions

(1) 3902.1 Definitions. The following terms are defined in *rule 1301:7-7-02 of the Administrative Code*.

“Carbon dioxide enrichment system.”

“Desolventizing.”

“Gas detection system.”

“Miscella.”

(C) Section 3903 Processing and extraction of marijuana

(1) 3903.1 Construction. Processing shall be located in a building complying with the *building code as listed in rule 1301:7-7-80 of the Administrative Code*.

(2) 3903.2 Prohibited occupancies. Extraction processes utilizing flammable gases or flammable cryogenic fluids shall not be located in any building containing a Group A, E, I or R occupancy.

(3) 3903.3 Location. The extraction equipment and extraction processes utilizing hydrocarbon solvents shall be located in a room or area dedicated to extraction.

(4) 3903.4 Post-process purification and winterization. Post-processing and winterization involving the heating or pressurizing of the miscella to other than normal pressure or temperature shall be approved and performed in an appliance listed for such use. Domestic or commercial cooking appliances shall not be used.

(a) 3903.4.1 Industrial ovens. The use of industrial ovens shall comply with *rule 1301:7-7-30 of the Administrative Code.*

(5) 3903.5 Use of flammable and combustible liquids. The use of flammable and combustible liquids for liquid extraction processes where the liquid is boiled, distilled or evaporated shall be located within a hazardous exhaust fume hood, rated for exhausting flammable vapors. Electrical equipment used within the hazardous exhaust fume hood shall be rated for use in flammable atmospheres. Heating of flammable or combustible liquids over an open flame is prohibited.

Exception: The use of a heating element not rated for flammable atmospheres, where documentation from the manufacturer or approved testing laboratory indicates the element is rated for heating of flammable liquids.

(6) 3903.6 Liquefied petroleum gas. Liquefied petroleum gases shall not be released to the atmosphere except where released in accordance with NFPA 58 Section 7.3 *as listed in rule 1301:7-7-80 of the Administrative Code.*

(D) Section 3904 Systems and equipment

(1) 3904.1 General requirements. Systems and equipment used with the processing and extraction oils and products from plants shall comply with *paragraphs (D)(2)(3904.2) to (D)(4)(3904.4) of this rule and paragraph (C)(2)(5003.2) of rule 1301:7-7-50 of the Administrative Code,* and other applicable provisions of this code, *the building code and the mechanical code as listed in rule 1301:7-7-80 of the Administrative Code.*

(2) 3904.2 Systems and equipment. Systems or equipment used for the extraction of oils from plant material shall be listed or approved for the specific use. If the system used for extraction of oils and products from plant material is not listed, then the system shall be reviewed by a registered design professional. The registered design professional shall review and consider any information provided by the system's designer or manufacturer. For systems and equipment not listed for the specific use, a technical report in accordance with *paragraph (D)(3)(3904.3) of this rule* shall be prepared and submitted to the *state fire marshal* for review and approval. The firm or individual preparing the technical report shall be approved by the *state fire marshal* prior to performing the analysis.

(3) 3904.3 Technical report. A technical report, reviewed and approved by the *state fire marshal,* as required by *paragraph (D)(2)(3904.2) of this rule,* is required prior to the equipment being located or installed at the facility. The report shall be prepared by a registered design professional or other professional approved by the *state fire marshal.*

(a) 3904.3.1 Report content. The technical report shall contain all of the following:

(i) Manufacturer information.

(ii) Preparer of record on technical report.

(iii) Date of review and report revision history.

(iv) Signature page, including all of the following:

(a) Author of the report.

(b) Date of report.

(c) Date and signature of registered design professional of record performing the design or peer review.

(v) Model number of the item evaluated. If the equipment is provided with a serial number, the serial number shall be included for verification at time of site inspection.

(vi) Methodology of the design or peer review process used to determine minimum safety requirements. Methodology shall consider the basis of design, and shall include a code analysis and code path to demonstrate whether specific code or standards are applicable.

(vii) Equipment description. A list of every component and sub-assembly such as (fittings, hose, quick disconnects, gauges, site glass, gaskets, valves, pumps, vessels, containers and switches) of the system or equipment, indicating the manufacturer, model number, material and solvent compatibility. Manufacturer's data sheets shall be provided.

(viii) A general flow schematic or general process flow diagram of the process. Post-processing or winterization shall be included in this diagram. Primary components of the process equipment shall be identified and match the equipment list required in item (vii). Operating temperatures, pressures and solvent state of matter shall be identified in each primary step or component. A piping and instrumentation diagram (PID or P&ID) shall be provided.

(ix) Analysis of the vessel(s) if pressurized beyond standard atmospheric pressure. Analysis shall include purchased and fabricated components.

(x) Structural analysis for the frame system supporting the equipment.

(xi) Process safety analysis of the extraction system, from the introduction of raw product to the end of the extraction process.

(xii) Comprehensive process hazard analysis considering failure modes and points of failure throughout the process. The process hazard analysis shall include a review of emergency procedure information provided by the manufacturer of the equipment or process and not that of the facility, building or room.

(xiii) Review of the assembly instructions, operational and maintenance manuals provided by the manufacturer.

(xiv) List of references used in the analysis.

(4) 3904.4 Site inspection. Prior to operation of the extraction equipment, where required by the *state fire marshal*, the engineer of record or approved professional, as approved in *paragraph (D)(2)(3904.2) of this rule* shall inspect the site of the extraction process once equipment has been installed for compliance with the technical report and the building analysis. The engineer of record or approved professional shall provide a report of findings and observations of the site inspection to the *state fire marshal* prior to the approval of the extraction process. The field inspection report authorized by the engineer of record shall include the serial number of the equipment used in the process and shall confirm the equipment installed is the same model and type of equipment identified in the technical report.

(E) Section 3905 Safety systems

(1) 3905.1 Gas detection. For extraction processes utilizing flammable gases as solvents, a continuous gas detection system shall be provided. The gas detection threshold shall be not greater than 25 percent of the lower explosive limits/lower flammable limit (LEL/LFL) limit of the materials.

(a) 3905.1.1 System design. The flammable gas detection system shall be listed or approved and shall be calibrated to the types of fuels or gases used for the extraction process. The gas detection system shall be designed to activate when the level of flammable gas exceeds 25 percent of the LFL.

(b) 3905.1.2 Gas detection system components. Gas detection system control units shall be listed and labeled in accordance with UL 864 or UL 2017 *as listed in rule 1301:7-7-80 of the Administrative Code*. Gas detectors shall be listed and labeled in accordance with UL 2075 *as listed in rule 1301:7-7-80 of the Administrative Code* for use with the gases and vapors being detected.

(c) 3905.1.3 Operation. Activation of the gas detection system shall result in all of the following:

(i) Initiation of distinct audible and visual alarm signals in the extraction room.

(ii) Deactivation of all heating systems located in the extraction room.

(iii) Activation of the mechanical ventilation system, where the system is interlocked with gas detection.

(d) 3905.1.4 Failure of the gas detection system. Failure of the gas detection system shall result in the deactivation of the heating system, activation of the mechanical ventilation system where the system is interlocked with the gas detection system and initiation of a trouble signal to sound in an approved location.

(e) 3905.1.5 Interlocks. Electrical components within the extraction room shall be interlocked with the gas detection system. Activation of the gas detection system shall disable all light switches and electrical outlets.

(2) **3905.2 Emergency shutoff.** Extraction processes utilizing gaseous hydrocarbon based solvents shall be provided with emergency shutoff systems in accordance with *paragraph (C)(1)(c)(5803.1.3) of rule 1301:7-7-58 of the Administrative Code.*