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Hearing Date: 6/23/2023

Today's Date: 7/12/2023

Agency: Board of Building Standards

Rule Number(s): 4101:1-1 through 4101:1-35, 4101:2-1 through 4101:2-15 & 4101:3-1 through 3-15 (Rescind & Adopt New)

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If no comments at the hearing, please check the box.

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List organizations or individuals giving or submitting testimony before, during or after the public hearing and indicate the rule number(s) in question.

1. Charles Huber, Cityof Lakewood (verbal & written) – 4101:1-1-01, 4101:1-2-01, 4101:3-8-01
2. Corie Anderson, Midwest Energy Efficiency Alliance – 4101:1-13-01
3. Kurt Beres, MA Design (verbal and written) – 4101:1-10-1
4. Brien Bellous, Franklin Cty Public Health – 4101:3-8-01
5. Tim McClintock, National Fire Protection Association
6. Joseph Sandman (written only) – 4101:2-6-01
7. Dave Collins, Preview Group (written only) – 4101:1-5-01
8. Sarah Rice, Preview Group (written only) – 4101:1-5-01
9. Patrick Simpson, OFCC (written only) – 4101:1-2-01, 4101:1-9-01
10. Charles Updyke, DIC (written only) – 4101:1-30-01
11. Diana Anderson, City of Columbus (written only) – 4101:1-1-01
12. Amy Schmidt, Jenn Kline, American/Ohio Chemistry Technology Councils (written only) – 4101:1-13-01
13. Karen Planet, John Orsini, Ohio AIA (written only)
14. Alana Shockey, City of Columbus – 4101:1-13-01 (written only)
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## Hearing Summary Report

### **Consolidated Summary of Comments Received**

Please review all comments received and complete a consolidated summary paragraph of the comments and indicate the rule number(s).

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Mr. McClintock, Mr. Sandman and Ms. Planet/Mr. Orsini provided support for the adoption of the rules. Mr. McClintock's comments were specific to the adoption of the 2023 National Electrical Code, Mr. Sandman's comments were specific to the mechanical code and Ms. Planet's and Mr. Orsini's were general support for updating the codes.

4101:1-1-01 Mr. Huber's comments related to elimination of nonconformance approval. Ms. Diana Anderson's comments related to height of fences that would require approval under the building code.

4101:1-2-01 Mr. Huber's comments related to definition of building. Mr. Simpson's comments related to definition of commercial motor vehicle.

4101:1-5-01 Mr. Collins' and Ms. Rice's comments related to the formula for calculation of allowable area in single-building occupancies.

4101:1-9-01 Mr. Simpson's comments related to sprinkler requirements for commercial parking garages.

4101:1-10-01 Mr. Beres' comments related to illumination requirements for path of travel.

4101:1-13-01 Ms. Corie Anderson's comments provide support for adoption of newer energy codes but also requested adoption without weakening amendments. Ms. Schmidt's and Ms. Kline's comments also provided support for adoption of newer energy standards but also without weakening thermal bridging amendments. Ms. Shockey's comments provide support for adoption of newer energy codes but also requested reinstatement of building energy monitoring requirements.

4101:1-30-01 Mr. Updyke's comments related to the term machine room.

4101:3-8-01 Mr. Huber's and Mr. Bellous' comments related to direct vs indirect connections to sanitary drainage from 3 compartment sinks. Mr. Bellous' comments supported the rule while Mr. Huber's requested the language to revert back to previous version of the rule published during stakeholder input.

## Hearing Summary Report

### **Incorporated Comments into Rule(s)**

Indicate how comments received during the hearing process were incorporated into the rule(s). If no comments were incorporated, explain why not.

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As Mr. McClintock's, Mr. Sandman's and Ms Planet's/Mr. Orsini's comments were in support of proposed rules, no action was necessary. No changes were made as a result of Mr. Simpson's and Mr. Updyke's comments but both have been contacted indicating that the Board would work with them to address their concerns in subsequent rule amendment. No changes were made as a result of Mr. Collins' and Ms. Rice's comments, as the issue is an editorial issue in the model code which the Board expects that the International Code Council will correct through errata. No changes were made as a result of Ms. Diana Anderson's comment regarding regulation of fences as the proposed modification would increase the regulation of fences currently exempt from approval in both Ohio and model code unnecessarily increasing cost. No changes were made as a result of Mr. Beres' comments because egress illumination is a life safety issue and the concerns may more relate to misunderstanding/misapplication of existing requirements and can be corrected through education. No changes were made as a result of Mr. Huber's comments for the following reasons: Regarding the removal of nonconformance approval, this type of approval is not listed in RC 3791.04 and during stakeholder input the Board received comments from other building departments that the existence of a nonconformance approval causes confusion and is commonly misused; Regarding the definition of "building" the proposed revision is intended to narrow the types of structures regulated by the building code to provide clarification that it is structures that house people or things that should be regulated, and separately the code specifically exempts other types of structures that may fall within the broader definition of building; Regarding the change from direct to indirect connection in 3 compartment sinks, during stakeholder input the Board received comments from several health departments requesting the change due to public health concerns of direct connections. As Mr. Bellous' comments were in support of the changes made as part of the stakeholder input process, no action was necessary. Ms. Corie Anderson's, Ms. Schmidt's, Ms. Kline's and Ms. Shockey's general support for adoption of newer energy standards, required no action. Additionally, the Board no changes were made as a result of their additional comments to adopt the standards without weakening amendments, because the requirements that Board removed would have unnecessarily increased the cost of construction. Instead with adoption of the newer standards with the changes, Ohio still benefits from the increased energy efficiency the newer standards provide but in a responsible manner. Additionally, Ms. Schmidt's and Ms. Kline's comments specifically addressed the optional compliance path the Board included in response to a petition submitted by the American Concrete Institute (ACI) during stakeholder input requesting adoption of the ACI 122.1 standard. While Ms. Schmidt and Ms. Kline are correct that the International Code Council rejected similar language that action was taken during development of the 2024 International Energy Conservation Code (IECC). The Board's proposed rules reference the 2021 IECC which is silent on thermal bridging therefore no conflict exists in the rules. When the Board would review for adoption the 2024 IECC, the issues raised by Ms. Schmidt and Ms. Kline will be considered at that time.