Report on Comments

Summary of Comments Received to Revise the 2017 Ohio Fire Code

March 10, 2025
Ohio Department of Commerce
Division of State Fire Marshal

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Rule update and Comment Period – Synopsis

On April 1, 2024, the Ohio Department of Commerce, Division of State Fire Marshal (SFM) unofficially opened the "Petition Period" to update the 2017 Ohio Fire Code (OFC) and published a draft of the then called "2024 OFC". The SFM formally accepted Petitions from stakeholders and interested parties from April 15, 2024, until the close of business May 13, 2024. On July 3, 2024, the SFM published a "Report on Petitions" – outlining the actions taken by the SFM regarding 79 substantive Petitions received – and a revised draft of the 2024 OFC. At that time, the SFM also opened the "Comment Period" to receive further stakeholder input regarding the additional proposed changes made to the draft 2024 OFC pursuant to Petitions that were submitted.

The Comment Period was open from July 3, 2024 until July 25, 2024. During that period the SFM received 34 Comments; however two of those Comments did not propose actual amendments to the proposed OFC language. Thereafter the SFM reviewed the remaining 32 substantive Comments.

These Comments proposed changes to 11 different OFC chapters; 5 Comments were denied (although further clarifying edits were made to the OFC provisions submitted in one of those Comments). Twenty-seven of the Comments that were submitted were approved, approved as amended, or approved in part. Pursuant to those approvals further amendments were made to the following proposed OFC chapters: 1, 2, 3, 5, 9, 23, 40, 56, 57 and 80.

In conjunction with the publication of the instant Report on Comments, the SFM is also publishing a revised draft of the now called "2025 OFC."

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Detailed Report on Comments

Abbreviations used hereinafter in the detailed report:

EV = Electric vehicle
EVCS = Electric vehicle charging station
FCO = Fire Code Official
FDC = Fire Department Connection
ICC = International Code Council
ICE = Internal combustion engine
IFC = International Fire Code
OAC = Ohio Administrative Code
OBC = Ohio Building Code
OBBS = Ohio Board of Building Standards
OFC = Ohio Fire Code
R.C. = Ohio Revised Code
ROC = Report on Comments (March 10, 2025)
ROP= Report on Petitions (July 3, 2024)
SFM = State Fire Marshal
Committee = State Fire Marshal, Ohio Fire Code Work Group

Notes:

- Bracketed [ ] section numbers in the "OFC Section(s)" of the chart below indicate code references noted by the Commentor as also being impacted by the proposed change.
- Comments received begin at #101 (Petitions received in this update cycle were numbered 1-100).

Comment ID: 101	**Committee Action:** Denied
Submitter: Randy Kimbro, North Royalton Fire Department	
OFC Section(s): 703.2	
Proposed Change: **703.2 Opening protectives**. Opening protectives shall be maintained in an operative condition in accordance with NFPA 80 as listed in rule 1301:7-7-80 of the Administrative Code. Where allowed by the fire code official, the application of field-applied labels associated with the maintenance of opening protectives shall follow the requirements of the approved third-party certification organization accredited for listing the opening protective. Fire doors and smoke barrier doors shall not be blocked or obstructed or otherwise made inoperable. Fusible links shall be replaced promptly whenever fused or damaged **or at least annually**. Fire door assemblies shall not be modified.	
Substantiation: The Ohio Fire Code and NFPA 80 are both silent on the requirement for periodic replacement of fusible links on horizontal of vertical fire doors. Without periodic replacement of fusible links, the link may fail unexpectedly under non-fire conditions, causing injury or damage when fire doors close. The fusible alloy that is used in the manufacturing of the fusible links undergoes a phenomenon known as creep or cold flow. This continuous application of load versus time will ultimately fracture the link. Most manufacturers recommend their fusible links be replaced annually due to creep or cold flow. Many fire door distributors and inspection companies recommend annual replacement while also noting that NFPA and UL are silent on this requirement.	

OFC 904.5.2 Fusible Link Maintenance already requires fusible links to be maintained in accordance with NFPA 17A, however that applies to Wet Chemical Extinguishing Systems and not to fire doors. A similar requirement is needed for fusible links controlling fire doors.

NFPA 17A (2024) 8.3.4 "Fixed temperature-sensing elements of the fusible metal alloy-type or glass bulb-type shall be replaced at least semiannually from the date of installation or more frequently, if necessary, and shall be destroyed when removed."

We therefore recommend the suggested wording be added to the Ohio Fire Code to close this gap in fire safety.

Cost Impact: The cost impact is minimal. An internet search found that the cost for annual fire door testing is about $180 per door. These costs are already being incurred. The added cost for annual replacement of the fusible link is approximately $5 per link, a 2.7% cost increase.

Committee Response and Justification: Denied. Although the instant submission is actually a Petition to change the OFC, rather than a Comment regarding changes proposed during the Petition Period and was filed outside the formal time to submit a petition for changes for the 2024 (OFC), the SFM has determined that it is in the best interest of the process to address the submission (designated as 'Comment 101') at this time. Current OFC provisions require the replacement of fusible links upon fusing or damage. The Comment seeks to add language to the OFC to require annual replacement of fusible links regardless of fusing or damage. Such a requirement is not warranted and would be costly for stakeholders who may have to replace hundreds or even thousands of fusible links – even when not fused or damaged. While the Commentor's points regarding the fracture of links over time and unexpected failure raise valid concerns, the current code provisions already provide for – and require – replacement in such circumstances. To require replacement annually even with no indication of damage or failure is not warranted and would be overly burdensome on many if not most of those affected by the provision. Comment 101 is therefore denied and the language will not be proposed for inclusion in the 2025 OFC.

The SFM will, however, continue to monitor this issue and will amend code provisions as may become necessary.

Comment ID: 102	**Committee Action:** Approved

Submitter: Justin Wilson, ChargePoint, Inc.

OFC Section(s): 324.1 [334.4, 324.3, 324.2, 324.5]

Proposed Change: 324.1

Electric vehicle charging stations and systems. Where provided, electric vehicle charging systems shall be installed and maintained manufacturer's specifications and recommendations in accordance with NFPA 70 and the Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with Section 1107 of the building code. ~~Electric vehicle charging stations and equipment shall comply with Sections 324.2 through 324.7.~~

Substantiation: Ohio should align with the National Fire Protection Association who is and has actively considered these issues. Ohio should hold-off making any state amendments that could conflict with the national consensus codes. To ChargePoint's knowledge there is no unique circumstances that would necessitate Ohio jumping ahead of the NFPA code development work.

Cost Impact: The cost of aligning with NFPA will be negligible to the state as once those regulations are finalized at the national level, the status quo will be based off of those codes.

Committee Response and Justification: Approved. Although Ohio is not an NFPA state, but rather merely references some NFPA standards for specific and limited purposes, and although the SFM does

not agree that Ohio should wait on national standards before implementing rules to keep Ohioans safe, the SFM will nonetheless delete the language as proposed in the Comment. The SFM has determined that it is important to conduct further review and coordination with multiple industry partners on this issue before implementing rules. In order to proceed with the balance of the Ohio Fire Code and to not delay any further with its implementation, the SFM will delete EV related provisions and proceed with theimplementation of the rest of the 2025 OFC without further delay. The language that the Comment proposes to be deleted will not be proposed for inclusion in 2025 OFC.
See also response to Comment 109.

Comment ID: 103	**Committee Action:** Approved.

Submitter: Justin Wilson, ChargePoint, Inc.

OFC Section(s): 324.2 [324.1]

Proposed Change:

~~324.2 Location. Electric vehicle charging stations shall not be located in the following~~

~~1. Below grade.~~

~~2. In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with the separation distances otherwise provided for in this section.~~

Substantiation: ChargePoint is not aware of any analysis to support these restrictions, in fact the only analysis that ChargePoint is aware of shows that TVs are at a lower risk of fire than internal combustion engines. Ohio should reference NFPA 30 and NFPA 70 in codes and align with those for ev charging stations.

Cost Impact: Aligning with NFPA 70/30 will not create cost to Ohio, as those codes provide equity and consistency across the country.

Committee Response and Justification: Approved. See Committee Response and Justification to Comment 102.
The language that the Comment proposes to be deleted will not be proposed for inclusion in 2025 OFC.

Comment ID: 104	**Committee Action:** Approved

Submitter: Justin Wilson, ChargePoint, Inc.

OFC Section(s): 324.3 [324.1]

Proposed Change:

~~324.3 Separation distances. Electric vehicle charging stations shall be located as follows:~~

~~1. Not less than 15 feet (4572 mm) from any property line,~~

~~2. Not less than 50 feet (15 240 mm) from any building with combustible exterior wall Surfaces~~

~~3. Not less than 30 feet (9144 mm) from any building with a 1-hour fire resistive exterior surface,~~

~~4. Not less than 30 feet (9144 mm) from any combustible awning or canopy,~~

~~5. Not less than 50 feet (15 240 mm) from any of the following:~~

~~5.1. Dispensing devices for flammable or combustible liquids,~~

~~5.2. Above ground or underground tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents,~~

~~5.3. The location of tank vehicles while such are filling or transferring flammable or combustible liquids.~~

Substantiation: These specific issues or similar issues were considered in a TIA by NFPA in 2023, these were rejected based on lack of evidence and overlap with other NFPA codes. Ohio should adopt NFPA 30, 30a, and 70 by reference to ensure alignment across all codes.

Cost Impact: No cost to align with the national codes.

Committee Response and Justification: Approved. See Committee Response and Justification to Comment 102.
The language that the Comment proposes to be deleted will not be proposed for inclusion in 2025 OFC.

Comment ID: 105 **Committee Action:** Approved

Submitter: Justin Wilson, ChargePoint, Inc.

OFC Section(s): 324.4 [324.1]

Proposed Change:
~~324.4 Impact protection. All electric vehicle charging stations shall be protected in accordance with Section 312.~~

Substantiation: There has been no evidence that this level of impact protection is necessary given all the other safety mechanisms in ev charging stations. These requirements are impractical and not aligned with standard practices in other states.

Cost Impact: No cost to delete this provision.

Committee Response and Justification: Approved. See Committee Response and Justification to Comment 102.
The language that the Comment proposes to be deleted will not be proposed for inclusion in 2025 OFC.

Comment ID: 106 **Committee Action:** Approved

Submitter: Justin Wilson, ChargePoint, Inc.

OFC Section(s): 324.5 [324.1]

Proposed Change:
~~324.5 Emergency shutdown and electrical disconnect. All electric vehicle charging stations shall have emergency shutdown devices or electrical disconnect switches which are approved and accessible to patrons and emergency responders. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall comply with Sections 324.5.1through 324.5.4~~

~~324.5.1 Location. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations.~~

~~324.5.2 Shut down of all electric vehicle charging stations. The use or activation of any emergency shutdown device or electrical disconnect switch that services an electric vehicle charging station shall de-energize all electric vehicle charging station equipment in the bank of charging stations.~~

~~324.5.3 Signage All Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall be provided with approved signs that state "Emergency Shutdown Device" or "Electrical Disconnect Switch" in block letters on a contrasting background. The location of the signs shall be approved by the local authority having jurisdiction.~~

~~324.5.3.1 Existing electric vehicle charging stations. Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.5.3 on or before the ninetieth day after the effective date of this code.~~

~~Exception: Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.~~

~~324.5.4 Resetting. Reactivation of an electric vehicle charging station after a power outage or the use of an emergency shutdown device or electrical disconnect switch shall require manual intervention from personnel trained in the use of such systems.~~

Substantiation: These same or similar provisions have been rejected to date by NFPA due to code overlap with the NEC and lack of substantiation of need. Section 324.5 is redundant with section 625.43 Equipment Disconnects of NFPA 70. A means of disconnection is already required if a first responder chooses to engage the equipment. To disconnect power to a site, first responders should cut the lock on the electrical switchgear, locate the main feeder breaker, turn the handle to the OFF position, and verify the absence of AC hazard sources with available tools.

Cost Impact: No cost to align with the NEC in NFPA 70.

Committee Response and Justification: Approved. See Committee Response and Justification to Comment 102.
The language that the Comment proposes to be deleted will not be proposed for inclusion in 2025 OFC.

Comment ID: 107 | **Committee Action:** Approved but further revisions made

Submitter: John Mitchell, Open Flame Exhibitor

OFC Section(s): 1301:7-7-56

Proposed Change: 1301:7-7-56, (K) Section 5611 Flame effects permit

5611.5 Flame effects use plan. Before the performance of any production, the permit applicant shall submit a plan for the use of flame effects to the local fire code official. The plan shall be made in writing in such form as is acceptable to the local fire code official and shall demonstrate compliance with this rule and NFPA 160 listed in rule 1301:7-7-80 of the Administrative Code.

Rule 1301:7-7-80

~~NFPA 160-11~~ NFPA 160-21 Standard for the Use of Flame Effects Before an Audience.

Substantiation: Ohio currently references NFPA 160 revision 2011. Due to changes in the way exhibition permits are submitted this year, the term 'Fire Performer' has come into question. This has been defined in updated publications, specifically revision 2021 Chapter 14. Due to the nature of this type of performer, it has been requested that everyone who can dance/spin or juggle become a fully licensed flame effect exhibitor. NFPA160-11 does not provide for any critical safety processes for these performers, nor does it lay out how to assign liability to a show consisting exclusively of independent exhibitors.

https://www.nfpa.org/news-blogs-and-articles/nfpa-journal/2020/05/01/safety-worldwide/fire-dancer-qa

Cost Impact: Countless Fire Performers, both in and outside of Ohio will need to be endorsed based on 'dancing skills', sent to Testing and Registration. Complete training in an out dated code that does not include them, to pass an exam mostly about propane effects they will never use. By updating to

NFPA 160-2021, Chapter 14 defines 'Fire Performers' as an effect of the exhibitor restoring the status quo.

Committee Response and Justification: Approved but further revisions made. The SFM did propose that the 2021 version of NFPA 160 be referenced in Chapter 80 in the next iteration of the OFC and such language will be submitted for inclusion in the 2025 OFC.

However, in reviewing this Comment, Comment 108 and NFPA 160, the SFM has determined that additional changes need to be made to proposed OFC language to clarify and ensure proper application of flame effects provisions to fire performers who are in fact exhibiting a flame effect. Therefore, the language proposed for inclusion in the 2025 OFC will be further amended as follows:

Chapter 2 will be amended to amend and add definitions as follows:

Flame effect. *The combustion of solids, liquids, or gases to produce thermal, physical, visual, or audible phenomena before an audience. Flame effect includes, but is not limited to, ~~cold spark devices~~ manually controlled and/or operated flame effects such as flaming batons, fire pots, fire spinners and similar items.*

Please note: the deletion of "cold spark devices" from the above definition is being made in conjunction with the prior addition of the term "pyrotechnic simulation device" to proposed 2025 OFC provisions; the reference here to cold spark devices was inadvertently not deleted in the prior OFC draft.

Licensed exhibitor of flame effects*. A person licensed pursuant to Chapter 56 to conduct flame effect exhibitions and related activities in accordance with this code and NFPA 160. This is also known as a Type III exhibitor's license.*

Flame effects exhibition*. The presentation, operation, or use of a flame effect in a manner subject to this code and NFPA 160. For the purposes of this code a flame effects exhibition includes but is not limited to the use of flaming batons, fire pots, fire spinners or similar items by fire performers or similar individuals.*

Chapter 56 will be amended as follows to ensure consistency of terminology and proper application of relevant provisions:

5611.3 ***Permit.*** *A permit shall be obtained from the local fire code official of the jurisdiction for the use of any flame effect in an indoor and outdoor flame effects exhibition as set forth in Section 5611.1 at least five days in advance of the production, exhibition, demonstration, or simulation using the flame effects. Failure to obtain a permit prior to five days in advance of the production or non-compliance with the requirements of this ~~rule~~ code and NFPA 160 may, in the discretion of the local fire code official, result in denial or revocation of the permit.*

…

5611.5 ***Flame effects use plan.*** *Before the performance of any production, the permit applicant shall submit a plan for the presentation, operation, or use of flame effects to the local fire code official. The plan shall be made in writing in such form as is acceptable to the local fire code official and shall demonstrate compliance with this ~~chapter~~ code and NFPA 160. The plan shall include but is not limited to the following:*

1. *The name of the person, group, or organization sponsoring the production;*
2. *The date and time of day of the production;*
3. *The exact location of the production;*
4. *The name of the licensed exhibitor of flame effects ~~exhibitor~~ and proof of a current, valid licensed exhibitor of flame effects ~~exhibitor~~ license issued by the state fire marshal;*

5. *The number, names, and ages of ~~all assistants that will be present~~ any and all persons who support or aid the flame effects exhibition in any manner including holding the unlit flame effect prior to actual lighting and presentation of the flame effect by a licensed exhibitor of flame effects;*

5.1 *No person who is not a licensed exhibitor of flame effects may present, operate or use a flame effect or conduct a flame effects exhibition or related activities subject to this code and NFPA 160 unless that person is a currently licensed exhibitor of flame effects.*

6. *The qualifications and experience of the flame effects exhibitor;*
7. *The flame effects classification and design criteria in accordance with NFPA 160;*
8. *A diagram of the site indicating the location of all flame effects devices, the areas affected by each device, location of the audience and separation distances, means of egress, and information on all fuels and ventilation for each effect;*
9. *A narrative description of the flame effects, controls, and control sequences of all devices, and emergency response procedures;*
10. *If applicable, a valid Material Safety Data Sheet (MSDS) for each fuel utilized;*
11. *Documentation that the set, scenery, and rigging materials are treated with appropriate flame retardant.*

After a permit has been granted, the permittee shall keep the plan available at the site for safety inspectors or other designated agents of each authority having jurisdiction.

5611.9 ***Requirements to conduct a ~~exhibit~~ flame effects ~~exhibtion~~ exhibition.*** *No person shall engage in the production, exhibition, demonstration, or simulation using flame effects unless the person obtains a permit in accordance with this chapter. No permit for a flame effects exhibition shall be granted unless the applicant is a currently ~~in possession of a valid flame effects exhibitor's license~~ licensed exhibitor of flame effects in accordance with Section 5619 to exhibit, demonstrate, or simulate using flame effects. Each applicant for a permit shall show the applicant's license as a licensed exhibitor of flame effects ~~exhibitor's license~~ to the local fire code official and, upon request, to the police chief or other similar law enforcement officer.*

5619.4.1.3 ~~Flame~~ Licensed exhibitor of flame effects ~~exhibitor~~ (Type III). *Any individual who applies to be examined and is licensed in the classification of an exhibitor of flame effects ~~exhibitor~~ shall only be authorized to conduct a flame effects exhibition and related activities ~~operate flame effects before an audience~~ in accordance with the provisions of this ~~chapter~~ code and NFPA 160.*

5619.6.3 *Written documentation demonstrating competency by experience or training in the ~~operation~~ presentation, operation, and use of flame effects.*

5619.8 Examination. *The written examination required by this rule for a fireworks exhibitor license shall consist of questions pertaining to laws relating to fireworks, rules relating to fireworks, and relevant safety practices and procedures. The written examination for a flame effect exhibitor license shall consist of questions relating to the proper ~~operation~~ presentation, operation, or use of flame effects before an audience and relevant safety practices and procedures.*

These proposed amendments do not alter existing provisions or how existing provisions should have been interpreted. However, the SFM understands that actual application of these provisions to all flame effects exhibitors (including fire performers) may not have been occurring in all areas of the state due to a lack of understanding of the provisions and their application. The above changes clarify

application of the OFC and will help ensure proper and consistent application of the OFC throughout the state.

See also Comment 108.

Comment ID: 108	Committee Action: Approved but further revisions made

Submitter: Christopher Winfield, Fire Performer

OFC Section(s): 1301-7-7-56

Proposed Change: 1301:7-7-56. (K) Section 5611 Flame effects permit

5611.5 Flame effects use plan. Before the performance of any production, the permit applicant shall submit a plan for the use of flame effects to the local fire code official. The plan shall be made in writing in such form as is acceptable to the local fire code official and shall demonstrate compliance with this rule and NFPA 160 listed in rule 1301:7-7-80 of the Administrative Code.

Rule 1301:7-7-80

~~NFPA 160-11~~ NFPA 160-21 Standard for the Use of Flame Effects Before an Audience.

Substantiation: Ohio currently references NFPA 160 revision 2011. Due to changes in the way exhibition permits are submitted this year, the term 'Fire Performer has come into question. This has been defined in updated publications, specifically revision 2021 Chapter 14. Due to the nature of this type of performer, it has been requested that everyone who can dance/spin or juggle become a fully licensed flame effect exhibitor. NFPA160-11 does not provide for any critical safety processes for these performers, nor does it lay out how to assign liability to a show consisting exclusively of independent exhibitors.

https://www.nfpa.org/news-blogs-and-articles/nfpa-journal/2020/05/01/safety-worldwide/fire-dancer-qa

Cost Impact: Countless Fire Performers, both in and outside of Ohio will need to be endorsed based on 'dancing skills, sent to Testing and Registration, Complete training in an out dated code that does not include them, to pass an exam mostly about propane effects they will never use. By updating to NFPA 160-2021. Chapter 14 defines Fire Performers' as an effect of the exhibitor restoring the status quo.

Committee Response and Justification: Approved but further revisions made. The SFM did propose that the 2021 version of NFPA 160 be referenced in Chapter 80 in the next iteration of the OFC and such language will be submitted for inclusion in the 2025 OFC.

However, in reviewing this Comment, Comment 107 and NFPA 160, the SFM determined that additional amendments need to be made to proposed OFC language to clarify and ensure the proper application of flame effects provisions for fire performers who are in fact exhibiting flame effects. Please see response to Comment 107 to review additional amendments that will accordingly be made to the proposed OFC language.

Comment ID: 109	Committee Action: Approved

Submitter: Colin Wilhelm, NEMA

OFC Section(s): Section 323.5

Proposed Change:

~~**323.5 Electric vehicle charging stations and systems**. Where provided, electric vehicle charging systems shall be installed in accordance with NFPA 70. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall~~

~~be provided in accordance with Section 1107 of the building code. Electric vehicle charging stations shall comply with Sections 323.5.1 through 323.5.4.4.~~

~~**323.5.1 Location**. Electric vehicle charging stations shall not be located in the following areas:~~

~~1. Below grade.~~

~~2. In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with the separation distances otherwise provided for in this section.~~

~~**323.5.2 Separation distances**. Electric vehicle charging stations shall be located as follows:~~

~~1. Not less than 15 feet (4572 mm) from any property line~~

~~2. Not less than 50 feet (15 240 mm) from any building with combustible exterior wall surfaces,~~

~~3. Not less than 30 feet (9144 mm) from any building with a 1-hour fire resistive exterior surface,~~

~~4. Not less than 30 feet (9144 mm) from any combustible awning or canopy,~~

~~5. Not less than 50 feet (15 240 mm) from any of the following:~~

~~5.1. Dispensing devices for flammable or combustible liquids~~

~~5.2. Above ground or underground tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents,~~

~~5.3. The location of tank vehicles while such are filling or transferring flammable or combustible liquids.~~

~~**323.5.3 Impact protection**. All electric vehicle charging stations shall be protected in accordance with Section 312.~~

~~**323.5.4 Emergency shutdown and electrical disconnect.** All electric vehicle charging stations shall have emergency shutdown devices or electrical disconnect switches which are approved and accessible to patrons and emergency responders. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall comply with Sections 323.5.4.1 through 323.5.4.4.~~

~~**323.5.4.1 Location**. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations~~

~~**323.5.4.2** Shut down of all electric vehicle charging stations. The use or activation of any emergency shutdown device or electrical disconnect switch that services an electric vehicle charging station shall de-energize all electric vehicle charging station equipment in the bank of charging stations.~~

~~**323.5.4.3 Signage**. All electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall be provided with approved signs that state "Emergency Shutdown Device" or "Electrical Disconnect Switch" in block letters on a contrasting~~

~~background. The location of the signs shall be approved by the local authority having jurisdiction.~~

~~**323.5.4.4 Resetting**. Reactivation of an electric vehicle charging station after a power outage or the use of an emergency shutdown device or electrical disconnect switch shall require manual intervention from personnel trained in the use of such systems.~~

Substantiation: The National Electrical Manufacturers Association (NEMA) greatly appreciates the opportunity to summit this public comment in response to Section 323.5 in the proposed draft of the 2024 Ohio Fire Code as we have identified several technical flaws and do not believe sufficient substantiation has been provided to justify the requirements and restrictions that would be imposed on electric vehicle charging stations.

The requirements in proposed Section 323.5. are deleted as there is no substantiation or evidence of an increased hazard or risk to life and property specific to the state of Ohio. However, these technical issues are being vetted and considered in the national codes and standards by industry professionals and SMEs. Ohio should hold-off making any state amendments that will likely conflict with the national consensus codes. Ohio should focus on the education and training of first responders, parking facility operators, and code officials rather than attempting to add unnecessary restrictions that discriminate against one class of equipment/system, is against the public interest, and could be considered a restraint of trade.

Where electric vehicle charging stations have been installed. NEMA is not aware of a single reported injury, death, or loss of property as a result of shock, electrocution, fire, or arc flash due to a hazard arising with the installation or use of electric vehicle charging stations. NEMA further believes the proposed draft language was written without the technical expertise needed to properly evaluate electrical equipment of this nature. Relevant stakeholders such as EVSE manufacturers, EV manufacturers, and electrical code experts were not included in or even consulted with during the development of the First Draft

NEMA has recommended that the language in Section 323.5 of the chapter be deleted from the 2024 Ohio Fire Code as these rules are overly restrictive, discriminate against one class of electric equipment, and are not within the scope of this code.

Cost Impact: The deletion of Section 323.5 has no economical impact

Committee Response and Justification: Approved. See Committee Response and Justification to Comment 102.
The language that the Comment proposes to be deleted will not be proposed for inclusion in 2025 OFC.

Please note: the language proposed for deletion above is no longer contained in proposed Section 323.5. It was moved during the Petition Period of this OFC update cycle to Section 324. Regardless the like language most recently proposed in Section 324 will be deleted from the proposed 2025 OFC.

Comment ID: 110 | **Committee Action:** Approved in part, denied in part

Submitter: Anthony Willingham, Electrify America

OFC Section(s): 324 Electric Vehicle Charging Stations

Proposed Change: 324.1 Electric vehicle charging stations and systems. Where provided, electric vehicle charging systems shall be installed and maintained in accordance with ~~NFPA 70 and~~ the manufacturer's specifications and recommendations. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. <u>If providing power to an electric vehicle's on-board unit, e</u>lectric vehicle supply equipment shall be listed and labeled in accordance with UL 2594 . Accessibility to electric vehicle charging stations shall be provided in accordance with Section 1107 of

the building code. Electric vehicle charging stations and equipment shall comply with Sections 324.2 through 324.7.

~~**324.2 Location.** Electric vehicle charging stations shall not be located in the following areas:~~

1. ~~Below grade.~~
2. ~~In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with the separation distances otherwise provided for in this section.~~

324.3 Separation distances. Electric vehicle charging stations shall be located as follows:

1. Not less than 15 feet (4572 mm) from any property line,
2. Not less than 50 feet (15 240 mm) from any building with combustible exterior wall surfaces,
3. Not less than 30 feet (9144 mm) from any building with a 1-hour fire resistive exterior surface,
4. Not less than 30 feet (9144 mm) from any combustible awning or canopy,
5. Not less than 50 feet (15 240 mm) from any of the following:
    a. Dispensing devices for flammable or combustible liquids,
    b. Above ground or underground tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents,
    c. The location of tank vehicles while such are filling or transferring flammable or combustible liquids.

324.4 Impact protection. All electric vehicle charging stations shall be protected in accordance with Section 312.

~~**324.5 Emergency shutdown and electrical disconnect**. All electric vehicle charging stations shall have emergency shutdown devices or electrical disconnect switches which are approved and accessible to patrons and emergency responders. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall comply with Sections 324.5.1 through 324.5.4.~~

~~**324.5.1 Location**. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations.~~

~~**324.5.2 Shut down of all electric vehicle charging stations.** The use or activation of any emergency shutdown device or electrical disconnect switch that services an electric vehicle charging station shall de-energize all electric vehicle charging station equipment in the bank of charging stations.~~

~~**324.5.3 Signage.** All Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall be provided with approved signs that state "Emergency Shutdown Device" or "Electrical Disconnect Switch" in block letters on a contrasting background. The location of the signs shall be approved by the local authority having jurisdiction.~~

~~**324.5.3.1** Existing electric vehicle charging stations. Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.5.3 on or before the ninetieth day after the effective date of this code.~~

~~**Exception:** Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.~~

~~**324.5.4 Resetting**. Reactivation of an electric vehicle charging station after a power outage or the use of an emergency shutdown device or electrical disconnect switch shall require manual intervention from personnel trained in the use of such systems.~~

324.6 Emergency procedures and signage. Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging stations shall have a sign posted in a conspicuous location within sight of each electric vehicle charging station that states:

"ÍN CASE OF FIRE OR OTHER EMERGENCY:

~~1. USE EMERGENCY SHUTDOWN DEVICE OR ELECTICAL DISCONNECT SWITCH~~

2. CALL FIRE DEPARTMENT: ###-###-####."

324.6.1 Existing electric vehicle charging stations. Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.6 on or before the ninetieth day after the effective date of this code.

Exception: Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.

~~**324.7 Portable fire extinguishers.** A portable fire extinguisher approved by the authority having jurisdiction shall be located within a travel distance of 75 feet from each electric vehicle charging station. All portable fire extinguishers shall be installed and maintained in accordance with the applicable provisions of Section 906.~~

Substantiation: Electrify America greatly appreciates the opportunity to submit feedback on the proposed fire code. Below are comments organized by policy proposal.

<u>UL 2594 should not apply to Direct Current Fast Chargers</u>

UL 2594 relates to EVSE that provides power to an EV's on-board unit which subsequently charges the vehicle's battery. Direct Current Fast Chargers, per the name, provide power to the battery, directly, and therefore UL 2594 is an inappropriate standard to apply. The suggested text clarifies that UL 2594 only applies to chargers that provide power the on-board unit.

<u>Fire Code should **allow** EV charging stations below grade and in parking garages beyond the top, uncovered floor.</u>

Restricting the placement of EV charging in this manner would inhibit residential, commercial and office properties' ability to meet their property's demand for EV charging and provide charging as an amenity. This is especially true in densely populated areas where open-air, uncovered parking facilities are in short supply. Excluding parking garages and below-grade parking facilities would severely limit a developer's ability to provide workplace charging and at-home charging for multi-unit dwellers. For EV drivers who rely on publicly accessible fast chargers, with no access to workplace or at-home charging, limiting potential DCFC sites in this manner would tremendously reduce the state's ability to meet their demand for charging.

This policy also suppresses the potential for economic development provided by making EV charging available. Under the owner-operator model for charging networks, the owner-operators lease the

footprint of the site from the landowner. So, under this model, the landowner (typically of a commercial property) generates passive income by leasing the space to the charging provider and generates additional income from the patronage that would not have otherwise existed if the chargers were not present. Per the vendor model, the property owner purchases the charging infrastructure which serves as an amenity to attract capital. Limiting the placement of chargers in the proposed manner eliminates a lot of otherwise viable locations to site chargers and, thus, severely diminishes the economic activity they generate

Fire Code should not require emergency disconnects

Emergency disconnects or “e-stops” do not increase public safety; they would provide a false sense of security for first responders because the DC side, if connected to the EV battery, may still be live.. Cutting the flow of electricity to the car will not reduce the propagation if a fire has already occurred. The new requirement does not obviate the need to have a separate means to verify the DC circuits are de-energized. An emergency disconnect might incentivize first responders to approach the charge posts and vehicles that are still energized, which could lead to an electrical injury.

An e-stop, even if implemented, cannot be activated to shut down all equipment in the bank of charging stations. Per the definition, a "bank" of electric vehicle charging stations presumably would include a station with at least two different charging providers. The electrical infrastructure that supports these charging sites would be extremely infeasible, if not impossible, to interconnect in a way that would disconnect all the power on the premises.

A means of disconnection is already available if a first responder chooses to engage the equipment. To disconnect power to a site, first responders should cut the lock on the electrical switchgear, locate the main feeder breaker, turn the handle downward to the OFF position, and verify the absence of AC hazard sources with available tools.

An EV charging site is not comparable to a gas station. Pump-level emergency shut-offs at liquid fueling stations stop the flow of flammable and combustible fuels to prevent further fire propagation. Reducing the spill of hazardous materials increases the ability for emergency responders to suppress and contain a fire. With EV charging, no such liquid flow exists; a site-wide emergency disconnect will not increase the ability to suppress and contain a fire incident.

An EV charging site’s infrastructure is no different than any other utility electrical infrastructure. With utility lines or transformers, no publicly accessible emergency shut offs exist and instead trained technicians come to the site to de-energize the electrical equipment. In high voltage emergencies involving electrical infrastructure, first responders are trained to first contact the utility company, then use defensive fire fighting tactics, such as isolating the area, protecting exposures, and letting the fire burn. The same tactics should be replicated for electrical fires at EV charging sites.

Electric vehicles and EV charging are safe and do not constitute a previously unknown hazard**.** Electric vehicles and EV charging stations are extremely safe. Global data, compiled from 2010 to 2020 by the EV FireSafe research project, indicates there is a 0.0012% chance of a passenger electric vehicle battery catching fire. EV charging is extremely safe as well. Charging cables are only energized when connected and locked to the electric vehicle and communication is established between the charging equipment and the vehicle. The flow of electricity to the charging cable is automatically shut off if the charging connector is unlocked or communication between the vehicle and charging equipment ceases.

Fire Code should not require portable fire extinguishers

Class D extinguishers contain a powder that is designed to extinguish combustible metal fires. For EVs with lithium-ion battery cells, the cells do not contain solid lithium metal, making the extinguisher ineffective. First responders are best equipped to address the situation in the unlikely event that a hazard presents itself. First responders have the tools and the training necessary to address these circumstances whereas pedestrians, even those armed with a fire extinguisher, are not.

Portable equipment may be stolen or used as a tool to vandalize a station. Compliance cannot be assured because EV charging stations are universally unattended and already experience instances of theft and vandalism.

Cost Impact: Including an emergency stop would jeopardize the economic viability of new and existing charging stations. Enabling and installing an emergency stop at all stations would incur large costs. In addition, the ensuing process of restoring the station to resume charging services would incur a cost and require many resources. Therefore, in the not unlikely event of the emergency stop being activated inappropriately, needless costs would be imposed on the station operator. The financial risk, alone, associated with a station being taken off-line unexpectedly for senseless reasons serves as a disincentive to building chargers in the state.

Committee Response and Justification: Approved in part, denied in part. Those portions of the Comment that seek to delete previously proposed EV related rules are approved. Those portions of the Comment that seek to amend or to leave previously proposed EV rules in tact without further amendment are denied.

The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. The SFM appreciates that the instant Comment did not seek to delete emergency procedure signage provisions and believes that such are a good idea at EV installations. However, in keeping with the deletion of all EV related provisions, signage requirements will also be deleted at this time. Likewise, and although the SFM believes it would be prudent for EV installations to have fire extinguishers on site, the SFM will also delete previously proposed fire extinguisher related provisions. The SFM appreciates the industry's input regarding the effectiveness of fire extinguishers on EV related vehicle fires. The SFM is well aware of the various types of fires extinguishers and their applications, uses and effectiveness. Due to the nature of EV battery fires, should one occur, the SFM believes that it would be prudent to have a portable fire extinguisher in the vicinity of every EVCS that can be utilized in the case of a non-EV related fire and to extinguish such before an EV battery becomes involved. However, the SFM is aware that members of the general public may not be aware of the distinctions in extinguisher effectiveness and may try to fight an EV fire with an ineffective extinguisher – potentially putting themselves and others at risk. Therefore, and in keeping with the SFM's determination to delete all EV related provisions and to keep working with the industry and other related stakeholders, the SFM will delete the previously proposed fire extinguisher provisions. See also response to Comment 102.

Comment ID: 111	**Committee Action:** N/A – no Comment submitted

Submitter:

OFC Section(s):

Proposed Change:

Substantiation:

Cost Impact:

Committee Response and Justification:

Comment ID: 112	**Committee Action:** Denied

Submitter: Stephen J. Smith Jr, City of Grove City

OFC Section(s): 1301:7-7-02

Proposed Change: Jurisdiction. The governmental unit that has ~~adopted this code under due legislative authority~~. the ability to enforce this code, a referenced standard incorporated by reference into this code, or other laws referenced in this code.

Substantiation: The definition of "jurisdiction" is used throughout the fire code and as currently written is clear and concise. The proposed language could be construed as convoluting a community's

home rule powers as enabled under the Ohio Constitution. Any adjustment should be further clarified, not injecting subjectivity into the definition. The proposed language offered for comment should be removed. To clarify, the existing language should remain, and supplemented with the suggested language below.

Jurisdiction. The governmental unit (village, city, township, county, fire district, or other authorized entity) that has adopted this code under due legislative authority as conveyed by the laws of Ohio**.**

Cost Impact: There is a potential significant cost to jurisdictions if their ability to self-govern is removed or weekend as would be the case for the amendment as proposed in the 2024 OFC. When jurisdictions are subject to overzealous interpretations, requiring unwarranted/unfounded standards without any substantive reason, it will lead to substantial construction and maintenance costs to the local jurisdiction. Additionally, it deters investment in the community, leading to significant economic impacts and hardships.

Committee Response and Justification: Denied. The proposed further amendments of the definition of "jurisdiction" are not well taken. Restoring a reference in the OFC's definition of "jurisdiction" to a governmental unit that has "adopted this code" would specify a standard that is inconsistent with Ohio law. Specifically, a political subdivision does not need to adopt the OFC to have its certified fire safety inspector(s) enforce the OFC; see R.C. sections 3737.01, 3737.14, 3737.34, 3737.42-.51, 3737.66 and OFC sections 103.1 and 103.2. So, adding such a limiting phrase is not an accurate statement of law, improperly limits authorities granted to political subdivision certified fire safety inspectors in the R.C. via the rule process, and unnecessarily confuses the application of the OFC. Additionally, the Comment to add such a listing of entities like a "county" as having jurisdiction to enforce the OFC is also not an accurate statement of law, as a county cannot, as described in R.C. 3737.14, operate a fire department with a fire chief or employ the fire prevention officers that generate the baseline inspection authority for certified fire safety inspectors to act to enforce the OFC. The proposed list also implies that a wide swath of political subdivisions can enforce the OFC, which is further expanded with the Commentor's proposed addition of "other authorized entity" language, when a more accurate description is that only certified fire safety inspectors employed by fire departments or who are fire prevention officers of a township or village without a fire department can enforce the code (or the SFM, which is omitted from this list). Accordingly, the primary effect of adding such language would be to further confuse the application of the OFC.

Taken as a whole, the ROP version of the definition of "jurisdiction" clarifies and is an accurate application of existing law, while the proposals suggested in the Comment do neither. Therefore, the language proposed in the Comment is not well taken and will not be proposed for inclusion in the 2025 OFC.

Comment ID: 113	**Committee Action:** N/A – no response required

Submitter: Stephanie Kromer, Ohio Oil & Gas Association

OFC Section(s): n/a

Proposed Change: n/a

Substantiation: The Ohio Oil and Gas Association is one of the largest state-based oil and gas associations in the country, and has served as the representative of Ohio's oil and gas producing industry since 1947. Its members are involved in all aspects of the exploration, development, and production of crude oil and natural gas resources within the State of Ohio. The Association's primary mission is to advance and protect the interests of the Ohio crude oil and natural gas producing industry. It is our understanding that these proposed changes do not negatively impact the regulatory framework for our members' operations, and therefore we **take no position on their adoption**. OOGA appreciates the opportunity to comment on the Ohio Department of Commerce, Division of State Fire Marshal's revised draft rules.

Cost Impact: n/a

Committee Response and Justification: No action required. The Comment submitted does not advocate any changes to the rules as previously proposed. The Ohio Oil and Gas Association (OOGA) points out that to their reading, the rules do not negatively impact their members' regulatory framework and takes no position on adoption of the rules. The SFM appreciates OOGA's review of the proposed rules and the feedback provided.

Comment ID: 114 **Committee Action:** Approved in part, denied in part

Submitter: Alex Boehnke, Ohio Council of Retail Merchants and the Ohio Energy and Convenience Association

OFC Section(s): 324 Electric vehicle charging stations (Previously Section 323.5) [202 General Definitions]

Proposed Change: 324.1 Electric vehicle charging stations and systems. Where provided, electric vehicle charging systems shall be installed and maintained in accordance with NFPA 70 and the manufacturer's specifications and recommendations. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with Section 1107 of the building code. Electric vehicle charging stations and equipment shall comply with Sections 324.2 through 324.7.

324.2 Location. Electric vehicle charging stations shall not be located in the following areas:

1. Below grade.

2. In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with reasonable ~~the~~ separation distances ~~otherwise provided for in this section~~.

~~**323.5.2324.3 Separation distances.** Electric vehicle charging stations shall be located as follows:~~

~~1. Not less than 15 feet (4572 mm) from any property line,~~

~~2. Not less than 50 feet (15 240 mm) from any building with combustible exterior wall surfaces,~~

~~3. Not less than 30 feet (9144 mm) from any building with a 1-hour fire resistive exterior surface,~~

~~4. Not less than 30 feet (9144 mm) from any combustible awning or canopy,~~

~~5. Not less than 50 feet (15 240 mm) from any of the following:~~

~~5.1. Dispensing devices for flammable or combustible liquids,~~

~~5.2. Above ground or underground tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents,~~

~~5.3. The location of tank vehicles while such are filling or transferring flammable or combustible liquids.~~

~~**324.4 Impact protection.** All electric vehicle charging stations shall be protected in accordance with Section 312.~~

324.3~~5~~ Emergency shutdown and electrical disconnect All electric vehicle charging stations shall have at least one emergency shutdown device~~s~~ or electrical disconnect switche~~s~~ which ~~are~~ is ~~approved and~~ accessible to patrons and emergency responders. ~~Electric vehicle charging station emergency~~

~~shutdown devices and electrical disconnect switches shall comply with Sections 323.5.4.1324.5.1 through 323.5.4.4324.5.4.~~

~~324.5.1 Location~~ ~~Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations.~~

324.4~~5.2~~ Shut down of all electric vehicle charging stations. The use or activation of any emergency shutdown device or electrical disconnect switch that services an electric vehicle charging station shall de-energize all electric vehicle charging station equipment in the bank of charging stations.

324.5~~.3~~ Signage. Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall be provided with ~~approved~~ signs that state "Emergency Shutdown Device" or "Electrical Disconnect Switch" in block letters on a contrasting background. The location of the signs shall be approved by the local authority having jurisdiction.

~~324.5.3.1 Existing electric vehicle charging stations.~~ ~~Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.5.3 on or before the ninetieth day after the effective date of this code.~~

Exception: Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.

324.6~~5.4~~ Resetting. Reactivation of an electric vehicle charging station after a power outage or the use of an emergency shutdown device or electrical disconnect switch shall require manual intervention from personnel trained in the use of such systems.

~~324.6 Emergency procedures and signage.~~ ~~Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging stations shall have a sign posted in a conspicuous location within sight of each electric vehicle charging station that states:~~

~~"ÍN CASE OF FIRE OR OTHER EMERGENCY: 1. USE EMERGENCY SHUTDOWN DEVICE OR ELECTICAL DISCONNECT SWITCH 2. CALL FIRE DEPARTMENT: ."~~

~~324.6.1 Existing electric vehicle charging stations.~~ ~~Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.6 on or before the ninetieth day after the effective date of this code.~~

~~Exception~~~~: Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.~~

324.7 Portable fire extinguishers. A portable fire extinguisher approved by the authority having jurisdiction shall be located within a travel distance of 75 feet from each electric vehicle charging station. All portable fire extinguishers shall be installed and maintained in accordance with the applicable provisions of Section 906.

Substantiation: The proposed revisions to the OFC should be amended for several critical reasons. First, implementing the proposed requirements would impose significant financial burdens on businesses. Many existing structures and sites currently in development would not meet the new standards, necessitating costly modifications. The proposed requirements would also have a

substantial impact on business operations. For instance, the mandates would significantly affect perimeter parking, as the specific accommodations would require major alterations to site layouts and additional square footage for development. The stringent requirements could disincentivize businesses from including EV charging stations, potentially leading to EV charging deserts in areas unable to accommodate the new standards.

Moreover, the proposed provision goes above and beyond the requirements of the IFC, creating unnecessary regulatory burdens. The proposed requirements also lack clarity. For example, there is ambiguity regarding where measurements should be taken from (e.g., dispenser, parking stall, transformer, or other points). Given these considerations, we recommend that the proposed provision be amended to avoid undue hardship on businesses and to ensure a more practical and realistic regulatory framework.

Cost Impact: Calculating a definitive cost for the implementation of these proposed rules is inherently challenging due to the variability in individual circumstances and the complexity of the requirements. However, it is our assessment that if the proposed rules were to be enacted as is, the financial burden on our members could be substantial. The cost prohibitive nature of these rules may render it infeasible for many of our members to install any charging stations.

Committee Response and Justification: Approved in part, denied in part. Those portions of the Comment that seek to delete previously proposed EV related rules are approved. Those portions of the Comment that seek to amend or to leave previously proposed EV rules in tact without further amendment are denied.
The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. See also Committee Response and Justification to Comment 102.

Comment ID: 115	**Committee Action:** Denied, but provision further revised for clarity

Submitter: Stephen J. Smith Jr., City of Grove City

OFC Section(s): 1301:7-7-02

Proposed Change: Construction documents. The written, graphic and pictorial documents prepared or assembled for describing the design, location and physical characteristics of the elements of the project necessary for obtaining a permit. The term shall include development plans, building plans and similar submission documents relating to matters within the scope of this code.

Substantiation: The definition of "development plans" is not universal among jurisdictions. In the City of Grove City, for example, development plans are utilized to determine compliance with zoning regulations and are not used for construction. Development plans are subjected to numerous reviews by various boards and commissions. Development plans are often fluid as changes are made throughout the review process. Once the development plan is approved by the City Council, construction plans (site construction and building permits) are submitted for review.

Cost Impact: In the City of Grove City example, requiring development plans to be detailed to a construction-level document would be an undue burden on developers, as these plans are submitted only to review zoning compliance. Construction plans are then designed and submitted based on the direction and regulations established through the approved development plan (zoning plans).

Committee Response and Justification: Denied, but provision further revised for clarity. The Comment as submitted does not propose any changes to the previously proposed OFC language. The underlined language in the "proposed change" section of the submission is language that was added to the definition pursuant to a Petition. However, based on the substantiation for the instant Comment, the SFM presumes that the intent of the Comment is to propose deletion of the reference to "development plans" from the proposed definition of construction documents and will respond accordingly.

The Comment is not well taken. First, the OFC only references the provision of plans to the FCO if the FCO seeks such plans per OFC 106, which is not mandatory. Additionally, the development plans submitted to the FCO do not have to be "detailed to a construction level document", they just have to be provided to the FCO in the same form as created for or provided to other governmental entities (and are thus almost always public records anyway) for review under the OFC to assist the FCO in determining if a permitted activity is otherwise in compliance with the OFC. The specific primary purpose of the plans, such as for zoning approval, or a local definition of such terms does not alter their value to a FCO for review under the OFC and the general use of such terms provides needed flexibility for both developers and FCOs. Most importantly, there is no undue burden created in this definition as it is simply the provision of information to the FCO of information already created by the applicant in whatever form it exists at the time of the request. Furthermore, this provision actually saves a person from having to create additional plans for the FCO as it creates a pathway to submit such existing plans and it enables OFC compliance issues to potentially be addressed before development of more detailed (and expensive) construction plans are created. Therefore, the provision will be proposed for inclusion in the 2025 OFC. However, to ensure the above result, the definition will be further amended and clarified as follows:

> *This term shall include development plans, building plans and similar submission documents previously created for or provided at any time to any authority having jurisdiction over and regarding the associated project that contain any information relating to matters within the scope of this code.*

Comment ID: 116	**Committee Action:** Approved in part and further clarifications made

Submitter: Leah F Curtis [Ohio Farm Bureau]

OFC Section(s): Various

Proposed Change: [**Note**: extra line breaks omitted]

COMMENT re: additions to 102.1.1 Exceptions

The addition to 102.1.2 is confusing and may be outside the scope of authority granted to the Ohio Fire Code.

The language suggests that the owner of an agricultural premises cannot allow someone else to use their property in any way without being subject to the Fire Code. A private landowner should have the ability to host on their property whoever they wish in a private capacity on their property, particularly for incidental and temporary uses. For example, if a farmer wishes to allow a neighbor's child to hold a graduation party at their farm and use their barn for such purposes, in a purely private capacity - without rent or other remuneration - the fire code should not bar such a use. The farmer is not holding themselves out as a place for the general public to use and is not taking remuneration or other compensation, but is merely hosting a private gathering in conjunction with a neighbor or friend. A purely incidental use to accommodate a neighbor's celebration does not negate nor change the primary use of a barn or machine shed from agriculture to a place of assembly. The Fire Code should not create a maelstrom of regulation over mere neighborly and community accommodation.

In order to facilitate the connection between Ohio citizens and the farmers that produce their food, fiber, and fuel, farmers across the state often host incidental, one-time events to allow the members of their community to come on to the property and experience agriculture. Often these events may include a light meal - free or for a nominal cost - and free activities that the community can engage in to learn about agriculture. This provision would likely not only hamper but completely stop, these

important opportunities for Ohio's citizens and particularly its children to engage with and learn about Ohio's number one industry.

This change will be used to harass farmers and landowners across the state engaged in purely private activities of which there is no need and no authority to regulate. Ohio Farm Bureau strongly opposes this change in its current form.

The final paragraph is unnecessary under nearly every understanding of the fire code, building code and court decision adjudicating its applicability. This language will again be used to threaten and harass law-abiding citizens who are simply undertaking private uses of their own property.

Comment re Group M Mercantile

Ohio Farm Bureau also opposes the addition of greenhouses used for retail sales to Group M Mercantile and the suggestion that such structures would not be agricultural buildings otherwise exempt from the code. As is identified in Group U Miscellaneous, buildings used for agricultural purposes including as defined by R.C. 3781.06 are exempt from the Ohio Fire Code. This includes buildings not engaged in the business of retail trade which receive 50% or more of gross income from sales of products produced by the owner. There are many instances of greenhouses where the owner is fully within this definition of agricultural purposes. Greenhouse owners grow, propagate, and produce their own agricultural products for sale and could easily meet the 50% test for gross income. While some greenhouses may fit under the fire code's regulation, those greenhouses that fit within the agricultural purposes definition should not and cannot be subjected to the Ohio Fire Code and its requirements. *See e.g. Siebenthaler Co. v. Montgomery Cty. Bd. of Revision*, 74 Ohio App. 3d 103, 598 N.E.2d 78 (Ohio App. 2 Dist. 1991) (In construing the applicability of tax statute to landowner's premises, court found that growing of agricultural products above ground in greenhouse did not disqualify the production from agricultural use. "The trial court found that the appellee had adequately demonstrated that he had dedicated a portion of his land exclusively to the production of products deemed 'agricultureal' as defined in R.C. 5713.30 and 929.01. **The fact that such production occurs above ground in a greenhouse does not disqualify the production from the 'agricultural use' exemption."** emphasis added). The change suggested relegates greenhouses outside the realm of agricultural buildings, a decision which precedent in other related areas of the law clearly disagrees. Such a change will also hurt new and beginning entrants to the greenhouse industry, who may have small operations selling self-grown, propagated and produced plants. Greenhouses should be restored to the Group U miscellaneous uses group with the important caveat that the code is only applicable to greenhouses not used for agricultural purposes as defined in R.C. 3781.06. Alternatively, Group M should identify that only greenhouses which are not used for agricultural purposes would be included within that group.

Comment re: 308.1.6.3

OFBF supports the change in 308.1.6.3 to prohibit the release of any sky lantern. Sky lanterns cause environmental harm, crop damage, and threaten the safety of livestock. OFBF would suggest the inclusion of helium balloon releases, which also cause significant damage to the environment, wildlife, farm equipment and animal safety. In addition to our support of this change, we ask that this prohibition be publicized to the general public and enforced appropriately.

Comment re: 5701.2(12)

OFBF supports the clarification that the flammable and combustible liquids chapter does not apply to pesticides and agricultural products intended for use in weed abatement, erosion control, soil amendment and similar applications when properly used in accordance with the label.

Substantiation: See above

Cost Impact: See above

Committee Response and Justification: Approved in part and further clarifications made.

Amendments to 102.1.2 Exceptions

The OFC has always and continues to apply to all locations in the state, including agricultural locations, by default. The application of the OFC is intentionally limited in its own scoping sections to prevent undue regulation of agricultural sites, particularly for construction related matters that are not subject to the OBC (but limitations on the scope of the OBC do not, unless directly specified in the R.C., control the application of the OFC). These limitations are not absolute, however, as the OFC must establish the minimum level of safety for all citizens at all locations in the state for both public and private activities (of which, something being a private activity is not generally a determinative factor in the application of the OFC). This continuing application of the OFC includes agricultural sites and operations, particularly the distinct hazard standard, and has been validated via cases such as the Griffith case (Griffith v. Rielage, 127 Ohio Misc. 2d 122, 2004-Ohio-1443, 806 N.E.2d 621 (C.P.)) and its progeny.

The intent of the proposed changes to OFC 102.1.1 is twofold:

- The addition of exemption #3 to the non-applicability of the construction provisions of the OFC is targeted at clarifying the scope of the OFC as it applies to the assembly or other public use of structures on an agricultural premise, including use of such structures as party halls, wedding barns and the like, as a school operation or as apartments (all uses encountered by fire code officials on "agricultural" sites). When applicable, this section only triggers application of the OFC's construction rules, it does not prohibit such activities. This exemption contains specific language stating that the following uses are exempt from OFC construction rules:
    - uses "other than by its owner, agent, lessee, manager, employee, or a contractor while such persons are engaged in an agricultural-related activity, operation or employment at the premise, and such occupancy or use would otherwise qualify for any non-agricultural use group as defined in this code or the building code,"

  This section provides a continuing broad exemption to OFC construction rules for owner and associated persons use of the premise for agricultural purposes and also specifies that non-owner usage of a structure (outside uses are already permitted under the OFC) is permitted if that usage would not otherwise trigger the application of the commercial use groups specified in OFC Rule 2. The SFM interprets the objections listed in the Comment as all falling within this part of the listed exemption, such as "merely hosting a private gathering in conjunction with a neighbor or friend. A purely incidental use to accommodate a neighbor's celebration" or the "host(ing) incidental, one-time events to allow the members of their community to come on to the property and experience agriculture. Often these events may include a light meal - free or for a nominal cost - and free activities that the community can engage in to learn about agriculture.". Therefore, the SFM does not believe further changes to this part of the OFC are necessary to address the concerns raised in the Comment. However, to ensure clarity of this provision, the SFM will further amend the proposed language as indicated below.
- The final paragraph of this section provides clarity to both fire code officials and the users of agricultural sites as to how the OFC applies to non-exempt locations. This paragraph restates

existing law as applied by the Courts to distinct hazards and impermissible changes of use at agricultural sites, it does not create new enforcement authorities for fire code officials. It specifically states that full compliance with the OFC's construction provisions is not required in cases where a structure is not exempt from the OFC's construction provisions, as such an application by the FCO must be justified by the FCO. This is consistent with the ongoing application of the OFC to such sites where it has been determined by the FCO that full application of all of the OFC's fire protection system features is often not required at such sites. This statement of application is necessary to ensure adequate minimum levels of public safety as FCO's across the state have encountered numerous dangerous situations at wedding/assembly usage barns, schools being operated in barns, and residential occupancies in barns. Examples of some of the hazardous conditions that have been found at such locations include no smoke detectors, no fire alarms, no suppression, no fire department notification features, exceptionally hazardous electrical systems, no fire department access roads or water supplies, inadequate egress, highly flammable decorations and wall coverings, families with children living at such sites, K-12 school operations, etc. – while almost every firefighter can attest to the fact that it is nearly impossible to successfully extinguish a barn fire short of the total destruction of the structure. The last paragraph of OFC 102.1.1 merely restates the standards already existing in law to provide reasonable minimal regulations to avoid such inherently dangerous situations. Therefore, the language will be proposed for inclusion in the OFC.

In keeping with the above justification, the SFM will not delete the proposed OFC text, but will further amend Section 102.1.2 for clarity as follows:

102.1.2 Agricultural uses and locations. *The construction and design provisions of this code, including any construction permit requirements, shall not apply to structures:*

1. *Subject to section 3781.061 of the Revised Code, or*
2. *Otherwise exempt from the building code because such structures are being used for agricultural purposes as described in* division (B)(1) of *section 3781.06 of the Revised Code.*

Exceptions to paragraph 102.1.2 (1) and (2):

1. *The conditions at the structure constitute a distinct hazard to life or property.*
2. *The occupancy of structure constitutes a change of use or occupancy of the structure from one of the exempt uses listed in this section to another occupancy classification subject to this code or the building code.*
3. *The structure is occupied or used on an agricultural premise ~~for any reason by any person~~, other than by its owner, agent, lessee, manager, employee, or a contractor while such persons are engaged in an agricultural-related activity, operation or employment at the premise, and such occupancy or use <u>of the structure includes public access for profit or remuneration, operation of a school or educational institution, or residential usage, and the usage</u> would otherwise qualify for any non-agricultural use group as defined in this code or the building code, regardless of whether the use or occupancy is for a temporary, time-limited or permanent occupancy of the premises.*

If a structure on an agricultural premise is not exempt from the application of the construction and design provisions of this code, the fire code official is authorized to require all reasonable measures, including but not exceeding full compliance with all or parts of the fire protection

system construction features of this code that would otherwise apply to the occupancy category of the structure if it were not on an agricultural premise, as the fire code officials determines is necessary to provide reasonable public safety to structure occupants and to permanently abate any distinct hazards. This section applies regardless of other sections of law regulating agricultural structures and premises unless such laws specifically include this code within the scope of such laws and this code conflicts with such laws.

Group M Mercantile (202 – Occupancy Classification)

The amendments made to occupancy classification Group M reflect and coordinate OFC occupancy classifications with those contained in the OBC, which went into effect in January 2024. Therefore, any change to the occupancy classification would have to be submitted to the OBBS. Likewise, the OBC was amended to delete 'greenhouses' from the Group U, Miscellaneous use group. These changes reflect changes at the national level.

In Ohio, and as stated in the Comment, agricultural properties are exempt from the design and construction provisions of the OBC in accordance with R.C. section 3781.06. Contrary to the statements made in the submitted Comment, however, that R.C. section does **not** likewise exempt agricultural properties from the OFC.

Nonetheless, the SFM added language in Chapter 1 of the OFC that states that the design and construction features contained in the OFC are not applicable to structures subject to R.C. section 3781.06 or to structures that are otherwise exempt from the OBC because they are being used for agricultural purposes as described in R.C. 3781.06. See further discussion of this issue above in response to section #1 of the Comment.

There are two exceptions to the OFC provision exempting agricultural properties from the OFC: 1) if a distinct hazard to life or property exists, or 2) if there is a change of use or occupancy that subjects the property to the OBC or the OFC, the OFC does apply.

See OFC Sec. 102.1.2 (Ohio Administrative Code (OAC) 1301:7-7-01(B)(1)(b)) which states:

> **102.1.2 Agricultural uses and locations.** The construction and design provisions of this code, including any construction permit requirements, shall **not** apply to structures:
>
> 1. Subject to section 3781.061 of the Revised Code, or
> 2. Otherwise exempt from the building code because such structures are being used for agricultural purposes as described in division (B)(1) of section 3781.06 of the Revised Code.
>
> **Exception to paragraph 102.1.2 (1) and (2):** If the conditions at the structure constitute a distinct hazard to life or property or the occupancy of structure constitutes a change of use or occupancy of the structure from one of the exempt uses listed in this division to another occupancy classification subject to this code or the building code.

These provisions are not new to the OFC. [See response to section #1 of the Comment regarding changes that were proposed to this section.]

The effect of these provisions read together with the new occupancy classifications for greenhouses as proposed (an occupancy classification of Group M, Mercantile) would be that generally greenhouses will be classified as and will have to comply with the design and construction requirements for Group M, Mercantile occupancies. Greenhouses used at agricultural premises would be exempt from the design and construction provisions of the OBC pursuant to R.C. 3781.06 and would be exempt from

the design and construction provisions of the OFC pursuant to OFC Section 102.1.2 unless a distinct hazard existed or there was a change of use as described above.

This would be true regardless of whether greenhouses are classified as a Group M, Mercantile use group or a Group U, Miscellaneous use group. The occupancy classification will not have an effect on how the agricultural exemption applies or has applied in the past. The only difference will be that greenhouses that do **not** fall under the provisions of R.C. 3781.06 or OFC 102.1.2 will have to be built under the specifications for a Group M facility rather than a Group U facility.

In addition, a third exception is being added to the agricultural exemption from the construction provisions of the OFC which are discussed in greater detail above.

Nonetheless, the SFM appreciates that the edits made to greenhouse occupancy classifications (in Group A-3, M and U occupancy classifications) may lead to a misunderstanding of the application of the agricultural exemption provisions. The SFM agrees that pointer language to the R.C. provisions will help ensure proper application of these provisions. The SFM has also discussed this matter with OBBS and OBBS is amenable to making edits to the OBC to help clarify this issue as well. Therefore, the language proposed for inclusion in the 2025 OFC will be further amended as follows:

[BG] Assembly Group A-3. Group A-3 occupancy includes assembly uses intended for worship, recreation or amusement and other assembly uses not classified elsewhere in Group A, including, but not limited to:

Amusement arcades

Art galleries

Bowling alleys

Community halls

Courtrooms

Dance halls (not including food or drink consumption)

Exhibition halls

Funeral parlors

Greenhouses with public access for the conservation and exhibition of plants*

Gymnasiums (without spectator seating)

Indoor swimming pools (without spectator seating)

Indoor tennis courts (without spectator seating)

Lecture halls

Libraries

Museums

Places of religious worship

Pool and billiard parlors

Waiting areas in transportation terminals

* Not used for agricultural purposes as defined in section 3781.06 of the Revised Code.

[BG] Group M, Mercantile. Mercantile Group M occupancy includes, among others, the use of a building or structure or a portion thereof, for the display and sale of merchandise, and involves stocks of goods, wares or merchandise incidental to such purposes and *where the public has access*. Mercantile occupancies shall include, but not be limited to, the following:

Department stores

Drug stores

Greenhouses with public access that maintain plants for display and sale*

Markets

Motor fuel-dispensing facilities

Retail or wholesale stores

Sales rooms

* Not used for agricultural purposes as defined in section 3781.06 of the Revised Code.

[BG] Motor fuel-dispensing facilities. Motor fuel-dispensing facilities shall comply with Section 406.7 of the *building code*.

[BG] Quantity of hazardous materials. The aggregate quantity of nonflammable solid and nonflammable or noncombustible liquid hazardous materials stored or displayed in a single control area of a Group M occupancy shall not exceed the quantities in Table 5704.3.4.1.

[BG] Group U, Miscellaneous Group U. Buildings and structures of an accessory character and miscellaneous structures not classified in any specific occupancy and not used for agricultural purposes as defined in Section 3781.06 of the Revised Code, shall be constructed, equipped and maintained to conform to the requirements of this code commensurate with the fire and life hazard incidental to their occupancy. Group U shall include, but not be limited to, the following:

Agricultural buildings*

Barns

Carports

Communication equipment structures with a gross floor area of less than 1,500 square feet (139 m3)

Fences more than ~~6~~ 7 feet (~~1829~~ 2134 mm) in height

Grain silos, accessory to a residential occupancy

~~Greenhouses~~

Livestock shelters

Private garages

Retaining walls *(see exceptions in Section 101.2 of the building code)*

Sheds

Stables

Tanks

Towers *(see exceptions in Section 101.2 of the building code)*

* Not used for agricultural purposes as defined in section 3781.06 of the Revised Code.

[BG] Private garages and carports. Private garages and carports shall comply with Section 406.3 of the building code.

[BG] Residential aircraft hangars. Aircraft hangars accessory to a one- or two-family residence shall comply with Section 412.4 of the building code.

[BG] Greenhouses. Greenhouses not classified as another occupancy and not used for agricultural purposes as defined in section 3781.06 of the Revised Code shall be classified as Use Group U.

NOTE: language similar to the above "Greenhouses" language was in the 2017 OFC but was to be deleted in the 2025 OFC per edits made to the OBC; however, BBS has indicated that the deletion was an error and that the language will be added back into the OBC. In addition to adding the language back into the OFC, the SFM will also add "and not used for agricultural purposes as defined in section 3781.06 of the Revied Code" to the proposed OFC text.

Section 308.1.6.3

The SFM thanks the Ohio Farm Bureau (OFB) for its support of this important safety measure regarding sky lanterns. The SFM, however, will not further amend proposed OFC language to include helium balloons. Although the SFM appreciates the myriad issues such may cause to the OFB's membership, such would be beyond the authority of the SFM and the purview of the OFC.

Section 5701.2(12)

The SFM thanks the OFB for its support of this IFC provision and its inclusion in the OFC.

Comment ID: 117	**Committee Action:** Denied

Submitter: Stephen J. Smith Jr., City of Grove City

OFC Section(s): 1301:7-7-09 [912.2]

Proposed Change: Location. With respect to hydrants, driveways, fire apparatus access roads, public roadways, buildings and landscaping, fire department connections shall be so located that fire apparatus and hose connected to supply the system will not obstruct access to the buildings for other fire apparatus.

Substantiation: The addition of "fire apparatus access roads" and "public roadways" essentially dictates the fire department connection be on the same side of the road as the supplying hydrant, noting that a road would be considered an obstruction of access under this revision. The substantiation behind this requested amendment noted that "the added text will clarify that blocking the roadway or fire apparatus access roads with hose supplying the fire department connection is also prohibited." A similar amendment request (Petition ID 36, made by the same Township Fire Department) was denied by the committee noting the multiple variables statewide, and that "placing FDC connections on the same side of the road as the supplying hydrant is not possible in all locations and all locations do not have hydrants on both sides of the roadway." While the committee response noted that the "proposed language does not change the FDC location provisions, it does offer clarity to existing provisions", the intent of how the change would be interpreted by the local Fire Department is counter to feedback provided by the committee for other requested amendments.

Cost Impact: Designing roadways to have hydrants on both sides is a considerable cost impact given the additional cost of water line infrastructure to supply these hydrants.

Committee Response and Justification: Denied. The Comment as submitted does not propose any changes to the previously proposed OFC language. The underlined language in the "proposed change" section of the submission is language that was added to the definition pursuant to a Petition. However, based on the substantiation, the SFM presumes that the intent of the Comment is to propose deletion of the phrase "fire apparatus access roads, public roadways," from the OFC location provisions and will respond accordingly.

The SFM disagrees that the addition of "fire apparatus access roads, public roadways" will dictate that every fire department connection (FDC) be on the same side of the road as the supplying hydrant. As pointed out in the Comment, the SFM specifically rejected a Petition requiring such a proposal as such is not always feasible in all areas of the state. The instant provision, however, will not necessitate that all FDC's and hydrants be on the same side of the street. This result may occur in those areas that only have one way of approach to a particular facility. But in all other scenarios, responding departments should be able to lay hose lines – even if the FDC and hydrant are on opposites side of the roadway – without blocking access to the building by other responding vehicles, by running additional hose line to circumvent potential obstruction or by other responding vehicles approaching from another available access point – which is often the case when numerous emergency vehicles arrive on a scene. The proposed language will be retained and proposed for inclusion in the 2025 OFC. However, the SFM will continue to monitor this situation and the application of this provision to ensure that no unintended consequences occur.

Comment ID: 118	**Committee Action:** Approved in part, further amendments made for clarity

Submitter: Stephen J. Smith Jr., City of Grove City

OFC Section(s): 1301:7-7-02

Proposed Change: A fire lane shall not be interpreted to mean a residential and/or public street and fire lane width dimensions are not applicable to public highways, roadways, streets, or other similar public thoroughfares.

Exceptions:

1. Fire lane width or other dimensions may be applicable to public highways, roadways, streets, or other similar public thoroughfares if specified in local law, including the adoption of Appendix D.

2. Fire lane width dimensions may be applicable to public highways, roadways, streets, or other similar public thoroughfares if there is no other means of adequate emergency responder access that will accommodate existing fire apparatus capabilities of the responding jurisdiction at the time of installation of the residential and/or public street.

3. A fire code official may accept any public roadway and/or public street, regardless of its construction dimensions and/or features, as being adequate for emergency response purposes.

Substantiation: The fire lane definition language is clear and concise as proposed in the first sentence. The language proposed in the "exceptions" portion offers a contradiction to the original language and purpose and does not include conditions under which the exceptions are appropriate as is typical OFC practice. The exceptions leave further room for discrepancies with no set definition of "local law". Additionally, allowing the width dimensions to be dictated based on the 'existing fire apparatus capabilities of the responding jurisdiction' leaves considerable room for interpretation and variation / inconsistencies. Exception 3 language should be included as a second and final sentence in the definition.

Cost Impact: Requiring that the width of all roadways, streets or other public thoroughfares meet the standards of Appendix D (not adopted as part of the Ohio Fire Code) could carry considerable cost implications. As noted in the committee's response to other proposed changes, there are variables

statewide, and such requirements could cause an undue hardship on local jurisdictions in terms of the maintenance of roadways of these widths. Additionally, the variability allowed under the proposed exceptions, without set conditions to review when exceptions are appropriate, leaves much to individual interpretation and inconsistency, which would be a potential cost to those designing infrastructure and other improvements when design expectations are not clear.

Committee Response and Justification: Approved in part, denied in part; further amendments made for clarity The proposal to delete Exceptions 1 and 2 is not well taken. The provisions as written are not unreasonable or unclear and the conditions under which they apply are clearly delineated within their text. The application of fire lane width or other dimensions as addressed in proposed Exception 1 would apply "if specified in local law." The SFM disagrees that the term "local law" is confusing or that it needs to be defined in this context. However, the SFM will amend the proposed provisions to expound this term. See below for edits.

Contrary to the arguments made in the substantiation for the Comment, the proposed language does **not** require "that the width of all roadways, streets or other public thoroughfares meet the standards of Appendix D". Rather, the language states that public roadways and streets are not by default fire lanes and are generally not (under the OFC) required to be built to the standards in Appendix D. Exception 1 then states that if a local jurisdiction **chooses** to require all roadways be built to the standards of Appendix D, they can do so and, in that case, the roadways in that jurisdiction would have to be built to those standards. This exception merely acknowledges local authority.

Since it is clearly within the purview of local authorities to enact their own laws on such public safety related topics, concerns about inconsistency across the state are not well founded; local jurisdictions can take whatever action to impose additional fire lane requirements they so desire and deem appropriate in their area. Instead, this section as written gives local FCOs flexibility to review, incorporate and accept all local circumstances applicable to any given project, which can be very cost effective for developers.

Exception 2 also delineates when it may apply as it specifies that fire lane width dimensions may be applicable "if there is no other means of adequate emergency responder access" that accommodates "existing fire apparatus … at the time of installation". If there is 'adequate' access for existing apparatus, then the exception would not apply. To the extent the Commentor argues that the term "adequate" is unclear or leaves too much to interpretation, code sections like this inherently must have some room for interpretation – and the burden for making such application of the provision and to require fire lane width dimensions for a particular road would fall squarely on the FCO to justify that action. Otherwise, the OFC would have to have exceptionally complex proscriptive requirements that would likely be more costly for a developer to comply with, and which would not always be the best approach in every situation.

The language speaks to using existing apparatus to determine "adequate" road widths which prevents the use of equipment which may or may not ever be purchased in the future from serving as a basis to determine "adequate" road widths. In addition, as written, the code would not provide an avenue to require future changes to a roadway to accommodate later purchased equipment, which, of course, would be extremely costly. Exception 2 would only come into play to require a public roadway to be built pursuant to applicable fire lane width and other dimensions if there are no other means of adequate access.

In addition, the ability of the FCO to require road widths to roadways that are being built, although perhaps incurring an additional cost for the roadway as it would otherwise be built, alleviates the necessity of the only other option for access that would be left to the FCO if the public roadway was

not adequate – which would be the construction of a completely separate access road. This option, in all likelihood would be much more costly.

In some instances, the installation of a completely separate access road may be necessary. But the OFC provisions as proposed offer another solution (that will ultimately cost less) and make it clear that the OFC's ability to apply fire lane width dimensions to public roadways only comes into play if there is **no** other way to accomplish adequate access – thus allowing the FCO the ability to accept a less costly measure and still have adequate access for emergency and public safety purposes.

One of the purposes of the updates to fire lane provisions in the OFC is to establish that by default, most public roads are not fire lanes, with the caveats that: 1) political subdivisions are free to, but are not required to, enact local laws in accordance with other provisions of Ohio law that apply fire lane provisions to public roads as the OFC cannot and does not prohibit that; and 2) these limitations on what constitutes a fire lane are not absolute. If they were, then the fire officials would only have one option to resolve apparatus access issues, that being requiring the construction of completely separate (potentially private and exceptionally costly) access roads to/at all locations serviced by the fire department. Aware of these competing priorities, the OFC carefully balances this long established essential basic fire safety/public protection function of the fire service with the other needs of political subdivisions.

Accordingly, the language contained in exceptions 1 and 2 will not be deleted and will be proposed for inclusion in the 2025 OFC, but exception 1 will be further clarified as set forth below.

The proposal to remove the text in exception 3 from an exception and add it to the substantive definition is well taken. The SFM agrees that exception 3 is better suited as a standalone sentence and not as an exception. The proposed language will be amended as follows:

"3" will be deleted and the text of that sentence will be moved / justified in coordination with the opening paragraph of the definition; exception 1 will be further amended for clarity. The definition will read as follows (language being edited for clarity is underlined or struck through):

Fire lane. A road or other passageway developed to allow the passage of fire apparatus. A fire lane is not necessarily intended for vehicular traffic other than fire apparatus.

A fire lane shall not be interpreted to mean a residential and/or public street and fire lane width dimensions are not applicable to public highways, roadways, streets, or other similar public thoroughfares.

Exceptions:

1. Fire lane width or other fire lane dimension~~s~~ related requirements may be applicable to public highways, roadways, streets, or other similar public thoroughfares ~~if specified in local law,~~ within a political subdivision if such subdivision specifies such requirements in its laws, resolutions or ordinances, ~~including~~ which may include the adoption of Appendix D into local law.
2. Fire lane width dimensions may be applicable to public highways, roadways, streets, or other similar public thoroughfares if there is no other means of adequate emergency responder access that will accommodate existing fire apparatus capabilities of the responding jurisdiction at the time of installation of the residential and/or public street.

~~3.~~ A fire code official may accept any public roadway and/or public street, regardless of its construction dimensions and/or features, as being adequate for emergency response purposes.

In addition, language in section 503.1 will be amended to add pointer language to applicable definitions as follows:

503.1 Where required. Fire apparatus access roads and fire lanes (as defined in Chapter 2) shall be provided and maintained in accordance with Sections 503.1.1 through 503.1.3.

Comment ID: 119	**Committee Action:** Denied

Submitter: Mark Crumley, Medina Fire Department

OFC Section(s): Table 315.7.6(1)

Proposed Change: Replace table 315.7.6(1) Separation distance between wood pallet stacks and building and replace it with Table 34.11.3.2(b) Required Clearance between outside idle pallet storage and building from NFPA 1 Chapter 34 General Storage.

Substantiation: The proposed table does not address the issue of if there is a door opening within the wall, whereas Table 344.11.3.2(b) does.

Cost Impact: None

Committee Response and Justification: Denied. Although the SFM understands the issue of perhaps wanting pallet storage along a wall with a door opening, the substitution of the NFPA table for the current IFC table referenced in the Comment is not an easy fix and would create other issues. The IFC provisions (and the currently proposed OFC provisions) have 2 tables that address separation distances between pallets and buildings – one for wood pallet stacks and one for plastic pallet stacks (Tables 315.7.6(1) and 315.7.6(2), respectively). The Comment proposes to substitute Table 34.11.3.2(b) in NFPA 1 (presumably the 2024 version, but such is not specified in the Comment), for the ICC table addressing wood pallet stacks. However, the NFPA table concerns "pallets" and does not distinguish between wood and plastic pallet stacks. Therefore, if the NFPA table was substituted for ICC/OFC Table 315.7.6(1) (wood pallet stacks), the code would contain one table that contemplates both wood and plastic pallet stacks and one that contemplates just plastic pallet stacks. In addition, as addressed more below, the language and breakdown of separation distances between the two tables would be different.

The language in the NFPA table addresses glass versus the ICC language (which addresses glazing) and breaks down entries for ¾ and 1-hour rated doors with limited references to types of glass (not addressing all types of glass with reference to each type of door). Without more information and relevant testing data it is not possible to determine what proportion of the separation distances required in the NFPA table might be attributable to the door rating versus how much might be attributable to the type of glass used in another opening.

Neither would it be appropriate to simply replace both IFC/OFC tables with the NFPA table. Again, the terminology used in the tables differs and the SFM would have to fully vet the changes in terminology with other parts of the code. In addition, there may be copyright issues that would have to be addressed before the use of the NFPA table. The change proposed in the Comment should be addressed first at the national level and vetted through experts at the ICC who are in a better position to fully develop this concept in context of other code provisions and to conduct testing to ensure proper separation distances for all types of pallet stacks. At a minimum, this matter – within the context of the OFC update process – would more appropriately be reviewed at the Petition phase of the process rather than the Comment phase of the process so that other affected entities would have more opportunity to raise any concerns and/or offer additional insight and research.

Nonetheless, the SFM will continue to monitor this provision and its application. The SFM also encourages the Commentor to monitor the next update of the OFC; the SFM anticipates that an errata package may follow the current 2025 OFC update process in late-2025. If Commentor can provide the SFM with additional information that addresses the myriad issues raised above and offers testing data to support specific distance requirements for rated doors and each type of pallet stacks, the SFM will review the issue further.

Comment ID: 120 **Committee Action:** Approved in part, denied in part

Submitter: Jessica Frend, NATSO, NACS, SIGMA and OECA (National and State Associations Representing Fuel Marketers, Truckstops and Convenience Stores)

OFC Section(s): 324.1-324.7

Proposed Change: 324.1 **Electric vehicle charging stations and systems**. Where provided, electric vehicle charging systems shall be installed and maintained in accordance with NFPA 70 and the manufacturer's specifications and recommendations. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with Section 1107 of the building code. Electric vehicle charging stations and equipment shall comply with Sections 324.2 through 324.7.

324.2 Location.

Electric vehicle charging stations shall not be located in the following areas:

1. Below grade.

2. In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with reasonable ~~the~~ separation distances ~~otherwise provided for in this section~~.

~~**323.5.2324.3 Separation distances.** Electric vehicle charging stations shall be located as follows:~~

~~1. Not less than 15 feet (4572 mm) from any property line,~~

~~2. Not less than 50 feet (15 240 mm) from any building with combustible exterior wall surfaces,~~

~~3. Not less than 30 feet (9144 mm) from any building with a 1-hour fire resistive exterior surface,~~

~~4. Not less than 30 feet (9144 mm) from any combustible awning or canopy,~~

~~5. Not less than 50 feet (15 240 mm) from any of the following:~~

~~5.1. Dispensing devices for flammable or combustible liquids,~~

~~5.2. Above ground or underground tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents,~~

~~5.3. The location of tank vehicles while such are filling or transferring flammable or combustible liquids.~~

~~**324.4 Impact protection.** All electric vehicle charging stations shall be protected in accordance with Section 312.~~

324.3~~5~~ Emergency shutdown and electrical disconnect All electric vehicle charging stations shall have appropriate emergency shutdown devices or electrical disconnect switches which are ~~approved and~~ accessible to patrons and emergency responders. ~~Electric vehicle charging station emergency~~

~~shutdown devices and electrical disconnect switches shall comply with Sections 323.5.4.1324.5.1 through 323.5.4.4324.5.4.~~

~~324.5.1 Location~~ ~~Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations.~~

324.4~~5.2~~ Shut down of all electric vehicle charging stations. The use or activation of any emergency shutdown device or electrical disconnect switch that services an electric vehicle charging station shall de-energize all electric vehicle charging station equipment in the bank of charging stations.

324.5.~~3~~ Signage. Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall be provided with ~~approved~~ signs that state "Emergency Shutdown Device" or "Electrical Disconnect Switch" in block letters on a contrasting background. The location of the signs shall be approved by the local authority having jurisdiction.

~~324.5.3.1 Existing electric vehicle charging stations.~~ ~~Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.5.3 on or before the ninetieth day after the effective date of this code.~~

Exception: Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.

324.6~~5.4~~ Resetting. Reactivation of an electric vehicle charging station after a power outage or the use of an emergency shutdown device or electrical disconnect switch shall require manual intervention from personnel trained in the use of such systems.

~~324.6 Emergency procedures and signage.~~ ~~Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging stations shall have a sign posted in a conspicuous location within sight of each electric vehicle charging station that states:~~

~~"ÍN CASE OF FIRE OR OTHER EMERGENCY: 1. USE EMERGENCY SHUTDOWN DEVICE OR ELECTICAL DISCONNECT SWITCH 2. CALL FIRE DEPARTMENT: ."~~

~~324.6.1 Existing electric vehicle charging stations.~~ ~~Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.6 on or before the ninetieth day after the effective date of this code.~~

~~Exception~~~~: Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.~~

324.7 Portable fire extinguishers. A portable fire extinguisher approved by the authority having jurisdiction shall be located within a travel distance of 75 feet from each electric vehicle charging station. All portable fire extinguishers shall be installed and maintained in accordance with the applicable provisions of Section 906.

Substantiation: To: Ohio Department of Commerce, Division of State Fire Marshall (SFM)

As representatives of the fuel retail industry, we are writing to express our opposition to proposed restrictions relating to the placement of electric vehicle (EV) charging equipment on sites with motor

fuel. The proposed modifications will make it nearly impossible for existing fueling locations to provide EV charging services to our customers. Additionally, the proposed requirements lack technical justification and have been proposed without a thorough code review process.

Fuel retailers have a vested interest in ensuring the safety of their customers and employees and are eager to partner with other stakeholders in ensuring that the EV charging experience is as safe, convenient, and efficient as possible. We are unaware of any substantiation or evidence of an increased hazard or risk to life or property specific to the state of Ohio that would merit these proposed changes.

The proposed language in sections 324.3, 324.4 and 324.5 contains extremely technical issues that are being vetted by national code setting bodies and could potentially conflict with national consensus codes. Similar requirements were recently rejected by the National Fire Protection Association (NFPA) as part of their 2024 code revision process.

Our industry is currently applying for and receiving NEVI funds to install chargers throughout Ohio. Additionally, fuel retailers are investing hundreds of millions of dollars of their own capital to provide charging to Ohio consumers. Unfortunately, this language would make such installations challenging if not impossible, harming consumers and businesses alike.

EV charging stations have been deployed safely for more than a decade and have not proven to be a public safety hazard. We believe the proposed modifications should be rejected due to a lack of sufficient technical justification and adequate need. Thank you for your attention to, and consideration of, this matter.

Sincerely,

Ohio Energy and Convenience Association (OECA)

National Association of Convenience Stores (NACS)

NATSO, Representing America's Travel Plazas and Truckstops

SIGMA: America's Leading Fuel Marketers

Cost Impact: Our industry is currently applying for and receiving NEVI funds to install chargers throughout Ohio. Additionally, fuel retailers are investing hundreds of millions of dollars of their own capital to provide charging to Ohio consumers. Unfortunately, this language would make such installations challenging if not impossible, harming consumers and businesses alike.

EV charging stations have been deployed safely for more than a decade and have not proven to be a public safety hazard. We believe the proposed modifications should be rejected due to a lack of sufficient technical justification and adequate need. Thank you for your attention to, and consideration of, this matter.

Committee Response and Justification: Approved in part, denied in part. Those portions of the Comment that seek to delete previously proposed EV related rules are approved. Those portions of the Comment that seek to amend or to leave previously proposed EV rules in tact without further amendment are denied.

The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. See also Committee Response and Justification to Comment 102.

Please note: the instant Comment asserts that the proposed OFC rules have been "proposed without a thorough code review process." The SFM takes issue with this statement and would point out that the SFM engages in an extensive code review process prior to finalizing any rule within the OFC. The SFM has – with the publication of the instant Report on Comments – published **three** drafts of

proposed rules and sought input and feedback from stakeholders regarding the proposed rules. The first published draft was a starting point for rules based on IFC updates and OBC coordination. The next two drafts were revised pursuant to stakeholder input via a petition period and a comment period. These steps are taken by the SFM specifically to engage stakeholder input early in the OFC update process and come in advance of the review processes required under Ohio law **before** the Common Sense Initiative and the Joint Committee on Agency Rule Review, which are still yet to occur and will again provide opportunity for further stakeholder input and vetting of the proposed rules. As always, the SFM encourages all stakeholders to engage in every stage of the update process and appreciates productive collaboration with stakehholders to ensure a fire code that addresses all relevant maters to keep Ohioans as safe as possible.

Comment ID: 121	**Committee Action:** N/A

Submitter: Casey Shevlin, City of Akron

OFC Section(s): 324.2 Location (whole section) [324.3 Separation distances (whole section)]

Proposed Change: 324.2 Location. Electric vehicle charging stations shall not be located in the following areas: 1. Below grade. 2. In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with the separation distances otherwise provided for in this section.

324.3 Separation distances. Electric vehicle charging stations shall be located as follows: 1. Not less than 15 feet (4572 mm) from any property line, 2. Not less than 50 feet (15 240 mm) from any building with combustible exterior wall surfaces, 3. Not less than 30 feet (9144 mm) from any building with a 1-hour fire resistive exterior surface, 4. Not less than 30 feet (9144 mm) from any combustible awning or canopy, 5. Not less than 50 feet (15 240 mm) from any of the following: 5.1. Dispensing devices for flammable or combustible liquids, 5.2. Above ground or underground tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents, 5.3. The location of tank vehicles while such are filling or transferring flammable or combustible liquids.

Substantiation: The City of Akron appreciates the opportunity to provide feedback on the proposed revisions to the fire code. We have concerns that certain sections of the revised code may inadvertently restrict the deployment of electric vehicle charging infrastructure.

Cost Impact: n/a

Committee Response and Justification: N/A. The instant Comment indicates an intent to "amend" the listed OFC provisions but does not indicate actual amendments to any of the OFC text; it merely restates previously proposed language regarding EVCS "location" (Section 324.2) and "separation distances" (Section 324.3). SFM staff contacted the Commentor for further clarification regarding whether the intent of the Comment was to merely relay concerns about potential siting issues or to propose deletion of the text. However, the SFM did not receive any response and no further clarification was provided. Therefore, the SFM will not take any action on the Comment except to note that the provisions are being deleted. See Committee Response and Justification to Comment 102.

Comment ID: 122	**Committee Action:** Approved in part, denied in part

Submitter: Megan Charles, Chief of Staff - Francis Energy

OFC Section(s): 324 Electric vehicle charging stations

Proposed Change: ***324.1 Electric vehicle charging stations and systems.*** *Where provided, electric vehicle*

charging systems shall be installed and maintained in accordance with NFPA 70 and the

manufacturer's specifications and recommendations. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with Section 1107 of the building code. ~~Electric vehicle charging stations and equipment shall comply with Sections 324.2 through 324.7.~~

~~324.2 Location.~~ *~~Electric vehicle charging stations shall not be located in the following areas:~~*

~~1. Below grade.~~

~~2. In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with the separation distances otherwise provided for in this section.~~

~~324.3 Separation distances.~~ *~~Electric vehicle charging stations shall be located as follows:~~*

~~1. Not less than 15 feet (4572 mm) from any property line,~~

~~2. Not less than 50 feet (15 240 mm) from any building with combustible exterior wall surfaces,~~

~~3. Not less than 30 feet (9144 mm) from any building with a 1-hour fire resistive exterior surface,~~

~~4. Not less than 30 feet (9144 mm) from any combustible awning or canopy,~~

~~5. Not less than 50 feet (15 240 mm) from any of the following:~~

~~5.1. Dispensing devices for flammable or combustible liquids,~~

~~5.2. Above ground or underground tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents,~~

~~5.3. The location of tank vehicles while such are filling or transferring flammable or combustible liquids.~~

~~324.4 Impact protection.~~ *~~All electric vehicle charging stations shall be protected in accordance with Section 312.~~*

~~324.5 Emergency shutdown and electrical disconnect.~~ *~~All electric vehicle charging stations shall have emergency shutdown devices or electrical disconnect switches which are approved and accessible to patrons and emergency responders. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall comply with Sections 324.5.1 through 324.5.4.~~*

~~324.5.1 Location.~~ *~~Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations.~~*

~~324.5.2 Shut down of all electric vehicle charging stations.~~ *~~The use or activation of any emergency shutdown device or electrical disconnect switch that services an electric vehicle charging station shall de-energize all electric vehicle charging station equipment in the bank of charging stations.~~*

~~324.5.3 Signage.~~ *~~All Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall be provided with approved signs that state "Emergency Shutdown Device" or "Electrical Disconnect Switch" in block letters on a contrasting background. The location of the signs shall be approved by the local authority having jurisdiction.~~*

~~***324.5.3.1 Existing electric vehicle charging stations.*** *Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.5.3 on or before the ninetieth day after the effective date of this code.*~~

~~***Exception:*** *Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.*~~

~~***324.5.4 Resetting.*** *Reactivation of an electric vehicle charging station after a power outage or the use of an emergency shutdown device or electrical disconnect switch shall require manual intervention from personnel trained in the use of such systems.*~~

~~***324.6 Emergency procedures and signage****. Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging stations shall have a sign posted in a conspicuous location within sight of each electric vehicle charging station that states:*~~

~~*"ÍN CASE OF FIRE OR OTHER EMERGENCY:*~~

~~*1. USE EMERGENCY SHUTDOWN DEVICE OR ELECTICAL DISCONNECT SWITCH*~~

~~*2. CALL FIRE DEPARTMENT: ."*~~

~~***324.6.1 Existing electric vehicle charging stations.*** *Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.6 on or before the ninetieth day after the effective date of this code.*~~

~~***Exception:*** *Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.*~~

~~***324.7 Portable fire extinguishers.*** *A portable fire extinguisher approved by the authority having jurisdiction shall be located within a travel distance of 75 feet from each electric vehicle charging station. All portable fire extinguishers shall be installed and maintained in accordance with the applicable provisions of Section 906.*~~

Substantiation: Founded in 2015, Francis Energy is an award-winning leader in the development of electric vehicle (EV) charging infrastructure, with one of the largest networks of direct current fast charger (DCFC) ports in the country. Most of our network is in rural, Tribal, and disadvantaged communities, reflecting our commitment to providing safe, fast, accessible, and reliable EV charging solutions that leave no community behind. We now serve over 18,640 customers across our network, which consists of 189 locations in ten states with additional projects at various stages of development others. To date, Francis Energy has been awarded 82 National Electric Vehicle Infrastructure Program ("NEVI") sites across the United States, 18 of which were awarded by the Ohio Department of Transportation.

Francis submits this comment letter regarding the proposed changes to the Ohio Fire Code (OFC) (Ohio Administrative Code sections 1301:7-7-01—1301:7-7-80) agreeing that the safety of consumers and first responders is vital. The proposed changes, however, may have unintended consequences for the EV industry. Electric Vehicle Supply Equipment (EVSE) has been deployed by Francis and other entities across the country over the past decade under existing fire and electrical regulations developed by the National Fire Protection Association (NFPA) and corresponding state regulatory agencies, providing a framework for the safe installment and operation of EVSE.

Cost Impact: Francis Energy has established a land bank with partners who may not comply with the proposed changes to Ohio Administrative Code sections 1301:7-7-01 to 1301:7-7-80. This non-

compliance could impact our mission to develop a contiguous network in Ohio and potentially in other communities across the United States. Furthermore, it could affect the broader industry's mission and have significant economic repercussions, potentially hindering growth and development within the sector.

Committee Response and Justification: Approved in part, denied in part. Those portions of the Comment that seek to delete previously proposed EV related rules are approved. The portion of the Comment that seeks to amend or to leave previously proposed EV rules in tact without further amendment are denied.
The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. See also Committee Response and Justification to Comment 102.

Comment ID: 123	**Committee Action:** Approved in part, denied in part

Submitter: Karin Nordstrom, The Ohio Environmental Council

OFC Section(s): 1301:7-7-03 - Chapter 3, Section 323.5

Proposed Change: Remove sections 324.2, 324.3, and 324.5.

Amend section 324.4

3324.4 Impact protection. All electric vehicle charging stations shall be protected in accordance with Section 312, except to the requirements related to guard post requirements.

324.5.1: Location. ~~Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations.~~ "Every bank of chargers shall have at least one disconnection device, no less than 20ft from any chargers in the bank and no more than 100ft."

Substantiation: [extra line/spacing omitted]
This section is fundamentally flawed in two ways:

- This section misapplies building-connected
- electrical systems powering electrical vehicle supply equipment with considerations for lithium-ion battery-powered electric vehicle (EV) safety. EV chargers do not typically have Lithium-ion batteries as part of their system. If they do, then this section
- would/could apply, but that is not explained in this section. EV charging should be part of the building systems chapter as it is an extension of the building's electrical system, unless the system is a stand-alone EV charging operation, like a gas station
- for EVs.
- This section also ignores
- the vast difference between home and workplace charging based on AC power from a building (referred to as Level 1 at120V, and Level 2 at 240V), and DC fast charging (480V and higher). All of these provide electricity as a fuel for electric vehicles, but the
- risk from Level 1-2 is no higher than from a clothes dryer or residential air conditioner. This section needs to clarify the definition of an Electric Vehicle Charging Station in Chapter 2 to apply this code to DC fast charger EV fueling stations, and treat
- them similarly to other vehicle fueling stations.
- The

- code draft as written fails to delineate between home/workplace electric vehicle charging at no higher than 240V power, and electric vehicle charging stations with 480V and higher power intended as commercial fueling stations for electric vehicles, similar
- to other vehicle fueling stations. The definition of Electric Vehicle Charging Stations in Chapter 2, and the entire section 323.5 needs to be rewritten to separate commercial electric vehicle fueling stations with 480V and higher power (DC fast charging)
- from home/workplace charging based on no more than 240 V building power.
- 324.2
- Location (parking garages)
    - OFC
    - does not justify from a safety perspective why EV charging infrastructure should be prohibited from open or enclosed parking garages or below grade.
    - Moreover,
    - the presence of EV charging does not automatically increase the risk of an EV battery fire. EV charging stations are equipped with multiple safety features dictated by relevant UL standards and NFPA 70 in 324.1, to prevent and mitigate fire risks, including
    - ground fault protection, overcurrent protection, thermal management, and automatic shutdown.
    - The
    - fire hazard of EVs is not higher than that of ICE vehicles. In fact, studies have concluded that the heat released from EV fires are less than or equal to the heat released from ICE fires. (See
    - NFPA
    - Modern Vehicle Hazards in Parking Garages and Vehicle Carriers: Phase 1)
    - Therefore,
    - if ICE vehicles and EVs pose a similar overall hazard, EVs and EV charging should not be treated punitively in the fire code.
    - If
    - OFC is concerned about vehicle fires in parking garages, fires can typically be contained to one vehicle with protection by automatic sprinklers (see.
    - NFPA
    - Research Insights: Fire Safety for EVs and Other Modern Vehicles in Parking Structures).
    - Automatic
    - sprinklers are already required by Section 206.4, 406.5, and 406.6 of the Ohio building code, as well as Section 903.2.10 of the fire code.

- 324.3
- Separation distances
    - This
    - section is unsubstantiated, overly restrictive, and would be difficult to enforce. There is no increased safety or risk reduction by restricting the location or placement of EVSE on a premises.
    - A
    - NFPA 30A proposal with nearly identical language was voted down by NFPA membership and NFPA Standards Council last year. It would be imprudent of the OSFM to adopt language that has been invalidated by the preeminent codes and standards making body.
    - separation
    - distances are significant and would severely limit EV charging infrastructure deployments in Ohio, particularly at multi-unit dwellings, commercial facilities, such as apartment complexes, convenience storages and co-location at gas stations.
- 324.4
- Impact Protection
    - Section
    - 324.4 vehicle impact protection is infeasible. The guard post requirements would restrict cable reach to the vehicle.
- 324.5
- Emergency Shutdown
    - Section
    - 324.5 is redundant with section 625.43 Equipment Disconnects of NFPA 70. A readily accessible means of disconnection is already required if a first responder chooses to engage the equipment. To disconnect power to a site, first responders should cut the lock
    - on the electrical switchgear, locate the main feeder breaker, turn the handle to the OFF position, and verify the absence of AC hazard sources with available tools.
    - The
    - distance limitation of not more than 30ft in 324.5.1 conflicts with 324.5.2. The proposed language
    - would ensure that the fire-fighters can shut down all chargers in the bank. At least one emergency shutoff device or electrical disconnect shall be installed in approved locations not less than 20 ft or more than 100 ft from EV charging stations that they serve.
    - Moreover,

the technical issues of e-stops including distance requirements are currently being vetted and considered in the 2026 NEC code development process. Ohio should hold-off making any state amendments that will likely conflict with the national consensus codes.

Cost Impact: [extra line/spacing omitted]

- This draft as written creates
- a burden on every business or multi-unit dwelling owner who simply wants to provide electricity to charge electric vehicles in their parking lot or garage. If they are using an outlet or hard-wired electric vehicle supply equipment (EVSE) based on their own
- building's existing electrical system at up to 240V power it may cost $1,500 per EVSE. To make them build out a full vehicle charging system away from their building based on the draft code may increase their cost to $15,000 per EVSE.

Committee Response and Justification: Approved in part, denied in part. Those portions of the Comment that seek to delete previously proposed EV related rules are approved. Those portions of the Comment that seek to amend or to leave previously proposed EV rules in tact without further amendment are denied.
The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. See also Committee Response and Justification to Comment 102.

Comment ID: 124 | **Committee Action:** Approved in part, denied in part

Submitter: Tessa Sanchez, Tesla, Inc.

OFC Section(s): Section 324, Electric Vehicle Charging Stations

Proposed Change: *324 Electric vehicle charging stations*

324.1 Electric vehicle charging stations and systems. *Where provided, electric vehicle charging systems shall be installed and maintained in accordance with NFPA 70 and the manufacturer's specifications and recommendations. Electric vehicle charging system equipment shall be listed and labeled in accordance with UL 2202. Electric vehicle supply equipment shall be listed and labeled in accordance with UL 2594. Accessibility to electric vehicle charging stations shall be provided in accordance with Section 1107 of the building code.* ~~*Electric vehicle charging stations and equipment shall comply with Sections 324.2 through 324.7.*~~

~~***324.2 Location.*** *Electric vehicle charging stations shall not be located in the following areas:*~~

~~*1. Below grade.*~~

~~*2. In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with the separation distances otherwise provided for in this section.*~~

~~***324.3 Separation distances.*** *Electric vehicle charging stations shall be located as follows:*~~

~~*1. Not less than 15 feet (4572 mm) from any property line,*~~

~~*2. Not less than 50 feet (15 240 mm) from any building with combustible exterior wall surfaces,*~~

~~*3. Not less than 30 feet (9144 mm) from any building with a 1-hour fire resistive exterior surface,*~~

~~*4. Not less than 30 feet (9144 mm) from any combustible awning or canopy,*~~

~~*5. Not less than 50 feet (15 240 mm) from any of the following:*~~

~~*5.1. Dispensing devices for flammable or combustible liquids,*~~

~~*5.2. Above ground or underground tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents,*~~

~~*5.3. The location of tank vehicles while such are filling or transferring flammable or combustible liquids.*~~

~~***324.4 Impact protection.** All electric vehicle charging stations shall be protected in accordance with Section 312.*~~

~~***324.5 Emergency shutdown and electrical disconnect.** All electric vehicle charging stations shall have emergency shutdown devices or electrical disconnect switches which are approved and accessible to patrons and emergency responders. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall comply with Sections 324.5.1 through 324.5.4.*~~

~~***324.5.1 Location.** Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations.*~~

~~***324.5.2 Shut down of all electric vehicle charging stations.** The use or activation of any emergency shutdown device or electrical disconnect switch that services an electric vehicle charging station shall de-energize all electric vehicle charging station equipment in the bank of charging stations.*~~

~~***324.5.3 Signage.** All Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall be provided with approved signs that state "Emergency Shutdown Device" or "Electrical Disconnect Switch" in block letters on a contrasting background. The location of the signs shall be approved by the local authority having jurisdiction.*~~

~~***324.5.3.1 Existing electric vehicle charging stations.** Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.5.3 on or before the ninetieth day after the effective date of this code.*~~

~~***Exception:** Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.*~~

~~***324.5.4 Resetting.** Reactivation of an electric vehicle charging station after a power outage or the use of an emergency shutdown device or electrical disconnect switch shall require manual intervention from personnel trained in the use of such systems.*~~

~~***324.6 Emergency procedures and signage**. Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging stations shall have a sign posted in a conspicuous location within sight of each electric vehicle charging station that states:*~~

~~*"ÍN CASE OF FIRE OR OTHER EMERGENCY:*~~

~~*1. USE EMERGENCY SHUTDOWN DEVICE OR ELECTICAL DISCONNECT SWITCH*~~

~~*2. CALL FIRE DEPARTMENT: ."*~~

~~***324.6.1 Existing electric vehicle charging stations.** Electric vehicle charging stations in existence on or before the effective date of this code shall have signs installed in accordance with the provisions of Section 324.6 on or before the ninetieth day after the effective date of this code.*~~

~~***Exception:** Signs installed at electric vehicle charging stations prior to the effective date of this code containing language that is substantially similar to the above language shall be deemed as compliant with this section.*~~

~~***324.7 Portable fire extinguishers.** A portable fire extinguisher approved by the authority having jurisdiction shall be located within a travel distance of 75 feet from each electric vehicle charging station. All portable fire extinguishers shall be installed and maintained in accordance with the applicable provisions of Section 906.*~~

Substantiation: **RE: Tesla comments on Section 324, Electric Vehicle Charging Stations, of the 2024 proposed Ohio Fire Code Update**

Dear Chief Reardon:

Tesla[1] respectfully submits comments regarding the Section 324, Electric Vehicle Charging Stations, of the 2024 proposed Ohio Fire Code update. The Draft Rules as Changed during the Petition Period prohibit electric vehicle charging stations (EVCS) below grade, limit siting within open or enclosed parking garages, include prescriptive separation distances, and impose requirements for vehicle impact protection, emergency disconnect switches, and signage.

At Tesla, safety is our highest priority. As a testament to our commitment to safety, our products undergo extensive testing as part of product research and development. The vehicle batteries, in particular, are subjected to a wide variety of abuse conditions, including exposure to an external fire, forced thermal runaway, short circuits, and mechanical impact testing to simulate impact with road debris. Through focused research, abuse testing, and analysis of field cases, we are continuously improving the safety performance of our vehicles and charging equipment. Tesla is also committed to helping fire departments and first responders safely handle emergency situations involving all Tesla products. We have trained thousands of first responders to appropriately handle Tesla vehicles and batteries through virtual and in-person trainings, through provision of decommissioned vehicles, support lines, and attendance at relevant safety and code conferences.

While Tesla understands the intent of these code proposals in keeping first responders and the public safe in the unlikely event of an electrical fire involving electric vehicle service equipment (EVSE), we are concerned that the proposed code language has not been thoroughly vetted and would lead to unintended consequences that would severely limit the deployment of charging infrastructure in the state. Furthermore, there is no clear emergency need for these proposed code modifications. Charging infrastructure has been deployed safely for more than a decade in Ohio and across the U.S. and is not a public safety hazard. Lastly, Tesla is concerned with the efficacy and technical soundness of the proposals. A National Fire Protection Association (NFPA) 30A proposal with similar language was voted down by NFPA membership and NFPA Standards Council last year. It would be imprudent of the Office of the Fire Marshal to adopt code language that has been invalidated by the preeminent codes and standards making body. With the absence of data, technical substantiation, or clear and present risks, Sections 324.2 through 324.6 should be stricken in its entirety.

Tesla has identified the following concerns with the proposals:

I. **Several sections of the proposed code change are technically inconsistent, inaccurate, or infeasible.**

- **Section 201 General** contains a definition of EVCS that is not sufficiently specific and could be interpreted as applying to all power levels of charging infrastructure, including Level 1 AC charging. If Sections 324.1 through 324.7 are applied to all levels

of charging infrastructure, it would increase the cost and complexity of installation, potentially discouraging adoption among consumers.

- **Section 324.2 Location** imposes restrictions on the siting of EVCS below grade and within open or enclosed parking garages that are not supported by current fire protection research. The technical justification for prohibiting EVCS below grade or within parking structures should be based on testing or data, yet none is provided. Firstly, the presence of EVSE in a parking facility has not been empirically shown to increase the likelihood of a fire event. EVSE is equipped with a myriad of safety features, dictated by relevant UL (Underwriter Laboratories) standards and NFPA 70, to prevent and mitigate fire risks, including ground fault protection, overcurrent protection, thermal management, and automatic shutdown. If the concern is the electric vehicle itself, then the imposed restrictions are still not justifiable, as experimental test results have shown that internal combustion engine vehicle fires and EV fires have similar total heat release rates, and therefore pose a similar overall hazard.[2] If EVs and ICE vehicle pose similar overall hazards, EVs should not be treated punitively in the fire code. Lastly, if the Fire Marshal is generally concerned about vehicle fire spread in the unlikely event of a parking garage fire, the NFPA Fire Protection Research Foundation has conducted a literature review of vehicle fire tests on ICE and EVs that included sprinklers in parking garages and found that sprinklers prevented fire spread to adjacent vehicles, regardless of vehicle type.[3] Considering automatic sprinklers are already required by Section 206.4, 406.5, and 406.6 of the Ohio Building Code, and have been proposed in the fire code update, adequate fire protection of parking garages in Ohio is likely in place and therefore EVSE should be allowed in open and enclosed parking garages and below grade.
- **Section 324.3 Separation Distances** would impose excessive limitations that would be impractical to enforce. A safety justification is not provided for why separation distances should be enforced between property lines, buildings with combustible exterior wall surfaces, or combustible awnings or canopies. Moreover, the separation distances in Section 324.3.5.1 through 324.3.5.1 contradict existing Section 8.3 “Installation in Electrical Classifications” of NFPA 30A, which accounts for electrical equipment installations, such as charging stations, within liquid fuel dispensing areas. The code requires that electrical systems be rated for use in proximity to flammable and combustible fuels. If EV charging stations are not rated, they are prohibited from being installed within 20 feet of the fueling island, as specified by NFPA 30A. Tesla Wall Connectors or Superchargers are not rated equipment and are therefore not installed near liquid fueling equipment. When located at the same property as liquid fueling, Tesla designs stations so that charging equipment is typically located on the periphery of the property in close proximity to existing electric utility infrastructure. Without a clear and demonstrated risk, these location requirements unnecessarily restrict the deployment of much-needed charging infrastructure.
- **Section 324.4 Vehicle Impact Protection** is infeasible and redundant with existing provisions in the National Electrical Code (NEC). While Tesla agrees with sensible vehicle impact protection requirements, the guard post requirements are so restrictive that they would make it impossible for the length of Tesla's charging cable to reach the vehicle. Under these requirements, Tesla could no longer install our V4 Superchargers in the state.[4] EVSE is already subject to Article 110.27 of the NEC,

which requires that electrical equipment be protected from accidental contact by enclosures or guards, as well as any additional vehicle impact requirements at the municipal level.

- **Section 324.5 Emergency Shutdown and Electrical Disconnect** is redundant with section 625.43 Equipment Disconnects of NFPA, which already requires the installation of disconnecting means in readily accessible locations where equipment is rated more than 60A or more than 150 volts to ground. To disconnect power to a site, first responders should cut the lock on the electrical switchgear visible on-site, locate the main feeder breaker, turn the handle to the OFF position, and verify the absence of AC hazard sources with available tools. Tesla provides detailed instructions for deenergizing a Supercharger site in our Emergency Response Guide.[5]

II. **Electric vehicles and EV charging infrastructure are safe and do not constitute a previously unknown hazard.**

There is no emergency or risk to public safety that justifies approval of these code modifications. Electric vehicles and EV charging stations are extremely safe. In fact, Tesla vehicles are less likely to experience a vehicle fire than internal combustion engine (ICE) vehicles. According to data released by NFPA and U.S. Department of Transportation, in the United States there is a vehicle fire for every 18 million miles traveled.[6] By comparison, from 2012 – 2022, there was approximately one Tesla vehicle fire for every 130 million miles traveled, including vehicles damaged by arson, wildfires, and fires that start away from the vehicle.[7] EV charging is extremely safe as well. Charging cables are only energized when connected and locked to the electric vehicle and communication is established between the charging equipment and the vehicle. The flow of electricity to the charging cable is automatically shut off if the charging connector is unlocked or communication between the vehicle and charging equipment ceases.

III. **The code modifications will limit EV charging infrastructure deployment in Ohio.**

The code changes in these proposals are significant and would severely limit EV charging infrastructure deployments in Ohio. Requiring various setbacks from property lines and vehicle impact protection requirements that have not properly considered the optimal design of EV charging stations, would effectively prohibit EV charging from being deployed at many locations. For properties where EV charging is possible, charging hosts would face additional costs for system emergency shut offs and signage despite minimal risks of fire or safety hazards. If approved, these code changes could also negatively impact the state's National Electric Vehicle Infrastructure (NEVI) program deployment objectives, which aim "to enable EV travel across the State and spur economic development."[8] Per the NEVI Formula program requirements, Ohio is already limited to finding suitable fast charging locations that are no more than 50 miles apart along freeways and highways and no more than 1 mile from a freeway exit or highway roadway. Additional requirements, particularly the separation distance and location requirements, could further shrink the number of eligible sites and make them cost prohibitive.

IV. **Conclusion**

Tesla appreciates the opportunity to provide feedback on the 2024 proposed Ohio Fire Code Update. These proposals should be dismissed due to a lack of sufficient technical justification and adequate deliberation about the proposal and potential unintended consequences to the EV charging industry in the state. Tesla would welcome an opportunity to engage in a stakeholder input process where the

code can be refined with input from EV charging industry stakeholders, including electrical and fire safety experts, who are familiar with the installation and operation of electric vehicle supply equipment, and finalized through a robust, open, and consensus-based process. Lastly, we recommend that the state look for opportunities to educate and train first and second responders on electric vehicle technology and share best practices and tactics for handling electric vehicle safely in the event of an emergency.

Sincerely,

Tessa Sanchez

Senior Policy Advisor

Business Development and Public Policy

[1] Tesla's mission is to accelerate the world's transition to sustainable energy. To accomplish its mission, Tesla designs, develops, manufactures, and sells high-performance fully electric vehicles and energy generation and storage systems, installs, and maintains such systems, and sells solar electricity. Tesla also owns and operates an extensive EV charging network across the U.S., including stations in Ohio. There are 469 Superchargers in Ohio, representing 50% of the DCFC plugs operational in the state.

[2] Boehmer, H., Klassen, M., Olenick, S. "Modern Vehicle Hazards in Parking Structures and Vehicle Carriers", NFPA Fire Protection Research Foundation, July 2020.

[3] Klassen, M., Olenick, S., Hussain, N. "Classification of Modern Vehicle Hazards in Parking Structures & Systems – Phase II," NFPA Fire Protection Research Foundation, May 2024.

[4] Tesla's V4 Supercharger is the main DC fast charging product deployed in Ohio today. Tesla currently has 469 Superchargers in the state.

[5] See, Tesla, First Responders Information

[6] NFPA Research, Fire Loss in the United States: Trend Tables (September 2022), NFPA, Fire Loss in the United States During 2022 (November 2023).

[7] See, Tesla, Vehicle Safety Report

[8] See, Ohio Electric Vehicle Infrastructure Deployment Plan, June 2024

Cost Impact: The requested changes would have no cost impact.

Committee Response and Justification: Approved in part, denied in part. Those portions of the Comment that seek to delete previously proposed EV related rules are approved. Those portions of the Comment that seek to amend or to leave previously proposed EV rules in tact without further amendment are denied.
The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. See also Committee Response and Justification to Comments 102 and 110.

Comment ID: 125	**Committee Action:** Approved in part, denied in part

Submitter: Joe Flarida, Power a Clean Future Ohio

OFC Section(s): Section 324.2, 324.3, 324.4, 324.5 [Section 324.2, 324.3, 324.4, 324.5]

Proposed Change: 324.2 Location (parking garages)

- OFC does not justify from a safety perspective why EV charging infrastructure should be prohibited from open or enclosed parking garages or below grade.
- Moreover, the presence of EV charging does not automatically increase the risk of an EV battery fire. EV charging stations are equipped with multiple safety features dictated by

relevant UL standards and NFPA 70 in 324.1, to prevent and mitigate fire risks, including ground fault protection, overcurrent protection, thermal management, and automatic shutdown.

- The fire hazard of EVs is not higher than that of ICE vehicles. In fact, studies have concluded that the heat released from EV fires are less than or equal to the heat released from ICE fires. (See NFPA Modern Vehicle Hazards in Parking Garages and Vehicle Carriers: Phase 1)
- Therefore, if ICE vehicles and EVs pose a similar overall hazard, EVs and EV charging should not be treated punitively in the fire code.
- If OFC is concerned about vehicle fires in parking garages, fires can typically be contained to one vehicle with protection by automatic sprinklers (see. NFPA Research Insights: Fire Safety for EVs and Other Modern Vehicles in Parking Structures).
- Automatic sprinklers are already required by Section 206.4, 406.5, and 406.6 of the Ohio building code, as well as Section 903.2.10 of the fire code.

324.3 Separation distances

- This section is unsubstantiated, overly restrictive, and would be difficult to enforce. There is no increased safety or risk reduction by restricting the location or placement of EVSE on a premises.
- A NFPA 30A proposal with nearly identical language was voted down by NFPA membership and NFPA Standards Council last year. It would be imprudent of the OSFM to adopt language that has been invalidated by the preeminent codes and standards making body.
- separation distances are significant and would severely limit EV charging infrastructure deployments in Ohio, particularly at multi-unit dwellings, commercial facilities, such as apartment complexes, convenience storages and co-location at gas stations.

324.4 Impact Protection

- Section 324.4 vehicle impact protection is infeasible. We agree with sensible vehicle impact protection requirements, but the guard post requirements would restrict cable reach to the vehicle.
- 324.5 Emergency Shutdown

- Section 324.5 is redundant with section 625.43 Equipment Disconnects of NFPA 70. A readily accessible means of disconnection is already required if a first responder chooses to engage the equipment. To disconnect power to a site, first responders should cut the lock on the electrical switchgear, locate the main feeder breaker, turn the handle to the OFF position, and verify the absence of AC hazard sources with available tools.
- The distance limitation of not more than 30ft in 324.5.1 conflicts with 324.5.2. Alternative proposal – “Every bank of chargers shall have at least one disconnection device, no less than 20ft from any chargers in the bank and no more than 100ft.” This would ensure that the fire-fighters can shut down all chargers in the bank. At least one emergency shutoff device or electrical disconnect shall be installed in approved locations not less than 20 ft or more than 100 ft from EV charging stations that they serve.

- Moreover, the technical issues of e-stops including distance requirements are currently being vetted and considered in the 2026 NEC code development process. Ohio should hold-off making any state amendments that will likely conflict with the national consensus codes.

Substantiation: As always, safety and prudent regulation should be the focus of any fire code updates. All changes should be well supported by evidence and historical data where possible. The proposed changes that would affect the installation of electric vehicle charging are not rooted in evidence or new information that indicates an increased hazard or risk to life and property specific to the state of Ohio.

These technical issues are being vetted and considered in the national codes and standards by industry professionals and SMEs. Ohio should hold-off making any state amendments that will likely conflict with the national consensus codes.

The state should focus on the education and training of first responders, parking facility operators, and code officials rather than attempting to add unnecessary restrictions that unnecessarily restrict access to one class of equipment/system. Without proper consideration of the alternative scenarios, this change may inadvertently increase the number of combustion fuel related fire safety incidents that will occur if this is put in place relative to if proper consideration and examination of evidence had occurred.

Cost Impact: The code draft as written fails to delineate between home/workplace electric vehicle charging at no higher than 240V power, and electric vehicle charging stations with 480V and higher power intended as commercial fueling stations for electric vehicles, similar to other vehicle fueling stations. The definition of Electric Vehicle Charging Stations in Chapter 2, and the entire section 323.5 needs to be rewritten to separate commercial electric vehicle fueling stations with 480V and higher power (DC fast charging) from home/workplace charging based on no more than 240 V building power.

- Cost Impact: *Include a description and any supporting analysis or information about the expected economic impact of your requested change upon the entity(s) responsible for compliance with the OFC.*

This draft as written creates a burden on every business or multi-unit dwelling owner who simply wants to provide electricity to charge electric vehicles in their parking lot or garage. If they are using an outlet or hard-wired electric vehicle supply equipment (EVSE) based on their own building's existing electrical system at up to 240V power it may cost $1,500 per EVSE. To make them build out a full vehicle charging system away from their building based on the draft code may increase their cost to $15,000 per EVSE.

Committee Response and Justification: Approved in part, denied in part. The instant Comment does not, with one exception addressed below, propose any actual changes to the previously proposed rules. Based on the content of the Comment substantiation, it is presumed that Commentor would delete or extensively revise the majority of the proposed language. As indicated in responses to other EV related Comments, the SFM is deleting previously proposed EV related rules and to the extent Comment seeks deletion of such provisions, the Comment is granted.

Commentor did propose a revision to text regarding location distances for disconnect switches – proposing to amend the maximum distance from ‘not more than 30 feet’ to ‘not more than 100 feet.’ The SFM believes that this modification would be warranted. However, in keeping with the deletion of all EV related rules from the proposed OFC, this proposed amendment is denied.

The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. See also Committee Response and Justification to Comments 102 and 110.

Comment ID: 126	**Committee Action:** Approved in part, denied in part

Submitter: Leilani Gonzalez, Zero Emission Transportation Association

OFC Section(s): Sec.324 Electric Vehicle Charging Stations

Proposed Change: [**See letter submitted in 'Substantiation' section]**

Substantiation: [Unnumbered / not bulleted extra lines omitted]

July 25, 2024

Kevin S. Reardon
Ohio State Fire Marshal
Ohio Department of Commerce | Division of State Fire Marshal (SFM)
77 South High Street, 23rd Floor
Columbus, OH 43215

RE: 2024 Proposed Changes Ohio Fire Code (OFC) (Ohio Administrative Code sections 1301:7-7-01 - 1301:7-7-80).

Dear Mr. Reardon:

The Zero Emission Transportation Association (ZETA) is an industry-backed coalition of over 50 member companies advocating for 100% electric vehicle (EV) sales. ZETA is committed to supporting policies that drive EV adoption, create hundreds of thousands of jobs, dramatically improve public health, and significantly reduce emissions. Our coalition spans the entire EV supply chain and includes vehicle manufacturers, charging infrastructure manufacturers and network operators, battery manufacturers and recyclers, electricity providers, and critical minerals producers, among others.

As representatives of the EV supply chain, specifically electric vehicle supply equipment (EVSE) manufacturers, ZETA and its members remain committed to ensuring the safety of consumers, first responders, and any other individuals who work closely with these products. Safety remains integral to each aspect of the vehicle supply chain. From planning and design to manufacturing and daily operations, the private sector is committed to upholding the highest safety standards to reduce or mitigate any risks in a vehicle's lifecycle and its corresponding infrastructure.

We write regarding the proposed changes to the Ohio Fire Code (OFC) (Ohio Administrative Code sections 1301:7-7-01—1301:7-7-80). Recognizing that the safety of consumers and first responders is a primary concern, we would like to offer comments outlining why the proposed changes may have unintended consequences for the EV industry. EVSE has been steadily deployed over the past decade through fire and electrical regulations developed by the National Fire Protection Association (NFPA) and corresponding state regulatory agencies, providing a framework for the safe installment and operation of EVSE.

Sec.324 Electric Vehicle Charging Stations

Proposed Changes:

323.5.1324.2 Location. Electric vehicle charging stations shall not be located in the following

Areas:

1. Below grade.

2. In open or enclosed public or private parking garages on any floor other than the highest uncovered floor of the parking garage. Electric vehicle charging stations may be located near or outside parking garages in accordance with the separation distances otherwise provided for in this section.

1.

2.

3. Not less than 15 feet (4572

4. mm) from any property line,

5.

6.

7.

8. Not less than 50 feet (15

9. 240 mm) from any building with combustible exterior wall surfaces,

10.

11.

12.

13. Not less than 30 feet (9144

14. mm) from any building with a 1-hour fire resistive exterior surface,

15.

16.

17.

18. Not less than 30 feet (9144

19. mm) from any combustible awning or canopy,

20.

21.

22.

23. Not less than 50 feet (15

24. 240 mm) from any of the following:

25.

26.

1.

2.

3. Dispensing devices for flammable

4. or combustible liquids,
5.
6.
7.
8. Above ground or underground
9. tanks, tank fill connections, remote or submersible pump transfer equipment, vapor recovery equipment and vents,
10.
11.
12.
13. The location of tank vehicles
14. while such are filling or transferring flammable or combustible liquids.
15.

27.

ZETA Response:

The proposed separation distances are a concern to industry stakeholders. These separation requirements significantly restrict new site development, especially instances where electric vehicle service providers (EVSPs) need to locate equipment near a property line. Requiring ESVPs or property owners to investigate wall and fire ratings before adding charging for each new site is onerous. Likewise, separation from canopies adds undue restrictions and, at worst, could limit or prevent siting new EVSE at existing gas stations, rest stops, or other facilities where canopies exist or are warranted. Additionally, similar provisions were proposed by NFPA last year and did not move forward due to several implementation issues.

From a safety perspective, the proposed changes in the OFC are unjustified. The presence of EV charging does not automatically increase the risk of an EV battery fire. EV charging stations are equipped with multiple safety features to prevent and mitigate fire risks, including ground fault protection, overcurrent protection, thermal management, and automatic shutdown.

EVs do not present a greater fire hazard than internal combustion engine (ICE) vehicles. In fact, studies have concluded that the heat released from EV fires is less than or equal to the heat released from ICE fires. Given that ICE vehicles and EVs pose a similar overall hazard, EVs and EV charging should not be singled out and penalized unilaterally in the fire code.

If OFC is concerned about vehicle fires in parking garages, fires can typically be contained to one vehicle with protection by automatic sprinklers.

Proposed Changes:

323.5.3324.4 Impact protection. All electric vehicle charging stations shall be protected in accordance with Section 312.

ZETA Response:
As currently proposed, Section 3324.4 vehicle impact protection is infeasible. The guard post requirements would restrict cable reach to the vehicle and will not consitute an additional vehicle impact protection measure.

323.5.4324.5 Emergency shutdown and electrical disconnect. All electric vehicle charging

stations shall have emergency shutdown devices or electrical disconnect switches which are

approved and accessible to patrons and emergency responders. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall comply with Sections 323.5.4.1324.5.1 through 323.5.4.4324.5.4.

ZETA Response:
The proposed requirements for emergency shutdown and electric disconnects are redundant, impractical, and prone to misuse. Disconnection methods are already in place for first responders. For example, individuals can cut the lock on the electrical switchgear, locate the main feeder breaker, turn it off, and confirm no alternating current (AC) hazard sources with their tools. As such, mandating all EVSE on the premises be powered down using a single device is impractical and may have unintended safety consequences, especially when there are multiple fast charging stations run by different service providers, as seen in commercial areas like shopping mall parking lots or highway rest stops. It would be extremely difficult, if not impossible, to link the electrical infrastructure of these separate stations to achieve a single point of power disconnection.

Requiring manual intervention to reset the emergency disconnect increases the risk of misuse or vandalism. Unlike traditional gas stations with staff on-site, charging stations are usually unattended. If someone misuses or accidentally activates the emergency disconnect, the site could be offline for hours or even days until service personnel can reset it.

Proposed Changes:

323.5.4.1324.5.1 Location. Electric vehicle charging station emergency shutdown devices and electrical disconnect switches may serve more than one electric vehicle charging station but shall be located not less than 20 feet (6096 mm) and not more than 30 feet (9144 mm) from each electric vehicle charging station. An emergency shutdown device or electrical disconnect switch shall be located at each end of a bank of electric vehicle charging stations.

323.5.4.2324.5.2 Shut down all electric vehicle charging stations. The use or activation

of any emergency shutdown device or electrical disconnect switch that services an electric

vehicle charging station shall de-energize all electric vehicle charging station equipment in the bank of charging stations.

ZETA Response:
Emergency disconnects or “e-stops” do not sufficiently increase public safety. Instead, they would provide a false sense of security for first responders because Direct Current Fast Charging (DCFC) chargers, if connected to the EV battery, may still be energized. Cutting the flow of electricity to the car will not reduce the propagation if a fire has already occurred, but an emergency disconnect might incentivize first responders to approach the charge posts and

vehicles that are still energized, which could lead to a dangerous situation that could result in an electrical injury. A readily accessible means of disconnection is already required if a first responder chooses to engage the equipment. To disconnect power to a site, first responders should cut the lock on the electrical switchgear, locate the main feeder breaker, turn the handle to the OFF position, and verify the absence of AC hazard sources with available tools.

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-
- Proposed Alternative language:
- "At least one emergency shutoff device or electrical disconnect shall be installed in approved locations not less than 20 ft or more than 100 ft from EV charging stations that they serve."
-
-
-
- Additional Exception: When more than one emergency shutoff devices or electrical disconnects are provided for a bank of chargers, the 20ft minimum distance does not apply as long as each charging station served has at least one shutoff that is not less than 20ft away. This exception
- facilitates addition of shutoffs in these situations while preserving the ability to operate a disconnect from a safe distance for first responders.
-

Moreover, the technical issues of e-stops are currently being vetted and considered in the 2026 National Electric Code (NEC) development process, which is currently being considered by NFPA. Ohio should pause on making any state amendments that will likely conflict with the national consensus codes.

323.5.4.3324.5.3 Signage. All Notwithstanding the provisions of Section 102.1.1, all electric vehicle charging station emergency shutdown devices and electrical disconnect switches shall be provided with approved signs that state "Emergency Shutdown Device" or "Electrical Disconnect Switch" in block letters on a contrasting background. The location of the signs shall be approved by the local authority having jurisdiction

ZETA Response:
The requirement for signage stating "Emergency Shutdown Device" or "Electrical Disconnect Switch" should be clarified. The proposal uses the terms "Emergency Shutdown Device" and "Electrical Disconnect Switch" interchangeably, but the language should remain consistent across all different structures. The signage should state "Electrical Equipment Emergency Disconnect" to accurately reflect that the device is meant to disconnect the AC input to the EV charging station, not the vehicle itself.

Proposed Changes:

323.5.4.4324.5.4 Resetting. Reactivation of an electric vehicle charging station after a power outage or the use of an emergency shutdown device or electrical disconnect

ZETA Response:
Reactivating an electric vehicle charging station after a power outage or the use of an emergency shutdown device would involve manual intervention to reset the emergency disconnect. See ZETA Response to 323.5.4324.5 Emergency shutdown and electrical disconnect.

Thank you for considering ZETA's comment. ZETA recommends that state leadership focus on educating and training first responders, parking facility operators, and code officials rather than proposing changes to the OFC that may discriminate against one class of equipment/system and against the public interest under the guise of safety regulations. We look forward to working with you to properly assess the proposed changes to ensure the safety of consumers and first responders.

Sincerely,

Albert Gore

Executive Director

Cost Impact: N/A

Committee Response and Justification: Approved in part, denied in part. Those portions of the Comment that seek to delete previously proposed EV related rules are approved. Those portions of the Comment that seek to amend or to leave previously proposed EV rules in tact without further amendment are denied.
The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. See also Committee Response and Justification to Comments 102, 110 and 125.

Comment ID: 127 | **Committee Action:** Approved in part, denied in part

Submitter: Will Drier, Electrification Coalition

OFC Section(s): Section 202; Section 324

Proposed Change: Amend Section 202.

Remove Section 324.2.

Remove Section 324.3.

Amend Section 324.4.

Amend Section 324.5.

Substantiation: Section 202, Definition of Electric vehicle charging station.

- Electric Vehicle Charging Station refers to "public or commercial parking space." This needs to be defined further to explain if this charging station is a commercial activity providing this service to the public, and not a plug on a wall or electric vehicle supply equipment hard-wired to building AC power, and available at a workplace or parking lot/garage. This activity should be treated similarly to fuel dispensing stations under the mercantile use group.

- Similarly, there is need for additional definitions and to delineate between specific levels of charging, specifically the AC Level 1/2 charging for home/workplace charging (which occurs at no higher than 240V power), and commercial DC fast charging with 480V and above. There is also an unclear rationale

for exclusion of for residential charging in private garages of up to only three-family dwellings, effectively applying to larger multi-unit dwellings, though still private and residential garages.

Section 324.2. Location.

- The rationale for this section is unclear. It seems that the intent is to prevent potential fire risk from lithium-ion batteries, though electric vehicle charging stations and supply equipment generally do not have batteries, nor does the presence of charging stations increase the risk of battery fires in EVs. EV charging stations are already equipped with multiple safety features dictated by relevant UL standards and NFPA 70 in 324.1.

- Risks of EV fires have not been substantiated in this petition. Recent research from the National Fire Protection Association indicates similarities between heat released, and overall hazard risks, from EVs and internal combustion engine vehicles is similar, and both can typically be contained with protection from automatic sprinklers. (https://www.researchgate.net/publication/343344348_Modern_Vehicle_Hazards_in_Parking_Structures_and_Vehicle_Carriers and https://www.nfpa.org/news-blogs-and-articles/blogs/2024/07/12/parking-garages-and-evs)

Section 324.3. Separation Distances.

- The petition has not substantiated the need for separation distances outlined in this section, the rationale for how distances were selected, and how the section requirements would improve safety. Enforcement of this section would be overly restrictive and difficult to enforce. Partners have noted such restrictions would also obstruct and limit the deployment EV charging infrastructure in Ohio - in particular at multi-unit dwellings and commercial facilities, including apartment complexes and convenience stores. Additionally, similar proposed language a part of NFPA 30A was rejected by NFPA membership and the NFPA Standards Council last year.

Section 324.4 Impact Protection

- Vehicle impact protection outlined in Section 312 is infeasible. Current guard post requirements would restrict the ability for charging cables to reach the vehicle.

Section 324.5 Emergency Shutdown

- This section is redundant with section 625.43 Equipment Disconnects of NFPA 70. A means of disconnection is already required if a first responder chooses to engage the equipment. To disconnect power to a site, first responders should cut the lock on the electrical switchgear, locate the main feeder breaker, turn the handle to the OFF position, and verify the absence of AC hazard sources with available tools. Additionally, technical issues of e-stops are being considered in the 2026 NEC code development process, and Ohio should wait to make any amendments that may conflict with the national consensus codes.

Cost Impact: This draft as written creates a burden on every business or multi-unit dwelling owner who simply wants to provide electricity to charge electric vehicles in their parking lot or garage. If they are using an outlet or hard-wired electric vehicle supply equipment (EVSE) based on their own building's existing electrical system at up to 240V power it may cost $1,500 per EVSE. To make them build out a full vehicle charging system away from their building based on the draft code may increase their cost to $15,000 per EVSE.

Anecdotally, we have heard from EV charging providers that a significant portion of their installs are in garages, and in particular on the first floor where generally there is already available space on the

existing panel. Moving to the top floor of a garage may also add costs to projects by requiring costly retrofits to other levels.

Committee Response and Justification: Approved in part, denied in part. To the extent the Comment proposes to amend language in the definition of "electric vehicle charging station" regarding the reference to public and commercial parking spaces, the Comment is **denied**. Rather than amended, the definition will be deleted.

To the extent the Comment proposes deletion of Sections 324.2 (Location) and 324.3 (Separation distances), the Comment is **approved**.

To the extent the Comment proposes that Sections 324.4 (Impact protection) and 324.5 (Emergency shutdown and electrical disconnect) should be amended (although it does not propose any actual amendment to these sections), the Comment is **denied** as the sections will be deleted in their entirety.

The SFM will delete all previously proposed EV related rules and they will not be proposed for inclusion in the 2025 OFC. See also Committee Response and Justification to Comments 102

Comment ID: 128 | **Committee Action:** Approved

Submitter: Doug Moormann, Ohio Distillers Guild

OFC Section(s): 4003

Proposed Change:

4003.1 Spill control. Drainage or containment systems shall be provided by means of curbs, scuppers, special drains or other suitable means to prevent the flow of spills throughout the building.

Exception: Drainage or containment systems are not required for the storage of distilled spirits and wines in wooden barrels and casks where the storage complies with the following as applicable:

1. In type V-B construction, the maximum storage height shall not exceed 6 barrels high and the maximum storage area shall not exceed 6,000 square feet.
2. In all other types of construction, the maximum storage height shall not exceed 6 barrels high and the maximum storage area shall not exceed 20,000 square feet.

Substantiation: Prior codes did not require spill control for barrel storage. However, the allowable area for this storage, and thus the volume of liquid stored was limited to less than one quarter of the area and volumes permitted by the new code. This is because the previous code required barrels to be stored in an H-3 occupancy and the new code allows them to be stored in an S-1 occupancy. With the dramatic increase in volume permitted by the new code, it is reasonable to increase safety precautions by adding spill control. Reducing the size of the storage is proposed as a trade off for eliminating the spill control.

If a distillery chooses not to opt for this exception and install spill control, the volume and area limits corresponding to the above limits would increase as follows:

1. In type V-B construction, the volume could be as high as 1,732,500 gallons and the area could be as large as 63,000 square feet.
2. In type II-B construction, the volume could be as high as 3,378,750 gallons and the area could be as large as 122,500 square feet with larger volumes and areas in other construction types.

The volume figures used here are derived from the area using 2 square feet per 55 gallon barrel. This is roughly the densest possible barrel storage arrangement possible using barrels stacked on their

heads (ends) on wooden pallets 6 high. Most all other storage configurations that are common would result in less volume and more area per barrel.

Cost Impact: No anticipated economic impact

Committee Response and Justification: Approved. As stated in the Comment justification, prior codes did not require spill control for the storage of distilled spirits or wines in wooden barrels. However, storage for beverages with an alcohol content over 16 % was classified as an H-3 occupancy group wherein the amount of storage was limited and other safety protocols were required. The 2021 IFC now classifies the storage of beverages with an alcohol content over 16 % as an S-1 occupancy group. Such storage in an S-1 occupancy allows for a much greater quantity of distilled spirits storage but in turn requires spill control. Beverages with 16% or less alcohol content continue to be classified as S-2 occupancies. New Chapter 40 now requires spill control for both distilled spirits and wines. The proposal seeks to eliminate spill control for the storage of distilled spirits and wines in wooden barrels and casks for those locations that substantially limit the amount of product that can be stored. The proposal is well taken and the proposed language will be proposed for inclusion in the 2025 OFC.

Comment ID: 129 **Committee Action:** Approved

Submitter: Doug Moormann, Ohio Distillers Guild

OFC Section(s): 4005.1 [sic]

Proposed Change:

4004.4 Bulk beverage storage areas. There shall be no storage of combustible materials in the bulk beverage storage areas not related to the beverage storage activities.

> **Exception:** Where the fire area is less than 10,000 square feet, mixed commodity storage shall be permitted provided it complies with all other provisions of this chapter and all other applicable provisions in this code including but not limited to Chapter 32.

Substantiation: Many, if not most, micro distilleries in Ohio are so small that they conduct all their storage and production activities in a single space. On such a small scale, compartmentalization of different functions is not only cost prohibitive, but impractical from an operational standpoint.

A typical start up micro distillery would include the still, fermenters and other production equipment in one area of a large single room with bulk barrel storage as well as storage of empty bottles, finished product, boxes, corks, and other supplies in another area of the same room. The quantity of any of these commodities that could practically fit into a small space would, in most cases, be well within the volume limits of other parts of the code. On the off chance that someone wanted to store something like propane bottles among other items, the proposed language requiring compliance with other parts of the code would be the means for regulators to prohibit something that is clearly out of step with the intent of this chapter.

All storage, including bulk spirits and other combustible materials is already addressed by the fire code and NFPA standards. However, understanding High Piled Storage, Commodity Classification, the interplay of fire protections systems and other nuances can be quite confusing. Chapter 40 is intended to simplify the design and review process of distilleries for owners and reviewers alike. However, the brief language of 4004.4 leaves the definition of what is “related” to bulk storage open to a broad variety of interpretations. Clarifying that term “related” would result in a very complicated regulation on the subject and likely still not address all scenarios. Referring to the remainder of the code only (as was previously preposed) also defeats chapter 40’s intention to simplify regulations.

The proposed 10,000 square feet figure is based on observations of how various Ohio distilleries operate. Beyond about 10,000 sf, multiple rooms for multiple functions begin to become necessary for other reasons. Below 10,000 sf, multi-use spaces are much more common and necessary.

Cost Impact: No anticipated economic impact.

Committee Response and Justification: Approved. Allowing smaller distilleries additional leeway regarding storage will help smaller businesses, often struggling to start up their business, avoid costly construction to separate areas within their operation. In addition, sometimes the installation of separation may be limited or not possible due to space constraints and/or may be prohibited pursuant to lease terms. Therefore, an exception to this requirement to allow smaller businesses the opportunity to enter the market without additional costly construction is warranted. Also, the smaller area, of less than 10,000 sq. ft., will ensure a limited amount of combustible storage in these areas. Thus, the proposal is well taken and the proposed language will be proposed for inclusion in the 2025 OFC.

Comment ID: 130	**Committee Action:** Approved as amended

Submitter: Doug Moormann, Ohio Distillers Guild

OFC Section(s): 5704.1 Public Access (New Proposed Section 4007)

Proposed Change:

4007.1 Public access. *Notwithstanding the provisions of any other section of this code, the public may access distillery locations for the purposes of touring storage and production areas of the distillery in accordance with sections 4007.1.1 and 4007.1.2*

4007.1.1 Security. *The public may access property used for the storage of distilled spirits and wines in barrels and casks for purposes of tours where all of the following conditions are met:*

1. *The maximum number of members of the public that are on the property at any time does not exceed the maximum occupancy load for the facility as determined by the building code official, and*

2. *The maximum number of members of the public that are within a storage area or production area does not exceed the maximum occupancy load for that area as determined by the building code official, and*

3. *All members of the public are escorted and supervised by distillery personnel at all times while on the premises.*

4. *All other provisions of this code are complied with including all other applicable security and safety measures.*

Substantiation: A key business component of micro distilleries is demonstrating authenticity to the public. Tours of production and storage facilities are critical to this component. Supervision by staff can provide sufficient assurance that members of the public will not cause any risk to the facility or be present in locations where they could be at risk.

Cost Impact: No anticipated economic impact.

Committee Response and Justification: Approved as amended. The SFM acknowledges that public tours are, as stated in the Comment justification, a vital revenue stream and component of distillery operations. Provisions as currently proposed in the OFC would prohibit this activity at distillery locations. As all other safety protocols will be in place and the occupancy capacity allowed for the premises will not exceed the approved occupant load and tour participants will be continually monitored, public safety will be maintained. Therefore, the Comment is well taken and the language will be proposed for inclusion in the 2025 OFC.

However, the language will be amended as follows: The phrase “members of the public” (in subparagraphs 1 and 2) will be deleted and “people” will be inserted. This will help avoid confusion and will ensure that the number of people on the property – including all public and all employees – cannot exceed the occupant load as determined by the building code official. In addition, the word “and” in subparagraph 3 will be changed to “and/or”. Finally, language will be added to address other

relevant prohibitions in the code. Section 4007.1.1 in the above proposed language addresses public access prohibitions contained in Section 5704.1. The proposed Section 4007.1 indicates that there was to be a "section 4007.1.2, but no such section was proposed in the Comment. Upon further discussion with the Commentor, the following language to address prohibitions against public access contained in Section 5704.1.2 was also intended for submission. Therefore, the following language will also be proposed for inclusion in the 2025 OFC:

> ***4007.1.2 Above-ground tank storage in area where there is public access.*** *Above-ground tank storage for the storage of distilled spirits and wines may occur on premises to which the public has access where the public access is conducted in accordance with the provisions of Section 4007.1.1 and the above ground tanks comply with the safeguarding requirements of Section 5704.1.2.*

In addition and as stated above, the language in **Section 4007.1.1 Security** will be further amended as follows:

> In Subparagraph 1 "members of the public" will be deleted and "people" will be inserted.
>
> In Subparagraph 2 "members of the public" will be deleted and "people" will be inserted.
>
> In Subparagraph 3 "escorted and supervised" will be deleted and "escorted and/or supervised" will be inserted.

See also Comment 131.

Comment ID: 131	Committee Action: Approved

Submitter: Doug Moormann, Ohio Distillers Guild

OFC Section(s): 5704 Storage

Proposed Change:

5704.1 General. The storage of flammable and combustible liquids in containers and tanks shall be in accordance with this section and the applicable sections of Chapter 50.

> *5. At a distillery, the public may access a premises where the above ground tank storage of flammable and combustible liquids occurs for the purpose of touring storage and production areas of the premises when such public access to the distillery structure or premises occurs in accordance with section 4007. Above ground storage tanks at such distilleries must otherwise comply with the applicable provisions of this chapter.*

5704.1.2 Security. *Storage, dispensing, use and handling shall be secured against unauthorized entry and safeguarded against public access. Aboveground tanks that are not enclosed in vaults shall be enclosed by a fence, as listed below, at least 6 feet (1.8 m) high. The fence shall have a gate that is secured against unauthorized entry and shall either be:*

> 2. A distillery shall not be required to be safeguarded against public access to the extent authorized in section 4007 and only during such time that public access is occurring on the premises in accordance with that section. The property shall be safeguarded at all times when public access in accordance with section 4007 is not occurring at the premises and shall otherwise be safeguarded against unauthorized entry in accordance with this section at all other times.

Substantiation: A key business component of micro distilleries is demonstrating authenticity to the public. Tours of production and storage facilities are critical to this component. Supervision by staff can provide sufficient assurance that members of the public will not cause any risk to the facility or be present in locations where they could be at risk.

Cost Impact: No economic impact anticipated.

Committee Response and Justification: Approved. The SFM approved language submitted in Comment 130 to add language in Chapter 40 that allows public access to distillery locations under certain conditions. Therefore, the proposed language here, which points to the language in Chapter 40, is warranted. The proposed language is well taken and will be proposed for inclusion in the 2025 OFC.

See also Comment 130.

Comment ID: 132 | **Committee Action:** Approved

Submitter: SFM

OFC Section(s): 5601.2; 5615.6; 5615.7; 5616.2.7; 5618.2; 5619.4.3.1; 5619.7.1; 5619.10.1.2; 5619.10.3.4; 5624.1.5

Proposed Change:

5601.2.6 Prohibition on permits and background check requirements. *No person shall be eligible for a permit for the manufacture, processing or storage of explosives under this code if the individual has been convicted of or pled guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. All persons seeking a permit for the storage of explosives or explosive materials shall complete a civilian background check for criminal history as administered or approved by the state fire marshal. The state fire marshal may accept a currently valid "Certificate of Clearance" or other similar documentation issued by the bureau of alcohol, tobacco, firearms and explosives as satisfactory documentation of a person's criminal history. Applicants shall, upon request of the state fire marshal, provide the state fire marshal with certified copies, or other similar documentation, relating to the individual's civilian criminal background check.*

5615.6 Issuance, denial suspension, or revocation. *The state fire marshal shall not issue an initial or renewal license, permit or registration authorized by Chapter 3743. of the Revised Code, and may suspend or revoke such licenses permits, if the applicant for the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleaded guilty to, after June 30, 1997, a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country and such actions by the state fire marshal are in accordance with division (A) of section 3743.70 of the Revised Code.*

5615.7 Investigation. *~~Upon~~ Subject to Section 3743.70 of the Revised Code, upon receipt of an application and the required accompanying matter, the state fire marshal shall forward to the superintendent of the bureau of criminal identification and investigation a request that the bureau conduct an investigation of the applicant and, if applicable, additional individuals who hold, own, or control five per cent or greater beneficial or equity interest in the applicant, to determine whether the applicant or the additional associated individuals have been convicted of or pled guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. If the applicant for initial licensure has resided in this state for less than five continuous years immediately prior to the date the applicant submits an initial application, the superintendent also shall request that the Federal Bureau of Investigation conduct an investigation of the applicant and, if applicable, additional individuals who hold, own or control a five per cent or greater beneficial or equity interest in the applicant, to determine whether the applicant or the additional associated individuals have been convicted of or pled guilty to a ~~felony~~ disqualifying offense in*

accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. The superintendent shall forward the results of the investigation to the state fire marshal and may charge a reasonable fee for providing the results. The state fire marshal shall also assess the applicant any fee charged by the superintendent for the results to the applicant.

5616.2.7 *To the extent authorized by division (A) of Section 3743.70 of the Revised Code, the state fire marshal shall suspend, revoke or deny renewal of a license or permit first issued under Chapter 3743. of the Revised Code on or after July 1, 1997, if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country.*

5618.2 Issuance. *To the extent authorized by division (A) of section 3743.70 of the Revised Code, the state fire marshal shall not issue an initial license or permit if the applicant for the license or permit, or any individual holding, owning, or controlling five percent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleaded guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. The state fire marshal shall revoke or deny renewal of a license or permit first issued under Chapter 3743. of the Revised Code on or after July 1, 1997, if the holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country.*

5619.4.2~~3~~.1 *The applicant or holder of the license or permit, or any individual holding, owning, or controlling a five per cent or greater beneficial or equity interest in the holder of the license or permit, is convicted of or pleads guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country;*

5619.7.1 *The state fire marshal shall not issue an initial license or permit under Chapter 3743. of the Revised Code if the applicant for the license or permit, or any individual holding, owning, or controlling a five percent or greater beneficial or equity interest in the applicant for the license or permit, has been convicted of or pleads guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country.*

5619.10.1.2 Background check. *To the extent authorized by division (A) of Section 3743.70 of the Revised Code, no person shall be registered under this section if the individual has been convicted of or pled guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country. All persons seeking to be registered under this section shall provide fingerprint or similar identifying information, and complete a civilian background check for criminal history as administered or approved by the state fire marshal. The state fire marshal*

may accept a currently valid certificate of clearance or other similar documentation issued by the bureau of alcohol, tobacco, firearms and explosives as satisfactory documentation of a person's criminal history. Applicants shall, upon request of the state fire marshal, provide the state fire marshal with certified copies, or other similar documentation, relating to the individual's civilian criminal background check.

5619.10.3.4 *The employee to be registered has been convicted of or pleads guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, another state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country.*

5624.1.5 *Neither the licensee nor any person holding, owning, or controlling a five per cent or greater beneficial or equity interest in the licensee has been convicted of or pleaded guilty to a ~~felony~~ disqualifying offense in accordance with Section 9.79 of the Revised Code under the laws of this state, any other state, or the United States or has a comparable conviction or plea to an equivalent offense under the laws of another country, after September 29, 2005.*

Substantiation: The above additions to the OFC allow for consideration of offenses that occurred in other countries that are equivalent to those offenses committed in the U.S. that would serve as disqualifying offenses for fireworks industry related licensure purposes. Although the SFM previously proposed language to these sections to address legislative changes (deleting references to "felony" convictions and referencing "disqualifying offense"), the SFM failed to also amend the text to reference offenses committed in other countries. The language iterates that persons convicted of a disqualifying offense in any state or in the United States will be barred from licensure. However, the SFM has determined that in fairness to all applicants, offenses committed in other countries that would be like disqualifying offenses committed in the United States or in a state should also be considered for licensures purposes.

Cost Impact: None anticipated as background checks are already submitted as a part of licensing requirements.

Committee Response and Justification: Approved. The above additions to the OFC, for reasons stated in the Substantiation, are well taken and warranted and will be proposed for inclusion in the 2025 OFC.

Comment ID: 133	**Committee Action:** Approved

Submitter: SFM

OFC Section(s): 510.1

Proposed Change: RADIO COVERAGE EXEMPTION FOR SMALLER BUILDINGS – CH 5

Further amend Section 510.1 requirements regarding radio coverage to add an exception for small businesses as indicated in Exception 4:

510.1 Emergency responder communication coverage in new buildings. Approved in-building, two-way emergency responder communication coverage for emergency responders shall be provided in all new buildings. In -building, two-way emergency responder communication coverage within the building shall be based on the existing coverage levels of the public safety communication systems utilized by the jurisdiction, measured at the exterior of the building. This section shall not require improvement of the existing public safety communication systems.

Exceptions:

1. Where approved by the building official and the fire code official, a wired communication system in accordance with Section 907.2.13.2 shall be permitted to be installed or maintained instead of an approved radio coverage system.
2. Where it is determined by the fire code official that the radio coverage system is not needed.
3. In facilities where emergency responder radio coverage is required and such systems, components or equipment required could have a negative impact on the normal operations of that facility, the fire code official shall have the authority to accept an automatically activated emergency responder radio coverage system.
4. One-story buildings not exceeding 12,000 square feet (1115 m^2) with no below-ground area(s).

Substantiation: The proposed change was made in the 2024 IFC and thus will be considered in the next iteration of the OFC. However, making this change now will help smaller businesses not incur costs of installing emergency radio coverage systems.

Cost Impact: This change is anticipated to save costs associated with purchasing radio communication equipment, the installation of such equipment and associated testing (both installation testing and annual testing). The exact cost cannot be quantified due to the variations associated with such equipment relative to the building layout as well as the exact equipment purchased.

Committee Response and Justification: Approved. As this change would be coming in future code updates and the need for communication systems in smaller businesses is not as critical, the proposed language is well taken, particularly since it provides relief to smaller businesses. The language submitted as exception 4 will be proposed for inclusion in the 2025 OFC.

Comment ID: 134 | **Committee Action:** Approved

Submitter: SFM

OFC Section(s): 121.7.3.8; 319.4.1 ## 1 and 2; Section 319; 2305.6

Proposed Change:

Hotels

121.7.3.8 Automatic denial for non-payment. An application for any license issued pursuant to Section 121 shall be automatically denied if an applicant fails to provide valid payment for any fee related to an application. If a license is issued by the state fire marshal prior to the return and/or invalidation of a payment, including but not limited to return for insufficient funds, the license application shall, in accordance with Chapter 119 of the Revised Code, be deemed denied as of the expiration date of the previous license cycle and any license that may have been issued shall be deemed null and void.

Mobile Food Preparation Vehicles

319.4.1 Fire protection for cooking equipment. Cooking equipment shall be protected by automatic fire extinguishing systems in accordance with the following:.

1. **New mobile food preparation vehicles**. Vehicles that are manufactured or initially titled on or after ~~July 1~~December 31, 2025, and vehicles initially modified to operate as a mobile food preparation vehicle on or after ~~July 1~~December 31, 2025, shall not be operated as a mobile food preparation vehicle in this state unless such vehicle is protected by an automatic fire extinguishing system that is listed, labelled, installed and maintained in accordance with this section and Section 904.13.

2. **Existing mobile food preparation vehicles**. Mobile food preparation vehicles in operation as of the effective date of this code may continue to operate without a suppression system.

   Exception: If any mobile food preparation vehicle that is in operation as of the effective date of this code undergoes a substantial modification to the cooking equipment in the vehicle on or after ~~July 1~~December 31, 2025, the mobile food preparation vehicle shall be protected by an automatic fire extinguishing system that is listed, labelled, installed and maintained in accordance with this section and Section 904.13.

Section 319

Throughout Section 319 – clean up terminology: change mobile food unit/s to mobile food preparation vehicle/s.

Exception to section 2305.6

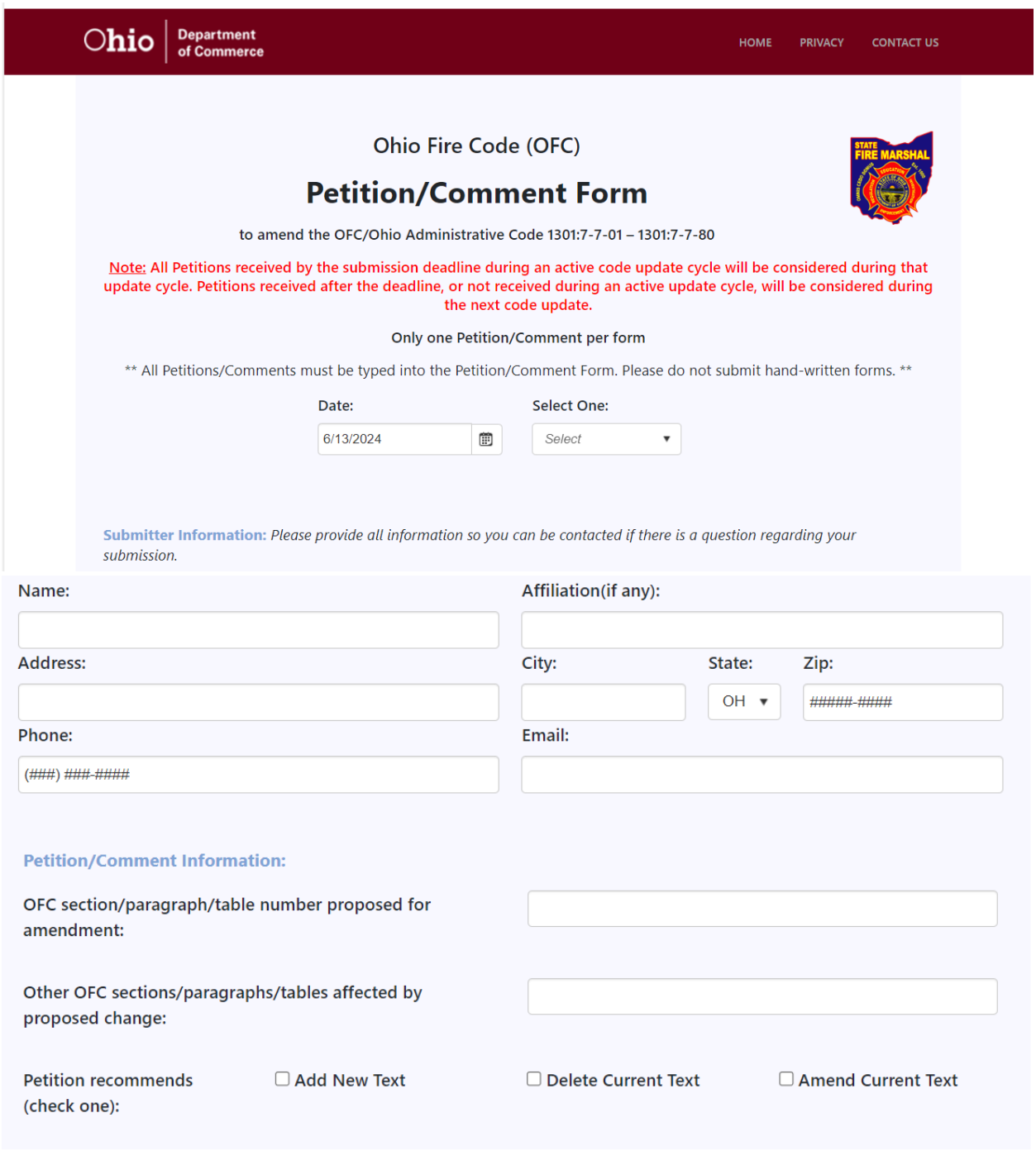
Exception: Signs installed at dispensers prior to ~~July 1, 2018January 31~~September 1, 2025, containing language that is substantially similar to items 1 through 8 of this section shall be deemed as compliant with this section.

Substantiation: The above non-substantive changes are needed to clarify OFC application in conjunction with Ohio law, coordinate terminology and to update compliance dates that are reflective of the most currently anticipated effective date of the 2025 OFC.

Cost Impact: Clarification and terminology edits (Sections 121.7.3.8 and throughout Section 219) are not anticipated to have a cost impact. Changes proposed for section 319 will extend the time in which mobile food preparation vehicle operators can renovate or purchase trucks and avoid having to comply with new hood suppression requirements. This cost savings could range from $2,000 to $5,000 per system. Changes proposed to section 2305.6 extends the deadline within which affected stakeholders may have to replace signs; signs that may have to be replaced could range in price from a nominal cost to a few hundred dollars.

Committee Response and Justification: Approved. The above amendments to the OFC, for reasons stated in the Substantiation, are well taken and warranted and will be proposed for inclusion in the 2025 OFC.

Appendix A – Comment Form



Ohio | Department of Commerce

HOME PRIVACY CONTACT US

Ohio Fire Code (OFC)

Petition/Comment Form

to amend the OFC/Ohio Administrative Code 1301:7-7-01 – 1301:7-7-80

Note: All Petitions received by the submission deadline during an active code update cycle will be considered during that update cycle. Petitions received after the deadline, or not received during an active update cycle, will be considered during the next code update.

Only one Petition/Comment per form

** All Petitions/Comments must be typed into the Petition/Comment Form. Please do not submit hand-written forms. **

Date: 6/13/2024

Select One: Select

Submitter Information: *Please provide all information so you can be contacted if there is a question regarding your submission.*

Name:

Affiliation(if any):

Address:

City:

State: OH

Zip: #####-####

Phone: (###) ###-####

Email:

Petition/Comment Information:

OFC section/paragraph/table number proposed for amendment:

Other OFC sections/paragraphs/tables affected by proposed change:

Petition recommends (check one): ☐ Add New Text ☐ Delete Current Text ☐ Amend Current Text

Petition/Comment: *Please provide the full text of the OFC section/paragraph/table to be amended. Please indicate all changes by underlining new text being proposed and by ~~striking through~~ any text proposed for deletion.*

B I U abc

Design HTML Preview

Statement of the Problem and Substantiation for Petition/Comment: *Please describe the problem that would be resolved by your recommendation and give the specific reason/purpose for your Petition or Comment. Include copies of any tests, research papers, fire experiences, etc. If more than 200 words, it may be abstracted for publication.*

B I U abc

Design HTML Preview

Cost Impact: *Include a description and any supporting analysis or information about the expected economic impact of your requested change upon the entity(s) responsible for compliance with the OFC.*

B I U abc

Design HTML Preview

Submissions:

Please use this form to submit all Petitions and Comments to the SFM for review.

TO SUBMIT YOUR FORM TO THE SFM FOR CONSIDERATION: hit the "SUBMIT FORM" button below. An email confirming your submission and containing the information that you submitted will be sent to the email address that you provided above. If there are any questions or issues regarding your submission, the SFM will contact you.

ATTACHMENTS: If applicable, you may forward any attachments regarding your submission to the SFM by following the instructions that will be contained in the confirmation email that you receive after submitting your Petition or Comment.

TO SAVE YOUR WORK AND CONTINUE EDITING AT A LATER TIME: hit the "SAVE FORM" button below. An email with a URL link will be sent to the email address that you provided above. **You will have 24 hours to access the link again and continue with your editing.** After 24 hours, the link will no longer be available and you will have to start over. However, if you do access the link within the 24 hour period and re-save the form, you will receive a new email with a new link that will remain active for an additional 24 hours. **Please note:** any forms or pictures that you have uploaded will not be saved and will have to be re-entered prior to submission of the form.

If you would like any additional information on the SFM's rule-making process or if you have questions regarding the submission of a Petition or Comment, please contact the SFM's Code Enforcement Bureau at 614-728-5460 or 1-888-276-0303 or OhioFireCode@com.state.oh.us

If you would like any information regarding the technical requirements for drafting rules in Ohio, please see the Rule Drafting Manual (ohio.gov) published by the Ohio Legislative Service Commission.

The information on this form may constitute a public record and is subject to disclosure in accordance with R.C. 149.43. By submitting a request for the inclusion of new or revised text to the Ohio Fire Code as described on this form, the person submitting such text agrees to forever waive all rights in any copyright(s) the submitter may have in any authorship contributions made to the Ohio Fire Code. This waiver includes any petition or comment in its original form as submitted or in any revised form. The submitter acknowledges and accepts that they will have no rights in any publications that use such contributions in the form as submitted or another similar form and certifies that such contributions are not protected by the copyright of any other person or entity.

Save Form Submit Form

Appendix B – Ohio Fire Code Rule Revision / Development Process

Pursuant to Ohio law, the Ohio Department of Commerce, Division of State Fire Marshal (SFM) must write administrative rules regarding, among other things, hotel licensure and inspection, flammability standards, fireworks regulations, and all matters of fire safety. These rules are adopted as a part of the Ohio Administrative Code (OAC) – Sections 1301:7-7-01 through 1301:7-7-80 – and are known as the Ohio Fire Code (OFC). The OFC sets the minimum standards for fire safety in the State of Ohio and is intended to safeguard life and property from fire and explosion. The OFC applies to all aspects of fire safety at all structures, buildings, premises, vehicles and other locations within the territorial jurisdiction of the State of Ohio.

Mandatory 5-year Rule Review. Ohio law also requires the SFM to periodically review all of the administrative rules that it has adopted; this review must occur at least every 5 years. See Ohio Revised Code (R.C.) sections 119.03 and 119.032. The purpose of this 'five-year rule review' is to determine whether any of the SFM's rules should be rescinded or revised and to ensure that the rules contained in the OFC are necessary, relevant and incorporate the most current industry standards and best practices. During the five-year rule review process, the SFM reviews and updates all of the rules in the OFC.

Optional Interim Updates. In addition, the SFM may do 'interim' rule updates. An interim rule review is usually done as the result of a legislative directive, a large industry change that needs to be addressed prior to the time for the next scheduled 5-year rule review, or pursuant to an emergency. These 'interim rule updates' are more limited in scope and generally only affect one or two chapters of the OFC. The Director of the Ohio Department of Commerce and the State Fire Marshal determine when and if an interim rule update is warranted.

The process followed by the SFM for updating its rules consists of the same 5 steps regardless of whether the review is the result of an interim update or a 5-year rule review update. The SFM starts with crafting a draft of the new rule(s) and announcing that all or a part of the OFC is open for Petition.

The Process

Once the SFM has a draft of the OFC rule(s) prepared, it enters an "active code update cycle." This cycle begins with a kickoff meeting and/or an announcement by the SFM which identifies the rules that will be updated. The SFM also establishes key dates for each stage of the update process. With the kickoff and announcement that a rule update is occurring, the SFM essentially opens a 'call for Petitions' and starts the official process for revision and adoption of the OFC. The process consists of the following five steps:

The Petition Period. Petitions are the mechanism by which any interested party may recommend a change to language in the OFC. This period usually lasts a few months but can be longer or shorter. All Petitions that are received during the petition period are catalogued and reviewed by the SFM and SFM staff. Once the review is complete the SFM will issue a proposed draft of the new OFC (Draft OFC) as well as a compendium report – called the 'Report on Petitions' or 'ROP' – of all Petitions that were submitted. The ROP will list the substance of each Petition, the SFM's action regarding each Petition and the justification for such action. The publication of the Draft OFC and the ROP begins the Comment Period.

The Comment Period. The 'Comment Period' is a period when any interested party can submit a 'Comment' to the SFM regarding any of the changes proposed in the Draft OFC that was issued at the conclusion of the Petition Period and/or regarding any Petition that was previously submitted. Commenters may either advocate for or discourage adoption of any of the changes proposed in the Draft OFC and/or the Petitions. The Comment Period usually lasts from 30 to 60 days but can be longer or shorter. All Comments that are received during the comment period are catalogued and reviewed by the SFM and SFM staff. Once the review is complete the SFM will issue a revised draft of the new OFC as well as a compendium report – called the 'Report on Comments' or 'ROC' – of all Comments that were submitted. The ROC will list the substance of each Comment, the SFM's action regarding each Comment and the justification for such action. The publication of the Revised Draft OFC and the ROC concludes the SFM's internal rule update process and begins the formal rule adoption process that must be followed under Ohio law.

The Common Sense Initiative (CSI). CSI is a regulatory review process housed within the office of the Lieutenant Governor. CSI requires all state agencies that propose rules that will impact Ohio businesses to file the proposed rule(s) with the CSI Office for analysis. CSI reviews the proposed rules to determine if the regulatory intent of the rule justifies the impact to businesses. This process enables individuals, businesses and other interested parties to track, review and comment on rules that are being proposed or reviewed by the SFM (or any other Ohio regulatory agency). Parties interested in the rule adoption process may sign up for CSI e-Notification at http://business.ohio.gov/reform/ and will thereafter receive e-notification regarding proposed rule changes from any selected regulatory agency or on any subject area that the user chooses.

Once the CSI process is successfully completed, the SFM may file the proposed rules with JCARR.

The Joint Committee on Agency Rule Review (JCARR). JCARR is a joint committee of the Ohio Legislature comprised of 5 members of the Ohio House and 5 members of the Ohio Senate. The purpose of JCARR is to review proposed new, amended, and rescinded rules from Ohio's regulatory agencies (including the SFM) to ensure the proposed rules do not exceed the agency's rule-making authority. JCARR's process constitutes the formal rule review and adoption process in Ohio and involves meeting the requirements of R.C. Chapter 119 and R.C. section 3737.86. At the successful conclusion of the JCARR process, which typically lasts 65 days, the SFM may file the proposed rules in their final form and set an effective date for the rules.

Publication and Training. When a new OFC is adopted, the final steps of the process are to have the new Ohio Fire Code published and to conduct training regarding significant changes between the prior and new OFC versions. The SFM works with the ICC to provide hard copy and online versions of the new OFC. In addition to publication, the SFM also develops training materials regarding the new OFC provisions. Depending on how extensively the OFC was updated training can include live, in-person training events hosted by the SFM throughout the state, on-line training courses hosted on the Ohio Fire Academy's on-line training platform, and/or written training materials and Technical Bulletins which are distributed to SFM stakeholders and posted on the SFM's website.

For more detailed information regarding the SFM's process for adopting the OFC and the CSI and JCARR processes, please visit the SFM’s website.