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NOTICE OF PROPOSED RULEMAKING
INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 837
DEPARTMENT OF STATE POLICE
OFFICE OF STATE FIRE MARSHAL

FILED

08/26/2022 10:05 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adoption of the International Fire Code

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/27/2022 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

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Filed By:
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Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 09/27/2022

TIME: 1:00 PM - 3:00 PM

OFFICER: Leslie Neu

ADDRESS: Oregon State Police Headquarters
3565 Trelstad Ave SE
Salem, OR 97317

NEED FOR THE RULE(S)

The current 2019 Oregon Fire Code is based on the 2018 International Fire Code with Oregon amendments. These rules are needed to adopt the 2022 Oregon Fire Code, which will reflect the current 2021 International Fire Code with Oregon amendments.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The amendments to the Oregon Fire Code are approved by the State Fire Marshal based on recommendations and reports provided by the Oregon Fire Code Advisory Board (OFCAB) and its subcommittee, the Oregon Fire Code Committee (OFCC). The OFCAB is, at a minimum, required to meet quarterly and the OFCC meets monthly. The OFCAB's meetings are public and can be attended virtually from the OFCAB webpage. The OFCAB's recommendations and reports are also available online.

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE

The proposed rule adopts the 2022 Oregon Fire Code. The Oregon Fire Code applies equally throughout the state, ensuring all Oregonians have the benefit of fire & life safety. There is no intended racial component to the applicability of the Oregon Fire Code, and the Oregon State Fire Marshal (OSFM) has not identified any racial equity impacts of this

rule but invites public feedback on this issue during the hearing and public comment period.

FISCAL AND ECONOMIC IMPACT:

The Oregon Fire Code is established by the OSFM and is the Oregon fire service's premier fire and life safety document designed to protect the public from the hazards of fire, explosions, or dangerous conditions in buildings and other facilities. The purpose of the Oregon Fire Code is to establish minimum requirements consistent with nationally recognized best practices by providing a reasonable level of life, property, firefighter, and first responder safety. The Oregon Fire Code is based on the International Fire Code with Oregon amendments and updated on a three-year cycle. The 2022 Oregon Fire Code will be effective on October 1, 2022.

Before going into effect, the Oregon Fire Code and its proposed amendments are evaluated and technically reviewed by the Oregon Fire Code Committee (OFCC), a sub-committee of the Oregon Fire Code Advisory Board (OFCAB). The OFCC meets monthly and includes nine workgroups with representation from the fire service, building officials, fire alarm and fire sprinkler associations, design professionals, builders, small business owners, and other members of the public. The OFCC recommends and disseminates fire and life safety regulations to the OFCAB, and the OFCAB uses this information to make recommendations to the State Fire Marshal during code adoption. The OFCAB provided its final recommendations about the 2022 Oregon Fire Code amendments to the State Fire Marshal on July 7, 2022.

Amendments to the Oregon Fire Code may potentially impact regulations relating to structures, processes, premises, and safeguards regarding fire and life safety in the state. The OSFM regulates and maintains structural fire safety features in occupied structures and places where large numbers of people work, live, and congregate. Examples of such occupied structures include factories, asylums, hospitals, churches, schools, halls, theaters, amphitheaters, and all buildings—except private residences—occupied for sleeping purposes.

The OSFM anticipates the adoption of the 2022 Oregon Fire Code will have an indeterminate fiscal impact on some owners and operators of businesses in Oregon. The specific fiscal and economic impacts of the 2022 Oregon Fire Code will depend on the specific structures, processes, premises, and safeguards addressed in the 2022 amendments. For such specific examples of potential impacts, individuals should consult the draft 2022 Oregon Fire Code amendments, available on the 2022 Oregon Fire Code (Draft) webpage. The OSFM has highlighted specific amendments and their potential fiscal impacts below:

- Chapter 3, General Requirements, Section 319 Mobile Food Units: This section establishes a minimum degree of fire and life safety to individuals in and around mobile food units. These requirements will apply to both new and existing mobile food units and food cart pods, as defined in Chapter 2. Such requirements include the spacing of food carts, placement and operation of portable generators, use of hoods for solid fuel cooking, storage and venting of cook oil, storage of fuel, and use of fire extinguisher and carbon monoxide alarms. The OSFM anticipates some fiscal impact on the owners and operators of mobile food carts and food cart pods. Such impacts may include the purchasing of fire extinguishers, carbon monoxide alarms, hoods, and fuel or cook oil storage containers. To mitigate these impacts, the new regulations will not go into effect until January 1, 2025, in order to give owners and operators time to make necessary improvements to their units. The OSFM anticipates owners and operators will use the most cost-effective means to meet these fire and life safety requirements.
- Chapter 4, Emergency Planning and Preparedness, Section 403 Emergency Preparedness Requirements: Amendments include considerations for mobile food units and crowds during emergency planning and preparedness. The OSFM anticipates minimal fiscal impact.
- Chapter 40, Storage of Distilled Spirits and Wines: This Chapter was recommended to be adopted in full from the

International Fire Code and provides specific requirements for the storage of distilled spirits and wines. This new chapter mirrors many existing regulations adopted in Oregon, including requirements for spill control, ventilation, signage, automatic sprinkler systems, and fire extinguishers. The OSFM anticipates some fiscal impact on the owners and operators of businesses involved in the storage of distilled spirits and wines. Such impacts may include the purchasing and installation of proper storage containers, ventilation systems, signs, and automated sprinkler systems. The OSFM anticipates owners and operators will use the most cost-effective means to meet these fire and life safety requirements.

- Chapter 98, Adult Foster Homes, Appendix R, Section R107 Automatic Fire Sprinkler System: This Appendix establishes fire safety standards for adult foster homes, in accordance with the 2022 Oregon Structural Specialty Code. The amendment to this Appendix proposes the adoption of Section R107 which correlates with the 2022 Oregon Structural Specialty Code and its details about automatic sprinkler systems in certain adult foster homes. With this new law, an automatic fire sprinkler system may not be required under the Oregon Structural Specialty Code for most adult foster homes licensed prior to July 1, 2024. The OSFM expects minimal fiscal impacts to the owners and operators of adult foster homes licensed prior to that date.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

1. Economic effect on state agencies, units of local government and the public (ORS 183.335(2)(b)(E)):

The OSFM anticipates minimal economic effect on Oregon state agencies and units of local government, specifically Oregon fire service units. Such minimal economic effects may include the purchasing of code books and training materials. A print version of the 2022 Oregon Fire Code will be available for purchase and a link to the International Code Council, Inc. free digital edition will be hosted on the Oregon Fire Code webpage. The OSFM provides training for Oregon fire service units on the Oregon Fire Code, and the OSFM anticipates minimal economic effect from such trainings.

The OSFM anticipates some economic effects on some members of the Oregon public, including owners and operators of mobile food units and adult foster homes and individuals storing distilled spirits and wines. Specific costs will depend on the specific structures, processes, premises, and safeguards addressed in the 2022 amendments.

2. Economic effect on small businesses (ORS 183.336):

a. Estimate the number of small businesses and types of businesses and industries with small businesses subject to the rule:

The types of small businesses that will be subject to this rule are those owners and operators of mobile food units and adult foster homes, and small businesses storing distilled spirits and wines. Representatives from these industries have been involved in the development of the 2022 Oregon Fire Code amendments. The exact number of small businesses that will be subject to this rule has not quantified by the OSFM.

b. Projected reporting, recordkeeping and other administrative activities required for compliance, including costs of

professional services:

Small businesses are not projected to have any reporting, recordkeeping, or other administrative activities required upon them for compliance, including any costs for professional services.

c. Equipment, supplies, labor, and increased administration required for compliance:

The OSFM anticipates some indeterminate costs for compliance to be associated with equipment, supplies, and labor. Minimal costs are anticipated for increased administration. Actual costs will depend on the specific structures, processes, premises, and safeguards addressed in the 2022 amendments. An example of such costs may include the purchasing of fire safety equipment and the labor associated with the installation of such equipment. To quantify actual costs and potential impacts, small businesses can consult the draft 2022 Oregon Fire Code amendments, available on the 2022 Oregon Fire Code (Draft) webpage.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

The OSFM consulted relevant small business representatives during the development of 2022 Oregon Fire Code. Specific engagement included representatives from the mobile food unit industry. These representatives were included throughout the code development process and were able to provide feedback to help inform the code.

In addition, stakeholders and small businesses were involved in the development of the proposed rule through their membership on the OFCAB and OFCC. The OFCAB and OFCC provided advice and recommendations on the development of the 2022 Oregon Fire Code amendments, and the OFCAB provided its final recommendation to the State Fire Marshal on July 7, 2022.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? YES

AMEND: 837-040-0010

RULE SUMMARY: OAR 837-040-0010(2) adopts the 2021 International Fire Code with Oregon amendments to be known as the 2022 Oregon Fire Code with an effective date of October 1, 2022. 837-040-0010(3) changes new construction plan review phase-in dates.

CHANGES TO RULE:

837-040-0010

Adoption of the International Fire Code ¶¶

(1) The Oregon Fire Code is generally adopted every three years, coinciding with the publication of a nationally recognized fire code.¶¶

(2) Effective ~~November 15, 2019~~October 15, 2022, the ~~2019~~2022 Oregon Fire Code which is the ~~2021~~2022 edition of the International Fire Code, as published by the International Code Council, and as amended by the Office of State Fire Marshal, is adopted. (Referenced publications are available for review at the agency. See agency web site for information on where to purchase publications.)¶¶

(3)(a) For the purposes of implementing a phase-in period for the ~~2014~~2022 Oregon Fire Code in new construction plan review only, the ~~2014~~2022 Oregon Fire Code is adopted for a period of 90-days beginning ~~November 15, 2019~~October 15, 2022 and ending ~~February 15, 2020~~December 31, 2022.¶¶

(b) During the 90-day phase-in period established in subsection (3)(a), new construction plan reviews will be reviewed to either the ~~2019~~2022 Oregon Fire Code or the ~~2014~~2022 Oregon Fire Code as directed by the local building official.

Statutory/Other Authority: ORS 476.030

Statutes/Other Implemented: ORS 476.030