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ARCHIVES DIVISION

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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 8:52 AM
ARCHIVES DIVISION
SECRETARY OF STATE

FILING CAPTION: Adopt the 2022 edition of the Oregon Structural Specialty Code and Oregon Mechanical Specialty 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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Salem, OR 97317

Filed By:
Kristin Schafer
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: State Police Building

3565 Trelstad Ave SE

Salem, OR 97317

NEED FOR THE RULE(S)

The current 2019 Oregon Structural Specialty Code is based on the 2018 International Building Code, and the current 2019 Oregon Mechanical Specialty Code is based on the 2018 International Mechanical Code and 2018 International Fuel Gas Code.

These rules are needed to adopt the 2022 Oregon Structural Specialty Code and 2022 Oregon Mechanical Specialty Code, which will reflect the 2021 International Building Code, 2021 International Mechanical Code, and 2021 International Fuel Gas Code. The Oregon Structural Specialty Code and Oregon Mechanical Specialty Code are used by the Office of the State Fire Marshal (OSFM) and assistants to the State Fire Marshal for the purpose of evaluating existing buildings.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE

The 2022 Oregon Structural Specialty Code and 2022 Oregon Mechanical Specialty Code are proposed to be adopted by the Department of Consumer and Business Services Building Code Division (BCD) with an effective date of October 1, 2022. Draft rules, code proposals, code review committee minutes and materials, and minutes of relevant Mechanical Board, Building Codes Structures Board, and Residential and Manufactured Structures Board meetings are available from the BCD rules coordinator located at 1535 Edgewater Street NW, Salem, OR 97304 and are posted on the BCD

webpage.

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

The proposed rule adopts the 2022 Oregon Structural Specialty Code and 2022 Oregon Mechanical Specialty Code which will apply 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 Structural Specialty Code and Oregon Mechanical Specialty Code, and the 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 OSFM has a duty to enforce all statutes and make rules relating to the prevention of fires. The OSFM adopts the Oregon Structural Specialty Code and Oregon Mechanical Specialty Code for the purpose of evaluating existing buildings in the state. The 2022 Oregon Structural Specialty Code and 2022 Oregon Mechanical Specialty Code are scheduled to be adopted by the BCD with an effective date of October 1, 2022. The OSFM's adoption of the 2022 codes will have a minimal fiscal and economic impact.

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, units of local government, or the public. Such minimal economic effects may include the purchasing of code books. A print version of the 2022 Oregon Structural Specialty Code and 2022 Oregon Mechanical Specialty Code will be available for purchase from the BCD and a link to International Code Council, Inc. free digital edition will be hosted on the Oregon State Building Code webpage.

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 OSFM anticipates minimal economic effect on Oregon small businesses and cannot identify the number nor types of small business that will be subject to this rule.

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 no additional costs for compliance to be associated with equipment, supplies, labor, or increased

administration required for compliance

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

According to the BCD, the Mechanical Board, Residential and Manufactured Structures Board, and Oregon Mechanical Specialty Code Review Committee include a wide range of industry representatives. Small businesses were able to have representation through committee membership, as well as through the public code proposal process and the public comment process at board meetings.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No, the development of the 2022 Oregon Structural Specialty Code and 2022 Oregon Mechanical Specialty Code was completed by the BCD. The OFSM's adoption of the code is done so in reliance on the extensive consultation completed by the various code development boards consulted by the BCD.

AMEND: 837-040-0140

RULE SUMMARY: OAR 837-040-0140 adopts the 2022 edition of the Oregon Structural Specialty Code and the 2022 edition of the Oregon Mechanical Specialty Code for the purpose of the evaluation of existing buildings.

CHANGES TO RULE:

837-040-0140

Adoption of the Oregon Structural Specialty Code and Oregon Mechanical Specialty Code **¶**

The fire and life safety provisions of the ~~2014~~2022 edition of the Oregon Structural Specialty Code and the ~~2014~~2022 edition of the Oregon Mechanical Specialty Code is hereby adopted as a standard for the purpose of evaluation of existing buildings. (Referenced publications are available for review at the agency. See Building Codes Division web site for information on where to purchase publications.)

Statutory/Other Authority: ORS 476.030

Statutes/Other Implemented: ORS 476.030