



Division of Industrial Compliance Newsletter

Ted Strickland, Governor

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Welcome to the first edition of the Industrial Compliance Newsletter:

Mark Twain once wrote “always do what is right, it will gratify most people, and astound the rest”; this sound advice serves well in any arena and is fundamental in how we serve our customers and treat others here at the Division of Industrial Compliance. We are an extremely diverse service organization and proud to be involved with Ohio’s commercial building industry as well the licensing and the safe installation and operation of boiler, elevator and bedding operations throughout Ohio. I hope you find this newsletter and the many to follow, both helpful and informative.



Gary L. Schaeffer, Superintendent, Division of Industrial Compliance

To All Elevator Industry Representatives, Designers and Engineers Who Interface With Elevator Installations

By Norm Martin, Chief Elevator Inspector

Please take an opportunity to review our elevator inspection Web site at <http://www.com.state.oh.us/dic/dicelevators.htm> for updates to our forms and helpful code enforcement information.

The site is meant to provide timely information to you as you install, maintain and design elevator equipment. The section is responsible for inspecting over 28,000 pieces of elevator equipment twice per year with a staff of 50 nationally certified inspectors and supervisors. Because of that, we cannot serve as the role of “consultant” on the various job sites, but we encourage your questions related to code issues and clarifications. The best method to contact the Chief Elevator Inspector is by e-mail at nmartin@com.state.oh.us.

In addition, please visit our online database to look up violation orders for elevators by building name or by state identification number. The database will also list the date of the last safety test filed with our office. It is critical for annually required safety tests to be performed in a timely manner. Look to this space in the future for an announcement of the update of the safety test format coming in the fall.

Be Safe!

Ohio Department of Commerce - Division of Industrial Compliance

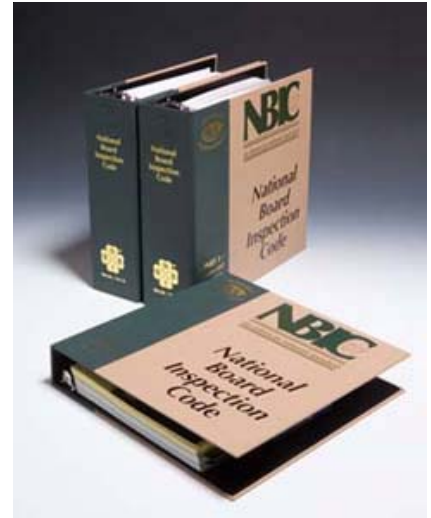
2007 NBIC Commonly Asked Questions

The 2007 *National Board Inspection Code* (NBIC) is coming soon! This edition will look much different than previous years; however, it will continue to provide the same vital information as in years past.

The new NBIC will consist of three parts, covering installation, inspection, and repairs and alterations. Each will be contained in its own binder, providing easier access to information and allowing parties to purchase only the sections required.

Below are some commonly asked questions concerning the “new” NBIC:

- Which part or parts of the NBIC are necessary for “R,” “NR,” and “VR” certificate holders to have in their possession?
 - Parts 1, 2, and 3.
- What is required when an accredited repair organization changes its scope or location from that listed on its *Certificate of Authorization*?
 - The QC Manual must be revised and accepted by the Authorized Inspection Agency (AIA). A revised application form (NB-12) must be submitted to the National Board.
- What is required if the AIA of record has changed?
 - Proof acknowledging a new AIA agreement must be submitted to the National Board.
- When performing a pressure test of a repair or alteration (excluding re-rating), is it permissible to isolate the repaired or altered area such that the remaining parts of the pressure-retaining item are not subjected to pressure?
 - Yes.
- Are repair methods not specifically identified in the NBIC allowed to be used by repair organizations?
 - Yes, provided concurrence of the inspector and jurisdiction is obtained.
- Should the jurisdiction be contacted when the original manufacturer’s name plate or stamping is determined during an in-service inspection to be lost or illegible?
 - Yes. Form NB-136 must be used for this purpose, but only ASME can authorize the restamping of ASME code symbols.
- Do references to other codes or standards in the NBIC imply acceptance for use?
 - No. Each jurisdiction retains the responsibility to decide which codes or standards are adopted for use.
- How do I order the new NBIC?
 - The NBIC may be ordered through the [National Board Web page](#) or by contacting the National Board Order Department at 614.888.2463.
- How much will the new NBIC cost?
 - The NBIC will cost \$150 for the entire book plus addenda. One part will cost \$65; two parts will cost \$130. The CD-ROM or flash drive module versions will cost \$395. Shipping and handling will cost extra.



Ohio Accepts Melted & Re-Extruded Polyester as ALL NEW MATERIAL

By Thelma Cross, Lab Scientist, Ohio Department of Commerce Bedding Laboratory

Have you ever seen green or brown polyester fiber as a filling material in product? Guess what? This filling material is recycled plastic bottles, which have been melted and re-extruded to form new polyester fiber.

Polyester is a synthetic fiber derived from coal, air, water, and petroleum. It is used in the manufacture of many products such as clothing, home furnishings, industrial fabrics, electrical insulation, and packaging applications such as beverage containers.

Polyester is a type of synthetic fiber that can be re-used again and again. In 2001, 35 percent of plastic soft drink bottles were converted into polyester according to the American Plastics Council.

The bottles are separated by color, sterilized, and then crushed or chopped into very small chips. The chips are melted at 500 to 518 degrees Fahrenheit (260 to 270 degrees Centigrade) to form a syrup-like solution.

The solution is put in a metal container called a spinneret and forced through tiny holes (extrusion). Chemicals may be added to the solution to make the resulting material flame retardant, antistatic, or easier to dye. Because this process involves post-consumer material that has been treated at extremely high temperatures, liquefied, and then chemically restructured, Ohio considers the final product as ALL NEW MATERIAL.



Unlicensed Contractors and House Bill 444

By Carol Ross, Secretary, Ohio Construction Industry Licensing Board

The Ohio Construction Industry Licensing Board (OCILB) issues approximately 20,000 commercial licenses a year in five specialty trades: Electrical, Plumbing, Hydronics, HVAC and Refrigeration. These trades significantly impact and help protect the health, safety and welfare of the citizens of Ohio.

OCILB continues to receive a growing number of reports of unlicensed contractor activity across the state. Legislation introduced in the Ohio General Assembly, sponsored by State Representative Jimmy Stewart, seeks to make changes to the construction industry licensing laws to address this concern. House Bill 444 would eliminate unlicensed contractor activity by providing OCILB the authority to sanction unlicensed contractors. Because current law does not provide for such authority, many licensed contractors are asking why they should continue to be licensed when unlicensed competitors are still working every day.

House Bill 444 would give OCILB authority to investigate and issue fines of up to \$1,000 per violation, per day to unlicensed contractors without involving the county prosecutor. If individuals who receive a notice of hearing fail to appear, OCILB would have the authority to request that the county common pleas court compel them to appear. Cases where individuals refuse to pay a fine issued by OCILB would be turned over to the Ohio Attorney General's Office for collection.

If passed, this legislation will go a long way toward stopping the unlicensed activity regarding these trades in Ohio, and will satisfy many of the concerns of the licensed contractors who are abiding by the law.

The Board of Building Appeals

By Jay Mulligan, Fire Prevention Official

Over the next few newsletters, the Board of Building Appeals will provide some insights on its duties. The members serve, literally, in a quasi-judicial decision-making capacity. Impartiality and fairness are two of the hallmarks of the Board's actions. Periodic articles will not discuss specifics or offer any guidance relative to a code issue.

In this and future articles, the Board will try to identify issues that relate to how appeals are made, filing processes and the importance of participation. Additionally, it is also important to identify how code issues that were subject to numerous appeals were used as the basis for code change as allowed by Ohio law and the administrative code.

The Board is constantly concerned with making sure that all cases, evidence and knowledge are reviewed, heard, and decided with fairness. To that end, it is extremely important that the decisions made are in the best interest of life safety, carefully balanced with the economic development of the State.

From an organizational standpoint, the Board of Building Appeals is an appointed board that is created by Ohio law. The board is composed of five members as required by Ohio Revised Code 3781.19. Each member is selected by the Governor with the approval of the Ohio Senate and serves a four-year term. The terms are staggered to allow for an overlap of experienced members.

The members include an attorney, a registered architect, a registered professional engineer, a pipefitter and a fire prevention official. All of the Board members bring a different skill set and experience to the collective process of deciding cases in their monthly schedule. At this writing, the architect's position is vacant, but the Governor has just appointed a new member to the attorney's position.

The attorney on the Board acts to ensure proper form, function, procedure and other issues dealing with rules of evidence. The attorney is on the Board, but is not the Board's attorney. The board is actually represented by a staff attorney from the Attorney General's Office.

The architect draws on his or her design experience and also having used the Ohio Building Code as the presiding design document. Many of the cases deal with what is considered a liberal interpretation of the building code, an alternate design, a literal hardship or just being technically infeasible.

The registered engineer is also a professional engineer, commonly referred to as a P.E. In addition to the building code issues identified above, there are also structural design alternates that necessitate an analytical observation by the engineer.

The pipefitter brings a wealth of experience simply by a virtue of years in the trade. This includes not only dealing with the plumbing world, but mechanical systems, heating-ventilation and air conditioning (HVAC), fire protection systems, and building construction in general.

The last person to round out the Board is the fire prevention official. The law requires that this person be certified as a Fire Safety Inspector.

Knowledge in fire protection systems is important, but it is only one element that is used when considering cases.

Additionally, knowledge in hazardous materials, life safety, fire hazard determination and building construction are also considered quite regularly. All of the Board members work diligently to learn additional concepts or subjects outside of their respective fields. This surely helps in the decision making process and makes a more cohesive operation.

The Board also has an executive secretary, Susan Steer, who receives, schedules, prepares copies of evidence and just about any other task that can be imagined to allow our activities to be efficient.

continued on page 5

The Board of Building Appeals continued...

The amount of paperwork is staggering. For example, Susan processes an annual average of nearly 500 cases. The caseload actually ebbs and flows with the economy, construction projects in general, and code adjustments/changes that occur periodically.

The Board meets about two times a month to hear the various appeals. It hears cases in Ashland usually during the first week or so of the month. The hearing location is the Ohio Department of Transportation district headquarters. This location offers a bit of a shorter drive for those who live in the northern counties.

The other session is two days, held toward the end of the month at the Department of Commerce's Division of Industrial Compliance on Tussing Road in Reynoldsburg. This location is also better suited for central and southern Ohio activities.

The last session is quarterly, and it is to hear citations from the State Fire Marshal or local fire departments. These hearings are generally scheduled on different days owing sometimes to the complexity of the issues and the potential number of witnesses.

Appeal cases arrive at the Board in a few different ways. The appeal may be based on the building codes (including mechanical, electrical, energy, plumbing, etc.) or the elevator code. There may have been an application for a building permit for new construction, or an addition or alteration.

As a result of this plan application, the construction drawings were reviewed and found to have deficiencies when compared to the various code requirements. The affected owner, the contractor or developer then has the right to file an appeal. The appeal is made to either a local board of appeals or directly to the Ohio Board of Building Appeals.

Another way of receiving an appeal is as a result of a violation of the building code. The building official's order also can be appealed to the Board. Ohio law has long required a right to appeal when an order is received. The methods mentioned can have more detailed explanations and become more complex.

The Board also hears appeals from citations that arise through the enforcement of the Ohio Fire Code. Either the State Fire Marshal or a local fire department issued these citations. The content of the citations usually deals with either a hazardous condition or a specific code section violation.

In dealing with any of appeals identified above, the Board is legally empowered to, grant a variance, grant a variance with specific conditions, or simply uphold the original order or citation. The first two are options for consideration if it is found that the original order is contrary to a fair interpretation or application of the governing laws or rules.

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