

STATE FIRE MARSHAL (COM)

General information (COM)

Duties

Testing and Registration Bureau (T&R) within the State Fire Marshal (SFM) is responsible for administering the certification, registration, permit, and licensing programs of more than 20 license types as provided for in the Ohio Revised Code and the Ohio Fire Code. This includes new and renewal application processing and revenue collection. This is done in coordination as needed, with SFM's Code Enforcement Bureau and SFM Legal.

Membership *(Current members, chairperson and other officers, and selection process.)*

The State Fire Council is made up of ten voting members and three ex-officio members. The current members are:

- Chair Matt Noble, Paid Fire Service
- Todd Poole, Paid Fire Service
- Vice chair John Finley, Municipalities
- Dennis Clough, Municipalities
- Thomas Jubeck, Construction Industry
- Charles Dixon, Flammable Liquids Industry
- Tom Lanes, Public Member
- Patrick Foltyn, Fire Insurance Industry
- Vacant-Volunteer Fire Service
- Vacant-Commerce & Industry
- Regina Hanshaw, Board of Building Standards, Ex-officio member
- Kevin Reardon, State Fire Marshal, Ex-officio member
- Interim Director Robert Wagoner, Department of Public Safety EMS- Ex-officio member

Membership *(Current members, chairperson and other officers, and selection process.)*

The voting members of the State Fire Council are appointed by the Governor of Ohio with consent of the Senate. Terms are for five years, unless a member was appointed to fill a vacancy for an appointment that did not go full term, it will last only as long as the previous person was appointed for.

The State Fire Council has no direct statutory role in the regulation or oversight of licensees, permits or other matters referenced in this survey. As they relate to the SFM, all such functions are performed on behalf of the SFM by the Bureau of Testing and Registration. See R.C. 3737.03, R.C. 3737.22(A)(10) and (12), R.C. 3737.71 and R.C. 3737.86(C).

Budget *(Current budget, description of budgeting process, sources of funding, and expected increases or decreases in budget or funding in future years.)*

SFM: FY21 \$21,090,755 / FY22 \$22,104,767 (budget request) / FY23 \$22,394,126 (budget request)

Budget process –The department budget process consists of four distinct phases: Phase 1 begins in January of even numbered years and consists of identifying broad agency goals; Phase 2 begins in March of even numbered years and consists of identifying strategies to achieve the goals; Phase 3 begins in June of even numbered years and consists of creating a budget consistent with the goals; and Phase 4 begins in October of even numbered years and consists of identifying ways to monitor and evaluate the budget once enacted.

Sources of funding – The major source of revenue for the State Fire Marshal Office comes from taxes from insurance companies selling fire insurance in Ohio (0.75% of the gross premium receipts received from the sale of fire insurance); 20% of reciprocity revenues (reciprocity revenues are collected and deposited in the GRF from out-of-state insurance companies that sell fire insurance in Ohio); licenses issued by SFM’s Testing and Registration Bureau; revenue from the academy courses; and inspection fees.

Expected increases or decreases in budget or funding – The budget for the State Fire Marshal has been held relatively flat for several years. The department will be requesting an increase in budget in order to maintain existing service levels. The funding for the State Fire Marshal can vary significantly from year-to-year. The variance has been greater than 10% on occasion. The department is factoring in this variance in its revenue projections.

Workload (*Assess current, past, and anticipated workload. Has the workload increased or decreased significantly in the preceding six years?*)

Past and current workload consists of annually processing approximately \$3.8 million in revenue for new and renewing licenses; thousands of mail pieces; thousands of phone calls, email inquiries and faxes; over 350 walk-in customers; over 10,000 online renewals processed. Overall workload continues to increase as the number of new licenses issued increases. It is anticipated the workload will continue to increase as industry demand for more licensed individuals and facilities increases and due to industry demands to create more continuing education requirements to ensure competency in subject matter related to various license types issued by SFM.

Staffing (*How many staff are currently employed by the board? What are their roles? Are staffing levels proportionate to the board's current and anticipated workload?*)

9 staff – 1 Bureau Chief who manages overall bureau mission. 1 Asst. Bureau Chief who directly supervises licensing staff and oversees their work, 7 licensing staff who administer each of the 20+ license types T&R is responsible for, as assigned.

Administrative hearings and public complaints (*Describe the Board's processes for administering discipline and addressing complaints. Assess the efficiency of the processes.*)

Administrative actions and any resulting discipline are implemented against a license or certificate holder in accordance with Chapters 119, 3737, 3731 and 3743 of the Ohio Revised Code and Ohio Administrative Code 1301:7-7, aka the Ohio Fire Code. Depending on the subject matter, the respective Bureau's coordinator tracks an administrative action through the process and disciplinary phase. This process is efficient as the coordinators have tracking mechanisms in place.

Upon receipt of complaint, the Bureau Chief forwards to the appropriate Bureau to review and take action if warranted. Filing a complaint is not a formal or codified process. A person may contact the State Fire Marshal by any means anonymously or by disclosing identity. As the process for filing a complaint may be informal and by any means, the complaint process continues to be efficient.

Fire protection installer certification

Survey responses (COM)

Description	
Certification required for individuals to engage in the business of servicing, testing, repairing and installing fire protection and fire-fighting equipment for profit.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1,500
Number renewed annually	20,000

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Increase by approx. 200 licenses
Education or training requirements	Training or endorsement from manufacturer is required for 3 of the 10 fire protection categories.
Experience requirements	In lieu of training, experience on 10 systems is required for 3 of the 10 fire protection categories.
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	Taking and passing an exam is required for this license. Exam is administered by third party exam vendor PSI Services LLC. Exam administrator is selected using DAS open bidding process for vendors through DAS' website portal. Exam material is selected by SFM subject matter experts. \$40 fee per exam is collected directly by Exam vendor. SFM does not receive an exam fee.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	\$35 application fee
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$40, which supplements licensing database including online renewal database maintenance fees, printing paper renewals reminders and licenses.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The SFM is not aware of the existence of any similar national registrations with exam requirements that include competency in the Ohio Fire Code and Ohio Building Code. Therefore, no substitutions for this state issued license have been made.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>If the practitioner is not performing the work for profit.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

In accordance with R.C. 3737.22(A)(10), the State Fire Marshal has authority to issue licenses as authorized by the Revised Code. R.C. 3737.65 provides the State Fire Marshal authority to issue certificates for fire protection installation. R.C. 3737.22 provides the State Fire Marshal the authority to promulgate and enforce the Ohio Fire Code. Ohio Administrative Code 1301:7-7-09(P), aka Ohio Fire Code (P) 916, sets forth the certification parameters. This rule in addition to Rule 1 of the Ohio Fire Code provides the process for disciplinary actions to deny, suspend, revoke or refuse to renew this license.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

\$730,500 annually. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Regulation of fire protection installers seeks to prevent the non-fire code compliant, incompetent and/or negligent servicing, testing, repairing and installing of fire protection and fire-fighting equipment for profit by individuals who do not demonstrate proficiency of Ohio Fire Code (OFC), Ohio Building Code (OBC) and National Fire Protection Association (NFPA) standards. Improperly installed fire protection systems place the public, employees and owners of structures at a high risk of harm should a fire occur and lead to excessive property loss (see US Fire Administration Reports for details on annual fire losses across the state and country - <https://www.usfa.fema.gov/data/statistics/states/ohio.html>).

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Regulation is effective as reports of unlicensed activity are low, while unlicensed activity is often found to lead to substandard/hazardous fire protection system work. There are no less restrictive ways to prevent the harm (the initial licensure requirements are not difficult to meet); requiring licensure ensures compliance from individuals and companies.

Are there any changes the Board would like to see implemented?

Continuing education requirements for renewal.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

National, uniform standards for fire protection installers are developed by the National Fire Protection Association (NFPA). These standards are employed throughout many states. Type of regulation from state to state is varied among the 50 states and is different for each of the 10 fire protection categories Ohio regulates. See this article for the range of regulated states with the Automatic Sprinkler category alone. <https://www.nfpa.org/Public-Education/Staying-safe/Safety-equipment/Home-fire-sprinklers/Fire-Sprinkler-Initiative/Legislation-and-adoption/Sprinkler-requirements>

Surrounding state comparison (LSC)

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>R.C. 3737.65(B) and O.A.C. 1301:7-7-09(P)(2) and (8)</i>)	No	<ol style="list-style-type: none"> 1. Fire protection sprinkler contractor license; 2. Fire protection sprinkler contractor certification; 3. Fire sprinkler inspector certification; 4. Fire alarm inspector certification <i>(Ky. Rev. Stat. Ann. 198B.560, 198B.6401(3); 815 Ky. Admin. Regs. 10:060(7)(2)(e))</i>	Certification for firm, which must employ a qualifying person (<i>Mich. Comp. Laws 29.26; Mich. Admin. Code R. 29.2803</i>)	No	Yes (<i>W. Va. Code Ann. 29-3D-3</i>)
Education or training	Applicant must show at least one of the following:	N/A	<ol style="list-style-type: none"> 1. No; 2. No; 3. No; 	Yes, multiple options (qualifying person) (<i>Mich.</i>	N/A	Variable (<i>W. Va. Code R. 103-3-7</i>)

Fire Protection Installer

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<p>1. Proof from manufacturer of training or approval to work on the manufacturer's system;</p> <p>2. Proof that applicant has witnessed code compliant installation of ten systems within two years prior to the application</p> <p><i>(O.A.C. 1301:7-7-09(P)(6))</i></p>		<p>4. No</p> <p><i>(815 Ky. Admin. Regs. 10:060(7)(2)(e))</i></p>	<p><i>Admin. Code R. 29.2805)</i></p>		
Experience	See "Education or training"	N/A	<p>1. No;</p> <p>2. No;</p> <p>3. No;</p> <p>4. 18 months installing, repairing, or testing during</p>	<p>Yes, multiple options (qualifying person) <i>(Mich. Admin. Code R. 29.2805)</i></p>	N/A	<p>Variable <i>(W. Va. Code R. 103-3-7)</i></p>

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			previous five years <i>(815 Ky. Admin. Regs. 10:060(7)(2)(e))</i>			
Exam	Yes (<i>O.A.C. 1301:7-7-09(P)(7)</i>)	N/A	1. No; 2. Yes; 3. Yes; 4. Yes <i>(Ky. Rev. Stat. Ann. 198B.580, 198B.570, 198B.6401; 815 Ky. Admin. Regs. 10:060(7)(2)(e))</i>	No	N/A	Yes (<i>W. Va. Code R. 103-3-6</i>)
Continuing education	No	N/A	1. No; 2. No; 3. For renewal, proof of either six hours continuing education or current NICET certification;	No	N/A	No

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<p>4. For renewal, proof of either six hours continuing education or current NICET certification</p> <p><i>(Ky. Rev. Stat. Ann. 198B.6405; 815 Ky. Admin. Regs. 10:060(7)(2)(e))</i></p>			
Initial licensure fee	<p>Individual: \$35 per category</p> <p>Company: \$200 per category</p> <p>Individual operating as a company: \$50 per category</p> <p><i>(O.A.C. 1301:7-7-09(P)(15), (18), and (20))</i></p>	N/A	<p>1. \$250;</p> <p>2. \$125;</p> <p>3. \$50;</p> <p>4. \$50</p> <p><i>(815 Ky. Admin. Regs. 7:080(5) and 10:060(7)(2)(e))</i></p>	\$150 (firm) <i>(Mich. Comp. Laws 29.28; Michigan Department of Licensing and Regulatory Affairs, Fire Services, BFS Certification for Firms/Qualified Persons)</i>	N/A	Variable <i>(W. Va. Code R. 103-3-13)</i>

Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (O.A.C. 1301:7-7-09(P)(16) and (21))	N/A	1. One year; 2. One year; 3. One year; 4. One year (Ky. Rev. Stat. Ann. 198B.605, 198B.6405; 815 Ky. Admin. Regs. 10:060(7)(2)(e))	Three years (firm) (Mich. Comp. Laws 29.28; Michigan Department of Licensing and Regulatory Affairs, Fire Services, BFS Certification for Firms/Qualified Persons)	N/A	Up to three years (W. Va. Code R. 103-3-8)
Renewal fee	Individual: \$40 per category Company: \$150 per category Individual operating as a company: \$25 per category (O.A.C. 1301:7-7-09(P)(15), (18), and (20))	N/A	1. \$250; 2. \$125; 3. \$50; 4. \$50 (815 Ky. Admin. Regs. 7:080(7) and 10:060(7)(2)(e))	\$150 (firm) (Mich. Comp. Laws 29.28; Michigan Department of Licensing and Regulatory Affairs, Fire Services, BFS Certification for Firms/Qualified Persons)	N/A	Variable (W. Va. Code R. 103-3-13)

Provisional fire protection installer certification

Survey responses (COM)

Description	
License required for individuals to engage in the business of servicing, testing, repairing and installing fire protection and fire-fighting equipment for profit, while under the supervision of a certified fire protection installer.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	150
Number renewed annually	250

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Numbers are steady. This is an apprentice license. These licensees often upgrade to the Fire Protection Individual license upon meeting requirements.
Education or training requirements	no
Experience requirements	none
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	none
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	none
Initial fee	\$35
Duration	annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$40 which supplements licensing database including online renewal database maintenance fees, printing paper renewals reminders and licenses.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Division is not aware of the existence of any similar national registrations, certifications of licenses that include competency in the Ohio Fire Code and Ohio Building Code nor the requirement for supervision by an Ohio certified installer. Therefore, no substitutions for this state issued license have been made.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	If the practitioner is not performing the work for profit.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

In accordance with R.C. 3737.22(A)(10), the State Fire Marshal has authority to issue licenses as authorized by the Revised Code. R.C. 3737.65 provides the State Fire Marshal authority to issue certificates for fire protection installation. R.C. 3737.22 provides the State Fire Marshal the authority to promulgate and enforce the Ohio Fire Code. Ohio Administrative Code 1301:7-7-09(P), aka Ohio Fire Code (P) 916, sets forth the certification parameters. This rule in addition to Rule 1 of the Ohio Fire Code provides the process for disciplinary actions to deny, suspend, revoke or refuse to renew this license.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

\$10,000 annually. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Regulation of this license seeks to prevent the non-fire code compliant, incompetent and/or dangerous negligent servicing, testing, repairing and installing fire protection and fire-fighting equipment for profit by individuals who do not demonstrate proficiency of Ohio Fire Code (OFC), Ohio Building Code (OBC) and National Fire Protection Association (NFPA) Standards. Improperly installed fire protection systems place the public, employees and owners of structures at a high risk of harm should a fire occur and lead to excessive property loss (see US Fire Administration Reports for details on annual fire losses across the state and country - <https://www.usfa.fema.gov/data/statistics/states/ohio.html>).

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Regulation is effective as reports of unlicensed activity are low, while unlicensed activity is often found to lead to substandard/hazardous fire protection system work. There are no less restrictive ways to prevent the harm (the initial licensure requirements are not difficult to meet); requiring licensure ensures compliance from individuals and companies.

Are there any changes the Board would like to see implemented?

Not at this time.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

National, uniform standards for fire protection installers are developed by the National Fire Protection Association (NFPA). These standards are employed throughout many states. Type of regulation from state to state is varied among the 50 states and is different for each of the 10 fire protection categories Ohio regulates. See this article for the range of regulated states with the Automatic Sprinkler category alone. <https://www.nfpa.org/Public-Education/Staying-safe/Safety-equipment/Home-fire-sprinklers/Fire-Sprinkler-Initiative/Legislation-and-adoption/Sprinkler-requirements>

Surrounding state comparison (LSC)

Provisional Fire Protection Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>R.C. 3737.65(B); O.A.C. 1301:7-7-09(P)(2) and (8)</i>)	No	No	No	No	No
Education or training	No	N/A	N/A	N/A	N/A	N/A
Experience	No	N/A	N/A	N/A	N/A	N/A
Exam	No (<i>O.A.C. 1301:7-7-09(P)(7)</i>)	N/A	N/A	N/A	N/A	N/A
Continuing education	No	N/A	N/A	N/A	N/A	N/A
Initial licensure fee	\$35 per category (<i>O.A.C. 1301:7-7-09(P)(15)</i>)	N/A	N/A	N/A	N/A	N/A
License duration	One year (<i>O.A.C. 1301:7-7-09(P)(16)</i>)	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$40 per category (<i>O.A.C. 1301:7-7-09(P)(15)</i>)	N/A	N/A	N/A	N/A	N/A

Fireworks manufacturer license

Surrounding state comparison (COM)

Description	
Issued to individuals for the manufacture of and/or wholesale of commercial (1.3G) and consumer (1.4G) grade fireworks in Ohio.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License.	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	6
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been an increase due to the moratorium on issuing new manufacturer licenses that has existed in continuous operation since at least 1989; nor has there been a decrease.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. All content and deliverables are the responsibility of the State Fire Marshal by authority of ORC. CE covers applicable sections of ORC, OAC, National Fire Protection Association (NFPA) standards, and material from the Consumer Product Safety Commission and USDOT. CE is approximately three hours annually.
Initial fee	\$2,750 – Fixed in R.C. 3743.02
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$2,750 – Fixed in R.C. 3743.02
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform license requirements or reciprocity permitted.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications or licenses that include competency in applicable, and quite complex sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Furthermore, Ohio licensure and safety regulations only apply to very specific premises located only in Ohio, and no other states are known to offer any reciprocity. Therefore, no substitutions for this state issued license have been requested by the SFM or authorized by the General Assembly. Furthermore, the longstanding moratorium prohibits the issuance of any reciprocal license.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No. Fireworks, as permitted under federal law, are a closely regulated substance due to their inherent dangers.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but very limited.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The State Fire Marshal has authority in R.C. 3743.08 to deny (new or renewals) or revoke existing manufacturing licenses.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

\$16,500. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Federal regulatory oversight for fireworks wholesalers and manufacturers includes:

- the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): focuses on the international importing, domestic manufacturing and storage of display (1.3g) fireworks.
- US DOTn: regulates the interstate transportation of all types of fireworks;
- Consumer Products Safety Commission (CPSC): regulates/educates the public in the safe usage of consumer items, such as consumer fireworks, which are illegal to discharge in Ohio without a specific exhibitor license and a permit. No CPSC rules regulate the sale of consumer fireworks of Ohio.

Federal law does not require state level regulation of fireworks and does not preempt such regulations. Ohio fireworks manufacturing licenses focus on the safe manufacturing, processing and packaging of both commercial and consumer fireworks, flow of explosives distribution and possession within Ohio, manufacturer site building and premises safety for employees, the public and first responders, the proper storage of fireworks, and sales store operations – particularly public retail sales operations. Except for required ATF licensed storage magazines on licensed manufacturer premises, Ohio fireworks manufacturing laws have very little direct overlap with federal fireworks regulations and neither state nor federal regulations are predicated upon the other.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation seeks to prevent the unlawful or unsafe manufacturing, packaging, distribution, testing, possession, storage and sale of fireworks in Ohio. Fireworks are inherently dangerous and potentially deadly if not manufactured, packaged, distributed, tested, possessed, stored and sold in compliance with the very specific mandates of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code provisions regulating the building structures on and storage magazines at a licensed premises where fireworks are located, and individuals permitted to purchase fireworks. These regulations focus on preventing another tragedy similar to the events of July 3, 1996 at Scotttown, Ohio, where a fire in a fireworks store led to 9 deaths and 11 injuries in a matter of seconds and other fatal, injury causing or property damaging explosions associated with fireworks throughout Ohio history.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Regulation is effective. There has not been a significant fire or explosion at a manufacturing or wholesaler premises in over a decade. Being less restrictive will not prevent the harm as Ohio standards just meet or are below national standards for several parts of these operations. Some of the safety provisions that are most effective are strict construction and operational standards and regular inspections to ensure compliance. Additionally, changes in the licensed premises must be approved by SFM and inspected by Code Enforcement fire safety inspectors. Licensees must also verify the purchase of commercial grade fireworks is made only to a licensed fireworks exhibitor.

Are there any changes the Board would like to see implemented?

Revision of the R.C. provisions establishing acceptable categories of display grade (1.3G) fireworks and amendment of storage location statutes to properly recognize current practices in the industry.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Fireworks regulations vary widely from state to state, including for the type of fireworks allowed to be sold or manufactured, the extent of regulation for the licensed premises, State and local building code and fire code requirements for the licensed premises, and requirements for individual license holders (federal background checks are required for this license type). Given Ohio's tragic history with fireworks, its regulation of fireworks, as specified in the Revised Code, falls on the side of greater safety for fireworks wholesaler and manufacturer license holders, and greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Manufacturer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (R.C. 3743.02)	Registration/ certificate of compliance (Ind. Code Ann. 22-11- 14-5)	No	No	Certificate of operation (34 Pa. Code 5.67)	Registration (W. Va. Code R. 103-4- 9)
Education or training	No	No	N/A	N/A	No	No
Experience	No	No	N/A	N/A	No	No
Exam	No	No	N/A	N/A	No	No
Continuing education	Annual course developed by State Fire Marshal (R.C. 3743.04(F))	No	N/A	N/A	No	No

Fireworks Manufacturer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$2,750 (<i>R.C. 3743.02</i>)	\$1,000 (<i>Ind. Code Ann. 22-11-14-5</i>)	N/A	N/A	Not specified	\$50-\$1,000 depending on type of site and explosives (<i>W. Va. Code R. 103-2-3 and 103-2-4</i>)
License duration	One year (<i>R.C. 3743.02</i>)	One year (<i>Ind. Code Ann. 22-11-14-5</i>)	N/A	N/A	Perpetual until revoked (<i>34 Pa. Code 5.67</i>)	One year (<i>W. Va. Code R. 103-4-9</i>)
Renewal fee	\$2,750 (<i>R.C. 3743.02</i>)	\$1,000 (<i>Ind. Code Ann. 22-11-14-5</i>)	N/A	N/A	Not specified	\$50-\$1,000 depending on type of site and explosives (<i>W. Va. Code R. 103-2-3 and 103-2-4</i>)

Fireworks wholesaler license

Surrounding state comparison (COM)

Description	
Issued to individuals for the wholesale of commercial (1.3G) and consumer (1.4G) grade fireworks in Ohio.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	0
Number renewed annually	44
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been an increase due to the moratorium on issuing new wholesaler licenses that have existed in continuous operation since at least 1989; nor has there been a decrease.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. All content and deliverables are the responsibility of the State Fire Marshal by authority of ORC. CE covers applicable sections of ORC, OAC, National Fire Protection Association (NFPA), and material from the Consumer Product Safety Commission and USDOT. CE is approximately three hours annually.
Initial fee	\$2,750 – Fixed in R.C. 3743.15
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$2,750 – Fixed in R.C. 3743.15
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No uniform license requirements or reciprocity permitted.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications or licenses that include competency in applicable, and quite complex, sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Furthermore, Ohio licensure and safety regulations only apply to very specific premises located only in Ohio, and no other states are known to offer any reciprocity. Therefore, no substitutions for this state issued license have been requested by the SFM or authorized by the General Assembly. Furthermore, the longstanding moratorium prohibits the issuance of any reciprocal license.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No. Fireworks, as permitted under federal law, are a closely regulated substance due to their inherent dangers.</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but very limited.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The State Fire Marshal has authority in R.C. 3743.08 to deny (new or renewals) or revoke existing wholesaler licenses.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$121,000. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Federal regulatory oversight for fireworks wholesalers and manufacturers includes:

- the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): focuses on the international importing, domestic manufacturing and storage of display (1.3g) fireworks.
- US DOTn: regulates the interstate transportation of all types of fireworks.
- Consumer Products Safety Commission (CPSC): regulates/educates the public in the safe usage of consumer items, such as consumer fireworks, which are illegal to discharge in Ohio without a specific exhibitor license and a permit. No CPSC rules regulate the sale of consumer fireworks of Ohio.

Federal law does not require state level regulation of fireworks and does not preempt such regulations. Ohio fireworks manufacturing licenses focus on the safe manufacturing, processing and packaging of both commercial and consumer fireworks, flow of explosives distribution and possession within Ohio, manufacturer site building and premises safety for employees, the public and first responders, the proper storage of fireworks, and sales store operations – particularly public retail sales operations. Except for required ATF licensed storage magazines on licensed manufacturer premises, Ohio fireworks manufacturing laws have very little direct overlap with federal fireworks regulations and neither state nor federal regulations are predicated upon the other.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation seeks to prevent the unlawful or unsafe packaging, distribution, testing, possession, storage and sale of fireworks in Ohio. Fireworks are inherently dangerous and potentially deadly if not packaged, distributed, tested, possessed, stored and sold in compliance with the very specific mandates of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code provisions regulating the building structures on and storage magazines at a licensed premises where fireworks are located, and individuals permitted to purchase fireworks. These regulations focus on preventing another tragedy similar to the events of July 3, 1996 at Scottown, Ohio, where a fire in a fireworks store led to 9 deaths and 11 injuries in a matter of seconds and other fatal, injury causing or property damaging explosions associated with fireworks throughout Ohio history.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

Regulation is effective. There has not been a significant fire or explosion at a manufacturing or wholesaler premises in over a decade. Being less restrictive will not prevent the harm as Ohio standards just meet or are below national standards for several parts of these operations. Some of the safety provisions that are most effective are strict construction and operational standards and regular inspections to ensure compliance. Additionally, changes in the licensed premises must be approved by SFM and inspected by Code Enforcement fire safety inspectors. Licensees must also verify the purchase of commercial grade fireworks is made only to a licensed fireworks exhibitor.

Are there any changes the Board would like to see implemented?

Revision of the R.C. provisions establishing acceptable categories of display grade (1.3G) fireworks and amendment of storage location statutes to properly recognize current practices in the industry.

Comparison to other states (How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)

Fireworks regulations vary widely from state to state, including for the type of fireworks allowed to be sold or manufactured, the extent of regulation for the licensed premises, State and local building code and fire code requirements for the licensed premises, and requirements for individual license holders (federal background checks are required for this license type). Given Ohio's tragic history with fireworks, its regulation of fireworks, as specified in the Revised Code, falls on the side of greater safety for fireworks wholesaler and manufacturer license holders, and greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3743.15</i>)	Registration/ certificate of compliance for wholesalers and retailers Permit for retail stands (<i>Ind. Code Ann. 22-11-14-5, 22-11-14-11, and 22-11-14-7</i>)	No, but registration is required for retail (not wholesale) sale of consumer fireworks (as opposed to larger display fireworks) is required; sale of display fireworks requires a license by the U.S. Bureau of Alcohol, Tobacco, Firearms and Explosives (<i>Ky. Rev. Stat.</i>	Certificate to sell consumer fireworks Registration to sell low-impact fireworks (<i>Mich. Comp. Laws 28.454 and 28.456</i>)	License for facility to sell consumer fireworks (<i>72 Pa. Cons. Stat. 9408</i>)	Registration for wholesale or distribution (a distributor sells to wholesalers and retailers for resale) Certification for retail sale of consumer fireworks (<i>W. Va. Code Ann. 29-3E-1, 29-3E-2, and 29-3E-5</i>)

Fireworks Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			<i>Ann. 227.715 and 227.710)</i>			
Education or training	No	No	No	No	No	No
Experience	No	No	No	No	No	No
Exam	No	No	No	No	No	No
Continuing education	Annual course developed by State Fire Marshal <i>(R.C. 3743.17(K))</i>	No	No	No	No	No
Initial licensure fee	\$2,750 <i>(R.C. 3743.15)</i>	Wholesaler: \$1,000 Retailer: \$1,000 plus additional fees for additional locations Retail stand: depends on number of stands <i>(Ind. Code Ann. 22-11-14-5, 22-11-14-11; 675 Ind. Admin. Code 12-3-10)</i>	Retailer intending to sell: \$25 Seasonal retailer: \$250 Permanent retailer: \$500 <i>(815 Ky. Admin. Regs. 10:070)</i>	Consumer fireworks: \$1,250 per location that is a permanent building, \$1,000 per other locations Low-impact fireworks: \$50 per location, up to \$1,000 <i>(Mich. Comp. Laws 28.454 and 28.456)</i>	Initial application fee for permanent structure: \$2,500 Initial application fee for temporary structure: \$1,000 Annual license fee (in addition to initial application fee) varies based on nature and size of structure <i>(72 Pa. Cons. Stat. 9408)</i>	Wholesaler: \$500 Retailer: \$500 for each temporary location and \$1,000 for each permanent location <i>(W. Va. Code R. 103-4-9; W. Va. Code Ann. 29-3E-5)</i>

Fireworks Wholesaler						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License duration	One year (<i>R.C. 3743.15</i>)	One year (<i>Ind. Code Ann. 22-11-14-5, 22-11-14-11, and 22-11-14-7</i>)	One year (<i>815 Ky. Admin. Regs. 10:070</i>)	One year (<i>Mich. Comp. Laws 28.454 and 28.456</i>)	One year (<i>72 Pa. Cons. Stat. 9408</i>)	One year (<i>W. Va. Code R. 103-4-9; W. Va. Code Ann. 29-3E-5</i>)
Renewal fee	\$2,750 (<i>R.C. 3743.15</i>)	Wholesaler: \$1,000 Retailer: \$1,000 plus additional fees for additional locations Retail stand: depends on number of stands <i>(Ind. Code Ann. 22-11-14-5, 22-11-14-11; 675 Ind. Admin. Code 12-3-10)</i>	Retailer intending to sell: \$25 Seasonal retailer: \$250 Permanent retailer: \$500 <i>(815 Ky. Admin. Regs. 10:070)</i>	Consumer fireworks: \$1,250 per location that is a permanent building, \$1,000 per other locations Low-impact fireworks: \$50 per location, up to \$1,000 <i>(Mich. Comp. Laws 28.454 and 28.456)</i>	Varies based on size and nature of structure (<i>72 Pa. Cons. Stat. 9408</i>)	Wholesaler: \$500 Retailer: \$500 for each temporary location and \$1,000 for each permanent location <i>(W. Va. Code R. 103-4-9; W. Va. Code Ann. 29-3E-5)</i>

Fireworks shipper permit

Survey responses (COM)

Description	
Requires any person who resides in another state and intends to ship fireworks into Ohio to be issued an out-of-state Shipper permit.	
Type <i>(See R.C. 4798.01 for relevant definitions.)</i>	
License	
If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	1
Number renewed annually	24
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued have increased slightly over the past six years.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	No
Initial fee	\$2,750 – Fixed in R.C. 3743.40.
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$2,750 – Fixed in R.C. 3743.40.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications or licenses that include competency in applicable, and quite complex, sections of the Ohio Revised Code and the Ohio Fire Code. Furthermore, no other states are known to offer any reciprocity for this type of license. Therefore, no substitutions for this state issued license have been requested by the SFM or authorized by the General Assembly. Furthermore, the longstanding moratorium prohibits the issuance of any reciprocal license.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but very limited.</p>
<p>Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i></p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The only direct penalties for fireworks shipping violations are criminal violations. Other than Ohio Fire Code citation authority for certain hazardous activity related offenses, the State Fire Marshal cannot take administrative actions against a shipping permit holder.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$66,000. Revenue is used for SFM and agency budgets.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Federal regulatory oversight for fireworks shippers includes:

- the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): focuses on the international importing, domestic manufacturing and storage of display (1.3g) fireworks.
- US DOTn: regulates the interstate transportation of all types of fireworks.

Federal law does not require state level regulation of fireworks and does not preempt such regulations. Ohio fireworks shipping licenses focus on the safe bulk packaging, transportation and distribution of fireworks with a final shipping destination within Ohio. Ohio shipping regulations act in concert with federal regulations and focus on the delivery of explosive products to properly licensed/permitted persons at approved locations.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation seeks to prevent the unlawful shipment of fireworks into Ohio and prevent the delivery of fireworks to unlicensed premises and unlicensed individuals as the mishandling of fireworks can be dangerous, even deadly – especially improper acquisition and use of larger, display grade (1.3G) fireworks. For example, in the past two years, two fatal uses of display grade fireworks have occurred in Ohio and both were related to illegally shipped fireworks (while properly licensed shipments did not lead to such tragedies). These lives would have been saved if the law had been followed and many more would be injured or killed if the law was not in place.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulations are very effective as incidents tied to licensed shippers and shipments are very low, while unlicensed activity has led to fatalities, including two in the past two years. Being less restrictive will most likely only lead to more fatalities and injuries as the types of fireworks shipped into Ohio are essentially small and larger grade explosives, so an increase in the amount of unlicensed product getting into the hands of unlicensed persons, including children, is a formula for disaster. There are no less restrictive means available as Ohio law picks up where federal oversight ends. Currently, Shippers can only deliver fireworks to a licensed wholesaler or manufacturer or to a licensed exhibitor at a permitted exhibition site and they have ATF and US DOTn oversight while in-state and out-of-state transit. Ohio regulation picks up as the product comes into the state and the agencies cooperate, as needed, to ensure proper and safe delivery of the fireworks to the intended persons. Lessening regulation will create gaps in this process.

Are there any changes the Board would like to see implemented?

Providing the SFM with the ability to take administrative action against permit holders who commit violations of law and increased penalties for illegal shipments to increase deterrence for illegal shipments.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for the types of fireworks being shipped, the extent of regulation for the location where fireworks are shipped to and who they are being shipped to, and requirements for individual license holders. Federal background checks are required for this license type. Ohio's regulation falls on the side of greater safety for fireworks shipper license holders, greater safety for licensed recipients of fireworks shipments, consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Shipper						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Permit (<i>R.C. 3743.40</i>)	Registration/certificate of compliance for importers and distributors (<i>Ind. Code Ann. 22-11-14-5</i>)	No	No	No	No
Education or training	No	No	N/A	N/A	N/A	N/A
Experience	No	No	N/A	N/A	N/A	N/A
Exam	No	No	N/A	N/A	N/A	N/A
Continuing education	No	No	N/A	N/A	N/A	N/A
Initial licensure fee	\$2,750 (<i>R.C. 3743.40</i>)	\$1,000 (<i>Ind. Code Ann. 22-11-14-5</i>)	N/A	N/A	N/A	N/A
License duration	One year (<i>R.C. 3743.40</i>)	One year (<i>Ind. Code Ann. 22-11-14-5</i>)	N/A	N/A	N/A	N/A
Renewal fee	\$2,750 (<i>R.C. 3743.40</i>)	\$1,000 (<i>Ind. Code Ann. 22-11-14-5</i>)	N/A	N/A	N/A	N/A

Fireworks exhibitor license

Survey responses (COM)

Description

All persons who conduct a fireworks exhibition or flame effects exhibition in Ohio must be licensed by the SFM.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually

14

Number renewed annually

576

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued have maintained at the same level over the past six years.
Education or training requirements	New applicants must be supervised by an Ohio licensed Exhibitor.
Experience requirements	Written documentation of the applicant’s proficiency in handling and discharging fireworks, and that the applicant is capable of handling the responsibilities associated, in a manner that emphasizes the safety and security of the public. The documentation shall be endorsed by the signature of a licensed exhibitor, manufacturer or wholesaler of fireworks in Ohio.
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	Taking and passing an exam is required for this license. Exam is administered by third party exam vendor PSI Services LLC. Exam administrator is selected using DAS open bidding process for vendors through the DAS website portal. Exam material is selected by SFM subject matter experts. \$40 fee per exam is collected directly by Exam vendor. SFM does not receive an exam fee.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Yes. Content and deliverables are the responsibility of the State Fire Marshal by authority of ORC. SFM may approve Ohio Fireworks licensees to administer CE, after completing CE administered by SFM. CE covers applicable sections of ORC, OAC, National Fire Protection Association (NFPA), and material from the Consumer Product Safety Commission and USDOT.
Initial fee	\$50 – Fixed per R.C. 3743.50
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	\$50 – Fixed per R.C. 3743.50

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>Individuals can provide proof they are an active licensed Exhibitor in good standing from another state and this will bypass the experience requirement only. Background check and exam are still required.</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications or licenses that include competency in applicable, and quite complex, sections of the Ohio Revised Code and the Ohio Fire Code governing displays of fireworks and flame effects. Furthermore, no other states are known to offer any reciprocity for the various Ohio categories of this type of license. Therefore, no substitutions for this state issued license have been requested by the SFM or authorized by the General Assembly.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes, but very limited.</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The State Fire Marshal has authority in R.C. 3743.53 to deny (new or renewals) or revoke existing manufacturing licenses.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$30,000. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Federal regulatory oversight for fireworks exhibitors includes:

- the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): focuses on the international importing, domestic manufacturing and storage of display (1.3g) fireworks.
- US DOTn: regulates the interstate transportation of all types of fireworks.
- Consumer Products Safety Commission (CPSC): regulates/educates the public in the safe usage of consumer items, such as consumer fireworks, which are illegal to discharge in Ohio without a specific exhibitor license and a permit. No CPSC rules regulate the sale of consumer fireworks of Ohio.

Federal law does not require state level regulation of fireworks and does not preempt such regulations. Ohio fireworks exhibitor and flame effect licenses focus on the safe transport, storage and display of fireworks (both display grade 1.3G fireworks and consumer grade 1.4G fireworks, which are both used at exhibitions) and flame effects. This includes safety for employees, the public and first responders, Ohio

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

fireworks exhibition laws have very little direct overlap with federal fireworks regulations and neither state nor federal regulations are predicated upon the other, as Ohio laws focus on the end use of the product while federal regulations focus more on “upstream” creation, distribution and storage of such items.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Fireworks, particularly exhibition grade (1.3G) fireworks, are inherently dangerous. For example, in just the past two years, the unlicensed use of 1.3G fireworks has led directly to deaths of two persons and other serious injuries, and, prior to that, the deaths of two others (and numerous other injuries) at licensed, but unsafe shows.

The further back one goes, an ever-increasing toll of deaths, injuries and property destruction caused by fireworks, both in Ohio and across the county is clearly evident. To stop such tragedies, this regulation seeks to prevent the sale of 1.3G commercial fireworks to unlicensed individuals, the shooting of 1.3G commercial and 1.4G consumer fireworks by unlicensed individuals in Ohio, and the unsafe exhibition of any fireworks by any persons.

The best way to prevent fatalities, injuries and property destruction caused by fireworks is the licensing of individuals who are trained in the safe handling and safe shooting/display of fireworks at exhibitions in accordance with the complex safety practices established in the Ohio Revised Code and Ohio Fire Code.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective as, for example, Ohio has not had a fatality at a properly permitted show conducted by a licensed exhibitor since 1998, while fatalities have recently occurred at unlicensed illegal exhibitions. Clearly, the licensure and safety rules work when applied. Being less restrictive will not prevent the harm and will increase access and use of high explosives by untrained persons, subjecting those persons and innocent bystanders to serious harm and possibly death.

Currently, only licensed exhibitors can apply for fireworks exhibition permits with local authorities having jurisdiction in Ohio. Fireworks wholesalers and manufacturers can only sell 1.3G commercial fireworks to licensed exhibitors. Licensed exhibitors must keep their license credentials on them while engaging in activities that require an Exhibitor’s license and follow all of the very specific Ohio safety rules at

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

exhibitions. Reducing any regulations in this area will only serve to create significant gaps in the overall regulatory structure of this activity and the risks associated with such gaps are very high.

Are there any changes the Board would like to see implemented?

Increase in penalties for the acquisition and use of 1.3G fireworks. Under Federal and Ohio law, the improper possession of explosives containing the same amount of hazardous/explosive compounds as a 1.3G firework is a felony. If the item is labeled as a firework, but is just as dangerous, it is only a misdemeanor to illegally acquire or possess. As the potential harm associated with the explosive device (that's what a firework is per the ATF) is the same in either case, the penalties for illegal possession and use should be the same.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for the type of fireworks that can be displayed by a licensed fireworks exhibitor, the type of license required relative to the type of fireworks on exhibition, the extent of regulation for the exhibition site, State and local fire code requirements, and requirements for individual licensees. Federal background checks are required for this license type. Ohio's regulation falls on the side of greater safety for fireworks exhibitors, greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Exhibitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3743.50</i>)	No	No	No	Registration for business that intends to display (<i>35 Pa. Cons. Stat. 1276.2; 37 Pa. Code 711.1</i>)	Yes (<i>W. Va. Code R. 103-4-8</i>)
Education or training	No	N/A	N/A	N/A	No	Must demonstrate through training, skill and experience a minimum proficiency (<i>W. Va. Code R. 103-4-8</i>)
Experience	Must submit one of the following: 1. Documentation that applicant is capable of handling the responsibilities associated with exhibitions;	N/A	N/A	N/A	No	Must demonstrate through training, skill and experience a minimum proficiency (<i>W. Va. Code R. 103-4-8</i>)

Fireworks Exhibitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	2. A comparable license issued by another state; 3. Documentations demonstrating competency by experience or training in the operation of flame effects; <i>(O.A.C. 1301:7-7-56(S)(6))</i>					
Exam	Yes <i>(O.A.C. 1301:7-7-56(S)(7))</i>	N/A	N/A	N/A	No	Yes <i>(W. Va. Code R. 103-4-8)</i>
Continuing education	Six hours every three years <i>(R.C. 3743.52)</i>	N/A	N/A	N/A	No	No
Initial licensure fee	\$50 <i>(O.A.C. 1301:7-7-56(S)(2))</i>	N/A	N/A	N/A	Not specified	\$20 <i>(W. Va. Code R. 103-4-8)</i>
License duration	One year <i>(R.C. 3743.52; O.A.C. 1301:7-7-56(S)(2))</i>	N/A	N/A	N/A	One year <i>(35 Pa. Cons. Stat. 1276.2; 37 Pa. Code 711.3)</i>	One year <i>(W. Va. Code R. 103-4-8)</i>

Fireworks Exhibitor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$50 (<i>O.A.C. 1301:7-7-56(S)(2)</i>)	N/A	N/A	N/A	Not specified	\$20 (<i>W. Va. Code R. 103-4-8</i>)

Fireworks exhibitor assistant registration

Survey responses (COM)

Description
All individuals who assist an Ohio licensed fireworks exhibitor in conducting a fireworks exhibition or flame effects exhibition in Ohio must be licensed by the SFM.
Type (<i>See R.C. 4798.01 for relevant definitions.</i>)
Registration

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	154
Number renewed annually	1,532
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued have remained steady with no significant increase or decrease over the past six years
Education or training requirements	Yes. Must be under the supervision of an Ohio licensed fireworks Exhibitor who must sign initial application and annual license renewal applications.
Experience requirements	No
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	Annual completion of a minimum 3 hours of CE in the safe operation of a public display. CE is in-service, administered by the supervising fireworks exhibitor.
Initial fee	\$25 – as authorized in rule per R.C. 3743.56
Duration	Annual

If the regulation is a registration, certification, or license requirement, please complete the following:	
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$25 – as authorized in rule per R.C. 3743.56
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Division is not aware of the existence of any similar national registrations, certifications of licenses that include oversight/competency in applicable exhibition related sections of the Ohio Revised Code, Ohio Fire Code or close association with a licensed exhibitor. Therefore, no substitutions for this state issued license have been made or requested by the exhibition community or General Assembly.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes, but limited.
Other information <i>(Significant attributes or prerequisites to licensure not addressed in this chart.)</i>	None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The State Fire Marshal has authority to deny or refuse to renew this license.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$27,450. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Federal regulatory oversight for fireworks exhibitors and their registered assistants includes:

- the Federal Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF): focuses on the international importing, domestic manufacturing and storage of display (1.3g) fireworks.
- US DOTn: regulates the interstate transportation of all types of fireworks.
- Consumer Products Safety Commission (CPSC): regulates/educates the public in the safe usage of consumer items, such as consumer fireworks, which are illegal to discharge in Ohio without a specific exhibitor license and a permit. No CPSC rules regulate the sale of consumer fireworks of Ohio.

Federal law does not require state level regulation of fireworks and does not preempt such regulations. Ohio fireworks exhibitor and flame effect licenses focus on the safe transport, storage and display of fireworks (both display grade 1.3G fireworks and consumer grade 1.4G fireworks, which are both used at exhibitions) and flame effects. This includes safety for employees, the public and first responders, Ohio

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

fireworks exhibition laws have very little direct overlap with federal fireworks regulations and neither state nor federal regulations are predicated upon the other, as Ohio laws focus on the end use of the product while federal regulations focus more on “upstream” creation, distribution and storage of such items.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

Fireworks, particularly exhibition grade (1.3G) fireworks, are inherently dangerous. For example, in just the past two years, the unlicensed use of 1.3G fireworks has led directly to deaths of two persons and other serious injuries, and, prior to that, the deaths of two others (and numerous other injuries) at licensed, but unsafe shows. Likewise, improperly trained or unsupervised assistants have been injured and placed in precarious situations at exhibitions and experience has shown that the more unsupervised & untrained persons are that are inside of a display perimeter, the higher the risk of tragic results and accidents.

To stop such unacceptable risks to show helpers and the public, this regulation seeks to prevent the handling and shooting of 1.3G commercial and 1.4G consumer fireworks by unlicensed, untrained or improperly supervised individuals in Ohio, limit the access to the display perimeter to only those persons directly supervised by the shooter (and government safety officials), and to prevent the unsafe exhibition of any fireworks by any persons. The best way to prevent fatalities, injuries and property destruction caused by fireworks is the licensing of individuals who are trained in the safe handling and safe shooting/display of fireworks at exhibitions in accordance with the complex safety practices established in the Ohio Revised Code and Ohio Fire Code, the registration and close supervision of exhibitor’s subordinates and the limitation of access to the display perimeter.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective, as recent history has shown high quality safety practices and less risk of dangerous incidents since the inception of this program. Being less restrictive will not prevent the harm as the registration process is already not very onerous and works to promote safety. Currently, only licensed exhibitor assistants can work with their supervising fireworks exhibitor at the permitted exhibition sites as approved by local authorities having jurisdiction in Ohio. Licensed exhibitor assistants must keep their license credentials on them while engaging in activities that require an Exhibitor’s license.

Are there any changes the Board would like to see implemented?

Creation of administrative authority to suspend or revoke registration for improper activity during period of registration.

Comparison to other states *(How many other states regulate the occupation? How do Ohio’s regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for the type of fireworks that can be displayed by a licensed fireworks exhibitor, the type of license required relative to the type of fireworks on exhibition, the extent of regulation for the exhibition site, State and local fire code requirements, and requirements for individual licensees. Federal background checks are required for this license type. Ohio’s regulation falls on the side of greater safety for fireworks exhibitors, greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Fireworks Exhibitor Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Registration <i>(R.C. 3743.56)</i>	No	No	No	No	Yes <i>(W. Va. Code R. 103-4-8)</i>
Education or training	At least three hours of in-service education in the safe operation of	N/A	N/A	N/A	N/A	No

Fireworks Exhibitor Assistant						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	a public display (O.A.C. 1301:7-7-56(S)(10)(b)(ii))					
Experience	No	N/A	N/A	N/A	N/A	No
Exam	No	N/A	N/A	N/A	N/A	No
Continuing education	No	N/A	N/A	N/A	N/A	No
Initial licensure fee	\$25 (O.A.C. 1301:7-7-56(S)(10)(a)(i))	N/A	N/A	N/A	N/A	\$20 (W. Va. Code R. 103-4-8)
License duration	One year (R.C. 3743.56)	N/A	N/A	N/A	N/A	Not specified
Renewal fee	\$25 (O.A.C. 1301:7-7-56(S)(10)(a)(i))	N/A	N/A	N/A	N/A	Not specified

Hotel or single room occupancy license

Survey responses (COM)

Description

Requires the licensure of any structure with one or more buildings containing more than five guestrooms that are approved by the local building code official having authority and the SFM as meeting the requirements for transient sleeping, or extended stay, or temporary residence and offered for pay to guests.

Type *(See R.C. 4798.01 for relevant definitions.)*

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	41
Number renewed annually	1700

If the regulation is a registration, certification, or license requirement, please complete the following:

Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Hotels have been steadily increasing over the past six years due to continued infrastructure development.
Education or training requirements	None
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	Hotels must pass inspection by an SFM Code Enforcement Fire Safety Inspector in accordance with Ohio Fire Code. \$100 inspection fee. Proceeds are used for SFM and agency budget.
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	ranges from \$2,000 to \$4,000
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	6-110 sleeping rooms: \$110 110 or more sleeping rooms: \$1 per room

If the regulation is a registration, certification, or license requirement, please complete the following:	
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Division is not aware of the existence of any similar national registrations, certifications of licenses that include applicable sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Therefore, no substitutions for this state issued license have been made.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	Hotels with 5 rooms or less are exempt from Ohio hotel license law. Structures not offering rooms for a fee to the public are exempt from Hotel license law.
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (Significant attributes or prerequisites to licensure not addressed in this chart.)	None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

State Fire Marshal has authority to deny, suspend, revoke or refuse to renew this license. Actions against a license are accomplished through the issuance of a notice of opportunity for hearing and are subject to ORC Chapter 119; no fine or revocation is imposed until the licensee has first received notice and an opportunity to correct. In addition, violations of OFC requirements, when not corrected, may be addressed through a citation process which also includes an opportunity to correct and appeal rights pursuant to ORC Chapter 119.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

\$454,000. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

No

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation seeks to prevent the construction of hotels that do not meet minimum building standards for fire safety. Hotels that are not in compliance with minimum fire safety and building code standards are harmful and dangerous to the public.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

This regulation is effective. Being less restrictive will not prevent the harm. Hotels are not permitted to open until minimum building safety and fire safety standards are met. Hotels are inspected annually to ensure safety compliance measures are maintained. Hotels are given the opportunity to correct non-compliance. Citations are issued for non-corrected fire code offenses.

Are there any changes the Board would like to see implemented?

The transfer of authority to other agencies of certain ORC Chapter 3731 provisions that charge SFM Code Enforcement certified fire safety inspectors with the duty of inspecting hotel facilities for sanitary conditions not related to fire safety (such as bedding and carpeting sanitization). See ORC sec. 3731.05 together with ORC secs. 3731.09, 3731.12 and 3731.13.

Clarify the applicability of hotel definitions, rules and standards to temporary vacation rentals including, but not limited to, Air B and B and Vrbo.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied on state and local jurisdiction levels. Regulation varies based on state and local building codes and fire codes. Required building specifications vary widely based on factors such as hotel license type being applied for and whether the hotel has any places of assembly. The definition of a hotel varies widely across the states. The involvement of local jurisdictions such as city building code officials and local hotel licenses issued is vastly different within each jurisdiction. Ohio's regulation falls on the side of greater safety for consumers and the general public.

Surrounding state comparison (LSC)

Hotel or Single Room Occupancy						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3731.03</i>)	No	Permit (<i>Ky. Rev. Stat. Ann. 219.021</i>)	No	No	Certificate (<i>W. Va. Code Ann. 16-6-4</i>)
Education or training	No	N/A	No	N/A	N/A	No
Experience	No	N/A	No	N/A	N/A	No
Exam	No	N/A	No	N/A	N/A	No
Continuing education	No	N/A	No	N/A	N/A	No
Initial licensure fee	For hotels or SROs with exterior corridor rooms only, \$2,000 For hotels or SROs with interior corridor rooms only, \$3,000 For hotels or SROs with exterior or interior rooms and places of assembly, \$4,000	N/A	\$100 (<i>902 Ky. Admin. Regs. 7:010(3)(4)</i>)	N/A	N/A	\$2 plus \$0.25 per bedroom in excess of seven, but not more than \$10 total (<i>W. Va. Code Ann. 16-6-4</i>)

Hotel or Single Room Occupancy						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	<i>(O.A.C. 1301:7-7-01(R)(7)(c))</i>					
License duration	One year <i>(R.C. 3731.03)</i>	N/A	One year <i>(Ky. Rev. Stat. Ann. 219.021)</i>	N/A	N/A	One year <i>(W. Va. Code Ann. 16-6-4)</i>
Renewal fee	\$110 or \$1 per room, whichever is greater <i>(O.A.C. 1301:7-7-01(R)(7)(c))</i>	N/A	\$100 <i>(902 Ky. Admin. Regs. 7:010(3)(4))</i>	N/A	N/A	\$2 plus \$0.25 per bedroom in excess of seven, but not more than \$10 total <i>(W. Va. Code Ann. 16-6-4)</i>

Underground storage tank systems installer certification

Survey responses (COM)

Description
License required for individuals to install, perform major repairs on site to, close-in-place, or remove an underground storage tank system.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	18
Number renewed annually	548
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued has maintained at the same level over the past six years.
Education or training requirements	36-hour training program
Experience requirements	Complete above 36 hour training and participated in the install, major repair, abandonment or removal of 3 Underground Storage Tank (UST) systems; OR be a registered engineer and participate in the install, major repair, abandonment or removal of 6 Underground Storage Tank (UST) systems; OR participate in the install, major repair, abandonment or removal of 12 Underground Storage Tank (UST) systems

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>Taking and passing an exam is required for this license. Exam is administered by SFM. Exam material is determined by SFM subject matter experts. \$175 initial application fee includes exam. Proceeds are used for SFM and agency budget.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>8-hour refresher installer CE course as required in OAC. Education course is reviewed and subject to approval by SFM Environmental Supervisor.</p>
<p>Initial fee</p>	<p>\$175</p>
<p>Duration</p>	<p>Annual</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$150. Initial fee helps cover maintaining exam proctoring database.</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications of licenses that include competency in applicable sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Therefore, no substitutions for this state issued license have been made.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SFM may deny, suspend, revoke, or refuse to renew the license.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$80,275. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Under our federal grant agreements, SFM/Bureau of Underground Storage Tank Regulation (BUSTR) is required to mandate a method of certification for Installer type activity, and our licensing program satisfies this requirement.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation prevents the harm caused if installers were not required to pass an exam and complete education to show they possess satisfactory competency in the install, major repairs on site, abandonment, or removal of underground storage tank systems. USTs contain highly flammable and toxic substances such as gasoline, kerosene, etc. The mishandling of underground storage tanks can lead to spills, environmental contamination, fire and explosions.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective. Being less restrictive will not prevent the harm. Licensed installers must complete CE with course sponsors approved by SFM. Facilities where licensed installers perform install work are registered UST facilities with SFM, which provides further oversight for safety and prevention.

Are there any changes the Board would like to see implemented?

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for UST Installer education hours required and experience requirements for licensure. Some state licenses combine other UST trades such as inspections with the installer license. Other states issue separate license categories based on the type of install work being performed. Ohio's regulation falls on the side of greater safety at UST facilities for the general public.

Surrounding state comparison (LSC)

Underground Storage Tank Systems Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3737.881(F)</i>)	Certification (<i>Ind. Code Ann. 13-23-3-3</i>)	Certification (<i>Ky. Rev. Stat. Ann. 224.60-135(5); 815 Ky. Admin. Regs. 30:060(2)</i>)	Owner must hire a qualified underground storage tank consultant to conduct corrective actions at a site where a release has occurred from a tank (<i>Mich. Comp. Laws 324.21307 et seq.; Michigan Department of Environmental Quality, Remediation and Development Division, Frequently Asked Questions</i>)	Certification for installers and inspectors (<i>35 Pa. Cons. Stat. 6021.501(c); 25 Pa. Code 245.102</i>)	Certification (<i>W. Va. Code Ann. 22-17-6(b)(12); W. Va. Code R. 33-30-3.2</i>)
Education or training	Applicant must meet at least one of several requirements to demonstrate sufficient training	No	No, but can reduce required experience by demonstrating specific training courses or	No, but if person does not have required experience, the person must possess or employ	Depends on the specific certification category (<i>25 Pa. Code 245.111 and 245.113</i>)	No

Underground Storage Tank Systems Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
	and experience (O.A.C. 1301:7-9-11(I))		education (815 Ky. Admin. Regs. 30:060(6)(1))	at least one person with either one of several specified authorizations or with a specific master's degree plus experience (Mich. Comp. Laws 324.21325(a))		
Experience	Applicant must meet at least one of several requirements to demonstrate sufficient training and experience (O.A.C. 1301:7-9-11(I))	No	Participation in installation of, performance of repairs on site to, closure of, interior lining of, installation of corrosion protection to, or removal of a minimum of six underground storage tanks within immediately prior five years Applicant can reduce required	Has experience in all phases of underground storage tank work If person does not have the required experience, person must possess or employ at least one person with either one of several specified authorizations or with a specific master's degree plus experience	Depends on the specific certification category (25 Pa. Code 245.111 and 245.113)	Depends on the specific certification category (W. Va. Code R. 33-30-3.4)

Underground Storage Tank Systems Installer

	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
			experience by demonstrating specific training courses or education Additional experience required depending on the specific type of certification sought Applicant can obtain probationary certificate under certain conditions if applicant does not have enough experience <i>(815 Ky. Admin. Regs. 30:060(6) and (7))</i>	<i>(Mich. Comp. Laws 324.21325(a))</i>		
Exam	Yes <i>(O.A.C. 1301:7-9-11(I))</i>	Yes <i>(Ind. Code Ann. 13-23-3-2)</i>	Yes <i>(815 Ky. Admin. Regs. 30:060(5)(4))</i>	No	Yes <i>(25 Pa. Code 245.102)</i>	Depends on the specific certification category <i>(W. Va. Code R. 33-30-3.4)</i>

Underground Storage Tank Systems Installer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Continuing education	Eight hours per year (<i>O.A.C. 1301:7-9-11(L)(1)(b)</i>)	No	No	No	No	16 hours every three years (<i>W. Va. Code R. 33-30-3.5.a.2</i>)
Initial licensure fee	\$150 (<i>O.A.C. 1301:7-9-11(I)</i>)	\$25 (<i>675 Ind. Admin. Code 12-12-4(a)(2)</i>)	\$300 (<i>815 Ky. Admin. Regs. 30:060(5)</i>)	No	Not specified	\$185 (<i>W. Va. Code R. 33-30-3.4.h and i</i>)
License duration	One year (<i>R.C. 3737.881(A)</i>)	Two years (<i>Ind. Code Ann. 13-23-3-4</i>)	One year (<i>815 Ky. Admin. Regs. 30:060(9)(1)</i>)	No	Three years (<i>25 Pa. Code 245.114</i>)	Three years (<i>W. Va. Code R. 33-30-3.5</i>)
Renewal fee	\$150 (<i>O.A.C. 1301:7-9-11(L)(1)(a)</i>)	\$25 (<i>675 Ind. Admin. Code 12-12-4(a)(2)</i>)	\$100 (<i>815 Ky. Admin. Regs. 30:060(9)(1)</i>)	No	Not specified	\$125 (<i>W. Va. Code R. 33-30-3.5</i>)

Underground storage tank systems inspector

Survey responses (COM)

Description
License required for individuals to inspect the installation of, performance of major repairs on site to, closure-in-place of, removal of, performance of modifications of, placing out of service for more than ninety days of, or the change in service of an underground storage tank system.

Type (See R.C. 4798.01 for relevant definitions.)

License

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	20
Number renewed annually	129
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	Active licenses issued have slightly increased overall in the past six years.
Education or training requirements	Completion of a UST Installer training program and a UST Inspector training program
Experience requirements	None

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)</p>	<p>Passing an exam is required for this license. Exam is administered by SFM. Exam material is determined by SFM subject matter experts. \$25 initial application fee include exam. Proceeds are used for SFM and agency budget.</p>
<p>Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)</p>	<p>No</p>
<p>Initial fee</p>	<p>\$25</p>
<p>Duration</p>	<p>Annual</p>
<p>Renewal fee (<i>If different from initial fee, please explain why.</i>)</p>	<p>\$25</p>
<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications of licenses that include competency in applicable sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Therefore, no substitutions for this state issued license have been made.</p>

If the regulation is a registration, certification, or license requirement, please complete the following:

Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes
Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)	None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SFM may deny suspend, revoke, or refuse to renew the license.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

\$852. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Under our federal grant agreements, SFM/BUSTR is required to mandate a method of certification for UST Inspector type activity, and our licensing program satisfies this requirement.

What is the “harm” that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

This regulation prevents the harm caused if inspectors were not required to pass an exam and complete education to show they possess satisfactory competency in the inspection of installs, major repairs on site to, closure-in-place, removal, modifications, placing out of service for more than 90 days, or change in service of an underground storage tank systems. USTs contain highly flammable and toxic substances such as gasoline, kerosene, etc. The mishandling of underground storage tanks can lead to spills, environmental contamination, fire and explosions.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective. Being less restrictive will not prevent the harm. Licensed inspectors must regularly file completed field inspection reports to the SFM. Facilities where licensed inspectors perform inspection on installation work are registered UST facilities with SFM. This provides further oversight for safety and prevention.

Are there any changes the Board would like to see implemented?

No

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Regulation varies for UST Inspector education hours required and experience requirements for licensure. Some state licenses combine other UST trades such as installers with the inspection license. Other states issue separate license categories based on the type of install work being performed. Ohio's regulation falls on the side of greater safety at UST facilities for the general public.

Underground storage tank systems installer training (both the initial 36-hour training course and eight hour continuing education training) sponsor certification

Survey responses (COM)

Description
The SFM may certify a person to sponsor an installer training program if the person applies to the SFM and pays a fee, and provides the following: program description and syllabus; lesson plans for each class session; study materials and handouts; name, address and qualifications of all faculty; pre-test and post-test examinations; method of attendance verification; and the instructor for the training program must be a certified installer and possess a valid installer certificate issued by the SFM.

Type <i>(See R.C. 4798.01 for relevant definitions.)</i>
Regulation of process

If the regulation is a registration, certification, or license requirement, please complete the following:	
Number issued annually	No new training sponsor licenses in the past year.
Number renewed annually	3 renewals for the 36-hour training course sponsor license and 7 renewals for the 8-hour continuing education training sponsor license.

If the regulation is a registration, certification, or license requirement, please complete the following:	
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been a significant change in the number of course sponsors over the past six years.
Education or training requirements	Training program instructor must be a certified installer and possess a valid installer certificate issued by the SFM.
Experience requirements	Be a certified installer and possess a valid installer certificate issued by the SFM
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None
Continuing education requirements (<i>Including a description of the curriculum and the process of setting it.</i>)	None
Initial fee	For 36-hour course - \$200; For 8-hour course - \$50
Duration	Annual
Renewal fee (<i>If different from initial fee, please explain why.</i>)	For 36-hour course - \$150; For 8-hour course - \$50. The initial fee is to cover comprehensive review of sponsor's presented materials and evaluation of their testing being offered.

If the regulation is a registration, certification, or license requirement, please complete the following:

<p>Does the Board recognize uniform licensure requirements or allow for reciprocity?</p>	<p>No</p>
<p>Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?</p>	<p>The Division is not aware of the existence of any similar national registrations, certifications of licenses that include competency in applicable sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Therefore, no substitutions for this state issued license have been made.</p>
<p>Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?</p>	<p>No</p>
<p>Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?</p>	<p>Yes</p>
<p>Other information (<i>Significant attributes or prerequisites to licensure not addressed in this chart.</i>)</p>	<p>None</p>

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SFM may approve, amend, revoke, or deny the sponsor certification.

How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)? How is that revenue used?

Renewal revenue: \$800. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

None. No.

What is the “harm” that the regulation seeks to prevent? (*See, R.C. 4798.02(B).*)

This regulation allows private entities to provide the necessary training and continuing education needed in teaching UST installers how to safely perform their tasks. In turn, that prevents potential harm caused if installers were not required to demonstrate they possessed satisfactory competency in hazardous activities such as installing, repairing, removal, etc. of underground storage tanks containing highly flammable substances such as gasoline, kerosene, etc. The mishandling of underground storage tanks can lead to spills, environmental contamination, fire and explosions.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective. Being less restrictive will not prevent the harm. Licensed UST installer education sponsors must regularly demonstrate they are adequately ensuring that UST installers are trained appropriately and have demonstrated competency in performing tasks regulated to tanks that store highly flammable and toxic substances. The continuing education component is important to ensure UST installers keep up with changes to the UST rules and regulations.

Are there any changes the Board would like to see implemented?

No.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

Type of regulation from state to state is widely varied. Some states perform all their own education courses/training while others may do a hybrid. Ohio's regulations probably fall within the middle.

Surrounding state comparison (LSC)

Underground Storage Tank Systems Installer – Trainer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Yes (<i>R.C. 3737.881(F)</i>)	No	No	No	Approval (<i>25 Pa. Code 245.141</i>)	Operator training course must be approved (<i>W. Va. Code R. 33-30-6</i>)
Education or training	No	N/A	N/A	N/A	No	No
Experience	Must be a certified underground storage tank systems installer (<i>O.A.C. 1301:7-9-11(M)(7)(c)</i>)	N/A	N/A	N/A	No	No
Exam	No	N/A	N/A	N/A	No	No
Continuing education	No	N/A	N/A	N/A	Yes (<i>25 Pa. Code 245.114</i>)	No
Initial licensure fee	\$200 (<i>O.A.C. 1301:7-9-11(M)(5)</i>)	N/A	N/A	N/A	No	\$280 (<i>W. Va. Code R. 33-30-6</i>)
License duration	One year (<i>R.C. 3737.881(B)</i>)	N/A	N/A	N/A	Three years (<i>25 Pa. Code 245.141</i>)	Five years (<i>W. Va. Code R. 33-30-6</i>)

Underground Storage Tank Systems Installer – Trainer						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Renewal fee	\$150 (<i>O.A.C. 1301:7-9-11(M)(11)</i>)	N/A	N/A	N/A	No	\$280 (<i>W. Va. Code R. 33-30-6</i>)

Underground Storage Tank Systems Installer – Continuing Education Sponsor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
License required?	Certification (<i>O.A.C. 1301:7-9-11(N)(4)</i>)	No	No	No	No	No
Education or training	No	N/A	N/A	N/A	N/A	N/A
Experience	Must be a certified underground tank systems installer (<i>O.A.C. 1301:7-9-11(N)(6)</i>)	N/A	N/A	N/A	N/A	N/A
Exam	No	N/A	N/A	N/A	N/A	N/A
Continuing education	No	N/A	N/A	N/A	N/A	N/A

Underground Storage Tank Systems Installer – Continuing Education Sponsor						
	Ohio	Indiana	Kentucky	Michigan	Pennsylvania	West Virginia
Initial licensure fee	\$50 (O.A.C. 1301:7-9-11(N)(4))	N/A	N/A	N/A	N/A	N/A
License duration	One year (O.A.C. 1301:7-9-11(N)(9))	N/A	N/A	N/A	N/A	N/A
Renewal fee	\$50 (O.A.C. 1301:7-9-11(N)(10))	N/A	N/A	N/A	N/A	N/A

Operator training sponsor certification

Survey responses (COM)

Description
<p>The SFM may certify a person to sponsor an operator training program if the person applies to the SFM and pays a fee, and provides the following: program description and syllabus; lesson plans for each topic session; study materials and handouts; pre-test and post-test examinations; method of attendance verification for three separate classifications of Operators (Class A, B, or C) that are based on the operators role at the UST facility.</p>

Type (See R.C. 4798.01 for relevant definitions.)

Regulation of process

If the regulation is a registration, certification, or license requirement, please complete the following:

Number issued annually	One new license in the past year.
Number renewed annually	16 renewals
Have there been significant increases or decreases in active registrations, certifications or licenses in the preceding six years?	There has not been a significant change in the number of course sponsors over the past six years.
Education or training requirements	No
Experience requirements	None
Examination requirements (<i>Who administers the exam? How is the exam and administrator selected? What fees are charged? Does the Board receive any proceeds of those fees? If so, how are the proceeds used?</i>)	None

If the regulation is a registration, certification, or license requirement, please complete the following:	
Continuing education requirements <i>(Including a description of the curriculum and the process of setting it.)</i>	None
Initial fee	\$200
Duration	Annual
Renewal fee <i>(If different from initial fee, please explain why.)</i>	\$150. The initial fee is to cover the initial comprehensive review of sponsor's presented materials and evaluation of their testing being offered.
Does the Board recognize uniform licensure requirements or allow for reciprocity?	No.
Are there any similar national registrations, certifications, or licenses? Could they be used as a substitute for the state regulation?	The Division is not aware of the existence of any similar national registrations, certifications of licenses that include competency in applicable sections of the Ohio Revised Code, Ohio Fire Code and Ohio Building Code. Therefore, no substitutions for this state issued license have been made.
Are there any circumstances in which an individual may practice elements of the occupation without being regulated by the board?	No
Is the Board permitted to exercise discretion in determining whether to register, certify, or license an individual?	Yes

If the regulation is a registration, certification, or license requirement, please complete the following:

Other information (*Significant attributes or prerequisites to licensure not addressed in this chart.*)

None

Oversight and disciplinary authority of the Board respecting individuals engaged in the occupation.

The SFM may approve, amend, revoke, or deny the sponsor certification.

**How much revenue is derived from fees charged by the Board to individuals engaged in the occupation (such as license and renewal fees)?
How is that revenue used?**

Renewal revenue: \$2,600. Revenue is used for SFM and agency budget.

Describe any federal regulations that apply to the occupation. Does federal law require the state to regulate the occupation?

Under our federal grant agreements, SFM/BUSTR is required to mandate a method of operator training. Our licensing program satisfies this requirement.

What is the “harm” that the regulation seeks to prevent? (See, R.C. 4798.02(B).)

This regulation allows private entities to provide the necessary training to owners and operators on how to safely operate their UST systems. This education helps operators learn the complex rules and regulations so they can be in compliance. It also shows them how to operate their complex release detection systems and look for signs of a petroleum release, etc. This in turn, reduces the instances of releases and/or preventing slow responses to releases. Reducing releases or reducing the severity of them helps minimize the explosion and fire risk as well as reducing the potential harm caused to human health and the environment.

Is the regulation effective at preventing the harm described above? Are there other, less restrictive ways to prevent the harm?

The regulation is effective. Being less restrictive will not prevent the harm. Licensed operator education sponsors must regularly demonstrate they are adequately versed in UST rules and regulations to ensure they can properly teach relevant materials and test operator’s knowledge.

Are there any changes the Board would like to see implemented?

No.

Comparison to other states *(How many other states regulate the occupation? How do Ohio's regulations compare to those other states? Is Ohio more restrictive? Less restrictive? Or somewhere in between?)*

All states have some form of operator training, but the methods are widely varied. Some states perform all their own education courses/training while others may do a hybrid. Ohio's regulations probably fall within the middle.