

**Minnesota Department of Labor and Industry
Construction Codes and Licensing Division**

DUAL NOTICE: Notice of Intent to Adopt Rules Without a Public Hearing Unless 25 or More Persons Request a Hearing, and Notice of Hearing if 25 or More Requests for Hearing Are Received; Revisor's ID Number R-04516

**Proposed Amendment to and Repeal of Rules Governing the Adoption of the
*International Fire Code, Minnesota Rules, Chapter 7511***

Introduction. The Department of Labor and Industry (the “Department” or “agency”), in cooperation with the State Fire Marshal Division, intends to adopt rules without a public hearing following the procedures in the rules of the Office of Administrative Hearings, *Minnesota Rules*, parts 1400.2300 to 1400.2310, and the Administrative Procedure Act, *Minnesota Statutes*, sections 14.22 to 14.28. If, however, 25 or more persons submit a written request for a hearing on the rules by 4:30 p.m. on September 25, 2019, the Department will hold a public hearing in the Minnesota Room, Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota 55155, starting at 9:30 a.m. on Friday, October 11, 2019, and continuing until the hearing is completed. To find out whether the Department will adopt the rules without a hearing or if it will hold the hearing, you should contact the agency contact person after September 25, 2019, and before October 11, 2019.

Agency Contact Person. Submit any comments or questions on the rules or written requests for a public hearing to the agency contact person. The agency contact person is: Amanda Spuckler at the Department of Labor and Industry, 443 Lafayette Road N., St. Paul, Minnesota 55155, phone 651-284-5006, and email to: dli.rules@state.mn.us.

Subject of Rules and Statutory Authority. In consultation with the Department of Public Safety's State Fire Marshal Division, the Department of Labor and Industry is updating the Minnesota State Fire Code by incorporating by reference, with amendments, the 2018 edition of the International Fire Code (“IFC”). Specifically, the proposed rules incorporate chapters of the IFC that will apply, and amend certain IFC provisions. One section that is new in the 2018 IFC that is incorporated by reference without any amendment is a section regulating mobile food preparation vehicles. The proposed rules amend the IFC in connection with the following topics: applicability of construction and design provisions; operational provisions; references to other International Code Council codes; standards for existing Group I occupancies; mixed occupancies; permits; Board of Appeals; violations; terms not defined; definitions; clothes dryers; general storage; clearance of vegetation from structures; covered mall buildings; emergency preparedness requirements; electrical equipment, wiring and hazards; elevator operation, maintenance, and fire service keys; commercial kitchen hoods; pedestrian walkways and pedestrian tunnels; scope of code with respect to inspection and maintenance of fire and smoke protection features; door and window openings; duct and air transfer openings; decorative vegetation in new and existing buildings; decorative materials and artificial decorative vegetation in new and existing buildings; inspection and testing of fire alarm and water-based automatic fire-extinguishing systems; ceilings in buildings protected by automatic sprinklers or automatic fire detectors; requirements for automatic sprinkler systems; requirements for an approved

audible and an approved visible alarm; alternative automatic fire-extinguishing systems; standpipe systems; portable fire extinguishers; fire alarm and detection systems, including required fire alarm shop drawings; emergency voice/alarm communication systems; fire alarm system audibility levels; monitoring of fire alarm systems; smoke control systems; smoke and heat removal; carbon monoxide detection; means of egress requirements for both new construction and existing buildings; required number of exits and exit access doorways; for spaces with one exit or exit access doorway, maximum occupant loads and maximum common path of egress travel distance; accessibility requirements for means of egress; means of egress doors, gates and turnstiles; stairways for means of egress, including alternating tread devices and ships ladders; requirements for guards; aisles and aisle accessways serving as part of the exit access; corridors, including fire-resistance rating and corridor continuity; interior exit stairways and ramps; penetrations into or through interior exit passageways; requirements for rooms or spaces used for assembly purposes, including bleacher requirements; maintenance of the means of egress; fire safety requirements for existing buildings, including requirements for sprinkler systems, fire alarm systems, and smoke alarms; means of egress requirements for existing buildings, including replacement of windows provided for emergency escape and egress; separation of occupancies and hazardous areas; means of egress illumination; solar photovoltaic power systems; helistops and heliports; flammable and combustible liquid motor fuel-dispensing facilities; spray finishing; owner's responsibility for fire protection; medical gases; storage of flammable and combustible liquids; the transfer of flammable and combustible liquids from tank vehicles and tank cars; portable fire extinguishers for tank vehicles; on-demand mobile fueling operations; liquefied petroleum gas; amendments to IFC appendices; referenced standards; and adult day services centers, residential hospice facilities, and supervised living facilities. The proposed rules also repeal existing Minnesota Rules amending the IFC in connection with the following topics: aerial luminaries; certain use- and occupancy-related requirements; emergency and standby power systems; electrical equipment, wiring and hazards; decorative materials other than decorative vegetation; sprinkler system design pressure safety margin; smoke alarms; emergency alarm systems; means of egress; accessible means of egress; exit and exit access doorways; operational constraints for emergency escape and rescue openings; replacement windows; liquefied petroleum gas motor fuel-dispensing facilities; and medical gases.

The statutory authority to adopt the rules is in *Minnesota Statutes*, sections 326B.02, subdivision 6. A copy of the proposed rules is published on the Department's web site at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-7511>. A free paper copy of the rules is available upon request from the agency contact person listed above.

Comments. You have until 4:30 p.m. on Wednesday, September 25, 2019, to submit written comment in support of or in opposition to the proposed rules or any part or subpart of the rules. Your comment must be in writing and received by the agency contact person by the due date. Comment is encouraged. Your comments should identify the portion of the proposed rules addressed, the reason for the comment, and any change proposed. You are encouraged to propose any change that you desire. Any comments that you have about the legality of the proposed rules must also be made during this comment period.

Request for a Hearing. In addition to submitting comments, you may also request that the Department hold a hearing on the rules. You must make your request for a public hearing in writing, which the agency contact person must receive by 4:30 p.m. on Wednesday, September

25, 2019. You must include your name and address in your written request. In addition, you must identify the portion of the proposed rules that you object to or state that you oppose the entire set of rules. Any request that does not comply with these requirements is not valid and the agency cannot count it when determining whether it must hold a public hearing. You are also encouraged to state the reason for the request and any changes you want made to the proposed rules.

Withdrawal of Requests. If 25 or more persons submit a valid written request for a hearing, the Department will hold a public hearing unless a sufficient number of persons withdraw their requests in writing. If enough requests for hearing are withdrawn to reduce the number below 25, the agency must give written notice of this to all persons who requested a hearing, explain the actions the agency took to effect the withdrawal, and ask for written comments on this action. If a public hearing is required, the agency will follow the procedures in *Minnesota Statutes*, sections 14.131 to 14.20.

Alternative Format/Accommodation. Upon request, this information can be made available in an alternative format, such as large print, braille, or audio. To make such a request or if you need an accommodation to make this hearing accessible, please contact the agency contact person at the address or telephone number listed above.

Modifications. The Department might modify the proposed rules, either as a result of public comment or as a result of the rule hearing process. It must support modifications by data and views submitted to the agency or presented at the hearing. The adopted rules may not be substantially different than these proposed rules unless the Department follows the procedure under *Minnesota Rules*, part 1400.2110. If the proposed rules affect you in any way, the Department encourages you to participate in the rulemaking process.

Cancellation of Hearing. The Department will cancel the hearing scheduled for October 11, 2019, if the agency does not receive requests for a hearing from 25 or more persons. If you requested a public hearing, the agency will notify you before the scheduled hearing whether the hearing will be held. You may also call the agency contact person at (651) 284-5006 after September 25, 2019, to find out whether the hearing will be held. On the scheduled day, you may check for whether the hearing will be held by calling (651) 284-5006 or going on-line at <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-7511>.

Notice of Hearing. If 25 or more persons submit valid written requests for a public hearing on the rules, the Department will hold a hearing following the procedures in *Minnesota Statutes*, sections 14.131 to 14.20. The Department will hold the hearing on the date and at the time and place listed above. The hearing will continue until all interested persons have been heard. Administrative Law Judge James E. LaFave is assigned to conduct the hearing. Judge LaFave can be reached at the Office of Administrative Hearings, 600 North Robert Street, P.O. Box 64620, Saint Paul, Minnesota 55164-0620, telephone (651) 361-7875, and fax (651) 539-0310.

Hearing Procedure. If the Department holds a hearing, you and all interested or affected persons, including representatives of associations or other interested groups, will have an opportunity to participate. You may present your views either orally at the hearing or in writing

at any time before the hearing record closes. All evidence presented should relate to the proposed rules. You may also submit written material to the Administrative Law Judge to be recorded in the hearing record for five working days after the public hearing ends. At the hearing the Administrative Law Judge may order that this five-day comment period is extended for a longer period but not more than 20 calendar days. Following the comment period, there is a five working-day rebuttal period when the agency and any interested person may respond in writing to any new information submitted. No one may submit new evidence during the five day rebuttal period.

All post-hearing comments and responses must be submitted to the Administrative Law Judge no later than 4:30 p.m. on the due date. The Office of Administrative Hearings strongly encourages all persons submitting comments and responses to do so by way of the Office of Administrative Hearings' Rulemaking eComments website at <https://minnesotaoah.granicusideas.com/discussions>. If it is not possible to use the eComments website, post-hearing comments may be submitted in person, via United States mail, or by facsimile addressed to Judge LaFave at the address or facsimile number listed in the section above.

All comments or responses received will be available for review at the Office of Administrative Hearings' eComments website and at the Minnesota Department of Labor and Industry or on the agency's website at: <http://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-7511>.

This rule hearing procedure is governed by Minnesota Rules, parts 1400.2000 to 1400.2240, and Minnesota Statutes, sections 14.131 to 14.20. You may direct questions about the procedure to the Administrative Law Judge.

Statement of Need and Reasonableness. The statement of need and reasonableness summarizes the justification for the proposed rules, including a description of who will be affected by the proposed rules and an estimate of the probable cost of the proposed rules. It is now available from the agency contact person. You may review or obtain copies for the cost of reproduction by contacting the agency contact person. The statement of need and reasonableness may be viewed at: <https://www.dli.mn.gov/about-department/rulemaking/rulemaking-docket-minnesota-rules-chapter-7511>.


Lobbyist Registration. *Minnesota Statutes*, chapter 10A, requires each lobbyist to register with the State Campaign Finance and Public Disclosure Board. Ask any questions about this requirement of the Campaign Finance and Public Disclosure Board at: Suite #190, Centennial Building, 658 Cedar Street, St. Paul, Minnesota 55155, telephone (651) 539-1180 or 1-800-657-3889.

Adoption Procedure if No Hearing. If no hearing is required, the agency may adopt the rules after the end of the comment period. The Department will submit the rules and supporting documents to the Office of Administrative Hearings for a legal review. You may ask to be notified of the date the rules are submitted to the office. If you want either to receive notice of this, to receive a copy of the adopted rules, or to register with the agency to receive notice of future rule proceedings, submit your request to the agency contact person listed above.

Adoption Procedure after a Hearing. If a hearing is held, after the close of the hearing record, the Administrative Law Judge will issue a report on the proposed rules. You may ask to be notified of the date that the Administrative Law Judge's report will become available, and can make this request at the hearing or in writing to the Administrative Law Judge. You may also ask to be notified of the date that the agency adopts the rules and the rules are filed with the Secretary of State by requesting this at the hearing or by writing to the agency contact person stated above.

Order. I order that the rulemaking hearing be held at the date, time, and location listed above.

7/19/2019
Date



Nancy J. Leppink, Commissioner
Department of Labor and Industry