



NOTICE OF PUBLIC HEARING

The Ohio Bureau of Workers' Compensation will hold a public hearing on May 5, 2025, at 10:00 A.M. in Room 1, Level 2, 30 West Spring Street, Columbus, Ohio 43215, to consider the following rules as summarized below.

- 4123:1-3-01 Scope and definitions.
- 4123:1-3-02 Temporary storage and disposal.
- 4123:1-3-03 Personal protective equipment.
- 4123:1-3-04 Floors, stairways, railing, overhead protection and guarding of open-sided floors, platforms and runways.
- 4123:1-3-05 Mechanical power transmission apparatus.
- 4123:1-3-06 Motor vehicles, mechanized equipment and marine operations.
- 4123:1-3-07 Cranes, hoists, and derricks.
- 4123:1-3-08 Ropes, chains and slings.
- 4123:1-3-09 Roofing devices.
- 4123:1-3-10 Scaffolding.
- 4123:1-3-11 Ladders.
- 4123:1-3-12 Portable explosive-actuated fastening tools.
- 4123:1-3-13 Trenches and excavations.
- 4123:1-3-14 Electrical conductors, wires and equipment.
- 4123:1-3-15 Explosives and blasting.
- 4123:1-3-16 Tunnels and shafts, caissons, cofferdams, and compressed air.
- 4123:1-3-17 Cutting and welding.
- 4123:1-3-18 Heating, ventilating and exhaust equipment.
- 4123:1-3-19 Demolition.
- 4123:1-3-20 Steel erection.
- 4123:1-3-22 Woodworking machines, power saws, and other tools and equipment.
- 4123:1-3-23 Helicopters.
- 4123:1-3-24 Roof car suspended platforms - construction.

Review of Ohio Adm. Code 4123:1-3-01 identified an inconsistency throughout all of the SSR chapters regarding the first paragraph of paragraph (A) of each rule. In the current version of the first rule in all of these chapters, there is mention of the Administrator, the Ohio Bureau of Workers' Compensation, the Superintendent of the Division of Safety and Hygiene (DSH), or the Industrial Commission, depending on which rule is cited, as to granting exceptions from literal provisions of the rules. DSH has never received a request for, nor has the Ohio Bureau of Workers' Compensation, the Administrator, or the Superintendent of DSH ever granted, an exception from compliance with the literal provisions of the rules. Moreover, the rules mirror federal Occupational Safety and Health Administration (OSHA) regulations, which rarely, if ever, allow for exceptions from compliance with their regulations. Consequently, BWC is proposing to remove the sentence citing to the exception from the rules due to non-use and to promote consistency throughout all chapters of the SSR rules, as the majority of the SSR rule chapters are due for five-year review on January 1, 2025.

Review of Ohio Adm. Code 4123:1-3 also revealed definitions that are used in other SSR chapters. Whenever appropriate, the wording in these definitions was matched to that used in the other SSR chapters. Moreover, all imperial measurements provided in the rules were given a metric equivalent whenever possible.

The full and complete text of the proposed rules is available on the Register of Ohio (<http://www.registerofohio.state.oh.us>) and Ohio Bureau of Workers' Compensation Rules Under Review ([Rules under review | Bureau of Workers' Compensation \(ohio.gov\)](#)) websites, and is on file in the office of the Secretary of State (180 East Broad Street, 15th Floor, Columbus, Ohio), the Legislative Service Commission (77 South High Street, 9th Floor, Columbus, Ohio), the office of the Joint Committee on Agency Rule Review (77 South High Street, Concourse Level, Columbus, Ohio), and the Bureau of Workers' Compensation, Legal Division (30 West Spring Street, 26th Floor, Columbus, Ohio).

All interested parties will be given an opportunity to be heard. Any interested party unable to attend the public hearing may submit written comments to the undersigned prior to the public hearing at enotification@bwc.state.oh.us.

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