Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 4123:1-3-02

Rule Type: No Change

Rule Title/Tagline: Temporary storage and disposal.

Agency Name: Bureau of Workers' Compensation

Division: Division of Safety and Hygiene

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I. Rule Summary

1. **Is this a five year rule review?** Yes

    A. **What is the rule's five year review date?** 1/6/2020 and 01/01/2025

2. **Is this rule the result of recent legislation?** No

3. **What statute is this rule being promulgated under?** 119.03

4. **What statute(s) grant rule writing authority?** 4121.12, 4121.121, 4121.13, Const. Art. II, Sec. 35

5. **What statute(s) does the rule implement or amplify?** 4121.47

6. **What are the reasons for proposing the rule?**

    Pursuant to R.C. 119.032, state agencies are required to review all agency rules every five years to determine whether to amend the rules, rescind the rules, or continue the rules without change. Due to such review, the Bureau is proposing to file this rule without change.

7. **Summarize the rule's content, and if this is an amended rule, also summarize the rule's changes.**

The proposed rule provides directions to employers on how and when to store and dispose of materials at a construction site.

8. **Does the rule incorporate material by reference?** No

9. **If the rule incorporates material by reference and the agency claims the material is exempt pursuant to R.C. 121.75 please explain the basis for the exemption and how an individual can find the referenced material.**

   Not Applicable

10. **If revising or re-filing the rule, please indicate the changes made in the revised or re-filed version of the rule.**

    Not Applicable

II. Fiscal Analysis

11. **Please estimate the increase / decrease in the agency's revenues or expenditures in the current biennium due to this rule.**

    This will have no impact on revenues or expenditures.

    0.00

    Not Applicable

12. **What are the estimated costs of compliance for all persons and/or organizations directly affected by the rule?**

    The directly affected persons are the employer community. The financial impact varies based upon the amount of the percentage awarded by the Industrial Commission (15% to 50%) and the total compensation being paid to the injured worker in the claim.

13. **Does the rule increase local government costs? (If yes, you must complete an RSFA Part B).** No

14. **Does the rule regulate environmental protection? (If yes, you must complete an RSFA Part C).** No

15. **If the rule imposes a regulation fee, explain how the fee directly relates to your agency's cost in regulating the individual or business.**

Not Applicable

III. Common Sense Initiative (CSI) Questions

16. **Was this rule filed with the Common Sense Initiative Office?** Yes

17. **Does this rule have an adverse impact on business?** No

    A. **Does this rule require a license, permit, or any other prior authorization to engage in or operate a line of business?** No

    B. **Does this rule impose a criminal penalty, a civil penalty, or another sanction, or create a cause of action, for failure to comply with its terms?** No

    This rule does not impose any penalty, sanction, nor creates a cause of action; however other state agencies governing the disposal of hazardous material may impose fines on the employer when the requirements of this rule are not properly
    followed.

    C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** No

    D. **Is it likely that the rule will directly reduce the revenue or increase the expenses of the lines of business of which it will apply or applies?** No