Rule Summary and Fiscal Analysis
Part A - General Questions

Rule Number: 4123:1-3-02

Rule Type: Amendment

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?** 3/27/2025

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; Ohio Const. Art. II, Sec. 35

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

6. **Does the rule implement a federal law or rule in a manner that is more stringent or burdensome than the federal law or regulation requires?** No

    A. **If so, what is the citation to the federal law or rule?** Not Applicable

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

    Pursuant to R.C. 106.03, 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 amend this rule for the purposes explained below.

8. **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. The rule is amended to provide clarity and consistency throughout all chapters of the safety specific rules.

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

10. **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

11. **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

12. **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

    This will have no impact on revenues or expenditures.

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

    The specific requirements of this code are requirements upon an employer for the protection of such employer's employees and no others and apply to all construction industry subject to the Workers' Compensation Act. If an injured worker suffers an injury as a result of an employer's violation of a safety rule, the Industrial Commission can add from 15% to 50% to the injured worker's compensation, which is billed to the employer as a penalty or fine. The expected adverse impact from this regulation varies from case to case, therefore, it is not possible to quantify the exact impact of any factors. If an injured worker's claim results from an employer's violation of one of these rules, the employer must pay an additional penalty to the injured worker.

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

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

16. **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

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

18. **Does this rule have an adverse impact on business?** Yes

    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?** Yes

    If an employer is found by the Industrial Commission of Ohio to have violated any provision of rules 4123:1-3-01 through 4123:1-3-24, the employer is subject to a Violation of a Specific Safety Requirement, which is a financial penalty or fine for non-compliance with these rules.

    C. **Does this rule require specific expenditures or the report of information as a condition of compliance?** Yes

    All rules 4123:1-3-01 through 4123:1-3-24 do potentially require specific expenditures, in that employers must make whatever expenditures are necessary to comply with the standards in the rules.

    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

IV. Regulatory Restriction Requirements under S.B. 9. Note: This section only applies to agencies described in R.C. 121.95(A).

19. Are you adding a new or removing an existing regulatory restriction as defined in R.C. 121.95? No

A. How many new regulatory restrictions do you propose adding to this rule?

Not Applicable

B. How many existing regulatory restrictions do you propose removing from this rule?

Not Applicable

C. If you are not removing existing regulatory restrictions from this rule, please list the rule number(s) from which you are removing restrictions.

Not Applicable

D. Please justify the adoption of the new regulatory restriction(s).

Not Applicable