



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Aniko Nagy, Ohio Bureau of Workers' Compensation

FROM: Ethan Wittkorn, Regulatory Policy Advocate

DATE: September 12, 2019

RE: **CSI Review – Specific Safety Requirements of the Ohio Bureau of Workers' Compensation for Window Cleaning (4123:1-17-01 through 4123:1-17-07)**

On behalf of Lt. Governor Jon Husted, and pursuant to the authority granted to the Common Sense Initiative (CSI) Office under Ohio Revised Code (ORC) section 107.54, the CSI Office has reviewed the abovementioned administrative rule package and associated Business Impact Analysis (BIA). This memo represents the CSI Office's comments to the Bureau as provided for in ORC 107.54.

Analysis

This Ohio Bureau of Workers' Compensation (Bureau) rule package consists of seven no change rules submitted as part of the statutory five-year review process. This rule package was submitted to the CSI Office on July 26, 2019 and the public comment period was open through August 16, 2019. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on July 26, 2019.

The proposed rules provide minimum safety requirements of employers for the protection of their employees engaged in outdoor and certain indoor window cleaning in Ohio. The draft rules in this package address requirements for ladders, swinging scaffold, roof car suspended platforms, boatswain's chairs, safety belts and harnesses, and other miscellaneous requirements.

The Bureau's Division of Safety and Hygiene reviewed the draft rules as stakeholders. The Division did not suggest any amendments. Additionally, no comments were received during the CSI public comment period.

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Employers providing window cleaning services are impacted by the draft rules. The BIA states that the adverse impacts created by the rules vary on a case-by-case basis following an investigation of an accident. Accidents caused by an employer's violation of the rules would require the employer to pay an additional penalty to the injured worker. According to the BIA, the Occupational Safety and Health Administration (OSHA) requires employers to comply with safety standards. The Bureau is required by OSHA and ORC 4121.13, to develop safety standards for Ohio employers.

Recommendations

Based on the information above, the CSI Office has no recommendations on this rule package.

Conclusion

The CSI Office concludes that the Bureau should proceed in filing the proposed rules with the Joint Committee on Agency Rule Review.