



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Carrie Kuruc, Director

MEMORANDUM

TO: Dawn Everson, Division of Industrial Compliance, Ohio Department of Commerce

FROM: Paula Steele, Common Sense Initiative Office

DATE: October 21, 2019

RE: **CSI Review – Boiler Inspection Rules (1301:3-5-01 through 1301:3-5-07; 1301:3-5-09 and 1301:3-5-10)**

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 Agency as provided for in ORC 107.54.

Analysis

This rule package contains nine amended rules being proposed by the Ohio Department of Commerce, Division of Industrial Compliance (Commerce) pursuant to the five year rule review as required by statute. The rule package was submitted to the CSI Office on August 19, 2019, and comments were accepted through September 3, 2019. No comments were received during the public comment period. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI office on August 19, 2019.

In general, the proposed rules prescribe requirements for the safe operation of boilers, pressure vessels and their appurtenances. Inspections, reporting of information, certificates of operation, and conditions for which certificates can be suspended, revoked or denied are prescribed in the draft rules. In addition, the rules address the education and experience requirements needed to apply for a boiler operator or steam engineer license.

Amendments correct or update references, make grammatical corrections, clarify provisions, and provide consistency throughout.

During the rule review, Commerce solicited comments from industry stakeholders and no feedback

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was provided. During the CSI public comment period there were also no comments.

CSI requested additional information to better understand the adverse impacts created in the proposed rules. Commerce provided a revised BIA with the additional information on September 10, 2019. The adverse impacts described in the revised BIA include the costs of inspections, fees for certificates of operation, time for reporting of information and licensure fees for steam engineers or boiler operators. Penalties for violations, and fees associated with the proposed rules are articulated in ORC 4104.

Recommendations

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

Conclusion

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