



Common Sense Initiative

Mike DeWine, Governor
Jon Husted, Lt. Governor

Joseph Baker, Director

MEMORANDUM

TO: Aaron Johnston, Ohio Department of Commerce

FROM: Michael Bender, Business Advocate

DATE: November 21, 2022

RE: **CSI Review – Boiler Operator and Steam Engineer Experience Requirements (OAC 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 Department as provided for in ORC 107.54.

Analysis

This rule package consists of one amended rule proposed by the Ohio Department of Commerce (Department). This rule package was submitted to the CSI Office on October 13, 2022, and the public comment period was held open through October 21, 2022. Unless otherwise noted below, this recommendation reflects the version of the proposed rule filed with the CSI Office on October 13, 2022.

Ohio Administrative Code (OAC) 1301:3-5-10 establishes the experience qualifications that an applicant must meet to sit for the examination for licensure as a low-pressure boiler operator, a high-pressure boiler operator, or a stationary steam engineer. Applicants must demonstrate that they meet at least one of the experience qualification options listed for each type of licensure. The rule is amended to reduce the number of hours of operating experience required to sit for licensure examination. The required hours are reduced from 600 to 400 for low-pressure boiler operator applicants that have also completed a fifty-hour steam boiler operation course approved by the Superintendent of Industrial Compliance (Superintendent). For high-pressure boiler operator applicants that have completed a seventy-five-hour steam boiler operation course approved by the

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Superintendent, the required hours are reduced from 1,000 to 700, or from 500 to 400 if they possess a low-pressure boiler operator license. For stationary steam engineer applicants that have completed a 125-hour steam boiler and steam turbine operation course approved by the Superintendent, the required hours are reduced from 1,000 to 700, or from 500 to 400 if they possess a high-pressure boiler operator license.

During early stakeholder outreach, the Department's Division of Industrial Compliance consulted with industry experts regarding the draft rule. Feedback from these experts indicated increasing difficulty in finding qualified operators. The revisions to the rule reflect this input while still balancing the importance of ensuring that applicants have sufficient experience to successfully take the examination and safely operate the devices in question. No comments were received during the CSI public comment period.

The business community impacted by the rule includes applicants for boiler operator licensure. The adverse impacts created by the rule include the time spent by applicants obtaining the operating experience needed to qualify to sit for the boiler operator examination. The Department notes that the rule revisions will reduce the number of hours needed to qualify to sit for licensure examination. The Department states that the adverse impacts to business are justified to follow ORC requirements for the Superintendent to ensure that license applicants have the necessary education to sit for examination and sufficient experience to be prepared to operate these devices competently.

Recommendations

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

Conclusion

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