



Common Sense Initiative

Mike DeWine, *Governor*
Jon Husted, *Lt. Governor*

Joseph Baker, *Director*

MEMORANDUM

TO: Eva Dixon, Ohio Bureau of Workers' Compensation

FROM: Caleb White, Business Advocate

DATE: October 15, 2024

RE: **CSI Review – Specific Safety Requirements (SSR) – Window Cleaning (OAC 4123:1-17-01, 4123:1-17-02, 4123:1-17-03, 4123:1-17-04, 4123:1-17-05, 4123:1-17-06, and 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 rule package consists of seven amended rules proposed by the Ohio Bureau of Workers' Compensation (BWC) as a part of the statutory five-year review process. This rule package was submitted to the CSI Office on September 3, 2024, and the public comment period was held open through September 17, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on September 3, 2024.

The rules in this package establish the safety requirements related to the cleaning of windows on nonresidential buildings and residential buildings that are taller than two stories. These requirements also do not apply to single residential units when the occupant hires the employee directly. These rules establish the scope and definition of the chapter and contain requirements related to ladders, swinging scaffolds, roof car suspended platforms, boatswain's chairs, safety equipment, and other various devices used in window cleaning. These requirements include design requirements, limitations of use, conditions of use, and operating requirements. These rules are amended to update rule titles, clarify, streamline, and update language, update punctuation, integrate the metric

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equivalents of certain measurements, and align the rules with federal regulations. These rules are also amended to add definitions for “equivalent” and “personal fall arrest system,” update the definition for “approved” to reflect the current names of the approved testing laboratories, to allow for the use of more types of secured compartments that may be used for the mounting of emergency electric operating devices on roof-powered platforms, and to certain remove specific wording required to be posted on the emergency electric devices on roof-powered platforms and generally require that it be labeled with instructions for use.

During early stakeholder outreach, the BWC sent the proposed rules via email to stakeholders for comment on July 19, 2024, and held the comment period open through August 2, 2024. This group of stakeholders included the Ohio Manufacturers’ Association, the Ohio Chamber of Commerce, the Ohio Self-Insurers’ Association, and the Ohio Association of Justice. No comments were received during this period or during the CSI public comment period.

The business community impacted by the rules includes all employers subject to the Workers’ Compensation Act (ORC Sections 4123.01 to 4123.99) that have employees engaged in window cleaning. The adverse impacts created by the rules are the various prohibitions, design and installation requirements for various types of equipment used in window cleaning, and potential penalties for violating the rules which consists of a financial penalty or fine. The BWC states that the adverse impacts to business are justified to comply with the BWC’s statutory requirement to develop safety regulations for Ohio employers and ensure workplace safety

Recommendations

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

Conclusion

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