



# Common Sense Initiative

Mike DeWine, *Governor*  
Jim Tressel, *Lt. Governor*

Joseph Baker, *Director*

## MEMORANDUM

**TO:** Aaron Johnston, Ohio Department of Commerce

**FROM:** Jacob Ritzenthaler, Business Advocate

**DATE:** April 24, 2025

**RE:** **CSI Review – Boiler Inspection (OAC 1301:3-5-01, 1301:3-5-02, 1301:3-5-03, 1301:3-5-04, 1301:3-5-05, 1301:3-5-05.1, 1301:3-5-06, 1301:3-5-07, 1301:3-5-09, and 1301:3-5-10)**

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 five amended rules and five no-change rules proposed by the Ohio Department of Commerce, Division of Industrial Compliance (Division). This rule package was submitted to the CSI Office on March 24, 2025, and the public comment period was held open through April 7, 2025. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on March 24, 2025.

Ohio Administrative Code (OAC) Chapter 1301:3-5 establishes requirements for the inspection of boilers. OAC 1301:3-5-01 lists relevant definitions and is amended to clarify language. OAC 1301:3-5-02 and 1301:3-5-03 set forth requirements for boiler inspection and inspection reports and are proposed without changes. OAC 1301:3-5-04 requires inspectors to notify the Division, owner, and operator of unsafe working conditions and is proposed without changes. OAC 1301:3-5-05 concerns

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the issuance of a certificate of operation and is proposed without changes. OAC 1301:3-5-05.1 lists the fees for inspections and is amended to increase the fees for each year of inspection by \$45 to account for the cost of maintaining the boiler inspection program. OAC 1301:3-5-06 establishes requirements for the suspension, revocation, or denial of a certificate of operation, as well as reductions in safe working pressure for boilers following inspection. The rule is proposed without changes. OAC 1301:3-5-07 concerns the inspection of power boilers and process boilers and is amended to change instances of the word “period” to “interval” where appropriate. OAC 1301:3-5-09 establishes the conduct for hearings and is proposed without changes. OAC 1301:3-5-10 sets forth experience requirements for boiler operators and steam engineers and is amended to reduce the number of hours of operating experience required to take a stationary engineer exam from one thousand to seven hundred.

During early stakeholder outreach, the Division sent the rules to industry stakeholders and interested parties for feedback. No comments were received during that time. One comment was received during the CSI public comment period which inquired about the increase in fees. The Division responded that the increase was made to maintain the inspection program and the fees would align with industry standards and comparable jurisdictions.

The business community impacted by the rules includes all owners and operators of boilers. The adverse impacts created by the rules include fees for inspection, preparing boilers for inspection, complying with requests to remove coverings, and obtaining operation hours. Fees for boiler inspection cost \$110 per year of inspection, with fees of up to \$550 for boilers that are inspected every five years. Creating an unsafe work environment can result in the suspension, revocation, or denial of a certificate of operation. The Division notes that amendments to the rules reduce the adverse impact on businesses by reducing the number of hours of operation needed to become a steam engine operator. The Division states that the adverse impacts ensure that boilers are maintained and operated according to safe standards.

### **Recommendations**

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

### **Conclusion**

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