Common Sense Initiative

Mike DeWine, *Governor* Joseph Baker, *Director*

MEMORANDUM

TO: Eva Dixon, Ohio Bureau of Workers' Compensation

FROM: Caleb White, Business Advocate

DATE: February 14, 2025

RE: **CSI Review – Specific Safety Requirements (SSR) – Construction (OAC 4123:1-3-01, 4123:1-3-02, 4123:1-3-03, 4123:1-3-04, 4123:1-3-05, 4123:1-3-06, 4123:1-3-07, 4123:1-3-08, 4123:1-3-09, 4123:1-3-10, 4123:1-3-11, 4123:1-3-12, 4123:1-3-13, 4123:1-3-14, 4123:1-3-15, 4123:1-3-16, 4123:1-3-17, 4123:1-3-18, 4123:1-3-19, 4123:1-3-20, 4123:1-3-21, 4123:1-3-22, 4123:1-3-23, and 4123:1-3-24)**

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 twenty-four 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 November 6, 2024, and the public comment period was held open through November 20, 2024. Unless otherwise noted below, this recommendation reflects the version of the proposed rules filed with the CSI Office on November 6, 2024.

The rules in this package contain safety requirements for employers in the construction industry. These requirements include equipment requirements, equipment use and operation requirements signage requirements, manual requirements, and records retention requirements. These rules are primarily amended to align the requirements in the rules with the requirements found in the Occupational Safety and Health Administration regulations and in other rules in the Ohio Administrative Code (OAC). These rules also contain amendments to correct punctuation and

spelling, eliminate redundant or unnecessary language, terms, and definitions, add the metric equivalent measurements throughout the rules, move a diagram to an appendix, rename an appendix, update citations, add clarify certain ambiguous provisions, and add flexibility surrounding the requirements for emergency electric operating devices on roof-powered platforms.

During early stakeholder outreach, the BWC sent the proposed rules via email to stakeholders for comment on September 3, 2024, and held the comment period open through September 17, 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 in the construction industry that are subject to the Workers' Compensation Act (ORC Sections 4123.01 to 4123.99). The adverse impacts created by the are the costs to comply with the various safety requirements such as equipment requirements, equipment use and operation requirements, signage requirements, manual requirements, and records retention requirements. Potential penalties for violating the rules consist of a financial penalty or fine. The BWC states that the adverse impacts to business are justified to comply with its 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.