

## **4123:1-3-01 Scope and definitions.**

### **(A) Scope.**

The purpose of this chapter of the Administrative Code is to provide safety for life, limb and health of employees engaged in construction activity. In cases of practical difficulty or unnecessary hardship, the Ohio bureau of workers' compensation may grant exceptions from the literal requirements of this chapter to permit the use of other devices or methods when it is clearly evident the equivalent protection is thereby secured.

Activities within the scope of this chapter, generally referred to herein as "construction", include the demolition, dismantling, excavation, construction, erection, alteration, repair, painting, decorating, glazing, cleaning, and pointing of buildings and other structures and the installation of machinery or equipment and all operations in connection therewith; the excavation, construction, alteration and repair of subways, sewers, tunnels, trenches, caissons, conduits, pipelines, roads and all operations pertaining thereto; the moving of buildings, signs, and other structures, and to the construction, alteration, repair, or removal of wharfs, piers, abutments, or any other construction, alteration, repair, or removal work carried on, in, about, or over water.

This chapter covers construction activities of employees whose employer engages in such work as its principal business. It also covers employees of other employers when the activities are performed in the course of new construction or substantial reconstruction of all or part of an existing structure, as well as substantial demolition or razing of an existing structure, but does not cover employees of such other employers when the activities are performed in the ordinary course of maintenance work.

This chapter shall not apply to the electric utility industry and contractors and subcontractors when engaged in the installation and maintenance of electric supply lines and/or the transmission and distribution of electric power in such lines between the outlet of the generating station and the outlet side of the meter through which such power is measured to a retail customer.

Installations, construction equipment or constructions built or contracted for prior to the effective date of any specific requirement (shown at the end of each rule) shall be deemed to comply with the provisions of this chapter if such installations or constructions comply either with the provisions of this chapter or with the provisions of any applicable chapter which was in effect prior to said date.

### **(B) Definitions.**

- (1) "Air contaminants" means hazardous concentrations of fibrosis-producing or toxic dusts, toxic fumes, toxic mists, toxic vapors, or toxic gases, or a combination of these, suspended in the atmosphere.
- (2) "Approved" means accepted or certified by a nationally recognized testing agency, such as "Underwriters' Laboratories," "Factory Mutual Engineering Corporation," or a responsible governmental agency.
- (3) "Danger zone" means the point of operation where a known critical hazard exists.
- (4) "Department, division, section or group" means a number of employees that are a separate part or branch of a government, business, school or other organization, classified together because of a common characteristic or function.
- (5) "Equipment" means and includes all machinery, tools, mechanical devices, derricks, hoists, conveyors, scaffolds, platforms, runways, ladders and related safeguards and protective construction used in connection with construction operations.
- (6) "Equivalent" means alternative design, features, or strength which will provide an equal or greater degree of safety.
- (7) "Exposed to contact" means that the location of the material or object during the course of operation is accessible to the employee in performance of his regular or assigned duty.
- (8) "Factor of safety" means the ratio between the ultimate breaking stress and the working stress of the material, structure or device. For example, the term "factor of safety of four" means that the material, structure or device shall be constructed of such strength that the maximum load will be one-fourth the designed ultimate breaking load. Where other factors of safety appear they shall apply in the same manner. The standards of the "American Society for Testing and Materials" (ASTM) shall be used in determining the strength of material except as otherwise provided herein.
- (9) "Fire-resistant" means material or construction which resists failure because of high temperatures and which prevents or retards the passage of high temperatures, hot gases, or flames.
- (10) "Ground connection" means the equipment used in establishing a path between an electric circuit or equipment and earth. A ground connection consists of a ground conductor, a ground electrode and the earth which surrounds the electrode.

- (11) "Grounded" means connected to earth or to some extended conducting body which serves instead of the earth whether the connection is intentional or accidental.
- (12) "Grounded effectively" means permanently connected to earth through a ground connection or connections of sufficiently low impedance and having sufficient current-carrying capacity to prevent the building up of voltages which may result in undue hazard to connected equipment or to employees.
- (13) "Guard" means the covering, fencing, railing or enclosure which shields an object from accidental contact.
- (14) "Guarded" means that the object is covered, fenced, railed or otherwise shielded from accidental contact.
- (15) "Hazardous concentrations" (as applied to air contaminants) means concentrations which are known to the employer to be in excess of those which would not normally result in injury to an employee's health if the employee had not been previously exposed to such air contaminants.
- (16) "Lanyard" means a flexible line rope, wire rope, or strap which generally has a connector at each end for connecting the body belt or body harness to a life line or anchorage.
- (17) "Operator" means any person authorized to operate the specific equipment.
- (18) "Pinch (or shear) point" means any point at which it is possible to be caught between the moving parts of a machine, or between the moving and stationary parts of a machine, or between the materials and the moving part or parts of a machine.
- (19) "Point of operation" means the point or points at which material is placed in or removed from the machine.
- (20) "Protective equipment" means any appliance used or required to be used to prevent injury to employees.
- (21) "Provide" means to make available.
- (22) "Rope, wire (haulage)" means a wire rope which is to be used only on inclined planes, for dragging objects along the ground and only where the rope is not subjected to repeated bending.
- (23) "Rope, wire (hoisting)" means wire rope to be used on cranes, derricks, dredges, draglines and power shovels in lifting operations.

- (24) "Securely fastened" means that the object or thing referred to shall be substantially fixed in place.
- (25) "Shall" shall be construed as mandatory.
- (26) "Standard guardrail" means a substantial barrier, constructed in accordance with paragraph (E) of rule 4123:1-3-04 of the Administrative Code.
- (a) "Top rail" means the top lateral member of a standard guardrail.
- (b) "Intermediate rail" means the lateral member or members of a standard guardrail, installed at intervals of no more than twenty-one inches.
- (27) "Structure" means that which is built or constructed, an edifice or building of any kind, or any piece of work artificially built up or composed of parts joined together in some definite manner.
- (28) "Substantial" means construction of such strength, of such materials, and of such workmanship that the object will withstand the wear, usage or shock for which it is designed.
- (29) "Toeboard" means a vertical barrier at floor level erected along the exposed edges of a floor opening, platform, runway, or ramp to prevent falls of material.
- (30) "Walkway" means a cleared passageway for ingress and egress for employees, between two given points.
- (31) "Wall opening" means an opening in a wall from which there is a clear drop of six feet or more, and shall include openings giving access to yardarms, or block and tackle, doorways and other openings thirty inches or more in height and eighteen inches or more in width, the sill or lower edge of which is within eighteen inches of the floor or platform level. Open sides of buildings between columns, girders, or piers shall not be considered as wall openings.

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