

## **4167-13-01 Abatement verification, abatement plan, and progress reports.**

### **(A) Filing requirements.**

- (1) An employer may combine the required documentation for multiple citations under this rule into a single document.
- (2) Where a document must be submitted to the superintendent under this rule, the submission date of such document is the date received by the superintendent.
- (3) Receipt of an employer's documents by the superintendent does not constitute an agreement that the employer has abated the condition for which the citation was issued.
- (4) Any employer failing to comply with the provisions of this rule shall be subject to citation.
- (5) False statements knowingly and willfully made in any document required by this rule may result in the administrator seeking an injunction, restraining order, or any other appropriate relief against the public employer pursuant to section 4167.17 of the Revised Code.

### **(B) Abatement verification.**

Each employer shall submit to the superintendent an abatement verification report with respect to each citation item, and do so within fourteen calendar days after the abatement date for the citation item. Abatement verification for more than one citation item is permitted to be combined in a single document.

- (1) The abatement verification report shall contain the following information for each citation item:
  - (a) Identification of the citation item;
  - (b) A statement noting whether or not abatement has been accomplished with respect to each citation item and instance listed in the citation;
  - (c) A description of the measures taken to accomplish abatement;
  - (d) The date abatement was accomplished and documentary evidence that is sufficient to demonstrate clearly that the hazard has been corrected;
  - (e) If abatement has not been accomplished, the reason(s) for not abating;
  - (f) The signature of the employer or the employer's duly authorized representative; and
  - (g) The date of signature.
- (2) If the employer has initially stated that a particular citation item has not been abated, and later the employer abates the condition, the employer shall submit to the superintendent abatement verification within fourteen calendar days after abatement.

### **(C) Abatement plan.**

- (1) The superintendent may require in a citation that the employer submit a formal plan for the abatement of safety and health violations in instances where multiple steps or long-term abatement actions are necessary.
- (2) When called for in a citation, the employer shall prepare a written, signed, and dated abatement plan with

respect to each citation item for which the plan is required.

- (3) The abatement plan shall be submitted to the superintendent within fourteen calendar days after the date of any final order.
- (D) Progress reports. The superintendent may require progress reports in a citation where multi-step abatement is deemed appropriate.
- (1) The superintendent shall specify the citation item with respect to which the progress reports are required, the measures which the superintendent expects to be taken on or before the submission of each progress report, and the date for the submission of each progress report, expressed as the number of calendar days from the date of any final order.
  - (2) The employer shall submit to the superintendent the requested progress reports with respect to each citation item for which they are required under the abatement plan.
- (E) Posting requirements. A copy of each document required to be submitted to the superintendent shall be posted, at the time of submission, at or near each place the violation(s) described in the citation occurred.
- (1) Where, because of an employer's operations, it is not practicable to post a document at or near the location of the violation(s), such document shall be posted, unedited, in a prominent place where it will be readily observable by all affected employees.
  - (2) Where it is physically impracticable, because of a document's size, magnitude, or other considerations, such as potential destruction, to post abatement plans and progress reports, a notice to affected employees shall be posted indicating the location where the document(s) can be reviewed.
  - (3) The abatement verification, abatement plan(s), and progress reports shall be provided, upon request for examination and copying, to employees, to employee representatives, and to the superintendent. If employers are engaged in activities which are geographically dispersed, the document may be posted at the location where employees report each day in accordance with rule 4167-4-01 of the Administrative Code. If employees do not primarily work at, or report to, a single location, the document may be posted at the location where employees work in accordance with rule 4167-4-01 of the Administrative Code.
  - (4) The employer shall assure that any document required to be posted by this section is not altered, defaced, or covered by other material.
  - (5) Any document required to be posted by this section shall remain posted until the violation has been abated, or for six calendar days, whichever is later.

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