

BWC Board of Directors
Audit Committee Agenda
April 24, 2008
William Green Building
Level 2 Room 1
12:00 pm – 1:30 pm

Call to Order

Kenneth Haffey, Chairman

Roll Call

Jill Whitworth, Scribe

Approve Minutes of March 27, 2008 meeting

Kenneth Haffey

New Business/Action Items

1. Possible Rule Review
 - a. Review and make recommendation for five-year rule review for Chapter 4123-1-01: Notice Provisions
 - b. Review and make recommendation for five-year rule review for Chapter 4123-6-31 and 4123-7-14: Payment for Acupuncture – first consideration
 - c. Construction Rules for Chapter 4123:1-3

Discussion Items*

1. Discussion of External Audit
Ken Haffey and Tracy Valentino
2. Office of Budget and Management, Office of Internal Audit – Update
Joe Bell, Chief of Internal Audit
3. Open Discussion with Internal Auditor
4. Litigation update – *Possible Executive Session*
James Barnes, Chief Legal Officer
5. Purpose of Ad Hoc Legal Affairs Committee

Adjourn

Ken Haffey

* Not all discussion items have materials included.

Next Meeting: May 29, 2008 4:00 pm – 6:00 pm

**BWC Board of Directors
Audit Committee
Thurs., March 27, 2008, 4 P.M.**

Ohio Center for Occupational Safety and Health
Conference Room B
13430 Yarmouth Drive
Pickerington, OH 43147

Members Present: Kenneth Haffey, Chair
Philip Fulton
William Lhota

Members Absent: None

Other Board Directors in attendance were Alison Falls, Larry Price, James Hummel and David Caldwell.

Call to order

Mr. Haffey called the meeting to order at 4:05 PM and the roll call was taken.

Minutes of Feb. 28, 2008

The minutes were approved on a motion by Mr. Lhota, seconded by Mr. Fulton without further changes.

New business/Action

1.Rule Review

Public Employment Risk Reduction Program

Tom Sico, Assistant Legal Counsel, initially addressed a new checklist developed to show proposed rules have been subjected to review of the criteria presented in a recent Executive Order signed by Governor Strickland.

Mr. Sico and Michael Rea, Industrial Safety Administrator, presented changes to fifty rules in Chapter 4167-1 involving the Public Employment Risk Reduction Program (PERRP), resulting from the passage of House Bill 67 in 2005. The full text of all affected rules was provided to the Committee, including changes. Rules 4167-1-03 through 4167-1-15 are abolished as they refer to the Public Employment Risk Reduction Advisory Commission (PERRAC), which no longer exists. The functions of PERRAC have been assumed by the Audit Committee and Board of Directors. Other amendments reflect changes involved with the transfer of functions from the Ohio

Department of Commerce to BWC, which was mandated by House Bill 67. Mr. Sico reviewed the checklist with respect to these rule changes and the public policy safety goals which are achieved.

Mr. Price asked for further explanation regarding the checklist item that stakeholders have input into rule changes. It was agreed that because public hearings have not yet been held, but will be held in the future, the checklist will provide an explanation and be amended prior to the Board meeting.

Mr. Lhota moved to recommend approval of the proposed PERRP rule changes to the Board of Directors, seconded by Mr. Fulton. The motion was approved by unanimous roll call vote.

b. Construction Safety Rules

Mr. Sico and Dan Feeney, Management Analyst Supervisor, Division of Safety and Hygiene, presented proposed amendments to approximately twenty-five (25) Construction Safety rules governing violations of specific safety requirements (VSSR) found in OAC 4123-1-3.

These were first reviewed in 1998. Subsequent five-year rule review was delayed due to extensive discussions on use of OSHA standards in place of these VSSR rules. A series of meetings was held with a stakeholder committee, including representatives from employer, construction, union and trade groups.

Four principles were followed with respect to the rule review:

1. If the industry standard complies with the BWC safety rule and OSHA, no change is necessary;
2. If the industry standard complies with the BWC safety rule but violates OSHA, the BWC rule was changed to conform with OSHA;
3. If the industry standard violates the BWC safety rule but complies with OSHA, the BWC rule was changed to conform with OSHA; and
4. If the industry standard does not exist in BWC safety rules but exists in OSHA, no new rule has been promulgated.

A 31-page summary was provided to the Committee showing comparative changes and explanations. These rules are also subject to public hearing.

In response to questions from Mr. Lhota and Mr. Caldwell, Mr. Feeney explained that the Safety and Hygiene Division's function is safety consulting and education, not safety enforcement, and they were asked to review the existing rules, not make new rules. Mr. Fulton explained that for a VSSR penalty to be enforced there must be an injury, violation and causation, and that it is sometimes difficult to fit particular facts into a specific VSSR rule.

Further discussion ensued regarding differences between OSHA rules and VSSR rules, and why BWC does not adopt OSHA rules as a whole. Mr. Sico stated that the VSSR rules contain some provision which OSHA does not cover. Joy Bush, Executive Director for Employee Management Services, noted that BWC's mandate is to investigate and prevent accidents, not penalize employers. Adoption of all OSHA rules would bring a flood of VSSR applications against employers, while having no impact on an injured worker's receipt of medical benefits and compensation. This is not a positive result from an insurance standpoint. Mr. Caldwell noted that

BWC does not have a “catch-all” clause as OSHA does, and therefore BWC rules must be more specific.

Mr. Feeney also noted that there is a clear procedure in place for adjudicating VSSR applications before the Industrial Commission, rather than assuming that an OSHA citation automatically equals a VSSR. Pursuant to a question from Mr. Lhota, Mr. Feeney emphasized that all involved stakeholder constituents were in favor of updating the rules as presented to the Committee. Pursuant to a question from Mr. Price regarding amending the rules to reflect changes which invariably occur with the passage of time, Mr. Feeney stated that rule review will occur more frequently in the future. Mr. Sico noted that there is a large body of case law interpreting the VSSR rules. Pursuant to a question from Mr. Fulton, Mr. Feeney clarified that there are no formal minutes from the meetings which resulted in the proposed rule changes.

The proposed rule changes were tabled so that additional information could be provided to the Committee.

Discussion items

1. Privacy at BWC Presentation

Due to time constraints, this presentation was tabled until a future meeting.

2. Office of Budget and Management, Internal Audit Update

Mr. Haffey informed the committee that he and Joe Bell, Chief Internal Auditor, recently met with Deloitte. BWC is well ahead of other state agencies with respect to internal auditing.

Mr. Bell advised that Deloitte met with Administrator Ryan and representatives from IT and Finance on March 12 regarding BWC’s risk assessment plan, which will be incorporated into the state internal audit plan.

Factors such as skill set, personnel, technology and cost are also being considered by Deloitte in developing an overall state internal audit function. Mr. Bell indicated feedback from the Board is both welcome and necessary.

Mr. Bell advised that Deloitte will complete its risk assessment by April 4, draft recommendations by April 16, and meet with the Controlling Board on May 7.

Other Business

Mr. Haffey reviewed the provided timetable for rules which will be presented to the Committee over the next 12 months.

April begins the external audit process for BWC. Mr. Haffey will meet with representatives from Schneider Downs.

The litigation update was tabled for presentation before the full Board of Directors on March 28.

Adjournment

The next Audit Committee meeting is April 24, 2008 at 12:00 PM.

Mr. Lhota moved to adjourn the meeting at 5:05 PM, seconded by Mr. Fulton.

Prepared by Jill Whitworth, BWC Staff Counsel
March 28, 2008

Common Sense Business Regulation (BWC Rules)

(Note: The below criteria apply to existing and newly developed rules)

Rule 4123-1-01: Notice procedure for the adoption, amendment, or rescission of rules

Rule Review

1. The rule is needed to implement an underlying statute.

Citation: R.C. Chapter 119

2. The rule achieves an Ohio specific public policy goal.

What goal(s): The rule provides the public notice of the process by which BWC adopts Administrative Code rules.

3. Existing federal regulation alone does not adequately regulate the subject matter.
(Ohio Administrative Code rules are not a federal matter.)

4. The rule is effective, consistent and efficient.

5. The rule is not duplicative of rules already in existence.

6. The rule is consistent with other state regulations, flexible, and reasonably balances the regulatory objectives and burden.

7. The rule has been reviewed for unintended negative consequences.

8. Stakeholders, and those affected by the rule were provided opportunity for input as appropriate.

If no, explain: Since the subject of the rule is statutorily based, stakeholder input is not appropriate for this rule.

9. The rule was reviewed for clarity and for easy comprehension.

10. The rule promotes transparency and predictability of regulatory activity.

11. The rule is based on the best scientific and technical information, and is designed so it can be applied consistently.

12. The rule is not unnecessarily burdensome or costly to those affected by rule.

If so, how does the need for the rule outweigh burden and cost? _____

13. The Chief Legal Officer, or his designee, has reviewed the rule for clarity and compliance with the Governor's Executive Order

SLC 4/11/08

BWC Board of Directors
Executive Summary
Five-Year Rule Review
**Rule 4123-1-01: Notice procedure for the adoption,
amendment, or rescission of rules**

Introduction

Rule 4123-1-01 of the Administrative Code describes the notice procedure that BWC utilized for the adoption, amendment, or rescission of rules.

Five-Year Rule Review

Pursuant to R.C. 119.032, state agencies are required to review all agency rules every five years to determine whether to amend the rules, rescind the rules, or continue the rules without change. The statute requires the agency to assign a rule review date for each of its rules so that approximately one-fifth of the rules are scheduled for review during each calendar year. Rule 4123-1-01 was scheduled for five year rule review on March 1, 2007. BWC last performed a five year rule review of this rule in 2002, when BWC incorporated the newly adopted procedures for electronic rule filing on the Register of Ohio.

Background Law

BWC, like all state agencies, is required to adopt most of its rules in accordance with Chapter 119 of the Revised Code. Chapter 119 requires that the agency file all proposed rules on the Register of Ohio, a state-operated website that provides formal notice to the public of all agency rules. In addition to the requirements of Chapter 119, BWC is also required to hold s, and for that purpose BWC posts notice of the public hearing on proposed rule changes at all BWC Service Offices and to a rules distribution list maintained by the Legal Division.

Rule Changes

In addition to minor grammatical changes to the rule, the rule is amended to reference in paragraph (A) that BWC shall obtain the advice and consent to all rules from the Workers' Compensation Board prior to filing proposed rules.

4123-1-01 Notice procedure for the adoption, amendment or rescission of rules.

(A) When the bureau of worker's compensation intends to consider the adoption, amendment, or rescission of a rule or rules under Chapter 119. of the Revised Code, ~~it~~ the bureau shall obtain the advice and consent of the bureau of workers' compensation board of directors as required by section 4121.12 of the Revised Code. Upon the advice and consent of the board, the bureau shall cause to be prepared a notice of hearing, which shall include:

(1) A statement of the intention of the bureau to consider adopting, amending, or rescinding a rule or rules.

(2) A synopsis of the proposed rule or rules to be adopted, amended, or rescinded, or a general statement of the subject matter to which such rule or rules relates.

(3) A statement of the reason or purpose for adopting, amending, or rescinding the rule.

(4) A statement listing the offices (with ~~address~~ addresses) where the full and complete text of the proposed rule or rules to be adopted, amended, or rescinded is on file for public inspection.

(5) The date, time and place of a public hearing on the proposed action.

(B) The bureau shall cause the previously described notice of hearing to be published in the register of Ohio. The publication of said notice of hearing shall be made at least thirty days prior to the date of the public hearing.

(C) In addition to publication of the public notice as provided in paragraph (B) of this rule, notice of the bureau's intent to consider adoption, amendment, or rescission of any rule pursuant to section 119.03 of the Revised Code shall be posted at all bureau service offices and shall be published at the bureau's website.

(D) The bureau shall furnish the public notice required under section 119.03 of the Revised Code and as described in paragraph (A) of this rule to any person who requests it and pays a reasonable fee, not to exceed the cost of copying and mailing.

HISTORY: Eff 12-30-76; 1-16-78; 12-5-97; 10-14-02

Rule promulgated under: RC 119.03

Rule authorized by: RC 4121.30, 4121.31, 4123.05, 4121.12

Rule amplifies: RC 119.03, 4121.121

R.C. 119.032 review dates: 7/30/2002 and 03/01/2007

Common Sense Business Regulation (BWC Rules)

(Note: The below criteria apply to existing and newly developed rules)
Acupuncture rules 4123-6-31 and 4123-7-14

Rule Review

1. The rule is needed to implement an underlying statute.

Citation: R.C. 4734.281 to 4734.286

2. The rule achieves an Ohio specific public policy goal.

What goal(s): The rule permits BWC to comply with changes to the Ohio Revised Code that permit chiropractors to practice acupuncture.

3. Existing federal regulation alone does not adequately regulate the subject matter.
4. The rule is effective, consistent and efficient.
5. The rule is not duplicative of rules already in existence.
6. The rule is consistent with other state regulations, flexible, and reasonably balances the regulatory objectives and burden.
7. The rule has been reviewed for unintended negative consequences.
8. Stakeholders, and those affected by the rule were provided opportunity for input as appropriate.

If no, explain: BWC discussed the rule with the Ohio State Chiropractic Board, but otherwise stakeholder input was not needed to comply with the statute.

9. The rule was reviewed for clarity and for easy comprehension.
10. The rule promotes transparency and predictability of regulatory activity.
11. The rule is based on the best scientific and technical information, and is designed so it can be applied consistently.
12. The rule is not unnecessarily burdensome or costly to those affected by rule.

If so, how does the need for the rule outweigh burden and cost? _____

13. The Chief Legal Officer, or his designee, has reviewed the rule for clarity and compliance with the Governor's Executive Order

Joe 4/11/08

BWC Board of Directors
Executive Summary

HPP and Self-Insuring Employer Acupuncture Rule Changes

Background

SB 33 of the 127th Ohio General Assembly, effective August 22, 2007, granted chiropractors the ability to perform acupuncture if they have obtained a "certificate to practice acupuncture" from the Ohio State Chiropractic Board. The Ohio State Chiropractic Board adopted rules implementing the certificate program (OAC Chapter 4734-10) effective November 15, 2007.

SB 33 also changes the Ohio non-physician acupuncturist statutes to allow chiropractors as well as physicians licensed by the Ohio State Medical Board to make referrals to acupuncturists, and to allow acupuncturists to perform acupuncture under the supervision of a referring chiropractor as well as a physician.

These proposed rule changes modify the criteria for BWC and self-insuring employers to pay for acupuncture services to bring the rules in line with the provisions of SB 33 and OAC Chapter 4734-10.

4123-6-31 Payment for acupuncture.

4123-7-14 Payment for acupuncture.

The proposed changes to the HPP and SI Employer acupuncture payment rules provide as follows:

- In addition to the provider types previously recognized in the rules, acupuncture may also be provided by a doctor of chiropractic who holds a certificate to practice acupuncture from the Ohio state chiropractic board;
- Services provided by non-physician acupuncturists may be prescribed by a doctor of medicine or osteopathic medicine, or a doctor of chiropractic; and
- A registered non-physician acupuncturist shall perform acupuncture under the general supervision of the injured worker's prescribing physician or chiropractic physician.

4123-6-31 PAYMENT FOR ACUPUNCTURE.

(A) Acupuncture is a recognized method of treatment in Ohio and must be administered by a licensed doctor of medicine, doctor of osteopathic medicine and surgery, ~~or a~~ doctor of podiatric medicine who has completed a course of study in acupuncture under the administration of an approved college of medicine, college of osteopathic medicine and surgery, or a college of podiatric medicine, doctor of chiropractic who holds a certificate to practice acupuncture from the Ohio state chiropractic board, or ~~by~~ a registered non-physician acupuncturist.

(B) Services provided by a non-physician acupuncturist must be prescribed by ~~those~~ persons licensed under Chapter 4731- of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery or podiatry or Chapter 4734 of the Revised Code to practice chiropractic. A registered non-physician acupuncturist shall perform acupuncture under the general supervision of the injured worker's prescribing physician or chiropractic physician. General supervision does not require that the acupuncturist and the prescribing physician or chiropractic physician practice in the same office.

Effective: _____

Prior Effective Dates: 2/12/97, 10/10/03

4123-7-14 PAYMENT FOR ACUPUNCTURE.

(A) Acupuncture is a recognized method of treatment in Ohio. Such treatment must be preauthorized by a self-insuring employer in self-insuring employers' claims. It must be administered by a licensed doctor of medicine, doctor of osteopathic medicine and surgery, ~~or~~ a doctor of podiatric medicine who has completed a course of study in acupuncture under the administration of an approved college of medicine, college of osteopathic medicine and surgery, or a college of podiatric medicine, doctor of chiropractic who holds a certificate to practice acupuncture from the Ohio state chiropractic board, or ~~by~~ a registered non-physician acupuncturist.

(B) Services provided by a non-physician acupuncturist must be prescribed by ~~those~~ persons licensed under Chapter 4731- of the Revised Code to practice medicine and surgery or osteopathic medicine and surgery or podiatry or Chapter 4734 of the Revised Code to practice chiropractic. A registered nonphysician acupuncturist shall perform acupuncture under the general supervision of the injured worker's prescribing physician or chiropractic physician. General supervision does not require that the acupuncturist and the prescribing physician or chiropractic physician practice in the same office.

Effective: _____

Prior Effective Dates: 1/1/78, 10/10/03

Common Sense Business Regulation (BWC Rules)

(Note: The below criteria apply to existing and newly developed rules)

Rule Review

1. The rule is needed to implement an underlying statute.

Citation: The Constitution of Ohio, Article II, Section 35: Such board shall set aside as a separate fund such proportion of the contributions paid by employers as in its judgment may be necessary, not to exceed one per centum thereof in any year, and so as to equalize, insofar as possible, the burden thereof, to be expended by such board in such manner as may be provided by law for the investigation and prevention of industrial accidents and diseases.

4101.11 Duty of employer to protect employees and frequenters.

Every employer shall furnish employment which is safe for the employees engaged therein, shall furnish a place of employment which shall be safe for the employees therein and for frequenters thereof, shall furnish and use safety devices and safeguards, shall adopt and use methods and processes, follow and obey orders, and prescribe hours of labor reasonably adequate to render such employment and places of employment safe, and shall do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees and frequenters.

Effective Date: 10-01-1953

4101.12 Duty of employer to furnish safe place of employment.

No employer shall require, permit, or suffer any employee to go or be in any employment or place of employment which is not safe, and no such employer shall fail to furnish, provide, and use safety devices and safeguards, or fail to obey and follow orders or to adopt and use methods and processes reasonably adequate to render such employment and place of employment safe. No employer shall fail to do every other thing reasonably necessary to protect the life, health, safety, and welfare of such employees or frequenters. No such employer or other person shall construct, occupy, or maintain any place of employment that is not safe.

Effective Date: 10-01-1953

2. The rule achieves an Ohio specific public policy goal. What goal(s):

The rules comply with the five year rule review of R.C. 119.032. The rules support *BWC's New mission...*

"To protect injured workers and employers from loss as a result of a workplace accident, and to enhance the general health and wellbeing of Ohioans and the Ohio Economy."

3. Existing federal regulation alone does not adequately regulate the subject matter.
These are Ohio specific safety requirements as used for investigation VSSR.
4. The rule is effective, consistent and efficient.
Yes, the represent current construction safety and health practices.
5. The rule is not duplicative of rules already in existence.
These are construction industry specific safety requirements.

6. The rule is consistent with other state regulations, flexible, and reasonably balances the regulatory objectives and burden.
Yes they apply to all employers and employees in the construction industry.
7. The rule has been reviewed for unintended negative consequences.
Yes, both Labor and Management were represented in the review process.
8. Stakeholders, and those affected by the rule were provided opportunity for input as appropriate. BWC invited 6 representatives to participate. They were: Ohio State Building and Construction Trades Council (3 members), Allied Construction Industries (Cincinnati) (1 member), Builders Exchange of Central Ohio (1 member), Construction Employers Association of Cleveland (CEA) (1 member)

If no, explain: _____

9. The rule was reviewed for clarity and for easy comprehension.
Yes. One example is the suggestion of including the actual figure and diagrams verses just word text.
10. The rule promotes transparency and predictability of regulatory activity.
The transparency is represented by the members of the committee and predictability by the consistency with federal OSHA regulations as well as the five year rule review.
11. The rule is based on the best scientific and technical information, and is designed so it can be applied consistently.
Yes. An example is the removal of 1960's hard hat designations and the inclusion of ANSI hardhat manufacturing specifications.
12. The rule is not unnecessarily burdensome or costly to those affected by rule.
The changes were agreed to by consensus of the members. The changes represent the construction industry operating practices of today. For example reducing the size of wire rope required on the perimeter of a building from 3/8 inch to 1/4 inch means that the employer can be in compliance with OSHA rules and the OAC at the same time.
If so, how does the need for the rule outweigh burden and cost? _____
13. The Chief Legal Officer, or his designee, has reviewed the rule for clarity and compliance with the Governor's Executive Order
The Assistant General Counsel of the Legal Division reviewed the rules.

 3/28/08

BWC Board of Directors
Executive Summary
Construction Safety Rules: Chapter 4123:1-3
Five year rule review

Introduction

Chapter 4123:1-3 of the Administrative Code contain the construction safety rules. An employer's violation of a specific safety rule can lead to an additional award for the injured worker (VSSR award). The cost of the VSSR award is billed to the employer as a penalty.

Five-Year Rule Review

Pursuant to R.C. 119.032, state agencies are required to review all agency rules every five years to determine whether to amend the rules, rescind the rules, or continue the rules without change. The safety rules of Chapters 4123:1-3 of the Administrative Code were last reviewed in 1998, and are due for five year rule review.

Rule Review Process

Personnel from the BWC Division of Safety and Hygiene met for the past few months with professionals from labor and management in the construction industry to review these rules. The stakeholders included representatives from the Ohio State Building and Construction Trade Council, South Central Ohio District Council of Carpenters JATC, Norris Brothers Co., Allied Construction Industries (Cincinnati), the Builders Exchange of Central Ohio, and the Construction Employers Association of Cleveland.

The committee met and reviewed the rules based on the following major principles:

- If the standard complies with the BWC safety rule and complies with OSHA, keep the BWC safety rule as is. [Example: Ladder extends 3 feet above landing. BWC safety rule and OSHA are the same].
- If the standard complies with BWC safety rule but violates OSHA, change BWC safety rule. [Example: Safety belts (BWC safety rule) versus body harness (OSHA)].
- If the standard violates BWC safety rule but complies with OSHA, change BWC safety rule. [Example: Perimeter guardrail 1/4 inch wire rope (OSHA) versus 3/8 inch wire rope].
- If the standard does not exist in BWC safety rule now but is in OSHA, keep BWC safety rule as is. [Example: Fire protection and prevention, Not in BWC safety rule, is in OSHA].

Rule Changes

There are 24 rules in Chapters 4123:1-3 of the Administrative Code. Because the rules are lengthy (300 pages in a bound 6" by 9" volume), rather than the full text of the rules, attached is a summary of the changes in the rules.

The attached changes have been organized by "purpose of change" as follows:

No Changes: 11; Change OAC: 22; Change OAC: 31; Grammar: 29; Format: 48; Clarity: 1 - for a total of 131 changes.

NO CHANGE (11)

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
1	4123;1-3-05 Mechanical power transmission apparatus.		None	
2		S = 1300 – 20L/D	S = 1300 – 20L/D	
3		Maximum ratio L/D = 50	Maximum ratio L/D = 50	
4		Where: L = Length, unsupported, in inches	Where: L = Length, unsupported, in inches	
5		D = Least side of the timber in inches	D = Least side of the timber in inches	
6		S = Allowable stress in pounds per square inch of cross-section.	S = Allowable stress in pounds per square inch of cross-section.	
7	4123;1-3-17 Cutting and welding		No Changes	
8	4123:1-3-21 Diving operations APPENDIX TO RULE 4123:1-3-21			No Change
9	4123;1-3 APPENDIX I	No Changes	No Changes	No Changes
10	4123;1-3 APPENDIX I	No Changes	No Changes	No Changes
11	4123;1-3 APPENDIX I	No Changes	No Changes	No Changes

Purpose of change: If an employer complies with OAC, but violates OSHA, BWC recommends a change. (22)

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
1	4123;1-3-03 personal protective equipment (A) Scope	A) (7) Safety belts, lifelines and lanyards.	A)(7) Safety belts, Body Harness lifelines and lanyards.	Added the term Body Harness
2	4123;1-3-03 personal protective equipment (D)(3)	Face shields may be used in lieu of other forms of eye protection if they provide the required protection against the particular hazards for which they are designed and they shall be provided where additional protection for the face is necessary.	(3) Face shields. Face shields may be used only in conjunction with safety glasses and/or goggles where additional protection for the face is necessary.	Face shields as additional protection
3	4123;1-3-03 Personal protective equipment (G)	(G)Head and hair protection (1) Responsibility (a) Employer (i) Whenever employees are required to be present in areas where the potential hazard mentioned in paragraph (A)(4) of this rule are present, employers shall provide them with suitable protective headgear or hair enclosures.	(G)Head and hair protection (1) Responsibility (a) Employer (i) Whenever employees are required to be present in areas where the potential hazard mentioned in paragraph (A)(4) of this rule are present, employers shall provide them with suitable protective headgear or hair enclosures. (i)(a) Where required, head protection shall meet the requirements of ANSI Z89.1 – 1969.	Added (i)(a) to provide for use of ANSI

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
4	4123;1-3-03 personal protective equipment (G)	(G)(2) Protective helmets (a) classes of helmets & (3) Bump caps	(G)(2) Protective helmets (a) classes of helmets & (3) Bump caps	Deleted "classes of helmet" to allow for and to meet material and testing of manufacture and product used on the Job today
5	4123;1-3-04 Floors Stairways Railings (F) Stairways	(2)(b) Where it is not possible to provide temporary stairways due to the absence of floors in the structure a fixed ladder shall be provided with rest platforms every twenty feet.	(2)(b) Where it is not possible to provide temporary stairways due to the absence of floors in the structure a ladder shall be provided.	Removed fixed ladder requirements because they are specific in the ladders section.
6	4123;1-3-04 Floors Stairways Railings (G) Overhead Protection.	(G) Overhead Protection. Overhead protection covering of two inch plank, three fourth inch plywood or other solid material of equivalent strength shall be provided where employees are working below other employees on floor levels with open floor above.	(G) Overhead Protection. Overhead protection shall be provided where employees are working below other employees on floor levels with open floor above.	Allows for the employer to choose material.
7	4123;1-3-04 Floors Stairways Railings (H) Guarding of open-sided floors, platforms and runways.	(3) Working above dangerous equipment.(b) Each employee working six feet or more above dangerous equipment, such as machinery in operation, open vats, hoppers, or tanks, railroad tracks with moving equipment below the work, live electrical conductors unless deenergized and effectively grounded, or similar sources of danger, shall be protected from falling into or onto the dangerous equipment by a standard guard railing and toeboard, or safety belt or harness a-ess , or a safety net system.	(3) Working above dangerous equipment.(b) Each employee working six feet or more above dangerous equipment, such as machinery in operation, open vats, hoppers, or tanks, railroad tracks with moving equipment below the work, live electrical conductors unless deenergized and effectively grounded, or similar sources of danger, shall be protected from falling into or onto the dangerous equipment by a standard guard railing and toeboard, or safety belt or harness, or a safety net system.	Compatible with other references and includes safety belt or harness
8	4123;1-3-09 Roofing devices	(D) Felt-laying machines and mechanical moppers.Operators of felt-laying machines and mechanical moppers shall not be required to operate such machines within a distance of three six feet or of any unprotected roof opening or within five six feet of any unprotected roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet from the roof edge which is perpendicular to the direction of mechanical equipment operation.	(D) Felt-laying machines and mechanical moppers.Operators of felt-laying machines and mechanical moppers shall not be required to operate such machines within a distance of six feet or of any unprotected roof opening or within six feet of any unprotected roof edge which is parallel to the direction of mechanical equipment operation, and not less than 10 feet from the roof edge which is perpendicular to the direction of mechanical equipment operation.	Changed 3 feet from roof opening to six feet with mobile equipment increased stopping distance. Changed five feet to six feet unprotected edge to increase stopping distance, Added 10 feet for perpendicular travel. Compatible to OSHA.
9	4123;1-3-10 Scaffolding (K) Two-point suspension scaffolds (swinging scaffolds)	(4) Employees shall not be required to use a bridge between, or to move directly form, one swinging scaffold and another.	(4) Employees shall not be required to use a bridge between, or to move directly form, one swinging scaffold and another <u>unless the platforms are at the same height, are abutting, and walk through stirrups specifically designed for this purpose are used.</u>	To add clarity and allow for manufacturers design

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
10	4123;1-3-10 Scaffolding (R) Chimney, stack or tank bracket scaffolds	(6) Guardrails. Chimney, stack, or tank bracket scaffolds shall be provided with standard guardrails, but no guardrail is required when safety belts with lifelines are provided.	(6) Guardrails. Chimney, stack, or tank bracket scaffolds shall be provided with standard guardrails, but no guardrail is required when safety belts <u>or harness</u> with lifelines are provided.	Include the choice of harness as fall protection
11	4123;1-3-12 Portable Explosive-actuated fastening tools (E) Minimum instructions for qualifying operators	(E) Instructions to operators in order to teach them the use of portable explosive-actuated fastening tools shall include, but shall not be limited to the following items:	(E) Instructions to operators in order to teach them the use of portable explosive-actuated fastening tools shall include, but shall not be limited to the following items: <u>Only employees who have been trained in the operation of that particular tool in use shall be allowed to operate a powder-actuated tool. The tool shall be tested each day before loading to see that safety devices are in proper working condition. The method of testing shall be in accordance with manufacturer's recommendation procedure.</u>	Ensure trained worker use the tool and provides for testing the tool prior to use.
12	4123;1-3-12 Portable Explosive-actuated fastening tools (E) Minimum instructions for qualifying operators	(14) Any tool found not in proper working order shall be immediately removed from service. The tool shall be inspected at regular intervals and shall be repaired in accordance with the manufacturer's specifications.	(14) Any tool found not in proper working order shall be immediately removed from service. The tool shall be inspected <u>each day before loading</u> and shall be repaired in accordance with the manufacturer's specifications.	Establish consistency with the manufacturer
13	4123;1-3-15 Explosives and blasting (G) Initiation of explosive charges	(2) Electric blasting caps (b) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers powered with a silver chloride cell especially designed for the purpose.	(2) Electric blasting caps (b) Blasters, when testing circuits to charged holes, shall use only blasting galvanometers or other instruments that are specifically designed for this purpose.	To allow for advances in blasting and give the employer a choice
14	4123;1-3-16 Tunnels and shafts, caissons, cofferdams and compressed air (D) Tunnels and shafts (3) Ventilation	(b)(i)(a)(i) The atmosphere within the tunnel or shaft contains an adequate quantity of oxygen (nineteen per cent) and harmful atmospheric contaminants have been diluted to safe concentrations; or	(b)(i)(a)(i) The atmosphere within the tunnel or shaft contains an adequate quantity of oxygen (nineteen <u>and one half</u> per cent) and harmful atmospheric contaminants have been diluted to safe concentrations; or	19.5% Oxygen as identified in health stadards
15	4123;1-3-16 Tunnels and shafts, caissons, cofferdams and compressed air (D) Tunnels and shafts (3) Ventilation	(b)(i)(a)(ii) Adequate mechanically induced dilution ventilation is used prior to entry and continued in use during occupancy to ensure that no less than nineteen per cent oxygen is maintained in the tunnel or shaft.	(b)(i)(a)(ii) Adequate mechanically induced dilution ventilation is used prior to entry and continued in use during occupancy to ensure that no less than nineteen <u>and one half</u> per cent oxygen is maintained in the tunnel or shaft.	19.5% Oxygen as identified in health stadards

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
16	4123;1-3-16 Tunnels and shafts, caissons, cofferdams and compressed air (D) Tunnels and shafts (3) Ventilation (b)(iii)	(c) Less than nineteen per cent oxygen; then appropriate control measures shall be instituted. Control measures may consist of forced or natural ventilation, use of personal protective equipment, a combination of these, or other effective control techniques.	(C) Less than nineteen <u>and one half</u> per cent oxygen; then appropriate control measures shall be instituted. Control measures may consist of forced or natural ventilation, use of personal protective equipment, a combination of these, or other effective control techniques.	19.5% Oxygen as identified in health stadards
17	4123;1-3-18 Heating ventilating and exhaust equipment (G) Confined spaces	(1)(a)(i) The atmosphere within the confined space contains an adequate quantity of oxygen (nineteen per cent) and harmful atmospheric contaminants have been diluted to safe concentrations; or	(1)(a)(i) The atmosphere within the confined space contains an adequate quantity of oxygen (nineteen and one half per cent) and harmful atmospheric contaminants have been diluted to safe concentrations; or	19.5% Oxygen as identified in health stadards
18	4123;1-3-18 Heating ventilating and exhaust equipment (G) Confined spaces	(1)(a)(ii) Adequate mechanically induced dilution ventilation is used prior to entry and continued in use during occupancy to ensure that no less than nineteen per cent oxygen is maintained in the confined space.	(1)(a)(ii) Adequate mechanically induced dilution ventilation is used prior to entry and continued in use during occupancy to ensure that no less than nineteen and one half per cent oxygen is maintained in the confined space.	19.5% Oxygen as identified in health stadards
19	4123;1-3-18 Heating ventilating and exhaust equipment (G) Confined spaces	(3)(c) Less than nineteen per cent oxygen; then appropriate control measures shall be instituted. Control measures may consist of forced or natural ventilation, use of personal protective equipment, a combination of these, or other effective control techniques.	(3)(c) Less than nineteen <u>and one half per cent</u> oxygen then appropriate control measures shall be instituted. Control measures may consist of forced or natural ventilation, use of personal protective equipment, a combination of these, or other effective control techniques.	Compatible with OSHA
20	4123;1-3-20 Steel erection (C) Floor requirements (2)	(e) When gathering and stacking temporary floor planks from the last panel, the employees assigned to such work shall be protected by safety belts with safety lines attached to the structure.	(e) When gathering and stacking temporary floor planks from the last panel, the employees assigned to such work shall be protected by safety belts <u>or harness</u> with safety lines attached to the structure.	Include harness as a choice for fall protection
21	4123;1-3-20 Steel erection (E) Bolting, riveting, fitting-up and plumbing-up	(11) Employees shall be provided with safety belts and lifelines, securely fastened to a permanent part of the structure, when they are working on float scaffolds.	(11) Employees shall be provided with safety belts <u>or harness</u> and lifelines, securely fastened to a permanent part of the structure, when they are working on float scaffolds.	Include harness as a choice for fall protection
22	4123;1-3-24 Roof car suspended platforms	(G) Safety belts and lifelines. A safety belt or harness with means for attachment to a lifeline on the roof or to the working platform shall be provided for each employee on a working platform suspended by less than four wire ropes.	(G) <u>Fall Protection. Each employee shall have a personal fall arrest system.</u>	Inclusive of fall protection system.

Purpose of change: If an employer violates OAC, but complies with OSHA, BWC recommends a change. (31)

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
1	4123;1-3-03 personal protective equipment (B) Definitions	(2) "Lanyard" means a rope, wire rope, suitable for supporting one person. One end is fastened to a safety belt or harness and the other end is secured to a substantial object or a life line.	(2) "Lanyard" means a flexible line of 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.	Included flexible line, strap and including connectors at each end
2	4123;1-3-03 personal protective equipment (B) Definitions	(3) "Lifeline" means a rope, suitable for supporting one person, to which a lanyard or safety belt (or harness) is attached	(3) "Vertical Lifeline" means a rope, suitable for supporting one person, to which a lanyard or safety belt (or harness) is attached	Clarified with the word vertical
3	4123;1-3-03 personal protective equipment (D)(4)	(4) Material requirements for eye protection. (a)Lens thickness-glass and plastic (i) no less than 3.0mm. (b) Impact test. Etc...	(4) Material requirements for eye protection shall meet ANSI Z87.1 – 1968 or any revisions to that standard.	Removed (4)(a) Thru (f) lens and frame testing to provide for the proper use of ANSI rated safety glasses
4	4123;1-3-03 personal protective equipment (E)	(E) Foot (toe) protection. Foot protection shall be made available by the employer and shall be worn by the employee where an employee is exposed to machinery or equipment that represents a foot hazard or where an employee is handling material which presents a foot hazard.	(E) Foot (toe) protection. Foot protection shall be worn by the employee where an employee is exposed to machinery or equipment that represents a foot hazard or where an employee is handling material which presents a foot hazard.	Deleted- shall be made available by the employer and if employer does not provide foot protection but foot protection is worn and there is an injury a vssr could exist but not an OSHA violation
5	4123;1-3-03 personal protective equipment (J)	(J) Safety belts, Harness lifelines and lanyards (1) Lifelines, safety belts or harnesses and lanyards shall be provided by the employer, and it shall be the responsibility of the employee to wear such equipment when engaged in securing or shifting thrustouts, inspecting or working on overhead machines that support scaffolds, or on other high rigging, when working on steeply pitched roofs, when working on poles or steel frame construction, when working on all swinging scaffolds, when exposed to hazards of falling where the operation being performed is more than six feet above ground or above a floor or platform, except as otherwise specified in this chapter, and when required to work on stored material in silos, hoppers, tanks, and similar storage areas. Lifelines and safety belts or harnesses shall be securely fastened to the structure and shall sustain a static load of no less than five thousand pounds.	(J) Safety belts, Harness lifelines and lanyards (1) Lifelines, safety belts or harnesses and lanyards shall be provided by the employer, and it shall be the responsibility of the employee to wear such equipment when exposed to hazards of falling where the operation being performed is more than six feet above ground or above a floor or platform, except as otherwise specified in this chapter, and when required to work on stored material in silos, hoppers, tanks, and similar storage areas. Lifelines and safety belts or harnesses shall be securely fastened to the structure and shall sustain a static load of no less than three thousand pounds.	Clarified except when otherwise specified in this chapter. Removed reference to swing scaffold, steel frame construction, steeply pitched roofs. Changed from five thousand to three thousand to coordinate with OSHA

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
6	4123;1-3-03 personal protective equipment (J)	(4) Safety belt or harness lanyard shall be a minimum of one-half-inch nylon, or equivalent, with a maximum length to provide for a fall of no more than six feet. The lanyard shall have a breaking strength of no less than five thousand pounds.	(4) Safety belt or harness lanyard shall be a minimum of one-half-inch nylon, or equivalent, with a maximum length to provide for a fall of no more than six feet. The lanyard shall have a breaking strength of no less than three thousand pounds.	To include belts and compatible with OSHA 3000 pounds is referenced
7	4123;1-3-03 personal protective equipment (J)	(6) All safety belt or harness and lanyard hardware shall be capable of withstanding a tensile loading of four thousand pounds without cracking, breaking, or becoming permanently deformed.	(6) All safety belt or harness and lanyard hardware shall be capable of withstanding a tensile loading of three thousand pounds without cracking, breaking, or becoming permanently deformed.	To include belts and compatible with OSHA 3000 pounds is referenced
8	4123;1-3-04 Floors Stairways Railings (D) Openings	(2) Wall openings. (a) Guarding. Where there is a danger of an employee falling six feet or more to a lower level through a wall opening, the opening shall be guarded by a standard guard railing and toeboard, or a barricade. When the height and placement of the opening in relation to the working surface is such that either a standard guardrail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided. Three-eighth One-fourth-inch wire rope, securely fastened in place, may be used in lieu of the top rail and intermediate rail. A safety belt or harness or a safety net system may be provided in lieu of the standard guard railing and toeboard or barricade.	(2) Wall openings. (a) Guarding. Where there is a danger of an employee falling six feet or more to a lower level through a wall opening, the opening shall be guarded by a standard guard railing and toeboard, or a barricade. When the height and placement of the opening in relation to the working surface is such that either a standard guardrail or intermediate rail will effectively reduce the danger of falling, one or both shall be provided. One-fourth-inch wire rope, securely fastened in place, may be used in lieu of the top rail and intermediate rail. A safety belt or harness or a safety net system may be provided in lieu of the standard guard railing and toeboard or barricade.	Strike 3/8, move to 1/4 inch wire rope. Common in the industry and compatible with OSHA
9	4123;1-3-04 Floors Stairways Railings (H) Guarding of open-sided floors, platforms and runways.	(1) Open-sided floors or platforms. (b) Three-eighths One-quarter-inch wire rope and toeboard, substantially secured in place, may be used in lieu of standard guard railing.	(1) Open-sided floors or platforms. (b)One-quarter-inch wire rope and toeboard, substantially secured in place, may be used in lieu of standard guard railing.	Compatible with wire rope requirements in other references
10	4123;1-3-04 Floors Stairways Railings (H) Guarding of open-sided floors, platforms and runways.	(2) Runways.(a) Standard guard railings and toeboards shall be provided on all open sides of runways four six feet or more above floor or ground level.	(2) Runways.(a) Standard guard railings and toeboards shall be provided on all open sides of runways six feet or more above floor or ground level.	Compatible with height requirements in other references
11	4123:1-3-06 Motor vehicles, mechanized equipment and marine operations (C)	(C) Equipment. (6) At locations where gasoline is being transferred to the fuel tank of any construction machinery, a notice shall be posted by the employer stating specifically that the engine shall be shut down during the transfer of fuel.	(C) Equipment. (6) At locations where gasoline is being transferred to the fuel tank of any construction machinery the engine shall be shut down during the transfer of fuel.	Removed notice posting

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
12	4123:1-3-06 Motor vehicles, mechanized equipment and marine operations (E) Material handling equipment.	(3) Mobile concrete mixers. (a) Guarding. (i) Mobile concrete mixers with skips having a capacity of three quarters of a one cubic yard or more, shall be provided with single rail guards on both sides of the skip pan. The single rail guard shall be constructed of substantial material and shall be no less than thirty-six inches or more than forty-two inches in height above the ground or working level and shall extend the full length of the pan.	(3) Mobile concrete mixers. (a) Guarding. (i) Mobile concrete mixers with skips having a capacity of one cubic yard or more, shall be provided with single rail guards on both sides of the skip pan. The single rail guard shall be constructed of substantial material and shall be no less than thirty-six inches or more than forty-two inches in height above the ground or working level and shall extend the full length of the pan.	Capacity to one cubic yard
13	4123:1-3-07 Cranes, hoists, and derricks (D) Hoist (4) Overhead hoist	(b)The supporting structure to which the hoist is attached shall have a safe working load no less than one and one half time that of the hoist.	(b)The supporting structure to which the hoist is attached shall have a safe working load equal to that of the hoist.	Manufacturers design
14	4123;1-3-10 Scaffolding (C) General	(1) The footing or anchorage for scaffolds shall be sound, rigid, and capable of supporting the carrying four times the maximum rated load without settling or displacement. Unstable or loose objects shall not be used to support scaffolds.	(1) The footing or anchorage for scaffolds shall be sound, rigid, and capable of supporting the carrying four times the maximum rated load without settling or displacement. Unstable or loose objects shall not be used to support scaffolds.	Cross referenced to OSHA
15	4123;1-3-10 Scaffolding (C) General	(4) Guardrails and toeboards. (a) Scaffolds having one horizontal dimension of less than forty-five inches, shall have standard guardrails installed on all open sides and ends of the platform when more than four feet above the ground or floor.	(4) Guardrails and toeboards. (a) Scaffolds having one horizontal dimension of less than forty-five inches, shall have standard guardrails installed on all open sides and ends of the platform when more than four feet above the ground or floor.	Compatible with Scaffold manufacturers for narrow scaffolds (4 time the minimum base dimension still applies)
16	4123;1-3-10 Scaffolding (C) General	(5) Where employees are required to work or pass under the scaffold, the scaffold shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of "No. 18 Gauge, U.S. Standard" wire one-half-inch mesh, or the equivalent.	(5) <u>Where employees are required to work or pass under the scaffold each employee on a scaffold shall be provided with additional protection from falling hand tools, debris, and other small objects through the installation of toeboards, screens, or guardrail systems, or through the erection of debris nets, catch platforms, or canopy structures that contain or deflect the falling objects.</u> Where employees are required to work or pass under the scaffold, the scaffold shall be provided with a screen between the toeboard and the guardrail, extending along the entire opening, consisting of "No. 18 Gauge, U.S. Standard" wire one-half-inch mesh, or the equivalent.	Include other methods of protection including screens, debris nets, catch platforms, contain or deflect.
17	4123;1-3-10 Scaffolding (F) Tubular welded frame scaffolds	(2) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other foundations adequate to support four times the maximum rated load.	(2) Scaffold legs shall be set on adjustable bases or plain bases placed on mud sills or other <u>adequate</u> foundations. adequate to support four times the maximum rated load.	Cross referenced to OSHA

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
18	4123;1-3-10 Scaffolding (F) Tubular welded frame scaffolds	(5) To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed thirty feet horizontally and twenty-six feet vertically.	(5) <u>Supported scaffolds with a height to base width (including outrigger supports if used) ratio of more than 4 to 1</u> To prevent movement, the scaffold shall be secured to the building or structure at intervals not to exceed thirty feet horizontally and twenty-six feet vertically.	To provide clarity -supported scaffolds -base dementions-30ft horizontal 26 vertical
19	4123;1-3-10 Scaffolding (K) Two-point suspension scaffolds (swinging scaffolds)	(1) Two-point suspension scaffold platforms shall be no less than twenty inches and no more than thirty-six inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.	(1) Two-point suspension scaffold platforms shall be no less than twenty inches and no more than thirty-six inches wide overall. The platform shall be securely fastened to the hangers by U-bolts or by other equivalent means.	Scaffold manufactures limit and compatible with OSHA
20	4123;1-3-10 Scaffolding (Z) Stilts	The maximum height of stilts shall be thirty-six inches. Stilts shall be equipped with "feet" of skid resistant material. Means shall be provided to securely fasten the stilts to employee's feet and legs. The floor in the work area shall be maintained free of debris and other possible hazards.	The maximum height of stilts shall be thirty-six inches. Stilts shall be equipped with "feet" of skid resistant material. Means shall be provided to securely fasten the stilts to employee's feet and legs. The floor in the work area shall be maintained free of debris and other possible hazards.	Scaffold manufactures limit and Industry practice
21	4123;1-3-11 Ladders (D) Portable ladders	(3)(a) Height. Step ladders shall not exceed twenty feet in height.	(3)(a) Height. Step ladders shall not exceed twenty feet in height.	ANSI / Manufacturers height requirements
22	4123;1-3-11 Ladders (E) Fixed ladders	(2) Fixed ladders exceeding twenty feet in length. Ladder landings (rest platforms) shall be installed on fixed ladders each twenty feet or major fraction thereof in length. This shall not apply to water towers, masts, smokestacks, or material hoists.	(2) Fixed ladders exceeding <u>fifty</u> feet in length. Ladder landings (rest platforms) shall be installed on fixed ladders each <u>fifty</u> feet or major fraction thereof in length. This shall not apply to water towers, masts, smokestacks, or material hoists.	Consistency with ladder standards ANSI and OSHA
23	4123;1-3-12 Portable Explosive-actuated fastening tools (E) Minimum instructions for qualifying operators	(5) In case of a misfire, the operator shall hold the tool in the operating position for no less than thirty seconds, and then try to operate the tool a second time. The operator shall wait another thirty seconds, holding the tool in the operating position and only then shall proceed to remove the explosive load which shall be done in strict accordance with the manufacturer's instructions. Misfired cartridges shall be placed carefully in a metal container filled with water, and returned to the supervisor for disposal.	(5) In case of a misfire, the operator shall hold the tool in the operating position for no less than <u>fifteen</u> seconds, and then try to operate the tool a second time. The operator shall wait another <u>fifteen</u> seconds, holding the tool in the operating position and only then shall proceed to remove the explosive load which shall be done in strict accordance with the manufacturer's instructions. Misfired cartridges shall be placed carefully in a metal container filled with water, and returned to the supervisor for disposal.	Establish consistency with the manufacturer

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
24	4123;1-3-14 Electrical conductors, wire and equipment (C) Installation and maintenance of temporary wiring	(1)(a) Main feed and secondary conductors shall be no less than eight feet above the floor or ground level unless in rigid or other conduit such as nonmetallic sheathed cable or metallic sheathed cable which provides equivalent protection and support. Temporary wiring run as open conductors shall be on insulators spaced no more than ten feet apart and shall not be exposed to mechanical damage. Extension cords shall not be considered as secondary conductors. No branch circuits or feeder conductors shall be laid on the floor except properly maintained extension cords feeding portable powered tools.	(1)(a) Main feed and secondary conductors shall be no less than eight feet above the floor or ground level unless in rigid or other conduit such as nonmetallic sheathed cable or metallic sheathed cable which provides equivalent protection and support. Extension cords shall not be considered as secondary conductors. No branch circuits or feeder conductors shall be laid on the floor except properly maintained extension cords feeding portable powered tools.	Open conductors are prohibited from use
25	4123;1-3-16 Tunnels and shafts, caissons, cofferdams and compressed air (D) Tunnels and shafts (12) Hoisting	(d) Hand-operated release mechanisms, which can permit the load to descend faster than the speed rating, shall not be used.	(d) Hand-operated release mechanisms, which can permit the load to descend faster than the speed rating, <u>May be preformed if shaft conditions permit.</u>	Equipments may permit based on shaft conditions
26	4123;1-3-18 Heating ventilating and exhaust equipment (G) Confined spaces	(2) When the confined space has been exposed to, contained, or is likely to have combustible gases within its confines (such as sewage treatment plants), it shall not be entered if any reading is obtained on a combustible gas indicator (see "Appendix III", "LEL Table").	(2) When the confined space has been exposed to, contained, or is likely to have combustible gases within its confines (such as sewage treatment plants), it shall not be entered if any reading is obtained in excess of <u>10 percent of its lower flammable limit (LFL) is obtained</u> on a combustible gas indicator (see "Appendix III", "LEL Table").	Compatible with OSHA
27	4123;1-3-18 Heating ventilating and exhaust equipment (G) Confined spaces	(3)(a) Any concentration of flammable vapor or gas; and/or,	(3)(a) Any concentration of flammable vapor or gas <u>in excess of 10 percent of its LFL</u> ; and/or,	Compatible with OSHA
28	4123;1-3-18 Heating ventilating and exhaust equipment (H) Procedures (1) Procedure for safe entry	(b)(ii) Post established entry procedures immediately adjacent to all confined space entry ports; other acceptable areas for posting would include the lid of the storage container or to post requirements for respiratory or testing equipment on crew trucks;	(b)(ii) Post <u>danger signs or by any other equally effective means, of the existence and location of the permit spaces. NOTE: A sign reading DANGER -- PERMIT-REQUIRED CONFINED SPACE, DO NOT ENTER or using other similar language would satisfy the requirement for a sign.</u>	Compatible with OSHA

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
29	4123;1-3-20 Steel erection (C) Floor requirements	(2) Temporary flooring – skeleton steel construction in tiered buildings. (b) On buildings or structures not adaptable to temporary floors, and where scaffolds are not used, safety nets shall be installed and maintained whenever the potential fall distance exceeds two stories or twenty-five feet. The nets shall be hung with sufficient clearance to prevent contacts with the surface of structures below.	(2) Temporary flooring – skeleton steel construction in tiered buildings. (b) On buildings or structures not adaptable to temporary floors, and where scaffolds are not used, <u>each employee exposed to a potential fall distance exceeding 2 stories or 30 feet shall have a personal fall arrest system or</u> safety nets shall be installed and maintained. The nets shall be hung with sufficient clearance to prevent contacts with the surface <u>or</u> structures below.	Consistent with OSHA 2 stories or 30 feet
30	4123;1-3-20 Steel erection (C) Floor requirements (2)	(c) Floor periphery - safety railing. A safety railing of one-half-inch wire rope or equal shall be installed, approximately forty-two inches high, around the periphery of all temporary-planked or temporary-metal-decked floors of tier buildings and other multi-floored structures during structural steel assembly.	(c) Floor periphery – safety railing. A safety railing of <u>one-quarter-inch</u> wire rope or equal shall be installed, approximately forty-two inches high, around the periphery of all temporary-planked or temporary-metal-decked floors of tier buildings and other multi-floored structures during structural steel assembly.	Consistent with other guardrail requirements in this rule, compatible with OSHA
31	4123;1-3-20 Steel erection (D) Structural steel assembly.	(4) Where long-span joists or trusses, forty feet or longer are used, a center row of bolted bridging shall be installed to provide lateral stability during construction prior to slacking of hoisting line.	(4) Where longspan joists or trusses, <u>sixty</u> feet or longer, are used <u>a row or</u> rows of bolted bridging shall be installed to provide lateral stability during construction prior to slacking of hoisting line.	Compatible with OSHA representing Industry practices

Purpose of change: Grammatical (29)

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
1	4123;1-3-02 Temporary storage and disposal	(2) Material stored inside buildings under construction shall not be placed within six feet of any hoistway, or inside floor openings, nor within ten feet of an exterior wall which does not extend above the top of the material stored.	(2) Material stored inside buildings under construction shall not be placed within six feet of any hoistway, or inside floor openings, nor within ten feet of an exterior wall which does not extend above the top of the material stored.	delete coma after "hoistway"
2	4123;1-3-03 personal protective equipment (B) (6)(a)(i)	(i) "Mechanical-filter respirator" means a device which provides respiratory protection against particulate mater , such as non-volatile dusts, mists, or metal fumes.	(i) "Mechanical-filter respirator" means a device which provides respiratory protection against particulate mater , such as non-volatile dusts, mists, or metal fumes.	Spelling correction "mater" to "matter"
3	4123;1-3-03 personal protective equipment (D)(1)	(1)Responsibility. The employer shall provide eye protection for all employees engaged in the operations listed in paragraph(D)(2) of this rule and exposed to an eye hazard. Eye protection shall also be provided for any other employees required to work in the immediate area and who are exposed to the hazards of the operations listed. It shall be the responsibility of the employee to use the eye protection provided by the employer (see sections 4101.12 and 4101.13 of the Revised Code). (See also appendix to paragraph(D) of this rule for "Eye and Face Protector Selection Guide".)	(1)Responsibility. The employer shall provide eye protection for all employees engaged in the operations listed in paragraph(D)(2) of this rule and exposed to an eye hazard. Eye protection shall also be provided for any other employees required to work in the immediate area and who are exposed to the hazards of the operations listed. It shall be the responsibility of the employee to use the eye protection provided by the employer (see sections 4101.12 and 4101.13 of the Revised Code). (See also appendix to paragraph (D) of this rule for "Eye and Face Protector Selection Guide".)	Space correction
#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS

4	4123;1-3-03 Personal protective equipment (F)	(F) Respiratory equipment (1) The employer shall furnish approved respiratory equipment where there are air contaminants as defined in paragraph (B)(1) of rule 4123:1-3-01 of the Administrative Code. It shall be the responsibility of the employee to use the respirator or respiratory equipment provided by the employer, guard it against damage and report any malfunction to the employer (see sections 4101.12 and 4101.13 of the Revised Code). Note: See appendix to this rule for basic guides for the selection of respirators.	(F) Respiratory equipment (1) The employer shall furnish approved respiratory equipment where there are air contaminants as defined in paragraph (B)(1) of rule 4123:1-3-01 of the Administrative Code. It shall be the responsibility of the employee to use the respirator or respiratory equipment provided by the employer, guard it against damage and report any malfunction to the employer (see sections 4101.12 and 4101.13 of the Revised Code). Note: See appendix to this rule for basic guides for the selection of respirators.	Corrected rule number 4121 to 4123
5	4123;1-3-03 personal protective equipment (N)	(N) Employee's Responsibility. It shall be the responsibility of the employee to properly use the equipment provided by the employer provided by the employer as required in this rule (See also sections 4101.12 and 4101.13 of the Revised Code).	(N) Employee's Responsibility. It shall be the responsibility of the employee to properly use the equipment provided by the employer as required in this rule (See also sections 4101.12 and 4101.13 of the Revised Code).	Removed repeated phase "provided by the employer"
6	4123;1-3-04 Floors Stairways Railings (B) Definitions	(4) "Nose Nose (nosing)" means that portion of a tread projecting beyond the face of the riser immediately below.	(4) "Nose (nosing)" means that portion of a tread projecting beyond the face of the riser immediately below.	Remove double word "Nose"
7	4123;1-3-04 Floors Stairways Railings (C) (5) Temporary Floors	(a) Structural steel frame buildings shall have temporary floors as provided in paragraph (C)(1) of this rule placed within two typical floors of the erectors and the riveters riveters. Such floors shall cover the entire floor area beneath riveters or erectors except that no floors are required over hoistway or stairway openings.	(a) Structural steel frame buildings shall have temporary floors as provided in paragraph (C)(1) of this rule placed within two typical floors of the erectors and the riveters. Such floors shall cover the entire floor area beneath riveters or erectors except that no floors are required over hoistway or stairway openings.	Spelling "riveters"
8	4123;1-3-04 Floors Stairways Railings (D) Openings	(1)Floor Openings. Floor openings shall be guarded by a standard guard railing and toeboard or A a cover with a safety factor of no less than two and so constructed that the cover cannot be accidentally displaced. A safety belt or harness with a lanyard may be provided in lieu of a standard guard railing and toeboard or cover.	(1)Floor Openings. Floor openings shall be guarded by a standard guard railing and toeboard or a cover with a safety factor of no less than two and so constructed that the cover cannot be accidentally displaced. A safety belt or harness with a lanyard may be provided in lieu of a standard guard railing and toeboard or cover.	Remove capital A/replace with a. Add with lanyard
9	4123;1-3-04 Floors Stairways Railings (F) Stairways	(3) Stairways with pan-type treads. Permanent steel or other metal stairways with hollow pan-type treads that are to be filled with concrete or other materials, when used during construction, shall be filled to the level of the nosing with solid material. This requirements shall apply as each flight of stairs is completed.	(3) Stairways with pan-type treads. Permanent steel or other metal stairways with hollow pan-type treads that are to be filled with concrete or other materials, when used during construction, shall be filled to the level of the nosing with solid material. This requirement shall apply as each flight of stairs is completed.	Spelling requirement (s)

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
10	4123:1-3-06 Motor vehicles, mechanized equipment and marine operations (C)	(4) Trucks used to transport employees, (a) Trucks assigned to, or generally used for the transportation of employees shall be equipped with seats and back rests which are securely fastened, ,	(4) Trucks used to transport employees, (a) Trucks assigned to, or generally used for the transportation of employees shall be equipped with seats and back rests which are securely fastened.	Change comma to period
11	4123;1-3-08 Ropes chains and slings (E) Wire rope.	No paragraph number noted (E)	(E)	Added outline paragraph number (E)
12	4123;1-3-10 Scaffolding (D) Wood pole scaffold	(15) All wood pole scaffolds feet or less in height shall be constructed and erected in accordance with "Tables 10-1 to 10-6." If they are over sixty feet in height, they shall be designed by a professional engineer competent in this field, and shall be constructed and erected in accordance with such design.	(15) All wood pole scaffolds <u>sixty</u> feet or less in height shall be constructed and erected in accordance with "Tables 10-1 to 10-6." If they are over sixty feet in height, they shall be designed by a professional engineer competent in this field, and shall be constructed and erected in accordance with such design.	Replace omitted "sixty"
13	4123;1-3-10 Scaffolding (E) Tube and coupler scaffolds	(3) A medium duty tube and coupler scaffold shall consist of no less than nominal two-inch O.D. steel tubing in all posts, runners, and bracing. Where the posts are spaced no farther apart than five feet by eight feet, the bearers shall also be no less than nominal two-inch O.D. steel tubing. Where the posts are spaced at greater distances apart than five feet by eight feet, the bearers shall be of not <u>less</u> than nominal two and one-half inch O.D. steel tubing but, in no event, may the posts of a medium duty tube and coupler scaffold be spaced farther apart than six feet by eight feet. Other structural metals, when used, must be capable of carrying a load equivalent to the load supportable by the prescribed tube and coupler scaffold. No dissimilar metals shall be used together.	(3) A medium duty tube and coupler scaffold shall consist of no less than nominal two-inch O.D. steel tubing in all posts, runners, and bracing. Where the posts are spaced no farther apart than five feet by eight feet, the bearers shall also be no less than nominal two inch O.D. steel tubing. Where the posts are spaced at greater distances apart than five feet by eight feet, the bearers shall be of not <u>less</u> than nominal two and one-half inch O.D. steel tubing but, in no event, may the posts of a medium duty tube and coupler scaffold be spaced farther apart than six feet by eight feet. Other structural metals, when used, must be capable of carrying a load equivalent to the load supportable by the prescribed tube and coupler scaffold. No dissimilar metals shall be used together.	Corrected missing word(s) for clarity
14	4123;1-3-10 Scaffolding (E) Tube and coupler scaffolds	(7) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even heights. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed no more than six feet six inches on centers.	(7) Runners shall be erected along the length of the scaffold, located on both the inside and the outside posts at even heights. Runners shall be interlocked to the inside and the outside posts at even heights. Runners shall be interlocked to form continuous lengths and coupled to each post. The bottom runners shall be located as close to the base as possible. Runners shall be placed no more than six feet six inches on centers.	Corrected missing word(s) for clarity

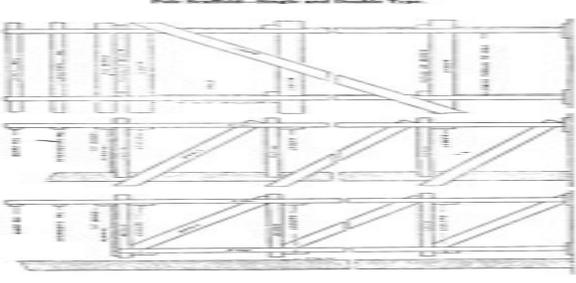
#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
15	4123;1-3-10 Scaffolding (H) Elevated work platforms and self-propelled elevated work platforms (4) (b)	(iii) Where the elevation o the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device.	(iii) Where the elevation o f the platform is accomplished by a single hoist cable, the system shall be protected by a broken-cable safety device.	Spelling correction o - of
16	4123;1-3-10 Scaffolding (J) Masons' adjustable multi-point suspension scaffolds	(6) Where the overhand exceeds six feet six inches, outrigger beams shall be composed of stronger beams or multiple beams, providing proportionally greater strength than that required in paragraph (J)(5) of this rule.	(6) Where the overhand g exceeds six feet six inches, outrigger beams shall be composed of stronger beams or multiple beams, providing proportionally greater strength than that required in paragraph (J)(5) of this rule.	Spelling correction overhand to overhang
17	4123;1-3-10 Scaffolding (O) Bricklayers' square scaffolds	(5) Bricklayers' square scaffold shall not exceed three tiers in height and shall be so constructed and arranged that on square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.	(5) Bricklayers' square scaffold shall not exceed three tiers in height and shall be so constructed and arranged that one square shall rest directly above the other. The upper tiers shall stand on a continuous row of planks laid across the next lower tier and be nailed down or otherwise secured to prevent displacement.	Spelling correction (on)-(one)
18	4123;1-3-10 Scaffolding (Y) Pump jack scaffolds	(4) (e) All poles bear on mud sills or other firm foundations.	(4) (e) All poles shall bear on mud sills or other firm foundations.	Clarify/correct with shall
19	4123;1-3-11 Ladders (E) Fixed ladders	(E) Fixed ladders.	(E) Fixed ladders that can not be readily moved or carried because it is an integral part of a building or structure.	Added for clarity
20	4123;1-3-11 Ladders (E) Fixed ladders	(3) Fixed ladder landings. All fixed ladder landings shall be equipped with standard guard railing, intermediate rail and and toeboards. The platform of such landings shall be no less than twenty four inches in width.	(3) Fixed ladder landings. All fixed ladder landings shall be equipped with standard guard railing, intermediate rail and toeboards. The platform of such landings shall be no less than twenty four inches in width.	Double word (and)
21	4123;1-3-13 Trenching and Excavation (C) General requirements	(3) Undercutting of the exposed faces of trenches or excavations is prohibited unless the exposed faces of such undercutting are supported by one or more of the methods undercutting are supported by one or more of the methods prescribed for the support of exposed faces of trenches.	(3) Undercutting of the exposed faces of trenches or excavations is prohibited unless the exposed faces of such undercutting are supported by one or more of the methods prescribed for the support of exposed faces of trenches.	Delete repeated words
22	4123;1-3-13 Trenching and Excavation (D) Trenches (5) Minimum requirements - trench shoring	(b) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of value given by the following formula:	(b) Braces and diagonal shores in a wood shoring system shall not be subjected to compressive stress in excess of value given by the following formula:	Maximum ratio is L divided by D equals 50 not Maximum ratio L divided by D minus 50
#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS

23	4123;1-3-13 Trenching and Excavation (E) Excavations	(7) If it is necessary to place or operate power shovels, derricks, trucks, materials, or other heavy objects on a level above and near an excavation, the side of the excavation shall be sheet -piled, shored, braced or sloped as necessary to resist the extra pressure due to such superimposed loads.	(7) If it is necessary to place or operate power shovels, derricks, trucks, materials, or other heavy objects on a level above and near an excavation, the side of the excavation shall be sheet -piled, shored, braced or sloped as necessary to resist the extra pressure due to such superimposed loads.	Added the first word "If".
24	4123;1-3-13 Trenching and Excavation (E) Excavations	(9) Walkways shall be provided where employees or equipment are required to cross over excavations S standard guardrails shall be provided where the walkways are six feet or more above lower levels.	(9) Walkways shall be provided where employees or equipment are required to cross over excavations, standard guardrails shall be provided where the walkways are six feet or more above lower levels.	Spelling Capital S changed to small s
25	4123;1-3-16 Tunnels and shafts, caissons, cofferdams and compressed air (D) Tunnels and shafts (8) Drilling	(j) When jumbos are being moved, only the drive and those assisting the driver shall be permitted on the jumbo.	(j) When jumbos are being moved, only the driver and those assisting the driver shall be permitted on the jumbo.	Change drive to driver add (r)
26	4123;1-3-16 Tunnels and shafts, caissons, cofferdams and compressed air (D) Tunnels and shafts (10) Haulage	(m) Where necessary, bumper blocks, or the equivalent, shall be provided at all rack dead ends.	(m) Where necessary, bumper blocks, or the equivalent, shall be provided at all track dead ends.	Correct word track
27	4123;1-3-16 Tunnels and shafts, caissons, cofferdams and compressed air (E) Caissons	(5) All caissons having diameter or side greater than ten feet shall be provided with a manlock and shafting for the exclusive use of employees.	(5) All caissons having diameter or side greater than ten feet shall be provided with a manlock and shafting for the exclusive use of employees.	Correct demension 10 feet
28	4123;1-3-16 Tunnels and shafts, caissons, cofferdams and compressed air (G) Compressed air	(3) Telephone and signal communication. Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between al the following locations:	(3) Telephone and signal communication. Effective and reliable means of communication, such as bells, whistles, or telephones, shall be maintained at all times between all the following locations:	Spelling 2 ll's in all
29	4123;1-3-19 Demolition (C)	(5) During the period before demolition begins in a particular area, wall openings less than forty-two inches above the floor and floor openings other than material drops shall be protected.	(5) During the period before demolition begins in a particular area, wall openings less than forty-two inches above the floor and floor openings other than material drops shall be protected.	Remove comma

Purpose of change: Formatting of text (48)

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS																
1	4123;1-3-03 personal protective equipment (L)	<p style="text-align: center;">TABLE</p> <hr/> <table border="0"> <tr> <td style="padding-right: 20px;">Vertical distance from working level to horizontal plane from the edge of the</td> <td>Minimum required horizontal distance of outer edge of net working surface.</td> </tr> </table> <hr/> <table border="0"> <tr> <td style="padding-right: 20px;">Up to five feet</td> <td>Eight feet</td> </tr> </table> <hr/> <table border="0"> <tr> <td style="padding-right: 20px;">More than five feet up to ten feet</td> <td>Ten feet</td> </tr> </table> <hr/> <table border="0"> <tr> <td style="padding-right: 20px;">More than ten feet</td> <td>Thirteen feet</td> </tr> </table> <hr/>	Vertical distance from working level to horizontal plane from the edge of the	Minimum required horizontal distance of outer edge of net working surface.	Up to five feet	Eight feet	More than five feet up to ten feet	Ten feet	More than ten feet	Thirteen feet	<table border="1"> <tr> <td>Vertical distance from working level to horizontal plane of net</td> <td>Minimum required horizontal distance of outer edge of net from the edge of the working surface</td> </tr> <tr> <td>Up to 5 feet</td> <td>8 feet</td> </tr> <tr> <td>More than 5 feet up to 10 feet</td> <td>10 feet</td> </tr> <tr> <td>More than 10 feet</td> <td>13 feet</td> </tr> </table>	Vertical distance from working level to horizontal plane of net	Minimum required horizontal distance of outer edge of net from the edge of the working surface	Up to 5 feet	8 feet	More than 5 feet up to 10 feet	10 feet	More than 10 feet	13 feet	Formatted with table to align text in columns
Vertical distance from working level to horizontal plane from the edge of the	Minimum required horizontal distance of outer edge of net working surface.																			
Up to five feet	Eight feet																			
More than five feet up to ten feet	Ten feet																			
More than ten feet	Thirteen feet																			
Vertical distance from working level to horizontal plane of net	Minimum required horizontal distance of outer edge of net from the edge of the working surface																			
Up to 5 feet	8 feet																			
More than 5 feet up to 10 feet	10 feet																			
More than 10 feet	13 feet																			
2	Appendix to Rule 4123: 1-3-03	Word text only. Table 3-1 Eye and Face Protector Selection Guide all word text no diagrams	Inserted Table 3-1 Eye and Face Protector Selection Guide.																	
3	Appendix to Rule 4123: 1-3-03	Word text only. Table 3-2 Filter lens shade numbers for protection against Radiant Energy.	Inserted Table 3-2 Filter lens shade numbers for protection against Radiant Energy.																	
4	Appendix to Rule 4123: 1-3-03	Word text only. Table 3-3. Selecting laser safety glass.	Inserted Table 3-3. Selecting laser safety glass.																	
5	Appendix to Rule 4123: 1-3-03	Word text only. EXAMPLE 3-A SAMPLE WARNING SIGN FOR LASER USE.	Inserted EXAMPLE 3-A SAMPLE WARNING SIGN FOR LASER USE.																	
6	Appendix to Rule 4123: 1-3-03	Word text only. EXAMPLE 3-B SAMPLE WARNING SIGN FOR LASER USE.	Inserted EXAMPLE 3-B SAMPLE WARNING SIGN FOR LASER USE.																	
7	Appendix to Rule 4123: 1-3-03	Word text only. Table 3-4. Guide for Selection of Respirators.	inserted Table 3-4. Guide for Selection of Respirators.																	
8	Appendix to Rule 4123: 1-3-03	Word text only. Table 3-5. Outline for selecting respiratory protective devices.	Inserted Table 3-5. Outline for selecting respiratory protective devices.																	
9	4123;1-3-04 Floors Stairways Railings (E) standard guard railing	None	(1) (a) Metal (iii) For wire rope railings, the top and intermediate rail shall be at least one-quarter inch diameter of thickness.	New paragraph (iii)																
10	4123:1-3-07 Cranes, hoists, and derricks (C) Cranes.	CLIP SIZE — – MINIMUM NUMBER OF CLIPS — – AMOUNT OF ROPE TO TURN BACK 1/8 2 3-1/4 3/16 2 3-3/4 1/4 2 4-3/4	(4) Ropes. (h) Fastening. Wire rope shall not be secured by knots. Thimbles shall be used where wire rope is looped. Wire rope clips shall conform to the manufacturer's specifications. The loop ends of wire rope clips shall be on the dead end of the wire rope and the grooved plate of the wire rope clip shall take the load of the pulling part for which it is designed. In looping or in short bends, wire rope clips and turnback of rope shall conform to <u>the following table and spacing of clips</u> shall be uniform between the loop and the dead end.	Delete numbers in columns add Table																
11	4123:1-3-07 Cranes, hoists, and derricks (C) Cranes. (4) Ropes	Figure: How to attach wire rope clips For Figure - See Agency.	Added Diagram "how to attach wire rope clips"	Provide actual diagram																
#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS																

12	4123:1-3-07 Cranes, hoists, and derricks (D) Hoist (3) Personnel hoist	MINIMUM FACTORS OF SAFETY FOR SUSPENSION WIRE ROPES Rope speed feet per minute. In minimum factor of safety. 50-----7.60 75 -----7.75	(q) Ropes. (iii) Factor of safety. MINIMUM FACTOR OF SAFETY FOR SUSPENSION WIRE ROPES (Table)	Delete numbers in columns add Table
13	4123:1-3-07 Cranes, hoists, and derricks (G) Derricks (1) Design	(a) Derricks and all appurtenances thereof, including anchorage, shall be designed to carry the maximum working loads to be imposed upon them and shall provide a factor of safety of no less than four, including wind loads calculated on the basis of the following table: Wind loads to be used in design of derricks Height Zone (Feet) – Wind Load (lbs./sq. ft. of Vertical Surface _____ Less than 20 _____ 10 20 to less than 30 _____ 15	(a) Derricks and all appurtenances thereof, including anchorage, shall be designed to carry the maximum working loads to be imposed upon them and shall provide a factor of safety of no less than four, including wind loads calculated on the basis of the following table: Wind loads to be used in design of derricks	Delete numbers in columns add Table
14	4123:1-3-07 Cranes, hoists, and derricks (G) Derricks (6) Running lines	Appendix TO RULE 4121:1-3-07 TABLE 4 STRUCTURAL TIMBER UNIT WORKING STRESSES-	(6) Running lines. Running lines and pinch points where a wire rope runs onto sheaves, blocks or pulleys of derricks, located six feet or less from the ground or working level shall be guarded, except when loads are moved horizontally.	Delete numbers in columns add Table
15	4123;1-3-08 Ropes chains and slings (D) Alloy steel chains.	(4) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in "Table 8-1.. TABLE 8-1. TABLE 8-2. FOR Tables - See Agency	(4) Rated capacity (working load limit) for alloy steel chain slings shall conform to the values shown in "Table 8-1."	Delete "FOR Tables See Agency"
16	4123;1-3-08 Ropes chains and slings (D) Alloy steel chains.	(5) Whenever wear at any point of any chain link exceeds that shown in "Table 8-2," the assembly shall be removed from service. TABLE 8-1. TABLE 8-2. FOR Tables - See Agency	(5) Whenever wear at any point of any chain link exceeds that shown in "Table 8-2," the assembly shall be removed from service.	Delete "FOR Tables See Agency"
17	4123;1-3-08 Ropes chains and slings (E) Wire rope. (1) (d)	(E) Wire rope. (1) (d) TABLE 8-3 through 8-14	(E) Wire rope. (1) (d)	Added copies of tables 8-3 through 8-14
18	4123;1-3-08 Ropes chains and slings (E) Wire rope. (5)	Missing paragraph (E)(5)	(5) When U-bolt wire rope clips are used to form eyes, "Table 8-15" shall be used to determine the number of clips and the amount of rope to turn back. Spacing of clips shall be uniform between the loop and the dead end. When used for eye splices, the U-bolt shall be applied so that the "U" section is in contact with the dead end of the rope.	Paragraph (E) (5) was missing added text
19	4123;1-3-08 Ropes chains and slings (E) Wire rope. (5) table 8-15	For table See Agency-	Insert actual table	Insert actual table
#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
20	4123;1-3-08 Ropes chains and slings (F) Table 8-16	Figure: Tables 8-16 and 8-17 Figure: Tables 8-18 and 8-19 For Figures — See Agency	Insert actual table	Insert actual table

21	4123;1-3-08 Ropes chains and slings (F) Table 8-20	TABLE 8-20. SAFE WORKING LOADS FOR SHACKLES. For Table — See Agency.	Insert actual table	Insert actual table
22	4123;1-3-10 Scaffolding (C) General	(b) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than ten feet above the ground or floor, except on needle beam scaffolds and floats.	(b) Standard guardrails and toeboards shall be installed on all open sides and ends of platforms more than ten feet above the ground or floor, except on needle beam scaffolds and floats.	(a) is removed, reformat (b) to (C)(4)
23	4123;1-3-10 Scaffolding (D) Wood pole scaffold	Tables 10-1 through tables 10-6 Word text	Insert tables format for tables 10-1 through table 10-6.	Replace word text with tables
24	4123;1-3-10 Scaffolding (E) Tube and coupler scaffolds	Tables 10-7 through tables 10-9 Word text	Insert tables format for tables 10-7 through table 10-9.	Replace word text with tables
25	4123;1-3-10 Scaffolding (I) Outrigger scaffolds	Table 10-10 word text	Insert table format for Table 10-10	Replace word text with tables
26	4123;1-3-10 Scaffolding (K) Two-point suspension scaffolds (swinging scaffolds)	Table 10-11 word text	Insert table format for Table 10-11	Replace word text with tables
27	4123;1-3-10 Scaffolding (O) Bricklayers' square scaffolds	Table 10-12 word text	Insert table format for Table 10-12	Replace word text with tables
28	4123;1-3-10 Scaffolding (Q) Horse scaffolds	Table 10-13 word text	Insert table format for table 10-13	Replace word text with tables
29	4123;1-3-10 Scaffolding (X) Form scaffolds	table 10-14 through 10-16 word text	Insert table format for table 10-14 through 10-16	Replace word text with tables
30	4123;1-3-10 Scaffolding appendix to rule 4123:1-3-10	Appendix A For Appendix A — See Agency.		Insert scaffold diagrams
#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
31			NOTE: may need to reserve paragraph (a) or renumber	
32	4123;1-3-11 Ladders (F) Ladders constructed on the job	Ladders constructed on the job shall comply with the provisions of paragraphs(C)(1) of this rule and the following table. (See appendix to this rule for examples of ladders constructed on the job.)	Ladders constructed on the job shall comply with the provisions of paragraphs(C)(1) of this rule and the following table. (See appendix to this rule for examples of ladders constructed on the job.)	Add table remove word text(color added for emphasis)

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS										
44	4123;1-3-16 Appendix Decompression tables Number 1 and table 2	word text not in table format	APPENDIX TO RULE 4121: 1-3-16 DECOMPRESSION TABLES	Replace word text with table										
45	4123;1-3-18 Heating ventilating and exhaust equipment (C) Temporary heating devices (4) Liquefied ptroleum gas (L-P gas)	(h) storage outside of building table word text	<p style="text-align: center;">Table 4121:1-3-18(C)(4)(h)</p> <table style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="text-align: left;">Quantity of LP-Gas Stored:</th> <th style="text-align: right;">Distance (feet)</th> </tr> </thead> <tbody> <tr> <td>500 lbs. or less</td> <td style="text-align: right;">0</td> </tr> <tr> <td>501 to 6,000 lbs.</td> <td style="text-align: right;">10</td> </tr> <tr> <td>6,001 to 10,000 lbs.</td> <td style="text-align: right;">20</td> </tr> <tr> <td>Over 10,000 lbs.</td> <td style="text-align: right;">25</td> </tr> </tbody> </table>	Quantity of LP-Gas Stored:	Distance (feet)	500 lbs. or less	0	501 to 6,000 lbs.	10	6,001 to 10,000 lbs.	20	Over 10,000 lbs.	25	Replace word text with table 4123;1-3-18(C) (4)(h)
Quantity of LP-Gas Stored:	Distance (feet)													
500 lbs. or less	0													
501 to 6,000 lbs.	10													
6,001 to 10,000 lbs.	20													
Over 10,000 lbs.	25													
46	4123;1-3-18 Heating ventilating and exhaust equipment (H) Procedures (1) Procedure for safe entry (b)	(xii) Many employers use tags to show that a confined space may be entered safely. An example of such a tag is as follows :		...as follows : provide example of tag										
47	4123;1-3-22 Woodworking machines, power saws and other tools and equipment	See Agency for Figures		Insert figures										
48	4123;1-3-23 Helicopters	See Agency "Illustration 23-1, Helicopter Hand Signals".	Insert Illustration 23-1	Insert figures										

Purpose of change: Clarity (1)

#	RULE	ORIGINAL PARAGRAPH	CHANGE	COMMENTS
1	4123;1-3-01 Scope and Definitions	(16) (17) "Operator" means any person authorized to operate the specific equipment.	(16) "Lanyard" means a flexible line of 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.	Added Lanyard as a definitions and recodified paragraph old 16 to new 17 and so on.

BWC Board of Directors **Legal Affairs Sub-Committee**

Purpose: The Audit Committee may create Sub-committees. The Legal Affairs Subcommittee will assist the Audit Committee in dealing with specific law related issues. These issues could include current litigation, settlement negotiations, and preparation for future litigation that may be brought by or against the Bureau and/or the Board. The sole responsibility of the Committee is to work with Bureau legal staff and, as necessary, outside legal counsel and make recommendations to the Board based on their discussions.

Membership: The Audit Committee will determine the number of members of the Subcommittee. Subcommittee members must be members of the Board, but do not need to be members of the Audit Committee. The Chair is designated by the Board, based on the recommendation of the Board Chair. Members of the Legal Committee serve at the pleasure of the Board and the Board, by majority vote, may remove any member.

It is expected any Subcommittee may recommend its dissolution at such time as it considers its work completed.

6-month Audit Committee Calendar

Date	April	Notes
4/24/2008	<ol style="list-style-type: none"> 1. BWC Risk Management Strategies 2. BWC Quarterly Litigation Update 3. BWC Quarterly Financial Statement Overview 	
	May	
5/29/2008	<ol style="list-style-type: none"> 1. Annual Audit Scope Meeting - Internal Audit Division 2. Internal Audit Quarterly Executive Summary Report 3. Annual Review of the Internal Audit Division Charter 	
	June	
6/26/2008	<ol style="list-style-type: none"> 1. Review of BWC Internal Fraud (Whistle Blower) Policy 2. Quarterly Actuarial & Investments Update 3. Semi-annual Inspector General Update 	
	July	
	August	
	September	