



## Ohio Administrative Code

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

Effective: [March 1, 2024](#)

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#### (A) Filing requirements.

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

#### (B) Abatement verification.

- (1) Each public employer shall submit to the superintendent, within fourteen calendar days after the abatement date, an abatement verification report with respect to each citation item.
- (2) An abatement verification report for more than one citation item is permitted to be combined in a single document.
- (3) The abatement verification report shall contain the following information for each citation item:
  - (a) Identification of the citation item;



(b) A statement noting whether or not abatement has been accomplished with respect to each citation item and instance listed in the citation;

(c) A description of the measures taken to accomplish abatement;

(d) The date abatement was accomplished and documentary evidence that is sufficient to demonstrate clearly that the hazard contained in the citation item has been corrected;

(e) If abatement has not been accomplished, the reason(s) for not abating;

(f) The signature of the public employer or the public employer's duly authorized representative; and

(g) The date of signature.

(4) If the public employer has initially stated that a particular citation item has not been abated, and later the public employer abates the hazard contained in the citation item, the public employer shall submit to the superintendent an abatement verification report within fourteen calendar days after abatement.

(C) Abatement plan.

(1) The superintendent may require in a citation that the public employer submit a formal plan for the abatement of safety and health violations in instances where multiple steps or long-term abatement actions are necessary.

(2) When called for in a citation, the public employer shall prepare a written, signed, and dated abatement plan with respect to each citation item for which the plan is required.

(3) The abatement plan shall be submitted to the superintendent within fourteen calendar days after the date of any final order.

(D) Progress reports. The superintendent may require progress reports in a citation where multi-step



abatement is deemed appropriate.

(1) The superintendent shall specify the citation item with respect to which the progress reports are required, the measures which the superintendent expects to be taken on or before the submission of each progress report, and the date for the submission of each progress report, expressed as the number of calendar days from the date of any final order.

(2) The public employer shall submit to the superintendent the requested progress reports with respect to each citation item for which they are required under the abatement plan.

(E) Posting requirements. A copy of each document required to be submitted to the superintendent shall be posted, at the time of submission, at or near each place the violation(s) described in the citation occurred.

(1) Where, because of a public employer's operations, it is not practicable to post a document at or near the location of the violation(s), such document shall be posted, unedited, in a prominent place where it will be readily observable by all affected public employees.

(2) Where it is physically impracticable, because of a document's size, magnitude, or other considerations, such as potential destruction, to post abatement plans and progress reports, a notice to affected public employees shall be posted indicating the location where the abatement verification report, abatement plans, and progress reports can be reviewed.

(3) If a public employer is engaged in activities which are geographically dispersed, or if public employees do not primarily work at, or report to, a single location, the abatement verification report, abatement plans, and progress reports may be posted in accordance with rule 4167-4-01 of the Administrative Code.

(4) The abatement verification report, abatement plans, and progress reports shall be provided upon request for examination and copying to public employees, to public employee representatives, and to the superintendent.

(5) The public employer shall assure that any document required to be posted by this rule is not



altered, defaced, or covered by other material.

(6) Any document required to be posted by this rule shall remain posted until the violation has been abated, or for seven calendar days, whichever is later.