

## **4123-17-56 Safety Grant Programs.**

(A) Pursuant to section 4121.37 of the Revised Code, the administrator may establish a program of safety grants for safety intervention, equipment, assistance, and research for eligible employers who participate in the safety grant program under this rule. The safety grant program may include grants to an employer to provide funds for education, training, research, and prevention of injuries and illnesses to purchase equipment to reduce the number and severity of workplace injuries and illnesses.

(B) The bureau shall determine whether the employer is eligible for the safety grant program under this rule. The bureau may limit participation in the safety grant program based upon the availability of bureau resources for the program and upon the merits of the employer's proposal. The safety grant program is available only to a private state fund employer, a public employer taxing district, a marine industry fund employer, or a coal-workers' pneumoconiosis fund employer that satisfies the following criteria:

(1) The employer shall have and shall maintain continuous active state fund coverage to participate in the safety grant program.

(2) For grants to an employer to provide funds for the research and prevention of workplace injuries, illnesses, and fatalities, the employer shall submit to the bureau an application to the bureau with its proposal for participation in the safety grant program. The employer shall demonstrate a need for safety intervention.

(C) The bureau will assess whether the employer is eligible to participate in the safety grant program under this rule.

(1) If the employer requests to participate in the safety intervention equipment portion of the safety grant program, the owner, chief executive officer, chief financial officer or persons having fiduciary responsibilities with the employer shall meet with a bureau safety and hygiene consultant if required to review the safety grant program application.

(2) The bureau shall assess the employer's safety and loss control proposal and shall review the safety grant program application, including the baseline assessment of the worksite provided in the application. If the bureau accepts the employer into the safety grant program, the employer shall submit quarterly and yearly reporting to the bureau for a period of two years following the purchase and implementation of the safety equipment. The employer will develop an implementation strategy plan for the safety grant program.

(3) The bureau and employer shall enter into a written agreement detailing the rights, obligations, and expectations of the parties for performance of the safety grant program.

(4) The employer may not apply for a safety grant for previously purchased equipment.

(5) The employer shall purchase all safety intervention equipment within three months from the date that the bureau disburses the grant funds to the employer. The purchase cannot take place before the disbursement of the grant funds.

(6) The employer shall provide to the bureau a list of claims that have been filed in the last two years.

(7) The employer shall agree to not eliminate jobs or reduce employment due to the safety grant purchase.

(D) The bureau may meet with the owner, chief executive officer, chief financial officer, or persons having fiduciary responsibilities with the employer to evaluate the employer's progress in the safety grant program. The employer shall provide the bureau access to records or personnel to conduct research into the effectiveness of the safety grant program.

(E) An employer who complies with the requirements of the safety grant program under this rule shall be eligible to receive a grant from the bureau as provided in the written agreement.

(1) The bureau may establish by written agreement with the employer the maximum amount of the safety grant program grant.

(2) The bureau may establish by written agreement with the employer a requirement for matching funds from the employer in a ratio to be determined by the bureau.

(3) The bureau shall monitor the employer's use of the safety grant program grant and may recover the entire grant if the bureau determines that the employer has not used the grant for the purposes of the safety grant program or has otherwise violated the written agreement on the safety grant program.

(F) Reconsideration of determination of eligibility.

(1) An employer may request reconsideration from a decision finding the employer did not meet the requirements provided in paragraphs (B) (1) and (2) of this rule. The request must be in writing and filed with the superintendent of the division of safety and hygiene within thirty days of the notification of the decision.

(2) The employer may submit a request for reconsideration of the superintendent's decision to the adjudicating committee.

(3) The adjudicating committee shall consider the request and make a recommendation on the employer's eligibility to the administrator.

(4) The decision of the administrator shall be final.

(G) Upon the approval and purchase of the safety intervention equipment, the employer shall provide to the bureau documentation on the use of the funds, including submission of original paid itemized invoices, proof of payment, proof of the employer's contribution, and cancelled checks that demonstrate the employer spent all safety grant funds toward the approved purchase of ergonomic, safety equipment, industrial hygiene equipment, or equipment to prevent coal-workers' pneumoconiosis.

(H) The bureau shall evaluate the research data from the safety grant program on a periodic basis. The bureau may publish reports of the research to assist employers in preventing workplace injuries and illnesses.

(I) The bureau shall evaluate the research data from the safety grant program on a periodic basis. The bureau may publish reports of the research to assist employers in preventing workplace injuries and illnesses.

(J) Marine industry fund and coal-workers' pneumoconiosis fund safety grants.

(1) A marine industry fund employer or a coal-workers' pneumoconiosis fund employer applying for a safety grant is subject to paragraphs (A) through (I) of this rule.

(2) The bureau safety and hygiene division shall determine whether the marine industry fund employer or the coal-workers' pneumoconiosis fund employer is eligible for the safety grant program under this rule. The safety grant program in this rule is available only to a marine industry fund or a coal-workers' pneumoconiosis fund employer that satisfy the following criteria:

(a) A marine industry fund employer shall have and shall maintain continuous active state fund coverage under rule 4123-17-19 of the Administrative Code

(b) A coal-workers' pneumoconiosis fund employer shall have and shall maintain continuous active state fund coverage under rule 4123-17-20 of the Administrative Code.

(c) The marine industry fund employer or the coal-workers' pneumoconiosis fund employer shall have active coverage under their respective funds effective January 1, 2006.

(3) The bureau shall provide safety grants under this rule as follows:

(a) The marine industry fund employer or the coal-workers' pneumoconiosis fund employer shall use the safety grant only to purchase equipment to substantially reduce or eliminate the potential for workplace injuries, illnesses, and fatalities.

(b) A coal-workers' pneumoconiosis fund employer may use the safety grant to purchase equipment to prevent coal-workers' pneumoconiosis.

(4) Additional employer responsibilities include:

(a) A marine industry fund employer or a coal-workers' pneumoconiosis fund employer shall contact the local bureau customer service office to schedule a visit by a bureau safety consultant.

(b) A coal-workers' pneumoconiosis fund employer shall also schedule a visit by a mine safety inspector from the Ohio department of natural resources.

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