

September 5, 2007

## **Oregon OSHA - Adopted Temporary Changes Division 1, General Administrative Rules/Definitions**

Some Oregon employers change their business status in a successful effort to avoid responsibility for prior and future enforcement actions. The solution was to modify the statute to enable OR-OSHA to hold successor employers responsible for prior OR-OSHA issued violations for purposes of classifying a current violation as a repeat or for attributing knowledge of prior OR-OSHA issued violations to the current employer.

This rulemaking is a result of House Bill 2223 passed into law by the 2007 Oregon Legislature. Oregon OSHA amends the definition rule, OAR 437-001-0015, in Division 1, General Administrative Rules, to establish criteria that determines who is the successor employer. This is a temporary rule that is effective upon filing and will be followed by permanent rulemaking.

This is OR-OSHA Administrative Order 5-2007 (temp), **adopted and effective September 5, 2007 through February 29, 2008.**

Please visit OR-OSHA's web site: [www.orosha.org](http://www.orosha.org) for proposed, adopted, and final rules, as well as current publications, training opportunities, and much more.

**OR-OSHA contact: Dave McLaughlin, Central Office @ 503-947-7457**

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Secretary of State  
Certificate and Order for Filing  
**TEMPORARY ADMINISTRATIVE RULES**  
A Statement of Need and Justification accompanies this form..

I certify that the attached copies\* are true, full and correct copies of the TEMPORARY Rule(s) adopted on September 5, 2007 by the  
Date prior to or same as filing date

Department of Consumer & Business Services/Oregon OSHA 437  
Agency and Division Administrative Rules Chapter Number

Sue Joye 350 Winter Street NE, Salem OR 97301-3882 503-947-7449  
Rules Coordinator Address Telephone

to become effective September 5, 2007 through February 29, 2008  
Date upon filing or later A maximum of 180 days including the effective date.

**RULE CAPTION**

New definition of successor employer.

Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

**RULEMAKING ACTION**

List each rule number separately, 000-000-0000.

AMEND: 437-001-0015

ORS 654.025(2) and 656.726(4)

Stat. Auth.

ORS 654.001 through 654.295 (specifically 654.005(5))

Stats. Implemented

**RULE SUMMARY**

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/s/Michael D. Wood Michael D. Wood 9/4/07  
Authorized Signer Printed name Date

\*With this original and Statement of Need, file one photocopy of certificate, one paper copy of rules listed in Rulemaking Actions, and electronic copy of rules.

Secretary of State  
**STATEMENT OF NEED AND JUSTIFICATION**  
A Certificate and Order for Filing Temporary Administrative Rules accompanies this form.

Department of Consumer & Business Services/Oregon OSHA

Agency and Division

437

Administrative Rules Chapter Number

In the Matter of: Amending OAR 437-001-0015

Rule Caption: New definition of successor employer.

Statutory Authority: ORS 654.025(2) and 656.726(4)

Other Authority:

Stats. Implemented: ORS 654.001 through 654.295 (specifically 654.005(5))

Need for the Temporary Rule(s):

Some Oregon employers change their business status in a successful effort to avoid responsibility for prior and future enforcement actions. The solution was to modify the statute to enable OR-OSHA to hold successor employers responsible for prior OR-OSHA issued violations for purposes of classifying a current violation as a repeat or for attributing knowledge of prior OR-OSHA issued violations to the current employer.

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Documents Relied Upon, and where they are available:

2007 House Bill 2223

ORS 656.128, 657.682

OAR 437-001-0015

OAR 839-005-0050 and 839-006-0135, BOLI

Black's Law Dictionary - 2002

Justification of Temporary Rule(s):

The 2007 Oregon Legislature passed House Bill into law effective July 1, 2007. A temporary rule is needed to implement this law into Oregon OSHA's administrative rules immediately.

/s/Michael D. Wood

Authorized Signer

Michael D. Wood

Printed name

9/4/07

Date