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 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

Note: In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.
I certify that the attached copies* are true, full and correct copies of the TEMPORARY Rule(s) adopted on September 5, 2007 by the Department of Consumer & Business Services/Oregon OSHA to become effective September 5, 2007 through February 29, 2008.

New definition of successor employer.

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

AMEND: 437-001-0015

ORS 654.025(2) and 656.726(4)

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

RULE SUMMARY
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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/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.
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.