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 permanent rulemaking that replaces a temporary rule expiring on February 29, 2008. The text is identical.

This is OR-OSHA Administrative Order 1-2008 (perm), adopted February 22, 2008 and effective March 1, 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.
Secretary of State
Certificate and Order for Filing

PERMANENT ADMINISTRATIVE RULES

I certify that the attached copies* are true, full and correct copies of the PERMANENT Rule(s) adopted on February 22, 2008 by the Department of Consumer & Business Services/Oregon Occupational Safety & Health Division 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 March 1, 2008 as OR-OSHA Administrative Order 1-2008.
Date upon filing or later

Rulemaking Notice was published in the January 2008 Oregon Bulletin.**

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

AMEND: OAR 437-001-0015

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.

This rulemaking is a result of House Bill 2223 passed into law by the 2007 Oregon Legislature. Oregon OSHA amends the definition rule in Division 1, General Administrative Rules, to establish criteria that determines who is the successor employer. This is permanent rulemaking that replaces a temporary rule expiring on February 29, 2008. The text is identical.

Please visit OR-OSHA’s web site at www.orosha.org

/s/Michael D. Wood
Authorized Signer

Michael D. Wood  2/20/2008
Printed name Date

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

**The Oregon Bulletin is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00 pm on the preceding workday.