

February 29, 2008

Oregon OSHA - Adopted Permanent 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 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

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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
Date prior to or same as filing date

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*.**
Month and Year

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

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

/s/Michael D. Wood
Authorized Signer

Michael D. Wood
Printed name

2/20/2008
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.