

**Oregon OSHA**  
**Text of Changes for Adopted Temporary Methodology Time**  
**Period Change for the Annual Adjustment of Civil Penalties**

Temporary Adopted Rule  
Oregon OSHA Temporary Administrative Order 2-2025  
Filed November 21, 2025, Effective November 21, 2025

Text removed is in [~~brackets with line through~~].

Text added is in **bold and underline**.

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OAR 437-001-0142

Annual Adjustment of Civil Penalties

(1) Each year, the director will be responsible for publishing notice of Oregon OSHA's Annual Adjustments to Penalties Bulletin in the Oregon Bulletin or its successor. This bulletin will also be made available on the Division's website at <https://osha.oregon.gov/pages/topics/violations-and-penalties>, or its successor. This bulletin will notify the regulated community of annual adjustment in civil penalty amounts required by ORS 654.086(4) to account for the percentage change, if any, in the Consumer Price Index for All Urban Consumers, West Region, All Items (West Region CPI-U), from October to ~~[October]~~**September** of each year as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor or its successor. The annual adjustments will be effective January 1st of each calendar year.

(2) Annual adjustments must be applied to the following civil penalties:

(a) Other than serious-rated violation - maximum civil penalty amounts in OAR 437-001-0145(2)(a) and civil penalty amounts in Table 2 in OAR 437-001-0145(2)(g).

(b) Serious Physical Harm or Death-rated violation – minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(b) and civil penalty amounts in Table 2 in OAR 437-001-0145(2)(g).

(c) Repeat Violation - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(c) and civil penalty amounts in Table 2 in OAR 437-001-0165(3).

(d) Willful Violations - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(d) and civil penalty amounts in Table 1 in OAR 437-001-0175(1).

(e) Violations that caused or contributed to a work-related fatality - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(e) and civil penalty amounts in Table 3 in OAR 437-001-0145(3).

(f) Willful and repeat violations that caused or contributed to a work-related fatality - minimum and maximum civil penalty amounts in OAR 437-001-0145(2)(f) and civil penalty amounts in Table 2 in OAR 437-001-0165(3) and Table 2 in OAR 437-001-0175(2).

(3) An annual adjustment must be applied to the penalty reduction in OAR 437-001-0150(2)(b).

(4) The civil penalty amounts adjusted under this rule will not be lower than the minimum or greater than the maximum that may be assessed under ORS 654.086 as a result of any reductions or multipliers applied. See Appendix A to OAR 437-001-0142 – Example of Oregon OSHA’s Annual Adjustments to Penalties Bulletin.

Note: Appendix A is an example of information that will be included in Oregon OSHA’s Annual Adjustments to Penalties Bulletin.

Statutory/Other Authority: ORS 654.025(2) & 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295

History:

OSHA 3-2023, adopt filed 11/22/2023, effective 01/01/2024

OSHA 1-2024, amend filed 09/11/2024, effective 09/11/2024

**OSHA 2-2025, temporary amend filed 11/21/2025, effective 11/21/2025**

## **Attachment for 437-001-0142, Annual Adjustment of Civil Penalties**

### **Appendix A: Example of Oregon OSHA’s Annual Adjustments to Penalties Bulletin**

**Bulletin Number:**

**Published:**

**Effective:**

Oregon OSHA's Annual Adjustments to Penalties Bulletin  
ORS 654.086(~~314~~), OAR 437-001-0142

**To: All Interested Parties**

**Summary:** This bulletin supersedes the civil penalties adopted by Administrative Order 3-2023.

As provided for in ORS 654.086(~~314~~), Oregon OSHA shall adjust the amount of civil penalties to account for the percentage increase or decrease, if any, in the Consumer Price Index for All Urban Consumers, West Region, All Items (West Region CPI-U), as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor. On DATE, the BLS published a % increase.

**West Region CPI-U:**

BLS reference data location: <https://data.bls.gov/timeseries/CUUR0400SA0>

Date published BLS West Region CPI-U:

| Month                               | Year | West Region CPI-U Index Data |
|-------------------------------------|------|------------------------------|
| October                             |      |                              |
| <del>October</del> <b>September</b> |      |                              |

|                          |  |
|--------------------------|--|
| Percentage Adjustment    |  |
| Annual Adjustment Factor |  |

Oregon OSHA is required to calculate the annual adjustment based on the West Region CPI-U. Annual inflation adjustments are based on the percent change between the West Region CPI-U in October of the preceding year and ~~October~~**September** of the current year. The percent change is the cost-of-living adjustment multiplier for the following year. In order to compute the annual adjustment, the Agency multiplied the most recent penalty amount for each applicable penalty by the multiplier and rounded to the nearest dollar.

More information about Oregon OSHA's violations and civil penalties can be found at: <https://osha.oregon.gov/Pages/topics/violations-and-penalties.aspx>

The civil penalties in this bulletin apply to citations assessed under ORS 654.086 for inspections opened between January 1, through December 31. See tables on the following pages.

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| <b>Penalty Table – Penalty Range By Type and Classification of Violation</b> |                |                |
|------------------------------------------------------------------------------|----------------|----------------|
| <b>Type</b>                                                                  | <b>Minimum</b> | <b>Maximum</b> |
| Other Than Serious                                                           |                |                |
| Serious Physical Harm or Death                                               |                |                |
| Repeat                                                                       |                |                |
| Willful                                                                      |                |                |
| Serious that Caused or Contributed to a Work-Related Fatality                |                |                |
| Repeat that Caused or Contributed to a Work-Related Fatality                 |                |                |
| Willful that Caused or Contributed to a Work-Related Fatality                |                |                |

First-instance violation: An employer's first violation **cited within the previous three years** of a particular statute, regulation, rule, standard, or order.

| <b>Other Than Serious (OAR 437-001-0145)</b> |            |             |
|----------------------------------------------|------------|-------------|
| <b>Probability</b>                           | <b>Low</b> | <b>High</b> |
| <b>Initial Penalty</b>                       |            |             |

The civil penalty amount for an initial other than serious violation is not annually adjusted.

| <b>Serious Violation Types (OAR 437-001-0145)</b> |                              |               |             |              |               |             |
|---------------------------------------------------|------------------------------|---------------|-------------|--------------|---------------|-------------|
| <b>Severity Probability</b>                       | <b>Serious Physical Harm</b> |               |             | <b>Death</b> |               |             |
|                                                   | <b>Low</b>                   | <b>Medium</b> | <b>High</b> | <b>Low</b>   | <b>Medium</b> | <b>High</b> |
| <b>Initial Penalty</b>                            |                              |               |             |              |               |             |

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Repeat violation: An employer's second or subsequent violation involving a substantially similar violation as the earlier violation or violations, cited within the previous three years.

| Repeat Violation Types (OAR 437-001-0165) |                    |        |       |
|-------------------------------------------|--------------------|--------|-------|
| Probability                               | Severity           |        |       |
|                                           | Other than Serious |        |       |
|                                           | First              | Second | Third |
| Civil Penalty                             |                    |        |       |

**Civil penalties for the 4th and greater repeat violations are assigned with the Administrator's discretion.**

| Repeat Violation Types (OAR 437-001-0165) |                       |        |       |       |        |       |
|-------------------------------------------|-----------------------|--------|-------|-------|--------|-------|
| Probability                               | Severity              |        |       |       |        |       |
|                                           | Serious Physical Harm |        |       | Death |        |       |
|                                           | First                 | Second | Third | First | Second | Third |
| Low                                       |                       |        |       |       |        |       |
| Medium                                    |                       |        |       |       |        |       |
| High                                      |                       |        |       |       |        |       |

| Repeat Size Reduction for 1-50 employees (OAR 437-001-0150) |                         |
|-------------------------------------------------------------|-------------------------|
| Type Reduction                                              | Serious Violation Types |

Willful violation: A violation committed knowingly by an employer or supervisory employee who, having a free will or choice, intentionally or knowingly disobeys or recklessly disregards the requirements of a statute, regulation, rule, standard, or order.

| Willful Violation Types (OAR 437-001-0175) |  |             |                                  |
|--------------------------------------------|--|-------------|----------------------------------|
| Other than Serious                         |  | Probability | Severity                         |
|                                            |  |             | Serious Physical Harm      Death |
| Civil Penalty                              |  | Low         |                                  |
|                                            |  | Medium      |                                  |
|                                            |  | High        |                                  |

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Caused or contributed to a work-related fatality violation: The workplace death of an employee that was attributed to a violation or in which the violation was a related factor, as determined by the compliance officer.

| <b>Serious that Caused or Contributed to a Work-Related Fatality Violation Types<br/>(OAR 437-001-0145)</b> |                              |        |      |              |        |      |
|-------------------------------------------------------------------------------------------------------------|------------------------------|--------|------|--------------|--------|------|
| <b>Severity</b>                                                                                             | <b>Serious Physical Harm</b> |        |      | <b>Death</b> |        |      |
| <b>Probability</b>                                                                                          | Low                          | Medium | High | Low          | Medium | High |
| <b>Civil Penalty</b>                                                                                        |                              |        |      |              |        |      |

| <b>Repeat that Caused or Contributed to a Work-Related Fatality Violation Types<br/>(OAR 437-001-0165)</b> |  |                    |                              |              |
|------------------------------------------------------------------------------------------------------------|--|--------------------|------------------------------|--------------|
| <b>Other than Serious</b>                                                                                  |  | <b>Probability</b> | <b>Severity</b>              |              |
|                                                                                                            |  |                    | <b>Serious Physical Harm</b> | <b>Death</b> |
| <b>Civil Penalty</b>                                                                                       |  | Low                |                              |              |
|                                                                                                            |  | Medium             |                              |              |
|                                                                                                            |  | High               |                              |              |

| <b>Willful that Caused or Contributed a Work-Related Fatality Violation Types<br/>(OAR 437-001-0175)</b> |  |                    |                              |              |
|----------------------------------------------------------------------------------------------------------|--|--------------------|------------------------------|--------------|
| <b>Other than Serious</b>                                                                                |  | <b>Probability</b> | <b>Severity</b>              |              |
|                                                                                                          |  |                    | <b>Serious Physical Harm</b> | <b>Death</b> |
| <b>Civil Penalty</b>                                                                                     |  | Low                |                              |              |
|                                                                                                          |  | Medium             |                              |              |
|                                                                                                          |  | High               |                              |              |

If you have questions about this bulletin, call Oregon OSHA at 503-378-3272 or 800-922-2689.

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(Administrator - Printed name)

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(Administrator - Signature)

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Date

Statutory/Other Authority: ORS 654.025(2) & 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295

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