



September 30, 2026

[Text of changes](#)

Adopted Revision of the Annual Adjustment of Civil Penalties Rule

Rulemaking Summary:

This rulemaking amended OAR 437-001-0142, the Annual Adjustment of Civil Penalties rule, to change the methodology used to calculate the required annual inflation adjustments.

Prior to this rule amendment, as required under Oregon OSHA's General Administration Rules (Division 1), Violations and Penalties rule OAR 437-001-0142(1), the Director of the Department of Consumer and Business Services (DCBS), or their designee, must publish a notice of Oregon OSHA's Annual Adjustments to Penalties Bulletin in the Oregon Bulletin, to notify the regulated community of annual adjustment in civil penalty amounts resulting from compliance inspections, as required by ORS 654.086(4). This annual notice is 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 of each year, as published by the U.S Bureau of Labor Statistics (BLS), or its successor.

However, due to the 2025 lapse in appropriations by the U.S. Congress, and the resulting suspension of federal government services (government shutdown), specifically that the BLS did not release the applicable West Region CPI-U data for October 2025, Oregon OSHA adopted a temporary amendment to OAR 437-001-0142. The temporary rulemaking (OSHA Administrative Order 2-2025) changed the methodology to calculate the time period change for the Annual Adjustment of Civil Penalties calculation. The amended rule was in effect from November 21, 2025, through May 18, 2026.

In order to calculate the 2027 penalty bulletin, and to prevent similar situations that may arise due to a lack of the necessary BLS data, Oregon OSHA adopted permanent amendments to OAR 437-001-0142, which will ensure that the methodology used to calculate future penalties bulletins provides the ability to use the West Region CPI-U for the closest preceding month, when such data is unavailable for October that year. This rulemaking also implemented minor corrections for consistency and clarity.

A virtual public hearing was held on August 26, 2026, at 10 a.m., to receive comments on the proposed rule changes. Oregon OSHA received oral testimony from one organization in support of the proposed rule changes. The division received no written comments during the comment period ending September 11, 2026, at 5 p.m.

The division has adopted the rule changes as proposed, with exception of refinements to Appendix A: Example of Oregon OSHA's Annual Adjustments to Penalties Bulletin. Changes include removing the line: "see tables on the following pages", and five penalty tables were revised for grammar and information clarification. The penalty tables were also reformatted from "complex" tables to "simple" tables to comply with regulatory requirements under Title II of the Americans with Disabilities Act (ADA) guidelines for web content. The need for these formatting changes was identified after the proposed rule amendments were filed on July 24, 2026. Lastly, one word was changed from "with" to "at" regarding Administrator's discretion for civil penalties for 4th and greater repeat violations.

A summary of the rulemaking and agency decisions can be found at:
<https://osha.oregon.gov/rules/making/Pages/comments-and-decisions.aspx>.

This is Oregon OSHA Administrative Order 2-2026, adopted September 30, 2026, and effective September 30, 2026.

Oregon OSHA contact: Tom Bozicevic, Technical Specialist, Salem Central Office at 503-378-3272, or email at Tom.BOZICEVIC@dcbs.oregon.gov.

Visit our website, osha.oregon.gov/rules, to view our adopted rules, or select other rule activity from this page.

In compliance with the Americans with Disabilities Act (ADA), this publication is available in alternative formats by calling 503-378-3272.

Oregon Secretary of State
Certificate and Order for Filing
Permanent Administrative Rules

I certify that these are true, full, and correct copies of the Permanent Rule(s) for Oregon Administrative Rules Chapter Number OAR 437, adopted on 09/30/2026 by the (Agency and Division)

Department of Consumer and Business Services, Oregon OSHA

(Rules Coordinator, Address, Phone)

Lisa Appel, 350 Winter Street NE, Salem OR 97301, 503-947-7449

to become effective 09/30/2026 as Oregon OSHA Administrative Order 2-2026.

Rulemaking Notice was published in the August 2026 Oregon Bulletin.

Rule Caption

Adopted Revision of the Annual Adjustment of Civil Penalties Rule

Rulemaking Action

Amend: OAR 437-001-0142

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

Statutes Implemented: ORS 654.001 through 654.295



Signature

Renée Stapleton

Printed name

09/30/2026

Date

Please visit our website at osha.oregon.gov/rules/ to view our adopted rules.

Rulemaking Summary

This rulemaking amended OAR 437-001-0142, the Annual Adjustment of Civil Penalties rule, to change the methodology used to calculate the required annual inflation adjustments.

Prior to this rule amendment, as required under Oregon OSHA's General Administration Rules (Division 1), Violations and Penalties rule OAR 437-001-0142(1), the Director of the Department of Consumer and Business Services (DCBS), or their designee, must publish a notice of Oregon OSHA's Annual Adjustments to Penalties Bulletin in the Oregon Bulletin, to notify the regulated community of annual adjustment in civil penalty amounts resulting from compliance inspections, as required by ORS 654.086(4). This

annual notice is 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 of each year, as published by the U.S Bureau of Labor Statistics (BLS), or its successor.

However, due to the 2025 lapse in appropriations by the U.S. Congress, and the resulting suspension of federal government services (government shutdown), specifically that the BLS did not release the applicable West Region CPI-U data for October 2025, Oregon OSHA adopted a temporary amendment to OAR 437-001-0142. The temporary rulemaking (OSHA Administrative Order 2-2025) changed the methodology to calculate the time period change for the Annual Adjustment of Civil Penalties calculation. The amended rule was in effect from November 21, 2025, through May 18, 2026.

In order to calculate the 2027 penalty bulletin, and to prevent similar situations that may arise due to a lack of the necessary BLS data, Oregon OSHA adopted permanent amendments to OAR 437-001-0142, which will ensure that the methodology used to calculate future penalties bulletins provides the ability to use the West Region CPI-U for the closest preceding month, when such data is unavailable for October that year. This rulemaking also implemented minor corrections for consistency and clarity.

A virtual public hearing was held on August 26, 2026, at 10 a.m., to receive comments on the proposed rule changes. Oregon OSHA received oral testimony from one organization in support of the proposed rule changes. The division received no written comments during the comment period ending September 11, 2026, at 5 p.m.

The division has adopted the rule changes as proposed, with exception of refinements to Appendix A: Example of Oregon OSHA's Annual Adjustments to Penalties Bulletin. Changes include removing the line: "see tables on the following pages", and five penalty tables were revised for grammar and information clarification. The penalty tables were also reformatted from "complex" tables to "simple" tables to comply with regulatory requirements under Title II of the Americans with Disabilities Act (ADA) guidelines for web content. The need for these formatting changes was identified after the proposed rule amendments were filed on July 24, 2026. Lastly, one word was changed from "with" to "at" regarding Administrator's discretion for civil penalties for 4th and greater repeat violations.

Individual Rule Summary

Rule Number: 437-001-0142 Annual Adjustment of Civil Penalties

Rule Summary: OAR 437-001-0142(1): Updates Oregon OSHA website link, and amends the West Region CPI-U data set rule language from "October to October of each year" to: "(a) The ending month West Region CPI-U data used in the Annual Adjustments to

Penalties Bulletin most recently published in the Oregon Bulletin, or its successor; and (b) The October West Region CPI-U data of the year the Annual Adjustments to Penalties Bulletin is published in the Oregon Bulletin, or its successor. If the October West Region CPI-U data is unavailable at the time of calculation, the closest preceding month that the data is available will be used.” Also, the rule language “The annual adjustments will be effective January 1st of each calendar year,” was moved to its own separate new section, OAR 437-001-0142(5).

OAR 437-001-0142(2)(b), (c) and (d): Amended grammar.

OAR 437-001-0142(4): The note under the rule, “Appendix A is an example of information that will be included in Oregon OSHA's Annual Adjustments to Penalties Bulletin,” was moved under OAR 437-001-0142(1).

Appendix A: Example of Oregon OSHA’s Annual Adjustments to Penalties Bulletin, revisions include:

- Corrected two references of ORS 654.086(3) to 654.086(4).
- Summary revised to include previous bulletin number, published date, and effective date.
- Revised to specify that annual inflation adjustments to civil penalties are based on the percent change, if any, between the West Region CPI-U data described under OAR 437-001-0142.
- The BLS West Region CPI-U Data Used in this Annual Adjustment Calculation tables were revised to remove October data points, and revised to include new data referenced months, BLS data release date, and percentage adjustment increase or decrease.
- “if any” was added to the fourth paragraph.
- “See tables on the following pages” was removed.
- Five penalty tables were revised for grammar and information clarification. The penalty tables were also reformatted from “complex” tables to “simple” tables to comply with regulatory requirements under Title II of the Americans with Disabilities Act (ADA) guidelines for web content. The need for these formatting changes was identified after the proposed rule amendments were filed on July 24, 2026. This change required the removal of the unnecessary table header language of “severity” in 13 tables and the removal of duplicate rule numbers, among other refinements.
- One word was changed from “with” to “at” regarding Administrator’s discretion for civil penalties for 4th and greater repeat violations.



PERMANENT ADMINISTRATIVE ORDER

OSHA 2-2026

CHAPTER 437

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

FILED: 09/30/2026 4:46 PM

ARCHIVES DIVISION SECRETARY OF STATE & LEGISLATIVE COUNSEL

FILING CAPTION: Adopted Revision of the Annual Adjustment of Civil Penalties Rule

EFFECTIVE DATE: 09/30/2026

AGENCY APPROVED DATE: 09/30/2026

CONTACT:

Lisa Appel

503-947-7449

OSHA.rulemaking@dcbs.oregon.gov

350 Winter St NE

Salem, OR 97301

Filed By:

Lisa Appel

Rules Coordinator

AMEND: 437-001-0142

NOTICE FILED DATE: 07/24/2026

RULE SUMMARY: OAR 437-001-0142(1): Updates Oregon OSHA website link, and amends the West Region CPI-U data set rule language from "October to October of each year" to: "(a) The ending month West Region CPI-U data used in the Annual Adjustments to Penalties Bulletin most recently published in the Oregon Bulletin, or its successor; and (b) The October West Region CPI-U data of the year the Annual Adjustments to Penalties Bulletin is published in the Oregon Bulletin, or its successor. If the October West Region CPI-U data is unavailable at the time of calculation, the closest preceding month that the data is available will be used." Also, the rule language "The annual adjustments will be effective January 1st of each calendar year," was moved to its own separate new section, OAR 437-001-0142(5).

OAR 437-001-0142(2)(b), (c) and (d): Amended grammar.

OAR 437-001-0142(4): The note under the rule, "Appendix A is an example of information that will be included in Oregon OSHA's Annual Adjustments to Penalties Bulletin," was moved under OAR 437-001-0142(1).

Appendix A: Example of Oregon OSHA's Annual Adjustments to Penalties Bulletin, revisions include:

- Corrected two references of ORS 654.086(3) to 654.086(4).
- Summary revised to include previous bulletin number, published date, and effective date.
- Revised to specify that annual inflation adjustments to civil penalties are based on the percent change, if any, between

the West Region CPI-U data described under OAR 437-001-0142.

- The BLS West Region CPI-U Data Used in this Annual Adjustment Calculation tables were revised to remove October data points, and revised to include new data referenced months, BLS data release date, and percentage adjustment increase or decrease.
- “if any” was added to the fourth paragraph.
- “See tables on the following pages” was removed.
- Five penalty tables were revised for grammar and information clarification. The penalty tables were also reformatted from “complex” tables to “simple” tables to comply with regulatory requirements under Title II of the Americans with Disabilities Act (ADA) guidelines for web content. The need for these formatting changes was identified after the proposed rule amendments were filed on July 24, 2026. This change required the removal of the unnecessary table header language of “severity” in 13 tables and the removal of duplicate rule numbers, among other refinements.
- One word was changed from “with” to “at” regarding Administrator’s discretion for civil penalties for 4th and greater repeat violations.

CHANGES TO RULE:

437-001-0142

Annual Adjustment of Civil Penalties

(1) ~~Each year, the~~ 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 Oregon OSHA's~~ website at <https://osha.oregon.gov/pages/topics/violations-and-penalties.aspx>, 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, by using the Consumer Price Index for All Urban Consumers, West Region, All Items (West Region CPI-U), from October to October of each year data,~~ as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor or its successor. ~~The a, to account for the percentage change, if any, between the West Region CPI-U data described in (a) and (b) below:~~

(a) The ending month West Region CPI-U data used in the Annual a Adjustments will be effective January 1st of each calendar year to Penalties Bulletin most recently published in the Oregon Bulletin, or its successor; and
(b) The October West Region CPI-U data of the year the Annual Adjustments to Penalties Bulletin is published in the Oregon Bulletin, or its successor. If the October West Region CPI-U data is unavailable at the time of calculation, the closest preceding month that the data is available will be used.

Note: OAR 437-001-0142, Appendix A, is an example of information that will be included in Oregon OSHA's Annual Adjustments to Penalties Bulletin.

(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 ~~P~~physical ~~H~~harm or ~~D~~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 ~~V~~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 ~~V~~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.~~

[Insert Appendix A—Example of Oregon OSHA's Annual Adjustments to Penalties Bulletin] (5) The annual civil penalty adjustments will be effective January 1st of each calendar year.

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

Statutes/Other Implemented: ORS 654.001 - 654.295

RULE ATTACHMENTS MAY NOT SHOW CHANGES. PLEASE CONTACT AGENCY REGARDING CHANGES.

NOTE: Attachments referenced are attached to this document. You may view the attachment 437-001-0142.pdf from the Attachments panel. Alternately, you may view the attachments at the following link:

<https://secure.sos.state.or.us/oard/viewAttachment.action?ruleVrsnRsn=340254>