

Oregon OSHA

Text of Changes for Adopted Revision of the Annual Adjustment of Civil Penalties Rule

9/30/2026

Adopted Rule Text

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

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

Note to the Appendix A Text of Changes: the formatting in the proposed tables was converted for ADA compliance prior to adoption. It is not feasible to demonstrate these changes in the same way as changes in the language are shown. As a result, changes to the table formatting are not documented in **bold underline** and ~~[strikethrough]~~, however changes in the language of the table headers are shown as **bold underline** and ~~[strikethrough]~~.

OAR 437-001-0142 Annual Adjustment of Civil Penalties

(1) ~~[Each year, t]~~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]~~ **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, in]~~, **by using** the Consumer Price Index for All Urban Consumers, West Region, All Items (West Region CPI-U) **data**, ~~[from October to October of each year]~~ as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor or its successor, **to account for the percentage change, if any, between the West Region CPI-U data described in (a) and (b) below:** ~~[The annual adjustments will be effective January 1st of each calendar year.]~~

(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.

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]violation[s] - 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.

(5) The annual civil penalty adjustments will be effective January 1st of each calendar year.

~~[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) and 656.726(4)

Statutes/Other Implemented: ORS 654.001 through 654.295

History:

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

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

OSHA Administrative Order 2-2025, temporary amend filed 11/21/2025, effective 11/21/2025 through 05/18/2026

OSHA Administrative Order 2-2026, amend filed 9/30/2026, effective 9/30/2026

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([3]4), OAR 437-001-0142

To: All Interested Parties

Summary: This bulletin [~~supersedes the civil penalties adopted by Administrative Order 3-2023~~]**publishes the annual adjustment to civil penalties assessed under ORS 654.086. See OAR 437-001-0142. This bulletin replaces Bulletin No. _____, published DATE, effective DATE.**

As provided for in ORS 654.086([3]4), 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) **data**, as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor. [~~On DATE, the BLS published a % increase.~~]**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.**

BLS West Region CPI-U Data Used in this Annual Adjustment Calculation: [BLS ~~r~~]**Reference data location: <https://data.bls.gov/timeseries/CUUR0400SA0>**
[~~Date published BLS West Region CPI-U:~~]

<u>Reference</u> Month	[Year] <u>BLS Release Date</u>	West Region CPI-U [Index] <u>Data</u>
[October]		
[October]		

Percentage Adjustment: % increase/decrease
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 of the current year.~~] The percent change, **if any**, 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.

Bulletin Number: _____

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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.]

Penalty Table – Penalty Range by Type and Classification of Violation

Type and Classification (All)	Minimum	Maximum
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.

First-Instance Violation Types (OAR 437-001-045)

Other Than Serious [~~OAR 437-001-0145~~]
0145}]

Probability	Initial Penalty
Low	
High	

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

[~~Serious Violation Types (OAR 437-001-0145)~~]
0145}]

Serious Physical Harm	
[Severity]Probability	Initial Penalty
Low	
Medium	
High	

Death	
[Severity]Probability	Initial Penalty
Low	
Medium	
High	

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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)

~~[Severity-Probability]~~Other Than Serious

Instance	Civil Penalty
First	
Second	
Third	

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

~~[Repeat Violation Types (OAR 437-001-0165)]~~

~~[Severity]~~Serious Physical Harm

Probability	First	Second	Third
Low			
Medium			
High			

~~[Severity]~~Death

Probability	First	Second	Third
Low			
Medium			
High			

Repeat Size Reduction for 1-50 Employees (OAR 437-001-0150)

Serious Violation Types

~~[Type]~~Reduction **Amount:** _____

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
Civil Penalty: _____

~~[Severity]~~Serious Physical
Harm

Probability	Civil Penalty
Low	
Medium	
High	

~~[Severity]~~Death

Probability	Civil Penalty
Low	
Medium	
High	

Bulletin Number: _____

Published: _____

Effective: _____

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.

Serious that Caused or Contributed to a Work-Related Fatality Violation Types
(OAR 437-001-0145)

[Severity] Serious Physical Harm		[Severity] Death	
Probability	Civil Penalty	Probability	Civil Penalty
Low		Low	
Medium		Medium	
High		High	

Repeat that Caused or Contributed to a Work-Related Fatality Violation Types
(OAR 437-001-0165)

Other Than Serious Civil Penalty: _____	[Severity] Serious Physical Harm		[Severity] Death	
	Probability	Civil Penalty	Probability	Civil Penalty
	Low		Low	
	Medium		Medium	
	High		High	

Willful that Caused or Contributed a Work-Related Fatality Violation Types
(OAR 437-001-0175)

Other Than Serious Civil Penalty: _____	[Severity] Serious Physical Harm		[Severity] Death	
	Probability	Civil Penalty	Probability	Civil Penalty
	Low		Low	
	Medium		Medium	
	High		High	

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

Administrator - Printed name: _____

Administrator - Signature: _____ Date: _____

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

Statutes/Other Implemented: ORS 654.001 through 654.295

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