



July 24, 2026

[Text of Changes](#)

Proposed Revision of the Annual Adjustment of Civil Penalties Rule

Virtual Public Hearing Scheduled for:

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.

Hearing Details:

Date: Wednesday, August 26, 2026

Time: 10:00 a.m.

Location: Remote Zoom Gov Webinar

Hearings Officer: OSHA Staff

Register in advance for this webinar:

https://dcbs-oregon.zoomgov.com/webinar/register/WN_U4MnENUGSp-GpXPiN1A9_g

After registering, you will receive a confirmation email containing information about joining the webinar.

The hearing will close no earlier than 30 minutes after the webinar begins and may close at any point after 30 minutes if all interested persons have had their opportunity to enter their comments into the record.

The text of the proposed rules is available on our website at osha.oregon.gov under rules, then proposed rules.

When does this happen: Tentatively adoption will be October 2026

Comment period closes: Friday, September 11, 2026, at 5:00 p.m.

To get a copy: Our web site – osha.oregon.gov > Rules > Proposed rules.
Or call 503-947-7449

To comment: Department of Consumer and Business Services
Oregon OSHA
PO BOX 14480
Salem OR 97309-0405
Email – OSHA.rulemaking@dcbs.oregon.gov
Fax – 503-947-7461

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

Rulemaking Summary:

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

Currently each year, 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, or its successor, 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 is proposing 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.

Please visit our website osha.oregon.gov/rules to view our proposed rules or select other rule activity from this page.

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

Secretary of State

NOTICE OF PROPOSED RULEMAKING HEARING

A Statement of Need and Fiscal Impact accompanies this form.

Agency and Division

Administrative Rules Chapter Number

Department of Consumer and Business Services, Oregon OSHA.

OAR 437

Rules Coordinator

Address

Telephone

Lisa Appel

350 Winter Street NE Salem OR 97301-3882

503-947-7449

Rule Caption

Proposed Revision of the Annual Adjustment of Civil Penalties Rule

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business. Send comments to OSHA.rulemaking@dcbs.oregon.gov.

Public Hearing Schedule

Hearings Officer: OSHA Staff

Hearing Date	Time	Location
Wednesday, August 26, 2026	10:00 a.m.	Virtual

Register to attend this hearing at:

https://dcbs-oregon.zoomgov.com/webinar/register/WN_U4MnENuGSp-GpXPiN1A9_g

After registering you will get a confirmation email with details for joining the online hearing.

A hearing will remain open for at least 30 minutes after the hearing starts, and after all interested persons have had their opportunity to enter comments into the record.

Accommodations for persons with disabilities are available upon advance request.

Rulemaking Action

Amend: OAR 437-001-0142

Statutory Authority

Other Authority

ORS 654.025(2) & 656.726(4)

Statutes Implemented

ORS 654.001 through 654.295

Rulemaking Summary

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

Currently each year, 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, or its successor, 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 is proposing 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.

Individual Rule Summary (By rule number)

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).

OARs 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:

- Corrects 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.
- Five penalty tables were revised for grammar and information clarification.

September 11, 2026, at 5 p.m.

Last Day for Public Comment

Last day to submit written comments to
the Rules Coordinator



Signature

Renée Stapleton

Printed name

7/24/20

Date

STATEMENT OF NEED AND FISCAL IMPACT

A Notice of Proposed Rulemaking Hearing or a Notice of Proposed Rulemaking accompanies this form.

Agency and Division

Administrative Rules Chapter Number

Department of Consumer and Business Services, Oregon OSHA

OAR 437

In the Matter of:

Amending: OAR 437-001-0142

Rule Caption: Proposed Revision of the Annual Adjustment of Civil Penalties Rule

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

Statutes Implemented: ORS 654.001 through 654.295

Need for the Rule(s):

Currently each year, 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, or its successor, 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 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 methodology time period change for the Annual Adjustment of Civil Penalties calculation under Administrative Order 2-2025, that was adopted November 21, 2025 and was in effect from that date through May 18, 2026, and cannot be renewed.

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 is proposing amendments to its current rule (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.

Documents Relied Upon, and where they are available:

Division 1 (General Administration), Violations and Penalties:

<https://osha.oregon.gov/rules/final/division-1/Pages/437-001-0135-0203.aspx>

Chapter 654 — Occupational Safety and Health (2023 Edition):

https://www.oregonlegislature.gov/bills_laws/ors/ors654.html

U. S. Bureau of Labor Statistics (BLS), Consumer Price Index for All Urban Consumers (Western Region CPI-U): <https://data.bls.gov/timeseries/CUUR0400SA0>

U. S. Bureau of Labor Statistics (BLS), Suspension of Federal Government Services:

https://www.bls.gov/bls/2025_october_shutdown.htm

Adopted Temporary Methodology Time Period Change for the Annual Adjustment of Civil Penalties: <https://osha.oregon.gov/OSHARules/adopted/2025/ao2-2025-notice-temp-penalties.pdf>

Oregon Employment Department, A Snapshot of Oregon Firms by Size Class (July 10, 2026):

<https://www.qualityinfo.org/-/a-snapshot-of-oregon-firms-by-size-class>

Statement Identifying How Adoption of Rule(s) Will Affect Racial Equity in This State:

The proposed rule changes are not expected to impact racial equity in the workplace for underrepresented communities, as the proposed rule changes apply to all workers covered under the Oregon Safe Employment Act (OSEAct).

Fiscal and Economic Impact:

Statement of Cost of Compliance:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

All state agencies and local government units are affected by the rules in the sense that they are employers under the Oregon Safe Employment Act (OSEAct), and may be subject to penalties in the event violations are identified and cited. The public as a whole will be affected only to the degree that members of the public are employers (who may be cited and assessed penalties), or employees (who may benefit from inspection activity).

In relation to the employers subject to the proposed rulemaking, it must first be noted that the proposed rule changes do not affect the cost of complying with existing Oregon OSHA rules, nor

do these proposed rule changes create any new compliance requirements for employers. The financial impact is on those employers who receive a violation that carries a civil penalty. For that reason, Oregon OSHA believes that there will be no increase to the "cost of compliance" for businesses of any size, or any other employer covered by this proposed rule. Any change in the civil penalty structure, by its very nature, affects the cost of non-compliance with Oregon OSHA rules, not the cost of complying with them.

(2) Effect on Small Businesses:

(a) Estimate the number and type of small businesses and types of business and industries with small businesses subject to the rule(s);

According to the most current data from the Oregon Employment Department, as published in "A Snapshot of Oregon Firms by Size Class (July 10, 2026)," in March 2026, there were 105,600 private firms with fewer than 50 employees in Oregon, that accounted for 96% of all firms statewide. This rule applies equally to all business types.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

The proposed rulemaking does not induce changes to Oregon OSHA general recordkeeping or other administrative activities.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The projected equipment, supplies, labor and increased administration for the cost of compliance will not change as a result of this rulemaking.

Describe how small businesses were involved in the development of these rule(s)?

Small businesses and others were involved in the amendment of this rule change insofar as themselves or their representatives being notified through a multitude of methods of the opportunity to participate in the Rules Advisory Group (RAG) meeting. Oregon OSHA did not record a small business owner or representative attending the July 16, 2026, RAG meeting.

Was an Administrative Rules Advisory Committee consulted?

Yes or No? If not, why not?

No, Oregon OSHA sent a notice of a Rules Advisory Group meeting on this rule topic to individuals who participated in the original penalty adjustment rulemaking (OSHA Administrative Order 3-2023); and individuals associated with Oregon OSHA's ongoing advisory councils for construction, fire services, and forest industries. Oregon OSHA also sent out an upcoming rulemaking notification on July 2, 2026, through the gov delivery email notification system to approximately 6,392 Subscribers of Oregon OSHA Division 1 Gen. Admin. Rules. All interested individuals who responded were invited to a virtual rules advisory group meeting held on July 16, 2026, at 2 pm. At the meeting, Oregon OSHA received no public feedback on the draft proposed rule changes.

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing the negative economic impact of the rule on business.



Signature

Renée Stapleton

Printed name

7/24/26

Date

¹ Administrative Rules Unit, Archives Division, Secretary of State, 800 Summer Street NE, Salem, Oregon 97310. ARC 925-2007

HOUSING COST IMPACT STATEMENT

For Administrative Rules

For estimating the effect of a Proposed Rule or Ordinance on the cost of developing
a *itypical 1,200 sq ft detached single family dwelling on a 6,000 sq ft parcel of land. (ORS 183.534)

Agency Name: Department of Consumer and Business Services, Oregon OSHA

Address: 350 Winter Street NE

City/State: Salem OR 97301-3882

Phone: 503-947-7449

Rule Type: Permanent: ☒ Temporary: ☐

Hearing Date: August 26, 2026 at 10 am

Effective Date: Tentatively October 2026

Below please provide a description of the estimated savings or additional costs that will result from this proposed change. Provide a brief explanation of how the cost or savings estimate was determined. Identify how change impacts costs in categories specified.

Description of proposed change: (Please attach any draft or permanent rule or ordinance)
See attached Statement of Need and Justification and Notice of Proposed Rulemaking.

Description of the need for, and objectives of the rule:
See attached Statement of Need and Justification and Notice of Proposed Rulemaking.

List of rules adopted or amended:

AMEND: OAR 437-001-0142

Materials and labor costs increase or savings:
None.

Estimated administrative construction or other costs increase or savings:
None.

Land costs increase or savings:
Oregon OSHA does not foresee any effect on land costs.

Other costs increase or savings:
Oregon OSHA does not foresee any effect on land costs.

Preparers Name: Tom Bozicevic

Email Address: Tom.Bozicevic@dcbs.oregon.gov

ⁱ *Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.



NOTICE OF PROPOSED RULEMAKING

INCLUDING STATEMENT OF NEED & FISCAL IMPACT

CHAPTER 437

DEPARTMENT OF CONSUMER AND BUSINESS SERVICES

OREGON OCCUPATIONAL SAFETY AND HEALTH DIVISION

FILED: 07/24/2026 1:55 PM

ARCHIVES DIVISION SECRETARY OF STATE

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

LAST DAY AND TIME TO OFFER COMMENT TO AGENCY: 09/11/2026 5:00 PM

The Agency requests public comment on whether other options should be considered for achieving the rule's substantive goals while reducing negative economic impact of the rule on business.

CONTACT:

Lisa Appel

503-947-7449

Lisa.Appel@dcbs.oregon.gov

350 Winter St NE

Salem, OR 97301

Filed By:

Lisa Appel

Rules Coordinator

HEARING(S)

Auxiliary aids for persons with disabilities are available upon advance request. Notify the contact listed above.

DATE: 08/26/2026

TIME: 10:00 AM

OFFICER: Lisa Appel

REMOTE HEARING DETAILS

MEETING URL: [Click here to join the meeting](#)

PHONE NUMBER: 669-254-5252

CONFERENCE ID: 1651368126

SPECIAL INSTRUCTIONS:

After registering, you will receive a confirmation email containing information about joining the webinar. The hearing will close no earlier than 30 minutes after the webinar begins and may close at any point after 30 minutes if all interested persons have had their opportunity to enter their comments into the record.

To submit comments on the proposed rule changes, please email the Rules Coordinator at OSHA.rulemaking@dcbs.oregon.gov.

You may also send hardcopy written materials to: Rules Coordinator, Oregon OSHA, PO Box 14480, Salem, OR 97309-0405.

Accommodations for persons with disabilities are available upon advance request.

NEED FOR THE RULE(S):

Currently each year, 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, or its successor, 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 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 methodology time period change for the Annual Adjustment of Civil Penalties calculation under Administrative Order 2-2025, that was adopted November 21, 2025 and was in effect from that date through May 18, 2026, and cannot be renewed.

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 is proposing amendments to its current rule (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.

DOCUMENTS RELIED UPON, AND WHERE THEY ARE AVAILABLE:

Division 1 (General Administration), Violations and Penalties:

<https://osha.oregon.gov/rules/final/division-1/Pages/437-001-0135-0203.aspx>

Chapter 654 — Occupational Safety and Health (2023 Edition):

https://www.oregonlegislature.gov/bills_laws/ors/ors654.html

U. S. Bureau of Labor Statistics (BLS), Consumer Price Index for All Urban Consumers (Western Region CPI-U):

<https://data.bls.gov/timeseries/CUUR0400SA0>

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https://www.bls.gov/bls/2025_october_shutdown.htm

Adopted Temporary Methodology Time Period Change for the Annual Adjustment of Civil Penalties:

<https://osha.oregon.gov/OSHARules/adopted/2025/ao2-2025-notice-temp-penalties.pdf>

Oregon Employment Department, A Snapshot of Oregon Firms by Size Class (July 10, 2026):

<https://www.qualityinfo.org/-/a-snapshot-of-oregon-firms-by-size-class>

STATEMENT IDENTIFYING HOW ADOPTION OF RULE(S) WILL AFFECT RACIAL EQUITY IN THIS STATE:

The proposed rule changes are not expected to impact racial equity in the workplace for underrepresented communities,

as the proposed rule changes apply to all workers covered under the Oregon Safe Employment Act (OSEAct).

FISCAL AND ECONOMIC IMPACT:

See Statement of Cost of Compliance.

COST OF COMPLIANCE:

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s). (2) Effect on Small Businesses: (a) Estimate the number and type of small businesses subject to the rule(s); (b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s); (c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

(1) Identify any state agencies, units of local government, and members of the public likely to be economically affected by the rule(s).

All state agencies and local government units are affected by the rules in the sense that they are employers under the Oregon Safe Employment Act (OSEAct), and may be subject to penalties in the event violations are identified and cited. The public as a whole will be affected only to the degree that members of the public are employers (who may be cited and assessed penalties), or employees (who may benefit from inspection activity).

In relation to the employers subject to the proposed rulemaking, it must first be noted that the proposed rule changes do not affect the cost of complying with existing Oregon OSHA rules, nor do these proposed rule changes create any new compliance requirements for employers. The financial impact is on those employers who receive a violation that carries a civil penalty. For that reason, Oregon OSHA believes that there will be no increase to the “cost of compliance” for businesses of any size, or any other employer covered by this proposed rule. Any change in the civil penalty structure, by its very nature, affects the cost of non-compliance with Oregon OSHA rules, not the cost of complying with them.

(2) Effect on Small Businesses:

(a) Estimate the number and type of small businesses subject to the rule(s);

According to the most current data from the Oregon Employment Department, as published in “A Snapshot of Oregon Firms by Size Class (July 10, 2026),” in March 2026, there were 105,600 private firms with fewer than 50 employees in Oregon, that accounted for 96% of all firms statewide. This rule applies equally to all business types.

(b) Describe the expected reporting, recordkeeping and administrative activities and cost required to comply with the rule(s);

The proposed rulemaking does not induce changes to Oregon OSHA general recordkeeping or other administrative activities.

(c) Estimate the cost of professional services, equipment supplies, labor and increased administration required to comply with the rule(s).

The projected equipment, supplies, labor and increased administration for the cost of compliance will not change as a result of this rulemaking.

DESCRIBE HOW SMALL BUSINESSES WERE INVOLVED IN THE DEVELOPMENT OF THESE RULE(S):

Small businesses and others were involved in the amendment of this rule insofar as themselves or their representatives being notified through a multitude of methods of the opportunity to participate in the Rules Advisory Group (RAG) meeting. Oregon OSHA did not record a small business owner or representative attending the July 16, 2026, RAG meeting.

WAS AN ADMINISTRATIVE RULE ADVISORY COMMITTEE CONSULTED? NO IF NOT, WHY NOT?

No, Oregon OSHA sent a notice of a Rules Advisory Group meeting on this rule topic to individuals who participated in the original penalty adjustment rulemaking (OSHA Administrative Order 3-2023); and individuals associated with Oregon OSHA's ongoing advisory councils for construction, fire services, and forest industries. Oregon OSHA also sent out an upcoming rulemaking notification on July 2, 2026, through the gov delivery email notification system to approximately 6,392 Subscribers of Oregon OSHA Division 1 Gen. Admin. Rules. All interested individuals who responded were invited to a virtual rules advisory group meeting held on July 16, 2026, at 2 pm. At the meeting, Oregon OSHA received no public feedback on the draft proposed rule changes.

HOUSING IMPACT STATEMENT:

HOUSING COST IMPACT STATEMENT For Administrative Rules

For estimating the effect of a Proposed Rule or Ordinance on the cost of developing a * typical 1,200 sq ft detached single family dwelling on a 6,000 sq ft parcel of land. (ORS 183.534)

Agency Name: Department of Consumer and Business Services, Oregon OSHA

Address: 350 Winter Street NE

City/State: Salem OR 97301-3882

Phone: 503-947-7449

Rule Type: PERMANENT

Hearing Date: August 26, 2026, at 10 am

Effective Date: Tentatively October 2026

Below please provide a description of the estimated savings or additional costs that will result from this proposed change. Provide a brief explanation of how the cost or savings estimate was determined. Identify how change impacts costs in categories specified.

Description of proposed change: (Please attach any draft or permanent rule or ordinance)

See attached Statement of Need and Justification and Notice of Proposed Rulemaking.

Description of the need for, and objectives of the rule:

See attached Statement of Need and Justification and Notice of Proposed Rulemaking.

List of rules adopted or amended:

AMEND: OAR 437-001-0142

Materials and labor costs increase or savings:

None.

Estimated administrative construction or other costs increase or savings:

None.

Land costs increase or savings:

Oregon OSHA does not foresee any effect on land costs.

Other costs increase or savings:

Oregon OSHA does not foresee any effect on land costs.

Preparers Name: Tom Bozicevic

Email Address: Tom.Bozicevic@dcbs.oregon.gov

*Typical-Single story 3 bedrooms, 1 1/2 bathrooms, attached garage (calculated separately) on land with good soil conditions with no unusual geological hazards.

AMEND: 437-001-0142

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).

OARs 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:

- Corrects 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.
- Five penalty tables were revised for grammar and information clarification.

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

[Insert Appendix A - Example of 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

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=337991>