

Oregon OSHA

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

7/24/2026

Proposed Rule Changes

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

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

OAR 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'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]hysical [H]arm or [D]eath-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]iolation - 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]iolations - 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) & 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 through 05/18/2026

OSHA X-XXXX amend filed XX/XX/XXXX, effective XX/XX/XXXX

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	<u>% increase/decrease</u>
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.

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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Penalty Table – Penalty Range By Type and Classification of Violation		
Type <u>and Classification (All)</u>	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.

Other Than Serious (OAR 437-001-0145)			The civil penalty amount for an initial other than serious violation is not annually adjusted.
Probability	Low	High	
Initial Penalty			

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

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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)				Civil penalties for the 4th and greater repeat violations are assigned with the Administrator's discretion.
Probability	Severity			
	Other than Serious			
	First	Second	Third	
Civil Penalty				

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 Amount	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
			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.

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

Repeat that Caused or Contributed to a Work-Related Fatality Violation Types (OAR 437-001-0165)				
Other [t]han Serious		Probability	Severity	
			Serious Physical Harm	Death
Civil Penalty		Low		
		Medium		
		High		

Willful that Caused or Contributed a Work-Related Fatality Violation Types (OAR 437-001-0175)				
Other [t]han Serious		Probability	Severity	
			Serious Physical Harm	Death
Civil Penalty		Low		
		Medium		
		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) & 656.726(4)

Statutes/Other Implemented: ORS 654.001 - 654.295

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