

**Interagency Agreement
between the
Oregon Health Licensing Agency
and
Oregon OSHA**

I. Purpose

This agreement is entered into between the Oregon Health Licensing Agency (OHLA) and the Oregon Department of Consumer and Business Services, Occupational Safety and Health Division (Oregon OSHA) for the purpose of delineating the responsibilities and activities to be performed by each agency pursuant to its authority to regulate hair-smoothing products containing formaldehyde. This agreement is intended to promote cooperative efforts between OHLA and Oregon OSHA and effective regulation of formaldehyde hazards in Oregon.

II. Roles and Authorities

Under ORS 654, and as the Federal Occupational Safety and Health Administration's (OSHA) designee, Oregon OSHA is responsible for protecting workers in the State of Oregon, having implemented workplace formaldehyde rules. OHLA regulates hair salons in Oregon, and adopted by reference Oregon OSHA's formaldehyde rules (OAR437/Subdivision Z-1910.1048), effective May 5, 2011.

III. Enforcement

A. Referrals

1. OHLA and Oregon OSHA will refer formaldehyde compliance or enforcement situations involving hazards and possible violations of laws or regulations enforced by either agency to the other.
2. Referrals will be provided within the week, and may be accomplished in person, by telephone, FAX, or email.
3. A copy of the report by the enforcing agency will be provided to the other agency on completion.

B. Common Inspections

1. When inspecting or responding to a complaint relating to the same project or situation, OHLA and Oregon OSHA will assist each other to the extent possible and allowed by law by sharing information regarding potential violations of formaldehyde regulations.
2. Both OHLA and Oregon OSHA will maintain strict confidentiality concerning the other agency's inspection, compliance or enforcement plans or actions. As required by law, Oregon OSHA confidential information will not be communicated to OHLA.
3. During inspections and compliance meetings, OHLA and Oregon OSHA representatives will each clearly communicate their regulatory responsibilities to the inspected party. For example, an OHLA inspector will only communicate violations of OHLA regulations, and refer all potential worker protection violations to Oregon OSHA personnel, and vice versa.
4. Where indicated, all sample(s) will be collected using established protocols and chain of custody procedures established by the Oregon OSHA Laboratory. Analysis will be completed by the Oregon OSHA Laboratory to support compliance with these rules. For sample analyses submitted by OHLA, they agree to reimburse Oregon OSHA for such analyses when the aggregate cost (\$25 per sample analysis) exceeds \$500.00 in a calendar year, billable one time annually.

IV. Transfer of Information

A. Enforcement Information

1. OHLA and Oregon OSHA may, upon request, provide each other with copies of enforcement actions relating to formaldehyde. These actions may include, but are not limited to, Notices of Intent to Assess Civil Penalty and Citations, respectively.
2. Upon request, OHLA and Oregon OSHA will provide each other, as allowed by law, with relevant historical enforcement information such as database reports and file copies.

V. Public Information

A. Communication with the News Media

1. When communicating with the news media concerning formaldehyde violations or hazards, representatives of OHLA and Oregon OSHA will clearly state that Oregon OSHA exercises jurisdiction over worker protection issues, and that OHLA exercises jurisdiction over public safety/consumer protection health issues.
2. Representatives of OHLA and Oregon OSHA will not make statements to the news media concerning the other agency's formaldehyde regulations, inspections or possible violations. Statements that a situation has been referred to OHLA or Oregon OSHA are appropriate.

B. Issuing Press Releases

OHLA and Oregon OSHA will notify and gain approval from the other agency's Public Information Officer prior to issuing any press release containing information on the other agency's formaldehyde regulations, inspections or possible violations.

VI. Training

A. Interagency Training

Representatives from OHLA and Oregon OSHA will conduct training sessions to educate the other agency's affected staff on formaldehyde regulations, policies and procedures.

B. Legislation

1. OHLA and Oregon OSHA will communicate proposed legislation affecting formaldehyde regulation to each other as early in the legislative process as possible.
2. In developing formaldehyde legislation, both OHLA and Oregon OSHA will strive for interagency compatibility and avoid unnecessary duplication.

C. Rulemaking

1. OHLA and Oregon OSHA will provide each other with drafts of proposed Oregon Administrative Rules on formaldehyde as early as possible in the rulemaking process, but in all cases prior to the beginning of the public notice and comment period.
2. In developing formaldehyde regulations, both OHLA and Oregon OSHA will strive for interagency compatibility and avoid unnecessary duplication.

VII. Oregon Health Licensing Agency

A designee of Oregon OSHA will participate in the meetings and decisions of the Oregon Health Licensing Agency.

VIII. Effective Date

This agreement will be effective upon signature by the Director of the Oregon Health Licensing Agency and the Administrator of the Oregon Occupational and Safety Division of the Department of Consumer and Business Services.

IX. Provisions for Review and Updating


OHLA and Oregon OSHA will meet to discuss items contained in this agreement, to update it where necessary, and to exchange relevant program information.

X. Agreement Termination

This agreement will remain in force until terminated by either party given thirty days' notice by the other.

AGREED:

Oregon Department of Consumer and Business
Services, Occupational Safety and Health
Division

 8/17/11
Michael Wood, Administrator Date

AGREED:

Oregon Health Licensing Agency

 8/15/2011
Randall Everitt, Director Date

Appendix A

Oregon Health Licensing Agency Contacts

David Sparks, Manager, Regulatory Operations Division,
Kraig Bohot, Public Information Officer

Main Office:

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Oregon OSHA Contacts:

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Trena VanDeHey, Health Enforcement Analyst
Marilyn Schuster, Policy Manager
Melanie Mesaros, Public Information Officer

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