

Corrected

SB 592 B STAFF MEASURE SUMMARY

Carrier: Rep. Elmer

House Committee On Business and Labor

Minority Report

Action Date: 05/08/23**Action:** Do pass with amendments to the A-Eng bill. (Printed B-Eng.) Minority**Fiscal:** Has minimal fiscal impact**Revenue:** No revenue impact**Report Signers:** Rep. Lucetta Elmer, Rep. Anna Scharf**Prepared By:** Erin Seiler, LPRO Analyst**Meeting Dates:** 4/19, 4/24, 5/8**WHAT THE MEASURE DOES:**

Specifies when Director of Department of Consumer and Business Services (DCBS) may conduct comprehensive inspection of place of employment. Requires director conduct comprehensive inspection of place of employment within one year following date of closing conference when accident investigation reveals violation caused or contributed to work-related fatality or when three or more willful or repeated violations occur within a one-year period at place of employment. Limits DCBS ability to adjust civil penalties against employer for specified repeated violations based on employer size unless penalty adjustment is conditioned on employer agreeing to additional abatement measures. Requires director to annually adjust civil penalties based on the Consumer Price Index for All Urban Consumers, West Region. Defines key terms. Requires annual report to Legislative Assembly and specifies contents of report. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Current Occupational Safety and Health Division (Oregon OSHA) investigation process and penalty structure
- Relationship between Oregon OSHA and federal OSHA
- On-the-job injury rate in Oregon
- Impact on increased civil penalties on small businesses
- Alignment of civil penalties with federal OSHA and other western states
- Impact of higher civil penalties, fines, and fees on behavior
- Establishment of ongoing method to increase civil penalties
- Impact of measure on private employers versus public employers

EFFECT OF AMENDMENT:

Restores current minimum and maximum civil penalty amounts for specified violations of state occupational safety or health requirements.

BACKGROUND:

In 1970, the federal Occupational Safety and Health Administration (OSHA) was formed when the Occupational Safety and Health Act was passed. Federal law requires civil penalties for violation of federal workplace safety or health requirements be adjusted based on inflation. Under federal law, states are allowed to operate their own OSHA-approved occupational safety and health programs as long as those programs are as effective as the federal OSHA plan. Currently, 22 states, including Oregon, maintain state OSHA-approved programs covering private and public sector workplaces. Oregon enacted its occupational safety and health legislation in 1973, known as the Oregon Safe Employment Act. The Occupational Safety and Health Division (Oregon OSHA) of the Department of Consumer and Business Services (DCBS) enforces Oregon's occupational safety and health requirements.

Senate Bill 592 MRB requires the director to conduct a comprehensive workplace inspection when an accident investigation reveals a violation caused or contributed to a work-related fatality or when three or more willful or

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repeated violations occur within a one-year period at a place of employment. The measure requires the director to annually adjust civil penalties.