

HB 2570-1
(LC 389)
2/14/25 (JAS/ps)

Requested by HOUSE COMMITTEE ON LABOR AND WORKPLACE STANDARDS (at the request of Department of Consumer and Business Services)

**PROPOSED AMENDMENTS TO
HOUSE BILL 2570**

1 On page 1 of the printed bill, delete lines 5 through 26 and delete page
2 2 and insert:

3 **“SECTION 1. ORS 654.067 is amended to read:**

4 “654.067. (1) In order to carry out the purposes of ORS 654.001 to 654.295,
5 654.412 to 654.423 and 654.750 to 654.780, the Director of the Department of
6 Consumer and Business Services, upon presenting appropriate credentials to
7 the owner, employer or agent in charge, is authorized:

8 “(a) To enter without delay and at reasonable times any place of em-
9 ployment;

10 “(b) To inspect and investigate during regular working hours and at other
11 reasonable times, and within reasonable limits and in a reasonable manner,
12 any such place of employment and all pertinent conditions, structures, ma-
13 chines, apparatus, devices, equipment and materials therein, and to question
14 privately the owner, employer, agents or employees; and

15 “(c) To conduct a comprehensive inspection of any place of employment
16 as deemed necessary by the department based upon the prior violation his-
17 tory of the place of employment regarding any state occupational safety or
18 health law, regulation, standard, rule or order.

19 “(2) Whenever an accident investigation reveals that a violation has
20 caused or contributed to a work-related fatality at a place of employment,
21 the director shall conduct a comprehensive inspection of the place of em-

1 ployment within one year following the date on which the closing conference
2 associated with the work-related fatality was held.

3 “(3) Whenever three or more willful or repeated violations occur at a
4 place of employment within a one-year period, the director shall conduct a
5 comprehensive inspection of the place of employment within one year fol-
6 lowing the date on which the closing conference associated with the most
7 recent willful or repeated violation was held.

8 “(4) No person shall give an owner, employer, agent or employee advance
9 notice of any inspection to be conducted under ORS 654.001 to 654.295,
10 654.412 to 654.423 and 654.750 to 654.780 of any place of employment without
11 authority from the director.

12 “(5) Except in the case of an emergency, or of a place of employment open
13 to the public, if the director is denied access to any place of employment for
14 the purpose of an inspection or investigation, such inspection or investi-
15 gation shall not be conducted without an inspection warrant obtained pur-
16 suant to ORS 654.202 to 654.216, or without such other authority as a court
17 may grant in an appropriate civil proceeding. Nothing contained herein,
18 however, is intended to affect the validity of a constitutionally authorized
19 inspection conducted without an inspection warrant.

20 “(6) A representative of the employer and a representative authorized by
21 the employees of the employer shall be given an opportunity to accompany
22 the director during the inspection of any place of employment for the purpose
23 of aiding such inspection. When there is no employee representative, or the
24 employee representative is not an employee of the employer, the director
25 [*should*] **may** consult with a reasonable number of employees concerning
26 matters of safety and health in the place of employment.

27 “(7) The representative of the employer may, at the employer’s option, be
28 an attorney retained by the employer.

29 “(8)(a) **The director shall keep confidential and not disclose to the**
30 **public any information obtained during the course of an investigation,**

1 **inspection of any place of employment or consultation conducted un-**
2 **der ORS 654.001 to 654.295, 654.412 to 654.423 or 654.750 to 654.780 that**
3 **would permit the identification of an employee, other than an agent**
4 **of the employer, who provided information for or participated in the**
5 **investigation, inspection or consultation unless:**

6 **“(A) The employee consents to the disclosure; or**

7 **“(B) In accordance with criteria established by rule, the director**
8 **deems disclosure necessary to carry out the provisions of the Oregon**
9 **Safe Employment Act.**

10 **“(b) The director shall adopt rules and establish procedures neces-**
11 **sary to carry out the provisions of this subsection.**

12 **“[(8)] (9) As used in this section:**

13 **“(a) ‘Accident investigation’ means an official examination of a place of**
14 **employment conducted by a compliance officer who is responsible for carry-**
15 **ing out inspections and investigations on behalf of the department, that in-**
16 **cludes a systematic appraisal of an accident sequence to determine causal**
17 **factors, corrective actions and preventative measures.**

18 **“(b) ‘Closing conference’ means a process that informs the employer and**
19 **the employee representatives, if any, of the findings resulting from an in-**
20 **spection of a place of employment and any other pertinent issues related to**
21 **the inspection.**

22 **“(c) ‘Comprehensive inspection’ means a substantially complete inspection**
23 **of a place of employment that, in the professional judgment of the inspector**
24 **who conducts the inspection, may be deemed comprehensive although not all**
25 **potentially hazardous conditions, operations and practices within the place**
26 **of employment are inspected.”.**

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