Text of changes
House Bill 2223

December 19, 2007

Oregon OSHA - Proposed Changes
To Division 1, General Administrative Rules - With House Bill 2223

Public Hearing Scheduled for:

Date	**Time**	**Location**
January 31, 2008	9:00 am	Labor and Industries Building Second Floor – Conference Room 260 350 Winter Street NE Salem OR 97301

Some Oregon employers change their business status in a successful effort to avoid responsibility for prior and future enforcement actions. The solution was to modify the statute to enable OR-OSHA to hold successor employers responsible for prior OR-OSHA issued violations for purposes of classifying a current violation as a repeat or for attributing knowledge of prior OR-OSHA issued violations to the current employer.

This rulemaking is a result of House Bill 2223 passed into law by the 2007 Oregon Legislature. Oregon OSHA amends the definition rule in Division 1, General Administrative Rules, to establish criteria that determines who is the successor employer. This replaces a temporary rule that expires February 29, 2008.

When does this happen: Adoption tentatively will be February 2008

To get a copy: Our web site – www.orosha.org Rules/Compliance, then Proposed Rules
Or call the OR-OSHA Resource Center at 503-947-7447

To comment: Department of Consumer and Business Services/Oregon OSHA
350 Winter Street NE
Salem OR 97301-3882
E-mail – tech.web@state.or.us
Fax – 503-947-7461

Comment period closes: **February 19, 2008**

OR-OSHA contact **Dave McLaughlin, Central Office @ 503-947-7457;**
or email at dave.j.mclaughlin@state.or.us

Note: In compliance with the Americans with Disabilities Act (ADA), this publication 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.

Department of Consumer and Business Services/Oregon OSHA — OAR 437
Agency and Division — Administrative Rules Chapter Number

Sue Joye — 350 Winter Street NE Salem OR 97301-3882 — 503-947-7449
Rules Coordinator — Address — Telephone

RULE CAPTION

Propose changes to Division 1, with House Bill 2223, new definition of successor employer.
Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.

Hearing Date	Time	Location	Hearings Officer
January 31, 2008	9:00 AM	Labor & Industries Building 350 Winter Street NE Second Floor – Conference Room 260 Salem OR 97301	Sue Joye

Auxiliary aids for persons with disabilities are available upon advance request.

RULEMAKING ACTION

AMEND: OAR 437-001-0015

ORS 654.025(2) and 656.726(4)
Stat. Auth.

Other Authority

ORS 654.001 through 654.295
Stats. Implemented

RULE SUMMARY

Some Oregon employers change their business status in a successful effort to avoid responsibility for prior and future enforcement actions. The solution was to modify the statute to enable OR-OSHA to hold successor employers responsible for prior OR-OSHA issued violations for purposes of classifying a current violation as a repeat or for attributing knowledge of prior OR-OSHA issued violations to the current employer.

This rulemaking is a result of House Bill 2223 passed into law by the 2007 Oregon Legislature. Oregon OSHA amends the definition rule in Division 1, General Administrative Rules, to establish criteria that determines who is the successor employer. This replaces a temporary rule that expires February 29, 2008.

Please visit our web site www.orosha.org Click 'Rules/Compliance' in the left vertical column and view our proposed, adopted, and final rules.

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.

/s/Michael D. Wood
Signature

February 19, 2008
Last Day for Public Comment
Last day to submit written comments to the Rules Coordinator

Michael D. Wood — *12/14/2007*
Printed name — Date

*The *Oregon Bulletin* is published on the 1st of each month and updates the rule text found in the Oregon Administrative Rules Compilation. Notice forms must be submitted to the Administrative Rules Unit, Oregon State Archives, 800 Summer Street NE, Salem, Oregon 97310 by 5:00 pm on the 15th day of the preceding month unless this deadline falls on a Saturday, Sunday or legal holiday when Notice forms are accepted until 5:00pm on the preceding workday.

Secretary of State

STATEMENT OF NEED AND FISCAL IMPACT

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

Department of Consumer and Business Services/OR-OSHA — OAR 437

Agency and Division — Administrative Rules Chapter Number

In the Matter of:
Amending OAR 437-001-0015.

Rule Caption: (Not more than 15 words that reasonably identifies the subject matter of the agency's intended action.)
Propose changes to Division 1, with House Bill 2223, new definition of successor employer.

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

Stats. Implemented: ORS 654.001 through 654.295

Need for the Rule(s):
The 2007 Oregon Legislature passed House Bill into law effective July 1, 2007. A temporary rule was adopted to implement this law into Oregon OSHA's administrative rules immediately. This rulemaking is to adopt the permanent amendment.

Documents Relied Upon, and where they are available:
2007 House Bill 2223
ORS 656.128, 657.682
OAR 437-001-0015
OAR 839-005-0050 and 839-006-0135, BOLI
Black's Law Dictionary - 2002

Fiscal and Economic Impact, including Statement of Cost of Compliance:
No new cost burden to employers in compliance with OR-OSHA administrative rules.

How were small businesses involved in the development of this rule?
Small businesses are represented on Oregon OSHA's Partnership committee.

Administrative Rule Advisory Committee consulted?: Yes.
If not, why?: This rule amendment was reviewed by Oregon OSHA's Partnership committee.

/s/Michael D. Wood	Michael D. Wood	12/14/2007
Authorized Signer	Printed name	Date