

SB 592 -1, -3 STAFF MEASURE SUMMARY

Senate Committee On Labor and Business

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Meeting Dates: 2/14, 2/21

WHAT THE MEASURE DOES:

Requires Director of Department of Consumer and Business Services (DCBS) to conduct comprehensive inspection of place of employment when an occupational death or three or more willful or repeated violations occur at fixed place of employment within one year following date of closing conference associated with occupational death or the most recent willful or repeated violation. Defines key terms. Specifies minimum and maximum civil penalties for specified violations of state occupational safety or health requirements. Limits DCBS ability to adjust civil penalties against an employer for specified repeated violations based on employer size unless penalty adjustment is conditioned on employer agreeing to additional mitigation measures. Requires director to annually adjust civil penalties based on the Consumer Price Index for All Urban Consumers, West Region, and to align with the penalty schedule for violations imposed under the federal Occupational Safety and Health Act of 1970. Requires director to report annually to the Legislative Assembly and specifies contents of report. Declares emergency, effective on passage.

ISSUES DISCUSSED:

- Impact on Oregon Occupational Safety and Health Division
- Meaning of occupational death
- Examples of workplace violations and civil penalties
- Intent of -1 amendment provision allowing comprehensive inspection of place of employment with shared common owner

EFFECT OF AMENDMENT:

-1 Defines "establishment." Redefines "place of employment" to include "establishment." Specifies when Director of Department of Consumer and Business Services may conduct a comprehensive inspection of place of employment. Requires director to conduct comprehensive inspection of place of employment, and any place of employment that shares a common owner with place of employment, when an occupational death or three or more willful or repeated violations occur at fixed place of employment within one year following date of closing conference associated with occupational death or most recent willful or repeated violation. Modifies civil penalties for specified violations of state occupational safety or health requirements.

-3 Replaces measure. Specifies when Director of Department of Consumer and Business Services (DCBS) may conduct a comprehensive inspection of place of employment. Requires Director of DCBS to conduct comprehensive inspection of place of employment when work-related fatality or three or more willful or repeated violations occur within a one year period at place of employment. Defines key terms. Specifies minimum and maximum civil penalties for specified violations of state occupational safety or health requirements. Limits DCBS ability to adjust civil penalties against an 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. Requires director to report annually to the Legislative Assembly and specifies contents of report. Declares emergency, effective on passage.

BACKGROUND:

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In 1970, the federal Occupational Safety and Health Act (OSHA) was passed. Federal law does require 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 of the Department of Consumer and Business Services (DCBS) enforces Oregon's occupational safety and health requirements.

Senate Bill 592 requires the Director of DCBS to conduct a comprehensive workplace inspection when an occupational death or three or more willful or repeated violations have occurred. It also establishes minimum and maximum civil penalties for specified violations of state occupational safety or health requirements and requires the director to annually adjust civil penalties.