

**SB 592 A STAFF MEASURE SUMMARY****Carrier:** Sen. Taylor**Senate Committee On Labor and Business****Action Date:** 02/28/23**Action:** Do pass with amendments. (Printed A-Eng.)**Vote:** 4-1-0-0**Yeas:** 4 - Hansell, Jama, Patterson, Taylor**Nays:** 1 - Bonham**Fiscal:** Fiscal impact issued**Revenue:** No revenue impact**Prepared By:** Whitney Perez, LPRO Analyst**Meeting Dates:** 2/14, 2/21, 2/28**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 of DCBS to 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. 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 employer for specified repeated violations based on employer size unless penalty adjustment is conditioned on employer agreeing to additional abatement measures. Requires Director of DCBS to annually adjust civil penalties based on the Consumer Price Index for All Urban Consumers, West Region. Requires annual report to Legislative Assembly and specifies contents of report. Declares emergency, effective on passage.

**ISSUES DISCUSSED:**

- Impact on Oregon Occupational Safety and Health Division
- Meaning of work-related fatality
- Examples of workplace violations and civil penalties
- Comparison of civil penalties
- Current process for civil penalty increases

**EFFECT OF AMENDMENT:**

Replaces the measure.

**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 of the Department of Consumer and Business Services (DCBS) enforces Oregon's occupational safety and health requirements.

Senate Bill 592 A requires the Director of DCBS 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 repeated violations occur within a one-year period at a place of employment. The measure also

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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.