



**DEPARTMENT OF BUSINESS AND INDUSTRY
DIVISION OF INDUSTRIAL RELATIONS**

**Small Business Impact Statement
Proposed Draft Regulations Amending NAC 618
LCB File No. TBD**

EFFECTIVE DATE OF REGULATION:
Upon filing with the Nevada Secretary of State

1. Background

The proposed permanent regulations amend Chapter 618 of the Nevada Administrative Code (NAC) by amending provisions related to the reduction of penalties assessed against employers for OSHA violations, updating addresses, and increasing the amount of construction costs for the definition of “construction project” among other things.

The first amendment is intended to align Nevada OSHA’s penalty reduction provisions with a Federal Program Change that updates parts of Chapter 6 of the Federal Operations Manual (FOM). Under this new guidance, several of OSHA’s penalty reduction factors—quick fix, history, and size—have been adjusted to expand the number of employers potentially eligible for the reductions and to expand the reduction amounts themselves. The second amendment is intended to simplify OSHA’s mailing and contact addresses to reduce the need for future amendments related to address changes. The third amendment is intended to increase the amount of construction costs for the definition of “construction project” to account for inflation.

The Occupational Safety & Health Administration (OSHA) section of the Division of Industrial Relations (DIR) has determined that the proposed amendments should not have a negative financial impact upon a small business. The proposed regulations are also not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

2. A description of the way comments were solicited from affected small businesses, a summary of their responses, and an explanation of the manner in which other interested persons may obtain a copy of the summary.

ANSWER: To determine whether the proposed regulations are likely to have an impact on small businesses, the DIR considered the purpose and scope of the proposed regulations as set forth above in Answer 1 above.

Prior to conducting the small business impact survey, the DIR received input on the proposed changes with key industry stakeholders. On October 29, 2025, the DIR sent a Small Business Impact Statement Questionnaire to interested parties on the DIR's Safety and Health Consultation and Training (SCATS) section's Listserv, which includes 4,215 recipients. Additionally, on October 29, 2025, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The Questionnaire inquired from small businesses whether they believed there would be any economic effects, adverse or beneficial, direct or indirect, on their respective businesses from the proposed regulation. The DIR also placed a link to the Questionnaire on the OSHA website for interested parties to complete, should they choose. The deadline to return the questionnaire was November 3, 2025. As of this date, the DIR received four (4) responses, only three (3) of which were from small businesses as defined by NRS 233B.0382, which may be summarized as follows:

- (1) Richard Sparkman, Facility Director, Shelby American, Inc. – Mr. Sparkman indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on his business.
- (2) George Allen, Risk Safety Manager, Saddle West Hotel, Casino and RV Resort – Mr. Allen indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on his business.
- (3) Christine A. May, President, Bergdahl Associates, Inc. – Ms. May indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on her business.

Any other persons interested in obtaining a copy of the summary may mail or email a request to:

Amber Williams, Esq.
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Based on the results of the survey, the Division determined that the proposed permanent regulations will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial.

3. The manner in which the analysis was conducted.

ANSWER: See Answer 2 above.

4. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:

- (a) Direct and indirect adverse effects
- (b) Direct and indirect beneficial effects.

ANSWER: The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. As to the proposed first amendment set forth in Answer 1 above, there may be a direct beneficial effect as the number of employers potentially eligible for penalty reductions and the reduction amounts themselves have been expanded. There will be no direct or indirect cost to regulated or small businesses.

- 5. Describe the methods that the agency considered to reduce the impact of the proposed regulation on small businesses and a statement regarding whether the agency actually used any of those methods.**

ANSWER: Because there will be no adverse impacts on small businesses in general, there are no methods available to reduce the impact the Division could have considered.

- 6. The estimated cost to the agency for enforcement of the proposed regulation.**

ANSWER: The proposed regulations present no significant foreseeable or anticipated cost for enforcement of this regulation.

- 7. If the proposed regulation provides a new fee or increases an existing fee, the total annual amount the agency expects to collect and the manner in which the money will be used.**

ANSWER: The proposed regulations do not provide for a new fee or increase an existing fee payable to the DIR.

- 8. If the proposed regulation includes provisions which duplicate or are more stringent than federal, state or local standards regulating the same activity, an explanation of why such duplicative or more stringent provisions are necessary.**

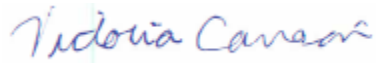
ANSWER: The proposed permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, but do align with provisions of a Federal Program Change updating Chapter 6 of Federal OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), issued April 14, 2020, directive dated July 2, 2025, available at <https://www.osha.gov/fom/chapter-6>. State Plans, as a part of their State Plan, may, but are not required to, make these same or at least as effective changes in order to remain at least as effective as the Federal program and satisfy the obligation of equivalency required in respect to the FOM as a whole. The proposed regulation does not include any provisions that are more stringent than existing federal, state, or local standards.

- 9. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

ANSWER: The DIR complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments as set forth above in Answer 1. The DIR made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restricts the formation, operation, or expansion of a small business as set forth above in Answer 2. Thus, the DIR determined that the regulations will have no adverse effect on small businesses, will not impose any significant economic burden upon small businesses, and will not restrict the formation, operation or expansion of small businesses.

I, Victoria Carreón, Administrator of the Division of Industrial Relations, certify that, to the best of my knowledge or belief, a concerted effort was made to determine the impact of the proposed regulation on small business, and that the information contained in the statement above was prepared properly and the information contained herein is accurate.

Dated this 13th day of November 2025.



Victoria Carreón, Administrator
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