



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

**INFORMATIONAL STATEMENT OF ADOPTED PERMANENT REGULATIONS
AS REQUIRED BY NRS 233B.066**

The following informational statement as required by NRS 233B.066 is submitted for the adopted permanent amendments to Nevada Administrative Code (NAC) Chapter 618 as follows:

1. EXPLANATION OF THE NEED FOR THE ADOPTED PERMANENT REGULATION

Current Nevada Administrative Code (NAC) Chapter 618 establishes provisions for workplace safety and health, including penalties for violations, administrative processes, and definitions relevant to construction projects. 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.

2. DESCRIPTION OF HOW PUBLIC COMMENT WAS SOLICITED, A SUMMARY OF PUBLIC RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

Copies of the proposed regulation, notice of workshop, and notice of intent to act upon the permanent regulations were publicly posted and sent by e-mail to persons who were known to have an interest as well as any persons who had specifically requested such notice. Moreover, 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, 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.

These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings> and were also posted at the following locations:

The State of Nevada Website (www.notice.nv.gov)

The Nevada State Legislature Website (<http://leg.state.nv.us/App/Notice/A/>)

The Division of Industrial Relations Website (<http://dir.nv.gov/Meetings/Meetings>)

The information for the Public Workshop and Adoption Hearing was also physically posted at the Division's offices, located at Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102, and 1886 College Parkway, Suite 110, Carson City, Nevada 89706.

The Division held a Public Workshop on December 2, 2025, regarding the permanent regulation (R110-25), to solicit comments on the proposed regulation. At the conclusion of the Public Workshop, the Division invited members of the public to submit written public comments. Thereafter, the Division held an Adoption Hearing on the permanent regulation (R110-25) on May 8, 2026. Again, after the conclusion of the Public Adoption Hearing, the Division invited members of the public to submit written public comments.

A summary of the comments is below in Section 3 and may also be obtained by contacting Samantha O'Brien, Legal Research Assistant I, Division of Industrial Relations, 702-486-9014, or by writing to the Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 300, Las Vegas, Nevada 89102.

3. THE NUMBER OF PERSONS WHO:

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| a. Attended the December 2, 2025 Public Workshop (R110-25): | 9 |
| b. Testified at the December 2, 2025 Public Workshop (R110-25): | 1 |
| c. Attended the May 8, 2026 Public Hearing (R110-25): | 16 |
| d. Testified at the May 8, 2026 Public Hearing (R110-25): | 1 |
| e. Submitted Written Comments Related to December 2, 2025 Workshop: | 2 |
| f. Submitted Written Comments Related to May 8, 2026 Public Hearing: | 1 |

4. FOR EACH PERSON IDENTIFIED IN PARAGRAPHS (c) through (i) OF NUMBER 3 ABOVE, THE FOLLOWING INFORMATION, IF PROVIDED TO THE AGENCY CONDUCTING THE HEARING:

December 2, 2025, Public Workshop (R110-25)	
1	Name: Misty Grimmer Telephone number: None Provided Business address: None Provided Business telephone number: None Provided Electronic mail address: None Provided Name or organization represented: Ferraro Group obo the NV Resorts Association Summary of comment: Misty Grimmer, representing the Ferraro Group on behalf of the Nevada Resort Association, thanked OSHA for the opportunity to provide

	public comment and noted that she has also submitted written comments. She stated that while she understands the reasoning behind increasing penalty reductions for small businesses, she questioned why the proposed regulations do not offer similar good-faith incentives for large employers who also demonstrate responsible compliance. She further raised a concern regarding Section 2 of NAC 618.XXX(2)(d)(3), specifically noting that the penalty adjustment for prior history of serious, repeat, willful, or failure-to-abate violations has been increased from 10 percent to 20 percent.
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May 8, 2026, Public Hearing (R110-25)	
1	Name: Cheri Harris Telephone number: None Provided Business address: None Provided Business telephone number: None Provided Electronic mail address: None Provided Name or organization represented: None Provided Summary of comment: Cheri Harris commented that the proposed amendments to NAC 618 weaken deterrence, reduce workplace safety, and may shift costs to state and federal programs. She questions why no required public impact analysis was completed under NRS 233B and asks the Division to clarify whether it evaluated the effects on workers, families, and public systems. She also requests confirmation that the regulatory process followed Nevada law. Senior Counsel, Amber Williams, instructed her to email her questions for a direct response.

5. DESCRIPTION OF HOW COMMENT WAS SOLICITED FROM AFFECTED BUSINESSES, A SUMMARY OF THEIR RESPONSE, AND AN EXPLANATION OF HOW OTHER INTERESTED PERSONS MAY OBTAIN A COPY OF THE SUMMARY.

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. 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.
Division of Industrial Relations – Division Counsel
2300 W. Sahara Avenue, Ste. 300
Las Vegas, Nevada 89102
Email: amwilliams@dir.nv.gov

6. IF THE REGULATION WAS ADOPTED WITHOUT CHANGING ANY PART OF THE PROPOSED REGULATION, A SUMMARY OF THE REASONS FOR ADOPTING THE REGULATION WITHOUT CHANGE.

The regulation was adopted without changes because all comments received during the public workshop were fully considered, and none indicated a need to modify the proposed regulation. The division concluded that the adopted version appropriately meets the regulatory objectives as written.

7. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESSES WHICH IT IS TO REGULATE AND ON THE PUBLIC. THESE MUST BE STATED SEPARATELY, AND IN EACH CASE MUST INCLUDE:

A. ADVERSE AND BENEFICIAL EFFECTS

1. Effect on Businesses

The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as a result of these regulations. The adverse effects, if any, are difficult to determine at this time. 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.

2. Effect on the Public

The Division does not anticipate any adverse or beneficial effects, either direct or indirect, on the public as the result of these regulations. There will be no direct or indirect cost to the public.

B. IMMEDIATE AND LONG-TERM EFFECTS

1. Effect on Businesses

The Division does not anticipate any immediate or long-term effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations. There will be no direct or indirect costs to regulated or small businesses.

2. Effect on the Public

The Division does not anticipate any immediate or long-term effects, either adverse or

beneficial, on the public as a result of these regulations. There will be no direct or indirect costs to the public.

8. THE ESTIMATED COST TO THE AGENCY FOR ENFORCEMENT OF THE PROPOSED REGULATION

The Division does not anticipate incurring any additional cost for these proposed permanent regulations.

9. DESCRIPTION OF ANY REGULATIONS OF OTHER STATE OR GOVERNMENT AGENCIES WHICH THE PROPOSED REGULATIONS OVERLAPS OR DUPLICATES AND A STATEMENT EXPLAINING WHY THE DUPLICATION OR OVERLAPPING IS NECESSARY. IF THE REGULATION OVERLAPS OR DUPLICATES A FEDERAL REGULATION, THE NAME OF THE REGULATING FEDERAL AGENCY.

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.

10. IF THE REGULATION INCLUDES PROVISIONS WHICH ARE MORE STRINGENT THAN A FEDERAL REGULATION WHICH REGULATES THE SAME ACTIVITY, A SUMMARY OF SUCH PROVISIONS.

The proposed regulation does not include any provisions that are more stringent than existing federal, state, or local standard.

11. IF THE REGULATION PROVIDES A NEW FEE OR INCREASES AN EXISTING FEE, THE TOTAL AMOUNT THE AGENCY EXPECTS TO COLLECT AND THE MANNER IN WHICH THE MONEY WILL BE USED.

The proposed regulation does not provide for a new fee and does not increase an existing fee payable to the Division.

Dated this 20th day of May, 2026.

DIVISION OF INDUSTRIAL RELATIONS



By: _____

Victoria Carreón
Administrator, Division of Industrial Relations
2300 W. Sahara Ave., Ste. 300
Las Vegas, Nevada 89102