

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

**IN THE MATTER OF THE ADOPTION OF
PERMANENT REGULATION RELATING TO
OCCUPATIONAL SAFETY; PROVIDING FOR
CERTAIN HEALTH AND SAFETY TRAINING FOR
EMPLOYEES IN THE ENTERTAINMENT AND
CONVENTION SERVICES INDUSTRIES; AND
PROVIDING OTHER MATTERS PROPERLY
RELATING THERETO.**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R048-20**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments Chapter 618 of the Nevada Administrative Code (NAC).

1. A clear and concise explanation of the need for the adopted regulation.

The Division of Industrial Relations, Occupational Safety and Health Administration (OSHA) proposed changes to Chapter 618 of the NAC. The Division of Industrial Relations was required to adopt regulations to carry out the NRS 618.9901 through 618.9913 (enacted in Assembly Bill 190, chapter 105, Statutes of Nevada 2017, at page 467) for the entertainment industry and NRS 618.9920 through 618.9931 (enacted in Senate Bill 119, chapter 92, Statutes of Nevada 2019, at page 490) for the convention services industry. In addition, the Division is required to adopt regulations approving the OSHA 10/30 courses for certain employees in these industries and setting forth guidelines for job-specific training to qualify as continuing education as provided in NRS 618.9909 for the entertainment industry and NRS 618.9927 for the convention services industry.

2. A description of how public comment was solicited, a summary of public responses, 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 a regulation were sent by e-mail to 2,499 and 2,487 persons, respectively, who were known

to have an interest in the subject of Chapter 618 of the NAC concerning the Occupational Safety and Health Administration, as well as any persons who had specifically requested such notice. These documents were also made available at the websites of the State of Nevada and the Department of Business and Industry, Division of Industrial Relations (www.dir.nv.gov/Meetings/Meetings).

The requirements set forth in NRS 241.020(4)(a) for the physical posting of agendas for public meetings was suspended in Governor Sisolak's March 22, 2020 Declaration of Emergency Directive 006.

A copy of this summary of the public response to the proposed regulations may be obtained from Donald C. Smith, Esq. at the Division of Industrial Relations, Legal Department, 3360 W. Sahara Ave., #250, Las Vegas, NV 89102, telephone at 702-486-9071, or e-mail to donaldsmith@dir.nv.gov.

3. The number of persons who:

- (a) Attended each hearing;
- (b) Testified at each hearing; and
- (c) Submitted to the agency written comments.

4. For each person identified in paragraphs (b) and (c) of number 3 above, the following information, if provided to the agency conducting the hearing:

- (a) Name;
- (b) Telephone number;
- (c) Business address;
- (d) Business telephone number;
- (e) Electronic mail address; and
- (f) Name of entity or organization represented.

At the **October 7, 2020, Workshop**, which was held by Webex videoconference, also available by telephone and streamed on Microsoft Linc and Skype, sixteen (16) people attended; with no testimony or comments being offered.

No written comments were received for the October 7, 2020 public workshop or during the comment period through October 14, 2020.

At the **December 15, 2020, public hearing** on adopting the regulations, which was held by Webex videoconference; also available by telephone and streamed on Microsoft Linc and Skype, three (3) people attended and there was no testimony elicited.

No written comments were received on or before the December 22, 2020 deadline, following the December 15, 2020 public hearing regarding the adoption of these regulations.

5. A description of how comment was solicited from affected businesses, a summary of their response, and an explanation how other interested persons may obtain a copy of the summary.

The Division contacted numerous companies involved in the entertainment industry and convention services industry. For the entertainment industry, the Division has been conducting OSHA 10 and 30 hour safety classes for approximately two (2) years and no testimony or comments were received regarding these regulations which relate to this required safety training. For the convention services industry, many companies including, but not limited to, Freeman, GES, Las Vegas Convention and Visitor's Authority, Mandalay Bay and Sands Expo, were contacted. None of the operations contacted responded to the proposed regulation notifications and testified at the Workshop or Adoption Hearing.

A copy of this summary of the public response to the proposed regulations may be obtained from Donald C. Smith, Esq. at the Division of Industrial Relations, Legal Department, 3360 W. Sahara Ave., #250, Las Vegas, NV 89102, by telephone at 702-486-9070, or e-mail to donaldcsmith@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 regulations without change.

No revisions were suggested at the October 7, 2020 workshop or December 15, 2020 adoption hearing and no written comments were received by October 15, 2020 or December 22, 2020.

7. The estimated economic effect of the adopted regulation on the businesses which it is to regulate and on the public. These must be stated separately, and each case must include:

- (a) Both adverse and beneficial effects; and**
- (b) Both immediate and long-term effects.**

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. There will be no direct or indirect cost to regulated or small businesses.

The Division believes that there will be no beneficial effects, either direct or indirect, on regulated or small businesses as the result of these regulations.

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

The Division does not anticipate any 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.

The Division anticipates no adverse 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.

The Division believes that there will be no beneficial effects, either direct or indirect, on the public as the result of these regulations.

The Division does not anticipate any immediate 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.

The Division does not anticipate any 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 adopted regulation.

There is no additional cost to the agency for enforcement of these regulations.

9. A description of any regulations of other state or government agencies, which the proposed regulation 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.

There are no other state or government agency regulations that the proposed regulations duplicate.

10. If the regulation includes provisions that are more stringent than a federal regulation which regulates the same activity, a summary of such provisions.

The proposed regulations do not include any provisions which duplicate or are more stringent than existing federal, state or local standards.

11. If the 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.

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

12. Is the proposed regulation likely to impose a direct and significant economic burden upon a small business or directly restrict the formation, operation or expansion of a small business? What methods did the agency use in determining the impact of the regulation on a small business?

The Administrator has determined that the proposed regulation does not impose a direct and significant economic burden upon a small business or restrict the formation, operation or expansion of a small business.

Dated this 6th day of January, 2021.

By: */s/ Donald C. Smith*
Donald C. Smith, Esq., Division Counsel
Department of Business and Industry
Division of Industrial Relations
3360 W. Sahara Ave., #250
Las Vegas, NV 89102