

**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; REVISING AND REPEALING
OBSOLETE PROVISIONS RELATING
TO THE EXPIRATION AND RENEWAL
OF COMPLETION CARDS FOR OSHA-
10 AND OSHA-30 COURSES; AND
PROVIDING OTHER MATTERS
PROPERLY RELATING THERETO.**

**LEGISLATIVE REVIEW OF ADOPTED REGULATIONS
AS REQUIRED BY NRS 233B.066
LCB FILE NO. R071-15**

INFORMATIONAL STATEMENT

The following statement is submitted for adopted amendments to and repeal of provisions contained in Nevada Administrative Code (NAC), Chapter 618.

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

The Division of Industrial Relations, Occupational Health and Safety Administration's proposed amendments to NAC 618.990, 618.9912, 618.9914 and 618.9917 and repeal of NAC 618.9902, 618.9906, 618.991, 618.9923, 618.9925 and 618.9927 are necessary to comply with NRS 618.983, as amended by Section 2 of Senate Bill 233, Chapter 240, Statutes of Nevada 2015, at page 3657, which eliminated the OSHA-10 and OSHA-30 renewal courses and cards.

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, notices of workshop and notices of intent to act upon a regulation were sent by U.S. mail and e-mail to over 85 persons who were known to have an interest in the subject of Chapter 618 of the Nevada Administrative Code ("NAC"), 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, Occupational Safety and Health Administration's website

(www.dirweb.state.nv.us/OSHA/osha.htm), mailed to all county libraries in Nevada and posted at the following locations:

Division of Industrial Relations
400 W. King Street, #210
Carson City, NV 89703

Department of Business and Industry
555 E. Washington Ave., #4900
Las Vegas, NV 89101

Nevada OSHA
1301 N. Green Valley Pkwy., #200
Henderson, NV 89074

Nevada OSHA
4600 Kietzke Lane, Bldg. F, #153
Reno, NV 89502

Grant Sawyer Building
555 E. Washington Ave,
Las Vegas, NV 89101

Bradley Building
2501 E. Sahara Ave.
Las Vegas, NV 89104

Nevada State Library, Archives and Public Records
100 Stewart Street
Carson City, NV 89701

A Workshop was held via videoconference on November 4, 2015, at 1:30 p.m. at Nevada OSHA, 1301 N. Green Valley Pkwy., 1st Floor, Video Conference Room, Henderson, Nevada; and Nevada OSHA, 4600 Kietzke Lane, Bldg. F, #153, Video Conference Room, Reno, Nevada.

On or about December 10, 2015, the Administrator of the Department of Business and Industry, Division of Industrial Relations (Administrator), issued a Notice of Intent to Act on Proposed Regulations. Public hearings were held on January 20, 2016, at 1:30 p.m. at the Division of Industrial Relations, 1st Floor, Video Conference Room, 1301 N. Green Valley Parkway, Henderson, Nevada and at Nevada OSHA, 4600 Kietzke Lane, Building F, #153, Video Conference Room, Reno, Nevada.

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, 1301 N. Green Valley Pkwy., #200, Henderson, NV 89074, 702-486-9070, or e-mail to donaldcsmith@business.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 **November 4, 2015, Workshop**, which was held at two sites via videoconference, in Las Vegas, no one attended, and in Carson City, three (3) attended, with testimony received from one (1) attendee. A summary of the testimony at this public hearing follows:

Brian Reeder, Associated General Contractors, Nevada Chapter, 5400 Mill Street, Reno, Nevada 89502; Telephone: 775-329-6116; E-mail: brianr@nevadaagc.org.

We appreciate the opportunity to come in and comment. Everything looks good to us. We were in support of the Bill during the Legislative Session and as far as we can tell these Regulations match what the Bill says—it looks good.

No written comments were received following the November 4, 2015 public workshop.

At the **January 20, 2016, public hearing** on adopting the regulations, which was held in Henderson, no one attended, and in Reno, Nevada, one (1) attended and there was no testimony proffered.

No written comments were received by the January 27, 2016 deadline, following the January 20, 2016 public hearings 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.

To determine whether the amendments to NAC 618.990, 618.9912, 618.9914 and 618.9917 and repeal of NAC 618.9902, 618.9906, 618.991, 618.9923, 618.9925 and 618.9927 are likely to have an impact on small businesses, the Division considered the purpose and scope of the potential proposed amendments and repeals to NRS 618.983 as amended by the 2015 Legislature in SB 233, Sec. 2, effective June 10, 2015. Based on this review, the Division determined that these regulations will only have a beneficial financial impact on small businesses and will have no indirect effect on small businesses. This regulation will not restrict the formation, operation or expansion of a small business. This regulation merely reflects the amendment to NRS 618.983, which eliminated the OSHA-10 and OSHA-30 renewal courses and cards. The time and expense of a business' employees attending and completing these renewal courses no longer exists.

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.

The permanent regulation was adopted on February 2, 2016. As there was no testimony at the public hearing and no written comments received regarding the proposed regulation, no changes were made.

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 businesses and the public as the result of the adoption of these regulations.

The Division anticipates a beneficial financial impact, both direct and indirect, on regulated businesses and the public as a result of the adoption of these regulations, as the time and expense of a business' employees attending and completing the OSHA-10 and OSHA-30 renewal courses no longer exists.

The Division anticipates no immediate effects, either adverse or beneficial, on regulated businesses and the public as this regulation merely reflects the amendment to NRS 618.983, which eliminated the OSHA-10 and OSHA-30 renewal courses and cards.

The Division anticipates no adverse long term effects on businesses and the public with the implementation of these adopted regulations. The Division anticipates beneficial long term effects on businesses and the public with the implementation of these adopted regulations, as the time and expense of a business' employees attending and completing the OSHA-10 and OSHA-30 renewal courses no longer exists. .

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 regulations do 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 regulations do 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 2nd day of February, 2016.

By: /s/
Donald C. Smith, Esq., Division Counsel
Department of Business and Industry
Division of Industrial Relations
1301 N. Green Valley Pkwy., #200
Henderson, NV 89074