



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

**NOTICE OF INTENT TO ACT  
ON PROPOSED PERMANENT REGULATIONS  
And  
HEARING AGENDA**

**Notice of Hearing for the Adoption of Regulations  
of the Division of Industrial Relations,  
Department of Business and Industry  
October 22, 2024 at 1:00 p.m.  
LCB File No. R131-24**

You are hereby given notice that the Division of Industrial Relations of the Department of Business and Industry, State of Nevada (“Division”) will conduct a public hearing on proposed permanent regulations amending Chapter 618 of the Nevada Administrative Code (“NAC”).

**The public hearing on these proposed regulations will be conducted in person, via Webex, and by phone on October 22, 2024 at 1:00 p.m. Webex allows for video and teleconferencing. Members of the public may attend and participate in this meeting in the following ways:**

**Webex Access**

Meeting Link:

<https://nvbusinessandindustry.webex.com/nvbusinessandindustry/j.php?MTID=mc8323521c4dbdb465d709b1281d4e0b4>

Meeting number (access code): 2630 528 8130

Meeting password: dwNgMu66S93

Tap to join from a mobile device (attendees only):

+1-415-655-0001, 26305288130 ## US toll

Need help? Go to <https://help.webex.com/>

**Physical Location**

Division of Industrial Relations, Workers’ Compensation Section  
2300 W. Sahara Avenue, Suite 750, Las Vegas, NV 89102

Pursuant to NRS 233B.0608 and 233B.0609, the Division is providing the following statements pertaining to the hearing on the proposed additions and amendments to Chapter 618 of the NAC.

The need and purpose of the proposed revisions to regulations: *Recent data indicates a surge in complaints and workplace injuries due to heat illness. The Division of Industrial Relations, Occupational Safety and Health Administration (“OSHA”) has a statutory duty to prevent or abate hazards to the safety and health of employees and to adopt such regulations as are necessary to provide safe and healthful employment in those employments within its jurisdiction. Given its statutory duties, and to address the need for specific heat illness regulations based on recent data, OSHA seeks to adopt regulations to prevent or abate heat illness in the workplace. Said regulations are needed to protect the safety and health of Nevada workers and to clarify non-exempt employers’ duties when employees are exposed to hazardous working conditions that may cause occupational exposure to heat illness.*

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

(a) Regulated businesses:

(i) Adverse and beneficial effects:

*The Division determined that this regulation may have a small direct adverse effect on small businesses. The possible direct adverse effect on small businesses may include the time and cost for non-exempt employers to perform and prepare a one-time job hazard analysis to assess working conditions that may cause occupational exposure to heat illness. Additionally, non-exempt employers may expend time and incur costs for developing, implementing, and training for the management of heat illness in their written safety program as required by NRS 618.383.*

*The Division believes that there will be direct beneficial effects on small businesses as a result of these regulations due to reduced employee injuries and lost time from occupational exposure to heat illness, as well as improved employee situational awareness of their job conditions.*

(ii) Immediate and long-term effects:

*The Division does not anticipate any immediate effects, either adverse or beneficial, on regulated and small businesses as a result of these regulations mitigating heat stress in the workplace. The adverse effects, if any, are difficult to determine at this time but may include the cost of providing a means of cooling for employees, as well as the costs for developing, implementing, and training on heat illness.*

*The Division does not anticipate any substantial long-term adverse effects on regulated and small businesses as a result of these regulations, but there will likely be long-term beneficial effects due to reduced employee lost time from heat illness and improved employee situational awareness of their job conditions. There may be some long-term direct or indirect costs to regulated or small businesses associated with the ongoing costs related to implementing, training, and carrying*

*out the measures in the employer's written safety program.*

(b) The public:

(i) Adverse and beneficial effects:

*The Division anticipates no adverse effects, either direct or indirect, on the public as the result of these regulations mitigating heat stress on employees at the workplace. 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.*

(ii) Immediate and long-term effects:

*The Division does not anticipate any immediate effects, either adverse or beneficial, on the public as a result of these regulations mitigating heat stress on employees at the workplace. 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.*

The estimated cost to the Division for enforcement of the proposed regulations: *The Division does not anticipate incurring any additional cost for these proposed permanent regulations.*

The Division believes that the proposed regulation does not overlap or duplicate any existing regulation. *The proposed regulation is not required by federal law and there is no equivalent federal law.*

The Division invites representatives of regulated businesses and the public to attend the public hearing and/or prepare written and/or oral comments concerning the proposed regulations. A copy of the proposed language for LCB File No. R131-24, may be downloaded from the Division's website: <http://dir.nv.gov/Meetings/Meetings/>. Before the Public Hearing, persons may submit written comments to Christopher A. Eccles, Esq., Senior Division Counsel, Division of Industrial Relations, 2300 W. Sahara Avenue, Ste. 740, Las Vegas, Nevada 89102 or by email to [ceccles@dir.nv.gov](mailto:ceccles@dir.nv.gov). If no person who is directly affected by the proposed regulation appears to make oral comments, the Division may proceed immediately to act upon any written submissions.

Persons with disabilities who require special accommodations or assistance at the public hearing must notify Heather Wilson, at the Division of Industrial Relations, 2300 W. Sahara Ave., Ste. 740, Las Vegas, Nevada 89102, or by calling (702) 486-9100 at least three (3) working days prior to the scheduled hearing date.

A copy of this notice and the proposed regulations are available at the Division's web page (<http://dir.nv.gov/Meetings/Meetings/>). This notice and the text of the proposed regulations are also in the State of Nevada Register of Administrative Regulations, which is prepared and published monthly by the Legislative Counsel Bureau pursuant to NRS 233B.0653, and on the internet at <http://www.leg.state.nv.us>. Copies of this notice and the proposed regulations will also be mailed to members of the public upon request. A reasonable fee may be charged for copies if it is deemed necessary.

Notice required by NRS 233B.064: Upon adoption of any regulation, the agency (the Division), if requested to do so by an interested person, either before adoption or thirty days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted on Nevada's notice website: <http://leg.state.nv.us/App/Notice/A/>; State of Nevada notice website: <https://notice.nv.gov>; and the Division's website: <http://dir.nv.gov/Meetings/Meetings>, as set forth in NRS 241.020(4)(b) and (4)(c). A copy of the Notice and the proposed permanent regulation to be adopted and/or amended is on file and has also been posted at the following locations: Division of Industrial Relations, 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102; and 1886 College Parkway, Suite 110, Carson City, NV 89706.

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

**Notice:** (1) Items on the Agenda may be taken out of order; (2) the Division may combine two or more Agenda items for consideration; and (3) the Division may remove an item on the Agenda at any time.

**I. Call to Order.**

**II. Public Comment.** The opportunity for public comment is reserved for any matter listed below on the Agenda as well as any matter within the jurisdiction of the Division. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.

**III.** Discussion of Proposed Permanent Regulations – LCB File No. R131-24, amendment of regulations that pertain to Chapter 618 of the Nevada Administrative Code.

**IV. Public Comment.** The opportunity for public comment is reserved for any matter within the jurisdiction of the Division. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.

**V. Adjournment.**

**REVISED PROPOSED REGULATION OF THE  
DIVISION OF INDUSTRIAL RELATIONS OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB File No. R131-24**

July 22, 2024

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1-12, NRS 618.295, 618.315 and 618.383.

A REGULATION relating to occupational safety and health; imposing certain duties on employers of employees who are exposed to certain hazardous conditions that may cause heat illness; requiring an employer to provide certain employees with training relating to the hazards of heat illness; exempting the applicability of certain requirements for employees who work in certain climate-controlled environments; imposing certain duties on an employer of an employee who shows signs of possible heat illness; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt such regulations as are necessary to provide safe and healthful employment in those employments within its jurisdiction. (NRS 618.295) Under existing law, employers with more than 10 employees and employers, other than employers in the mining industry, who have employees engaged in the manufacture of explosives are required to establish a written safety program. (NRS 618.383) **Section 5** of this regulation: (1) requires an employer who is required to establish a written safety program to perform and prepare a one-time, written analysis of the hazards associated with a job to assess the working conditions that may cause occupational exposure to heat illness; and (2) sets forth certain items which must be included in such an analysis.

**Section 6** of this regulation provides that, if, based on the analysis performed pursuant to **section 5**, the employer determines that an employee is exposed to hazardous working conditions that may cause occupational exposure to heat illness, the employer is required to: (1) designate a person who is authorized and able to perform certain functions, including the coordination of emergency medical services for an employee; and (2) address, in the employer’s written safety program, potential hazardous working conditions that may cause heat illness for employees. **Section 6** also specifies certain items which must be included in a written safety program that addresses potential hazardous working conditions that may cause occupational exposure to heat illness.

**Section 7** of this regulation: (1) requires an employer to provide a training program for employees who are employed in job classifications having certain occupational exposures relating to heat illness; and (2) establishes certain requirements of such a training program.

**Section 8** of this regulation requires measures implemented by an employer to prevent or mitigate the risk of occupational exposure to heat illness to reasonably mitigate that risk for affected employees.

**Section 9** of this regulation provides that certain provisions of this regulation do not apply to employees who work indoors in a climate-controlled environment, including a motor vehicle with a properly functioning climate control system. **Section 9** also imposes certain duties on an employer if a climate control system becomes nonfunctional or does not effectively address the hazard of heat illness.

**Section 10** of this regulation sets forth certain actions which an employer is required to take when an employee shows signs of possible heat illness.

**Section 11** of this regulation: (1) provides that an employer is not precluded from providing protections that exceed the requirements of this regulation; (2) prohibits a collective bargaining agreement from waiving or reducing the requirements of this regulation; (3) provides that the provisions of this regulation do not relieve an employer from its contractual obligations under a collective bargaining agreement; and (4) requires a copy of a collective bargaining agreement to be made available upon request by the Division.

**Section 12** of this regulation provides that the provisions of this regulation do not affect the applicability of existing law governing industrial insurance and compensation for workplace injuries and occupational diseases.

**Section 3** of this regulation defines the medical conditions that constitute “heat illness” for the purposes of this regulation, and **section 4** of this regulation defines certain working conditions that create a risk of “occupational exposure to heat illness” for the purposes of this regulation.

**Section 1.** Chapter 618 of NAC is hereby amended by adding thereto the provisions set forth as sections 2 to 12, inclusive, of this regulation.

**Sec. 2.** *As used in sections 2 to 12, inclusive, of this regulation, unless the context otherwise requires, the words and terms defined in sections 3 and 4 of this regulation have the meanings ascribed to them in those sections.*

**Sec. 3.** *“Heat illness” means a medical condition resulting from the inability of the body to cope with a particular heat load and includes, without limitation, heat cramps, heat rash, heat exhaustion, fainting and heat stroke.*

**Sec. 4.** *“Occupational exposure to heat illness” means any working condition that creates the reasonable likelihood that heat illness could occur, including, without limitation:*

- 1. Air temperature;*
- 2. Relative humidity;*
- 3. Radiant heat from the sun or other sources;*
- 4. Conductive heat from the ground or other sources;*
- 5. The movement of air;*
- 6. The severity and duration of workloads; and*
- 7. Protective clothing and personal protective equipment worn by an employee.*

**Sec. 5.** *1. Except as otherwise provided in section 9 of this regulation, an employer who is required to establish a written safety program pursuant to NRS 618.383 shall perform and prepare a one-time, written job hazard analysis to assess working conditions that may cause occupational exposure to heat illness. Such a job hazard analysis must be performed:*

*(a) Before a task for a job is undertaken for the first time by an employee of the employer; and*

*(b) Whenever a task for a job performed by an employee of the employer materially changes.*

*2. A written job hazard analysis performed pursuant to subsection 1 must include, without limitation:*

*(a) A list of all job classifications of the employer in which the majority of employees in those classifications have occupational exposure to heat illness for more than 30 minutes of any 60-minute period, not including breaks; and*



*(b) A list of all tasks and procedures, or groups of closely related tasks and procedures, performed by employees of the employer:*

*(1) In which occupational exposure to heat illness may occur; and*

*(2) Which are performed by employees in job classifications that are included in the list required by paragraph (a).*

*3. In conducting a job hazard analysis pursuant to this section, the employer shall assess the working conditions of a job without consideration of whether or not an employee in the job being analyzed would have access to water, rest or shade.*

*Sec. 6. 1. If, based on the job hazard analysis performed pursuant to section 5 of this regulation, an employer determines that an employee of the employer is exposed to hazardous working conditions that may cause occupational exposure to heat illness, the employer shall:*

*(a) Designate a person to perform the functions set forth in subsection 2; and*

*(b) Include in the written safety program required by NRS 618.383 provisions that address potential hazardous working conditions that may cause occupational exposure to heat illness.*

*2. The person designated by an employer pursuant to paragraph (a) of subsection 1 must be authorized and able to perform the following functions or designate another employee of the employer to perform the following functions:*

*(a) If an employee of the employer is experiencing signs or symptoms of heat illness that require an emergency response:*

*(1) Contact emergency medical services or ensure that emergency medical services are contacted;*

*(2) Provide, as promptly as possible, all information necessary to enable a provider of emergency medical services to reach the employee, including, without limitation, contact*

*information and directions, or ensure that such information is provided as promptly as possible; and*

*(3) Ensure that, if necessary and appropriate, the employee is transported to a location where a provider of emergency medical services is able to reach the employee.*

*(b) Monitor the working conditions that could create occupational exposure to heat illness; and*

*(c) Carry out the provisions of the written safety program that address occupational exposure to heat illness.*

*3. A written safety program that addresses potential hazardous working conditions that may cause occupational exposure to heat illness must include, without limitation:*

*(a) The provision of potable water, as described in 29 C.F.R. § 1926.51(a)(1). As used in this paragraph, “potable water” has the meaning ascribed to it in 29 C.F.R. § 1910.141(a)(2).*

*(b) The provision of a rest break for an employee who exhibits signs or symptoms of heat illness.*

*(c) The provision of means of cooling for employees.*

*(d) Except as otherwise provided in this paragraph and to the extent practicable, monitoring by the person designated by the employer pursuant to paragraph (a) of subsection 1, or the designee of that person, of working conditions that may create occupational exposure to heat illness. Such monitoring is not required when an employee of the employer is loading or unloading a motor vehicle which operates on public highways of this State.*

*(e) Identification and mitigation of any work process that may generate additional heat or humidity.*

*(f) Training of employees of the employer as necessary to reasonably mitigate the risk of occupational exposure to heat illness.*

*(g) Procedures for responding to an emergency.*

**Sec. 7. 1.** *Except as otherwise provided in section 9 of this regulation, an employer shall provide a training program for each employee who is employed in a job classification identified in paragraph (a) of subsection 2 of section 5 of this regulation.*

*2. A training program provided pursuant to subsection 1 must:*

*(a) Provide information to enable each employee receiving the training to recognize the hazards of heat illness; and*

*(b) Train each employee receiving the training in the procedures to be followed to minimize the hazards of heat illness.*

**Sec. 8.** *Any measure which an employer implements pursuant to section 5, 6 or 7 of this regulation must, at a minimum, reasonably mitigate the risk of occupational exposure to heat illness for the affected employees.*

**Sec. 9. 1.** *The provisions of sections 5 to 8, inclusive, of this regulation do not apply for employees who work indoors in a climate-controlled environment, including, without limitation, a motor vehicle with a properly functioning climate control system.*

*2. If a climate control system for an environment described in subsection 1 becomes nonfunctional or does not effectively address the hazard of heat illness, the employer shall:*

*(a) Make a good faith effort to reestablish an effective climate control system as soon as practicable; and*

*(b) Until the climate control system is rendered effective, implement measures that address potential hazards that could cause heat illness for employees.*

**Sec. 10.** *If an employee shows signs of possible heat illness, his or her employer shall:*

- 1. Carry out the measures in the written safety program of the employer as required by subsection 3 of section 6 of this regulation; and*
- 2. Require the person designated by the employer pursuant to paragraph (a) of subsection 1 of section 6 of this regulation, or a designee of that person, to monitor the employee to determine whether medical attention is necessary.*

**Sec. 11.** *1. An employer, on its own or under a collective bargaining agreement with a labor union, is not precluded from providing protections that exceed the requirements of sections 2 to 12, inclusive, of this regulation.*

*2. A collective bargaining agreement must not waive or reduce the requirements of sections 2 to 12, inclusive, of this regulation.*

*3. Nothing in the provisions of sections 2 to 12, inclusive, of this regulation relieves an employer from its contractual obligations under a collective bargaining agreement.*

*4. A copy of a collective bargaining agreement must be made available upon request by the Division.*

**Sec. 12.** *The provisions of sections 2 to 12, inclusive, of this regulation do not affect the applicability of chapters 616A to 616D, inclusive, or chapter 617 of NRS.*



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

**SMALL BUSINESS IMPACT STATEMENT**  
AS REQUIRED BY NRS 233B.0608 AND 233B.0609  
LCB File No. R131-24

August 13, 2024

**Note: Small Business is defined as “a business conducted for profit which employs fewer than 150 full-time or part-time employees.” (NRS 233B.0382).**

**1. Describe the manner in which comment was solicited from affected small businesses, a summary of their response 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 Division considered the purpose and scope of the proposed regulations. The proposed regulation relates to occupational safety and health, imposing certain duties on employers of employees who are exposed to certain hazardous conditions that may cause heat illness; requiring an employer to provide certain employees with training relating to the hazards of heat illness; exempting the applicability of certain requirements for employees who work in certain climate-controlled environments; imposing certain duties on an employer of an employee who shows signs of possible heat illness; and providing other matters properly relating thereto.

In addition, on July 25, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division’s Listserv, which includes 4,141 recipients from the Safety Consultation and Training Section, as well as 96 recipients who participated in stakeholder meetings. The Division also placed a link to the questionnaire on OSHA’s website at: [Whats New? \(nv.gov\)](https://www.osha-slc.gov/whats-new?nv.gov). 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 deadline to return the questionnaire was August 2, 2024. As of this date, the Division received ten (10) responses as follows:

1. Paul Moradkhan, on behalf of Vegas Chamber

The Vegas Chamber does not believe the regulations would have an adverse economic effect on the employers and businesses that it represents because it does not require hiring additional staff to comply with it or contain an unfunded staffing mandate that would cause economic hardship. The Vegas Chamber believes it will have a neutral economic effect

regarding cost savings. The Vegas Chamber does not anticipate any indirect adverse effects because the proposed standards are fair, balanced, and will allow compliance in a non-burdensome manner. The Vegas Chamber also anticipates it will provide an indirect beneficial effect via clear guidance for employers to comply and also informing employees regarding their job duties and providing guidance to employees.

2. Deborah Head, on behalf of American AVK Company (“AVK”)

AVK indicated the regulations would have an adverse economic effect on its business due to increased estimated costs for creating and providing employee training and annual updating of policies/procedures and audits (\$4,150); and possible unknown costs related to cooling specific work areas, quarterly maintenance of same, and increased energy costs. AVK further indicated that the regulations would have a beneficial effect on its business by keeping employees safe from heat-related illness and reducing time lost from work, but also stated it would not have a beneficial impact because it “ha[s] most of these practices in place already.” AVK does not anticipate any indirect adverse or beneficial effects on its business.

3. Charles Tolbert, on behalf of Bio Logical, LLC (“BL”)

BL indicated the regulations would have an adverse economic effect on its business because it may impose additional costs to its business and for its clients, such as mobilizing a designated employee outside of budgeted parameters and increased internal costs to establish and maintain additional programs and training. BL does not anticipate any beneficial economic effects or any indirect adverse/beneficial effects on its business.

4. Willy Avila, on behalf of Civil Werx (“CW”)

CW indicated the regulations would have an adverse economic effect on its business due to “substantial administrative time vested” into editing all internal documents and training time, including the cost of same as well as costs for printing updated materials. CW indicated potential indirect adverse effects such as a small percentage of employees taking advantage of the new regulation and potential unwarranted fines from OSHA despite best efforts to comply. CW does not believe it would have any beneficial economic effect or indirect beneficial effects on its business.

5. Kurt Goebel, on behalf of Converse Consultants (“CC”)

CC indicated the regulations would have an adverse economic effect on its business because it would impose an additional, but non-onerous, management requirement for creating and completing job hazard analysis and training, which will impose an estimated \$8,000 cost. CC does not anticipate any beneficial economic effects because it already manages heat exposure via provision of fluids, shade, and working hours and believes it “requires spending more time on bureaucracy.” CC anticipates an indirect adverse effect in that employees may use it as “a tool to avoid work they would normally complete.” CC anticipates an indirect beneficial effect of a higher level of employee awareness and

avoidance of heat sickness situations. CC also prefers state versus federal regulation because feds would promulgate “unrealistic regulations for our desert environments.”

6. Kyle Call, on behalf of Maverik, Inc.

Kyle Cal indicated that the organization had 150 or more employees and was therefore not a small business as defined in NRS 233B.0382.

7. George Allen, on behalf of Saddle West Hotel Casino & RV Resort (“SW”)

SW indicated the regulations would have not any adverse or beneficial economic effect on its business. SW does not anticipate it will any indirect adverse or beneficial effect on its business.

8. John Anthony, on behalf of Spaghetti On the Wall Hospitality (“SOWH”)

SOWH indicated the regulations would have an adverse economic effect on its business, the cost of which is difficult to determine, but would include the hours spent performing the job hazard analysis, writing the safety program, and training staff. Cost is estimated to be \$3,000 in labor and ongoing care. SOWH anticipates indirect adverse effects of causing staff to be more wary of working conditions that are already being efficiently cooled and monitored and also deterring cooks from hot environments thereby making it harder to find cooks who are willing to work. SOWH does not believe it would have any beneficial economic effect or indirect beneficial effects on its business.

9. Ken Lawson, on behalf of Sunshine Minting, Inc.

Ken Lawson indicated that the organization had 150 or more employees and was therefore not a small business as defined in NRS 233B.0382.

10. Carlos Zuluaga, on behalf of Tri Pointe Homes.

Carlos Zuluaga indicated that the organization had 150 or more employees and was therefore not a small business as defined in NRS 233B.0382.

**2. The manner in which the analysis was conducted.**

**ANSWER:** As noted in Answer 1, on July 25, 2024, the Division sent out a Small Business Impact Statement Questionnaire to interested parties on the Division’s Listserv, via email, and by posting it on OSHA’s website. 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 deadline to return the questionnaire was August 2, 2024. As of this date, the Division received ten (10) responses.

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

- (a) Both adverse and beneficial effects; and**
- (b) Both direct and indirect effects.**

**ANSWER:** Based on the Division's review as set forth above in Answer 1, the Division determined that this regulation may have a small direct adverse effect on small businesses. The possible direct adverse effect on small businesses may include the time and cost for non-exempt employers to perform and prepare a one-time job hazard analysis to assess working conditions that may cause occupational exposure to heat illness. Additionally, non-exempt employers may expend time and incur costs for developing, implementing, and training for the management of heat illness in their written safety program as required by NRS 618.383.

The Division believes that there will be direct beneficial effects on small businesses as the result of these regulations due to reduced employee injuries and lost time from occupational exposure to heat illness, as well as improved employee situational awareness of their job conditions.

**4. 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:** The Division held stakeholder meetings to solicit comments and feedback from industry regarding the drafting of, and edits to, a proposed heat illness regulation. Through these several meetings, the Division considered the comments from stakeholders and amended the language of the proposed regulations accordingly to reduce any perceived burdens on small businesses while still protecting worker safety.

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

**ANSWER:** There is no additional cost to the agency for enforcement of this regulation.

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

**7. 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 regulation does not include any provisions which duplicate or are more stringent than existing federal, state, or local standards.

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



**ANSWER:** The Division complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments. This proposed regulation seeks to prevent or abate occupational heat illness. The Division made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restrict the formation, operation, or expansion of a small business. The Division determined that these regulations may have minimal effect on small businesses and will not restrict the formation, operation or expansion of small businesses. On balance, although some small businesses indicated that there would be costs associated with the regulations, the Division notes that feedback from other stakeholders, including the Vegas Chamber, was that multiple industries would be able to comply in a manner that is not burdensome. Further, the Division believes that there will be direct beneficial effects on small businesses as a result of these regulations due to reduced employee injuries and lost time cause by heat illness, as well as improved employee situational awareness of their job conditions.

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 businesses and that the information contained in the statement was prepared properly and is accurate.

DATED this 13<sup>th</sup> day of August, 2024.

  
VICTORIA CARREÓN, Administrator