

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

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

1. EXPLANATION OF THE NEED FOR THE ADOPTED REGULATION

The need for the adopted regulations is to reduce the penalties assessed against employers for OSHA violations. The adopted regulations also adopt a new standard entitled the Emergency Eyewash and Shower Equipment, ANSI-Z358.1, 2014 edition. Further, the adopted regulations update the standards adopted by reference, update addresses, and add a requirement to provide the manufacturer's instructions for erecting or dismantling of tower cranes, as well as adjusting the fees for photovoltaic install licenses.

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 regulation were sent by e-mail and U.S. Mail to persons who were known to have an interest as well as any persons who had specifically requested such notice. These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings>, with the notices also posted at the following locations:

The State of Nevada Website ([www.notice.nv.gov](http://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>)

A Workshop was held to solicit comments on the proposed regulation on May 18, 2021. Additionally, the Division received written public comment on May 25, 2021. Likewise, a Public Hearing was held on March 30, 2022, to solicit comments from the public on the adoption of the regulation. The Division sent out emails to stakeholders in the community anticipated to be affected by the regulations on February 28, 2022, apprising them of the public hearing on March 30, 2022.

The Division received one written public comment on May 25, 2021 from John Wiles. Mr. Wiles noted his personal views, which were that the Oregon State plan is a model for improving Nevada's State Plan. For example, Section 4(2)(d) providing for a penalty adjustment uses a 5-year history, while Oregon uses 3 years. Oregon also does not eliminate the penalty reduction if an employer has not been inspected within a 3-year period. Oregon also uses an employer's injury/illness history in making a determination on "history". Mr. Wiles indicated that Nevada should follow suit; employers in Nevada should not forfeit a 10% penalty reduction because they

have not been inspected by Nevada OSHA within the past 5 years and Nevada should limit an employers' history to 3 years.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, 702-486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

3. THE NUMBER OF PERSONS WHO:
  - a. ATTENDED MAY 18, 2021 WORKSHOP: 8
  - b. ATTENDED MARCH 30, 2022, PUBLIC HEARING: 30
  - c. TESTIFIED AT MAY 18, 2021, WORKSHOP: 0
  - d. TESTIFIED AT MARCH 30, 2022, PUBLIC HEARING: 0
  - e. SUBMITTED WRITTEN COMMENTS RELATED TO MAY 18, 2021, WORKSHOP: 1
  - f. SUBMITTED WRITTEN COMMENTS RELATED TO MARCH 30, 2022, PUBLIC HEARING: 0
  
4. FOR EACH PERSON IDENTIFIED IN PARAGRAPHS (c) and (d) OF NUMBER 3 ABOVE, THE FOLLOWING INFORMATION, IF PROVIDED TO THE AGENCY CONDUCTING THE HEARING:

<b>May 18, 2021, Workshop</b>	
1	<b>Name:</b> None. <b>Telephone number:</b> <b>Business address:</b> <b>Business telephone number:</b> <b>Electronic mail address:</b> <b>Name or organization represented:</b> <b>Summary of comment:</b>

<b>March 30, 2022, Public Hearing</b>	
1	<b>Name:</b> None. <b>Telephone number:</b> <b>Business address:</b> <b>Business telephone number:</b> <b>Electronic mail address:</b> <b>Name or organization represented:</b> <b>Summary of comment:</b>

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.

Copies of the proposed regulation, notice of workshop, and notice of intent to act upon the regulation were sent by e-mail and U.S. Mail to persons who were known to have an interest as well as any persons who had specifically requested such notice. These documents were also made available at the Division's website, <http://dir.nv.gov/Meetings/Meetings>, with the notices also posted at the following locations:

The State of Nevada Website ([www.notice.nv.gov](http://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>)

A Workshop was held to solicit comments on the proposed regulation on May 18, 2021. Additionally, the Division received written public comment on May 25, 2021. Likewise, a Public Hearing was held on March 30, 2022, to solicit comments from the public on the adoption of the regulation. The Division sent out emails to stakeholders in the community anticipated to be affected by the regulations on February 28, 2022, apprising them of the public hearing on March 30, 2022.

The Division received one written public comment on May 25, 2021 from John Wiles. Mr. Wiles noted his personal views, which were that the Oregon State plan is a model for improving Nevada's State Plan. For example, Section 4(2)(d) providing for a penalty adjustment uses a 5-year history, while Oregon uses 3 years. Oregon also does not eliminate the penalty reduction if an employer has not been inspected within a 3-year period. Oregon also uses an employer's injury/illness history in making a determination on "history". Mr. Wiles indicated that Nevada should follow suit; employers in Nevada should not forfeit a 10% penalty reduction because they have not been inspected by Nevada OSHA within the past 5 years and Nevada should limit an employers' history to 3 years.

A summary may be obtained by contacting Rosalind Jenkins, Legal Secretary II, Division of Industrial Relations, 702-486-9014, or by writing to the Division of Industrial Relations, 3360 W. Sahara Ave., Ste. 250, Las Vegas, Nevada 89102.

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.

No comments were received at the public workshop or public hearing. The concerns from public comment received in advance of the workshop and/or hearing in writing were considered.

7. THE ESTIMATED ECONOMIC EFFECT OF THE REGULATION ON THE BUSINESS 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

The Division anticipates that there will be no adverse or beneficial economic impact from this regulation on entities that will be subject to the regulation nor on the public. The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division. Rather, the proposed regulation clarifies that the \$25.00 fee already stated in NAC 618.462(1)(b) must be paid for each exam for a license as a photovoltaic installer which the person takes.

- B. IMMEDIATE AND LONG-TERM EFFECTS

The Division anticipates that there will be no immediate or long-term economic effect on either the entities that will be subject to the regulation nor on the public, or that any such effects will be negligible.

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

There will be no additional or special costs incurred by the Division for enforcement of this regulation.

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 Division is not aware of any similar regulations of other state or government agencies that which the proposed regulations overlap or duplicate.

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 Division is not aware of any similar federal regulations of the same activity in which the adopted regulations are more stringent.

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 or increase an existing fee payable to the Division. Rather, the proposed regulation clarifies that the \$25.00 fee already

stated in NAC 618.462(1)(b) must be paid for each exam for a license as a photovoltaic installer which the person takes.

Dated this 31<sup>st</sup> day of March, 2022.

DIVISION OF INDUSTRIAL RELATIONS

By: Victoria Carreón

Victoria Carreón  
Administrator, Division of Industrial Relations  
3360 W. Sahara Ave., Ste. 250  
Las Vegas, Nevada 89102