

STEVE SISOLAK  
*Governor*

STATE OF NEVADA

VICTORIA CARREÓN  
*Administrator*

TERRY REYNOLDS  
*Director*



PERRY FAIGIN  
*Deputy Administrator*

DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS

**AMENDED SMALL BUSINESS IMPACT STATEMENT**  
AS REQUIRED BY NRS 233B.0608 AND 233B.0609  
LCB FILE NO. R053-20  
March 22, 2022

**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 mitigating heat stress on employees at the workplace, the Division considered the purpose and scope of the proposed regulations. Based on this review, the Division determined that this regulation may have a small adverse direct effect on small businesses and no adverse indirect effect on small businesses. The possible direct adverse effect on small businesses may include instances where employers of employees who are exposed to temperatures at or above a dry-bulb temperature of 90 degrees Fahrenheit may expend time for developing and including a program for the management of heat illness in their written safety program as required by NRS 618.383. Other adverse effects, if any, are difficult to determine at this time but may include, as each respective employers' written safety program may require, the costs of providing potable drinking water and, during daylight hours, shade or other cooling mechanisms at the workplace; and developing, implementing and training on heat illness and the employer's heat stress management program in its written safety program.

The Division believes that there will be no direct beneficial effects on small businesses as the result of these regulations, but there may be indirect beneficial effects on reduced employee lost time from heat illness.

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

**ANSWER:** As noted in Answer 1, above, there may be a direct adverse financial effect on small businesses, which may include instances where employers of employees who are exposed to temperatures at or above a dry-bulb temperature of 90 degrees Fahrenheit may expend time for developing and including a program for the management of heat illness in their written safety program as required by NRS 618.383. Other adverse effects, if any, are difficult to determine at this time but may include, as each respective employers' written safety program may require, the costs of providing potable drinking water and, during daylight hours, shade or other cooling

CARSON CITY  
400 West King Street  
Suite 400  
Carson City, NV 89703  
(775) 684-7270

LAS VEGAS  
3360 West Sahara Avenue  
Suite 250  
Las Vegas, NV 89102  
(702) 486-9080

mechanisms at the workplace; and developing, implementing and training on heat illness and the employer's heat stress management program in its written safety program.

Prior to holding the public Notice of Intent to Adopt hearing on March 30, 2022, the Division held a workshop to solicit comments from the public on March 4, 2021, as well as public hearings on June 3, 2021 and October 14, 2021. Moreover, the Division held public shareholder meetings on January 7, 2022 and February 2, 2022 to solicit additional comments and feedback from members of the public.

As noted in Answer 1, above, the Division believes that there will be no direct beneficial effects on small businesses as the result of these regulations, but there may be indirect beneficial effects on reduced employee lost time from heat illness.

**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:** The Division anticipates that there may be a direct adverse financial effect on small businesses, which may include instances where employers of employees who are exposed to temperatures at or above a dry-bulb temperature of 90 degrees Fahrenheit may expend time for developing and including a program for the management of heat illness in their written safety program as required by NRS 618.383. Other adverse effects, if any, are difficult to determine at this time but may include, as each respective employers' written safety program may require, the costs of providing potable drinking water and, during daylight hours, shade or other cooling mechanisms at the workplace; and developing, implementing and training on heat illness and the employer's heat stress management program in its written safety program.

The Division believes that there will be no direct beneficial effects on small businesses as the result of these regulations, but there may be indirect beneficial effects on reduced employee lost time from heat illness.

**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:** Prior to holding the public Notice of Intent to Adopt hearing on March 30, 2022, the Division held a workshop to solicit comments from the public on March 4, 2021, as well as public hearings on June 3, 2021 and October 14, 2021. Moreover, the Division held public shareholder meetings on January 7, 2022 and February 2, 2022 to solicit additional comments and feedback from members of the public. Through these several meetings, the Division considered the comments from members of the public and amended the language of the proposed regulations accordingly.

**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 mitigates heat stress related illnesses of employees at the workplace. The Division made a concerted effort to determine whether the proposed regulations impose a direct or significant economic burden upon small businesses, or directly restricts the formation, operation, or expansion of a small business. The Division determined that these regulations will have minimal effect on small businesses and will not restrict the formation, operation or expansion of small businesses.

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 22<sup>nd</sup> day of March, 2022.

  
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VICTORIA CARREÓN, Administrator