



**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? \(nv.gov\)](#). 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 employecc 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 13th day of August, 2024.


VICTORIA CARREÓN, Administrator