

Filing Attachment for 437-001-0142, Annual Adjustment of Civil Penalties

Appendix A: Example of Oregon OSHA's Annual Adjustments to Penalties Bulletin

Bulletin Number:

Published:

Effective:

**Oregon OSHA's Annual Adjustments to Penalties Bulletin
ORS 654.086(3), OAR 437-001-0142**

To: All Interested Parties

Summary: This bulletin supersedes the civil penalties adopted by Administrative Order 3-2023. As provided for in ORS 654.086(3), Oregon OSHA shall adjust the amount of civil penalties to account for the percentage increase or decrease, if any, in the Consumer Price Index for All Urban Consumers, West Region, All Items (West Region CPI-U), as published by the Bureau of Labor Statistics (BLS) of the United States Department of Labor. On DATE, the BLS published a % increase.

West Region CPI-U:

BLS reference data location: <https://data.bls.gov/timeseries/CUUR0400SA0>

Date published BLS West Region CPI-U:

Month	Year	West Region CPI-U Index Data
October		
October		

Percentage Adjustment	
Annual Adjustment Factor	

Oregon OSHA is required to calculate the annual adjustment based on the West Region CPI-U. Annual inflation adjustments are based on the percent change between the West Region CPI-U in October of the preceding year and October of the current year. The percent change is the cost-of-living adjustment multiplier for the following year. In order to compute the annual adjustment, the Agency multiplied the most recent penalty amount for each applicable penalty by the multiplier and rounded to the nearest dollar.

More information about Oregon OSHA's violations and civil penalties can be found at:

<https://osha.oregon.gov/Pages/topics/violations-and-penalties.aspx>

The civil penalties in this bulletin apply to citations assessed under ORS 654.086 for inspections opened between January 1, through December 31. See tables on the following pages.

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Penalty Table – Penalty Range By Type and Classification of Violation		
Type	Minimum	Maximum
Other Than Serious		
Serious Physical Harm or Death		
Repeat		
Willful		
Serious that Caused or Contributed to a Work-Related Fatality		
Repeat that Caused or Contributed to a Work-Related Fatality		
Willful that Caused or Contributed to a Work-Related Fatality		

First-instance violation: An employer’s first violation cited within the previous three years of a particular statute, regulation, rule, standard, or order.

Other Than Serious (OAR 437-001-0145)		
Probability	Low	High
Initial Penalty		

The civil penalty amount for an initial other than serious violation is not annually adjusted.

Serious Violation Types (OAR 437-001-0145)						
Severity Probability	Serious Physical Harm			Death		
	Low	Medium	High	Low	Medium	High
Initial Penalty						

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Repeat violation: An employer’s second or subsequent violation involving a substantially similar violation as the earlier violation or violations, cited within the previous three years.

Repeat Violation Types (OAR 437-001-0165)			
Probability	Severity		
	Other than Serious		
	First	Second	Third
Civil Penalty			

Civil penalties for the 4th and greater repeat violations are assigned with the Administrator's discretion.

Repeat Violation Types (OAR 437-001-0165)						
Probability	Severity					
	Serious Physical Harm			Death		
	First	Second	Third	First	Second	Third
Low						
Medium						
High						

Repeat Size Reduction for 1-50 employees (OAR 437-001-0150)	
Type Reduction	Serious Violation Types

Willful violation: A violation committed knowingly by an employer or supervisory employee who, having a free will or choice, intentionally or knowingly disobeys or recklessly disregards the requirements of a statute, regulation, rule, standard, or order.

Willful Violation Types (OAR 437-001-0175)				
Other than Serious		Probability	Severity	
			Serious Physical Harm	Death
Civil Penalty		Low		
		Medium		
		High		

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Caused or contributed to a work-related fatality violation: The workplace death of an employee that was attributed to a violation or in which the violation was a related factor, as determined by the compliance officer.

Serious that Caused or Contributed to a Work-Related Fatality Violation Types (OAR 437-001-0145)						
Severity	Serious Physical Harm			Death		
Probability	Low	Medium	High	Low	Medium	High
Civil Penalty						

Repeat that Caused or Contributed to a Work-Related Fatality Violation Types (OAR 437-001-0165)				
Other than Serious		Probability	Severity	
			Serious Physical Harm	Death
Civil Penalty		Low		
		Medium		
		High		

Willful that Caused or Contributed a Work-Related Fatality Violation Types (OAR 437-001-0175)				
Other than Serious		Probability	Severity	
			Serious Physical Harm	Death
Civil Penalty		Low		
		Medium		
		High		

If you have questions about this bulletin, call Oregon OSHA at 503-378-3272 or 800-922-2689.

(Administrator - Printed name)

(Administrator - Signature)

Date