

RULE IMPACT STATEMENT

Pursuant to the Administrative Procedures Act, Section 303(D) of Title 75 of the Oklahoma Statutes, the Oklahoma Department of Labor (“ODOL”) hereby submits the following Rule Impact Statement for **PERMANENT** rule proposals for OAC Title 380, Department of Labor, Chapter 40, Oklahoma Occupational Health and Safety Standards Act Rules.

Brief Description of the Purpose of the Proposed Rules:

The purpose of the proposed amendment to OAC 380:40-1-2 is to adopt the Hazard Communication Standard in 29 CFR 1910.1200, subject to the exception that the information and training required under 29 CFR 1910.1200(h) is required annually. The federal Hazard Communication Standard in 29 CFR 1910.1200 is substantially similar to the Oklahoma Hazard Communication Standard in OAC 380:45. Public employers are currently required to provide annual training under OAC 380:45. Therefore, the proposed amendment to this section is not anticipated to place additional requirements on public employers and is intended to simplify compliance. The Oklahoma Department of Labor intends to revoke the Oklahoma Hazard Communication Standard in OAC 380:45 in a separate rulemaking action upon approval of this rulemaking action.

OAC 380:40-1-7 is amended to change the size of the required notice from 8 ½ by 14 inches (legal size paper) to 8 ½ by 11 inches (letter size paper). This change is intended to assist compliance with this section. The title to OAC 380:40-1-20 is amended to clarify that this section only applies to public employers. This change is only intended to avoid confusion and no additional requirements are placed on employers. OAC 380:40-1-21 is amended to include the definition of "fire department." This definition is already in OAC 380:45 and has been moved to this section for clarity.

The purpose of the proposed amendment to OAC 380:40-1-23(e) is to clarify that all requirements of the recognition or incentive program must be met before an employer will be eligible. This is no change from the current interpretation of this section. The amendment is made only for clarity. OAC 380:40-1-23(f) is amended to refer to the specific Oklahoma statute providing for the tax exemption, rather than the Senate Bill which was enacted to create the tax exemption.

Description of the classes of persons who most likely will be affected by the proposed rule, including classes that will bear the cost of the proposed rule, and any information on cost impacts received by the agency from any private or public entities:

All public employers and their employees will be affected by these proposed rules. If these rules impose any additional cost, public employers will bear the cost of compliance. However, no additional cost is anticipated because these rules merely adopt federal standards which are substantially similar to the current rules. No information on cost impact has been received by the agency from any private or public entities at this time.

Description of the classes of persons who will benefit from the proposed rule:

All individuals who are employed by a public employer will benefit from the proposed rules. Public employers will also benefit because these proposed rules changes will clarify the requirements placed on public employers. Additionally, the change of size of the required poster from legal size paper to regular size paper should decrease the cost of compliance with this rule.

Description of the probable economic impact of the proposed rule upon affected classes of persons or political subdivisions, including a listing for all fee changes and, whenever possible, separate justification for each fee change:

No fees are charged under these rules. No economic impact is expected. These rules merely adopt federal standards which are substantially similar to our current rules. The cost of compliance with these standards is expected to decrease because the proposed rule changes clarify requirements.

The probable costs and benefits to the agency and to any other agency of the implementation and enforcement of the proposed rule, the source of revenue to be used for implementation and enforcement of the proposed rule, and any anticipated effects on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

Because these proposed rule changes only adopt federal standards which are substantially similar to our current rules, no additional costs are expected to be incurred by the Oklahoma Department of Labor to implement and enforce these rules. No loss or gain in agency or state revenues is expected because no fees or fines are required by these rules.

A determination of whether implementation of the proposed rule will have an economic impact on any political subdivision or require their cooperation in implementing or enforcing the rule:

No economic impact on any political subdivision is anticipated at this time, nor will they be required to cooperate in implementing or enforcing the rule. However, since political subdivisions are public employers, political subdivisions will be required to comply with these rules.

A determination of whether implementation of the proposed rule may have an adverse economic effect on small business as provided by the Oklahoma Small Business Regulatory Flexibility Act:

No adverse economic impact on small business is anticipated because these rules only apply to public employers.

An explanation of the measures the agency has taken to minimize compliance costs and a determination of whether there are less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule:

These rules should not impose any additional compliance costs. There are no less costly or nonregulatory methods or less intrusive methods for achieving the purpose of the proposed rule.

A determination of the effect of the proposed rule on the public health, safety and environment and, if the proposed rule is designed to reduce significant risks to the public health, safety and environment, an explanation of the nature of the risk and to what extent the proposed rule will reduce the risk:

The Oklahoma Occupational Health and Safety Standards Act was intended to reduce significant health and safety risks to public employees. These proposed rule changes continue to reduce these risks while clarifying language to assist public employers with compliance. Since these proposed rules merely clarify the requirements, the proposed rules will reduce health and safety risks to public employees in the same manner as the current rules.

A determination of any detrimental effect on the public health, safety and environment if the proposed rules are not implemented:

If the proposed rules are not implemented, there should not be any detrimental effect on public health and safety because the current rules already protect the health and safety of public employees. These rules are intended only to simplify compliance with the Oklahoma Occupational Health and Safety Standards Act. No additional requirements are placed on public employers, so the public health and safety is protected to the same extent under the proposed rules as under the current rules.

Date the rule impact statement was prepared and the date modified:

Prepared: February 12, 2009
Modified: n/a

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