

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.

Statement of Need, Legal Basis, and Brief Description of the Purpose of the Proposed Rule:

The Oklahoma Health and Safety Standards Act (“Act”) provides for the health and safety of public sector employers and employees. OAC 380:40-1-16 provides that no citation may be issued by the Oklahoma Department of Labor for a violation of the Act after the expiration of six months following the occurrence of any alleged violation. The proposed rule amendment allows the Department of Labor to issue a citation more than six months following the occurrence of a violation when issued as part of a fatality investigation or when a delay in issuance of a citation is caused by parties other than the Department of Labor. The circumstances which created the need for the rule amendment are that investigations into public sector employee fatalities conducted by the Oklahoma Department of Labor can frequently take longer than six months to complete due to the complex nature of these investigations. The intended effect of the rule amendment is to ensure that public sector violators can be issued citations to help prevent further violations of the Oklahoma Occupational Health and Safety Standards Act, to promote the health and safety of the public sector employers and employees subject to the Act. 40 O.S. § 407 provides that the Commissioner of Labor may prescribe, adopt, promulgate, amend and rescind health and safety standards, for the protection of the life, health and safety of employees. The proposed rule amendment is not mandated by federal law, or as a requirement for participation in or implementation of a federally subsidized or assisted program. The proposed rule amendment does not exceed the requirements of any applicable federal law.

Classification of the rule amendment and justification for the classification:

This is a **nonmajor** rule amendment. Potential implementation and compliance costs are minimal or zero. Private sector employers are unaffected by the proposed rule amendment. Public sector employers are currently required to comply with the provisions of the Act regardless of whether the Department of Labor identifies violations of the Act committed by the employer, so public sector employers are already subject to any costs associated with compliance with the Act, regardless of whether a six-month limitation on citations exists.

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:

Only public entities are subject to potential citations for violations of the Act. Public sector employers could be affected by the proposed rule amendment if they commit violations of the Act. While the issuance of citations is mandatory for violations of the Act, the assessment of

finer is not mandatory and the Oklahoma Department of Labor strives to protect the health and safety of public sector employees by correcting violations of the Act without assessing any fines.

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

Public sector employees will benefit from the proposed rule amendment as it will allow the Department of Labor to better enforce the provisions of the Act and promote the health and safety of public sector employees. Public sector employers will benefit from the proposed rule amendment because improving the health and safety of employees cuts down on public sector employer costs.

Comprehensive analysis of the proposed rule amendment's economic impact:

Public sector employers are currently required to comply with the provisions of the Act regardless of whether the Department of Labor identifies violations of the Act committed by the employer, so public sector employers are already subject to any costs associated with compliance with the Act, regardless of whether a six-month limitation on citations exists. Further, public sector employers are subject to inspection by the Department of Labor as part of the Department's routine inspection protocols and also in response to complaints. The proposed rule amendment puts no additional compliance burdens on public sector employers, thus no additional economic impact.

A detailed explanation of the methodology and assumptions used to determine the economic impact, including the dollar amounts calculated:

It is assumed that violations of the Act will be detected by the Department of Labor during routine inspections or in response to complaints, just as they would be as part of a fatality investigation, so there would ultimately be no additional economic impact due to the proposed rule amendment.

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 exist under the Act and no fees are being proposed. No new fines or violations are being proposed. All public sector employers are currently potentially subject to citation for violating the Act, up to six months after the date of the violation. Only public sector employers who violate the Act will be potentially liable for a fine assessment more than six months after the date of a violation as part of a fatality investigation or when delay in issuance of a citation beyond six months is caused by an entity other than the Department of Labor. Public sector employers are currently required to comply with the provisions of the Act regardless of whether the Department of Labor identifies violations of the Act committed by the employer, so public sector employers are already subject to any costs associated with compliance with the Act, regardless of whether a six-month limitation on citations exists. Further, public sector employers are subject to inspection by the Department of Labor as part of the Department's routine inspection protocols and also in response to complaints. The proposed rule amendment puts no additional compliance

burdens on public sector employers, thus no additional economic impact.

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 anticipated effect on state revenues, including a projected net loss or gain in such revenues if it can be projected by the agency:

ODOL does not anticipate any financial costs or benefits as a result of the proposed rule amendment. No additional revenue will be needed to implement or enforce the proposed rule amendment. Existing revenue sources will be sufficient. There will be no impact on state revenues.

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:

Implementation of the proposed rule amendments will only have a potential economic impact on a public sector employer who violates the Act if citations are issued more than six months past the date of discovery of a violation, in cases where violations were discovered as a part of a fatality investigation or when delay in issuance of a citation is due to an entity other than the Department of Labor, and only in cases where a fine is assessed. While the issuance of citations is mandatory for violations of the Act, the assessment of fines is discretionary and the Oklahoma Department of Labor strives to protect the health and safety of public sector employees by correcting violations of the Act without assessing any fines.

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:

Implementation of the proposed rule amendments will not have an adverse economic effect on small business. Private sector businesses are not subject to the provisions of the proposed rule amendment.

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 and any measures taken by the agency to minimize the cost and impact of the proposed rule on business and economic development in this state, local government units of this state, and individuals:

The Department of Labor minimizes compliance costs by working with public sector employers to correct violations of the Act without assessing fines. While the issuance of citations is mandatory for violations of the Act, the assessment of fines is discretionary.

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 proposed rule amendments are expected to have a positive effect on the public health, safety, and environment as they are designed to ensure increased compliance with the requirements of the Act. The Department of Labor will continue to work with public sector employers to correct violations of the Act that are discovered during the course of a fatality investigation, even where citations are issued more than six months after a violation is discovered. The nature of the risks that the proposed rule amendment addresses are the panoply of risks public sector employees face each day on the job.

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

There is a potential for a detrimental effect on the public health, safety, and environment if ODOL does not implement this nonmajor rule amendment to help ensure better compliance with the requirements of the Act and better ensure that violations of the Act are corrected to protect public sector employees.

Analysis of alternatives to adopting the rule:

There is no alternative to adopting the rule to achieve the desired results as the rule addresses situations where the Department of Labor's investigations are hampered by the complexity of the investigations and the Department's reliance upon other entities and persons outside of the Department's control to supply necessary reports and information to support the investigations.

Estimates of the amount of time that would be spent by state employees to develop the rule and of the amount of other resources that would be utilized to develop the rule:

Initial development of the rule required less than two hours of state employee time. No other resources were necessary to develop the rule beyond time that will be spent meeting the requirements of the Administrative Procedures Act throughout the rulemaking process, including drafting this Rule Impact Statement.

Summary and preliminary comparison of any existing or proposed federal regulations that are intended to address the activities to be regulated by the proposed rule:

Oklahoma is among seven states that chose to take responsibility for enforcing its public sector workforce safety and health standards, leaving the private sector workforce under federal OSHA. As such, federal mandates of a state plan were not levied against the state, allowing Oklahoma to manage public sector safety and health programs as the state wishes. Without the PEOSH program, federal OSHA would enforce public sector workforce standards, and federal fines would result in a net loss of state revenues and resources.

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

Prepared: December 15, 2025
Modified: N/A

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