



**DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS**

**NOTICE OF INTENT TO ACT ON PROPOSED REGULATIONS  
And HEARING AGENDA**

**Notice of Hearing for the Adoption of Regulations  
of the Division of Industrial Relations,  
Department of Business and Industry  
May 8, 2026, at 1:00 PM.  
LCB File No. No. R110-25**

The Division of Industrial Relations of the Department of Business and Industry, State of Nevada (“Division”) will hold a public hearing on May 8, 2026, on amending Chapter 618 of the Nevada Administrative Code (“NAC”). The purpose of the hearing is to receive comments from all interested parties regarding the adoption of the regulation that pertains to LCB File No. R110-25.

**The public hearing on these proposed regulations will be conducted in person, via Microsoft Teams, and by phone on May 8, 2026, at 1:00 PM. Microsoft Teams allows for video and teleconferencing. Members of the public may attend and participate in this meeting in the following ways:**

**Microsoft Teams Access**

Join the meeting now:

<https://teams.microsoft.com/meet/218625362467313?p=18546Q7cZLGHOVyPRo>

Meeting ID: 218 625 362 467 313

Meeting password: FA25Qs6M

**Join By Phone**

775-321-6111

Phone Conference ID: 233 942 321#

**Physical Locations**

Division of Industrial Relations  
Workers’ Compensation Section, Executive Conference Room  
2300 W. Sahara Avenue, Suite 300, Las Vegas, NV 89102

**A copy of the proposed language for LCB File No. R110-25 may be downloaded from the Division's website: <http://dir.nv.gov/Meetings/Meetings/>.**

The Division invites representatives of regulated businesses and the public to attend the public hearing and/or prepare written and/or oral comments concerning the proposed regulations. Before the Public Hearing, comments may be submitted to Amber Williams, Esq., Senior Division Counsel, Division of Industrial Relations, Relations, by mail to 2300 W. Sahara Avenue #300, Las Vegas, Nevada 89102, or by email to [amwilliams@dir.nv.gov](mailto:amwilliams@dir.nv.gov). If no person who is directly affected by the proposed regulation appears to make oral comments, the Division may proceed immediately to act upon any written submissions.

Persons with disabilities who require special accommodations or assistance at the hearing must notify Samantha O'Brien at the Division of Industrial Relations, by mail to 2300 W. Sahara Avenue #300, Las Vegas, Nevada 89102, or by email to [samantha.obrien@dir.nv.gov](mailto:samantha.obrien@dir.nv.gov), or by calling (702) 486-9070 by 5:00 p.m., three (3) working days before this Public Hearing.

The following information is provided pursuant to the requirements of NRS 233B.0603:

The need and purpose of the proposed regulation:

*Current Nevada Administrative Code (NAC) Chapter 618 establishes provisions for workplace safety and health, including penalties for violations, administrative processes, and definitions relevant to construction projects. The proposed permanent regulation seeks to amend Chapter 618 by: (1) updating penalty reduction provisions to align with a Federal Program Change reflected in Chapter 6 of the Federal Operations Manual ("FOM"). This amendment adjusts penalty reduction factors, including quick fix, history, and size, to expand eligibility and increase reduction amounts for employers; (2) Simplifying OSHA mailing and contact addresses to reduce the need for future amendments caused by address changes; (3) Increasing the construction cost threshold for defining a "construction project" to account for inflation.*

The estimated economic effect of the proposed regulations on (a) regulated businesses and (b) the public, including, stated separately: (i) adverse and beneficial effects; and (ii) immediate and long-term effects:

(a) Regulated businesses:

(i) Adverse and beneficial effects:

*The Division anticipates no adverse effects, either direct or indirect, on regulated businesses. There will be no direct or indirect costs to regulated or small businesses..*

*The Division believes that there may be an indirect beneficial effect on regulated businesses by expanding eligibility for penalty reductions and increasing reduction amounts, which could reduce compliance costs for some employers.*

(ii) Immediate and long-term effects:

*The Division does not anticipate any immediate or long-term effects, either adverse or beneficial, on regulated or small businesses as a result of these regulations.*

*There will be no direct or indirect costs to regulated or small businesses.*

(b) The public:

(i) Adverse and beneficial effects:

*The Division does not anticipate any adverse or beneficial effects, either direct or indirect, on the public as the result of these regulations.*

*There will be no direct or indirect cost to the public.*

(ii) Immediate and long-term effects:

*The Division does not anticipate any immediate or long-term effects, either adverse or beneficial, on the public as a result of these regulations.*

*There will be no direct or indirect costs to the public.*

The methods used by the Division in determining the impact on a small business: *To determine whether the proposed regulations are likely to have an impact on small businesses, the DIR considered the purpose and scope of the proposed regulation and received input on the proposed changes with key industry stakeholders. Thereafter, on October 29, 2025, the DIR sent a Small Business Impact Statement Questionnaire to interested parties on the DIR's Safety and Health Consultation and Training (SCATS) section's Listserv, which includes 4,215 recipients. Additionally, on October 29, 2025, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. The DIR also placed a link to the Questionnaire on the OSHA website for interested parties to complete. The deadline to respond was November 3, 2025, and the DIR received three (3) responses from small businesses, all of which indicated the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial on the businesses. Additionally, on December 2, 2025, the DIR held a public workshop to solicit comments on the proposed regulation. Additional comments could be submitted after the workshop. Based on all feedback received, the Division concluded that the proposed regulations would have no direct or indirect impact on small businesses. As such, the Division determined that it will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial*

The estimated cost to the Division for enforcement of the proposed regulations: *The Division does not anticipate incurring any additional cost for the proposed regulation.*

Whether the proposed regulation overlaps or duplicates any regulations of other state or local governmental agencies or a federal regulation: *The Division believes that the proposed regulation does not overlap or duplicate any existing regulation.*

Whether the proposed regulation is required pursuant to federal law or is more stringent than federal law: *The proposed regulation is not required by federal law but Federal OSHA encouraged state OSHA programs to adopt the changes it made to the penalty adjustment factors in Chapter 6 of the Occupational Safety and Health Administration's Field Operations Manual.*

Whether the proposed regulation establishes a new fee or increases an existing fee: *The proposed regulation does not provide for a new fee or increase an existing fee payable to the Division.*

Upon adoption of any regulation, the agency, if requested to do so by an interested person,

either before adoption or within 30 days thereafter, shall issue a concise statement of the principal reasons for and against its adoption, and incorporate therein its reason for overruling the consideration urged against its adoption.

This notice has been posted on Nevada's notice website: <http://leg.state.nv.us/App/Notice/A/>; State of Nevada notice website: <https://notice.nv.gov>; and the Division's website: <http://dir.nv.gov/Meetings/Meetings>, as set forth in NRS Chapters 233B and 241. A copy of the notice and the proposed permanent regulation to be adopted and/or amended is on file and has also been posted at the following locations: Division of Industrial Relations, 2300 W. Sahara Ave., Suite 300, Las Vegas, Nevada 89102, and 1886 College Parkway, Suite 110, Carson City, Nevada 89706.

**HEARING AGENDA  
DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS**

**Notice:** (1) Items on the Agenda may be taken out of order; (2) the Division may combine two or more Agenda items for consideration; and (3) the Division may remove an item on the Agenda at any time.

- I. **Call to Order.**
- II. **Public Comment.** The opportunity for public comment is reserved for any matter listed below on the Agenda as well as any matter within the jurisdiction of the Division. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.
- III. **Discussion of Proposed Permanent Regulations regarding NAC 618.** Proposal of revisions to/amendments of regulations that pertain to Chapter 618 of the Nevada Administrative Code.
- IV. **Public Comment.** The opportunity for public comment is reserved for any matter within the jurisdiction of the Division. No action on such an item may be taken by the Division unless and until the matter has been noticed as an action item. Comment may not be restricted based on viewpoint.
- V. **Adjournment.**



**DEPARTMENT OF BUSINESS AND INDUSTRY  
DIVISION OF INDUSTRIAL RELATIONS**

**Small Business Impact Statement  
Proposed Draft Regulations Amending NAC 618  
LCB File No. TBD**

EFFECTIVE DATE OF REGULATION:  
Upon filing with the Nevada Secretary of State

**1. Background**

The proposed permanent regulations amend Chapter 618 of the Nevada Administrative Code (NAC) by amending provisions related to the reduction of penalties assessed against employers for OSHA violations, updating addresses, and increasing the amount of construction costs for the definition of “construction project” among other things.

The first amendment is intended to align Nevada OSHA’s penalty reduction provisions with a Federal Program Change that updates parts of Chapter 6 of the Federal Operations Manual (FOM). Under this new guidance, several of OSHA’s penalty reduction factors—quick fix, history, and size—have been adjusted to expand the number of employers potentially eligible for the reductions and to expand the reduction amounts themselves. The second amendment is intended to simplify OSHA’s mailing and contact addresses to reduce the need for future amendments related to address changes. The third amendment is intended to increase the amount of construction costs for the definition of “construction project” to account for inflation.

The Occupational Safety & Health Administration (OSHA) section of the Division of Industrial Relations (DIR) has determined that the proposed amendments should not have a negative financial impact upon a small business. The proposed regulations are also not expected to negatively impact the formation, operation, or expansion of a small business in Nevada.

**2. A description of the way comments were solicited from affected small businesses, a summary of their responses, 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 DIR considered the purpose and scope of the proposed regulations as set forth above in Answer 1 above.

Prior to conducting the small business impact survey, the DIR received input on the proposed changes with key industry stakeholders. On October 29, 2025, the DIR sent a Small Business Impact Statement Questionnaire to interested parties on the DIR's Safety and Health Consultation and Training (SCATS) section's Listserv, which includes 4,215 recipients. Additionally, on October 29, 2025, the DIR sent the Small Business Impact Statement Questionnaire to the Administrator's list of business stakeholders, which consists of 90 recipients. 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 DIR also placed a link to the Questionnaire on the OSHA website for interested parties to complete, should they choose. The deadline to return the questionnaire was November 3, 2025. As of this date, the DIR received four (4) responses, only three (3) of which were from small businesses as defined by NRS 233B.0382, which may be summarized as follows:

- (1) Richard Sparkman, Facility Director, Shelby American, Inc. – Mr. Sparkman indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on his business.
- (2) George Allen, Risk Safety Manager, Saddle West Hotel, Casino and RV Resort – Mr. Allen indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on his business.
- (3) Christine A. May, President, Bergdahl Associates, Inc. – Ms. May indicated that the proposed regulation would not have any economic effect, adverse or beneficial, and would not have any indirect effects, adverse or beneficial, on her business.

Any other persons interested in obtaining a copy of the summary may mail or email a request to:

Amber Williams, Esq.  
Division of Industrial Relations – Division Counsel  
2300 W. Sahara Avenue, Ste. 300  
Las Vegas, Nevada 89102  
Email: [amwilliams@dir.nv.gov](mailto:amwilliams@dir.nv.gov)

Based on the results of the survey, the Division determined that the proposed permanent regulations will have no direct effect on small businesses, either adverse or beneficial, and will also have no indirect effect on small businesses, either adverse or beneficial.

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

**ANSWER:** See Answer 2 above.

**4. The estimated economic effect of the proposed regulation on the small businesses which it is to regulate, including, without limitation:**

- (a) Direct and indirect adverse effects
- (b) Direct and indirect beneficial effects.

**ANSWER:** The Division anticipates no adverse effects, either direct or indirect, on regulated businesses as the result of these regulations. The adverse effects, if any, are difficult to determine at this time. As to the proposed first amendment set forth in Answer 1 above, there may be a direct beneficial effect as the number of employers potentially eligible for penalty reductions and the reduction amounts themselves have been expanded. There will be no direct or indirect cost to regulated or small businesses.

- 5. 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:** Because there will be no adverse impacts on small businesses in general, there are no methods available to reduce the impact the Division could have considered.

- 6. The estimated cost to the agency for enforcement of the proposed regulation.**

**ANSWER:** The proposed regulations present no significant foreseeable or anticipated cost for enforcement of this regulation.

- 7. 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 regulations do not provide for a new fee or increase an existing fee payable to the DIR.

- 8. 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.**

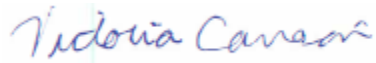
**ANSWER:** The proposed permanent regulations do not overlap or duplicate any regulation of other federal, State or local governmental entities, but do align with provisions of a Federal Program Change updating Chapter 6 of Federal OSHA Instruction CPL 02-00-164, Field Operations Manual (FOM), issued April 14, 2020, directive dated July 2, 2025, available at <https://www.osha.gov/fom/chapter-6>. State Plans, as a part of their State Plan, may, but are not required to, make these same or at least as effective changes in order to remain at least as effective as the Federal program and satisfy the obligation of equivalency required in respect to the FOM as a whole. The proposed regulation does not include any provisions that are more stringent than existing federal, state, or local standards.

- 9. The reasons for the conclusions of the agency regarding the impact of a regulation on small businesses.**

**ANSWER:** The DIR complied with NRS 233B.0608 by considering the purpose and scope of the proposed amendments as set forth above in Answer 1. The DIR 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 as set forth above in Answer 2. Thus, the DIR determined that the regulations will have no adverse effect on small businesses, will not impose any significant economic burden upon 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 business, and that the information contained in the statement above was prepared properly and the information contained herein is accurate.**

Dated this 13th day of November 2025.



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Victoria Carreón, Administrator  
Department of Business and Industry  
Division of Industrial Relations  
Las Vegas: (702) 486-9116  
[vcarreon@dir.nv.gov](mailto:vcarreon@dir.nv.gov)

**SECOND REVISED PROPOSED REGULATION OF THE  
DIVISION OF INDUSTRIAL RELATIONS OF THE  
DEPARTMENT OF BUSINESS AND INDUSTRY**

**LCB File No. R110-25**

March 31, 2026

EXPLANATION – Matter in *italics* is new; matter in brackets ~~omitted material~~ is material to be omitted.

AUTHORITY: §§ 1 and 2, NRS 618.295 and 618.880; §§ 3-6, NRS 618.295; §§ 7-13, NRS 618.295, 618.760 and 618.765.

A REGULATION relating to occupational safety; revising the address for certain deliveries to the Nevada Occupational Safety and Health Administration of the Division of Industrial Relations of the Department of Business and Industry; increasing the minimum total construction cost of construction projects to which certain standards are applicable, certain notices are required to be given and an elevator or personnel hoist is required to be installed in certain circumstances; revising certain factors for consideration in adjusting certain penalties for violations of certain laws and regulations governing safety and health; and providing other matters properly relating thereto.

**Legislative Counsel’s Digest:**

Existing law requires the Division of Industrial Relations of the Department of Business and Industry to adopt such regulations as are necessary to provide safe and healthful employment in those employments within its jurisdiction. (NRS 618.295)

**Sections 1, 2 and 5-13** of this regulation revise the mailing addresses of the Nevada Occupational Safety and Health Administration of the Division to which certain notifications, filings, applications and petitions must be delivered. (NAC 618.369, 618.384, 618.695, 618.710, 618.910, 618.913, 618.919, 618.923, 618.934, 618.944, 618.952)

Existing regulations define the term “construction project” as a project which involves a total construction cost of \$10,000,000 or more, not including costs for any related highway construction project, or which exceeds certain size limitations, and for which a contractor is required to comply with the *Safety Requirements for Steel Erection*, ANSI A10.13, 1989 edition, published by the American National Standards Institute, certain notices are required to be given before commencing construction and, subject to certain exceptions, an elevator or personnel hoist for transporting workers is required to be installed in certain circumstances. (NAC 618.494, 618.503, 618.505, 618.507) **Section 3** of this regulation increases from \$10,000,000 or more to \$20,000,000 or more the amount of the total construction cost for a construction project to which these provisions apply.

Existing regulations authorize the Division to adjust the amount of certain assessed penalties for violations of the Nevada Occupational and Safety and Health Act and regulations adopted pursuant thereto. (NAC 618.6484) **Section 4** of this regulation makes various revisions to the factors the Division is authorized to consider when adjusting the penalties.

**Section 1.** NAC 618.369 is hereby amended to read as follows:

618.369 A certifying authority shall notify in writing the ~~[Nevada Occupational Safety and Health Administration, 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102,]~~ *Enforcement Section* within 5 working days after the certifying authority denies a certificate of operation for a tower crane.

**Sec. 2.** NAC 618.384 is hereby amended to read as follows:

618.384 A certifying authority shall notify in writing the ~~[Nevada Occupational Safety and Health Administration, 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102,]~~ *Enforcement Section* within 5 working days after the certifying authority denies a certificate of operation for a crane which is used to erect or dismantle a tower crane.

**Sec. 3.** NAC 618.494 is hereby amended to read as follows:

618.494 1. “Construction project” means a project which involves:

- (a) A total construction cost of ~~[\$10,000,000]~~ **\$20,000,000** or more, not including costs for any related highway construction project;
- (b) A new building or structure which, when completed, will be 50,000 square feet or more;

or

- (c) A new building or structure which, when completed, will be more than 60 feet above the ground or more than 48 feet below ground level.

2. For the purposes of this section:

(a) The height of a building or structure must be determined by measuring from the ground level to the highest structural level of the building or structure, including any parapet wall, mechanical room, stair tower or elevator penthouse structure, but not including any antenna, smokestack, flagpole or similar attachment.

(b) The depth of a building or structure must be determined by measuring from the ground level to the lowest floor level of the building or structure. The lowest level of a building or structure does not include any local depression such as a sump or an elevator pit.

(c) In computing the height of a building or structure, the depth of the building or structure must not be considered, and in computing the depth of a building or structure, the height of the building must not be considered.

**Sec. 4.** NAC 618.6484 is hereby amended to read as follows:

618.6484 1. Before issuing a citation, the Division may adjust the amount of a proposed penalty as provided in subsection 2 based on:

- (a) The size of the employer;
- (b) The good faith *efforts* of the employer ~~{}~~ *to implement an effective safety program as described in NRS 618.383;*
- (c) ~~{The immediate abatement of a hazard; and~~
- ~~{}~~ The employer's history of previous violations ~~{}~~; *and*
- (d) The immediate abatement of a hazard.*

2. Except as otherwise provided in this subsection and subsection 4, the adjustments which may be made to a penalty pursuant to subsection 1 are as follows:

- (a) ~~{A}~~ *Except as otherwise provided in paragraph (b), a* reduction based on the number of employees that are employed by the cited employer, not to exceed a reduction of

~~[70]~~:

- (1) *Seventy* percent of the penalty for an employer with ~~[40]~~ 25 or fewer employees ~~[.]~~;
  - (2) *Thirty percent of the penalty for an employer with at least 26 but not more than 100 employees; and*
  - (3) *Ten percent of the penalty for an employer with at least 101 but not more than 250 employees.*
- (b) *For a violation that is classified as serious willful, a reduction based on the number of employees that are employed by the cited employer, not to exceed a reduction of:*
- (1) *Eighty percent of the penalty for an employer with 20 or fewer employees;*
  - (2) *Fifty percent of the penalty for an employer with at least 21 but not more than 30 employees;*
  - (3) *Forty percent of the penalty for an employer with at least 31 but not more than 40 employees;*
  - (4) *Thirty percent of the penalty for an employer with at least 41 but not more than 50 employees;*
  - (5) *Twenty percent of the penalty for an employer with at least 51 but not more than 100 employees; and*
  - (6) *Ten percent of the penalty for an employer with at least 101 but not more than 250 employees.*
- (c) A penalty may be reduced pursuant to ~~[this paragraph]~~ *paragraphs (a) and (b)* for:
- (1) A violation that is classified as serious or within a classification other than serious;
  - (2) A violation of a willful nature; or
  - (3) Repeated violations.

~~[(b)]~~ (d) A reduction based on the employer's demonstration of good faith *efforts* in implementing an effective safety program as described in NRS 618.383, not to exceed a reduction of ~~[25]~~:

(1) *Twenty-five* percent of the penalty for an employer with a fully implemented and effective safety program, as determined by the inspector ~~[H]~~; *or*

(2) *Fifteen percent of the penalty for an employer with an implemented and effective safety program, which may be only minimally deficient, as determined by the inspector.*

(e) A penalty may not be reduced pursuant to ~~[this]~~ paragraph (d) for:

(1) *A serious violation of high gravity;*

(2) A violation of a willful nature; ~~[or~~

~~—(2)]~~ (3) Repeated violations ~~[~~

~~—(c) A reduction based on the immediate correction by the employer of the cited hazard, not to exceed a reduction of 15 percent of the penalty. For the purposes of this paragraph, an immediate correction is one that is made not later than 24 hours after the violation is identified during an inspection. A penalty may not be reduced pursuant to this paragraph for:~~

~~—(1) A serious violation of high gravity;~~

~~—(2) A violation of a willful nature;~~

~~—(3) Repeated violations;~~

~~—(4) Failure to abate or correct a violation which was identified during an inspection;~~

~~—(5) Failure to report a fatality, the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye pursuant to the requirements of NRS 618.378; or~~

~~—(6) Failure or a major deficiency in:~~

~~(I) Establishing a written safety program pursuant to the requirements of NRS 618.383;~~  
~~or~~

~~(II) Carrying out the requirements of the program.~~

~~(d) ;~~

*(4) Failure to abate or correct a violation which was identified during an inspection;*

*(5) Any other violation identified during the same or a concurrent inspection in which a violation described in subparagraph (2), (3) or (4) is identified;*

*(6) Failure to report a fatality, the inpatient hospitalization of one or more employees, the amputation of a part of an employee's body or an employee's loss of an eye pursuant to the requirements of NRS 618.378; or*

*(7) Failure or a major deficiency in:*

*(I) Establishing a written safety program pursuant to the requirements of NRS 618.383; or*

*(II) Carrying out the requirements of the program.*

*(f) An adjustment based on the cited employer's history of previous safety and health inspections, ~~[within the 5 years immediately preceding the issuance of the citation,]~~ as follows:*

*(1) A reduction of ~~[10]~~ not more than 20 percent may be applied to the penalty for an employer which has:*

*(I) Been inspected ~~[previously]~~ within the 5 years immediately preceding the issuance of the citation with no citations issued; ~~[or]~~*

*(II) Been cited ~~[previously]~~ within the 5 years immediately preceding the issuance of the citation for violations which are classified as other than serious ~~[.]~~; or*

*(III) Not previously been inspected.*

(2) No adjustment *otherwise authorized in this paragraph* may be applied to the penalty for an employer which ~~has been cited for~~ :

*(I) Has been issued a citation for a serious violation , not ~~of~~ classified as high gravity ~~is~~ , that has become a final order within the 5 years immediately preceding the issuance of the citation; or*

*(II) Has not been inspected within the 5 years immediately preceding the issuance of the citation but has been inspected before that 5-year period.*

(3) An increase of 10 percent may be applied to the penalty for an employer which has been cited ~~previously~~ *within the 5 years immediately preceding the issuance of the citation* for:

- (I) A serious violation of high gravity;
- (II) Repeated violations;
- (III) A violation of a willful nature; or
- (IV) Failure to abate or correct violations that were previously cited.

*(g) A reduction based on the immediate correction of the employer of the cited hazard, not to exceed a reduction of 15 percent of the penalty. For the purposes of this paragraph, an immediate correction is one that is made at the time of inspection for apparent violations that can be corrected immediately, made not later than 5 days for more complex abatement actions or made not later than 15 days if there are extenuating circumstances, including, without limitation, if items are required to be ordered and shipped. A penalty may not be reduced pursuant to this paragraph for:*

- (1) A serious violation of high gravity;*
- (2) A violation of a willful nature;*

*(3) Repeated violations;*

*(4) Failure to abate or correct a violation that was identified during an inspection;*

*(5) A blatant violation that can be easily corrected and that indicates the employer failed to take basic steps to manage the safety or health of workers; or*

*(6) A violation related to a fatal injury or illness or an incident resulting in serious injury.*

3. Except as otherwise provided in subsection 4, adjustments made pursuant to subsection 2, if any, must be considered and applied in the order set forth in subsection 2.

4. A penalty may not be reduced to an amount less than the allowable monetary amount of the corresponding civil penalty for the applicable violation of 29 U.S.C. § 666, including any adjustments made to the civil penalty pursuant to the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015, Pub. L. 114-74.

5. Each district manager retains the authority to determine the appropriateness of any adjustment to a penalty and may refuse to consider an adjustment to a penalty if the district manager believes that imposing the full amount of the penalty is necessary to achieve the appropriate deterrent effect.

**Sec. 5.** NAC 618.695 is hereby amended to read as follows:

618.695 1. Before the Board is notified of an appeal or contest, all papers required to be filed must be filed with the Chief . ~~at 400 West King Street, Suite 400, Carson City, Nevada 89703.~~ After the Board is notified of an appeal or contest, all papers required to be filed must be filed with the Board at the address given in the notice of the appeal or contest.

2. Except as otherwise ordered by the Chief or the Board, all papers required to be filed must be filed by first-class certified mail, return receipt requested, or by personal delivery, with an affidavit of service.

3. The filing is effective at the time of mailing.

**Sec. 6.** NAC 618.710 is hereby amended to read as follows:

618.710 1. If an affected employee is not represented by an authorized employee representative, the employer shall, immediately upon receipt of the notice sent by the Enforcement Section to the Board, post, where the citation is required to be posted, a copy of the statement informing affected employees of their right to participate as a party and of the availability of all pleadings for inspection and copying at reasonable times. The notice may be in the following form:

(Name of employer)

Your employer has been cited by the Chief of the Occupational Safety and Health Enforcement Section of the Division of Industrial Relations of the Department of Business and Industry for violation of the Nevada Occupational Safety and Health Act, chapter 618 of NRS. The citation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Board. Affected employees are entitled to participate in this hearing as parties under terms and conditions established by the Occupational Safety and Health Review Board in NAC 618.650 to 618.848, inclusive. Notice of intent to participate must be sent, at least 30 days before the date of the hearing, to:

Occupational Safety and Health Review Board

~~{400 West King Street, Suite 200~~

~~—Carson City, Nevada 89703}~~ *The mailing address designated for the Occupational Safety and Health Review Board on the Internet website of the Division of Industrial Relations of the Department of Business and Industry at [https://dir.nv.gov/OSHA/Review Board/Review Board Main Page/](https://dir.nv.gov/OSHA/Review_Board/Review_Board_Main_Page/).*

All papers relevant to this matter may be inspected at:

(Place reasonably convenient to employees, preferably at or near workplace).

If appropriate, the second sentence of this notice may be deleted and the following sentence may be substituted:

The reasonableness of the period prescribed by the Chief for abatement of the violation has been contested and will be the subject of a hearing before the Occupational Safety and Health Review Board.

2. The authorized employee representative must be served with the notice in subsection 1 and with a copy of the notice of the appeal or contest.

3. A copy of the notice of the hearing to be held before the Board must be served by the employer on affected employees who are not represented by an authorized employee

representative by posting a copy of the notice of the hearing at or near the place where the citation is required to be posted.

4. A copy of the notice of the hearing to be held before the Board must be served by the employer on the authorized representative of any employee who has entered an appearance as of the date the notice is received by the employer.

5. If a notice of contest is filed by an affected employee who is not represented by an authorized employee representative and there are other affected employees who are represented by an authorized employee representative, the unrepresented employee shall serve a copy on the authorized representative as prescribed in subsection 3 of NAC 618.707 and file proof of the service.

6. If a notice of contest is filed by an affected employee or an authorized employee representative, a copy of the notice of contest and the response filed in support of the contest must be provided to the employer for posting as prescribed in subsection 1.

7. An authorized employee representative who files a notice of contest shall serve a copy of the notice on any other authorized employee representative whose members are affected employees.

8. Where posting is required by this section, the posting must be maintained until the commencement of the hearing or until an earlier disposition of the contest or appeal.

**Sec. 7.** NAC 618.910 is hereby amended to read as follows:

618.910 1. A person who wishes to apply for an initial license as a contractor, supervisor, abatement worker or consultant must submit a signed, completed application with all necessary documentation to the Enforcement Section on a form provided by the Enforcement Section, accompanied by a copy of any valid government-issued identification card of the applicant.

2. An application for initial licensing must be delivered to the Enforcement Section . ~~at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102 or 4600 Kietzke Lane, Suite F-153, Reno, Nevada 89502.~~

3. The Enforcement Section may, within 30 days after the receipt of an application, require further information to determine whether the application should be approved or denied.

4. If the Enforcement Section requests further information from an applicant and does not receive that information within 60 days after the date of the request, the application will be considered abandoned and the request for an initial license will be denied.

5. An applicant must include his or her mailing address on the application and immediately notify the Enforcement Section of any change in that address. Any notification of a change of address received by the Enforcement Section acts as an amendment to the original application. The address stated on the original application or as amended must be the proper mailing address for all filings, postings and communications made by mail between the Enforcement Section and the applicant.

6. A license issued by the Enforcement Section is valid:

(a) Until the expiration date of the certificate for a training course or a refresher training course; or

(b) For 1 year,

↳ whichever occurs earlier.

**Sec. 8.** NAC 618.913 is hereby amended to read as follows:

618.913 1. A licensee must submit an application for the renewal of his or her license before the license expires.

2. An application for the renewal of a license must be submitted on a form provided by the Enforcement Section and delivered to the Enforcement Section . ~~[at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102 or 4600 Kietzke Lane, Suite F 153, Reno, Nevada 89502.]~~

3. An application must be accompanied by:

(a) Evidence that the applicant has, within the preceding 12 months, completed a refresher training course approved by the EPA for his or her discipline; and

(b) The applicable fee for renewal.

4. The renewal of a license is not effective until final action on the application is taken by the Enforcement Section.

5. An application for the renewal of a license must include the applicant's mailing address. The applicant shall immediately notify the Enforcement Section of any change in that address. Any notification of a change of address received by the Enforcement Section acts as an immediate amendment to the original application. The address stated on the original application or amended application must be the proper mailing address for all filings, postings and communications made by mail between the Enforcement Section and the licensee.

6. Before the license of a contractor or consultant may be renewed, the contractor or consultant must abate all conditions for which the contractor or consultant has been issued a citation by the Enforcement Section and pay all fines due to the Division.

**Sec. 9.** NAC 618.919 is hereby amended to read as follows:

618.919 1. A person who has complied with all of the requirements to be a contractor, except the requirements relating to experience, may apply to the Enforcement Section for permission to be a limited contractor.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the Enforcement Section . ~~[at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102 or 4600 Kietzke Lane, Suite F-153, Reno, Nevada 89502.]~~

3. Permission to act as a limited contractor:

(a) Authorizes the limited contractor to perform a progression of projects for the abatement of asbestos, from simple inexpensive projects to difficult and complex projects;

(b) Is effective upon notification by the Enforcement Section; and

(c) Is limited to those situations where a project for the abatement of asbestos is supervised by a licensed supervisor who is experienced in the type of project performed.

**Sec. 10.** NAC 618.923 is hereby amended to read as follows:

618.923 1. A person who has complied with all the requirements to be a supervisor, except for the requirements relating to experience, may apply to the Enforcement Section for permission to be a probationary supervisor.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the ~~[Enforcement Section at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.]~~  
*Chief.*

3. A person may act as a probationary supervisor for not more than 4 consecutive months.

4. Permission to act as a probationary supervisor is effective upon notification by the Enforcement Section and is limited to those situations where a project for the abatement of asbestos must have other licensed supervisors present to assist the probationary supervisory in organizing the work site and overseeing the project.

**Sec. 11.** NAC 618.934 is hereby amended to read as follows:

618.934 1. A person who has complied with all of the requirements to be an inspector, except for the requirements relating to experience, may apply to the Enforcement Section for permission to be an inspector trainee.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the ~~[Enforcement Section at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.]~~  
*Chief.*

3. Permission to act as an inspector trainee is effective upon notification by the Enforcement Section and is limited to those situations in which all services provided as an inspector trainee will be rendered under the direct supervision of a licensed inspector or management planner.

**Sec. 12.** NAC 618.944 is hereby amended to read as follows:

618.944 1. A person who has complied with all of the requirements to be a monitor, except the requirement relating to experience, may apply to the Enforcement Section for permission to be a monitor trainee.

2. An application made pursuant to subsection 1 must be made in writing and delivered to the ~~[Enforcement Section at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.]~~  
*Chief.*

3. Permission to act as a monitor trainee is effective upon notification by the Enforcement Section and is limited to those situations in which all services provided as a monitor trainee will be rendered under the direct supervision of a licensed monitor.

**Sec. 13.** NAC 618.952 is hereby amended to read as follows:

618.952 1. A person may request the Enforcement Section to determine whether an activity is an activity for the abatement of asbestos and subject to the requirements of NAC

618.850 to 618.986, inclusive, by requesting the Enforcement Section to issue a declaratory order.

2. Any request for a declaratory order must be submitted in the form of a written petition and submitted to the ~~[Enforcement Section at 3360 West Sahara Avenue, Suite 250, Las Vegas, Nevada 89102.]~~ *Chief*. The petition must describe:

- (a) The material containing asbestos;
- (b) The proposed activity;
- (c) The site at which the activity will be conducted;
- (d) The nature of the work to be done; and
- (e) The results of any tests conducted on samples of material to be disturbed or encapsulated.

3. The Enforcement Section will issue a declaratory order in writing not later than 15 days after receiving a written petition. The order must be signed by the Chief.

4. A declaratory order may be appealed to the Administrator within 15 days after it is issued. An order not appealed within that time is final.