



October 27, 2020

Governor Kate Brown  
Office of the Governor  
900 Court Street, Suite 254  
Salem, OR 97301-4047

Re: Changes to the Oregon Administrative Rules

Dear Governor Brown:

Cardinal is a licensed worker leasing company based in Oregon. We provide administrative services, primarily for small businesses, such as payroll processing or employee benefits. I would like to comment on the timing of the proposed administrative rules, Oregon OSHA's Proposed Amendments in General Administrative Rules to Clarify Employer's Responsibilities and Oregon OSHA's Proposed Increase of Certain Minimum and Maximum Penalties for Alleged Violations. Cardinal is concerned about the many burdens of these proposed rules that will fall disproportionately on small businesses at a time when they are in survival mode. Small businesses are trying to comply with COVID-19 rules and are busy making changes to their operations. Currently, they do not have the time or resources to adequately respond to these expected changes, let alone give input on the proposed administrative rules. Please ask the Department of Consumer and Business Services/ Oregon OSHA to table them until after the pandemic.

Thank you,

Arin J. Carmack  
CEO

CC: Department of Consumer and Business Services/ Oregon OSHA



October 27, 2020

Department of Consumer and Business Services/Oregon OSHA  
350 Winter Street NE  
Salem OR 97301-3882

Re: Changers to the Oregon Administrative Rules

Dear Oregon OSHA:

I would like to take the opportunity to comment on the proposed administrative rules, Oregon OSHA's Proposed Amendments in General Administrative Rules to Clarify Employer's Responsibilities, and Oregon OSHA's Proposed Increase of Certain Minimum and Maximum Penalties for Alleged Violations.

Cardinal is a licensed worker leasing company based in Oregon. We provide administrative services primarily for small businesses and employees. Cardinal is concerned about many aspects of these proposed rules that will fall disproportionately on small businesses. First, changing the standard of a "reasonable employer" will essentially eliminate any chance for small businesses to defend themselves, as most do not have the ability to prove they have eliminated any and all hazards from a workplace. Second, small businesses often work very closely with their employees and informally enforce employee safety standards. The proposed standards are designed for a large employer with a formal process to identify compliance and implement corrective action. Thus, only large employers will have an effective defense. Additionally, the proposed penalty increases, considering the increases in 2017, are unwarranted and untimely in this economic climate. Finally, we are concerned about the seemingly arbitrary nature in which penalties may be levied, when compared to the previous penalty schedule.

These changes come at a time when many small businesses are in survival mode. They are busy trying to comply with COVID-19 rules and are making changes to their operations. Small businesses currently do not have the time or resources to adequately respond to these changes. You should table these changes until after the pandemic.

Thank you,

Arin J. Carmack  
CEO