

Regulatory Analysis

Notice of Intended Action to be published: 875—Chapter 3
“Citations”

Iowa Code section(s) or chapter(s) authorizing rulemaking: 88.5
State or federal law(s) implemented by the rulemaking: 29 CFR 1903.15 as amended by 90 Fed.
Reg. 1854 (January 10, 2025)

Public Hearing

A public hearing at which persons may present their views orally or in writing will be held as follows:

March 11, 2025
9 to 9:15 a.m.

Lake Conference Room
6200 Park Avenue, Suite 100
Des Moines, Iowa

Public Comment

Any interested person may submit written comments concerning this Regulatory Analysis, which must be received by the Labor Services Division no later than 4:30 p.m. on the date of the public hearing. Comments should be directed to:

Mitchell Mahan
Department of Inspections, Appeals, and Licensing
6200 Park Avenue, Suite 100
Des Moines, Iowa 50321-1270
Phone: 515.443.1051
Email: mitchell.mahan@dia.iowa.gov

Purpose and Summary

This proposed rulemaking adopts mandatory, annual cost-of-living adjustments in order to align Iowa’s penalties for occupational safety and health citations with the corresponding federal penalties.

Analysis of Impact

1. **Persons affected by the proposed rulemaking:**
 - **Classes of persons that will bear the costs of the proposed rulemaking:**
Employers subject to Occupational Safety and Health Administration (OSHA) regulations will bear the costs.
 - **Classes of persons that will benefit from the proposed rulemaking:**
Employees will benefit from enhanced safety of workplaces. Employers will benefit due to enhanced employee safety.
2. **Impact of the proposed rulemaking, economic or otherwise, including the nature and amount of all the different kinds of costs that would be incurred:**
 - **Quantitative description of impact:**
This rulemaking will cause about a 2.6 percent increase (1.02598 multiplier) in OSHA penalties.
 - **Qualitative description of impact:**
The Department discerns no qualitative impact.
3. **Costs to the State:**
 - **Implementation and enforcement costs borne by the agency or any other agency:**

There are no increased implementation or enforcement costs.

- **Anticipated effect on state revenues:**

There may be a small increase in state revenues due to higher assessed penalties.

4. Comparison of the costs and benefits of the proposed rulemaking to the costs and benefits of inaction:

The proposed rulemaking is a benefit because it fulfills the requirement of Iowa OSHA to be as effective as federal OSHA. Inaction could cost the State the 50 percent in federal funding of its work safety program and lead to federal OSHA asserting jurisdiction over employers now subject to Iowa OSHA.

5. Determination whether less costly methods or less intrusive methods exist for achieving the purpose of the proposed rulemaking:

Less intrusive or less costly methods do not exist because Iowa OSHA is obligated to match federal OSHA.

6. Alternative methods considered by the agency:

- **Description of any alternative methods that were seriously considered by the agency:**

No alternative methods were seriously considered.

- **Reasons why alternative methods were rejected in favor of the proposed rulemaking:**

Alternative methods were rejected because Iowa OSHA is obligated to match federal penalties as a condition of maintaining its program.

Small Business Impact

If the rulemaking will have a substantial impact on small business, include a discussion of whether it would be feasible and practicable to do any of the following to reduce the impact of the rulemaking on small business:

- Establish less stringent compliance or reporting requirements in the rulemaking for small business.
- Establish less stringent schedules or deadlines in the rulemaking for compliance or reporting requirements for small business.
- Consolidate or simplify the rulemaking's compliance or reporting requirements for small business.
- Establish performance standards to replace design or operational standards in the rulemaking for small business.
- Exempt small business from any or all requirements of the rulemaking.

If legal and feasible, how does the rulemaking use a method discussed above to reduce the substantial impact on small business?

Small businesses get a penalty reduction when Iowa OSHA penalties are assessed.

Text of Proposed Rulemaking

ITEM 1. Amend subrule 3.11(1) as follows:

3.11(1) The civil penalties proposed by the labor commissioner on or after June 1, ~~2024~~ 2025, are as follows:

a. Willful violation. The penalty for each willful violation under Iowa Code section 88.14(1) shall not be less than ~~\$11,190~~ \$11,823 and shall not exceed ~~\$161,323~~ \$165,514.

b. Repeated violation. The penalty for each repeated violation under Iowa Code section 88.14(1) shall not exceed ~~\$161,323~~ \$165,514.

c. Serious violation. The penalty for each serious violation under Iowa Code section 88.14(2) shall not exceed ~~\$16,131~~ \$16,550.

d. Other-than-serious violation. The penalty for each other-than-serious violation under Iowa Code section 88.14(3) shall not exceed ~~\$16,131~~ \$16,550.

e. Failure to correct violation. The penalty for failure to correct a violation under Iowa Code section 88.14(4) shall not exceed ~~\$16,131~~ \$16,550 per day.

f. Posting, reporting, or recordkeeping violation. The penalty for each posting, reporting, or recordkeeping violation under Iowa Code section 88.14(9) shall not exceed ~~\$16,131~~ \$16,550.