

# Nevada OSHA's New Increased Penalties and Targeted Inspections

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The Nevada Occupational Safety and Health Administration (NV OSHA) recently [announced](#) an increase in penalties for workplace safety violations, as well as a renewed focus on specific industries for inspections. The new measures are aimed at improving workplace safety and reducing accidents in the state.

NV OSHA increased penalties for workplace safety violations by 7.74 percent “for any penalty assessed on or after January 17, 2023, regardless of when the inspection was opened.” The increases come as a result of the Federal Civil Penalties Inflation Adjustment Act Improvements Act of 2015 which requires the U.S. Department of Labor to annually evaluate its civil monetary penalties to adjust for inflation by no later than January 15 of each year.

NV OSHA's penalties for violations are as follows:

- ▶ “For **willful violations**, where [NV] OSHA demonstrates that an employer knowingly failed to comply with an OSHA standard, or demonstrated a plain indifference for employee safety, the maximum penalty increases from \$145,027 to \$156,259.
- ▶ For **repeated violations**, maximum penalties will increase from \$145,027 to \$156,259.
- ▶ Penalties for **serious violations**, where workplace hazards that could cause an injury or illness that would most likely result in death or serious physical harm, the maximum penalty increases from \$14,502 to \$15,625.
- ▶ For each **other-than-serious violation**, the maximum penalty increases from \$14,502 to \$15,625.
- ▶ In instances where employers were previously cited and failed to correct violations, the maximum penalty increases from \$14,502 to \$15,625 per day unabated beyond the abatement date.
- ▶ For each **posting requirement violation**, the maximum penalty increases from \$14,502 to \$15,625.” (Emphases in original.)

In addition to increased penalties, NV OSHA [released](#) a list of the establishments it is targeting for programmed inspections. These inspections will be conducted on a random basis and will be aimed at identifying potential hazards and violations. NV OSHA will focus its programmed inspections in the following areas as part of its strategic plan:

1. Asbestos Abatement Projects (pursuant to [Nevada Revised Statutes 618.830](#))

2. Construction Industry (NAICS 23xxxx)
3. Local Emphasis Programs (LEP) including, but not limited to:
  - a. Food Manufacturing Industry (NAICS 311xxx)
  - b. Wood Manufacturing Industry (NAICS 321xxx)
  - c. Plastics and Rubber Products Manufacturing (NAICS 326xxx)
  - d. Nonmetallic Mineral Product Manufacturing Industry (NAICS 327xxx)
  - e. Warehousing and Storage (NAICS 493xxx)
  - f. Nursing in Residential Care Facilities (NAICS 623xxx)
  - g. Hotels (NAICS 721110)
  - h. Casino-Hotels (NAICS 721120)
  - i. General Auto Repair (NAICS 811111)
  - j. Automotive Body, Paint, and Interior Repair and Maintenance (NAICS 811121)
  - k. Industrial Launderers and Linen Supply (NAICS 8123xx)
4. National Emphasis Programs (NEP) including, but not limited to:
  - a. Combustible Dust (revised) – [CPL 03-00-008](#), effective in Nevada 1/30/2023
  - b. Outdoor and Indoor Heat-Related Hazards – [CPL 03-00-024](#), effective in Nevada 5/4/2022
  - c. Coronavirus Disease 2019 (COVID-19) – [DIR 2021-01 \(CPL-03\)](#), effective in Nevada 7/20/2021  
  
– Inspection Procedures for the COVID-19 Emergency Temporary Standard  
  
[\[DIR 2021-02 \(CPL 02\)\]](#), effective in Nevada 6/28/2021
  - d. Respirable Crystalline Silica – [CPL 03-00-023](#), effective in Nevada 2/24/2020
  - e. Amputations in Manufacturing Industries – [CPL 03-00-022](#), effective in Nevada 2/24/2020
  - f. Trenching and Excavation – [CPL 02-00-161](#), effective in Nevada 4/1/2019
  - g. Primary Metal Industries – [CPL 03-00-018](#), effective in Nevada 4/1/2015

According to NV OSHA, by making it more costly for employers to disregard safety regulations and focusing on industries with a higher incidence of accidents is intended to reduce the number of workplace injuries and fatalities in Nevada. Employers may want to take note of these changes and prioritize the safety of their workers to avoid penalties and ensure compliance with safety regulations.

Ogletree Deakins [Las Vegas office](#) and [Workplace Safety and Health Practice Group](#) will continue to monitor and report on developments with respect to NV OSHA and will post updates on the firm's [Nevada](#) and [Workplace Safety and Health](#) blogs as additional information becomes available. Important information for employers is also available via the firm's [webinar](#) and [podcast](#) programs.