

# TOOL BOX

January 2024



Construction  
Contractors Board

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[www.oregon.gov/ccb](http://www.oregon.gov/ccb)

## CCB PROPOSED FEE INCREASE BULLETIN

At its December 2023 meeting the Construction Contractors Board (CCB) approved for public comment a proposal to increase the two-year contractor license fee by \$75. The proposed increase would begin July 2024 and would be implemented over a two-year period. After full implementation, the two-year fee for both a new license and renewal of an existing license would be \$400.

CCB programs support a level playing field in the construction industry and consumer protection throughout Oregon. Fees paid by contractors are the primary financial support for licensing, enforcement, dispute resolution and other agency services. Through CCB's nine-member board, CCB is accountable for ensuring service delivery to our customers through changing market conditions.

The license fee was set at \$325 in 2010. Since 2010, costs have increased significantly and the industry has grown in size. At the same time CCB has held the line on staffing and sought ways to be more efficient with existing staff. The fee paid by contractors has remained at or below the rate established in 2010. The board proposed the increase to ensure the agency will have the resources needed to deliver accountable customer service to the contractors and consumers of Oregon.



The board considered whether program cuts were appropriate but determined that additional reductions would negatively impact service delivery. The board's finding is that the proposed fee increase is needed to maintain financial stability and ensure the agency is able to meet service demands.

The board encourages public comment on the proposal as well as feedback on how the agency can improve service delivery to consumers and contractors. **See below for details on providing public comment.**

### **CCB Fee Proposal Web Page**

<https://www.oregon.gov/ccb/Pages/Proposed-Fee-Increase.aspx>

### **Public Comment**

The public comment period for this proposal is currently open for submitting written comments. Public comment may be submitted via email at the address below. There will also be a public hearing to provide in-person comment on March 13th at 2:00 p.m. You may pre-register to provide public comment at the hearing by submitting an email request to the email below. You may also register in person on the day of the hearing.

### **The public comment period will close March 14th at 5:00 p.m.**

Submit written comment or register to provide comment during public hearing:

- Email to: [Shannon.flowers@ccb.oregon.gov](mailto:Shannon.flowers@ccb.oregon.gov)
- Mail: P.O. Box 14140  
Salem, OR  
97309-5052

Location for March 13th public hearing:

- 201 High Street SE,  
Salem Oregon, 1st floor hearing room

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## **Contractor Webinars Posted**

Residential contractors are required to take 3 hours of CCB Laws, Rules and Business Practices (LRB) classes every two years. CCB offers 3 hour webinars to fulfill this requirement. Each 3-hour webinar features a presentation from CCB and presentations from other state agencies.

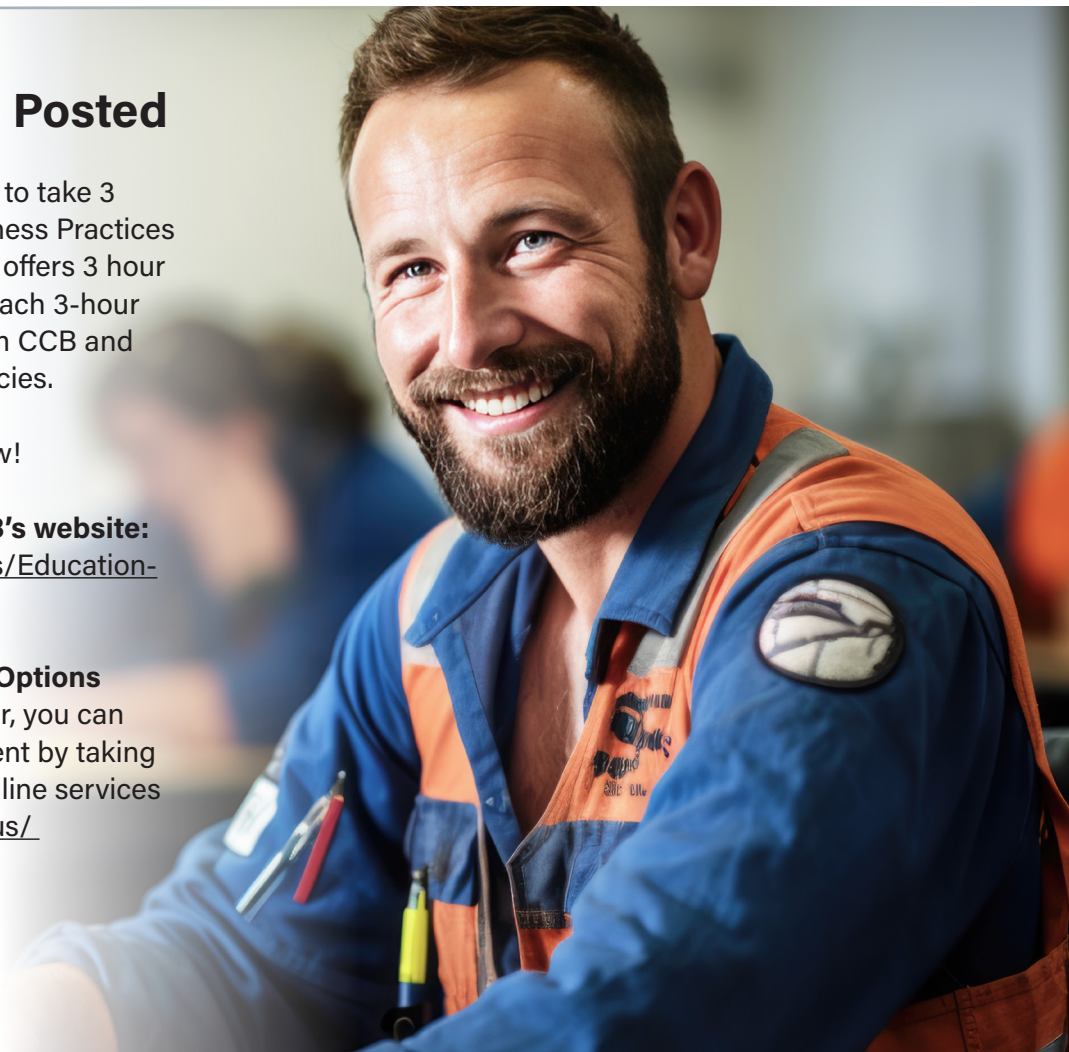
Classes are scheduled – sign up now!

**You can view the schedule on CCB's website:**

<https://www.oregon.gov/ccb/Pages/Education-Catalogs.aspx#CCBclasses>

### **No Time for a Webinar? You Have Options**

If you're unable to take a live webinar, you can still fulfill your 3 hour LRB requirement by taking on-demand classes through your online services account: <https://portal.ccb.state.or.us/>







# ALERT—OSHA Legal Changes

The Oregon legislature passed [Senate Bill 592](#) with an emergency clause effective date of May 24, 2023. As a result, Oregon OSHA had to adopt **rules** addressing the legislative requirements as soon as possible. Overall, Oregon OSHA **amended civil penalties** in accordance with this legislation and the new penalties will be in effect for inspections opened after January 1, 2024.

## KEY CONTACTS

### Licensing questions:

503-378-4621

### Report unlicensed activity:

503-934-2229

### Dispute resolution

### (mediation) questions:

503-934-2247

### Education questions:

503-934-2227

## STAFF

### Administrator

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## BOARD MEMBERS

Dylan Bochsler, Stayton\*  
Chair

Eric Olsen, Monmouth\*  
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Deb Flagan, Bend

Brent Landels, Bend

Sean VanGordon, Springfield

Abel Carbajal, Independence

Rosa Martinez, Eagle Creek

In addition, the legislation requires Oregon OSHA to adjust its civil penalties annually based on changes in the Consumer Price Index for All Urban Consumers, West Region (All items). In response, the agency adopted rules that create a [bulletin](#) process to make the mandatory annual adjustments.

The following table represents the civil penalty ranges that will be in effect for inspections opened between January 1 – December 31, 2024 that result in a violation.

Penalty Table - Penalty Range By Type and Classification of Violation		
Type	Minimum	Maximum
Other Than Serious	\$0	\$16,138
Serious Physical Harm or Death	\$1,153	\$16,138
Repeat	\$11,528	\$161,386
Willful	\$11,528	\$161,386
Serious that Caused or Contributed to the Death of Employee	\$20,656	\$51,641
Repeat that Caused or Contributed to the Death of Employee	\$51,641	\$258,203
Willful that Caused or Contributed to the Death of Employee	\$51,641	\$258,203

For more information on the civil penalty changes, visit the A-Z page on “Violations and penalties” at:

<https://osha.oregon.gov/Pages/topics/violations-and-penalties.aspx>

Employers are encouraged to use free resources – available now from Oregon OSHA and involving **no fault, no citations, and no penalties** – for help protecting their employees:

**Consultation services** – Provides free and confidential help with safety and health programs, including how to control and eliminate hazards, and hands-on training

- Phone (toll-free in Oregon): 800-922-2689
- [Field offices](#)
- [Online](#)
- Email: [consult.web@dcbs.oregon.gov](mailto:consult.web@dcbs.oregon.gov)

**Technical staff** – Helps employers understand requirements and how to apply them to their worksites

- Phone (toll-free in Oregon): 800-922-2689
- [Online](#)
- Email: [tech.web@dcbs.oregon.gov](mailto:tech.web@dcbs.oregon.gov)

# Article from Oregon Health Authority: Do You Use 3M Test Kits for Leadbased Paint Activities? Read This Important Update

3M has suspended the production and sale of 3M test kits. Contractors that use 3M test kits will need to use alternative means to make a determination for lead-based paint. Here are the recommendations from the EPA on how to stay in compliance with the RRP Rule:



1. Utilize the D-lead paint test kit to make the determination. EPA has heard these may be in shortage as well. Here is a short video on how to use the D-lead - [https://www.youtube.com/watch?v=qY1vVbU4\\_-4](https://www.youtube.com/watch?v=qY1vVbU4_-4)
  - If using D-lead, keep in mind these have an expiration date.
2. Take paint chip samples to make a determination for lead-based paint.
  - Keep in mind you will be required to test each component according to the scope of work. See this link for paint chip sampling - [https://www.youtube.com/watch?v=qY1vVbU4\\_-4](https://www.youtube.com/watch?v=qY1vVbU4_-4)
  - If taking paint chip samples, you will be required to send paint samples to a laboratory listed on the EPA National Lead Laboratory Accreditation Program (NLLAP) - <https://www.epa.gov/lead/national-lead-laboratory-accreditation-program-list>.
3. Presume for lead-based paint.
  - If presuming, you must document on the contract or somewhere on the agreement that you are presuming as a determination for lead-based paint under the RRP rule. Documentation is very important.
  - You can utilize the EPA test kit form to presume as well.
4. Hire a 3rd party certified lead-based paint inspector or Risk Assessor that utilizes the XRF equipment to test each component depending on the scope of work.
  - This option can be costly depending on the scope of work. It is important that the certified inspector/risk assessor knows the scope of work to make sure they test each component as the RRP rule requires.

Have questions? Contact:

Ryan Barker, Lead-Based Paint Program  
Oregon Health Authority  
Public Health Division  
Environmental Public Health  
Ph: 503-953-5432

## Article from Oregon Saves: Join the 27,000+ employers offering OregonSaves and help your employees build financial security!

OregonSaves is the State of Oregon's retirement savings program designed to give employers a simple way to help their employees save for retirement. There are no employer fees, no fiduciary responsibility, and only minimal ongoing responsibilities.

OregonSaves ensures that Oregonians have an easy, automatic way to save for retirement at work. Contributions are made seamlessly through payroll deductions into a Roth IRA (after tax) that follows the saver throughout their career. OregonSaves accounts are portable, customizable, and participation is voluntary for employees.

*State law requires all Oregon businesses that do not offer a retirement savings plan to facilitate OregonSaves.* The good news? OregonSaves is a popular benefit to offer your employees and comes at no cost to you. Registration is fast, easy, and secure. And after you sign up, the simple program administration leaves you free to run your business.

Don't delay! If you're an existing Oregon business that's not participating in OregonSaves you've missed your deadline, but it's not too late to register. If you already offer a retirement plan, have no W2 employees, or you're a sole proprietor, certify your exemption at [OregonSaves.com](http://OregonSaves.com). If you're a new Oregon business, you can register at any time or wait to receive notification.

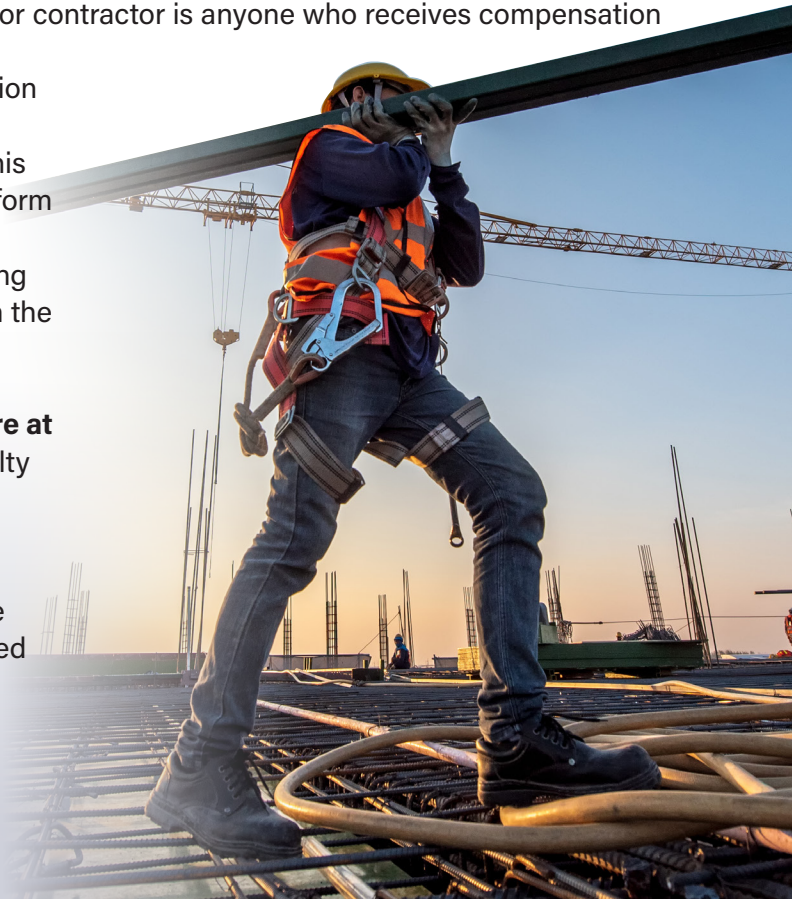
Need help? You can call the team at OregonSaves Monday-Friday between 7am-7pm at 1-844-661-1256 or sign up for a free, interactive webinar. Live sessions include an overview of the program and a step-by-step look at the registration process for employers. Sign up at [www.oregonsaves.com/events](http://www.oregonsaves.com/events) and get your questions answered. To learn more about OregonSaves and to register your business, visit [www.oregonsaves.com](http://www.oregonsaves.com) today!

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## Article from Bureau of Labor and Industries (BOLI): Do you use construction labor brokers? You're at risk if they're not licensed through BOLI

Construction labor brokers – *also called construction labor contractors* – must be licensed through BOLI. This is a separate license than a CCB license. A construction labor contractor is anyone who receives compensation to provide labor to another. The [statute](#) defines a labor contractor as any person that, "[f]or an agreed remuneration or rate of pay, **recruits, solicits, supplies or employs** workers to perform labor for another in construction!" This is not the same as being licensed through the CCB to perform construction work. It is a separate license through BOLI that applies to individuals or companies that recruit or bring workers, but do not make other substantial investments in the project.

**If your construction labor broker is not licensed, you are at risk.** You may be held responsible for unpaid wages, penalty wages, civil penalties, and attorney fees in connection with any actions initiated to recover unpaid wages by the labor broker's employees. You can also be liable for other, substantial penalties for the labor broker's noncompliance with other legal requirements. You may even be considered working with an unlicensed contractor.





### How can I tell if my labor broker is licensed?

**You** have the responsibility to check if a labor broker is licensed. **You** must ask for and keep a copy of the BOLI license allowing the labor broker to operate. If you do not have a copy of the license, you may be found liable for any unpaid wages, penalty wages, civil penalties and attorney fees in connection with any actions initiated to recover unpaid wages owed to the labor broker's employees, and for other penalties for the labor broker's noncompliance. At this time, very few labor brokers are actually licensed. You can find a list of active labor contractors on the BOLI website.

### What's the difference between a labor broker and a construction contractor?

A labor broker does not have a contract with the property owner. A labor broker does not pull permits.

A labor broker does not supply building materials or machinery, other than manual tools or hand-operated power tools.

- A labor broker is not a staffing agency. A construction staffing agency provides workers to multiple clients who represent a range of industries under the terms of a client agreement, provides required workers compensation coverage and pays employment and income taxes.

There are other exceptions too. BOLI has a helpful handbook available in English and Spanish. See section 2b of the statute for a full list.

You can find more information about construction labor contractors on the BOLI website, or contact BOLI at whd.laborcontracting@boli.oregon.gov

## Article from Oregon Housing and Community Services (OHCS): Recovery assistance for the 2020 Labor Day disasters will be available in 2024. Sign up today. Your expertise is needed.

Applications for the ReOregon Homeowner Assistance and Reconstruction Program (HARP) will open in early 2024. Many homeowners, who suffered damages and losses from the 2020 Labor Day disasters will soon have the help they've been waiting for to complete the repair, replacement, or rebuild of their homes.

In areas hit hardest, including Douglas, Jackson, Lane, Lincoln, and Marion counties, hundreds of homeowners will need licensed, insured residential contractors to help them get back into their homes.

Residents can use HARP funds to:

- Purchase and install manufactured housing
- Construct stick-built homes
- Rehabilitate damaged or replacement homes

If you're a licensed, residential contractor, this is a great opportunity for you to help rebuild Oregon communities that are stronger and more resilient. Learn more about ReOregon at re.oregon.gov. Stay up to date on HARP program developments by completing the Contact Form. With your help, we'll rebuild our communities even stronger. Have questions? Contact the Oregon Housing and Community Services team at ReOregon@HCS.oregon.gov.

