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DEPARTMENT OF BUSINESS AND INDUSTRY DIVISION OF INDUSTRIAL RELATIONS

January 22, 2026

Joint Interim Standing Committee on Growth and Infrastructure
c/o Keely Latham, Senior Policy Analyst
Keely.Latham@lcb.state.nv.us

RE: OSHA Information Request

Dear Honorable Members of the Joint Interim Standing Committee on Growth and Infrastructure:

The Division of Industrial Relations (DIR) sincerely thanks the Joint Interim Standing Committee on Growth and Infrastructure (Committee) for the opportunity to provide information regarding Nevada Occupational Safety and Health Administration's (Nevada OSHA's) inspection of The Boring Company (Inspection No. 1799833). We appreciate the opportunity to discuss the steps taken to review this matter, strengthen our processes, and reinforce public confidence in Nevada OSHA's work.

Following a comprehensive internal review, the Division identified areas where process improvements were necessary and warranted. In response, DIR has taken corrective action and implemented both immediate and ongoing measures to enhance procedural consistency, legal sufficiency, and internal controls. These efforts are focused on ensuring that processes are applied with fidelity, that lessons learned are institutionalized, and that Nevada OSHA continues to uphold the highest standards of workplace safety and regulatory integrity.

Nevada OSHA remains firmly committed to ensuring the safety and health of all workers throughout the state. Citations serve as a critical deterrent to prevent workplace injuries and illnesses, reinforcing the importance of compliance. Nevada OSHA employees are deeply passionate about workplace safety and have the full support and authority to issue citations when legal requirements are met. With the recent improvements and corrective actions implemented, the Division of Industrial Relations (DIR) is confident that Nevada OSHA is well-prepared to conduct effective inspections and fulfill its mission of protecting Nevada's workforce.

This document includes three sections. Section 1 provides an overview of Nevada OSHA's inspection and citation processes to provide context for the Committee about OSHA's operations. Section 2 provides an overview of events that occurred as part of the inspection of The Boring Company. Lastly, Section 3 provides answers to the Committee's questions.

Section 1: Overview of the Nevada OSHA Inspection and Citation Processes

Nevada OSHA's mission is to improve the safety and health of Nevada's workers through enforcement of Federal and state standards. The agency conducts targeted inspections in high-hazard industries to enforce

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safety and health standards, responds to workplace safety complaints, and investigates workplace accidents and fatalities. Complaints can be addressed by either sending the employer a Letter of Inquiry or conducting an inspection.

As part of an OSHA inspection, a Compliance Safety and Health Officer (CSHO) conducts an opening conference with an employer, conducts a walk-around of the job site to review safety and health hazards, gathers photographic and video evidence, reviews documents, and interviews employees and management representatives. OSHA has six months from the date of employee exposure to issue any citation resulting from the inspection. Once an inspection is completed, a closing conference is conducted with an employer to inform them of hazards found during the inspection, and to discuss whether these hazards will result in proposed citations.

In order to issue a citation to an employer, the following four legal criteria must be met per the Occupational Safety and Health Act and case law:

- A safety standard applies from state or federal law/regulations;
- A safety standard has been violated;
- Employees were exposed to the hazardous condition; and
- The employer had knowledge of the violation.

See, e.g., Bergelectric Corp. v. Sec'y of Labor, 925 F.3d 1167(2019).

The amount of an OSHA penalty is dependent on the type of citation as described below.

1. Serious Violation: A violation that occurs when there is a substantial probability that death or serious physical harm could result from a hazard, and the employer knew or should have known about it. Penalty: Up to \$16,550 per violation.
2. Other-Than-Serious Violation: A violation that has a direct relationship to job safety and health but is unlikely to cause death or serious physical harm. Penalty: Up to \$16,550 per violation.
3. Willful Violation: A violation that occurs when an employer intentionally disregards OSHA regulations or demonstrates "plain indifference" to employee safety. Penalty: Up to \$165,514 per violation.
4. Repeat Violation: A violation issued when an employer has been cited previously for the same or a substantially similar condition within the last five years. Penalty: Up to \$165,514 per violation.
5. Failure to Abate: A violation that occurs when an employer fails to correct a previously cited violation by the date specified in the original OSHA notice. Penalty: Up to \$16,550 per day beyond the abatement date.
6. Regulatory: A violation of certain state regulatory requirements (11 different statutes/codes). Penalty: Range of \$200 to \$100,000

Once the initial penalty is calculated, adjustment factors are applied based on the size of the employer, good faith efforts of the employer, immediate abatement of the hazard "quick fix," and previous citation history per NAC 618.6484.

Once a citation has been issued, a business has 30 days to decide whether to pay the citation, sign an Expedited Informal Settlement Agreement (EISA), request an informal conference to try to settle the matter, or contest the citation.

After a citation is contested, the business may choose to settle the matter or go to a hearing before the Occupational Safety and Health (OSH) Review Board, which is an independent body of 5 members appointed by the Governor that sets its own schedule to hear cases. There are currently 139 cases pending to be heard by the OSH Review Board, of which 116 have been scheduled and 23 are pending to be scheduled. The OSH Review Board has made a concerted effort to address the backlog of pending cases by ensuring cases are scheduled for hearing.

If a business does not agree with the decision of the OSH Review Board, it can submit a Petition for Judicial Review to District Court. If a business does not agree with a District Court decision, it can appeal

to the Nevada Supreme Court.

A citation may be withdrawn by Nevada OSHA at any point in the process if additional information is received that shows that any of the four legal criteria are not met.

Once a citation is final, the employer is required to abate the safety and health hazard(s) identified and provide documentation that the abatement is complete.

Section 2: Overview of The Boring Company Inspection

On May 28, 2025, Nevada OSHA issued a notice of citation and penalty to The Boring Company for Inspection No. 1799833 that consisted of three willful citations. The case involved an incident on Dec 10, 2024, where two members of the Clark County Fire Department were injured during a training exercise. A full copy of the case file is available to the public at:

<https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AJ0di8c7sncQLjTYd7NzKds?rlkey=276c2ihzpq5ulqo95i8arw4ts&e=2&st=2z641kv&dl=0>

Call from the Governor's office

On May 28, Department of Business and Industry (“B&I”) Director Dr. Kristopher Sanchez received a call from Chris Reilly of the Governor’s Office to discuss a matter that had come to his attention. Representatives from The Boring Company had reached out to express their concern with a notice of citation and penalty issued by Nevada OSHA that was hand-delivered to them earlier that day. Director Sanchez walked from the legislative building to Reilly’s office to discuss the matter. At that time Director Sanchez indicated that he would look into it. No commitments beyond that were made and at no time did the Governor’s staff pressure, imply or direct that the agency take any specific action beyond engaging in a fact-finding exercise.

Internal fact-finding meetings

Director Sanchez convened a meeting with DIR and Nevada OSHA administrators and legal counsel the following morning, May 29, to review and discuss the citations. During that meeting, Division legal counsel reviewed the citations (the first time a legal review of the citations had been conducted in contravention of agency best practices) and determined that the citations were in fact legally insufficient, finding that three of the four legal requirements were not met—standard violated, employee exposure, and employer knowledge. The only element that was met was that a standard applies. At that time, the decision was made by Nevada OSHA to withdraw the citations pending further review. See Attachment A for a memo detailing the legal analysis.

Meeting with The Boring Company

A meeting was held on the afternoon of May 29 between state officials and The Boring Company representatives. Attendees included Chris Reilly, Governor’s Office; Kris Sanchez, B&I Director; Amanda Flocchini, B&I Chief of Staff; Victoria Carreon, Division of Industrial Relations Administrator; William Gardner, Nevada OSHA Chief Administrative Officer; Steve Davis, Nicholas Smith, Chris Young, and Tyler Fairbanks of The Boring Company; and Ruben White of the Las Vegas Convention and Visitors Authority, among others.

At the beginning of the meeting, Director Sanchez announced that Nevada OSHA had withdrawn the citations prior to the meeting pending further review. Because the citations were withdrawn that morning by Nevada OSHA due to legal insufficiency, an informal conference was not convened or warranted. Had the legal review determined that the citations were validly issued, the process would have continued, and the company would have determined how to proceed with the next steps available to them in that process: informal conference, formal contest, or payment of the penalties as issued.

Even though the citations had been withdrawn prior to the meeting, company representatives chose to present information relevant to the invalid citations including documentation of training, receipts for personal protective equipment (PPE), and specifics around the conduct of the two Clark County Fire

Department members that were injured during the training event in an effort to ensure B&I and DIR leadership had a better understanding of why they felt the citations were unwarranted. During the presentation, the company outlined that despite the PPE requirements set forth in the training plan, these members chose to only wear a portion of the required PPE, failed to utilize the provided transportation, choosing to walk into the tunnel instead, and refused to immediately return to the surface for remediation. (A copy of the company's presentation is included in the documents folder.)

Subsequent Review of Additional Information

Nevada OSHA reviewed all of the documents that were provided and based on that review, in conjunction with the prior finding that the citations were legally insufficient, determined that the citations were unwarranted and should not be reissued. A second closing conference was subsequently held on June 6, 2025, when the employer was informed that citations would not be issued.

Policy and Procedure Changes

The Division of Industrial Relations conducted a thorough review of the issues that arose as a result of The Boring Company inspection and took immediate action to implement policies to prevent recurrence.

Key findings and actions are summarized below.

1. **Finding 1: The best practice of legal review for willful citations was not followed.** A policy was not in place to require legal review of willful citations. To provide clear timelines for legal review, “2025-01 Willful Review and High-Profile Inspection Policy” was issued on June 5, 2025. This policy was updated on December 15, 2025, as Policy 2025-10 to provide additional clarity regarding timelines and what is considered a high-profile case. See Attachment B.
2. **Finding 2: The proposed citations issued were not legally sufficient.** To improve the quality and consistency of case files, and ensure they are legally sufficient, three new Standard Operating Procedures were issued:
 - a. NV-OPS-001 Violation Worksheet (effective July 21, 2025) (Attachment C)
 - b. NV-OPS-002 Inspection Narrative (effective July 21, 2025) (Attachment D)
 - c. NV-OPS-003 Inspection Report (effective August 19, 2025) (Attachment E)

A comprehensive review was also conducted of the training program and changes were made to strengthen the requirements in the first year to ensure CSHOs have the skills needed to conduct high quality inspections.

3. **Finding 3: Procedures for withdrawal of citations were inadequate.** Policies governing the withdrawal of citations were insufficient and did not clearly address documentation and file retention requirements when citations are withdrawn prior to an informal conference. In this instance, documentation related to the withdrawal was not maintained in the case file and violation worksheets were initially removed from the file. Once this issue was brought to the Division's attention, the violation worksheets were added back to the file. To address this procedure gap on an ongoing basis, Nevada OSHA issued “NV-OPS-006: Citation Withdrawal Memo” on December 15, 2025, which clarifies that a citation withdrawal memo must be completed and that all citation-related documents must remain in the file. (Attachment G)
4. **Finding 4: Procedures for the case file diary were inadequate.** A case file diary entry related to the May 29, 2025, meeting was allegedly removed. To address this issue moving forward, Nevada OSHA issued “NV-OPS-005: Case File Diary” on December 15, 2025, clarifying required case file diary content and reinforcing that entries must not be altered or removed. (Attachment F)

Section 3: Questions from the Joint Interim Standing Committee on Growth and Infrastructure

1. Please provide a breakdown by year, of all complaints filed with Nevada OSHA regarding The Boring Company, including any investigations that are still open. Include the findings and resolution of each closed complaint.
 - a. The number of complaints and referrals received by Nevada OSHA by year for the Boring Company is provided below.

Year	Number of Complaints/ Referrals
2020	1
2022	3
2023	3
2024	2
2025	7
2026	1
Grand Total	17

- b. The findings and resolution of each complaint and referral are shown below.

UPA #	Receipt Date	Closed Date	Findings and Resolution
R-1541073	02/05/2020	01/12/2021	Inspection conducted. No citations proposed.
R-1887537	04/20/2022	05/18/2022	Inspection conducted. No citations proposed.
R-1893196	05/05/2022	05/19/2022	Inspection conducted. No citations proposed.
R-1940546	08/30/2022	09/01/2022	Inspection conducted. No citations proposed.
C-2023407	04/24/2023	06/07/2023	Inspection conducted. No citations proposed.
C-2040289	06/09/2023	10/30/2023	Inspection conducted. 8 citations proposed. Currently under contest.
C-2107863	12/01/2023	12/15/2023	No inspection conducted. Letter sent to Employer. Employer's response was satisfactory.
R-2137257	03/04/2024	03/26/2024	No inspection conducted. Letter sent to Employer. Employer's response was satisfactory.
R-2176510	06/20/2024	07/17/2024	No inspection conducted. Letter sent to Employer. Employer's response was satisfactory.
R-2255097	01/23/2025	01/28/2025	Inspection conducted. No citations proposed.
C-2294605	05/13/2025	05/15/2025	No action. Referred to Building Permits Dept.
R-2325347	07/25/2025	01/16/2026	Inspection conducted. No citations proposed.
F-2347114	09/10/2025	Currently open	Inspection currently open
C-2352201	09/23/2025	10/14/2025	No inspection conducted. Letter sent to Employer. Employer's response was satisfactory.
R-2358349	10/13/2025	Currently open	Inspection currently open. Associated with F-2347114.

UPA #	Receipt Date	Closed Date	Findings and Resolution
R-2369083	11/17/2025	Currently open	Inspection currently open. Associated with F-2347114.
R-2387890	01/06/2026	Currently open	UPA in progress. Letter sent to Employer on 1/12/26.

Notes: UPA= Unprogrammed Activity

2. Please provide the number and amount of fines issued by Nevada OSHA to Boring. Include preliminary fines issued, an indication of whether the fines were contested by Boring, and the final amount, if any levied following a determination by OSHA to reduce or eliminate fines.
 - a. Inspection 1677194 – This inspection resulted in 8 serious citations and proposed penalties of \$112,504. This case has been contested and is pending before the OSH Review Board. The amount of the fines is not final. The case was scheduled to be heard on August 13-14, 2025, but was continued to February 18-19, 2026, due to lack of a quorum at the OSH Review Board. Please note that the OSH Review Board is an independent body appointed by the Governor that controls its own schedule.
3. Please detail the corrective actions that have been required of Boring by OSHA, and the status of implementation of these actions.
 - a. Corrective actions are required once a citation has become a final order. Because the citations associated with Inspection 1677194 are being contested, corrective actions are not required at this time.
4. Please describe how and how often is OSHA monitoring Boring for compliance.
 - a. Nevada OSHA has responded to 17 complaints/referrals and conducted 8 inspections of The Boring Company since 2022. Nevada OSHA conducts programmed inspections at businesses in industries with high injury rates, responds to complaints/referrals, and investigates accidents and fatalities. Once an inspection is completed and abatement has been achieved, Nevada OSHA is not authorized to “monitor for compliance” on an ongoing basis.
 - b. Nevada OSHA currently holds collaborative meetings with The Boring Company representatives to discuss the status of the project and workplace safety issues. It is important to note that these meetings are not meant to “monitor compliance.” The most recent meeting was on January 12, 2026. Now that a new Chief Administrative Officer is in place, the goal is to meet monthly.
 - c. An option to create a more ongoing relationship with DIR would be for The Boring Company to work with the Safety Consultation and Training Section (SCATS) once all current inspections and complaints have been resolved. SCATS can work with The Boring Company free of charge through its consultation program to help build an effective and sustainable Safety and Health Management System. This would include implementing the following elements:
 - i. Management Commitment and Employee Involvement: Management provides resources and prioritizes safety as a core value, while employee involvement ensures workers actively support and uphold safety and health practices.
 - ii. Worksite Analysis: Regular worksite examinations identify existing and potential hazards, enabling proactive measures to prevent accidents and ensure effective safety policies.
 - iii. Hazard Prevention and Controls: Hazards are eliminated through design or controlled promptly when elimination is not feasible, minimizing unsafe and unhealthy exposures.

- iv. Safety and Health Training: Training equips all personnel with safety responsibilities, tailored to site complexity and integrated with job performance requirements for maximum effectiveness.

The benefits of a strong Safety and Health Management System would be higher management and employee engagement in safety, improved safety outcomes, a positive reputation, and lower costs.

The Boring Company could also work with SCATS to become part of the Safety and Health Achievement Recognition Program (SHARP), which recognizes businesses that maintain exemplary safety and health programs. Businesses participating in SHARP are granted an exemption from OSHA programmed inspections for up to 2 years.

5. Please describe the standard processes and timelines for follow up inspections to ensure a violating employer remains in compliance with workplace safety requirements.
 - a. Follow-up inspections are only conducted when required abatement has not been documented or verified for citations that have become final order. If a citation becomes final order, and the employer submits documentation of satisfactory abatement that is accepted by Nevada OSHA, a follow-up inspection would not be conducted. In contrast, if satisfactory abatement is not submitted as required, a follow-up inspection may be conducted to determine whether the violation(s) have been corrected.
6. Does Nevada OSHA have any designation for repeat offenders, and, if so, does such a designation trigger enhanced investigations or penalties?
 - a. On January 1, 2023, Nevada OSHA implemented Federal OSHA's Severe Violator Enforcement Program (SVEP), which concentrates resources on inspecting employers that have demonstrated indifference to their OSH Act obligations by committing willful, repeated, or failure-to-abate violations. Enforcement actions for severe violator cases include mandatory follow-up inspections and, where appropriate, ensure increased awareness of the enforcement actions at the corporate level, corporate-wide agreements, enhanced settlement provisions, and federal court enforcement under Section 11(b) of the OSH Act.
 - b. Nevada OSHA considers an inspection to result in a SVEP case if it meets at least one of the following criteria:
 - i. Fatality/Catastrophe: A fatality/catastrophe inspection where OSHA finds at least one willful or repeated violation or issues a failure-to-abate notice based on a serious violation directly related either to an employee death, or to an incident causing three or more employee hospitalizations.
 - ii. Non-Fatality/Catastrophe: An inspection where OSHA finds at least two willful or repeated violations or issues failure-to-abate notices (or any combination of these violations/notices), based on the presence of high gravity serious violations.
 - iii. All egregious (per-instance citations) must be considered SVEP cases.
 - c. A follow-up or referral inspection must be conducted within 1 year, but no longer than 2 years, after the citation becomes a final order, regardless of receiving abatement. If the employer has moved to a new location, the new location must be inspected.
 - d. The criteria warranting removal from the SVEP include the following:
 - i. Eligibility begins three years after the date an employer completes abatement.
 - ii. An employer can be placed on a 2-year plan with approval of an enhanced settlement agreement.

- e. To date, three companies have been notified they meet the criteria for placement in the SVEP. However, all three cases are currently under contest and pending litigation before the OSH Review Board, an independent adjudicatory body. If the proposed/issued citations are upheld and become Final Order of the Review Board, the companies will be placed on the SVEP. However, the Review Board's decisions may also be appealed before the District Court. District Court decisions may also be appealed to the Supreme Court, which is the highest level of appeal.
- f. On March 27, 2023, Nevada OSHA implemented Federal OSHA's expanded directive regarding instance-by-instance (IBI) citations. This directive is limited to high-gravity serious violations specific to falls, trenching, machine guarding, respiratory protection, permit required confined spaces, lockout/tagout, and other-than-serious violations specific to recordkeeping. The scope applies to all industries within Nevada OSHA's jurisdiction.
- g. IBI citations will normally be based on consideration of one or more of the following factors:
 - i. The employer has received a willful, repeat, or failure to abate violation within the past five years where that classification is current
 - ii. The employer has failed to report a fatality, inpatient hospitalization, amputation, or loss of an eye pursuant to the requirements of Nevada Revised Statute 618.378
 - iii. The proposed citations are related to a fatality/catastrophe
 - iv. The proposed recordkeeping citations are related to injury or illness(es) that occurred as a result of a serious hazard
- h. IBI citations may be applied when the text of the relevant standard allows (such as, but not limited to, per machine, location, entry, or employee), and when the instances of violation cannot be abated by a single method of abatement. A separate penalty shall be assessed for each violation, and the adjustment factors shall be applied in accordance with the Nevada Operations Manual (NOM).

7. Please provide detailed information indicating to the committee how often fines initially assessed by OSHA are reduced or eliminated. Of those, how many are reduced without an official appeal as opposed to following an appeal?

- a. Penalty Calculation: OSHA penalties are initially calculated based on the gravity of the violation, which takes into account severity and probability of injury. Per NAC 618.6484, adjustment factors are taken into account based on size of the employer, good faith efforts of the employer, immediate abatement of a hazard "quick fix," and previous citation history.
- b. Penalty Retention: A total of 723 cases received proposed fines in 2025 totaling \$11,917,073.68. Of these, there were 374 cases where fines were reduced (52%). The overall penalty retention rate was 86% (\$10.2 million / \$11.9 million). Penalties may be reduced through either informal settlements, where a case is not appealed, or formal settlements, which occur after a case is appealed.

See the chart on the following page for more detail:

Nevada OSHA Penalty Retention 2025

Case Status	Number of Cases	Initial Penalty	Current Penalty	Percent Penalty Retained
ContestedAppealed Case				
Pending appeal	62	\$6,402,075.48	\$6,402,075.48	100%
Formal Settlement Agreement				
No decrease in penalty	1	\$46,815.00	\$46,815.00	100%
Reduction in penalty	2	\$29,625.00	\$3,676.00	12%
Dismissed Case				
Citation withdrawn	1	\$13,151.00	\$0.00	0%
Violation Not Contested				
No monetary penalty	119	\$0.00	\$0.00	NA
No change in penalty	320	\$1,771,086.80	\$1,771,086.80	100%
Informal Settlement	55	\$1,192,694.10	\$735,143.53	62%
EISA	316	\$2,461,626.30	\$1,230,813.17	50%
Grand Total	723	\$11,917,073.68	\$10,202,760.98	86%

c. Informal settlements (cases not appealed):

- i. There were a total of 55 cases throughout 2025 where fines were reduced as part of an Informal Settlement Agreement, via an informal conference with a District Manager or their designee. The total penalty retention was 62%.
- ii. Nevada OSHA implemented an option called the Expedited Informal Settlement Agreement (EISA) for cases opened after December 6, 2021, which allows certain employers to settle a case with a 50% reduction in the proposed/issued penalty amount without an informal conference or appealing the case. A total of 316 cases were settled as part of an EISA. Employers must meet the following eligibility requirements to qualify for an EISA:
 1. The case is not an Accident and/or Fatality/Catastrophe investigation.
 2. The case does not include Failure-to-Abate, Repeat, or Willful violations, or any High Gravity Serious violations.
 3. The Employer is not delinquent in any penalty payments owed to Nevada OSHA.

There are other factors which, at the discretion of the District Manager, would indicate that the employer (or case) is not a suitable candidate for the EISA program. Such other factors might be poor history of previous penalty payments, poor cooperation, long term abatement for cited items, and lack of a safety and health program. (Penalties associated with EISAs: \$1.23 million/ \$2.46 million)

- d. Formal settlements (appealed cases): 2 out of 65 appealed cases throughout 2025 resulted with fines being reduced. The total penalty retention on these cases was 12%. One formal settlement resulted in no penalty reduction and had a penalty retention of 100%.
8. Please provide all materials supplied by The Boring Company at the May 29, 2025, meeting with Nevada OSHA contesting the violations.
 - a. See slide presentation provided by The Boring Company (Attachment H)
9. Please provide all materials related to OSHA's review of the Boring fines and the second closing conference on June 6, 2025.

The following documents are provided:

 - a. Legal analysis (Attachment A)

- b. Supplemental documents submitted by The Boring Company on 5/29/2025 (Attachment I)
 - c. Inspection Narrative (Attachment J)
 - d. Closing Conference checklist (Attachment K)

10. Please provide information on what percentage of OSHA's willful citations have been submitted to a legal review, per the best practices cited by NV DIR.

- a. Over the last 5 years, Nevada OSHA proposed a total of 64 willful violations, resulting from 19 different inspections. A total of 59 of the 64 citations were submitted for legal review (92%). A total of 3 cases (5 citations) were not reviewed by Legal prior to the citations being issued – Production Pattern & Foundry, Inc. (1), Timberline Enterprises, LLC (1), and TBC – The Boring Company (3).

11. Please detail the process by which the initial fines were reviewed and approved and the process by which the fines were reviewed and determined to be insufficient, including the positions within OSHA who reviewed and signed off on these decisions.

- a. The initial closing conference was held on May 21, 2025. The initial citations were submitted by the CSHO for review on May 23, 2025. The file was reviewed by the Supervisor (Industrial Hygienist IV) and reviewed and approved by the District Manager. The citations were issued on May 28, 2025.
- b. The violation worksheets were reviewed by Legal Counsel on May 29, 2025, and determined to be insufficient. See attached legal analysis. The decision to withdraw the citations was made by the Nevada OSHA Chief Administrative Officer on May 29, 2025.

12. Please provide documentation regarding the forensic analysis conducted on the altered OSHA case file including the results of this analysis.

- a. On November 17, 2025, the Division of Industrial Relations asked the Governor's Technology Office to review the Case File Diary to determine when the document had been changed and by which user. The Department of Business and Industry IT responded on November 18, 2025, that an older version of the file could not be found.

13. Please provide a list of other businesses facing complaints and fines that the Governor's Office has contacted OSHA about in the last 3 calendar years, and whether penalties these businesses faced at the time were ultimately reduced or eliminated.

- a. Nevada OSHA does not track contact from the Governor's Office specifically. However, based on the recollection of staff, there was contact from the Governor's Office in September 2023 regarding Inspection Number 1574832.015, RNO 22-2180, Mt. Rose Heating and Air Conditioning, Inc. The initial penalty was \$7,510. The case closed on 1/29/2024 through a formal settlement with a final penalty of \$10,000.

14. Please provide any information about staff performance evaluations or discipline related to the handling of this complaint against The Boring Company, as well as the new policies and procedures implemented afterward.

- a. Staff performance evaluations and discipline documents are confidential.
- b. The following new policies and procedures have been implemented:
 - i. Policy 2025-10: Willful Review and High-Profile Inspection Policy (Attachment B)
 - ii. NV-OPS-001: Violation Worksheet (Attachment C)
 - iii. NV-OPS-002: Inspection Narrative (Attachment D)
 - iv. NV-OPS-003: Inspection Report (Attachment E)
 - v. NV-OPS-005: Case File Diary (Attachment F)
 - vi. NV-OPS-006: Citation Withdrawal Memo (Attachment G)

15. Please provide any updates on the status of Federal OSHA's CASPA investigation of Nevada OSHA.

a. Federal OSHA received a Complaint Against State Program Administration (CASPA) regarding the state's handling of a workplace safety and health inspection conducted at TBC The Boring Company, inspection #1799833. Federal OSHA's investigation is in progress. The Director of the Department of Business and Industry received an update on January 20, 2025 from Federal OSHA with preliminary findings. Since the investigation is ongoing, this information cannot be disclosed at this time.

Thank you for the opportunity to provide the Committee with the requested information. Please let us know if you have additional questions.

Sincerely,



Victoria Carreón
Administrator

Attachments

Attachment A: DIR Legal Memo: TBC – The Boring Company Citation Issues with Inspection No. 1799833: <https://www.business.nv.gov/siteassets/content/files/dir-legal-memo---tbc-the-boring-company-11-17-25.pdf>

Attachment B: Policy 2025-10: Willful Review and High-Profile Inspection Policy:

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=Policy+2025-10+-+Willful+Review+and+High+Profile+Inspection+Policy.pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

Attachment C: NV-OPS-001: Violation Worksheet:

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=NV-OPS-001---Violation-Worksheet.pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

Attachment D: NV-OPS-002: Inspection Narrative:

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=NV-OPS-002---Inspection-Narrative.pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

Attachment E: NV-OPS-003: Inspection Report:

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=NV-OPS-003---Inspection-Report.pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

Attachment F: NV-OPS-005: Case File Diary:

[https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=NV-OPS-005+-+Case+File+Diary+\(1-15-26\).pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1](https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=NV-OPS-005+-+Case+File+Diary+(1-15-26).pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1)

Attachment G: NV-OPS-006: Citation Withdrawal Memo:

[https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=NV-OPS-006+-+Citation+Withdrawal+Memo+\(1-15-26\).pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1](https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=NV-OPS-006+-+Citation+Withdrawal+Memo+(1-15-26).pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1)

Attachment H: The Boring Company Slide Presentation:

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&preview=The+Boring+Company+Slide+Presentation.pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/AHwaAdMBDe9513d8itdgeZk/Additional%20Information?dl=0&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

Attachment I: Supplemental documents submitted by The Boring Company on 5/29/2025:

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/ALJ5fEuzhEo5zm5wVc4RJDI/TAB1.Inspection/1%20-%20Required%20Items?dl=0&preview=Narrative.pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

Attachment J: Inspection Narrative:

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/ALJ5fEuzhEo5zm5wVc4RJDI/TAB1.Inspection/1%20-%20Required%20Items?dl=0&preview=Second+Closing.pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

Attachment K: Second Closing Conference checklist:

https://www.dropbox.com/scl/fo/kqqke64fwncarz200q99t/ALJ5fEuzhEo5zm5wVc4RJDI/TAB1.Inspection/1%20-%20Required%20Items?dl=0&preview=Second+Closing.pdf&rlkey=276c2ihzpqslqo95i8arw4ts&subfolder_nav_tracking=1

Note: All charts and graphics were created by Department of Business and Industry Staff