



February 12, 2026

Victoria Carreón
Administrator and State Designee
Division of Industrial Relations
2300 W Sahara Avenue, Suite 300
Las Vegas, Nevada 89102

RE: CASPA NV-2026-01

Ms. Carreón:

This is in response to the Complaint About State Program Administration (CASPA) regarding The Nevada Occupational Safety and Health Administration's (NV OSHA's) handling of inspection #1799833 with the Boring Company in Las Vegas, Nevada. In response to the complaint, we reviewed the inspection case file and associated materials and conducted interviews with NV OSHA staff. We found merit in the following allegations and make recommendations as discussed below.

Allegation 1: Case file documentation was altered, missing, and/or removed from the case file. This included the initial citations as well as entries on the diary sheet.

Allegation 2: Citations to the Boring Company were withdrawn after issuance.

OSHA's Findings:

The allegations were substantiated. OSHA found that documentation, including a copy of the issued citations, was removed from the case file and that the diary and narrative were altered post citation issuance. The citations to the Boring Company were withdrawn after issuance. However, in our analysis NV OSHA had reasonable justification to withdraw the issued willful citations. Our evaluation of the violation worksheets in the inspection file revealed several inconsistencies, and we determined that the *prima facie* elements necessary to establish a willful violation were not satisfied. The evidence gathered by NV OSHA during their investigation did not substantiate the employer demonstrated intentional disregard or plain indifference to the identified hazards.

Several issues were revealed during our evaluation of the case file for inspection # 1799833:

Engagement of Division Counsel: The Las Vegas District Office (LVDO) did not involve Division Counsel in the formulation of the willful violations. Contrary to the guidance provided in the Nevada Operations Manual (NOM) Chapter 4, as well as established past practices and training, Division Counsel was not consulted prior to the issuance of the willful violations on May 28, 2025.



Documentation of Justification for Withdrawal: NV OSHA did not provide a justification in the case file to explain their withdrawal of the citations. NOM Chapter 5 Section 11.d provides guidance on the necessary steps to take when a citation is withdrawn during the informal conference process but does not specify necessary documentation for a withdrawal outside of the informal conference process, which may have been a contributing factor to the lack of a written justification or documentation.

Alteration of Case File Documentation: After the decision to withdraw the willful citations, NV OSHA staff modified or removed relevant documentation from the case file. Documents from the original case file, including the signed citation package, were intentionally removed to align with the withdrawal of the willful citations. NV OSHA staff subsequently modified the narrative to reflect the updated status. We also noted minor discrepancies between diary sheet versions. The original copies of the removed and altered documents were recovered and assessed during this CASPA investigation.

OSHA's Recommendation:

To address these findings, we recommend that NV OSHA clarify in policy when to engage with their legal counsel, require that critical events and decisions be documented, and clarify how and when it is appropriate to modify case files when there is a citation withdrawal.

NV OSHA proactively self-identified several areas for improvement on December 19, 2025. The following State-Initiated Plan Changes and SOPs are currently being reviewed by Federal OSHA to ensure they are “at least as effective as” any associated federal policies:

- Inspection Narrative SOP effective 7/21/2025
- Violation Worksheet SOP effective 7/21/2025
- Inspection Report SOP effective 8/19/2025
- Willful and High-Profile Inspections Memo effective 12/11/2025
- Citations Withdrawal Memo effective 12/15/2025
- Case File Diary SOP effective 12/15/2025

As a result of OSHA's investigation of this CASPA, we are requesting your written response to the above recommendations within 15 days. We will review your response in addition to the above-mentioned SOPs that have already been provided. Any additional new or revised procedures should be submitted to OSHA as a State Plan change.

U.S. Department of Labor

Occupational Safety and Health Administration
San Francisco Regional Office
Ronald Dellums Federal Building
1301 Clay Street, Suite 1080N
Oakland, CA 94612



Your cooperation with our investigation is greatly appreciated. If you have any questions, please let me know.

Sincerely,

Abby Lopez
Assistant Regional Administrator, Cooperative and State Programs, OSHA