

105TH CONGRESS
2^D SESSION

H. R. 2864

IN THE SENATE OF THE UNITED STATES

MARCH 18, 1998

Received

AN ACT

To require the Secretary of Labor to establish a program under which employers may consult with State officials respecting compliance with occupational safety and health requirements.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Occupational Safety
3 and Health Administration Compliance Assistance Au-
4 thorization Act of 1998”.

5 **SEC. 2. COMPLIANCE ASSISTANCE PROGRAM.**

6 Section 21 of the Occupational Safety and Health Act
7 of 1970 is amended by adding at the end the following
8 new subsection:

9 “(d)(1) The Secretary shall establish and support co-
10 operative agreements with the States under which employ-
11 ers subject to this Act may consult with State personnel
12 with respect to—

13 “(A) the application of occupational safety and
14 health requirements under this Act or under State
15 plans approved under section 18; and

16 “(B) voluntary efforts that employers may un-
17 dertake to establish and maintain safe and healthful
18 employment and places of employment.

19 Such agreements may provide, as a condition of receiving
20 funds under such agreements, for contributions by States
21 towards meeting the costs of such agreements.

22 “(2) Pursuant to such agreements the State shall
23 provide on-site consultation at the employer’s worksite to
24 employers who request such assistance. The State may
25 also provide other education and training programs for
26 employers and employees in the State. The State shall en-

1 sure that on-site consultations conducted pursuant to such
2 agreements include provision for the participation by em-
3 ployees.

4 “(3) Activities under this subsection shall be con-
5 ducted independently of any enforcement activity. If an
6 employer fails to take immediate action to eliminate em-
7 ployee exposure to an imminent danger identified in a con-
8 sultation or fails to correct a serious hazard so identified
9 within a reasonable time, a report shall be made to the
10 appropriate enforcement authority for such action as is
11 appropriate.

12 “(4) The Secretary shall, by regulation after notice
13 and opportunity for comment, establish rules under which
14 an employer—

15 “(A) which requests and undergoes an on-site
16 consultative visit provided under this subsection;

17 “(B) which corrects the hazards that have been
18 identified during the visit within the time frames es-
19 tablished by the State and agrees to request a subse-
20 quent consultative visit if major changes in working
21 conditions or work processes occur which introduce
22 new hazards in the workplace; and

23 “(C) which is implementing procedures for reg-
24 ularly identifying and preventing hazards regulated
25 under this Act and maintains appropriate involve-

1 ment of, and training for, management and non-
2 management employees in achieving safe and health-
3 ful working conditions,
4 may be exempt from an inspection (except an inspection
5 requested under section 8(f) or an inspection to determine
6 the cause of a workplace accident which resulted in the
7 death of one or more employees or hospitalization for 3
8 or more employees) for a period of one year from the clos-
9 ing of the consultative visit.

10 “(5) A State shall provide worksite consultations
11 under paragraph (2) at the request of an employer. Prior-
12 ity in scheduling such consultations shall be assigned to
13 requests from small businesses which are in higher hazard
14 industries or have the most hazardous conditions at issue
15 in the request.”

Passed the House of Representatives March 17,
1998.

Attest:

ROBIN H. CARLE,

Clerk.