

# Union Calendar No. 252

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2864

[Report No. 105-444]

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.

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## IN THE HOUSE OF REPRESENTATIVES

NOVEMBER 7, 1997

Mr. BALLENGER (for himself, Mr. HALL of Texas, Mr. STENHOLM, Mr. NORWOOD, Mr. BARRETT of Nebraska, Mr. PAUL, Mr. DELAY, Mr. BOB SCHAFFER of Colorado, Mr. HOEKSTRA, Mr. GRAHAM, Mr. ISTOOK, Mr. FAWELL, and Mr. BOEHNER) introduced the following bill; which was referred to the Committee on Education and the Workforce

MARCH 17, 1998

Additional sponsors: Mr. GOODLING, Mr. PETERSON of Pennsylvania, Mr. HAYWORTH, Mr. HEFLEY, Mr. DEAL of Georgia, Mr. DOOLITTLE, Mr. MILLER of Florida, Mr. ROEMER, Mr. WICKER, and Mr. JONES

MARCH 17, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in *italic*]

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## A BILL

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,*

3 **SECTION 1. SHORT TITLE.**

4       This Act may be cited as the “Occupational Safety  
5 and Health Administration Compliance Assistance Au-  
6 thorization Act of 1997”.

7 **SEC. 2. COMPLIANCE ASSISTANCE PROGRAM.**

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

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

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

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

21       “(2) Pursuant to such agreements the State shall  
22 provide on-site consultation at the employer’s worksite to  
23 employers who request such assistance. The State may

1 also provide other education and training programs for  
2 employers and employees in the State.

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

10       “(4) An employer who requests and undergoes an on-  
11 site consultative visit provided under this subsection and  
12 who corrects the hazards that have been identified during  
13 the visit within the time frames established by the State  
14 and agrees to request a subsequent consultative visit if  
15 major changes in working conditions or work processes  
16 occur which introduce new hazards in the workplace, shall  
17 be exempt from an inspection (except an inspection re-  
18 quested under section 8(f) or to determine the cause of  
19 a workplace accident which resulted in the death of one  
20 or more employees or hospitalization for 3 or more em-  
21 ployees) for a period of one year from the closing of the  
22 consultative visit.

23       “(5) Not less than 90 percent of funds appropriated  
24 to the Secretary for compliance assistance activities shall  
25 be used for the purposes of this subsection.”.

1 **SECTION 1. SHORT TITLE.**

2 *This Act may be cited as the “Occupational Safety and*  
3 *Health Administration Compliance Assistance Authoriza-*  
4 *tion 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 new*  
8 *subsection:*

9 *“(d)(1) The Secretary shall establish and support coop-*  
10 *erative agreements with the States under which employers*  
11 *subject to this Act may consult with State personnel with*  
12 *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 pro-*  
23 *vide on-site consultation at the employer’s worksite to em-*  
24 *ployers who request such assistance. The State may also*  
25 *provide other education and training programs for employ-*  
26 *ers and employees in the State. The State shall ensure that*

1 *on-site consultations conducted pursuant to such agree-*  
2 *ments include provision for the participation by employees.*

3       “(3) *Activities under this subsection shall be conducted*  
4 *independently of any enforcement activity. If an employer*  
5 *fails to take immediate action to eliminate employee expo-*  
6 *sure to an imminent danger identified in a consultation*  
7 *or fails to correct a serious hazard so identified within a*  
8 *reasonable time, a report shall be made to the appropriate*  
9 *enforcement authority for such action as is appropriate.*

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

13               “(A) *which requests and undergoes an on-site*  
14 *consultative visit provided under this subsection,*

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

21               “(C) *which is implementing procedures for regu-*  
22 *larly identifying and preventing hazards regulated*  
23 *under this Act and maintains appropriate involve-*  
24 *ment of, and training for, management and non-*

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

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



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