

105TH CONGRESS
1ST SESSION

H. R. 2871

To amend the Occupational Safety and Health Act of 1970 to provide for the establishment of advisory panels for the Secretary of Labor.

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

A BILL

To amend the Occupational Safety and Health Act of 1970 to provide for the establishment of advisory panels for the Secretary of Labor.

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. ADVISORY PANEL.**

4 Section 6(g) of the Occupational Safety and Health
5 Act of 1970 (29 U.S.C 655(g)) is amended to read as fol-
6 lows:

7 “(g)(1) Except as provided in paragraph (2), when-
8 ever the Secretary determines that a rule should be pro-

1 mulgated or modified in order to serve the objectives of
2 this Act, the Secretary shall appoint a panel of individuals
3 to review the scientific and economic data which forms the
4 basis for such standard and the relevance of the data to
5 industries and workers which would be affected by the
6 standard. Such panel shall be broadly representative and
7 balanced, and shall consist of persons who are able to give
8 independent judgment and who have expertise in scientific
9 and economic analysis relevant to the industry or indus-
10 tries which would be subject to the standard. Persons with
11 substantial and relevant expertise shall not be excluded
12 merely because they represent entities that may have po-
13 tential interest in the outcome if that interest is fully dis-
14 closed to the Secretary and in the case of a decision affect-
15 ing a single entity, no peer reviewer representing such en-
16 tity may be included on the panel. Reports of the panel,
17 including any individual and minority reports, shall be
18 published together with any proposed or final rule under
19 paragraphs (2) and (4) of subsection (b) on the standard.
20 The Secretary shall provide a written response to all sig-
21 nificant comments of the panel and shall include such re-
22 sponses with the proposed or final rule to which the re-
23 ports of the panel members are attached.

24 “(2) The requirements of paragraph (1) shall not
25 apply when the rule is completed through negotiated rule-

1 making under subchapter III of chapter 5 of title 5, Unit-
2 ed States Code.”.

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