

108TH CONGRESS  
1ST SESSION

# H. R. 2728

To amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration.

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## IN THE HOUSE OF REPRESENTATIVES

JULY 15, 2003

Mr. NORWOOD introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to an employer filing of a notice of contest following the issuance of a citation by the Occupational Safety and Health Administration.

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 Small Business Day in Court Act of 2003”.

1 **SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPA-**  
2 **TIONAL SAFETY AND HEALTH ACT.**

3 (a) CITATION.—The second sentence of section 10(a)  
4 of the Occupational Safety and Health Act of 1970 (29  
5 U.S.C. 659(a)) is amended by inserting “(unless such fail-  
6 ure results from mistake, inadvertence, surprise, or excus-  
7 able neglect)” after “assessment of penalty”.

8 (b) FAILURE TO CORRECT.—The second sentence of  
9 section 10(b) of the Occupational Safety and Health Act  
10 of 1970 (29 U.S.C. 659(b)) is amended by inserting “(un-  
11 less such failure results from mistake, inadvertence, sur-  
12 prise, or excusable neglect)” after “assessment of pen-  
13 alty”.

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