

108TH CONGRESS  
2D SESSION

# H. R. 4712

To amend the Occupational Safety and Health Act of 1970 with respect to enforcement provisions.

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## IN THE HOUSE OF REPRESENTATIVES

JUNE 24, 2004

Mr. TIAHRT (for himself, Mr. BALLENGER, Mr. NORWOOD, and Mr. WILSON of South Carolina) 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 with respect to enforcement provisions.

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 “OSHA and Employer  
5 Cooperation Act of 2004”.

6 **SEC. 2. ENFORCEMENT OF THE OCCUPATIONAL SAFETY**  
7 **AND HEALTH ACT OF 1970.**

8 (a) TIME PERIODS FOR ISSUING CITATIONS.—Sec-  
9 tion 9 of the Occupational Safety and Health Act of 1970  
10 (29 U.S.C. 658) is amended by striking “with reasonable

1 promptness” and inserting “within thirty working days”.  
2 Section 10 of such Act (29 U.S.C. 659) is amended by  
3 striking “within a reasonable time” and inserting “within  
4 thirty days”.

5 (b) TIME PERIODS FOR CONTESTING CITATIONS.—  
6 Section 10 of such Act (29 U.S.C. 659) is amended by  
7 striking “fifteen” each place it appears and inserting  
8 “thirty”.

9 (c) RIGHT TO CORRECT VIOLATIVE CONDITION.—  
10 Section 9 of such Act (29 U.S.C. 658) is amended by add-  
11 ing at the end the following:

12 “(d) The Secretary may not assess a penalty under  
13 section 17 in connection with the initial issuance of a cita-  
14 tion, with the exception of willful violations, if the em-  
15 ployer corrects the violative condition and provides the  
16 Secretary an abatement certification within 72 hours.”.

17 (d) MULTIEMPLOYER WORKSITES.—Section 9 of  
18 such Act (29 U.S.C. 658) is amended by adding at the  
19 end the following:

20 “(e) On multiemployer work sites, the Secretary may  
21 only cite the employer whose employees were exposed to  
22 a condition which is in violation of a requirement of any  
23 standard, rule or order promulgated pursuant to section  
24 6 of this Act, or of any regulations prescribed pursuant  
25 to this Act.”.

1 (e) PENALTIES.—Section 17 of such Act (29 U.S.C.  
2 666) is amended by inserting the following:

3 “(m) The Secretary shall not use ‘other than serious’  
4 citations as a basis for issuing subsequent, repeat or will-  
5 ful citations.”.

6 (f) WRITTEN STATEMENT TO EMPLOYER FOL-  
7 LOWING INSPECTION.—Section 8 of such Act (29 U.S.C.  
8 657) is amended by adding at the end the following:

9 “(i) At the closing conference after the completion of  
10 an inspection, the inspector shall provide the employer or  
11 a representative of the employer with a written statement  
12 that clearly and concisely provides the following informa-  
13 tion:

14 “(1) The results of the inspection, including  
15 each alleged hazard, if any, and each citation that  
16 will be issued, if any.

17 “(2) The right of the employer to contest a ci-  
18 tation, a penalty assessment, an amended citation,  
19 and an amended penalty assessment.

20 “(3) An explanation of the procedure to follow  
21 in order to contest a citation, a penalty assessment,  
22 an amended citation, and an amended penalty as-  
23 sessment, including when and where to contest a ci-  
24 tation and the required contents of the notice of in-  
25 tent to contest.

1           “(4) The Secretary’s responsibility to affirm,  
2           amend, or dismiss the citation and penalty assess-  
3           ment, if any.

4           “(5) The informal review process.

5           “(6) The procedures before the Occupational  
6           Safety and Health Review Commission.

7           “(7) The right of the employer to seek judicial  
8           review.

9           “(j) The written statement required under this sec-  
10          tion must be presented to the employer or the employer’s  
11          representative at the closing conference after the comple-  
12          tion of the inspection.”.

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