

**AMENDMENT TO H.R. 2864**  
**OFFERED BY MR. BALLENGER**

Strike all after the enacting clause and insert the following:

**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 officials and  
12 other designated persons 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.

1 “Such agreements may provide, as a condition of receiving  
2 funds under such agreements, for contributions by States  
3 towards meeting the costs of such agreements.

4 “(2) Pursuant to such agreements the State shall  
5 provide on-site consultation at the employer’s worksite to  
6 employers who request such assistance. The State may  
7 also provide other education and training programs for  
8 employers and employees in the State. The State shall en-  
9 sure that on-site consultations conducted pursuant to such  
10 agreements include provision for the participation by em-  
11 ployees as described in regulations of the Secretary pub-  
12 lished at 29 C.F.R. 1908.6 as of the date of enactment  
13 of the Occupational Safety and Health Administration  
14 Compliance Assistance Authorization Act of 1998.

15 “(3) Activities under this subsection shall be con-  
16 ducted independently of any enforcement activity. If an  
17 employer fails to take immediate action to eliminate em-  
18 ployee exposure to an imminent danger identified in a con-  
19 sultation or fails to correct a serious hazard so identified  
20 within a reasonable time, a report shall be made to the  
21 appropriate enforcement authority for such action as is  
22 appropriate.

23 “(4) The Secretary shall, in consultation with the  
24 States which operate programs under section 18, establish  
25 rules under which an employer—

1           “(A) who requests and undergoes an on-site  
2           consultative visit provided under this subsection, and

3           “(B) who corrects the hazards that have been  
4           identified during the visit within the time frames es-  
5           tablished by the State and agrees to request a subse-  
6           quent consultative visit if major changes in working  
7           conditions or work processes occur which introduce  
8           new hazards in the workplace,

9           may be exempt from an inspection (except an inspection  
10          requested under section 8(f) or an inspection to determine  
11          the cause of a workplace accident which resulted in the  
12          death of one or more employees or hospitalization for 3  
13          or more employees) for a period of one year from the clos-  
14          ing of the consultative visit.

15          “(5) A State shall provide worksite consultations  
16          under paragraph (2) to any employer in the State and the  
17          provision of such consultations may be made in accordance  
18          with a priority system for the provision of such consulta-  
19          tions if sufficient resources are not available to accommo-  
20          date all requests for such consultations. The Secretary or  
21          the State may establish such priority system.

22          “(6) For activities under this subsection there are au-  
23          thorized to be appropriated \$50,000,000 for fiscal year  
24          1999 and such sums as may be necessary for subsequent  
25          fiscal years.”.