

FEBRUARY 4, 1998

**[Showing the Amendment Adopted by the Subcommittee on  
Workforce Protections on February 4, 1998]**

105TH CONGRESS  
2D SESSION

# H. R. 2864

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

[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  
24 also provide other education and training programs for  
25 employers and employees in the State.

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

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

21       ~~“(5) Not less than 90 percent of funds appropriated~~  
22 ~~to the Secretary for compliance assistance activities shall~~  
23 ~~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 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.*

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 *as described in regulations of the Secretary published at 29*  
4 *C.F.R. 1908.6 as of the date of enactment of the Occupa-*  
5 *tional Safety and Health Administration Compliance As-*  
6 *sistance Authorization Act of 1998.*

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

14       “(4) *The Secretary shall, in consultation with the*  
15 *States which operate programs under section 18, establish*  
16 *rules under which an employer—*

17               “(A) *who requests and undergoes an on-site con-*  
18 *sultative visit provided under this subsection, and*

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

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

7       *“(5) A State shall provide worksite consultations*  
8 *under paragraph (2) to any employer in the State and the*  
9 *provision of such consultations may be made in accordance*  
10 *with a priority system for the provision of such consulta-*  
11 *tions if sufficient resources are not available to accommo-*  
12 *date all requests for such consultations. The Secretary or*  
13 *the State may establish such priority system.*

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