

114TH CONGRESS  
2D SESSION

# H. R. 5213

To require the Occupational Safety and Health Administration to provide notice and comment rulemaking for the revised enforcement policy relating to the exemption of retail facilities from coverage of the process safety management of highly hazardous chemicals standard under section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 12, 2016

Mr. SMITH of Nebraska (for himself, Mr. FINCHER, Mr. PETERSON, and Mr. COSTA) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## A BILL

To require the Occupational Safety and Health Administration to provide notice and comment rulemaking for the revised enforcement policy relating to the exemption of retail facilities from coverage of the process safety management of highly hazardous chemicals standard under section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fertilizer Access and  
3 Responsible Management Act” or the “FARM Act”.

4 **SEC. 2. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRA-**  
5 **TION PROCESS SAFETY MANAGEMENT**  
6 **STANDARD.**

7 (a) WITHDRAWAL OF POLICY.—

8 (1) IN GENERAL.—The Secretary of Labor, act-  
9 ing through the Assistant Secretary of Labor for Oc-  
10 cupational Safety and Health, shall withdraw the re-  
11 vised enforcement policy relating to the exemption of  
12 retail facilities from coverage of the process safety  
13 management of highly hazardous chemicals standard  
14 under section 1910.119(a)(2)(i) of title 29, Code of  
15 Federal Regulations, issued as a memorandum by  
16 the Occupational Safety and Health Administration  
17 on July 22, 2015.

18 (2) ENFORCEMENT.—The Secretary of Labor,  
19 acting through the Assistant Secretary of Labor for  
20 Occupational Safety and Health, shall enforce sec-  
21 tion 1910.119(a)(2)(i) of title 29, Code of Federal  
22 Regulations (or any corresponding similar regulation  
23 or ruling) in the same manner as such section was  
24 enforced on July 21, 2015, unless such section is  
25 amended in accordance with subsection (b).

26 (b) REQUIREMENTS FOR RULEMAKING.—

1           (1) PROPOSED RULE.—The Secretary may pub-  
2           lish any proposed rule relating to the exemption of  
3           retail facilities from coverage of the process safety  
4           management of highly hazardous chemicals standard  
5           under section 1910.119(a)(2)(i) of title 29, Code of  
6           Federal Regulations (or any corresponding similar  
7           regulation or ruling) only if—

8                   (A) the Secretary, acting through the As-  
9                   sistant Secretary of Labor for Occupational  
10                  Safety and Health, arranges for an independent  
11                  third party to conduct a cost analysis of such  
12                  proposed rule, and the Secretary includes such  
13                  analysis in the publication of the proposed rule;  
14                  and

15                  (B) the Bureau of the Census establishes  
16                  a code for farm supply retailers under sector  
17                  44–45 (relating to retail trade) of the North  
18                  American Industry Classification System.

19           (2) NOTICE AND COMMENT.—In promulgating  
20           any rule related to the exemption described in para-  
21           graph (1), the Secretary of Labor, acting through  
22           the Assistant Secretary of Labor for Occupational  
23           Safety and Health, shall—

1           (A) provide notice and comment rule-  
2           making in accordance with section 553 of title  
3           5, United States Code; and

4           (B) invite meaningful public participation  
5           in such rulemaking.

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