

105TH CONGRESS  
1ST 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

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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”.

1 **SEC. 2. COMPLIANCE ASSISTANCE PROGRAM.**

2 Section 21 of the Occupational Safety and Health Act  
3 of 1970 is amended by adding at the end the following  
4 new subsection:

5 “(d)(1) The Secretary shall establish and support co-  
6 operative agreements with the States under which employ-  
7 ers subject to this Act may consult with designated State  
8 officials with respect to—

9 “(A) the application of occupational safety and  
10 health requirements under this Act or under State  
11 plans approved under section 18; and

12 “(B) voluntary efforts that employers may un-  
13 dertake to establish and maintain safe and healthful  
14 employment and places of employment.

15 “(2) Pursuant to such agreements the State shall  
16 provide on-site consultation at the employer’s worksite to  
17 employers who request such assistance. The State may  
18 also provide other education and training programs for  
19 employers and employees in the State.

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

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

14       “(5) Not less than 90 percent of funds appropriated  
15 to the Secretary for compliance assistance activities shall  
16 be used for the purposes of this subsection.”.

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