

115TH CONGRESS  
2D SESSION

# H. R. 5870

To amend the Occupational Safety and Health Act of 1970 to require immediate notification to an employer of the issuance of a penalty, to prohibit any public notice of such citation for a period of 24 hours after issuance of the citation, and to require a public notice where an employer successfully contests any proposed penalty.

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## IN THE HOUSE OF REPRESENTATIVES

MAY 17, 2018

Mr. GROTHMAN (for himself, Mr. GIANFORTE, and Mr. ROKITA) 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 to require immediate notification to an employer of the issuance of a penalty, to prohibit any public notice of such citation for a period of 24 hours after issuance of the citation, and to require a public notice where an employer successfully contests any proposed penalty.

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 Employer Noti-  
5       fication Act”.

1 **SEC. 2. IMMEDIATE NOTIFICATION OF CITATION; WAITING**  
2 **PERIOD BEFORE ANY PUBLIC NOTIFICATION;**  
3 **PUBLIC NOTIFICATION OF ANY REDUCTION**  
4 **OF A PENALTY.**

5 (a) IMMEDIATE NOTIFICATION AND WAITING PE-  
6 RIOD.—Section 10(a) of the Occupational Safety and  
7 Health Act of 1970 (29 U.S.C. 659(a)) is amended—

8 (1) by inserting after the first sentence the fol-  
9 lowing: “Immediately after issuing a citation and to  
10 the extent possible, the Secretary shall notify the  
11 employer by electronic communication or telephone  
12 of the issuance of the citation, including the classi-  
13 fication of the violation. No public announcement  
14 about the citation or notification of proposed penalty  
15 shall be made by the Secretary or any other official  
16 of the Occupational Safety and Health Administra-  
17 tion for at least one full business day after notifying  
18 the employer pursuant to the previous sentence. If  
19 the Secretary is unable to notify the employer after  
20 one full business day of the issuance of the citation,  
21 the Secretary may make a public announcement of  
22 the determination.”;

23 (2) by striking “receipt of the notice issued by  
24 the Secretary” and inserting “receipt of the notice  
25 by certified mail issued by the Secretary”; and

1           (3) by inserting at the end the following: “If  
2           the Secretary issues a public posting on the Depart-  
3           ment of Labor’s website about an alleged citation or  
4           notification of proposed penalty that subsequently is  
5           settled in part or in whole by the Secretary and the  
6           employer, or is vacated or modified in part or in  
7           whole by the Occupational Safety and Health Review  
8           Commission or a court, then the Secretary with rea-  
9           sonable promptness, shall withdraw the public post-  
10          ing on the Department’s website of the initial cita-  
11          tion or notification of proposed penalty and replace  
12          it with an updated posting that reflects the settle-  
13          ment, vacation or modification, including, if applica-  
14          ble, a citation to the commission or court decision or  
15          a description of where the decision can be found.”.

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