

104TH CONGRESS
2D SESSION

H. R. 3234

To amend the Occupational Safety and Health Act of 1970.

IN THE HOUSE OF REPRESENTATIVES

APRIL 15, 1996

Mr. BALLENGER (for himself, Mrs. MEYERS of Kansas, Mr. BARRETT of Nebraska, Mr. HOEKSTRA, Mr. NORWOOD, Mr. STENHOLM, Mr. GRAHAM, Mr. HAYES, Mr. HUTCHINSON, Mr. HALL of Texas, and Mr. BREWSTER) introduced the following bill; which was referred to the Committee on Economic and Educational Opportunities

A BILL

To amend the Occupational Safety and Health Act of 1970.

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 AND REFERENCE.**

4 (a) SHORT TITLE.—This Act may be cited as the
5 “Small Business OSHA Relief Act of 1996 ”.

6 (b) REFERENCE.—Whenever in this Act an amend-
7 ment or repeal is expressed in terms of an amendment
8 to, or repeal of, a section or other provision, the reference
9 shall be considered to be made to a section or other provi-
10 sion of the Occupational Safety and Health Act of 1970.

1 **SEC. 2. STANDARDS.**

2 Section 6(b) (29 U.S.C. 655(b)) is amended by add-
3 ing at the end the following:

4 “(9) Each standard promulgated by the Sec-
5 retary shall be based upon an assessment of the
6 costs and benefits of the standard and a determina-
7 tion that the benefits of the standard justify the
8 costs imposed by the standard.”.

9 **SEC. 3. PENALTIES.**

10 Section 17 (29 U.S.C. 666) is amended by redesignig-
11 nating subsections (k) and (l) as subsections (l) and (m),
12 respectively, and by adding after subsection (j) the follow-
13 ing:

14 “(k) In the case of any employer of 250 or fewer em-
15 ployees who received a citation for a violation of the re-
16 quirements of section 5, any standard, rule, or order pro-
17 mulgated pursuant to section 6 or of any regulation pre-
18 scribed under this Act, the Secretary shall waive up to
19 100 percent of the penalty otherwise proposed for such
20 violation if the employer corrects the violation within the
21 time set for abatement under section 9(a). If the employer
22 does not correct the violation within such time, the Sec-
23 retary shall waive up to 100 percent of such penalty to
24 the extent that the employer uses the amount which would
25 have been paid as the penalty for correction of the viola-
26 tion. This subsection shall apply where—

1 “(1) the employer has made a good faith effort
2 to comply with applicable regulations; and

3 “(2) the violation constitutes a significant
4 threat to an employee’s health or safety.”.

5 **SEC. 4. CITATION.**

6 Section 9 (29 U.S.C. 658) is amended by adding at
7 the end the following:

8 “(d) In the case of any posting requirement and any
9 requirement to prepare and maintain injury and illness
10 records or written plan or verification, no citation shall
11 be issued unless—

12 “(1) the employer has willfully or repeatedly
13 violated the requirement; or

14 “(2) the failure to meet such requirement has
15 resulted in an employee being exposed to a hazard.”.

16 **SEC. 5. CONSULTATION SERVICES.**

17 Section 23 (29 U.S.C. 672) is amended by adding
18 at the end the following:

19 “(i)(1) The Secretary shall, through the authority
20 granted under sections 7(c) and 21(c), enter into coopera-
21 tive agreements with States for the provision of consulta-
22 tion services by such States to employers concerning the
23 provision of safe and healthful working conditions.

24 “(2)(A) Except as provided in subparagraph (B), the
25 Secretary shall reimburse a State that enters into a coop-

1 erative agreement under paragraph (1) in an amount that
2 equals 90 percent of the costs incurred by the State under
3 such agreement.

4 “(B) A State shall be fully reimbursed by the Sec-
5 retary for—

6 “(i) training approved by the Secretary for
7 State staff operating under a cooperative agreement;
8 and

9 “(ii) specified out-of-State travel expenses in-
10 curred by such staff.

11 “(C) A reimbursement paid to a State under this sub-
12 paragraph shall be limited to costs incurred by such State
13 for the provision of consultation services under this para-
14 graph and the costs described in subparagraph (B).”.

15 **SEC. 6. PERFORMANCE MEASURES.**

16 Section 8 (29 U.S.C. 657) is amended by adding at
17 the end the following:

18 “(h) The Secretary shall not establish any perform-
19 ance measures for any subordinate within the Occupa-
20 tional Safety and Health Administration (including any
21 regional director, area director, supervisor, or inspector)
22 with respect to the number of inspections conducted, cita-
23 tions issued, or penalties assessed.”.

1 **SEC. 7. EFFECTIVE DATE.**

2 The amendments made by this Act shall take effect
3 on the date of the enactment of this Act.

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