

109<sup>TH</sup> CONGRESS  
1<sup>ST</sup> SESSION

# H. R. 739

To amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration.

---

## IN THE HOUSE OF REPRESENTATIVES

FEBRUARY 10, 2005

Mr. NORWOOD (for himself, Mr. BOEHNER, Mr. SAM JOHNSON of Texas, Mr. MCKEON, Mr. EHLERS, Mrs. BIGGERT, Mr. KELLER, Mr. WILSON of South Carolina, Mr. KLINE, Mr. PAUL, and Mr. NEUGEBAUER) introduced the following bill; which was referred to the Committee on Education and the Workforce

---

## A BILL

To amend the Occupational Safety and Health Act of 1970 to provide for adjudicative flexibility with regard to the filing of a notice of contest by an employer following the issuance of a citation or proposed assessment of a penalty by the Occupational Safety and Health Administration.

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 Small Business Day in Court Act of 2005”.

1 **SEC. 2. CONTESTING CITATIONS UNDER THE OCCUPA-**  
2 **TIONAL SAFETY AND HEALTH ACT OF 1970.**

3 Section 10 of the Occupational Safety and Health Act  
4 of 1970 (29 U.S.C. 659) is amended—

5 (1) in the second sentence of subsection (a), by  
6 inserting after “assessment of penalty” the fol-  
7 lowing: “(unless such failure results from mistake,  
8 inadvertence, surprise, or excusable neglect)”; and

9 (2) in the second sentence of subsection (b), by  
10 inserting after “assessment of penalty” the fol-  
11 lowing: “(unless such failure results from mistake,  
12 inadvertence, surprise, or excusable neglect)”.

13 **SEC. 3. EFFECTIVE DATE.**

14 The amendments made by this Act shall apply to a  
15 citation or proposed assessment of penalty issued by the  
16 Occupational Safety and Health Administration that is  
17 issued on or after the date of the enactment of this Act.

○