

103<sup>D</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 5266

To amend the Occupational Safety and Health Act of 1970 to assist small business in compliance with such Act.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 7, 1994

Mr. HAYES (for himself, Mr. DIXON, Mr. STENHOLM, Mr. SUNDQUIST, and Mr. TAUZIN) introduced the following bill; which was referred to the Committee on Education and Labor

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## A BILL

To amend the Occupational Safety and Health Act of 1970 to assist small business in compliance with such Act.

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 Occupational Safety and Health Compli-  
6       ance Incentive Act”.

7       (b) REFERENCE.—Whenever in this Act an amend-  
8       ment or repeal is expressed in terms of an amendment  
9       to, or repeal of, a section or other provision, the reference

1 shall be considered to be made to a section or other provi-  
2 sion of the Occupational Safety and Health Act of 1970.

3 **SEC. 2. STATE CONSULTATION PROGRAMS.**

4 Section 23(g) (29 U.S.C. 672(g)) is amended by in-  
5 serting “(1)” after “(g)” and by adding at the end the  
6 following:

7 “(2) In the case of grants to States under paragraph  
8 (1), the Federal share shall be a percent greater than 50  
9 but not more than 75 percent, as determined by the Sec-  
10 retary and the State, if the State establishes programs  
11 which demonstrate, over a period determined by the Sec-  
12 retary and the State, that such State meets the State plan  
13 requirements of section 18(c). A State which receives a  
14 Federal share greater than 50 percent, shall use the addi-  
15 tional amount received under such increased Federal share  
16 to carry out its consultation program to enable employers  
17 to consult with the State or the Secretary respecting their  
18 responsibilities under the Act and to provide education  
19 and training to employers respecting such responsibilities,  
20 including methods of hazard identification and mitigation.

21 “(3) The Secretary shall provide technical and other  
22 assistance to States for the establishment and operation  
23 of programs under which employers may consult with  
24 State or Federal officials respecting compliance with the

1 applicable State or Federal occupational safety and health  
2 requirements.”

3 **SEC. 3. FEES.**

4 Any employer with less than 100 employees shall not  
5 be subject to any fee which may be established under the  
6 Occupational Safety and Health Act of 1970 if such em-  
7 ployer solicits consultation services under section 23(g)(2)  
8 of such Act and the Secretary has not found such em-  
9 ployer to be in violation of this Act within the previous  
10 12 months.

11 **SEC. 4. INSPECTIONS.**

12 (a) GENERAL RULE.—Any employer with less than  
13 100 employees shall not be subject to an inspection under  
14 section 8 of the Occupational Safety and Health Act of  
15 1970 if such employer requests a consultation visit under  
16 section 23(g)(2) of such Act and the entity providing the  
17 consultation services under such section determines by fol-  
18 low-up visits or other methods that such employer has in-  
19 stituted its recommendations after such consultation.

20 (b) EXCEPTION.—Subsection (a) does not prevent the  
21 Secretary from—

22 (1) conducting an inspection or investigation in  
23 response to any employee complaint, issuing cita-  
24 tions for violations found during such inspection,  
25 and proposing penalties for violations found during

1 such inspection which are not corrected in a reason-  
2 able period of time;

3 (2) taking any action authorized by this Act  
4 with respect to imminent dangers; and

5 (3) taking any action authorized by this Act  
6 with respect to a report of a workplace incident  
7 which results in a fatality or hospitalization of 3 or  
8 more employees,

9 **SEC. 5. PENALTIES.**

10 If an employer of less than 100 employees abates an  
11 other than willful hazard under the Occupational Safety  
12 and Health Act of 1970 in what is deemed a reasonable  
13 period of time by the entity providing consultation services  
14 under section 23(g)(2) of such Act and if during any sub-  
15 sequent inspection of such employer it is determined that  
16 such employer does not have any such hazard, any civil  
17 penalty imposed on such employer for the hazard abated  
18 shall be based on the cooperation and due diligence of such  
19 employer in abating such hazard and shall in no event ex-  
20 ceed \$1000.

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