

135TH CONGRESS
1ST SESSION

H.R. 29

To amend the Occupational Safety and Health Act of 1970.

IN THE CONGRESS OF THE UNITED STATES

November 27, 2020

Mr. JOHNSON of Pennsylvania and Mr. MORALES (for
themselves, Mr. LIGHTWOOD, and Mr. SOMEONE) introduced
the following bill;

A BILL

To amend the Occupational Safety and Health Act of 1970.

Be it enacted by the House of Representatives in Congress Assembled,

SECTION 1. SHORT TITLE.

This Act may be cited as the “OSHA Amendments Act of 2020”.

SEC. 2. AMENDMENTS TO THE OCCUPATIONAL SAFETY AND HEALTH ACT OF 1970.

(a) Section 3(5) ([29 U.S.C. 652\(5\)](#)) is amended to read as follows:

“The term “employer” means a person engaged in a business affecting commerce who has employees, including the United States, State, and political subdivision of a State.”

(b) Section 5 ([29 U.S.C. 654](#)) is amended to read as follows:

“(a) Each employer-

“(1) shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees;

“(2) shall comply with occupational safety and health standards promulgated under this chapter.

“(b) Each employee shall comply with occupational safety and health standards and all rules, regulations, and orders issued pursuant to this chapter which are applicable to his own actions and conduct.

(c) Section 8(c)(1) ([29 U.S.C. 657\(c\)\(1\)](#)) is amended by inserting the following at the end:

“These requirements shall include provisions requiring employers to post for employees or other individuals performing work for the employer information on the protections afforded under section 11(c).”

(d) Section 8(c)(2) ([29 U.S.C. 657\(c\)\(2\)](#)) is amended to read as follows:

“The Secretary, in cooperation with the Secretary of Health and Human Services, shall prescribe regulations requiring employers to maintain accurate records of, and to make periodic reports on, work-related deaths, injuries and illnesses other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restriction of work or motion, or transfer to another job. Such regulations shall include requiring site-controlling employers to keep and maintain a site log for all recordable injuries and illnesses occurring among all employees, independent contractors, and others who are performing work at the particular site. Such regulations shall require employers to promptly inform the Secretary of any work-related death, injury, or illness that results in the in-patient hospitalization of an employee for medical treatment. Such regulations shall prohibit the employer from adopting or implementing policies or practices by the employer that discourage or otherwise limit accurate recordkeeping and the reporting of work-related injuries or illnesses by any employee or in any manner discriminates or provides for adverse action against any employee for reporting a work-related injury or illness. For purposes of this paragraph, the term ‘site-controlling employer’ means the employer that has primary control over a work site at which employees work.”

(e) Section 11(c)(1) ([29 U.S.C. 660\(c\)\(1\)](#)) is amended to read as follows:

“(1) No person shall discharge or in any manner discriminate against any employee because—

“(a) Such employee has filed any complaint or instituted or caused to be instituted any proceeding under or related to this chapter;”

“(b) Has testified or is about to testify in any such proceeding relating to safety or health;”

“(c) Of the exercise by such employee on behalf of himself or others of any right afforded by this chapter.”

(f) Section 17 ([29 U.S.C. 666](#)) is amended to read as follows:

“(a) Willful or repeated violation”

“Any employer who willfully or repeatedly violates the requirements of section 654 of this title, any standard, rule, or order promulgated pursuant to section 655 of this title, or regulations prescribed pursuant to this chapter may be assessed a civil penalty of not more than \$100,000 for each violation, but not less than \$10,000 for each willful violation. In determining whether a violation is repeated, the employer’s history of violations under this Act and under State occupational safety and health plans shall be taken into consideration by the Secretary or Commission.. If such a willful or repeated violation caused or contributed to the death of an employee, such civil penalty amounts shall be increased to not more than \$200,000 for each such violation, but not less than \$50,000 for each such violation, except that for an employer with 25 or fewer employees such penalty shall not be less than \$25,000 for each such violation.”

“(b) Citation for serious violation”

“Any employer who has received a citation for a serious violation of the requirements of section 654 of this title, of any standard, rule, or order promulgated pursuant to section 655 of this title, or of any regulations prescribed pursuant to this chapter, shall be assessed a civil penalty of up to \$10,000 for each such violation. If such violation caused or contributed to the death of an employee, such civil penalty amounts shall be increased to not more than \$50,000.”

“(c) Citation for violation determined not serious”

“Any employer who has received a citation for a violation of the requirements of section 654 of this title, of any standard, rule, or order promulgated pursuant to section 655 of this title, or of regulations prescribed pursuant to this chapter, and such violation is specifically determined not to be of a serious nature, may be assessed a civil penalty of up to \$10,000 for each such violation.”

“(d) Failure to correct violation”

“Any employer who fails to correct a violation for which a citation has been issued under section 658(a) of this title within the period permitted for its correction (which period shall not begin to run until the date of the final order of the Commission in the case of any review proceeding under section 659 of this title initiated by the employer in good faith and not solely for delay or avoidance of penalties), may be assessed a civil penalty of not more than \$10,000 for each day during which such failure or violation continues.”

“(e) Willful violation causing death to employee”

“Any employer who willfully violates any standard, rule, or order promulgated pursuant to section 655 of this title, or of any regulations prescribed pursuant to this chapter, and that violation caused death to any employee, shall, upon conviction, be punished by a fine of not more than \$10,000 or by imprisonment for not more than six months, or by both; except that if the conviction is for a violation committed after a first conviction of such person, punishment shall be by a fine of not more than \$20,000 or by imprisonment for not more than one year, or by both.”

“(f) Giving advance notice of inspection”

“Any person who gives advance notice of any inspection to be conducted under this chapter, without authority from the Secretary or his designees, shall, upon conviction, be punished by a fine of not more than \$1,000 or by imprisonment for not more than six months, or by both.”

“(g) False statements, representations or certification”

“Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be punished by a fine of not more than \$10,000, or by imprisonment for not more than six months, or by both.”

“(h) Violation of posting requirements”

“Any employer who violates any of the posting requirements, as prescribed under the provisions of this chapter, shall be assessed a civil penalty of up to \$10,000 for each violation.”

“(i) Authority of Commission to assess civil penalties”

“The Commission shall have authority to assess all civil penalties provided in this section, giving due consideration to the appropriateness of the penalty with respect to the size of the business of the employer being charged, the gravity of the violation, the good faith of the employer, and the history of previous violations.”

“(j) Determination of serious violation”

“For purposes of this section, a serious violation shall be deemed to exist in a place of employment if there is a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such place of employment unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.”

“(k) Procedure for payment of civil penalties”

“Civil penalties owed under this chapter shall be paid to the Secretary for deposit into the Treasury of the United States and shall accrue to the United States and may be recovered in a civil action in the name of the United States brought in the United States district court for the district where the violation is alleged to have occurred or where the employer has its principal office.”

SEC. 3 ENACTMENT.

EFFECTIVE DATE.— The amendments made by Section 2 shall take effect on January 1st, 2021.
