

3781, set out in the Appendix to Title 5, Government Organization and Employees, effective Jan. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12106, Dec. 28, 1978, 44 F.R. 1053.

**CHAPTER 15—OCCUPATIONAL SAFETY AND HEALTH**

- Sec.
- 651. Congressional statement of findings and declaration of purpose and policy.
- 652. Definitions.
- 653. Geographic applicability; judicial enforcement; applicability to existing standards; report to Congress on duplication and coordination of Federal laws; workmen's compensation law or common law or statutory rights, duties, or liabilities of employers and employees unaffected.
- 654. Duties of employers and employees.
- 655. Standards.
  - (a) Promulgation by Secretary of national consensus standards and established Federal standards; time for promulgation; conflicting standards.
  - (b) Procedure for promulgation, modification, or revocation of standards.
  - (c) Emergency temporary standards.
  - (d) Variances from standards; procedure.
  - (e) Statement of reasons for Secretary's determinations; publication in Federal Register.
  - (f) Judicial review.
  - (g) Priority for establishment of standards.
- 656. Administration.
  - (a) National Advisory Committee on Occupational Safety and Health; establishment; membership; appointment; Chairman; functions; meetings; compensation; secretarial and clerical personnel.
  - (b) Advisory committees; appointment; duties; membership; compensation; reimbursement to member's employer; meetings; availability of records; conflict of interest.
  - (c) Use of services, facilities, and personnel of Federal, State, and local agencies; reimbursement; employment of experts and consultants or organizations; renewal of contracts; compensation; travel expenses.
- 657. Inspections, investigations, and record-keeping.
  - (a) Authority of Secretary to enter, inspect, and investigate places of employment; time and manner.
  - (b) Attendance and testimony of witnesses and production of evidence; enforcement of subpoena.
  - (c) Maintenance, preservation, and availability of records; issuance of regulations; scope of records; periodic inspections by employer; posting of notices by employer; notification of employee of corrective action.
  - (d) Obtaining of information.
  - (e) Employer and authorized employee representatives to accompany Secretary or his authorized representative on inspection of workplace; consultation with employees where no authorized employee representative is present.

- Sec.
- (f) Request for inspection by employees or representative of employees; grounds; procedure; determination of request; notification of Secretary or representative prior to or during any inspection of violations; procedure for review of refusal by representative of Secretary to issue citation for alleged violations.
- (g) Compilation, analysis, and publication of reports and information; rules and regulations.
- 658. Citations.
  - (a) Authority to issue; grounds; contents; notice in lieu of citation for de minimis violations.
  - (b) Posting.
  - (c) Time for issuance.
- 659. Enforcement procedures.
  - (a) Notification of employer of proposed assessment of penalty subsequent to issuance of citation; time for notification of Secretary by employer of contest by employer of citation or proposed assessment; citation and proposed assessment as final order upon failure of employer to notify of contest and failure of employees to file notice.
  - (b) Notification of employer of failure to correct in allotted time period violation for which citation was issued and proposed assessment of penalty for failure to correct; time for notification of Secretary by employer of contest by employer of notification of failure to correct or proposed assessment; notification or proposed assessment as final order upon failure of employer to notify of contest.
  - (c) Advisement of Commission by Secretary of notification of contest by employer of citation or notification or of filing of notice by any employee or representative of employees; hearing by Commission; orders of Commission and Secretary; rules of procedure.
- 660. Judicial review.
  - (a) Filing of petition by persons adversely affected or aggrieved; orders subject to review; jurisdiction; venue; procedure; conclusiveness of record and findings of Commission; appropriate relief; finality of judgment.
  - (b) Filing of petition by Secretary; orders subject to review; jurisdiction; venue; procedure; conclusiveness of record and findings of Commission; enforcement of orders; contempt proceedings.
  - (c) Discharge or discrimination against employee for exercise of rights under this chapter; prohibition; procedure for relief.
- 661. Occupational Safety and Health Review Commission.
  - (a) Establishment; membership; appointment; Chairman.
  - (b) Terms of office; removal by President.
  - (c) Omitted.
  - (d) Principal office; hearings or other proceedings at other places.
  - (e) Functions and duties of Chairman; appointment and compensation of administrative law judges and other employees.
  - (f) Quorum; official action.

- |      |  |       |   |
|------|--|-------|---|
| Sec. | <ul style="list-style-type: none"> <li>(g) Hearings and records open to public; promulgation of rules; applicability of Federal Rules of Civil Procedure.</li> <li>(h) Depositions and production of documentary evidence; fees.</li> <li>(i) Investigatory powers.</li> <li>(j) Administrative law judges; determinations; report as final order of Commission.</li> <li>(k) Appointment and compensation of administrative law judges.</li> </ul>  | Sec.  | <ul style="list-style-type: none"> <li>(a) Establishment, development, and maintenance by head of each Federal agency.</li> <li>(b) Report by Secretary to President.</li> <li>(c) Omitted.</li> <li>(d) Access by Secretary to records and reports required of agencies.</li> </ul>  |
| 662. | <p>Injunction proceedings.</p> <ul style="list-style-type: none"> <li>(a) Petition by Secretary to restrain imminent dangers; scope of order.</li> <li>(b) Appropriate injunctive relief or temporary restraining order pending outcome of enforcement proceeding; applicability of Rule 65 of Federal Rules of Civil Procedure.</li> <li>(c) Notification of affected employees and employers by inspector of danger and of recommendation to Secretary to seek relief.</li> <li>(d) Failure of Secretary to seek relief; writ of mandamus.</li> </ul>  | 669.  | <p>Research and related activities.</p> <ul style="list-style-type: none"> <li>(a) Authority of Secretary of Health and Human Services to conduct research, experiments, and demonstrations, develop plans, establish criteria, promulgate regulations, authorize programs, and publish results and industrywide studies; consultations.</li> <li>(b) Authority of Secretary of Health and Human Services to make inspections and question employers and employees.</li> <li>(c) Contracting authority of Secretary of Labor; cooperation between Secretary of Labor and Secretary of Health and Human Services.</li> <li>(d) Dissemination of information to interested parties.</li> <li>(e) Delegation of functions of Secretary of Health and Human Services to Director of the National Institute for Occupational Safety and Health.</li> </ul> |
| 663. | Representation in civil litigation.  | 670.  | <p>Training and employee education.</p> <ul style="list-style-type: none"> <li>(a) Authority of Secretary of Health and Human Services to conduct education and informational programs; consultations.</li> <li>(b) Authority of Secretary of Labor to conduct short-term training of personnel.</li> <li>(c) Authority of Secretary of Labor to establish and supervise education and training programs and consult and advise interested parties.</li> </ul>  |
| 664. | Disclosure of trade secrets; protective orders.  | 671.  | <p>National Institute for Occupational Safety and Health.</p> <ul style="list-style-type: none"> <li>(a) Statement of purpose.</li> <li>(b) Establishment; Director; appointment; term.</li> <li>(c) Development and establishment of standards; performance of functions of Secretary of Health and Human Services.</li> <li>(d) Authority of Director.</li> <li>(e) Additional authority of Director.</li> <li>(f) Annual reports.</li> <li>(g) Lead-based paint activities.</li> </ul>   |
| 665. | Variations, tolerances, and exemptions from required provisions; procedure; duration.  | 671a. | <p>Workers' family protection.</p> <ul style="list-style-type: none"> <li>(a) Short title.</li> <li>(b) Findings and purpose.</li> <li>(c) Evaluation of employee transported contaminant releases.</li> <li>(d) Regulations.</li> <li>(e) Authorization of appropriations.</li> </ul>  |
| 666. | <p>Civil and criminal penalties.</p> <ul style="list-style-type: none"> <li>(a) Willful or repeated violation.</li> <li>(b) Citation for serious violation.</li> <li>(c) Citation for violation determined not serious.</li> <li>(d) Failure to correct violation.</li> <li>(e) Willful violation causing death to employee.</li> <li>(f) Giving advance notice of inspection.</li> <li>(g) False statements, representations or certification.</li> <li>(h) Omitted.</li> <li>(i) Violation of posting requirements.</li> <li>(j) Authority of Commission to assess civil penalties.</li> <li>(k) Determination of serious violation.</li> <li>(l) Procedure for payment of civil penalties.</li> </ul>   | 672.  | <p>Grants to States.</p> <ul style="list-style-type: none"> <li>(a) Designation of State agency to assist State in identifying State needs and responsibilities and in developing State plans.</li> <li>(b) Experimental and demonstration projects.</li> <li>(c) Designation by Governor of appropriate State agency for receipt of grant.</li> <li>(d) Submission of application.</li> <li>(e) Approval or rejection of application.</li> <li>(f) Federal share.</li> <li>(g) Administration and enforcement of programs contained in approved State plans; Federal share.</li> <li>(h) Report to President and Congress.</li> </ul>  |
| 667. | <p>State jurisdiction and plans.</p> <ul style="list-style-type: none"> <li>(a) Assertion of State standards in absence of applicable Federal standards.</li> <li>(b) Submission of State plan for development and enforcement of State standards to preempt applicable Federal standards.</li> <li>(c) Conditions for approval of plan.</li> <li>(d) Rejection of plan; notice and opportunity for hearing.</li> <li>(e) Discretion of Secretary to exercise authority over comparable standards subsequent to approval of State plan; duration; retention of jurisdiction by Secretary upon determination of enforcement of plan by State.</li> <li>(f) Continuing evaluation by Secretary of State enforcement of approved plan; withdrawal of approval of plan by Secretary; grounds; procedure; conditions for retention of jurisdiction by State.</li> <li>(g) Judicial review of Secretary's withdrawal of approval or rejection of plan; jurisdiction; venue; procedure; appropriate relief; finality of judgment.</li> <li>(h) Temporary enforcement of State standards.</li> </ul> |       |   |
| 668. | Programs of Federal agencies.  |       |   |

- Sec.  
673. Statistics.
- (a) Development and maintenance of program of collection, compilation, and analysis; employments subject to coverage; scope.
  - (b) Authority of Secretary to promote, encourage, or engage in programs, make grants, and grant or contract for research and investigations.
  - (c) Federal share for grants.
  - (d) Utilization by Secretary of State or local services, facilities, and employees; consent; reimbursement.
  - (e) Reports by employers.
  - (f) Superseding of agreements between Department of Labor and States for collection of statistics.
674. Audit of grant recipient; maintenance of records; contents of records; access to books, etc.
675. Annual reports by Secretary of Labor and Secretary of Health and Human Services; contents.
676. Omitted.
677. Separability.
678. Authorization of appropriations.

#### CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in sections 671a, 1553 of this title; title 2 sections 1302, 1341, 1371, 1434; title 3 sections 402, 425; title 15 sections 2080, 2603; title 25 section 450m; title 30 section 951; title 31 section 1105; title 42 sections 280b-1, 300ee-2, 2297b-11, 2297h-13, 4853a, 6971, 7412, 11021, 11022.

#### § 651. Congressional statement of findings and declaration of purpose and policy

(a) The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.

(b) The Congress declares it to be its purpose and policy, through the exercise of its powers to regulate commerce among the several States and with foreign nations and to provide for the general welfare, to assure so far as possible every working man and woman in the Nation safe and healthful working conditions and to preserve our human resources—

(1) by encouraging employers and employees in their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(2) by providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(3) by authorizing the Secretary of Labor to set mandatory occupational safety and health standards applicable to businesses affecting interstate commerce, and by creating an Occupational Safety and Health Review Commission for carrying out adjudicatory functions under this chapter;

(4) by building upon advances already made through employer and employee initiative for providing safe and healthful working conditions;

(5) by providing for research in the field of occupational safety and health, including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(6) by exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(7) by providing medical criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of his work experience;

(8) by providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health;

(9) by providing for the development and promulgation of occupational safety and health standards;

(10) by providing an effective enforcement program which shall include a prohibition against giving advance notice of any inspection and sanctions for any individual violating this prohibition;

(11) by encouraging the States to assume the fullest responsibility for the administration and enforcement of their occupational safety and health laws by providing grants to the States to assist in identifying their needs and responsibilities in the area of occupational safety and health, to develop plans in accordance with the provisions of this chapter, to improve the administration and enforcement of State occupational safety and health laws, and to conduct experimental and demonstration projects in connection therewith;

(12) by providing for appropriate reporting procedures with respect to occupational safety and health which procedures will help achieve the objectives of this chapter and accurately describe the nature of the occupational safety and health problem;

(13) by encouraging joint labor-management efforts to reduce injuries and disease arising out of employment.

(Pub. L. 91-596, § 2, Dec. 29, 1970, 84 Stat. 1590.)

#### REFERENCES IN TEXT

This chapter, referred to in subsec. (b)(3), (11), and (12), was in the original "this Act", meaning Pub. L. 91-596, Dec. 29, 1970, 84 Stat. 1590, as amended. For complete classification of this Act to the Code, see Short Title note set out under this section and Tables.

#### EFFECTIVE DATE

Section 34 of Pub. L. 91-596 provided that: "This Act [enacting this chapter and section 3142-1 of Title 42, The Public Health and Welfare, amending section 553 of this title, sections 5108, 5314, 5315, and 7902 of Title 5, Government Organization and Employees, sections 633 and 636 of Title 15, Commerce and Trade, section 1114 of Title 18, Crimes and Criminal Procedure, and section 1421 of former Title 49, Transportation, and enacting provisions set out as notes under this section and section 1114 of Title 18] shall take effect one hundred and