

sections (a), (b), and (c) [amending this section, section 791 of this title, and section 2000e-16 of Title 42, The Public Health and Welfare] shall take effect on the date of enactment of this Act [Aug. 7, 1998] and shall apply to and may be raised in any administrative or judicial claim or action brought before such date of enactment but pending on such date, and any administrative or judicial claim or action brought after such date regardless of whether the claim or action arose prior to such date, if the claim or action was brought within the applicable statute of limitations.”

EFFECTIVE DATE OF 1995 AMENDMENT

Amendment by Pub. L. 104-1 effective 1 year after Jan. 23, 1995, see section 1311(d) of Title 2, The Congress.

EFFECTIVE DATE OF 1978 AMENDMENT

Section 5(f) of Pub. L. 95-256 provided that: “The amendments made by this section [amending this section and sections 8335 and 8339 of Title 5, Government Organization and Employees, and repealing section 3322 of Title 5] shall take effect on September 30, 1978, except that section 15(g) of the Age Discrimination in Employment Act of 1967, as amended by subsection (e) of this section [subsec. (g) of this section], shall take effect on the date of enactment of this Act [Apr. 6, 1978].”

EFFECTIVE DATE

Section effective May 1, 1974, see section 29(a) of Pub. L. 93-259, set out as an Effective Date of 1974 Amendment note under section 202 of this title.

TRANSFER OF FUNCTIONS

“Equal Employment Opportunity Commission” substituted for “Civil Service Commission” in subsecs. (b) and (g) pursuant to Reorg. Plan No. 1 of 1978, § 2, 43 F.R. 19807, 92 Stat. 3781, set out in the Appendix to Title 5, Government Organization and Employees, which transferred all functions vested by this section in Civil Service Commission to Equal Employment Opportunity Commission, effective Jan. 1, 1979, as provided by section 1-101 of Ex. Ord. No. 12106, Dec. 28, 1978, 44 F.R. 1053.

SECTION REFERRED TO IN OTHER SECTIONS

This section is referred to in sections 626, 631 of this title; title 2 section 1311; title 3 section 411; title 5 sections 2302, 7702, 7703; title 22 sections 3905, 4131; title 42 section 2000e-16b.

§ 634. Authorization of appropriations

There are hereby authorized to be appropriated such sums as may be necessary to carry out this chapter.

(Pub. L. 90-202, § 17, formerly § 16, Dec. 15, 1967, 81 Stat. 608; renumbered and amended Pub. L. 93-259, § 28(a)(5), (b)(1), Apr. 8, 1974, 88 Stat. 74; Pub. L. 95-256, § 7, Apr. 6, 1978, 92 Stat. 193.)

AMENDMENTS

1978—Pub. L. 95-256 struck out “, not in excess of \$5,000,000 for any fiscal year,” after “sums”.

1974—Pub. L. 93-259, § 28(a)(5), increased appropriations authorization to \$5,000,000 from \$3,000,000.

EFFECTIVE DATE OF 1974 AMENDMENT

Amendment by Pub. L. 93-259 effective May 1, 1974, see section 29(a) of Pub. L. 93-259, set out as a note under section 202 of this title.

TRANSFER OF FUNCTIONS

Functions relating to age discrimination administration and enforcement vested by this section in Secretary of Labor or Civil Service Commission transferred to Equal Employment Opportunity Commission

by Reorg. Plan No. 1 of 1978, § 2, 43 F.R. 19807, 92 Stat. 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.		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.		(f) Quorum; official action.
	(g) Compilation, analysis, and publication of reports and information; rules and regulations.		(g) Hearings and records open to public; promulgation of rules; applicability of Federal Rules of Civil Procedure.
	(h) Use of results of enforcement activities.		(h) Depositions and production of documentary evidence; fees.
658.	Citations.		(i) Investigatory powers.
	(a) Authority to issue; grounds; contents; notice in lieu of citation for de minimis violations.		(j) Administrative law judges; determinations; report as final order of Commission.
	(b) Posting.	662.	(k) Appointment and compensation of administrative law judges.
	(c) Time for issuance.		Injunction proceedings.
659.	Enforcement procedures.		(a) Petition by Secretary to restrain imminent dangers; scope of order.
	(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) Appropriate injunctive relief or temporary restraining order pending outcome of enforcement proceeding; applicability of Rule 65 of Federal Rules of Civil Procedure.
	(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) Notification of affected employees and employers by inspector of danger and of recommendation to Secretary to seek relief.
	(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.		(d) Failure of Secretary to seek relief; writ of mandamus.
660.	Judicial review.	663.	Representation in civil litigation.
	(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.	664.	Disclosure of trade secrets; protective orders.
	(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.	665.	Variations, tolerances, and exemptions from required provisions; procedure; duration.
	(c) Discharge or discrimination against employee for exercise of rights under this chapter; prohibition; procedure for relief.	666.	Civil and criminal penalties.
661.	Occupational Safety and Health Review Commission.		(a) Willful or repeated violation.
	(a) Establishment; membership; appointment; Chairman.		(b) Citation for serious violation.
	(b) Terms of office; removal by President.		(c) Citation for violation determined not serious.
	(c) Omitted.		(d) Failure to correct violation.
	(d) Principal office; hearings or other proceedings at other places.		(e) Willful violation causing death to employee.
	(e) Functions and duties of Chairman; appointment and compensation of administrative law judges and other employees.		(f) Giving advance notice of inspection.
			(g) False statements, representations or certification.
			(h) Omitted.
			(i) Violation of posting requirements.
			(j) Authority of Commission to assess civil penalties.
			(k) Determination of serious violation.
			(l) Procedure for payment of civil penalties.
		667.	State jurisdiction and plans.
			(a) Assertion of State standards in absence of applicable Federal standards.
			(b) Submission of State plan for development and enforcement of State standards to preempt applicable Federal standards.
			(c) Conditions for approval of plan.
			(d) Rejection of plan; notice and opportunity for hearing.
			(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.
			(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.
			(g) Judicial review of Secretary's withdrawal of approval or rejection of plan; jurisdiction; venue; procedure; appropriate relief; finality of judgment.
			(h) Temporary enforcement of State standards.

- | | | | |
|--------------|---|--------------|---|
| Sec.
668. | Programs of Federal agencies.
(a) Establishment, development, and maintenance by head of each Federal agency.
(b) Report by Secretary to President.
(c) Omitted.
(d) Access by Secretary to records and reports required of agencies. | Sec.
673. | (h) Report to President and Congress.
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. |
| 669. | Research and related activities.
(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.
(b) Authority of Secretary of Health and Human Services to make inspections and question employers and employees.
(c) Contracting authority of Secretary of Labor; cooperation between Secretary of Labor and Secretary of Health and Human Services.
(d) Dissemination of information to interested parties.
(e) Delegation of functions of Secretary of Health and Human Services to Director of the National Institute for Occupational Safety and Health. | 674. | Audit of grant recipient; maintenance of records; contents of records; access to books, etc. |
| 670. | Training and employee education.
(a) Authority of Secretary of Health and Human Services to conduct education and informational programs; consultations.
(b) Authority of Secretary of Labor to conduct short-term training of personnel.
(c) Authority of Secretary of Labor to establish and supervise education and training programs and consult and advise interested parties.
(d) Compliance assistance program. | 675. | Annual reports by Secretary of Labor and Secretary of Health and Human Services; contents. |
| 671. | National Institute for Occupational Safety and Health.
(a) Statement of purpose.
(b) Establishment; Director; appointment; term.
(c) Development and establishment of standards; performance of functions of Secretary of Health and Human Services.
(d) Authority of Director.
(e) Additional authority of Director.
(f) Annual reports.
(g) Lead-based paint activities. | 676. | Omitted. |
| 671a. | Workers' family protection.
(a) Short title.
(b) Findings and purpose.
(c) Evaluation of employee transported contaminant releases.
(d) Regulations.
(e) Authorization of appropriations. | 677. | Separability. |
| 672. | Grants to States.
(a) Designation of State agency to assist State in identifying State needs and responsibilities and in developing State plans.
(b) Experimental and demonstration projects.
(c) Designation by Governor of appropriate State agency for receipt of grant.
(d) Submission of application.
(e) Approval or rejection of application.
(f) Federal share.
(g) Administration and enforcement of programs contained in approved State plans; Federal share. | 678. | Authorization of appropriations. |

CHAPTER REFERRED TO IN OTHER SECTIONS

This chapter is referred to in section 671a 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 39 sections 404, 415, 3622; title 42 sections 280b-1, 300ee-2, 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;