

force standards under the plan whenever the issues involved do not relate to the reasons for the withdrawal of the plan.

**(g) Judicial review of Secretary's withdrawal of approval or rejection of plan; jurisdiction; venue; procedure; appropriate relief; finality of judgment**

The State may obtain a review of a decision of the Secretary withdrawing approval of or rejecting its plan by the United States court of appeals for the circuit in which the State is located by filing in such court within thirty days following receipt of notice of such decision a petition to modify or set aside in whole or in part the action of the Secretary. A copy of such petition shall forthwith be served upon the Secretary, and thereupon the Secretary shall certify and file in the court the record upon which the decision complained of was issued as provided in section 2112 of title 28. Unless the court finds that the Secretary's decision in rejecting a proposed State plan or withdrawing his approval of such a plan is not supported by substantial evidence the court shall affirm the Secretary's decision. The judgment of the court shall be subject to review by the Supreme Court of the United States upon certiorari or certification as provided in section 1254 of title 28.

**(h) Temporary enforcement of State standards**

The Secretary may enter into an agreement with a State under which the State will be permitted to continue to enforce one or more occupational health and safety standards in effect in such State until final action is taken by the Secretary with respect to a plan submitted by a State under subsection (b) of this section, or two years from December 29, 1970, whichever is earlier.

(Pub. L. 91-596, §18, Dec. 29, 1970, 84 Stat. 1608.)

**§ 668. Programs of Federal agencies**

**(a) Establishment, development, and maintenance by head of each Federal agency**

It shall be the responsibility of the head of each Federal agency (not including the United States Postal Service) to establish and maintain an effective and comprehensive occupational safety and health program which is consistent with the standards promulgated under section 655 of this title. The head of each agency shall (after consultation with representatives of the employees thereof)—

- (1) provide safe and healthful places and conditions of employment, consistent with the standards set under section 655 of this title;
- (2) acquire, maintain, and require the use of safety equipment, personal protective equipment, and devices reasonably necessary to protect employees;
- (3) keep adequate records of all occupational accidents and illnesses for proper evaluation and necessary corrective action;
- (4) consult with the Secretary with regard to the adequacy as to form and content of records kept pursuant to subsection (a)(3) of this section; and
- (5) make an annual report to the Secretary with respect to occupational accidents and injuries and the agency's program under this

section. Such report shall include any report submitted under section 7902(e)(2) of title 5.

**(b) Report by Secretary to President**

The Secretary shall report to the President a summary or digest of reports submitted to him under subsection (a)(5) of this section, together with his evaluations of and recommendations derived from such reports.

**(c) Omitted**

**(d) Access by Secretary to records and reports required of agencies**

The Secretary shall have access to records and reports kept and filed by Federal agencies pursuant to subsections (a)(3) and (5) of this section unless those records and reports are specifically required by Executive order to be kept secret in the interest of the national defense or foreign policy, in which case the Secretary shall have access to such information as will not jeopardize national defense or foreign policy.

(Pub. L. 91-596, §19, Dec. 29, 1970, 84 Stat. 1609; Pub. L. 97-375, title I, §110(c), Dec. 21, 1982, 96 Stat. 1821; Pub. L. 105-241, §2(b)(1), Sept. 28, 1998, 112 Stat. 1572.)

CODIFICATION

Subsec. (c) of this section amended section 7902 of Title 5, Government Organization and Employees.

AMENDMENTS

1998—Subsec. (a). Pub. L. 105-241 inserted “(not including the United States Postal Service)” after “each Federal agency”.

1982—Subsec. (b). Pub. L. 97-375 struck out direction that the President transmit annually to the Senate and House a report of the activities of Federal agencies under this section.

OCCUPATIONAL SAFETY AND HEALTH PROGRAMS FOR FEDERAL EMPLOYEES

Occupational safety and health programs for Federal employees and continuation of Federal Advisory Council on Occupational Safety and Health, see Ex. Ord. No. 12196, Feb. 26, 1980, 45 F.R. 12769, set out as a note under section 7902 of Title 5, Government Organization and Employees.

**§ 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 industry-wide studies; consultations**

(1) The Secretary of Health and Human Services, after consultation with the Secretary and with other appropriate Federal departments or agencies, shall conduct (directly or by grants or contracts) research, experiments, and demonstrations relating to occupational safety and health, including studies of psychological factors involved, and relating to innovative methods, techniques, and approaches for dealing with occupational safety and health problems.

(2) The Secretary of Health and Human Services shall from time to time consult with the Secretary in order to develop specific plans for such research, demonstrations, and experiments as are necessary to produce criteria, including criteria identifying toxic substances, enabling