

representative of employees, specifying with reasonable particularity the grounds on which the request is made, whether any substance normally found in the place of employment has potentially toxic effects in such concentrations as used or found; and shall submit such determination both to employers and affected employees as soon as possible. If the Secretary of Health and Human Services determines that any substance is potentially toxic at the concentrations in which it is used or found in a place of employment, and such substance is not covered by an occupational safety or health standard promulgated under section 655 of this title, the Secretary of Health and Human Services shall immediately submit such determination to the Secretary, together with all pertinent criteria.

(7) Within two years of December 29, 1970, and annually thereafter the Secretary of Health and Human Services shall conduct and publish industrywide studies of the effect of chronic or low-level exposure to industrial materials, processes, and stresses on the potential for illness, disease, or loss of functional capacity in aging adults.

(b) Authority of Secretary of Health and Human Services to make inspections and question employers and employees

The Secretary of Health and Human Services is authorized to make inspections and question employers and employees as provided in section 657 of this title in order to carry out his functions and responsibilities under this section.

(c) Contracting authority of Secretary of Labor; cooperation between Secretary of Labor and Secretary of Health and Human Services

The Secretary is authorized to enter into contracts, agreements, or other arrangements with appropriate public agencies or private organizations for the purpose of conducting studies relating to his responsibilities under this chapter. In carrying out his responsibilities under this subsection, the Secretary shall cooperate with the Secretary of Health and Human Services in order to avoid any duplication of efforts under this section.

(d) Dissemination of information to interested parties

Information obtained by the Secretary and the Secretary of Health and Human Services under this section shall be disseminated by the Secretary to employers and employees and organizations thereof.

(e) Delegation of functions of Secretary of Health and Human Services to Director of the National Institute for Occupational Safety and Health

The functions of the Secretary of Health and Human Services under this chapter shall, to the extent feasible, be delegated to the Director of the National Institute for Occupational Safety and Health established by section 671 of this title.

(Pub. L. 91-596, §20, Dec. 29, 1970, 84 Stat. 1610; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695.)

CHANGE OF NAME

“Secretary of Health and Human Services” substituted in text for “Secretary of Health, Education,

and Welfare” pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

§ 669a. Expanded research on worker health and safety

The Secretary of Health and Human Services (referred to in this section as the “Secretary”), acting through the Director of the National Institute of Occupational Safety and Health, shall enhance and expand research as deemed appropriate on the health and safety of workers who are at risk for bioterrorist threats or attacks in the workplace, including research on the health effects of measures taken to treat or protect such workers for diseases or disorders resulting from a bioterrorist threat or attack. Nothing in this section may be construed as establishing new regulatory authority for the Secretary or the Director to issue or modify any occupational safety and health rule or regulation.

(Pub. L. 107-188, title I, §153, June 12, 2002, 116 Stat. 631.)

CODIFICATION

Section was enacted as part of the Public Health Security and Bioterrorism Preparedness and Response Act of 2002, and not as part of the Occupational Safety and Health Act of 1970 which comprises this chapter.

§ 670. Training and employee education

(a) Authority of Secretary of Health and Human Services to conduct education and informational programs; consultations

The Secretary of Health and Human Services, after consultation with the Secretary and with other appropriate Federal departments and agencies, shall conduct, directly or by grants or contracts (1) education programs to provide an adequate supply of qualified personnel to carry out the purposes of this chapter, and (2) informational programs on the importance of and proper use of adequate safety and health equipment.

(b) Authority of Secretary of Labor to conduct short-term training of personnel

The Secretary is also authorized to conduct, directly or by grants or contracts, short-term training of personnel engaged in work related to his responsibilities under this chapter.

(c) Authority of Secretary of Labor to establish and supervise education and training programs and consult and advise interested parties

The Secretary, in consultation with the Secretary of Health and Human Services, shall (1) provide for the establishment and supervision of programs for the education and training of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in employments covered by this chapter, and (2) consult with and advise employers and employees, and organizations representing employers and employees as to effective means of preventing occupational injuries and illnesses.

(d) Compliance assistance program

(1) The Secretary shall establish and support cooperative agreements with the States under

which employers subject to this chapter may consult with State personnel with respect to—

(A) the application of occupational safety and health requirements under this chapter or under State plans approved under section 667 of this title; and

(B) voluntary efforts that employers may undertake to establish and maintain safe and healthful employment and places of employment.

Such agreements may provide, as a condition of receiving funds under such agreements, for contributions by States towards meeting the costs of such agreements.

(2) Pursuant to such agreements the State shall provide on-site consultation at the employer's worksite to employers who request such assistance. The State may also provide other education and training programs for employers and employees in the State. The State shall ensure that on-site consultations conducted pursuant to such agreements include provision for the participation by employees.

(3) Activities under this subsection shall be conducted independently of any enforcement activity. If an employer fails to take immediate action to eliminate employee exposure to an imminent danger identified in a consultation or fails to correct a serious hazard so identified within a reasonable time, a report shall be made to the appropriate enforcement authority for such action as is appropriate.

(4) The Secretary shall, by regulation after notice and opportunity for comment, establish rules under which an employer—

(A) which requests and undergoes an on-site consultative visit provided under this subsection;

(B) which corrects the hazards that have been identified during the visit within the time frames established by the State and agrees to request a subsequent consultative visit if major changes in working conditions or work processes occur which introduce new hazards in the workplace; and

(C) which is implementing procedures for regularly identifying and preventing hazards regulated under this chapter and maintains appropriate involvement of, and training for, management and non-management employees in achieving safe and healthful working conditions,

may be exempt from an inspection (except an inspection requested under section 657(f) of this title or an inspection to determine the cause of a workplace accident which resulted in the death of one or more employees or hospitalization for three or more employees) for a period of 1 year from the closing of the consultative visit.

(5) A State shall provide worksite consultations under paragraph (2) at the request of an employer. Priority in scheduling such consultations shall be assigned to requests from small businesses which are in higher hazard industries or have the most hazardous conditions at issue in the request.

(Pub. L. 91-596, §21, Dec. 29, 1970, 84 Stat. 1612; Pub. L. 96-88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 105-197, §2, July 16, 1998, 112 Stat. 638.)

AMENDMENTS

1998—Subsec. (d). Pub. L. 105-197 added subsec. (d).

CHANGE OF NAME

“Secretary of Health and Human Services” substituted for “Secretary of Health, Education, and Welfare” in subsecs. (a) and (c) pursuant to section 509(b) of Pub. L. 96-88 which is classified to section 3508(b) of Title 20, Education.

RETENTION OF TRAINING INSTITUTE COURSE TUITION FEES BY OSHA

Provisions stating that notwithstanding 31 U.S.C. 3302, the Occupational Safety and Health Administration could retain up to \$750,000 per fiscal year of training institute course tuition fees, otherwise authorized by law to be collected, and could utilize such sums for occupational safety and health training and education grants, were contained in Department of Labor Appropriations Act, 2006, Pub. L. 109-149, title I, Dec. 30, 2005, 119 Stat. 2839, and were repeated in provisions of subsequent appropriations acts which are not set out in the Code. Similar provisions were also contained in the following prior appropriations acts:

Pub. L. 108-447, div. F, title I, Dec. 8, 2004, 118 Stat. 3118.

Pub. L. 108-199, div. E, title I, Jan. 23, 2004, 118 Stat. 232.

Pub. L. 108-7, div. G, title I, Feb. 20, 2003, 117 Stat. 303.

Pub. L. 107-116, title I, Jan. 10, 2002, 115 Stat. 2182.

Pub. L. 106-554, §1(a)(1) [title I], Dec. 21, 2000, 114 Stat. 2763, 2763A-8.

Pub. L. 106-113, div. B, §1000(a)(4) [title I], Nov. 29, 1999, 113 Stat. 1535, 1501A-222.

Pub. L. 105-277, div. A, §101(f) [title I], Oct. 21, 1998, 112 Stat. 2681-337, 2681-343.

Pub. L. 105-78, title I, Nov. 13, 1997, 111 Stat. 1474.

Pub. L. 104-208, div. A, title I, §101(e) [title I], Sept. 30, 1996, 110 Stat. 3009-233, 3009-239.

Pub. L. 104-134, title I, §101(d) [title I], Apr. 26, 1996, 110 Stat. 1321-211, 1321-217; renumbered title I, Pub. L. 104-140, §1(a), May 2, 1996, 110 Stat. 1327.

Pub. L. 103-333, title I, Sept. 30, 1994, 108 Stat. 2544.

§ 671. National Institute for Occupational Safety and Health

(a) Statement of purpose

It is the purpose of this section to establish a National Institute for Occupational Safety and Health in the Department of Health and Human Services in order to carry out the policy set forth in section 651 of this title and to perform the functions of the Secretary of Health and Human Services under sections 669 and 670 of this title.

(b) Establishment; Director; appointment; term

There is hereby established in the Department of Health and Human Services a National Institute for Occupational Safety and Health. The Institute shall be headed by a Director who shall be appointed by the Secretary of Health and Human Services, and who shall serve for a term of six years unless previously removed by the Secretary of Health and Human Services.

(c) Development and establishment of standards; performance of functions of Secretary of Health and Human Services

The Institute is authorized to—

(1) develop and establish recommended occupational safety and health standards; and

(2) perform all functions of the Secretary of Health and Human Services under sections 669 and 670 of this title.