

**SUPPORTING STATEMENT FOR THE
INFORMATION COLLECTION REQUIREMENTS OF THE
NATIONAL SAFETY STAND-DOWN TO PREVENT FALLS IN CONSTRUCTION
OFFICE OF MANAGEMENT AND BUDGET (OMB)
CONTROL NO. 1218-0271 (October 2024)**

This agency is an extension request of a currently approved data collection.

A. Justification

- 1. Explain the circumstances that make the collection of information necessary. Identify any legal or administrative requirements that necessitate the collection. Attach a copy of the appropriate section of each statute and regulation mandating or authorizing the collection of information.**

Section (2)(b)(1) of the Occupational Safety and Health Act of 1970 (the “OSH Act”) (29 U.S.C. 670) authorizes the Occupational Safety and Health Administration (“OSHA” or the “agency”) to assure safe and healthful working conditions by encouraging employers and employees 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.

Falls are a leading cause of death for employees, accounting for 395 of the 1,069 construction fatalities and 700 of the 5,486 fatalities in all industries recorded in 2022 (BLS data). The National Safety Stand-Down to Prevent Falls in Construction raises fall hazard awareness across the country to stop fall fatalities and injuries. The Stand-Down is the biggest occupational safety outreach event ever conducted. OSHA has collaborated with countless industry leaders and employers over the last eight years to reach over 10 million workers during Stand-Downs.

- 2. Indicate how, by whom, and for what purpose the information is to be used. Except for a new collection, indicate the actual use the agency has made of the information received from the current collection.**

Participants (mainly employers) download a Certificate of Participation by completing a simple eight question online survey (see attached example from 2021). The survey is OSHA’s primary means of validating participation in the Stand-Down. The survey questions are as follows:

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1. **(Required) - Name of Business:** We collect this information only for printing the business name on the Certificate of Participation.
2. **(Optional) - Project Title:** This option is available to employers who want to identify a particular project on their Certificate of Participation.
3. **(Required) - State:** We use this information to determine the campaign's geographical reach and participation in the agency's ten designated regions.
4. **(Required) - Type of Industry:** This information is for analyzing effectiveness of the campaign in reaching the targeted audience(s).
5. **(Required) - Number of Employees who participated:** This information is the agency's primary means of determining overall participation in the Stand-Down.
6. **(Optional) - Number of years of participation:** This option is available to employers who wish special recognition (basic, bronze, silver, gold, or platinum) on their Certificate of Participation based on how many years they've conducted Stand-Downs.
7. **(Optional) - Please tell us about your Stand-Down. What did you do? What materials did you use? How did it go? What do you expect to happen as a result of the Stand-Down? Please indicate if you give the agency consent to use your comments in our program assessment and promotional activities. Yes No** : This optional information sharing opportunity provides employers a forum to share with OSHA the elements of their successful Stand-Down. They can also give the agency feedback on the quality/effectiveness of the outreach material and our partners develop to help employers conduct their Stand-Down. Participants oftentimes share the cultural changes they experienced, or anticipate, as the direct result of their Stand-Down event. The agency desires to share some of those experiences (with the participant's consent) with other members in the industry. Some employers do not participate because they do not realize how easy it is to host a Stand-Down. Sharing the success stories of a few employers can simplify the process for others and increase participation in subsequent years. We expanded the instructions for this optional question to clearly request the submitter's permission to share their comments with the public.
8. **(Optional) - How can we improve future initiatives like this? What could have been better? Please indicate if you give the agency consent to use your comments in our program assessment and promotional activities. Yes No** : This optional question affords industry an opportunity to tell us how we can make the Stand-Down better. Continuous process evaluation and improvement is essential to successful programs. We

expanded the instructions for this optional question to clearly request the submitter's permission to share their comments with the public.

The agency will use the information collected from the survey to determine the effectiveness of the Stand-Down (i.e., are we reaching our target audience; how effective is our messaging; is the quality of our outreach material appropriate; are we distributing the right quantity of material; how are participants using the material; and what can we do to make the Stand-Down better.) The agency will publish the results of the survey in a report and post it on the Stand-Down webpage. OSHA will use key elements, such as the number of Stand-Downs and participants, for marketing the next years' event. The agency will also share "best practices" (with the consent of the submitters) to help other employers improve their Stand-Down efforts.

- 3. Describe whether, and to what extent, the collection of information involves the use of automated, electronic, mechanical, or other technological collection techniques or other forms of information technology, e.g., permitting electronic submission of responses, and the basis for the decision for adopting this means of collection. Also describe any consideration of using information technology to reduce burden.**

The entire process is conducted online on the Stand-Down "Certificate of Participation" webpage. After conducting their Stand-Down, participating employers will be encouraged to complete the online survey about their stand-down experience. Upon completion of the survey, they can print their Certificate of Participation.

- 4. Describe efforts to identify duplication. Show specifically why any similar information already available cannot be used or modified for use for the purposes described in Item 2 above.**

The Stand-Down participants are the only ones who can provide the information requested in the survey.

- 5. If the collection of information impacts small businesses or other small entities, describe any methods used to minimize burden.**

The information collection does not have a significant impact on a substantial number of small entities. The amount of time needed to complete the survey is approximately 10 minutes.

- 6. Describe the consequence to Federal program or policy activities if the collection is not conducted or is conducted less frequently, as well as any technical or legal obstacles to reducing burden.**

Falls are a leading cause of death for employees, accounting for 395 of the 1,069 construction fatalities and 700 of the 5,486 fatalities in all industries recorded in 2022 (BLS data).¹ The agency is continually searching for impactful ways to reverse this unacceptable trend. We believe collaboration with the industry will have a positive effect in this area. The survey will provide fall prevention information we share across the industry. Many employers have implemented innovative ways of messaging fall prevention and experienced cultural changes in their organizations.

7. Explain any special circumstances that would cause an information collection to be conducted in a manner:

- **requiring respondents to report information to the agency more often than quarterly;**
- **requiring respondents to prepare a written response to a collection of information in fewer than 30 days after receipt of it;**
- **requiring respondents to submit more than an original and two copies of any document;**
- **requiring respondents to retain records, other than health, medical, government contract, grant-in-aid, or tax records for more than three years;**
- **in connection with a statistical survey, that is not designed to produce valid and reliable results that can be generalized to the universe of study;**
- **requiring the use of a statistical data classification that has not been reviewed and approved by OMB;**
- **that includes a pledge of confidentiality that is not supported by authority established in statute or regulation, that is not supported by disclosure and data security policies that are consistent with the pledge, or which unnecessarily impedes sharing of data with other agencies for compatible confidential use; or**

¹These estimates are from Census of Fatal Occupational Injuries (CFOI) data, Bureau of Labor Statistics, U.S. Department of Labor.

- **requiring respondents to submit proprietary trade secret, or other confidential information unless the agency can demonstrate that it has instituted procedures to protect the information's confidentiality to the extent permitted by law.**

No special circumstances exist that would require employers to collect information using the procedures specified by this item. The requirements are within the guidelines set forth in 5 CFR 1320.5.

- 8. If applicable, provide a copy and identify the data and page number of publications in the Federal Register of the agency's notice, required by 5 CFR 1320.8(d), soliciting comments on the information collection prior to submission to OMB. Summarize public comments received in response to that notice and describe actions taken by the agency in response to these comments. Specifically address comments received on cost and hour burden.**

Describe efforts to consult with persons outside the agency to obtain their views on the availability of data, frequency of collection, the clarity of instructions and recordkeeping, disclosure, or reporting format (if any), and on the data elements to be recorded, disclosed, or reported.

Consultation with representatives of those from whom information is to be obtained or those who must compile records should occur at least once every 3 years -- even if the collection of information activity is the same as in prior periods. There may be circumstances that may preclude consultation in a specific situation. These circumstances should be explained.

As required by the Paperwork Reduction Act of 1995 (PRA) (44 U.S.C. 3506(c)(2)(A)), OSHA published a notice in the Federal Register on November 5, 2024 (89 FR 87897) soliciting comments on its proposal for the Office of Management and Budget's approval of the information collection requirements specified by the National Safety Stand-Down to Prevent Falls in Construction. The docket number is OSHA-2017-0012. This notice is part of a preclearance consultation program that provides interested parties the opportunity to comment on OSHA's request for an extension by OMB of a previous approval of the information collection requirements found in the above Standard. The agency will respond to any public comments submitted in response to this notice.

- 9. Explain any decision to provide any payment or gift to respondents, other than remuneration of contractors or grantees.**

No payments or gifts will be provided to the respondents. Participants (mainly employers) download a printable Certificate of Participation after completing an eight-question online survey.

10. Describe any assurance of confidentiality provided to respondents and the basis for the assurance in statute, regulation, or agency policy.

OSHA will protect this information to the greatest extent provided by law.

11. Provide additional justification for any questions of a sensitive nature, such as sexual behavior and attitudes, religious beliefs, and other matters that are commonly considered private. This justification should include the reasons why the agency considers the questions necessary, the specific uses to be made of the information, the explanation to be given to persons from whom the information is requested, and any steps to be taken to obtain their consent.

None of the questions in the survey require sensitive information.

12. Provide estimates of the hour burden of the collection of information. The statement should:

- **Indicate the number of respondents, frequency of response, annual hour burden, and an explanation of how the burden was estimated. Unless directed to do so, agencies should not conduct special surveys to obtain information on which to base hour burden estimates. Consultation with a sample (fewer than 10) of potential respondents is desirable. If the hour burden on respondents is expected to vary widely because of differences in activity, size, or complexity, show the range of estimated hour burden, and explain the reasons for the variance. Generally, estimates should not include burden hours for customary and usual business practices.**
- **If this request for approval covers more than one form, provide separate hour burden estimates for each form and aggregate the hour burdens.**
- **Provide estimates of annualized costs to respondents for the hour burdens for collections of information, identifying and using appropriate wage rate categories. The cost of contracting out or paying outside parties for**

information collection activities should not be included here. Instead, this cost should be included in Item 1.

Respondent Burden Hour and Cost Burden Determinations

Wage Rate Determinations

The agency determined the wage rate from mean hourly wage earnings to represent the cost of employee time. For the relevant standard occupational classification category, OSHA used the wage rates reported in the Bureau of Labor Statistics, U.S. Department of Labor, Occupational Employment and Wage Statistics (OEWS), [Occupational Employment and Wages - May 2023 \(bls.gov\)](https://www.bls.gov/news.release/ecew.pdf) [date accessed: April 3, 2024]. (OEWS data is available at. To access a wage rate, select the year, “Occupation Profiles,” and the Standard Occupational Classification (SOC) code.)

To account for fringe benefits, the agency used the Bureau of Labor Statistics (BLS) Occupational Employment Statistics (OEWS) (March 2024). The fringe markup is from the following BLS release: *Employer Costs for Compensation* news release text released 10:00 AM (EDT), (<https://www.bls.gov/news.release/pdf/ecec.pdf>). [date accessed: June 18, 2024]. BLS reported that for civilian workers, fringe benefits accounted for 31.2 percent of total compensation, and wages accounted for the remaining 68.8 percent.

The agency divided the mean hourly wage by one minus the fringe benefit to calculate the loaded hourly wage for each occupation. See Table 1, *Wage Hour Estimates*, below.

TABLE 1 - WAGE HOUR ESTIMATES				
Occupational Title	SOC Code	Mean Hourly Wage Rate² (A)	Fringe Benefit³ (B)	Loaded Hourly Wage Rate (C) = (A/1-B)
Occupational Health and Safety Specialist ⁴	19-5011	\$41.14	0.312	\$59.79

Burden Hour and Cost Determinations:

Based on previous National Safety Stand-Downs, OSHA estimates that approximately 4,500 employers⁴ will complete the survey. The agency estimates that an Occupational Health and Safety Specialist making \$59.79 will take 10 minutes (10/60 hours) to complete the survey (see Table 2 below).

Burden Hours: 4,500 employees x 10/60 hours = 750 hours

Cost: 750 hours x \$59.79 = \$44,843

² Source: Occupational Employment Statistics. U.S. Department of Labor, Bureau of Labor Statistics, May-2023

³ Source: Employer Costs for Employee Compensation, Supplementary Table 2. U.S. Department of Labor, Bureau of Labor Statistics, June 2024

⁴ Private sector, state, local, and tribal governments.

TABLE 2 - Estimated Annualized Respondent Hour and Cost Burden

Information Collection Requirement	Type of Respondent	Number of Respondents	Responses per Respondent	Total Responses	Time per Response (in Hours)	Total Burden Hours	Loaded Hourly Wage Rate*	Total Burden Costs
Survey	Occupational Health and Safety Specialist	4,500	1	4,500	10/60	750	\$59.79	\$44,843

- 13. Provide an estimate of the total annual cost burden to respondents or record keepers resulting from the collection of information. (Do not include the cost of any hour burden shown in Items 12 and 14).**
- **The cost estimate should be split into two components: (a) a total capital and start-up cost component (annualized over its expected useful life); and (b) a total operation and maintenance and purchase of services component. The estimates should take into account costs associated with generating, maintaining, and disclosing or providing the information. Include descriptions of methods used to estimate major cost factors including system and technology acquisition, expected useful life of capital equipment, the discount rate(s), and the time period over which costs will be incurred. Capital and start-up costs include, among other items, preparations for collecting information such as purchasing computers and software; monitoring, sampling, drilling and testing equipment; and record storage facilities.**
 - **If cost estimates are expected to vary widely, agencies should present ranges of cost burdens and explain the reasons for the variance. The cost of purchasing or contracting out information collection services should be a part of this cost burden estimate. In developing cost burden estimates, agencies may consult with a sample of respondents (fewer than 10), utilize the 60-day pre-OMB submission public comment process and use existing economic or regulatory impact analysis associated with the rulemaking containing the information collection, as appropriate.**
 - **Generally, estimates should not include purchases of equipment or services, or portions thereof, made: (1) prior to October 1, 1995, (2) to achieve regulatory compliance with requirements not associated with the information collection, (3) for reasons other than to provide information or keep records for the government, or (4) as part of customary and usual business or private practices.**

There are no additional costs to respondents other than their time.

- 14. Provide estimates of annualized cost to the Federal government. Also, provide a description of the method used to estimate cost, which should include quantification**

of hours, operational expenses (such as equipment, overhead, printing, and support staff), and any other expense that would not have been incurred without this collection of information. Agencies also may aggregate cost estimates from Items 12, 13, and 14 in a single table.

FEDERAL COST:

Grade of evaluator	GS-12/step 6
Hourly rate ⁵	\$48.61
Estimated responses	4,500
Time to evaluate each response	10 minutes (10/60 hours)
Total estimated time	750 hours

$$\text{Cost } 750 \text{ hours} \times \$48.61 = \$36,458$$

15. Explain the reasons for any program changes or adjustments.

There is no change in burden hours from the previous ICR. The burden hours remain at 750 hours.

16. For collections of information whose results will be published, outline plans for tabulation, and publication. Address any complex analytical techniques that will be used. Provide the time schedule for the entire project, including beginning and ending dates of the collection of information, completion of report, publication dates, and other actions.

The information/data compiled from the survey will be published in the Annual Falls Stand-Down Report. The information will be analyzed, and the report will be posted on the OSHA webpage.

17. If seeking approval to not display the expiration date for OMB approval of the information collection, explain the reasons that display would be inappropriate.

OSHA will display the expiration date for OMB approval for the information collection.

⁵ Source: This wage rate of \$48.61 for GS-12/step 6 federal workers, including benefits, is taken from U.S. Office of Personnel Management General Schedule and Locality Table 2024 https://www.opm.gov/policy-data-oversight/pay-leave/salaries-wages/salary-tables/pdf/2024/RUS_h.pdf.

18. Explain each exception to the certification statement.

OSHA is not seeking an exemption to the certification statement.

SEC. 2. Congressional Findings and Purpose

29 USC 651

(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 the Act;

(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; affecting the OSH Act since its passage in 1970 through January 1, 2004.

(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 Act, 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 Act 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.

Section 8 Inspections, investigations, and recordkeeping

29 USC 657.

(a) Authority of Secretary to enter, inspect, and investigate places of employment; time and manner

In order to carry out the purposes of this chapter, the Secretary, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized—

(1) to enter without delay and at reasonable times any factory, plant, establishment, construction site, or other area, workplace or environment where work is performed by an employee of an employer; and

(2) to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent, or employee.

(b) Attendance and testimony of witnesses and production of evidence; enforcement of subpoena

In making his inspections and investigations under this chapter the Secretary may require the attendance and testimony of witnesses and the production of evidence under oath. Witnesses shall be paid the same fees and mileage that are paid witnesses in the courts of the United States.

In case of a contumacy, failure, or refusal of any person to obey such an order, any district court of the United States or the United States courts of any territory or possession, within the jurisdiction of which such person is found, or resides or transacts business, upon the application by the Secretary, shall have jurisdiction to issue to such person an order requiring such person to appear to produce evidence if, as, and when so ordered, and to give testimony relating to the matter under investigation or in question, and any failure to obey such order of the court may be punished by said court as a contempt thereof.

(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

(1) Each employer shall make, keep and preserve, and make available to the Secretary or the Secretary of Health and Human Services, such records regarding his activities relating to this chapter as the Secretary, in cooperation with the Secretary of Health and Human Services, may prescribe by regulation as necessary or appropriate for the enforcement of this chapter or for developing information regarding the causes and prevention of occupational accidents and illnesses. In order to carry out the provisions of this paragraph such regulations may include provisions requiring employers to conduct periodic inspections. The Secretary shall also issue regulations requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this chapter, including the provisions of applicable standards.

(2) 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.

(3) The Secretary, in cooperation with the Secretary of Health and Human Services, shall issue regulations requiring employers to maintain accurate records of employee exposures to potentially toxic materials or harmful physical agents which are required to be monitored or measured under section 655 of this title. Such regulations shall provide employees or their representatives with an opportunity to observe such monitoring or measuring, and to have access to the records thereof. Such regulations shall also make appropriate provision for each employee or former employee to have access to such records as will indicate his own exposure to toxic materials or harmful physical agents. Each employer shall promptly notify any employee who has been or is being exposed to toxic materials or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable occupational safety and health standard promulgated under section 655 of this title and shall inform any employee who is being thus exposed of the corrective action being taken.

(d) Obtaining of information

Any information obtained by the Secretary, the Secretary of Health and Human Services, or a State agency under this chapter shall be obtained with a minimum burden upon employers, especially those operating small businesses. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

(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

Subject to regulations issued by the Secretary, a representative of the employer and a representative authorized by his employees shall be given an opportunity to accompany the Secretary or his authorized representative during the physical inspection of any workplace under subsection (a) for the purpose of aiding such inspection. Where there is no authorized employee representative, the Secretary or his authorized representative shall consult with a reasonable number of employees concerning matters of health and safety in the workplace.

(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

(1) Any employees or representative of employees who believe that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the Secretary or his authorized representative of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employees or representative of employees, and a copy shall be provided the employer or his agent no later than at the time of inspection, except that, upon the request of the person giving such notice, his name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to subsection (g) of this section. If upon receipt of such notification the Secretary determines there are reasonable grounds to believe that such violation or danger exists, he shall make a special inspection in accordance with the provisions of this section as soon as practicable, to determine if such violation or danger exists. If the Secretary determines there are no reasonable grounds to believe that a violation or danger exists, he shall notify the employees or representative of the employees in writing of such determination.

(2) Prior to or during any inspection of a workplace, any employees or representative of employees employed in such workplace may notify the Secretary or any representative of the Secretary responsible for conducting the inspection, in writing, of any violation of this chapter which they have reason to believe exists in such workplace. The Secretary shall, by regulation, establish procedures for informal review of any refusal by a representative of the Secretary to issue a citation with respect to any such alleged violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the Secretary's final disposition of the case.

(g) Compilation, analysis, and publication of reports and information; rules and regulations

(1) The Secretary and Secretary of Health and Human Services are authorized to compile, analyze, and publish, either in summary or detailed form, all reports or information obtained under this section.

(2) The Secretary and the Secretary of Health and Human Services shall each prescribe such rules and regulations as he may deem necessary to carry out their responsibilities under this chapter, including rules and regulations dealing with the inspection of an employer's establishment.

(h) Use of results of enforcement activities

The Secretary shall not use the results of enforcement activities, such as the number of citations issued or penalties assessed, to evaluate employees directly involved in enforcement activities under this chapter or to impose quotas or goals with regard to the results of such activities.

(Pub. L. 91–596, §8, Dec. 29, 1970, 84 Stat. 1598; Pub. L. 96–88, title V, §509(b), Oct. 17, 1979, 93 Stat. 695; Pub. L. 105–198, §1, July 16, 1998, 112 Stat. 640.)

Training and Employee Education

29 U.S.C. 670

(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 condition 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.)