

SENATE FILE 1298

By RABEDEAUX

FILED 1966
Amended and Rec'd 3/15, Page 4/8

Passed Senate, Date 5-3-74 (1966) Passed House, Date _____

Vote: Ayes 44 Nays 4 Vote: Ayes _____ Nays _____

Approved _____

A BILL FOR

1 An Act relating to the occupational safety and health and
2 providing penalties.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25

1 Section 1. Section eighty-eight point five (88.5), subsec-
2 tion four (4), Code 1973, is amended to read as follows:

3 4. LABELS, WARNINGS, PROTECTIVE EQUIPMENT. Any standard
4 promulgated under this section shall prescribe the use of labels
5 or other appropriate forms of warning as are necessary to insure
6 that employees are appraised of all hazards to which they are
7 exposed, relevant symptoms and appropriate emergency treatment,
8 and proper conditions and precautions of safe use or exposure.
9 Where appropriate, such standard shall also prescribe suitable
10 protective equipment and control or technological procedures to
11 be used in connection with such hazards and shall provide for
12 monitoring or measuring employee exposure at such locations and
13 intervals, and in such manner as may be necessary for the pro-
14 tection of employees. In addition, where appropriate, any such
15 standard shall prescribe the type and frequency of medical examina-
16 tions or other tests which shall be made available, by the employer
17 or at his cost, to employees exposed to such hazard in order to
18 most effectively determine whether the health of such employee
19 is adversely affected by such exposure. The results of such
20 examinations or tests shall be furnished to the commissioner,
21 and if released by the employee, shall be furnished to the
22 employee's physician, and the employer's physician, and the
23 commissioner.

24 Sec. 2. Section eighty-eight point five (88.5), subsection
25 seven (7), Code 1973, is amended to read as follows:

26 7. SPECIAL VARIANCE. Where there are conflicts with
27 standards, rules or regulations promulgated by any federal
28 agency other than the United States department of labor, special
29 variances from standards, rules or regulations promulgated under
30 this chapter ~~shall~~ may be granted to avoid such regulatory con-
31 flicts. Such variances shall take into consideration the safety
32 of the employees involved. Notwithstanding any other provision
33 of this chapter, and with respect to this paragraph, any em-
34 ployer seeking relief under this provision must file an applica-
35 tion therefor with the commissioner and the commissioner shall

1 forthwith hold a hearing at which employees or other interested
 2 persons, including representatives of the federal regulatory
 3 agencies involved, may appear and upon the showing that such a
 4 conflict indeed exists the commissioner ~~shall~~ may issue a
 5 special variance until the conflict is resolved.

6 Sec. 3. Section eighty-eight point fourteen (88.14), sub-
 7 section three (3), Code 1973, is amended to read as follows:

8 3. NONSERIOUS VIOLATIONS. Any employer who has received
 9 a citation for a violation of the requirements of section
 10 88.4, of any standard, rule or order promulgated pursuant to
 11 section 88.5 or of regulations prescribed pursuant to this
 12 chapter and such violation is specifically determined not to be
 13 of a serious nature, may be assessed a civil penalty of up to
 14 one thousand dollars for each such violation, ~~but no penalty~~
 15 ~~shall be assessed for a violation of each such standard, rule~~
 16 ~~or regulation found during the first inspection.~~

17 Sec. 4. The provisions of this Act shall become effective
 18 January 1, 1975.

19 EXPLANATION

20 This bill provides for change to comply with federal
 21 requirements for continued approval of the state plan.
 22
 23
 24
 25
 26
 27
 28
 29
 30
 31
 32
 33
 34
 35

S-2992

1 Amend Senate File 1298, page 3, line 16 by adding the
2 following sentence after the period: "Provided, how-
3 ever, in the event that federal public law ninety-
4 three dash five hundred ninety-six (83.596), twenty-
5 nine (29) U.S.C. six hundred fifty-one (651) et. sec.
6 is amended after May 1, 1974, to prohibit the assess-
7 ment of penalties for other than serious violations
8 found during a first inspection, then the commissioner
9 shall assess no penalty for any other than a serious
10 violation found during a first inspection conducted
11 pursuant to this Act.".

S-2992 Filed. *Withdrawn 5/2*
May 2, 1974

By RABEDEAUX and ROBINSON

S-3004

1 Amend Senate File 1298, page 3, line 16 by adding the
2 following sentence after the period: "Provided, however,
3 in the event that federal public law ninety-one dash five
4 hundred ninety-six (91-596), twenty-nine (29) U.S.C.
5 six hundred fifty-one (651) et seq. is amended after
6 May 1, 1974, to prohibit the assessment of penalties for
7 other than serious violations found during a first
8 inspection, then the commissioner shall assess no penalty
9 for any other than a serious violation found during a
10 first inspection conducted pursuant to this Act.".

S-3004 Filed and adopted
May 3, 1974

By RABEDEAUX and ROBINSON