

Labor 2/11 Passed 2/11

Senate File 92
Labor and Industrial
Relations
Rabedeaux, Chairman
Nolting
Merritt

FILED FEB 3 1975

SENATE FILE 92

By ROBINSON
(Connors)

Passed Senate, Date 2-13-75 (p. 306)

Passed House, Date 2-17-75 (p. 332)

Vote: Ayes 43

Nays 6

Vote: Ayes 70

Nays 15

Approved 2-28-75

Substituted for H. F. 204

A BILL FOR

1 An Act to amend the occupational safety and health act includ-
2 ing the penalty provided by law.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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1 Section 1. Section eighty-eight point five (88.5), subsec-
2 tion four (4), Code 1975, is amended to read as follows:

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

25 Sec. 2. Section eighty-eight point five (88.5), subsection
26 seven (7), Code 1975, is amended to read as follows:

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

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

7 Sec. 3. Section eighty-eight point fourteen (88.14),
8 subsection three (3), Code 1975, is amended to read as follows:

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

18 EXPLANATION

19 This bill amends the Occupational Safety and Health Act
20 to remove or change those provisions of which the United
21 States Department of Labor has raised objections in review
22 of the state plan.

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SENATE FILE 92

AN ACT

TO AMEND THE OCCUPATIONAL SAFETY AND HEALTH ACT INCLUDING
THE PENALTY PROVIDED BY LAW.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

Section 1. Section eighty-eight point five (88.5), subsection four (4), Code 1975, is amended to read as follows:

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

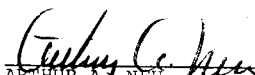
Sec. 2. Section eighty-eight point five (88.5), subsection seven (7), Code 1975, is amended to read as follows:

7. SPECIAL VARIANCE. Where there are conflicts with standards, rules promulgated by any federal agency other than the United States department of labor, special variances from

standards, rules promulgated under this chapter ~~shall~~ may be granted to avoid such regulatory conflicts. Such variances shall take into consideration the safety of the employees involved. Notwithstanding any other provision of this chapter, and with respect to this paragraph, any employer seeking relief under this provision must file an application therefor with the commissioner and the commissioner shall forthwith hold a hearing at which employees or other interested persons, including representatives of the federal regulatory agencies involved, may appear and upon the showing that such a conflict indeed exists the commissioner ~~shall~~ may issue a special variance until the conflict is resolved.

Sec. 3. Section eighty-eight point fourteen (88.14), subsection three (3), Code 1975, is amended to read as follows:

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


ARTHUR A. NEU
President of the Senate

DALE M. COCHRAN
Speaker of the House

I hereby certify that this bill originated in the Senate and is known as Senate File 92, Sixty-sixth General Assembly.

Approved  Feb 28, 1975

CLARK R. RASMUSSEN
Secretary of the Senate

ROBERT D. RAY
Governor