

1 H.824

2 Introduced by Representatives Botzow of Pownal and Marcotte of Coventry

3 Referred to Committee on

4 Date:

5 Subject: Labor; safety; occupational safety and health

6 Statement of purpose of bill as introduced: This bill proposes to create an
7 expedited rulemaking process that will permit the Commissioner of Labor to
8 adopt federal OSHA standards and rules without undertaking formal
9 rulemaking pursuant to Vermont's Administrative Procedure Act.

10 An act relating to the adoption of occupational safety and health rules and
11 standards

12 It is hereby enacted by the General Assembly of the State of Vermont:

13 Sec. 1. 21 V.S.A. § 204 is amended to read:

14 § 204. RULES AND PROCEDURE

15 (a)(1) Notwithstanding any provision of 3 V.S.A. chapter 25 to the
16 contrary, the Commissioner may adopt and begin enforcement of safety and
17 health rules and standards that are substantially identical to the safety and
18 health rules and standards adopted by the federal Occupational Safety and
19 Health Administration after providing 90 days' public notice of the intent to
20 adopt such rules and standards.

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VT LEG #312747 v.1

1 health of the employee is adversely affected by exposure to the hazard. In the
2 event medical examinations are in the nature of research, as determined by the
3 Secretary of Human Services, such examinations may be furnished at the
4 expense of the State. The results of the examinations or tests shall be furnished
5 only to the Secretary of Human Services, the Commissioner of Health, the
6 Director of Occupational Health, the Commissioner of Labor, and at the
7 request of the employee, to the employee's physician and the employee.

8 (e) The Commissioner ~~or~~ in consultation with the Secretary, in
9 ~~promulgating~~ adopting standards dealing with toxic materials or harmful
10 physical agents under this section, shall set the standard which most adequately
11 ~~assures~~ ensures, to the extent feasible, on the basis of the best available
12 evidence, that no employee will suffer material impairment of health or
13 functional capacity even if such employee has regular exposure to the hazard
14 dealt with by such standard for the period of his or her working life.

15 Development of standards under this subsection shall be based upon research,
16 demonstrations, experiments, and such other information as may be
17 appropriate. In addition to the attainment of the highest degree of safety and
18 health protection for the employee, other considerations shall be the latest
19 available scientific data in the field, the feasibility of the standards, and
20 experience gained under this and other safety and health laws. Whenever

1 practicable, the standard ~~promulgated~~ adopted shall be expressed in terms of
2 objective criteria and of the performance desired.

3 Sec. 3. EFFECTIVE DATE

4 This act shall take effect on July 1, 2016.