

1 H.824

2 Senator Sirotkin moves that the Senate propose to the House that the bill be
3 amended in Sec. 1, 21 V.S.A. § 204, by striking out the section in its entirety
4 and inserting in lieu thereof a new Sec. 1 to read as follows:

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

6 § 204. RULES AND PROCEDURE

7 (a)(1) Unless the Commissioner has adopted a rule or standard that exceeds
8 the corresponding federal rule or standard, within 30 days after the federal
9 Occupational Safety and Health Administration promulgates a rule or standard
10 related to safety or health, the Commissioner shall elect to either adopt a
11 substantially identical rule or standard or adopt a rule or standard that exceeds
12 the corresponding federal rule or standard.

13 (2)(A) If the Commissioner elects to adopt a rule or standard that is
14 substantially identical to the corresponding federal rule or standard, the
15 Commissioner shall, no later than 35 days after the federal Occupational Safety
16 and Health Administration promulgated the corresponding rule or standard:

17 (i) publish on the Department's website notice of the intent to
18 adopt the rule or standard and a copy of the proposed rule or standard;

19 (ii) file a copy of the proposed rule or standard with the Secretary
20 of State, who shall publish notice of the proposed rule on the Secretary of

1 State's website and in newspapers of general circulation in different parts of
2 the State; and

3 (iii) file a copy of the proposed rule or standard with the
4 Legislative Committee on Administrative Rules, which shall distribute copies
5 to the appropriate legislative committees.

6 (B) At any time within 45 days after the Commissioner has filed a
7 copy of the proposed rule or standard with the Secretary of State and the
8 Legislative Committee on Administrative Rules:

9 (i) an individual may object that the proposed rule will not result
10 in sufficiently safe and healthful working conditions and request that the
11 Commissioner adopt a rule or standard that exceeds the corresponding federal
12 rule or standard; or

13 (ii) the Legislative Committee on Administrative Rules may
14 object that the proposed rule is:

15 (I) beyond the authority of the Department;

16 (II) contrary to the intent of the General Assembly; or

17 (III) arbitrary.

18 (C)(i) If an individual or the Committee files an objection to the
19 proposed rule or standard as provided in subdivision (B) of this subdivision
20 (2), the Commissioner may only adopt the proposed rule or standard pursuant
21 to the provisions of 3 V.S.A. chapter 25.

1 (ii) If the Commissioner is unable to adopt the proposed rule or
2 standard within the time period required by federal law, an imminent threat to
3 public health, safety, or welfare shall be deemed to exist pursuant to 3 V.S.A.
4 § 844(a) and the Commissioner may adopt the proposed rule as an emergency
5 rule pursuant to 3 V.S.A. § 844.

6 (D)(i) If no objection to the proposed rule is filed pursuant to
7 subdivision (B) of this subdivision (2), the proposed rule or standard shall take
8 effect 180 days after the corresponding federal rule or standard was
9 promulgated.

10 (ii) On or before the effective date of the rule or standard, the
11 Commissioner shall file the rule or standard with the Secretary of State
12 together with a cover sheet on a form prepared by the Secretary of State and an
13 adopting page as required pursuant to 3 V.S.A. § 838.

14 (E) Except as otherwise provided in subdivision (C) of this
15 subdivision (2), the provisions of 3 V.S.A. chapter 25 shall not apply to the
16 adoption of rules and standards related to safety and health pursuant to this
17 subdivision (2).

18 (3) If the Commissioner elects to adopt a rule or standard that exceeds
19 the corresponding federal rule or standard, he or she shall adopt the proposed
20 rule or standard pursuant to the provisions of 3 V.S.A. chapter 25.

