

115TH CONGRESS
1ST SESSION

S. 1122

To amend the Occupational Safety and Health Act of 1970 to clarify when the time period for the issuance of citations under such Act begins and to require a rule to clarify that an employer’s duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation.

IN THE SENATE OF THE UNITED STATES

MAY 15, 2017

Mrs. MURRAY (for herself, Mr. BLUMENTHAL, Mr. BROWN, Mrs. GILLIBRAND, Ms. WARREN, Mr. FRANKEN, and Ms. HASSAN) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To amend the Occupational Safety and Health Act of 1970 to clarify when the time period for the issuance of citations under such Act begins and to require a rule to clarify that an employer’s duty to make and maintain accurate records of work-related injuries and illnesses is an ongoing obligation.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accurate Workplace
5 Injury and Illness Records Restoration Act”.

1 **SEC. 2. PERIOD FOR ISSUANCE OF A CITATION.**

2 Section 9(c) of the Occupational Safety and Health
3 Act of 1970 (29 U.S.C. 658(c)) is amended by adding at
4 the end the following: “For purposes of this subsection,
5 a violation continues to occur for as long as an employer
6 has not satisfied the requirements, rules, standards, or-
7 ders, and regulations referenced in subsection (a).”.

8 **SEC. 3. RULEMAKING.**

9 (a) **RULE REQUIRED.**—Not later than 180 days after
10 the date of enactment of this Act, the Occupational Safety
11 and Health Administration shall issue a final rule amend-
12 ing its recordkeeping regulations under section 8(c) of the
13 Occupational Safety and Health Act to clarify that—

14 (1) the duty to make and maintain accurate
15 records of work-related injuries and illnesses is an
16 ongoing obligation;

17 (2) the duty to make and maintain such records
18 continues for as long as the employer is required to
19 keep records of the recordable injury or illness; and

20 (3) such duty does not expire solely because the
21 employer fails to create the necessary records when
22 first required to do so.

23 (b) **AUTHORIZATION.**—Subsection (a) shall be consid-
24 ered a specific authorization by Congress in accordance

- 1 with section 801(b)(2) of title 5, United States Code, with
- 2 respect to the issuance of a new recordkeeping rule.

