



ILA-USMX JOINT SAFETY COMMITTEE

OSH ALERT 2021-10 [29 October 2021]

The Build Back Better Act [HR 5376]

Yesterday, (28 October) the legislation mentioned above was announced by the Biden Administration and was subsequently released by the House Rules Committee.

It's a very (very) large piece of legislation, encompassing subject issues as varied as offshore wind resources to childcare (and most other things you can think of in between).

Realistically, the ILA~USMX Joint safety Committee (JSC) can't possibly predict what the future of HR 5376 may be. If the majority party gets their act together and performs in unison, much of it will likely survive. If not, well..... pieces of it may make it through both chambers of our Federal legislature; pieces may not. Which pieces survive intact, which get revised and which pieces ultimately get to the president's desk are, for now, matters of conjecture.

The JSC's principal interest, of course, is occupational safety & health. So, here's what we know about this bill; in that specific regard:

1). Section 21001 would boost OSHA's annual budget by about 20% (from \$591 Million to \$707 Million over the next 5 Fiscal Years); **and**

2). Section 21004 would amend the OSH Act of 1970 (Public Law 91-596) to increase the maximum civil penalty for "Willful" and "Repeat" alleged violations of OSHA standards- **from \$136,530.00 to \$700,000.00**, and increase the maximum civil penalty for "Serious" and "Failure to Abate" alleged violations of OSHA standards **from \$13,653.00 to \$70,000.00**. In sum, these are huge proposed increases.

While the upper limit (maximum) civil penalties would likely be reserved for large corporations/Neanderthal-like employers, we must assume (for purposes of a political nature) that OSHA would be compelled to graduate civil penalties for small and medium sized businesses.

We include a link to the legislation's section by section analysis:

https://rules.house.gov/sites/democrats.rules.house.gov/files/Section_by_Section_BBB.pdf

And also include a link to the legislation's full content:

<https://rules.house.gov/bill/117/hr-5376>

Got a question about this particular subject? Write to the JSC at: blueoceana@optonline.net

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