



Changes to the Protecting America’s Workers Act (PAWA) for the 115th Congress compared with PAWA as introduced in the 114th Congress (H.R. 2090)

1. Sec. 102— Definitions: Establishes a definition of “authorized employee representative” as an individual or organization designated by one or more employees of the employer for purposes of the OSHA Act.
2. Sec. 302--Updating Consensus Standards: Directs the Secretary within 2 years to update national consensus standards that were incorporated by reference when the OSHA Act was enacted, unless the Secretary determines that updating such standard would not improve the safety or health of affected workers. There are approximately 200 consensus standards which cover general industry and maritime that were initially adopted, and for which notice and comment rulemaking was not required. Many of the referenced standards have been either superseded or withdrawn by the issuing Standards Development Organizations (SDO), such as the National Fire Protection Association. Some consensus standards are so old they are no longer in print or available to the public. The outdated versions incorporated into the OSHA standards do not reflect advances in technologies or methods of improving workplace safety; some of these consensus standards are 60 years old. If there is a conflict between consensus standards, or if there is a consolidation of standards, the Secretary is directed to adopt the standard that affords the highest level of protection to workers affected. The OSHA Act is amended to state that no new or revised standard, rule, or regulation may reduce health and safety protections from existing levels of protection.
3. Sec. 304--Employer Reporting of Work-related Injuries, Illnesses, Deaths and Hospitalizations: Adds amputations and loss of an eye to the reporting requirement.
4. Sec. 311-- Inaction by the Review Commission: If the Occupational Safety and Health Review Commission fails to issue a decision within one year of directing review of a petition appealing a decision of an Administrative Law Judge, because the Commission lacks a quorum (2 of 3 members available to deliberate), then the decision of the Administrative Law Judge will be considered the Commission’s final decision. The ALJ’s decision may be appealed to the Court of Appeals under Section 11 of the Act.
5. Sec. 313--Civil Penalties Inflation Adjustment: Updates maximum and minimum civil penalties to adjust for inflation consistent with the updates adopted by OSHA under the Federal Civil Penalties Inflation Adjustment Improvements Act of 2015.

	<u>Former Amount</u>	<u>New Amount</u>
Willful Violations Minimum:	\$ 5,000	\$ 9,054
Willful Violations Maximum	70,000	126,749
Serious and Other Than Serious	7,000	12,674
Failure to Abate (daily)	7,000	12,674
Posting Requirements	7,000	12,674

This section also amends the OSHA Act to require an annual update to maximum and minimum civil penalties to adjust for increases or decreases in prices based on the Consumer Price Index not later than January 15 of each year; this incorporates the requirements of the Federal Civil Monetary Penalties Inflation Adjustment Improvements Act of 2015 directly into the OSH Act. Prior this recent legislation, which was included in the Bipartisan Budget Act of 2015 (P.L. 114-74), OSHA was expressly exempted under the Federal Civil Penalties Inflation Adjustment Improvements Act of 1990, and was blocked from updating its civil penalties to account for inflation over the past 25 years.