

114TH CONGRESS
2D SESSION

S. _____

To require the Occupational Safety and Health Administration to provide notice and comment rulemaking for the revised enforcement policy relating to the exemption of retail facilities from coverage of the process safety management of highly hazardous chemicals standard under section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations, and for other purposes.

IN THE SENATE OF THE UNITED STATES

Mrs. FISCHER (for herself and Ms. HEITKAMP) introduced the following bill; which was read twice and referred to the Committee on

A BILL

To require the Occupational Safety and Health Administration to provide notice and comment rulemaking for the revised enforcement policy relating to the exemption of retail facilities from coverage of the process safety management of highly hazardous chemicals standard under section 1910.119(a)(2)(i) of title 29, Code of Federal Regulations, and for other purposes.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Fertilizer Access and
3 Responsible Management Act” or the “FARM Act”.

4 **SEC. 2. OCCUPATIONAL SAFETY AND HEALTH ADMINISTRA-**
5 **TION PROCESS SAFETY MANAGEMENT**
6 **STANDARD.**

7 (a) WITHDRAWAL OF POLICY.—

8 (1) IN GENERAL.—The Secretary of Labor, act-
9 ing through the Assistant Secretary of Labor for Oc-
10 cupational Safety and Health, shall withdraw the re-
11 vised enforcement policy relating to the exemption of
12 retail facilities from coverage of the process safety
13 management of highly hazardous chemicals standard
14 under section 1910.119(a)(2)(i) of title 29, Code of
15 Federal Regulations, issued as a memorandum by
16 the Occupational Safety and Health Administration
17 on July 22, 2015, and all documents associated with
18 the revised enforcement policy.

19 (2) ENFORCEMENT.—The Secretary of Labor,
20 acting through the Assistant Secretary of Labor for
21 Occupational Safety and Health, shall enforce sec-
22 tion 1910.119(a)(2)(i) of title 29, Code of Federal
23 Regulations (or any corresponding similar regulation
24 or ruling) in the same manner as such section was
25 enforced on July 21, 2015, unless such section is
26 amended in accordance with subsection (b).

1 (b) REQUIREMENTS FOR RULEMAKING.—

2 (1) IN GENERAL.—In promulgating any rule re-
3 lating to the exemption of retail facilities from cov-
4 erage of the process safety management of highly
5 hazardous chemicals standard under section
6 1910.119(a)(2)(i) of title 29, Code of Federal Regu-
7 lations (or any corresponding similar regulation or
8 ruling), the Secretary of Labor, acting through the
9 Assistant Secretary of Labor for Occupational Safe-
10 ty and Health, shall—

11 (A)(i) promulgate the rule in the manner
12 required under section 6(b) of the Occupational
13 Safety and Health Act of 1970 (29 U.S.C.
14 655(b)), if the rule is subject to such section;
15 or

16 (ii) if the rule is not subject to such sec-
17 tion, provide notice and comment rulemaking in
18 accordance with section 553 of title 5, United
19 States Code; and

20 (B) invite meaningful public participation
21 in such rulemaking.

22 (2) SIGNIFICANT REGULATORY ACTION.—Pro-
23 mulgation of a rule under paragraph (1) shall be—

24 (A) considered a “significant regulatory
25 action”, as defined in section 3(f)(1) of Execu-

1 tive Order 12866 (5 U.S.C. 601 note; relating
2 to regulatory planning and review); and

3 (B) subject to the Office of Information
4 and Regulatory Affairs review procedures in ac-
5 cordance with section 6(b) of such Executive
6 Order.