



ARIZONA STATE SENATE
Fifty-Fifth Legislature, First Regular Session

FACT SHEET FOR H.B. 2160

occupational safety; advisory committee; enforcement

Purpose

Allows the Director of the Arizona Division of Occupational Safety and Health (ADOSH) to excuse an employer's late notification to contest a citation if the employer shows the notice was not received.

Background

ADOSH, within the Industrial Commission of Arizona, formulates workplace safety and health standards and rules with the assistance of the Occupational Safety and Health Advisory Committee (OSHA Committee) (A.R.S. §§ [23-409](#) and [23-410](#)).

If the Director of ADOSH determines after an inspection or investigation that there is reasonable cause to believe that a violation of safety and health standards exists, the Director must issue a citation to the employer and notify the employer of any proposed penalty. The employer has 15 working days to notify the Director that the employer desires to contest the citation or the citation becomes final and not subject to review (A.R.S. §§ [23-415](#) and [23-417](#)).

Any interested party may request a hearing with an administrative law judge (ALJ) and may appeal the ALJ decision to the OSHA Review Board. The OSHA Review Board consists of five Governor-appointed members who are qualified by reason of training, education or experience (A.R.S. §§ [23-420](#); [23-422](#); and [23-423](#)).

There is no anticipated fiscal impact to the state General Fund associated with this legislation.

Provisions

1. Authorizes the Director to excuse a late notification to contest a citation if the employer shows by clear and convincing evidence that the notice was not received.
2. Removes the requirement that the OSHA Committee recommend names for the Governor's consideration as members of the OSHA Review Board.
3. Removes, subject to the conditional enactment, the authorization for the Director to excuse a late notification.
4. Makes technical changes.

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5. Conditions the enactment of the removal of the Director's authority to excuse a late notification to contest a citation on the federal Occupational Safety and Health Administration, by December 31, 2021, publishing a final decision that rejects the changes to Arizona's federally-approved Occupational Safety and Health Plan.
6. Becomes effective on the general effective date or later, subject to the provisions of the conditional enactment.

House Action

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| COM | 1/26/21 | DP | 9-1-0-0 |
| 3 rd Read | 2/4/21 | | 43-16-0-0-1 |

Prepared by Senate Research

March 1, 2021

LB/kja