

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 7

Session of  
1975

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McLANE, GREEN AND DiDONATO, JANUARY 20, 1975

REFERRED TO COMMITTEE ON LABOR RELATIONS, JANUARY 20, 1975

AN ACT

1 Providing for occupational safety and health standards for  
2 employees, creating the Pennsylvania Occupational Safety and  
3 Health Review Commission and providing penalties.

4 The General Assembly of the Commonwealth of Pennsylvania  
5 hereby enacts as follows:

6 ARTICLE I

7 Short Title and Definitions

8 Section 101. This act shall be known and may be cited as the  
9 "Pennsylvania Occupational Safety and Health Act."

10 Section 102. As used in this act:

11 "Authorized employee representative" means any person  
12 authorized by an employee or a group of employees to assist the  
13 employee or group of employees in securing rights under this  
14 act.

15 "Department" means the Department of Labor and Industry.

16 "Employee" means an employee of an employer.

17 "Employer" means a person engaged in business employing one

1 or more persons in this Commonwealth, including but not limited  
2 to agricultural employees, public or governmental agencies and  
3 political subdivisions and instrumentalities of the  
4 Commonwealth.

5 "Imminent danger" means any condition or practice such that a  
6 danger exists which could be reasonably expected to cause death  
7 or serious physical harm immediately or before the imminence of  
8 such danger can be eliminated through the ordinary enforcement  
9 procedures provided by this act.

10 "Non-serious violation" shall be deemed to exist in a place  
11 of employment in situations where an incident or occupational  
12 illness resulting from violation of a standard, rule, regulation  
13 or order prescribed pursuant to this act, would probably not  
14 cause death or serious physical harm but which have a direct or  
15 immediate relationship to the safety or health of employees.

16 "Occupational safety and health standard" means a standard  
17 which requires conditions, or the adoption or use of one or more  
18 practices, means, methods, operations, or processes, reasonably  
19 necessary or appropriate to provide safe and healthful  
20 employment and places of employment.

21 "Person" means one or more individuals, partnerships,  
22 associations, corporations, business trusts, legal  
23 representatives, or any organized group of persons.

24 "Place of employment" means any place within the Commonwealth  
25 of Pennsylvania operated by an employer in which one or more  
26 individuals is employed.

27 "Secretary" means the Secretary of Labor and Industry or his  
28 duly authorized representative.

29 "Serious violation" shall be deemed to exist in a place of  
30 employment if there is a substantial probability that death or

1 serious physical harm could result from a condition which exists,  
2 or from one or more practices, means, methods, operations, or  
3 processes which have been adopted or are in use, in such place  
4 of employment unless the employer did not, and could not with  
5 the exercise of reasonable diligence, know of the presence of  
6 the violation.

## 7 ARTICLE II

### 8 Right and Duties

9 Section 201. (a) Each employer in the Commonwealth (i) shall  
10 furnish to each of his employees employment and a place of  
11 employment which are free from recognized hazards that are  
12 causing or are likely to cause death or serious physical harm to  
13 his employees; and (ii) shall comply with occupational safety and  
14 health standards promulgated under this act.

15 (b) Each employee in the Commonwealth shall comply with  
16 occupational safety and health standards and all rules,  
17 regulations, and orders issued pursuant to this act which are  
18 applicable to his own actions and conduct.

## 19 ARTICLE III

### 20 Administration

21 Section 301. The secretary shall prescribe such rules and  
22 regulations as he may deem necessary to carry out his  
23 responsibilities under this act. The provisions of the act of  
24 July 31, 1968 (P.L.769, No.240), known as the "Commonwealth  
25 Documents Law," shall apply to the issuance of such rules or  
26 regulations. Parties aggrieved by the adoption of a rule or  
27 regulation may obtain review of the rule or regulation by appeal  
28 to the Pennsylvania Occupational Safety and Health Review  
29 Commission.

30 Section 302. The Secretary of the Department of

1 Environmental Resources after consultation with the Secretary of  
2 the Department of Labor and Industry and with other appropriate  
3 State departments or agencies with jurisdiction in the related  
4 field of occupational health shall conduct (directly or by  
5 grants or contracts) research, experiments, and demonstrations  
6 relating to occupational health, including studies of  
7 psychological factors involved, and relating to innovative  
8 methods, techniques, and approaches for dealing with  
9 occupational health problems.

10 The secretary shall, likewise, establish advisory committees  
11 to assist him in his standard setting functions. The secretary  
12 shall provide such advisory committees with any proposals of his  
13 own or of the Department of Environmental Resources, together  
14 with all pertinent factual information developed by the  
15 secretary or the Secretary of the Department of Environmental  
16 Resources or otherwise available, including the results of  
17 research, demonstrations and experiments.

18 Section 303. Within 90 days following the convening of the  
19 General Assembly, the secretary shall prepare and submit to the  
20 Governor and the General Assembly a report on the subject matter  
21 of this act, the progress toward achievement of the purpose of  
22 this act, the needs and requirements in the fields of  
23 occupational safety and health, and any other relevant  
24 information. Such reports shall include information regarding  
25 occupational safety and health standards, and criteria for such  
26 standards, developed during the preceding year; evaluation of  
27 standards and criteria previously developed under this act,  
28 defining areas of emphasis for new criteria and standards; an  
29 evaluation of the degree of observance of applicable  
30 occupational safety and health standards, and a summary of

1 inspection and enforcement activity undertaken; analysis and  
2 evaluation of research activities for which results have been  
3 obtained under governmental and nongovernmental sponsorship; an  
4 analysis of major occupational diseases; evaluation of available  
5 control and measurement technology for hazards for which  
6 standards or criteria have been developed during the preceding  
7 year; description of cooperative efforts undertaken between  
8 government agencies and other interested parties in the  
9 implementation of this act during the preceding year; a progress  
10 report on the development of an adequate supply of trained  
11 manpower in the fields of occupational safety and health,  
12 including estimates of future needs and the efforts being made  
13 by government and others to meet those needs; listing of toxic  
14 substances in industrial usage for which the need for labeling  
15 requirements, criteria, or standards is recognized but not  
16 established; and such recommendations for additional legislation  
17 as are deemed necessary to protect the safety and health of the  
18 worker and improve the administration of this act.

19 Section 304. All administrative hearings and other  
20 proceedings under this act shall be publicly and timely  
21 announced and open to the public. The secretary shall make  
22 public all rules, orders, regulations, reports, transcripts of  
23 hearings, and other data relating to his conduct of this act.  
24 The foregoing shall not be construed to make available to the  
25 public any matter now privileged under the act of June 21, 1957  
26 (P.L.390, No.212), entitled "An act requiring certain records of  
27 the Commonwealth and its political subdivisions and of certain  
28 authorities and other agencies performing essential governmental  
29 functions, to be open for examination and inspection by citizens  
30 of the Commonwealth of Pennsylvania; authorizing such citizens

1 under certain conditions to make extracts, copies, photographs  
2 or photostats of such records; and providing for appeals to the  
3 courts of common pleas."

4 Section 305. In order to provide for the greater efficiency  
5 and economy in the administration of this act, the establishment  
6 of conditions of service which will attract to the service of  
7 the Commonwealth qualified persons of character and ability and  
8 their appointments and promotion on the basis of merit and  
9 fitness are declared to be means to this end.

10 All positions now existing or hereafter created in the  
11 department which are charged with enforcement and inspection  
12 under this act shall be designated as "classified service" as  
13 the term appears in section 3(d)(2), act of August 5, 1941  
14 (P.L.752, No.286), known as the "Civil Service Act."

#### 15 ARTICLE IV

##### 16 Occupational Safety and Health Standards

17 Section 401. The secretary shall promulgate, modify or  
18 revoke occupational safety and health standards to serve the  
19 purposes of this act. Whenever practicable, standards shall be  
20 expressed in terms of objective criteria.

21 Section 402. (a) Standards promulgated by the secretary  
22 shall require, whenever necessary, (i) suitable protective  
23 equipment and control or appropriate engineering control  
24 techniques, (ii) monitoring and measuring of work exposure to  
25 toxic materials and harmful physical agents, at such locations  
26 and intervals and in such manner as may be necessary for the  
27 protection of employees; (iii) the type and frequency of medical  
28 examinations or other tests which shall be made available by the  
29 employer or at his cost, to employees exposed to such hazards in  
30 order to most effectively determine whether the health of such

1 employees is adversely affected by such exposure; provided that  
2 the results of such examinations shall be furnished only to the  
3 employer, the employee or at the employee's request to his  
4 physician, and the appropriate State officials. Any such  
5 examination shall be given by a physician selected by the  
6 employer and shall be qualified in the health area involved; and  
7 (iv) the use of labels or other appropriate forms of warning as  
8 are necessary to insure that employees are apprised of all  
9 hazards to which they are exposed, relevant symptoms and  
10 appropriate emergency treatment, and proper conditions and  
11 precautions of safe use or exposure.

12 (b) Any employer, employee or authorized employee  
13 representative may make written request to the secretary for a  
14 determination of whether any substance found in the place of  
15 employment has potentially toxic effects in such concentration  
16 as used or found, without regard to whether that substance has  
17 been made the subject of an occupational safety or health  
18 standard. The secretary shall submit such determination to the  
19 employer, the employees, and/or their authorized representative  
20 as soon as possible.

21 If the secretary determines that employees are exposed to  
22 grave danger from exposure to substances or agents determined to  
23 be toxic or physically harmful or from new hazards and that an  
24 emergency standard is necessary to protect the employees from  
25 such danger, the secretary shall provide an emergency temporary  
26 standard to take effect immediately upon publication in the  
27 Pennsylvania Bulletin.

28 Such standard shall be effective until superseded by a  
29 standard promulgated in accordance with the procedures  
30 prescribed in this subsection.

1       Upon publication of such standard in the Pennsylvania  
2   Bulletin the secretary shall commence a proceeding in accordance  
3   with section 404, and the standard as published shall also serve  
4   as a proposed rule for the proceeding. The secretary shall  
5   promulgate a standard under this paragraph no later than 6  
6   months after publication of the emergency standard as provided  
7   in this subsection.

8       (c) In the absence of a standard regulating exposure to a  
9   particular airborne contaminant, including, but not limited to,  
10   toxic or noxious dusts, fumes, vapors, gases, fibers, fogs, or  
11   mists, any employer who initiates any practice, means, method,  
12   operation or process, not already a part of that employee's  
13   regular procedures, which will introduce airborne contaminant in  
14   any concentration into the atmosphere of the work site or at or  
15   around a particular work position, shall notify in writing the  
16   secretary within 30 days of the introduction of that  
17   contaminant.

18       Section 403. (a) The secretary shall provide for appropriate  
19   methods of gathering information and criteria for standards  
20   issuance, including hiring qualified personnel and conducting  
21   such demonstrations and experiments as may be appropriate.

22       (b) The secretary shall issue regulations to ensure  
23   adoptions of and revisions of all standards promulgated under  
24   the Federal Occupational Safety and Health Act of 1970.

25       Section 404. (a) The procedure for promulgating, modifying  
26   or revoking occupational safety and health standards shall be  
27   that required for the promulgation of regulations by the  
28   Commonwealth Documents Law: Provided, however, That in order to  
29   encourage and facilitate the expeditious adoption of Federal  
30   OSHA standards, the secretary shall be authorized in his



1 discretion to do so without provision for public participation  
2 whether through hearings or through written comments.

3 (b) If the secretary exercises his discretion under section  
4 202 of the Commonwealth Documents Law to hold public hearings,  
5 employers, employer organizations, employees, authorized  
6 employee representatives, representatives of organized labor and  
7 all interested parties shall be given the opportunity to  
8 participate in such hearings by calling witnesses and making  
9 oral argument and in such other manner as the secretary may  
10 prescribe.

11 (c) The occupational safety and health standards promulgated  
12 under the following acts, or parts of acts, are superseded on  
13 the effective date of corresponding standards, promulgated under  
14 this act:

15 (1) Act of June 7, 1911 (P.L.673, No.264), entitled "An act  
16 requiring foundries to be provided with toilet-room and water-  
17 closet; regulating same; and providing a penalty for violation  
18 thereof."

19 (2) Act of July 26, 1913 (P.L.1363, No.851), entitled "An  
20 act to prevent occupational diseases; and to provide for the  
21 health of employees exposed to the danger of lead-poisoning and  
22 other occupational diseases, by regulating certain manufacturing  
23 establishments; providing for medical examinations and reports,  
24 and requiring sanitary precautions and appliances; and making  
25 violation of its provisions a misdemeanor, and providing  
26 penalties for violation thereof."

27 (3) Act of July 19, 1917 (P.L.1088, No.364), entitled "An  
28 act relating to and regulating the employment of persons in  
29 compressed-air works."

30 (4) Act of May 18, 1937 (P.L.654, No.174), entitled, as

1 amended, "An act to provide for the safety and to protect the  
2 health and morals of persons while employed; prescribing certain  
3 regulations and restrictions concerning places where persons are  
4 employed, and the equipment, apparatus, materials, devices and  
5 machinery used therein; prescribing certain powers and duties of  
6 the Department of Labor and Industry relative to the enforcement  
7 of this act; and fixing penalties."

8 (5) Act of July 1, 1937 (P.L.2681, No.537), entitled "An act  
9 relating to, and regulating the manufacture, storing, and  
10 possession of explosives; requiring permits for magazines, and  
11 prescribing permit fees; and providing penalties."

12 (6) Act of July 10, 1957 (P.L.685, No.362), entitled "An act  
13 regulating the use of explosives in certain blasting operations;  
14 requiring examination and licensing of certain explosives'  
15 detonators and prescribing the fee thereof; and conferring  
16 powers and imposing duties on the Department of Labor and  
17 Industry."

18 (7) Act of August 22, 1961 (P.L.1034, No.467), entitled "An  
19 act requiring a guard to be posted when a manhole is entered;  
20 imposing powers and duties on the Department of Labor and  
21 Industry; and authorizing said department to promulgate rules  
22 and regulations relating to manholes, and providing penalties."

23 (d) Standards issued under the laws listed in subsection (c)  
24 and in effect on or after the effective date of this act shall  
25 be deemed to be occupational safety and health standards issued  
26 under this act, unless there is a Federal standard covering the  
27 same issue.

28 Section 405. (a) Any employer, employer organization,  
29 employee, authorized employee representative, or representative  
30 of organized labor may petition the secretary for the adoption,

1 revocation or amendment of a standard.

2 (b) Within 30 days after receipt of such petition, the  
3 secretary shall respond in writing with (i) a notice of his  
4 decision to adopt, revoke or amend the standard; or (ii) a  
5 notice of his decision to hold a public hearing concerning  
6 adoption, revocation or amendment of the standard; or (iii) a  
7 notice of his decision not to adopt, revoke or amend the  
8 standard, together with a statement of the reasons for the  
9 decision; or (iv) in the event that a person filing objections  
10 requests a public hearing on such objections, the secretary  
11 shall hold such public hearings in accordance with the  
12 Administrative Agency Law, act of June 4, 1945 (P.L.1388,  
13 No.442).

14 Section 406. Any person who may be adversely affected by a  
15 standard or change therein, or by the decision of the secretary  
16 not to issue, revoke or amend a standard, may obtain a  
17 determination of the validity of the standard or of the  
18 propriety of a decision not to issue or amend a standard, by  
19 filing a petition within sixty days with the Pennsylvania  
20 Occupational Safety and Health Review Commission for a judicial  
21 review of such standard, amendment or decision. The filing of  
22 such a petition shall not, unless otherwise ordered by the  
23 court, operate as a stay of the standard. The determination of  
24 the secretary shall be conclusive if supported by substantial  
25 evidence in the record considered as a whole. Persons aggrieved  
26 shall include employers to whose businesses the standard applies  
27 or would apply, employees whose workplaces or working conditions  
28 would be affected by the standard if issued, the authorized  
29 representatives of such employees, employer organizations and  
30 representatives of organized labor.

1       Section 407. (a) The procedure for issuing or amending  
2 occupational safety and health standards is "impracticable," as  
3 that term is used in section 204 of the Commonwealth Documents  
4 Law, if the secretary for good cause finds and incorporates the  
5 finding and a brief statement of the reasons therefor in the  
6 order adopting the standard or change therein, that the standard  
7 is needed to correct a situation which presents an imminent  
8 danger to the safety or health of any employee within the  
9 Commonwealth.

10       (b) The method of challenging, modifying or revoking  
11 standards issued under subsection (a) shall be the same as that  
12 for challenging, modifying or revoking any other standard issued  
13 under this act.

14       Section 408. (a) Any employer may apply to the secretary for  
15 a variance from a standard promulgated under this article.

16       (b) Affected employees shall be given notice of such  
17 application by employer by posting copies of the application  
18 conspicuously at the worksite to be affected by the variance and  
19 by personal notification to the authorized employee  
20 representative, if any. Affected employees and their authorized  
21 representatives shall be given the opportunity to participate as  
22 parties in a hearing, either personally or through any  
23 representative such employee or authorized employee  
24 representative shall choose. The hearing shall be held at or  
25 near the worksite to be affected by the variance, at a time  
26 chosen to facilitate employee and employer participation, and  
27 shall be conducted in accordance with the act of June 4, 1945  
28 (P.L.1388, No.442), known as the "Administrative Agency Law,"  
29 except that a party shall have the right to call witnesses in  
30 his own behalf, to cross-examine all opposing witnesses, and to

1 make oral argument upon substantial issues. Opportunity to  
2 participate in a hearing shall also be given to any employer or  
3 employee of an employer or their authorized representatives,  
4 either personally or through any representative they shall  
5 choose, who has a common interest in the variance. These  
6 procedures shall be subject to section 703 of this act.

7 (c) (1) The secretary shall grant a permanent variance when  
8 he determines on the record that the proponent of the variance  
9 has demonstrated by a preponderance of the evidence that the  
10 condition, practices, means, methods, operations or processes  
11 used or proposed to be used by an employer will provide  
12 employment and places of employment to his employees which are  
13 as safe and healthful as those which would prevail if he  
14 complied with the standard. A rule or order issuing a variance  
15 shall prescribe the conditions the employer must maintain, and  
16 the practices, means, methods, operations and processes which he  
17 must adopt and utilize to the extent they differ from the  
18 standard in question.

19 (2) Any employer may apply to the secretary for a temporary  
20 order granting a variance from a standard or any provision  
21 thereof promulgated under this article. Such temporary order  
22 shall be granted only if the employer files an application which  
23 meets the requirements of clause (3) of this subsection and  
24 establishes that (i) he is unable to comply with a standard by  
25 its effective date because of unavailability of professional or  
26 technical personnel or of materials and equipment needed to come  
27 into compliance with the standard or because necessary  
28 construction or alteration of facilities cannot be completed by  
29 the effective date, (ii) he is taking all available steps to  
30 safeguard his employees against the hazards covered by the

1 standards, and (iii) he has an effective program for coming into  
2 compliance with the standard as quickly as practicable. Any  
3 temporary order issued under this paragraph shall prescribe the  
4 practices, means, methods, operations, and processes which the  
5 employer must adopt and use while the order is in effect and  
6 state in detail his program for coming into compliance with the  
7 standard. Such a temporary order may be granted only after  
8 notice to employees and an opportunity for a hearing: Provided,  
9 That the secretary may issue one interim order to be effective  
10 until a decision is made on the basis of the hearing. No  
11 temporary order may be in effect for longer than the period  
12 needed by the employer to achieve compliance with the standard  
13 or 1 year, whichever is shorter, except that such an order may  
14 be renewed not more than twice (i) so long as the requirements  
15 of this paragraph are met and (ii) if an application for renewal  
16 is filed at least 90 days prior to the expiration date of the  
17 order. No interim renewal of an order may remain in effect for  
18 longer than 180 days.

19 (3) An application for a temporary order under this section  
20 shall contain (i) a specification of the standard or portion  
21 thereof from which the employer seeks a variance, (ii) a  
22 representation by the employer, supported by representations  
23 from qualified persons having firsthand knowledge of the facts  
24 represented, that he is unable to comply with the standard or  
25 portion thereof and a detailed statement of the reasons  
26 therefor, (iii) a statement of the steps he has taken and will  
27 take (with specific dates) to protect employees against the  
28 hazard covered by the standard, (iv) a statement of when he  
29 expects to be able to comply with the standard and what steps he  
30 has taken and what steps he will take (with dates specified) to

1 come into compliance with the standard, and (v) a certification  
2 that he has informed his employees of the application by giving  
3 a copy thereof to their authorized representatives, posting a  
4 statement giving a summary of the application and specifying  
5 where a copy may be examined at the place or places where  
6 notices to employees are normally posted. A description of how  
7 employees have been informed shall be contained in the  
8 certification. The information to employees shall also inform  
9 them of their right to petition the secretary for a hearing.

10 (d) An order for a variance may be modified or revoked upon  
11 application by an employer, employee, authorized employee  
12 representative or the secretary on his own motion in the manner  
13 prescribed for its issuance at any time after 6 months from its  
14 issuance.

15 (e) Any party to the variance hearing, and any other  
16 affected employee or authorized employee representative, may  
17 obtain a determination of the validity of the order by filing a  
18 petition within 30 days with the Commonwealth Court for a  
19 judicial review of the order. The provisions of the act of June  
20 4, 1945 (P.L.1388, No.442), known as the "Administrative Agency  
21 Law," shall apply to such proceedings.

22 (f) The secretary shall make yearly review of every existing  
23 variance to evaluate the need for such variance, and determine  
24 the continued effectiveness of the alternate procedures.

25 (g) The secretary shall grant a permanent variance if he  
26 finds that the variance as granted will be as effective as the  
27 rule or regulation from which the variance is sought. Any such  
28 permanent variance shall not be subject to formal review as  
29 provided in subsection (f) of this section.

30 (h) All applications for variances shall be a matter of

1 public record. The secretary shall maintain and make available  
2 to all interested persons a listing, by employer, of all  
3 variances which are in effect.

#### 4 ARTICLE V

##### 5 Research and Coordination

6 Section 501. The secretary shall conduct research (directly  
7 or by grants and contracts) in the field of occupational safety,  
8 including the psychological factors involved and develop  
9 innovative methods, techniques and approaches for dealing with  
10 occupational safety and health problems.

11 Section 502. The secretary shall coordinate the research  
12 expertise of the department in the field of occupational safety  
13 and health with the research expertise of other State and  
14 Federal agencies in the fields related to occupational safety  
15 and health.

#### 16 ARTICLE VI

##### 17 Inspections and Investigations

18 Section 601. The secretary or his duly authorized  
19 representative may, upon presenting credentials to the owner,  
20 operator or agent in charge, enter without delay any factory,  
21 plant, establishment, construction site, or other area,  
22 workplace or environment where work is performed by an employee  
23 of an employer and inspect and investigate during regular  
24 working hours and at other reasonable times, any place of  
25 employment and all pertinent conditions, structures, machines,  
26 apparatus, devices, equipment, and materials therein, and  
27 question privately any such employer, owner, operator, agent or  
28 employee.

29 Section 602. (a) Whenever the secretary or his duly  
30 authorized representative proceeding under section 601 is denied



1 admission, he shall obtain a warrant to make the investigation  
2 or inspection from any justice of the peace or judge of any  
3 court of record within the county in which the place of  
4 employment sought to be investigated or inspected is located, or  
5 from a judge of the Commonwealth Court.

6 (b) Any justice of the peace or judge of any court of record  
7 within this Commonwealth is hereby authorized to issue a warrant  
8 pursuant to this section and shall issue such warrant whenever  
9 he is satisfied that the following conditions are met:

10 (1) That the individual meeting the warrant is a duly  
11 authorized agent or employee of the Department of Labor and  
12 Industry, and

13 (2) That such individual has established under oath or  
14 affirmation that the place of employment to be investigated in  
15 accordance with this article is to be investigated to determine  
16 compliance with this act and its regulations or with any rule,  
17 citation, or order issued pursuant thereto, or that there is  
18 probable cause to believe that there is a condition in or about  
19 such place of employment constituting a hazard to safety or  
20 health.

21 Section 603. Any employee or authorized employee  
22 representative shall be permitted, upon request, to consult  
23 privately with an inspector prior to, during and after the  
24 course of his inspection concerning matters of health and safety  
25 in the workplace. The inspecting officer shall ensure that the  
26 employees are aware of their right to private consultation and  
27 of the manner of exercising that right. A representative of the  
28 employer and an authorized employee representative shall be  
29 given an opportunity to accompany the inspecting or  
30 investigating officer during the physical inspection of any

1 workplace under section 601 of this article for the purpose of  
2 aiding such inspection. Where there is no authorized employee  
3 representative, the secretary or his authorized agent shall  
4 consult privately with a reasonable number of employees  
5 concerning matters of health and safety in the workplace.

6 Section 604. In making inspections and investigations under  
7 this act the secretary may require the attendance and testimony  
8 of witnesses and the production of evidence, under oath,  
9 provided that in any situation in which this power is exercised,  
10 employees and employers or their authorized representatives  
11 shall be given the opportunity to testify concerning the same  
12 matter.

13 Section 605. (a) The Commonwealth Court shall have  
14 jurisdiction, upon petition of the secretary, to restrain any  
15 conditions or practices in any place of employment which are  
16 such that a danger exists which could reasonably be expected to  
17 cause death or serious physical harm immediately or before the  
18 imminence of such danger can be eliminated through the  
19 enforcement procedures otherwise provided by this act. Any order  
20 issued under this section may require such steps to be taken as  
21 may be necessary to avoid, correct, or remove such imminent  
22 danger and prohibit the employment or presence of any individual  
23 in locations or under conditions where such imminent danger  
24 exists, except individuals whose presence is necessary to avoid,  
25 correct, or remove such imminent danger or to maintain the  
26 capacity of a continuous process operation to resume normal  
27 operations without a complete cessation of operations, or where  
28 a cessation of operations is necessary, to permit such to be  
29 accomplished in a safe and orderly manner.

30 (b) Upon the filing of any such petition the Commonwealth

1 Court shall have jurisdiction to grant such injunctive relief or  
2 temporary restraining order pending the outcome of an  
3 enforcement proceeding pursuant to this act. The proceeding  
4 shall be as provided by Rule 1531 of the Pennsylvania Rules,  
5 Civil Procedure.

6 (c) Whenever and as soon as an inspection concludes that  
7 conditions or practices described in subsection (a) exist in any  
8 place of employment, he shall inform the affected employees and  
9 employers of the danger and that he is recommending to the  
10 secretary that relief be sought.

11 (d) If the secretary arbitrarily or capriciously fails to  
12 seek relief under this section, any employee who may be injured  
13 by reason of such failure, or the representative of such  
14 employees may bring an action against the secretary in the  
15 Commonwealth Court to compel the secretary to seek such an order  
16 and for such further relief as may be appropriate.

17 Section 606. (a) Any employees or representative of  
18 employees who believe that a violation of an occupational safety  
19 or health standard exists that threatens physical harm, or that  
20 an imminent danger exists, may request an inspection by giving  
21 notice to the secretary or his authorized representative of such  
22 violation or danger. Any such notice shall be reduced to writing  
23 and shall set forth with reasonable particularity the grounds  
24 for the notice where imminent danger does not exist and the  
25 employee or employee representative making the notice shall  
26 identify himself to the satisfaction of the secretary. If, upon  
27 receipt of such notification, the secretary determines there are  
28 reasonable grounds to believe that such violation or danger  
29 exists, he shall make a special inspection in accordance with  
30 the provisions of this article not later than 5 days following

1 receipt of the request for an inspection, to determine if such  
2 violation or danger exists. The employer or his agent shall be  
3 informed of the substance of the complaint at the time of the  
4 inspection except that the name of the employee giving notice  
5 and of individual employees referred to therein shall not be  
6 divulged except upon specific approval of the employee. If the  
7 secretary determines there are no reasonable grounds to believe  
8 that a violation or danger exists, he shall notify the employee,  
9 employer or their representatives in writing of such  
10 determination, together with the reasons for the determination,  
11 not later than 30 days following receipt of the request for an  
12 inspection.

13 (b) The notifying employee and the authorized employee  
14 representative shall be given the right to a hearing conducted  
15 in accordance with the act of June 4, 1945 (P.L.1388, No.442),  
16 known as the "Administrative Agency Law," held at or near the  
17 worksite wherever possible, if an adverse determination is made  
18 by the secretary on a request for a special inspection. Request  
19 for a hearing shall be made within 15 working days following  
20 receipt of notification of the secretary's determination. The  
21 hearing shall be held not later than 30 days following receipt  
22 of the request for a hearing. The secretary's determination  
23 after hearing shall be considered a final order for purposes of  
24 judicial review under Article VIII of this act. The Commonwealth  
25 Court shall have power on review to order all appropriate  
26 relief, including specification of the frequency of inspections  
27 to be made at the worksite involved. The secretary shall ensure,  
28 through regulations requiring posting of the information at the  
29 worksite and other appropriate means of notification, that  
30 employees are informed of the manner in which to make the

1 request dealt with in this section.

2 Section 607. (a) Prior to, during or after any inspection of  
3 a workplace, any employee or representative of employees  
4 employed in such workplace may notify the secretary or his  
5 representative responsible for conducting the inspection, in  
6 writing, of any violation of this act which they have reason to  
7 believe exists in such workplace.

8 (b) The secretary shall, by regulation, establish procedures  
9 for informal review of any refusal by his representative to  
10 issue a citation with respect to any such alleged violation. The  
11 procedures for informal review shall include opportunity for  
12 written argument by the authorized employee representative and  
13 the notifying employee. The secretary's final disposition of the  
14 case shall be considered a final order for purposes of judicial  
15 review under Article VIII of this act. The secretary shall  
16 furnish the employee or representative of employees requesting  
17 such review a written statement of the reasons for final  
18 disposition of the case not later than 15 working days following  
19 receipt of written argument by that employee or employee  
20 representative with a copy to the employer.

21 Section 608. Advance notice of any inspection to be  
22 conducted under this act shall not be given except in certain  
23 situations which the secretary may by regulation define on the  
24 basis of the absolute necessity of notification in such  
25 situations. In no instance shall advance notice be given more  
26 than twenty-four hours in advance of any inspection.

## 27 ARTICLE VII

### 28 Record-keeping and Information

29 Section 701. (a) Each employer shall make, keep, and  
30 preserve, and make available to the secretary such records

1 regarding their activities relating to this act as the secretary  
2 may prescribe by regulation as necessary or appropriate for the  
3 enforcement of this act or for developing information regarding  
4 the causes and prevention of occupational accidents and  
5 illnesses. In order to carry out the provisions of this  
6 subsection, such regulations may include provisions requiring  
7 employers to conduct periodic inspections. An employee or a  
8 representative designated by him shall have access to only those  
9 records required by this act and so maintained by the employer  
10 which are relevant to his own exposure to a particular hazard or  
11 dealing with an accident in which the employee was directly or  
12 physically involved. The secretary shall also issue regulations  
13 requiring that employees, through posting of notices, keep their  
14 employees informed of their protections and obligations under  
15 this act, including the provisions of applicable standards.

16 (b) The secretary shall prescribe regulations requiring  
17 employers to maintain accurate records of, and to make periodic  
18 reports on, work-related deaths, injuries and illnesses other  
19 than minor injuries requiring only first-aid treatment and which  
20 do not involve medical treatment, loss of consciousness,  
21 restriction of work or motion, or transfer to another job.

22 (c) The secretary shall issue regulations requiring  
23 employers to maintain accurate records of employee exposure to  
24 potentially toxic materials or harmful physical agents which are  
25 required to be monitored or measured under standards prescribed  
26 by the secretary. The regulations shall provide that employees  
27 or their representatives have the opportunity to observe such  
28 monitoring or measuring and shall provide that employees or  
29 their representatives shall have access to the records thereof.  
30 The regulations shall also make appropriate provision for each

1 employee or former employee to have access on request to such  
2 records as will indicate his own exposure to toxic materials or  
3 harmful physical agents, and shall provide for disclosure to the  
4 employees of such information at fixed intervals. Each employer  
5 shall promptly notify any employee who has been or is being  
6 exposed to toxic materials or harmful physical agents in  
7 concentration or at levels which exceed those prescribed, and  
8 shall inform any employee who is being thus exposed of the  
9 corrective action taken.

10 (d) The secretary shall ensure that the records required to  
11 be kept under this section include all those required to be kept  
12 by the Federal "Occupational Safety and Health Act of 1970,"  
13 P.L.91-596. This shall include those reports and record-keeping  
14 provisions now in force and which may be promulgated in the  
15 future pursuant to 29 CFR 1904.

16 Any information obtained by the secretary shall be obtained  
17 with a minimum burden upon employers, especially those operating  
18 small businesses. Unnecessary duplication of efforts in  
19 obtaining information shall be reduced to the maximum extent  
20 feasible.

21 (e) The secretary shall provide that employers subject to  
22 the jurisdiction of this act maintain statistical reporting  
23 programs and make such reports to the Secretary of the United  
24 States Department of Labor as that official may from time to  
25 time require.

26 No variance from the reporting and record-keeping regulations  
27 of the United States Department of Labor, Bureau of Labor  
28 Statistics, shall be permitted unless specific authorization for  
29 such variance is approved by the aforesaid agency.

30 (f) The secretary shall provide for public access to the

1 information compiled under this section. The use of such  
2 information shall not be restricted except as may be required by  
3 section 703 of this article.

4 Section 702. The secretary shall institute such programs as  
5 appropriate to keep employees and employers informed of the  
6 protections and obligations of this act and of the hazards to  
7 which the employees are exposed at their worksite, and to  
8 encourage active utilization of the provisions of this act by  
9 employees, and voluntary compliance by employers.

10 Section 703. All information reported to or otherwise  
11 obtained by the secretary or his representative in connection  
12 with any inspection or proceeding under this act which contains  
13 or which might reveal a trade secret referred to in section 1905  
14 of Title 18 of the United States Code shall be considered  
15 confidential for the purpose of that section, except that such  
16 information may be disclosed to other officers or employees  
17 concerned with carrying out this act or when relevant in any  
18 proceeding under this act. In any such proceeding the secretary,  
19 the Pennsylvania Occupational Safety and Health Review  
20 Commission or the court shall issue such orders as may be  
21 appropriated to protect the confidentiality of trade secrets.

## 22 ARTICLE VIII

### 23 Procedure for Enforcement

24 Section 801. (a) It shall be unlawful conduct for any  
25 employer, his agent or representative to fail to comply with  
26 this act or any regulations, standard or order of the secretary  
27 prescribed or issued pursuant to the provisions of this act.  
28 Unlawful conduct shall be made the subject of a citation by the  
29 secretary.

30 (b) Each employee in the employ of any employer who is



1 subject to the provisions of this act, shall comply with  
2 occupational safety and health standards and all rules,  
3 regulations and orders issued pursuant to this act which are  
4 applicable to his own actions and conduct.

5 (c) No employee or other person shall wilfully damage,  
6 displace or remove any safety device or safeguard in any place  
7 of employment, or interfere with the use thereof by any person  
8 except for necessary alterations, repairs or maintenance by  
9 qualified personnel. No employee or other person shall interfere  
10 with the use of any method or process adopted for the protection  
11 of the health and safety of individuals in and about any place  
12 of employment or fail or refuse to obey any order issued  
13 pursuant to the provisions of this act. It shall be further  
14 understood that the responsibility for complying with this act  
15 or any regulations promulgated pursuant thereto shall be imposed  
16 upon both the employer and the employee notwithstanding anything  
17 contained herein.

18 Section 802. If, upon inspection or investigation, the  
19 secretary or his authorized representative believes that an  
20 employer has violated a requirement of section 201 of this act,  
21 of any standard, rule or order promulgated pursuant to section  
22 401 of this act, or of any regulations prescribed pursuant to  
23 this act, he shall with reasonable promptness issue a citation  
24 to the employer by certified mail. Each citation shall be in  
25 writing and shall describe with particularity the nature of the  
26 violation, including a reference to the provisions of the act,  
27 standard, rule, regulation, or order alleged to have been  
28 violated. In addition, the citation shall fix a reasonable time  
29 for the abatement of the violation. The secretary may prescribe  
30 procedures for the issuance of a notice in lieu of a citation

1 with respect to de minimis violations which have no direct or  
2 immediate relationship to safety or health. No citation may be  
3 issued under this section after the expiration of 6 months  
4 following the occurrence of any violation.

5 Section 803. Each citation issued under section 802, or a  
6 copy or copies thereof, shall be prominently posted, as  
7 prescribed in regulations issued by the secretary, at or near  
8 each place a violation referred to in the citation occurred.

9 Section 804. If, within 15 working days following the  
10 receipt of the citation or notice of proposed penalty the  
11 employer fails to notify the secretary that he intends to  
12 contest the citation or proposed assessment of penalty, and if  
13 no notice is filed by an employee or authorized employee  
14 representative that the citation or proposed penalty will be  
15 contested, the citation and/or the assessment, as proposed,  
16 shall be deemed a final order of the secretary and not subject  
17 to review by any court or agency.

18 Section 805. (a) If the secretary has reason to believe that  
19 an employer has failed to correct a violation for which a  
20 citation has been issued within the period permitted for its  
21 correction (which period shall not begin to run until the entry  
22 of a final order by the Pennsylvania Occupational Safety and  
23 Health Review Commission in the case of any review proceedings  
24 under this article initiated by the employer in good faith and  
25 not solely for delay or avoidance of penalties), the secretary  
26 shall notify the employer by certified mail of such failure and  
27 of the penalty proposed to be assessed by reason of such  
28 failure, and that the employer has 15 working days within which  
29 to notify the secretary that he wishes to contest the  
30 secretary's notification or the proposed assessment of penalty.

1 The secretary shall also notify the employee representative of  
2 such failure and of the penalty proposed to be assessed, and  
3 shall provide by regulation for notification of individual  
4 employees by posting at the worksite and other appropriate  
5 means.

6 (b) If, within 15 working days from the receipt of  
7 notification issued by the secretary, the employer fails to  
8 notify the secretary that he intends to contest the notification  
9 or proposed assessment of penalty, the notification and  
10 assessment, as proposed, shall be deemed a final order of the  
11 Pennsylvania Occupational Safety and Health Review Commission  
12 and not subject to review by any court or agency.

13 Section 806. If an employer notifies the secretary that he  
14 intends to contest a citation issued under section 802 or  
15 notification issued thereunder, or, if within 15 working days of  
16 the issuance of a citation under section 802, any employee or  
17 representative of employees files a notice with the secretary  
18 alleging that the period of time fixed in the citation for the  
19 abatement of the violation is unreasonable, the secretary shall  
20 immediately advise the Pennsylvania Occupational Safety and  
21 Health Review Commission of such notification, and the Review  
22 Commission shall afford an opportunity for a hearing in  
23 accordance with the procedures specified in the act of June 4,  
24 1945 (P.L.1388, No.442), known as the "Administrative Agency  
25 Law." The Review Commission shall thereafter issue an order  
26 based on findings of fact affirming, modifying, or vacating the  
27 secretary's citation or proposed penalty, or directing other  
28 appropriate relief, and such order shall become final 30 days  
29 after its issuance. Upon a showing by an employer of a good  
30 faith effort to comply with the abatement requirements of a

1 citation, and that abatement has not been completed because of  
2 factors beyond his reasonable control, the secretary, after an  
3 opportunity for a hearing as provided in this section, shall  
4 issue an order affirming or modifying the abatement requirements  
5 in such citation. The rules of procedure prescribed by the  
6 Review Commission shall provide affected employees or  
7 representatives of affected employees an opportunity to  
8 participate as parties to hearings under this section.

9 Section 807. The secretary shall issue regulations regarding  
10 the format and contents of reports to be filed by the inspecting  
11 or investigating officers following each inspection or  
12 investigation.

13 Section 808. (a)(1) There is hereby created a Pennsylvania  
14 Occupational Safety and Health Review Commission, herein called  
15 "Review Commission," consisting of five members. Each member of  
16 the commission shall be appointed by the Governor for a term of  
17 6 years and shall not require Senate confirmation. The  
18 commission shall determine the disposition of challenges to  
19 citations, notifications that no inspections will be conducted,  
20 proposed penalties and periods of abatement, and such other  
21 proceedings arising out of the administration of this act as the  
22 secretary may determine.

23 (2) The five members shall be qualified in occupational  
24 safety and health. Two shall be representative of covered  
25 employers, two shall be representative of covered workers and  
26 one shall be representative of the general public. In the  
27 original appointment of the members of the Review Commission,  
28 two members shall be appointed for a term of 6 years, two  
29 members for a term of 4 years, and one member for a term of 2  
30 years. Any vacancy occurring in the membership of the Review

1 Commission shall be filled by the Governor only for the  
2 unexpired term. Three members of the Review Commission shall  
3 constitute a quorum. The chairman shall be appointed by the  
4 Governor and shall so serve for a term of 6 years. Members of  
5 the Review Commission shall be compensated at the rate of \$100  
6 per each day served in the performance of the Review  
7 Commission's duties and in addition shall be reimbursed for  
8 travel and other actual expenses incurred.

9 (3) The Review Commission shall appoint hearing examiners as  
10 necessary to assist them in the performance of their functions.  
11 A hearing examiner shall hear and make a determination upon any  
12 proceeding instituted before the Review Commission and any  
13 motion in connection therewith assigned to such hearing examiner  
14 by the Review Commission, and shall make a report to the Review  
15 Commission of any such determination which constitutes his  
16 disposition of the proceedings.

17 (b) The hearings conducted under this article shall be  
18 conducted in accordance with the procedures specified in the act  
19 of June 4, 1945 (P.L.1388, No.442), known as the "Administrative  
20 Agency Law." Employees of any employer contesting a period of  
21 abatement, and, their authorized representatives shall have the  
22 right to party status at any hearing which may be held on the  
23 matter. Where the contesting party is an employee or authorized  
24 employee representative, the employer shall have the right to  
25 party status. The secretary shall make provision for the  
26 effective notice of the hearing and the right to participate in  
27 it to all prospective parties, including posting of the  
28 information at the affected worksite. The hearings shall be  
29 conducted within 30 days following the secretary's receipt of  
30 notification that there will be a contest, at or near the

1 worksite wherever possible, and at a time chosen to facilitate  
2 employee attendance at the hearing.

3 Section 809. (a) Not later than 15 working days following a  
4 hearing prescribed by this article, the Review Commission shall  
5 issue an order based on findings of fact, affirming, modifying  
6 or vacating the citation or proposed penalty, assessing a  
7 penalty and fixing a period for abatement, or directing other  
8 appropriate relief. Such order shall be considered final. The  
9 Review Commission may act as a hearing examiner or may hold a  
10 rehearing on its own order.

11 (b) The Review Commission's power shall include power to  
12 increase or decrease the penalty. If wilful or repeated  
13 violations are established at the hearing, and the citation does  
14 not include an allegation of wilful or repeated violations, the  
15 Review Commission may increase the penalty accordingly.

16 (c) The Review Commission's orders shall be entered of  
17 record and its final records shall be open to the public subject  
18 to section 703 of this act.

## 19 ARTICLE IX

### 20 Civil Relief and Judicial Review

21 Section 901. The Commonwealth Court shall have jurisdiction  
22 to enforce any order of the secretary or the Review Commission  
23 issued pursuant to this act.

24 Section 902. Any employer, employee or their authorized  
25 representatives may appeal a final order of the Pennsylvania  
26 Occupational Safety and Health Review Commission. The provisions  
27 of the act of June 4, 1945 (P.L.1388, No.442), known as the  
28 "Administrative Agency Law," shall apply to such appeals.

## 29 ARTICLE X

### 30 Penalties

1       Section 1000. The secretary may assess a civil penalty in  
2 the manner hereinafter set forth in subsequent sections of this  
3 article upon a person for violation of this act. Such penalty  
4 may be assessed whether or not the violation was wilful. It  
5 shall be payable to the Commonwealth of Pennsylvania and shall  
6 be collectible as a debt to the Commonwealth. If any person  
7 liable to pay any such penalty neglects or refuses to pay the  
8 same after demand, the amount, together with interest any any  
9 costs that may accrue, shall be a lien in favor of the  
10 Commonwealth upon the property, both real and personal, of such  
11 person but only after the same has been entered and docketed of  
12 record by the prothonotary of the county where such is situated.  
13 The secretary may, at any time, transmit to the prothonotaries  
14 of the respective common pleas court of the county certified  
15 copies of all such liens, and it shall be the duty of each  
16 prothonotary to enter and docket the same of record in his  
17 office, and to index the same as judgments are indexed, without  
18 requiring payment of costs as a condition precedent to the entry  
19 thereof.

20       Section 1001. (a) Any employer who has received a citation  
21 for a serious violation of any standard, rule, order or  
22 regulation prescribed pursuant to this act shall be assessed a  
23 civil penalty of not more than \$1,000 for each such violation,  
24 and any employer who wilfully or repeatedly violates this act or  
25 any standard, rule, order or regulation prescribed pursuant to  
26 this act shall be assessed a civil penalty of not more than  
27 \$10,000 for each such violation.

28       (b) Any employer who has received a citation for a  
29 nonserious violation of any standard, rule, order or regulation  
30 prescribed pursuant to this act may be assessed a civil penalty

1 of not more than \$1,000 for each such violation.

2 Section 1002. Any employer who fails to correct a violation  
3 for which a citation has been issued under this act within the  
4 period permitted for its correction (which period shall not  
5 begin to run until the date of the final order by the Review  
6 Commission in the case of any review proceedings under Article  
7 VIII initiated by the employer in good faith and not solely for  
8 delay or avoidance of penalties), may be assessed a civil  
9 penalty of not more than \$1,000 for each day during which such  
10 failure or violation occurs.

11 Section 1003. (a) In assessing the penalties provided for in  
12 this article, the secretary shall give due consideration to the  
13 size of the business of the employer, the good faith of the  
14 employer, the gravity of the violation and the history of  
15 previous violations.

16 (b) The secretary may provide by regulation for a formula  
17 embodying the criteria of this section to be utilized in  
18 assessing penalties provided for by this article.

19 Section 1004. Any employer who wilfully violates any  
20 standard, rule, order or regulation promulgated pursuant to this  
21 act, or of any regulations prescribed pursuant to this act, and  
22 that violation caused death to any employee, shall, upon  
23 conviction, be guilty of a misdemeanor and shall be punished by  
24 a fine of not more than \$10,000 or by imprisonment for not more  
25 than 6 months, or by both; except that if the conviction is for  
26 a violation committed after a first conviction of such person,  
27 punishment shall be by a fine of not more than \$20,000 or by  
28 imprisonment for not more than 1 year, or by both.

29 Section 1005. Any person who violates the requirements of  
30 section 608 of this act by giving unauthorized advance notice of



1 any inspection under this act without authority from the  
2 secretary or his designees shall upon conviction be guilty of a  
3 misdemeanor, and shall be punished by a fine of not more than  
4 \$1,000 or by imprisonment for not more than 6 months, or both.

5 Section 1006. Any employer who violates any of the posting  
6 requirements, as prescribed under the provisions of this act,  
7 may be assessed a civil penalty of not more than \$1,000 for each  
8 violation.

9 Section 1007. Any person who shall make any oral or written  
10 statement to the secretary or any of his authorized  
11 representatives or who shall furnish them with any record,  
12 report, accounting, publication or document required of him  
13 under this act, which is known to him to be false, shall upon  
14 conviction be guilty of a misdemeanor, and be sentenced to pay a  
15 fine not exceeding \$10,000 or to undergo imprisonment not  
16 exceeding 6 months, or both.

## 17 ARTICLE XI

### 18 Discrimination

19 Section 1101. It shall be unlawful for any person to  
20 discharge or in any manner discriminate against any employee  
21 because such employee has filed any complaint or instituted or  
22 caused to be instituted or participated in any proceeding under  
23 or related to this act or has testified or is about to testify  
24 in any such proceeding or because of the exercise by such  
25 employee on behalf of himself or others of any right afforded by  
26 this act.

27 Section 1102. Any employee who believes that he has been  
28 discriminated against by any person in violation of section  
29 1101, may within 30 days after such violation occurs, file a  
30 complaint with the secretary alleging such discrimination. Upon

1 receipt of such complaint, the secretary shall immediately mail  
2 a copy thereof by certified mail to such person and thereafter  
3 cause such investigation to be made as he deems appropriate. If  
4 upon such investigation the secretary has probable cause to  
5 believe that the provisions of this article have been violated,  
6 he shall bring an action in the Commonwealth Court against such  
7 person. In any such action the Commonwealth Court shall have  
8 jurisdiction for cause shown to restrain violations of section  
9 1101 of this article and order appropriate relief, including,  
10 where appropriate, reinstatement with back pay. The complaining  
11 employee shall be given written notification of the secretary's  
12 decision regarding his complaint not later than 30 days  
13 following receipt of the complaint by the secretary, including a  
14 statement of the reasons for a decision not to seek court  
15 action.

16 Section 1103. If the secretary without good cause fails to  
17 seek relief under this article, the complaining employee or his  
18 authorized representative may bring an action against the  
19 secretary in the Commonwealth Court to compel the secretary to  
20 seek relief as may be appropriate.

21 Section 1104. At all times, copies of complaints shall be  
22 provided by the secretary to persons charged with  
23 discrimination, as provided in section 1102, except that upon  
24 written request of the complainant, such name or names shall not  
25 appear on such copy or on any record published, released or made  
26 available as provided in section 1102.

27 ARTICLE XII

28 Repealer and Effective Date

29 Section 1201. (a) The following acts and parts of acts are  
30 repealed absolutely:

1       (1) The act of June 7, 1911 (P.L.673, No.264), entitled "An  
2 act requiring foundries to be provided with toilet-room and  
3 water closet; regulating same; and providing a penalty for  
4 violation thereof."

5       (2) The act of July 26, 1913 (P.L.1363, No.851), entitled  
6 "An act to prevent occupational diseases; and to provide for the  
7 health of employees exposed to the danger of lead-poisoning and  
8 other occupational diseases, by regulating certain manufacturing  
9 establishments; providing for medical examinations and reports,  
10 and requiring sanitary precautions and appliances; and making  
11 violation of its provisions a misdemeanor, and providing  
12 penalties for violation thereof."

13       (3) The act of July 19, 1917 (P.L.1088, No.364), entitled  
14 "An act relating to and regulating the employment of persons in  
15 compressed-air work."

16       (4) The act of May 18, 1937 (P.L.654, No.174), entitled, as  
17 amended, "An act to provide for the safety and to protect the  
18 health and morals of persons while employed; prescribing certain  
19 regulations and restrictions concerning places where persons are  
20 employed, and the equipment, apparatus, materials, devices and  
21 machinery used therein; prescribing certain powers and duties of  
22 the Department of Labor and Industry relative to the enforcement  
23 of this act; and fixing penalties."

24       (5) The act of July 1, 1937 (P.L.2681, No.537), entitled "An  
25 act relating to, and regulating the manufacture, storing and  
26 possession of explosives; requiring permits for magazines, and  
27 prescribing permit fees; and providing penalties."

28       (6) The act of July 10, 1957 (P.L.685, No.362), entitled "An  
29 act regulating the use of explosives in certain blasting  
30 operations; requiring examination and licensing of certain

1 explosives' detonators and prescribing the fee thereof; and  
2 conferring powers and imposing duties on the Department of Labor  
3 and Industry."

4 (7) The act of August 22, 1961 (P.L.1034, No.467), entitled  
5 "An act requiring a guard to be posted when a manhole is  
6 entered; imposing powers and duties on the Department of Labor  
7 and Industry; and authorizing said department to promulgate  
8 rules and regulations relating to manholes, and providing  
9 penalties."

10 (b) All other acts and parts thereof are repealed in so far  
11 as they are inconsistent herewith.

12 Section 1202. This act shall take effect one hundred twenty  
13 days after its enactment.