**A** **BILL**

TO AMEND SECTION 41‑15‑210, CODE OF LAWS OF SOUTH CAROLINA, 1976, RELATING TO THE AUTHORITY OF THE DIRECTOR OF THE DEPARTMENT OF LABOR, LICENSING AND REGULATION TO PROMULGATE, MODIFY, OR REVOKE RULES AND REGULATIONS CONCERNING OCCUPATIONAL HEALTH AND SAFETY IN THIS STATE, SO AS TO PROVIDE WHEN THE DEPARTMENT SHALL ADOPT CERTAIN ABATEMENT OR COMPLIANCE PLANS WHEN ADOPTING UNALTERED HEALTH AND OR SAFETY STANDARDS PROMULGATED BY THE UNITED STATES OCCUPATIONAL HEALTH AND SAFETY ADMINISTRATION, TO PROVIDE THESE PROVISIONS DO NOT ALTER THE AUTHORITY OF THE DEPARTMENT TO ENFORCE CERTAIN OCCUPATIONAL HEALTH AND SAFETY STANDARDS IN THIS STATE, AND TO EXEMPT THE ACCEPTANCE AND ENFORCEMENT OF ABATEMENT PLANS OR OTHER RELATED WRITTEN AGREEMENTS FROM REGULATION PROMULGATION REQUIREMENTS OF CHAPTER 15, TITLE 41, AND THE ADMINISTRATIVE PROCEDURES ACT.

Be it enacted by the General Assembly of the State of South Carolina:

SECTION 1. Section 41‑15‑210 of the 1976 Code is amended to read:

“Section 41‑15‑210. (A) The Director of the Department of Labor, Licensing, and Regulation or his designee may promulgate, modify or revoke rules and regulations which will have full force and effect of law upon being properly certified and filed for the purpose of attaining the highest degree of health and safety protection for any and all employees working within the State of South Carolina, whether employed in the public or private sector.

(B)(1) Unless otherwise prohibited by law, in circumstances where the Department of Labor, Licensing and Regulation has adopted without alteration a safety or health standard promulgated by the U.S. Occupational Safety and Health Administration (U.S. OSHA), the director or his designee shall adopt abatement or compliance plans or other written agreements establishing measures of compliance for that standard that have been made between U.S. OSHA and an entity regulated by the department, including any such abatement or compliance plans or other written agreements made before enactment of this subsection. The director or his designee may through a written order decline to accept the abatement plan or other written agreement after notice to the entity or entities party to the agreement and opportunity for those entity or entities to be heard on the matter.

(2) Nothing in this subsection may be construed to alter the authority of the department to enforce occupational safety and health standards within the borders of the State pursuant to the provisions of this chapter and Chapter 71 of the Code of Regulations.

(3) Nothing in this subsection may be construed to alter the obligation of this State to ensure that its safety and health standards, and the enforcement of those standards, are at least as effective in providing safe and healthful employment and places of employment as the standards promulgated by U.S. OSHA.

(4) The provisions of Section 41‑15‑220 and the Administrative Procedure Act do not apply to the acceptance and enforcement of abatement plans or other written agreements under this subsection.”

SECTION 2. This act takes effect upon approval by the Governor.

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