

116TH CONGRESS
2D SESSION

S. 4496

To direct the Secretary of Labor to promulgate an occupational safety and health standard that requires covered employers to protect employees from injury and death related to grease trap manholes.

IN THE SENATE OF THE UNITED STATES

AUGUST 6, 2020

Mr. SCHUMER introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To direct the Secretary of Labor to promulgate an occupational safety and health standard that requires covered employers to protect employees from injury and death related to grease trap manholes.

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

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Bryce Raynor Act of
5 2020”.

1 **SEC. 2. OCCUPATIONAL SAFETY AND HEALTH STANDARD**
2 **REGARDING GREASE TRAP MANHOLES.**

3 (a) DEFINITIONS.—In this section, the terms “em-
4 ployee” and “employer” have the meanings given the
5 terms in section 3 of the Occupational Safety and Health
6 Act of 1970 (29 U.S.C. 652).

7 (b) INTERIM FINAL STANDARD.—

8 (1) IN GENERAL.—Not later than 2 years after
9 the date of enactment of this Act, the Secretary of
10 Labor shall promulgate an interim final occupational
11 safety and health standard protecting employees
12 from death and injury related to grease trap man-
13 holes that—

14 (A) shall be included as a new section in
15 subpart D of part 1910 of title 29, Code of
16 Federal Regulations or any successor subpart,
17 with the heading “Grease Trap Manholes”; and

18 (B) requires employers to protect all em-
19 ployees from falling in or tripping on grease
20 trap manholes by—

21 (i) ensuring that the grease trap man-
22 holes and surrounding areas are inspected
23 regularly and in accordance with clause
24 (iv) and maintained in a safe condition,
25 consistent with paragraphs (1), (2), and
26 (3) of section 1910.22(d) of such subpart;

1 (ii) ensuring that, consistent with sec-
2 tion 1910.28(b)(3) of such subpart, each
3 employee—

4 (I) is protected from falling
5 through any grease trap manhole
6 opening that is 4 feet (1.2 meters) or
7 more above a lower level by a cover,
8 guardrail system, travel restraint sys-
9 tem, or personal fall arrest system;
10 and

11 (II) is protected from tripping
12 into or stepping into or through any
13 grease trap manhole opening that is
14 less than 4 feet (1.2 meters) above a
15 lower level by a cover or guardrail sys-
16 tem;

17 (iii) ensuring that each grease trap
18 manhole opening—

19 (I) has a cover that, consistent
20 with the requirements of section
21 1910.29(e) of such subpart—

22 (aa) is capable of sup-
23 porting, without failure, at least
24 twice the maximum intended load

1 that may be imposed on the cover
2 at any one time;

3 (bb) is manufactured for
4 commercial use;

5 (cc) is secured by a bolt or
6 locking mechanism to prevent ac-
7 cidental displacement; and

8 (dd) is made of round cast
9 iron, or metal of a similar con-
10 struction rated for heavy road
11 traffic, with sufficient weight to
12 prevent unauthorized access; and

13 (II) has a secondary protection
14 device consisting of a screen or net-
15 ting sufficient to prevent a person
16 from falling into the grease trap man-
17 hole opening; and

18 (iv) ensuring that each grease trap
19 manhole and cover for a grease trap man-
20 hole opening is inspected twice a year to
21 ensure that the cover is made of metal,
22 locked, and can support twice the max-
23 imum intended load.

24 (2) NOTICE AND COMMENT.—Notwithstanding
25 any other provision of section 6 of the Occupational

1 Safety and Health Act of 1970 (29 U.S.C. 655), the
2 Secretary of Labor shall, prior to promulgating the
3 interim final standard under paragraph (1), provide
4 notice of the interim final standard and a 30-day op-
5 portunity for public comment.

6 (3) EFFECTIVE DATE OF INTERIM FINAL
7 STANDARD.—

8 (A) IN GENERAL.—The interim final
9 standard promulgated under paragraph (1)
10 shall—

11 (i) take effect on a date specified by
12 the Secretary of Labor that is not later
13 than 30 days after the date of promulga-
14 tion, except that such interim final stand-
15 ard may include a reasonable phase-in pe-
16 riod for the implementation of required en-
17 gineering controls that take effect after
18 such date;

19 (ii) have the legal effect of, and be en-
20 forced in the same manner as, an occupa-
21 tional safety and health standard promul-
22 gated under section 6(b) of the Occupa-
23 tional Safety and Health Act of 1970 (29
24 U.S.C. 655(b)); and

1 (iii) be in effect until the final stand-
2 ard described in subsection (c)(2) becomes
3 effective and enforceable.

4 (B) FAILURE TO PROMULGATE.—If an in-
5 terim final standard described in paragraph (1)
6 is not promulgated by the date that is 2 years
7 after the date of enactment of this Act, the pro-
8 visions of such paragraph shall be in effect and
9 enforced in the same manner as any standard
10 promulgated under section 6(b) of the Occupa-
11 tional Safety and Health Act of 1970 (29
12 U.S.C. 655(b)) until such provisions are super-
13 seded in whole by an interim final standard
14 promulgated by the Secretary that meets the
15 requirements of paragraph (1).

16 (c) FINAL STANDARD.—

17 (1) PROPOSED FINAL STANDARD.—Not later
18 than 30 months after the date of enactment of this
19 Act, the Secretary of Labor shall, pursuant to sec-
20 tion 6 of the Occupational Safety and Health Act of
21 1970 (29 U.S.C. 655), promulgate a proposed final
22 standard protecting employees from death and in-
23 jury related to grease trap manholes that shall in-
24 clude, at a minimum, the elements contained in the

1 interim final standard promulgated under subsection
2 (b).

3 (2) FINAL STANDARD.—Not later than 42
4 months after the date of enactment of this Act, the
5 Secretary of Labor shall, pursuant to section 6 of
6 the Occupational Safety and Health Act of 1970 (29
7 U.S.C. 655), promulgate a final standard protecting
8 employees from death and injury related to grease
9 trap manholes. Such final standard shall include, at
10 a minimum, the elements contained in the interim
11 final standard promulgated under subsection (b).

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