of amending the OSH Act during this fiscal year, are now in effect They are described in the issue paper entitled "Appropriation Amendments Affecting OSHA". Up until now, the Agency has been reluctant to discuss "opening" the Act to amendment, however, recent internal discussions suggest that this must be an appropriate time to seriously examine the issue from an offensive position.

IV. *Critical Dates*

Based upon past performance in Congress, OSH Act amendments will be proposed from the opening days of the session and sporadically throughout the duration of the Congress.

Any legislative strategy aimed at positive amendments to the OSH Act must deal with the realization that opening the law to amendment could produce a deluge of amendments from OSHA's detractors in Congress. Such a strategy will require extensive study, consultation and base-touching and would require a go, no-go decision well in advance of expected legislative action. There is, however, no "magic" date.

ON-SITE CONSULTATIVE ASSISTANCE

I Statement of Issue

What should the administration's position be with respect to providing on-site consultative assistance to employers?

II *Background*

Virtually since its inception OSHA has been urged by employers to provide assistance in understanding and complying with the OSH Act without threat of citation or penalty Proponents of this service have maintained that OSHA's safety and health standards are sufficiently technical as to require expertise not readily available to most employers. DOL has interpreted the OSH Act to preclude Federal OSHA inspectors from providing on-site consultation without sanctions. OSHA has allowed State job safety and health programs, which it monitors and assists (24 currently), to provide this service without sanctions; in addition, 13 States without safety and health programs are offering consultation reimbursed by Federal funds. In the remaining 19 States or jurisdictions employers must avail themselves of private consultants or discuss problems with OSHA away from the worksite. Many bills have been introduced in Congress during the last 5 years to provide on-site consultation without sanctions. A bill sponsored by Congressman Dominick V. Daniels (D-N.J.) passed the House in November 1975, 115-15, but a counterpart measure failed to receive Senate approval. The Ford Administration had supported both bills. The business community, for the most part, has supported consultation amendments while organized labor has opposed them, claiming that consultation by Federal OSHA would dilute enforcement.

III *Status of Work on the Issue*

There is a great deal of interest in this issue. OSHA has prepared a number of issue papers on this topic and is near completion of 2 contracted studies designed to evaluate and describe the nature and effectiveness of existing consultation activities. There are varying interpretations of what "consultation" is. In addition, a recent reorganization of OSHA posits an expanded role for the offices dealing with consultative services.

IV. *Critical Dates*

On-site consultation amendments will certainly be introduced in the 95th Congress, probably early in the session. Even though the main supporter in the Senate, Senator Robert Taft (R. Ohio), was defeated, support remains high Passage of the bill by the House last year would ordinarily make its reenactment a certainty, except that its sponsor, Daniels, has retired, he was extremely influential in any legislative efforts involving OSHA. The policy issue here is whether to support or oppose consultation amendments and which alternative methods of consultation, if any, are to be developed