

# Union Calendar No. 418

105<sup>TH</sup> CONGRESS  
2<sup>D</sup> SESSION

# H. R. 2661

[Report No. 105-730]

To establish peer review for the review of standards promulgated under the Occupational Safety and Health Act of 1970.

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## IN THE HOUSE OF REPRESENTATIVES

OCTOBER 9, 1997

Mr. McINNIS (for himself, Mr. BAESLER, Mr. BONILLA, Mr. BOYD, Mr. BUNNING, Mr. COOKSEY, Mr. CUNNINGHAM, Mr. LINDER, Mrs. MORELLA, Mrs. NORTHUP, Mr. PETERSON of Pennsylvania, Ms. PRYCE of Ohio, Mr. BOB SCHAFFER of Colorado, Mr. SNOWBARGER, and Mr. WICKER) introduced the following bill; which was referred to the Committee on Education and the Workforce

SEPTEMBER 18, 1998

Additional sponsors: Mrs. MYRICK, Mr. PAXON, Mr. BOEHNER, Mr. HALL of Texas, Mr. NORWOOD, Mr. PAUL, Mr. MILLER of Florida, Mr. TIAHRT, Mr. MCINTOSH, Mr. HAYWORTH, Mr. HEFLEY, Mr. HOEKSTRA, Mr. GOODLING, Mr. DELAY, Mrs. CHENOWETH, Mr. DOOLITTLE, Mrs. CUBIN, Mr. SESSIONS, Mr. JONES, Mr. PEASE, Mr. FOLEY, Mr. HASTINGS of Washington, Mr. HERGER, Mr. ROGERS, Mr. GOODE, Mr. CALVERT, Mr. KNOLLENBERG, Mr. HOBSON, and Mr. LUCAS of Oklahoma

SEPTEMBER 18, 1998

Reported with an amendment, committed to the Committee of the Whole House on the State of the Union, and ordered to be printed

[Strike out all after the enacting clause and insert the part printed in italic]

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## A BILL

To establish peer review for the review of standards promulgated under the Occupational Safety and Health Act of 1970.

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 “*Sound Scientific Prac-*  
5 *tices Act*”.

6 **SEC. 2. PEER REVIEW.**

7       ~~(a) IN GENERAL.—Whenever the Secretary of Labor~~  
8 ~~determines that a standard should be promulgated under~~  
9 ~~section 6 of the Occupational Safety and Health Act of~~  
10 ~~1970 in order to serve the objectives of such Act, the Sec-~~  
11 ~~retary shall appoint a panel of individuals to review—~~

12             ~~(1) the scientific and economic data which~~  
13             ~~forms the basis for such standard; and~~

14             ~~(2) the relevance of the data to industries and~~  
15             ~~workers which would be affected by such standard.~~

16       ~~(b) PANEL.—~~

17             ~~(1) IN GENERAL.—A panel appointed under~~  
18             ~~subsection (a) for a standard shall be broadly rep-~~  
19             ~~resentative and balanced and shall include persons~~

1 with expertise in scientific and economic analysis  
2 and persons with expertise relevant to any industry  
3 which would be subject to such standard.

4 (2) CONFLICTS OF INTEREST.—Persons with  
5 substantial and relevant expertise shall not be ex-  
6 cluded from a panel merely because they represent  
7 entities which may have potential interest in a  
8 standard under consideration if that interest is fully  
9 disclosed to the Secretary. In the case of a panel  
10 considering a standard affecting a single entity, no  
11 peer reviewer representing such entity may be in-  
12 cluded on such panel.

13 (c) REPORTS.—Reports of a panel appointed under  
14 subsection (a) for a standard, including any individual and  
15 minority reports, shall be published together with any pro-  
16 posed or final rule promulgating such standard. The Sec-  
17 retary shall provide a written response to all significant  
18 comments of the panel and shall include such responses  
19 with the proposed or final rule to which the reports of  
20 the panel members are attached.

21 **SECTION 1. SHORT TITLE.**

22 *This Act may be cited as the “Sound Scientific Prac-*  
23 *tices Act”.*

1 **SEC. 2. PEER REVIEW.**

2 (a) *GENERAL RULE.*—Whenever the Secretary of  
3 Labor determines that a standard should be promulgated  
4 under section 6(b) of the Occupational Safety and Health  
5 Act of 1970, the Secretary shall, in order to serve the objec-  
6 tives of such Act and in lieu of the authority of the Sec-  
7 retary to appoint an advisory committee described in sec-  
8 tion 6(b)(1) of such Act, appoint a panel of individuals to  
9 review—

10 (1) *the scientific and economic data which forms*  
11 *the basis for such standard; and*

12 (2) *the relevance of the data to industries and*  
13 *workers which would be affected by such standard.*

14 (b) *PANEL.*—A panel appointed under subsection (a)  
15 shall be balanced in terms of the points of view represented  
16 and shall consist of persons who are able to give independ-  
17 ent judgment and who have expertise in scientific or eco-  
18 nomic analysis related to the matter which is the subject  
19 of the standard. Any individual with a financial interest  
20 in the outcome of the standard shall be excluded as a mem-  
21 ber of the panel unless such individual fully discloses such  
22 interest to the Secretary.

23 (c) *REPORTS.*—Reports of the panel, including any in-  
24 dividual or minority reports, shall be published together  
25 with any proposed or final rule promulgating a standard.  
26 The Secretary shall provide a written response to all signifi-

1 cant comments of the panel and shall include such responses  
2 with the proposed or final rule to which the reports of the  
3 panel are attached.

4 (d) *NEGOTIATED RULEMAKING.*—*The requirement of*  
5 *subsection (a) shall not apply when the rule is completed*  
6 *through negotiated rulemaking under subchapter III of*  
7 *chapter 5 of title 5, United States Code.*

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