

106TH CONGRESS
1ST SESSION

H. R. 987

IN THE SENATE OF THE UNITED STATES

AUGUST 4, 1999

Received; read twice and referred to the Committee on Health, Education,
Labor, and Pensions

AN ACT

To require the Secretary of Labor to wait for completion of a National Academy of Sciences study before promulgating a standard or guideline on ergonomics.

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

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Workplace Preserva-
3 tion Act”.

4 **SEC. 2. FINDINGS.**

5 (a) Congress finds the following:

6 (1) The Department of Labor, Occupational
7 Safety and Health Administration (OSHA) has an-
8 nounced that it plans to propose regulations during
9 1999 to regulate “ergonomics” in the workplace. A
10 draft of OSHA’s ergonomics regulation became
11 available in January 1999.

12 (2) A July, 1997, report by the National Insti-
13 tute for Occupational Safety and Health (NIOSH)
14 reviewing epidemiological studies that have been con-
15 ducted of “work related musculoskeletal disorders of
16 the neck, upper extremity, and low back” showed
17 that there is insufficient evidence to assess the level
18 of risk to workers from repetitive motions. Such
19 characterization would be necessary to write an effi-
20 cient and effective regulation.

21 (3) An August 1998, workshop on “work re-
22 lated musculoskeletal injuries” held by the National
23 Academy of Sciences also reviewed existing research
24 on musculoskeletal disorders. It also showed that
25 there is insufficient evidence to assess the level of
26 risk to workers from repetitive motions.

1 (4) The risk of OSHA imposing a “solution” to
2 ailments and disorders that are grouped as “repet-
3 itive stress injuries” and “musculoskeletal disorders”
4 before sufficient information about the diagnosis,
5 causes, and prevention of such injuries and disorders
6 is shown by the fact that such disorders have often
7 increased in workplaces and industries in which
8 OSHA has focused ergonomics-related enforcement
9 actions under the General Duty Clause of the Occu-
10 pational Safety and Health Act, while such disorders
11 have been decreasing in workplaces generally.

12 (5) In October, 1998, Congress and the Presi-
13 dent agreed upon a comprehensive study by the Na-
14 tional Academy of Science of the medical and sci-
15 entific evidence regarding musculoskeletal disorders.
16 The study is intended to evaluate the basic questions
17 about diagnosis and causes of such disorders. Given
18 the level of uncertainty and dispute about these
19 basic questions, and Congress’ intention that they be
20 addressed in a comprehensive study by the National
21 Academy of Science, it is premature for OSHA to
22 decide that a regulation on ergonomics is necessary
23 or appropriate to improving workers’ health and
24 safety before such study is completed.

1 (6) The estimated costs of OSHA's proposed
2 ergonomics regulation range from OSHA's low na-
3 tional estimate of \$20,000,000,000 to some single
4 industry costs of \$18,000,000,000 to
5 \$30,000,000,000. Any regulation with this potential
6 impact on the Nation's economy merits a sound sci-
7 entific and medical foundation.

8 **SEC. 3. DELAY OF STANDARD OR GUIDELINE.**

9 The Secretary of Labor, acting through the Occupa-
10 tional Safety and Health Administration, may not promul-
11 gate or issue any standard or guideline on ergonomics
12 until the National Academy of Sciences—

13 (1) completes a peer-reviewed scientific study of
14 the available evidence examining a cause and effect
15 relationship between repetitive tasks in the work-
16 place and musculoskeletal disorders or repetitive
17 stress injuries; and

18 (2) submits to Congress a report setting forth
19 the findings resulting from such study.

Passed the House of Representatives August 3,
1999.

Attest:

JEFF TRANDAHL,

Clerk.

By MARTHA C. MORRISON,

Deputy Clerk.