

# Union Calendar No. 162

106TH CONGRESS  
1ST SESSION

# H. R. 987

[Report No. 106-272]

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.

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 4, 1999

Mr. BLUNT (for himself, Mr. BALLENGER, Mr. ARMEY, Mr. DELAY, Mr. WATTS of Oklahoma, Mr. STENHOLM, Mr. GOODE, Mr. PICKETT, Mr. BONILLA, Mr. BOEHNER, Mr. CUNNINGHAM, Mr. BURR of North Carolina, Mr. HEFLEY, Mr. MCINTOSH, Mr. PETERSON of Pennsylvania, Mr. HALL of Texas, Mr. SISISKY, Mr. TANNER, Mr. JOHN, Mr. MARTINEZ, Mr. CLEMENT, and Mr. GOODLING) introduced the following bill; which was referred to the Committee on Education and the Workforce

JULY 29, 1999

Additional sponsors: Mr. TALENT, Mr. BACHUS, Mr. DICKEY, Mr. ISTOOK, Mr. MILLER of Florida, Mr. NORWOOD, Mrs. ROUKEMA, Mr. RAMSTAD, Mr. PICKERING, Mr. PORTER, Ms. DUNN, Mr. SUNUNU, Mr. COBLE, Mr. FOSSELLA, Mr. KNOLLENBERG, Mrs. EMERSON, Mr. CHAMBLISS, Mr. ISAKSON, Mr. GRAHAM, Mr. UPTON, Mr. SENSENBRENNER, Mrs. CHENOWETH, Mr. TANCREDO, Mr. GARY MILLER of California, Mr. HILL of Montana, Mr. HOBSON, Mr. COLLINS, Mr. SAM JOHNSON of Texas, Mr. GOODLATTE, Mr. HILLEARY, Mr. ARCHER, Mr. GREEN of Wisconsin, Mr. MCINNIS, Mr. TAYLOR of North Carolina, Mr. BURTON of Indiana, Mr. FLETCHER, Mr. EHLERS, Mr. MCKEON, Mr. DEAL of Georgia, Mr. HUTCHINSON, Mr. EWING, Mr. ADERHOLT, Mr. PAUL, Mr. BASS, Mr. JENKINS, Mr. COX, Mr. BARRETT of Nebraska, Mrs. BONO, Mr. NETHERCUTT, Mr. HORN, Mr. WICKER, Mrs. MYRICK, Ms. PRYCE of Ohio, Mr. BRADY of Texas, Mr. BARTLETT of Maryland, Mr. POMBO, Mr. MORAN of Kansas, Mr. HERGER, Mr. TAUZIN, Mr. NEY, Mr. MCCRERY, Mr. GANSKE, Mr. DEMINT, Mrs. NORTHUP, Mr. SIMPSON, Mrs. BIGGERT, Mr. EVERETT, Mr. TOOMEY, Mr. STUMP, Mr. RADANOVICH, Mr. BRYANT, Mr. HANSEN, Mr. DREIER, Mr. ROHRBACHER, Mr.

WALDEN of Oregon, Mr. SKEEN, Mr. LEWIS of California, Mr. DOOLITTLE, Mr. EHRLICH, Mr. GIBBONS, Mr. SALMON, Mr. WATKINS, Ms. GRANGER, Mr. BARTON of Texas, Mr. LINDER, Mr. PORTMAN, Mr. HAYES, Mr. SCHAFFER, Mr. BARR of Georgia, Mr. WAMP, Mr. SCARBOROUGH, Mr. PITTS, Mr. HAYWORTH, Mr. SESSIONS, Mr. KOLBE, Mr. WELDON of Florida, Mr. TIAHRT, Mr. CHABOT, Mr. MICA, Mr. LEWIS of Kentucky, Mr. SOUDER, Mr. FOLEY, Mr. RYUN of Kansas, Mr. HYDE, Mr. LARGENT, Mr. BLILEY, Mr. PEASE, Mr. CASTLE, Mr. BAKER, Mr. GILLMOR, Mr. COMBEST, Mr. BUYER, Mr. GOSS, Mrs. FOWLER, Mr. GREENWOOD, Mr. RILEY, Mr. HASTINGS of Washington, Mr. LUCAS of Oklahoma, Mr. OXLEY, Mr. GUTKNECHT, Mr. MANZULLO, Mr. THUNE, Mr. JONES of North Carolina, Mr. KINGSTON, Mr. WHITFIELD, Mr. CALVERT, Mr. LATHAM, Mr. KASICH, Mr. DUNCAN, Mr. ROGERS, Mr. SMITH of Texas, Mr. CAMP, Mr. HOSTETTTLER, Mr. STEARNS, Mr. MCCOLLUM, Mr. HUNTER, Mr. CAMPBELL, Mr. SPENCE, Mr. THORNBERRY, Mrs. CUBIN, and Mr. REYNOLDS

Deleted sponsors: Mr. MARTINEZ (added March 4, 1999; deleted April 21, 1999), Mr. BARCIA (added April 14, 1999; deleted July 21, 1999), Mr. TRAFICANT (added April 14, 1999; deleted June 22, 1999), and Mr. THOMPSON of Mississippi (added April 14, 1999; deleted May 18, 1999)

JULY 29, 1999

Committed to the Committee of the Whole House on the State of the Union  
and ordered to be printed

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## A BILL

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,*

### 3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Workplace Preserva-  
5 tion Act”.

### 6 **SEC. 2. FINDINGS.**

7 (a) Congress finds the following:

1           (1) The Department of Labor, Occupational  
2       Safety and Health Administration (OSHA) has an-  
3       nounced that it plans to propose regulations during  
4       1999 to regulate “ergonomics” in the workplace. A  
5       draft of OSHA’s ergonomics regulation became  
6       available in January 1999.

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

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

22          (4) The risk of OSHA imposing a “solution” to  
23      ailments and disorders that are grouped as “repet-  
24      itive stress injuries” and “musculoskeletal disorders”  
25      before sufficient information about the diagnosis,

1 causes, and prevention of such injuries and disorders  
2 is shown by the fact that such disorders have often  
3 increased in workplaces and industries in which  
4 OSHA has focused ergonomics-related enforcement  
5 actions under the General Duty Clause of the Occu-  
6 pational Safety and Health Act, while such disorders  
7 have been decreasing in workplaces generally.

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

21 (6) The estimated costs of OSHA's proposed  
22 ergonomics regulation range from OSHA's low na-  
23 tional estimate of \$20,000,000,000 to some single  
24 industry costs of \$18,000,000,000 to  
25 \$30,000,000,000. Any regulation with this potential

1        impact on the Nation’s economy merits a sound sci-  
2        entific and medical foundation.

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

4        The Secretary of Labor, acting through the Occupa-  
5    tional Safety and Health Administration, may not promul-  
6    gate or issue any standard or guideline on ergonomics  
7    until the National Academy of Sciences—

8            (1) completes a peer-reviewed scientific study of  
9        the available evidence examining a cause and effect  
10      relationship between repetitive tasks in the work-  
11      place and musculoskeletal disorders or repetitive  
12      stress injuries; and

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

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