

106TH CONGRESS  
1ST SESSION

# S. 1070

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

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## IN THE SENATE OF THE UNITED STATES

MAY 18 (legislative day, MAY 14), 1999

Mr. BOND (for himself, Mr. ENZI, Mr. JEFFORDS, Mr. BURNS, Mr. VOINOVICH, Ms. SNOWE, Mr. ASHCROFT, Mr. McCONNELL, Mr. LOTT, Mr. NICKLES, Mr. HUTCHINSON, Mr. MACK, Mr. COVERDELL, Ms. COLLINS, Mr. SHELBY, Mr. KYL, Mr. FITZGERALD, Mr. ABRAHAM, Mr. GREGG, Mrs. HUTCHISON, Mr. HELMS, Mr. BUNNING, Mr. CRAPO, Mr. BENNETT, Mr. DEWINE, Mr. HAGEL, Mr. SESSIONS, Mr. CHAFEE, and Mr. BROWNBACK) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

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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, regulation 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 “Sensible Ergonomics  
5 Needs Scientific Evidence Act” or the “SENSE Act”.

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) The Department of Labor, through the Oc-  
4 cupational Safety and Health Administration (re-  
5 ferred to in this Act as “OSHA”), has announced  
6 that it plans to propose regulations during 1999 to  
7 regulate “ergonomics” in the workplace. A draft of  
8 OSHA’s ergonomics regulation became available in  
9 February 19, 1999.

10 (2) In October 1998 Congress and the Presi-  
11 dent agreed that the National Academy of Sciences  
12 shall conduct a comprehensive study of the medical  
13 and scientific evidence regarding musculoskeletal  
14 disorders. The study is intended to evaluate the  
15 basic questions about diagnosis and causes of such  
16 disorders. Given the uncertainty and dispute about  
17 these basic questions, and Congress’ intention that  
18 they be addressed in a comprehensive study by the  
19 National Academy of Sciences, it is premature for  
20 OSHA to propose a regulation on ergonomics as  
21 being necessary or appropriate to improve workers’  
22 health and safety until such study is completed.

23 (3) An August 1998 workshop on “work related  
24 musculoskeletal injuries” held by the National Acad-  
25 emy of Sciences reviewed existing research on mus-  
26 culoskeletal disorders. It showed that there is insuf-

1       ficient evidence to assess the level of risk to workers  
2       from repetitive motions.

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

12   **SEC. 3. DELAY OF STANDARD, REGULATION OR GUIDELINE.**

13       The Secretary of Labor, acting through the Occupa-  
14      tional Safety and Health Administration, may not propose  
15      or issue in final form any standard, regulation, or guide-  
16      line on ergonomics until—

17           (1) the National Academy of Sciences—

18               (A) completes a peer-reviewed scientific  
19           study, as mandated by Public Law 105–277, of  
20           the available evidence examining a cause and  
21           effect relationship between repetitive tasks in  
22           the workplace and musculoskeletal disorders or  
23           repetitive stress injuries; and

1                   (B) submits to Congress a report setting  
2           forth the findings resulting from such study;  
3           and  
4           (2) the expiration of the 30-day period begin-  
5           ning on the date on which the final report under  
6           paragraph (1)(B) is submitted to Congress.

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