

107TH CONGRESS
2D SESSION

S. 2184

To provide for the reissuance of a rule relating to ergonomics.

IN THE SENATE OF THE UNITED STATES

APRIL 17, 2002

Mr. BREAUX (for himself, Mr. SPECTER, Mrs. LINCOLN, Ms. LANDRIEU, Mr. CLELAND, Mr. JOHNSON, Mr. BAUCUS, Mr. BAYH, Mrs. CLINTON, Mr. DODD, Mr. EDWARDS, Mr. FEINGOLD, Mrs. FEINSTEIN, Mr. KENNEDY, Mr. LIEBERMAN, Mrs. MURRAY, Ms. STABENOW, Mr. WELLSTONE, Mr. LEVIN, Mr. BINGAMAN, Mr. REED, Mr. HARKIN, Ms. MIKULSKI, Mr. DURBIN, Mr. JEFFORDS, Mr. DAYTON, and Ms. CANTWELL) introduced the following bill; which was read twice and referred to the Committee on Health, Education, Labor, and Pensions

A BILL

To provide for the reissuance of a rule relating to 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. AUTHORITY TO ISSUE A RULE RELATING TO**
4 **ERGONOMICS.**

5 (a) FINDINGS.—Congress makes the following find-
6 ings:

7 (1) The National Academy of Sciences issued a
8 report entitled ‘Musculoskeletal Disorders and the

1 Workplace—Low Back and Upper Extremities’ on
2 January 18, 2001. The report was issued after the
3 Occupational Safety and Health Administration pro-
4 mulgated a final rule relating to ergonomics (pub-
5 lished at 65 Fed. Reg. 68261 (2000)).

6 (2) According to the National Academy of
7 Sciences, musculoskeletal disorders of the low back
8 and upper extremities are an important and costly
9 national health problem. An estimated 1,000,000
10 workers each year lose time from work as a result
11 of work-related musculoskeletal disorders.

12 (3) Conservative estimates of the economic bur-
13 den imposed by work-related musculoskeletal dis-
14 orders, as measured by compensation costs, lost
15 wages, and lost productivity, are between
16 \$45,000,000,000 and \$54,000,000,000 annually.

17 (4) Congress enacted the Occupational Safety
18 and Health Act of 1970 (29 U.S.C. 651 et seq.) to
19 ‘assure so far as possible every working man and
20 woman in the Nation safe and healthful working
21 conditions,’ and charged the Secretary of Labor with
22 implementing the Act to accomplish this purpose.

23 (5) Promulgation of a standard on workplace
24 ergonomics is needed to address a serious workplace
25 safety and health problem and to protect working

1 men and women from work-related musculoskeletal
2 disorders. Any workplace ergonomics standard
3 should take into account the cost and feasibility of
4 compliance with such requirements and the sound
5 science of the National Academy of Sciences report.

6 (b) AUTHORITY TO ISSUE RULE.—

7 (1) IN GENERAL.—Notwithstanding any other
8 provision of law, not later than 2 years after the
9 date of enactment of this Act, the Secretary of
10 Labor shall, in accordance with section 6 of the Oc-
11 cupational Safety and Health Act of 1970 (29
12 U.S.C. 655), issue a final rule relating to
13 ergonomics. The standard under the final rule shall
14 take effect not later than 90 days after the date on
15 which the rule is promulgated.

16 (2) REQUIREMENTS FOR STANDARD.—The
17 standard described in paragraph (1) shall—

18 (A) address work-related musculoskeletal
19 disorders and workplace ergonomic hazards;

20 (B) not apply to musculoskeletal disorders
21 that are not related to work;

22 (C) set forth in clear terms—

23 (i) the circumstances under which an
24 employer is required to take action to ad-
25 dress ergonomic hazards;

1 (ii) the measures required of an em-
2 ployer under the standard; and

3 (iii) the compliance obligations of an
4 employer under the standard;

5 (D) emphasize the prevention of injuries
6 before they occur; and

7 (E) cover all industries where workers are
8 exposed to workplace ergonomic hazards and
9 there are economically and technologically fea-
10 sible measures to control these hazards.

11 (3) BASIS FOR STANDARD.—The standard de-
12 scribed in paragraph (1) shall be based upon—

13 (A) the best available evidence, including
14 the complete record of evidence assembled by
15 the Department of Labor on ergonomics in
16 Docket S-777, initiated August 3, 1992; and

17 (B) employer and industry practices that
18 have effectively reduced exposures to ergonomic
19 hazards and the occurrence of work-related
20 musculoskeletal disorders.

21 In promulgating the standard, the Secretary shall
22 consider existing standards on ergonomics or pre-
23 venting work-related musculoskeletal disorders es-
24 tablished by national consensus or recognized private

1 standard setting organizations, States, and other
2 countries.

3 (4) AUTHORIZATION.—Paragraph (1) shall be
4 considered a specific authorization by Congress in
5 accordance with section 801(b)(2) of title 5, United
6 States Code, with respect to the issuance of a new
7 ergonomic rule.

8 (5) PROHIBITION.—In issuing a new rule under
9 this subsection, the Secretary of Labor shall ensure
10 that nothing in the rule expands the application of
11 State workers' compensation laws.

12 (6) STANDARD SETTING AUTHORITY.—Nothing
13 in this subsection shall be construed to restrict or
14 alter the authority of the Secretary of Labor under
15 the Occupational Safety and Health Act of 1970 (29
16 U.S.C. 651 et seq.) to adopt health or safety stand-
17 ards (as defined in section 3(8) (29 U.S.C. 652(8))
18 of such Act) pursuant to section 6 (29 U.S.C. 655)
19 of such Act.

20 (7) INFORMATION AND TRAINING MATERIALS.—
21 The Secretary of Labor shall, prior to the date on
22 which the new rule under this subsection becomes ef-
23 fective, develop information and training materials,
24 and implement an outreach program and other ini-
25 tiatives, to provide compliance assistance to employ-

- 1 ers and employees concerning the new rule and the
- 2 requirements under the rule.

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