

107TH CONGRESS
1ST SESSION

S. 598

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

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2001

Mr. BREAUX (for himself, Mr. SPECTER, Mrs. LINCOLN, Mr. STEVENS, Ms. LANDRIEU, Mr. NELSON of Nebraska, Mr. CLELAND, Mr. MILLER, and Mr. JOHNSON) 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
9 Workplace—Low Back and Upper Extremities” on
10 January 18, 2001. The report was issued after the

1 Occupational Safety and Health Administration pro-
2 mulgated a final rule relating to ergonomics (pub-
3 lished at 65 Fed. Reg. 68261 (2000)).

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

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

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

22 (5) Promulgation of a standard on workplace
23 ergonomics is needed to address a serious workplace
24 safety and health problem and to protect working
25 men and women from work-related musculoskeletal

1 disorders. Any workplace ergonomics standard
 2 should take into account the cost and feasibility of
 3 compliance with such requirements and the sound
 4 science of the National Academy of Sciences report.

5 (b) AUTHORITY TO ISSUE RULE.—

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

15 (A) address work-related musculoskeletal
 16 disorders and workplace ergonomic hazards;

17 (B) not apply to non-work-related musculo-
 18 skeletal disorders that occur outside the work-
 19 place or non-work-related musculoskeletal dis-
 20 orders that are aggravated by work; and

21 (C) set forth in clear terms—

22 (i) the circumstances under which an
 23 employer is required to take action to ad-
 24 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 (2) AUTHORIZATION.—Paragraph (1) shall be
6 considered a specific authorization by Congress in
7 accordance with section 801(b)(2) of title 5, United
8 States Code, with respect to the issuance of a new
9 ergonomic rule.

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

14 (4) STANDARD SETTING AUTHORITY.—Nothing
15 in this subsection shall be construed to restrict or
16 alter the authority of the Secretary of Labor under
17 the Occupational Safety and Health Act of 1970 (29
18 U.S.C. 651 et seq.) to adopt health or safety stand-
19 ards (as defined in section 3(8) (29 U.S.C. 652(8))
20 of such Act) for other hazards pursuant to section
21 6 (29 U.S.C. 655) of such Act.

22 (5) INFORMATION AND TRAINING MATERIALS.—
23 The Secretary of Labor shall, prior to the date on
24 which the new rule under this subsection becomes ef-
25 fective, develop information and training materials,

1 and implement an outreach program and other ini-
2 tiatives, to provide compliance assistance to employ-
3 ers and employees concerning the new rule and the
4 requirements under the rule.

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