

107TH CONGRESS  
1ST SESSION

# H. R. 1241

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

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## IN THE HOUSE OF REPRESENTATIVES

MARCH 27, 2001

Mr. JOHN (for himself, Mr. HOUGHTON, Mr. TANNER, Mr. CRAMER, Mr. DOOLEY of California, Mr. SPRATT, and Mr. CARSON of Oklahoma) introduced the following bill; which was referred to the Committee on Education and the Workforce

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## 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 with  
20 implementing the Act to accomplish this purpose.

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

1 should take into account the cost and feasibility of  
2 compliance with such requirements and the sound  
3 science of the National Academy of Sciences report.

4 (b) AUTHORITY TO ISSUE RULE.—

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

14 (A) address work-related musculoskeletal  
15 disorders and workplace ergonomics hazards;

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

20 (C) set forth in clear terms—

21 (i) the circumstances under which an  
22 employer is required to take action to ad-  
23 dress ergonomics hazards;

24 (ii) the measures required of an em-  
25 ployer under the standard; and

1 (iii) the compliance obligations of an  
2 employer under the standard.

3 (2) 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 ergonomics rule.

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

12 (4) 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) for other hazards pursuant to section  
19 6 (29 U.S.C. 655) of such Act.

20 (5) 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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