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United States Senate

COMMITTEE ON SMALL BUSINESS

WASHINGTON, DC 20510-6350

August, 17, 1999

SUPPORT SENSE Act; OSHA SHOULD WAIT FOR NAS STUDY

Dear Colleague:

On May 18, I introduced the Sensible Ergonomics Needs Scientific Evidence (SENSE) Act, S. 1070. This bill would require OSHA to wait for the results of a study currently being conducted by the National Academy of Sciences (NAS). The NAS study was agreed to by both Congress and the President as necessary to determine whether OSHA has sufficient scientific support to proceed with developing a regulation on ergonomics. This study is expected to be completed by late 2000 or early 2001.

Since then, the need for this legislation has become increasingly clear as critical questions in the ergonomics area remain unanswered while OSHA continues to move toward publishing a proposed regulation. These questions include:

- ▶ "How many repetitions are too many?";
- ▶ "How much lifting is too much?";
- ▶ "What other factors contribute to musculoskeletal disorders (MSDs) besides workplace exposures?";
- ▶ and perhaps most importantly, "What medically approved interventions can employers implement to help their employees?"

Leading medical authorities and researchers on ergonomics and MSDs are in agreement that a consensus does not exist to answer these questions and others within the context of a regulation. On August 8, 1999, *The Washington Post* published an editorial that stated, "[N]ot much is known about the specific factors that affect one worker but not another with repetitive stress injuries on the same job." ("Regulating Repetitive Stress," *The Washington Post*, Sunday August 8, 1999, page B6.)

My bill would simply tell OSHA that they can not publish proposed or final regulations, or guidelines until the NAS study is completed and reviewed by Congress. At the end of the last session, Congress appropriated \$890,000 to conduct this study. It only makes sense that we should get the results before OSHA proceeds with their regulation. Small businesses and other employers who will be forced to comply with this regulation are seeking solutions and scientifically sound guidance rather than the vague and burdensome approach OSHA is pursuing.

On August 3, the House passed a companion bill, introduced by Representative Roy Blunt, H.R. 987, The Workplace Preservation Act, by a bipartisan vote of 217-209. I hope you will join me in supporting S. 1070 and moving this important legislation forward so that OSHA will be forced to develop this regulation correctly rather than hastily.

Sincerely,



Christopher S. Bond
Chairman