

Chronology of OSHA's Ergonomics Standard and the Business Campaign Against it

August 1990 -- In response to statistics indicating that RSIs are the fastest growing category of occupational illnesses, Secretary of Labor Elizabeth Dole commits the Labor Department to "taking the most effective steps necessary to address the problem of ergonomic hazards on an industry wide-basis" and to begin rulemaking on an ergonomics standard. According to Secretary Dole, there was sufficient scientific evidence to proceed to address "one of the nation's most debilitating across-the-board worker safety and health illnesses of the 1990's."

July 1991 -- The AFL-CIO and 30 affiliated unions petition OSHA to issue an emergency temporary standard on ergonomics. Secretary of Labor Lynn Martin declines to issue an emergency standard, but commits the agency to developing and issuing a standard using normal rulemaking procedures.

June 1992 -- OSHA, under acting Assistant-Secretary Dorothy Strunk, issues an Advance Notice of Proposed Rulemaking on ergonomics.

January 1993 -- The Clinton Administration makes the promulgation of an ergonomics standard a regulatory priority. OSHA commits to issuing a proposed rule for public comment by September 30, 1994.

June 1994 -- The Coalition on Ergonomics announces a war chest of \$600,000 to fight an ergonomics standard.

March 1995 -- The House passes its FY 1995 rescission bill that prohibits OSHA from developing or promulgating a proposed rule on ergonomics. Industry members of the Coalition on Ergonomics lobbied heavily for the measure. Industry ally and outspoken critic of government regulation, Rep. Tom DeLay (R-TX), acts as the principal advocate of the measure.

-- OSHA circulates draft ergonomics standard and begins holding stakeholders' meetings to seek comment and input prior

to issuing a proposed rule.

April 1995 -- National Coalition on Ergonomics issues a legal analysis of OSHA's draft asserting that OSHA has failed to meet the statutory criteria for the development of a standard.

June 1995 -- President Clinton vetoes the rescission measure.

-- National Coalition on Ergonomics releases their own poll purportedly showing that the public does not think ergonomics should be a regulatory priority for OSHA.

July 1995 -- Outspoken critic of government regulation Rep. David McIntosh (R-IN) holds oversight hearings on OSHA's ergonomics standard. National Coalition on Ergonomics members testify. By the end of the hearing, McIntosh acknowledges that the problem must be addressed, particularly in high risk industries.

-- Compromise rescission bill signed into law; prohibits OSHA from issuing, but not from working on, an ergonomics standard. Subsequent continuing resolution passed by Congress continues the prohibition.

August 1995 -- Following intense industry lobbying, the House passes a FY 1996 appropriations bill that would prohibit OSHA from issuing, or developing, a standard or guidelines on ergonomics. The bill even prohibits OSHA from requiring employers to record ergonomic-related injuries and illnesses. The Senate refuses to go along with such language.

-- A May 30, 1995 draft of an ergonomics standard is leaked to the press; the National Coalition on Ergonomics issues and circulates on Capitol Hill an erroneous chronology of events related to the development of a rule.

November 1995 -- OSHA issues its 1996 regulatory agenda which does not include

any dates for the issuance of an ergonomics proposal.

December 1995 -- Bureau of Labor Statistics (BLS) releases 1994 Annual Survey of Injuries and Illnesses which shows that the number and rate of disorders associated with repeated trauma continues to increase.

-- National Coalition on Ergonomics issues a press release manipulating BLS statistics to indicate that the growth of RSIs is slowing.

January 1996 -- Industry-supported scientists hold press conference to announce the purported manipulation of the scientific data on RSIs by OSHA to meet its regulatory goals. In response, 52 scientific and medical professionals send a letter to the Hill stating that there is scientific justification for initiating work on a standard.

April 1996 -- House and Senate conferees agree on a FY 1996 appropriation for OSHA that contains a rider prohibiting the agency from issuing a standard or guidelines on ergonomics. The compromise agreement does permit OSHA to collect information on the need for a standard.

June 1996 -- The House Appropriations Committee passes a 1997 funding measure (H.R. 3755) that includes a rider prohibiting OSHA from issuing a standard or guidelines on ergonomics. The rider also prohibits OSHA from collecting data on the extent of such injuries and, for all intents and purposes, prohibits OSHA from doing any work on the issue of ergonomics.

July 1996 -- The House of Representatives approves the Pelosi amendment to H.R. 3755 stripping the ergonomics rider from the measure. The vote was 216-205. Ergonomic opponents vow to reattach the rider in the Senate or on a continuing resolution.

- Industry groups organize an effort to try to kill a voluntary ergonomic standard under development by a committee of the American National Standards Institute (ANSI).

October 1996 -- The American Trucking Association issues a report entitled "Ergonomics and Economics: The Impact of OSHA's Proposed Ergonomic Standard on the U.S. Trucking Industry."

December 1996 -- The Coalition for Common Sense, the American Trucking Association, the National Federation for Independent Business and others condemn California's final ergonomics standard. The ATA threatens to sue the state to halt implementation of the rule. The California AFL-CIO challenges the rule, noting that the state's Standards Board failed to live up to the mandate to protect workers from RSIs.

February 1997 -- Employer groups announce the formation of the Coalition for Ergonomics Research. Rep. Henry Bonilla (R-TX) circulates a draft rider which would prohibit OSHA from issuing an ergonomics proposal until the National Academy of Sciences completes a study on the scientific basis for an ergonomics standard. The rider, supported by the new coalition, is criticized as a further delay tactic.

-- During a hearing on the proposed FY 1998 budget for the National Institute for Occupational Safety and Health, Rep. Bonilla questions Centers for Disease Control head David Satcher on the scientific underpinnings for an ergonomics standard. Bonilla submits more than 100 questions on ergonomics to Satcher.

April 1997 -- Rep. Bonilla raises questions about OSHA's plans for an ergonomics standard during a hearing on the agency's proposed FY 1998 budget.

July 1997 -- NIOSH releases its report *Musculoskeletal Disorders and Workplace Factors*. Over 600 studies were reviewed. NIOSH concludes that "a large body of credible epidemiological research exists that shows a consistent relationship between MSDs and certain physical factors, especially at higher exposure levels."

-- California's ergonomics regulation is initially adopted by the Cal/OSHA Standard Board, approved by the Office of Administrative Law, and becomes effective. (July 3)

-- Industry groups try to disband the ANSI ergonomics standard committee.

September 1997 - Tom Donohue, formerly with the American Trucking Association becomes President of the U.S. Chamber of Commerce. He brings with him the National Coalition on Ergonomics which was formerly housed at the National Association of Manufacturers. NAM worked with the Trucking Association and UPS to oppose any ergonomics regulation. This move to the Chamber of Commerce begins an escalation of the attack against an ergonomics standard.

October 1997 -- A California superior court judge rules in the AFL-CIO's favor and struck down the most objectionable provisions of the CA ergonomics standard.

November 1997 -- Congress prohibits OSHA from spending any of its FY 1998 budget to promulgate or issue a proposed or final ergonomics standard or guidelines, with an agreement that FY 1998 would be the last year any restriction on ergonomics would be imposed.

December 1997 -- Bureau of Labor Statistics (BLS) releases 1996 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases.

April 1998 -- The Bureau of Labor Statistics (BLS) releases 1996 Lost-Worktime Injuries and Illnesses: Characteristics and Resulting Time Away From Work which shows that musculoskeletal disorders continue to account for one-third of all lost-workday injuries and illnesses.

May 1998 -- At the request of Rep. Bonilla and Rep. Livingston, The National Academy of Sciences (NAS) receives \$490,000 from the National Institutes of Health (NIH) to conduct a review of the scientific evidence on the work-relatedness of musculoskeletal disorders and to prepare a report for delivery to NIH and Congress by September 30, 1998.

August 1998 -- NAS brings together more than 65 of the leading national and international scientific and medical experts on MSDs and ergonomics for a two day meeting to

review the scientific evidence for the work relatedness of the disorders and to assess whether workplace interventions were effective in reducing ergonomic hazards.

October 1998 -- NAS releases its report *Work-Related Musculoskeletal Disorders: A Review of the Evidence*. The NAS panel finds that scientific evidence shows that workplace ergonomic factors cause musculoskeletal disorders.

-- Left as one of the last issues on the table because of its contentiousness, in its massive Omnibus spending bill Congress appropriates \$890,000 in the FY 1999 budget for another NAS study on ergonomics. The bill, however, freed OSHA from a prohibition on the rulemaking that began in 1994. This point was emphasized by a letter to Secretary of Labor Alexis Herman from then Chair of the Appropriations Committee Rep. Livingston and Ranking member Rep. Obey expressly stating that the study was not intended to block or delay OSHA from moving forward with its ergonomics standard.

November 1998 -- North Carolina Department of Labor releases its draft proposed ergonomics standard.

December 1998 -- Bureau of Labor Statistics (BLS) releases 1997 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases.

February 1999 -- OSHA releases its draft proposed ergonomics standard and it is sent for review by small business groups under the Small Business Regulatory and Enforcement Fairness Act (SBREFA).

-- Industry groups call for OSHA to wait for completion of the NAS study before proceeding with an ergonomics standard.

March 1999 -- Rep. Blunt (R-MO) introduces H.R. 987, a bill which would prohibit OSHA from issuing a final ergonomics standard until NAS completes its second ergonomics study (24 months).

April 1999 -- The Small Business Review Panel submits its report on OSHA's draft proposed ergonomics standard to

Assistant Secretary Jeffress.

-- The Bureau of Labor Statistics (BLS) releases 1997 Lost-Worktime Injuries and Illnesses: Characteristics and Resulting Time Away From Work which shows that musculoskeletal disorders continue to account for one-third of all lost-workday injuries and illnesses.

May 1999 -- North Carolina Department of Labor publishes its proposed ergonomics standard in the May 3rd edition of the North Carolina Register. Public hearings are held around the state.

-- The second NAS panel on Musculoskeletal Disorders and the Workplace holds its first meeting on May 10-11 in Washington, DC.

-- Senator Kit Bond (R-MO) introduces legislation (S. 1070) that would block OSHA from moving forward with its ergonomics standard until 30 days after the NAS report is released to Congress (approximately 24 months from now). (May 18)

-- House Subcommittee on Workforce Protections holds mark-up on H.R. 987 and reports out the bill along party line vote to forward it to Full Committee. (May 19)

June 1999 -- House Committee on Education and the Workforce holds mark-up on H.R. 987 and reports out the bill in a 23-18 vote. Only one [Republican] member crosses party lines [and votes against the bill]. (June 23)

July 1999 -- North Carolina OSHA adopts draft ergonomics rule on July 21, the same day the state legislature passes a measure prohibiting the agency from using any funds from its FY 99, FY 00, or FY 01 budget to implement or enforce the standard. H. 163 creates the Legislative Study Commission on Occupational Musculoskeletal Disorders to study the causes, frequency, costs, and prevention of MSDs. Another delay tactic initiated by industry groups.

August 1999 -- House votes 217-209 to pass H.R. 987, preventing OSHA from issuing an ergonomics standard for at least 18 months until NAS completes its study.

October 1999 -- Senator Bond offers an amendment to the LHHHS appropriations bill which would prohibit OSHA from issuing an ergonomics standard during FY 2000. The amendment is withdrawn after it becomes apparent that Democrats are set to filibuster the amendment.

-- The California Court of Appeals upholds the ergonomics standard - the first in the nation - which covers all California workers. (October 29)

November 1999 -- Washington State Department of Labor and Industries issues a proposed ergonomics regulation on November 15 to help employers reduce ergonomic hazards that cripple and injure workers. Business groups oppose the rule and try to get the state legislature to block the standard.

-- Federal OSHA issues the proposed ergonomics standard on November 22. Written comments are taken until February 1, 2000. Public hearings are to be held in February, March, and April. The proposed rule will significantly reduce injuries and illnesses, lower workers' compensation costs and improve productivity.

December 1999 -- Bureau of Labor Statistics (BLS) releases 1998 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases.

March 2000 -- Senator Bond (R-MO) requests that the Inspector General of the Department of Health and Human Services investigate NIOSH's oversight of the NAS study and the appropriateness of expenditures thus far.

-- OSHA commences 9 weeks of public hearings on proposed ergonomics standard.

April 2000 - Bureau of Labor Statistics (BLS) releases 1998 Lost-Worktime Injuries and Illnesses: Characteristics and Resulting Time Away From Work which shows that musculoskeletal disorders continue to account for one-third of all lost-workday injuries and illnesses.

May 2000 -- OSHA concludes public hearings on proposed ergonomics standard. More

than one thousand witnesses testified at the 9 weeks of public hearings held in Washington, DC, Chicago, Illinois, and Portland, Oregon. The due date for post hearing comments is set for June 26; and the due date for post hearing briefs is set for August 10.

-- The House Appropriations Committee adopts on a party line vote a rider to the FY 2001 Labor-HHS funding bill (H.R.4577) that prohibits OSHA from moving forward on any proposed or final ergonomics standard. The rider was adopted despite a commitment made by the Committee in the FY 1998 funding bill to "refrain from any further restrictions with regard to the development, promulgation or issuance of an ergonomics standard following fiscal year 1998."

June 2000 -- An amendment to strip the ergo rider from the FY 2001 Labor-HHS Appropriations bill on the House floor fails on a vote of 203 - 220.

-- The Senate adopts an amendment to the FY 2001 Labor-HHS bill to prohibit OSHA from issuing the ergonomics rule for another year by a vote of 57 - 41.

-- President Clinton promises to veto the Labor-HHS bill passed by the Senate and the House stating, "I am deeply disappointed that the Senate chose to follow the House's imprudent action to block the Department of Labor's standard to protect our nation's workers from ergonomic injuries. After more than a decade of experience and scientific study, and millions of unnecessary injuries, it is clearly time to finalize this standard."

October 2000 -- Republican negotiators agree to a compromise that would have permitted OSHA to issue the final rule, but would have delayed enforcement and compliance requirements until June 1, 2001. Despite the agreement on this compromise, Republican Congressional leaders, acting at the behest of the business community, override their negotiators and refuse to stand by the agreement.

November 2000 -- On November 14, OSHA issues the final ergonomics standard.

-- In an effort to overturn the ergonomics

standard several business groups file petitions for review of the rule. Unions file petitions for review in an effort to strengthen the standard.

-- North Carolina labor commissioner decides to adopt OSHA's final ergonomics standard as North Carolina's.

December 2000 -- House and Senate adopt Labor-Health and Human Services funding bill. The bill does not include a rider affecting the ergonomics standard.

-- Bureau of Labor Statistics (BLS) releases 1999 Annual Survey of Injuries and Illnesses which shows that disorders associated with repeated trauma continue to make up nearly two-thirds of all illness cases.

January 2001 -- Ergonomics standard takes effect January 16.

-- NAS releases its second report in three years on musculoskeletal disorders and the workplace. The report confirms that musculoskeletal disorders are caused by workplace exposures to risk factors including heavy lifting, repetition, force and vibration and that interventions incorporating elements of OSHA's ergonomics standard have been proven to protect workers from ergonomic hazards.

March 2001 -- Senators Nickles (R-OK), Enzi (R-WY), Bond (R-MO) and Hutchinson (R-AR) introduce a Resolution of Disapproval to repeal the ergonomics standard on March 1.

-- Secretary Chao announces that should the ergonomics standard be repealed, the Administration will pursue "a comprehensive approach to ergonomics, which may include new rulemaking."

-- The Resolution of Disapproval is passed in the Senate on March 6, after fewer than 10 hours of debate by a vote of 56 - 44.

-- The Resolution of Disapproval is passed in the House on March 7, after one hour of debate by a vote of 223 - 206.

-- North Carolina's new Republican labor commissioner strikes down the state's ergonomics standard.

-- Business groups and Republicans step up their fight to kill the ergonomics standard in Washington State. They also continue their efforts to kill the voluntary ANSI ergonomics consensus standard.

-- President Bush signs the resolution of disapproval killing the ergonomics standard on March 20, promising to "pursue a comprehensive approach to ergonomics."

-- On March 28, Bureau of Labor Statistics releases 1999 Lost-Worktime Injuries and Illnesses: Characteristics and Resulting Time Away from Work which shows that musculoskeletal disorders continue to account for one-third of all lost-workday injuries and illnesses and that rates for repetitive motion injuries rose 9.5 percent between 1998 and 1999.

April 2001 -- Secretary of Labor Chao testifies in a special hearing on ergonomics held by Senator Specter. The secretary says she cannot lay out a timetable to address ergonomics and will not commit the department to issuing a new ergonomics standard.

-- The AFL-CIO, along with 50 organizations, submits a petition for a new ergonomics standard to Secretary Chao.

June 2001 -- DOL announces Public Forums on Ergonomics to be held during July 2001 to discuss possible approaches to addressing ergonomic injuries in the workplace.

-- OSHA announces that it will stay until January 1, 2003, the definition of musculoskeletal disorder and the requirement to identify MSDs on the log of injuries and illnesses.

September 2001 -- Labor Department announces that, in the wake of September 11 events, it will postpone the ergonomics plan until "later this Fall."

November 2001 -- Secretary Chao promises that the ergonomics plan will be announced before the end of the year.

December 2001 -- OSHA issues its semi-annual regulatory agenda, which includes no mention of ergonomics.

February 2002 -- Secretary Chao announces that she hopes the ergonomics plan will be out "soon."

March 2002 -- Deputy Secretary of Labor Cameron Findlay announces that the ergonomics plan should be issued "in a matter of weeks."

April 2002 -- OSHA announces "Comprehensive Plan" to reduce ergonomic injuries. The plan includes no regulation and fails to provide workers any meaningful protection from ergonomic hazards.

July 2002 -- Labor Department proposes to stay the definition of musculoskeletal disorder and the requirement to identify MSDs on the log of injuries and illnesses for another year.

-- Washington State Superior Court Judge upholds the state's ergonomics standard dealing a blow to the business groups that challenged it.

March 2003 -- As part of its comprehensive approach to ergonomics, on March 13, 2003 OSHA issues final ergonomic guidelines for nursing homes.

June 2003 -- After having twice stayed the provision, the Department of Labor revokes both the requirement that employers identify musculoskeletal disorders (MSDs) on the 300 logs and the definition of MSDs.

November 2003 -- Washington State's ergonomics standard repealed by voters through a ballot initiative that misled voters into believing that the rule would cost the state jobs. The initiative was sought and paid for by the Building Industry Association of Washington (BIAW).

January 2004 -- OSHA holds its National Advisory Committee on Ergonomics symposium. Many of the most prominent experts in ergonomics declined to submit presentations to the committee, noting that the symposium would simply rehash old research findings. Industry opponents of ergonomics are unhappy that the symposium is taking place, claiming that the invitees do not have a strong medical background in the field of ergonomics.

May 2004 -- OSHA issues its second set of voluntary ergonomics guidelines since announcing in April 2002 its "comprehensive ergonomics plan." The guidelines are for the retail grocery store industry.

-- The same day the guidelines are issued,

May 28, the National Grocers Association issues a statement in response calling on OSHA to provide "greater assurances that OSHA's voluntary ergonomics guidelines for retail grocery will not become, in practice, a mandatory ergonomics standard."

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