

OSHA Ergonomics Rule Repealed

March 7, 2001

On March 7, 2001, the House of Representatives joined the Senate in voting to approve a resolution to rescind the Occupational Safety and Health Administration's ("OSHA") controversial new ergonomics standard. The vote signals the first time that Congress has exercised its authority under the Congressional Review Act of 1996 ("CRA") to vote for or against a federal regulation. President Bush has signed the resolution, which could effectively prevent OSHA from passing any similar ergonomics programs in the future - under the CRA, an agency is prevented from issuing any rule that is "substantially similar" to one that Congress has voted against.

The Congressional vote lifts the October 2001 compliance date by which employers were required to implement the first stage of their ergonomics systems. OSHA, however, has explained that while a specific ergonomics regulation does not currently exist, an employer is still required to comply with the Occupational Safety and Health Act's "general duty" clause. Under the "general duty" clause, OSHA may issue a fine if an employer is aware of a hazard, such as the risk of an ergonomics-related injury, and it fails to take "feasible measures" to prevent the hazard. This procedure is consistent with OSHA enforcement policy - even before the announcement of the ergonomics rule, OSHA cited employers for ergonomics hazards under the "general duty" clause. Therefore, while employers have been relieved of a specific and cumbersome regulation, they are still required to keep their workplaces free of known ergonomics hazards.