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Developments

## **OSHA ISSUES NEW PROPOSED ERGONOMIC STANDARDS**

(November 22 , 1999)

### **SUMMARY**

Tomorrow, the federal Occupational Safety & Health Administration will publish new proposed "ergonomic program standards" for all employers. These standards are comprehensive and could potentially be *very* expensive. We recommend that all employers review the new standards and, if they have concerns, comment upon them before they become adopted as federal regulations.

### **WHAT HAPPENED**

The federal Occupational Safety & Health Administration (OSHA) will publish new proposed ergonomic standards tomorrow to address musculoskeletal disorders ("MSD's") in the workplace. Common MSD's include carpal tunnel syndrome and general low back pain.

The proposed standards, if adopted, would require employers to establish an ergonomic program for all manufacturing jobs, all manual handling jobs, and "other jobs in general industry where a covered musculoskeletal disorder occurs." The standards are detailed and could well create a substantial new body of regulations for employers who employ manual laborers, computer users or other employees who do repetitive tasks.

If adopted, covered employers, which include any employer that has had an employee with a work-related MSD, will be required to adopt a full ergonomic program, which includes, among other requirements:

- Designating a management person to be responsible for ergonomics;
- Revising policies to ensure they encourage reporting of MSD's;
- Informing employees of MSD risk factors and symptoms;
- Analyzing jobs where an MSD has occurred;
- Purchasing equipment or otherwise fixing jobs where an MSD has occurred;
- Providing special benefits to employees who suffer an MSD, including:
  - Requiring immediate, no-cost access to health care;
  - Requiring full pay and benefits during a recovery period for light duty workers, and 90% pay and full benefits for all other workers, payable until the employee returns to work, until the "MSD hazard is fixed," or six months have passed, whichever comes first; and
  - Requiring additional accommodations for the employee based upon a mandatory,

written opinion from a health care provider;

- Training employees on ergonomically safe practices;
- Evaluating the effectiveness of the ergonomics program; and
- Keeping records of ergonomic efforts for at least three years.

Here is the text of the proposed standards: <http://www.osha-slc.gov/ergonomics-standard/fedregabbrversion.html>

Here is OSHA's ergonomics site, which includes a detailed FAQ section about the new standards: <http://www.osha-slc.gov/ergonomics-standard/index.html>

### **WHAT THIS MEANS:**

Employers with concerns about these new standards should comment on them. This can be done via an e-mail link to OSHA's website. (Here's that link: <http://ecomments.osha.gov/docket/ecom/genpage.asp?form=1019>.)

Written comments may be mailed or faxed to:

OSHA Docket Office, Docket No. S-777  
U.S. Department of Labor, 200 Constitution Avenue, NW, Room N-2625  
Washington, D.C. 20210.

Fax: (202) 693-1648

OSHA will also be holding public hearings on the new standards in Washington D.C., Chicago and Portland, Oregon.

If you would like any further information about California law regarding these new proposed standards, please feel free to call or e-mail Joe Connaughton ([jconnaughton@paulplevin.com](mailto:jconnaughton@paulplevin.com)) (619) 744-3645) or any of our other attorneys at (619) 237-5200.

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Send comments to [info@paulplevin.com](mailto:info@paulplevin.com). Last modified 11/22/99