

OSHA Announces New Ergonomics Initiative

OSHA is focusing on effective ergonomics as part of its strategy to reduce workplace injuries and illnesses. On April 5, 2002, OSHA unveiled a comprehensive plan to reduce ergonomically related injuries, often called musculoskeletal disorders ("MSDs").

Significantly, OSHA's ergonomics initiative does not impose mandatory requirements on employers. Instead it relies on voluntary actions by companies to reduce work-related MSDs. In particular, the ergonomics initiative will consist of four components: industry and task-specific guidelines, tough enforcement measures, workplace outreach and assistance, and advanced research.

- **Voluntary Guidelines.** OSHA will begin to develop industry and task-specific guidelines for a number of industries. OSHA will focus first on high-hazard industries. Among the industries with the highest rate of MSDs are auto production, parcel delivery, meat and poultry packing, and nursing homes. OSHA will also encourage other industries to develop ergonomic guidelines to meet their own specific needs.
On April 18, 2002, OSHA announced that its first industry-specific guidelines would target the nursing home industry. The draft guidelines should be ready for public comment later this year, and will be published in the Federal Register for review before taking effect. Compliance with the final guidelines will be entirely voluntary.
- **Enforcement.** In order to put some teeth behind the voluntary guidelines, OSHA plans to increase its ergonomics inspections and enforcement actions. OSHA will not, however, use the voluntary guidelines as the basis for enforcement. Instead, OSHA will issue citations for ergonomics hazards under the OSHA Act's General Duty Clause. This clause requires employers to keep their workplaces free from recognized serious hazards. In addition to citations under the General Duty Clause, OSHA will also issue ergonomic hazard alert letters, and conduct follow-up inspections within 12 months of certain employers who receive such letters. OSHA will not focus its enforcement efforts on employers that have implemented effective ergonomics programs or that have made good faith efforts to reduce ergonomic hazards.
- **Outreach and Assistance.** Under the new ergonomics initiative, OSHA will provide compliance assistance to help workplaces reduce and prevent MSDs. As part of its compliance assistance efforts, OSHA will provide specialized training and information on its guidelines and on how to implement successful

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ergonomics programs.

- **Research.** OSHA will establish a national advisory committee to counsel the agency, in part, on ergonomic research, medical science, and effective MSD preventative techniques.

OSHA's Ergonomics Initiative is employer-friendly in many respects. However, employers should not take the voluntary nature of the initiative as a sign that OSHA is relaxing its enforcement of MSD injuries. To the contrary, OSHA will issue citations for ergonomics hazards under the Act's General Duty Clause. The General Duty Clause, which requires employers to keep their workplaces free from recognized serious hazards, will be the subject of an upcoming OSHA E-Newsletter.

If you would like further information on OSHA's ergonomics initiative, please contact a member of our OSHA Practice Group.

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