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## "OSHA's New Ergonomics Regulation Needs to Wait for All the Facts"

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**WEBMASTER NOTE:** The comment period for the following expired 2/1/2000.

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The National Association of Manufacturers (NAM) recently reported that, in spite of data from the Bureau of Labor Statistics (BLS) showing that musculoskeletal disorders (MSDs) have declined by 17 percent over the past three years, and despite the lack of consensus in the scientific and medical communities on the causes of MSDs, OSHA is moving aggressively forward with an ergonomics regulation and ignoring the intent of Congress. Last fall, Congress approved \$890,000 for the National Academy of Sciences (NAS) to conduct an independent, peer-reviewed analysis of the available sciences on MSDs. That review is scheduled to be completed within 16 months, but OSHA does not see the need to wait on their conclusions before implementing the new regulation. The public comment period on this issue closes February 1, 2000.

OSHA's new regulation would require employers in the manufacturing industry to take measures to reduce all MSDs (e.g. carpal tunnel, neck and back strains, etc.) by initiating and maintaining a basic ergonomics program once a single injury is reported in their facility. While those who support the plan view it as necessary protection for American workers, opponents are reacting to the indefinite nature of the regulation and its lack of solid scientific support. A recent Washington Post article agreed that, while ergonomic injuries do occur and workers should be protected from them, the "rule is vague enough to cause problems."

Bringing this issue closer to home, there is concern that the truss industry is likely to experience a greater impact from the proposed standard than most other industrial classifications, due to the unique characteristics of our product:

1. The standard is likely to affect truss companies disproportionately due to their size. The greatest weight of OSHA's enforcement power will be directed squarely on the middle range of businesses, with 10-500 employees. According to WTCA's statistics, this describes over 95 percent of the association's membership.
2. Truss manufacturers will be disproportionately affected by the provision that provides an exemption for companies that already have an ergonomics program. If a truss manufacturer has already evaluated its plant for ergonomic hazards, upgraded equipment and instituted administrative controls, but did not document those activities in the prescribed format, it will not be in compliance.

3. The regulation includes provisions that require employers to “eliminate MSD hazards, reduce them to the extent feasible, or materially reduce them using the incremental abatement process.” The nature of our product makes these tasks more difficult than they will be for most manufacturers. The size and irregular shape of trusses, combined with the element of custom design, place much mechanized lifting and moving apparatus outside the realm of possibility for truss manufacturers. In many instances, the equipment to automate lifting tasks simply does not exist. The “incremental abatement process” requires employers to continue instituting additional controls as long as any MSDs continue to occur. In the case of the truss industry, this process will cause employers to arrive at “ceasing all activity” within a period of months or a very few years.

A number of other sections of this regulation are raising red flags for manufacturers, such as disability leave requirements, the definition of a “work-related” injury and the shifting burden of proof from the employee to the employer. The questions that are left looming in light of OSHA’s proposal undoubtedly warrants an extension of the public comment period and a prevention of OSHA moving ahead with this regulation until the NAS completes their review of the scientific evidence.

For more information on this issue as well as sample letters to send regarding this regulation, visit the Legislative Section of the WTCA web site at [www.woodtruss.com](http://www.woodtruss.com).

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[SBC HOME PAGE](#)

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