
CSI NEWS

Celly Services Inc.

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Cal/OSHA Adopts Ergonomic Standard

Cal/OSHA's ergonomic standard has been adopted amid much controversy. The California Occupational Safety and Health Standards Board adopted on April 17 a simplified regulation to protect employees from repetitive motion injuries (RMIs). Section 5110 of Title 8 of the Californian Code of Regulations (General Industry Safety Orders) requires employers to institute a program designed to minimize RMIs whenever two or more employees doing substantially the same repetitive activity suffer a musculoskeletal injury that a licensed physician attributes to a repetitive motion task performed on the job. This standard is not retroactive and the RMIs must be reported to the employer in the last 12 months.

When required to write and implement a program to minimize the risk of RMI, the company must evaluate each work site, job, process, or operation of identical work activity for motions which may cause RMIs. When exposures which may cause RMIs are identified, corrective measures to eliminate the cause must be implemented in a timely manner. If the cause cannot be eliminated, it must at least be minimized to the extent feasible.

The company's ergonomic program must include training for the employees who are exposed to repetitive motions which may cause injuries. The training program must include an introduction to the company's ergonomic program, the activities which have been identified as causing RMIs, the symptoms and consequences of injuries caused by repetitive motions, the importance of reporting symptoms and injuries to the dealership, and methods used by the dealership to minimize RMIs.

Typical measures that are taken to eliminate or at least minimize RMIs include:

- ◆ Work station redesign

- ◆ Adjustable fixtures
- ◆ Tool redesign
- ◆ Job rotation
- ◆ Work pacing
- ◆ Work breaks

As part of a proactive, environmental, health and safety compliance program, CSI can help you identify repetitive work activities which may cause RMIs and develop a program to control exposures.

The California Labor Federation has pushed for the strongest possible language and is challenging the new standard for not being more proactive to protect workers. Labor is also unhappy with the small employer exemption. Companies with 9 or fewer employees are not required to establish a program to control RMIs.

The American Trucking Association and the California Trucking Association are challenging the RMI standard on the basis that no standard is necessary to satisfy the State Legislature's desire to protect workers from repetitive motion injury. The ATA contends there is no scientific or medical consensus concerning whether injuries and repetitive motions are linked.

The Repetitive Motion Injury standard will become effective this month, but enforcement could be delayed by legal challenges.

An OSHA Inspection

There are ways of inviting an inspection by a OSHA compliance officer. One sure-fire way to trigger an inspection is to kill an employee in an industrial accident. Another way that works just as well is to have a major accident that sends more than three people to the hospital and is on the 6 o'clock news (film at 11:00). A less violent way of attracting the attention of OSHA is to nullify communication with employees so that they feel their only recourse is to complain to OSHA. OSHA does conduct a few "program inspections" on employers

randomly selected from an industry group where OSHA has been told there are many violative conditions to be found.

If you are so unlucky as to find a OSHA Compliance Officer on your doorstep, there are a few things to remember.

- ◆ Ask to see his/her identification, such as a laminated picture identification (flasher)
- ◆ Ask for a business card for your record.

To enter the private areas of your business, the Officer must either have a warrant or your informed consent. Informed consent means that the Officer must tell you his/her name, the agency he/she represents, what he/she intends to do (*i.e.*, conduct an inspection), the consequences (*i.e.*, a citation and a monetary penalty) and then ask for permission to proceed. Before giving informed consent, it is reasonable to discuss the extent of the inspection, and to narrow the scope as much as possible.

The question often arises, "Should I ask for a warrant?" This question should be asked and discussed long before the Officer arrives at your doorstep. An established (and written) company policy regarding inspections does not create animosity when presented to the Officer. The company policy regarding inspections by regulators must include who has the authority to grant permission to conduct an inspection. There should always be at least one person with that authority at the company during normal business hours. If the company policy is to not allow warrantless inspections, the Officer should be so advised at the beginning of the visit.

Everyone benefits when the Officer's visit remains friendly and non-confrontational. Throughout the inspection someone with management authority should accompany the Officer. During the inspection, the officer may take pictures, collect samples, and conduct private employee interviews, as provided by law. The better the inspection is documented by you, the

greater your benefit from the expertise of the Officer and the stronger your case will be if citations are contested. You should document all phases of the inspection, including the opening conference, the walk around, any sampling conducted, and the closing conference.

At the conclusion of the inspection, the officer will hold a closing conference to discuss his/her findings. Take good notes on the discussion of the findings and recommendations. If citations are issued, they will be sent by OSHA's Area Director and must be posted in the area of the violation for 3 days or until the violation is corrected, whichever is later. In the next issue CSI News will discuss the appeals process.

CSI is Growing

CSI is pleased to welcome a highly respected engineer, Jim Unmack to the staff. Jim is a professional engineer, a certified industrial hygienist, and a certified safety professional. Jim has spent 10 years with Cal/OSHA. In Jim's spare time he teaches health and safety at University of California, Los Angeles and California State University Dominguez Hills.

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