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Employers must note 'MSD' incidents in workplace

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On Nov. 14, the [Occupational Safety and Health Administration](#) issued the final rule for its Ergonomics Program Standard.

The new standard, effective Jan. 16, applies to all employers, with limited exceptions in certain industries. It contains stringent requirements that employers identify and abate musculoskeletal disorders in the neck, shoulder, elbow, forearm, wrist, hand, abdomen (for hernia only), back, knee, ankle and foot. A musculoskeletal disorder is a disorder of the muscles, nerves, tendons, ligaments, joints, cartilage, blood vessels or spinal discs.

[OSHA](#) estimates that each year, 1.8 million workers in the United States report work-related disorders such as carpal tunnel syndrome, tendinitis and back injuries.

The cost to employers of implementing the new standard is estimated by OSHA at \$4.5 billion annually. The new standard does not address injuries caused by slips, trips, falls, vehicle accidents or other similar accidents.

All covered employers will have an initial responsibility to supply all employees with basic information, including signs and symptoms, types of jobs and activities associated with hazards, the importance of prompt reporting and consequences of delayed reporting, and a summary of the OSHA standard (also conspicuously posted). Employers must begin distributing information on the standard to current employees, and receiving and responding to reports of injuries by Oct. 14. New hires must receive initial training within 14 days of hiring.

When any employee reports signs and symptoms of a musculoskeletal disorder, an employer must conduct a prompt investigation to determine whether the report involves an event or condition that qualifies as an "MSD incident." An "MSD incident" means the disorder is work related, requires lost days from work, restricts duty, involves medical treatment beyond first aid or the signs/symptoms last for seven or more consecutive days.

If an incident has occurred, the employer must determine whether the job involved meets the "action trigger" threshold specified in the standard.

The standard contains a "Basic Screening Tool" that establishes certain defined thresholds or "action triggers" for each of the five primary risk factors -- repetition, force, awkward postures, contact stress and vibration. The job meets the "action trigger" threshold if it routinely involves exposure to one or more of the five primary risk factors at or above a specified level, on one or more days a week.

If a certain job meets the "action trigger" threshold, the employer may be able to use a "Quick Fix" option instead of implementing a full ergonomics program -- if the problem can be resolved within 90 days in a job where only one disorder occurred, and where no more than two disorders have been reported in the preceding 18 months.

If the employer cannot qualify for the "Quick Fix" option, the employer must develop and implement full ergonomics program.

The primary elements of a full ergonomics program include: management leadership/employee participation; job hazard analysis/control; training; musculoskeletal disorder management; program evaluation; and record keeping.

Employers also should be aware that the OSHA ergonomics standard provides additional and more generous worker protection and benefits than does the Florida workers' compensation statute, including 90 percent to 100 percent of earnings until the employee returns, it is determined that the employee can never return, or for up to 90 days, whichever comes first.

This is an overview of the new regulations and it should be noted that the standard imposes extensive requirements beyond the scope of this article.

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