



June 16, 2011

OSHA Docket Office  
Docket Number OSHA-2009-0044  
U.S. Department of Labor  
Room N-2625  
200 Constitution Ave, NW.  
Washington, D.C. 20210

Via Electronic Submission

**RE: Occupational Injury and Illness Recording and Reporting Requirements (Docket No. OSHA-2009-0044)**

IPC – Association Connecting Electronics Industries appreciates the opportunity to comment on the reopening of Occupational Safety and Health Administration’s (OSHA’s) proposed Occupational Injury and Illness Recording and Reporting Requirements rule (hereafter referred to as the proposed rule). IPC encourages OSHA to permanently withdraw its proposed rule as a result of several issues raised by small business representatives during a series of teleconferences. One issue raised by small business representatives was the inclusion of a musculoskeletal disorders (MSD) column in OSHA’s 300 logs would be detrimental to small businesses and provide no direct benefit to industry. Small business representatives also stated that they are unable to correctly identify whether a MSD is work-related, which could result in an increase in the number of MSDs reported. Another issue with the proposed rule is the usefulness of data that would be collected from adding an MSD column to the 300 logs is unclear. OSHA should explicitly state how the data will be used and why it is necessary. IPC is also concerned that OSHA’s revisions to the Field Operating Manual (FOM) to include a definition of MSDs was unwarranted and the definition should be removed. IPC encourages OSHA to permanently withdraw their proposed rulemaking to add a MSD column to the 300 logs, as it would be an unnecessary burden to the small business community without providing a commensurate benefit to worker safety.

IPC, a U.S. headquartered global trade association, represents all facets of the electronic interconnection industry, including design, printed board manufacturing and electronics assembly. Printed boards and electronic assemblies are used in a variety of electronic devices that include computers, cell phones, pacemakers, and sophisticated missile defense systems. IPC has more than 2,700 member companies, 1,700 of which are located in the U.S. Seventy percent of IPC’s membership is small businesses, as defined by the Small Business Administration.

Employers do not have the necessary expertise to correctly identify a work-related MSD. Medical professionals are the experts that can correctly identify an MSD as work-related or not work-related. By putting the burden of this determination on employers, OSHA risks the possibility of receiving inaccurate information. For fear of non-compliance, employers may simply “check the box” for a MSD injury when in fact the injury happened outside of the



workplace. The employer may be uncertain as to the cause of the MSD and therefore classify it as work-related in order to avoid any violations or penalties. Employers do not have the expertise to accurately determine a work-related MSD injury.

Adding a MSD column to OSHA's 300 logs will lead to an increase in the number of MSDs reported as work-related, which would be misleading. As stated in the previous paragraph, employers may check the MSD column in order to avoid non-compliance and any subsequent violations. This inevitable increase in the number of MSDs reported will lead to unintended consequences. An increase in the number of MSDs reported due to an employer's lack of expertise to accurately identify a MSD as work-related will provide OSHA with misleading information on injury rates. Increased injury rates could also negatively impact worker compensation costs. An industry that is injury-prone, as depicted in OSHA's injury and illness reporting forms, is likely to have increased worker compensation costs. OSHA should strongly consider the likelihood of misleading information on increased injury rates due to the addition of a MSD column in the 300 logs.

OSHA should clearly state their intended use of the data gathered from adding a MSD column to the 300 logs and how that data will benefit impacted industries. It is uncertain how data on MSDs would provide a benefit to industry. Without clearly stating an intended use and potential benefits to industry, OSHA risks adding regulatory and recordkeeping burdens on industry. Several small business representatives stated that MSDs are rare, which would prevent OSHA from obtaining the data OSHA feels is necessary. Furthermore, there is currently a column in the 300 logs, "all other," that is a catch all for injuries and illnesses otherwise not classified in the 300 logs. Based on OSHA's proposed definition of a MSD, which is extremely broad, it is uncertain whether OSHA will gain useful data by including a MSD column in addition to an "all other" column. OSHA should explicitly state how they intend to use the data collected from adding a MSD column and how that data will benefit industry prior to finalizing the proposed rule.

In this proposed rulemaking, OSHA does not include any protection for employers against false claims. Due to the ambiguity of a MSD and being able to accurately determine whether that MSD is work-related there is a greater chance for false claims to be made. The proposed rule does not include a defense for employers that fall victim to a false, invalid work-related MSD claim. The proposed rule, as it currently reads, is a vehicle for bad actors to take advantage of the system. A final rule should include protections for employers against false claims.

IPC is also concerned that the revisions made to OSHA's Field Operating Manual (FOM) to include a definition of a MSD were unwarranted and the definition should be removed. Since the FOM is currently used by OSHA inspectors, MSDs are enforceable. The definition used in the FOM mimics the one in the proposed rule. This definition is very broad and OSHA does not provide its inspectors with any guidance on how to determine a work-related MSD. Specifically identifying MSDs in the FOM could lead to an increased number of site violations, which in turn would lead to higher penalties associated with those violations. OSHA should not enforce against



a facility who has reported an MSD due to the ambiguity of the definition of a MSD and the inability for non-medical professionals to determine whether the injury was work-related.

In conclusion, IPC believes that OSHA should permanently withdraw its proposed rule to add a MSD column to the 300 logs. Small businesses representatives provided good insights into potential impacts and unintended consequences of pursuing this rulemaking. Employers do not have the medical expertise to determine whether a MSD is work-related. This proposed rulemaking could cause employers to falsely identify MSDs as work-related causing an increase in the number of MSDs reported. This increase could have unintended consequences that would be detrimental to employers. OSHA should also explicitly state how the data would be used and why it would be helpful to industry.

Sincerely,

Stephanie Castorina  
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