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reopens public record on proposed record-keeping rule to add work-related musculoskeletal disorders column.

WASHINGTON – The U.S. Department of Labor's Occupational Safety and Health Administration tomorrow will reopen the public record on a proposed rule to revise the Occupational Injury and Illness Recording and Reporting Requirements regulation. Notice of the reopening will be published May 17 in the *Federal Register*.

The purpose of reopening the record is to allow interested individuals to comment on the small business teleconferences that OSHA and the Small Business Administration's Office of Advocacy co-sponsored on April 11 and 12, and on the issues raised during the teleconferences. OSHA held the teleconferences to gather information from representatives of small businesses about their experiences recording work-related musculoskeletal disorders and how they believe they would be impacted by OSHA's proposed rule. The public is invited to submit comments by June 16, 2011.

On Jan. 29, 2010, OSHA proposed to revise its Occupational Injury and Illness Recording and Reporting Requirements regulation to restore a column to the OSHA 300 log that employers would have to check if an incident they already have recorded under existing rules is an MSD. The proposed rule would not change the existing record-keeping requirements about when and under what circumstances employers must record work-related injuries and illnesses. The only additional requirement the proposed rule would impose is for an employer to mark the MSD column box on the OSHA 300 log if a case it already has recorded meets the definition of an MSD.

"OSHA is eager to hear from the public on this, and every, proposed rule," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "The more feedback the agency receives from small businesses on this topic, the better informed we will be in crafting a proposed regulation that protects workers without overburdening employers."

Under the existing regulation, employers already must determine whether a case is recordable – that is, whether the case meets the definition of "injury or illness"; is a new case; is work-related; and meets at least one of the recording criteria. Examples of recording criteria are days away from work, restricted work and medical treatment beyond first aid. The proposed rule would define an MSD, for record-keeping purposes only, as a disorder of the muscles, nerves, tendons, ligaments, joints, cartilage or spinal discs that was not caused by a slip, trip, fall, motor vehicle accident or similar accident.

OSHA estimates that 1.505 million recordable MSDs are expected to occur annually among 1.542 million affected establishments and that the annualized costs of the proposed rule would be \$1.7 million per year for all affected establishments combined.

OSHA has posted a summary of comments about the teleconferences in the public docket for this rulemaking at <http://www.regulations.gov/#!documentDetail;D=OSHA-2009-0044-0139>