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EDITORIAL

ISHM held its annual in-person board meeting on September 29, 2013. It was a great meeting chaired by Randy Morton. All of the board members were engaged and ready to get to work making ISHM better,

We are always looking for ways to grow the organization and your inputs into ways to accomplish this are always welcome.

It is always a pleasure for us to meet with these dedicated volunteers.


**Question:** We received a letter about ergonomics from OSHA after a recent inspection. It said that there was no standard but it went on to make several suggestions for improvements. Are we under any obligation to implement the recommendations? What can happen if we do not?

**Answer:** The short answer is no, there is no legal obligation to implement OSHA’s recommendations. Like most things in the law, however, the answer is not so simple. Here’s why.

In lieu of a citation, OSHA has authority to issue a Hazard Alert Letter to an employer. Generally speaking, in the Hazard Alert Letter, OSHA identifies potentially hazardous conditions in the workplace, but OSHA does not believe a citation is warranted. Upon receipt of a Hazard Alert Letter, the employer is legally obligated to post it in the workplace, so that the employees will be notified of the potentially hazardous condition. At that point, the employer may choose to voluntarily implement or completely ignore any or all of OSHA’s recommendations. Ignoring the recommendations, though, may present a host of future issues, including a future citation.

Regarding ergonomics, there is not a specific OSHA standard in place, but OSHA does have authority to issue a citation under its General Duty Clause. If OSHA issues a Hazard Alert Letter to the employer based on an ergonomics hazard in the workplace, OSHA may choose to conduct a follow-up inspection to determine whether the employer addressed the hazard. If the employer failed to address the ergonomics hazard, OSHA may exercise its discretion to issue a citation under its General Duty Clause. Alternatively, OSHA may issue a citation to the employer for failing to conduct a hazard assessment.

Therefore, if an employer receives a Hazard Alert Letter, the best course of action is to investigate the alleged hazardous conditions and OSHA’s recommendations to address those hazards. If the employer agrees with OSHA’s assessment, the employer should either implement OSHA’s recommendations or alternative feasible means of abatement, and should take steps to protect employees until the abatement is completed. On the other hand, if the employer disagrees with OSHA’s assessment that there is a hazardous condition in the workplace, the employer should document its investigation and state the reasons why there is not a hazard. Thus, if OSHA comes calling, the employer has documentation in its file that it conducted a hazard assessment. Employers have an obligation under OSHA law to conduct hazard assessments.

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Promoting ISHM

The best advertising for ISHM is current certified members. Word of mouth is a wonderful marketing tool.

Additionally, many of you go to EHS events and often are able to speak there.

If you are going to an event and give us enough notice we can send you a logo shirt and marketing materials to distribute. Also if you are going to be a speaker we can provide some bullet points that have proven effective in getting the word out. Again, we will need as much advance notice as possible so we can react properly.

As you know one of ISHM’s issues is brand name recognition. This is because other organizations have been in business over 40 years and ISHM has only been in existence for about 10 years.

We are making great strides. We are even seeing EHS position announcements stating “CSHM” preferred. This recognition filters down to all of the certifications and is a benefit to every certificate holder.

Certificate holders are the heart and soul of ISHM and the only reason the organization exists. Each of you can make a positive contribution to the growth and success of your organization.

Please let us know your thoughts on how we can become better.