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## **More Assurance Needed That OSHA's Ergonomics Guidelines Will Remain Voluntary, N.G.A. Says**

WASHINGTON (August 26, 2003) – The Occupational Safety and Health Administration's (OSHA) needs to give the nation's independent, community-focused retail grocers and wholesalers greater assurances that the agency's "voluntary" guidelines will not become, in practice, a mandatory standard, the National Grocers Association (N.G.A.) said.

N.G.A. filed its comments last week on OSHA's draft ergonomics guidelines for retail grocery stores. The draft requires significant changes, N.G.A. said, and emphasized that OSHA must not use the voluntary guidelines as a rationale or justification for enforcement of the "general duty" clause – the agency's broad authority under the Occupational Safety and Health Act of 1973.

"OSHA must ensure that recommendations or guidelines will not create a platform for unjustified general duty clause enforcement," N.G.A. said in its comments. "N.G.A. strongly states that OSHA maintain its commitment to not pursue enforcement of the general duty clause in concert with the voluntary guidelines at any time."

The perception that OSHA might issue general duty clause citations based on the voluntary guidelines would undermine the industry's ongoing and very successful ergonomics efforts, N.G.A. said. As the guidelines recognize, the grocery industry has reduced occupational injuries by a third over the last ten years – from 12.5 per hundred full-time workers in 1992 to 8.1 in 2001.

N.G.A. urged OSHA to continue to pursue a collaborative effort with industry to reduce ergonomic injury, rather than take a punitive or confrontational approach. In addition, the independent, community-focused retail grocers that N.G.A. represents are exactly the type of employers who can benefit from the flexibility and resources of voluntary guidelines, N.G.A. pointed out.

In assessing the guidelines, N.G.A. also noted that the agency's recommendations are based largely on anecdotal evidence, and do not establish a clear link between certain activities and workplace injuries. N.G.A. recommended that the agency make numerous changes to the document, including eliminating the sections that deal with peripheral departments such as bakery, meat, and produce. The advice offered by OSHA in these sections is not warranted by any scientific or statistical analysis, N.G.A. said.

"These voluntary guidelines should be based upon sound science, which OSHA readily acknowledges does not exist," N.G.A. said.

N.G.A. believes that voluntary, industry-specific ergonomics guidelines, developed with close cooperation between OSHA and the private sector, are a far better approach to addressing potential causes of musculoskeletal disorders than mandatory standards or punitive enforcement, said Thomas F. Wenning, N.G.A. Senior Vice President and General Counsel.

"We remain committed to working alongside the Occupational Safety and Health Administration to develop workable solutions to safety concerns, based on sound science," Wenning added. "We also look forward to participating in the OSHA stakeholders meeting on September 18 to discuss these comments, and to provide OSHA with more information."

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N.G.A. is the national trade association representing the retail and wholesale grocers that comprise the independent sector of the food distribution industry. An independent retailer is a privately owned or controlled food retail company operating in a variety of formats. Most independent operators are serviced by wholesale distributors, while others may be partially or fully self-distributing. Some are publicly traded but with controlling shares held by the family and others are employee owned. Independents are the true “entrepreneurs” of the grocery industry and dedicated to their customers, associates, and communities. N.G.A. members include retail and wholesale grocers, state grocers associations, as well as manufacturers and service suppliers.