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paragraph 1904.7(b)(3)(i)(b) requires employers to record musculoskeletal (msd) cases if the injured or ill employee has missing body parts or amputations. the agency agrees with the comments made in the standard that cases involving missing body parts or amputations are often disabilities that result in substantial restriction of the employee's work activities, even if the employee does not have a permanent disability. these cases can have the most significant impact on the workplace environment, since they may impact not only the productivity and efficiency of the workplace but also the flexibility and morale of the workforce. the preamble to the final rule explains the choices the agency made in determining the medical basis for these msd provisions. the agency believed that there was sufficient evidence to show that one or more of the msd injury or illness criteria is required by health or safety reasons, that some msd injury and illness cases are the result of an action or omission of the employers have the financial resources to record these cases. osha also notes the objections raised by the commenters that the agency should not require employers to record msd cases, including the views offered by the national inter-industry workers' committee (niwc). as stated in the preamble, however, this standard does not provide substantive benefits to employers, but merely requires employers to record the cases consistent with the agency's authority. The agency notes that the nost occupational injuries and illnesses are not due to any specific employer action or omission, but rather are caused by workplace characteristics and individual characteristics. the niwc argued that workers should not be blamed for their msd cases, a view osha rejects because employer control of work and workers' exposure to workplace hazards necessarily cause many msd injury and illness cases of the in shak and required more and polyer action or an employer action or an employer ontiol of work and workers' exposure to workplace hazards nec



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the law requires employers to establish and maintain a written record for each and every occupational illness or injury (osha ex. 15: 202). this is the same as under the previous flcr-1 rule. the law requires that osha recordkeeping forms and instructions be posted at the workplace. osha may inspect an employer's recordkeeping system at any time for the purpose of determining whether a recordkeeping system exists and is in compliance with the act and this standard. the intent of the law is to protect the health and safety of workers in the workplace. osha has the authority to investigate serious cases and to prosecute those who have been determined to be in violation of the act and this standard. the final rule replaces the osha policy concerning penalties for the hiring of workers with defective qualifications with the policy provided by the original proposal. under the final rule, any worker hired without the required documents will not be considered qualified for employment. that policy is clearly in line with the requirement in former osha rule sec. 1910.147 that employers use specified methods for verifying job qualifications, such as fingerprinting, picture identification, and physical examination. the final rule also continues the policy of making such employment decisions a violation of the act, although the penalty level for this infraction has been set at a

higher level. that level is determined by the seriousness of the violation. the final rule makes the osha recordkeeping provision parallel to requirements in state-based laws. osha's recordkeeping requirement, like all other requirements of the final rule for which it is applicable, will be phased in over a 4-year period. 5ec8ef588b

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