

SENATE COMMITTEE ON LABOR

April 3, 1991 Hearing Room 50 03:00 p.m. Tapes 51 - 52
MEMBERS PRESENT: SEN. GRATTAN KERANS, CHAIR SEN. LARRY HILL,
VICE-CHAIR SEN. PETER BROCKMAN SEN. BOB KINTIGH SEN. BOB SHOEMAKER STAFF
PRESENT: ANNETTE TALBOTT, COMMITTEE COUNSEL ROBERTA WHITE, COMMITTEE
ASSISTANT MEASURES CONSIDERED: SB 840 - VDT SAFETY - PUBLIC HEARING

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TAPE 51, SIDE A 001 CHAIR KERANS opens the hearing at 3:16 p.m. SB 840
- VDT SAFETY - PUBLIC HEARING

WITNESSES: MADELYN ELDER, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 7901
DIANE ROSENBAUM, OREGON STATE INDUSTRIAL UNION COUNCIL CAROL
RAYMOND, U.S. WEST COMMUNICATIONS, INJURY WORKER THERESA SMITH,
COMMUNICATIONS WORKERS OF AMERICA, LOCAL 7901 HELEN BAMFORD,
REPRESENTATIVE, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 7901 JO PAZ,
COMMUNICATIONS WORKERS OF AMERICA, LOCAL 7901 MARI ANNE GEST, OREGON
SCHOOL EMPLOYEES ASSOCIATION PAT McCORMICK, TEKTRONIX/OREGON COUNCIL OF
THE AMERICAN ELECTRONICS ASSOCIATION (EXHIBIT C) BETH BRIDGES, CITY OF
EUGENE DAVID SPARKS, DEPUTY ADMINISTRATOR, OR-OSHA KATE BROWN, WOMEN'S
RIGHTS COALITION

April 3, 1991 - Page 2 R.C.A. MOORE, OREGON WORKERS' COMPENSATION
ATTORNEYS/OREGON TRIAL LAWYERS ASSOCIATION LINDA LOVE, OREGON WORKERS'
COMPENSATION ATTORNEYS/OREGON TRIAL LAWYERS ASSOCIATION MARK VEGH,
GOVERNMENTAL REPRESENTATIVE, OREGON TIMBER COUNCIL MICHAEL ALEXANDER,
OPEU MARIA KELTNER, ASSOCIATION OF OREGON COUNTIES/LEAGUE OF OREGON
CITIES 005 DAVID SPARKS, DEPUTY ADMINISTRATOR, OR-OSHA (EXHIBIT A) >
There are currently two major programs in OR-OSHA: · Enforcement ·
Consultation > There are 4 consultants devoted to ergonomic issues in
OR-OSHA. There will be a 5th person in about 3 weeks. > They utilize two
compliance officers to enforce ergonomics in the work place, both
industrial and office environments. > OSHA also responds to employee
complaints. > Neither OR-OSHA nor federal OSHA have rules related
directly to cumulative trauma, repetitive motion, sprains and strains
types of injuries. If OR-OSHA finds evidence of these types of injuries,
they issue citations under a general duty clause, because they do not
have any rules specific to ergonomics. > If they discover two or more
employees in a work place with soft tissue injury, there may be a trend,
and the burden is incumbent on the employer to look into those types of
issues and see what needs to be done to prevent recurrence. 060
ANNETTE TALBOTT, COMMITTEE COUNSEL: > Have you ever used the general
duty clause here in Oregon in relation to VDT's or ergonomics?

SPARKS: We have invoked the general duty in industrial environments
relative to ergonomics, but nothing comes to mind regarding VDT's
specifically.

071 DIANE ROSENBAUM, OREGON STATE INDUSTRIAL UNION COUNCIL > Testifies
in support of SB 840

106 MADELYN ELDER, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 7901
(EXHIBIT B) > Details Exhibit B. > Testifies in support of SB 840. >
Melbourne, Australia has reorganized all of its state workers so that
none of them will work at a computer more than 2 hours a day. They

believe they will save a lot of money by doing this, even though they are in a recession. 212 CAROL RAYMOND, INJURED WORKER > Testifies in support of SB 840. > Injured on the job due to excessive work with computers.

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> At U.S. West, if an employee is injured, they can be fired after a given period of time. > No longer able to work on computers, so in order to stay at U.S. West, she had to take a different position with a \$7,000 a year pay cut. > Scandinavian countries do not allow employees to work for longer than four hours on a computer, and the computers turn off once an hour for 5-10 minutes during which employees walk around to get the circulation going. They work two hours on the computer, then they have to do something else for two hours. > Simple things which people can do to improve work stations which do not have to be expensive. > There is no known cure for these disorders until it is too late. And, a lot of physicians are not well informed about these injuries and can give bad advice.

TAPE 52, SIDE A

020 THERESA SMITH, COMMUNICATIONS WORKERS OF AMERICA > Testifies in support of SB 840. > Injured on the job due to excessive work with computers. > Stationary aspect of working with VDT's is the part which causes the danger of repetitive motion syndrome. 106 HELEN BAMFORD, REPRESENTATIVE, COMMUNICATIONS WORKERS OF AMERICA, LOCAL 790 1 > Testifies in support of SB 840. > 10% - 25% of the billing representatives work force at U.S. West is out on some sort of RMS related injury at any one time in an office in Portland. > This syndrome is predicted to be the number one disability of the 1990's. > There have not been many changes in the business office at U.S. West, although some changes have been brought about in the operator services area. > The company does not replace workers who are out on disability. The workers who are left are expected to pick up the slack for the absent workers and meet the same quotas. > Claimants are harassed while on leave by managers who are unaware of workers' compensation laws. This adds to their stress and their injuries. > CWA was given an OSHA grant which allowed them to get information and education to their workers and members.

184 JO PAZ, COMMUNICATIONS WORKERS OF AMERICA > Testifies in support of SB 840. > She is permanently disabled due to carpal tunnel and tendinitis after working on a computer. > Production at U.S. West has increased 50% in the last two years. > When people in the office request wrist supports, they are required to submit a workers' compensation claim, go to the doctor, and then the wrist support will be provided. They are not allowed to have one without a doctor's excuse. 230 CHAIR KERANS: Has anyone ever gotten that as a written response or was that just verbal?

PAZ: > They have been told verbally, and I've gone to the second line and been told the same thing.

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proceedings, please refer to the tapes.

300 BAMFORD: - > If a worker does not file a workers' compensation claim, their work stations are not improved. > The company's attitude is that if they cannot see something physically wrong with a worker, or if the worker doesn't file a claim, the worker will not get the equipment of education necessary to prevent future injuries.
312 MARI ANNE GEST, OREGON SCHOOL EMPLOYEES ASSOCIATION (EXHIBIT C) > Details Exhibit C. > Testifies in support of SB 840.

426 PAT McCORMICK, TEKTRONIX/OREGON COUNCIL OF THE AMERICAN ELECTRONICS ASSOCIATION (EXHIBIT D) > Details Exhibit D. > Testifies in opposition to SB 840.

TAPE 51, SIDE B

001 McCORMICK, CONTINUED > Continues to detail Exhibit D.
071 CHAIR KERANS: You are not only opposed to statutory mandates, but you are also resist administrative rules. McCORMICK: That is what the testimony indicates. CHAIR KERANS: You ask state government to stand mute on the issue, is that correct? McCORMICK: I think we are referring to administrative rules that are trying to set the same design standards for equipment that are contemplated in statute. The approach the Department has taken within its regulatory powers that exist currently I think is appropriate. I think if problems occur or if situations develop in specific work places where under existing law they need to take action, we think that action is appropriate to take to make certain that workers have safe working environments in which to operate, no matter what kind of equipment they are operating with. CHAIR KERANS: Does the fact that 200 pieces of legislation been introduced in more than 30 states, and that only one which was later on declared unconstitutional, does that speak less to the value of the legislation or more to the power of those who oppose the legislation? McCORMICK: You're kind to suggest that it would be a reflection of those who are opposing it that was able to cause that kind of consistency in how these pieces of legislation have been treated. I think it's fair to say that in most cases, while the idea of mandating through statute has been rejected, or through ordinance has been rejected, that in those jurisdictions there has been action taken, both relating to their own work places and to the work places within their communities, but in the environment of normal standards for safety and health in the work place. CHAIR KERANS: You're asking us to continue with a laissez faire approach we have now letting state government through either statute or administrative rule address this issue at this -

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. time?

McCORMICK: We're saying that the legislation isn't essential at this time, in fact isn't needed at all. Because, in fact, there has been significant progress. The kinds of changes that have occurred, both within the resources of state government to respond to work place concerns in this area, in terms of changes in design of equipment that's available in the work place, and the number of work places that are in compliance with the general standards that are outlined in the

legislation - I think there's been a significant amount of progress made. We believe at this point that progress should continue, that there's no point to try to step in now to try to deal with it through some mandated legislation.

146 BETH BRIDGES, CITY OF EUGENE (EXHIBIT E) Details Exhibit E. > Testifies in support of SB 840. . . . 192 KARL FREDERICK, ASSOCIATED OREGON INDUSTRIES (EXHIBIT F, > Testifies in opposition to SB 840.

CHAIR KERANS; Is it your position that if OR-OSHA was of the opinion that under 654.010 they were to publish enforceable rules and standards for employers that were like these in SB 840 that that would be acceptable?

FREDERICK: They could do that. There are certain portions of this bill that we don't agree with, however.

225 R.C.A. MOORE, OREGON TRIAL LAWYERS ASSOCIATION/OREGON WORKERS' COMPENSATION ATTORNEYS > Goes on the record in support of SB 840.

LINDA LOVE, OREGON WORKERS' COMPENSATION ATTORNEYS/OREGON TRIAL LAWYERS ASSOCIATION > Testifies in support of SB 840. > Voluntary standards are not working. She has had to intercede for clients whose employers are not cooperative in terms of changing work stations ergonomically. > This is cost-effective legislation because of the education element, and because the cost of workers' compensation claims has escalated so greatly in the last few years. > In 1990, of the 39,000+ injuries in Oregon, 2.8% were carpal tunnel, and 2.9% were inflammation of joints and tendons. Almost 9% of all claims are occupational disease claims, and 67% of all occupational disease claims involve carpal tunnel and inflammation of joints and tendons. 402 SENATOR SHOEMAKER: I have been looking through the ORS to see what authority OROSHA has enforce rules that would be like this bill, and it looks like they do have this power. Why do we need legislation if we can do this administratively?

MOORE: We would be happy to ask that question of Jack Pompei, but we think it would have more impact if you asked him. 4'; These minutes contain materials which paraphrase and/or summarize r.tatementr, made during this rer,sion. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the taper. - Senate Comloittee oa Labor April 3, 1991 Page 6

TAPE 52, SIDE B

001 SENATOR HILL: Is there any evidence to show that employers have responded to the information and have expanded their investment? Are there more employers being responsible and investing in the technology to prevent costs down stream because it makes sense? LOVE: I'm sure that there are some employers who are doing so. In my practice, I'm not seeing workers come in to see me to tell me about what a good job their employers are doing. SENATOR HILL: Have you seen a decrease in these types of claims? LOVE: I don't really have information on that. My experience is just who comes into my office and I'm still seeing people with these types of claims. That's all I can really say. CHAIR KERANS: The Bureau of Labor has seen a doubling of cases nationally. 059KATE BROWN, WOMEN'S RIGHTS COALITION > Testifies in support of SB 840. 069 MARIA KELTNER, ASSOCIATION OF OREGON COUNTIES/LEAGUE OF OREGON CITIES > Testifies in opposition to SB 840. 088 MICHAEL ALEXANDER, OPEU > Testifies in support of SB 840. 174 MARK VEGH, GOVERNMENTAL

ACTION COORDINATOR, TIMBER OPERATORS COUNCIL (EXHIBIT G) > Details Exhibit G. > Testifies in opposition to SB 840. 251 CAROL RAYMOND, U.S. WEST COMMUNICATIONS, INJURED WORKER (EXHIBIT H) > Introduces for the record a copy of the Risk Management Report which was issued by U.S. West Communications in 1990. (Exhibit H I > In 1990 1,562 occupational injuries and illnesses were reported. > The cost of these injuries and illnesses to U.S. West Communications an estimated \$13 million in 1990. 287 SENATOR HILL: I would like for OSHA to come in with the statistics of incidents and claims awarded or denied, so that we can see the trend over time - let's say since 198 3. 281The meeting was adjourned at 5:00 p.m.

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Submitted by: Reviewed by:

Roberta White Annette Talbott Assistant Committee Counsel

EXHIBIT LOG:

A - "Health and Safety Guidelines for Video Display Terminals in the Workplace" - Information for SB 840 - OR-OSHA - 23 pages B - Testimony on SB 840 - Madelyn Elder - 20 pages C - Testimony on SB 840 - Mari Anne Gest - 4 pages D - Testimony on SB 840 - Pat McCormick - 6 pages E - Testimony on SB 840 - Beth Bridges - 1 page F - Testimony on SB 840 - Karl Frederick - 1 page - G - Testimony on SB 840 - Mark Vegh - 1 page H - "Repetitive Motion & Static Postures - Madelyn Elder, Oregon Communications Workers of America - 92 pages I - Letter on SB 840 - Submitted by Irv Fletcher, AFL-CIO - 1 page J - Letter on SB 840 - Submitted by the Executive Department, State of Oregon - 1 page K - "Video Display Terming Worker Safety Ordinance Fact Sheet" - Nancy G. Walker, City and County of San Francisco - 3 pages L - "VDT's and Vision - Workforce Problems for the '90s" - Staff - 5 pages M - Fiscal Analysis of SB 840 - Legislative Fiscal Office - 1 page N - Preliminary Staff Measure Summary on SB 840 - Staff - 1 page O - "Repetitive Motion and Static Postures, Understanding Workplace Assessments and Injury Prevention" - Madelyn Elder - 89 pages - These minutes contain materials which paraphrase and/or summarize statements made during this session. Only text enclosed in quotation marks report a speaker's exact words. For complete contents of the proceedings, please refer to the tapes.