

February 8, 2019

Amanda Edens
Director
Directorate of Technical Support and Emergency Management
Occupational Safety and Health Administration
US Department of Labor
200 Constitution Avenue, NW
Washington, DC 20210

Dear Director Edens:

The American Physical Therapy Association (APTA), an organization that represents more than 100,000 member physical therapists, physical therapist assistants, and students of physical therapy, respectfully requests the US Department of Labor Occupational Safety and Health Administration (OSHA) issue a letter of interpretation clarifying there are a multitude of soft tissue massage techniques administered by health care professionals, including physical therapists, that are similar to Active Release Techniques (ART) and which OSHA considers first aid, as defined under 29 CFR §1904.7(b)(5)(ii). Written guidance specifying that soft tissue management (massage) is considered first aid for purposes of OSHA recordkeeping, regardless of whether or not it is performed by individuals with ART certification, will help to better inform employers, providers, and the general public on the types of first aid interventions available to employees that are not recordable, increasing employee access to interventions in the work environment designed to improve the overall function and health of individuals.

We recognize that if soft tissue massage is administered to employees and those employees do not exhibit signs or symptoms of an abnormal condition related to work, there is no case to record. Additionally, if an employee has an injury or illness that is not work-related (e.g., the employee is experiencing muscle pain from home improvement work) the administration of the soft tissue massage technique does not render that case recordable. Furthermore, a case would not be recorded under section 1904.7(b)(4) if (1) the employee experiences minor musculoskeletal discomfort, and (2) a health care professional (i.e., a licensed physical therapist) determines that the employee is fully able to perform all of his or her routine job functions, and (3) the employer assigns a work restriction to that employee for the purpose of preventing a more serious condition from

developing. If a case is or becomes recordable under any other general recording criteria contained in section 1904.7, such as medical treatment beyond first aid, a case involving minor musculoskeletal discomfort would be recordable. Confirmation of our understanding of the above provisions would be greatly appreciated.

Thank you for your consideration of this request. APTA is eager to serve as a valued partner of OSHA as it carries out its mission to assure as far possible every working man and woman in the nation safe and healthful working conditions. If you have any questions, please feel free to contact Kara Gainer, APTA Director of Regulatory Affairs at karagainer@apta.org or 703/706-8547. Thank you for your consideration.

Sincerely,

A handwritten signature in black ink that reads "Sharon L. Dunn". The signature is written in a cursive, flowing style.

Sharon L. Dunn, PT, PhD
Board-Certified Clinical Specialist in Orthopaedic Physical Therapy
President