



OFFICE OF ADVOCACY FACTSHEET

409 3rd Street, SW • MC 3114 • Washington, DC 20416 • 202/205-6533 ph. • 202/205-6928 fax • www.sba.gov/advo

Department of Justice Considering New Americans with Disabilities Act Rule that May Affect Small Manufacturers

Advocacy has prepared summary materials to inform small manufacturers about how new Americans with Disabilities Act (ADA) accessibility requirements could apply to them. On September 30, 2004, the Department of Justice (DOJ) published an advance notice of proposed rulemaking asking the public to comment on how it should apply new handicapped accessibility requirements to existing facilities open to the public or even those only made available to employees. DOJ is considering adopting standards recently passed by another Federal agency, the Access Board, and is turning to manufacturers and others to hear about how these new ADA rules could affect them. Below are a few of the issues raised in the rulemaking as they pertain to manufacturers and office-based employers. Advocacy seeks your help in determining how these and other provisions not included here could affect manufacturing companies.

Contact Assistant Chief Counsel Michael See for more information and information on how to submit comments to DOJ and to Advocacy at Michael.See@sba.gov or (202) 619-0312.

- Title I of the ADA currently exempts very small employers from some employee accommodation requirements. The new proposed rules fall within a different section of the ADA and would apply to *every* business, regardless of size.
- One provision of the new standards may require *employee only* areas to be wheelchair accessible. This provision may apply whether the employer has ever had an employee in a wheelchair or is likely to in the future, and would apply to areas that are closed to the general public. For example, a small manufacturer may be required to make changes to a shop floor to make it accessible to wheelchairs, including: eliminating any steps, reducing the grades of floor slopes, widening paths of access between machines, and widening doors to accommodate wheelchairs. These wheelchair accessibility provisions would apply to manufacturing plants and office buildings, alike.
- Areas open to the public, such as showrooms and sales areas, could trigger new responsibilities as well. Included within the more than 300 pages of new ADA rules that DOJ is considering are changes to the number of wheelchair accessible public entrances that are required, the heights at which items may be placed from the floor, and the size and shape of display counters.

There are many more requirements in the new standards DOJ is considering. Advocacy will be submitting detailed comments to DOJ on the effects the new ADA standards could have on small business, and seeks specific, detailed information from small manufacturers on how the new rule could affect them individually. **Comments are due to DOJ by May 31, 2005.**