

SIGNATURE PROJECTS

[MNOSHA Adapts, Responds as COVID-19 Pandemic Response Winds Down](#)

During the COVID-19 pandemic, Minnesota OSHA (MNOSHA) continued to respond effectively to the needs of Minnesota stakeholders and the Minnesota Department of Labor and Industry. With the U.S. Centers for Disease Control and Prevention dropping quarantine and distancing recommendations, MNOSHA is now switching gears as the COVID-19 response winds down.

During the COVID-19 pandemic, MNOSHA had a significant increase in email and phone inquiries, which required MNOSHA to dedicate additional staff members to provide timely responses. From March 1, 2020, to April 29, 2022, MNOSHA received more than 30,000 email and phone inquiries, which included 3,000 non-formal and 598 (192 COVID-19) formal complaints.

During the pandemic response, MNOSHA:

- Conducted 2,623 inspections (251 related to COVID-19) and issued 3,756 citations (189 citations issued on inspections with a COVID-19 component, of those, 58 were general duty citations);
- Fielded more than 800 intakes by its Discrimination team, resulting in more than 180 cases being pursued, with at least 126 cases having a COVID-19 component; and
- Received numerous data practice requests, resulting in more than 2,100 files being requested.

HIRING AND TRAINING

The COVID-19 pandemic created new and unique challenges, not only for investigators and hygienists, but the entire division. In addition, the division experienced the loss of multiple long-time investigators and hygienists to retirement, in-house promotions and transfers to other agencies.

MNOSHA is committed to maintaining a strong, well-trained workforce. Hiring and training new safety investigators and industrial hygienists has increased during the past two years.

MNOSHA continues to focus on securing knowledgeable and well-trained staff members to ensure all employees in Minnesota have a safe and healthy place to work.

New investigators come with a wide variety of safety and health backgrounds and experiences. After being hired, investigators are sent through MNOSHA's extensive training curriculum, with classroom instruction, federal and state standards review and investigative observation and participation. In addition, newly hired employees attend a variety of in-depth courses through the federal OSHA Training Institute (OTI). As new investigators progress, they are partnered with seasoned, knowledgeable staff members and mentored throughout a months-long training period, being followed closely by trainers and supervisors. Investigators also attend continuing education courses throughout their career with MNOSHA.

During FFY22, MNOSHA focused on increasing its field staff, hiring 11 new staff members. MNOSHA had one additional temporary position within the discrimination team for two years and the team's investigative staff has now increased from three to five investigators to handle the increase of cases received during the pandemic. MNOSHA also filled a supervisor position to oversee the industrial hygienist staff members and now has all the industrial hygienists on one team.

MNOSHA Compliance has had employees who have retired or who have taken positions within MNOSHA Workplace Safety Consultation, including two supervisors, three safety staff members and one analyst.

MNOSHA continues to invest in the training of its field staff. To streamline hiring, training and mentoring, at the end of FFY22, MNOSHA:

- Returned to having all new investigative staff members report to the training director.
- Maintained continual postings to attract potential new hires.
- Is hiring consistently without delays.

Taking these steps allowed MNOSHA to make job offers quickly, avoiding potential hires from possibly taking other positions before receiving a MNOSHA job offer. Additionally, MNOSHA's training team hires the new investigative staff members and helps ensure field mentoring is done by knowledgeable MNOSHA staff members who have been trained to follow established policies and procedures to identify hazards and document reports that establish violations.

The training director continued to use OTI for investigative staff members, which began in-person training at the end of FFY22. During this time, MNOSHA was able to get on-site, state-specific training for its investigators and was able to get staff members enrolled in courses for FFY23. MNOSHA was able to send 46 staff members to 13 different OTI classes both in person and virtually. MNOSHA continues to have best-in-class training in the classroom and in field.

SAFETY GRANTS

The Minnesota Department of Labor and Industry's MNOSHA Workplace Safety Consultation (WSC) administers the state's Safety Grant Program, which provides reimbursement funding grants of up to \$10,000 to employers incorporating hazard controls designed to reduce workplace injuries and illnesses while enhancing workplace safety and health. This entirely state-funded grant program operates on Minnesota's FY (July through June) and is broken into six, two-month cycles when MNOSHA WSC fields and evaluates grant applications.

As part of the application process, grantees must provide detailed information about their project, including a hazard assessment identifying specific hazards to be addressed, as well as information about how employee safety and health will be impacted in the workplace when the project is complete. Grant applications are ranked and scored individually, with priority consideration being given to industries identified by MNOSHA with significant hazard exposures, including respirable silica protection in construction and manufacturing; cave-in protection associated with excavation and trenching; equipment with rollover protective structures in farming; hazards associated with grain-handling facilities; and fall prevention in residential construction and window washing.

In state FY22, MNOSHA WSC received 261 safety grant applications, totaling more than \$2 million in requested funds, and was able to award more than \$1.2 million in safety grants. The overall total project costs for all safety grant applications submitted exceeded \$6.2 million. Awarded

safety grant projects included: fall protection equipment; trench boxes; boom-supported aerial lifts; fixed industrial ladder cages; exhaust ventilation systems; ergonomic material-lifting equipment; personal protective equipment (including respiratory protection); patient-lifting equipment; and hazardous-atmosphere detection equipment.

When considering potential future impacts of the Safety Grant Program, MNOSHA WSC expects to continue endorsing impactful projects to bolster workplace safety and health for employees throughout Minnesota across a wide array of industries with both distinct and complex hazards.

EMPHASIS PROGRAMS

In FFY22, MNOSHA Compliance conducted inspections under 17 local and national emphasis programs. 99% of the 834 programmed inspections MNOSHA Compliance conducted were in these emphasis programs.

MNOSHA developed a new emphasis program in FFY22 to help reduce fatalities, injuries and illnesses in agricultural operations. The agricultural North American Industry Classification System (NAICS) industries to be focused on were selected based on the highest incidence of indemnity claims in Minnesota – 112210 Hog and Pig Farming and 112120 Dairy Cattle and Milk Production. MNOSHA's goal for four inspections under this new emphasis was achieved, with a total of 10 inspections being conducted in the applicable NAICS industries.

Despite the challenges of the pandemic, MNOSHA Compliance conducted 13 programmed planned inspections in the meat processing and health care industries, and a total of 28 inspections, including unprogrammed activity, mainly due to COVID-19 concerns.

ENFORCEMENT

General Automotive Repair #318172715

An employee was changing a differential from a commercial truck by himself with the use of two jack stands and a wheeled, platform-type transmission jack. As the employee was lowering the differential down from the truck to place it on the jack stands, the equipment shifted and fell off the lift jack, crushing his hand between a jack stand and the falling differential. MNOSHA Compliance cited the employer three jack citations: use of a jack that was not rated sufficiently to sustain the load; portable jack was not blocked, cribbed or otherwise secured; and portable jacks were not inspected. MNOSHA Compliance issued three serious citations, with \$14,700 in penalties.

Unlaminated Plastics Profile Shape Manufacturing #318166220

An employee was injured when she loaded a roll of plastic into an unguarded extruding machine and her arm was pulled into the roller of the moving sheet of plastic, breaking her forearm. MNOSHA Compliance cited the employer for inadequate guarding of the extruding machine and the Minnesota Rule that requires the machine to have controls that allow the operator to cut the power to the extruding machine, without leaving the point of operation that the operator is positioned at. MNOSHA Compliance issued two Repeat citations with \$56,000 in penalties.

Water and Sewer Line and Related Structures Construction #318177920

An employer was installing a new sanitary line and connecting it to a previously installed line; an inspection was conducted under the National Emphasis on Trenching and Excavation.

MNOSHA Compliance cited the employer for not providing an adequate protective system and having a spoil pile and equipment within two feet of the edge of the excavation. MNOSHA Compliance issued one repeat citation and one serious citation, with \$12,000 in penalties.

Framing Contractors #318176484

An employee died while setting trusses when he fell from an elevated platform lifted by a Sky Track 8042 rough-terrain forklift. MNOSHA Compliance cited the employer for: the Minnesota general duty statute for inadequate work platform; Minnesota Statute for having no A Workplace Accident and Injury Reduction (AWAIR) program, no powered industrial truck training and not conducting fall protection training; and the Minnesota Rule for not using fall protection while in an elevated work platform supported by a rough-terrain forklift. MNOSHA Compliance issued five serious citations, with \$51,925 in penalties.

COVID-19 Work Continues

- MNOSHA issued four citations at a resort in northern Minnesota, which included cabins, a bar and a restaurant, from a September 2020 inspection. The citations were for:
 - Failing to take COVID-19-related precautions, under Minnesota's general duty clause.
 - Failing to establish AWAIR program, as required by Minnesota law.
 - Failing to develop a hazard communication program, as required by 29 C.F.R. 1910.1200(e)(1).
 - Failing to train on hazard communication, as required by 29 C.F.R. 1910.1200(h)(1).

The matter was resolved in July 2022, with the bar and restaurant installing new ductwork, a new furnace and a new make-up air system.

- MNOSHA issued several citations for a meatpacking company within the state that has numerous facilities, including:
 - Four citations for violation of Minnesota's general duty clause for permitting employees to work within six feet of each other, in four different areas of the worksite, thereby potentially exposing employees to COVID-19.

- o Four citations under Minnesota's general duty clause for failing to ensure employees were not working within six feet of each other, in four different areas of the workplace, thereby potentially exposing employees to COVID-19, and one serious citation for failing to implement a respiratory protection program, under 29 C.F.R. 1910.134(a)(2).
- o One citation under Minnesota's general duty clause for failing to ensure adequate precautions were taken in a loading dock area and production areas to prevent the risk of COVID-19 transmission to employees.

- o One citation under Minnesota's general duty clause for failing to ensure employees were not working within six feet of each other in the first-line area with adequate precautions, thereby increasing the risk of transmission of COVID-19.

MNOSHA reached settlement agreements in each of the four cases above. The result was a global settlement agreement, incorporating all four cases, and resulting in one citation for failing to implement a respiratory protection program, with a penalty of \$45,000. The employer also agreed to enhanced abatement measures, requiring the employer to develop and implement an infectious disease preparedness plan.



OUTREACH

Presentations

In FFY22, MNOSHA Compliance conducted 55 presentations to 3,618 participants. Some of the outreach presentations continued to deal with COVID-19; a lot of the discussion was about preparedness plans and continuing to protect workers from COVID-19. MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs investigators who are fluent in English, Somali and Spanish. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with DLI’s community services representative.

Construction Seminars

MNOSHA Compliance conducted five construction seminars in FFY22, reaching 231 participants. The Construction Seminar series was developed to help members of the construction industry who are responsible for worksite safety to stay current with MNOSHA Compliance standards. The Construction Seminar series provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA Compliance investigators. These seminars were mostly done virtually. Topics included: lockout/tagout; contractors’ role and responsibilities; the “new” ANSI standard for mobile elevated work platforms; the ABCs of fall protection; mental health safety; and new hires and what to do with them.

Newsletter

MNOSHA continues to publish its quarterly newsletter Safety Lines. Topics included: grain-bin hazards, safety grants, MNOSHA Workplace Safety Consultation outreach, recordkeeping, partnerships, rulemaking updates, carbon-monoxide threats during the winter months, COVID-19 updates and information, health for young workers and other information.

PARTNERSHIPS

Minnesota STAR (MNSTAR) Program

FFY22 ended with 33 active full MNSTAR Program worksites; one is a construction participant, and the remainder are general-industry participants. Eight companies successfully achieved full recertification as MNSTAR Program worksites. One site withdrew from the MNSTAR Program.

General-industry participants in the MNSTAR Program have a three-year (2019 through 2021) average rate that is 63% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 69% below the current rate for “days away restricted transfer.” The MNSTAR Program construction participant, which is a resident contractor at a MNSTAR Program participant’s site, is 100% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 100% below the current rate for “days away restricted transfer.”



Partnerships with Construction Contractors

MNOSHA Compliance's construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota are designed to help reduce the number of injuries, illnesses and fatalities at participating construction-industry employers.

In both programs, the partnership is managed by the association and has three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA's Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In FFY22, MNOSHA partnered with 47 AGC and 26 MN ABC contractors at 22 Level 3 construction sites. The MNOSHA Compliance partnership director also continues to have quarterly meetings with Level 3 contractors, focused on accident reduction. At these meetings, contractors share best practices with each other.