

Safety Lines

2010: Minnesota OSHA's year in review

Compiled by Shelly Techar, MNOSHA Management Analyst, and Kelly Taylor, MNOSHA Program Analyst

Performance review highlights

Each year, Minnesota OSHA (MNOSHA) conducts a review of its projected performance as defined in its performance plan, which is generated prior to the start of the federal fiscal year, Oct. 1.

In federal fiscal year 2010, Minnesota OSHA:

- visited 2,691 establishments and identified 5,534 hazards;
- generated safety inspection results within 22 days, on average;
- generated health inspection results within 33 days, on average;
- resolved contested cases within 128 days, on average; and
- conducted 84 outreach presentations, with an audience average of 39 people.

For more information about Minnesota OSHA's performance, the MNOSHA annual report is posted online during the first quarter of each calendar year at www.dli.mn.gov/OSHA/Reports.asp.

MNOSHA program funding, services provided

By Diane Amell, Training Officer

Minnesota OSHA (MNOSHA) operates under the leadership of the Minnesota Department of Labor and Industry, represented by the assistant commissioner of the Safety and Workers's Compensation Division, and the federal Occupational Safety and Health Administration (OSHA).

The division is funded by a federal matching grant, with the state of Minnesota's matching contribution coming from the state's Special Compensation Fund. None of the state's general fund dollars are used to support either MNOSHA compliance or consultation programs. MNOSHA penalty money is deposited in the Assigned Risk Safety Account and funds MNOSHA's Safety Grants Program, which awards qualifying employers up to \$10,000 for projects designed to reduce the risk of injury and illness to their workers.



Services provided by MNOSHA include compliance-sponsored activities and programs, such as compliance inspections, Minnesota STAR (MNSTAR), strategic partnerships, safe patient-handling and logger education. The funds are also used for consultation programs, including onsite consultations, Minnesota Safety and Health Achievement Program (MNSHARP) and structured alliances.

Telephone and e-mail assistance for employers and employees is also provided, as are written and online reference materials, including *Safety Lines*.

Ken Peterson to lead DLI



Governor Mark Dayton has appointed Ken Peterson (above right) as the commissioner of the Department of Labor and Industry, a position Peterson also had from 1988 to 1990.

"I have known, worked with and respected Ken Peterson for almost 30 years," Dayton said. "He is one of the most dedicated and effective public servants I have ever known. He brings exceptional experience and expertise back to the agency he has led before."

Learn more about Peterson online at www.dli.mn.gov/kenpeterson.asp.

Nominations for DLI safety award recipient due March 30



Arthur E. McCauley Jr.

The Minnesota Department of Labor and Industry (DLI) seeks to honor a safety or health professional who is an example of safety excellence, with the annual Arthur E. McCauley Jr., Minnesota Occupational Safety and Health Leadership Award.

The award was named for former Minnesota Safety Council member Arthur E. McCauley Jr., whose work as a safety professional encompassed the attributes of this award. McCauley was regarded for his work as a member of the Minnesota Safety Council and the Minnesota Occupational Safety and Health Advisory Council. He was known for his dedication and tireless efforts to improve the safety and health of Minnesota's workplaces.

Complete information and the nomination form are online at www.dli.mn.gov/OSHA/McCauleyAward.asp. Interested parties may also contact Carey DeMaris at (651) 284-5018 or carey.demaris@state.mn.us for details.

Now submit progress reports electronically

The *Mandatory Progress Report*, which employers must complete to verify progress or completion in abating cited hazards, can now be submitted electronically to Minnesota OSHA.

Completed forms and evidence of abatement, such as copies of photos, purchase orders and work orders, can be e-mailed to citation.progress@state.mn.us.

Free construction seminars:

a great way to stay up to date with Minnesota OSHA

Every other month, from September through May, Minnesota OSHA offers a free morning construction seminar, focusing on topics that are of current concern in the industry.

The seminars are a great way to connect with MNOSHA in a friendly, informational setting and to get a chance to discuss important topics with MNOSHA representatives, as well as with others in the industry.

Jan. 18 topic: New federal crane standard discussion

This free seminar, on Tues., Jan. 18, will be an in-depth discussion about the new federal crane standard and what operators will need to do to be in compliance.



The federal standard became effective Nov. 8; OSHA state-plan states, such as Minnesota, must issue standards at least as effective as federal standards within six months. Minnesota OSHA will adopt the new federal crane standard using a required procedure of reviews and comments.

Presented by Doug Swenson, director of safety and education, Truck Crane Service Company, topics will include: compliance and who must comply; certification of operators, accepted authorized certifiers, payment; required testing for operator's certification; conditions, role of the controlling entity; power line safety; fall protection; work area control; tower cranes; and much more.

Visit www.dli.mn.gov/OSHA/ConstructionBreakfast.asp for complete program information, including the remaining dates and topics of the 2010/2011 schedule.

Patient handling requirements update

By Alden Hoffman, OSHA Management Team Director, Health

Last July, this newsletter informed readers that facilities covered under the 2007 Safe Patient Handling statute had until Jan. 1, 2011, to achieve the goal of minimizing manual lifting. The facilities covered in Minnesota Statutes § 182.6551 through 182.6553 include hospitals, outpatient surgical centers and nursing homes.

Two issues have emerged since the July edition was published. The first has been about the use of gait belts. While often used by caregivers to assist during patient transfers, they are not designed for lifting patients and are not considered a “lifting device” by the National Institute for Occupational Safety and Health (NIOSH) nor Minnesota OSHA (MNOSHA).



The second issue has been about a U.S. Department of Labor, Wage and Hour Division, decision in July 2010 to remove a 64-year exemption for youth to operate power-driven lifting devices less than one ton in capacity. This was done following a NIOSH recommendation, one that did not specifically include patient lifting devices. Due to concerns expressed by various stakeholders, the matter is being reviewed again by the federal Wage and Hour Division.

Compliance assistance and a model program are available from MNOSHA Workplace Safety Consultation, online at www.dli.mn.gov/WSC/SPHlegislation.asp.

SOII sauce Interesting findings from the
Survey of Occupational Injuries and Illnesses

'Got a license for that thing?'

Vehicles were reported as the injury source for an estimated 1,280 of the 17,380 private-sector cases with one or more days away from work in 2009. And what was the most frequently reported vehicle involved in work-related injuries? Not trucks (300 cases), but carts, dollies and handtrucks (430 cases). During the 2003 to 2009 period, there were nearly 2,900 days-away-from-work (DAFW) cases involving carts, dollies and handtrucks, an average of 410 cases reported annually.

Here's a quick profile of the DAFW involving carts, dollies and handtrucks from 2003 through 2009.

- Twenty-seven percent of the injured workers were between 45 and 54 years old, followed by 17 percent between 35 and 44 years old.
- Forty-six percent of the workers had been working at their job for more than five years.
- Half of the injuries were sprains and strains, followed by bruises and contusions, with 13 percent of the cases.
- The most commonly injured body parts were the back (31 percent) and feet and toes (11 percent).
- The injuries were most often the result of the worker's overexertion (58 percent), getting caught in the dolly or cart (17 percent), and being struck by the dolly or cart (13 percent).



Recordkeeping 201: Part 10

Recording cases and reporting claims – A tale of two systems

By Brian Zaidman, Policy Development, Research and Statistics

True or false: If an injury or illness is reported as a workers' compensation claim, it must also be entered on the establishment's OSHA log.

The correct answer is “false,” because cases that may be compensable under a jurisdiction's workers' compensation laws may not meet the requirements for becoming an OSHA recordable case (and vice versa). The recordability of work-related injuries and illnesses is determined by the federal government's OSHA recordkeeping requirements (29 CFR 1904), which are not related to any jurisdiction's workers' compensation laws.

The literary and the historic

The two central characters in Dickens' *A Tale of Two Cities*, Charles Darnay and Sidney Carton, look alike, but they are very different people, from different backgrounds and with very different personalities. They look similar enough that one character impersonates the other. A similar situation occurs with OSHA log recording and the reporting of workers' compensation claims. Both systems involve work-related injuries and illnesses, but they come from different backgrounds and use the information for different purposes.

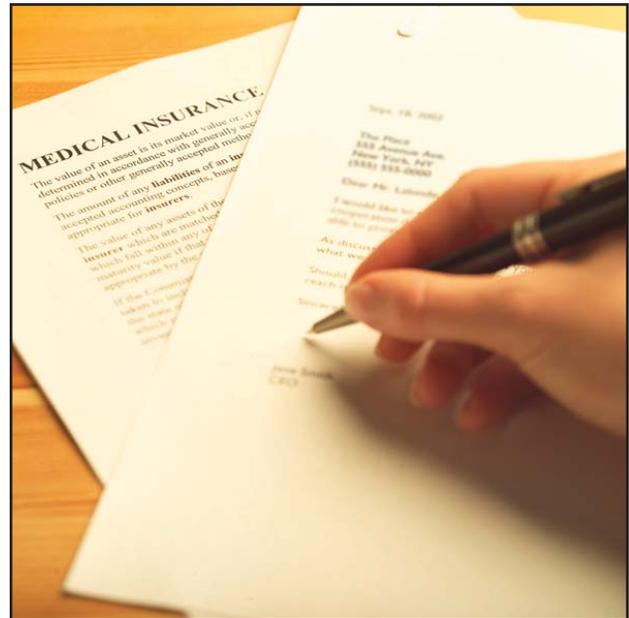
The OSHA recordkeeping system was developed as a nationally standardized system for employers to keep track of the work-related injuries and illnesses for each business establishment. This tracking system provides a tool for employers to monitor the performance of their workplace safety programs and compare their performance to state and national standards. The Bureau of Labor Statistics gathers an annual sample of the OSHA logs to compute national injury and illness estimates, providing statistics for workplace safety researchers and benchmarks for employers. OSHA collects log data annually in selected industries and establishment sizes to help the federal and state OSHA compliance system identify establishments for inspection.

State government workers' compensation systems were developed as administrative systems to provide predictable, equitable and timely benefits to injured workers. These administrative systems required an insurance component to provide the funds to pay for the benefits and match business risks to insurance costs. Each state developed an independent workers' compensation system, and these were in place decades before the Occupational Safety and Health Act became law.

A close reading of the OSHA recordkeeping requirements and workers' compensation laws shows there will be OSHA recordable cases that are not workers' compensation claims and there will be workers' compensation claims that are not OSHA recordable cases.

Cases that shouldn't appear in both systems

While the majority of workplace injuries and illnesses that are reported to one system should also be



reported to the other system, there are some types of injuries and illnesses that do not belong in both systems. Here is a short list of some of the reasons that injuries and illnesses that are reported to one system shouldn't be reported to the other system.



1. Injuries and illnesses that do not result in days away from work, job restriction or transfer, and which are treated with only first aid are not recordable on the OSHA log, with a few exceptions. Even though these cases might have received hundreds of dollars of medical diagnostic testing, which may be compensable as workers' compensation medical benefits, they do not belong as recordable cases on the OSHA log. For a more complete discussion, see [Recordkeeping 201, part 6](#).

2. Work relatedness for OSHA recordability is presumed for all injuries and illnesses that occur in the workplace, where work may be only one of many contributing factors. The recordkeeping requirements provide a set of exceptions. In contrast, workers' compensation systems have much more complex determinations of work-relatedness, which are often shaped by case law. In many jurisdictions, work must be the primary factor or a major contributing factor to the injury or

illness. Even in cases where workers' compensation benefits have been denied by the insurer and where primary liability has never been accepted, the injury or illness may meet the requirements for OSHA log recordability.

3. In some jurisdictions, certain types of injuries and illnesses are defined as noncompensable. For example, many states do not allow compensation for a mental injury that occurs without any physical harm to the worker. These injuries are recordable on OSHA logs if the worker has one or more days away from work, job restriction or transfer, requires medical care beyond first aid or suffers a loss of consciousness.

4. When a worker returns to work following an injury and re-injures that same body part that may not have been fully healed, it is not recordable as a new OSHA recordable case, but it may generate a new workers' compensation claim. See [Recordkeeping 201, Part 8](#), for a more complete discussion.

Another situation for reporting errors occurs with temporary workers and leased employees. If the establishment where they are working controls the employees on a day-to-day basis, even if they are not on the employer's payroll, their injuries and illnesses must be entered on the establishment's log. For workers' compensation purposes, the temporary help agency or employee leasing company often has responsibility for reporting the injury or illness to the workers' compensation insurer. Thus, the same injury or illness case may show up on the OSHA log for one company and become part of the workers' compensation record for a different company.

For help determining whether an injury or illness is recordable, contact the Department of Labor and Industry's Policy Development, Research and Statistics unit at dli.research@state.mn.us or (651) 284-5025.

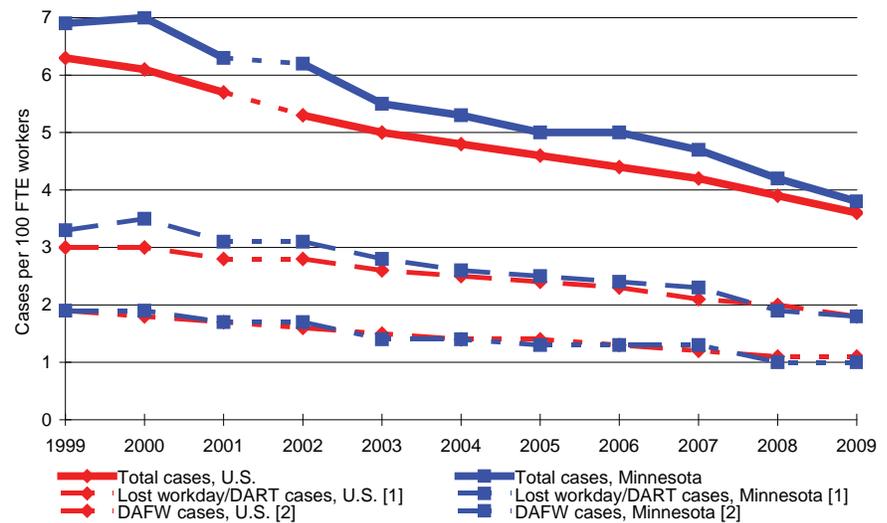
Next installment: *Work-relatedness of injuries and illnesses*

2009 injury and illness survey statistics now available

By Brian Zaidman, Policy Development, Research and Statistics

According to the annual Survey of Occupational Injuries and Illnesses (SOII), an estimated total of 78,100 nonfatal workplace injuries and illnesses were reported in Minnesota's private-industry and public-sector workplaces during 2009, resulting in a rate of 3.8 cases per 100 full-time-equivalent (FTE) workers. These are the lowest numbers and rates since the survey began in 1972. In 2008, there were an estimated 87,900 injury and illness cases, 4.2 cases per 100 FTE workers. The estimated number of recordable injuries and illnesses has decreased by 30 percent since 2003.

Injury and illness case incidence rates for Minnesota and the United States, private sector, 1999-2009

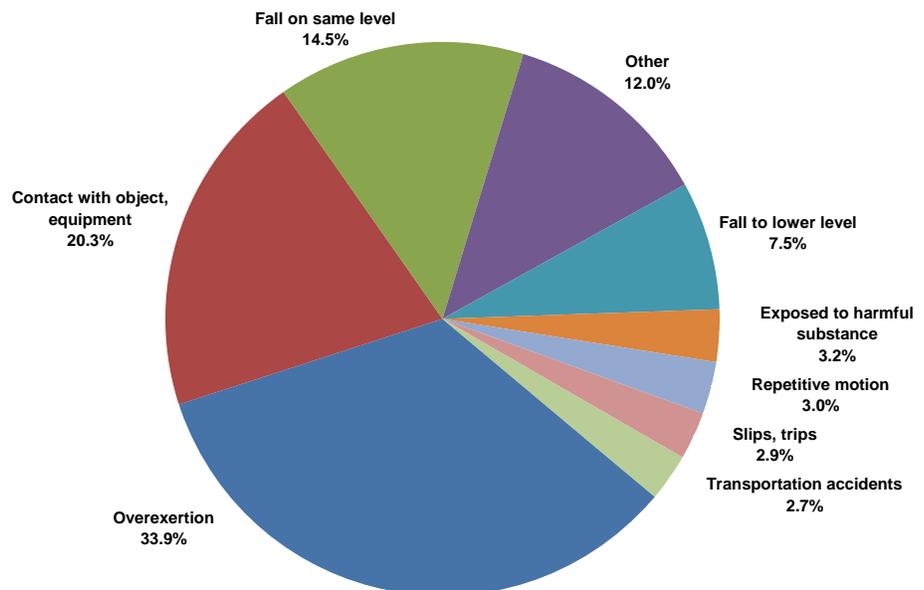


1. Lost-workday cases (1999-2001) and days away from work, job restriction or transfer cases (2002-2009).
2. Days away from work cases.

Nationally, an estimated 4.1 million nonfatal workplace injuries and illnesses were reported in private- and public-industry workplaces during 2009, resulting in a rate of 3.9 cases per 100 FTE workers. This was lower than the 2008 national estimates of 4.6 million cases, or 4.2 cases per 100 FTE workers.

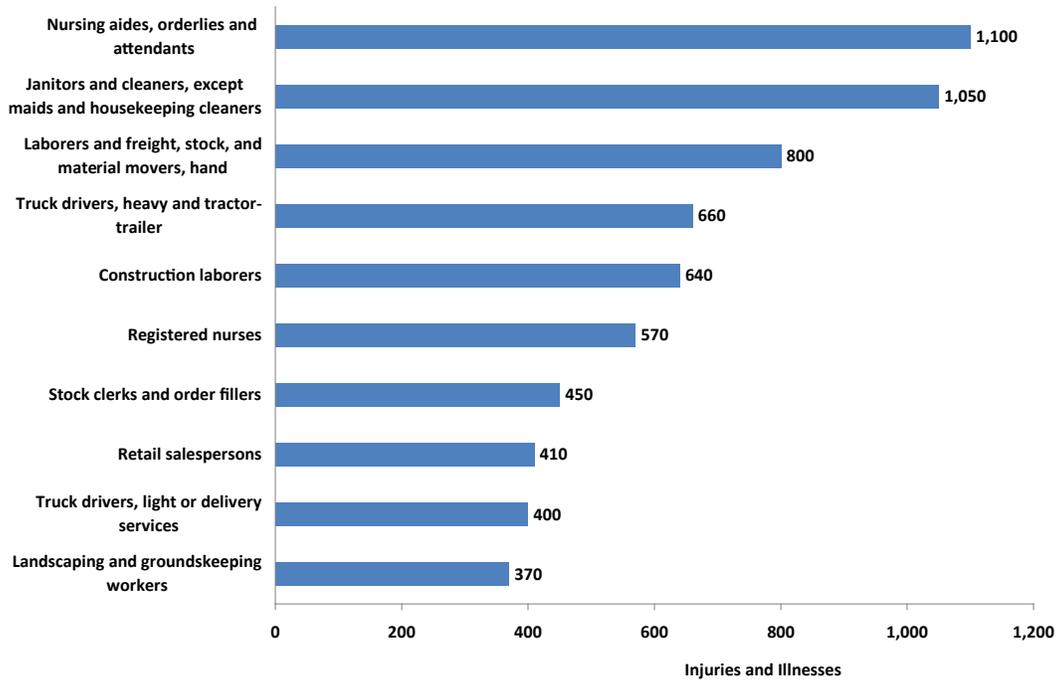
Tables and charts showing Minnesota's estimated incidence rates and numbers of injury and illness cases and the characteristics of cases with one or more days away from work based on the SOII survey are now available on the department's website at www.dli.mn.gov/RS/StatWSH.asp.

Distribution of injuries and illnesses by event or exposure, Minnesota, private industry, 2009

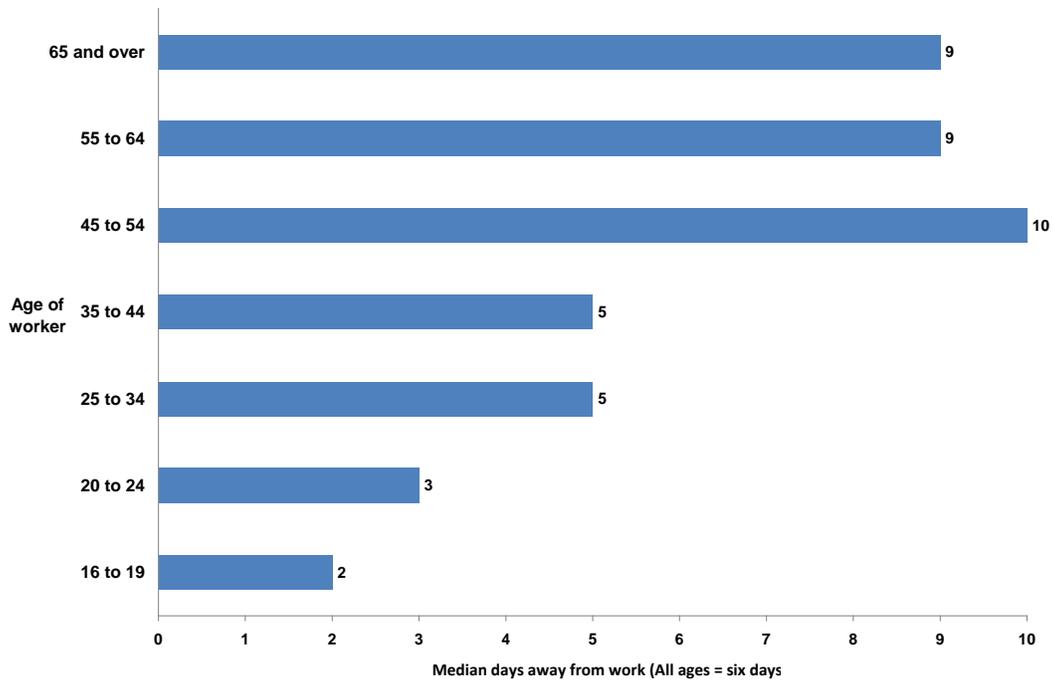


A few of the charts are provided here as examples, showing the private-sector incidence rate trends for Minnesota and the United States, and for private-sector cases with one or more days away from work, the event causing the injury or illness, the occupations with the most cases and the median days away from work by injured worker age group.

**Occupations with the most injuries and illnesses
with days away from work,
Minnesota, private industry, 2009**



**Median days away from work due to injury or illness by age of worker,
Minnesota, private industry, 2009**



osha frequently asked questions answers

As part of its continual effort to improve customer service and provide needed information to employers and employees, Minnesota OSHA (MNOSHA) answers the most frequently asked questions from the previous quarter.

Q Can extension cords be repaired?

A Yes, provided the repairs restore the cord to its approved condition.

Electrical equipment and conductors, including extension cords, must be approved by a nationally recognized testing laboratory, such as Underwriters Laboratories Inc. (UL). If a cord is repaired, it must be able to meet the same performance and safety standards as it did originally. Superficial nicks or abrasions in the outer jacket of the cord that do not expose the conductors or the inner insulation, or changes the flexibility of the cord, do not need to be repaired.

Cords that are No. 12 American Wire Gauge (AWG) or less cannot be repaired and must be disposed of.

Do you have a question for Minnesota OSHA? To get an answer, call (651) 284-5050 or send an e-mail message to osha.compliance@state.mn.us. We may feature your question here.

Updated brochure available: Work comp claim characteristics

The Department of Labor and Industry's (DLI's) Policy Development, Research and Statistics unit has updated its annual Minnesota workers' compensation claims characteristics brochure.

The brochure provides statistics at a glance about injury, illness and fatality claims for 2009, such as the number of claims, nature of injury or disease, occupation of injured workers and other injured worker characteristics. The brochure also provides resources for further workers' compensation statistical information.

The brochure is available on the DLI website at www.dli.mn.gov/RS/ClaimCharac.asp. For more information, contact DLI's Policy Development, Research and Statistics unit by e-mail at dli.research@state.mn.us or by telephone at (651) 284-5025.

