

Safety Lines

Workplace inspections

Minnesota OSHA emphasis programs

By Amy Weisser and Carrie Darmody, MNOSHA Program Analysts

All Minnesota OSHA (MNOSHA) inspection programs are designed to reduce fatalities, injuries and illnesses, but the approaches differ depending on the circumstances and nature of the underlying cause of the problem. Priorities for inspections include reports of imminent danger, fatalities and catastrophic accidents, employee complaints, investigation of discrimination complaints, referrals from other government agencies and targeted areas of concern.

MNOSHA's key areas of inspection emphasis continue to be workplaces with high injury and illness rates as determined by the federal OSHA Data Initiative, workers' compensation information and data obtained from the federal Bureau of Labor Statistics.

MNOSHA also has several emphasis inspection programs that target a particular industry based upon its fatality or injury and illness rates, or that target particular processes or conditions that tend to be hazardous. MNOSHA currently conducts inspections under 11 local emphasis programs, those that are specific to Minnesota, and six national emphasis programs, which are developed by federal OSHA.

For several years, MNOSHA has had emphasis programs for foundries, meat-packing plants and nursing homes, all of which continue to have high rates of injuries and engage

in hazardous processes. The recent passage of the Safe Patient Handling Act legislation is another effort to reduce injuries at nursing homes; this statute now requires nursing homes to have a safe-patient-handling policy and an established safe-patient-handling committee.

Some of MNOSHA's emphasis programs target hazardous chemicals or processes that contribute to employees illnesses. One such example is an emphasis program implemented in October 2011 to target industries with increased risk of hearing loss and respiratory illness or injury. The program focuses on industries that commonly have both noise and respiratory hazards, recognized through MNOSHA inspection history.

In 2006, federal OSHA adopted a rule for hexavalent chromium, a toxic metal to which exposure can result in chronic lung illnesses and skin irritations. The rule requires employers to implement engineering controls to achieve the new permissible exposure limit. MNOSHA initiated a hexavalent chromium emphasis to target industry sectors identified by

federal OSHA that may have more difficulty achieving compliance with the permissible exposure limits.

MNOSHA is required under federal regulations to respond to fatalities that occur in the workplace and are caused by a work-related



activity. In addition, MNOSHA's serious-injury emphasis program addresses workplace events resulting in injuries that typically require medical care or hospitalization, or near-catastrophic events such as a fire or building collapse. Analysis of both fatalities and serious-injury inspections has led to the development of other emphasis programs, including window washing and activity-generated inspections.

The activity-generated inspection (AGI) program targets construction sites that meet certain criteria, such as demolition or renovation work, bridge work and roofing work. AGI program criteria were developed in response to the high number of fatalities and serious injuries on construction sites. Both Minnesota inspection data and Bureau of Labor Statistics injury and illness data reveal such accidents are often caused by employee falls or are the result of equipment or construction material pinning or crushing employees.

In October 2010, MNOSHA developed an emphasis program for window washing due to an increased number of accidents involving window washers. The program allows MNOSHA



investigators to stop and conduct an inspection when window-washing activity is observed. With MNOSHA's recent implementation of the window-washing standard, employers are now required to have a comprehensive written safety plan and provide employee training for window-washing activities.

Although accident trends involving very specific industries are not common, MNOSHA responds quickly to such trends to prevent future injuries to employees. In addition, MNOSHA also conducts meetings with representatives from certain industries to formulate responses to hazardous trends.

MNOSHA continues to create incentives for employers to address safety and health issues through strong, fair and effective enforcement of safety and health regulations. MNOSHA areas of emphasis are analyzed and revised each year based on inspection results and new issues that demand attention.

Learn more about MNOSHA workplace inspections online at www.dli.mn.gov/OSHA/PDF/inspectionbooklet.pdf.

Save the date: 2013 Workers' Compensation Summit

Workers' Compensation Summit moves to metro, one-day schedule set for Sept. 12

The Minnesota Department of Labor and Industry will host its 2013 Workers' Compensation Summit on Thursday, Sept. 12, at the Crowne Plaza Hotel in St. Paul, Minn.

The one-day conference will feature multiple breakout sessions led by experts and stakeholders in workers' compensation and occupational safety and health.

The conference will examine current issues that affect employers, employees, insurers, medical providers, legislators, attorneys and others who comprise Minnesota's workers' compensation system.

Watch for more information soon!

What to do before MNOSHA arrives at the door

By Diane Amell, Training Officer

Minnesota Statutes § 182.659, subd. 1, requires that a Minnesota OSHA (MNOSHA) investigator be permitted to “enter without delay and at reasonable times any place of employment; and to inspect and investigate during regular working hours and at other reasonable times.”

- Make sure the receptionist or security guard at the front door knows whom to call when an investigator arrives.
- Designate a back-up contact in case the main contact person is unavailable. Because MNOSHA investigators arrive unannounced, it sometimes happens that the plant manager or safety director is on vacation, is sick or, because of a downturn in the economy, has recently been laid off.
- If there is a union in the facility, request the shop stewards or business agents to designate someone who will represent the employees during an inspection.
- Be sure to have a copy of the MNOSHA Safety and Health on the Job poster displayed where employee notices are usually posted. Copies are available upon request from MNOSHA; all workplace posters required by the Minnesota Department of Labor and Industry can be printed or ordered at no cost from its website at www.dli.mn.gov/LS/Posters.asp.
- Keep your 300 logs and completed 301/First Report of Injury forms handy. This includes the current year plus the previous five years. You must be able to provide these records within four hours of the investigator’s request. Note: Remember to post your completed 300A Summary of Work-Related Injuries and Illnesses from Feb. 1 through April 30 of the following year. MNOSHA investigators check for the form when they are on-site.
- Know where your written programs are located, such as for Hazard Communication/Employee Right-to-Know (HAZCOM/ERTK), A Workplace Accident and Injury Reduction (AWAIR) and respiratory protection.
- Similarly, know how to find your employees’ training records and certifications. These include records of HAZCOM/ERTK, forklift, and hazardous waste and emergency response (HAZWOPER) training.
- Make sure employees have ready access, either on paper or electronically, to the [material] safety data sheets for the hazardous chemicals with which they work.
- If there has been any employee exposure monitoring performed, make sure those records are available for review. This includes the carbon monoxide monitoring required under Minnesota Rules



5205.0116 when forklifts with internal combustion engines are used in the workplace, and any initial and periodic monitoring required under 29 CFR 1910 subpart Z – Toxic and Hazardous Substances.

- Where a hearing conservation program is required (for example, when employees are exposed to an eight-hour time-weighted average of 85 dB or greater), have each employee’s baseline and most recent audiometric test records available for review.
- Locate your equipment inspection and maintenance records. This includes such things as crane and hoist inspection certifications, forklift tailpipe gas analysis and mechanical power press inspection and maintenance certifications.
- If the use of respirators is required in the workplace, be sure to have available the medical determination and most recent fit test results for each employee using a respirator.
- If employees are required to enter permit-required confined spaces, retain the canceled entry permits from the past year and calibration records for all direct-reading meters during that time period.

For more information about MNOSHA inspections, visit www.dli.mn.gov/OSHA/PDF/inspectionbooklet.pdf.

MNOSHA Workplace Safety Consultation offers free on-site consultation visits for employers looking for help with compliance issues. Priority is given to employers with fewer than 250 employees at a worksite or fewer than 500 corporatewide. For more information or to request a consultation visit, go to www.dli.mn.gov/WSC/Assistance.asp.

Career opportunities with Minnesota OSHA

Minnesota OSHA Compliance investigators conduct on-site field inspections to identify hazards in a variety of industries, such as manufacturing, warehousing and public-sector entities. Investigators also provide their expertise – through training and presentations – to new staff members and to outside stakeholders.

Working as an occupational safety and health investigator can be a very rewarding job. Minnesota’s economy has always had a great variety of industries and its business leaders have often been at the forefront of new technology. Keeping up with new developments is challenging and exciting.

Becoming a Minnesota OSHA Compliance investigator has many advantages:

- internships available with opportunity to complete project degree requirements;
- preparation for CSP or CIH certification;
- continuing education and training;
- 40-hour work weeks with flexible schedules;
- medical, dental and life insurance benefits; and
- excellent resume-building opportunities.



Learn more about Minnesota OSHA at www.dli.mn.gov/MnOsha.asp. To speak to a MNOSHA supervisor about job opportunities call (651) 284-5050 or 1-877-470-6742.

MNOSHA identifies standards cited most often in 2012

After each federal-fiscal-year (October through September), Minnesota OSHA identifies which standards it cited most frequently. Three fact sheets, identifying citations in the construction industry, in general industry and combined, are generated and published online at www.dli.mn.gov/OSHA/FactSheets.asp.

Minnesota OSHA's most frequently cited standards, federal-fiscal-year 2012		
Standard	Description	Frequency
Minnesota Rules 5206.0700	Employee Right-to-Know training	458
1926.501	Fall protection in construction	347
Minnesota Statutes 182.653, subd. 8	A Workplace Accident and Injury Reduction (AWAIR) program	221
1910.147	The control of hazardous energy (lockout/tagout)	206
1910.305	Electrical wiring methods, components and equipment in general industry	204
1910.212	Machinery and machine guarding – general requirements	185
1910.134	Respiratory protection	172
1910.151	Emergency eyewash and showers	146
Minnesota Rules 5205.0116	Carbon monoxide monitoring	116
1910.178	Powered industrial trucks	111

Safety product alert: improperly installed rivets on FallTech hooks

On Feb. 1, FallTech issued a *Product Inspection Advisory Notice* for the hooks on its lanyards, rebar chain assemblies, Harness/Lanyard Combos and Roofer's Kits manufactured from Jan. 1, 2012, to Jan. 25 of this year.

During a routine inspection, FallTech found defective snap and rebar hooks manufactured by YOKE Industrial Corp. Rivets on the hooks may have been improperly installed and pressed into place, allowing them to fall out and cause the hook to fail.



While FallTech believes none of the products with the defective hooks left its facility, FallTech still advises that fall-arrest components with a date of manufacturing between Jan. 1, 2012, and Jan. 25, 2013, serial numbers 0076186-1218826, be inspected for the defective hook.

Affected products will have a large “Y” on the hook body as shown above.

The complete advisory notice, including instructions about how to conduct the inspection, is on the FallTech website at www.falltech.com/InspectionNotices/FallTechLanyardInspectionNotice2013.pdf.

Case file review/settlement process studied, streamlined

The Department of Labor and Industry is reviewing many of its business processes in an effort toward continuous improvement to better serve stakeholders. Minnesota OSHA's case file review/settlement process was examined March 12 and 13 by a team of six staff members from Minnesota OSHA Compliance and the Office of General Counsel.

If an employer files a Notice of Contest form within 20 calendar-days of receiving a citation, an informal conference is arranged with the employer to discuss the issues of the case and determine if an out-of-court settlement can be negotiated. If an agreement is reached, a written Settlement Agreement and Order is prepared for both parties to sign. If not, the case will be scheduled for hearing before an administrative law judge.

The team reviewed the process from the point at which an employer properly files a Notice of Contest of a MNOSHA Compliance citation to the point at which a Settlement Agreement and Order

is signed by all parties or the file is referred to the Attorney General's office for litigation.

The goals were to create a future process that reduces the time it takes for an employer's contestation to be discussed and/or settled and reduce the percentage of contested files that require a Summons and Complaint to be issued.

The team created an action plan that identifies 10 tasks to reach these goals, including: changing a rule to allow electronic filing of notices and eliminate the requirement for hard copies to be submitted; and creating better awareness within MNOSHA and others involved in the process of the 90-day deadline for serving the Summons and Complaint.

Semiannual review of reports will determine if improvements have been made that reduce the percentage of contested files that require a Summons and Complaint, reduce the time to schedule an informal conference and reduce the time to process a Settlement Agreement and Order.

How to report a workplace *accident*

Reporting to OSHA

Employers are required by law to report occupational accidents – in which an employee is killed or three or more are hospitalized – to OSHA **within eight hours**.

- **During business hours** – 8 a.m. to 4:30 p.m., Monday through Friday – contact Minnesota OSHA Compliance by phone at (651) 284-5050 or 1-877-470-6742 or by email at osha.compliance@state.mn.us.
- **After business hours** call the federal OSHA 24-hour toll-free phone number at 1-800-321-6742.

For more information about Minnesota OSHA, visit www.dli.mn.gov/MnOsha.asp.

Reporting for workers' compensation

Employers are required to report a workers' compensation claim to their insurer whenever anyone believes a work-related injury or illness that requires medical care or lost time from work has occurred. If the claimed injury wholly or partially incapacitates the employee for more than three calendar-days, the claim must be made on the First Report of Injury (FROI) form – www.dli.mn.gov/WC/Wcforms.asp – and reported to the insurer within 10 days.

- **If the claim involves death or serious injury**, the employer must notify the Department of Labor and Industry and their insurer within 48 hours of the occurrence. The claim may be reported to the Department of Labor and Industry by phone at (651) 284-5041, fax at (651) 284-5731 or personal notice. The initial notice must be followed by the filing of the FROI form within seven days of the occurrence.

'Inhale ... exhale ...' Proper respirator use, fit, care

By Diane Amell, MNOSHA Training Officer

Standard

"In the control of those occupational diseases caused by breathing air contaminated with harmful dusts, fogs, fumes, mists, gases, smokes, sprays, or vapors, the primary objective shall be to prevent atmospheric contamination. This shall be accomplished as far as feasible by accepted engineering control measures ... When effective engineering controls are not feasible, or while they are being instituted, appropriate respirators shall be used."



Thus begins 29 CFR 1910.134, OSHA's Respiratory Protection standard. This standard not only governs respirator use in general industry, but in the construction and maritime industries as well. The respirator standard is one of Minnesota OSHA's most frequently cited standards every year.

Use – required, voluntary

Respirators are required to be used to protect employee health; this usually means in cases where there is the possibility of overexposure to one or more hazardous substances or an oxygen-deficient environment. Employers may require employees to wear respirators at exposures below regulatory limits for extra protection.

Whenever respirators are used in the workplace, whether required or voluntary, the employer must establish a written program. The lone exception is the voluntary use of filtering facepiece respirators, also known as dust masks. If the use of respirators is voluntary, the employer must create a program to assure workers are medically able to wear the respirators and the respirators are maintained in a sanitary manner. All employees using respirators voluntarily, including dust masks, must be provided with the information in Appendix D of the standard, Information for Employees Using Respirators When Not Required Under the Standard.

Selection

Paragraph (d) of the standard discusses how the employer should select respirators based on the hazards in the workplace, NIOSH certification, whether the respirator will be used in an environment immediately dangerous to life and health (IDLH), maximum use

concentration of the contaminant in air and the form or phase of the air contaminant (i.e., particulate versus gas or vapor). The employer should select respirators in a variety of models and sizes to assure an individual's respirator both fits the employee and is acceptable to him or her.

Medical evaluation

Medical evaluation is covered in paragraph (e) of the standard. It requires that a physician or other licensed health care professional (PLHCP) evaluate whether an employee is physiologically able to safely use a respirator in the conditions encountered in the workplace. The initial evaluation must be based on the information found in the questionnaire in Sections 1 and 2 of Part A of Appendix C, OSHA Respirator Medical Evaluation Questionnaire. If the employee answers “yes” to any of the first eight questions of Section 2, Part A of the appendix, or if the PLHCP determines further evaluation is required, the employee must undergo a medical examination.

Fit testing and protecting the seal

Paragraph (f) establishes the fit testing requirements for respirators with tight-fitting facepieces. Fit testing can be either qualitative – simply pass/fail – or quantitative – a numerical measurement of how well the respirator fits the employee and how much leakage may occur into the respirator, known as the fit factor. Either qualitative or quantitative fit testing can be used up to a fit factor of



100 or less, but the procedures must follow those in Appendix A of the standard. Only quantitative fit testing is permitted where the fit factor is greater than 100. Fit testing must be repeated at least annually.

Some key points of use are discussed in paragraph (g). The protection of the seal of a tight-fitting respirator is critical. Facial hair, scars, glasses, personal protective equipment (PPE) or any other item that can interfere with the respirator seal are prohibited. Beards or other facial hair must be kept trimmed to avoid creating leaks in the facepiece seal. Other PPE, such as goggles and face shields, must be selected so that the equipment does not: interfere with the facepiece seal; distort the employee’s vision; and cause harm or marked discomfort to the worker.

Employees need to be able to wash their faces and the respirator facepiece frequently enough to avoid irritation from the respirator and to change cartridges or filters upon breakthrough or as directed. Paragraph (g) also provides further requirements for the use of respirators in IDLH environments and structural firefighting.

Maintenance and care

Maintenance and care of respirators, including cleaning and disinfecting, storage, inspection and repairs are all covered in paragraph (h), while paragraph (i) explains the requirements for breathing air quality and use. This is followed by paragraph (j), which requires that the National Institute of Occupational Safety and Health (NIOSH) labels be left intact and legible.

Training, program evaluation, recordkeeping

Paragraph (k) lays out the training requirements, including training content. Training must be provided initially before respirator use and at least annually thereafter. It must be provided “in a manner that is

understandable to the employee.” The standard also requires employers to provide the information found in Appendix D of the standard to all workers using respirators voluntarily.

The final requirements of the standard involve program evaluation and recordkeeping, paragraphs (l) and (m), respectively. Employers must review their written programs on a regular basis and consult with their employees using respirators regarding the program’s effectiveness. They must also maintain medical surveillance records in accordance to 1910.1020 Access to Employee Exposure and Medical Records and the most recent fit testing record for each employee.

More information

Federal OSHA has a wealth of resources available to assist in understanding the standard and in creating a program. The Respiratory Protection Safety and Health Topics Page,

www.osha.gov/SLTC/respiratoryprotection/enforcement.html, has links to written materials, such as the *Small Entity Compliance Guide for the Respiratory Protection Standard* (OSHA 3384) and the *Assigned Protection Factors for the Revised Respiratory Protection Standard* (OSHA 3352), videos and other resources. Also available online is the OSHA Respiratory Protection eTool, www.osha.gov/SLTC/etools/respiratory, which is designed to assist in the selection of respirators and in the development of change schedules for gas or vapor cartridges.



Annual Safety and Health Conference includes second Minnesota Safe Patient Handling and Movement Program

Join Minnesota OSHA Workplace Safety Consultation and the Minnesota Safety Council at the second annual full-day Minnesota Safe Patient Handling and Movement Program on May 14, during the 79th Annual Minnesota Safety and Health Conference at the Minneapolis Convention Center.

This full-day workshop is open to anyone interested in the most recent information about safe patient-handling. The sessions will provide health care professionals, safety professionals and administrators in acute and long-term-care settings with the best information available about the development, implementation and maintenance of a safe-patient-handling program. Representatives from hospitals, clinics and skilled nursing care facilities will discuss efforts aimed at promoting safe patient-handling while cultivating a healthy workforce and ensuring quality of care. The complete program schedule is available at www.minnesotasafetycouncil.org/conf/SafePatient.pdf.

For more information about and to register for the 79th Annual Minnesota Safety and Health Conference, visit www.minnesotasafetycouncil.org/conf/13index.cfm.

SAFETY ALERT

Two incidents involving Grove 90-ton mobile cranes

By Diane Amell, Training Officer

In August, the U.S. Department of Energy (DOE) Office of Environmental Management issued a safety alert regarding jibs falling off of Grove 90-ton mobile cranes.

In two separate incidences, the 1,800-pound jib was being stowed for transport when it fell onto the crane's working deck and wheel fender. The jib stowage locking mechanism was damaged or misaligned, keeping it from working as designed. The employees removed the final set of jib nose pins, but did not ensure the locking mechanism pins were in place first. Efforts to stow the jib continued after it became evident there was a problem, resulting in the jib falling. Fortunately, no one was hurt in either accident.

Among the recommendations of the alert are:

- inspect the crane to ensure the jib locking mechanism is properly aligned and will work as intended;
- make operating manuals available on the worksite and be sure employees are familiar with the operational and safety requirements before the crane is used;
- do not use damaged or malfunctioning equipment; and
- require that employees stop and seek assistance whenever they encounter equipment problems that prevent the job from being completed as planned.

The full alert is available on the DOE's Office of Health, Safety and Security website at www.hss.doe.gov/HealthSafety/WSHP/hoisting.html.



Above: The jib stowed along the boom of Grove 90-ton mobile crane.

Below: The jib has fallen onto the working deck.

Photos from U.S. DOE Office of Environmental Management



Fall-protection methods for residential construction

Now that fall protection standards have been applied to residential construction projects in Minnesota, contractors are required to determine methods to ensure appropriate fall-protection is maintained during all phases of a project.

To assist contractors, federal OSHA has posted fact sheets online that highlight various methods to reduce falls during residential construction projects. The fact sheets offer both general information and task-specific information. They are on the federal OSHA website at www.osha.gov/pls/publications/publication.athruz?pType=Industry&pID=402.

One of the fact sheets highlights methods specific to floor joist installation that includes the use of bracket scaffolds erected on the inside of the structure and mobile scaffolds. These two methods were observed by Minnesota OSHA Workplace Safety Consultation during a recent visit to the construction site of a four story, wood-frame, apartment building. On the project, bracket scaffolds were used to provide workers with an appropriate working surface, during installation of the floor joists. A mobile scaffold was the other method used to bring workers to an appropriate height when installing the floor joists. *Note: Fall protection requirements for work performed on scaffolds are specified in Subpart L, 29 CFR 1926.*

These methods provided workers a better work platform to stand on while installing the joists, versus standing on two-by-four top plates. Workers commented that the methods were effective and seemed to speed-up the work because the workers could move along more easily on the scaffold platforms.

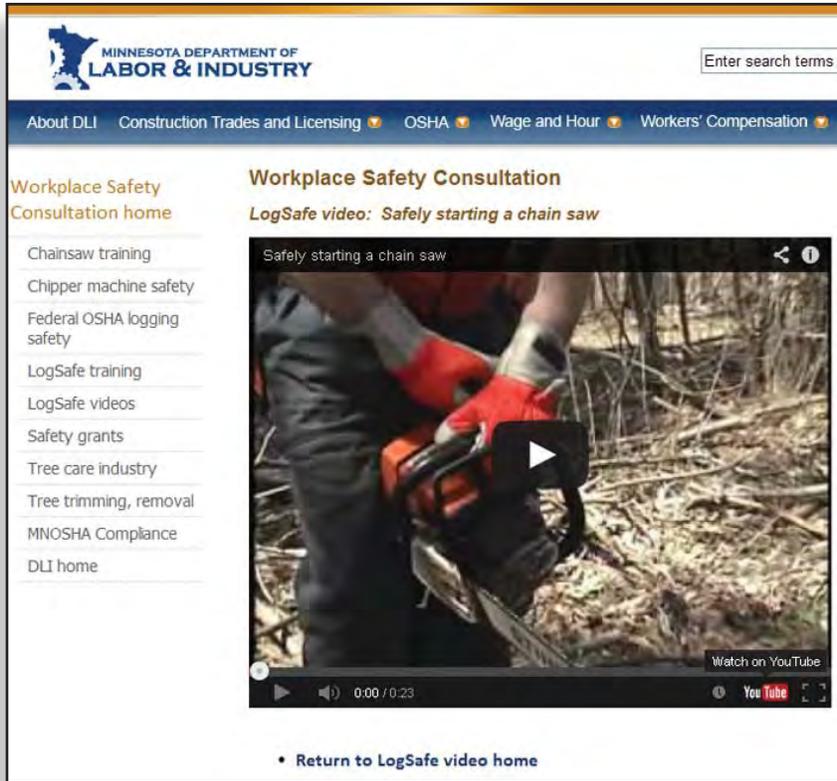
These methods can be effective in protecting workers who install floor joists, but may not be suitable in all situations; therefore, employers are responsible for determining appropriate methods and complying with applicable OSHA standards.

Tree felling and chain-saw safety on the job or at home

As springtime approaches, yardwork tasks on the to-do list may include tree cutting and clearing using a chain saw. If so, it is important to remember the benefits and limitations of a chain saw and to pre-plan any activities involving use of a chain saw.



Workplace Safety Consultation observes use of a bracket scaffold (left) and a mobile scaffold (right) during a recent visit to a residential construction site.



Serious injuries and fatalities related to chain saw use are still a frequent occurrence. These accidents not only affect those in the logging industry, but also public employees tasked with tree-clearing responsibilities and private citizens who have weekend tasks that necessitate the use of a chain saw. Nationally, more than 40,000 injuries involving chain-saw use occur annually and the average chain-saw injury involves 110 stitches.¹

Common accidents have involved either being struck by the chain-saw blade

itself or being struck by a falling tree or branch. Chain saws are powerful tools that deserve respect and an understanding of the benefits and limitations of operation are critical to safe use.

Safety recommendations

- Read the operator's manual.
- Use personal protective equipment: hard hat; face screen/shield; chaps; work gloves; and leather boots (preferably with cut-resistant design features).
- Understand and make use of the chain-saw's safety features.
- Properly use and maintain all equipment.

More information

MNOSHA Workplace Safety Consultation features several brief videos about proper tree-felling techniques at www.dli.mn.gov/WSC/LogSafeVids.asp.

Additional information about chain-saw safety is available online at these resources:

- www.osha.gov/Publications/3269-10N-05-english-06-27-2007.html; and
- www.extension.umn.edu/distribution/naturalresources/dd2487.html.

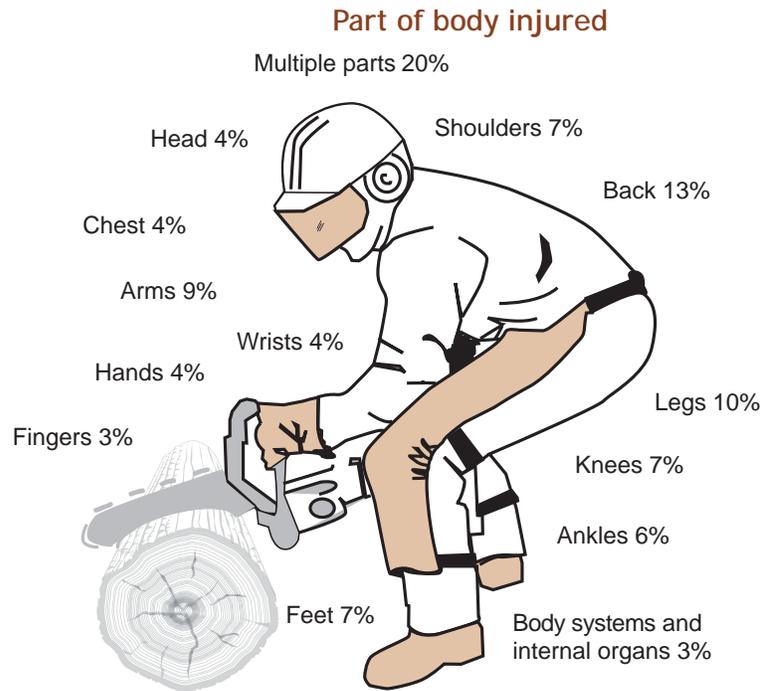
Chain-saw manufacturers may also have online videos and further information available about the safe operation of a their products.

¹Consumer Product Safety Commission and Davis Garvin Agency, an insurance underwriter for loggers.

Logging claim characteristics brochure update

Statistics about workers' compensation indemnity claims in the logging industry from 2006 through 2011 are now available in a handy new brochure on the Department of Labor and Industry website at www.dli.mn.gov/WSC/PDF/log_ind_claimcharac.pdf.

There were 71 indemnity claims (claims with more than three days of disability) in the logging industry during this six-year period. Falls were the most common injury-causing event and fractures were the most common injury type.



Working with airborne contaminants, noise, heat

A sometimes overlooked MNOSHA Workplace Safety Consultation (WSC) free service is its industrial hygiene monitoring for small, high-hazard employers. A WSC industrial hygiene consultant can assess workplace exposures to airborne contaminants, noise and heat to help confirm effectiveness of existing exposure controls and make recommendations for options to control employee exposures. Employers can even use WSC to help them comply with OSHA-mandated standards requiring initial exposure assessment.



MNSTAR Program update

The MNSTAR Program is a Minnesota Occupational Safety and Health Administration program that recognizes companies where managers and employees work together to develop safety and health management systems that go beyond basic compliance with all applicable OSHA standards and result in immediate and

long-term prevention of job-related injuries and illnesses. The program is modeled after federal OSHA's Voluntary Protection Program (VPP).

Minnesota currently has 31 Star worksites and four Merit worksites within the MNSTAR Program. Of the 31 Star sites, 30 are classified as general industry and one is a resident contractor at a refinery.



Monsanto Trait Field Solutions, Owatonna, Minn., was recognized in February for achieving MNSTAR status.

In October 2010, the MNSTAR Team was created to ensure consistency from site to site and allow timely interventions with interested employers. The MNSTAR Team has the ability to complete recertification visits timely and work with new employers wanting to strive for MNSTAR status.

Worksites newly added, recertified or pending

- The MNSTAR Program added new participant, Monsanto – Glyndon Research Center, Glyndon, Minn., which gained initial Star approval in February.
- Trident Seafoods Corporation, Motley, Minn., has been recommended and approved for recertification.
- Two employers are in the final stages of achieving initial MNSTAR status.

The program has gained a great deal of consistency using the small team approach. All employers are held to the same high standard required for participation in the program and are encouraged to share the best practices from site to site. WSC anticipated receiving five new applications in 2013. In addition, there are three recertification visits scheduled for April and May, to go along with the completion of pre-visits and presentations discussing the successes and providing insight into the program.

Learn more about the MNSTAR Program online at www.dli.mn.gov/Wsc/Mnstar.asp or call WSC at (651) 284-5060.

OSHA answers

frequently asked questions

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

Q Are businesses obligated to create emergency plans and is there a place where they can be reviewed?

A OSHA 1910.38 requires only certain businesses to have an emergency action plan (EAP). Although not every worksite is required to have one in place, most worksites have an EAP as part of their overall safety and health plan.

If OSHA 1910.38 applies, an employer needs to establish an EAP for the worksite and properly train employees about what to do if an emergency situation arises. These employers also need to review the EAP with employees when it is updated or changed. Minnesota OSHA inspectors review an EAP during a safety inspection at the worksite.

Some broad examples of employers needing to have an EAP in place are worksites where there are: chemicals on-site, such as a computer room with a halon fire suppressant or a hospital or medical facility; dust-accumulation hazards, such as a grain elevator or feed mill; or hazardous waste on-site.

There is no requirement for businesses to submit emergency plans to the state.

Q To save on energy costs, we would like to filter some of our exhaust air and recirculate it with fresh air from outside of our plant. Can we do this?

A Minnesota Rules 5205.0110, subd. 4, states air from an exhaust system handling hazardous substances cannot be recirculated without the permission of the Minnesota Department of Labor and Industry. Under Minnesota OSHA policy, contaminants that may not be recirculated under any circumstances are those that are:

- radioactive;
- carcinogenic and do not have a permissible exposure limit (PEL);
- mutagenic and do not have a PEL; and
- teratogenic and do not have a PEL.

Those that require permission for recirculation are those that have PELs or threshold limit values (TLVs®) below 500 ppm or 5 mg/m³ total dust and are being exhausted through a local exhaust ventilation system. For more information about how to apply to the Department of Labor and Industry for permission and how this standard relates to others, see MNOSHA Instruction STD 5-1.1 *Recirculation of process ventilation exhaust air – Minnesota Rules 5205.0110* online at www.dli.mn.gov/OSHA/Directives.asp.

Q What is MNOSHA's policy about workplace violence?

A Minnesota OSHA recognizes four types of workplace violence:

- 1) Criminal intent – violent acts by people who enter the workplace to commit a robbery or other crime, or current or former employees who enter the workplace with the intent to commit a crime;
- 2) Customer/client/patient – violence directed at employees by customers, clients, patients, students, inmates or any others to whom the employer provides a service;
- 3) Coworker – violence against coworkers, supervisors or managers by a current or former employee, supervisor or manager; and
- 4) Personal – violence in the workplace by someone who does not work there, but who is known to or has a personal relationship with an employee.

The industry groups that are considered at high risk for workplace violence include health care and social services settings and late-night retail. MNOSHA will not investigate incidents or complaints of types 3 and 4 violence. Other types of workplace violence are evaluated on a case-by-case basis to determine if there are present known risk factors, employee or industry recognition of the potential for workplace violence and feasible abatement.

For more information, visit the MNOSHA Workplace Safety Consultation's Workplace violence prevention page at www.dli.mn.gov/WSC/Wvp.asp. Another helpful resource is the *NIOSH current intelligence bulletin 57: Violence in the workplace – Risk factors and prevention strategies*. Information about this publication is available at www.cdc.gov/niosh/docs/96-100.

Q When does the Globally Harmonized System of Classification and Labeling of Chemicals (GHS) take effect?

A Minnesota has adopted the federal Hazard Communication (HAZCOM) standard, 1910.1200, to replace most of the provisions of Employee Right-to-Know (ERTK) covering hazardous substances. By Dec. 1, all employees must be trained about the new safety data sheets and labeling requirements under GHS. Compliance with the rest of the GHS must be completed by June 1, 2015, except that distributors have until Dec. 1, 2015, to cease shipping containers without GHS-compliant labels. By June 1, 2016, an alternative written programs and labeling systems must be updated, including any additional training needed.

Note: The requirements under ERTK for annual refresher training for hazardous substances and all parts of ERTK pertaining to harmful physical agents and infectious agents remain in effect, as do the training requirements under the vertical health standards for specific substances.

Q Are home health care agencies required to establish safety committees?

A A home health care agency or any other employer is required to establish a safety committee if it has:

- more than 25 employees; or
- a lost-workday case incidence rate in the top 10 percent of all rates for employers in the same industry; or
- a pure premium rate as reported by the Workers' Compensation Rating Association in the top 25 percent of premium rates for all classes.

It does not matter if the majority of their employees work primarily in remote locations, such as in client's homes, or are centrally located.

Q What should home health care providers do to address tuberculosis (TB)?

A An employer should conduct a risk assessment and prepare a TB infection control program as appropriate for the level of risk identified in the risk assessment. For more information, see MNOSHA Instruction CPL 2-2.48 Enforcement policy and procedures for occupational exposure to tuberculosis at www.dli.mn.gov/OSHA/Directives.asp.

Q Are home care agencies covered under the Safe Patient Handling in Clinical Settings statute?

A No. Only hospitals, nursing homes, outpatient surgical centers and clinics are covered by Minnesota Statutes § 182.6553-6554.

Do you have a question for Minnesota OSHA? To get an answer, call (651) 284-5050 or send an email message to osha.compliance@state.mn.us. Your question may be featured here.

Federal OSHA warns employers of little-known engine hazards

By Diane Amell, Training Officer

Federal OSHA is warning employers and employees of two little-known hazards associated with something most of us encounter and use every day, gasoline- and diesel-powered engines.

The danger posed when an engine is operated where flammable vapors or gases are present is described in *Internal combustion engines as ignition sources*, online at www.osha.gov/Publications/osha3589.pdf. The vapors enter the combustion chamber with the intake air, creating a higher fuel-to-air ratio than the engine is designed to use. This can result in:

- elevated engine operating temperatures;
- spark creation; and
- engine overspeed or runaway, which can trigger a flash fire or explosion.

Control measures discussed include installing automatic overspeed shutdown devices and flame arrestors. Training is considered a must, both for employees and any contractors on site.

A joint hazard alert from federal OSHA and the Mine Safety and Health Administration explains the dangers of diesel exhaust (DE) and diesel particulate matter (DPM). DPM is the soot that is commonly associated with diesel engines and can be made up of carbon, ash, metallic abrasion particles, and sulfate and silicate compounds.

Short-term exposure to DPM can cause headaches, dizziness and irritation to the eyes, nose and throat, while long-term exposure can increase the risk of cardiovascular, cardiopulmonary and respiratory disease. On June 12, 2012, the International Agency for Research on Cancer, part of the World Health Organization, reclassified diesel exhaust as a known carcinogen.

The alert suggests the use of several engineering and administrative controls for DE/DPM, including preventive maintenance, engine exhaust filters and restricting engine idling. This document is online at www.osha.gov/Publications/OSHA-3590.pdf.



Information about OSHA recordable injury and illness rates and case counts and about the case and demographic characteristics of injuries and illnesses with one or more days away from work (DAFW) are now available on the DLI website (www.dli.mn.gov/RS/StatWSH.asp) and on the Bureau of Labor Statistics (BLS) website (www.bls.gov/iif). This installment of SOII Sauce presents the Workplace Safety Report tables concerning worker age. The 2011 Workplace Safety Report will be published later this year.

These figures show that during the past decade there has been an increasing proportion of older workers among workers with injuries or illnesses resulting in one or more days away from work (DAFW). Older workers have a slightly higher incidence rate for DAFW cases and their cases result in more time away from work compared to younger workers.

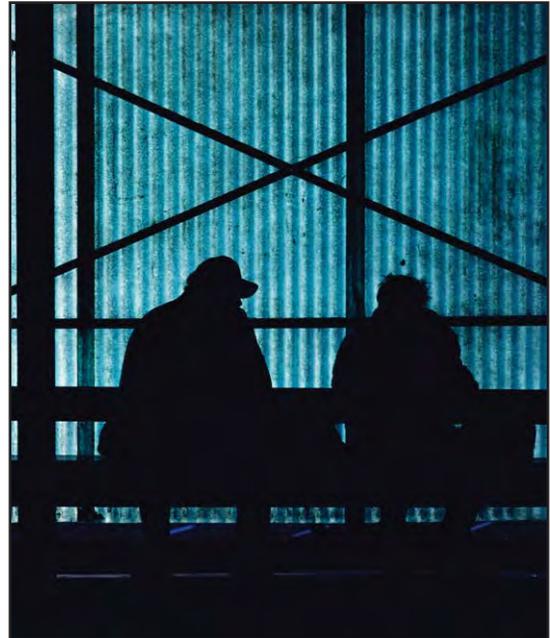


Figure 1 shows the distribution of worker age for workers with one or more days away from work for injuries from 2009 through 2011. The distribution of injured workers matches very closely to the distribution of all workers. No age group had a difference of more than 2 percentage points between their percentage of workers and percentage of DAFW cases.

Figure 1: Distribution of workers and DAFW cases, Minnesota, 2009-2011

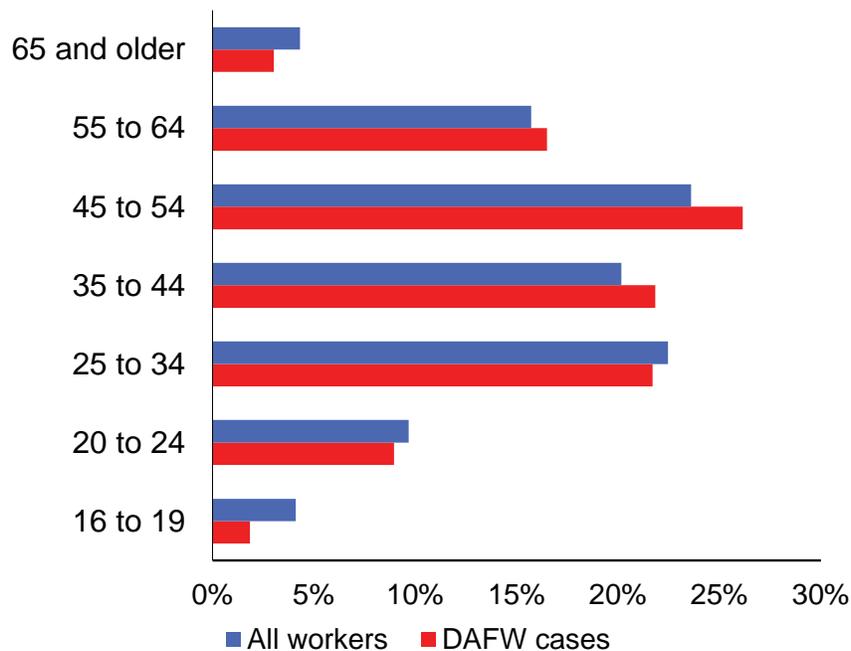


Figure 2 shows the age group percentages of DAFW cases by age from 2002 through 2011. The most noticeable trend is the increase in the percentage of cases to workers age 55 and older, which decreased in 2011 for the first time since 2003. The percentage of cases for workers age 34 and younger generally decreased until 2008, then leveled off from 2008 through 2010 and increased in 2011.

Figure 2: Percentage of DAFW cases by age group, Minnesota, 2002-2011

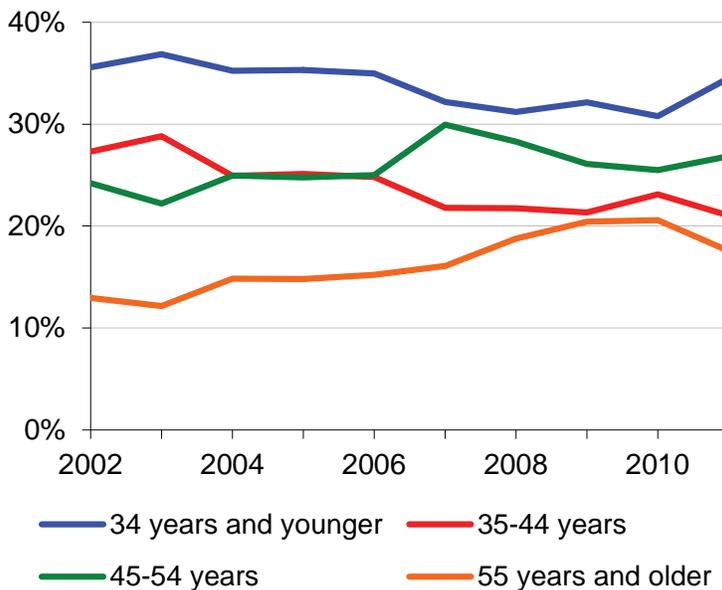


Figure 3 shows the incidence rate for DAFW cases generally increases with worker age. Workers age 65 and older experienced 114 DAFW cases per 10,000 full-time-equivalent workers, compared to a rate of 95 cases for workers 25 to 34 years old.

As shown in Figure 4, older workers tend to take more days away from work for their DAFW cases. Injured workers age 65 and older took a median of 12 days away from work compared to a median of 3 days away from work for workers age 20 to 24.

Figure 3: Rate of DAFW cases by age of worker, Minnesota, 2009-2011

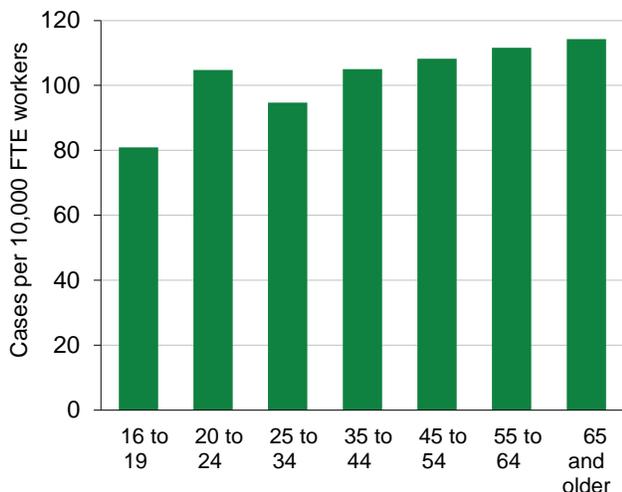
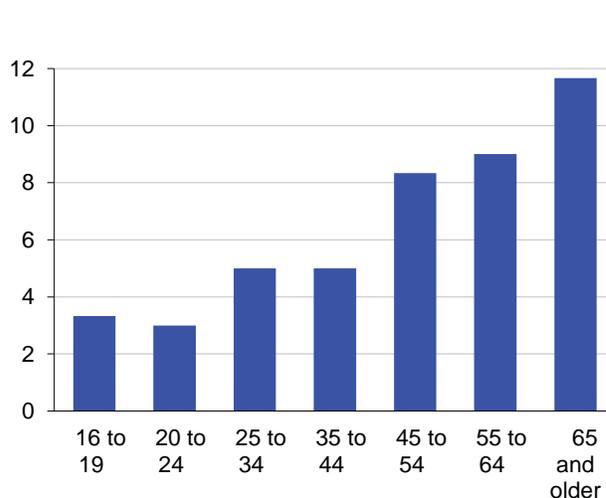


Figure 4: Median DAFW by age group, Minnesota, 2009-2011



Minnesota's newest **MNSHARP** Construction worksite



Ryan Companies achieves MNSHARP Construction status
Project: Bishop Henry Whipple Federal Building, St. Paul, Minn.

A **Ryan Companies** worksite was recognized April 3 by the Minnesota Department of Labor and Industry for its achievement as Minnesota Safety and Health Achievement Recognition Program (MNSHARP) Construction worksite. The project at the Bishop Henry Whipple Federal Building in St. Paul, Minn., is scheduled to be completed in June 2014.

MNSHARP Construction is a Minnesota Occupational Safety and Health Administration program that recognizes major-construction companies where managers and employees work together to develop safety and health programs that go beyond basic compliance with all applicable OSHA standards and result in immediate and long-term prevention of job-related injuries and illnesses. Only construction projects at least 18 months in duration are eligible for MNSHARP Construction.

Learn more about MNSHARP Construction on the Minnesota Department of Labor and Industry's website at www.dli.mn.gov/Wsc/MnsharpConstruction.asp.

www.dli.mn.gov/Wsc/MnsharpConstruction.asp