

**Occupational Safety and Health Advisory Council
Meeting minutes
Feb, 6, 2015**

Members present

Paul Aasen
Pedro Lopez
Michael Marturano
Michael Mueller
Scott Parker
Greg Rindal
Christopher Schmidt
Daryl Tindle

Staff members present

Alden Hoffman
Mark Hysell
James Krueger
Commissioner Ken Peterson
John Rajkowski
Roslyn Robertson
Cindy Valentine
Nancy Zentgraf

Speakers/guests present

Matt Marquis
Breca Tschida

Call to order

The meeting was called to order at 10:02 a.m. by Chairman Paul Aasen. Announcements were read.

Approval of the agenda

The Feb. 6, 2015, meeting agenda was approved.

Approval of the minutes

Michael Mueller moved to approve the Nov. 7, 2014 meeting minutes and Greg Rindal seconded. All voted in favor and the motion carried.

Department update – Commissioner Ken Peterson

- Members reappointed: Aasen, Michael Hawthorne, Scott Huberty, Michael Marturano, Elizabeth Rheingans
- Two members retired: Erick Ajax, management, and Dean Tharp, labor.
- New members: Brandon Holmes, management, and Scott Parker, labor.

New business

• **Recordkeeping update – Breca Tschida, Minnesota OSHA Workplace Safety Consultation**

A presentation about recent updates to recording and reporting occupational injuries and illnesses was given. Changes to OSHA's injury reporting rule became effective at the federal level Jan. 2, 2015. Minnesota intends to adopt the new **injury reporting** requirements by March 18, 2015, with an effective date of Oct. 1, 2015. Changes to OSHA's **recordkeeping** requirements (for low-hazard industries) will not be adopted by Minnesota OSHA, which is consistent with what is currently in effect in Minnesota. For more information, go to the Department of Labor and Industry's (DLI's) website at www.dli.mn.gov/OSHA/Recordkeeping.asp or to federal OSHA's website at www.osha.gov/recordkeeping.

- **Meatpacking audit results – Cindy Valentine, Workplace Safety Manager**

Minnesota is one of the top meatpacking states and the number one turkey processor in the country, with more than 12,000 workers, many of them immigrants. Typically, this industry has high staff member turnover, between 20 and 70 percent; the work is low-skilled with low wages. Historically, this industry has high injury-rates; although injuries have declined, concerns persist. Data about injuries is self-reported (worker to the company, the company to the federal Bureau of Labor Statistics). Minnesota workers' compensation injuries are about the same as the past year. Meatpacking injury claims are disputed more than in other manufacturing industries. A bill of rights was passed in 2007 that requires employers to provide to employees – in their native language – their job description, salary, benefits, work hours, leave, occupational hazards, the employees' right to organize and the right to be free from discrimination. The Packinghouse Workers Bill of Rights mostly restates existing law; new elements include instruction in the worker's native language, job description and information about the right to organize. The bill gives no resources or enforcement authority to DLI, but requires DLI to develop a strategy to assist employees to comply. Based upon the legislative auditor's recommendations, DLI will: disseminate information biannually to meatpacking employees about the Bill of Rights and Recruitment Law; provide the information on DLI's website; provide multiple links to direct employers and employees to the information; and provide the information in various languages. OSHA will include data from the U.S. Department of Agriculture's Food Safety Inspection Services when scheduling meatpacking-employer inspections.

Old business

- **Legislative update – John Rajkowski**

The Capitol is under construction for the next two years and 90 percent of the building is closed to the public, which limits their participation. Two Minnesota OSHA statutes are being revised. The first closes a loophole regarding employer misconduct. There has been a significant increase in the construction industry, where the employer blames the employee for not following safety guidelines. The revision will ensure the employer's on-site foreman is responsible to make safety clear to the employees. The second involves the Safe Patient Handling Act. It requires hospitals and nursing homes to properly train staff members and have proper equipment for the employees to safely perform their jobs. The onus for training is on the employer.

- A bill has been presented by the House – HF 769 – that DLI will oppose. Its purpose is to create a compliance assistance grant program. All fines and penalties would be deposited into a general fund and appropriated to violators to come into compliance. Currently, MNOSHA Compliance and MNOSHA Workplace Safety Consultation are funded from fines paid to the Construction Codes and Licensing Division. Minnesota OSHA fines are deposited into the workers' compensation Special Compensation Fund.

Staff reports

Federal OSHA update – Mark Hysell

- On Jan. 29, 2015, federal OSHA issued \$1.76M in penalties to Ashley Furniture after finding more than 1,000 worker injuries at the company's Wisconsin site in the past 36 months.
- As of Jan. 1, 2015, employers are required to notify federal OSHA when an employee on the job suffers a work-related hospitalization, amputation or loss of an eye.
- President Obama announced his 2015 proposed budget, which includes an increase of \$22M to the federal OSHA program. Four million dollars has been earmarked for state-plan programs.

- MNOSHA's 2014 fiscal-year State OSHA Annual Report and WSC's Annual Project Report have been received by Region V.

Consultation update – Roslyn Robertson, MNOSHA Workplace Safety Consultation

Statistics – first quarter:

- 236 total visits for safety and health services, which includes 187 initial visits, 26 training visits and 23 follow-up visits;
- total hazards identified included 837 serious hazards (including five imminent danger), 104 other-than-serious hazards and 11 regulatory infractions (recordkeeping);
- 51 Interventions, impacting more than 3,500 establishments represented by more than 3,900 employees;
- construction had 123 total visits, and eight technical assistance and training interventions;
- alliances included Arrowhead Builders Association to provide ongoing construction safety training;
- general industry, including public sector, had 113 total visits;
- LogSafe, supported by Hibbing Community College, completed the fall training season, has completed scheduling 2015 classes, conducted 11 formal training presentations relating to chain saw safety and proper tree-felling for various public-sector employers that assign workers to perform logging-related activities and logging employers, and conducted one formal training visit relating to an on-site consultation for a logging employer;
- ergonomics had eight total visits, four initial and four training, plus 10 technical assistance and training interventions;
- alliances included continuing quarterly meetings with the Healthcare Group (relating to safe patient-handling in health care);
- created a Workplace Violence Prevention Alliance with the Minnesota Department of Human Services to establish a facility- and department-wide policy about managing workplace violence risks;
- the Temporary Worker Initiative continues with Hennepin Technical College;
- WSC co-hosted two training classes at DLI about OSHA injury/illness recordkeeping;
- 35 MNSHARP sites in general industry and one Pre-MNSHARP site;
- two MNSHARP sites in construction and nine Pre-MNSHARP sites;
- 38 MNSTAR Program sites and two MNSTAR Program merit sites; and
- the Safety Grant Program's fourth quarter federal-fiscal-year 2014 had 55 total grant applications received and reviewed, 31 total grants awarded, covered \$1,397,882 project costs, awarded \$180,013 in grant month, had \$164,217 in total grants requested and provided 29 grants to private companies and nine grants to public entities.

Training and outreach update – Nancy Zentgraf, MNOSHA Compliance

- Seven compliance staff members attended classes at the OSHA Training Institute (OTI) about industrial ventilation, excavation and trenching, and accident investigation; and three consultation staff members attended confined-space training.
- OTI will bring the Principles of Scaffolding class, for compliance and consultation staff members, to St. Paul, Minnesota, July 7 through 9. The training will be at the Carpenters Training Center.
- MNOSHA Compliance gave 26 presentations to 897 participants. A booth was set up at the Mexican Latino Legal Resource Fair. In November, the Construction Seminar covered respirator programs for silica exposure.

- The most cited standards fact sheets were released in December. In October, a new edition of *Safety Lines* was published and a Spanish version of the A Workplace Accident and Injury Reduction (AWAIR) video was added to DLI's website.
- MNOSHA handled 816 telephoned inquiries, 11 written inquiries and 383 emailed inquiries.
- DLI continues to have partnerships with members of AGC and ABC; there are currently nine partnership sites, including the partnership with MnDOT at the St. Croix Bridge Crossing Project.

Compliance update – Jim Krueger, Minnesota OSHA Compliance

- Five hundred thirty-four inspections were conducted during the first quarter.
- One hundred sixty-two complaints were received, which resulted in 84 on-site inspections. Response time to these complaints was just over three days.
- Three fatality and 12 serious-injury inspections were conducted.
- Citation issuance time dropped to fewer than 20 days.
- Nine hundred thirty telephone calls were handled. Inspections are not based on phone calls received.
- Emphasis programs that continue: excavation, residential construction fall-protection, silica in construction and isocyanates.
- **Significant legislation/rulemaking:**
 - the updated federal standard for injury reporting became effective at the federal level Jan. 1, 2015;
 - in Minnesota, MNOSHA proposed to adopt the final rule effective Oct. 1, 2015, except for Part 1904.2 – changes in recordkeeping requirements for low-hazard industries – which is consistent with what is currently in place in Minnesota; and
 - Minnesota Rules 5208.1500, Standard Industrial Classification List for AWAIR, was adopted in Minnesota effective Dec. 29, 2014.
- The federal-fiscal-year 2015 grant has been submitted. The current budget level for federal-fiscal-year 2015 for MNOSHA Compliance has not changed significantly since 2008. Compliance has reduced its inspection numbers for federal-fiscal-year 2015, due to budget constraints.
- **OSHSPA update – February, Oakland, California:**
 - Maine now has a public-sector program;
 - Montana has significant leadership to have both public and private programs; and
 - federal OSHA has instituted a new computer system, the IOS, and the state of Washington has been successfully transferring state data to the federal system and Kentucky will be next.

Publications

- The *GRASSROOTS Worker Protection 2014 OSHSPA Report* is available on DLI's website at www.dli.mn.gov/OSHA/PDF/grassroots_2014.pdf.

2015 meeting schedule

Meetings will be Feb. 6, May 1, Aug. 7 and Nov. 6.

Adjournment

The meeting was adjourned at 11:45 a.m.

Respectfully submitted,
Pamela McLaughlin
 Executive Secretary