

**Occupational Safety and Health Advisory Council meeting minutes  
Feb. 5, 2016**

**Members present**

Paul Aasen  
Girard Goder  
Scott Huberty  
Michael Marturano  
Scott Parker  
Elizabeth Rheingans  
Christopher Schmitt  
Kurt Zimmerman

**Staff members present**

Alden Hoffman  
Mark Hysell  
Ken Peterson  
John Rajkowski  
Tyrone Taylor  
Cindy Valentine  
Nancy Zentgraf

**Guests present**

Dr. Liz Medina Alm,  
HealthPartners  
Daniel Estrada, North Central  
States Regional Council of Carpenters  
Union  
Pedro Lopez, HCAMN,  
McGough Construction  
Matt Marquis, CCA, MDPA,  
MMFCA MECA, IMCA, MPWEA,  
TICA  
Tracy Rheingans, Student  
Gary Thaden, MMCA/NECA  
Mark Vargas, HCA

**Call to order**

The meeting was called to order at 10:03 a.m. by Chairman Paul Aasen. Members and guests introduced themselves. Announcements were read.

**Approval of the agenda**

Scott Parker moved to approve the meeting agenda, seconded by Mike Marturano. All voted in favor and the motion carried.

**Approval of the minutes**

Mike Marturano moved to approve the Aug. 7, 2015, meeting minutes, seconded by Kurt Zimmerman. All voted in favor and the motion carried.

**Department update – Cindy Valentine, Workplace Safety manager**

The Council welcomed new and reappointed members.

- New members: public representative Xavier Escobedo (unable to attend today's meeting); and management representatives Tom Moibi (unable to attend today's meeting) and Girard Goder.
- Reappointed members: labor representatives Kurt Zimmerman and Scott Parker; and occupational safety and health professions representative Christopher Schmitt.

**Legislative news – Cindy Valentine, Workplace Safety manager**

- The legislative session begins March 8, 2016.
- Specific bill change in Minnesota Statutes § 182.653, subp. 9, A Workplace Accident and Injury Reduction (AWAIR): Plans are to allow Minnesota OSHA to update the AWAIR list of employers who are required to have an AWAIR program to every five years, rather than the current two years. DLI is hoping this change will eliminate confusion among employers who aren't certain whether they are on the list. It will benefit Minnesota OSHA as a

secondary advantage in scheduling. AWAIR is the second-most frequently cited standard, after falls in construction. Meetings took place with various interest groups to share the information and ask for input. So far, no concerns were expressed. The list remains relatively consistent, 70 to 80 percent with construction companies. Cindy asked whether the council is supportive of the change and the council agreed. A formal declaration of support can be made when needed. Is there a way to better market the list to small employers?

- H.F. 2502 is a bill proposed by the Minnesota Department of Health and Minnesota Department of Agriculture to investigate a rollover-protection-structure (ROPS) program, which refers to roll-off protection against serious injuries and fatalities on tractors. New York, Ohio and Wisconsin have programs funded by private donations (New York is publicly funded). It provides reimbursement to farmers who install a roll-off bar on their tractors. Tractors manufactured after 1986 are required by law to have a roll-off bar. Many farmers continue to use older tractors with no protective bar. The bill provides a pilot program and funding (via grants) to share the installation costs to retrofit the older tractors with roll-off protection. Paul affirmed the Minnesota Safety Council supports the proposal. Attempting to reach individual farm sites is difficult from an enforcement perspective. Scott agreed that as a responder with a smaller fire department, those fire departments cannot afford to purchase equipment to move a tractor off someone. This initiative would be very helpful to reduce or prevent injuries and fatalities. Liz Rheingans is a farmer and drives a tractor. She said the average Minnesota farmer is in their mid-50s, own family-run, smaller-acre farms and commonly do not purchase tractors with rollover protection; larger farms, for the most part, do purchase tractors with rollover protection. Cindy clarified the bill provides a percentage of the cost and installation of ROPS: \$500; or, if the cost exceeds that, up to 70 percent of the cost. The Department of Health will administer the program. Cindy will share more information with Liz, who is in the process of writing an article about this topic for rural newspapers. Commissioner Ken Peterson said applicants may also contact Minnesota OSHA Workplace Safety Consultation (WSC) to apply for a safety grant that covers up to 50 percent of the cost to purchase and install ROPS by the equipment dealer. The farmer must have employees to be able to qualify for MNOSHA WSC safety grants. Paul said the *Minneapolis Star Tribune* newspaper ran an excellent series in the fall of 2015 about farm-worker safety, written by Jeff Meitrodt. Mark Hysell said federal OSHA has identified there is no industry in the nation growing as quickly as agriculture. There are fewer and fewer smaller farms and there is a real need for farm workers. In Wisconsin, temporary labor camps in farming operations are covered under OSHA's jurisdiction. A local-emphasis program was established that targets dairy farm operations. Farms have been quick to comply, with a good response to federal outreach efforts. New York has adopted Wisconsin's local-emphasis program in agriculture. OSHA programs across the country need to take a look at the opportunity to start outreach programs for farms with 10 or more employees. Bilingual training opportunities and resources are available in the agricultural industry, which benefits everyone.
- John Rajkowski, legislative director for the Minnesota Department of Labor and Industry (DLI) said the legislative session convenes March 8; about 200 bills were submitted for review. It is important that constituents contact their local legislators to let them know how they feel about issues, such as those mentioned today.

**New business: Minnesota OSHA WSC safety grant overview – Tyrone Taylor, Workplace Safety Consultation director, and Cindy Valentine, Workplace Safety manager**

Tyrone Taylor was recently hired to replace Roslyn Robertson, who retired as the WSC director in October 2015.

- Tyrone provided some background information about his 17 years with Minnesota OSHA Compliance. MNOSHA Workplace Safety Consultation provides free, voluntary and confidential workplace safety and health assistance to Minnesota businesses. It provides a wide variety of services, including on-site consultation, training, education and outreach to both general industry and the construction industry. It is completely separate from MNOSHA Compliance. WSC does not issue citations or penalties and asks only that the employer actually corrects the hazards that have been identified by the consultative staff. Some of the benefits of employers working with WSC are lower injury and illness rates, reduced workers' compensation costs, reduction of lost workdays and limited equipment damage or product loss. For more information visit [www.dli.mn.gov/Wsc.asp](http://www.dli.mn.gov/Wsc.asp) or call (651) 284-5060 or 1-800-657-3776. The Safety Grant Program awards funds with a dollar-for-dollar match, up to \$10,000, for qualifying employers that have projects aimed to reduce the effects of injury and illness of their employees. To qualify, employers must have at least one employee, have workers' compensation insurance coverage and have an on-site safety survey conducted – either by MNOSHA Compliance or a private consultant – that contains a list of recommendations to work toward to improve safety and health on the jobsite. Applications are done online and may be submitted all year; they are reviewed every two months; and the grant monies can be used for purchasing new equipment, maintaining existing equipment and/or training, as long as the employer is making improvements on the surveyed items within a project completion deadline of 120 days.

**Old business: Bridge partnership update – Nancy Zentgraf, training and outreach director**

Nancy Zentgraf presented a slideshow about two Minnesota Department of Transportation partnerships.

- St. Croix River Crossing Project, a Lunda and Ames joint venture – Currently, this project has worked 131,595 hours with zero recordable injuries. There are 225 workers on-site and 75 workers at Grey Cloud (formwork). Six hundred seventy-two employees have received the safety and environmental site-specific orientation. MNOSHA Compliance meets weekly with the partners.
- Highway 53 Relocation Project by Kiewit Infrastructure Co, in Virginia, Minnesota – As of December, this project has worked 19,758 hours, with 50 employees working to build a causeway, which existed many years ago when the property was a gravel pit, between Virginia and Eveleth, Minnesota. Trucks are hauling 350,000 tons of material to fill a 170-foot-long causeway. MNOSHA Compliance meets monthly with the partners.

## **Staff reports**

### ***Federal OSHA update – Mark Hysell***

- On Nov. 11, 2015, OSHA sought public comment through Feb. 15, 2016, to revise the Voluntary Safety and Health Program Management guidelines (comparable to Minnesota's A Workplace Accident and Injury Reduction (AWAIR) program).
- On Oct. 29, 2015, the Bureau of Labor Statistics (BLS) report about occupational injuries and illnesses in 2014 was published. Private-industry employers reported nearly three million nonfatal injuries and illnesses. The total recordable cases fell very slightly, just .1 cases per 100 full-time workers, and the rate involving days away from work, restricted or transferred was virtually unchanged. Minnesota's 2014 data was similar.
- On Sept. 17, 2015, the preliminary BLS report about fatal occupational injuries was released. Similarly, the data is unchanged from 2013. The rate of fatal work-injuries in 2014 was 3.3 per 100,000 full-time workers. There were 4,469 fatalities reported in 2014 and just 80 fewer occurred in 2013. BLS data shows fatalities are rising in the construction sector, as well as in the oil and gas extraction sectors.
- Federal-fiscal-year 2016 21(d) and 23(g) grant applications were submitted in July; funding was awarded effective Oct. 1, 2015.
- For the federal-fiscal-year 2015 FAME review, Mark Hysell and three others conducted a comprehensive review of the 23(g) enforcement program the week of Jan. 11. The draft report will be shared with MNOSHA by Feb. 19. Mark must submit the final draft to the regional office Feb. 25 and he must present the federal-fiscal-year 2015 FAME report to the regional administrator March 7, 2016.

### ***Workplace Safety Consultation update – Tyrone Taylor***

- For the first quarter of federal-fiscal-year 2016, Oct. 1 through Dec. 31, Minnesota OSHA Workplace Safety Consultation conducted 224 total consultation visits for safety and health services:
  - 180 initial visits (151 safety, 22 health, and seven health and safety);
  - 29 formal training visits; and
  - 15 follow-up visits.
- Workplace Safety Consultation consultants identified 851 instances of observed hazards
  - 749 serious hazards (including three imminent danger hazards that required prompt corrective action);
  - 102 other-than-serious hazards; and
  - four regulatory hazards (such as recordkeeping).
- There were a total of 73 interventions, which include formal training, meetings with professional groups, Minnesota Star (MNSTAR) Program activities, conference participation and more involved technical assistance, impacting 1,200 establishments representing more than 3,000 employees.
- Construction activity efforts were increased by 21 percent to focus on residential construction worksites.
  - Building Minnesota (provided through the Women Venture organization) had five WSC presentations about topics included in OSHA 10-hour training.
  - Apprenticeship programs (youth and minority focus) and Guadalupe Alternative Program (part of YouthBuild USA) had four WSC training sessions about various construction safety and health topics.

- General industry activity included four WSC alliances:
  - the Minnesota State Colleges and Universities alliance, where WSC was acknowledged as a partner in helping the Riverland College carpentry program gain national recognition for safety accomplishments;
  - the Health Care Group alliance has ongoing quarterly meetings to discuss safe patient-handling issues, challenges and successes;
  - the Minnesota Department of Health (MDH) alliance completed a workplace violence prevention training video that corresponds with the recent MDH statute addressing workplace violence in health care (WSC has a link to the video on its workplace violence prevention web page); and
  - the Minnesota Dental Association alliance completed a webinar about exposure control for bloodborne pathogens.
- Temporary worker safety activity included three presentations outlining the responsibilities of the host and the staffing employer.
- Three presentations about slip, trip and fall prevention were provided to an insurance group during area meetings.
- WSC made presentations for a Twin Cities Field Federal Safety and Health Council event about ergonomics and workplace violence prevention.
- The LogSafe contract with Hibbing Community College was extended through 2016. Ed LaFavor is retiring in 2017. There is high demand for chain saw safety presentations and he is scheduled until his retirement date, so the program is no longer taking requests.
- Minnesota Safety and Health Achievement Recognition Program (MNSHARP) has 35 sites and two pre-SHARP sites in general industry and four sites and three pre-SHARP sites in the construction industry. There will be 16 recertification visits and two new-site visits with employers transitioning from pre-SHARP to MNSHARP status in general industry. Construction projects that are 18-months or more in duration are eligible for MNSHARP. Construction and site openings are available. Those who are interested should contact Ryan Nosan for more information.
- The Minnesota STAR (MNSTAR) Program is Minnesota's voluntary protection program (VPP). It has 40 sites, including two resident contractors at the Flint Hills Refinery. There is one merit site with the potential to qualify as for MNSTAR Program status.
- For the Safety Grant Program, 45 grant applications were received and reviewed, with a total of \$330,440 being requested. Twenty-eight grants were awarded \$197,097, with \$1,868,381 expended in total project costs. The distribution included private companies – five construction, eight manufacturing, nine service industry and eight logging – and public companies – three service industry.

Scott Huberty asked whether there continues to be outreach efforts with regard to the crane standard and certification in Minnesota. Tyrone responded that specific requests have not been received since December 2015. Tyrone responds to inquiries weekly from employers and contractors with crane questions. The most recent presentation was given to an association, about crane law for specific equipment, during the first week of December.

### ***Training, outreach and partnerships – Nancy Zentgraf***

A MNOSHA training activities report for the first quarter of federal-fiscal-year 2016 was distributed. Highlights included the following.

- Training: staff members attended the OSHA Training Institute for construction standards, combustible-dust hazards, occupational safety and health standards and a webinar about time management.
- One new industrial hygienist was hired.
- The annual HAZWOPER refresher training took place Dec. 9. The next refresher course will occur Sept. 28.
- One industrial hygienist attended the Minnesota Safety Council on Process Safety Hazard Analysis and six attended the Industrial Hygiene Professional Development Conference.
- Outreach: a total of 20 presentations were provided to 597 people.
- The Construction Seminar topic in November was Rescue Plans in Crisis Management; 49 people attended. A repeat will be made at the Minnesota Safety Conference in May. The next Construction Seminar is March 15 and the topic is Confined Spaces in Construction.
- On Jan. 25, Robert Servian, a MNOSHA Compliance investigator, was interviewed by Univision TV to discuss MNOSHA Compliance, how inspections are conducted and the importance of worker safety and health. It can be seen on YouTube and aired Jan. 26.
- Publications: the fact sheet showing the 2015 most-frequently cited standards for general industry and construction is available online; and the October edition of *Safety Lines* was published.
- Phone calls: 1,073 phone calls were received from employees and employers.
- Partnerships (Minnesota Department of Transportation, Minnesota Chapter of Associated Builders and Contractors, and Associated General Contractors of Minnesota): MNOSHA Compliance has 11 active partnerships.

Liz asked what is happening with PSM/anhydrous ammonia. Alden Hoffman said the issues surrounded the interpretation and enforcement of the PSM standard to ammonia retailers. The old interpretation was retailers selling 51 percent of the business to end-users were exempt from PSM. The interpretation last July was going to tie the NAICS code to the exemption. When pushback was received, Congress put it in the budget bill, preventing federal OSHA from doing anything until a new NAICS code is created for this entity/transaction. To change it, OSHA needs to go through formal rulemaking, which puts everything on hold until Sept. 30.

Scott asked about the status of enforcement of the newly implemented confined spaces in construction standard. Nancy responded that will be the Construction Seminar topic March 15.

### ***Minnesota OSHA Compliance – Alden Hoffman for Jim Krueger***

- During federal-fiscal-year 2015:
  - 20 fatality and 83 serious-injury inspections were conducted;
  - there were 2,181 inspections;
  - 616 complaints resulted in 299 field inspections;
  - 4,370 phone calls were handled;
  - the response time to calls and complaints was 2.8 days;
  - the lapse time was 21 days; and
  - three safety positions were filled.

- During the first quarter of federal-fiscal-year 2016:
  - four fatality and 36 serious-injury inspections were conducted;
  - there were 449 inspections;
  - 238 complaints resulted in 56 field inspections;
  - the response time was 2.8 days;
  - the citation issuance time was 24 days;
  - 1,073 phone calls were handled;
  - the 2014 annual report, the federal OSHA evaluation and a follow-up to the 2013 evaluation were published on the website;
  - emphasis programs included construction and excavation, silica in construction, the health care industry and the public sector;
  - recently adopted federal standards included injury reporting requirements (effective Oct. 1), which has increased inspections, and confined spaces in construction (adopted Jan. 4).
  - OSHA’s budget is approximately the same as last year and inspection numbers are expected to be about the same;
  - for the OIS/MOOSE data interchange process, a contractor was hired to transmit Minnesota OSHA’s inspection data to federal OSHA’s computer system;
  - the Minnesota OSHA annual report was submitted and federal OSHA conducted an audit of the Minnesota OSHA program in January; and
  - Sarah Kickbusch was hired to supervise the Central unit, because Tyrone’s position became vacant.

**Occupational Safety and Health State Plan Association (OSHSPA) update**

- At the January board meeting, Jim was installed as OSHSPA chairman.
- Minnesota OSHA will host the 2016 spring OSHSPA in Bloomington, Minnesota, May 24 and 25.

**Publications**

- The GRASSROOTS Worker Protection 2014 OSHSPA report is available on DLI’s website at [www.dli.mn.gov/OSHA/PDF/grassroots\\_2014](http://www.dli.mn.gov/OSHA/PDF/grassroots_2014).

**2016 meeting schedule**

The meeting schedule for 2016 is Feb. 5, May 6, Aug. 5 and Nov. 4.

**Adjournment**

The meeting was adjourned at 11:20 p.m.

Respectfully submitted,  
*Pamela McLaughlin*  
 Executive Secretary