

**Occupational Safety and Health Advisory Council
Meeting minutes
May 2, 2014**

Members present

Erick Ajax
Carol Bufton
Scott Huberty
Pedro Lopez
Michael Marturano
Michael Mueller
Liz Rheingans
Greg Rindal
Dean Tharp
Daryl Tindle

Staff members present

Alden Hoffman
Mark Hysell
James Krueger
Roslyn Robertson
Commissioner Ken Peterson

Guests/speakers present

Matt Marquis
Gary Robertson
Julie Alcorn-Webb *via telephone*

Call to order

The meeting was called to order at 10 a.m. by Chairwoman Carol Bufton and announcements were read. Council members, staff members and guests introduced themselves.

Approval of the agenda

The May 2 meeting agenda was approved.

Approval of the minutes

Mike Mueller moved to approve the Feb. 7, 2014 meeting minutes; Mike Marturano seconded. All voted in favor and the motion carried.

Federal update – Mark Hysell

- On April 11, 2014, OSHA published a final rule revising standards for electric power generation, transmission and distribution effective July 11, 2014.
- On March 9, 2014, OSHA announced a national stand-down for fall prevention in construction from June 2 through 6, 2014, to raise awareness among employers and workers about the hazards of falls, which account for the highest number of deaths in the construction industry.
- From March 18 through April 4, 2014, OSHA had public hearings to continue extensive public engagement about the proposed new silica standard. OSHA is attempting to lower the permissible exposure limit (PEL). The standard will address general industry, construction, and boat and shipyard industries.
- The evaluation of the 2013 Minnesota OSHA (MNOSHA) program has been completed. The reports are finalized.
- The 2015 safety grant application instructions should be out at the beginning of June. States are being asked for input, especially from the consultation units.
- Fatalities in Region V have increased significantly this past federal-fiscal-year; similarly, since the beginning of the calendar year, in the construction industry.

Department update – Commissioner Ken Peterson

- In 2012, Minnesota ranked eighth in the nation (during a five-year period) of recorded fatalities at 2.6 workers. We have the lowest numbers between the east and west coasts. California, Delaware, the New England states and New Jersey report low fatality rates also.
- On Aug. 1, 2014, Minnesota's minimum wage will increase to \$8 an hour, then \$9 an hour in 2015 and \$9.50 an hour in 2016, with inflation indexed up to a maximum of 2.5 percent. It can be rolled back by the commissioner of the Minnesota Department of Labor and Industry if the situation arises (no economic growth).
- The Labor Standards and Minnesota OSHA Workplace Safety Consultation units jointly sent a mailing, "Spring into Safety," to school counselors, providing students with information about worker safety, the right-to-know standard and the minimum-wage increase.
- A legislative auditor will be reviewing the role of the Packinghouse Workers Bill of Rights, Minnesota Statutes § 179.86 as passed in 2007, and asks the Department of Labor and Industry to contact all state packinghouses to request that employers provide information to their employees about equipment to safely perform their jobs; to discuss employee rights and duties; to provide a description of their salary and benefits, leave policies and work hours; and to provide a description of any occupational hazards known to exist. The department complied in 2007 through 2008. There is no consequence to employers that do not provide this information to their employees. The auditor will be looking at how the department carried out its responsibilities in this area. We continue to ensure meatpacking is an emphasis area and injury rates have been reduced significantly. MNOSHA Compliance conducted 105 meatpacking inspections and issued 240 citations – 193 were serious, two were willful and one was a repeat; total assessed penalties were \$303,000. During this timeframe, we've also looked at our emphasis program and increased it roughly 20 percent in federal-fiscal-year 2012. A health investigator was added to inspect, with the safety investigator, ammonia and carbon dioxide levels (a joint inspection). About that time, it was brought to our attention cleaning crews were being subcontracted.
- Legislative update: A new rulemaking bill is being introduced.
- As part of Gov. Mark Dayton's "Unsession," DLI has adopted a "plain language" initiative to improve communication with its customers. All state agencies have been directed to write in clear and concise sentences, and to reduce the use of jargon and acronyms, which will reduce confusion, save time and improve customer satisfaction.

New business

Fall Prevention Stand-down, June 2 through 6, 2014 – Gary Robertson, MNOSHA Compliance training and outreach

- Fatalities caused by falls from elevation continue to be a leading cause of death for construction workers. The purpose of the stand-down is to raise awareness of preventing fall hazards in construction. The stand-down is a volunteer program for employers to talk directly to employees about fall hazards by stopping work and providing a focused toolbox talk about a safety topic such as ladder safety, fall protection equipment and scaffolds safety. Participants may include trade associations; employers; federal, state and local government; professional societies; and others. When completed, employers will be able to provide feedback and download a certificate of participation from June 2 through July 15.
- Posters are available in English and Spanish for posting in the workplace.

Old business

2014 meeting topic list – Mike Mueller put together a table of topics for ranking/scoring. Additional requests will be added.

- Temporary workers
- Window washing
- Arc flash
- Contractor safety programs
- Hispanic construction
- Near-miss reports (best practices) and near misses in the utility industry

An updated list will be sent to members to rank/score online and be returned to Mueller prior to the August meeting. Scoring: 1 is “most important” and 20 is “least important”.

Staff reports

MNOSHA Compliance – Jim Krueger

- Federal-fiscal-year 2014 statistics (first and second quarters)
 - 105 meatpacking inspections were conducted, with 245 citations and \$303,000 assessed in penalties
 - 334 complaints resulted in 159 inspections
 - Eight fatalities and 11 serious injuries were inspected
 - 1,213 inspections were conducted
- Emphasis inspections have been prioritized and additional training is being provided in each of the following areas:
 - excavation;
 - residential construction (fall protection);
 - window washing;
 - crane inspection; and
 - silica in construction.
- The Globally Harmonized System of Classification and Labeling (GHS) was adopted in Minnesota on Sept. 10, 2012.
- Minnesota Rules amendments: Adopted April 14, 2014, amendments to Minnesota Administrative Rules permitting electronic filing of documents, such as the Notice of Contest and Progress Report forms.
- Federal OSHA: A slight increase of \$22,600 was received in March. We are not filling current vacancies and staff member training has been minimized to introductory core classes.
- No significant budget increase is expected in 2015.
- The FAME report will be available to the public in August.
- The OSHSPA meeting was April 22 and 23, 2014, in Nashville, Tennessee. There was significant discussion about the budget and a new federal information system. Minnesota has its own information system and communication between both is imperative.

Training and outreach – Jim Krueger for Nancy Zentgraf

- Thirty-six presentations were provided to 1,952 participants.
- Trenching: six trenching presentations, covering 800 contractors statewide, were presented for utility contractors about excavation safety.

- Fall protection for roofing: there was a presentation to 100 contractors with a roofing material manufacturer, and three presentations about fall protection to 150 roofers, presented in both Spanish and English.
- Sixteen presentations were given to manufacturing and construction groups, two to professional organizations, 19 to leading organizations and one to new business owners about MNOSHA, in Spanish.
- Construction Seminars: January's seminar focused on construction fatalities and serious injuries during the past five years, plus a MNOSHA Compliance and MNOSHA Workplace Safety Consultation update. The March seminar featured a panel discussion about excavation and trenching, with special emphasis on inspections and underground utilities.
- Publications: three fact sheets were released this quarter about the most frequently cited standards for federal-fiscal-year 2013 (construction, general industry and overall); a hazard alert about swimming pool chemicals was also released.
- OSHA Training Institute (OTI): two investigators attended the OSHA 1230 Accident Investigation course, fall arrest Systems at the MnDOT Training Center. All other OTI training has been canceled.
- Defensive driving: the Minnesota Safety Council provided a four-hour training session to MNOSHA Compliance and MNOSHA Workplace Safety Consultation staff members.
- Field training and evaluation: five inspections were randomly selected where the supervisor accompanied an inspector into the field, 10 inspections where the primary investigator was accompanied by a more senior investigator or mentor and 12 inspections that were conducted by a more senior investigator who had back-up for various reasons (special expertise in an industry or process).
- Partnerships: there are seven partnerships currently, two additional are in-process; quarterly meetings are being conducted with partners in attendance.

MNOSHA Workplace Safety Consultation – Roslyn Robertson, second quarter 2014 statistics

- Workplace Safety Consultation conducted 252 total visits for safety and health services (initial visits, training, follow-ups)
- Hazards identified: 788 serious (including one imminent danger); 82 other-than-serious; and four regulatory (i.e. recordkeeping)
- LogSafe: Hibbing Community College has initiated LogSafe spring training. Seventeen training presentations, one formal training session
- Construction activity: 32 technical assistance/training interventions and seven training visits associated with initial visits including:
 - 99 initial visits, eight training visits, and four follow-up visits that included 19 initial, one training and one follow-up visits for residential construction projects
- Ergonomics: six initial, eight training and two follow-up visits; 12 technical assistance and training interventions. Topics included: safety and health programs, safe patient-handling, office ergonomics, injury/illness recordkeeping, exposure control program for bloodborne pathogens, employee right-to-know and ergonomics.
- Alliances: Minnesota Dental Association alliance – one presentation about developing an exposure control plan for bloodborne pathogens (39 attended representing 39 establishments). This was a final presentation in a series of six given to dental clinic employers as part of the alliance.

- Care Providers of Minnesota: six facilities were provided safety and health programs with technical assistance and training.
- Workplace Safety Consultation partnered with the Department of Labor and Industry's Labor Standards unit on teen-worker outreach. Information was sent to 1,700 counselors and work coordinators in high schools to distribute to students to provide education about basic MNOSHA rights and requirements, how to access the information and who to contact. One hundred teachers were contacted.
- DHS – workplace violence prevention: four formal training presentations attended by 157 participants.
- Safety grants (first quarter data)
 - Forty-five grant applications were received and reviewed
 - Thirty-eight grants were awarded
 - Total project costs: \$1,277,331
 - Amount of grant money awarded: \$285,358
 - Total requested grants: \$379,952
- MNSHARP/MNSTAR Program
 - Thirty-six MNSHARP sites in general industry and one pre-MNSHARP site
 - Seven MNSHARP sites in construction and three pre-MNSHARP sites
 - 34 MNSTAR Program sites and two Merit sites

The 2014 meeting schedule is Feb. 7, May 2, Aug. 1 and Nov. 7.

Adjournment

Mueller moved to adjourn the meeting, the motion was seconded by Erick Ajax. All voted in favor and the motion carried. The meeting adjourned at 11:50 a.m.

Respectfully submitted,
Pamela McLaughlin
 Executive Secretary