

SIGNATURE PROJECTS

Minnesota OSHA signs consent decree ending court ordered process

On Oct. 28, 2019, the Minnesota Department of Labor and Industry (DLI) and the Minnesota Department of Health (MDH) shut down a fishing tackle and battery component maker, Water Gremlin Company, after the children of employees were found to have dangerous levels of lead in their blood. Following an inspection by Minnesota OSHA (MNOSHA) it was found there were insufficient measures in place to prevent lead dust from making its way into the homes of company employees and into the bloodstreams of their families.

The DLI commissioner issued a temporary order shutting down production at the facility for 72 hours. DLI and MDH filed a petition in Ramsey County District Court, where a judge affirmed the state's authority and actions to address the public health threat of lead poisoning and to protect children. The judge provided clear and detailed orders regarding steps Water Gremlin Company must put into place in the short term and the need for the employer to implement a permanent solution to better protect the health and safety of its workers and their families.

The order required permanent solutions to be implemented within the next year, including new changing areas and shower facilities, to ensure workers are free of lead when they leave the facility. In the short term, the judge ordered Water Gremlin Company to clean up lead contamination in the facility and in employees' vehicles. The judge also ordered MDH to reach out to current and former employees and offer to have the employer pay for testing and remediation conducted in the employees' homes if requested by the employee.

In 2021, the company has completed the permanent solutions and cleanup of employee vehicles and homes. All parties have executed a consent decree closing this process with the court and acknowledging the company has complied with the order of the court.

SAFETY GRANT PROGRAM

The Minnesota Department of Labor and Industry's Minnesota OSHA (MNOSHA) Workplace Safety Consultation (WSC) administers the state's Safety Grant Program, which provides reimbursement funding grants of up to \$10,000 to employers incorporating hazard controls designed to reduce workplace injuries and illnesses while enhancing workplace safety and health. This entirely state-funded grant program operates on Minnesota's fiscal year (July through June) and is broken into six two-month cycles when MNOSHA WSC fields and evaluates grant applications.

As part of the application process, grantees must provide detailed information about their project, including a hazard assessment identifying specific hazards to be addressed, as well as information about how employee safety and health will be impacted in the workplace when the project is complete. Grant applications are ranked and scored individually, with priority consideration being given to industries identified by MNOSHA with significant hazard exposures, including: respirable silica protection in construction and manufacturing; cave-in protection associated with excavation and trenching; equipment with rollover protective structures in farming; hazards associated with grain-handling facilities; and fall prevention in residential construction and window washing.

In state-fiscal-year 2021, MNOSHA WSC received 239 safety grant applications, totaling more than \$1.9 million in requested funds, and was able to award more than \$1.5 million in safety grants. The overall total project costs for all safety grant applications submitted exceeded \$7.4 million. Awarded safety grant projects included: fall protection equipment; trench boxes; boom-supported aerial lifts; fixed industrial ladder cages; exhaust ventilation systems; ergonomic material-lifting equipment; personal protective equipment (including respiratory protection); patient-lifting equipment; and hazardous-atmosphere detection equipment.

When considering potential future impacts of the Safety Grant Program, MNOSHA WSC expects to continue endorsing impactful projects to bolster workplace safety and health for employees throughout Minnesota across a wide array of industries with both distinct and complex hazards.

MNOSHA adapts and responds during the COVID-19 pandemic

As was true for every organization, many changes occurred for MNOSHA Compliance due to COVID-19. MNOSHA continued to practice social distancing and used face coverings whether working indoors while in the office or on field inspections. All field staff members were working remotely from home on a laptop and using a state cell phone. However, that did not mean MNOSHA was sitting on the sidelines. MNOSHA continued to perform inspections, as well as outreach and training for stakeholders and the public.

Since the onset of COVID-19, MNOSHA has seen a significant increase in email and phone call inquiries. This required MNOSHA to dedicate additional staff members to respond to these inquiries. Since the start of COVID-19, from March 1, 2020, through Sept. 30, 2021:

- MNOSHA received 26,183 email and phone inquiries, which included 2,352 non-formal complaints and 457 (178 COVID-19) formal complaints;
- MNOSHA conducted 1,911 inspections (221 COVID-19) and issued 2,747 citations (177 citations issued on inspections with a COVID-19 component, with 59 being general duty citations); and
- MNOSHA's Discrimination team fielded a total of 618 intakes, which resulted in 148 cases that are being pursued and of which 98 cases have been designated as having a COVID-19 component.

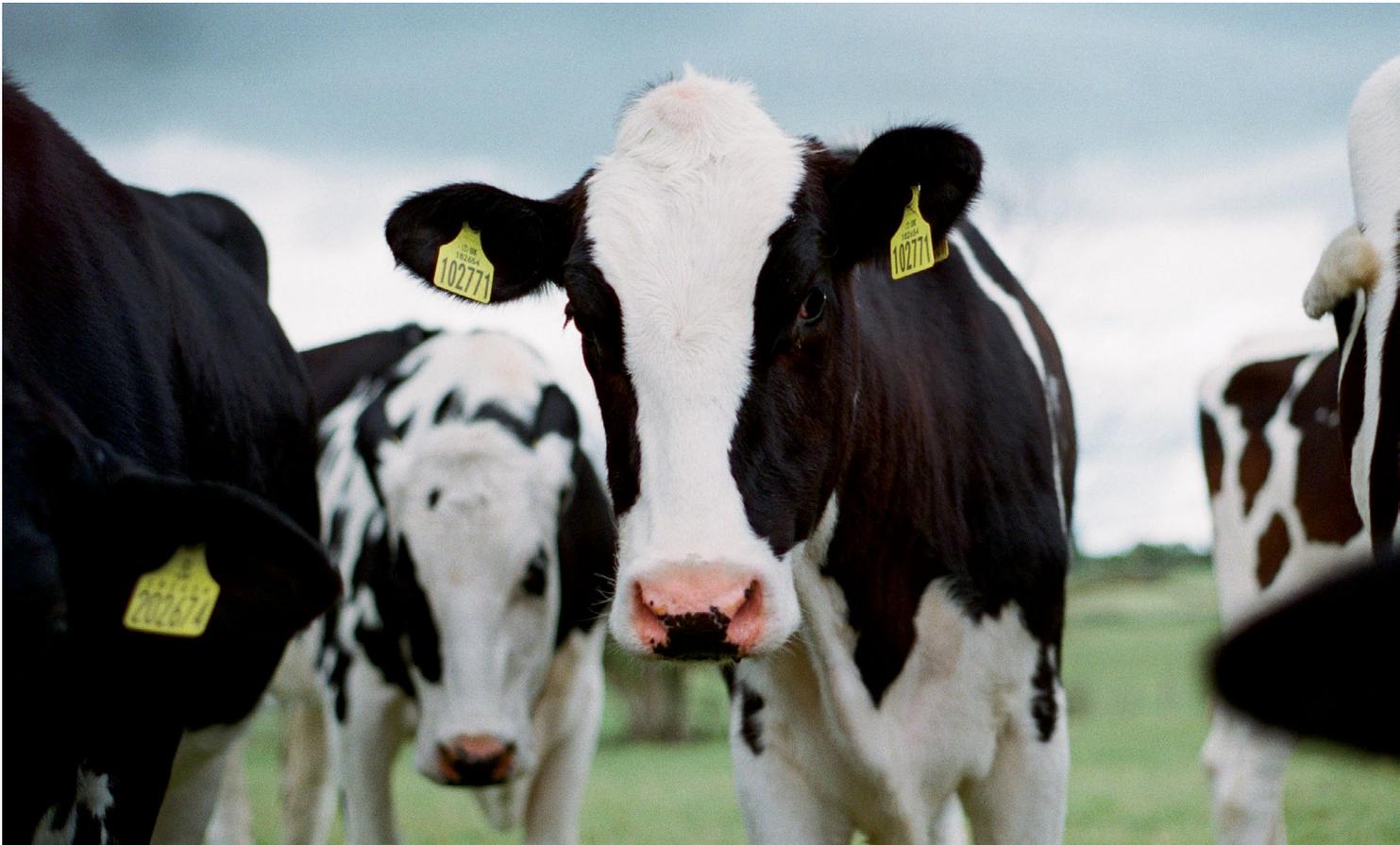
EMPHASIS PROGRAMS

In federal-fiscal-year 2021, MNOSHA Compliance conducted inspections under 17 local and national emphasis programs. 95% of the 790 programmed inspections MNOSHA Compliance conducted were in these emphasis programs.

MNOSHA developed a new emphasis program in FFY2021 to help reduce fatalities, injuries and illnesses in agricultural operations. The agricultural NAICS codes to be focused on were selected based on the highest incidence of indemnity claims in Minnesota – 112210 Hog and Pig Farming, and 112120 Dairy Cattle and Milk

Production, were the focus of the agriculture local emphasis program. MNOSHA's goal for four inspections under this new emphasis was achieved, with a total of six inspections being conducted in the applicable NAICS codes.

Despite the challenges of the COVID-19 pandemic, MNOSHA Compliance conducted a total of 15 inspections in the meat processing and health care industries: seven were programmed, planned inspections; the other eight included unprogrammed activity, mainly due to COVID-19 concerns.



ENFORCEMENT

General automotive repair

A complaint was filed against a tractor and trailer maintenance shop for not following COVID-19 protocols. MNOSHA Compliance cited the employer general-duty violations for not wearing face coverings and not social distancing in the shop and customer service area. MNOSHA Compliance issued two serious citations with \$11,200 in penalties.

Commercial printing

An employee crushed their left hand while unjamming an envelope folding machine. MNOSHA Compliance cited the employer for not using lockout/tagout (LOTO) procedures, not training employees about an energy control program and not conducting periodic inspections, as well as having a lack of machine guarding. MNOSHA Compliance issued four serious citations that included the serious-injury factor (SIF), with \$28,000 in penalties.

Grain and field bean merchant wholesalers

An employee was engulfed by corn in a flat storage building. MNOSHA Compliance cited the employer for having an unguarded floor hole, not training employees about the specific procedures and safety practices applicable to their job tasks, and not de-energizing equipment that poses an engulfment hazard. MNOSHA Compliance issued three serious citations that included the SIF with \$12,500 in penalties.

Site preparation contractors

An employer was installing drainage pipe and an inspection was conducted under the national emphasis on trenching and excavation. MNOSHA Compliance cited the employer for not having a competent person eliminate the hazards prior to entering the excavation, not

providing an adequate protective system and not providing a means of egress, as well as having spoil piles within two feet of the edge of the excavation. MNOSHA Compliance issued two repeat citations and two serious citations, with \$24,400 in penalties.

New housing operative builders

A general contractor and three subcontractors were building townhomes and an inspection was conducted under the local emphasis on activity generated in construction. MNOSHA Compliance cited the general contractor and subcontractors for not using fall protection and because the stairways were not provided handrails. MNOSHA Compliance issued two repeat citations and six serious citations, with \$18,700 in penalties.

Concrete block and brick manufacturing

An employee was asphyxiated when they attempted to obtain a material sample from a tanker trailer and was found unresponsive and face down in fly ash. MNOSHA Compliance cited the employer for not ensuring the employee was protected from falling, not training the employee to recognize fall hazards, not evaluating the tanker truck to be a permit-required confined space, not developing a written confined-space entry program, not providing training to an employee entering the space and not training employees about confined space rescue duties. MNOSHA Compliance issued six serious citations, including three cause or contribute citations, with \$79,200 in penalties.

General freight trucking and other animal food manufacturing

A logistics employee was fatally injured when they fell from the top of a semi-trailer in the loadout bay of a feed mill. MNOSHA Compliance cited both the host employer and

the logistics employer for not ensuring the employee was protected from falling. The logistics employer was also cited for not training employees about fall hazards while accessing feed trailers and for not developing a written safety and health program. MNOSHA Compliance issued two willful citations and two serious citations, including three cause or contribute citations, with \$125,200 in penalties.

OUTREACH

Presentations

In federal-fiscal-year 2021, Minnesota OSHA (MNOSHA) Compliance conducted 53 presentations to 2,240 participants. Most of the outreach presentations dealt with COVID-19. A lot of the discussion was about preparedness plans and protecting workers from COVID-19. MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs one investigator who is fluent in both English and Spanish, and one investigator who is fluent in English and Somali. MNOSHA gave one presentation in Spanish this year. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers and employees in coordination with DLI’s community services representative.

Construction Seminar series

MNOSHA Compliance conducted five Construction Seminars in federal-fiscal-year 2021, reaching 349 participants. The Construction Seminar series was developed to help members of

the construction industry who are responsible for worksite safety to stay current with MNOSHA Compliance standards. The Construction Seminar series provides a forum for members of the construction trades and their employers to discuss issues and experiences with the presenting speaker, their peers and MNOSHA Compliance investigators. Topics included: “Cranes in construction”; “Why mental well-being and suicide prevention are leadership issues in construction”; “Don’t forget about health standards in construction”; and “Fall protection and safety for mobile elevating work platforms.”

Newsletter

MNOSHA continues to publish its quarterly newsletter Safety Lines. Topics in the past year included: grain-bin hazards; safety grants; MNOSHA Workplace Safety Consultation outreach; recordkeeping; partnerships; rulemaking updates; carbon-monoxide threats during the winter months; COVID-19 updates and information; health and safety of young workers; and more.

PARTNERSHIPS

Minnesota STAR (MNSTAR) Program

Federal-fiscal-year 2021 ended with 34 active full Minnesota STAR (MNSTAR) Program worksites; one worksite is a construction participant and the remainder are general-industry participants. Fifteen companies successfully achieved full re-certification as MNSTAR Program worksites; one worksite withdrew from the program.



General-industry participants in the MNSTAR Program have a three-year (2018 through 2020) average rate that is 65% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 66% below the current rate for “days away, restricted or transferred.” The MNSTAR Program construction participant, a resident contractor at a MNSTAR Program participant’s site, is 100% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 100% below the current rate for “days away, restricted or transferred.”

Partnerships with construction contractors

MNOSHA Compliance’s construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota are designed to help reduce the number of injuries, illnesses and fatalities at participating construction-industry employers.

In both programs, the partnership is managed by the association and has three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA’s Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In federal-fiscal-year 2021, MNOSHA partnered with 46 AGC and 24 MN ABC contractors at 20 Level 3 construction sites. The MNOSHA Compliance partnership director also continues to have quarterly meetings with Level 3 contractors, focused on accident reduction. At these meetings, contractors share best-practices with each other.