

Meeting minutes: Occupational Safety and Health Advisory Council

Date: May 4, 2018

Minutes prepared by: Pamela McLaughlin

Location: Minnesota Room – Minnesota Department of Labor and Industry

Attendance

- Members present: Paul Aasen (chairman), Brandon Holmes, Scott Huberty, Michael Marturano, Tom Moibi, Christopher Schmitt, Kurt Zimmerman
- Staff members present: Ron Anderson, Dave Ferkul, Jim Krueger, Nancy Zentgraf, James Honerman
- Guests present: Carol Keyes, CHES Inc.; Mark Lenling, Metro State University; Samantha Pofert, IEA

Agenda

- The May 5, 2018, meeting agenda was approved.
- The Nov. 4, 2017, meeting minutes were approved.

Next meeting

Date: Nov. 2, 2018

Time: 10 a.m. to noon

Location: Minnesota Room – Minnesota Department of Labor and Industry

Agenda items: Submit proposed agenda items to Pamela McLaughlin.

Meeting notes

New member

Dean Gale, St. Paul Plumber's Union 34, was appointed to the council, representing labor. Gale is unable to attend today's meeting.

Department update

- **Website redesign** – James Honerman, Communications director. The Department of Labor and Industry (DLI) is building a new website that is citizen focused, is mobile friendly, reflects agency priorities while meeting program area business needs, is task oriented and is presented in a consistent format. In March

2017, a web design vendor was hired; in April 2017, workshops were conducted with a variety of stakeholders to obtain feedback about the current website. It was determined the website has too many links, has unclear navigation, is cluttered with too much content and has too many PDF files. The new design will improve organization and simplify areas of service by user type for business and workers. The new website is expected to roll out by the end of May or early June.

- Apprenticeship Minnesota is a new campaign recently initiated, using ads on LinkedIn, Facebook, Google, Spotify, public transportation (bus) and other media. A new area of the website was launched, www.dli.mn.gov/Appr.asp, and most users access it through their cell phones.
- **GovDelivery** – James Krueger, Workplace Safety Manager. We will resume communicating council information via email (Microsoft Outlook). The electronic mail service, GovDelivery, will no longer be used to send Occupational Safety and Health Advisory Council meeting notifications. Communication will be done by the council's secretary.
- **Staff updates**
 - In November 2017, DLI Deputy Commissioner Jessica Looman was appointed as the commissioner of the Minnesota Department of Commerce by Gov. Mark Dayton.
 - Chris Leifeld has been named DLI's new deputy commissioner and he also oversees the Workers' Compensation Division.
 - Scott McLellan is assistant commissioner of the Construction Codes and Licensing Division, the Labor Standards unit and the Apprenticeship unit.
 - Heather McGannon is assistant commissioner for the General Support Division, which includes the work units Office of General Counsel, Financial Services, Human Resources, Communications, Research and Statistics, Legislative Services, Office of Combative Sports, and Projects and Planning.

New business

- **Legislative update** – Krueger.
 - HF 2766 and SF2578 were both passed in the House and Senate. The bills modify driving while intoxicated (DWI) law by including other types of intoxicating substances and striking references to OSHA's hazardous substance list.
 - House Omnibus Bills: one includes conformance to federal OSHA's penalty increase language; the language is currently not in the Senate's version.
- **Arthur E. McCauley, Jr. Award** – Krueger. Each year, DLI seeks to honor a safety and health professional who is an example of safety and excellence. Arthur E. McCauley, Jr. was the manager of the Minnesota Safety Council and a member of the OSH Advisory Council for many years. He is recognized for his dedication and tireless efforts to improve safety and health in the workplace. Nominations were received and the Department selected an individual to receive the award, which will be presented during the Governor's Safety Award Luncheon at the Minnesota Safety and Health Conference, next week.
- **The 84th Annual Minnesota Safety and Health Conference, May 8 through 10, 2018** – Aasen. Aasen extended an invitation to attend a special "Leading with Safety" executive session, Thursday, May 10, from 10 to 11:15 a.m. The session features leaders from Cargill, Inc. and the National Safety Council.
- **Building renovation** – Krueger.
 - Phase I covers two-thirds of DLI's third floor. Cubicle and office furniture is scheduled to arrive within the next few weeks.
 - On the first floor:
 - an emergency exit is being added behind the front desk;
 - a vestibule has been added at the employee entrance;
 - additional staff rest rooms are being added; and
 - the mailroom and loading dock area is being revamped.

- On the fourth floor:
 - the entire fourth floor will be demolished and staff members will move by the end of the month, including all Minnesota OSHA Compliance and Minnesota OSHA Workplace Safety Consultation staff members; and
 - staff members will be temporarily moved to existing conference rooms, empty cubicles or offices; and “floating” workstations that will be set up, until permanent spaces are available.
- Renovation of the second, third and fourth floors is expected to be completed by the middle of January 2019.
- **New standards – Anderson.**
 - Minnesota repealed several Minnesota Rules in February, which were duplicative of federal OSHA’s walking and working surfaces, which was adopted last September. Elevated storage platforms, ship’s ladders, suspension scaffolds, wells, pits, shafts and other spaces, were under the walking and working surfaces title in the table of contents from the Minnesota Rules and were all repealed.
 - At the same time, in construction – in 5207, 301, 301, 303, 304 – are Minnesota Rules for confined space in construction. In 2016, Minnesota adopted the federal confined space in construction, making the Minnesota Rules duplicative, so they were also repealed, effective in February.
 - MNOSHA adopted the final rule for Occupational Exposure to Respirable Crystalline Silica on Sept. 26, 2016. Following federal OSHA’s decision, MNOSHA will delay the enforcement of the Crystalline Silica Standard (1926.1153) in construction. Enforcement of this standard was to begin June 23, 2017, but was pushed to Sept. 23, 2017. MNOSHA continues to provide guidance to employers to ensure they are successful in implementing the requirements of the standard.
 - In March, we proposed to adopt the final rule to improve tracking of workplace injuries and illnesses, which is the database application for electronic reporting of injuries and illnesses. Minnesota did not follow federal OSHA’s low-hazard industry exclusion, so all Minnesota employers with 20 or more employees will be required to submit, once that is final. The effective date to enter the 2017 data is July 1, 2018.
 - Minnesota is currently in the process of adopting the beryllium standard for general industry.
- **Excavation Stand-down – Zentgraf.**
 - The Excavation Stand-down was April 16 through 20, Minnesota’s second year. Minnesota has had three excavation-related fatalities since 2015 and the season has begun again, which moved the timeline to April. The purpose is to raise awareness of workers and companies to focus on preventing excavation hazards.
 - Employers are asked to stop work to focus on safety awareness in excavation by participating in a toolbox talk, conducting a lunch and learn or performing a job-safety analysis.
 - Nine employers and 106 employees participated. Each company receives a certificate of completion signed by DLI’s commissioner.

Old business

- The 2018 Minnesota Safety and Health Conference will be May 8 through 10 at the Minneapolis Convention Center.

Staff reports

- **Federal OSHA update – Nancy Zentgraf, for Mark Hysell, area director Eau Claire office.**
 - On April 17, 2018, OSHA released a flyer outlining steps to keep tractor-trailer drivers safe when they are parking, backing up or coupling and uncoupling their vehicles – the three most common hazards. According to data from the U.S. Bureau of Labor Statistics, at least 96 fatalities in truck transportation

occurred in midwestern states from 2015 through 2017. Visit OSHA's trucking industry webpage for information about other hazards in the industry.

- On March 2, 2018, OSHA will enforce the beryllium exposure in general, construction and shipyard industries, starting May 11. The new standard established lower eight-hour permissible exposure limit (PEL) and short-term (15-minute) exposure limit (STEL) for construction and shipyard industries.
- On Feb. 16, 2018, OSHA renews an alliance with the International Window Cleaning Association (IWCA) to protect the safety of industry workers. During the five-year agreement, OSHA and IWCA will work together to address hazards, such as falls from heights, and slips, trips and falls. Participants will focus on the safe use of high-reach access equipment, including rope descent systems, ladders and scaffolding. Deputy Assistant Secretary of Labor for Occupational Safety and Health, Loren Sweatt, stated, "Falls are among the most common hazards encountered by professional window cleaners."
- On Dec. 19, 2017, OSHA released a statement regarding fatal occupational injuries in 2016. The U.S. Bureau of Labor Statistics' Census of Fatal Occupational Injuries reports there were 5,190 workplace fatalities in 2016, a 7-percent increase from 2015. The fatal injury rate also increased from 3.4 per 100,000 full-time-equivalent workers in 2015 to 3.6 in 2016. More workers lost their lives in transportation incidents than in any other event in 2016, accounting for about two out of every five fatal injuries. Workplace violence injuries increased by 23 percent, making it the second-most-common cause of workplace fatalities. The number of overdoses on the job increased by 32 percent in 2016. The number of fatalities has increased by at least 25 percent annually since 2012.
- Closer to home:
 - Fiscal-year 2017 FAME report – MNOSHA submitted the FAME report to the national OSHA office.
 - Fiscal-year 2019 21(C) AND 23(G) grant applications were provided to MNOSHA.
 - The Eau Claire area office responded April 26 to an explosion at the Husky Energy Refinery in Superior, Wisconsin.
 - Fiscal-year 2018 21(d) and 23(g) grant application instructions have been provided to state plans and applications need to be submitted by July 14, 2017, to Region V for review prior to electronic submission to OSHA.
- **Workplace Safety Consultation statistics for federal-fiscal-year 2017, first and second quarters – Dave Ferkul.**
 - **Consultation visits:**
 - 396 initial visits;
 - 321 safety, 55 health, 20 joint safety and health;
 - 75 formal training visits;
 - 30 follow-up visits;
 - 501 total consultation visits for safety and health services; and
 - 242 residential construction sites.
 - **Hazards identified:**
 - 1,974 observed hazards;
 - 1,773 serious (includes six imminent danger);
 - 190 other-than-serious hazard exposures; and
 - five regulatory (such as recordkeeping).
 - **Total interventions:**
 - 164 interventions, including formal training, MNSTAR activities, conference participation and technical assistance; impacting 2,861 establishments; represented by more than 6,365 employees.

- **Construction activity:**
 - 113 initial visits, eight formal training and eight follow-up visits;
 - ~20 percent residential construction worksites.
- **Other first- and second-quarter highlights:**
 - outreach events – Minnesota Construction Summit/CWA Local 7250 health fair;
 - coordinated, presented OSHA 10-hour class for workers at Minnesota Zoo;
 - Minnesota Municipal Utilities Association (MMUA) presentations about frequently cited standards and workplace violence prevention; presentations to seven municipalities about the new silica standards and walking and working surfaces;
 - ergonomics – concluded evaluation, acquisition and testing of friction-reduction devices for EMTs, related to patient moving; successfully identified available equipment that will be effectively used;
 - completed six presentations for Arrowhead Builders Association about fall protection, personal protective equipment, site safety management, health hazards in construction, electrical safety and recordkeeping;
 - ongoing – 12 presentations about new silica standard for construction;
 - ongoing – five presentations about new walking and working surfaces standard; and
 - a couple Webex presentations about recordkeeping (Workplace Safety Consultation planning to use Webex more extensively).
- **A few coming items:**
 - three recordkeeping “live” training sessions in the Minnesota Room during May and June (more details on the recordkeeping webpage); training will include the electronic submission requirements;
 - training about what to do when there’s an active shooter is scheduled in the Minnesota Room on June 27 (see the MNOSHA events webpage for more detail).
- **Alliances:**
 - Mexican Consulate – continued monthly TALK series of presentations about Workplace Safety Consultation programs and services;
 - Minnesota State Colleges – ongoing worksite consultations and policy review;
 - Alliance of Automotive Service Providers – participated with annual AASP Conference;
 - Minnesota Dental Association – ongoing collaboration, completed development of training materials for dental clinics (BBP, TB, HazCom, etc.);
 - Minnesota Electrical Association – continued support for the newsletter, providing articles about ergonomics, aerial lifts and elevated work platforms; and
 - Hospital Safety and Health Group – quarterly meetings to discuss safe patient-handling issues, has continued to be a successful networking group that presents challenges and exchanges ideas to improve patient handling (and other safety and health issues).
- **Minnesota Safety and Health Achievement Recognition Program (MNSHARP):**
 - general industry – 38 sites and one pre-SHARP; and
 - MNSHARP Construction – eight sites and five pre-SHARP.
- **Minnesota STAR Program (MNSTAR, Minnesota’s voluntary protection program:**
 - 35 sites; and
 - one merit site (with the potential to qualify for MNSTAR).

- **Safety Grant Program (third-quarter, state fiscal-year):**
 - 83 grant applications received and reviewed, with a total of \$717,057 requested;
 - 51 grants were awarded, totaling \$310,865;
 - \$2,394,563 in total project costs;
 - grant distribution was 44 private companies (18 construction, 11 manufacturing, five service, eight logging and two health care) and seven public-sector organizations.

- **Training, outreach and partnerships (federal-fiscal-year 2018, first and second quarters) – Ron Anderson.**
 - Ten MNOSHA investigators attended courses at the OSHA Training Institute (OTI).
 - Outreach – 48 presentations were provided to 1,589 participants, 30 for leading organizations, 14 for groups covered by our strategic plan and three for youth.
 - Construction Safety Seminars: November – fall protection (70 attendees); January – cranes and rigging (45); March – best practices in construction (46); and May (coming) – asbestos in construction, with Minnesota OSHA, Minnesota Pollution Control Agency and Minnesota Department of Health.
 - Publications: the April issue of *Safety Lines* was published last month.
 - Compliance assistance: MNOSHA Compliance answered 2,231 phone calls and 1,039 written requests for information.

- **Compliance (federal-fiscal-year 2018, first and second quarters) – Nancy Zentgraf.**
 - Inspections conducted:
 - 14 fatality and 22 serious-injury inspections that occurred under MNOSHA jurisdiction;
 - 889 inspections conducted;
 - 601 complaints, resulting in 127 inspections;
 - response time to calls and complaints was 2.6 days; and
 - citations issuance time is 29 days for both safety and health.
 - Emphasis programs are prioritized:
 - excavations;
 - fall protection;
 - machine guarding, lockout and tagout; and
 - industrial hygiene sampling.
 - Ongoing training and inspecting in emphasis areas:
 - health care (nursing homes, hospitals);
 - grain handling;
 - foundries; and
 - meat packing.
 - Significant legislation and rulemaking:
 - federal standards (see Ron Anderson’s report under new business)
 - Federal budget:
 - the budget level for federal-fiscal-year 2018 MNOSHA enforcement remains near the levels for federal-fiscal-years 2015, 2016 and 2017;
 - MNOSHA enforcement’s inspection numbers are also projected to remain at the levels for federal-fiscal-years 2015, 2016 and 2017; and
 - the inspection goal for federal-fiscal-year 2018 is 1,800 inspections.
 - Staffing: Currently, a safety investigator position is open in the Central group.
 - The spring Occupational Safety and Health State Plan Association (OSHSPA) and federal OSHA meeting is scheduled May 15 and 16, 2018, in Bend, Oregon. Jim Krueger will be attending.

Open comments

Mike Marturano: I'd like to make a comment about the work Breca Tschida has done with the safe patient-handling group and how the group has morphed into something more. The group has discussed topics from emergency management to fall protection, which was part of our focus at the most recent meeting. Five years ago, Carol Bufton and Gina Hoffman tried to form a hospital group where a hospital safety staff member would be a contact to do some of this work. Currently out of more than 130 Minnesota hospitals, about 40 are represented in this open forum representing health care. How can we expand it to the rest of Minnesota's hospitals?

Dave Ferkul: Workplace Safety Consultation's plan is to expand it to a Webex platform to allow more sites to participate.

Mike: We can bounce ideas off the group, which will take them back to their departments for an answer. We don't have a specific name, but we now have a contact, which is huge. It has opened a lot of doors for us. I applaud Breca for reaching out for almost 10 years now. It's been a great resource that I see only getting better. Thank you.

Chairman Aasen: The Minnesota Safety Council is willing to offer support to foster broader networking. There are at least three other meetings or collections of conversations around safety that have a cross section of this group that are involved with.

One is the Department of Health's injury and violence prevention coalition. Members of state agencies, the Department of Labor and Industry, insurance groups and some from the health care sector participate. It is a broad umbrella group that deals with sudden infant death to sexual violence to unintentional injury.

The Farm Safety Working Group has been going on for three years and also includes members from the Minnesota Department of Labor and Industry, University of Minnesota, Department of Agriculture and SFM.

A newly forming Total Worker Health Group, which includes the Minnesota Department of Labor and Industry, Veterans Affairs, HealthPartners, Allina, Minnesota Safety Council, SFM and the University of Minnesota in a couple of forms, is working on a collaboration to apply to become an affiliate of the CDC and NIOSH. Becoming an affiliate is similar to an alliance agreement, similar to Workplace Safety Consultation and Minnesota Safety Council, that agree to work together to promote safety and look for opportunities to work together. There is not a massive formal effort behind the alliance.

There are places where collections of people can meet and discuss safety, to work through problems. SFM is very interested in supporting workers' compensation injury reduction efforts. If you know of any that you think the Department of Labor and Industry or Minnesota Safety Council should know about, let Paul or Jim know. Perhaps some contacts could be brought together to start a conversation. All of the groups are relatively new, so if there is a sector or topic you think would be good to convene, let us know. Amongst all of us, someone should know someone who will have context experts or has the ability to pull a group together.

Scott Huberty: On Aug. 1, an annual summer boat cruise is scheduled for those involved in environmental health and safety, taking place on the Jonathan Padelford at Harriet Island. More than 100 people have

responded to the invitation. It is a collaboration between the industrial hygienist group, the Alliance of Hazardous Materials Professionals (AHMP) organization, the local ASSE and the Minnesota Association of Occupational Health Nurses.

The meeting adjourned at 11:05 a.m.

Respectfully submitted,
Pamela McLaughlin
Executive secretary