

## Minutes: Occupational Safety and Health Advisory Council

Date: May 20, 2022

Time: 10 a.m. to noon

Location: Via Webex

### Remote meeting statement

Thank you for joining this remote meeting via Webex. We have determined today's meeting is via the Webex platform due to the COVID-19 pandemic. Everyone present on this Webex event can hear all discussions.

- All votes will be taken by roll call.
- All handouts discussed and Webex instructions are posted on the [council's webpage](#).

### Call to order: Paul Aasen, chairman

- Roll call by Gretchen Longbehn, executive secretary
- Approval of the May 20, 2022 agenda
  - Agenda has been approved
- Approval of the Feb. 18, 2022 meeting minutes
  - Meeting minutes have been approved

### Federal OSHA update: Mitzy Wight

### Minnesota OSHA Compliance, enforcement update: James Krueger

#### Inspections

Through the second quarter of federal-fiscal-year 2022 (Jan. 1 through March 31, 2022), Minnesota OSHA (MNOSHA) Compliance:

- investigated 32 fatalities and 22 serious injuries that occurred under MNOSHA jurisdiction;
- conducted 608 inspections;
- handled 130 total complaint inspections, with a response time of 2.3 days; and
- the citation issuance time for safety was 32 days and for health was 45 days.

## Federal OSHA

The budget level for federal-fiscal-year 2022 for MNOSHA Compliance is the same as for 2021. MNOSHA Compliance will receive an additional \$84,500 for this funding year (federal-fiscal-year 2023). It has already started preparing for grant for federal-fiscal-year 2023. The federal budget for federal-fiscal-year 2022 includes:

- \$8 million for COVID-19 standards;
- \$10.1 million for heat injury and illness prevention;
- \$19.9 million for enforcement – 153 full-time-equivalent (FTE) workers;
- OSHA Training Institute (OTI) – six FTE workers;
- state plans – \$7.5 million; and
- \$1 million Massachusetts and \$6.5 million 28 states.

The Federal Annual Monitoring Evaluation (FAME) reports is available at [osha.gov/stateplans/famereport](https://www.osha.gov/stateplans/famereport). The audit for federal-fiscal-year 2021 was last month and was conducted virtually, using a drop box. There were:

- 65 inspection files;
- 20 fatality files;
- 15 nonformal complaints; and
- 25 discrimination files.

## Staffing

- MNOSHA Compliance is continuing to focus on increasing its field staff.
- MNOSHA Compliance hired 21 field staff members since March 2020, 16 safety investigators and five industrial hygienists. From above, federal OSHA is hiring and MNOSHA Compliance talked with two other states that have lost staff members to federal OSHA.

## OSHSPA, federal meeting

- James Krueger attended an Occupational State and Health State Plan Association (OSHSPA) meeting and a federal OSHA meeting. Assistant Secretary Doug Parker was in attendance. Major discussion was about the FAME report process and how it can be improved for both the states and federal OSHA.
- Both OSHSPA and federal OSHA meet three times each year. The next meeting is May 23 and 24, in Kentucky.
- There is sharing of information from other state-plan states and federal OSHA.
- The 2020 OSHSPA *GRASSROOTS* publication is available online at [dli.mn.gov/sites/default/files/pdf/grassroots\\_2020.pdf](https://dli.mn.gov/sites/default/files/pdf/grassroots_2020.pdf).

## Rulemaking update: James Krueger

The recordkeeping and reporting provisions of the health care emergency temporary standard (ETS 1) are still in effect and being enforced by federal OSHA. Due to the differences in ETS adoption statutes between states, such as Minnesota, many states – including Minnesota – cannot simply continue to enforce an ETS and will need to conduct permanent rulemaking. Federal OSHA has asked state plans to adopt these provisions by August 2022 to remain as effective as federal OSHA. MNOSHA Compliance is working to get these portions of the rule adopted permanently.

## MNOSHA Workplace Safety Consultation (WSC) update: Ryan Nosan

### MNOSHA WSC statistics during second quarter of federal-fiscal-year 2022

#### Consultation visits:

- 182 initial visits – 140 safety, 41 health and one that was both safety and health;
- 34 formal training visits;
- 23 follow-up visits; and
- 168 informal trainings (during on-site visits).

#### Hazards identified:

- 999 observed hazards – 883 serious (including imminent), 114 other-than-serious and two regulatory (such as recordkeeping).

#### Total interventions:

- 102 interventions – formal training, MNSTAR activities and technical assistance impacting 4,840 establishments and 10,068 affected employees.

#### Other second-quarter highlights:

- completed a Webex event – in conjunction with MNOSHA Compliance regarding the voluntary use of respirators;
- completing the annual self-evaluations as part of employer participation in the Minnesota Star (MNSTAR) Program and Minnesota Safety and Health Achievement Recognition Program (MNSHARP);
- completed 10 safety assessments for the Youth Skills Training program;
- completed two workplace violence interventions;
- participated in two events with agriculture safety groups about the hazards associated with such operations; and
- continue to provide technical assistance to individual employers through interventions of formal training sessions about topics including fall protection, scaffolding, confined spaces, ergonomics, safety programs and the A Workplace Accident and Injury Reduction (AWAIR) plans, hazard communication, consultation program overviews, MNOSHA overviews, electrical safety, excavations, ladders, and injury and illness recordkeeping.

## **Alliance program**

- Electrical Association: Ongoing newsletter articles submitted about training requirements associated with MNOSHA standards.
- Health care group: Continuing to have conversations regarding participation in the alliance and activities on the horizon that will afford MNOSHA WSC an opportunity for participation.
- Mexican consulate: Reignited discussions regarding mobile consulate events, as well as in-person engagements at the consulate. MNOSHA WSC is actively attending mobile consulate events throughout the state.
- Minnesota Hmong Chamber of Commerce: Recently participated in the inaugural AAPI Business Expo in conjunction with this alliance.
- Minnesota Safety Council: Finalized this alliance and currently strategizing about how to best use this alliance.

## **Minnesota Safety and Health Achievement Recognition Program (MNSHARP)**

### **General industry:**

- MNSHARP sites – 34; and
- Pre-MNSHARP sites – 0.

### **Construction:**

- MNSHARP Construction sites – 11; and
- Pre-MNSHARP Construction sites – two.

## **Minnesota STAR (MNSTAR) Program (Minnesota's voluntary protection program)**

- MNSTAR Program sites – 34; and
- MNSTAR Program recertification visits – 0.

## **Safety grants (second quarter, federal-fiscal-year 2022)**

- Fifty-five grant applications were received and reviewed. Five of these are related to the loggers-only grants.
- Grant funds awarded – \$138,554.91; and \$21,825.34 to the loggers-only grants.

## **Federal OSHA audit**

- This audit is tentatively scheduled in September.

## **Staffing**

- MNOSHA WSC does not currently have any openings.

## **MNOSHA Compliance, training and outreach update: Nancy Zentgraf**

### **MNOSHA Compliance outreach activities during the second quarter of federal-fiscal-year 2022**

During the second quarter of federal-fiscal-year 2021, MNOSHA Compliance gave 19 presentations to an audience of 1,946. This represents an average of about 102.4 participants per event.

There were two Construction Seminars during this time. The first one was about the new ANSI standard for mobile elevated work platforms. The presentation covered updates to the standard, new design changes, safe use of the equipment and training requirements. Tool tray use on the equipment was also covered. The second one was about the ABCs of fall protection. Different fall protection methods and anchor points were discussed. These were online events using Webex.

MNOSHA Compliance continues to participate in the department's Worker Webinars. The department gives an update and MNOSHA Compliance answers questions. The webinar is about 45 minutes long. There were 73 participants.

### **Publications**

- *Safety Lines* was published in January.
- The information sheet used on inspections was updated.
- A fact sheet about the voluntary use of filtering facepiece respirators for COVID-19 was created.

### **Partnerships**

There are currently 20 partnership sites. MNOSHA Compliance signed four new sites during the past quarter. These include the partnership with the Minnesota Department of Transportation (MnDOT), Ames and Kramer Construction (AKJV) for the Twin Ports Interchange project in Duluth, Minnesota. There was one quarterly partnership meeting this quarter.

### **Compliance assistance**

During the second quarter, MNOSHA Compliance handled a total of 1,030 phone calls. The phones are being answered live, with two staff members on phones and one staff member assigned as an alternate each day. MNOSHA Compliance also responded to 908 written requests for information.

### **Training activities**

MNOSHA Compliance had: one enforcement staff member complete the "1311 Investigative Interviewing Techniques" virtual OTI course; one staff member attend the "2721 Whistleblower Complaint Resolution" course; and three staff members attend the "1421 Whistleblower Investigation Fundamentals" course. One industrial hygienist attended the "Asbestos Inspector" class.

## Internal training

MNOSHA Compliance trained four newly hired staff members this quarter. It also provided advanced training to one promoted staff member and conducted two days of training for a recently promoted principal and IH3.

## Other training

MNOSHA Compliance conducted training for its staff in January, including the second ETS being suspended, additional offices being added for answering phones in person and a new review process for COVID-19-related fatalities. In February, MNOSHA Compliance discussed legislation being proposed, the federal budget and upgrades to its MOOSE database system. In March, MNOSHA Compliance discussed the FAME report audit, OTI and the Minnesota Safety Council conference in May.

## DLI announcements and updates: Nicole Blissenbach, deputy commissioner

## Minnesota Safety Council update: Paul Aasen

## Occupational Safety and Health Advisory Council members' updates

- Heat and traffic: Carol Keyes
- Websites to review:
  - [osha.gov/highway-workzones](https://www.osha.gov/highway-workzones);
  - [mutcd.fhwa.dot.gov](https://mutcd.fhwa.dot.gov);
  - [osha.gov/heat](https://www.osha.gov/heat); and
  - [osha.gov/news/newsreleases/national/04122022](https://www.osha.gov/news/newsreleases/national/04122022).



Heat Stress Flyer  
4-6-22.pdf

## Next OSHAC meeting

- Friday, Aug. 19, 2022, 10 a.m. to noon

## Future OSHAC meeting date

- Friday, Nov. 18, 2022, 10 a.m. to noon

## Proposed 2023 OSHAC meeting dates

- Friday, Feb. 17, 10 a.m. to noon
- Friday, May 19, 10 a.m. to noon
- Friday, Aug. 18, 10 a.m. to noon
- Friday, Nov. 17, 10 a.m. to noon

## Adjournment: Paul Aasen, chairman

- Roll call for adjournment by Gretchen Longbehn, executive secretary

[Play recording](#) (one hour, 37 minutes)