Safety Lines

Minnesota OSHA 2024: The year in review

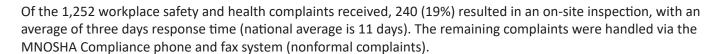
Compliance

Each year, Minnesota OSHA (MNOSHA) Compliance conducts a review of its projected performance as defined in its performance plan, which is generated annually before Oct. 1, the start of the federal fiscal-year.

Performance review highlights

In federal-fiscal-year 2024 (Oct. 1, 2023, through Sept. 30, 2024), MNOSHA Compliance:

- visited 1,144 establishments, identifying 2,813 hazards;
- generated safety inspection results within 43 days, on average (national average is 56 days);
- generated health inspection results within 54 days, on average (national average is 68 days);
- conducted 80 outreach presentations to 3,558 participants; and
- responded to approximately 3,888 phone calls and 2,882 written requests for assistance (primarily email messages), with most of these inquiries answered within one day.



MNOSHA Compliance continues to provide a variety of safety and health information online, plus printable handouts and links to federal OSHA information. For more, visit the Department of Labor and Industry's (DLI's) Safety and health webpage.

More information

For more information about MNOSHA Compliance's performance, the new annual report will be posted online during the second half of the calendar year on the MNOSHA Compliance: Reports, publications webpage.

Minnesota OSHA rulemaking; 2024 legislation impacting MNOSHA

Surgical smoke: Minnesota Statutes section 182.678, Surgical smoke evacuation system policies, was added through the most recent legislative session. This requires health care employers to adopt and implement policies to prevent exposure to surgical smoke by requiring the use of a smoke evacuation system during any surgical procedure that is likely to generate surgical smoke. This statute is effective in Jan. 1, 2025.

Blood lead level: House file 5247 directs MNOSHA to conduct rulemaking to lower the blood lead level when workers must be removed from exposure to lead. Also included are changes to the blood lead level when an employee can return to a position with exposure to lead. This rulemaking will update the current lead regulations for general industry, 1910.1025, and for construction, 1926.62.

MNOSHA has conducted outreach regarding this process in the past year and has assembled an advisory group to assist DLI in the rulemaking process. The group first met in December, where members were introduced and information was discussed regarding the legislative request, the MNOSHA rulemaking process and advisory group responsibilities. A presentation about the lead standards for general industry and construction was provided by DLI. There was also a preliminary discussion about potential updates to the standards; a request for written feedback to be discussed during future meetings was made by DLI.



Hazard communication: On May 20, 2024, federal OSHA published a final rule in the *Federal Register* to amend the hazard communication standard (HCS) to conform to the United Nations Globally Harmonized System of Classification and Labelling of Chemicals. The modifications to the standard include: revised criteria for classification of certain health and physical hazards to better capture and communicate the hazards to downstream users; revised provisions for updating labels; new labeling provisions for small containers (including provisions addressing the labeling of small containers and the relabeling of chemicals that have been released for shipment); new provisions related to concentrations or concentration ranges being claimed as trade secrets; technical amendments related to the contents of safety data sheets; and related revisions to definitions of terms used in the standard.

The amendments to HCS contained in the final rule enhance the effectiveness of the standard by ensuring employees are appropriately apprised of the chemical hazards to which they may be exposed. Minnesota adopted the standard Nov. 4, 2024.

Workplace Safety Consultation

Each year, MNOSHA Workplace Safety Consultation (WSC) conducts a review of projected performance, as defined in annual performance plans, and summarizes accomplishments in its annual project report. The accomplishments of federal-fiscal-year (FFY) 2024 include the following.

Consultations, training, technical assistance

- MNOSHA WSC completed 847 overall visits, which included 689 initial (on-site consultation) visits, 93 formal training visits and 65 follow-up visits for general industry, construction and public-sector worksites.
- Initial visits helped employers identify 2,821 safety and health hazards.
- MNOSHA WSC completed 238 interventions (activities in addition to visits), which included formal presentations, technical assistance and outreach.



More than 14,000 participants were involved in training and education presentations and technical assistance
covering a range of construction and general industry safety and health topics, including: fall protection; trenching
and excavation; personal protective equipment; forklifts; compressed gas cylinders; confined space; hazard
communication (HazCom); tuberculosis and bloodborne pathogen exposure control; hazardous drugs; silica dust;
hazard recognition; electrical safety; injury and illness recordkeeping; ergonomics and safe patient-handling; safety
committees and safety culture; most commonly identified hazards; and workplace violence prevention.

Alliances and other collaborative efforts

In FFY 2024, eight alliances representing various general industry, construction, education and professional organizations were active. The alliance program helps to maximize resources by collaborating with various organizations and employers to promote workplace safety and health. MNOSHA WSC worked with various professional and networking groups to promote, educate and lead discussions toward resolving matters of workplace safety and health. MNOSHA WSC works with various other labor, industry and academia organizations to promote, train and provide support for workplace safety and health. One new alliance was developed and four alliances were renewed in FFY 2024.

Recognition programs

Both MNOSHA WSC safety and health recognition programs – the Minnesota Safety and Health Achievement Recognition Program (MNSHARP) and the Minnesota Star (MNSTAR) Program – have remained active for general industry and construction. Each program provides incentive and recognition to employer worksites that have achieved a higher level of safety and health excellence, recognized through reduced injury and illness rates and implementation of safety management attributes that comprise an effective safety and health management system.

MNSHARP (general industry): Two new establishments entered the program and nine establishments were recertified, ending the year with a total of 34 MNSHARP general industry establishments. Three MNSHARP sites withdrew from the program and two new worksites entered pre-MNSHARP status.

MNSHARP Construction: One new project became a MNSHARP Construction worksite, while 10 MNSHARP Construction projects were completed and removed from MNSHARP Construction status, ending the year with one current MNSHARP Construction worksite. Five worksites entered pre-MNSHARP Construction status.

MNSTAR Program: Two new establishments achieved MNSTAR Program status, two establishments were recertified and one establishment withdrew from the program, ending FFY 2024 with 36 establishments with MNSTAR Program status.

Safety Grant Program

The Safety Grant Program awards grants (matching funds) up to \$10,000 for qualifying employers on projects designed to reduce the risk of injury and illness to their employees. During state-fiscal-year 2024 (July 1, 2023, through June 30, 2024), 244 grant applications were submitted and the program awarded more than \$700,000 to 130 applicants representing construction, health care, logging, manufacturing, the public sector and other service employers.

Grant awards assisted applicants with the purchase of safety and health equipment and training. Grant project equipment purchases included: fall protection; confined-space entry equipment; workplace violence prevention tools; equipment to reduce ergonomic risks; safe-patient-handling equipment; excavation and trench cave-in protection; silica-dust controls; exhaust ventilation; specialized personal protective equipment; and machine safeguards.

Ergonomics Safety Grant Program

The Ergonomics Safety Grant Program became effective July 1, 2023, and awards grants (matching funds) up to \$10,000 to those covered under Minn. Stat. 182.677, Ergonomics (health care, meatpacking and warehousing). One-time funding of \$2 million from the general fund is available for employers in these industries for projects designed to reduce the risk of ergonomic injury to their employees. The application process is the same as for the general safety grants. Ergonomics safety grant funds will be available to the covered industries until June 30, 2026, or until all funds have been distributed, whichever comes first.

Since the initiation of the Ergonomics Safety Grant Program there have been 55 grant applications and more than \$490,000 awarded.

More information

To learn more about MNOSHA Workplace Safety Consultation and the free services and programs it offers, visit the MNOSHA WSC: Free on-site safety and health consultation assistance webpage.

Free on-site safety and health consultations available

Minnesota OSHA Workplace Safety Consultation offers free consultation services, where employers can find out about potential hazards at their worksites, improve safety management systems and apply for grants to abate safety standards.

The program targets small, high-hazard businesses. It is separate from Minnesota OSHA Compliance inspection activities and no citations are issued as part of a consultation visit.



Learn more and request a consultation

Web: dli.mn.gov • Email: osha.consultation@state.mn.us • Phone: 651-284-5060 or 800-657-3776

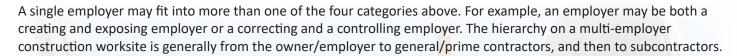
Responsibility for employee health, safety on multi-employer worksites

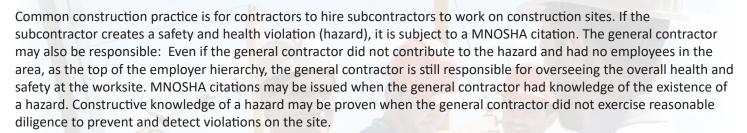
When more than one employer operates at a single worksite, Minnesota OSHA (MNOSHA) and federal OSHA consider it a multi-employer worksite. Most construction sites are multi-employer worksites, where multiple contractors are assigned work, but not necessarily all at the same time. Employers at multi-employer construction worksites need to know their responsibilities, assigned roles and accountability for employee health and safety.

On multi-employer construction worksites, all of the employers must work together to identify and control hazards to meet MNOSHA standards for employee safety and health. When MNOSHA identifies safety or health violations at a worksite, it evaluates the owner and employer hierarchy to determine responsibility for the violations among the owner and employers.

When evaluating a multi-employer worksite, MNOSHA identifies four categories of employers:

- 1. Creating employer the one that creates the violative condition (hazard).
- 2. Exposing employer the one that employs the workers exposed to a violative condition, regardless of whether that employer created the condition.
- 3. Correcting employer the one that has the specific responsibility to correct violative conditions.
- 4. Controlling employer the one that is responsible, by contract or practice, for the safety and health conditions at the worksite and has the authority to correct the violative condition.





Safety pre-planning should be done before a new project begins and before each new phase of the project. The plan should identify site-specific hazards, safety precautions and the responsible party. A best practice is to write this information into site contracts. The controlling employer must ensure each contractor and subcontractor understands and agrees to follow the safety requirements in the contract. Conducting periodic safety inspections based on the hazard level and conducting daily meetings between site safety managers and subcontractors can help keep everyone informed about changing worksite conditions and potential areas of concern.

The responsibility of the controlling employer does not end with communicating required safety precautions or notifying the other employers about unsafe conditions or behavior. The controlling employer must do everything within its power, up to and including terminating the contract, to maintain a safe workplace and protect all employees on the worksite.

Through cooperation, all the employers involved on a multi-employer worksite can maintain safety and health standards and protect employees.



Pay extra attention to threat of carbon monoxide during the winter

Carbon monoxide (CO) is a deadly, colorless, odorless and tasteless gas. It is produced by the incomplete burning of various fuel products and equipment powered by internal combustion engines, such as portable generators, forklifts, power washers and small engine equipment. Hazardous levels of CO in the air can result in carbon monoxide poisoning, with symptoms ranging from headaches and dizziness at lower levels, to coma and death from asphyxiation at higher levels. According to the Centers for Disease Control and Prevention, each year more than 400 people in the U.S. die from non-fire-related CO poisoning.

Employees can be exposed to CO year-round, but employers should pay extra attention during the fall and winter months. Doors and windows that may have been open during the summer months are most likely shut tight during colder months to keep in the heat. Gas- or oil-fired furnaces and heaters can



pose a hazard if they are not firing or venting properly, leading to a build-up of CO in the air. Gas-powered space heaters, snow blowers, snowplows and other small engine equipment can also produce CO, and may lead to hazardous levels if operated indoors or in an enclosed space. Employers should also be aware of the potential CO exposures that can occur if employees perform maintenance on or test the engines of gas, oil and propane-powered equipment indoors.

The most common sources of CO in the workplace are gasoline- and propane-powered forklifts. An out of tune forklift can elevate airborne CO levels significantly, exposing employees to potentially hazardous levels. Minnesota OSHA (MNOSHA) Compliance, under Minnesota Rules 5205.0116, requires quarterly employee exposure monitoring for CO whenever internal combustion engine powered industrial trucks, such as forklifts, are used in general industry workplaces. Under the rule, employers shall ensure employees are not exposed to CO above the permissible exposure limit (PEL) of 35 parts per million (ppm) as an eight-hour, time-weighted average, or the five-minute ceiling limit of 200 ppm. This rule also requires tailpipe exhaust gases from powered industrial trucks be tested as part of a routine maintenance program.

Construction employers must do similar monitoring whenever operating internal combustion powered equipment or using unvented space heaters indoors under Minnesota Rules 5207.0310. The PEL for employees working in construction is an eight-hour, time-weighted average of 50 ppm.

For more information, visit the MNOSHA Compliance: Carbon-monoxide monitoring webpage.

Arthur E. McCauley Jr. Award nominations accepted through March 30

Minnesota OSHA (MNOSHA) is seeking nominations for the 2025 Arthur E. McCauley Jr. Award. The award is presented annually to a safety or health professional who embodies excellence and dedication in keeping Minnesota employees safe at work. The award is named for McCauley, a former member of the Minnesota Safety Council known for his tireless efforts to make the state's workplaces safe. The award is presented at the Minnesota Safety Council's annual safety conference each May.

To nominate a colleague (active or retired), complete the online nomination form by March 30.

MNOSHA fatality, serious-injury investigations summaries online

Each month, Minnesota OSHA (MNOSHA) Compliance publishes current, updated summaries of its fatality investigations and serious-injury investigations.

For the federal-fiscal-year that began Oct. 1, 2024, MNOSHA Compliance has investigated six fatalities as of Dec. 30.

The information provided about each investigation is

- the inspection number, date of incident and worksite city;
- the type of business and number of employees;
- a description of the event; and
- the outcome of the MNOSHA Compliance investigation.

The summaries, plus other helpful workplace safety and health information from MNOSHA, are available at dli.mn. gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries.



Translated materials, webpages, Language Line available via DLI website

The Department of Labor and Industry (DLI) posts its available translated materials online at dli.mn.gov/translations. It has documents available in Chinese, Hmong, Karen, Somali and Spanish. A few other documents throughout the website are available in additional languages.

Also, the DLI website now provides Google Translate near the upper left corner of all webpages on its site, allowing visitors to choose the language for the website text.

In addition, DLI has access to Language Line, a free language translation phone service for limited-English speakers. If DLI help is needed, view the contact information at dli.mn.gov/about-department/about-dli/contact-us, call and a DLI employees will get in touch with an interpreter in the needed language.



Employer cited \$730K for commercial diving standard violations after worker drowns during lake weed removal

The Minnesota Department of Labor and Industry's (DLI's) Minnesota OSHA (MNOSHA) Compliance has issued a \$730,369 penalty to Your Lake Aquatic Plant Management, LLC, in Columbia Heights, Minnesota, for commercial diving standard violations after a worker drowned in May 2024 performing aquatic weed removal while using scuba diving equipment.

In November 2024, MNOSHA Compliance issued five willful violations of the commercial diving operations standard, 29 CFR sections 1910.401-.440. The investigation found: employees did not have the experience or training necessary to perform work safely; employees were not trained in CPR and first aid; an employee was not designated to be in charge of all aspects of the diving operation; a safe-practices manual had not been developed or maintained; and a standby diver was not available while diving operations took place.

"Every person should be able to go to work and come home safely. This was a tragic and preventable loss," said DLI Commissioner Nicole Blissenbach. "It's the responsibility of all employers to follow health and safety laws and keep their employers safe at work."

The employer, Your Lake Aquatic Plant Management, has filed a Notice of Contest.

This is the second Minnesota worker drowning since June 2022 that involved employees using scuba diving equipment while performing aquatic weed removal in a lake.



The process of aquatic weed removal includes hazards such as: physical exertion from pulling, hauling and carrying weeds and bundles; highly variable water conditions, including fluctuating temperatures, visibility, depths and currents; and exposures to adjacent structures and equipment, including docks, dams and boat traffic, plus marine life and vegetation.

Employers conducting operations involving aquatic plant removal and disposal must comply with Subpart T Commercial Diving of 29 CFR 1910. Read more about these regulations on page 7 of MNOSHA's July 2024 edition of Safety Lines.

For information about developing a workplace safety and health program and for additional information about diving hazards, visit MNOSHA's Safety and health at work webpage and federal OSHA's Commercial Diving webpage.

Employers can also contact MNOSHA Workplace Safety Consultation, which helps employers that want to learn how to improve safety and health at their worksite, at osha.consultation@state.mn.us, 651-284-5060 or 800-657-3776.

About joint labor-management safety committees

All employers with more than 25 employees are required to establish and administer a joint labor-management safety committee (see Minnesota Statutes section 182.676). Employers with 25 or fewer employees shall establish and administer a safety committee if it is subject to the requirements of Minn. Stat. section 182.653, subdivision 8.

The statutory requirements for these committees are straightforward:

- 1. A safety committee must hold regularly scheduled meetings unless otherwise provided in a collective bargaining agreement.
- 2. Employee safety committee members must be selected by employees. Employee representatives shall be selected by a collective bargaining agent if one exists.
- 3. The number of employee representatives on a safety and health committee shall equal or exceed the number of management representatives on the committee unless otherwise provided in a collective bargaining agreement.

An active, trained safety committee is an important tool for the implementation of an effective A Workplace Accident and Injury Reduction (AWAIR) program. Duties that safety committee members can assume include:

- participating in regular walkaround inspections;
- training new employees about safe working procedures;
- performing job hazard analyses (JHAs);
- providing input for the creation of workplace safety and health rules;
- presenting safety and health information at regularly scheduled staff meetings;
- · assisting in accident investigations; and
- bringing employee safety and health concerns and complaints to supervision and management for correction.

Safety committee members should be able to perform their duties without fear of discrimination or retaliation by management. The requirements for safety committees are available in Minnesota Rules chapter 5208, Accident and injury reduction program.

Minnesota OSHA Workplace Safety Consultation (WSC) offers assistance to employers and employees trying to establish joint labor-management safety committees. Contact WSC for at osha.consultation@state.mn.us or 651-284-5060.

Next Construction Seminar, Jan. 21: Learn AWAIR program, safety committee requirements

Attend the next free Construction Seminar online or in person Tuesday, Jan. 21, beginning at 7 a.m., to learn the requirements of the standards for the A Workplace Accident and Injury Reduction (AWAIR) program and for safety committees to ensure your business understands what it needs to have in place – with time for questions, answers and input. The presenter will also discuss what he sees during his Minnesota Star (MNSTAR) Program and consultation visits in the field.

The discussion will be presented by Daaron Arnold, safety consultant, Minnesota OSHA Workplace Safety Consultation.

- Join the meeting in person at the Minnesota Department of Labor and Industry, 443 Lafayette Road N., St. Paul, MN (get directions, maps to free parking).
- Join the meeting online via this Teams meeting link.

The MNOSHA Compliance Construction Seminars feature a presentation about a specific construction safety or health topic – with time for questions, answers and input – plus an update from MNOSHA Compliance about what's currently happening regarding investigations.



2023 fatality estimates, injury and illness estimates released

By Gideon Ondieki, Research and Data Analytics

Bureau of Labor Statistics releases 2023 injury and illness estimates

Minnesota's estimated workplace injury and illness rate is at an all-time low. According to the annual Survey of Occupational Injuries and Illnesses (SOII) results released Nov. 8, 2024, the state had an estimated 2.9 OSHA-recordable, nonfatal, workplace injuries and illnesses per 100 full-time-equivalent (FTE) workers in 2023; the estimated rate for 2022 was 3.8 cases per 100 FTE workers.

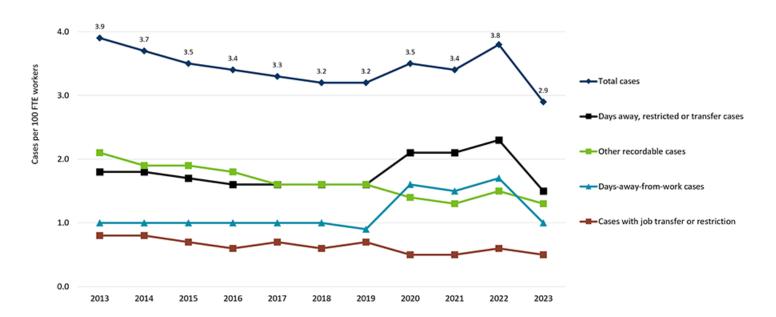
The survey estimated Minnesota had 65,100 workers with OSHA-recordable, nonfatal, workplace injuries and illnesses in 2023, compared to 85,400 estimated cases for 2022. There were 5,200 illnesses in 2023 and, of these, 3,000 were respiratory illnesses, including COVID-19 cases.

Of the estimated 65,100 total recordable cases, 34,800 involved days away from work, job transfer or restriction (DART cases), at a rate of 1.5 cases per 100 FTE workers. An estimated 22,800 workers (65% of DART cases) had at least one day away from work after the day of injury, resulting in 1.0 cases per 100 FTE workers. In 2022, this rate was 1.7.

An estimated 56,000 injury and illness cases were reported in the private sector, accounting for 86% of all recordable cases in 2023. Eighty-five percent of the estimated 9,100 injury and illness cases in the public sector were in local government.

The industries with the highest total injury and illness rate were: state hospitals (17.7 cases per 100 FTE workers); private industry couriers and messengers (13.9); and state police protection (13.1).

Figure 1 shows the injury and illness case incidence rates for Minnesota from 2013 to 2023.



Injury and illness case incidence rates in Minnesota, all ownerships, 2013-2023

Calling on employers to provide injury and illness data

Establishments sampled to participate in the 2024 SOII will receive a request to provide their OSHA data in January 2025. Employers are encouraged to respond to this mandatory survey as early as they can to enable the timely release of workplace injury and illness estimates. Collection begins in January 2025 and continues through June 2025.

2023 Census of Fatal Occupational Injuries released

The results of the 2023 Census of Fatal Occupational Injuries (CFOI) were released Dec. 19, 2024. Minnesota recorded a total of 70 fatalities in 2023, down from 80 fatal work-injuries in 2022. Minnesota's 2023 fatal-injury rate is 2.5 fatalities per 100,000 full-time-equivalent workers, which dropped from the 2022 rate of 2.8. Nationally, there were 5,283 fatally injured workers in 2023, down 3.7% from the 2022 count of 5,486 workers. The fatal work-injury rate was 3.5 fatalities per 100,000 full-time-equivalent workers, down from 3.7 in 2022.

The trade, transportation and utilities industry sector recorded the highest number of worker fatalities, with 18 cases in 2023. The agriculture, forestry, fishing and hunting industry sector had the second-highest number of worker fatalities, with 16 cases. The construction industry sector had 13 fatalities in 2023.

Figure 2 shows the fatal work-injuries in Minnesota, all ownerships, from 2013 to 2023. The data includes all local, state and federal government (including resident armed forces), and private sector. It also includes self-employed and unpaid family workers, including farm workers. Fatal workplace illnesses are excluded.

101 100 Number of fatal work-injuries 80 80 69 60 Wage and salary workers Self-employed Total 40 0 2013 2014 2015 2016 2017 2018 2019 2020 2021 2022 2023

Fatal work-injuries in Minnesota, all ownerships, 2013-2023

Improved recordkeeping, reporting standards

Minnesota OSHA (MNOSHA) adopted two *Federal Register* notices updating electronic submission requirements for employers in 29 CFR 1904.41 on Dec. 18, 2023. This rule requires employers with 20 or more employees to submit OSHA form 300A data into federal OSHA's Injury Tracking Application (ITA). It requires employers with 100 or more employees to submit information from OSHA Forms 300 and 301.

Minnesota OSHA has included all North American Industry Classification System (NAICS) codes in appendices A and B. Appendix A designates the industries required to submit Form 300A data; appendix B designates the industries required to submit forms 300 and 301 data. Minnesota OSHA adopted this final rule as published in the *Federal Register* Jan. 25, 2019, with the inclusion of all NAICS codes and employers to appendices A and B in subpart E. Therefore, all Minnesota establishments, regardless of NAICS code are required to submit their information to the ITA.

The ITA opened Jan. 2, 2025, and the submission deadline is March 2, 2025, for 2024 calendar data. Establishments that miss the deadline still must submit their data.

The resource "Requirements for OSHA recordkeeping in Minnesota for all NAICS codes" is available on the MNOSHA Compliance: Recordkeeping standard webpage.

Minnesota OSHA's calendar of events*

January 2025

Jan. 17	Training: OSHA recordkeeping basics	
	dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standar	rd

Jan. 21 Construction Seminar: AWAIR program, safety committee requirements dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars

Training: OSHA recordkeeping basics Jan. 24 dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard

March 2025

March 7 Occupational Safety and Health Review Board dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-review-board

March 18 Construction Seminar: Topic to be determined dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars

*All dates subject to change.

See more at dli.mn.gov/about-department/about-dli/events-minnesota-osha

Training: OSHA recordkeeping basics offered online Jan. 17, 24

The Department of Labor and Industry is offering free, online introductorylevel training seminars about OSHA recordkeeping requirements on Friday, Jan. 17, and Friday, Jan. 24, from 8:30 to 11:30 a.m.

Maintaining an accurate OSHA log of recordable work-related injuries and illnesses is an important skill that benefits employers, workers, safety professionals and government agencies.

Topics

- Recordability of injuries and illnesses
- Counting time
- How many logs to keep
- Creating a log summary
- Recording COVID-19 cases
- Differences between OSHA cases and workers' compensation claims
- · Classifying cases
- Privacy cases
- Maintaining logs
- Reporting log data to OSHA



More information

Learn more about the sessions and register to attend (required) on the MNOSHA Compliance: Recordkeeping standard webpage.