

Safety Lines

MNOSHA adapts, responds, reaches out during busy COVID-19 time

As was true for every organization, changes continued for Minnesota OSHA (MNOSHA) Compliance and MNOSHA Workplace Safety Consultation (WSC) from June 1 through Aug. 31 this year. Like many other businesses and organizations, MNOSHA continues social distancing by shutting down its offices and having staff members work remotely or telework. However, that does not mean MNOSHA has been sitting on the sidelines.

MNOSHA Compliance

During this three-month period, MNOSHA Compliance conducted 327 inspections, including: 110 complaints; 18 fatalities; four follow-ups; and seven serious injuries.

MNOSHA Compliance received 6,356 email and phone inquiries, almost four times greater than last year during the same period. The inquiries included 631 complaints, an approximate 70% increase, of which 379 were related to COVID-19 and resulted in 41 on-site inspections being conducted. MNOSHA Compliance is issuing general-duty citations, Minnesota Statutes § 182.653, subdivision 2, to employers that are not following provisions of the COVID-19 Preparedness Plans, the Centers for Disease Control and Prevention (CDC) and the Minnesota Department of Health (MDH).

There were also 515 nonformal complaints processed during this time. In these cases, a letter is sent to the employer requiring it to provide written response addressing the hazards noted in the letter within two days of receipt.

MNOSHA Compliance also created a COVID-19 Preparedness Plan template and instructions for employers to use in developing their own preparedness plan. This template can be used by all industries to aid in reducing the spread of COVID-19. In addition, COVID-19 health and safety guidelines for the meatpacking industry were developed. These documents, along with additional related information, are available in several languages at www.dli.mn.gov/updates.

MNOSHA Compliance also conducted 29 outreach events, with 1,794 participants, which is double the number of attendees for the same time period in 2019. MNOSHA Compliance participated in a variety of virtual events: several webinars were with the Latino community; and a couple events were on Facebook Live. During these events, MNOSHA Compliance staff members explained the inspection process, the complaint-handling process, CDC guidelines and worker rights, plus answered audience questions. The goals of the webinar were that employees understood their rights, knew how to file an anonymous complaint with MNOSHA Compliance and had someone who could explain these items to them in their language.

MNOSHA Workplace Safety Consultation

From June through August, MNOSHA Workplace Safety Consultation (WSC) staff members were also teleworking and focused their attention on responding to calls from the public and creating guidance to help businesses prepare for and protect workers from COVID-19.

MNOSHA WSC created additional guidance information handouts for agriculture, custodial work and transportation. As more businesses were allowed to re-open, MNOSHA WSC conducted outreach presentations with the Small Business Administration, the Hastings Chamber of Commerce, the Better Business Bureau and a local Hmong radio station. MNOSHA WSC also had the COVID-19 Preparedness Plan template translated into Burmese and Chinese.



Two MNOSHA WSC consultants continued working with the guidance development team, in cooperation with MDH and the Minnesota Department of Employment and Economic Development (DEED), to create additional guidance for various noncritical-sector and, later, critical-sector businesses listed on the StaySafe MN website at staysafe.mn.gov.

During this time, the MNOSHA WSC Safety Grant Program continued to operate and continues to accept and approve applications for safety grants on two-month cycles. Additionally, MNOSHA WSC resumed scheduling its free on-site consultation visits with employers. Some consultations continue to be done as virtual visits, using online video chat platforms, but the majority are being conducted as typical on-site visits.

MNOSHA WSC conducted 170 visits from June through August – 140 initial, 12 training and nine follow-up – during which 645 hazards were identified. During the same time period in 2019, it conducted 312 visits – 254 initial, 35 training and 23 follow-up – during which 1,289 hazards were identified.

Grain industry hazards

During fall harvest season, it is important to remember and be vigilant about hazards associated within the grain industry, from farms to grain elevators and beyond. As workers prepare grain bins to store more grain, through emptying and cleaning the bins, potential engulfment hazards and atmospheric hazards need to be considered.

The harvest season sees an increase in grain storage activities, which also means more opportunity for workers to be injured. According to the Purdue University 2019 Summary of U.S. Agricultural Confined Space-Related Injuries and Fatalities, nationwide in 2019, there were 38 documented grain entrapment cases (61% of them being fatal), eight reported falls into or from grain storage structures, five asphyxiations due to deficient oxygen levels or toxic environments and 11 equipment entanglements, such as those involving in-floor and sweep augers. The summary estimates 30% of injuries in the grain industry are currently not reported, so there are likely more cases.

Workers should not stand on moving or flowing grain, which behaves similarly to quick sand. Workers can become trapped in flowing grain within five seconds. Within 22 seconds, workers can be completely engulfed by grain.

In addition, workers should not stand near or try to loosen grain packed on the side of a bin, which can collapse unexpectedly, or stand on or below a bridge of grain. “Bridging” occurs when spoiled grain clumps together because of moisture or mold. This can create an empty space beneath the bridged grain, which can collapse.

Spoiled grain also presents additional hazards. Carbon dioxide and other hazardous gases from grain spoilage can displace oxygen near the surface of the grain and suffocate an employee who is only partially buried in the grain. The gases emitted can also disperse through the bin. A worker entering a bin with spoiled grain could be quickly overcome by the toxic gases or lack of oxygen, causing serious injury or even death.

Engulfment is only one of the grain and feed industry’s six major hazards. Other hazards include falls, auger entanglement, being struck by an object, combustible-dust explosions and electrocution. Measures should be taken to ensure employee safety with regard to these potential hazards.

Employers and employees can learn more about the hazards discussed in this article and ways to protect workers’ lives in the grain industry from the following resources.

- 29 CFR 1910.272 Grain Handling Facilities standards
- Federal OSHA Grain-handling webpage: www.osha.gov/SLTC/grainhandling
- MNOSHA Compliance grain-handling webpage: www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-grain-handling-information-fatalities
- MNOSHA Compliance: 651-284-5050, 877-470-6742 or osha.compliance@state.mn.us.

MNOSHA gets high grade during federal audit of the program

In February, federal OSHA performed its annual audit of Minnesota's state-plan OSHA program. In federal OSHA's final Fiscal-year 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) report for Minnesota, available at www.osha.gov/stateplans/famereport/MN, there are no findings with recommendations and there are two items where Minnesota OSHA (MNOSHA) did exceptionally well.

When compared to the average of all state plans and federal OSHA, the average lapse time from opening-conference date to issue date for both health and safety were well-below the national average; for percentage of penalty retained, MNOSHA's average was well-above the national average.

	Minnesota	Nationally
Average lapse time, safety	21.28 days	47.61 days
Average lapse time, health	27.63 days	57.23 days
Percent penalty retained	87.36%	66.38%

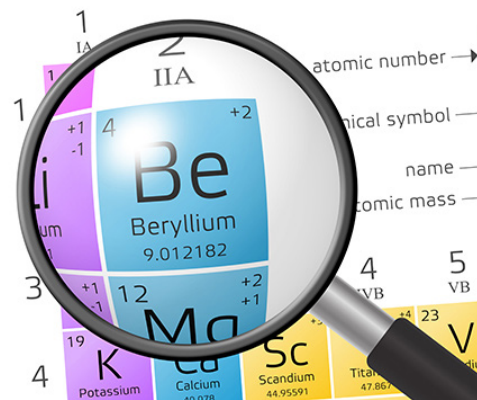
Also noted in the report: "Throughout the entire process, MNOSHA was cooperative, shared information and ensured the staff was available to discuss cases, policies and procedures. MNOSHA staff members were eager to work with the evaluation team."

Minnesota OSHA rulemaking update

On July 6, 2020, Minnesota OSHA (MNOSHA) adopted two federal regulations, as published in the *State Register* on Monday, March 16, 2020.

1. Occupational exposure to beryllium; final rule

On Jan. 9, 2017, federal OSHA published a final rule in the *Federal Register* amending its existing standards for occupational exposure to beryllium and beryllium compounds. Federal OSHA has determined employees exposed to beryllium at the previous permissible exposure limits face a significant risk of material impairment to their health. The evidence in the record for this rulemaking indicates workers exposed to beryllium are at increased risk of developing chronic beryllium disease and lung cancer. This final rule establishes new permissible exposure limits and includes other provisions to protect employees, such as requirements for exposure assessment, methods for controlling exposure, respiratory protection, personal protective clothing and equipment, housekeeping, medical surveillance, hazard communication and recordkeeping. MNOSHA adopted the final rule as published in the *Federal Register* in the shipyard and construction industries. MNOSHA adopted the "Occupational exposure to beryllium; final rule" for general industry May 21, 2018.



2. Additional ambient aerosol CNC quantitative fit testing protocols: Respiratory protection standard

On Sept. 26, 2019, federal OSHA published a final rule in the *Federal Register* that provides employers with two new fit-testing protocols for ensuring employees' respirators fit properly. The new protocols are the modified ambient aerosol condensation nuclei counter (CNC) quantitative fit-testing protocol for full-facepiece and half-mask elastomeric respirators and the modified ambient aerosol CNC quantitative fit-testing protocol for filtering facepiece respirators. Both protocols are variations of the original OSHA-approved ambient aerosol CNC protocol, but have fewer test exercises, shorter exercise duration and a more streamlined sampling sequence.

Next Construction Seminar, Nov. 17: Why mental wellbeing, suicide prevention are leadership issues in construction

The unprecedented uncertainty of COVID-19 created major stress, anxiety, fear and worries among workers and their families. Overdoses have risen in more than 40 states since the start of the pandemic. This session focuses on why these topics are imperative for leaders at all levels in the construction industry. Learn what you can do to help promote mental wellbeing and reduce risk of substance misuse and suicide in your company and the industry. Presented by Cal Beyer, vice president, Workforce Risk and Worker Wellbeing CSDZ.

Learn more and get the link to the Nov. 17 meeting at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars. The remaining dates for the 2020/2021 Construction Seminars are: Jan. 19, March 16 and May 18.

COVID-19 and recordkeeping

- Federal OSHA: Revised enforcement guidance about recording cases of coronavirus disease 2019 (COVID-19) at www.osha.gov/memos/2020-05-19/revised-enforcement-guidance-recording-cases-coronavirus-disease-2019-covid-19

Minnesota OSHA (MNOSHA) Compliance follows federal OSHA recordkeeping guidance, which is used across the country and needs to be consistent for national data comparison, with the exception that in Minnesota, low-hazard industries are also required to record injuries and illnesses.

MNOSHA Compliance will enforce the recordkeeping requirements of 29 CFR Part 1904 for all employers with employee COVID-19 illnesses. Recording a COVID-19 illness does not, of itself, mean the employer has violated any OSHA standard. And, pursuant to existing regulations, employers with 10 or fewer employees have no recording obligations unless they have been notified by the Bureau of Labor Statistics; they need only report work-related COVID-19 illnesses that result in a fatality and report any employee's in-patient hospitalization, amputation or loss of an eye.

More information about COVID-19 is available from federal OSHA at www.osha.gov/SLTC and from the Centers for Disease Control and Prevention at www.cdc.gov/coronavirus/2019-ncov.

Reviewing the basics: *Recordkeeping training webinars in January*

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. The Department of Labor and Industry is offering free, introductory-level, online training sessions about OSHA recordkeeping. **Registration is required.**

Webinar dates, times

- **Jan. 15 and 22** – 8:30 to 11:30 a.m.

Topics

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

Registration, more information

To register for a session or for more information about the training sessions, visit www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard.

Free on-site safety and health consultations available

Minnesota OSHA (MNOSHA) 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: www.dli.mn.gov • Email: osha.consultation@state.mn.us • Phone: 651-284-5060

MNOSHA fatality, serious-injury investigations summaries online

The screenshot shows a table titled "Minnesota OSHA Fatality Investigation Summary (updated September 29, 2020) FfY 2020 (Oct. 1, 2019 – Sept. 30, 2020)". The table has four columns: "Fatality Insp. # Date of Incident Work site city/Town", "Type of business NAICS Total employees (national)", "Description of event", and "Outcome of MNOSHA Investigation". There are four rows of data. Below the table, it says "Inspection data, including citations, can be viewed at osha.gov/data."

Fatality Insp. # Date of Incident Work site city/Town	Type of business NAICS Total employees (national)	Description of event	Outcome of MNOSHA Investigation
31814706 9/10/20 St Paul	Office Administrative Services 56110 70200	Employee fell while walking.	No Citations
31814544 10/7/19 Cottonwood	Site Preparation Contractors 23890 7	Employee was pinned between two pieces of equipment.	No Citations
31814409 10/16/19 Buffalo	New Car Dealers 44110 59	Employee was found on the ground of a parking lot.	No Inspection; natural causes
31814662 10/22/19 New Hope	Machine Shops 33270 120	Employee was found unresponsive on the floor by a piece of equipment.	No Inspection; natural causes

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, 2019, MNOSHA Compliance has investigated 29 workplace fatalities through Sept. 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 www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries.

Elections are coming ... are you registered to vote?

The Minnesota Secretary of State website has everything you need to know about voting in Minnesota.

- You can check to see if you are registered to vote in Minnesota at mnvotes.sos.state.mn.us.
- You can register to vote at sos.state.mn.us/elections-voting/register-to-vote.
- You can see what is on your ballot at sos.state.mn.us/elections-voting/whats-on-my-ballot.
- You can see all of the ways to cast your vote – in person, by mail, early or on election day – at sos.state.mn.us/elections-voting/other-ways-to-vote.



MNOSHA Compliance signs safety, health partnerships

Minnesota OSHA (MNOSHA) Compliance recently signed 16 Level 3 Cooperative Compliance Partnerships on 13 projects. Level 3 is the peak level of MNOSHA Compliance partnerships, with applicants striving to be an industry leader with very comprehensive safety and health programs.

The partnerships were signed under the agreement between the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and MNOSHA Compliance and under the Construction Health and Safety Excellence (CHASE) Minnesota – between Associated General Contractors (AGC) of Minnesota and MNOSHA Compliance.

Partnerships not pictured below include:

- Hunt Electric, Canal Park Shoreline, Duluth, Minnesota;
- Meyer Contracting, Minnetonka Opus Area Improvements, Minnetonka, Minnesota;
- Minnesota Paving and Materials, Nicollet County Road 12, Courtland Township, Minnesota;
- Mortenson Company, Fort Snelling, Minneapolis; and
- Q3 Contracting, County Road B Gas Main Removal, Maplewood, Minnesota.

Complete information about MNOSHA's Cooperative Compliance Partnerships is online at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-partnership-programs.



Benike Construction • Minimizer Project • Owatonna, Minnesota



Bolander • Fort Snelling Visitor Center 12 • St. Paul, Minnesota



JE Dunn • Fairview Southdale Hospital • Edina, Minnesota



LS Black Constructors • Franklin O&M Facility • Minneapolis

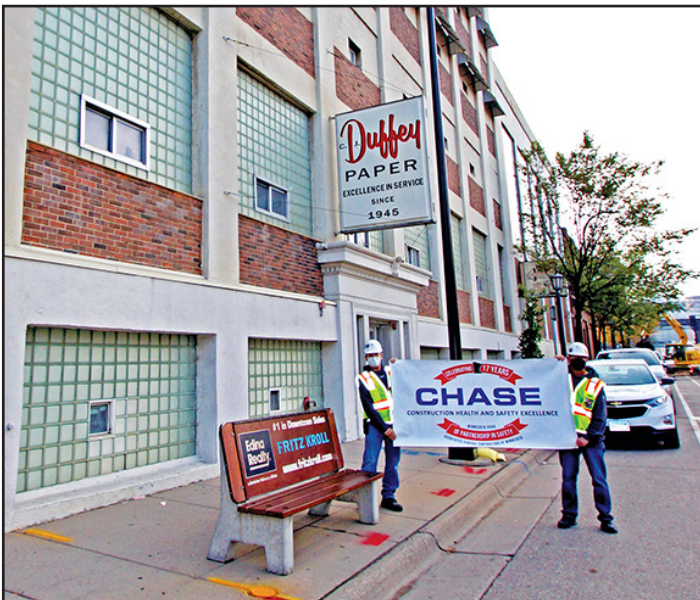
MNOSHA Compliance signs safety, health partnerships



Marcus Construction • Bethesda North Point •
New London, Minnesota



Mathiowetz Construction • Nicollet County Road 12 •
Courtland Township, Minnesota



RJM Construction • Duffey Lofts • Minneapolis



Parsons Electric • Andover Community Center
and Public Works • Andover, Minnesota



RJM Construction • New Ulm Recreation Center •
New Ulm, Minnesota



Veit and Company • New Ulm Recreation Center •
New Ulm, Minnesota

MNOSHA Compliance signs safety, health partnerships



Sowles Company • Canal Park Shoreline • Duluth, Minnesota

Notes from the undercount: Workers with regular work hazard exposure are more likely to report their injuries

A recent study published by researchers at the Institute for Work and Health¹ (IWH) reports results of a survey of 2,800 workers in three Canadian provinces that examined work hazard exposure, workplace safety policies and procedures, occupational health and safety awareness, and injury reporting.

The study found that, overall, among the 326 workers who said they had been injured in the previous 12 months, only 36% said they reported their injury for workers' compensation benefits. Among workers regularly exposed to one or more of nine common work hazards, 40% reported their injuries. In comparison, only 22% of the workers who were not regularly exposed to work hazards reported their injuries. The researchers explain that workers in jobs that are not considered hazardous are often unaware of their workers' compensation rights and don't report injuries when they do happen.

For a more complete summary of this study, see the article in the Summer 2020 edition of *At Work*, the IWH newsletter, at www.iwh.on.ca/newsletters/at-work/101/workers-exposed-to-common-hazards-more-likely-to-report-their-injuries-iwh-study.

¹Nadalin, V. and Smith, P. Examining the impact of occupational health and safety vulnerability on injury claim reporting in three Canadian provinces. *American Journal of Industrial Medicine*, vol. 65, issue 5, May 2020, pp 435-441.

Safety, health grants available, awarded for up to \$10,000

The Safety Grant Program awards funds up to \$10,000 to qualifying employers for projects designed to reduce the risk of injury and illness to their workers. To qualify, an employer must meet the following conditions:

- the employer must have at least one employee to create the employer/employee relationship;
- the employer must have workers' compensation insurance;
- a qualified safety professional must have conducted an on-site inspection and written a report with recommendations;
- the project must be consistent with the recommendations of the safety inspection and must reduce the risk of injury or disease to employees;
- the employer must have the knowledge and experience to complete the project, and must be committed to its implementation;
- the employer must be able to match the grant money awarded and all estimated project costs must be covered; and
- the project must be supported by all public entities involved and comply with federal, state and local regulations where applicable.

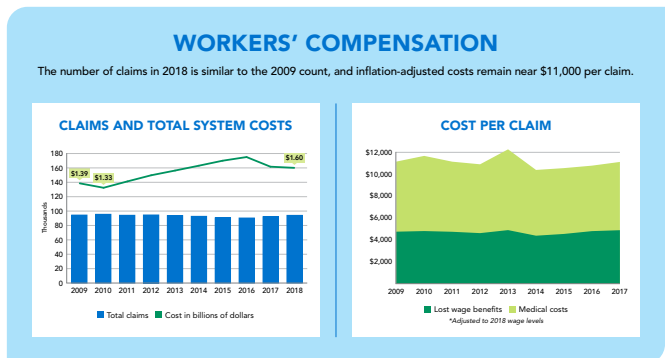
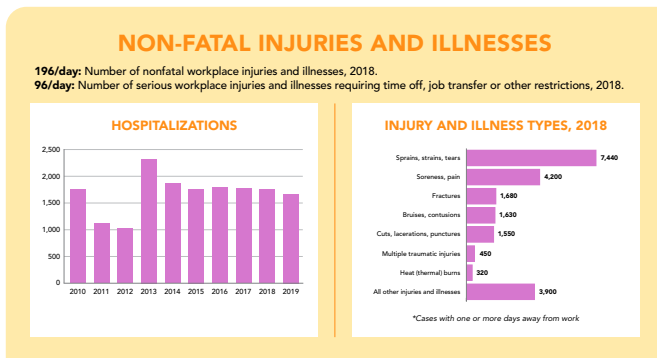
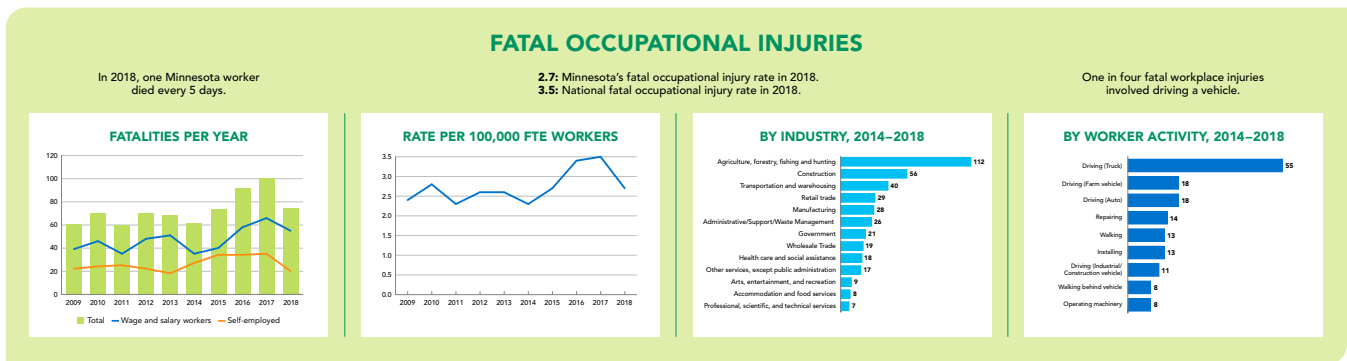
Complete information about the Safety Grant Program is online at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-safety-grant-program.

Statistics shine spotlight on worker safety indicators

The Minnesota Safety Council has updated its Minnesota Workplace Safety dashboard to spotlight the most recent indicators related to worker safety and health. The Department of Labor and Industry and the Department of Health produced the statistics.

The dashboard presents some of the most important occupational safety and health measures together in an easy-to-use format. It is online at www.mnsafetycouncil.org/workplace/2020 MN Workplace Safety Dashboard FINAL.pdf.

MINNESOTA WORKPLACE SAFETY SEPTEMBER 2020



Sources: U.S. Department of Labor, Bureau of Labor Statistics, in cooperation with Minnesota Department of Labor and Industry; Census of Fatal Occupational Injuries, Survey of Occupational Injuries and Illnesses; Department of Labor and Industry workers' compensation claims database, Minnesota Workers' Compensation Insurers Association and other sources.

A look at injuries to workers 55 to 64 years old

By Brian Zaidman, Research and Statistics

In 2018, workers in the 55- to 64-years-old age range had 17% of Minnesota’s jobs and accounted for 20% of the injury and illness cases with one or more days away from work. This article highlights some of the differences between injured workers ages 55 to 64 years old and all injured workers in Minnesota, using the days-away-from-work case estimates from the Survey of Occupational Injuries and Illnesses. Some of the differences in injuries may be due to differences in the types of jobs and job tasks workers in this age group regularly perform.

As shown in Figure 1, injured workers in the 55- to 64-years-old age group, compared to all injured workers, were more likely to be women, not to work in a construction occupation and to have been at their jobs for longer than five years. A larger percentage of injured workers 55 to 64 years old were away from work more than 30 days as a result of their injury. The median number of days away from work for these workers was 10 days compared with an overall median of six days.

Compared to all workers, a higher percentage of the older workers’ injuries were due to falls on the same level and a lower percentage of their injuries were caused by contact with objects or equipment. These older workers had a lower percentage of back injuries, along with a somewhat lower percentage of sprain and strain injuries.

Figure 1. Comparison of characteristics for workers age 55 to 64 years old and all workers, cases with one or more days away from work, Minnesota, 2018

Characteristic	Percentage among injured workers 55 to 64 years old	Percentage among all injured workers
Women	46%	41%
Construction or extraction occupation	4%	10%
More than five years job tenure	59%	36%
Injury resulted in more than 30 days away from work	33%	23%
Injury due to fall on same level	30%	20%
Injury due to contact with object or equipment	14%	22%
Back injury	13%	20%
Sprains, strains, tears	30%	35%

New injury, illness, fatality estimates released soon

The 2019 estimates from the Survey of Occupational Injuries and Illnesses will be published Nov. 4.

The 2019 report on fatal occupational injuries will be published Dec. 16.

Minnesota numbers are available at www.bls.gov/iif/oshstate.htm#MN.

Minnesota OSHA's calendar of events*

November 2020

- Nov. 13** *Occupational Safety and Health Advisory Council*
www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council
- Nov. 17** *Construction Seminar – Why mental wellbeing and suicide prevention are leadership issues in construction*
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars

December 2020

- Dec. 4** *Occupational Safety and Health Review Board*
www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-review-board

January 2021

- Jan. 15** *Training: The basics of OSHA recordkeeping*
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard
- Jan. 19** *Construction Seminar – Topic to be determined*
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars
- Jan. 22** *Training: The basics of OSHA recordkeeping*
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard

March 2021

- March 16** *Construction Seminar – Topic to be determined*
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars

May 2021

- May 18** *Construction Seminar – Topic to be determined*
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars

****All dates subject to change.***

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