

Safety Lines

MNOSHA continues to respond during COVID-19

Minnesota OSHA (MNOSHA) continues to practice social distancing by having the office closed and having staff members work remotely or telework.

MNOSHA Compliance

Since the start of the COVID-19 pandemic – from March 1, 2020, to May 31, 2021 – MNOSHA Compliance:

- received 23,218 email and phone inquiries (a 120% increase from the previous year);
- received complaints, including 2,032 non-formal complaints and 366 formal complaints (173 related to COVID-19), an increase of about 500 from the previous year;
- conducted 1,394 inspections (212 COVID-19 related);
- issued 2,065 citations (172 citations issued on inspections with a COVID-19 component, with 57 being general-duty citations); and
- fielded 523 intakes through its Discrimination Team, which resulted in 119 cases that are being pursued and 92 of which have been designated as having a COVID-19 component.



MNOSHA Workplace Safety Consultation

From March 1 through June 9, 2021, MNOSHA Workplace Safety Consultation (WSC) staff members continued teleworking while responding to hundreds of phone calls and email messages, in support of MNOSHA's response to public concerns and inquiries relating to COVID-19.

WSC staff members also spent a considerable amount of time updating several guidance documents to help businesses protect workers from COVID-19, while staying abreast with Centers for Disease Control and Prevention (CDC) requirements.

Two consultants continued working with an inter-agency COVID-19 safety team that developed COVID-19 preparedness guidance documents for various types of business entities. The two were involved in numerous meetings with the safety team and other state agencies to determine format and content and to interpret guidance requirements. There were more than 50 meetings with various entities, including private business and business associations, retail and entertainment venues, professional and high school sports leagues, and public entities. The meetings provided technical support about developing and managing COVID-19 preparedness plans.

Nine additional technical support and training activities about COVID-19 preparedness were provided, outside of the guidance team. WSC staff members also assisted the Department of Labor and Industry's Apprenticeship unit in preparing safety guidance for Apprenticeship Minnesota. The guidance highlighted safety protocols for re-opening apprenticeship training facilities.

WSC staff members also continued to conduct outreach presentations focusing on COVID-19 preparedness plans, COVID-19 safety protocols and other related topics to the Department of Public Safety's licensing station personnel, the Minnesota Attorney General's Office, the Minnesota Office of the Governor, the Minnesota Events Coalition and numerous small-scale employers from the private sector.

The MNOSHA WSC Safety Grant Program continued to operate and continues to accept and approve applications for safety grants. During this time, 77 grant applications were received and a total of \$319,728 was awarded.

Additionally, with COVID-19 protocols in place, MNOSHA WSC increased the number of free on-site consultation visits with employers, conducting 249 visits from March 1 through June 9, 2021, including:

- 201 initial visits;
- 26 training visits; and
- 22 follow-up visits.

During these consultation visits, MNOSHA WSC consultants identified 975 hazards and conducted 229 interventions, covering 11,352 Minnesota employees.

Standards update: Federal OSHA issues emergency temporary standard for occupational exposure to COVID-19

Federal OSHA issued (*Federal Register* Vol. 86, No. 116, June 21, 2021, pp. 32376-32628; see www.federalregister.gov/d/2021-12428) an emergency temporary standard (ETS) on June 21, 2021, to protect health care and health care support service workers from occupational exposure to COVID-19 in settings where people with COVID-19 are reasonably expected to be present. The standard focuses on health care workers who are most likely to have contact with someone infected with the virus. View more information from federal OSHA at www.osha.gov/coronavirus/ets.

Minnesota Statutes 182.655, subdivision 13, requires Minnesota OSHA (MNOSHA) to adopt standards that are "at least as effective as" federal OSHA. MNOSHA has 30 days from the date of federal issuance to adopt this standard as written or an equivalent standard that is "at least as effective as" this standard to protect workers in Minnesota. See 29 C.F.R. 1953.5 (b) at www.govinfo.gov/content/pkg/CFR-2010-title29-vol9/pdf/CFR-2010-title29-vol9-sec1953-5.pdf. Based on these considerations, MNOSHA expects to adopt the federal ETS as written within 30 days. The ETS will be effective immediately in Minnesota as of the date of its publication in the *State Register*.

MNOSHA Compliance continues hiring, training new investigators

Minnesota OSHA (MNOSHA) Compliance has experienced an increase in hiring and training new safety investigators and industrial hygienists during the past 18 months. Even while navigating through the additional pressures brought on by the COVID-19 pandemic, MNOSHA Compliance remained committed to maintaining a strong, well-trained workforce.

New investigators have a wide variety of safety and health backgrounds and experiences. After being hired, investigators are sent through MNOSHA's extensive training curriculum, with classroom instruction, federal and state standards review, and investigative observation and participation. In addition, newly hired employees attend a variety of in-depth courses through the OSHA Training Institute and are partnered with seasoned, knowledgeable staff members throughout a six-month training period, being followed closely by trainers and supervisors. Investigators also attend continuing education courses throughout their career with MNOSHA Compliance.

With knowledgeable, well-trained investigators, MNOSHA Compliance can focus on ensuring all employees in Minnesota have a safe and healthy workplace.

Avoiding the dangers of summer heat, humidity

Every year, dozens of workers die and thousands more become ill while working in extreme heat or humid conditions. There are a range of heat illnesses and they can affect anyone, regardless of age or physical condition. Heat-related illness can affect workers in many industries, at indoor or outdoor worksites. Some job-related risk factors include:

- working outdoors in warm weather;
- heat sources, such as ovens, fires or hot tar;
- strenuous physical activity; and
- heavy or non-breathable work clothes.

Know the signs, take action

It's important to know the signs of heat-related illness; acting quickly can prevent more serious medical conditions and may even save lives.

- **Heat stroke** is the most serious heat-related illness and requires immediate medical attention. Symptoms include confusion, slurred speech, fainting, seizures, very high body temperature, and skin that's hot and dry or profusely sweating. Call 911 if a coworker shows signs of heat stroke.
- **Heat exhaustion** is also a serious illness. Symptoms include headache, nausea, dizziness, weakness, thirst and heavy sweating.
- **Heat cramps** are less serious but are still signs of too much heat exposure. Symptoms include muscle spasms or pain.

If you or a coworker have symptoms of heat-related illness, tell your supervisor right away. If you can, move the person to a shaded or cooler area, loosen their clothing, give them water (a little at a time) and cool them down with ice packs or cool water.

Heat-related-illness prevention programs

Under OSHA law, employers are responsible for providing workplaces free of known safety hazards. This includes protecting workers from extreme heat. An employer with workers exposed to high temperatures should establish a complete heat-related-illness prevention program.

- Provide workers with water, rest and shade.
- Allow new or returning workers to gradually increase workloads and take more frequent breaks as they build a tolerance for working in the heat – acclimatization.
- Plan for emergencies and train workers about prevention.
- Monitor workers for signs of illness.

As with all safety and health hazard prevention programs, the hierarchy of controls dictates engineering controls be used first to reduce employee exposure to heat. The OSHA Technical Manual outlines elements of an effective heat-related-illness prevention program at www.osha.gov/dts/osta/otm/otm_iii/otm_iii_4.html. The following suggested controls are taken from the OSHA Technical Manual.



Possible engineering controls may include:

- using air conditioning;
- increasing general ventilation;
- providing cooling fans;
- running local exhaust ventilation where heat is produced (such as laundry vents);
- using reflective shields to block radiant heat;
- insulating hot surfaces (such as furnace walls);
- stopping leaking steam; and
- providing shade for outdoor worksites.

If engineering controls are not feasible or are not effective in reducing employee exposures, administrative controls are another way to protect employees.

Possible administrative controls may include:

- acclimatizing workers, starting on the first day of working in the heat;
- re-acclimatizing workers after extended absences;
- scheduling work earlier or later in the day;
- using work/rest schedules and providing water;
- limiting strenuous work (such as carrying heavy loads); and
- using relief workers when needed.

When engineering and administrative controls are not enough, personal protective equipment (PPE) is a way to provide supplemental protection.

Possible supplemental protection may include:

- fire proximity suits;
- water-cooled garments;
- air-cooled garments;
- cooling vests;
- wetted over-garments;
- sun hats;
- light-colored clothing; and
- sunscreen.

An effective heat-related-illness prevention program should include a worker acclimatization program, heat alert program and medical monitoring program. It should also establish an effective training program that includes how to recognize heat-related illness symptoms and what to do when there is a heat-related illness emergency. OSHA recognizes it may not always be feasible to implement all elements in all workplaces; however, implementing as many elements as possible will make the program as effective as possible.

The OSHA has many heat-related resources available on its webpage “Overview: Working in Outdoor and Indoor Heat Environments” at www.osha.gov/SLTC/heatstress, explaining what employers can do to keep workers safe and what workers need to know, including factors for heat illness, adapting to working in indoor and outdoor heat, protecting workers, recognizing symptoms and first-aid training.



MNOSHA fatality, serious-injury investigations summaries online

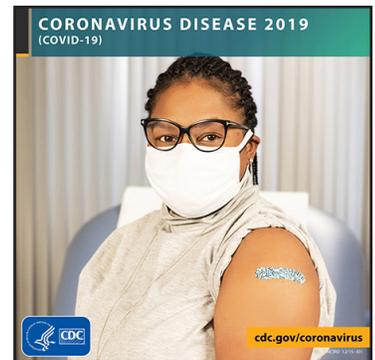
Each month, Minnesota OSHA (MNOSHA) Compliance publishes current, updated summaries of its fatality investigations and serious-injury investigations. For the federal-fiscal-year that began Oct. 1, 2020, MNOSHA Compliance has investigated 22 workplace fatalities through June 28.

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.

Recordkeeping note: Recordability of COVID-19 vaccine reactions

In answer to the question “Are adverse reactions to the COVID-19 vaccine recordable on the OSHA recordkeeping log?,” federal OSHA advises the following.

The Department of Labor and OSHA, as well as other federal agencies, are working diligently to encourage COVID-19 vaccinations. OSHA does not wish to have any appearance of discouraging workers from receiving the COVID-19 vaccination, and also does not wish to disincentivize employers’ vaccination efforts. As a result, OSHA will not enforce 29 CFR 1904’s recording requirements to require any employers to record worker side effects from COVID-19 vaccination through May 2022. We will re-evaluate the agency’s position at that time to determine the best course of action moving forward.



- See COVID-19 FAQs at www.osha.gov/coronavirus/faqs#vaccine.

Recordkeeping training offered via webinar in September

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 training sessions about OSHA recordkeeping in September. **Registration is required.**

Date

- Friday, Sept. 24, 8:30 a.m.

Topics

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



Registration, more information

For more information about the training sessions and to register, visit www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard.

MNOSHA Compliance signs safety, health partnerships

Minnesota OSHA (MNOSHA) Compliance recently signed 13 Level 3 Cooperative Compliance Partnerships on nine 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.

Eight of the partnerships were signed under the Construction Health and Safety Excellence (CHASE) Minnesota agreement, between Associated General Contractors (AGC) of Minnesota and MNOSHA Compliance. One partnership was signed under an agreement between the Minnesota Chapter of Associated Builders and Contractors (MN ABC).

The partnerships acknowledge the importance of providing a safe, healthful work environment in construction and seek a working relationship that creates mutual trust and respect among all parties – including project owners and construction workers – involved in the construction process. Participants may achieve three award levels: basic, intermediate and peak.

More information

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 • Hormel Innovation Center • Austin



The Boldt Company, Harris, PEC Solutions
• St. Olaf Residence Hall • Northfield



Meyer Contracting • CSAH 30 – Diffley Road • Eagan



Mathiowetz Construction • Trunk Highway
212 Reconstruction • Cologne



Mortenson Construction • University of Minnesota
Mechanical Building • Minneapolis



Park Construction Company, RJM Construction, VEIT
• Plymouth Fire Station 2 and 3 • Plymouth



Park Construction Company • Trunk Highway 12 • Maple Plain



VEIT • Fourth Street Reconstruction • Minneapolis



Rice Companies • Landwehr Corporate Office • St. Cloud

Race and ethnicity estimates

By Brian Zaidman, Research and Statistics

The Survey of Occupational Injuries and Illnesses (SOII) collects nonfatal injury and illness statistics from a representative sample of approximately 5,000 Minnesota business establishments each year. Reporting establishments include worker and injury characteristics for cases with one or more days away from work (DAFW cases). The data collected in the survey is weighted to compute a statewide estimate. Race and ethnic origin are among the data fields collected, with the same coding system used in the Census of Fatal Occupational Injuries.

However, race and ethnicity information is not required on the survey form and about one-third of the reported cases are missing this information. While the SOII results provide estimates for the reported cases by race and ethnicity, incidence rates are not calculated due to the missing data. Therefore, the reported figures should be taken as the minimum number within each category. This is in addition to missing many possible cases due to underreporting in general and race and ethnicity differences in reporting workplace injuries to employers.

From 2010 through 2019, the estimated number of DAFW cases remained within a narrow range, with a minimum of 20,360 cases in 2015 and a maximum of 21,860 cases in 2017. Among all Minnesota workers likely employed by establishments regulated by OSHA requirements in 2019, 87% were white workers (of all ethnicities), 6% were Black or African American, 5% were Asian and 6% were Hispanic or Latinx (of all races).

Figure 1. Estimated number of SOII days-away-from-work cases for workers reported in selected minority groups

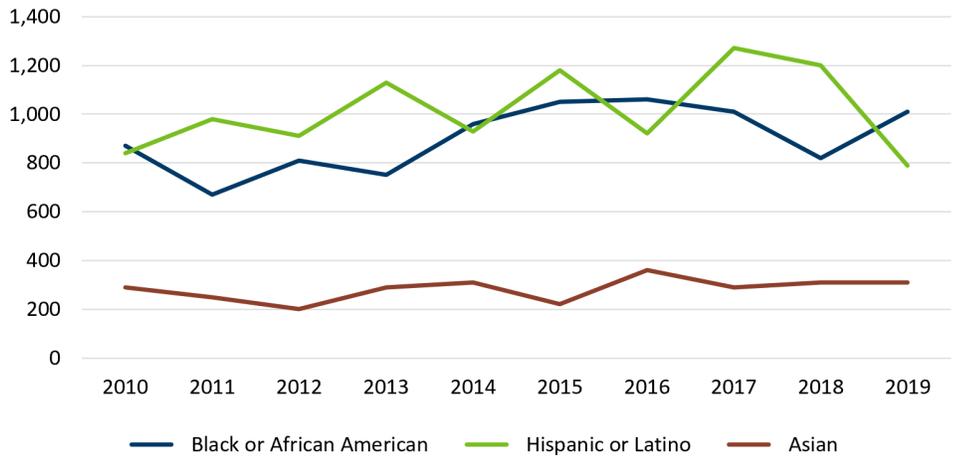


Figure 2. Estimated percentage of workers in selected minority groups among all SOII days-away-from-work case [1]

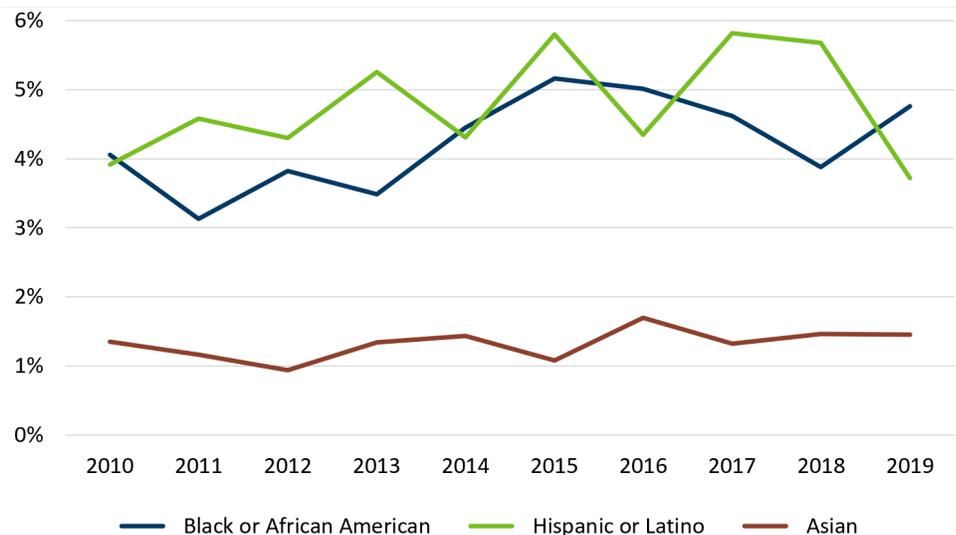


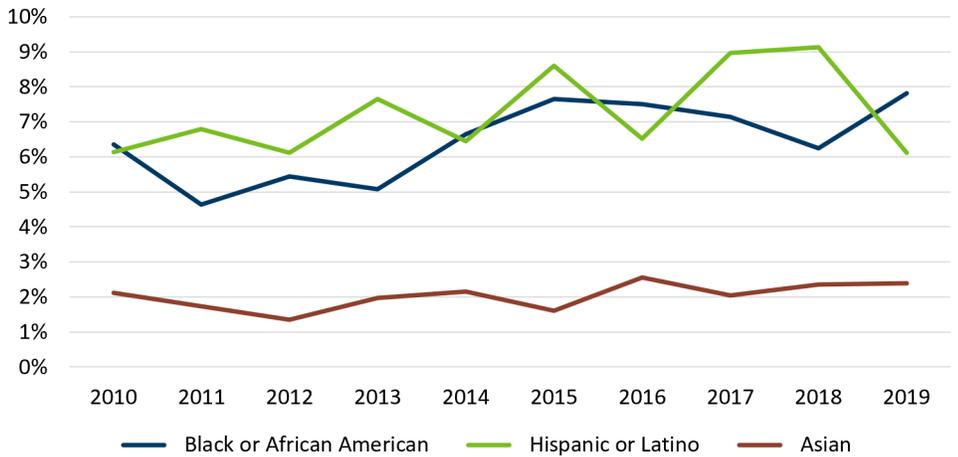
Figure 1 shows the estimated number of reported cases in the three minority groups with the highest numbers of DAFW cases. The estimated numbers of white, non-Hispanic workers are in the 10,600 to 11,600 range during the past five years (about 81% of the cases with race and ethnicity reported); including these workers would make it difficult to see the trends among workers in the minority groups.

There were similar estimates of DAFW cases for Black or African American workers and Hispanic or Latinx workers, at about 1,000 cases each in the past five years. Asian workers averaged 300 estimated DAFW cases during this period.

These case count estimates can also be expressed as percentages. Figure 2 shows the percentages in relation to all DAFW cases, including cases that did not have race or ethnicity data reported. These percentages are the most conservative estimates of the proportion of minority workers among DAFW cases in Minnesota. They show that the percentages for Black or African American workers and for Hispanic or Latinx workers have been between 3% and 6% (and have been in that range since at least 2003). The percentage of white, non-Hispanic workers varied between a high of 60% and a low of 50% during this period.

When only DAFW cases with reported race and ethnicity are used to estimate the percentages (Figure 3), Hispanic or Latinx workers reached 9% in 2017 and 2018, and Black or African American workers neared 8% in 2019. The percentage of Asian cases stayed near 2% of DAFW cases. White, non-Hispanic workers varied between a high of 86% and a low of 81% during this period.

Figure 3. Estimated percentage of workers in selected minority groups among all SOII days-away-from-work cases with reported race or ethnicity



MNOSHA gets high grade during federal audit of its program

In February, federal OSHA performed a *Follow-up Federal Annual Monitoring Evaluation (FAME)* audit of Minnesota OSHA’s (MNOSHA’s) state-plan program. In federal OSHA’s fiscal-year 2020 report, available at www.osha.gov/stateplans/famereport/MN, there are no negative findings.

However, the report recognizes and mentions MNOSHA’s noteworthy accomplishments of meeting its annual performance goals during the SARS-CoV-2 (COVID-19) health crisis. The two areas where MNOSHA did exceptionally well are: the average lapse-time from opening-conference date to issue date for both health and safety inspections; and percentage of penalty retained.

MNOSHA continually strives to complete thorough and accurate (11c) discrimination investigations in 90 days. Even though MNOSHA was below the goal of 100% of files completed in 90 days, it was higher than the national average of 38%. Minnesota was at 48%, which is far below the further review level.

The report also noted: “MNOSHA’s average number of days to complete an 11(c) investigation is substantially better than the national average of 262 days.”

Minnesota OSHA's calendar of events*

August 2021

Aug. 20 *Occupational Safety and Health Advisory Council*
www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council

September 2021

Sept. 10 *Occupational Safety and Health Review Board*
www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-review-board

Sept. 24 *Training: The basics of OSHA recordkeeping*
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard

November 2021

Nov. 19 *Occupational Safety and Health Advisory Council*
www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council

December 2021

Dec. 3 *Occupational Safety and Health Review Board*
www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-review-board

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

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