

Meeting minutes: Occupational Safety and Health Advisory Council

Date: May 12, 2023

Time: 10 a.m. to noon

Location: Via Webex

Call to order: Paul Aasen, chairman

- Roll call by Gretchen Longbehn, executive secretary
- Approval of the May 12, 2023, meeting agenda
 - The meeting agenda was approved.
- Approval of the Feb. 17, 2023, meeting minutes
 - The meeting minutes were approved.

DLI announcements and updates: Nicole Blissenbach, commissioner

- Welcome to Matt Lucas, director of safety, Minnesota OSHA Compliance
- Legislative update
- Council's purpose

Federal OSHA update: Mitzy Wright

- [OSHA/NIOSH Small Business Safety and Health Handbook](#)

Minnesota OSHA Workplace Safety Consultation update: Marnie Prochniak

Minnesota OSHA Workplace Safety Consultation statistics, second quarter, fiscal-year 2023

Consultation visits:

- 181 initial visits -- 140 safety, 41 health and zero that were both safety and health;
- 56 formal training visits;
- 16 follow-up visits; and
- 155 informal training visits (during on-site visits).

Hazards identified:

- 743 observed hazards -- 625 serious (including imminent), 116 other-than-serious and two regulatory (for example, recordkeeping).

Total interventions:

- 82 interventions; and
- formal training, Minnesota STAR (MNSTAR) Program activities and technical assistance impacting 1,531 establishments and including 2,009 employees attended.

Other second quarter highlights

- Completed 11 safety assessments for the Youth Skills Training (YST) program.
- Staffed the booth at the Associated General Contractors of Minnesota 2023 Minnesota Construction Summit.
- Coordinated and participated in four county-wide incident command grain-bin event trainings in Redwood/Cottonwood, Chippewa, Brown and Renville.
- Continue to work with a Grain Operations Safety Professionals Group on a potential formalized alliance.
- Continue to provide technical assistance to individual employers through interventions and formal training sessions about different topics.

Alliance program

- Minnesota Electrical Association (MEA): On-going newsletter articles submitted – in March Minnesota OSHA Workplace Safety Consultation drafted an article discussing the difference between hardhats and helmets and the Minnesota OSHA requirement. Minnesota OSHA Workplace Safety Consultation provides an article for publication every two months about relevant safety and health topics.
 - Participated in the MEA Education Committee meetings each month.
- Mexican Consulate: Minnesota OSHA Workplace Safety Consultation completed two presentations with the consulate.

Minnesota Safety and Health Achievement Recognition Program (MNSHARP)

- **General industry:** MNSHARP sites, 35; and pre-MNSHARP sites, zero (but working with two stakeholders and anticipate those two qualifying for pre-MNSHARP status in May).
- **Construction:** MNSHARP sites, seven; and pre-MNSHARP sites, five.
- **Other updates:** Completing the review of the annual self-evaluations provided by each MNSHARP employer.

MNSTAR Program (Minnesota's Voluntary Protection Program)

- MNSTAR Program sites, 34.
- Minnesota OSHA Workplace Safety Consultation is currently working with one employer and waiting on 90-day items.
- Another new certification is anticipated in July.
- ASE submittal reviews are ongoing.

Safety grants (state-fiscal-year 2023, April 16, 2022, through April 15, 2023)

- Grant applications received and reviewed, 293 – 143 service related, 80 construction related, 43 manufacturing related, 12 logging related and 15 commercial related.

- Of the 293, 167 were withdrawn or denied.
- Grant funds awarded, \$894,339.56.

Minnesota Workplace Safety Consultation and federal OSHA

- This is a very busy time of year regarding interactions with federal OSHA.
 - Minnesota OSHA Workplace Safety Consultation is working through its federal OSHA grant application and developing the Consultation Annual Project Plan (CAPP). The CAPP report details projected activities and is mandatory annually.
- The next five-year strategic plan is being developed.

Staffing

- Minnesota OSHA Workplace Safety Consultation has filled the vacant supervisor position. Rob Balsavich began as the supervisor at the end of March, replacing Matt Lucas.
- Balsavich has been with Minnesota OSHA for more than 18 years and has had several investigator and training roles; he most recently was the Discrimination team supervisor for Minnesota OSHA Compliance.

Minnesota OSHA Compliance, training and outreach update: Nancy Zentgraf

Second quarter, federal-fiscal-year 2023

Staff members attended these OSHA Training Institute (OTI) courses:

- 3090 Electrical Standards – one;
- 2721 Whistleblower Complaint Resolution – one (virtually);
- 2220 Respiratory Protection – two;
- 1410 Inspection Techniques and Legal Aspects;
- 3430 Advanced Process Safety Management; and
- 1310 Investigative Interviewing – 17.

One staff member attended Effective Negotiating to assist with negotiating settlements.

Internal classes

Minnesota OSHA Compliance continues to conduct internal training for staff members as they move through the process as new investigators and upon promotions.

Other training

Minnesota OSHA Compliance conducted training for all staff members this quarter, discussing the year in review and hearing from department attorneys who spoke about case file documentation improvements.

Outreach

During the second quarter of federal-fiscal-year 2023, Minnesota OSHA Compliance personnel gave 17 presentations to a total audience of 533. This represents an average of about 34 participants at each event.

There were two Construction Seminars during this quarter: one virtual about equipping teams to destigmatize mental health; and one in person about worker protection in trenches. There were 111 attendees at the seminars. The next Construction Seminar is Tuesday and will be in person and about fall protection.

Minnesota OSHA Compliance continues to participate in the department's "Worker rights and responsibilities" webinars. The department gives an update and Minnesota OSHA Compliance answers questions. The webinar is about 45 minutes long; one had 45 participants.

Publications

The January edition of *Safety Lines* was published with updates and articles about safety and health topics and coming events.

Partnerships

There are currently 15 partnership sites; two new sites were signed this quarter. There was also one quarterly partnership meeting.

Compliance assistance

During the second quarter, Minnesota OSHA Compliance handled a total of 1,031 phone calls. It also responded to 740 written requests for information.

Rulemaking update: James Krueger

Minnesota OSHA Compliance, enforcement update: James Krueger

Safety update: Matt Lucas

Inspections

Through federal-fiscal-year 2023, second quarter (Oct. 1, 2022, through Dec. 31, 2022), Minnesota OSHA Compliance:

- investigated 12 fatalities (last year at this time, 32) and eight serious injuries that occurred under Minnesota OSHA jurisdiction;
- conducted 568 inspections (the goal was 600);
- handled 181 total complaint inspections (last year at this time, 130; the year prior, 63) – complaints are increasing both in Minnesota and for federal OSHA;
- responded to these complaints within 4.0 days on average; and
- issued citations within 41 days for safety and 70 days for health on average.

Federal OSHA

- This week, just received an additional \$309,000. The federal-fiscal-year 2023 federal budget is \$4,802,200.
- Federal reports:
 - the Federal Annual Monitoring Evaluation (FAME) report for federal-fiscal-year 2021 and the State OSHA Annual Report (SOAR) were submitted at the beginning of January and are expected to be posted in June.
- Penalty conformity:
 - there was a finding for not conforming to federal penalties and for not getting a complainant's address; and
 - Minnesota OSHA Compliance is auditing this with its staff and looking at updating its new computer system (OSHA Express) to trigger this (the system is set to go live Oct. 1, 2023).

Legislative changes

- No changes currently; looking forward to the changes from the Legislature.

Staffing

- Minnesota OSHA Compliance is continuing to focus on increasing its field staff.
 - Half of the safety staff members have fewer than two years experience and 75% of the industrial hygienists have fewer than two years experience.

Occupational Safety and Health State Plan Association (OSHSPA), federal meeting

- Attended the OSHSPA meeting and federal OSHA meeting in Vancouver, Washington. Major discussions about the FAME process, training of safety and health investigators, and status of the ruling for the health care emergency technical standard (ETS). Both OSHSPA and federal OSHA meet three times each year.
- Two attorney's who represent Minnesota OSHA attended the State Lawyers' Organization (SOLO). Discussion included major litigation occurring within other states and within federal OSHA. This occurs during the winter meeting of each year.
- James Krueger is planning to attend the next OSHSPA meeting at the end of this month.
- Working on:
 - a new five-year strategic plan to help identify how to use resources effectively to reduce fatalities, injuries and illnesses with Minnesota;
 - the 2021 OSHSPA *GRASSROOTS* publication is online at dli.mn.gov/sites/default/files/pdf/grassroots_2021.pdf and 2022 information was submitted to Michigan last week; and
 - replacing the Minnesota OSHA Compliance computer case-management system Oct. 1.

Minnesota Safety Council update: Paul Aasen

Occupational Safety and Health Advisory Council members' updates

- Questions and feedback about ADM 3.12 7525 (the 75-25 program)

Next OSHAC meeting dates

- Friday, Aug. 18, 2023, 10 a.m. to noon; and
- Friday, Nov. 17, 2023, 10 a.m. to noon.

Adjournment: Paul Aasen, chairman

- Roll call for adjournment by Gretchen Longbehn, executive secretary.
 - The meeting was adjourned.

Meeting recording

A recording of the meeting is available at

<https://minnesota.webex.com/minnesota/ldr.php?RCID=d27eae9e8a8a825394da0bce4472f34>.