

Minutes: Occupational Safety and Health Advisory Council

Date: Aug. 7, 2020

Time: 10 to 11:30 a.m.

Location: Via Webex

Attendees

- Elizabeth Rheingans
- Paul Aasen
- Xavier Escobedo
- Kurt Zimmerman
- Jennifer Winkelaar
- Dean Gale
- Brandon Holmes
- Tom Moibi
- Stacy Arnold
- Carol Keyes
- Scott Huberty
- Chris Bibeau
- Roslyn Robertson
- Nancy Zentgraf
- Ron Anderson
- Tyrone Taylor
- Gretchen Longbehn

Call to order: Paul Aasen, chairman

- Announcements
- Approval of the Aug. 7, 2020 agenda
 - **Approved**
- Approval of the May 2, 2020 meeting minutes
 - **Approved**

Department update: Roslyn Robertson, deputy commissioner

COVID-10 update

- Discussed how DLI employees are socially distancing within the workplace, along with the general public, for meetings and appointments.
- The Construction Codes and Licensing Division's testing resumed July 28.
 - All testing stations have masks and face shields available to test takers, if needed.
- The Department of Labor and Industry (DLI) is working on a COVID-19 readiness plan.

Legislative

- Starting to plan for fiscal-year 2021 and 2022.
 - We have our first response going to the governor's office, due Aug. 17.
- In terms of the OSHA program, we are likely to put forth the same initiatives we had last year.
 - Crane standards will be the first topic of discussion.
 - This was on the agenda last year and we are going to try to bring it forward again this year.
 - We have no idea what the outcomes of the special session will be. In terms of agency initiatives, not a lot of discussion has been made.
 - The larger discussions are being heard, such as COVID-19 and actions the state needs to take to move in the right directions.
 - Bonding is still out there for discussion.
- DLI is engaged with helping with preparedness plans with businesses to reopen.
- DLI is working on its plan to return, to be able to have more employees come back safely to resume working in the building.

MNOSHA Workplace Safety Consultation update: Tyrone Taylor, director



OAC Report
8-7-20.doc

Minnesota OSHA Workplace Safety Consultation statistics, third-quarter of fiscal-year 2020

Consultation visits

- Eighty initial visits:
 - 65 safety;
 - 13 health; and
 - two that were both safety and health
- Nineteen formal training visits
- Seven follow-up visits
- One hundred and six total consultation visits for safety and health services

Hazards identified

- Three hundred eighty-five observed hazards:
 - 360 serious (including imminent);
 - 24 other-than-serious; and
 - one regulatory (recordkeeping)

Total interventions

- Ninety-seven interventions
 - formal training, Minnesota STAR (MNSTAR) Program activities and technical assistance
 - Impacting 4,560 establishments and 71,060 employees

Other third-quarter highlights

- Created a series of COVID-19 guidance documents for multiple industries, including: construction; meat processing; dairy and produce; retail; health care; customer service; personal care; entertainment; manufacturing; and others.
- Training presentations for public-sector establishments, topics included: recordkeeping (COVID-19 recordability); indoor air quality; hazard communication; and A Workplace Accident and Injury Reduction (AWAIR) programs.
- Two consultants dedicated to the state COVID-19 safety team provided information for the governor's executive orders:
 - E.O. 20-40, Requiring COVID-19 Preparedness Plans;
 - E.O. 20-48, Certain Non-critical Sector Businesses Reopen, COVID-19 Preparedness Plans Required;
 - E.O. 20-74, COVID-19 Preparedness Plans Required for All Industries (critical-sectors included); and
 - E.O. 20-81, Face Covering Requirements.

Alliance program

- Minnesota Dental Association: Created COVID-19 guidance document
- Minnesota State Colleges: Presentation about COVID-19 prevention
- Electrical Association: Presentation about COVID-19 prevention
- Hospital safety and health group: Presentation about COVID-19 prevention and recordkeeping

Minnesota Safety and Health Achievement Recognition Program (MNSHARP)

General industry:

- MNSHARP sites = 37;
- Pre-MNSHARP sites = 1.

The Pre-MNSHARP site working toward MNSHARP status is ABC Companies (extended due to COVID-19).

Construction:

- MNSHARP sites = five; and
- Pre-MNSHARP sites = seven.

The current construction MNSHARP sites are:

- 1) Adolfsen and Peterson – St. Peter Correctional Facility;
- 2) J.E. Dunn Construction – University of Minnesota Health Science Center;
- 3) Ryan Construction – Sons of Norway;
- 4) OPUS Group – River Loop; and
- 5) McGough Construction – Thrivent Financial Corporate Center.

The Pre-MNSHARP sites working toward full MNSHARP status are:

- 1) Mortenson Construction – Minneapolis Public Services Center;
- 2) PCL Construction – MAC Terminal;
- 3) Adolfsen and Peterson – Langton Place Care;
- 4) John Kraemer and Sons – Lothenbach;
- 5) Knutson Construction – Ridgeview Emergency Department Expansion;
- 6) OPUS Group – St. Thomas Dormitories; and
- 7) Ryan Companies – St. Thomas Dormitories.

Minnesota Star (MNSTAR) Program – Minnesota's Voluntary Protection Program

- MNSTAR Program sites = 34
- Recertification visits are postponed due to COVID-19

Safety Grant Program (fourth quarter of state-fiscal-year 2020)

- Eighty grant applications received and reviewed
- \$483,950.26 total grant dollars awarded

Questions from Paul Aasen

Q: What are safety grants used for?

A: Personal protective equipment (PPE), training and tools and machinery that help the employer conduct the job in a safer matter.

Q: Were you able to meet the request of everybody that applied or qualified?

A: Eighty of the requests have been approved and were qualified.

Questions from Scott Huberty

Q: Can you speak more about the training presentation? Are they available to the public?

A: We have done trainings for employers to get set up and get ready. Our consultants will do training for employers if a request is made.

MNOSHA Compliance update: Nancy Zentgraf, director



FY2020-3rdQuarter
OAC memo.docx

Minnesota OSHA Compliance outreach, training and partnership activities during the third-quarter of federal-fiscal-year 2020

During the third quarter of federal-fiscal-year 2020, Minnesota OSHA (MNOSHA) Compliance personnel gave a total of 34 presentations to a combined audience of 4,315. This represents an average of about 127 participants at each event.

MNOSHA Compliance has been participating in DLI's weekly worker webinars. DLI provides an update and MNOSHA Compliance answers questions. The webinar is about 45-minutes, with between 50 to 100 participants.

Of interest, MNOSHA Compliance participated in one webinar in Somali, with workers from Greater Minnesota. The staff was able to cover the inspection process, complaint process, Centers for Disease Control and Prevention (CDC) guidelines and worker rights, and answered participants' questions. The outcome was the employees understood their rights, how to file an anonymous complaint with MNOSHA and learned who could explain things in Somali. Thirty workers were on the call.

MNOSHA Compliance has conducted six webinars in Spanish, with workers around the state. Again, the staff was able to cover the inspection process, complaint process, CDC guidelines and worker rights, and answer questions. The outcome was the employees understood their rights, how to file an anonymous complaint with MNOSHA and learned who could explain things in Spanish. There were more than 100 workers on the calls.

In addition, a staff member was interviewed by Univision Spanish TV. He covered workers' rights, and the employer's responsibilities to provide a workplace free from hazards and compliant with safety and health standards.

Due to the COVID-19 pandemic, the requirement to socially distance and restrictions on large gatherings, there were no Construction Seminars in March or May.

Publications

The April edition of *Safety Lines* featured these stories: COVID-19: Safety, available health resources; MNOSHA rulemaking update; Employee safety, health for young workers; Recordkeeping; MNOSHA Consultation outreach, partnerships; Injury and illness statistics available; and Calendar of events.

Partnerships

There are currently 18 partnership sites. Six new sites were signed this quarter. There were no quarterly partnership meetings this quarter.

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Compliance assistance

During the third-quarter, MNOSHA Compliance handled a total of 2,189 phone calls. Due to the pandemic and teleworking of staff members, all the phone calls went to voicemail. The voicemail messages were then forwarded to staff members to answer. We are unable to determine the category of caller currently. MNOSHA also responded to 2,519 written requests for information.

Training

Due to the COVID-19 pandemic, the OSHA Training Institute (OTI) canceled all the classes MNOSHA staff members had enrolled in this quarter. Staff members were encouraged to attend webinars about a variety of subjects offered by OTI. These were archived webinars that provided some beneficial information to staff members during this time.

Internal classes

One new safety investigator completed Phase 2 and Phase 3 of internal training. He is in the field being mentored by other staff members currently.

Other training

Many staff members have been attending OSHA webinars. These have included: Electrical Hazards; Aerial Lifts; Control of Hazardous Energy; Respiratory Protection; and many more. Staff members have said these are very helpful with hazard recognition and general information about standards.

Women in construction update

DLI began a discussion of making the construction industry safer for women working in construction. This began as a work group with DLI and has evolved to a group led by the Department of Human Rights. The contact person with the Department of Human Rights was redeployed to work on calls related to COVID-19 violations. Yesterday, Zentgraf spoke with the Department of Human Rights about the focus of the work group. We are going to share contact information and meet again to discuss the direction of the group and decide if this is an ongoing discussion or a project.

MNOSHA Compliance enforcement update: Jim Krueger, director

MNOSHA Compliance has done 260 inspections, 12 fatalities, nine serious injuries and 598 total complaints.

There have been 90 on-site inspections and getting out to the field in two-and-a-half days.

Questions from Aasen

Q: At what point does the state program status get threatened?

A: At this point we have not seen a push from OSHA. Discussions with OSHA programs have been affected; our projections will decrease within the next year. We believe our penalties will increase in the state of Minnesota this year.

Q: What about class action lawsuits for COVID-19 items from employees to employers?

A: We have had an increase in a request for case files within the legal team.

Occupational Safety and Health Advisory Council members' updates

Discussion about respirators and mask requirements

Carol Keyes: We are seeing problems with facilities not being able to get masks. Are other people starting to see this issue? Suppliers' stock is low; they are having a hard time getting them as well.

Brandon Holmes: The welding industry can't get respirators and we had to turn jobs down because of this.

Ron Anderson: Federal OSHA has guidance documents that we are following, along with looking into PPE requirements.

Other updates and discussion

Keyes: Can we increase the safety consultation grant amount?

Taylor: We are looking into that and also want to be sure we are in compliance to the statute.

Suggestions from Aasen:

- bonding program;
- cost-match program; and
- Department of Agriculture's tractor rollover program.

Keyes: How can we move this into the Safety Grant Program?

Robertson: This is a great conversation that she and Taylor will look into. If we get a request that meets the requirements, but that doesn't have all the funding, we will try to at least grant some of it. We will work with the funding to see how we can support them and determine if there are opportunities to help support them. The thing is that this all has to comply with statutes, in terms of the dollar amount that is set in statute.

Keyes: We are hearing a lot of employers say they have a hard time with having employees wear face masks. For example, the auto industry is having a hard time with this. Employees in the front office are not wearing masks, so then it's harder to enforce mask-wearing in the work bays. Employees are not wearing them when they are working. How do we enforce that? How will MNOSHA deal with and enforce wearing of facemasks in the workforce? What about face shields and counterfeit PPE?

Future agenda items: Aasen

- PPE and facemask requirements in the workplace due to COVID-19.

Adjournment

The meeting was adjourned at 11:30 a.m.