

Meeting minutes: Occupational Safety and Health Advisory Council (OSHAC)

Date: Nov. 18, 2022

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 Aug. 19, 2022 meeting agenda.
 - The meeting agenda was approved.
- Approval of the Nov. 18 meeting minutes.
 - The meeting minutes were approved.

DLI announcements and updates: Nicole Blissenbach, temporary commissioner

Legislative update: Josiah Moore

Federal OSHA update: Mitzy Wright

Rulemaking update: Ron Anderson

Minnesota OSHA Workplace Safety Consultation update: Ryan Nosan

Consultation visits:

- 192 initial – 139 safety, 48 health and 63 both safety and health;
- 31 formal training;
- 27 follow-up visits; and
- 173 informal trainings (during on-site visits).

Hazards identified:

- 889 observed hazards – and 774 serious (including imminent), 107 other-than-serious and eight regulatory (for example, recordkeeping).

Total interventions:

- 83 interventions – formal training, Minnesota Star (MNSTAR) Program activities and technical assistance, impacting 1,466 establishments and 5,008 affected employees.

MNOSHA Workplace Safety Consultation statistics, federal-fiscal-year 2022 (Oct. 1, 2021, through Sept. 30, 2022)**Consultation visits:**

- 983 total visits;
- 739 initial visits – 562 safety, 181 health and 240 both safety and health;
- 130 formal training visits;
- 114 follow-up visits; and
- 633 informal trainings (during on-site visits).

Hazards identified:

- 3,481 observed hazards – 3,087 serious (including imminent danger), 374 other-than-serious and 20 regulatory (for example, recordkeeping).

Total interventions:

- 409 interventions – formal training, MNSTAR Program activities and technical assistance, impacting 15,594 establishments and 29,660 affected employees.

Other fourth-quarter highlights

- MNOSHA Workplace Safety Consultation (WSC) attended the National VPPPA Safety Symposium in Washington, D.C. An annual event where state and federal counterparts meet to discuss the Voluntary Protection Program (VVP; Minnesota's MNSTAR Program) and network. A presentation was provided to the Region V attendees about the MNSTAR program and its successes.
- MNOSHA WSC attended the annual Occupational Safety and Health Consultation (OSHCON) program in Oklahoma City, Oklahoma, where consultation programs and their management get together to discuss any changes within the consultation programs, as well as the successes.
- MNOSHA WSC participated in the North Star Expo, hosted by the Minnesota Timber Producers in Grand Rapids, Minnesota.
- MNOSHA WSC participated in the annual Farm Fest event in Morgan, Minnesota.
- MNOSHA WSC completed 10 safety assessments for the Department of Labor and Industry's Youth Skills Training program.
- MNOSHA WSC completed seven workplace violence interventions for stakeholders.
- MNOSHA WSC participated in the second annual Black Business Week, hosted by the city of Minneapolis.
- MNOSHA WSC continues to provide technical assistance to individual employers through interventions and formal training sessions on a multitude of topics.

Alliance program

- Electrical Association: Ongoing newsletter articles are being submitted for publication. In August, the topic was excavation and trenching safety. MNOSHA WSC provides an article for publication every two months for the Minnesota Electrical Association (MEA) about relevant safety and health topics. MNOSHA WSC will also be attending the MEA Education Committee meeting in December, as a member of this group.
- Health care group: MNOSHA WSC has placed this alliance on hold, even though activities with the group continue. Six separate interventions were completed with the group. The current alliance has officially expired because of staffing changes within the group that was initially behind the alliance, but conversations regarding ongoing participation as an alliance continue. Interventions regarding recording and reporting, bloodborne pathogens and safe patient-handling regarding mass fatalities were completed.
- Mexican Consulate: MNOSHA WSC completed three presentations at the consulate and participated in Labor Rights Week at the consulate.
- Minnesota Hmong Chamber of Commerce: MNOSHA WSC provided a presentation about the Safety Grant Program application process for this group. MNOSHA WSC has also generated visits as part of the presentations with the group.

Minnesota Safety and Health Achievement Recognition Program (MNSHARP)

General industry:

- 35 MNSHARP sites; and
- zero Pre-MNSHARP sites.

MNOSHA WSC ended federal-fiscal-year 2022 with two new MNSHARP sites and 14 recertified MNSHARP sites in general industry.

Construction:

- nine MNSHARP sites; and
- five Pre-MNSHARP sites.

MNOSHA WSC ended federal-fiscal-year 2022 after certifying seven new MNSHARP sites and approving two new Pre-SHARP sites in construction.

In federal-fiscal-year 2023, MNOSHA WSC is working with a MNSHARP location, Lifecore Biomedical LLC, to complete a success story.

MNOSHA WSC is working with federal OSHA on updates to its companion construction program, MNSHARP Construction.

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

- There are currently 35 MNSTAR Program sites.
- MNOSHA WSC anticipates four new MNSTAR Program certifications in federal-fiscal-year 2023.

Safety Grant Program (federal-fiscal-year 2023 to date, April 16 through Nov. 14, 2022)

- One hundred forty safety grant applications were received and reviewed – 76 service-related, 30 construction-related, 22 manufacturing-related, nine logging-related and three commercial-related.
- Of the 140 applications, 60 were withdrawn or denied.
- Grant funds awarded to date: \$511,948.85.

Federal OSHA audit

- The audit of the MNOSHA WSC program with federal OSHA took place the first week of October.
- MNOSHA WSC always looks for opportunities to improve and to ensure it is operating in line with federal and internal policies, and is the most effective for its stakeholders.

Staffing

- MNOSHA WSC is currently fully staffed and does not have any openings.

MNOSHA Compliance training and outreach update: Nancy Zentgraf

Training

OSHA Training Institute (OTI) classes:

- Investigative Interviewing Techniques – two virtual;
- Introduction to On-site Consultation;
- Biohazards – virtual;
- Whistleblower Complaint Resolution – two;
- Whistleblower Investigation Fundamentals – four;
- Respiratory Protection – two;
- Machine Guarding and Hazardous Energy Control – four;
- Cranes in Construction;
- Excavation, Trenching and Soil Mechanics – 22;
- Principles of Industrial Ventilation;
- Principles of Scaffolding – three;
- Safety and Health in Grain Handling – two; and
- Hazardous Materials.

Other classes:

- Hazwoper Refresher – 11;
- Asbestos Inspector – two;
- State-plan Monitoring; and
- Negotiate for Agreement – four.

Outreach

MNOSHA Compliance gave 55 presentations to 3,618 people.

Construction Seminar topics (231 total attendees):

- Lockout/tagout: Communication; contractors' role and responsibilities;
- ANSI standard for mobile, elevated work platforms;
- The ABCs of fall protection;
- Mental health safety; and
- New hires: What to do with them.

Safety Lines newsletter:

- published quarterly in January, April, July and October.

Other outreach:

- participated in the Department of Labor and Industry's worker webinar series; and
- handled 4,033 phone calls and 3,088 written requests.

Partnerships

There is an average of 20 MNOSHA Compliance partnership sites.

MNOSHA Compliance enforcement update: James Krueger

Inspections

- Through the fourth quarter of federal-fiscal-year 2022 (Oct. 1, 2021, through Sept. 30, 2022), MNOSHA Compliance:
 - investigated 51 fatalities and 44 serious injuries that occurred under MNOSHA jurisdiction;
 - conducted 1,367 inspections;
 - handled 316 total complaint inspections, with a response time of 2.4 days; and
 - issued citations for safety within 33 days and for health within 51 days.

Federal OSHA

- Budget level for FFY2022.

Federal Annual Monitoring Evaluation (FAME) reports

- The audit for federal-fiscal-year 2021 was conducted virtually using a drop box for 65 inspection files, 20 fatality files, 15 nonformal complaint files and 25 discrimination files.
- See [osha.gov/stateplans/famereport/MN](https://www.osha.gov/stateplans/famereport/MN) and dli.mn.gov/sites/default/files/pdf/soar_ffy21.pdf
- There were two findings: getting complainant addresses and penalty conformity:
 - MNOSHA Compliance has trained its staff members and, this month, has an analyst auditing files to see if MNOSHA Compliance staff members have made changes; and

- MNOSHA Compliance hopes penalty conformity will be passed by the Minnesota Legislature this session.
- Onsite Aug. 22 through 26, 2022, for the biannual financial federal audit for federal-fiscal-year 2021.
 - Miscoded accounting codes can Minnesota Department of Labor and Industry and the OSHA.
 - The recommendation is to do additional training for the Department of Labor and Industry’s Financial Services personnel and MNOSHA Compliance staff about using correct accounting codes.

Staffing

- MNOSHA Compliance continues to focus on increasing its field staff.
- MNOSHA Compliance has 50% of the safety staff members than it had less than two years ago and 75% of the industrial hygienist staff members it had less than two years ago.

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

- MNOSHA Compliance attended the OSHSPA and federal OSHA meeting in Roanoke, Virginia. There was major discussion about the FAME process, training of safety and health investigators, and the status of the rulemaking for the emergency temporary standard for health care.
- Both OSHSPA and federal OSHA meet three times each year. The next meeting is Vancouver, Washington, Feb. 7 and 8, 2023.
- The 2021 OSHSPA *GRASSROOTS* publication is online at dli.mn.gov/sites/default/files/pdf/grassroots_2021.pdf.

OSHAC open positions: Paul Aasen

To view open Occupational Safety and Health Advisory Council positions, visit <https://commissionsandappointments.sos.state.mn.us/agency/details/124>.

Minnesota Safety Council update: Paul Aasen

Occupational Safety and Health Advisory Council members’ updates

Next OSHAC meeting date

- Friday, Feb. 17, 2023, 10 a.m. to noon

Future 2023 OSHAC meeting dates

- Friday, May 19, 2023, 10 a.m. to noon
- Friday, Aug. 18, 2023, 10 a.m. to noon
- Friday, Nov. 17, 2023, 10 a.m. to noon

Adjournment: Paul Aasen, chairman

- There was a roll call for adjournment by Gretchen Longbehn, executive secretary.
- The meeting was adjourned.

Meeting recording

[Play recording](#) (1 hr 30 mins)