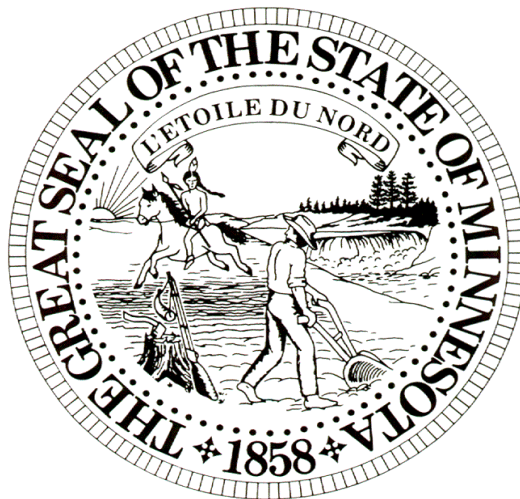


FFY2023

**Minnesota Occupational Safety and Health Compliance
State OSHA Annual Report (SOAR)**

MNOSHA – 23g



December 2023
[Final]

SOAR for FFY2023
Minnesota Occupational Safety and Health Compliance

	Table of contents
	<u>Page</u>
Introduction.....	3
Summary of Annual Performance Plan Results – FFY2023.....	4
Strategic Goal 1 Compliance	4
Strategic Goal 2 Compliance	7
Strategic Goal 3 Compliance	11
Special Accomplishments Compliance	14
Mandated Activities	17
Comparison of FFY2021-FFY2022-FFY2023 Activity Measures – MNOSHA Compliance	18

SOAR for FFY2023
Minnesota Occupational Safety and Health Compliance
INTRODUCTION

The Minnesota Occupational Safety and Health Administration (MNOSHA) program is administered by the Minnesota Department of Labor and Industry (DLI); the program became effective Aug. 1, 1973, with final state-plan approval being obtained July 30, 1985. MNOSHA includes the Occupational Safety and Health (OSH) Compliance Division, which is responsible for compliance program administration (conducting enforcement inspections, adoption of standards and operation of other related OSHA activities), and the Workplace Safety Consultation (WSC) Division, which provides free consultation services, on request, to help employers prevent workplace accidents and diseases by identifying and correcting safety and health hazards.

MNOSHA's mission is: "To make sure every worker in the state of Minnesota has a safe and healthful workplace." This mandate involves the application of a set of tools by MNOSHA, including standards development, enforcement, compliance assistance and outreach, that enable employers to maintain safe and healthful workplaces.

MNOSHA's vision is to be a leader in occupational safety and health and make Minnesota's workplaces the safest in the nation. MNOSHA is striving for the elimination of workplace injuries, illnesses and deaths so all of Minnesota's workers can return home safely. MNOSHA believes that to support this vision, the workplace must be characterized by a genuine, shared commitment to workplace safety by both employers and workers, with necessary training, resources and support systems devoted to making this happen.

The Minnesota Occupational Safety and Health strategic plan for federal-fiscal-year (FFY) 2019 to 2023 established the following three strategic goals.

MNOSHA Compliance strategic goals
Goal 1: Reduce occupational hazards through compliance inspections.
Goal 2: Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership.
Goal 3: Strengthen and improve MNOSHA's infrastructure.

The FFY2023 performance plan provided the framework for accomplishing the goals of the MNOSHA strategic plan by establishing specific performance goals for FFY2023. This SOAR presents a review of the strategies used and results achieved in FFY2023. Special accomplishments, as well as the successful completion of mandated activities, are also discussed.

GOAL SUMMARIES – SOAR for FFY2023
Minnesota Occupational Safety and Health Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA Compliance's FFY2023 performance goals have been achieved. Each of the FFY2023 performance goals and the activities and strategies used to achieve those goals are described below. Comments and discussion relating to accomplishment of goal sub-items follows each chart.

Goal 1: Reduce occupational hazards through compliance inspections

How progress in achieving this goal will be assessed	Baseline Sept. 30, 2018	FFY 2023 target	FFY 2023 results
1. Reduce total recordable cases (TRC) rate	BLS data CY 5-year average using the 5 years prior to the target year CY 2017-2021 avg: 3.32	Reduction in TRC rate from the previous 5-year avg. CY 2017-2021 avg: 3.32	Consistent reduction over 5-year plan (See comments following chart [1.1]) CY 2022 TRC rate: 3.8, a 14.4% increase
2. Reduce fatality rate ¹ for fatalities within MNOSHA's jurisdiction	² DEED and MNOSHA data FFY 5-year average using the 5 years prior to the target year FFY 2018-2022 avg: 1.159	Reduction in fatality rate from the previous 5-year avg. FFY 2018-2022 avg: 1.159	Consistent reduction over 5-year plan (See comments following chart [1.2]) FFY 2023 fatality rate: 0.85 a 26.7% decrease
3. Number of hazards identified and establishments visited: a) total hazards identified and establishments visited	MNOSHA data FFY 2013 – 2017 avg: 4,256; 2,303	N/A	2,234; 1,323
b) Establishment emphasis ³ 1. <u>Inspection emphasis</u> 23 Construction 311 Food mfg. 312 Beverage and tobacco product mfg. 321 Wood product mfg. 322 Paper mfg. 326 Plastics and rubber products mfg. 331 Primary metal mfg. 332 Fabricated metal product mfg. 333 Machinery mfg. 336 Transportation equipment mfg. 337 Furniture and related product mfg. 424 Merchant wholesalers, nondurable goods 441 Motor vehicle and parts dealers 444 Bldg. material and garden equip. supplies Public sector (state and local gov't. and schools) 2. <u>National emphasis programs</u> Amputations – general industry Combustible dust – general industry Lead – health PSM – health and general industry Trenching hazards – construction 3. <u>Local emphasis programs</u> Foundries – general industry and health Grain facilities – general industry and health Health care – general industry and health Hexavalent chromium – health Isocyanates – health Meat packing – general industry and health Silica – health Window washing – general industry	N/A	65% of all programmed inspections	94% of all programmed inspections
c) Ergonomics, workplace violence prevention and safe patient-handling, including hospitals, surgical centers, nursing homes	Current practice	Ongoing support of WSC's ergonomics, workplace violence prevention and safe patient-handling effort	See below
4. Percent of designated programmed inspections ⁴	MNOSHA data FFY 2013-2017 avg: 82%	82%	57%

¹Fatality rate is calculated as the number of fatalities per 100,000 workers: (# MNOSHA fatalities/# of Minnesota employed workers) x 100,000.

²Minnesota Department of Employment and Economic Development.

³The quantity of programmed inspections is variable; therefore, no defined number is provided.

⁴The percent of designated programmed inspections is driven by the amount of unprogrammed activity each year. The target listed is the five-year average and this metric is tracked to allow for an evaluation of annual trends and is not meant to be evaluated as a specific goal.

Goal 1.1

Reduce total recordable cases: FFY2023 target = reduction in TRC from the previous five-year average and a consistent reduction over the five-year plan.

Minnesota's estimated workplace injury and illness rate for 2022 was higher from that of 2021. According to the annual Survey of Occupational Injuries and Illnesses, the state had an estimated 3.8 OSHA-recordable, nonfatal, workplace injuries and illnesses per 100 full-time-equivalent (FTE) workers in 2022; the estimated rate for 2021 was 3.4 cases per 100 FTE workers; therefore, 2022 had an increase of 12% from 2021.

The survey estimated Minnesota had 85,400 workers with OSHA-recordable, nonfatal, workplace injuries and illnesses in 2022, compared to 73,800 estimated cases for 2021. There were 19,100 illnesses in 2022 and, of these, 16,400 were respiratory illnesses, including COVID-19 cases. In 2021, there were 13,500 illnesses with 11,300 of them respiratory cases.

In 2022, Minnesota's employment covered by the survey was approximately 2.79 million workers. In 2021, employment covered by the survey was 2.69 million workers.

The industries with the highest total injury and illness rate in Minnesota were state government hospitals (31.4 cases per 100 FTE workers); private industry performing arts, spectator sports and related industries (22.0); and state government nursing and residential care facilities. These survey results show the importance of employers taking measures to keep the workplace safe from the hazards of COVID-19 and other injuries and illnesses.

The TRC rate for calendar-year 2022 increased 14.4% from the previous five-year average.

Goal 1.2

Reduction in state fatality rate: FFY2023 target = reduction in fatality rate from the previous five-year average and a consistent reduction over the five-year plan.

The fatality rate for FFY2023 decreased 26.7% from the previous five-year average. There were 24 fatalities in Minnesota in FFY2023 and the rate of fatalities (.85) was lower than the average rate of fatalities for FFY 2018 through 2022 (1.159). It was the lowest rate in the past four fiscal years. The fatalities occurred in a broad range of industries and were due to a variety of causes. MNOSHA conducts inspections according to its policies and it addresses workplace fatalities through its various outreach methods. MNOSHA, along with its staff members, partners and other stakeholders, will further identify areas on which to focus outreach resources.

Minnesota's fatal occupational injuries per 100,000 FTE workers (2021) is 2.8. This is the lowest of its surrounding states: Iowa, North Dakota, South Dakota and Wisconsin. This is from U.S. Bureau of Labor Statistics data, available at [IIF Home : U.S. Bureau of Labor Statistics \(bls.gov\)](https://www.bls.gov) .

Goal 1.3

Hazards abated and establishments visited: FFY2023 target = 65% of all programmed inspections conducted in emphasis industries.

In FFY2023, MNOSHA investigators conducted 1,323 inspections where 2,234 hazards were identified and cited. Fifty-nine percent of the inspections conducted resulted in violations; 75% of violations were cited "serious." MNOSHA continues to create incentives for employers to address safety and health issues through strong, fair and effective enforcement of safety and health regulations. MNOSHA focused its programmed inspections to reduce injuries, illnesses and fatalities in certain emphasis industries. The FFY2023 goal was for 65% of all programmed inspections conducted to be in the emphasis industries; MNOSHA met this goal, with 94% of all programmed inspections conducted in the emphasis industries. As part of a health care focus, MNOSHA conducted nine programmed inspections with a North American Industry Classification System (NAICS) code of 623110 and 622110.

In FFY2023, MNOSHA continued its work concerning workplace violence prevention, as ongoing incidents of workplace violence have maintained continued interest for technical assistance in the form of on-site evaluations and formal training. In FFY2023, 18 separate interventions were conducted with various public-sector groups, providing workplace violence prevention information to a wide range of audiences covering more than 400 participants.

In FFY2023, MNOSHA made considerable progress in Ergonomics. Using information from a 2002 Minnesota ergonomics task force, MNOSHA testified in support of an ergonomics statute to be adopted in Minnesota. This statute was adopted in May of 2023 and will be effective January 1, 2024, in meatpacking, warehousing and health care industries.

Overall on-site consultative services were provided at a hospital, long-term care facility and a medical and surgical hospital, as well as at several office environments, a farm products distributor, medical product manufacturers and multiple other manufacturing facilities. Additional training and assistance visits were conducted for three other private-sector employers. Several other ergonomics interventions were completed for private-sector employers that included outreach and technical assistance.

GOAL SUMMARIES – SOAR for FFY2023
Minnesota Occupational Safety and Health Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 2

Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership.

How progress in achieving this goal will be assessed	Baseline Sept. 30, 2018	FFY2023 target	FFY2023 results
1. Increase or maintain: <ul style="list-style-type: none"> a. Partnerships b. Voluntary Protection Programs (Minnesota Star (MNSTAR)) c. Continue to identify compliance assistance opportunities.¹ f. Alliances² 	Number of FFY2018 partnerships: 2 Number of FFY2018 MNSTAR sites: 35 Current practice N/A	Maintain 1 new and 3 recerts Ongoing 1 new	3 maintained (See comments following chart [2.1a,c]) 3 new and 6 recertifications (See comments following chart [2.1.b]) (See comments following chart [2.1a,c]) (See comments following chart [2.1.f])
2. Maintain total number of people participating in OSHA outreach and training in areas such as: <ul style="list-style-type: none"> a. youth; b. immigrant employers and employees; c. emerging businesses; d. construction; e. manufacturing; f. other strategic plan compliance; and g. public sector. 	FFY2013-2017 avg: 3,751	3,500	1,562
3. Participate in homeland security efforts at state and national levels	Current practice	Ongoing	Ongoing (See comments following chart [2.3])
4. Maintain response time and service level to stakeholders in areas such as: <ul style="list-style-type: none"> a. telephone inquiries and assistance; b. written requests for information; and c. MNOSHA website information and updates. 	Current practice	Ongoing	Ongoing (See comments following chart) [2.4])

¹The compliance assistance activities are incorporated in various places, including goals one and two.

²The goal 2.1.f. target of one new alliance was projected in the WSC FFY2022 CAPP. Alliances in the public sector are reported in the SOAR.

Goal 2.1. a,c

Compliance assistance (including maintaining three partnerships) in FFY2023.

MNOSHA's construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota are designed to help reduce the number of injuries, illnesses and fatalities at participating construction industry employers.

Partnerships are managed by both associations and have three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA's Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In FFY2023, MNOSHA completed CCP agreements with 21 Level 3 individual contractors at 19 specific construction sites, across the state. The partnership program continues to have quarterly meetings with Level 3 contractors. At these meetings, contractors share best practices with each other. The focus of the meetings is on accident and injury reduction.

MNOSHA continues with the partnership agreement with the Minnesota Department of Transportation (MnDOT) and Ames/Kraemer Joint Venture (AKJV). This partnership is for the I-35, I-535, Highway 53 Twin Ports Interchange project in Duluth, Minnesota. This project consists of the reconstruction of I-35/I-535/Highway 53 interchange to improve safety and traffic flow. This project began in October 2020 and will continue through fall 2024.

MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA employs one investigator who is fluent in both English and Hmong and one investigator who is fluent in English and Somali. MNOSHA gave one presentation in Spanish this year. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department of Labor and Industry's community services representative.

Goal 2.1.b

Increase VPPs by one new and three recertifications in FFY2023.

The MNSTAR Program is a voluntary protection program available to any size employer in Minnesota. The program relies mainly on the concept of self-assessment by the requesting employer and follows ADM 3.28K, which is the Minnesota-specific MNSTAR Program/VPP directive.

The MNSTAR Program requires the employer's commitment to complete an extensive application, which includes providing MNOSHA WSC with copies of all requested written policies and programs. The employer's total case incidence rate (TCIR) and days-away-restricted-or-transferred (DART) injury and illness rate must be below the national averages for the industry. Employers that meet all requirements for MNSTAR Program status are exempt from programmed inspections by MNOSHA Compliance for up to three years, upon initial certification, and up to five years upon subsequent recertification.

The MNSTAR Program has been very successful since its inception in FFY1999. MNSTAR Program status has been awarded to both large and small employers in high-hazard and in state-targeted industries.

Federal-fiscal-year 2023 ended with 35 full MNSTAR Program worksites. Three new sites were granted full MNSTAR Program status, meeting the FFY2023 goal. Six companies successfully achieved full recertification as MNSTAR Program sites, meeting the FFY2023 goal. One site withdrew from the MNSTAR Program.

All active MNSTAR Program certified companies for FFY2023 are available on the Department of Labor and Industry website at dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-minnesota-star-mnstar-program.

Goal 2.1.f

Increase alliances by one in FFY2023 (projected in WSC's FFY2023 CAPP).

Overall, no new alliances were initiated with a public-sector entity. Alliances with the Minnesota Municipal Utilities Association (MMUA) and Minnesota State (formerly known as Minnesota State Colleges and Universities (MNSCU)) remain active.

WSC continues to support MMUA through the alliance; it has conducted visits and provided presentations about workplace violence prevention. Original alliance activities included completing exposure assessments to respirable crystalline silica for work tasks identified as potentially exposing workers to higher levels of silica dust. These samplings were halted due to the retirement of one of the implementation team members representing the alliance. Although activities were lower this year, WSC continues to support MMUA as needed, including their members receiving more than 20 grants from the Safety Grants Program.

WSC continues to support campus safety and health management efforts through on-site hazard surveys, program assistance, training and other technical assistance at colleges and universities under the Minnesota State umbrella. Through the alliance, WSC generated eight visits.

Goal 2.2

In FFY2023 target = 3,500 people participating in outreach and training areas.

MNOSHA established a baseline of 3,500 participants each year for outreach and training sessions covering various subject areas. In FFY2023, MNOSHA Compliance conducted 48 presentations to 1,562 participants. MNOSHA continued to use its safety investigator 3 and 4 positions in its outreach efforts throughout the state and has supervisors participating in the Department of Labor and Industry webinars.

Each year, MNOSHA Compliance has five leading organizations that request outreach services: Midwest Center for Occupational Health and Safety; Associated General Contractors of Minnesota; Associated Building Contractors; American Society of Safety Professionals; and Minnesota Safety Council. In these leading areas, MNOSHA provided 32 outreach presentations to more than 1,209 participants.

In addition, MNOSHA conducted five Construction Seminars in FFY2023. The Construction Seminar was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction Seminar provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA investigators. MNOSHA continues to work with the Construction Seminar Focus Group to select safety topics and presenters for each event. Topics are discussed and then approved by MNOSHA's management team. The committee comprises representatives from the construction industry, including insurance loss-control representatives, company safety directors and safety consultants, who volunteer their time and expertise. In total, the Construction Seminar presentations attracted 236 participants. Topics Included: How to build an effective safety program in construction; Equipping your teams to destigmatize mental health; Worker protection in trenches; Fall protection; What does it take to be safe at heights; and Health hazards in construction. The seminars were virtual (Webex) and in person. In the future, the plan is to do some of the seminars in person, some virtually and some hybrid.

MNOSHA continued its strong working relationship with the Minnesota Safety Council. MNOSHA continues to provide speakers for some of the council's classes and participates in the council's conferences. The main conference was in person this year in Shakopee, Minnesota, and MNOSHA provided a speaker and a staffed booth to field participants' questions. In addition, there were in-person conferences in both Duluth and Mankato, Minnesota; MNOSHA provided a speaker for each.

New or revised publications during the fiscal year included: MNOSHA fatality investigations summary for FFY2023; MNOSHA serious-injury investigations summary for FFY2023; and MNOSHA most-frequently cited standards for FFY2023. Material on the MNOSHA webpages has been translated into three languages – Hmong, Somali and Spanish. MNOSHA continues to publish its quarterly newsletter *Safety Lines*; some of the topics covered in the past year included: grain bin safety; safety grants; WSC consultation outreach; recordkeeping; partnerships; rulemaking updates; carbon monoxide threat during the winter months; heat stress in the summer months; safety and health for young workers; alliances; and other safety and health information.

Goal 2.3

Homeland security (current practice; ongoing)

MNOSHA Compliance continued to participate with the State Emergency Response Plan. The Minnesota Emergency Operations Plan was reviewed in August 2023. During FFY2023, the MNOSHA Health Director attended four meetings of the Emergency Response Preparedness Committee and represented the Department of Labor and Industry at the State Emergency Operations Center (SEOC) throughout the fiscal year.

Goal 2.4

In FFY2023, maintain response time and service level to stakeholders.

Each business day, MNOSHA has two safety and health professionals on duty to answer questions received primarily through phone calls and email. During FFY2023, MNOSHA responded to 3,659 phone calls and 3,071 written requests for assistance, primarily email messages (6,730 inquiries total). Calls received are roughly 40% from employees, 32% from employers and 29% from other sources. Most information is provided to callers during the initial phone call, while others are directed to the MNOSHA or federal OSHA websites, or another state agency for assistance. During these calls, MNOSHA staff members gave advice about how to protect employees; for this reason, MNOSHA continues to use investigative staff members to answer most of the calls.

During FFY2023, MNOSHA received 1,769 workplace safety and health employee-complaints. Three hundred forty (or 19%) of the total complaints resulted in an on-site inspection with an average of four days for response time. The remaining complaints were handled via MNOSHA's phone or fax system (nonformal complaints).

MNOSHA also provides a variety of safety and health information on its webpages, including printable handouts. The MNOSHA webpages provides links to other websites where safety and health regulations can be accessed. In total, there were 52,035 hits to MNOSHA webpages.

GOAL SUMMARIES – SOAR for FFY2023
Minnesota Occupational Safety and Health Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 3
Strengthen and improve MNOSHA’s infrastructure.

How progress in achieving this goal could be assessed	Baseline Sept. 30, 2018	FFY2023 target	FFY2023 results
1. Review rules annually for effectiveness: ongoing evaluation; development of rules, standards, guidelines and procedures.	Current practice	Ongoing	See comments following chart [3.1]
2. Workforce development and retention plan.	Current practice	Evaluate and update existing workforce plan	See comments following chart [3.2]
3. Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of federal OSHA and the services provided to stakeholders are met.	Current practice	1) Evaluate consistency and quality of inspection files 2) Review organizational structure to streamline complaint intake	See comments following chart [3.3]

GOAL 3 – Comments

Goal 3.1

In FFY2023: Conduct annual review of rules and standards, guidelines and procedures, ongoing

The MNOSHA Compliance Directives Coordination Team (DCT) is charged with coordinating and managing the MNOSHA internal information system. DCT comprises three MNOSHA management analysts and a MNOSHA director. This group monitors federal standard and policy activity and coordinates updates to all relevant MNOSHA standards, directives and policies accordingly. MNOSHA adopts federal standards by reference or develops Minnesota-specific standards when necessary to support MNOSHA program goals.

- Federal standards adopted in FFY2023: COVID-19 recordkeeping standard, began adoption of ITA recordkeeping standard (adopted FFY2024)
- Minnesota Rules adopted in FFY2023: None.
- Minnesota Statutes updated in FFY2023: 182.666 Federal Penalty Conformity, 182.677 Ergonomics, 182.6256 Warehouse Distribution Safety, along with various policy and technical changes.

The annual review of agency rules resulted in no additional MNOSHA obsolete or duplicative rules needing repeal in FFY2023. However, Minnesota adopted the COVID-19 recordkeeping standard during FFY2023. MNOSHA also began the process of adopting the “Recordkeeping Standards for Tracking of Workplace Injuries and Illnesses,” as well and the “Improved Tracking of Workplace Injuries and Illnesses” standard during FFY2023.

Of the six MNOSHA directive issuances in FFY2023, all were existing directives that were revised, either as part of the scheduled review or as needed. The amended directives included those pertaining to: handling complaints and reports of injury and information requests; referrals; inspection scheduling; the severe violator enforcement program (SVEP); and process safety management. Also note that ADM 2.1 scheduling was updated twice during this time.

MNOSHA Compliance has continued to propose legislation to update MNOSHA’s maximum penalties in state statute. In FFY2023, MNOSHA was successful in getting the penalty conformance legislation passed. This increased MNOSHA’s maximum and minimum penalties in statute and will allow for increases in the penalties based on inflation each FFY. Other statues involved in the legislation involved Ergonomics, Warehouse Distribution Safety, as well as other various policy and technical changes. See special accomplishments section for more information on this and other Minnesota legislation that was implemented in FFY2023.

Goal 3.2

FFY2023: Workforce development and retention plan: Ongoing evaluation and updates as necessary.

In FFY2023, MNOSHA continued to maintain consistency and quality throughout the organization’s field staff. Goals previously identified and continued in FFY2023 were to assure MNOSHA:

- has an adequate workforce to ensure worksites are complying with MNOSHA safety and health regulations; and
- continues to be an organization that is recognized as a “best in class” state-plan state.

Results from updating the Workforce Development Plan in FFY2018 showed MNOSHA staff members in a number of leadership positions, with significant years of experience, may and would be retiring. These departures reduce MNOSHA’s institutional knowledge and memory. This will potentially create leadership challenges in supporting and managing the many different approaches and situations of work and life balance for employees. As MNOSHA’s workforce shifts to newer and less experienced employees, there will be an increasing need to invest in career planning for these workers to build proficiency in their jobs. This will increase the need to assess skills, abilities and competencies, and provide training accordingly.

During FFY2023, MNOSHA focused on increasing its field staff. MNOSHA hired 13 field staff members during this time and has worked with the Department of Labor and Industry to have continual postings for safety and health investigative staff member positions. This allows MNOSHA to interview as needed and hire qualified candidates when they apply. In addition, due to COVID-19, MNOSHA continued to have one additional temporary (two year) position for the Discrimination team; this position was changed to handle the discrimination intake. The Discrimination team currently has three investigators and MNOSHA filled a supervisor position for the team. MNOSHA also added a safety director position to lead the MNOSHA Compliance safety activity; this position is active throughout the investigation process, working with the supervisors and team leads to put together the best possible case files for MNOSHA Compliance and its stakeholders. This position ensures cases are discussed and reviewed with staff supervisors to improve the inspection process. MNOSHA continued to expand its health unit and added a supervisor to oversee the implementation of the new Warehouse Distribution Worker Safety and Ergonomics legislation. The new unit will have team leads and investigative staff that will focus on the state legislation and the national emphasis program on warehousing.

MNOSHA has been able to retain field staff members who have significant safety and health experience and retained one investigator who speaks Hmong fluently, one who speaks Somali fluently and one who speaks Spanish fluently. MNOSHA has extremely dedicated and experienced staff members, including two industrial hygienists and one chemical engineer with more than 15 years of experience, as well as one certified safety professional (CSP), one certified industrial hygienist (CIH), safety investigators and one civil engineer with more than 10 years of experience.

MNOSHA continued with specialized training in select industries, such as foundries, grain handling, agriculture hazards, meat packing, health care, process safety management and traffic controls. Each of these areas have had team leaders who assume the role as “expert” in the area and work with various stakeholders to ensure communication is maintained between MNOSHA staff members and various stakeholders. These team leads gain knowledge about leadership and how to work with significant stakeholders in the state of Minnesota.

During FFY2023, MNOSHA trained its staff members about right-to-know and the new state legislation (additional information is available on the MNOSHA rulemaking webpage). Training was provided in the classroom and virtually to ensure MNOSHA continues to have a well-trained staff. Asbestos and hazardous waste operations and emergency response (Hazwoper) recertification were also provided to employees of MNOSHA during FFY2023.

MNOSHA continues to invest in training for its field staff. New investigative staff members attend four different phases of internal classroom training by MNOSHA training officers, safety investigator 4s, industrial hygienist 3s, management analysts, supervisors and directors. This training covers manuals, directives, policies and procedures, as well as federal and state regulations. In addition, MNOSHA was able to have 42 staff members attend 18 OSHA Training Institute (OTI) classes in person or virtually and hosted two OTI courses in Minnesota – accident investigation and investigative interviewing – with 35 staff members in attendance.

Planning was done this year to create a supervisor position to oversee investigative staff members who are in training. This training supervisor will be responsible for hiring, classroom training and field training for all new investigative staff members. This change will streamline the hiring process between the various units, Department of Labor and Industry’s Financial Services and Human Resources, and Minnesota IT Services, and allow MNOSHA to continue to improve its training process by focusing on mentoring.

Goal 3.3

FFY2023: Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of federal OSHA and the services provided to stakeholders are met: 1) ongoing – evaluate consistency and quality of inspection files; and 2) review organizational structure to streamline complaint intake.

Planning was done this year to create a supervisor position to oversee investigative staff members who are in training. This training supervisor will be responsible for hiring, classroom training and field training for all new investigative staff members. This change will streamline the hiring process between the various units, the Department of Labor and Industry's Financial Services and Human Resources, and Minnesota IT Services, and allow MNOSHA to continue to improve its training process by focusing on mentoring.

As stated in last year's SOAR, MNOSHA completed a review and assessment of the options available to replace its aging software program used by investigators to complete all investigative and other compliance work. This software system is also used to house all compliance data generated and retained by MNOSHA. The existing system, the Minnesota OSHA Operations System Exchange (MOOSE) is 16 years old and not a viable solution for the future. MNOSHA moved to a new case management system, OSHA Express, Oct. 2, 2023. The major advantages of OSHA Express from the federal OSHA Information System (OIS) are detailed below.

- Full document and case file management capability
- Full data migration to the new system
- Inspection file review process
- Configurable forms and templates
- Configurable workflows
- Configurable data retention schedule
- Fully auditable system
- Dashboard capability
- Case files can be exported
- All reports available in real time
- Can be integrated with Minnesota's financial system, SWIFT
- Already integrated with federal OIS for SOD/EOD data file transfer
- Customizes to meet most of Minnesota's requirements
- Familiarity with OSHA Express because it is similar to MOOSE, which saves training and transition time

This year, MNOSHA reviewed all its case management operations, including forms, reports, penalties, data migration and training of all staff members at various degrees. All staff members received at least a day of training about the new system during the year.

Highlights of changes MNOSHA made include integrating higher penalties into OSHA Express; it will also use the federal OSHA rapid response procedure. For discrimination cases, MNOSHA has a new case management system to streamline data migration from MNOSHA to federal OSHA and help streamline administrative tasks.

In addition to traditional compliance activities, MNOSHA also concentrates efforts in other areas aimed at assisting employers to make their workplaces safer and healthier. Some achievements for FFY2023 include the following.

2023 legislative session summary for Minnesota OSHA

All legislation is effective July 1, 2023, unless otherwise noted.

Federal OSHA penalty conformity

Penalties under Minnesota Statutes 182.666 are increased to conform with federal OSHA penalty levels. Penalties for willful and repeat violations are increased to a maximum of \$156,259 for each violation, while penalties for serious violations, nonserious violations, failure to correct violations and posting violations are increased to a maximum of \$15,625 for each violation. Future increases are now tied to inflation, ensuring continued conformity to federal penalty levels and protecting the state-plan status of MNOSHA.

MNOSHA policy and technical changes

This legislation includes making MNOSHA Compliance citations public 20 days after receipt by the employer and clarified that employee interviews conducted by MNOSHA Compliance are private and that employer representatives may not be present. Language was clarified to clearly identify when a small employer is required to have a safety committee and clarified that current and former MNOSHA employees are not subject to subpoena. The legislation also provided MNOSHA with an expedited hearing process where employers could be required to abate serious workplace hazards even when a citation is under contest.

Ergonomics

Ergonomics program requirements will apply to warehouse distribution center employers with 100 or more employees, meatpacking and poultry processing sites with 100 or more employees, and health care facilities. One-time funding of \$2 million from the general fund is also included for ergonomics safety grants to be awarded to qualifying employers for projects designed to reduce the risk of ergonomic injury to their employees. This program is estimated to result in \$12.6 million in workers' compensation cost savings to employers from reductions in workplace ergonomic injuries. Effective Jan. 1, 2024; the ergonomics safety grants are effective July 1, 2023.

Warehouse Worker Distribution Safety

This law establishes requirements for warehouse employers with 250 employees or more at one site (or at least 1,000 employees across one or more warehouse distribution centers in the state). If a particular worksite or employer is found to have an employee incidence rate at least 30% higher than that year's average for the NAICS codes included in the bill, the Department of Labor and Industry commissioner shall open an investigation of violations under this law. In addition, such employers must hold safety committee meetings monthly until, for two consecutive years, the work site or employer does not have an employee incidence rate 30% higher than the average for the relevant NAICS code. This statute was effective Aug. 1, 2023.

Additional information is available on the Minnesota OSHA rulemaking webpage.

On Aug. 1, the MNOSHA program marked its 50-year anniversary. In 1968, Minnesota's workplace safety advocates started planning what they would do if the federal government allowed states to create their own Occupational Safety and Health Administration programs. They envisioned a strong state program that would be so effective it would make all workplaces safe and would eventually put itself out of business. Thanks to those advocates, MNOSHA became a reality as a state program Aug. 1, 1973. The task was a huge undertaking and MNOSHA's idea of a safe workplace has continually evolved as conditions and technology have changed.

MNOSHA maintains the goal of ensuring every worker in Minnesota is provided safe and healthful working conditions. From typewriters and carbon paper to computers and email, the workplace has not remained idle in the past 50 years. New workplace hazards are created every day through changes in work processes, technology and the use of new chemicals and materials. Through this constant change, MNOSHA has worked diligently to identify new hazardous conditions and develop or update standards to keep workers safe.

Innovation

MNOSHA has taken innovative strategies to prevent fatalities, injuries and illnesses.

- In more recent years, MNOSHA created a first-of-its-kind database to track inspections, allowing MNOSHA to have one of lowest lapse times for citation issuance throughout the country. Timely citation issuance has a direct impact on employers abating hazards timely, leading to the prevention of fatalities, injuries and illnesses in the workplace.
- In 2007, MNOSHA's hands-on approach to the I-35W bridge collapse, demolition and rebuilding resulted in the entire project being completed without a single injury or illness to a worker under MNOSHA's jurisdiction.
- During the COVID-19 pandemic, MNOSHA was one of the few state programs that continued to respond to the needs of its stakeholders. From March 1, 2020, to April 29, 2022, MNOSHA received more than 30,000 email and phone inquiries, which included 3,000 nonformal and 598 (192 COVID-19) formal complaints. During this same time, MNOSHA conducted 2,623 inspections (251 related to COVID-19) and issued 3,756 citations (189 citations related to COVID-19).

Moving forward

MNOSHA will continue to meet all challenges head-on as it works toward the shared vision of an injury-free, healthy workplace. Those who thought MNOSHA was a good idea 50 years ago would be proud of today's program and how it has constantly evolved to better protect the workers in the state of Minnesota.

Loggers' Safety Education Program (LogSafe)

This program is 100% state-funded and administered by MNOSHA WSC. LogSafe training provides safety training throughout the state for logging employers. The training was contracted to the Minnesota Logger Education Program (MLEP) and extended through calendar-year 2024. The goal of the program is to help reduce injuries and illnesses in the logging industry through on-site consultation services, outreach and training seminars. To receive workers' compensation premium rebates from the Targeted Industry Fund, logger employers must maintain current workers' compensation insurance coverage and they and their employees must have attended during the previous year a logging safety seminar sponsored or approved by MNOSHA WSC. These classes provide an overview of general safety topics related to recent workers' compensation injuries and claims for the logging industry in Minnesota. Topics covered may include: preventing equipment fires; slip and fall prevention; emergency response call systems; hydraulic safety; tire maintenance safety; general health and personal safety; GHS labeling systems; first-aid kit requirements; emergency planning and communication strategies; and other topics as deemed appropriate to address trends in logging safety. There is currently not a consultant position dedicated to logging, but logging employers can submit a request for consultation services.

Workplace Violence Prevention Program

This program helps employers and employees reduce the incidence of violence in their workplaces by providing on-site consultation, training seminars and general information. The program focus is on providing technical assistance to workplaces at higher risk for violence. There has been continued work on workplace violence prevention in public-sector establishments, with specific topic areas about program development, de-escalation of violent situations and facility design. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by safety consultants within MNOSHA WSC.

In FFY2023, MNOSHA continued its work concerning workplace violence prevention due to ongoing occurrences of workplace violence and continued interest for technical assistance in the form of on-site evaluations and formal training. In FFY2023, 18 separate interventions were conducted with various public-sector groups providing workplace violence prevention information to a wide range of audiences and more than 400 participants.

The workplace violence prevention consultant continues to serve on an advisory board for the Midwest Center for Occupational Health and Safety, Education and Research Center.

Safety Grants Program

The Safety Grant Program is a 100% state-funded, application-based program that provides matching funds up to \$10,000 to assist employers with safety and health improvements. Employers must follow specific protocol that includes providing a hazard survey and recommendation for improvements to qualify. Each application is reviewed and scored, and the most impactful projects are awarded matching funds. In state-fiscal-year 2023, MNOSHA WSC received 291 applications and were able to fund 123 grants. The project awarded more than \$850,000 in funds to assist employers with safety and health improvements. Awarded industries include: construction; logging; manufacturing; commercial; and service. Projects include fall protection, personal protective equipment (PPE),

ergonomics, ventilation, training and other hazard mitigations.

Ergonomics Program

MNOSHA WSC has an Ergonomics Program coordinator with a CPE credential. The ergonomics consultant conducted 13 ergonomics evaluations through initial consultation visits in FY2023. The evaluations were conducted in office and manufacturing settings, as well as in health care. On-site consultative services were provided at a hospital, long-term care facility, medical/surgical hospital, several office environments, a farm products distributor, medical product manufacturers and multiple other manufacturing facilities. Additional training and assistance visits were conducted for three other private-sector employers. Several other ergonomics interventions were completed for private-sector employers, which included outreach and technical assistance.

The consultant also continued to work with a statewide ergonomics team for state employees with responsibility for ergonomics within their agency. The goal of this team is to provide support and sharing of resources to improve ergonomics outcomes in state agencies. This team continues to meet periodically.

Compliance

Activities mandated under the Occupational Safety and Health Act are considered core elements of Minnesota's occupational safety and health program. The accomplishment of these core elements is tied to achievement of the state's strategic goals. Many mandated activities are "strategic tools" used to achieve outcome and performance goals.

"Mandated activities" include program assurances and state activity measures. Fundamental program requirements that are an integral part of the MNOSHA program are assured through an annual commitment included as part of the 23(g) grant application. Program assurances include:

- ▶ unannounced, targeted inspections, including prohibition against advance notice;
- ▶ first instance sanctions;
- ▶ a system to adjudicate contestations;
- ▶ ensuring abatement of potentially harmful or fatal conditions;
- ▶ prompt and effective standards setting and allocation of sufficient resources;
- ▶ counteraction of imminent dangers;
- ▶ responses to complaints;
- ▶ fatality and catastrophe investigations;
- ▶ ensuring employees –
 - *protection against and investigation of discrimination,
 - *access to health and safety information,
 - *information about their rights and obligations under the act and
 - *access to information about their exposure to toxic or harmful agents;
- ▶ coverage of public employees;
- ▶ recordkeeping and reporting; and
- ▶ voluntary compliance activities.

Mandated activities are tracked on a quarterly basis using the State Activity Mandated Measures (SAMM) report, which compares state activity data to an established reference point. A comparison of MNOSHA activity measures for FFY2021, FFY2022 and FFY2023 is provided in the tables on pages 17 and 18.

Continued success was seen in these mandated activities in FFY2023:

- days to initiate complaint inspections increased to four days, but remains lower than the goal of nine days; and
- days to initiate complaint investigations increased to 1.1 days, but remains below the goal of two days.

MNOSHA's percent of total inspections in the public sector increased to 5% in FFY2023, exceeding its goal of 3%.

One activity that fell short of the anticipated goal in FFY2023 was the percentage in compliance of MNOSHA's health inspections. In 2023, MNOSHA was able to reduce that percentage from 47% to 42%. Unprogrammed inspections, predominantly complaints, continue to impact the percent in compliance. MNOSHA continues to work on reducing its percentage of inspections that are in compliance.

Consultation

Mandated activities are tracked on a quarterly basis using the Mandated Activities Report for Consultation (MARC) and Consultation Annual Performance Plan (CAPP) reports, which compare state consultation data to an established reference point. Some specific performance measures that are monitored (and any corresponding targets/requirements):

- percent of initial visits in high-hazard establishments (not less than 90%);
- percent of initial visits to smaller businesses (not less than 90%);
- percent of visits where consultant conferred with employee (100%);
- percent of serious hazards verified corrected in a timely manner, <= 14 days of latest correction due date (100%); and
- percent of serious hazards verified corrected in original time or on site (65%).

The MNOSHA public-sector consultation program met CAPP total visit projections as well as all MARC performance measures for FFY2023:

- percent of initial visits in high hazard establishment, 97.22%;
- percent of initial visits to businesses with <250 employees at the establishment, 95.83%;
- percent of initial visits to businesses with <500 employees controlled by employer, 97.22%;
- percent of visits where consultant conferred with employees, 100%;
- percent of serious hazards verified corrected in a timely manner, 100%; and
- percent of serious hazards verified corrected (in original time or on site), 95.39%.

**Comparison of FFY2021, FFY2022 and FFY2023 activity measures
MNOSHA Compliance**

Performance measure	FFY2021	FFY2022	FFY2023	Comments
Average number of workdays to initiate complaint inspections (state formula)	2.73	2.45	4.06	The average number of days to initiate a complaint inspection decreased in FFY2023 and remains below the established goal of nine days.
Average number of workdays to initiate complaint inspections	2.22	1.88	2.64	(Federal formula.)
Average number of workdays to initiate complaint investigations (state formula)	0.72	0.81	1.10	The average number of days to initiate a complaint investigation increased in FFY2023 and remains below the established goal of two days.
Average number of workdays to initiate complaint investigations	0.69	0.70	1.05	(Federal formula.)
Percent of complaints and referrals responded to within one workday (imminent danger)	98	98.5	97.22	All but four imminent-danger complaints were responded to within one day. The four complaints were the result of requiring a warrant due based on a denial from the employer.
Number of denials where entry was not obtained	0	0	0	Entry was obtained for all denials in FFY2023.
Average violations per inspection with violations – serious/willful/repeat (SWR)	1.83	1.93	2.06	The number of SWR citations increased in FFY2023. MNOSHA continues to follow its training plan to assist investigative staff members in identifying hazards.
Average violations per inspection with violations – other	0.60	0.47	0.61	The number of other citations increased in FFY2023. MNOSHA continues to follow its training plan to assist investigative staff members in identifying hazards.
Percent of total inspections in the public sector	3.2	3.15	4.93	The percent of programmed public-sector inspections increased and was above the goal of 3%.
Inspections – safety	1030	1172	1162	The number of safety inspections decreased in FFY2023 and did not meet the fiscal-year goal.
Inspections – health	189	194	156	The number of health inspections decreased in FFY2023 and did not meet the fiscal-year goal.
Average current penalty per serious violation (private-sector only) total 1 to 250+ employees (EEs)	1340.31	1424.27	1215.90	The overall average current penalty decreased in FFY2023.
Average current penalty per serious violation (private-sector only) 1 to 25 EEs	1135.00	952.00	924.00	The average penalty for this size employer decreased in FFY2023.
Average current penalty per serious violation (private-sector only) 26 to 100 EEs	1062.91	1084.72	938.54	The average penalty for this size employer decreased in FFY2023.
Average current penalty per serious violation (private-sector only) 101 to 250 EEs	1310.96	1967.88	1971.11	The average penalty for this size employer increased from FFY2023.

Average current penalty per serious violation (private-sector only) 251+ EEs	3980.89	3801.43	2926.50	The average penalty for the largest employers decreased in FFY2023.
Percent in compliance – safety	40.06	38.98	34.40	The percent in compliance safety inspections decreased from FFY2023.
Percent in compliance – health	53.85	47.17	42.75	The percent in compliance health inspections decreased in FFY2023.
Percent of work-related fatalities responded to in one workday	96.97	100	100	All fatalities were responded to within one day.
Average lapse time from opening conference date to issue date – safety	28.03	32.43	41.01	Safety lapse-time increased in FFY2023.
Average lapse time from opening conference date to issue date – health	39.29	51.27	64.67	Health lapse-time increased in FFY2023.
Percent penalty retained	91.13	91.22	93.10	The percent penalty retained increased each year of the comparison.
Percent of initial inspections with employee walkaround representation	100	100	100	The percent of inspections with walkaround representation remained at 100%.
Percent of 11(c) investigations completed within 90 days	36	9	3	MNOSHA continued to work on the backlogged cases, as well as the increase in new cases. The percent completed decreased in FFY2023.
Percent of 11(c) complaints that are meritorious	8	15	5	MNOSHA's percent meritorious cases decreased in FFY2023.
Average number calendar-days to complete 11(c) investigations	244	572	690	The average number of days increased from FFY2022. The discrimination unit continues to work on the backlogged cases.

Data source: SAMM report provided by OSHA, November 2023.