

Safety Lines

Imminent danger = a very serious matter

By Diane Amell, MNOSHA Training Officer

In Minnesota OSHA's scheduling hierarchy, the top spot is taken by the imminent danger inspection. MNOSHA defines an imminent danger as "a condition or practice in a place of employment that presents a substantial probability death or a serious injury or illness could occur within a short time if it is not eliminated."

Three conditions must be in place before a situation is considered an imminent danger.

1. The hazard must present a threat of death or serious injury or illness. One example would be employees working along the roof edge of a three-story building without fall protection.
2. The danger must be immediate or imminent. This means the work conditions are so severely unsafe it is believed death or a serious injury or illness could occur within a short time. Using the previous example, one of the employees on the roof could slip and fall at any time while leaning over or working on the edge.
3. For a health hazard to constitute an imminent danger there must be a reasonable expectation toxic substances or other health hazards are present and even a short-term exposure to them at present levels will cause serious injury, illness or death.

MNOSHA learns about imminent danger situations through three primary channels.

1. Through the normal complaint process. MNOSHA learns of many of these hazardous conditions from reports via the telephone from employees and the general public. All calls are screened by investigators and the supervisors review the possible imminent danger complaints before assigning the inspections to staff members.
2. Referrals from other government agencies.
3. Personal observation by an investigator driving by a worksite where there appears to be a potential imminent danger. The investigator will stop to determine if there is a serious hazard and, if so, request the employer to immediately correct the hazard.



Check for MNOSHA inspector's credentials

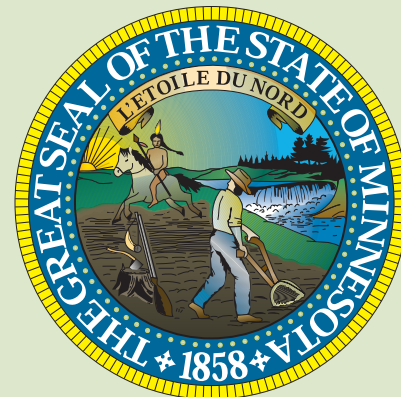
It seems whenever there is tragedy, someone is always ready to prey on the unfortunate and misinformed. And so it was following the June 17 tornadoes that swept through northern Minnesota.

On July 16, an area newspaper reported the arrest of a man posing as an alleged FEMA and OSHA investigator. He was charged with two crimes: impersonating an officer and deceptive or unfair trade practices – elderly or handicapped victims. It is illegal in that Minnesota city to solicit business door to door before obtaining a peddler's license, court documents said.

OSHA inspectors always carry identification and credentials, and will not hesitate to identify themselves, their office or the purpose of their visit.

Anyone with doubts about the nature of an OSHA inspection may call Minnesota OSHA toll-free at 1-800-470-OSHA (1-800-470-6742).

Local police may be contacted as well.





While any hazard that can result in immediate death or total or partial disability can be classified as imminent danger, there are some MNOSHA encounters more often than others.

- Excavations – MNOSHA investigators routinely stop when passing a trench that is five feet or more in depth to assure it is properly sloped or shored.
- Falls – MNOSHA investigators will open an imminent danger inspection where employees are observed to be working at heights without fall protection.
- Improper traffic controls – Investigators will stop at locations where employees are directly exposed to motor-vehicle traffic without wearing high-visibility vests and protected by temporary traffic control zones.
- Asbestos “rip and tear” – MNOSHA health staff members will respond to reports of improper removal of asbestos-containing or presumed asbestos-containing material, especially thermal insulation or soundproofing materials.
- Carbon monoxide (CO) – Most Minnesotans are well aware of the hazards of carbon monoxide. Industrial hygienists periodically go out on complaints of employees exhibiting symptoms of carbon monoxide poisoning. Often, the source is a piece of equipment, such as a forklift, which is in need of maintenance. MNOSHA inspectors are all assigned CO meters and are instructed to take immediate action to reduce exposure to themselves and the employees if levels are consistently above 70 parts per million (ppm).
- Silica dust – Any cloud of dust that employees are working in will attract a health investigator. This is especially true where employees are performing work that potentially involves silica, such as sandblasting or tuckpointing.

In short, while MNOSHA is concerned with all hazards that can injure or sicken an employee, priority is given to the “worst first,” those with the potential to cause immediate serious harm or death.

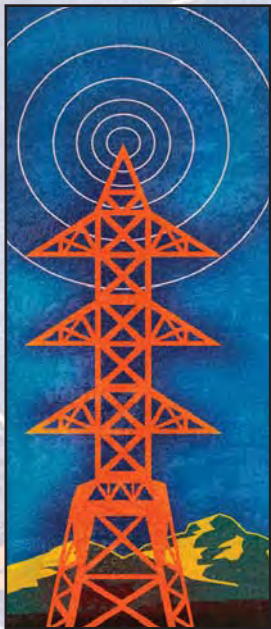
To learn more about how Minnesota OSHA inspections, visit www.dli.mn.gov/OSHA/PDF/inspectionbooklet.pdf.

See more photos

The photos at left are from MNOSHA's 'best of the worst' collection; see more photos at www.dli.mn.gov/OSHA/BestofWorst.asp.

MNOSHA standards update: AWAIR, federal adoptions

By Shelly Techar, MNOSHA Management Analyst



AWAIR list revisions proposed

The list of industries required to comply with the A Workplace Accident and Injury Reduction (AWAIR) Act is being amended to satisfy the statutory requirement that the list be reviewed and updated every two years.

The most recent revision to the standard industrial classification list in Minnesota Rules 5208.1500 occurred in November 2008. The revised list was compiled using 2008 survey data for Minnesota from the Bureau of Labor Statistics (BLS). Employers in the North American Industry Classification System (NAICS) classifications that are on the list will have six months from the date the revised list is adopted to implement an AWAIR program for their facilities.

Classifications that are not on the proposed list may be added to the list in two years if the incidence or severity rates for the industry go above the Minnesota average rates for that year. Updates to this list will be based on the most current injury and illness data available at the time of the update.

Industries with a lost-workday case rate (lost-workday cases per 100 full-time-equivalent workers) at or above 1.9 or an incidence rate (recordable injuries and illnesses per 100 full-time-equivalent workers) at or above 4.2 will be added to the list. These rates are the 2008 average rates for all Minnesota employers combined.

AWAIR requires covered employers to develop a written workplace safety and health program that includes:

- an explanation of how managers, supervisors and employees will implement the program;
- how the continued participation of management will be established, measured and maintained;
- the methods that will be used to identify, analyze and control new or existing hazards, conditions and operations;
- how the plan will be communicated to all affected employees;
- how workplace accidents will be reviewed (for example, defining how they will be investigated, how corrective actions will be implemented); and
- how safe work practices and rules will be enforced.

The existing AWAIR list is available online at www.dli.mn.gov/OSHA/Awair.asp. When the proposed revisions are adopted the list will be updated to reflect the changes.

Other revisions proposed

Federal adoptions by reference: On March 17, federal OSHA published a direct final rule (DFR) in the *Federal Register* "Revising the notification requirements in the exposure determination provisions of the hexavalent chromium standards," that revised notification requirements to require employers to notify employees of the results of all exposure determinations. The DFR became effective June 15 because no significant adverse comment was received by federal OSHA. On May 14, federal OSHA published a final rule confirming the effective date. MNOSHA is proposing to adopt the federal amendments.

On May 17, 2010, federal OSHA published a final rule, a technical amendment, in the *Federal Register*, "Safety standards for steel erection." The technical amendment adds a nonmandatory note to the OSHA





standards governing steel erection, which provides information regarding existing Federal Highway Administration regulations that may apply to employers engaged in activities covered by OSHA's steel erection standards. MNOSHA is proposing to adopt this amendment.

Status of changes: The proposed revisions were published in the *State Register* Oct. 4. A 30-day comment period will end Nov. 3, 2010. If no significant comments are received, a notice adopting these amendments will be published in the *State Register*. Both the proposal notice and adoption notice (when available) can be accessed at www.comm.media.state.mn.us/bookstore/state_register.asp.

Copies of the proposal notice will be sent to those on the MNOSHA standards mailing list. To be added to the mailing list for notification of future MNOSHA standard activity or other agency rulemaking, visit www.dli.mn.gov/Rulemaking.asp.

Electrical tester recall: Fluke's 1AC-I VoltAlert may fail

Fluke Corporation, in cooperation with the U.S. Consumer Products Safety Commission, is recalling its 1AC-I VoltAlert™ voltage tester. The testers can fail to show live voltage is present, creating a serious electrical shock and thermal burn hazard. The diagram below illustrates the four identifying characteristics of the recalled testers. People possessing this meter should stop using it immediately and return it to Fluke for replacement.

For more information about the recall or to complete a return information form, visit Fluke's Web site at <http://us.fluke.com/Fluke/usen/Support/Safety/1ACRecall.htm> or call the company toll-free at 1-888-97-FLUKE (1-888-973-5853).



Look for the model number here



Yellow 'Battery Check' button in white tip

Solid yellow clip with text 'Fluke VoltAlert'

Round body

Safety Grant Program: improving your odds; new online grant application

By Dave Ferkul, Workplace Safety Consultation Supervisor

Minnesota OSHA Workplace Safety Consultation's Safety Grants Program awards matching funds up to \$10,000 to qualifying employers for projects designed to reduce the risk of injury and illness to their workers.

To qualify, an employer must meet the following conditions:

- the employer must have workers' compensation insurance;
- the employer must come under the jurisdiction of Minnesota OSHA;
- a qualified safety professional must have conducted an on-site inspection and there must be a written report with recommendations based on the inspection;
- the project must be consistent with the recommendations of the safety inspection and must reduce the risk of injury or disease to employees;
- the employer must have the knowledge and experience to complete the project, and must be committed to its implementation;
- the employer must be able to match the grant money awarded and all estimated project costs must be covered; and
- the project must be supported by all public entities involved and comply with federal, state and local regulations where applicable.

Improving your odds

The continued success of Workplace Safety Consultation's Safety Grant Program has increased demand for available grant funds. During a typical grant review cycle, the requests for grant funds greatly exceed available funds. To improve your odds for consideration for grant funding, focus on one of the key components of the application – the hazard assessment (inspection). This inspection provides the technical basis for the project proposed in the application.

Safety Grant Program rules state that an eligible project is one designed to reduce the risk of injury to employees pursuant to recommendations resulting from an on-site safety inspection. In other words, the project described in the grant application must be based on the findings of a hazard inspection conducted at the worksite. This inspection must identify the injury and illness risks associated with a work task or area, so recommended actions can be taken to eliminate or minimize the risks.

For safety grant purposes, the recommended actions can be in the form of equipment, training for equipment or tuition reimbursement. Only items referenced in the hazard inspection report can be considered eligible, within the proposed project.

The hazard inspection cannot simply be an endorsement for the grant application. In other words, a letter supporting an applicant's decision to apply for a safety grant is not a hazard inspection; applications that rely on this type of supporting documentation will not be considered for a grant. The hazard inspection is the technical basis for a grant project; therefore, it must provide sufficient supporting documentation for the proposed grant project.

In addition to the hazard inspection, the Safety Grant Program places priority on those projects that impact employment sites that provide goods, manufacturing or processing jobs for the majority of workers; businesses within the current MNOSHA strategic plan; and sites where safety shortcomings could result in jobs being lost or in jeopardy due to safety issues addressed in the application.

For more information, contact the WSC safety grants administrator at (651) 284-5162 or visit www.dli.mn.gov/WSC/Grants.asp.



New online grant application

Besides offering the grant application as a printable PDF file or Word document, an online safety grant application has recently been developed. It is available at www.dli.mn.gov/WSC/Grants.asp.

The online application allows applicants to submit information electronically, with the exception of the endorsement page of the application, which must be printed, signed and submitted to DLI's safety grants administrator.

For more information and application options:

– www.dli.mn.gov/Wsc/Grants.asp –



New team put in place to guide popular, expanding programs

By Dave Ferkul, Workplace Safety Consultation Supervisor

SAFETY • HEALTH • EXCELLENCE



OSHA • MANAGEMENT • LABOR



**PARTNERS IN SAFETY
OSHA • MANAGEMENT • LABOR**

Under the direction of Minnesota OSHA Workplace Safety Consultation (WSC), the Minnesota STAR (MNSTAR) program and Minnesota Safety and Health Achievement Recognition Program (MNSHARP) have continued to excel, garnering interest from employers and employees throughout the state. With that success comes the long-term expectations the programs will continue to grow.

In an effort to more efficiently manage these cooperative programs as they continue to grow, and to effectively meet WSC's mission of providing safety and health consultations for smaller employers, a new VPP/SHARP team has been established.

The five-member VPP/SHARP team will take over responsibilities for completing required on-site evaluations and other administrative activities related to the programs. The team consists of both MNOSHA Compliance and WSC staff members and will gradually assume all responsibility for the day-to-day administration of the programs.

The team will report directly to the Department of Labor and Industry's Safety and Workers' Compensation Division assistant commissioner.

Both MNSTAR and MNSHARP recognize companies whose managers and employees work together to develop safety and health management systems that go beyond basic compliance with all applicable OSHA standards, and result in immediate and long-term prevention of job-related injuries and illnesses. Incentives for participant companies include assistance from MNOSHA, public recognition for employers and employees, and exemption from Minnesota OSHA scheduled compliance inspection lists.

For more information, contact Workplace Safety Consultation by phone at (651) 284-5060 or by e-mail at osha.consultation@state.mn.us, or visit www.dli.mn.gov/Wsc.asp.

Recordkeeping 201: Part nine

Matching workplaces and workers to OSHA logs

By Brian Zaidman, Senior Research Analyst; Policy Development, Research and Statistics

Editor's note: This installment discusses OSHA recordkeeping requirements in Section 1904.30 of the Code of Federal Regulations.

Businesses come in many different configurations, from single permanent locations to multi-state operations involving multiple permanent locations and multiple temporary project sites. While the general rule is each business establishment needs to have its own OSHA log to record the injuries and illnesses to the workers at that business location, the OSHA recordkeeping requirements allow employers flexibility to accommodate different types of business organizations.

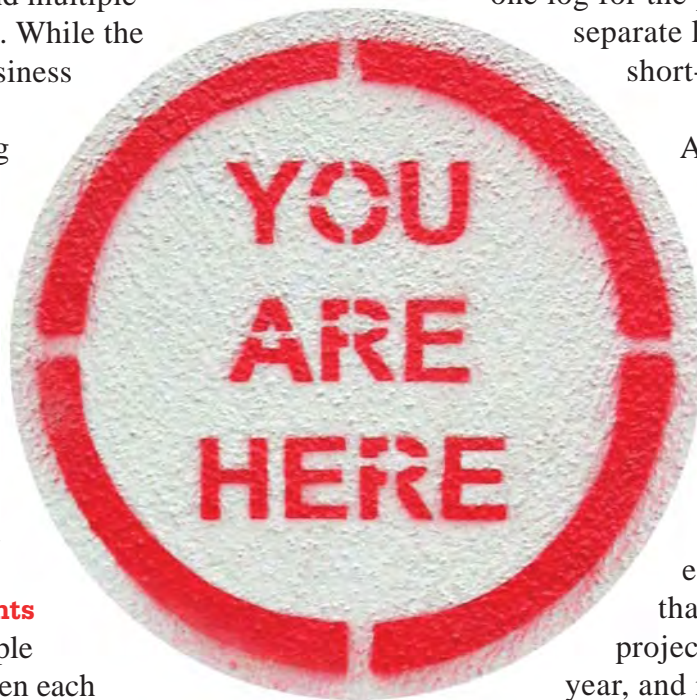
Multiple establishments

If a company has multiple permanent locations, then each location needs to have its own OSHA 300 log. Each worker needs to be assigned to one or another of the company's locations.

Some businesses include a home office, perhaps some other permanent locations, and then have one or more short-term sales outlets, construction sites or project locations. If a short-term establishment is expected to be in operation for less than one year, then it is not required to keep a separate OSHA 300 log for that establishment. An employer may record the injuries and illnesses on the main company log, on a separate log that covers all of the short-term business locations, assign the recordable cases to a particular company division or use one log for a specific geographic region.

For example, a restaurant company that has a permanent location and has one or more units

that prepare and sell food at local fairs and events can either include the safety record in the same log as the main restaurant or it can keep one log for the permanent location and a separate log combining all of the short-term locations.



A second example is a construction company with multi-state operations. This company can keep a separate log for each state to show the injuries and illnesses of its employees, plus separate logs for each construction project expected to last for more than one year. If none of the projects lasts for more than one year, and it has only one office location, then the company is only required to have one OSHA log – keeping multiple logs is optional.

Where to record cases

Every work-related injury and illness that meets the OSHA recordkeeping requirements needs to be recorded on an OSHA 300 log, but sometimes it is difficult to determine which location's log to use. The recordkeeping requirements provide two principles, and sometimes they appear to offer conflicting advice. The first principle is each employee must be linked with one business location and any injury that occurs to that employee would be recorded on that establishment's log. The second principle is the events or exposures that cause an injury or illness are most likely to be present at the location where the event or exposure occurred.



Sometimes an employee at one establishment is injured or becomes ill while visiting or working at another establishment of the same company. In these instances, the employer must record the injury or illness on the log of the establishment where the event occurred. For example, if a manager for a multi-state construction company becomes injured while visiting a site in another state, the injury would be recorded on the log used for that particular construction site.



make it much easier to move the cases to a new log if the temporary location should remain active for longer than one year or if the employer decides to keep a separate log for the temporary locations; this will also assist OSHA inspectors when they review the log.

If a worker is injured or becomes ill and is not at one of the company's establishments, the employer must record the case on the log for the establishment where the employee normally works. This often happens while in transit. For example, if a worker is injured in a traffic accident between two business locations, then the case would be recorded on the OSHA log of the worker's home establishment.

Recording locations

If an employer decides to use one log for multiple locations, the business location where the injury or illness occurred should be noted on the log in column E, "Where the event occurred." This will

Maintaining logs

The OSHA logs for temporary establishments may be maintained at a central office, provided reports of injuries and illnesses can be transmitted from the remote locations to the recordkeeping location within seven days of the occurrence of the injury or illness and incident reports or logs can be provided when required. A copy of the OSHA 301 incident report must be provided within one business day when requested by an employee. A copy of the OSHA log must be provided within four business hours when requested by an OSHA inspector or other government representative.

If you need further assistance in deciding how many OSHA logs to use, contact the Department of Labor and Industry's Policy Development, Research and Statistics unit at dli.research@state.mn.us.



Next Recordkeeping topic:

Is there a difference between workers' compensation claims and OSHA log recordable cases?



2009 injury and illness survey estimates available this fall

By Brian Zaidman, Senior Research Analyst; Policy Development, Research and Statistics

The estimated 2009 incidence rates and number of cases for Minnesota's industries will become available in late October. The U.S. Bureau of Labor Statistics (BLS) has tentatively scheduled the release of the 2009 summary statistics for Oct. 21. On that date, the national and state statistics will be posted on public Web sites. You can

access the Minnesota summary tables at www.dli.mn.gov/RS/StatWSH.asp. The national data will be available at www.bls.gov/iif. A few weeks later, tentatively Nov. 9, BLS will make the case and demographics estimates available, which provide more detailed information about cases with one or more days away from work.

High-visibility clothing: The fashion to be seen in

By Diane Amell, MNOSHA Training Officer

While road construction is more common in the summer, work continues on major projects all year long. (Anyone who has traveled in the vicinity of the I-35W/Crosstown commons area in Richfield and south Minneapolis knows this all too well.) There are bridges to be built and potholes to be filled. Parking lot attendants and law enforcement personnel can often be seen directing traffic during rush hour and before and after major events. The longer night hours and winter weather can increase the risk to workers.

In any case, moving motor vehicles can pose a hazard to an employee's safety. One method in abating this hazard is the use of high-visibility personal protective equipment (PPE). Minnesota OSHA has promulgated two standards requiring its use: Minnesota Rules 5205.0030 in general industry and Minnesota Rules 5207.0100 in construction.

Both standards include the following.

- 1) Employees who are exposed to motor-vehicle traffic must wear a high-visibility vest or other garment meeting the Performance Class 2 requirements of the ANSI/ISEA 107-2004 High-Visibility Safety Apparel and Headwear standard. An exception is made for smaller-sized vests where there is not enough background material to meet the Class 2 requirements. (Note: ISEA updated the ANSI/ISEA standard earlier this year. Garments meeting the requirements of either ANSI/ISEA 107-2004 or 107-2010 are acceptable.)
- 2) Vests that become faded, torn, dirty, worn or defaced must be replaced.
- 3) Employees working behind permanent or semipermanent barriers capable of stopping or deflecting vehicle traffic upon impact are exempt from these standards.
- 4) Employees exposed to electrical arc flash hazards must wear high-visibility garments constructed of material that complies with NFPA 70E Electrical Safety in the Workplace.

The general industry standard also requires law enforcement, emergency medical and fire protection personnel to wear high-visibility clothing whenever they are engaged in traffic control. For firefighters, compliance with the NFPA 1971 Protective Ensembles for Structural Fire Fighting and Proximity Fire Fighting is deemed acceptable.

On some worksites, cars and pick-up trucks are not the only moving hazards for employees to contend with. Construction equipment, such as bulldozers, backhoes and dump trucks, also present a risk to employees. Minnesota Rules 5207.1000, subp. 4, Operation of Mobile Earth-Moving Equipment, requires employees working on the ground who are exposed to mobile earth-moving equipment to wear high-visibility garments meeting the requirements of Minn. Rules 5207.0100 too.

High-visibility clothing will only go so far to protect employees. In the end, employees have to stay alert to potential hazards, whether working next to traffic, operating a motor vehicle or operating heavy equipment.



Vests that become faded, torn, dirty, worn or defaced must be replaced.



SOII sauce Interesting findings from the
Survey of Occupational Injuries and Illnesses

The couriers and messengers industry (NAICS code 492) has consistently ranked among the industries with the highest injury and illness rates, especially the rate for cases with days away from work (DAFW). Injuries are relatively common among this group of workers who drive (or cycle) around and between cities, dropping off and picking up packages. Since 2003, the DAFW rate has dropped by 47 percent and the number of DAFW cases has dropped by 52 percent. The number of DAFW cases dropped from an estimated 440 cases in 2003 to 210 cases in 2008.



Next time someone delivers an online purchase to you, impress him or her with these captivating statistics about DAFW cases in their industry.

- The median days away from work has been consistently above the statewide median, with the 2008 median at 10 days compared to the statewide median of six days.
- Thirty-one percent of the DAFW cases require more than 30 days away from work.
- Most of the injuries are sprains and strains or soreness and pain affecting the back and legs.
- Containers (parcels, boxes, etc.) are the most common source of injury. Very few injuries are due to traffic incidents.
- Injuries are most common on Wednesdays and least common on Fridays (excluding weekends).

Teen claims characteristics information sheet updated

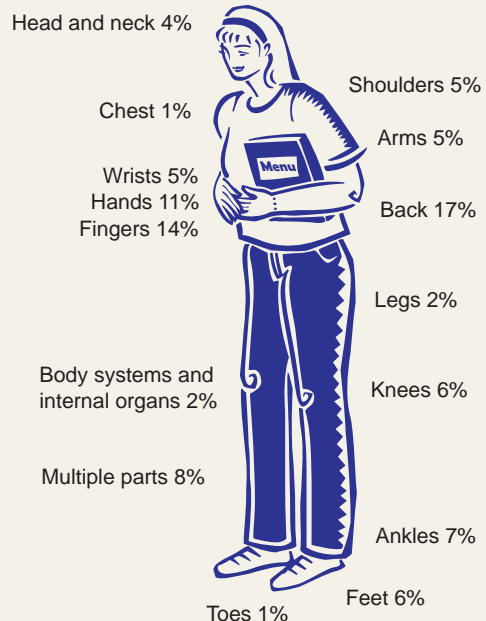
When teenagers step into the job market with their first job, they often don't realize the dangers that face them in the workplace or – being teenagers – they may just still think they are invincible.

But the total number of teen work injuries in Minnesota is estimated at between 1,200 and 1,500 annually. And nationally, about 70 teens die from work injuries every year.

View the updated information sheet about workers' compensation teen claim characteristics to learn which industries have the most claims, the nature of the injury or disease, common characteristics of injuries and more.

- www.dli.mn.gov/RS/ClaimCharac.asp

Part of body injured





RIPPED FROM THE HEADLINES: Minnesota OSHA investigators focus on ...

By Gary Robertson, MNOSHA Training Officer

Construction and general industry worksite hazards tend to stay fairly constant, with some hazards presenting the same problems year to year. For

such recurring issues, both state and federal OSHA often develop special-emphasis programs to bring added attention to the hazard during compliance inspections. Minnesota OSHA uses data collected from the U.S. Bureau of Labor Statistics (BLS), Minnesota workers' compensation statistics, insurance company statistics, and labor and management statistics to determine where special-emphasis resources are most needed.

Each year also brings unique hazard issues; these "new" workplace problem areas also get enforcement attention. MNOSHA makes timely adjustments and focuses its resources to combat such hazards. Special in-house training for investigators helps bring these hazards to the forefront. Investigators are educated about the workplace hazard, what to watch for during an inspection and why the hazard needs to be brought under control.

Investigators, in turn, educate employers and employees during an inspection about what these hazards are and what the employer must do to eliminate them to be in compliance with MNOSHA standards. Part of this inspection process may also involve citations and penalties.

In 2010, these recurring and new problem areas, in which MNOSHA investigators are receiving special training, have been identified as: excavation and trenching; silica dust; electrical issues; fall protection; and grain-handling in bins and elevators. Investigators are focused on the following issues.

Excavation and trenching

- The wrong or no protective system being used
- No competent person on site

- No employee hazard exposure training
- Spoil pile and other equipment being within two feet of the trench wall

Electrical

- Ground fault circuit interrupters not being used where required
- Misuse of temporary wiring
- Improper grounding of electrical equipment
- Exposed hot leads
- No employee electrical hazard training

Silica dust

- Overexposing employees to silica dust when cutting stone, block or brick, or working on tuck pointing

Fall protection

- Use of required fall protection on scaffolds and other elevated work surfaces
- No fall protection systems being used or the one being used is not in compliance with MNOSHA standards
- No competent person on site
- No employee safety training in dismantling or erecting scaffolds
- No safety training for employees working on scaffolds and other elevated work surfaces

Grain handling in bins and elevators

- Employees walking on grain in silos or bins to loosen stuck grain
- Improper use and maintenance of the different types of man lifts

MNOSHA remains flexible as workplace problem areas arise each year, focusing on any safety concerns. It responds with special enforcement emphasis programs with increased safety help for employers, as well as increased enforcement inspections.

Visit www.dli.mn.gov/MnOsha.asp for more.

Minnesota's newest **MNSHARP** worksites



MNSHARP – Ultra Pac, Inc., Rogers, Minn.



MNSHARP – Akkerman, Inc., Brownsdale, Minn.



MNSHARP Construction – Knutson Construction Services, Children's Hospitals and Clinics of Minnesota, Minneapolis



MNSHARP Construction – Mortenson Construction, Duluth Entertainment Convention Center Expansion Project, Duluth, Minn.

DLI officials recently awarded **Ultra Pac, Inc.**, Rogers, Minn., and **Akkerman, Inc.**, Brownsdale, Minn. as a Minnesota Safety and Health Achievement Recognition Program (MNSHARP) worksites.

MNSHARP recognizes companies whose managers and employees work together to develop safety and health programs that go beyond basic compliance with all applicable OSHA standards, and result in immediate and long-term prevention of job-related injuries and illnesses.

Officials also awarded MNSHARP Construction status on **Knutson Construction Services** for its work at Children's Hospitals and Clinics of Minnesota – Minneapolis campus and **Mortenson Construction** for its work at the Duluth Entertainment Convention Center Expansion Project. Only construction projects at least 18 months in duration are eligible for participation in MNSHARP Construction.

For complete information, visit www.dli.mn.gov/Wsc/Mnsharp.asp.

osha frequently asked questions answers

As part of its continual effort to improve customer service and provide needed information to employers and employees, Minnesota OSHA (MNOSHA) answers the most frequently asked questions from the previous quarter.

Q Does a retail business have to comply with the OSHA recordkeeping standards?

A Yes. While federal OSHA exempts certain businesses from the recordkeeping requirements, Minnesota statutes do not have the same exemption; therefore, businesses with 11 or more employees must comply with the OSHA recordkeeping standards, 29 CFR 1904.

As applicable, retail businesses must comply with all MNOSHA standards. Hazards may be present, such as improper electrical wiring, improper use of ladders, use of hazardous cleaning products, slippery floors or improper use of industrial trucks.

In 2008, there were an estimated 10,300 OSHA recordable injuries and illnesses to workers in the retail industry in Minnesota, including 2,600 cases with days away from work. The total recordable case rate for retail was 4.9 cases per 100 full-time-equivalent (FTE) workers, which was higher than the overall state rate of 4.2 cases per 100 FTE. The rate for cases with days away from work was 1.3 per 100 FTE, higher than the state's overall rate of 1.1 cases per 100 FTE and the same rate as in manufacturing.

Q I hear there are new rules regarding contractors and lead paint. Where do I find more information?

A Beginning April 22, 2010, the U.S. Environmental Protection Agency (EPA) requires all contractors who do work that disturbs paint in residential houses, apartments and “child-occupied facilities” (such as schools and day care centers) built before 1978 be certified under the Lead-Based Paint Renovation, Repair and Painting (RRP) Program. Activities that are covered by the standard include remodeling and repair/maintenance, electrical work, plumbing, painting preparation, carpentry and window replacement. The standard specifies recordkeeping, work practices and training requirements.

RRP involves different requirements for certification from the Minnesota Department of Health’s (MDH’s) lead abatement rules, including licensure and training. Contractors conducting lead abatement work must be in compliance with both RRP certification requirements and MDH Lead Poisoning Prevention licensure requirements. For more information about RRP requirements, visit www.epa.gov/lead/pubs/renovation.htm; for information about the MDH rules, visit www.health.state.mn.us/divs/eh/lead.

Information about OSHA requirements regarding employee exposure to lead can be found on the federal OSHA Lead Safety and Health Topics page at www.osha.gov/SLTC/lead. Also, see the information at bottom of the next page about the Nov. 16 Construction Seminar where the Minnesota Department of Health's new lead standard will be discussed.



Q Our facility was recently inspected and cited. Where do I find the notice of contest or progress report forms?

A Paper copies of the Mandatory Progress Report, Notice of Contest and Service to Affected Employees, Employee Notice of Contest, and Petition for Modification of Abatement Date forms are mailed as part of the citation packet. All four forms can also be found online at www.dli.mn.gov/OSHA/FormsMnosha.asp in both Word and fill-in-able PDF formats.

Original completed copies of the four forms must be submitted to the MNOSHA St. Paul office within the specified due dates. Faxed copies are acceptable as long as they are followed up by the originals. The Mandatory Progress Report and the Petition for Modification of Abatement Date may also be filed electronically via e-mail at citation.progress@state.mn.us; the contest forms cannot be filed electronically.

Do you have a question for Minnesota OSHA? To get an answer, call (651) 284-5050 or send an e-mail message to osha.compliance@state.mn.us. We may feature your question here.

Free construction seminars: a great way to stay up to date with Minnesota OSHA



Gary Robertson, Minnesota OSHA, greets attendees at the Sept. 21 Construction Seminar, "Locating underground utilities before digging."

Every other month, from September through May, Minnesota OSHA offers a free morning construction seminar, focusing on topics that are of current concern in the industry.

The seminars are a great way to connect with MNOSHA in a friendly, informational setting and to get a chance to discuss important topics with MNOSHA representatives, as well as with others who are in the industry.

The free seminar Tues., Sept. 21, was "Locating underground utilities before digging," presented by Dan Munthe, outreach/enforcement supervisor, Minnesota Office of Pipeline Safety. Attendees also heard from MNOSHA Director Jim Krueger about some of the specific safety and health issues

the organization is currently training its investigators about; in turn, MNOSHA investigators will be looking to correct those issues – and others – during future inspections.



Minnesota OSHA Director Jim Krueger outlines what investigators are currently focusing on and answers direct questions from seminar participants.

Dates and topics for the other seminars are:

- Tues., Nov. 16 – New Department of Health lead standard;
- Tues., Jan. 18 – New federal crane standard;
- Tues., March 15 – Distracted driving hazards for all employees;
- Tues., May 17 – Safety by design.

For more, visit www.dli.mn.gov/OSHA/ConstructionBreakfast.asp.