

**Occupational Safety and Health Advisory Council
Minutes
November 2, 2007**

Members Present:

Erick Ajax
Carol Bufton
Fay Chawla
Mike Hawthorne
Mike Mueller
Greg Rindal
Kathy Smith
William Stuart

Staff:

James Collins
Alden Hoffman
Jeff Isakson
Tom Joachim
Julie Klejewski
Jim Krueger
Steve Sviggum

Members Absent:

Melanie Allen
Harvey Burski
Daryl Tindle

Visitors:

Gary Thaden
Lois Klobuchar

The meeting was called to order by chairperson Carol Bufton at 10:07 a.m. Bufton welcomed and introduced Commissioner Steve Sviggum. Sviggum welcomed everyone to the meeting. He talked about the tragic I-35W bridge collapse and with the experience of visiting the site with OSHA staff, now even more understands the importance of safety in our lives. He has also visited several other job sites as well as being involved with a number of people promoting and enhancing workplace safety around the state. When working at the legislature, he was somewhat aware of the importance of OSHA and the importance of workplace safety and now is really experiencing it first hand since becoming a part of the DLI team. He stated both the department's safety teams through OSHA, Compliance and Consultation, work very well and with good performance, which is recognized by people in the industries around the state. He thanked the council for being part of the effort, mission, and goal to get people home at night the same way they go to work in the morning.

Bufton welcomed Kathleen Smith and Felicitas (Fay) Chawla, the two newest members of the council and asked them to introduce themselves. Chawla is originally from the Philippines and came to the U.S. in 1966 with a diploma in nursing and since then went for her Bachelor's degree in nursing, Master's in health services administration, and is also a nurse practitioner. She is currently the director of occupational health and workers compensation at St. Cloud Hospital and since 1972 resides in Milaca. Smith is currently the continuing education director for the Midwest Center for Occupational Health and Safety which is an education and research center at the University of MN. As the CE director, her mission is to provide CE trainings for the occupational health and safety professional, for both those professionals in the field and also those in the academic programs. She is a family nurse practitioner and received her Master's degree and educational training from the University of Miami and has been in Minnesota for about 6 years. Members, staff and guests also introduced themselves.

Bufton mentioned E.J. Ajax and Sons received a great honor and asked Ajax if he would share his story. Ajax stated last week his company was recognized by the editors of Occupational Health and Safety as one of the top ten safest workplaces in the United States. His company has been working the past 17-1/2 years without a single hour of loss time in their metal stamping plant, and the last 5 years without a single OSHA 300 log recordable. He thanked both MNOSHA Consultation and the MN Safety Council for their great partnership which has played a huge role in achieving their goal.

Assistant Commissioner Tom Joachim added he and the commissioner have attended a number of MNSTAR/MNSHARP flag raising celebrations and Ajax's company is a MNSTAR site. The responses received, from those sites that both consultation and compliance staff work with, is management is very enthused to have a good safety program and the benefits they can see from it, which is very evident in this case to be recognized and receive that great honor. The department can help the Legislature understand that the OSHA programs are a benefit to the State of Minnesota by having good enforcement programs and a good consultation program that is proactive in maintaining safety before an accident happens. He thanked the council members for their efforts and assistance they provide to the department.

Buften accepted the agenda and May 4, 2007 minutes as presented as there were no additions or changes.

II. Federal OSHA Update – Jeff Isakson on behalf of Mark Hysell

Enforcement News:

1. June - OSHA implemented National Emphasis Program to help eliminate workplace hazards associated with release of hazardous chemicals at petroleum refineries
 - Directive implements a National Emphasis Program (NEP) to help eliminate workplace hazards associated with the release of highly hazardous chemicals at petroleum refineries
 - OSHA will conduct 81 inspections over the next two years
 - OSHA's priority for many years, and a number of emphasis programs have evolved as a result of this standard
 - National Emphasis Program provides guidance to OSHA national, regional and area offices as well as states that choose to implement similar programs
 - MNOSHA notified OSHA of their "Intent to Adopt Identical"
2. July - OSHA announced focus on health hazards of microwave popcorn butter flavorings containing diacetyl
 - National Emphasis Program (NEP) to address the hazards and control measures associated with working in the microwave popcorn industry where butter flavorings containing diacetyl are used
 - In 2006, NIOSH released an investigative report on a microwave popcorn production facility
 - Several employees from this facility were diagnosed with a severe obstructive lung disease
 - Following a number of lung function tests and air sampling, NIOSH determined that inhalation exposure to butter flavoring chemicals is a risk for occupational lung disease
 - OSHA's National Emphasis Program will provide direction on inspection targeting and procedures, methods of controlling the hazard and compliance assistance
 - MNOSHA notified OSHA of their "Intent to Adopt Identical"
3. October - OSHA issued a new safety and health instruction that details OSHA policies and procedures for inspecting workplaces that handle combustible dusts and that may have the potential for a dust explosion
 - Combustible dusts are often either organic or metal dusts that are finely ground into very small particles fibers, chips, and/or flakes
 - Dusts can come from metal, wood, plastic and organic materials such as grain, flour, sugar, paper, soap and dried blood

- Some of the industries in which combustible dusts are particularly prevalent include agriculture, chemical, textile, forest and the furniture industry
- The instruction provides detailed information on OSHA's inspection scheduling, resource allocation, inspection resources and procedures

Closer to Home:

1. OSHA Region V informed MNOSHA of submission dates for the State Annual Report (SOAR) and Consultation Annual Project Report (CAPR)
 - SOAR and CAPR summarize MNOSHA's OSHA accomplishments FFY-07
 - DRAFT due to my office and region by December 1, 2007
 - FINAL due December 31, 2007
 - MNOSHA submitted a joint 2007 Performance Plan and are encouraged to submit a combined SOAR/CAPR
2. I-35W Bridge Collapse Response
 - Federal OSHA assisted MNOSHA
 - Federal OSHA jurisdiction
 - Federal OSHA departed site on August 24th
 - MNOSHA made a real difference and impact for the protection of workers

III. Staff Reports: Compliance – Jeff Isakson

Significant Events:

- August 1, 2007 the Interstate 35 W Mississippi River Bridge Collapsed at the northeast edge of downtown Minneapolis.
 - There were 13 fatalities, 98 injured and 1 OSHA jurisdictional fatality (still open)
 - Federal OSHA provided assistance and resources during the recovery stage
 - 24 Federal OSHA and 35 MNOSHA personnel reported to the site
 - A Partnership Agreement modeled after FedOSHA's Lambeau Stadium Project was signed between MNOSHA, the Minnesota DOT and the removal contractor Bolander & Sons
 - ✓ Included full time compliance assistance coverage
 - ✓ industrial hygiene monitoring
 - ✓ employee utilization of OSHA as a resource
 - ✓ one unannounced inspection
 - A MOU Signed by the MN DLI Commissioner and the Regional Administrator for Region 5
 - Federal OSHA stood down at 3:00 PM on Friday, August 24, 2007
 - Resulting from the partnering between MNOSHA, Federal OSHA, MNDOT and Bollander & Sons:
 - ✓ 624 employees received site orientation training
 - ✓ 962 site specific activity plans were submitted and approved
 - 4824 employees were trained per these plans
 - ✓ 4549 Hazards were identified
 - removal process took a total of 9 weeks
 - logged estimated 60,000 hours
 - resulted in no lost time or serious injuries in the recovery and removal process

Projects:

- Crane Legislation:
 - Went into effect July 1, 2007.
 - Information continues to be posted on our Web site.
 - MNOSHA/MSC 8 partnered outreach presentations completed.
 - Tyrone Taylor presented on May 9, 2007 at the Minnesota Safety & Health Conference.

- Safe Patient Handling Bill
 - Signed May, 2007
 - Effective date July 1, 2008
 - Health Care Facilities
 - ✓ Hospitals
 - ✓ Outpatient Surgical Centers
 - ✓ Nursing Homes
 - Facility Plan (by Jan 1, 2011)
 - ✓ Hazard Assessment
 - ✓ Adequate Equipment
 - ✓ Training
 - ✓ Procedures
 - ✓ Periodic Evaluations
 - Safe Patient Handling Committee (by July 1, 2008)
 - ✓ Hazard Assessments
 - ✓ Recommend Equipment
 - ✓ Annual Program Evaluation
 - Grants
 - ✓ Equipment and training
 - ✓ Up to \$40,000

- Budget Bill
 - Signed May, 2007
 - Effective date July 1, 2007
 - Additional Funding for MNOSHA
 - Will be Adding 6 Additional Positions
 - 100% state funded
 - ✓ 2 Safety Investigators
 - ✓ 1 Compliance Assistance
 - ✓ 3 Cooperative Programs

OSHSPA/Family Meeting:

- Minnesota hosted Spring OSHSPA Conference in Mpls, June 11 & 12, 2007.
- North Carolina hosted the Fall Conference in Raleigh, October 21 & 22, 2007.
- Region 5 Family Meeting was held July 16-18, 2007 in Milwaukee, WI. Jeff Isakson, Jim Collins and Jim Krueger attended.
- **Grassroots Workplace Protection Report – by Oregon OSHA**
 - ✓ 26 state plan states and territories
 - ✓ Shows breakdown of what each state plan states does and their accomplishments for FY2006
- **Impact and Funding of State Occupational Safety & Health Programs Pamphlet Summary:**
 - OSHSPA will be providing this information to Congress on the impact and funding of state-operated programs for occupational safety and health.
 - State Plan Programs have experienced significant funding deficiencies for the past seven years.

- Congress established a 50 percent funding level to encourage states to operate their own programs and to develop innovative approaches to workplace safety and health issues. Because states must provide at least a 50 percent match, every federal dollar is doubled - which multiplies State Plan state plan efforts.
 - ✓ During the past seven years, federal funding has increased more than 15 percent - while state plan funding has increased only about three percent.
 - ✓ Initially, federal OSHA was able to fund states at a level up to 50 percent of the program costs. As program demands have increased, the states have not been provided the necessary federal OSHA financial resources to "keep up."
 - ✓ When Congress approves funding each year for OSHA, States data is used to justify Federal budget needs but the State are not included in the distribution of dollars. Congressmen and senators who serve on the budget committees most likely do not realize the OSHA budget they are approving does not include their state if it's one of 26 state plan states.
- The potential impacts if this trend continues are reduced enforcement and outreach capabilities and smaller reductions in injuries, illnesses and fatalities. Many State Plans (including MN) are forced to hold vacancies open to make budget.
- Without more resources, it may become very difficult for some states to maintain a program that is at least as effective as federal OSHA, which is a mandatory requirement for state plan programs.

Health:

- Lapse time for processing cases with citations has met its goal of 35 days. The time has been reduced from 72 days in FY02 to 34 days in FY07.
- Visiting Occupational Medicine resident from Health Partners was with MNOSHA in October.
- Investigating an accident involving a tank rupture at a refinery.
- Investigating an accident involving an acid drum rupture at a manufacturing plant.
- Investigating an accident involving chemical exposure following a package rupture.
- Submitted a proposal to speak at the 2008 American Industrial Hygiene Conference to be held in Minneapolis next June; topic would be several interesting cases.

General Industry:

- A University of Minnesota intern student is researching fall protection standards in other states.
- Three serious lockout/tagout citations and a machine guarding citation were issued to an employer for allegedly exposing an employee to an unguarded ram. The employee was injured, resulting in broken bones to the foot and toes.

Construction Breakfast:

- Minnesota OSHA wrapped up its five Construction Breakfast during the 2006-2007 season on May 15, 2007. A total of 575 participants took part this year.
- In addition, the steering committee met and has selected the topics for the next year's five Construction Breakfasts. The first breakfast's details have been completed:

Sept. 24, 2007 -- Hazard recognition: This presentation provided information on the best way to assess hazards and prioritize abatement at your worksite. Learn who should be doing hazard assessments and whether special training is needed. **Presented by:** Loss Prevention Specialist Mil Carroll, MS, ARM, CQA, CQE, from SFM Mutual Insurance Company.

- The rest of the breakfast schedule is as follows:
 - ✓ **Nov. 20, 2007 -- Health standards in construction**
 - ✓ **Jan. 15, 2008 -- Swing stage scaffolds**
 - ✓ **March 18, 2008 -- Fall protection**

✓ **May 20, 2008 -- Panel discussion**

A detailed description of each presentation and presenter may be found on MNOSHA's Web site at www.doli.state.mn.us/mnosha.html.

Outreach:

- MNOSHA staffed a booth at annual Minnesota Safety Council (MSC) Duluth Northern Safety Day. The staff members who attended these conferences stated that numerous questions were asked in regards to MNOSHA standards.
- Through the 4th quarter of FFY07, MNOSHA conducted 17 outreach training sessions attended by a total of 555 participants. None of these 17 presentations were conducted outside of MNOSHA's strategically targeted industries.
- MNOSHA responded to 1,767 phone calls and 280 written responses (primarily e-mails) related to safety and health issues. This resulted in 67 formal complaints and 57 non-formal complaints.
- The Fall 2007 Safety Lines edition will be issued within the next week and will include:
 - ✓ I-35W bridge collapse photos
 - ✓ Legislative update: safe patient-handling
 - ✓ Cold weather regulations specific to Minnesota
 - ✓ Frequently asked questions from phones, e-mail
 - ✓ MNSTAR/MNSHARP awards update
 - ✓ WSC alliance with Twin Cities Roofing Contractors Association
 - ✓ First Construction Breakfast of the season (photo); coming topics, speakers
 - ✓ Fatalities update
 - ✓ Specific standard highlighted and what MNOSHA looks for regarding it plus resources available to employers
- For further for further information visit MNOSHA's Web site at www.doli.state.mn.us/safeline.html.
- In cooperation with the Minnesota Safety Council, five Crane Operator Certification Breakfasts have been held across the state. For a listing of dates and times, visit MNOSHA's website at www.doli.state.mn.us/safeline.html. Doug Swenson of Phillippi Equipment Co. and Tyrone Taylor of MNOSHA were the primary presenters for these informative breakfasts.

Discrimination:

- MNOSHA continued to maintain high level of cases resolved within 90 days during the fourth quarter of FFY07:
 - ✓ MNOSHA settled two cases.
 - ✓ MNOSHA dismissed eleven cases.
 - ✓ Over 90% of cases have a lapse time of less than 90 days.

Employee Training:

During 4th quarter of FFY 07, 28 MNOSHA staff members attended the following courses at OTI:

- ✓ OSHA 3110 Fall Arrest Systems (3 staff members);
- ✓ OSHA 2260 Permit-Required Confined Space Entry (1 staff member);
- ✓ OSHA 2020 Advanced Accident Investigation (1 staff member);
- ✓ OSHA 2040 Machinery and Machine Guarding Standards (4 staff members);
- ✓ OSHA 3080 Principles of Scaffolding (3 staff members);
- ✓ OSHA 3220 Applied Welding Principles (2 staff members);

- ✓ OSHA 2200 Industrial Noise (2 staff members);
- ✓ OSHA 3030 Concrete, Forms, and Shoring (1 staff member).

In addition, four staff members completed the online OSHA 898 OSHA Workplace Violence Awareness course, two attended *Negotiating for Agreement* at the University of Minnesota, two more attended the State Retirement Seminar and one participated in a training needs assessment webinar sponsored by ASSE.

In-House Staff Training:

- Four investigators completed Phase I new investigator training. Two of these individuals also completed Phase II training as well.
- The entire staff completed *Pandemic-Ready. Set. Respond.*, an online course sponsored statewide by the MN Department of Employee Relations.
- All MNOSHA staff attended at least one day of training on the new MOOSE system.

Open Positions:

- One Health position open
- Two Construction positions open
- Two new positions from Budget Bill funding are still open Compliance Assistance

Inspections:

- QA Inspections - MN OSHA Compliance continues to conduct Quality Assurance inspections within all units.
- Completed 251 inspections ahead of goal for the fiscal year (2651 Inspections)
- An analysis of FFY07 showed 22 fatalities compared to 26 fatalities this same time period last fiscal year.
 - 10/1/2005 – 9/30/2006 26 fatalities, 2 catastrophes
 - 10/1/2006 – 9/30/2007 22 fatalities, 1 catastrophe

Technology:

- OSHA Redesign and Enhancement Project – acronym “MOOSE” for **Minnesota OSHA Operations System Enhancement**. This project was started in January, 2006 and rollout was October 1, 2007. It’s a report writing system/data process that was developed here at DLI and it moves information over to the federal system. The federal system was last updated in 1985. Significantly reduces the amount of time processing and writing reports. All staff members have been using the system since rollout with no significant issues.

Ajax congratulated Isakson and his leadership team on the bridge collapse and OSHA’s response. The outcome of no loss time or serious injuries in the 9 week removal period and the partnerships developed with respective agencies is fantastic. Hopes this experience can be shared with other OSHA districts throughout the country.

Isakson stated he and Mark Hysell did give a presentation at the OSHSPA meeting in North Carolina just a couple weeks ago, and that Jim Krueger was the project manager assigned to the bridge site and did a fantastic job.

Ajax stated this event would be a great example to bring forward and talk about the positive effectiveness and partnerships of MNOSHA.

Hawthorne spoke in regards to fall protection and that the Xcel plant project (by the high bridge in St. Paul) had 100% tieoff which resulted in zero injuries, and asked if OSHA looked at some of the things done on that project as far as being able to improve.

Isakson replied yes, they do look at what the best in class companies are doing and what they’ve implemented as well as what other states are doing that have done the same type of project and how has it affected the fatality rate.

Some workers feel using safety protection is an inconvenience. It really goes back to culture and the mindset of people. How can we change the culture within the entire state.

Collins added culture is very important for safety evaluations. They don't think the service Consultation provides is directly related to reducing injuries and improving the culture. Consultation has partnered with the University of MN Duluth Graduate School safety program to look at some of those issues, where not to just measure the satisfaction of the services provided but what is the impact in terms of reducing costs and safety investment.

Consultation – James Collins

1. Research Projects

- The Director of Workplace Safety Consultation and a Research Scientist from the Departments' Policy Research and Statistics unit met with faculty members from the Graduate School, Duluth Campus to discuss a research project involving the Gophers and Twin's Stadiums. We also discussed a second possibility of conducting an intervention (training) effectiveness study for the Builders Group of 1000 small contractors.
- A meeting was held with the same graduate school faculty to learn of data in the State's Workers' Compensation System for research purposes.
- Dr. Pat McGovern's student completed her Plan B paper on our current nursing home project, "Exploring the relationships between occupational factors and injury and illness incidence rates in MN nursing homes".

2. Legislative Update

The 2007 Legislature authorized six new positions for MNOSHA and Workplace Safety Consultation received three positions which all have been filled:

- Safety Consultant, Principal – MNSHARP Construction
- Safety Consultant, Principal – MNSTAR Construction
- MnOsha Training Officer – Public Sector

Safe Patient Handling Grant

- Authorizes the commissioner to award grants to healthcare facilities for safe patient handling equipment and for training on (1) safe patient handling, and (2) safe patient handling equipment.
- Grants to any one facility may not exceed \$40,000.
- A grant must be matched on a dollar-for-dollar basis by the grantee.
- Commissioner may give priority and grant a waiver of the 50 percent match to healthcare facilities that provide evidence of financial hardship.
- Healthcare facilities experiencing hardship are not required to meet the Legislative requirements until July 1, 2012.
- MnOsha Workplace Safety Consultation has completed (1) the new application (2) defined "hardship" and, (3) announcement for State Register.

Minnesota Loggers Safety Education Program

The 2007 Legislature changed the Data Practices Act to make LogSafe Training Information Public.

- The names of the individuals attending the program or seminar;
- The names of each attendees employer;
- The city where the employer is located;
- The date the program or seminar was held; and
- A description of the seminar or program.

3. **Human Resource Management (2 vacancies)**

- Filled Safety Consultant, Principal for Construction (MNSHARP)
- Filled Safety Consultant, Principal for Construction (MNSTAR)
- Open Industrial Hygienist III/Ergonomics
- Open Safety Consultant for the Safety Grants Program

4. **MNSTAR Activity**

- Four new STAR sites added since last meeting held in May:
 - Weyerhaeuser iSC (Distribution Center)
 - USG Interiors (Mineral wool for ceiling tiles)
 - Honeywell (aerospace components)
 - Liberty Paper (reconstituted paper mill)
- Twenty four sites now are currently certified as MNSTAR Star sites
 - Twenty two General Industry
 - One Resident Contractor – Chicago Bridge & Iron
 - One Construction – LG Constructors

Additional Activities:

- Two existing MNSTAR sites were reevaluated since the last meeting and they have completed their 90 day items:
 - Ainsworth (Bemidji)
 - Weyerhaeuser (White Bear Lake)
- Fifteen applications on hand and in the evaluation process. (Interest in the program has increased since the first of the year)

5. **MNSHARP General Industry Activity**

- We currently have 31 sites participating in the MNSHARP Program.
 - 27 are General Industry SHARP sites
 - 4 are General Industry PreSHARP
 - One of these sites is a new MNSHARP (converted from PreSHARP)
 - ✓ Minnesota Freezer Warehouse (Austin)
 - Two sites were renewed as MNSHARP sites
 - ✓ Minnesota Freezer Warehouse (Albert Lea)
 - ✓ Malco Products (Annandale)

- **MNSHARP in Construction**

Currently the three sites participating in MNSHARP:

- OPUS at Medtronics in Mounds View
- Adolfson & Peterson for Faribault Prison in Faribault
- Zumbro River Contractors for Highway 212 project.

There are also 10 potential Pre-MNSHARP construction worksites:

- Twins Stadium
- Centex Homes
- Gopher Stadium

- Maple Grove Hospital
- United Health
- Excelsior Crossing/Cargil
- Minnesota Zoo
- Highway 62
- Regions Hospital
- Highway 10/Detroit Lakes

6. OSHA Alliance Program

OSHA Alliances are formalized, voluntary, cooperative relationships between OSHA and companies, labor organizations, trade and professional associations, universities, local, state, and federal government agencies, which may include State Plan States, Consultation Projects, and other stakeholders. Alliances may address enhancing the national dialogue on worksite safety and health issues, training and education on topical subjects, and outreach or promoting communication. Alliances provide opportunities to exchange ideas, convey concerns, raise issues, educate and advocate efforts to eliminate serious hazards, all aimed at achieving higher levels of worker safety and health and increasing OSHA's participation in the nationwide dialogue on safety and health.

- Minnesota currently has eleven alliances; MEA, MN Safety Council, BAM, Labor Users Contractors, Allina Health Systems, U of M Duluth, UBC, Marble Institute of America, The Printing Industry, Polyurethanes Industry, and MN Mechanical Contractor Association

New Alliances

- Twin Cities Roofing Contractors- 35 employers and 1000 employees
- The Builders Group- 1000 small Construction Contractors

One New Potential Alliance

- North Hennepin Technical College

7. Specialized 10-hour training, Minority non-profit organization (year-to-date)

- Tree Trust – Construction 10-hour, 12 participants trained
- Habitat for Humanity- ½ day 10-hour, 50 participants trained
- Transition Plus- ½ day 10-hour, 22 participants trained
- Minneapolis Urban League, 18 participants trained
- Tree Trust, 16 participants trained
- Construction Coalition including Women's Venture, 38 participants trained
- DEED & DLI – Train the Trainer, Jim Collins and Andy Smoka were certified as Master Trainers. "Teaching youth workers about safety and health" NIOSH 10-hour course.

2008 LogSafe Seminar Topics

- Bio-mass harvesting equipment safety;
- Drug and alcohol training;
- LP gas safety training;
- Logger rescue training;
- CPR training; and
- First-aid training.

Two appointments to the LogSafe Advisory Committee:

- Don Carr – Ainsworth Safety Director (VPP site)
- Ray Higgins – Timber Producers Association

8. Ergonomic Program

- Second round of the Nursing Home project consisting of 26 nursing homes
- 13 training sessions conducted on ergonomic risk factors for joystick operating of machines and repetition motions of the hand and wrist.
- 8 training sessions on managing ergonomic risk factors for several manufacturing and service employers, sponsored by Anoka Technical College.

Ajax asked if there was a backlog for the MNSHARP sites. Collins replied there are 10 for the construction and 4 for general industry, which is a positive as this means companies are waiting for service who have agreed to correct any hazards should OSHA find any, and will also work with OSHA to develop an effective safety and health program.

Chawla asked if there are any programs to bring to Central MN to help people comply with the new safe patient handling legislation, the matching \$40,000 grant is not nearly enough. Collins replied yes that Consultation has been providing assistance to hospitals and nursing homes for years. The hazard abatement grant, which has been around for 10-12 years, has been providing grants to nursing homes and hospitals to help buy equipment. This new safe patient handling grant is in addition to the existing hazard abatement grant. The hazard abatement grant is monies Consultation receives from workers comp penalties. Isakson added that in regards to training material that's out there, the MNOSHA website is a great resource and if not there already, will be adding links to training material and power point presentations on safe patient handling. Another resource is the Federal OSHA website and a link called e-tools where you can find a layout of a nursing home or health care facility, what all the hazards are, and what protection needs to be done in order to ensure compliance with the existing standards.

Joachim added that the original bill had additional funding dollars in for the second year that was not continued forward so it was limited to the \$500,000 maximum which won't take long to distribute, and suspects they will have the hospital and nursing home associations ask for more dollars in hope that this program can be continued. On another note, Joachim commented that contractors are looking at the safety ratings of the subs they contract with to ensure safety on their projects. It's definitely starting to roll down the line to the subs which is a credit to both the Consultation and Compliance programs of what has been accomplished over the last 10 years. Good progress had made and we'll work to continue in that direction. Budget dollars affect every state agency and hopefully DLI can turn the corner on federal benchmarks to get the federal match that would allow DLI to possibly add another 6-8 positions to continue to do more with MNOSHA programs.

Buften asked Isakson in regards to discussions held at the OSHSPA meeting about state OSHA advisory councils getting involved in the federal funding issue, were there any specific ideas about how the council should be supporting that effort. Isakson replied contacting your legislator or someone that participates in the budget committee with DLI or those that have a link to the capitol, just trying to get the word out. When Congress approves funding each year for OSHA, states data is used to justify federal budget needs but the states are not included in the distribution of dollars. Congressmen and senators who serve on the federal budget committees most likely do not realize the OSHA budget they are approving does not include their state if it's one of 26 state plan states.

Joachim clarified that when federal OSHA asks Congress for dollars, they are asking for the states that they manage the OSHA programs in. The state plan states, such as Minnesota, need to do a little more in educating the Congress people that the funding from the federal portion match is not there. He stated DLI is planning on sending the commissioner out to talk to some Minnesota Congress people to discuss this issue and a number of other federal issues that DLI has.

Buften addressed the council to ask if this is an issue they would like to take on and find a way to effectively communicate to Minnesota's congressional delegation, the need for funding at the federal level for our state plan; and if so, she suggest they talk to Tom Joachim and the specific legislative people to find out what is the most effective way for the council to do that. She feels it would be a stronger response if the

OSHA Advisory Council goes to them requesting support for MNOSHA, rather than doing it individually. All agreed.

Ajax added that it's also very effective in working with the congressional delegation to include representation of their individual organizations and companies as well.

IV. Old Business – Carol Bufton

1. List of brainstorming initiatives/ideas

Bufton opened discussion reviewing that #5 and #6 needed further clarification from the council members who brought forward those ideas. Will contact Tindle in regards to #5 and will pass his thoughts on to the group electronically. She asked Ajax in regards to #6, if he could get more specific on his thoughts.

Ajax commented on personal experience in that he lost 10% of employees last year to methamphetamine which was devastating and it was all 100% in random testing. In the last 6 months he has hired 12 new employees which were randomly tested in the last 30 days, and 5 of those came up positive. All of the positions in his metal stamping company are safety sensitive, where people can lose their life, arms, fingers, etc. It is a huge problem and feels this same situation exists in safety sensitive positions in other companies across the state. He makes a strong recommendation there be some consideration given to the same process that DOT has done with, for example, airline pilots, truck drivers, train operators. There is a reason why random testing is done – to have a drug free and safe work place for all employees, co-workers, colleagues, the public they service, etc. He added their workers compensation insurance renewal, with all discounts and experience mod-rating, received a 50% reduction in costs and because of their random drug testing policy they received an additional 5% right off the top.

Rindal commented that his company random tests their line workers and alcohol is the problem they've run into versus meth. Ajax stated last year it was meth, this year it's been alcohol and marijuana. Krueger asked Ajax what he means by safety sensitive positions. Ajax stated in his company he would consider operators of a punch press machine, mill, lathe, fork truck. Chawla added health care worker. Krueger asked if it would include construction worker. Ajax replied yes.

Hawthorne brought up if this is an issue with labor contracts. Many of the construction labor contracts go to the luck agreement, which is a labor and management drug testing; and most of his employers state they can't do that otherwise they won't have anybody. If an employer does have a policy in place, is the management going to be willing to enforce it. The whole issue is very controversial.

Bufton commented that the idea does state to "explore" it, not to do it which would give a lot of latitude to dig into some of the issues discussed. Clearly it is a safety issue that members want to address.

Isakson added some of the things that MNOSHA currently looks at, for example, are when Compliance does a partnership such as companies trying to get into the CHASE program, or companies currently doing the removal or building of the I-35W bridge, they look whether they have a good drug and alcohol testing program within their company.

Collins added on the Consultation side they don't look at the drug/alcohol programs realistically, however they could. They look more at policies in general.

Rindal commented that related to the safety sensitive position as it states "explore", an idea would be to identify a position similar to the DOT's commercial drivers, which is safety sensitive position because of the size, weight of the vehicles and their effect on the public. If there is another class of workers in the state that isn't presently covered, that might be the first group to test it on, and could staff possibly identify that.

Smith asked for clarification or thoughts behind idea #7. Isakson stated this was Burski's thoughts that were focused towards intergrading safety and health curriculum, as an example, into industrial

technology or engineering programs that are throughout the state at various colleges and universities. These students earning their degree eventually entering the workplace becoming managers/supervisors of production units, etc, will be the future leaders in industry and will already have that background when their schooling is complete. Hoffman added that business classes were also discussed.

Buften commented that the discussions from the last meeting included keeping this idea quite broad as perhaps a way to start looking some specific degree programs where it might be started and then made broader as it moves along.

Ajax added that all of his apprenticeship programs with DLI have a minimum of 100-200 hours of safety training required for all of the apprentices before they can become a journey worker and that has been very effective for them.

Buften asked members if they are ready to pass this list, with the exception of #5, on to staff to start talking about how to tackle these issues and what the role of the advisory council is.

Stuart suggested asking OSHA to consider 3-4 items rather than 7 as not to over-burden them with things that may already be ongoing activities within their jurisdiction already. He feels they have a good handle on #4 the technology piece.

Isakson commented that this whole process is something that will evolve over time, and since the group typically meets quarterly, maybe members would want to identify at this meeting, for the next meeting, which idea they would like OSHA to focus on and have as a discussion item at the next meeting. He feels all 7 are great ideas.

Stuart agreed and added that the council has already given an initiative or direction on how to explore how the council can assist in the legislative process, and as Isakson stated, handing over a subject per quarter to address would be beneficial as a whole.

Ajax suggested that members establish a priority of which issue would be most appropriate for the council to discuss at the February meeting.

Buften stated Tindle will be contacted for further clarification on list item #5, and could use Mueller's spreadsheet to prioritize the list.

V. New Business

Discussed the 2008 dates for the OSH Advisory Council meetings. A couple of members have conflicts in the months of February and May. Will look into other dates.

Isakson and Collins reviewed the process of the Arthur E. McCauley, Jr. award that is presented at the governor's luncheon at the MN Safety Council's annual conference. The applications that have come in the last couple of years have been somewhat limited and the award has not been issued. They are looking for people who have had a significant impact on safety and health to the State of Minnesota and asked the council for assistance to spread the word or if there is someone they think would be a good candidate, nomination forms and more information are available on the website. The advisory council helped staff develop the concept, so actually it is the advisory council's award. If you would like staff to make a presentation to give more information about the award, just let them know.

VI. Future Agenda Item

Discuss specific topic from list of initiatives.

A motion was made by Hawthorne and seconded by Ajax, to adjourn the meeting at 12:04 p.m. Motion passed.

Respectfully Submitted,

Julie A. Klejewski

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