

Occupational Safety and Health Advisory Council
Meeting minutes
Nov. 2, 2012

Members present

Carol Bufton
Fay Chawla
Rob Duvall *for Erick Ajax*
Michael Hawthorne
Scott Huberty
Michael Mueller
Elizabeth Rheingans
Greg Rindal
Dean Tharp
Daryl Tindle
Christopher Schmidt

Staff members present

Alden Hoffman
Mark Hysell
James Krueger
Commissioner Ken Peterson
Roslyn Robertson
Vikki Sanders
Cindy Valentine

Special guests and visitors present

Vern Bigham
Terry Krahn
Matt Marquis
Scott Starin
Gary Thaden

Call to order

The meeting was called to order at 10:04 a.m. by Chairwoman Carol Bufton and announcements were read. Members, staff members, special guests and visitors introduced themselves.

Approval of the agenda

The agenda was approved.

Approval of the minutes

Mike Mueller moved to approve the Aug. 3, 2012, draft meeting minutes and Fay Chawla seconded. All voted in favor and the motion carried.

Federal update – Mark Hysell

- On Oct. 18, 2012, the Department of Labor's Worker Safety and Health Challenge was developed as a tool for young workers. It will demonstrate the importance of recognizing and preventing hazards by helping them understand their rights in the workplace, provide information about the OSHA program and identify available resources (Bureau of Labor Statistics (BLS), National Institute for Occupational Safety and Health (NIOSH), state workers' compensation programs and other government sources), as well as employer responsibilities. Submissions should be designed for Internet browsers, smartphones, feature phones and social media platforms, or as

native Windows or Macintosh apps. The deadline for entering the contest is Nov. 30, 2012. A variety of prizes will be awarded: a \$3,000 “People’s Choice Award”; a “Safety and Health Data Award” and a “Workers’ Rights Award” of \$6,000 each; and a \$15,000 first prize, “Safety in the Workplace Innovator Award.”

- On Oct. 2, 2012, the Alternative Dispute Resolution (ADR) pilot program for complaints filed with OSHA’s Whistleblower Protection Program was announced. ADR can assist complainants and employers in resolving their disputes in a cooperative and voluntary manner. Two OSHA regional areas are sponsoring the pilot program: Region V, headquartered in Chicago; and Region IX, headquartered in San Francisco.
- On Sept. 12, 2012, the Secretary of Labor announced the preliminary BLS data about fatal occupational injuries occurring in 2011. The number of fatal work-injuries in 2011 was slightly lower than final results from 2010. In 2011, 4,609 workers died from work-related injuries. In 2010, there were 4,690 work-related fatalities. On average, 13 workers lose their lives each day.
- On Aug. 23, 2012, OSHA published criteria for removal of employers from the Severe Violator Enforcement Program (SVEP), which began in June 2010. The program was created to focus agency resources on employers that demonstrate indifference to their responsibilities under the OSH Act with wilful, repeat or failure-to-abate violations. An employer may be considered for removal from the SVEP by an OSHA Regional Administrator after a period of three years from the date of the final disposition of the SVEP inspection citation items and all affirmed violations have been abated, all final penalties have been paid, the employer has abided by and completed all settlement provisions, and the employer has not received any additional serious citations related to the hazards identified in the SVEP inspection at the initial establishment or at any related establishments.
- Minnesota OSHA’S fiscal-year 2012 State OSHA Annual Report and Consultation’s Annual Project Report: draft annual performance reports are due to the Eau Claire Area Office on Dec. 3, 2012, and final reports are due to be completed by Jan. 3, 2013. No guidance has yet been received from the Department of Labor and Industry (DLI) regarding an evaluation of state programs (on-site program review). Jim Krueger stated the Occupational Safety and Health State Plan Association (OSHSPA) board has asked federal OSHA to move to an every-other-year monitoring program, because the results are not received by the states until midway through the year. This requested change would allow corrections to be implemented in a more timely fashion before a new audit is scheduled.

Department update – Commissioner Ken Peterson

- Lone workers: Vern Bigham is here today to provide information to the council about a topic the Workers’ Compensation Advisory Council is interested in learning more about.

- Vikki Sanders, workplace violence prevention: The department is very proud of Vikki's guidance while assisting staff members of Accent Signage after the shooting tragedy that occurred recently in Plymouth, Minn.
- Building codes regulations: Every three years, regulations are reviewed by DLI's Construction Codes and Licensing Division. When the drafts are finished they will be ready for publication.
- Workers' compensation: Workers' compensation is a big part of DLI. Fewer injuries are being seen, but those that occur are more serious, with increased medical costs.
- Workplace safety: The department's *Workplace Safety Report* for 2010 indicates the five high-injury/illness industries are construction, health care, manufacturing, hospitality and transportation/utilities. Minnesota levels are higher in each category than the national levels. The department would like see what can be done to reduce those numbers.
- Partnership programs have continued to be developed with large (Associated General Contractors (AGC) of Minnesota) and small construction employers (Minnesota Chapter of Associated Builders and Contractors (ABC)). MNOSHA Workplace Safety Consultation will continue to seek ways to reach small employers, a challenging group to reach.
- Health care: A focus has been nursing-home-worker safety. The department participated in the Minnesota Safety Council's first Safe Patient Handling Day. It was well received and alliances with health providers have been developed.
- Logging safety: The LogSafe program has been very successful in making an unsafe industry safer.

Chawla asked whether the department has statistics about the aging workforce, specifically for health care workers. Commissioner Peterson indicated he will see what statistics DLI collects about Minnesota's aging workforce. At the other end of the spectrum, young workers also have a high incidence of injury rates. The department has responded to that by initiating youth outreach programs.

Workplace violence prevention – Vikki Sanders, Workplace Safety Consultation

This Workplace Safety Consultation (WSC) program's mission is to assist employers to create workplace violence prevention strategies through best practices with a preventive and proactive process, rather than a reactive one.

There is a need for a multi-dimensional and multi-discipline approach, which incorporates using a combination of security, human resources, management commitment and employee involvement. Making sure these pieces are put into place *before* a tragedy occurs is important in getting the workers back to work.

High-risk industries for workplace violence include health care, social services, late-night retail, taxicab/bus drivers and teachers. Minnesota also addresses

public employees. Homicide is the fourth leading cause of fatal workplace injuries in the United States and is the leading cause of death for women in the workplace.

In September 2011, Minnesota OSHA issued a directive about enforcement procedures for investigating, inspecting and citing employers for incidents of workplace violence. There are warning signs that preclude high industry-incidences of workplace violence. Minnesota is currently following the federal directive. A Minnesota standard is close to being approved.

In October 2011, the American Society of Industrial Security (ASIS) and the Society for Human Resource Management (SHRM) issued a joint ANSI standard to help organizations evaluate their practices and develop or enhance programs aimed at preventing workplace violence. The employer is responsible for watching the signs of behavior (psychological and physical) and to protect employees from serious injury or death. A healthy workplace culture can curtail the circumstances that may lead to workplace violence.

Chris Schmitt added that the 2012 Minnesota Symposium on Terrorism and Emergency Preparedness (M-STEP) will be in Brooklyn Park, Minn., Nov. 17; one of the breakout sessions is about workplace violence prevention. A Web link will be forwarded to council members.

New business

Lone-worker discussion – Vern Bigham, Terry Krahn, Greg Rindal, Daryl Tindle

Terry Krahn worked for Interstate Power for several years and retired from Xcel Energy, out of Pine Island, Minn., where he worked for more than 30 years. He worked alone as a lineman, dealing with a wide variety of tasks on a daily basis in rural areas. He described the challenges and near-misses when working on routine jobs, day or night, in good and extreme weather (summer, winter), where a second worker made the difference between life and death. Rural work is different from urban environments. Backup is not readily available during the workday or after hours. In the past several years, the workforce has been reduced while the customer base has increased. Poles and cables have deteriorated over time, which increases the possibility of injury for the linemen. He would like the council to consider methods of obtaining more help to prevent lone linemen in the field.

Vern Bigham, a retired NSP/Xcel Energy employee, was burned over 65 percent of his body on the job in 1968. Since the 1950s, the number of linemen working together has been reduced from sometimes five to one in the rural areas. He stated that small communities work with a reduced number of linemen staff members, and working alone is more common than not. Customers may not be trained to assist in times of crises and cannot be depended upon to rescue a

worker. According to Bigham, across the country it is recognized two workers are more effective in dealing with catastrophic or emergency situations for those who work in dangerous occupations and for those who work in extreme-weather situations. He is looking to the council in support of two-man crews.

Council member Daryl Tindle stated the International Brotherhood of Electrical Workers (IBEW) was founded about 118 years ago to address lineman safety. Local 160 appreciates the concerns brought up during today's discussion. Tindle noted there are other occupations where lone workers face danger: park rangers, police officers and loggers.

Tindle invited Scott Starin to address the two-man, lone worker issue. Starin speaks on his own behalf, not representing his employer or union. He has been a lineman since 1991, and works alone in the Twin Cities. He is also a member of his employer's safety committee. His experience with Xcel Energy is working in first response, public safety area, responding to calls along with police and fire departments about power outages. Lone-worker expectations are different from those in a rural environment. The safety parameters and rules of his previous employer prevent workers from climbing and switching alone. His current employer does permit employees to climb and switch alone. For work conducted during storms, linemen work with police officers, gas department workers and firefighters. Equipment, resources and the tools necessary to get the job done are available. A crew can be obtained quickly in response to an emergency, because there are three shifts, 365 days a year, 24/7, including a midnight shift.

Dean Tharp asked about the reasoning behind a co-op requiring two-man crews. Starin stated there is no first-responder unit in a co-op. There are a smaller number of workers who share the duties of first responder for public safety calls. There is a need to get the first-responder out to the site and get the work completed as soon as possible. Staff members are removed from the weekly job rotation and are assigned for a limited period of time to respond to the emergency calls.

Council member Greg Rindal has 34 years of experience as a safety professional representing Minnesota Power. Positive changes have occurred over the years. OSHA standards are in place that require two workers within certain criteria and with three exceptions. The company is committed to the public to resolve power failure issues as soon as possible. Safeguards, equipment and communication processes add protection to workers who go out alone.

Old business

Future agenda topics

- **Lone workers** – Tindle stated there are many areas of risk with lone workers, such as park rangers, loggers, convenience stores and

manufacturing that do not have safeguards enjoyed in an urban environment. He suggested keeping this topic on the list.

- **Temporary staffing** – This topic will be discussed at the council’s next meeting, Feb. 1, 2013. Topic ideas, speakers who are expert in the area of temporary staffing and suggestions for what the safety implications are should be shared with council members and forwarded to Pam McLaughlin and/or Carol Bufton. Scott Huberty works with 11 staffing agencies and will discuss further with Bufton.
- **Aging workforce** – Any thoughts about speakers and specific interest areas within the topic are to be forwarded to the council members to begin shaping the discussion.
- **Meeting location options** – Cindy Valentine reported the department is open for the council to meet at a different location, with the goal of bringing the council’s mission on a specific topic to stakeholders, sometime in August. Having the meeting in August would avoid conflict during the legislative session. Location suggestions are to be forwarded to Valentine or McLaughlin. Bufton stated that previous venues were in Mankato and Duluth. A decision whether to move the August meeting, to discuss a specific topic and to select a location will be made during the February meeting.

Staff reports

Compliance – Jim Krueger

- **Federal-fiscal-year 2012 statistics:** All emphasis inspection areas (high-hazard industries) were met in federal-fiscal-year 2012.
 - 2,667 inspections were completed, exceeding the yearly goal of 2,500
 - 16 fatalities were recorded, 60 serious injuries and 577 complaints (313 of those complaints resulted in an on-site inspection)
- **Construction Seminars**
 - “Residential fall-protection, focusing on roofing and trusses” is the Nov. 20 topic.
 - “Globally Harmonized System of Classification and Labeling (GHS) of chemicals” is the Jan. 15 topic; Alden Hoffman will conduct a presentation.
- **Phone complaints:** 4,500 telephone complaints were received. MNOSHA has implemented an automated tracking system to better collect data about the phone calls that are handled.
- **Publications**
 - The most recent edition of *Safety Lines* is available online at www.dli.mn.gov/OSHA/SafetyLines.asp.
 - The MNOSHA poster was updated Oct. 1. There is no cost to order posters. To order, call (651) 284-5042 or 1-800-342-5354, or visit <http://workplace.doli.state.mn.us/posters>.
- **Construction partnerships:** Meetings continue with both the Associated General Contractors (AGC) of Minnesota and the Minnesota Chapter of

Associated Builders and Contractors (ABC) to revise construction safety and health partnerships, with the goal to work together to find ways to prevent injuries, illnesses and fatalities in the construction industry. Changes were made to ensure consistency in partnership programs for a greater impact on improving employee safety and health within the construction industry.

Consultation – Roslyn Robertson

- **Federal-fiscal-year 2012 statistics:** The Workplace Safety Consultation unit conducted 1,092 consultation visits (the goal was 900) with 4,681 hazards identified.
- **Renewed marketing effort:** Funding was provided in an effort to rebrand the Workplace Safety Consultation unit. Significant progress has been made to convey a consistent message to employers of Workplace Safety Consultation’s free services to reduce injuries and accidents, to promote stability in the workplace and to provide equipment upgrades. Distribution included newsletters and information provided on DLI’s website.
- **Workplace violence prevention:** A frequently asked questions (FAQs) page is available on DLI’s website – www.dli.mn.gov – under “OSHA,” “Workplace Safety Consultation” and “Safety programs.”
- **Safety Grant Program:** Priorities are tied to the strategic plan, with adjustment to provide assistance to high-hazard areas. Forty-four grants were awarded in the most recent quarter, with \$338,000 in state grant money awarded. Applications received indicate a total cost of \$1.5 million for safety and health projects.
- **Ergonomics:** Efforts in health care and manufacturing industries continued with 28 visits during the most recent quarter. The leading injuries in health care are ergonomics-related, but the efforts also include office ergonomics.
- **LogSafe Program:** A contract with the Hibbing Technical College was extended through 2013. Six consultation visits were provided to the logging industry, impacting 61 employers and 426 employees.
- **MNSHARP:** 39 sites
- **MNSTAR Program:** 30 sites

The 2013 meeting schedule is: Feb. 1, May 3, Aug. 2 and Nov. 1.

Adjournment

Michael Mueller moved to adjourn the meeting at noon, seconded by Fay Chawla. All voted in favor and the motion carried.

Respectfully submitted,
Pamela McLaughlin
Executive Secretary