

Safety Lines

2018: Minnesota OSHA's year in review

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COMPLIANCE

Each year, Minnesota OSHA (MNOSHA) Compliance conducts a review of its projected performance as defined in its performance plan, which is generated prior to the start of the federal-fiscal-year, Oct. 1.

Performance review highlights

In federal-fiscal-year 2018, MNOSHA Compliance:

- visited 1,843 establishments, identifying 3,064 hazards;
- generated safety inspection results within 19 days, on average;
- generated health inspection results within 25 days, on average;
- conducted 87 outreach presentations, with an average participation level of 30 people; and
- responded to approximately 4,518 phone calls and 2,205 written requests for assistance (primarily email message), with a majority of these inquiries answered within one day.

There were 319 (26 percent) of the 1,249 total workplace safety and health complaints that resulted in an on-site inspection, with an average of 3.5 days response time. The remaining complaints were handled via the MNOSHA Compliance phone and fax system (nonformal complaints).

MNOSHA Compliance continues to provide a variety of safety and health information online, plus printable handouts and links to federal OSHA. For more, visit www.dli.mn.gov/business/safety-and-health-work.

For more information about MNOSHA Compliance's performance, the new annual report will be posted online during the second half of the calendar year at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-reports-publications.

WORKPLACE SAFETY CONSULTATION

Each year, MNOSHA Workplace Safety Consultation (WSC) conducts a review of projected performance, as defined in annual performance plans, and summarizes accomplishments in its annual report.

Consultations, training, technical assistance (private- and public-sector)

- MNOSHA Workplace Safety Consultation completed 1,035 overall visits that included 821 initial (on-site consultation) visits, 137 formal training visits and 77 follow-up visits.
- Initial WSC visits helped employers identify more than 4,400 safety and health hazards.
- WSC completed 328 interventions (activities in addition to visits) that included formal presentations, technical assistance and outreach.
- More than 12,000 participants were involved in training and education presentations and technical assistance about a variety of construction and general industry safety and health topics, including fall protection, walking/working surfaces, hazard communications, bloodborne pathogen exposure control, silica dust, electrical safety, injury and illness recordkeeping, ergonomics, safe patient-handling and workplace violence prevention.

Alliances, other collaborative efforts

- One alliance was renewed and two new alliances were established to maximize resources by collaborating with various organizations and employers to promote workplace safety and health.
- WSC worked with professional and networking groups to promote, educate and lead discussions toward resolving matters of workplace safety.
- WSC worked with various other labor and industry organizations to promote, train and provide support for workplace safety and health.

WSC year in review, continues ...

Recognition programs

Both WSC safety and health recognition programs, the Minnesota Safety and Health Achievement Recognition Program (MNSHARP) and Minnesota Star (MNSTAR) Program, have remained active for general industry and for construction. Each program provides incentive and recognition to employer worksites that have achieved a higher level of safety and health excellence, recognized through reduced injury and illness rates and implementation of safety management attributes comprising an effective management system.

MNSHARP, general industry: certified two establishments and recertified seven establishments for a total of 38 MNSHARP-certified establishments; one establishment is in pre-MNSHARP status.

MNSHARP, construction industry: certified four worksites for a total of seven MNSHARP-certified worksites; three worksites are in pre-MNSHARP status.

MNSTAR Program: certified three establishments and recertified four establishments for a total of 35 establishments with MNSTAR status.

Safety Grant Program

WSC administers the Safety Grant Program, which awards funds up to \$10,000 for qualifying employers on projects designed to reduce the risk of injury and illness to their employees. During state-fiscal-year 2018 (July 1, 2017, through June 30, 2018), 296 grant applications were reviewed and the program awarded \$1,074,110 to 165 applicants representing construction, health care, logging, manufacturing, public-sector employers and service industries. Grant awards reimbursed applicants for the purchase of safety and health equipment.

See *Safety Grant Program supports workplace safety, health* on page 7 to learn more about the Safety Grant Program and get links to online safety grant resources.

Free on-site safety and health consultations available

Minnesota OSHA (MNOSHA) Workplace Safety Consultation offers free consultation services, where employers can find out about potential hazards at their worksites, improve safety management systems and apply for grants to abate safety standards.

The program targets small, high-hazard businesses. It is separate from Minnesota OSHA Compliance inspection activities and no citations are issued as part of a consultation visit.



Learn more and request a consultation

Web: www.dli.mn.gov • Email: osha.consultation@state.mn.us • Phone: 651-284-5060

OSHA recordkeeping training offered in January: Reviewing the basics

Maintaining an accurate OSHA log of recordable work-related injuries and illnesses is an important skill that benefits employers, workers, safety professionals and government agencies. The Department of Labor and Industry is offering two free introductory-level training sessions Jan. 22 and Jan. 25 about OSHA recordkeeping.

Registration, more information

To register, visit <https://secure.doli.state.mn.us/events>. For more information about the training sessions, visit www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard.

Regulation updates: OSHA 300A, beryllium, operator qualification

Electronic submission of injury and illness records to OSHA

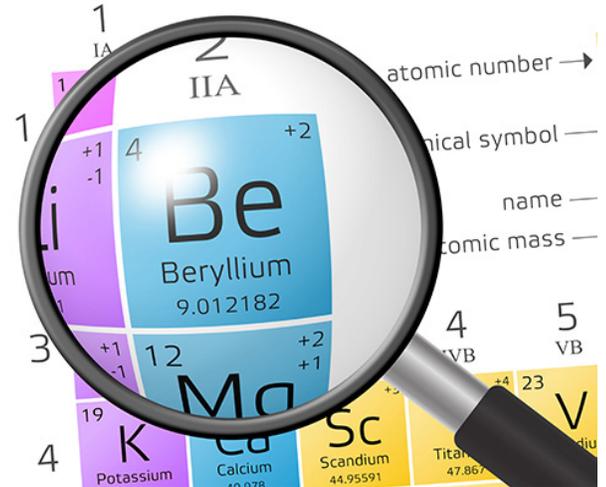
www.gpo.gov/fdsys/pkg/FR-2016-05-12/pdf/2016-10443.pdf

Minnesota OSHA (MNOSHA) has adopted the Final Rule to Improve Tracking of Workplace Injuries and Illnesses. MNOSHA adopted the rule as written in 29 CFR 1904; however, MNOSHA expanded the list of industries in Appendix A to include all NAICS codes. All employer establishments with more than 20 employees are required to submit their OSHA 300A Summary of Work-related Injuries and Illnesses data via federal OSHA's Injury Tracking Application (ITA) at www.osha.gov/injuryreporting. At this time, federal OSHA is not accepting Form 300 or Form 301 information from any employer. Calendar-year 2018 data will need to be submitted by March 2, 2019.

Beryllium in general industry 1910.1024

Minnesota OSHA has adopted the General Industry Standard for Beryllium (1910.1024). The new standard implements the following key provisions:

- reduces the permissible exposure limit (PEL) for beryllium to 0.2 micrograms per cubic meter of air, averaged over eight hours;
- establishes a new short-term exposure limit for beryllium of 2.0 micrograms per cubic meter of air, over a 15-minute sampling period;
- requires employers to: use engineering and work practice controls, such as ventilation or enclosure, to limit worker exposure to beryllium; provide respirators when controls cannot adequately limit exposure; limit worker access to high-exposure areas; develop a written exposure control plan; and train workers about beryllium hazards; and
- requires employers to make medical exams available to monitor exposed workers and provides medical removal protection benefits to workers identified with a beryllium-related disease.



Federal OSHA published a Notice of Proposed Rulemaking on Dec. 11, to modify the existing rule. Until the proposed rule is finalized, compliance with the proposed rule will be accepted as compliance with the standard.

Additional information about the rule and federal OSHA's proposed changes is available online at www.osha.gov/berylliumrule.

Operator qualification for cranes and derricks in construction

On Nov. 9, Federal OSHA published a final rule on Cranes and Derricks in Construction: Operator Qualification. MNOSHA has not adopted this rule at this time and continues to enforce Minnesota Statutes 182.6525 regarding crane operator certification.

Additional information about the federal final rule is available online at www.federalregister.gov/documents/2018/11/09/2018-24481/cranes-and-derricks-in-construction-operator-qualification.

Minnesota workplace injury rate reaches all-time low level

Minnesota's estimated workplace injury and illness rate for 2017 is at its lowest rate since the measurement started in 1973. According to the annual Survey of Occupational Injuries and Illnesses, the state had an estimated 3.3 OSHA-recordable nonfatal workplace injuries and illnesses per 100 full-time-equivalent (FTE) workers in 2017. The estimated rate for 2016 was 3.4 cases per 100 FTE workers.

The survey estimated Minnesota had 72,500 workers with OSHA-recordable nonfatal workplace injuries and illnesses in 2017, compared to 73,600 estimated cases for 2016.

Minnesota's employment covered by the survey increased from 2.72 million in 2016 to 2.81 million in 2017.

"In the past 15 years, Minnesota has seen a 40 percent decrease in its rate of work-related injuries and illnesses," said Ken Peterson, Department of Labor and Industry (DLI) commissioner. "That's a lot less hurt – physically, emotionally and financially – for Minnesota's workers. Still, there is much to be done to ensure more Minnesotans go home safe and healthy each night."

For the survey, the Minnesota Department of Labor and Industry collects injury and illness records from randomly sampled Minnesota establishments in the private and public sectors (excluding federal agencies). Approximately 4,700 establishments provided usable responses for the 2017 survey. State agencies and the U.S. Bureau of Labor Statistics (BLS) compile the nationwide survey data, which is the primary source of workplace injury and illness statistics at the state and national levels.

Nationally, an estimated 3,475,900 nonfatal workplace injuries and illnesses were reported in private- and public-sector workplaces for 2017, resulting in a rate of 3.1 cases per 100 FTE workers.

Other results from the Minnesota survey

- The industry divisions with the highest total injury and illness rates were construction (5.0 cases per 100 FTE workers), local government (4.8), and health care and social assistance (4.7).
- An estimated 21,860 worker injuries, 1.0 cases per 100 FTE workers, had one or more days away from work after the day of injury. This rate was unchanged from 2016. Additional statistics are available about the characteristics of the cases with days away from work.
- The median number of days of work disability for workers with one or more days away from work was six days. In comparison, the median number of days away from work was five days in 2016 and six days in 2015.
- Sprains, strains and tears accounted for 36 percent of the injuries for workers with days away from work. The second-highest category was soreness and pain, accounting for 19 percent of the cases.
- The back (19 percent) was the most commonly injured body part, followed by hands (11 percent) and the head (10 percent).
- The most common injury events were falls on the same level (15 percent); being struck by objects or equipment (13 percent); and overexertion while lifting (11 percent).

Minnesota data tables are available on the DLI website at www.dli.mn.gov/our-areas-service/research-and-statistics/survey-occupational-injuries-and-illnesses. National data tables are available on the BLS website at www.bls.gov/iif/oshsum.htm and www.bls.gov/iif/oshcdnew.htm.

MNOSHA Compliance signs safety, health partnerships



Lyon Contracting Inc. – Vincent Woods Apartments in Rogers, Minnesota



Danny's Construction Company – Restoration Hardware in Edina, Minnesota



Graham Construction Services, Inc. – Heritage Library Remodel and Expansion in Lakeville, Minnesota



RJM Construction – HERO Center in Cottage Grove, Minnesota

Minnesota OSHA (MNOSHA) Compliance recently signed six Level 3 Cooperative Compliance Partnerships on five projects. Level 3 is the peak level of MNOSHA Compliance partnerships, with applicants striving to be an industry leader with very comprehensive safety and health programs.

Five of the partnerships were signed under the Construction Health and Safety Excellence (CHASE) Minnesota program with Associated General Contractors (AGC) of Minnesota:

- **Danny's Construction Company**, for the Restoration Hardware Project in Edina, Minnesota, scheduled for completion Nov. 1 2019;
- **Graham Construction Services, Inc.**, for the Heritage Library Remodel and Expansion in Lakeville, Minnesota, scheduled for completion May 31, 2019;
- **Mortenson Construction and Veit and Company**, for the Graco Koch Expansion Project in Rogers, Minnesota, scheduled for completion March 1, 2020; and
- **RJM Construction**, for the HERO Center Project in Cottage Grove, Minnesota, scheduled for completion Dec. 1, 2019.



Mortenson Construction and Veit and Company – Graco Koch Expansion in Rogers, Minnesota

The fourth partnership was signed under the program with Minnesota Chapter of Associated Builders and Contractors (MN ABC):

- **Lyon Contracting, Inc.**, for the Vincent Woods Apartments Project in Rogers, Minnesota, scheduled for completion Oct. 1, 2019.

Information about MNOSHA's Cooperative Compliance Partnerships is online at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-partnership-programs.

Pay extra attention to threat of carbon monoxide during the winter



Employees can be exposed to carbon monoxide (CO) year-round, but employers should pay extra attention during fall and winter months. Doors and windows that may have been opened during the summer are most likely shut tight now to keep in heat. Gas- or oil-fired furnaces and heaters, both at work and in the home, can pose a hazard if they are not firing or vented properly, leading to a build-up of CO in the air. However, more common sources of CO in the workplace are gasoline- and propane-powered forklifts.

One out-of-tune forklift can elevate airborne CO levels significantly, exposing employees to potentially hazardous levels. This is the reason Minnesota OSHA (MNOSHA) Compliance requires quarterly employee-exposure monitoring for CO whenever internal combustion engine powered industrial trucks (such as forklifts) are used in the general industry workplace. Specifically, Minnesota Rules 5205.0116 requires that employers using this equipment perform quarterly full-shift employee-exposure monitoring to assure employees are not exposed to CO above the permissible exposure limit (PEL) of 35 parts per million (ppm) as an eight-hour time-weighted average or the ceiling limit of 200 ppm over five minutes.

Construction employers must do similar monitoring whenever operating internal combustion powered equipment or using unvented space heaters indoors, under Minnesota Rules 5207.0310. The PEL for construction is an eight-hour time-weighted average of 50 ppm.

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For more information, visit MNOSHA's carbon monoxide monitoring webpage at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-carbon-monoxide-monitoring.

3M issues urgent recall for fall protection component

3M has issued a “stop use and recall field service action” on some of its DBI-SALA 16-foot Talon self-retracting lifelines. Due to an assembly error, the devices could fail to stop a fall, resulting in death or serious injury. The lot codes covered by this recall are 12092430 through 18062730. Affected part numbers are: 3101041, 3101045, 3101046, 3101047, 3101048, 3101049, 3101050, 3101050C, 3101051, 3101051B, 3101051C, 3101052 and 3101054.

Employers who have 16-foot Talon lifelines should stop using them and inspect them immediately to see if they are covered by the service action. If the lifelines are covered, the employer must take them out of service and contact 3M Customer Service at www.16foottalonrecall.com, 800-328-6146 (ext. 2012) or 3musfbserviceaction@mmm.com.

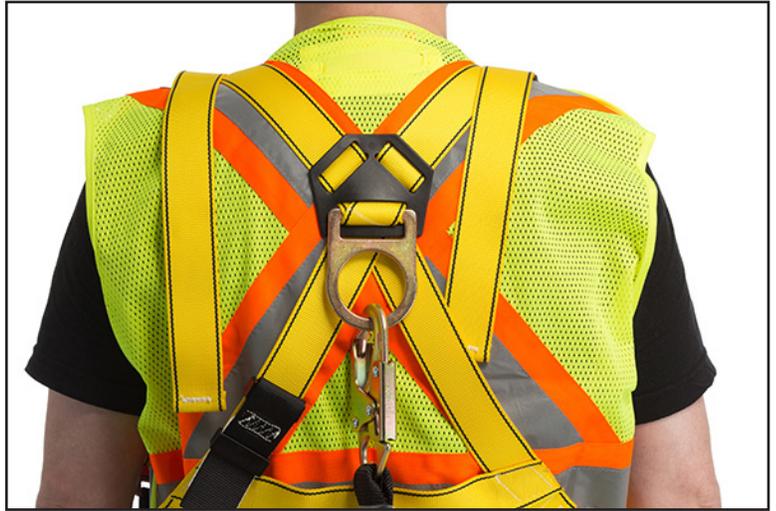


The complete notice is online at <https://multimedia.3m.com/mws/media/15916540/stop-use-and-recall-field-service-action-3m-dbisala-16-foot-talon-srl.pdf>.

Safety Grant Program supports workplace safety, health

The Safety Grants Program, administered by Minnesota OSHA Workplace Safety Consultation, continues to support projects intended to reduce the risk of occupational injuries and illnesses. The program awards matching funds up to \$10,000 to qualifying employers that implement projects designed to reduce the risk of injury and illness to their employees. Grant projects are based on findings and recommendations of a written hazard survey. Qualified applicants must be able to initially fund the project, which the grant program reimburses after the project is completed.

During state-fiscal-year 2018 (July 1, 2017, through June 30, 2018), employers submitted 296 safety grant applications. Of these, 165 grants were awarded to private- and public-sector employers. Industry types awarded included automotive, construction, health care, logging, manufacturing and other service industries, plus municipalities. A total of \$1,074,110 was awarded in reimbursed funds.



Some of the equipment purchased included: fall protection; trenching and excavation cave-in protection; safe patient-handling equipment; tools and equipment for silica dust exposure control; material handling equipment; other tools to minimize exposure to ergonomic risk-factors; security equipment; ventilation systems; mechanized logging equipment; machine guarding; personal protective equipment (PPE); permit-required confined-space entry equipment; and road-construction-zone safety equipment.

Summary of grant projects approved in state-fiscal-year 2018

Construction

In construction, reducing worker exposure to respirable, crystalline silica has been a Minnesota OSHA (MNOSHA) emphasis area. During state-fiscal-year 2018, 28 grant projects were awarded a total of \$195,700, to support the purchase of tools equipped with exhaust ventilation or water suppression for dust control, and exhaust ventilation and other dust control equipment that will reduce worker exposure to silica dust.

Projects involving acquisition of passive and active fall-prevention equipment were also supported. Falls from height are still a leading cause of construction-related deaths. To support investment in fall protection, the Safety Grant Program awarded a total of \$50,740 to 11 construction employers for fall-protection equipment.



Beginning with the Feb. 16, 2019, grant cycle, trenching and excavation will be given added priority for several grant cycles. This will support MNOSHA's annual week-long Excavation Stand-down and its continued emphasis

on preventing worker injury and death due to trenching and excavation cave-ins.

Ergonomic risk-factors

Grant awards were also issued for a number of projects intended to reduce ergonomic risk-factors that contribute to musculoskeletal disorders. Various manufacturing, service and public-sector employer establishments were awarded 29 grants for a total of \$173,200 for material lifting, positioning and transport equipment, and other specialized tools and equipment to reduce ergonomic risk-factors.

Health care

For the health care industry, 22 establishments were awarded a total of \$130,680 for investments in safe patient-handling equipment. This

equipment mainly included floor-based patient lifts to minimize manual lifting and moving of patients. It also included patient lift slings, height-adjustable electric cots for emergency medical technician use when transporting patients, emergency lift cushions, height-adjustable tables, height-adjustable electric beds, bathing systems with safe patient-handling design features, other lift and repositioning aides, an over-head lift system and a vehicle extraction lift.

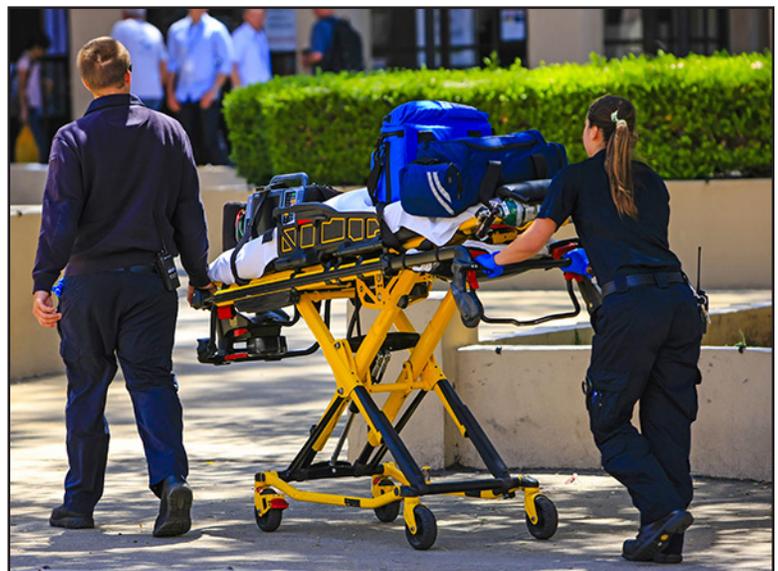
Other projects

Other projects of note included: exhaust ventilation systems to reduce worker exposure to airborne contaminants; light curtain systems for machine guarding; controlled-access and other security equipment to supplement workplace violence prevention; specialized PPE; and fall-prevention equipment for nonconstruction establishments.

Learn more, apply

To learn more about the Safety Grant Program, visit www.dli.mn.gov/business/workplace-safety-and-health/mnosh-wsc-safety-grant-program, email dli.grants@state.mn.us or call 651-284-5060. The webpage includes a link to the online application, advice about how to prepare to complete an application, a list of current priority industries and more.

With a recent increase in available funding for grant awards, the program is hoping to approve more grant projects that effectively demonstrate injury or illness prevention. If you have completed a recent hazard survey of a work area or job task, have identified specific injury or illness hazards and determined recommended actions to minimize or eliminate the hazards, consider using the Safety Grants Program to help support your investment in workplace safety and health.



Minnesota's newest MNSHARP Construction worksite



Mortenson Construction – Minnesota United Soccer Stadium, St. Paul, Minnesota

The Minnesota Safety and Health Achievement Recognition Program (MNSHARP) Construction is a Minnesota Occupational Safety and Health Administration program that recognizes major-construction companies where 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.

Only construction projects at least 18 months in duration are eligible for participation in MNSHARP Construction.

Complete information about MNSHARP Construction is online at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-minnesota-safety-and-health-achievement-recognition.

Recordkeeping notes: **How to avoid under-, over-reporting**

The OSHA recordkeeping log was designed to be a useful tool for companies to keep track of their injuries and illnesses. Some employers use the log to track all injuries and illnesses at their worksite, which leads to over-reporting. Other employers don't record injuries and illnesses that should be on the log, which leads to under-reporting. This article provides information and advice to help employers track OSHA-recordable injuries and illnesses without over- or under-reporting.

The OSHA recordkeeping requirements (see www.osha.gov/recordkeeping) specify a defined set of work-related injuries and illnesses that need to be entered on the log; cases falling outside OSHA's definitions should not be entered on the log. Employers need to keep track of cases until they are able to decide if a case is recordable; they have seven days after they are aware of an OSHA-recordable case to enter it on the log. For example, if a worker's lacerated finger was treated with first aid, then is prescribed antibiotics 10 days later to combat a resulting infection, the case does not need to be recorded on the log until the employer becomes aware that antibiotics were prescribed, because until that point (assuming there was no missed time before the prescription), the case would not meet OSHA's recordability requirements.

After a case is entered on the log, it is the employer's responsibility to update the injury information. The description of the injury might change due to a medical diagnosis, as might the number of days away from work and days of job restriction.

Employers should not list every accident that happens at the workplace on the log, "just in case" it might become an OSHA-recordable case. Many employers, especially those with safety professionals on staff or on contract, keep track of a wide variety of cases and incidents that occur in their workplace or that might be work-related. These companies use another document, a working log, to hold cases that may reflect safety hazards and issues but did not (yet) result in an OSHA-recordable case. This includes injuries that were treated with first aid and incidents that were near-misses. This information is important for safety managers and workplace safety committees, but is outside the scope of the OSHA log. Workers who get sick with a common cold and influenza, even if contracted through work, are not considered OSHA-recordable cases, regardless of the amount of time lost from work.

Additionally, any cases that were entered on the log and were later found not to be recordable can and should be removed. One reason for this is that current and former employees have the right to ask to see the current log and those from the previous five years, which must be provided by the end of the next business day. The current log should be maintained so it includes the legally required information that must be shared with employees, should they ask.

Maintaining an official log with only cases that meet the OSHA recordability requirements makes it easier to prepare the year-end log summary, to report the summary numbers on the OSHA electronic reporting system and to respond to the Survey of Occupational Injuries and Illnesses.



State's fatal work-injuries increased in 2017

A total of 101 fatal work-injuries were recorded in Minnesota in 2017, an increase from the 92 fatal work-injuries in 2016 and 74 fatal work-injuries in 2015. This is the highest total number of fatal work-related injuries since 1993, and the third-highest total since the annual Census of Fatal Occupational Injuries (CFOI) was implemented in 1992. This is the third year in a row that the number of fatal work-injuries in Minnesota has increased. Minnesota's 2017 fatal-injury rate is 3.5 fatalities per 100,000 full-time-equivalent workers; the 2016 rate was 3.4 fatalities per 100,000 full-time-equivalent workers. These and other workplace fatality statistics come from the CFOI, conducted by the Bureau of Labor Statistics, U.S. Department of Labor.

Nationally, there were 5,147 fatally injured workers in 2017, down slightly from the 2016 count of 5,190 workers. The 2017 national rate is 3.5 fatalities per 100,000 full-time-equivalent workers, a decrease from 3.6 in 2016.

The CFOI also provided the following statistics for Minnesota's workplace fatalities during 2017.

Industries

- Agriculture, forestry, fishing and hunting recorded the highest number of worker fatalities, with 23 cases, the same number as in 2016. The fatal-injury rate in 2017 for this industry sector is 28.2 fatalities per 100,000 full-time-equivalent workers.
- Retail trade had the second-highest number of fatalities, with 14 cases, compared to five cases in 2016.
- Construction saw a decrease from 15 fatalities in 2016 to 11 in 2017, which resulted in its fatal-injury rate decreasing from 9.0 fatalities per 100,000 full-time-equivalent workers in 2016 to 5.7 in 2017.

Occupations

- The occupation group of farmers, ranchers and other agricultural managers had the highest number of fatalities in 2017 at 15. The second-highest occupation was driver/sales workers and truck drivers, with 10 fatalities in 2017.

Types of incidents

- Transportation incidents accounted for 46 fatalities, the most for any incident type, which equaled the number of transportation incidents in 2016 and was up from 31 transportation-related incidents in 2015. Twenty-one transportation fatalities occurred during roadway incidents involving one or more motorized land vehicles, 11 involved non-roadway incidents and seven involved pedestrian-vehicle incidents. Transportation incidents were spread across many types of industries. Twelve of these fatal transportation events occurred in the agriculture, forestry, fishing and hunting industry sector, eight in retail trade and six in the construction industry. Thirteen transportation events in 2017 involved freight hauling and utility trucks, the same as in 2016.
- Contact with objects and equipment was the second most-frequent fatal work-related injury event in 2017, with 16 fatalities. There were 10 fatalities caused by contact with objects and equipment in 2016.
- Fourteen work-related fatalities in 2017 were due to falls, up from 11 fatalities due to falls in 2016.
- There were 14 fatalities resulting from violence or intentional injury by persons or animals in 2017, compared to 10 such fatalities in 2016 and seven fatalities in 2015. In 2017 there were six work-related suicides, the same number as there was in 2016.

Worker characteristics

- Men accounted for 89 of the 101 fatally injured workers in 2017. There were 12 fatally injured female workers, up from eight in 2016 but still lower than the 2015 count of 14, the highest annual CFOI count in Minnesota since the inception of the program. Twelve of the 14 fatally injured women in 2017 were involved in violent or transportation incidents.

- Workers age 55 and older accounted for 56 fatalities, with 27 of these fatalities occurring due to transportation incidents.
- Fatal work-related injuries among wage and salary workers increased from 58 in 2016 to 66 in 2017; self-employed workers accounted for 35 fatalities in 2017, compared with 34 in 2016. Self-employed workers accounted for 17 of the 23 fatalities in the agriculture, forestry, fishing and hunting industry.

Minnesota OSHA fatality investigations

Minnesota OSHA (MNOSHA) workplace fatality investigation statistics differ from CFOI. MNOSHA Compliance investigates all employee deaths under its jurisdiction that result from an accident or illness caused by or related to a workplace hazard. In federal-fiscal-year 2017 (October 2016 through September 2017), MNOSHA Compliance investigated 17 workplace fatalities (see www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-fatalities-investigated). The CFOI numbers include Minnesota workplace fatalities caused by traffic accidents, airplane crashes, mining accidents, farm accidents and accidents to the self-employed, federal workers and railroad workers, none of which are covered by MNOSHA enforcement.

CFOI program

The Census of Fatal Occupational Injuries, part of the Bureau of Labor Statistics' occupational safety and health statistics program, provides the most complete count of fatal work-injuries available. Workplace fatalities due to illnesses are not included.

The program uses diverse data sources to identify, verify and profile fatal work-injuries. Information about each workplace fatality (occupation and other worker characteristics, equipment being used and circumstances of the event) is obtained by cross-referencing source documents, such as death certificates, workers' compensation records, and reports to federal and state agencies. This method assures counts are as complete and accurate as possible. The Minnesota Department of Labor and Industry (DLI) collects the information about Minnesota's workplace fatalities for the CFOI.

Minnesota 2017 CFOI tables are available at www.dli.mn.gov/our-areas-service/research-and-statistics/census-fatal-occupational-injuries-cfoi. Additional data may be available by calling DLI Research and Statistics at 651-284-5594. National data from the CFOI program is available at www.bls.gov/iif/oshcfoi1.htm.

Available online:

MNOSHA's 2017 annual report, federal review, state response

Annual report

Minnesota OSHA's federal-fiscal-year 2017 *State OSHA Annual Report* is available online at

- www.dli.mn.gov/sites/default/files/pdf/soar_ffy17.pdf.

Federal review

Federal OSHA's *FY 2017 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report*, about the Minnesota OSHA program, is online at

- www.osha.gov/dcsp/osp/efame/2017/minnesota_fy_2017_comprehensive_fame_report.pdf.

State response

Minnesota Department of Labor and Industry Commissioner Ken Peterson's response to the federal OSHA follow-up FAME report is online at

- www.osha.gov/dcsp/osp/efame/2017/minnesota_formal_response.pdf.

Minnesota OSHA gathers for annual all-staff meeting



Minnesota OSHA (MNOSHA) staff members gathered at the annual all-staff meeting Thursday, Oct. 25. Meeting topics included staff introductions, a consultation update, health scheduling, transition, litigated cases and interviewing, recordkeeping and an annual review. Above left: MNOSHA Compliance Director Jim Krueger speaks to the staff members. Above right: Assistant Attorneys General Scott Grosskreutz and Jonathan Moler speak to the group about interviewing, litigation and the appropriate standard.

Nominate a colleague for the Arthur E. McCauley Jr. Award

Minnesota OSHA (MNOSHA) is seeking nominations for the 2017 Arthur E. McCauley Jr. Award. The award is presented annually to a safety and health professional who embodies excellence and dedication in keeping Minnesota employees safe at work. It is named for McCauley, a former member of the Minnesota Safety Council known for his tireless efforts to make the state's workplaces safe. The award is presented at the Minnesota Safety Council's annual safety conference each May.

To nominate a colleague (active or retired), complete the nomination form online at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-arthur-e-mccauley-jr-award.

MNOSHA fatality, serious-injury investigations summaries online

Each month, Minnesota OSHA (MNOSHA) Compliance publishes current, updated summaries of its fatality investigations and serious-injury investigations.

For the federal-fiscal-year that began Oct. 1, 2018, MNOSHA Compliance has investigated eight workplace fatalities through Jan. 2.

The information provided about each investigation is: the inspection number, date of incident and worksite city; the type of business and number of employees; a description of the event; and the outcome of the MNOSHA Compliance investigation.

The summaries, plus other helpful workplace safety and health information from MNOSHA, are available at www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries.

Reporting periods overlap for SOII, OSHA log data

By Brian Zaidman and Kathleen Winters, Research and Statistics

Minnesota employers with establishments that have 20 or more employees are required by federal OSHA to report OSHA log summary data (OSHA form 300A) electronically to OSHA by March 2. This puts the OSHA electronic reporting during the same time period as the OSHA log data collection for the Survey of Occupational Injuries and Illnesses (SOII). The SOII is administered by the U.S. Department of Labor's Bureau of Labor Statistics (BLS). Minnesota's SOII data is collected by the Research and Statistics unit of Minnesota Department of Labor and Industry, which is not part of Minnesota OSHA. The following is intended to reduce any confusion for employers who are required to report similar information to these differing government programs.

Every year, the SOII collects OSHA log information from about 5,000 of Minnesota's 166,000 business establishments. Minnesota employers are notified by BLS when they have been randomly selected to report their OSHA log information for the SOII. BLS uses data collected from the SOII for statistical purposes only, to estimate counts and rates of nonfatal workplace injuries and illnesses among U.S. workplaces.



OSHA and BLS are researching how to reduce the respondents' duplicative burden among employers who are required to report to both agencies. In order to facilitate matching the information from the two programs, employers will be asked to provide their OSHA Injury Tracking Application establishment number when they are reporting their SOII information online.

Employers selected to participate in the SOII need to submit data to both the BLS and OSHA

OSHA's electronic reporting requirements do not change requirements for reporting for the BLS SOII. Employers who have been notified that they have been selected to submit data for the SOII continue to be required by law to respond to the SOII. These same employers, if they have 20 or more employees in one business establishment, must also report separately to OSHA.

Federal law prohibits the BLS from sharing data collected through the SOII with OSHA. Similarly, the electronic data collected by OSHA cannot be used by the BLS for the SOII.

To make the data reporting experience go as smoothly as possible, employers need to carefully review their OSHA logs for 2018 and prepare a log summary form for each log. Information about what injuries and illnesses belong on the OSHA log is available in the Recordkeeping 101 and Recordkeeping 201 series of articles on the DLI recordkeeping web page (<http://www.dli.mn.gov/business/workplace-safety-and-health/mnosh-compliance-recordkeeping-standard>).

OSHA answers

frequently asked questions

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

Q. Regarding the recordkeeping standard – 1904.41, Electronic submission of injury and illness records to OSHA – who must file?

A. In Minnesota, all employer establishments with 20 or more employees must submit their OSHA Form 300A Summary of Work-related Injuries and Illnesses data at www.osha.gov/injuryreporting by March 2, 2019. This includes all industries, regardless of NAICS code.

Q. An employee was injured on the job and went to see his doctor, who gave him a list of restrictions. However, another doctor examined the employee and gave a different set of restrictions. How do I record it on my 300 log?

A. The general recording criteria standard (1904.7) states, “If you receive recommendations from two or more physicians or other licensed health care professionals, you may make a decision as to which recommendation is the most authoritative, and record the case based upon that recommendation.”

In other words, the employer decides which opinion is the most credible and uses that one to make the entry on the 300 log.



Q. How long must an employer keep a safety data sheet after the product is no longer used at the facility?

A. Safety data sheets, and the former material safety data sheets, do not need to be kept as long as a record is maintained for at least 30 years that includes the substance name (including the chemical name, if known), the location it was used and when it was used. See 1910.1020(d)(1)(ii)(B), Access to Employee Exposure and Medical Records: Employee exposure records.

Do you have a question for Minnesota OSHA? To get an answer, call 651-284-5050 or send an email message to osha.compliance@state.mn.us. Your question may be featured here.

Minnesota OSHA's calendar of events

January 2019

- Jan. 15** **Construction Seminar: Mobile Earthmoving Equipment**
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars
- Jan. 22** **Seminar: OSHA Recordkeeping Requirements**
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard
- Jan. 25** **Seminar: OSHA Recordkeeping Requirements**
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard

February 2019

- Feb. 1** **Occupational Safety and Health Advisory Council**
(Tentative) www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council

March 2019

- March 1** **Occupational Safety and Health Review Board**
www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-review-board
- March 19** **Construction Seminar: Excavation**
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars

May 2019

- May 3** **Occupational Safety and Health Advisory Council**
(Tentative) www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council
- May 21** **Construction Seminar: Traffic Control**
www.dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars

June 2019

- June 7** **Occupational Safety and Health Review Board**
www.dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-review-board

See more at www.dli.mn.gov/about-department/about-dli/events-minnesota-osh