

MINNESOTA

Occupational Safety and Health Administration | MNOSHA

SIGNATURE PROJECTS

MINNESOTA OSHA ASSISTS IN SHUTDOWN OF LEAD-CONTAMINATED FACILITY

On October 28, 2019, the Minnesota Department of Labor and Industry (DLI) and the Minnesota Department of Health (MDH) shut down a fishing tackle and battery component maker, Water Gremlin Company, after the children of its employees were found to have dangerous levels of lead in their blood. An inspection by Minnesota OSHA (MNOSHA) Compliance found there were insufficient measures in place to prevent lead dust from making its way into the homes of company employees and into the bloodstreams of their families.

The DLI commissioner issued a temporary order shutting down production at the facility for 72 hours. DLI and MDH filed a petition in Ramsey County District Court, where a judge affirmed the state's authority and actions to address the public health threat of lead poisoning and to protect children. The judge provided clear and detailed orders regarding steps Water Gremlin Company must put into place in the short term and the need for the employer to implement a permanent solution to better protect the health and safety of its workers and their families.

The order required permanent solutions to be implemented within the next year, including new changing areas and shower facilities, to ensure workers are free of lead when they leave the facility. In the short-term, the judge ordered Water Gremlin Company to clean up lead contamination in the facility and employees' vehicles. The judge also ordered MDH to reach out to current and former employees and offer to have the employer pay for testing and remediation conducted in employees' homes, if requested by the employee.

Both agencies remained active to ensure the court order is followed. It is anticipated this will be completed sometime in 2021.

MNOSHA ADAPTS AND RESPONDS DURING PANDEMIC

As was true for every organization, many changes occurred for MNOSHA Compliance from March through September. Like many other businesses and organizations, MNOSHA began practicing social distancing by having staff members work remotely when possible at the end of March. All field staff members were working from home on a laptop and using a state cell phone. However, that did not mean MNOSHA was sitting on the sidelines. MNOSHA created a specific plan for its field staff and added it to the Field Safety and Health Manual as it continued to do field inspections.

By the end of March, MNOSHA started to see a significant increase in email messages and phone calls. This required MNOSHA to dedicate many additional staff members responding to these inquiries. Overall, there was a 148% increase in inquiries and more than 500 additional complaints were received by MNOSHA.

In April, MNOSHA worked with its partners, the Minnesota Department of Health (MDH) and the Minnesota Department of Agriculture (MDA), to develop and provide guidance for the meatpacking industry. This was designed to help workers stay safe and keep plants open. The meatpacking industry guidance was developed to ensure the meatpacking sector complies with MDH and Centers for Disease Control and Prevention (CDC) guidelines and MNOSHA standards related to COVID-19. The guidance addresses: employee and visitor screening; cleaning and disinfecting; distancing and production, work-shift schedules and work-break schedules; personal protective equipment (PPE) and facial coverings; personnel hygiene and adequate handwashing facilities; communications and training for managers and workers; the COVID-19 Preparedness Plan; working remotely; and employment and human resources items. Letters were sent to meatpacking facilities in Minnesota informing them of the guidelines.

MNOSHA Compliance, with the assistance of MDH, MDA and the Minnesota Department of Employment and Economic Development (DEED), created a COVID-19 Preparedness Plan template and instructions for employers to use in developing their own preparedness plan. This template can be used by all industries to aid in reducing the spread of COVID-19. These documents, along with additional related information, are available in several languages at www.dli.mn.gov/updates.

MNOSHA also developed many documents for the DLI and DEED websites. All of the documents were translated into at least four different languages, including English, Hmong, Somali and Spanish.

MNOSHA Compliance conducted 110 outreach events throughout the year, which included participation in a variety of virtual events. Three webinars were hosted with MDH, long-term healthcare employers and their employees. Another webinar was held with Somali workers in Greater Minnesota by MNOSHA Compliance staff members who explained the inspection process, the complaint-handling process, CDC guidelines and worker rights, and answered questions from the audience. The goals of the webinar were that employees understood their rights, knew how to file an anonymous complaint with MNOSHA Compliance and had someone who could explain these items to them in Somali. MNOSHA Compliance also hosted several webinars with Latino workers in Minnesota. Again, staff members explained the inspection process, complaint-handling process, CDC guidelines and worker rights, and answered audience questions in Spanish. A staff member was also interviewed by the Spanish Univision Minnesota Café Libre program. In addition, one staff member conducted a presentation on Hmong radio. MNOSHA has participated using many



MNOSHA Compliance, with the assistance of other state agencies, created a COVID-19 Preparedness Plan template for employers to use to help reduce the spread of COVID-19. The template, along with additional related information, is available in several languages at www.dli.mn.gov/updates

mediums, such as online meeting platforms, television, Facebook Live and other sources.

A peacetime emergency was declared in Minnesota on March 13, 2020. This resulted in the activation of the State Emergency Operations Center (SEOC). A MNOSHA Compliance supervisor represented DLI at SEOC from March 13, 2020, through the end of the fiscal year. DLI also assisted in staffing a state hotline through SEOC where it scheduled two employees a day, seven days a week, for several weeks. MNOSHA personnel also helped support the safety officer at SEOC for many weeks, assisting with temperature checks and educating and encouraging proper adherence to established COVID-19 safety protocols.

MNOSHA and the entire Department of Labor and Industry continue to participate in the state's emergency response to COVID-19.

EMPHASIS PROGRAMS

In federal fiscal year 2020, MNOSHA Compliance conducted inspections under 16 local and national emphasis programs. Ninety-one percent of the 889 programmed inspections MNOSHA Compliance conducted were in these emphasis programs. Sixty-two percent of inspections conducted in these emphasis programs resulted in citations issued.

MNOSHA Compliance has chosen to take a joint safety and health approach when conducting emphasis inspections for certain industries, including meatpacking, healthcare, foundry, process safety management and grain facilities. To ensure MNOSHA Compliance provides consistent and effective enforcement under these emphasis programs, specialty groups were created that include both safety and health investigators and staff members were provided training specific to the industry.

Despite the challenges of the pandemic, MNOSHA Compliance conducted 10 programmed planned inspections in the meat processing and healthcare industries, and a total of 26 inspections, mainly unprogrammed activity, due to COVID-19 concerns.

ENFORCEMENT

ELECTRICAL CONTRACTORS AND OTHER WIRING INSTALLATION CONTRACTORS

A journeyman electrician was electrocuted while changing out ballasts. MNOSHA Compliance cited the employer for not training employees about the recognition and avoidance of hazards, not having legible markings at the electrical disconnect, allowing employees to work on energized circuits without de-energizing or insulating the circuit, and not locking out the electrical circuit per Minnesota Rules. MNOSHA Compliance issued three serious citations and one nonserious citation, with \$100,000 in penalties.

RESEARCH AND DEVELOPMENT FACILITY

A chemistry and materials engineer received burns to his head, face, neck and arms when a gas buildup inside a plastic extrusion machine led to an explosion. The employer was cited for not requiring the use of personal protective equipment (PPE) for the arms, neck, hands and face, and for not guarding the extruder to prevent employees from being sprayed with hot polymeric material. MNOSHA Compliance issued four serious citations, with \$28,000 in penalties.

FOOD PRODUCT MACHINERY MANUFACTURER

A field installation employee received chemical burns while welding on a caustic pipeline. The employer was cited for not requiring the use of PPE for the body, hands, face and eyes, not developing and utilizing lockout/tagout (LOTO) procedures, not conducting periodic inspections of LOTO procedures, not ensuring the on-site and outside employer informed each other of their

LOTO procedures, not reporting an inpatient hospitalization to OSHA within 24 hours and not providing annual right-to-know training per Minnesota Rules. MNOSHA Compliance issued six serious citations and two nonserious citations, with \$23,600 in penalties.

MACHINE SHOP

An employee's finger was amputated when it got caught in a hydraulic press. The employer was cited for not adequately guarding the press. MNOSHA Compliance issued one repeat citation that caused or contributed to the serious injury, with a \$60,000 penalty.

OUTREACH

PRESENTATIONS

In federal fiscal year 2020, MNOSHA Compliance conducted 110 presentations to 9,906 participants. This was a 207% increase from last year's participation. Most of the outreach presentations dealt with COVID-19. A lot of the discussion was about preparedness plans and protecting workers from COVID-19. MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA employs one investigator who is fluent in both English and Spanish, and one investigator who is fluent in English and Somali. MNOSHA gave presentations in both Spanish and Somali this year. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with DLI's community services representative.

CONSTRUCTION SEMINARS

MNOSHA Compliance conducted three Construction Seminars in federal fiscal year 2020, reaching 94 participants. The Construction Seminar series was developed to help members of the construction industry who are responsible for worksite safety to stay current with MNOSHA Compliance standards. The Construction Seminar series provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA Compliance investigators. Topics included: A Workplace Accident and Injury Reduction (AWAIR) program and other safety programs, advanced safety and health opportunities, and cranes in construction. Due to the pandemic, two of the seminars were canceled this year. The most recent seminar was conducted virtually.

NEWSLETTER

MNOSHA continues to publish its quarterly newsletter Safety Lines. Topics included: grain bin hazards, safety grants, MNOSHA Workplace Safety Consultation outreach, recordkeeping, partnerships, rulemaking updates, carbon monoxide threats during winter months, COVID-19, health for young workers and other information.

PARTNERSHIPS

MINNESOTA STAR (MNSTAR) PROGRAM

Federal fiscal year 2020 ended with 35 active full MNSTAR Program worksites; two are construction participants and the remainder are general industry participants. One site was granted full MNSTAR Program status, seven companies successfully achieved full recertification as MNSTAR Program worksites and one worksite withdrew from the program.

General industry participants in the MNSTAR Program have a three-year (2017 through 2019) average rate that is 63% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 63% below the current rate for "days away restricted transfer." The MNSTAR Program construction participants, both of which are resident contractors at a MNSTAR Program participant's site, are 100% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 100% below the current rate for "days away restricted transfer."



Minnesota OSHA had 35 active full MNSTAR Program worksites at the end of FY 2020; two are construction participants and the remainder are general-industry participants.

PARTNERSHIPS WITH CONSTRUCTION CONTRACTORS

MNOSHA Compliance currently has construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and the Associated General Contractors



(AGC) of Minnesota. These partnerships are designed to help participating employers reduce the number of injuries, illnesses and fatalities at construction worksites. In both programs, the partnership is managed by the association and has three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA's Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In federal fiscal year 2020, MNOSHA partnered with 19 AGC or MN ABC contractors at 16 Level 3 construction sites. The MNOSHA Compliance partnership director also continues to have quarterly meetings with Level 3 contractors, focused on accident reduction. At these meetings, contractors share best practices with each other.