

# Meeting minutes: Occupational Safety and Health Advisory Council (OSHAC)

Date: Feb. 17, 2023

Time: 10 a.m. to noon

Location: Via Webex

## Call to order: Paul Aasen, chairman

- Roll call by Gretchen Longbehn, executive secretary
- Approval of the Feb. 17, 2023, meeting agenda
- Approval of the Aug. 19, 2022, meeting minutes

## Welcome new OSHAC members: Nicole Blissenbach, commissioner

## DLI announcements and updates: Nicole Blissenbach, commissioner

## Federal OSHA update: Mitzy Wright

## Minnesota OSHA Workplace Safety Consultation update: Ryan Nosan

## Minnesota OSHA Workplace Safety Consultation statistics, fiscal-year 2023, first quarter

### Consultation visits:

- 161 initial visits – 120 safety, 40 health and one both safety and health;
- 38 formal training;
- 12 follow-up; and
- 156 informal trainings (during on-site visits).

### Hazards identified:

- 674 observed hazards – 558 serious (including imminent), 113 other-than-serious and three regulatory (such as recordkeeping).

### Total interventions:

- 74 interventions – formal training, Minnesota STAR (MNSTAR) Program activities and technical assistance impacting 3,101 establishments and 2,769 employees attended.

Other first-quarter highlights:

- completed eight safety assessments for the Youth Skill Training (YST) program;
- completed 10 workplace violence prevention interventions for stakeholders throughout the state;
- completed one recordkeeping presentation in October via Teams, with more than 140 participants (also completed two additional presentations Jan. 13 and 19 with 212 and 172 participants, respectively).
- assisted in the Phase 4 training process of several new hires;
- continued to provide technical assistance to individual employers through interventions and formal training sessions about different topics; and
- had a success story about MNSHARP worksite Gemini published in the *OSHA QuickTakes* newsletter.

## **Alliance program**

- Minnesota Electrical Association (MEA): There is an ongoing cycle of newsletter submissions every two months about a relevant safety or health topic – in August, an overview of the Minnesota OSHA (MNOSHA) Workplace Safety Consultation program and the services offered.
  - Also participated in the MEA Education Committee meeting in December.
- Health care group: This alliance officially expired. There have been some staffing changes within the group of those initially behind the alliance, but conversations about ongoing participation as an alliance continues with this group. We continue to work in assisting and being a resource for whatever needs they have.
- Mexican consulate: MNOSHA Workplace Safety Consultation completed two presentations with the consulate – one of which was a mobile consulate event in Rochester, Minnesota.
- Minnesota Safety Council: Participated in both the northeast and southern regional Safety Day events in conjunction with this alliance.

## **Minnesota Safety and Health Achievement Recognition Program (MNSHARP)**

General industry:

- MNSHARP sites – 35; and
- Pre-MNSHARP sites – 0.

Construction:

- MNSHARP sites – 8; and
- Pre-MNSHARP sites – 5.

Other updates:

- currently reviewing the annual self-evaluations provided by each MNSHARP employer;
- MNSHARP worksite Gemini Industries was publicized on the federal OSHA webpage; and
- Lifecore Biomedical submitted for review at the end of November for federal-fiscal-year 2023 submission.

## **Minnesota Star (MNSTAR, Minnesota’s Voluntary Protection Program)**

Currently:

- MNSTAR sites – 34;
- another new site is scheduled for an initial certification visit in April; and
- ASE submittal reviews are ongoing.

## **Safety grants (state-fiscal-year 2023, April 16, 2022, through Feb. 8, 2023)**

Two hundred eleven grant applications were received and reviewed:

- 108 were service related;
- 55 were construction related;
- 30 were manufacturing related;
- 11 were logging related; and
- Seven were commercial related.

Of the 211, 89 were withdrawn or denied.

Awarded \$644,061.68 in grant funds to date.

Cycle five ends Feb. 15, 2023; application totals will change to reflect this. Applications from this cycle (Dec. 16, 2022, through Feb. 15, 2023) will need to be reviewed and scored.

## **MNOSHA Workplace Safety Consultation – federal OSHA**

MNOSHA Workplace Safety Consultation has been participating in a pilot program with federal OSHA regarding Form 33, a safety and health management system assessment tool used by consultants.

Federal OSHA has the goal of completing 300 visits across the country using this program, Pilot 33. It has asked each region to do around 30 visits and is looking to update the Form 33.

MNOSHA Workplace Safety Consultation has completed five visits using this new form.

## **Staffing**

MNOSHA Workplace Safety Consultation has one current supervisor opening that will be posted as soon as possible.

## **MNOSHA Compliance, training and outreach update: Nancy Zentgraf**

### **MNOSHA training and outreach activities during first quarter, federal-fiscal-year 2023**

Staff members attend the following OTI courses:

- 3100, Applied spray finishing and coating principles – one attendee;
- 1610, Interviewing techniques for whistleblower investigators – three attendees;
- 2200, Industrial noise – three attendees;
- 2540, Machine guarding – three attendees; and
- 2221, Respiratory protection (a virtual OTI class) – one attendee.

Three MNOSHA Compliance and three MNOSHA Workplace Safety Consultation staff members attend “Hazwoper refresher” training in October.

Eighteen staff members attended “1230, Accident/incident investigation” class in Minnesota.

Nine staff members attended the AIHA Professional Development Conference in November.

One staff member attended “Negotiate for agreement,” a training to assist with negotiating settlements.

Three staff members attended the Women in Public Service conference in November.

## **Internal classes**

We continue to conduct internal training for staff members as they move through the process as new investigators and upon promotions. In the three months of this quarter, we conducted: Phase 1 training for one new employee; Phase 2 training once for three employees; and Phase 5 training for two employees.

## **Other training**

We conducted training for all staff members this quarter, discussing updates to policies, the anticipated new software system, legislation, the previous year updates and annual right-to-know training.

## **Outreach**

During the first quarter of federal-fiscal-year 2023, MNOSHA Compliance personnel gave 11 presentations to an audience of 328. This represents an average of about 30 participants at each event.

There was one Construction Seminar with 50 attendees during this time. The presentation covered how to build an effective safety program. This seminar was offered virtually and in person. The next Construction Seminar is March 21 about worker protection in trenches. It will be in-person only.

We continue to participate in the department’s “Worker rights and responsibilities webinars.” The department gives an update and we answer questions. The webinar is about 45 minutes. There were two this quarter, with 83 participants.

## **Publications**

The October edition of *Safety Lines* was published with updates and articles about safety and health topics and coming events.

## **Partnerships**

Currently, there are 15 partnership sites. We signed two new sites this past quarter. There was one quarterly partnership meeting this quarter.

## **Compliance assistance**

During the third quarter, MNOSHA Compliance handled a total of 903 phone calls. It also responded to 739 written requests for information.

# MNOSHA Compliance enforcement update: James Krueger

## Rulemaking update: James Krueger

### Inspections

Through federal-fiscal-year 2023, first quarter (Oct. 1 through Dec. 31, 2022), MNOSHA Compliance:

- investigated five (last year 15) fatalities and two serious injuries that occurred under MNOSHA Compliance jurisdiction;
- conducted 255 inspections – the goal was 300;
- handled 81 total complaint inspections (last year 63) – complaints are increasing both in MNOSHA and federal OSHA jurisdictions – with a response time to these complaints of 3.9 days; and
- issued citations for safety within 42 days and citations for health within 65 days.

### Federal OSHA

Budget level for federal-fiscal-year 2022; not finalized year using federal-fiscal-year 2022; expect within 30 days.

- Talked about federal-fiscal-year 2024 federal funding.

Federal reports:

- State OSHA Annual Report (SOAR)
  - submitted beginning of January; and
- penalty conformity
  - discussed penalty conformity.

### Staffing

We are continuing to focus on increasing the field staff.

- MNOSHA has 50% of safety with fewer than two years and 75% of industrial hygienists with less than two years.

### OSHSPA, federal meeting

- Attended an Occupational Safety and Health State Plan Association (OSHSPA) meeting and federal OSHA meeting in Vancouver, Washington. There was major discussions about the Federal Annual Monitoring and Evaluation (FAME) process, training of safety and health investigators, and the status of the rulemaking for the emergency temporary standard (ETS) for health care. Both OSHSPA and federal OSHA meet three times each year.
- Two attorneys who represent MNOSHA Compliance attended the State Lawyers' Organization (SOLO). Discussion included major litigation occurring within other states and within federal OSHA. This occurs during the winter meeting of each year.
- Working on:

- a new five-year strategic plan to help identify how to use our resources effectively to reduce fatalities and injury and illnesses with Minnesota;
- the 2022 OSHSPA “GRASSROOTS worker protection” publication is online at [dli.mn.gov/sites/default/files/pdf/grassroots\\_2021.pdf](https://dli.mn.gov/sites/default/files/pdf/grassroots_2021.pdf); and
- replacing our computer case management system, with anticipated starting by the end of the month and completion by June 30, 2023.

## **Minnesota Safety Council update: Paul Aasen**

## **Occupational Safety and Health Advisory Council members’ updates**

### **Next OSHAC meeting date:**

- Friday, May 12, 2023, 10 a.m. to noon

### **Future 2023 OSHAC meeting dates:**

- Friday, Aug. 18, 10 a.m. to noon
- Friday, Nov. 17, 10 a.m. to noon

## **Adjournment: Paul Aasen, chairman**

- Roll call for the adjournment was made by Gretchen Longbehn, executive secretary.

## **Meeting recording**

- [Play recording](#) (1 hour, 25 minutes)