

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

Date: Aug. 19, 2022

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 Aug. 19, 2022 meeting agenda
- Approval of the May 20, 2022 meeting minutes

DLI announcements and updates: Nicole Blissenbach, temporary commissioner

Federal OSHA update: Mitzy Wright



CASE - Active
Shooter (1).pdf

Rulemaking update: Ron Anderson

MNOSHA proposes permanent recordkeeping and reporting standards for COVID-19

On June 21, 2021, federal OSHA issued an emergency temporary standard (ETS) in the *Federal Register* to protect workers providing health care support services. On Dec. 27, 2021, federal OSHA announced it was withdrawing the non-recordkeeping portions of the health care ETS, while keeping the COVID-19 log and reporting provisions of CFR 1910.502(q)(2)(ii), (q)(3)(ii)-(iv) and (r) in effect, as they were adopted under a separate provision of the OSH Act, section 8.

Minnesota OSHA (MNOSHA) proposes to permanently adopt certain provisions of the health care ETS published in the *Federal Register* on June 21, 2021. MNOSHA will adopt the *Federal Register* notice for “Occupational Exposure to COVID-19; Emergency Temporary Standard,” with the exception of 29 CFR 1910.502 (c) to (p) and (s), 29 CFR 1910.504, 29 CFR 1910.505 and 29 CFR 1910.509.

This rule proposal incorporates by reference paragraphs of the health care ETS that include the recordkeeping requirements for a COVID-19 log. This requires covered employers with more than 10 employees to record COVID-19 cases of their employees on their COVID-19 log if a worker is infected by COVID-19, regardless of whether the instance is connected to exposure at work.

This rule adoption also requires covered employers to report to MNOSHA each work-related COVID-19 fatality within eight hours of the employer learning about the fatality and each work-related in-patient hospitalization within 24 hours of the employer learning about the hospitalization, regardless of when the fatality or hospitalization occurred. As stated in 29 CFR 1910.502(r)(2), the employer must follow the requirements in 29 CFR 1904.39, except for 29 CFR 1904.39(a)(1) and (2) and (b)(6).

On [Aug. 22, 2022](#), Minnesota OSHA proposed adopting these COVID-19 recordkeeping and reporting provisions by reference.

MNOSHA Workplace Safety Consultation (WSC) update: Ryan Nosan

WSC statistics, third quarter of fiscal-year 2022

Consultation visits:

- 172 initial visits – 125 safety, 46 health and one both safety and health;
- 37 formal training visits;
- 30 follow-up visits; and
- 131 informal trainings (during on-site visits).

Hazards identified:

- 726 observed hazards – 651 serious (including imminent), 71 other-than-serious and four regulatory (such as recordkeeping).

Total interventions:

- 82 interventions – formal training, Minnesota STAR (MNSTAR) Program activities and technical assistance, impacting 5,674 establishments and 8,784 affected employees.

Other third-quarter highlights:

- participated in the inaugural AAPI Business Expo;
- participated in the Minnesota Logger's Education program annual conference;
- participated in the Minnesota Safety and Health conference;
- participated in the GAF Regional Expo;
- continued to complete annual self-evaluations as part of employer participation in the MNSTAR Program and Minnesota Safety and Health Achievement Recognition Program (MNSHARP);
- completed 16 safety assessments for the Youth Skills Training program;
- completed one workplace violence prevention intervention with the Lakes Area Regional Safety Group;
- completed six health-care-related interventions regarding safe patient-handling and recordkeeping, and participated in a nursing leadership training seminar; and
- continued to provide technical assistance to individual employers through interventions and formal training sessions about a multitude of topics.

Alliance program:

- Electrical Association – ongoing newsletter article submissions (excavation and trenching safety) and one staff member participated as part of the Education Committee providing standard interpretation and technical support for various topics;
- health care group alliance – continuing to have conversations regarding participation in the alliance and activities on the horizon that will afford an opportunity for participation;
- Mexican Consulate – MNOSHA WSC provided three presentations at the consulate and attended two mobile consulate events promoting WSC services; and
- Minnesota Hmong Chamber of Commerce – participated in the inaugural AAPI Business Expo in conjunction with this alliance in May.

MNSHARP:

- general industry – 35 worksites (six recert visits in the third quarter) and zero Pre-MNSHARP worksites;
- construction: 12 worksites and two Pre-MNSHARP worksites;
- worked with Gemini, a MNSHARP worksite partner, on the completion of a success story to potentially be published in *OSHA Quick Takes*; and
- working with federal OSHA on updates to MNSHARP Construction, but in a holding pattern with concerns between MNOSHA's program and the federal program.

MNSTAR Program:

- 33 worksites (down one site since most recent quarter) and two recertification visits.

Safety Grant Program:

- 82 grant applications received and reviewed – 41 service related, 21 construction related, 14 manufacturing related, five logging related and one commercial related;
- of the 82 applications, 39 were withdrawn or denied; and
- \$252,352.76 in grant funds were awarded.

WSC federal OSHA audit:

- scheduled in September.

Staffing:

- WSC does not currently have any openings.

MNOSHA Compliance training and outreach update: Nancy Zentgraf

MNOSHA training and outreach activities during third quarter, federal-fiscal-year 2022

MNOSHA Compliance had one enforcement staff member complete the 1421 Whistleblower Fundamentals virtual OTI course. Two staff members attended the 2221 Respiratory Protection virtual OTI course. One staff member attended the 2721 Whistleblower Complaint Resolution virtual OTI course in May. Three staff members

traveled to OTI to attend the 2540 Machine Guarding and Hazardous Energy Control course. One staff member attended the 2050 Cranes in Construction course in person as well.

MNOSHA Compliance had three staff members attend “Negotiate for Agreement,” a training course to assist with negotiating settlements.

OTI brought the 3010 Excavation, Trenching and Soil Mechanics course to St. Paul, Minnesota, May 10 through 12. Twenty-one MNOSHA Compliance staff members and one MNOSHA WSC staff member attended. In addition, three federal employees attended.

Internal classes

This quarter, MNOSHA Compliance trained three new employees and provided training for two existing employees upon promotion.

Other training

MNOSHA Compliance is conducting monthly all-staff training sessions about various topics, such as: the grant, specialty area staffing; coming OTI training; FAME report; Frontline Worker Pay; telework; fatality trends; heat awareness; and MOOSE modernization.

Outreach

During the third quarter of federal-fiscal-year 2022, MNOSHA Compliance personnel gave nine presentations to an audience of 540. This represents an average of about 60 participants at each event.

There was one Construction Seminar during this time, which covered mental health safety. This was a virtual event.

MNOSHA Compliance continues to participate in the Department of Labor and Industry’s “Worker rights and responsibilities” webinars. The department gives an update and MNOSHA Compliance answers questions. The webinar is about 45 minutes long. There were 65 participants during the most recent session.

Publications

The April edition of *Safety Lines* featured the Safety Grant Program, young workers, the reopening of state offices, Construction Seminars, MNSHARP, recordkeeping webinars, consultations available, partnerships and a schedule of events.

Partnerships

There are currently 20 partnership sites; six new sites were added this past quarter. This includes the partnership with the Minnesota Department of Transportation, Ames and Kramer Construction (AKJV) for the Twin Ports Interchange project in Duluth, Minnesota. There was one quarterly partnership meeting this quarter.

Compliance assistance

During the third quarter, MNOSHA Compliance handled a total of 870 phone calls. It continues answering the phones live, with two staff members on phones and one staff member working as an alternate each day. MNOSHA Compliance also responded to 698 written requests for information.

MNOSHA Compliance enforcement update: James Krueger

Inspections

- Nicole Blissenbach, temporary commissioner
- Through the third quarter of federal-fiscal-year 2022 (Jan. 1 through June 30, 2022), MNOSHA Compliance:
 - investigated 42 fatalities and 34 serious injuries that occurred under MNOSHA jurisdiction;
 - conducted 977 inspections; and
 - handled 227 total complaint inspections, with the response time of 2.3 days.
- Citation issuance time for safety was 39 days and for health was 73 days.

MOOSE modernization update

- OIS versus third party
- Minnesota IT Services to recommend the best solution to DLI for the replacement of the Minnesota OSHA Operations and System Exchange (MOOSE) application.

Federal OSHA

- The federal financial audit for federal-fiscal-year 2021 will occur in person Aug. 22 through 26, 2022, in Minnesota. Financial Services will be the lead.
- The Federal Annual Monitoring and Evaluation (FAME) Report – The final report will be published on the federal OSHA website after Aug. 18. The federal OSHA website will also have a letter from DLI Commissioner Roslyn Robertson and a link to MNOSHA's annual federal-fiscal-year state-OSHA annual report (SOAR) on the DLI website (dli.mn.gov/sites/default/files/pdf/soar_ffy21.pdf).
 - For more about FAME Reports, visit osha.gov/stateplans/famereport.
 - The audit for federal-fiscal-year 2021 was last month; it was conducted virtually using a dropbox for: 65 inspection files; 20 fatality files; 15 nonformal complaints; and 25 discrimination files.
- Grant submission: Very few changes were made and the grant has been submitted.
 - The budget level for federal-fiscal-year 2023 for MNOSHA enforcement is the same as federal-fiscal-year 2022, \$9,926,939.

Staffing

- MNOSHA is continuing to focus on increasing field staff members. Currently, 50% of safety field staff member have fewer than two years of experience; 75% of industrial hygiene staff members have fewer than two years of experience.
- MNOSHA is currently in the process of interviewing for safety investigators in north and central, and an industrial hygienist.
- Recruitment: Interviewing for a human resources consultant.

OSHSPA/federal meeting

- Attended an Occupational Safety and Health State Plan Association (OSHSPA) and federal OSHA meeting. U.S. Department of Labor Assistant Secretary Doug Parker was in attendance. There was major

discussion about the FAME Report process and how it can be improved for both the state plans and federal OSHA.

- Both OSHSPA and federal OSHA meet three times each year. The next meeting is Aug. 29 through Sept. 1 in Virginia.
- The meetings include sharing of information from other states and federal OSHA.
- The 2021 OSHSPA *GRASSROOTS* publication is online at dli.mn.gov/sites/default/files/pdf/grassroots_2021.pdf.

Minnesota Safety Council update: Paul Aasen

OSHAC members' updates

Meeting dates

Next meeting

- Friday, Nov. 18, 2022, 10 a.m. to noon
 - Hybrid meeting – Webex and Minnesota Room reservation at DLI

Proposed 2023 OSHAC meetings

- Friday, Feb. 17, 10 a.m. to noon
- Friday, May 19, 10 a.m. to noon
 - Hybrid meeting – Webex and Minnesota Room reservation at DLI
- Friday, Aug. 18, 10 a.m. to noon
- Friday, Nov. 17, 10 a.m. to noon

Adjournment: Paul Aasen, chairman

- Roll call for adjournment by Gretchen Longbehn, executive secretary

Meeting recording

[Meeting recording link](#)