

Minutes: Occupational Safety and Health Advisory Council

Date: Dec. 10, 2021

Time: 10 a.m. to noon

Location: Via Webex

- Call to order: Paul Aasen, chairman
 - Roll call by Gretchen Longbehn, executive secretary
 - Seven council members were present
 - Approval of the Dec. 10, 2021 agenda
 - The agenda was approved
 - Approval of the Aug. 20, 2021 minutes
 - Meeting minutes were approved

DLI announcements, updates: Nicole Blissenbach, deputy commissioner

- Operations update at the Department of Labor and Industry (DLI)
 - Starting to bring employees back to the office; some employees are back to the office
- Emergency temporary standard (ETS) webinars
 - Offered three webinars discussing the OSHA ETS
 - Reached more than 1,000 people who attended the webinars
- Welcome to Assistant Commissioner Kate Daly
 - Daly will oversee DLI's Workers Compensation Division and its functions

Federal OSHA update: Mitzy Wight

REGION V FATALITY STATISTICS

Fatalities under OSHA's jurisdiction in Region V

| Calendar Year 2021 | Calendar Year 2020 |
|-------------------------|-------------------------|
| End Date: November 30th | End Date: November 30th |
| 158 | 228 |

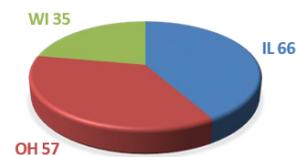
| Immigrant Language Fatalities CY 2021 | |
|---|---|
| Immigrant Language Fatality Inspections | 8 |
| Hispanic | 8 |

| FATALITIES BY EVENT AND INDUSTRY SECTOR | | | |
|---|---------------------------|----------------------------------|-----------|
| CY 2021 | | | |
| | Construction NAICS 23* | Manufacturing NAICS 31* - 33* | Other |
| Caught | 1 | 13 | 10 |
| Electrocution | 2 | 1 | 3 |
| Exposure | 0 | 10 | 55 |
| Fall | 16 | 5 | 12 |
| Fire & Explosion | 1 | 1 | 0 |
| Other / Pending | 1 | 1 | 5 |
| Struck | 4 | 3 | 14 |
| Trench Cave-In* | 0 | 0 | 0 |
| COVID** | 0 | 8 | 52 |
| Total | 25 | 34 | 99 |

* Included in Caught ** Included in Exposure



NUMBER OF FATALITIES INVESTIGATED PER STATE FOR CY 2021



Region V Fatalities



Produced by the Administrative Programs Unit on 12/8/21. **NOTE: Data subject to change upon completion of investigations.**

Minnesota Safety Council update: Paul Aasen

Minnesota OSHA Workplace Safety Consultation update: Ryan Nosan

Consultation visits

- Two hundred twenty-eight initial visits:
 - 171 safety;
 - 54 health; and
 - one that was both safety and health
- Thirty formal training visits
- Forty-three followup visits
- One hundred eighty-six informal trainings (during on-site visits)

Hazards identified

- 1,240 observed hazards:
 - 1,135 serious (including imminent);
 - 100 other-than-serious; and
 - five regulatory (such as recordkeeping).

Total Interventions

- 88 interventions:
 - formal training, Minnesota STAR (MNSTAR) Program activities and technical assistance; and
 - impacting 1,569 establishments and 8,101 employees.

Other fourth-quarter highlights

- Completed five safety assessments for DLI's Youth Skills Training Program.
- Participated in nine events surrounding the Agricultural Worker Wellness Committee – Minnesota departments of Health, Labor and Industry, Agriculture, and Employment and Economic Development, and stakeholders – working to better inform this population about safety, health and their protections.
- Continued assistance on COVID-19 preparedness to multiple industries.
- Began meetings with a representative of NIOSH and local health care groups to assess ergonomics risk-factors associated with handling decedents. Ongoing work with the group to develop ergonomics guidelines for mass-fatality events. The event was prompted by COVID-19 but will be relevant to any mass-fatality event in an acute care environment.
- Continued to provide technical assistance to individual employers through interventions of formal training sessions about topics including fall protection, scaffolding, aerial lifts, safety programs and A Workplace Accident and Injury Reduction (AWAIR) programs, hazard communication, Workplace Safety Consultation program overview, MNOSHA compliance overview, electrical safety, excavations, ladders, and injury and illness recordkeeping.

Alliance program

- Electrical Association: Ongoing newsletter articles; provided training about NFPA 70E versus OSHA requirements for electrical safety; participation on the education committee.
- Health care group: Alliance network discussion and technical support regarding the pending emergency temporary standard (ETS) for COVID-19 and other related areas.
- Consulate of Mexico: Ongoing presentations to business and community representatives.
- Other alliances: Finalized an alliance with the Minnesota Hmong Chamber of Commerce; working on an alliance with a manufacturing group to see what kind of assistance Workplace Safety Consultation can offer.

Minnesota Safety and Health Achievement Recognition Program (MNSHARP)

General industry

- MNSHARP sites = 35
- Pre-MNSHARP sites = 0

Construction industry

- MNSHARP sites = 10
- Pre-MNSHARP sites = 0

The current MNSHARP Construction sites are:

1. Adolfsen and Peterson Construction – St. Peter Correctional Facility
2. John Kraemer and Sons – Lothenbach
3. Adolfsen and Peterson – Presbyterian Homes Castle Ridge
4. Ryan Companies U.S. – 10 West End
5. McGough Construction – Essentia Vision Northland
6. Ryan Companies U.S. – Eleven Condominiums
7. McGough Construction – RBC Gateway
8. Knutson Construction – Hennepin County Medical Examiners
9. Adolfsen and Peterson – Heywood Bus Garage
10. Meyer Contracting Inc. – Woodbury Drive and Local Roads

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

- MNSTAR Program sites = 34
- Recertification visits = 3

Safety Grant Program (fourth quarter, federal-fiscal-year 2021)

- 93 grant applications received and reviewed
- \$1,009,205 in grant funds were awarded, including the one-time \$1M award for logging grants that accounted more than half of this amount

Consultation Annual Project Report (CAPR)

- The report covering Workplace Safety Consultation work activities during fiscal-year 2021 was recently submitted to federal OSHA for review and comments.

Staffing

- Workplace Safety Consultation fully staffed.
- Ryan Nosan took over as director from Tyrone Taylor. Nosan has worked between the two MNOSHA programs for 20 years.

- Long-time supervisor Dave Ferkul has retired. Matt Lucas will replace Ferkul; he was previously supervising the Discrimination team in MNOSHA Compliance.

MNOSHA Compliance training and outreach update: Nancy Zentgraft

MNOSHA Compliance had three staff members who attend the virtual OSHA Training Institute (OTI) course, Written Communication for Whistleblower Investigators, in September. One staff member attended the virtual OTI course, Interviewing Techniques for Whistleblower Investigators.

Internal classes

Three new employees attended Phase 1 training and three new employees attended Phase 3 training. They are all in the field being mentored by staff members or are on their own.

A supervisor conducted training about agriculture inspections for 14 staff members in July. There were grain-handling facility training sessions Sept. 15, Sept. 22 and Oct. 11 for 10 MNOSHA Compliance staff members and five MNOSHA Workplace Safety Consultation staff members. In August, MNOSHA Compliance conducted training about the health care ETS for 27 staff members.

Other training

MNOSHA Compliance conducted training about teleworking, litigation holds, face coverings and how staff members can protect themselves as they come into the office and work in the field.

Outreach

During the fourth quarter of federal-fiscal-year 2021, MNOSHA Compliance personnel gave 12 presentations to an audience of 840 people. This represents an average of about 29.3 participants for each event.

There was one online Construction Seminar in September. The seminar was about electrical safety on the construction worksite, covering NFPA 70E as well as electrical maintenance and safety programs. This included arc flash hazard risk assessment, personal protective equipment, and shock and arc flash approach boundaries for mobile elevating work platforms. There were 42 people in attendance.

We continue to participate in the department's worker webinars, during which DLI provides an update and MNOSHA Compliance answers questions. Each webinar is about 45 minutes long. There were 37 participants at the most recent webinar.

Publications

The July edition of *Safety Lines* featured articles about how MNOSHA responds to COVID-19, the federal OSHA ETS, avoiding the dangers of summer heat and humidity, alliances, safety grants, Construction Seminars, partnerships and a schedule of events.

The overhead doors fact sheet was updated and added to the website. The inspection booklet for employers, which is handed out at inspections, was also updated. This booklet was also translated into Spanish.

Partnerships

There are currently 14 partnership sites. MNOSHA Compliance signed one new site during the past quarter. There was one quarterly partnership meeting in July.

Compliance assistance

During the fourth quarter, MNOSHA Compliance handled 1,383 phone calls. MNOSHA Compliance also responded to 842 written requests for information. Due to the pandemic and teleworking of staff members, all of the phone calls continue to be sent to voicemail. Beginning Oct. 1, phones will be answered live.

MNOSHA Compliance enforcement update: James Krueger

Inspections

In federal-fiscal-year 2021 (Oct. 1, 2020, through Sept. 30, 2021) MNOSHA Compliance:

- investigated 35 fatalities and 30 serious injuries that occurred under MNOSHA jurisdiction;
- conducted 1,219 inspections;
- handled 1,415 total complaints that resulted in 236 inspections – response time to these complaints was 2.7 days, a slight reduction from the previous year; and
- issued citations within 28 days for safety and 39 days for health.

COVID-19 activity

- Since the start of the COVID-19 pandemic (March 1, 2020, through Sept. 30, 2021) MNOSHA Compliance received 26,183 email and phone inquiries. This included 2,352 nonformal complaints and 457 (178 COVID-19) formal complaints.
- MNOSHA Compliance conducted 1,911 inspections (221 COVID-19) and issued 2,747 citations (177 citations issued on inspections with a COVID-19 component, with 59 being general-duty citations).
- MNOSHA's Discrimination team fielded 618 intakes, which resulted in 148 cases that are being pursued and 98 cases that have been designated as having a COVID-19 component.
- MNOSHA Compliance received 145 data practices requests, resulting in 2,051 files being requested.

Federal OSHA

- The budget level for federal-fiscal-year 2022 for MNOSHA Compliance enforcement is same as for 2021. The state OSHA programs received \$4,401,000 (\$63,600) in federal funding federal-fiscal-year 2021. Also, MNOSHA received an additional \$903,000 in state funding for state-fiscal-year 2022, the first increase since federal-fiscal-year 2010. The total budget for federal-fiscal-year is \$8,568,000 + \$903,000 = \$9,471,000.

- The Minnesota federal-fiscal-year 2021 State OSHA Annual Report (SOAR) was completed and sent to federal OSHA Dec. 1, 2021, for review. This will be public in June or July, after the coming January audit by federal OSHA. Last year's report is available on the federal OSHA website at www.osha.gov/stateplans/famereport/MN.

Staffing

- MNOSHA Compliance is continuing to focus on increasing field staff members.
 - MNOSHA Compliance hired 16 field staff members since Oct. 1, 2020. Staff members have been added to Duluth, Mankato and Rochester.
 - Due to COVID-19, MNOSHA Compliance has added one additional permanent discrimination position and one temporary (two years) position to the Discrimination team. This increased the discrimination investigative staff from three investigators to five investigators to handle the increase of discrimination cases. The supervisor position was also just filled, which was left vacant with Matt Lucas taking a MNOSHA Workplace Safety Consultation supervisor position.
 - MNOSHA Compliance also filled for a supervisor position for the industrial hygienist staff. This position was previously staffed by Ron Anderson, who was promoted to health director. On Jan. 5, 2022, MNOSHA Compliance will have all industrial hygienists reporting to the health supervisor to focus on ensuring industrial hygiene investigations are conducted professionally, following the MNOSHA standards.
- MNOSHA Compliance staff members have significant safety and health experience:
 - investigators who speak fluent Spanish and one who speaks fluent Somali; and
 - extremely dedicated and experienced staff members, including four industrial hygienists and two chemical engineers with more than 15 years of experience, two certified industrial hygienists (CIHs), and 10 safety Investigators and one civil engineer with more than 10 years of experience.

Federal standards adopted in federal-fiscal-year 2021

- Occupational exposure to COVID-19, emergency temporary standard for health care

OSHSPA, federal meeting

- Both the Occupational Safety and Health State Plan Association (OSHSPA) and federal OSHA meet three times a year. The most recent meeting was Sept. 28 and 29, in Traverse City, Michigan. The next meeting is Feb. 8 and 9 in Roanoke, Virginia; this is a meeting where the attorneys also meet.
- The 2020 OSHSPA *GRASSROOTS* publication is online at www.dli.mn.gov/sites/default/files/pdf/grassroots_2020.pdf.

Occupational Safety and Health Advisory Council members' updates

OSHAC 2022 meetings

- Next meeting: Friday, Feb. 18, 2022, 10 a.m. to noon

- Future meetings: Friday, May 2, 10 a.m. to noon; Friday, Aug. 19, 10 a.m. to noon; and Friday, Nov. 18, 10 a.m. to noon.
 - All three future meeting dates have been confirmed.

Adjournment: Paul Aasen, chairman

- Roll call for adjournment by Gretchen Longbehn, executive secretary. The meeting is adjourned.

Meeting recording

[Play recording](#) (one hour, seven minutes in duration)

A recording password is not required.