

FFY 2011

**Minnesota Occupational Safety & Health Compliance
State OSHA Annual Report (SOAR)**

MNOSHA – 23g



January 4, 2012
[Final]

SOAR for FFY2011
Minnesota Occupational Safety & Health Compliance (OSH)

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SOAR for FFY2011
Minnesota Occupational Safety & Health Compliance (OSH)

INTRODUCTION

The Minnesota Occupational Safety and Health (MNOSHA) program is administered by the Minnesota Department of Labor and Industry (DLI); the program became effective on August 1, 1973, with final State Plan approval being obtained on July 30, 1985. MNOSHA includes the Occupational Safety and Health (OSH) Compliance Division, which is responsible for compliance program administration (conducting enforcement inspections, adoption of standards, and operation of other related OSHA activities) and the Workplace Safety Consultation (WSC) Division which provides free consultation services, on request, to help employers prevent workplace accidents and diseases by identifying and correcting safety and health hazards.

MNOSHA's mission is: "To make sure every worker in the State of Minnesota has a safe and healthful workplace." This mandate involves the application of a set of tools by MNOSHA including standards development, enforcement, compliance assistance, and outreach which enable employers to maintain safe and healthful workplaces.

MNOSHA's vision is to be a leader in occupational safety and health and make Minnesota's workplaces the safest in the nation. MNOSHA is striving for the elimination of workplace injuries, illnesses, and deaths so that all of Minnesota's workers can return home safely. MNOSHA believes that to support this vision, the workplace must be characterized by a genuine, shared commitment to workplace safety by both employers and workers, with necessary training, resources, and support systems devoted to making this happen.

The Minnesota Occupational Safety and Health Strategic Plan for FFY2009 to 2013 established three strategic goals:

MNOSHA Compliance (OSH) Strategic Goals
Goal 1: Reduce occupational hazards through compliance inspections
Goal 2: Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership
Goal 3: Strengthen and improve MNOSHA's infrastructure

The FFY2011 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2011. This SOAR presents a review of the strategies used and results achieved in FFY2011. Special accomplishments as well as the successful completion of mandated activities are also discussed.

There was a state government shutdown in Minnesota from July 1 through July 20, 2011. During that time, critical inspection services were provided with five inspectors (seven total staff). Most Agency activity was ceased, causing both a direct and indirect impact on the services normally provided to stakeholders.

GOAL SUMMARIES - SOAR for FFY2011
Minnesota Occupational Safety and Health (MNOSHA) Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA Compliance's FFY2009 performance goals have been achieved. Each of the FFY2010 Performance goals and the activities and strategies used to achieve those goals are described below. Comments/discussion relating to accomplishment of Goal sub-items follows each chart.

Goal 1: Reduce occupational hazards through compliance inspections

How Progress in Achieving this Goal Will be Assessed	Baseline 9/30/09	FFY 11 Target	FFY 11 Results	FFY 13 Target
1. Reduce Total Recordable Cases (TRC) Rate	BLS data CY 5-year average using the 5 years prior to the target year ¹ CY 2005-2009 avg: 4.56	Reduction in TRC rate from the previous 5-year avg. CY 2005-2009 avg: 4.56	CY 2010 TRC rate: 3.9, a 14% reduction	Consistent reduction over 5-year Plan
2. Reduce fatality rate ² for fatalities within MNOSHA's jurisdiction	³ DEED & MNOSHA data CY 5-year average using the 5 years prior to the target year CY 2005-2009 avg: .784	Reduction in fatality rate from the previous 5-year avg. CY 2005-2009 avg: .784	CY 2010 fatality rate: .586, a 25% reduction	Consistent reduction over 5-year Plan
3. Number of hazards identified & establishments visited: a) Total hazards identified / establishments visited	MNOSHA data FY 2003 – 2007 avg: 4919 / 2619	Increase hazard identification 1%	4363 / 2325 11% decrease in hazard ID See comments following chart [1.3]	Increase hazard identification 1%
b) Establishment emphasis ⁴ 1. <u>Inspection emphasis</u> Utilities, except 221113, nuclear Food manufacturing Construction Beverage and tobacco product mfg. Wood product manufacturing Nonmetallic mineral product mfg. Primary metal mfg. except foundries Transportation equipment mfg. Furniture & related product mfg. Building material & garden equip & suppliesdealers Warehouse and storage Hospitals Nursing homes Amputations Combustible dust Foundries Refineries Grain facilities Meatpacking Public sector Tree trimming/logging Asthma Lead Methylene chloride Popcorn Silica PSM	N/A	68% of all programmed inspections	58% of all programmed inspections	70% of all programmed inspections
2. Ergo & Safe Patient Handling, including hospitals, surgical centers, nursing homes	Current practice	Ongoing support of WSC's Ergo & SPH effort	See below	Ongoing support of WSC's Ergo effort
4. Percent of designated programmed inspections	MNOSHA data FY 2003-2007 avg: 85%	85%	83%	85%

¹BLS data for the last year of five-year average is not available until October.

²Fatality rate is calculated as the number of fatalities per 100,000 workers: (# MNOSHA fatalities / # of MN employed workers) x 100,000

³Because employment data from the Minnesota Department of Employment and Economic Development (DEED) is not yet available, MNOSHA uses the fatality rate for the prior year as its measurement.

⁴The quantity of programmed inspections is variable; therefore, no defined number is provided.

Goal 1.1

Reduce total recordable cases: FFY11 target was reduction in TRC from the previous 5-year average.

MNOSHA Compliance met this goal and continues to review new information to redefine scheduling approaches to reduce injury and illness rates.

Goal 1.2

Reduction in state fatality rate: FFY11 Target reduction in rate from the previous 5-year average.

MNOSHA Compliance met this goal with a 25% reduction. MNOSHA Compliance continues to address workplace fatalities in its outreach materials, and during Construction Breakfast Seminars. There were 22 fatality inspections in calendar year 2011 and that number will be used to calculate the rate for FFY12.

Goal 1.3

Hazards abated / establishments visited. In FFY11, MNOSHA investigators conducted 2,325 inspections where 4363 hazards were identified and cited despite a three-week state government shutdown. Seventy percent (70%) of the inspections conducted resulted in violations; 74% of violations were cited serious. MNOSHA continues to create incentives for employers to address safety and health issues through strong, fair, and effective enforcement of safety and health regulations. MNOSHA focused its programmed inspections to reduce injuries, illnesses, and fatalities in certain emphasis industries. The FFY11 goal was for 68% of all programmed inspections conducted to be in the emphasis industries. MNOSHA conducted 58% of all programmed inspections in the emphasis industries.

As part of an ergonomic focus, MNOSHA conducted 41 programmed inspections in the meat processing industry and nursing homes.

**GOAL SUMMARIES - SOAR for FFY2011
Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS**

Goal 2

Promote a safety and health culture through compliance assistance, outreach, cooperative programs, and strong leadership

How Progress in Achieving this Goal Will be Assessed	Baseline9/30/08	FFY 11 Target	FFY 11 Results	FFY 13 Target
1. Increase in:				
a. Partnerships	² N/A	1 new	0 (4 added to existing) (See comments following chart [2.1a,c])	1 new
b. Voluntary Protection Programs (MNSTAR)	³ 26	4 new	5 new	4 new
c. Continue to identify compliance assistance opportunities.	Current practice	Maintain baseline	See comments following chart [2.1a,c]	Ongoing
2. Maintain total number of people participating in OSHA outreach/training in areas such as:	FY 2003-2007 avg: 2,785	5% increase	4,478 61% increase	5% increase
a. Total				
b. Youth				
c. Immigrant employers and employees				
d. Emerging businesses				
e. Construction				
f. Manufacturing				
g. Discrimination				
h. Other strategic plan compliance/consultation emphases				
3. Participate in homeland security efforts at state and national levels	Current practice	Ongoing	Ongoing	Ongoing
4. Maintain response time and/or service level to stakeholders in areas such as:	Current practice	Ongoing	Ongoing	Ongoing
a) Telephone inquiries and assistance				
b) Written requests for information				
c) MNOSHA website information/updates				

¹The compliance assistance activities are incorporated in various places in Goal 1, Items 1-2; and Goal 2, Items 1-4.

²Some partnerships that were in effect in previous years have ended. Therefore, beginning with the FFY2010 performance plan, MNOSHA will eliminate a baseline and add "1 new" partnership each year through FFY2013.

³Some VPPs that were in effect in previous years have ended; status and number of active participants change. Therefore, beginning with the FFY2011 performance plan, MNOSHA will eliminate a baseline and add "4 new" MNSTAR sites each year through FFY2013.

Goal 2.1a.c -

Compliance Assistance (including target of 1 new partnership) in FFY11.

In FFY11, MNOSHA continued to review various state plan states to compare the effectiveness between the model used by MNOSHA with the I35W partnerships and other state's models. MNOSHA has a model that it will discuss with its stakeholders in FFY12. In FFY11, MNOSHA did not develop a new partnership, but did meet and discuss possible options with stakeholders. Currently, MNOSHA has active partnerships with the Associated General Contractors (AGC) CHASE, and the Associated Building Contractors (ABC). Two (2) new members were added to the ABC partnership, and 2 new members were added to the CHASE partnership.

MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA continues to hire investigators who are fluent in more than one language. One of MNOSHA's staff is fluent in more than one language and an offer was made late in FFY2011 to another, which will bring our total to three investigators who are fluent in both English and Spanish. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department's Community Services Representative.

MNOSHA distributed its version of the federal OSHA Hazard Letter to employers in the Beverage Distribution industry in August 2011.

Goal 2.1.b

Increase VPPs by 4 in FFY11.

MNSTAR is a voluntary protection program available to any size employer in Minnesota. The MNSTAR program relies mainly on the concept of self-assessment by the requesting employer and follows ADM 3.28J which is the Minnesota specific MNSTAR/VPP directive. MNSTAR requires the employer's commitment to complete an extensive application, which includes providing the WSC Unit with copies of all requested written policies and programs. The employer's TCIR and DART injury and illness rates must be below the state and national averages, for their industry. Employers who meet all requirements for MNSTAR status are exempt from programmed inspections by MNOSHA Enforcement for three years, upon initial certification, and up to five years upon subsequent re-certification. The MNSTAR VPP has been very successful since its inception in FFY1999. MNSTAR status has been awarded to both large and small employers in high-hazard and in state-targeted industries. There are currently 34 employers in the MNSTAR program, with 5 sites granted initial certification (3 Star employers and 2 Merit employers), during the 2011 federal fiscal year. Five companies were re-certified for MNSTAR status, two companies were placed in one-year conditional goals and twenty-four participants voluntarily withdrew from the program. The FFY 2011 MNSTAR certified companies are listed below:

STAR Sites:

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
1	Boise Cascade, LLC 400 2 nd Street International Falls, MN 56649	842	2621 322121	Sept. 9, 1999 to Sept. 9, 2002 Sept. 9, 2002 to Sept. 9, 2007 Sept. 9, 2007 to Sept. 9, 2012
2	CF Industries, Inc. Glenwood Terminal 19369 195 th Avenue PO Box 20 Glenwood, MN 56334-0020	10	5191 422910	Apr. 17, 2000 to Apr. 17, 2003 Apr. 17, 2003 to Apr. 17, 2008 Apr. 17, 2008 to Apr. 17, 2013
3	MN Power, Inc. 30 West Superior Street Duluth, MN 55802-2093	1,231	4911 221122	Oct. 20, 2000 to Oct. 20, 2003 Oct. 20, 2003 to Oct. 20, 2008 Oct. 20, 2008 to Oct. 20, 2013
4	Verso Paper 100 East Sartell Street	600	2621 322121	Feb. 15, 2001 to Feb. 15, 2004 Feb. 15, 2004 to Feb. 15, 2009

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
	Sartell, MN 56377			Feb. 15, 2009 to Feb. 15, 2014
5	Marvin Windows and Doors Hwy. 11 West; PO Box 100 Warroad, MN 56763-0100	2,560	2431 321911	Aug. 1 2001 to Aug. 1, 2004 Aug. 1, 2004 to Aug. 1, 2009 Aug. 1, 2009 to Aug. 1, 2014
6	Potlatch Corporation Bemidji Lumbermill 50518 County 45 Bemidji, MN 56601	94	2421 321113	Jun. 17, 2002 to Jun. 17, 2005 Jun. 17, 2005 to Jun. 17, 2010 Jun. 17, 2010 to Jun 17, 2015
7	IBM Department EQ9A Building 002-1, G105 3605 Highway 52 North Rochester, MN 55901-7829	4,400	3571 334111	Jul. 16, 2002 to Jul. 16, 2005 Jul. 16, 2005 to Jul. 16, 2010 Jul. 16, 2010 to Jul 16, 2015
8	New Ulm Medical Center P.O. Box 577 1324 Fifth North Street New Ulm, MN 56073	470	8062 622110	March 7, 2003 to March 7, 2006 March 7, 2006 to March 7, 2011 March 7, 2011 to March 7, 2012 (one year conditional status)
9	Alexandria Extrusion Co. 401 County Road 22 NW Alexandria, MN 56308	295	3354 331316	Sept. 30, 2003 to Sept. 30, 2006 Sept. 30, 2006 to Sept. 30, 2008 Sept. 30, 2008 to Sept. 30, 2013
10	International Paper 1699 West Ninth Street White Bear Lake, MN 55110	132	2653 322211	July 22, 2004 to July 22, 2007 July 22, 2007 to July 22, 2012
11	Specialty Minerals, Inc. 400 2 nd Street, Gate 5 P.O. Box 313 International Falls, MN 56649	6	2819 325188	April 7, 2005 to April 7, 2008 April 7, 2008 to April 7, 2013
12	Louisiana-Pacific Corp. 711 25 th Avenue Two Harbors, MN 55616	143	2493 321219	(Merit) Feb. 12, 2004 to Feb. 12, 2006 (STAR) April 15, 2005 to April 15, 2008 April 15, 2008 to April 15, 2013
13	Midwest Electric Products, Inc. P.O. Box 910, 58155 240 th Street Mankato, MN 56002-0910	73	3613 335313	Oct. 7, 2005 to Oct 7, 2008 Oct 7, 2008 to Oct 7, 2010 (completed 2-yr rate reduction plan) Oct. 7, 2010 to Oct. 7, 2015
14	Flint Hills Resources-Pine Bend Refinery PO Box 64596 St. Paul, MN 55164-0596 Jct. Hwy. 52 & 55 Inver Grove Heights, MN 55077	830	2911 324110	Dec. 21, 2005 to Dec. 21, 2008 Dec. 21, 2008 to Dec. 21, 2013
15	CBI Services, Inc. 12555 Clark Road Rosemont, MN 55268 Mail Address: Box 64596 St. Paul, MN 55164-0596	300	237990 (236210)	Sept. 19, 2006 to Sept. 19, 2009 Sept. 19, 2009 to Sept. 19, 2014

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
16	Honeywell Aerospace Minneapolis Operations 2600 Ridgway Parkway Minneapolis, MN 55413	1,250	3812 334511	February 2, 2007 to February 2, 2010 February 2, 2010 to February 2, 2012 (completed 2-year rate reduction) recertification complete in FFY2012
17	iLevel Weyerhaeuser ISC 700 Emerald Street St. Paul, MN 55114	62	5031 423310	March 19, 2007 to March 19, 2010 March 19, 2010 to March 19, 2015
18	USG Interiors 27384 Highway 61 Blvd. Red Wing, MN 55066	40	3296 327993	April 23, 2007 to April 23, 2010 April 23, 2010 to April 23, 2015
19	Valmont Industries, Inc. 20805 Eaton Avenue Farmington, MN 55024	123	3446 332323	June 1, 2007 to June 1, 2010 June 1, 2010 to June 1, 2011 (completed one year conditional status) recertification completed in Apr. 2011 June 1, 2010 to June 1, 2015
20	Monsanto Company Soybean Research 29770 US Highway 71 Redwood Falls, MN 56283	6	0713 115114	Aug. 27, 2007 to Aug. 27, 2010 Aug. 27, 2010 to Aug. 27, 2015
21	Honeywell Defense & Space 12001 State Hwy. 55 Plymouth, MN 55441	550	3674 334413	December 3, 2007 to December 3, 2011 December 3, 2010 to December 3, 2015
22	Liberty Paper, Inc. 13500 Liberty Lane Becker, MN 55308	110	2631 322130	February 14, 2008 to February 14, 2011 February 14, 2011 to February 14, 2016
23	Monsanto Company – Soybean Production 29770 U.S. Hwy. 71 Redwood Falls, MN 56283	20 full-time up to 15 part-time	0713 115114	July 25, 2008 to July 25, 2011 July 25, 2011 to July 25, 2016
24	HB Fuller Company 5220 Main Street Fridley, MN 55421	35	2891 325520	August 14, 2008 to August 14, 2011 Placed in 1 year conditional status from August 14, 2011 to August 14, 2012
25	Aveda Corporation 4000 Pheasant Ridge Drive NE Blaine, MN 55449-7106	647	2844 325620	December 17, 2008 to December 17, 2011
26	Aveda Services, Inc. - Midwest Distribution Center 3860 Pheasant Ridge Drive NE, Blaine, MN 55449-7106	194	4225 493110	December 17, 2008 to December 17, 2011
27	Trident Seafoods Corporation 1348 Hwy 10 S Motley, MN 56466	273	2092 311712	February 6, 2009 to February 6, 2012
28	Corval Group, Inc. at Flint Hills Resources 12555 Clark Road	25-160	1711 238220	September 21, 2009 to September 21, 2012

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
	Rosemount, MN 55268			
29	Pioneer Hi-Bred International, Inc. 182 Industrial Parkway Jackson, MN 56143	40	0723 115114	December 20, 2010 to December 10, 2013
30	Sauer Danfoss 3500 Annapolis Lane North Plymouth, MN 55447	140	3628 335999	June 17, 2011 to June 17, 2014
31	Monsanto – Corn Research 2135 W Lincoln Ave Olivia, MN 56227	18	0713 115114	September 1, 2011 to September 1, 2014
Merit Sites:				
32	MCP Foods, Fermenich 100 North Valley Street New Ulm, MN 56073-1601	77	2023 311514	September 14, 2010 to September 14, 2012
33	Thomson Reuters 610 Opperman Drive Eagan, MN 55123	700	2732 323117	April 15, 2011 to April 15, 2013
34	GE Water & Process Technologies 5951 Clearwater Drive Minnetonka, MN 55343-8995	450	3999 333319	July 1, 2011 to July 1, 2013

Goal 2.2 -

In FFY11, increase the total number of people participating in outreach by 5%.

MNOSHA established a baseline of 2,785 participants per year for outreach training sessions covering various subject areas. MNOSHA Compliance exceeded the goal for FFY11 by conducting presentations to 4,478 participants; this is 61% above baseline. During FFY11, MNOSHA continued to utilize its Safety Investigator III and IV positions in its outreach efforts throughout the state. The majority of outreach presentations were addressed to emphasis industries, including construction with a focus in residential and excavation. Each day MNOSHA has two field investigator staff that rotate to provide stakeholder assistance each day.

Each year, MNOSHA Compliance has five leading organizations that request outreach services: Midwest Center for Occupational Health and Safety; Associated General Contractors of Minnesota; Associated Building Contractors; American Society of Safety Engineers; and Minnesota Safety Council.

In addition, MNOSHA conducted its Construction Seminar five times in FFY11. The Construction Seminar was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction Seminar provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA investigators. MNOSHA continues to work with the Construction Seminar Focus Group to select safety topics and presenters for each event. Topics are discussed and voted on by each member and then approved by MNOSHA's management team. The committee is made up of various representatives from the construction industry, including insurance agents, company safety directors, and safety consultants who volunteer their time and expertise. The steering committee also meets during the season to evaluate each presentation for its relevancy and audience understanding and acceptance. In total, the Construction Seminar presentations attracted 176 participants. MNOSHA did not conduct any presentations outside of the targeted industries. During FFY11, MNOSHA also continued its strong working relationship with the Minnesota Safety Council.

MNOSHA continues to participate in major safety conferences throughout the state. The division staffed information booths at four different exhibitions in FFY11, with two of the events lasting more than a day. All were well attended, with significant traffic at the MNOSHA booth of people asking numerous questions in regard to MNOSHA standards.

New or revised publications during the fiscal year included:

- An Employer's Guide to Developing an Employee Right-To-Know Program;
- Employee Right-To-Know on Construction Sites;
- Employee Right-To-Know Model Program for Small Employers;
- An Employer's Guide to A Workplace Accident and Injury Reduction (AWAIR);
- A Workplace Accident and Injury Reduction (AWAIR) Program for Small Construction Employers;
- Minnesota OSHA Recordkeeping Requirements;
- MNOSHA Audiovisual Library;
- Emergency Eyewash and Showers;
- MNOSHA Guidelines for Releases of Hazardous Substances That May Require an Emergency Response;
- Heat Stress;
- Hazards of Fiberglass Layup and Spray up;
- Building Owners' Responsibilities for Asbestos;
- Confined Spaces Standard for Construction with Attachments;
- Occupational Safety and Health Resources on the Internet fact sheet;
- You Have the Right to a Safe and Healthful Workplace fact sheet;
- Minnesota OSHA order form;
- Minnesota OSHA office information sheet;
- 2008 Most Cited Standards (overall, general industry and construction);
- Contents of a First Aid Kit fact sheet;
- Respiratory Protection for 2009 H1N1 Influenza fact sheet;
- Disinfection Using Bleach fact sheet;
- 2009 H1N1 Influenza: Hierarchy of Controls fact sheet;
- MNOSHA Strategic Partnership Program fact sheet;
- Fall Protection in Residential Roofing fact sheet;
- Tree Felling hazard alert;
- Belly Dump Trailers hazard alert;
- Carpenter Bracket Scaffolds hazard alert;
- Mobile Shelving Systems hazard alert;
- Confined Space Entries hazard alert;
- Loading/Unloading Systems at Concrete Products Plants hazard alert;
- Motor Vehicle Safety hazard alert; and
- Falls from Ladders Used in Advertising Sign Maintenance hazard alert.

In addition to the specific publications, MNOSHA continues to publish its newsletter, *Safety Lines*. Some of the topics covered in articles this past year included the most frequently cited standards, heat stress, fall protection, imminent dangers, window washing, grain handling, high visibility garments, recordkeeping and statistics, and frequently asked questions. MNOSHA also continues to have a video lending library, which offers a selection of safety and health videos and DVDs available for a free two-week loan.

Goal 2.3 -

Homeland Security

The MNOSHA Compliance program continued to participate on the State Emergency Response Team. The governor activated the state Emergency Operations Center from March 24 to April 19, 2011, following statewide spring flooding. One director attended 35 MN Department of Public Safety, Homeland Security and Emergency Management (HSEM) division EOC meetings related to these events, two meetings of the Emergency Preparedness Committee, and one federal OSHA Homeland Security conference call. One supervisor attended one EOC meeting related to spring flooding.

Revisions to the MN Emergency Operations Plan were submitted in March 2011 which clarified the activities of the Construction Codes and Licensing Division within the agency.

One director completed five on-line FEMA ICS courses: IS 235 Emergency Planning; IS 240 Leadership and

Influence; IS 241 Decision Making and Problem Solving; IS 242 Effective Communication; and, IS 244 Developing and Managing Volunteers. One director completed one seminar: PDS 230/235, Principles of Emergency Management/Emergency Planning

Nine staff completed the two-hour Introduction to Incident Command on-line FEMA course (IS100) and the two-hour Single Resources and Initial Action Incidents on-line FEMA course (IS200).

Goal 2.4 -

In FFY11, maintain response time and/or service level to stakeholders.

Every business day, MNOSHA has two safety and health professionals on duty to answer questions received primarily through phone calls and emails. During FFY11, these two positions responded to approximately 4,460 phone calls and 1,748 written requests for assistance, primarily e-mails. A majority of these inquiries are answered within one day. During FFY11, 63% of phone calls, emails, and written responses were received from employers, consultants or other individuals requesting safety and health information. Most information is provided to callers during the initial phone call, while others are directed to the MNOSHA or federal OSHA websites, or another state agency for assistance. The information requested covers a wide variety of topics which is why MNOSHA continues to use investigative staff to answer a majority of the calls.

During FFY11, MNOSHA received 572 employees calling to file a workplace safety and health complaint. Two hundred sixty-four (264) or 46% of the total complaints resulted in an onsite inspection with an average of 3 days response time. The remaining 54% of complaints were handled via MNOSHA's phone/fax system (non-formal complaint), within an average of 1 day.

MNOSHA also provides a variety of safety and health information on its website, including printable handouts and information about its audio visual library, which offers a selection of safety and health videos and DVDs available for a free two-week loan. The MNOSHA site also provides links to other websites where safety and health regulations and other information can be accessed. In total there were 41,367 hits to the MNOSHA web page.

GOAL SUMMARIES - SOAR for FFY2011
Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 3
Strengthen and improve MNOSHA's infrastructure

How Progress in Achieving this Goal Could Be Assessed	Baseline 9/30/08	FFY 11 Target	FFY 11 Results	FFY 13 Target
1. Review rules annually for effectiveness: ongoing evaluation, development of rules, standards, guidelines and procedures.	Current practice	Ongoing	See comments following chart. [3.1]	Ongoing
2. Maintain workforce development and retention plan	Current practice	Develop a workplace plan.	See comments following chart. [3.2]	Monitor plan and evaluate results
3. Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders, are met.	Current practice	Develop workflow analysis of Atty. General's cases	See comments following chart. [3.3]	Develop workflow analysis of case file citation issuance

GOAL 3 – Comments

Goal 3.1 -

In FFY11: Conduct Annual Review of Rules/Standards, Guidelines and Procedures, with 100% of directives updated in 5-yr cycle

The MNOSHA Compliance Directives Coordination Team (DCT) is charged with coordinating and managing the MNOSHA internal information system. The DCT consists of one MNOSHA management analyst, two MNOSHA program analysts, and two MNOSHA Management Team directors. This group monitors federal standard/policy activity and coordinates updates to all relevant MNOSHA standards, directives, and policies accordingly. MNOSHA adopts federal standards by reference and/or develops Minnesota-specific standards when necessary to support MNOSHA program goals.

Federal standards adopted in FFY11: 1) Cranes and Derricks in Construction; Final rule; 2) Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Direct Final Rule; 3) Revising the Notification Requirements in the Exposure Determination Provisions of the Hexavalent Chromium Standards; Final rule; confirmation of effective date; and 4) Safety Standards for Steel Erection; Final rule; technical amendment.

Minnesota Rules adopted in FFY11: Update to Minnesota Rules 5208.1500 "Standard Industrial Classification List for AWAIR."

The annual review of Agency rules resulted in no MNOSHA obsolete or duplicative rules needing repeal in FFY11.

At the close of FFY11, all directives on the previous five-year cycle (2004-2008) were completed.

The current five-year directive revision schedule was developed to coincide with the FFY09-FFY13 five-year plan. During FFY11, 21 existing directives were revised. These included internal procedures for fatalities, serious injuries, contestations and informal conferences, training, and scheduling. A new directive developed and issued was the Severe Violator Enforcement Program (SVEP). At the close of FFY11, 44% of the directives on the current five-year cycle were completed.

Goal 3.2 -

FFY11: Ongoing: Identify target areas of workplace plan

Maintain workforce development and retention plan

Minnesota OSHA developed a workplace plan which included the following eight step process:

1. Environmental Scanning

2. Organizational Analysis
3. Identify Target Areas
4. Current Workforce Analysis
5. Future Workplace Analysis
6. Gap Analysis and Strategy Development
7. Develop and Implement an Action Plan and Communication Strategy
8. Monitor Plan & Evaluate Results

In FFY11, MNOSHA continued to maintain consistency and quality throughout the organization's field staff. Two goals were identified:

- To assure that MNOSHA has an adequate workforce to ensure that construction worksites are complying with MNOSHA safety and health regulations; and
- To assure that MNOSHA continues to be an organization that is recognized as a "best-in-class" state plan state.

As vacancies have occurred, MNOSHA has been able to consistently recruit staff. Additionally, stakeholders have come to expect the MNOSHA program to be a highly-functioning organization with strong leadership and experience.

During FFY11, MNOSHA trained its staff on residential construction, grain handling, electrical, cranes, and silica. In addition, during FFY11 MNOSHA has been able to recruit two additional field staff that speaks fluent Spanish (giving MNOSHA a total of three). Also, MNOSHA added a staff person with significant construction background and crane experience. Also, added was a construction staff person with experience with installation of wind turbines. MNOSHA has extremely dedicated and experienced staff.

MNOSHA also determined that an organizational change was necessary to ensure that future MNOSHA management staff will be able to continue the tradition of effective and consistent enforcement of safety and health standards. A key element of the reorganization plan is to create opportunities for current staff members to develop leadership skills by taking on additional responsibilities, special projects, and networking opportunities.

In FFY11, MNOSHA restructured the MNSTAR program. This involved three field staff being able to work in out-of-class positions. The three positions included a supervisor position, and the remaining two are safety consultant 4s.

Goal 3.3 -

FFY11: Ongoing: Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders are met.

MNOSHA's continuing process improvement actions include weekly reporting to in-house counsel on the status of contested cases which have been settled and submitted to them for final Settlement Agreement preparation. At the start of FFY11, there were 61 files pending action. That was reduced to a low of 4 files, and all were awaiting the return of documents from the respective employers.

In addition, bi-monthly reporting of the status of stakeholder requests for case files (FOIA) is done. At the start of FFY11, there were approximately 32 files pending review and action by in-house counsel. That number was reduced to a low of 2, and currently stands at 16.

MNOSHA continues to focus on abatement verification, particularly a performance indicator of the number of cases more than 30 days past their abatement date. Following improvements made in FFY10, in October 2010 there were 15 cases exceeding 30 days past their abatement date. Following a six-month stretch when there were no more than 8 cases exceeding 30 days, this number was reduced to just 4 in May 2011. The improvements were interrupted by a three week state government shutdown in July 2011, but the number of cases remains below 17.

A MNOSHA Director continues to provide a weekly summary of Open inspection files to each supervisor. This helps reduce the number of outstanding unabated violations and identifies potential cases for follow-up inspections.

The status of actual and potential follow-up inspections is discussed on a monthly basis. MNOSHA has increased the number of follow-up inspections from 18 in FFY10 to 23 in FFY11. Failure-to-abate penalties were proposed on approximately 25% of the citation items reviewed during these inspections.

SPECIAL ACCOMPLISHMENTS

In addition to traditional compliance activities, MNOSHA also concentrates efforts in other areas aimed at assisting employers to make their workplaces safer and healthier. Some achievements for FFY11 include:

MNOSHA initiated a local emphasis program targeting window washing operations during FFY11, beginning October 1, 2010. Currently, MNOSHA has a team of 12 investigators that have been trained in the recognition of hazards associated with window washing operations. In FFY11, MNOSHA has conducted 25 inspections under this new local emphasis. During this time, MNOSHA has proposed 27 citations including 4 willful and 22 serious citations. MNOSHA investigators have seen and corrected many hazardous situations including: improper rigging of load lines, improper rigging of life lines, insufficient counterweights used on outrigger beams, improper selection and use of anchorage points, failure to inspect anchorage points, intermixing of integral components of suspension scaffolds, no use of fall protection for attendants when working on rooftops and near edges, and improper ladder usage. MNOSHA has plans to expand the Window Washing local emphasis program to the rest of the MNOSHA investigators in FFY12. MNOSHA is in the process of adopting a Minnesota Rule that will further protect employees in the window washing industry. The rule, if adopted, would include requiring window washers to have a written plan that discusses the hazards of each building they will be working on; requires a visual inspection of the building to identify hazardous areas of the building; requires inspection data to be reviewed for all anchorage points in place prior to use; implements new regulations similar to the ANSI standard when using rope decent systems; and, includes requirements for training of window washing personnel.

Staff Training:

MNOSHA places a high value on staff training for both enforcement purposes and investigator safety. A major investment in time and money is made every year to assure that MNOSHA has knowledgeable, competent investigators. A total of 83 training registrations were completed by MNOSHA Compliance staff during FFY 2011. In addition, MNOSHA welcomed 12 new investigators during the fiscal year and all participated in the Division's new investigator training program.

During FFY 2011, MNOSHA Compliance staff members completed a total of 36 registrations at the OSHA Training Institute. Courses attended included OSHA 2040 Machinery and Machine Guarding, OSHA 2070 Fire Protection and Life Safety and OSHA 3090 Electrical Standards. In addition, 16 OTI Webinar registrations were met. Two discrimination officers participated in a Webinar on the new Whistleblower Web IMIS Application not offered by OTI and one attended the 2011 Federal-State Whistleblower Training Conference in Florida.

Nine investigators attended a HAZWOPER refresher course in August sponsored by the Division. Two more attended initial HAZWOPER training at the Midwest Center for Occupational Health and Safety in September.

In March, the entire staff attended training on the new crane standards for construction. The primary instructor was a local crane expert, who was assisted by a MNOSHA supervisor knowledgeable in construction.

A total of nine health investigators attended either initial or refresher asbestos inspector training. Other courses completed by Compliance staff during the fiscal year included certified OSHA Outreach Training program refreshers, professional certification courses and x-ray fluorescence safety training.

The Division is in the process of training senior investigators to safely conduct foundry operations inspections.

The organization continues to hold short training segments during staff meetings. During FFY 2011, the topics included carbon monoxide and residential construction, along with the annual Employee Right-To-Know refresher.

Loggers' Safety Education Program (LogSafe)

This program is 100% state-funded and administered by the WSC unit. The training has been contracted out and provides safety training throughout the state. The goal of the program is to help reduce injuries and illnesses in the logging industry through onsite consultation services, outreach and training seminars. In order to receive workers' compensation premium rebates from the Targeted Industry Fund, logger employers must maintain current workers' compensation and they and their employees must have attended, during the previous year, a logging safety seminar sponsored or approved by the WSC unit. The intervention and training sessions conducted included (1) CPR/first aid, (2) processor/harvester preventive maintenance, (3) safe access and safety features, (4) standardized wood yard procedures, (5) safety in the work shop, (6) tick-borne disease.

Summary of Activities FFY 2010

Activity	Sessions	No of Employees/ Employers trained
Initial visits	68	
Follow-up visits	5	
Training visits	17	249/20
Interventions	60	808/152
TOTAL Consultation Activities	150	1057/172

Workplace Violence Prevention Program. This program helps employers and employees reduce the incidence of violence in their workplaces by providing on-site consultation, training seminars, and general information. The program focus is on providing technical assistance to workplaces at higher risk of violence, such as convenience stores, service stations, taxi and transit operations, restaurants and bars, motels, guard services, patient care facilities, schools, social services, residential care facilities, correctional institutions, and other municipal facilities. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by the WSC unit, public sector safety consultant. In FFY 2011, there were 13 violence prevention training sessions provided, with approximately 576 employers and employees participating. Sessions were provided to municipalities who requested an on-site consultation and professional associations including: Duluth Housing and Re-Development Authority, National Association of Housing and Re-Development Officials, and Minnesota Healthcare Central Service Members Association. The coordinator of the Workplace Violence Prevention Program serves on the advisory board Midwest Center for Occupational Health and Safety, Education and Research Center.

Ergonomics Program Summary

WSC has retained an ergonomics program coordinator, with a CPE credential. The majority of work has been with healthcare facilities and safe patient handling, including consultation visits at 14 nursing homes and 10 hospitals/medical centers. 26 formal presentations were provided to the multiple employer facilities, covering topics that included general ergonomic risk factors, office ergonomics, and safe patient handling. One of the presentations was for the Outpatient Surgical Center Association. The coordinator along with an IH consultant participated in the AOHP conference in Minnesota, staffing a booth and answering questions on ergonomics, blood-borne pathogens, and other industry-specific safety & health topic areas.

A session on safe patient handling was organized and moderated by the ergonomics program coordinator at the Minnesota Safety Council Safety Conference in May 2011. In addition, a safe patient handling 'track' is being developed in collaboration with the MN Safety Council. The educational track will coincide with the annual safety conference and will feature round table discussions on safe patient handling, including enforcement initiatives, statistical data, and best-practices. The round table will include DLI, academia, and private sector representatives. Ergonomic worksite visits are being conducted for both industrial and office ergonomics.

Other activities outside of healthcare and safe patient handling included: a presentation provided to the MN Bottlers Association on ergonomic risk factors. Other industry categories where consultation visits were completed included: warehousing, re-cycling center, offices, metal machinery fabrication & engineering, grocery store, plastic sheeting/products, and water treatment facilities. 40 initial visits were completed during the fiscal year-

Safe Patient Handling Act

The Safe Patient Handling Act (Minn. Stat. 182.6551 through 182.6553), requires licensed health care facilities in Minnesota to adopt a written safe patient handling policy and establish a safe patient handling committee by July 1. The written policy must establish a plan to minimize manual lifting of patients by Jan. 1, 2011, through the use of patient-handling equipment. WSC developed a compliance directive to guide in the enforcement of the statute. A sample program for nursing homes and hospitals was also developed. The WSC safe patient handling webpage on the DLI website is being continuously updated to include safe patient handling information as it becomes available. The sample program and links to outside sites are available there.

An alliance with a long-term care group was established to provide on-site, hands-on training on hazard recognition and safe patient handling program development, for nursing home employers and employees. The alliance established eight host nursing home sites who agreed to an on-site consultation visit. All identified serious hazards

required abatement. The consultation visit allowed employees from the host and other nursing home facilities to participate. Following the consultation visit, a training session was provided to discuss findings and recommendations from the consultation.

A second alliance with a group of three hospitals was established to plan and provide facilitated discussions on safe patient handling, from current issues to best practices. Meetings are held quarterly, and representatives from MN healthcare facilities are invited to participate directly. A summary of meeting discussions is compiled and shared with

In 2009, the Safe Patient Handling in Clinical Settings Statute (Minn. Stat. 182.6554) was passed. The Statute requires every clinical setting that moves patients to develop a written safe patient handling plan by July 1, 2010, with a goal of fully implementing the plan by January 1, 2012. This has resulted in additional work done with the MN Dental Association, to help their clients understand requirements of the Safe Patient Handling Act, as it applies to dental establishments. A dental specific safe patient handling program has been developed and posted on the DLI web-site. A dental-specific hazard assessment has also been developed in collaboration with the Minnesota branch of the American Dental Association. The hazard assessment will assist dental clinics in choosing appropriate options and equipment for safe patient transfers. The draft is in final review.

Collaborated with the MN Dental Association on writing a 'Myths and Facts' article on safe patient handling, for the Association's newsletter.

MANDATED ACTIVITIES

Compliance:

Activities mandated under the Occupational Safety and Health Act are considered core elements of Minnesota's occupational safety and health program. The accomplishment of these core elements is tied to achievement of the State's strategic goals. Many mandated activities are "strategic tools" used to achieve outcome and performance goals.

"Mandated activities" include program assurances and state activity measures. Fundamental program requirements that are an integral part of the MNOSHA program are assured through an annual commitment included as part of the 23(g) grant application. Program assurances include:

- ▶ Unannounced, targeted inspections, including prohibition against advance notice;
- ▶ First instance sanctions;
- ▶ A system to adjudicate contestations;
- ▶ Ensuring abatement of potentially harmful or fatal conditions;
- ▶ Prompt and effective standards setting and allocation of sufficient resources;
- ▶ Counteraction of imminent dangers;
- ▶ Responses to complaints;
- ▶ Fatality/catastrophe investigations;
- ▶ Ensuring employees:
 - * Protection against, and investigation of, discrimination
 - * Access to health and safety information
 - * Information on their rights and obligations under the Act
 - * Access to information on their exposure to toxic or harmful agents
- ▶ Coverage of public employees;
- ▶ Recordkeeping and reporting;
- ▶ Voluntary compliance activities.

Mandated activities are tracked on a quarterly basis using the SAMM (State Activity Measures) Report which compares State activity data to an established reference point. Additional activities are tracked using the Interim State Indicator Report (SIR). A comparison of MNOSHA activity measures for FFY09, FFY10 and FFY11 is provided in the tables on pp. 19-20.

Significant improvement was seen in these mandated activities in FFY11:

- Complaint inspections were conducted within an average of 3 days, significantly lower than the goal of 9 days;
- Complaint investigations were conducted within an average of less than 1 day, significantly lower than the goal of 2 days.
- Private sector inspections results in 82% with serious/willful/repeat citations, an increase from 71% in FFY10.
- Public sector inspections results in 89% with serious/willful/repeat citations, an increase from 81% in FFY10.

COMPARISON OF FFY09, FFY10, and FFY11 ACTIVITY MEASURES
MNOSHA Compliance

Performance Measure	FFY09	FFY10	FFY 11	Comments
Average number of days to initiate complaint inspections	2.98	3.2	2.98	The average number of days to initiate a complaint inspection remains well below the established goal of 9 days.
Average number of days to initiate complaint investigations	1.09	1.03	.64	The average number of days to initiate a complaint investigation decreased and remains below the established goal of 2 days.
Percent of Complaints where complainants were notified on time	100	100	100	MNOSHA continues to timely notify all complainants.
Percent of complaints and referrals responded to within 1 day – Imminent Danger	100	100	100	All imminent danger complaints were responded to within one day.
Number of denials where entry not obtained	1	0	0	There were no denials where entry was not obtained.
% of serious/willful/repeat violations verified – Private	67.31	71.20	82.10	MNOSHA continues to improve abatement verification processes.
% of serious/willful/repeat violations verified – Public	83.47	80.98	88.70	MNOSHA continues to improve abatement verification processes.
Average number of calendar days from opening conference to citation issue – Safety	22.79	22.50	21.77	The average number of calendar days from opening conference to citation issue for safety cases decreased and remains below the goal of 30 days.
Average number of calendar days from opening conference to citation issue – Health	33.09	32.61	25.13	The average number of calendar days from opening conference to citation issuance for health cases decreased and is below the goal of 35 days.
% of programmed inspections with serious/willful/repeat violations – Safety	64.46	68.43	64.64	The percent of programmed safety inspections with serious/willful/repeat violations decreased in FFY11
% of programmed inspections with serious/willful/repeat violations – Health	45.06	58.28	60.77	The percent of programmed health inspections with serious/willful/repeat violations increased in FFY11.
Average violations per inspection with violations – Serious/willful/repeat	1.94	2.23	2.04	The number of SWR citations decreased slightly in FFY11, from the previous year.
Average violations per inspection with violations – Other	.55	.66	.70	MNOSHA's rate of issuing other citations increased.
Average initial penalty per serious violation (Private Sector Only)	731.17	791.29	935.91	MNOSHA's average initial penalty per serious violation increased significantly.
% of total inspections in public sector	3.46	7.57	5.67	The percent of programmed public sector inspections remains above the goal of 3%.
Average lapse time from receipt of contest to first level decision	142.19	127.87	141.54	The average lapse time from receipt of contest to first level decision increased.
Percent of 11(c) investigations completed within 90 days	96.43	91.49	82.35	The percent of 11(c) investigations completed within 90 days continues to be high.
% of 11(c) complaints that are meritorious	10.71	12.77	8.82	The percent of merit cases decreased in FFY11.
% of meritorious 11(c) complaints that are settled	66.67	83.33	100	The discrimination staff continues to settle merit cases.

Data Source: SAMM report run by Federal OSHA in November 2011.

Performance Measure	FFY 09	FFY 10	FFY 11	Comments
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Safety	93.4	89.5	87.0	The percent of programmed safety inspections in the private sector decreased in FFY 11.
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Health	70.86	68.9	71.6	The percent of programmed health inspections in the private sector increased in FFY11.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Safety	74.78	71.3	69.1	The percent of programmed safety inspections with violations in the private sector decreased in FFY11.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Health	63.24	65.4	67.8	The percent of programmed health inspections with violations in the private sector increased in FFY11.
<u>Enforcement (Private Sector)</u> % Serious Violations – Safety	80.13	74.0	72.7	The percent of serious violations in safety cases decreased in FFY11.
<u>Enforcement (Private Sector)</u> % Serious Violations – Health	63.15	66.4	67.0	The percent of serious violations in health cases increased in FFY11.
<u>Enforcement (Private Sector)</u> Average Penalty – Safety Other-than-Serious	207.08	215.70	228.70	The average other-than-serious penalty for safety cases increased in FFY11.
<u>Enforcement (Private Sector)</u> Average Penalty – Health Other-than-Serious	185.63	188.70	202.80	The average other-than-serious penalty for health cases increased in FFY11.
<u>Enforcement (Private Sector)</u> Inspections / 100 Hours – Safety	3.32	3.5	3.6	The number of inspections per 100 hours – safety increased in FFY11.
<u>Enforcement (Private Sector)</u> Inspections /100 hours – Health	2.12	2.5	2.8	The number of health inspections per 100 hours increased in FFY11.
<u>Enforcement (Private Sector)</u> % Violations vacated	0	0	0	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Enforcement (Private Sector)</u> % Violations Reclassified	0	0	0	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Enforcement (Private Sector)</u> % Penalty Retention	78	79.2	78.2	The penalty retention rate for private sector inspections decreased in FFY11.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Safety	89.9	94.3	92.2	The percent of programmed safety inspections decreased in FFY11.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Health	17.65	21.6	6.3	The percent of programmed health inspections decreased in FFY11.
<u>Enforcement (Public Sector)</u> % Serious Violations – Safety	75.66	73.5	73.1	The percent of serious violations for public sector safety inspections decreased in FFY11.
<u>Enforcement (Public Sector)</u> % Serious Violations – Health	72.22	81.8	64.3	The percent of serious violations in health cases in the public sector increased in FFY11.
<u>Review Procedures</u> % Violations Vacated	11	7.6	5.8	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Review Procedures</u> %Violations Reclassified	0	10.2	9.4	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Review Procedures</u> % Penalty Retention	75	53.2	48.4	MNOSHA's penalty retention rate for public sector decreased in FFY11.

Data Source: SIR run by Federal OSHA using Current Month = September 2011.