

# Minnesota

Occupational Safety and Health Administration — MNOSHA

## Signature Projects

### Discrimination prevention

Minnesota OSHA's (MNOSHA's) senior discrimination investigator is an inaugural member, representing OSHSPA, on the national Whistleblower Protection Advisory Committee and its 11(c) Work Group. MNOSHA's Compliance unit includes an active discrimination team. The three discrimination investigators opened 45 discrimination cases and concluded 54 cases in federal fiscal year (FFY) 2013, increases of 10 percent and 108 percent, respectively, from the prior federal fiscal year. While most cases were not determined to be meritorious, MNOSHA was able to achieve reduced disciplines for three of the complainants, back pay of more than \$4,100 for another and \$10,000 in back pay and compensatory damages for a third complainant, all without the need for formal hearings. In response to the 2012 federal memo concerning employer safety incentives, investigators are more attuned to workers' compensation issues in the workplace.

Investigators responded to 168 other stakeholder inquiries, an increase of 22 percent from the prior year.

### Residential construction

Minnesota OSHA continues to ensure employers are complying with the fall-protection standards in construction. In the past three years, approximately 25 percent of construction inspections resulted in residential fall-protection citations. In federal fiscal year 2013, MNOSHA had a 35 percent increase in residential fall-protection citations from FFY 2012. Along with inspections, MNOSHA has conducted five outreach sessions to more than 166 employer representatives specifically about fall protection in residential construction. During FFY 2013, MNOSHA continues to cover residential construction in its Construction Seminar programs. MNOSHA has also conducted two Construction Seminars in Spanish that focused on fall protection and included residential construction. In addition, an MNOSHA representative attended a board meeting at St. Paul College in St. Paul, to aid in establishing goals and objectives related to residential contractor training through the college.

## Emphasis Programs

In 2013, MNOSHA conducted inspections under 18 local and national emphasis programs. MNOSHA's key areas of inspection emphasis continued to be workplaces with high injury and illness rates as determined by the federal Data Initiative, workers' compensation information, and data obtained from the federal Bureau of Labor Statistics.

Seventy-three percent of MNOSHA's 2,479 programmed inspections were conducted in the above-stated emphasis programs. Seventy-two percent of inspections conducted in these emphasis programs resulted in citations issued.

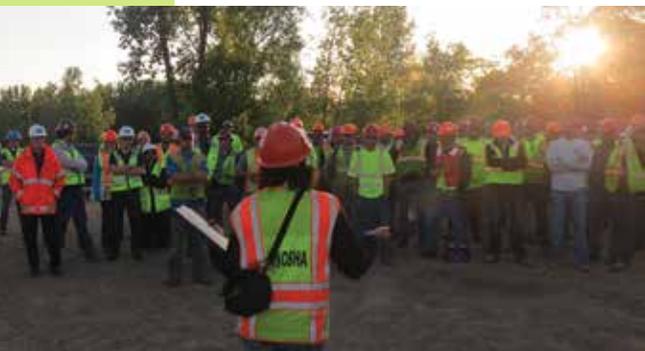
### Grain elevators

MNOSHA Compliance conducted 25 inspections of grain elevators in FFY 2013, resulting in 118 citations and \$84,225 in penalties. Given the results of those inspections, MNOSHA Compliance added grain elevators as a local emphasis program in FFY 2014.

### Window washing

MNOSHA Compliance added a local emphasis program for window-washing activities in FFY 2011. The emphasis program directs investigators to initiate an inspection when they observe employees engaged in window-washing activities. Since the inception of the emphasis program, MNOSHA Compliance has conducted 101 inspections and issued 78 citations totaling more than \$247,000 in penalties. In comparison to previous fiscal years, data now indicate an increased number of employers in compliance. Also, the percent of inspections with citations has decreased from 48 percent in FFY 2011 to 36 percent in FFY 2013.

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## Enforcement

At a precast concrete culvert plant, a temporary employee fell approximately 6 feet from a casting deck to the bottom of the mold. The employee sustained serious injuries and was not able to work for two weeks. MNOSHA Compliance issued three willful and two serious citations to the concrete plant employer, a total of \$170,800 in penalties. The willful violations included the failure to barricade or cover floor openings, allowing entry into a permit-required confined space when hazardous conditions not allowed under the entry permit were present, and failure to enforce lockout/tagout procedures.

An employee was fatally injured after coming into contact with an unguarded router bit on a CNC machine. The employer was cited for lockout/tagout violations, as well as the failure to guard the router bit. The citations resulted in \$80,800 in penalties.

## Outreach

### Seminars, training

Minnesota OSHA Compliance conducted 104 presentations to 3,101 participants. Ninety-eight percent of outreach presentations were in emphasis industries, including construction with a focus in excavation and residential construction. Two presentations were given to the Minnesota Grain and Feed Association, specifically about the grain-handling standard, with 70 participants. Five outreach training sessions specific to trenching operations were presented to more than 207 employer representatives.

MNOSHA Compliance conducted five Construction Seminars developed to assist members of the construction industry who are responsible for worksite safety to stay current with MNOSHA Compliance standards. The seminars also provide a citation-free forum for employees of the construction trades and their employers to discuss issues and experiences with the speaker, their peers, and MNOSHA Compliance investigators.

MNOSHA Compliance continues to work with a Construction Seminar Focus Group to select safety topics and presenters for each event. The group comprises various representatives from the construction industry, including insurance agents, company safety directors, and safety consultants. In total, the Construction Seminar presentations attracted 258 participants. The topics were residential fall protection, MNOSHA update and GHS, cranes and derricks in construction, electrical worksite safety, and vehicle safety.

## Immigrants and “hard-to-reach” employers, employees

MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs two investigators who are fluent in both English and Spanish. It has updated its right-to-know handouts and MNOSHA workplace inspections booklet that are offered in Spanish and has translated 16 of its Minnesota-specific documents into Spanish. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department of Labor and Industry’s community services representative.



*MNOSHA offered Spanish-language classes to workers about fall protection and to employers about how OSHA conducts inspections.*

MNOSHA hosted 33 participants at its first Construction Seminar offered in Spanish, which focused on fall protection. It gave another presentation in Spanish for new employers about what to expect during an OSHA inspection.

### Conference participation

Minnesota OSHA continues to participate in major safety conferences throughout the state, including staffing information booths at four separate exhibitions.

### Quarterly newsletter

In addition to its subject-specific publications, MNOSHA continues to publish its quarterly newsletter “Safety Lines.” Some of the topics covered during the past year included: the most frequently cited standards; Workplace Safety Consultation services for small businesses; the Minnesota Safety and Health Achievement Recognition Program; the annual workplace safety report from the Department of Labor and Industry’s Research and Statistics unit; partnerships with Associated General Contractors of Minnesota and with the Minnesota Chapter of Associated Builders and Contractors; methicillin-resistant staphylococcus aureus (MRSA); an area youth construction program; grain handling; personal protective equipment; safety alerts; chemical hazards associated with cleaning and housekeeping; the Safety Grant program; an imminent danger intervention; special emphasis programs; preparation for an inspection; respirators; a crane safety alert; fall protection; logging; heat stress; MNOSHA’s year in review; the Globally Harmonized System of Classification and Labeling; and answers to MNOSHA’s frequently asked questions.

## Partnerships

### Minnesota STAR (MNSTAR) Program/ Voluntary Protection Program (VPP)

In FFY 2013, four new organizations in Minnesota achieved full MNSTAR status. In addition to these new participants, four employers received full recertification, with the associated five-year



*MNOSHA ended 2013 with 35 employers achieving MNSTAR status.*

exemption from routine compliance inspections; two employers achieved the established one-year conditional goal and received the remaining four years of certification; one MNSTAR participant was required to withdraw from the program; and one merit participant had its status extended for an additional three years.

FFY 2013 ended with the MNSTAR program comprising 35 employers: One is a construction participant and the remainder are general industry participants. Of these employers, 33 are full MNSTAR participants and two are working in a merit status.

On average, general industry participants in the MNSTAR program were 51 percent below the current U.S. Bureau of Labor Statistics (BLS) rates for total recordable cases (TRC) and 68 percent below the current BLS rates for days away from work, job transfer, or restrictions (DART) cases. The MNSTAR construction participant, a resident contractor at a MNSTAR participant's site, was 9 percent below current BLS rates TRC and 100 percent below the current BLS rates DART cases.

Participants benefited from the MNSTAR Program with an approximate \$1.5 million total cost savings.



*MNOSHA established a cooperative safety and health partnership with contractors constructing a four-lane bridge spanning the St. Croix River between Minnesota and Wisconsin.*

### Construction Health and Safety Excellence (CHASE) Minnesota

In FFY 2012, MNOSHA signed newly revised construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota. The partnerships are designed to help reduce the number of injuries, illnesses, and fatalities at participating construction industry employers.

The partnership is managed by both associations 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 FFY 2013, MNOSHA signed Cooperative Compliance Partnership agreements with eight Level 3 individual contractors for specific construction sites.

### St. Croix Crossing

MNOSHA also entered into a partnership agreement with the Minnesota Department of Transportation and a contractor for the construction of the piers for the St. Croix Crossing project. The pier project consists of the construction of five river piers to a height of 15 feet above nominal river elevation. The St. Croix Crossing project is a major construction project replacing the 80-year-old Stillwater (Minnesota) Lift Bridge with a four-lane bridge spanning the St. Croix River and connecting two expressways between Oak Park Heights, Minn., and St. Joseph, Wis.

This partnership establishes a cooperative effort to ensure safety and maintain an open line of communication between MNOSHA and the contractors on the worksite.