

**OSH Advisory Council meeting
minutes
Feb. 3, 2012**

Members present

Carol Bufton, Chairwoman
Michael Hawthorne
Scott Huberty
Michael Mueller
Elizabeth Rheingans
Greg Rindal
Christopher Schmitt
Kathy Smith
Dean Tharp
Daryl Tindle

Members absent

Erick Ajax
Fay Chawla

Staff members present

Gary Hall, Assistant Commissioner
Alden Hoffman
James Honerman
James Krueger
Pam McLaughlin
John Rajkowski
Cindy Valentine
Nancy Zentgraf

Visitors present

Matt Marquis
Eugene Mitchell

I. Call to order and announcements

The meeting was called to order at 10:03 a.m. by Chairwoman Carol Bufton and announcements were read.

Approval of the agenda and minutes

A motion was made and seconded to approve the Feb. 3, 2012, meeting agenda and the Nov. 4, 2011, draft meeting minutes. All voted in favor and the motion passed.

II. Department introductions

DLI staff members, visitors and council members introduced themselves. Chairwoman Bufton welcomed reappointed members: Michael Mueller, Greg Rindal, Kathy Smith, Dean Tharp and Daryl Tindle. New member Christopher Schmitt was welcomed.

III. Federal OSHA update – Jim Krueger for Mark Hysell

1. OSHA encouraged major retailers to provide crowd management measures to protect workers during major sales events

- In 2008, a worker was trampled to death while a mob of shoppers rushed through the doors of a large store to take advantage of an after-Thanksgiving-Day sales event.

- The store was not using the kind of crowd management measures recommended in OSHA’s fact sheet, available online at http://osha.gov/OshDoc/data_General_Facts/CrowdControl.html. The fact sheet provides employers with recommended elements for crowd-management plans.

2. OSHA is to focus on improving safety and health at nursing home facilities

- The Bureau of Labor Statistics released detailed data about nonfatal occupational injuries and illnesses requiring days away from work in 2010.
- The incidence rate for health care support workers increased 6 percent to 283 cases per 10,000 full-time-equivalent workers, almost two-and-a-half times the rate for all private- and public-sector workers at 118 cases per 10,000 full-time-equivalent workers.
- The rate among nursing aides, orderlies and attendants rose 7 percent, to 489 per 10,000 workers.
- The rate of musculoskeletal disorder cases with days away from work for nursing aides, orderlies and attendants increased 10 percent to a rate of 249 cases per 10,000 workers.
- In the next few months, OSHA’s response is to launch a national emphasis program about nursing home and residential care facilities. Through this initiative, OSHA expects to increase inspections of these facilities, focusing on: back injuries from resident-handling or lifting of patients; exposure to bloodborne pathogens and other infectious diseases; workplace violence; and slips, trips and falls.

3. Animated educational videos show how to protect workers from construction hazards

- OSHA has released 12 educational videos about potential hazards in the construction industry.
- These videos cover falls in construction, workers who are struck by vehicles and heavy equipment, sprain and strain injuries, trenching and excavation hazards, and carbon monoxide poisoning.
- Most of the videos are two to four minutes in length and all but one are animated.
- Each video is available in English and Spanish for Web viewing or downloading.

4. New national emphasis program for chemical facilities

- The new national emphasis program replaces OSHA’s 2009 pilot Chemical Facility National Emphasis Program that covered several OSHA regions around the country.
- The program establishes policies and procedures for inspecting workplaces that are covered by OSHA’s process safety management (PSM) standard.
- OSHA implemented a multi-year pilot national emphasis program for PSM-covered facilities in July 2009 in an effort to reduce releases of highly hazardous chemicals.

5. New tire charts will help workers safely service single-piece and multi-piece rim wheels

- OSHA has revised its tire services materials to address current hazards in the industry and help workers safely perform maintenance on large vehicle tires.
- The updated information, available in a portable manual or as three poster-sized charts, is easier to access and use.
- OSHA’s revised “Multi-piece Rim Matching Chart” provides an updated list of current and obsolete components; and the old “Demounting and Mounting Procedures for Truck/Bus Tires” chart is now expanded into two charts that deal individually with tubeless and tube-type tires.

- The revised tire charts are available for download on OSHA’s “Publications” Web page.

6. Formaldehyde exposure from hair smoothing products

- Formaldehyde can irritate the eyes and nose; can cause allergic reactions of the skin, eyes and lungs; and is a cancer hazard.
- Salon owners who decide to use products that may contain or release formaldehyde must follow the requirements of OSHA’s formaldehyde and hazard communication standards to keep workers safe.
- OSHA already has conducted significant outreach to salons, beauty schools and manufacturers to alert them about the hazards of hair smoothing products and the requirements of OSHA’s standards.
- In late September, OSHA issued a second hazard alert to hair salon owners and workers, which can be viewed at www.osha.gov/SLTC/formaldehyde/hazard_alert.html.
- For more information about formaldehyde exposure in salons, visit www.osha.gov/SLTC/hairsalons.

7. Protecting workers during winter storms

- OSHA has created a Web page to help protect workers from hazards they may face during winter storm response and recovery operations.
- The new “Winter Storms” Web page can be found at www.osha.gov/dts/weather/winter_storm.

Closer to home

1. OSHA’s on-site visit with MNOSHA

- In mid-January, OSHA conducted an on-site visit to assess the state’s progress toward achieving performance goals established in its federal-fiscal-year 2011 annual performance plan and to review the effectiveness of programmatic areas related to enforcement activities.
- The draft *FAME* report is due to the Chicago Regional Office by Feb. 29, 2012.
- The draft will be provided to MNOSHA for comment in early March, for final submission to the national office by March 31, 2012.

IV. Arthur E. McCauley, Jr. Award – Cindy Valentine

The Arthur E. McCauley, Jr. Award recognizes a safety or health professional for their dedication and commitment to improving the safety and health of Minnesota’s workplaces. DLI recommends Harvey Burski receive the award this year. Burski was a member of the Workers’ Compensation Advisory Council from 1999 to 2011. The award will be presented during the Minnesota safety conference in May 2012. A motion was made and seconded to support Burski’s nomination to receive the award. After discussion, the council voted unanimously in favor of the motion for Burski to receive the Arthur E. McCauley, Jr. Award.

V. New business

1. Window-washing rule – Nancy Zentgraf

- A handout of Zentgraf’s PowerPoint presentation was provided to the council members. The new MNOSHA standard, Window Cleaning and Building Maintenance, was proposed Oct. 31, 2011.
 - Six comments were received and modifications were made to clear up the language of the standard.

- The modified standard was adopted Jan. 23, 2012.
- The standard's effective date is March 1, 2012.
- The scope of the standard applies to:
 - all window-cleaning operations;
 - building-maintenance operations or a combination that is performed on the inside or outside of any building; and
 - a structure of skyway, when suspended more than 14 feet above grade, or on an adjoining flat roof of another flat surface.
- A written plan is expected before work begins, which must be reviewed with employees doing the work and the building owner; a step-by-step procedure for control of each hazard must be made.
- Prior to using any equipment, the building exterior shall be visually inspected.
- A qualified individual shall determine there are identified and certified anchorages for use and the building owners shall provide written documentation of identified and certified anchorages to the window-cleaning contractor.
- Rope descent systems must ensure the use of equipment is according to the manufacturer, is inspected each day, is inspected after each descent and when moved to ensure it is properly assembled before re-descending, and to ensure the use of proper rigging.
- Fall protection is required for every employee exposed to a fall hazard.
- Training is required for each employee using personal fall-protection equipment; employees must be trained to use rope descent systems; employees must be retrained when the workplace changes; and training records must be kept.

DLI will schedule state-wide employee and employer training. A number of organizations have started clinics to train employees and employers. DLI's Construction Codes and Licensing Division is also working on a building code for anchors. Small employers can access safety grants to assist in implementation. Fourteen feet is a Department of Transportation regulation for skyways.

2. Brainstorm potential topics/issues/information for future meetings

- Commissioner Ken Peterson stated that during the past 20 years, safety has greatly improved in Minnesota. There is a much greater awareness of worker safety, due to programs such as OSH partnerships, MNSHARP, MNSTAR Program and the Minnesota Safety Council. Minnesota OSHA continues to see a problem getting the word out to small firms – those with fewer than five to 10 employees. MNOSHA would like to reach out to small construction companies, family-owned businesses and other industries, and the council is asked to address this topic for future discussion.
 - A lot of the smaller firms belong to local trade associations that could be used to get the word out – in a nonthreatening (compliance) manner. Small companies do not have money to hire a safety professional as the large companies do. In agriculture specifically, for small elevator companies, money is a big issue. Trade associations have meetings for their members and education could be set up with a Minnesota OSHA consultation approach.
 - Scott Huberty stated insurance providers have loss-control departments with staff members who have the ability to connect with these smaller companies and would be receptive to consultation services. Connections would be made to Minnesota worker' compensation providers to invite MNOSHA staff members to offer in-house training.
 - Suppliers and vendors may be a way to reach the small employers who are not part of trade associations.
- More safety presentations during the OSHAC meetings, similar to today's window-washing presentation
- Renewable energy wind turbines, anything MNOSHA is working on

- The utility industry is a tangent to the green industry; injuries, climbing towers, falls – emphasis on man lifts
- Obtain more information about what MNOSHA does, such as the safety incentives and recognition programs, MNSHARP, MNSTAR Program in construction and safety award flag-raising events
- Injury statistics for lone workers in the utility and public sector industries, such as the Boy Scouts, park rangers, etc. Safety shortcuts are taken when not working with others. Alden Hoffman stated there is nothing built in the system to capture that data.
- Lone workers in manufacturing industry. Safety techniques to control and address worker safety in large facilities during the night and weekend shifts.
- Touring facilities that receive safety awards. Is it possible for members of the council to attend safety walkarounds? Jim Krueger responded that observers are not allowed on compliance safety walkarounds, but if new council members would be interested, time could be set up for a presentation about how MNOSHA Compliance or Workplace Safety Consultation work. Members may contact Jim Krueger or Alden Hoffman to schedule an appointment.
- Conversation relating to those who work or are being educated to work in the health care industry: occupational health and safety, hospitals and nursing homes. Scott Huberty stated the first “Safe-patient-handling conference” is planned as part of the Minnesota safety conference in May. The planning is collaborated between MNOSHA Workplace Safety Consultation and the Minnesota Safety Council to promote more safety to professionals in the health care field.
- Temporary staffing industry. Who is responsible for safety training temporary employees? Who is accountable or liable (the staffing agency or the employer) when an injury occurs? Who records the OSHA 300 injury/illness log? There is a lot of confusion and misinformation about the roles and responsibilities in an employer/employee relationship regarding temporary workers. Jim Krueger stated MNOSHA Compliance is starting to see an increase in injuries in this area. If the temporary agency provides supervision, they are accountable. If the temporary agency does not provide supervision, it is typically the host or hiring company that is accountable for training the employee. From compliance, if both agencies can be cited, they will be. The MNOSHA program plan is for both companies to increase the cooperation between them and to clarify the accountability issue upfront. See the January 2012 edition of *Safety Lines* for the most recent story about this topic. Huberty stated a lot of host employers are not providing safety training and those that do are not doing it well. Anything that can be done to highlight and promote that need, or to enforce the requirements, would be a good thing.

A list of topics will be put together for prioritization by the council members.

VI. Old business – None

VII. Staff reports

MNOSHA Compliance update – James Krueger

Inspections – federal-fiscal-year 2012 – first quarter

- Investigated four fatality cases and 18 serious injury cases that occurred within MNOSHA jurisdiction (approximately half of the serious injury cases involve temporary agencies)
- Conducted 597 inspections
- Handled 118 complaints, which resulted in 74 inspections
- Requests for on-site visits have increased

Construction seminar (formerly the Construction Breakfast program)

- March 13, 2012: Changes in residential fall-protection

- May 15, 2012: Window washing and suspended scaffolds

Note: Staff members from each group are scheduled to attend these seminars to meet with and answer questions outside of a compliance inspection.

Outreach

- During the first quarter of federal-fiscal-year 2012, MNOSHA Compliance gave 30 presentations to 1,036 attendees. Eleven of these presentations were provided to youth (students in college preparatory classes) for a total of 282 in attendance.
- During the first quarter of federal-fiscal-year 2012, MNOSHA Compliance responded to 891 telephone calls (35 percent employees, 31 percent employers) and 375 written requests (primarily email messages) related to safety and health issues.

Publications

- The January 2012 edition of *Safety Lines* has been posted on DLI's website.
- In December 2011, a new fact sheet about trenching and excavation safety was published and will be included in the DLI Construction Codes and Licensing Division's mailing lists to plumbing and sewer contractors.

Training

In-house staff training

- Four new safety investigators are in Phase III training. Within the month, these investigators will be out in the field generating their own inspection numbers.
- Workplace Safety Consultation's new management analyst is attending some of the classes to review and update her knowledge of OSHA standards and procedures.
- Workplace Safety Consultation staff members are participating in training opportunities to increase the knowledge base of what hazards compliance inspectors are looking at on jobsites.

Staffing

- Interviews are taking place for four open positions: one industrial hygienist and three safety investigators. Twelve positions were filled last year.

OTI training

- Ten staff members attended OTI during the first quarter of federal-fiscal-year 2012. Courses included demolition, combustible dust, electrical standards and machine guarding.
- Three staff members participated in OTI Webinars about OSHA electronic resources and noise standards.
- Four staff members attended the AIHA-UMS 14th Annual Professional Development Conference in November 2011, and Alden Hoffman conducted a presentation.
- A total of 94 OTI training registrations have been made for 2012, ranging from three days to two weeks.

Significant legislation/rulemaking/compliance guidance

Window washing: March 1, 2012, effective date

Minnesota Rules 5205.0730: Window cleaning; building maintenance (a.k.a. window washing) – This rule is intended to provide clarity to window-washing contractors and building-maintenance contractors that provide interior or exterior window-washing or building-maintenance operations or services more than 14 feet above grade or an adjoining flat roof or other flat surface. A news release is on MNOSHA's website at www.dli.mn.gov/WindowWashingStandard.asp.

Emphasis programs

- Window washing: MNOSHA continues to train investigators, particularly about the new standard.
- MNOSHA continues to stop and are conducting training in each of the following areas:
 - excavation;
 - residential construction (fall protection);
 - crane inspection; and
 - silica in construction.

Audit by federal OSHA

- On Jan. 17 through 20, 2012, the Eau Claire Area Office conducted the federal-fiscal-year 2011 on-site review. The report is pending; no significant issues were identified.

OSHSPA/family meeting

- Jim Krueger, Cindy Valentine and Laura Zajac (DLI General Counsel) will be attending the OSHSPA meeting in Louisville, Ky., Feb. 14 and 15. Key issues: budget, 2011 audit, national emphasis programs and penalties.

MNOSHA Workplace Safety Consultation update – Cindy Valentine

Staffing update – Patricia Todd accepted a position with the Department of Natural Resources, effective Feb. 1, 2012. Commissioner Peterson asked Cindy Valentine to supervise the Workplace Safety Consultation unit for a few months.

First quarter federal-fiscal-year 2012 statistics

- 184 initial visits with 970 serious hazards and 205 “other than serious” hazards
- 46 training visits conducted, impacting 115 employers and 374 employees

Ergonomics

- There is a focus on safe patient-handling, with a number of alliances being pursued:
 - Care Providers of Minnesota – four visits to member sites were conducted, which included consultations and training; and
 - Healthcare Group Alliance – there are quarterly meetings at DLI, with the next meeting scheduled in March.
 - A sample hazard assessment tool was developed to be used as a reference for safe patient-handling in dental clinics as part of an alliance with the Minnesota Dental Association.
 - A presentation was made at the Care Providers Conference and also at the American Occupational Health Professionals Conference.
 - This included nine initial visits and seven training visits, impacting 230 employers 282 employees.

LogSafe

- Hibbing Community College conducts LogSafe training for Workplace Safety Consultation. The 2011 session recently concluded. Participant feedback has been positive and the schedule for the coming year is due soon.
 - Outreach/training/consultation visits:
 - four formal training sessions tied to consultation visits and 11 interventions focusing on chain saw safety and hands-on tree felling; and

- overall, 15 employers and 142 employees were impacted.
- Workplace Safety Consultation's LogSafe staff member has expanded his position to include construction employer consultation assistance in northern Minnesota. As a part of that work, eight separate consultation visits were provided.

Training and outreach

- Eleven additional outreach sessions were presented:
 - five sessions about preventing workplace violence;
 - three presentations about hazard recognition for youth; and
 - formal training in construction about scaffolding, fall protection and electrical hazards.

Safety grants

- A total of 111 safety grants have been awarded for projects totaling \$3,180,000.
 - A total of \$416,294.96 was awarded:
 - 19 construction grants;
 - 16 manufacturing grants; and
 - 40 service grants (includes the health care industry and six logging-related).

VIII. Reports

- The fatality/serious injury log is online at www.dli.mn.gov/OSHA/Information.asp.
- The most recent edition of *Safety Lines* is online at www.dli.mn.gov/OSHA/PDF/71_0411sl.pdf.

Future agenda items

- Chairwoman Bufton stated the topic list has been completed. Members are to consider discussion topics, issues and information from MNOSHA Compliance and Workplace Safety Consultation for ideas about what direction the OSHAC will take in 2012. Bufton will collect the topic list and Pamela McLaughlin will email it to the members.
- Cindy Valentine was asked to inform the members about legislative updates regarding the Safety Grant Program.
- **2012 meeting dates:** May 4, Aug. 3 and Nov. 2.

IX. Adjournment

- A motion to adjourn was made by Mike Mueller and seconded by Daryl Tindle. There was no further discussion; all voted in favor and the meeting was adjourned at 11:25 a.m.

Respectfully submitted,
Pamela McLaughlin
Executive Secretary