

**Occupational Safety and Health  
Advisory Council meeting minutes  
Nov. 7, 2014**

**Members present**

Paul Aasen  
Erick Ajax  
Michael Hawthorne  
Scott Huberty  
Pedro Lopez  
Michael Marturano  
Elizabeth Rheingans  
Greg Rindal  
Christopher Schmidt  
Daryl Tindle

**Staff members present**

Alden Hoffman  
Mark Hysell  
James Krueger  
Commissioner Ken Peterson  
John Rajkowski  
Roslyn Robertson  
Cindy Valentine  
Nancy Zentgraf

**Speakers/guests present**

Tracy Rheingans  
Yuan Shao

**Call to order**

The meeting was called to order at 10:03 a.m. by Commissioner Ken Peterson. Paul Aasen of the Minnesota Safety Council was introduced. Paul will assume the OSH Advisory Council chairman position. The announcements were read. Introductions of members and staff were made.

**Approval of the agenda**

Michael Marturano moved to approve the Nov. 7, 2014, meeting agenda and Erick Ajax seconded. The motion carried and the Nov. 7, 2014, agenda was approved.

**Approval of the minutes**

The May 2, 2014, meeting minutes were approved.

**Department update - Commissioner Peterson**

- The Department of Labor and Industry (DLI) is seeking four positions in Minnesota OSHA (MNOSHA) Compliance funded out of the Workers' Compensation Fund. The government shutdown and sequestration impacted MNOSHA's budget. DLI is retaining employees for longer periods of time; however, MNOSHA is down 14 positions since 2008.
- Two MNOSHA-related bills are being sought: to broaden the Safe Patient Handling Act to include nursing homes and assisted living facilities; and to prohibit the use of employee misconduct as a defense where a

supervisor/management is on-site. Governor Mark Dayton will review and a decision is expected in December.

### **New business**

- **Injuries/working conditions among nursing assistants in Minnesota – Yuan Shao, IH graduate student, University of Minnesota – occupational health intern program (OHIP), summer 2014 with Jessica Bianchi, University of Wisconsin.** Due to the increase in an aging population, the number of nursing homes is increasing. Nursing assistants have the second highest annual number of days away from work in Minnesota. Two hundred nursing homes were contacted and 18 were scheduled for interview. One hundred forty-three nursing assistants were questioned about their work experience and the safety climate of their facility. Fifty-seven percent of nursing assistants were younger than 35 years old; 85 percent worked fewer than 10 years at their facility. There is high turnover in this field. Reasons given were: tough job, students return to school and low wages. Half of the interviewees stated they had felt pain as a result of their work and one-quarter reported injuries mainly from patient handling. Old equipment, insufficient staffing and outdated communication tools often lead to risky behaviors. Research and Statistics' safe patient alliance meets twice a month. The group is working on this topic and a study is in progress.
- **Temporary Worker Safety Symposium – Roslyn Robertson, director, MNOSHA Workplace Safety Consultation.** Seventy-one representatives from temporary agencies, owners and management staff members attended a symposium hosted jointly by the Minnesota Recruiting and Staffing Association, Hennepin Technical College's Customized Training Services and MNOSHA Workplace Safety Consultation to address temporary worker safety, on Sept. 23, at the Hennepin Technical College campus in Eden Prairie, Minnesota. Requests have been made to give the presentation in Alexandria, Duluth, Mankato and Moorhead. The presentation may also be given at the Minnesota Safety Conference in May. Data shows many employers use temporary workers as an entry point or during peak production. MNOSHA looks at temporary agencies/host employers to share joint responsibility of worker safety.

### **Old business**

- The future meeting topics list was reviewed. Ranking one through 25. Additional topics could be: statistics about health care injuries for nursing assistants, EMTs and firefighters. Minimum staffing has a major impact on worker injuries. Paul stated there are three zones of potential conversation: system safety (engineering, risk); process safety management (regulatory, consultation, legal); and culture and behavior (good workers who may take a shortcut, resulting in injury). Legal and illegal drug use, medical fitness, driving.

- The 2015 meeting schedule was approved: Feb. 6, May 1, Aug. 7 and Nov. 6.

## **Staff reports**

- **Federal update – Mark Hysell**

- On Aug. 25, OSHA and NIOSH released recommended practices for staffing agencies and host employers to better protect temporary workers from hazards on the job. Staffing agencies are asked to take more of a lead, to provide more definition about who is leading the temporary employees. More information can be found at: [www.osha.gov/Publications/OSHA3735.pdf](http://www.osha.gov/Publications/OSHA3735.pdf) and [www.osha.gov/temp\\_workers](http://www.osha.gov/temp_workers).
- On Sept. 11, OSHA announced a final rule requiring employers to notify OSHA when an employee on the job suffers a work-related hospitalization, amputation or loss of an eye, effective Jan. 1, 2015. MNOSHA's intent to adopt is requested by Nov. 19, 2014.
- On July 10, OSHA launched an updated demolition website to address the hazards common in demolition operations and the safety measures that can be taken to prevent them. More than 1,000 citations for violations of OSHA's construction demolition standards were issued from 2009 through 2013.
- The safety stand-down for fall prevention in construction in June was a success nationwide. Thanks to MNOSHA for being involved to heighten the awareness of falls in construction.
- MNOSHA Compliance's and MNOSHA Workplace Safety Consultation's 2014 draft annual report is due in the Eau Claire, Wisconsin, area office Dec. 5. Final reports are due to be completed by Dec. 31. This will provide the time necessary to submit them to the national office.

- **Workplace Safety Consultation – Roslyn Robertson**

- The fourth-quarter of 2014 statistics report was distributed.
- All stated goals were met for fiscal-year 2014: 1,083 total safety and health service visits (includes initial, visits, training, follow-ups); 3,702 serious hazards (including one imminent danger); 449 other-than-serious hazards; 20 regulatory (recordkeeping); 405 interventions (impacting more than 9,000 establishments represented by more than 14,000 employees).
- LogSafe: 89 training presentations; two formal training visits relating to an on-site consultation for a logging employer.
- Construction: 512 total visits; 435 initial; 50 training; and 27 follow-ups. Fifteen percent of the visits related to residential construction; 1,378 hazards were identified.
- Outreach to youth and minority organizations/apprenticeship programs has increased: Goodwill/Easter Seal apprenticeship program (partners with the Minnesota Department of Employment and Economic Development and the Minnesota Department of Training (MnDOT)); YMCA (in partnership with MnDOT); Under Construction – various safety

and health topics; and Construction Tomorrow – personal protective equipment (PPE) training reaching more than 2,000 youth to union locals and major contractors to introduce the construction field to students; Job Corp program. WSC is working with Rochester school officials and at the Rogers High School, contractors brought equipment to show the students. Mike Hawthorne noted other states have noticed the program, with positive comments. WSC and Minnesota State Colleges and Universities are in the beginning stages of discussion to incorporate worker safety in classroom curriculum.

- Ergonomics: 54 total visits; 28 initial; 22 training; four follow-ups; and 51 technical assistance and training interventions involving acute and long-term health care, home health care, dental and office facilities.
- The alliance with Care Providers of Minnesota has been completed. Six facilities were provided on-site consultations, safety and health program technical assistance and training. There are quarterly ongoing meetings with the health care group to discuss issues, barriers, innovations, techniques, etc., relating to safe patient-handling in health care. DLI hosted three events: an ergonomics roundtable discussion for employers; and two presentations about injury and illness recordkeeping.
- The Safety Grant Program is used to promote safety and health, and WSC services. Ninety-two grant applications were received and reviewed. Sixty-five grants were awarded. Total project costs: \$2,671,023. Amount of grant money awarded: \$531,393. Total grants were awarded to: 50 private companies, 15 public entities, 20 construction companies, 10 manufacturing companies, 17 service industry companies and three logging companies.
- MNSHARP and MNSTAR Program:
  - 35 MNSHARP sites in general industry and one pre-MNSHARP site;
  - four MNSHARP sites in construction and eight pre-SHARP sites; and
  - 37 MNSTAR Program sites, with two merit sites and two sites pending final approval.
- **Training and outreach – Nancy Zentgraf**
  - Two staff members attended the Occupational Training Institute during the fourth quarter.
  - MNOSHA participated in four federal webinars: OSHA 0083 measuring OTI training impact; OSHA 0084 evaluating a hearing conservation program; OSHA 0085 occupational asthma and the isocyanate NEP; and OSHA 0086 recordkeeping audit training for VVP managers and team leaders.
  - A four-hour defensive driving make-up class was given to staff members who missed the February class.
  - One chemical engineer participated in an American Chemical Society webinar, Tragic chemical accidents: combustible-dust hazards.
  - A total of 16 presentations to 599 participants were given during the fourth quarter of federal-fiscal-year 2014: two were for employers

- covered under the MNOSHA strategic plan, 10 were for leading organizations, two were for youth organizations and one each for groups of safety and health professionals, immigrants and emerging businesses.
- Construction Safety Seminars are at the MnDOT Training and Conference Center in Shoreview, Minnesota. The September seminar covered confined-space entry and had 36 employers and employees attend.
  - In August, the discrimination team presented program information to a group of Spanish-speaking employees.
  - In September, a presentation was given in Spanish to new business owners.
  - The Minnesota Safety Council had its annual Northern Area Safety and Health Network Day in Duluth, Minnesota, Sept. 30. MNOSHA exhibited at the event and provided a MNOSHA update seminar.
  - *Safety Lines*: a new edition was published in July with stories about topics such as severe weather, partnership agreements, ergonomics training, MNSHARP Construction worksites, recordkeeping training, injury and illness rates in health care, etc.
  - MNOSHA Compliance staff members handled 971 phone inquiries from stakeholders, and received and responded to 17 written and 396 email messages.
- **Compliance – Jim Krueger**
    - All safety and health goals were met: 2,556 inspections; 621 complaints (an increase in complaints being filed was due to online access).
    - Four thousand two hundred phone calls were received.
    - More than one-third of the phone calls are employee driven.
    - Several residential employers are repeat violators. Workplace Safety Consultation will assist if asked.
    - Emphasis programs: silica in construction; residential construction (fall protection); and excavations. We have seen a decrease in window-washing incidents.
    - Significant legislation/rulemaking:
      - federal standards –
        - ❖ Globally Harmonized System of Classification and Labeling (GHS) was adopted in Minnesota on Sept. 10, 2012, with the exception in Part 1910.1200 (b)(6)(xi) and (xii); and
        - ❖ Electric Power Generation, Transmission and Distribution; Electrical Protective Equipment was adopted in Minnesota on Sept. 29, 2014;
      - Minnesota Rules amendment – on Sept. 29, 2014, Minnesota adopted 1) amendments to Minnesota Rules 5205.0110 Indoor Workroom Ventilation and Temperature, including defining “indoor” for purposes of this rule and clarifying the scope of coverage to be “places of employment” as defined in the statute; and 2) amendments to Minnesota Rules 5205.0116 Carbon Monoxide Monitoring to clarify the permissible exposure limit for carbon monoxide in Minnesota

- workplaces is 35 parts per million as an eight-hour, time-weighted average and 200 parts per million as a five-minute ceiling limit.
- MNOSHA has completed its federal-fiscal-year 2015 budget. There is no funding increase from federal-fiscal-year 2014 and we are in a continuing resolution until December. We expect to conduct 1,800 inspections in federal-fiscal-year 2015.
  - Federal OSHA's "Federal annual monitoring and evaluation" (FAME) report for MNOSHA and MNOSHA's response is available on the federal website at [www.osha.gov/dcsp/osp/efame/minnesota.html](http://www.osha.gov/dcsp/osp/efame/minnesota.html); the SOAR is online at [www.dli.mn.gov/OSHA/Reports.asp](http://www.dli.mn.gov/OSHA/Reports.asp).
  - General member questions were clarified regarding citing general/subcontractors in residential construction and the CHASE Minnesota program, which consists of AGC members (there are no ABC members involved in the CHASE Minnesota program). Mark responded that federal OSHA signed an extension for federal enforcement with Region V's local emphasis grain inspection program. Jim stated Minnesota has had a grain emphasis program for three years; 40 inspections were conducted last year.
  - Publications: "GRASSROOTS Worker Protection 2014 OSHSPA Report" is available at [www.dli.mn.gov/OSHA/PDF/grassroots\\_2014.pdf](http://www.dli.mn.gov/OSHA/PDF/grassroots_2014.pdf).

### **Adjournment**

Erick moved to adjourn the meeting and it was seconded by Mike Marturano. All voted in favor and the motion carried. The meeting adjourned at 12:10 p.m.

Respectfully submitted,  
*Pamela McLaughlin*  
Executive Secretary