

# Safety Lines

## Harvest season reminder: Grain safety, hazard awareness

Harvest season is a good time to refresh farm workers' knowledge about the hazards associated with grain. The six main hazards associated with work at grain facilities are: entrapment or engulfment in grain; falls; equipment entanglement; being struck by an object; combustible-dust explosions; and electrocutions.

In the past five years, Minnesota OSHA (MNOSHA) Compliance has seen two fatalities and eight serious injuries associated with these hazards. Both fatalities were the result of grain engulfment. According to federal OSHA's Hazard Alert "Dangers of engulfment and suffocation in grain bins" a person can become buried in grain in less than 11 seconds; in five seconds, the person would be unable to free themselves without help. Flowing grain is not forgiving.



For the eight serious injuries, five were related to walking and working surfaces (fall hazards) and one each was related to combustible dust explosions, engulfment and machine guarding.

During the same time period, MNOSHA Compliance's most cited standards in the grain industry related to grain-bin entry and walking-working surfaces. Other commonly cited standards included those for preventive maintenance, housekeeping, training and permit-required confined spaces (such as boot pits).

Employers and employees can learn more about these standards and grain-industry hazards, as well as ways to protect workers' lives in the grain industry, from the following resources:

- 29 CFR 1910.272, Grain handling facilities standards;
- the federal OSHA grain-handling webpage at [osha.gov/grain-handling](https://www.osha.gov/grain-handling);
- the MNOSHA Compliance grain-handling webpage at [dli.mn.gov/business/workplace-safety-and-health/mnosh-compliance-grain-handling-information-fatalities](https://dli.mn.gov/business/workplace-safety-and-health/mnosh-compliance-grain-handling-information-fatalities); and
- MNOSHA Compliance at 651-284-5050, 877-470-6742 or [osha.compliance@state.mn.us](mailto:osha.compliance@state.mn.us).



### Are you registered to vote?

The Minnesota Secretary of State website has everything you need to know about voting in Minnesota. Visit [sos.state.mn.us/elections-voting](https://sos.state.mn.us/elections-voting) to register to vote, find out where and how you can cast your vote, what's on your ballot and more.

**New:** Sixteen- and 17-year-olds can now pre-register to vote in Minnesota.

# New ergonomics requirements for several industries effective Jan. 1

Minnesota's landmark ergonomics statute, [Minnesota Statutes 182.677](#), becomes effective Jan. 1, 2024, focused on three industries known to have elevated levels of ergonomic risk and injury rates: health care facilities; meatpacking and poultry processing site; and warehousing distribution centers. The emphasis of the statute is on the development and implementation of an ergonomics program that includes annual evaluations, employee training, employee involvement through the safety committee, referencing the ergonomics program in the A Workplace Accident and Injury Reduction (AWAIR) program and identifying potential ergonomic risk through reporting of early signs and symptoms of musculoskeletal disorders.

Employers in these three industries must also maintain specific records as detailed in the statute. Two subdivisions of the statute are already in effect, encouraging reporting of injuries, hazards, and safety and health standard violations, and establishment of a safety grant program. To help employers in the covered industries invest in ergonomic improvements, an ergonomics safety grant program has been established; information is available online at [Safety Grant Program – ergonomics](#) on the Minnesota Department of Labor and Industry website. More information is also included on page 4.

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## New rule expands submission requirements

Federal OSHA published a new rule July 21 [expanding the submission requirements for injury and illness data](#) to its Injury Tracking Application (ITA). Minnesota OSHA (MNOSHA) is working to adopt this rule before Jan. 1, 2024, which requires establishments with 100 or more employees to electronically submit information from their Form 300 – Log of Work-related Injuries and Illnesses and Form 301 – Injury and Illness Incident Report to the federal ITA. Minnesota intends to adopt the federal rule with the inclusion of all North American Industry Classification System (NAICS) codes to both Appendix A and B. This will require all establishments meeting the size criteria to submit the additional data to the federal ITA by March 2.

MNOSHA will also be adopting an update to the [Tracking of workplace injuries and illnesses rule](#) (published Jan. 25, 2019) that added the requirement for employers to submit their employer identification number (EIN) when entering data to the federal ITA. For more information about this rule, visit ITA webpage at [osha.gov/injuryreporting](https://www.osha.gov/injuryreporting).

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## MNOSHA Compliance adopts warehousing, distribution center NEP

Minnesota OSHA (MNOSHA) Compliance recently adopted the newly created federal OSHA national emphasis program (NEP) covering warehousing and distribution centers, effective Oct. 1. The creation of the NEP was based on these industries experiencing tremendous growth during the past 10 years, with more than 1.9 million people being employed in the industry and increased injury and illness rates.

The U.S. Bureau of Labor Statistics data indicates injuries and illnesses for these industries are higher than in private industry overall, according to federal OSHA. Some sectors covered by the NEP have injury and illness rates more than twice the overall rate of private industry. The adoption is intended to reduce injury and illness rates by preventing workplace hazards in warehouses, processing facilities, distribution centers and other high-risk areas.

Under this three-year program, MNOSHA Compliance will conduct inspections on hazards related to: powered industrial vehicle operations; material handling and storage; walking and working surfaces; means of egress; fire protection; and ergonomics. Focused efforts will be on those employers with 250 or more employees at a single warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers in the state of Minnesota, in accordance with Senate File 3035, Article 19. For more information about this state statute, visit [dli.mn.gov/about-department/rulemaking/mnosha-compliance-warehouse-workers](https://dli.mn.gov/about-department/rulemaking/mnosha-compliance-warehouse-workers).

## MNOSHA penalty maximums increase, conform with federal amounts

As is required, to be a state-plan OSHA program as effective as the federal OSHA program, Minnesota OSHA (MNOSHA) Compliance has increased its penalty amounts. This increase is based on the 2015 Federal Civil Penalties and Inflation Adjustment Act to advance the effectiveness of civil monetary penalties and to maintain their deterrent effect.

These penalties are enforceable under Minnesota Statutes 182.666, Senate File 3035/Chapter 53 (Article 1, Sections 15-20). Penalties for willful and repeat violations have a maximum of \$156,259 for each violation, while penalties for serious violations, nonserious violations, failure to correct violations and posting violations have a maximum of \$15,625 for each violation.

Future penalty increases are now tied to inflation, ensuring continued conformity to federal penalty levels and protecting the state-plan status of MNOSHA.

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## MNOSHA fatality, serious-injury investigations summaries online

Each month, Minnesota OSHA (MNOSHA) Compliance publishes current, updated summaries of its fatality investigations and serious-injury investigations. For the federal-fiscal-year that began Oct. 1, 2022, MNOSHA Compliance has investigated 24 fatalities as of Sept. 29.

The information provided about each investigation is:

- the inspection number, date of incident and worksite city;
- the type of business and number of employees;
- a description of the event; and
- the outcome of the MNOSHA Compliance investigation.



The summaries, plus other helpful workplace safety and health information from MNOSHA, are available at [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries).

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## Translated materials, Language Line available via DLI website

The Department of Labor and Industry (DLI) posts its available translated materials online at [dli.mn.gov/about-department/translated-materials](https://dli.mn.gov/about-department/translated-materials). It has documents available in Chinese, Hmong, Karen, Somali and Spanish. A few other documents throughout the website are available in additional languages.

Also, the DLI website now provides Google Translate, allowing visitors to choose the language for the website text.

In addition, DLI has access to Language Line, a free language translation phone service for limited-English speakers. If DLI help is needed, view the contact information at [dli.mn.gov/about-department/about-dli/contact-us](https://dli.mn.gov/about-department/about-dli/contact-us), call and a DLI employee will get in touch with an interpreter in the needed language.



## DLI announces availability of ergonomics safety grants

As part of the 2023 legislative session, the Department of Labor and Industry (DLI) received additional one-time funding to administer a Safety Grant Program specifically designed to aid employers covered under Minnesota Statutes section 182.677 (Ergonomics). Minnesota OSHA (MNOSHA) Workplace Safety Consultation is administering the program and funds available to:

- **health care facilities** – specifically, hospitals with North American Industrial Classification System (NAICS) codes 622110, 622210 or 622310, outpatient surgical centers with NAICS code 621493 and nursing homes with NAICS code 623110;
- **warehouse distribution centers** – specifically, employers with 100 or more employees in Minnesota and NAICS codes 493110, 423110 to 423990, 424110 to 424990, 454110 and 492110; and
- **meatpacking sites** – specifically meatpacking or poultry processing sites with 100 or more employees in Minnesota and NAICS codes 311611 to 311615, except 311613.

Designated employers covered by workers' compensation insurance, and those approved as self-insured employers, are eligible to apply for safety and health matching grants to abate ergonomics-related hazards in their workplace. The safety and health hazards must have been identified in an on-site survey conducted by one of the following:

- a MNOSHA Compliance safety and health investigator;
- a MNOSHA Workplace Safety Consultation safety and health consultant;
- an in-house employee safety and health committee;
- a workers' compensation insurance underwriter;
- a private safety and health consultant; or
- a person under contract with Minnesota's Assigned Risk Plan.

The on-site safety and health survey must have resulted in specifically recommended safety and health practices or equipment, training for purchased equipment or tuition reimbursement designed to reduce the risk of musculoskeletal disorders to employees. Costs eligible for program participation are all or part of the cost of purchasing and installing recommended equipment intended to prevent musculoskeletal disorders, training required to operate recommended equipment, tuition reimbursement related to identify ergonomic-related issues, the cost of operating or maintaining the equipment, or the cost of purchasing or renting real property to meet criteria established by the on-site safety and health survey.

Whether the grant application is approved does not diminish, delay or absolve the employer of any obligation to abate hazards as required by law.

No state funds will be distributed until all grant documents are signed by all parties and the safety grant project is completed, including payments for all items in the project. Costs incurred before all parties have signed the grant document must not rely on grant approval. Invoices dated before the fully executed grant agreement are not eligible for this program.

Grants are limited to a total maximum match of \$10,000 per project. No grant will be awarded for more than half the amount of the approved project. Grant applications submitted by the application deadlines of Oct. 15 and Dec. 15, 2023, will be evaluated and processed so that grant contracts or denial letters can be issued within the two months following each application deadline.

For more information, contact MNOSHA Workplace Safety Consultation at [dli.grants@state.mn.us](mailto:dli.grants@state.mn.us), 651-284-5060 or 800-731-7232, or visit the [Safety Grant Program -- ergonomics](#) webpage.

### Safety grants available for all other industries

MNOSHA Workplace Safety Consultation also administers the Safety Grant Program for all other industries. Its requirements are much the same as the ergonomics-related grants. See a recap of recently awarded grants on page 5. and get complete information on the [MNOSHA WSC Safety Grant Program](#) webpage.

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## Construction Seminar: Mental health in the construction industry

Join Minnesota OSHA (MNOSHA) Compliance virtually or in person for its next free Construction Seminar, “Mental health in the construction industry,” Tuesday, Nov. 21, at 7 a.m.

The discussion will center on mental health in the construction industry and what you can do to help, what you should look for and how you can respond, as well as how the industry can better address this issue.

Presenter Rob Dahl, Holmes Murphy Construction, has more than 30 years of construction experience in production, safety and risk management. Before his current position, Dahl spent 18 years with national insurance carriers in consulting and regional director roles. He has also worked for contractors as a laborer, carpenter, superintendent, safety engineer and safety manager.

The Construction Seminars feature a presentation about a specific construction safety or health topic – with time for questions, answers and input – plus an update from MNOSHA Compliance about what’s currently happening regarding investigations. The seminars are set up for interaction with the audience, leading to better understanding of the topic and more practical learning, and providing a safe environment for participants to ask real worksite questions and get real worksite safety and health solutions.

For complete information:

- visit the [MNOSHA Compliance: Construction Seminars webpage](#) (including the in-person address and online meeting link and call-in information); and
- [subscribe to the Construction Seminar email list](#) to receive notice about the events.

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## 2023 safety grants fund 123 worksite safety, health improvement projects

Minnesota OSHA (MNOSHA) Workplace Safety Consultation awarded more than \$900,000 in Safety Grant Program funding to 123 employers in state-fiscal-year 2023 (July 2022 through June 2023) for projects designed to reduce the risk of injury and illness to workers. Awarded projects include safety and health improvements addressing safe patient-handling, trench boxes (used in excavation), air quality, fall protection, confined-space entry, bunk trailers and many others.

The Safety Grant Program awards matching funds up to \$10,000 to qualifying employers. When grant applications are received, each application is reviewed and scored against qualifying criteria, with the most impactful projects receiving funding. Priority industries include:

- construction and manufacturing – equipment that reduces worker exposure to respirable, crystalline silica;
- excavation and trenching – equipment that safeguards workers from cave-in;
- farming – including rollover protective structures (ROPS) for tractors;
- grain-handling facilities;
- residential construction – fall protection equipment; and
- window washing.

For more information about the Safety Grant Program, contact MNOSHA Workplace Safety Consultation at [dli.grants@state.mn.us](mailto:dli.grants@state.mn.us), 651-284-5060 or 800-731-7232, or visit the [MNOSHA WSC: Safety Grant Program](#) webpage.

## 2022 workplace injury, illness, fatality rates released soon

The 2022 injury and illness rates will be available Nov. 9 and the 2022 fatal occupational injury numbers will tentatively be published Dec. 16. The tables will be available at [bls.gov/iif/oshstate.htm#MN](https://bls.gov/iif/oshstate.htm#MN).

# Minnesota's newest MNSTAR Program worksite



## Cintas – St. Paul

Workplace safety and health representatives from the Minnesota Department of Labor and Industry recently recognized Cintas – St. Paul as a Minnesota Star (MNSTAR) Program worksite. The St. Paul location is the fifth Cintas worksite to earn MNSTAR Program recognition.

The MNSTAR Program is a Minnesota OSHA Workplace Safety Consultation program that recognized companies where managers and employees work together to develop safety and health programs that go beyond basic compliance with all applicable OSHA standards and result in immediate and long-term prevention of job-related injuries and illnesses.

Key elements of this comprehensive program include: management leadership and employee involvement; an allocation of resources to address safety issues; systems that identify and control workplace hazards; and a plan for employee safety training and education.

There are currently 35 recognized MNSTAR Program worksites in Minnesota.

Complete information about the MNSTAR Program, including the program application, is online at [dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-minnesota-star-mnstar-program](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-minnesota-star-mnstar-program).



Minnesota Department of Labor and Industry Commissioner Nicole Blissenbach speaks during the ceremony recognizing Cintas – St. Paul as a MNSTAR Program worksite.

## Assaults on workers increased in 2020

By Brian Zaidman, Research and Statistics

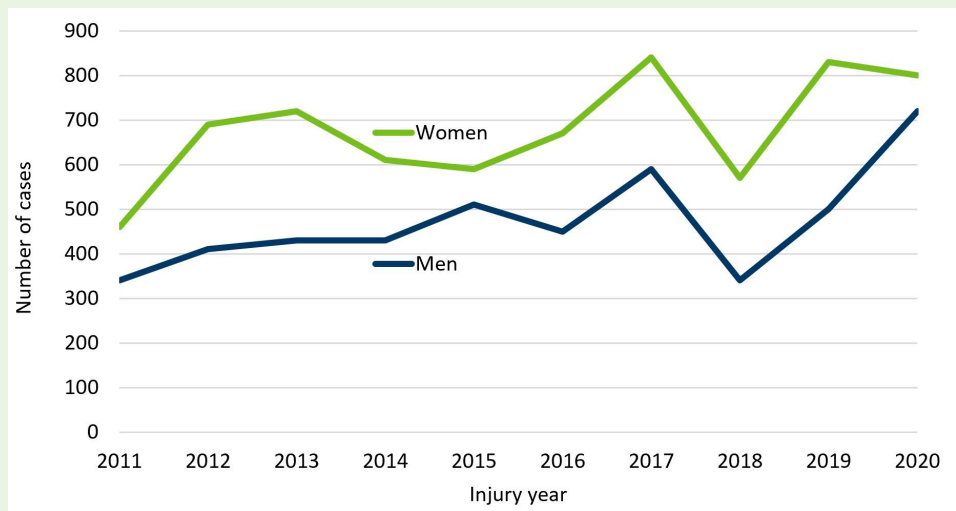
During the past few years, there have been many media reports about the rising levels of workplace violence. Estimates from the Survey of Occupational Injuries and Illnesses (SOII) in Minnesota show that, among cases involving one or more days away from work, injuries caused by violence from people and animals reached 1,520 cases in 2020, 29% higher than the average of the previous five years' estimates.

Workplace violence is related to specific workplace environments, with the highest concentrations in health care, education and service industries. These are industries with higher-than-average concentrations of female workers.

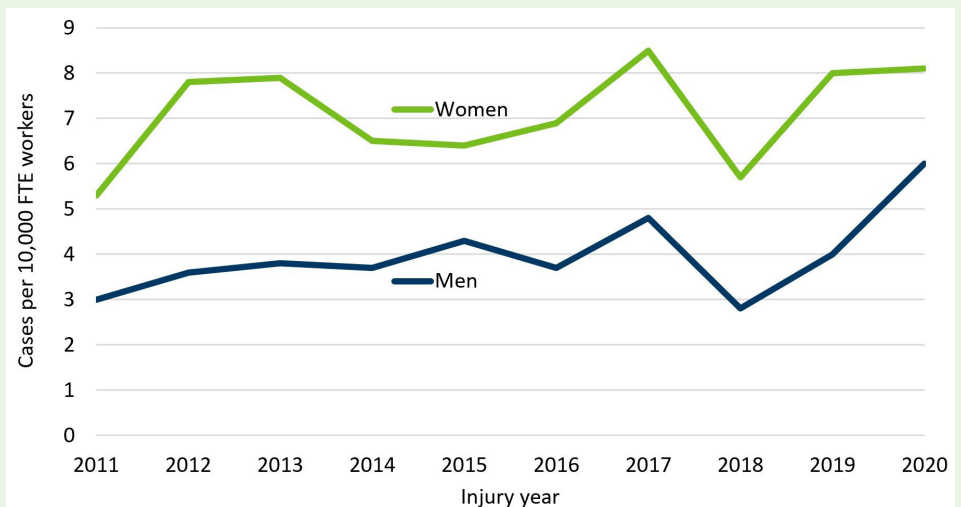
Figure 1 shows the number of violence cases by worker gender from 2011 through 2020. The estimated number of violence cases for women averaged 200 cases higher than the average estimates for men. Since 2018, the estimated violence cases for men has increased by 112%, while the estimate for women increased by 40%. The estimated number of violence cases for men in 2020 reached its highest level in the current data series, which started in 2011.

The estimated rate of violence cases resulting in one or more days away from work reached 6.9 cases per 10,000 full-time-equivalent (FTE) workers in 2020, up from a rate of 5.8 cases per 10,000 FTE workers in 2019, and was the highest rate in the current data series. As shown in Figure 2, the rate of cases caused by violence averaged 79% higher for women than for men. The case rate for men increased during the past two years, reaching its highest rate in the past 10 years.

**Figure 1. Estimated number of violence cases by gender, cases with one or more days away from work**



**Figure 2. Rate of violence cases by gender, cases with one or more days away from work**



# MNOSHA Compliance signs safety, health partnerships

Minnesota OSHA Compliance recently signed three Level 3 Cooperative Compliance Partnerships with:

- **Rachel Contracting Inc.** for its Lincoln Park Improvements worksite in Duluth, Minnesota;
- **Rice Lake Construction Group** for its Water Treatment Plant worksite in Corcoran, Minnesota; and
- **Rice Companies** for its Gordini Distribution Center in North Mankato, Minnesota



Rachel Contracting Inc. • Lincoln Park Improvements • Duluth, Minnesota

The Rachel Contracting and Rice Lake Construction Group partnerships were signed under the Construction Health and Safety Excellence (CHASE) Minnesota agreement, between Associated General Contractors (AGC) of Minnesota and Minnesota OSHA (MNOSHA) Compliance.



Rice Lake Construction Group • Water Treatment Plant • Corcoran, Minnesota

The Rice Companies partnership was signed under the MN ABC agreement, between the Minnesota Chapter of Associated Builders and Contractors and MNOSHA Compliance.

Level 3 is the peak level of MNOSHA Compliance partnerships, with applicants striving to be an industry leader with very comprehensive safety and health programs.

Participants may achieve three award levels: basic, intermediate and peak.

Get complete information at [MNOSHA Compliance: Partnership programs](#).



Rice Companies • Gordini Distribution Center • North Mankato, Minnesota





# Minnesota OSHA's calendar of events\*

## October 2023

**Oct. 27**      **Training: OSHA recordkeeping basics**  
[dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard)

## November 2023

**Nov. 17**      **Occupational Safety and Health Advisory Council**  
[dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council](https://dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council)

**Nov. 21**      **Construction Seminar: Mental health in the construction industry**  
[dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars)

## December 2023

**Dec. 1**      **Occupational Safety and Health Review Board**  
[dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-review-board](https://dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-review-board)

***\*All dates subject to change.***

See more at [dli.mn.gov/about-department/about-dli/events-minnesota-osh](https://dli.mn.gov/about-department/about-dli/events-minnesota-osh)

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## Reviewing the basics: Recordkeeping training offered online Oct. 27

Maintaining an accurate OSHA log of recordable work-related injuries and illnesses is an important skill that benefits employers, workers, safety professionals and government agencies. The Department of Labor and Industry is offering a free, online introductory-level training session about OSHA recordkeeping Oct. 27. **Registration is required.**

### Date, time, registration

- **Oct. 27** – 8:30 to 11:30 a.m.
- [Register now](#)

### Topics

- Recordability of injuries and illnesses
- Counting time
- How many logs to keep
- Creating a log summary
- Recording COVID-19 cases
- Differences between OSHA cases and workers' compensation claims
- Classifying cases
- Privacy cases
- Maintaining logs
- Reporting log data to OSHA



### More information

For more information about the training session, visit [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard).