DEPARTMENT OF LABOR AND INDUSTRY

Meeting minutes: Occupational Safety and Health Advisory Council

Date: Friday, June 27, 2025
Time: 10 a.m. to noon
Location: Webex

Call to order: Paul Aasen, chairman

- Roll call by Gretchen Longbehn, executive secretary
- Approval of the Dec. 5, 2025, meeting agenda
  - Meeting agenda has been approved
- Approval of the June 27, 2025, meeting minutes
  - Meeting minutes have been approved
- Welcome and introductions

Department of Labor and Industry (DLI) announcements and updates: Nicole Blissenbach, commissioner

Legislative update

Appropriations – Workers' Compensation Division

- The Workers' Compensation Division will receive an additional $1.844 million in fiscal-year 2026 and an additional $2.194 million ongoing from the workers' compensation fund.

Construction worker mental health

- The Construction Codes and Licensing Division (CCLD) will receive $500,000 in fiscal-year 2026 and $500,000 in fiscal-year 2027 from the workforce development fund for initiatives to promote mental health and prevent suicide in the construction industry. The funds are a one-time appropriation and available until June 30, 2029.

Statewide registered teacher apprenticeship

- Apprenticeship Minnesota will receive $3.5 million in fiscal-year 2026 and $3.5 million in fiscal-year 2027 from the workforce development fund for a competitive grant program to establish registered teacher apprenticeship programs in the state. Beginning Jan. 15, 2028, the commissioner must submit an annual report about the program.

Labor standards policy

Strengthening break laws

- Article 5, sections 1 through 5, of S.F. 17 update rest and meal break laws. Employers will now be required to allow an employee a paid rest break of 15 minutes or enough time to use the nearest restroom, whichever is longer, for every four hours worked.
- Employers will be required to allow an employee an unpaid meal break of 30 minutes for every six hours worked.
- All five of these sections are effective Jan. 1, 2026.

Misclassification fraud impact report

- Article 5, section 9, establishes a misclassification fraud impact report that the commissioner must complete by Jan. 15, 2027, and provides associated funding.
- The commissioners of the Department of Revenue and the Department of Employment and Economic Development must coordinate with the commissioner of the Department of Labor and Industry on the report.
- The commissioners of the departments of Labor and Industry, Revenue, and Employment and Economic Development must submit a budget request detailing the costs to complete another report by Jan. 15, 2031, and every six years thereafter.
- This section is effective July 1, 2025.

CCLD policy

Underground telecommunications installers bill: SF908/Ch. 23

- This law makes updates to the underground telecommunication installers law, including:
  - Removing requirements that no fewer than two safety-qualified underground telecommunications installers must always be present where telecommunications infrastructure is being installed by means of directional drilling.
  - Updating effective dates such that all installations of underground telecommunications infrastructure in the state must be performed by safety-qualified underground telecommunications installers beginning Jan. 1, 2026.
  - Adding a grandfathering provision.
- The effective date for all provisions is May 20, 2025.

Minnesota OSHA – commercial diving operations

Commercial diving operations scuba requirements: HF1355/Ch. 8

- Sections 1 and 2 of the law incorporate workplace safety requirements into the Department of Natural Resources (DNR) permitting process. Section 1 requires that the applicant for a commercial mechanical control permit must inform the DNR commissioner whether scuba equipment will be used and, if so, incorporates requirements that an on-site hazard survey be completed before a permit is issued.

- Section 2 restricts the ability of the DNR commissioner to issue a commercial mechanical control permit to an entity with a willful violation of an occupational safety and health standard and applies the same restriction to a successor person.
- These sections are effective Oct. 1, 2025.
- Section 3 of the law is the portion in DLI's area. It includes additional occupational safety and health requirements for persons conducting scuba diving at a place of employment while making improvements to land. It requires:
  - that any diver be scuba certified;
  - certain equipment for all dives;
  - an employer to provide certain equipment upon request of the employee; and
  - a standby diver (already required under federal regulations) and first aid and CPR training (also already required under federal regulations).
- The DLI commissioner is to develop an information sheet for employers explaining the requirements of this section.
- This section became effective May 2, 2025.

Workers' compensation policy

Workers' Compensation Advisory Council bill: HF3228/Ch. 27

- This bill includes technical provisions.
- It includes provisions that amend Minnesota Statutes Chapters 176 and 79, addressing workers' compensation fraud in the construction industry and workers' compensation policies allowed for certain large construction projects.

Nursing Home Workforce Standards Board policy

Nursing Home Workforce Standards Board (NHWSB) technical

- Article 5, sections 7 through 8, clarify the definitions of "nursing home" and "nursing home employer" in the NHWSB law.

H.F. 3, Human services omnibus: Funding for NHWSB wage standards and technical

- Article 1 includes updates to Minnesota Statutes 181.213 related to effective dates of new employment standards and the implementation of rate increases, including an application for upfront Medicaid reimbursement rate increases to while an inflationary cap is in place.
- Article 1 also includes funding for the NHWSB wage standards.

Minnesota OSHA (MNOSHA) Workplace Safety Consultation update: Ryan Nosan, director

MNOSHA Workplace Safety Consultation statistics – fiscal-year 2025, quarters 1 and 2

Consultation visits

- 440 total visits:
  - 370 initial visits (safety or health);
  - 36 formal training sessions;
  - 34 follow-up visits; and
  - 349 informal training sessions (during on-site visits).

Hazards identified

- 1,449 hazards addressed:
  - 1,236 serious (including imminent);
  - 192 other-than-serious;
  - 16 regulatory (such as recordkeeping); and
  - five imminent danger.

Total interventions

- 149 interventions:
  - formal training, Minnesota Star (MNSTAR) Program activities and technical assistance; and
  - impacting 2,289 establishments and 3,386 employees attended.

Other highlights for Q1 and Q2:

- Completed 17 safety assessments for the Youth Skills Trainig program.
- Completed nine workplace violence prevention interventions with different stakeholders.
- Staffed booths at multiple events, including:
  - the AGC of Minnesota conference;
  - the ASSP Northwest Chapter – PDC;
  - the Care Providers of Minnesota conference;
  - the Leading Age conference;
  - the Minnesota Rural Electrical Association;
  - the Minnesota Dental Association;
  - the Board of Public Defense;
  - the Veterinary Hospital Association and Minnesota Veterinary Medical Association; and
  - the Minnesota Safety Council regional safety day event in Brainerd and Mankato, Minnesota.
- Continue to provide technical assistance through interventions and formal training sessions about different topics to individual stakeholders throughout the state.
- Participated with several stakeholders in the fall prevention campaign (stand-down events).
- Continue to market services to small, high-hazard employers across the state.
  - Almost 99% of visits are completed in high-hazard industries.

    - More than 94% of visits are completed with “small employers.”
- Continue to market services to areas that were added to the strategic plan.

Alliance program

- Electrical association: Ongoing newsletter articles submitted; the Minnesota Electrical Association (MEA) recently changed its format to an electronic publication.
    - November 2024 – confined-space hazards
    - January 2025 – multi-employer worksites and recordkeeping
    - May 2025 – safety grants
    - Continue to participate in the MEA Education Committee meetings.
- Mexican consulate: MNOSHA Workplace Safety Consultation completed four presentations as part of its alliance with the consulate.
    - The alliance was renewed.
- The Grain Operations Safety Professionals alliance remains active.
    - Regular meetings with the group.
    - Participated in events surrounding the “Stand Up for Grain” event in March.

Minnesota Safety and Health Achievement Recognition Program (MNSHARP)

- General industry:
    - MNSHARP sites = 35; and
    - Pre-MNSHARP sites = 1.
- Construction:
    - MNSHARP sites = 2; and
    - Pre-MNSHARP sites = 4.

Minnesota STAR (MNSTAR) Program – Minnesota’s Voluntary Protection Program

- MNSTAR sites = 36.

Safety Grants Program recap (state-fiscal-year 2025; April 16, 2024 through April 15, 2025)

- 307 grant applications received and reviewed:
    - 92 public sector;
    - 90 construction;
    - 49 manufacturing;
    - 24 health care;
    - 2 logging; and
    - 50 other.
- 144 of the applicants received funding, totaling approximately $700,000.

Ergonomic Safety Grant Program recap (since July 1, 2023)

- 92 ergonomic grant applications received and reviewed –
    - 80 health care;

    - 2 meatpacking; and
    - 10 warehousing.
- Of the applications received, four have been denied, withdrawn or canceled.
- Approximately $825,000 awarded (MNOSHA Workplace Safety Consultation has not completed the award amounts for the cycle that just ended).
    - Funds are available until June 30, 2026.
- Outreach to the covered industries:
    - Completed a second round of mailings to all covered industries and mailed approximately 450 letters.

MNOSHA Workplace Safety Consultation – federal OSHA

- Currently working on the federal grant application and the Consultation Annual Project Plan (CAPP) for federal-fiscal-year 2026.
    - CAPP is the plan for how MNOSHA Workplace Safety Consultation will achieve its goals for the coming year.

Staffing

- There is currently one open position for an industrial hygienist to assist with the MNSHARP general-industry group.
    - Interviews are scheduled next week.
    - Hoping to have this filled as quickly as possible.

Rulemaking and ergonomics update: Ron Anderson

- The update about ergonomics is that MNOSHA Compliance is working through its second scheduling year, doing compliance inspections that will wrap up in September.
- At the next Occupational Safety and Health Advisory Council meeting, more complete years-of-enforcement data will be shared.
- There has been a decrease in fatality inspections, from 14 to 11, compared to last year.
- Minnesota OSHA Compliance has increased inspections significantly, covering approximately 38,000 employees this year, up from 12,000 last year.

MNOSHA Compliance training and outreach update: Matt Lucas, on behalf of Nancy Zentgraf

MNOSHA Compliance training activities, first and second quarter, federal-fiscal-year 2025

Enforcement staff members attended:

- 3300, Safety and health chemical processing industries = 1;
- 1230, Accident investigation = 1;
- 3110, Fall protection = 7;
- 1631, Written communication for whistleblower investigators = 1;

- 3400, Hazard analysis in chemical processing = 1;
- 1310, Interviewing techniques = 1;
- 1230, Accident investigation = 2;
- Asbestos inspector initial class = 1;
- Negotiate for agreement = 4; and
- 2220, Respiratory protection = 36 (enforcement and consultation), held in Minnesota.

Consultation staff members attended:

- 2221, Respiratory protection = 1;
- 2341, Biohazards = 1; and
- Hazwoper refresher = 19 (enforcement and consultation) attended.

Internal classes

In the six months, MNOSHA Compliance hired an industrial hygienist and three safety investigators. It also hired one supervisor for discrimination, Melissa Amrein. MNOSHA Compliance continues to conduct in-house training each month.

Other training

MNOSHA Compliance conducted in-house training about trenching and excavation for 28 staff members. This was classroom training; we also went to a sand pit and conducted hands-on training. We conducted the annual right-to-know training for all staff members in the first quarter. Ten staff members attended the AIHA PDC and we had one speaker at the conference.

MNOSHA outreach activities during the first and second quarters, federal-fiscal-year 2025

During the first two quarters of federal-fiscal-year 2025, MNOSHA Compliance personnel gave 37 presentations to a total audience of 1,781. This represents an average of about 48 participants at each event. Two presentations were related to ergonomics.

There were three Construction Seminars offered in person and virtually. The topics were: Respirable crystalline silica; A Workplace Accident and Injury Reducation (AWAIR) programs and safety committees; and fall protection. There were 286 people total in attendance.

Publications

Safety Lines, an online newsletter, was published in October and January.

Partnerships

There are currently 20 partnership sites. There is one quarterly partnership meeting each quarter.

Compliance assistance

During this reporting period, MNOSHA Compliance handled 1,696 phone calls. It also responded to 1,326 written requests for information.

MNOSHA Compliance inspections update: Matt Lucas

Inspections

- Through the federal-fiscal-year 2025 first and second quarter (Oct. 1, 2024, through March 31, 2025), MNOSHA Compliance:
  - investigated 11 fatalities and 10 serious injuries that occurred under MNOSHA jurisdiction;
  - conducted 699 inspections, with 2,018 hazards identified, 70% serious;
  - handled 122 total complaint inspections, with a response time of 4.27 days; and
  - issued safety citations within 27 days and health citations within 80 days.
- Fatalities are slightly down this year from last year, from 14 to 11. One fatality is still too many. Fatality inspection information is available online.
- The total number of inspections is up from last year, from 482 to 699.
- The number of employees covered went up from 11,952 last year to 38,140 this year.
- Failure-to-abate citations are up from zero last year to 22 this year.
- MNOSHA Compliance has completed its emphasis inspections for the year, in foundries, meatpacking, health care, agriculture and warehousing.

MOSHA Compliance enforcement update: James Krueger, director

Budget

- On June 16, 2025, federal OSHA notified MNOSHA Compliance that it has a revised budget level for federal-fisca-year 2025 of $4,642,000; this is a $13,000 increase. MNOSHA Compliance has processed the increase. There are currently **85 full-time equivalent (FTE) employees**.
- With the new biannual state budget, and using the federal-fiscal-year 2025 amount from federal OSHA, MNOSHA Compliance will continue to increase the number of staff members to about **92 FTE employees**. It is planning to add another inspection unit made up of safety and health inspectors; seven additional staff members and a supervisor in that unit.

Federal OSHA

Federal OSHA has provided the federal-fiscal-year 2024 follow-up *Federal Annual Monitoring and Evaluation* (FAME) report for MNOSHA. The report will be posted on the federal OSHA website by the middle of July. MNOSHA Compliance does not have any open findings. The MNOSHA annual report for federal-fiscal-year 2024 is online.

The federal-fiscal-year 2026 grant package will be sent Monday to federal OSHA. It is currently on its final review.

Appointments

David Keeling's confirmation hearing, before the Senate Health, Education, Labor and Pensions Committee, was June 5 for the assistant secretary of labor for OSHA position. There has been no vote yet.

Three goals

1. **Modernization in regulatory oversight and rulemaking:** Using technologies and predictive analytics to move beyond "simple regulatory compliance and post-injury response to injury prevention and informed design." Keeling said this would involve taking advantage of existing global industry consensus standards.
2. **Expanding OSHA's cooperation and collaboration efforts:** Possible modernizing and updating of OSHA's Voluntary Protection Programs.
3. **OSHA's "enforcement transformation**.

Amanda Wood Laihow

Amanda Wood Laihow is the acting assistant secretary of labor for occupational safety and health. Jim Krueger had the chance to meet her at the most recent Occupational Safety and Health State Plan Association (OSHSPA) meeting. She listened to the states and, basically, said she was looking forward to having Keeling appointed as assistant secretary.

Other updates

Federal OSHA announced yesterday that it is renewing the national emphasis program on amputations in manufacturing industries; it will be in place for five years.

Back in February, federal OSHA announced a one-year extension of its national emphasis program on outdoor and indoor heat-related hazards. The new expiration date is April 8, 2026.

Federal OSHA rulemaking

Heat

Regarding the proposed rule, "Heat Injury and Illness Prevention in Outdoor and Indoor Work Settings," a public hearing began June 16, 2025. These hearings are virtual and will continue through July 2, 2025. The purpose of the hearing is to gather public input about the proposed rule, which aims to protect workers from hazardous heat.

Other rulemaking

MNOSHA Compliance is watching for an anticipated unified spring 2025 agenda in the coming days. The most recent update was in the fall 2024.

Federal OSHA website changes

During the first week of June, the U.S. Department of Labor today announced the launch of its opinion letter program. This expands the department's longstanding commitment to providing meaningful compliance assistance that helps workers, employers and other stakeholders understand how federal labor laws apply in specific workplace situations. Federal OSHA will provide letters of interpretation.

OSHSPA meeting, federal meeting

Both OSHSPA and federal OSHA meet three times a year. The next meeting is the last week of September, in Iowa. Minnesota will be hosting in fall 2026.

The federal OSHA establishment data about employers being cited is again being updated. There was about a month where MNOSHA's data was not being updated.

Minnesota Safety Council update: Paul Aasen

- Construction schedule pressures impact worker safety and mental health, prompting industry discussions on stop-work authority.
- The Minnesota Safety Council supports Minnesota's new ATV seat belt law, which requires all occupants of a Class 2 ATV with factory-installed seat belts to wear them on public roadways and rights-of-way.
- The Minnesota Safety Council has noted the enactment of the new law permitting motorcycle lane splitting and filtering under certain conditions, but has expressed significant concerns and does not view this change as a positive or well-supported safety measure.

Occupational Safety and Health Advisory Council members updates

- Carol Keyes mentioned the ASSP Northwest Chapter, Minnesota Safety Council and the AIHA Upper Midwest Section has a joint event Aug. 6.
- Scott Huberty discussed the importance of construction work zone safety; there was an incident by Two Harbors, Minnesota, recently.

Adjournment: Paul Aasen, chairman

- The meeting was adjourned at 1:35 p.m.