

# Meeting minutes: Occupational Safety and Health Advisory Council, Aug. 18, 2023

## Call to order: Paul Aasen, chairman

- Roll call by Gretchen Longbehn, executive secretary
- Approval of the Aug. 18, 2023, meeting agenda
  - Meeting agenda has been approved
- Approval of the May 12, 2023, meeting minutes
  - Meeting minutes have been approved

## DLI announcements and updates: Nicole Blissenbach, commissioner

## Federal OSHA update: Mary Bauer

## Minnesota OSHA Workplace Safety Consultation update: Ryan Nosan

### MNOSHA Workplace Safety Consultation statistics – fiscal-year 2023, third quarter

#### Consultation visits

- Initial visits: 192 (144 safety and 48 health)
- Training visits: 64 (59 formal)
- Informal training visits during on-site visits: 164
- Follow-up visits: 48

#### Hazards identified

- Observed hazards: 814 (710 serious, including imminent; 99 other-than-serious; and five regulatory (such as recordkeeping))

#### Total interventions

Interventions: 75 (formal training, Minnesota STAR Program activities and technical assistance; impacting 1,459 establishments and 6,347 employees attended)

#### Other third-quarter highlights

- Completed 12 safety assessments for the Youth Skills Training program
- Completed seven workplace violence prevention interventions with different stakeholders
- Completed an OSHA 10-hour training for an underserved population group
- Staffed booth at the Minnesota Safety and Health Conference

- Continue to provide technical assistance to individual employers through interventions and formal training sessions about different topics to stakeholders throughout the state

### **Alliance program**

- Electrical Association: Minnesota OSHA (MNOSHA) Workplace Safety Consultation provides an article for publication every two months for the Minnesota Electrical Association (MEA) about relevant safety and health topics. In June, an article discussing occupational hearing loss in construction was submitted.
  - MNOSHA Workplace Safety Consultation participates monthly in the MEA Education Committee meetings.
- Mexican Consulate: MNOSHA Workplace Safety Consultation completed five presentations as part of its alliance with the consulate.
- MNOSHA Workplace Safety Consultation is working on renewing its alliance with the Hospital Safety and Health Group and is working on a potential alliance with a grain operations safety professionals group.

### **Minnesota Safety and Health Achievement Recognition Program (MNSHARP)**

- General industry: 35 MNSHARP sites; two Pre-MNSHARP sites
- Construction: Nine MNSHAR Construction sites; three Pre-MNSHARP Construction sites

### **Minnesota Star (MNSTAR) Program**

- MNSTAR Program sites: 34
  - One new certification will be added at the end of August.
  - Another new certification is anticipated in the fall.

### **Safety grants – state-fiscal-year 2024, first cycle (April 16 through June 15, 2023)**

- Grant applications received and reviewed: 50 (13 public sector; 11 construction; nine manufacturing; eight health care; two logging; and seven other)
- Twenty-two of the applicants received funding totaling approximately \$125,000.
- The second cycle, June 16 through August 15, saw a smaller number of applicants for general safety improvements.
- The new ergonomics legislation includes a new Safety Grant Program specific to those covered industries.
  - MNOSHA Workplace Safety Consultation received \$2 million for safety grants to assist employers in those industries to comply.
  - The application process is the same as it is for the general Safety Grants Program.
  - Each application is reviewed and directed to the appropriate location (general safety grant or ergonomics safety grant).
  - Employers applying for an ergonomics safety grant must be part of the covered industries (health care, warehousing or meatpacking) and looking to make improvements to reduce the risk of musculoskeletal disorders.
  - The website has been updated to include a new webpage about the ergonomics safety grants.

## **MNOSHA Workplace Safety Consultation and federal OSHA**

- The past quarter was extremely busy with interactions with MNOSHA Workplace Safety Consultation's federal counterparts.
  - The federal grant application was completed and submitted.
  - The Consultation Annual Project Plan, outlining goals and objectives, was completed and submitted.
  - Both items above are required annually.

### **Staffing**

- Rob Balsavich is the new supervisor in MNOSHA Workplace Safety Consultation. He began in the position March 29. He currently supervises the general consultation staff members and works closely with the Safety Grant Program.
- MNOSHA Workplace Safety Consultation will be looking to hire one additional position to focus on the ergonomics legislation and outreach efforts.

## **MNOSHA Compliance – training and outreach update: Nancy Zentgraf**

### **MNOSHA training and outreach activities during third quarter, federal-fiscal year 2023**

MNOSHA Compliance had staff members attend these OSHA Training Institute courses:

- 3320, Combustible dust = two attended;
- 2050, Cranes in constructions = three attended;
- 1410, Inspection techniques and legal aspects = two attended;
- 3110, Fall protection = four attended;
- 3030, Concrete, forms and shoring = two attended;
- 3300, Safety and health in chemical processing = one attended;
- 3220, Applied welding principles;
- 1500, Introduction to consultation; and
- emergency response (hazwoper) = eight attended.

One staff member also attended the American Industrial Hygiene Conference in Phoenix, Arizona.

### **Internal classes**

MNOSHA Compliance continues to conduct internal training for staff members as they move through the process as new investigators and upon promotions. It hired four new staff members this quarter.

### **Other training**

MNOSHA Compliance conducted training for all staff members this quarter, discussing new legislation.

### **Outreach**

During the second quarter of federal-fiscal-year 2023, MNOSHA Compliance personnel gave 10 presentations to a total audience of 761, an average of about 69 participants per event.

There was one Construction Seminars during this quarter, it was in person and about fall protection. Thirty-two people attended.

MNOSHA Compliance continues to participate in the Department of Labor and Industry's "Worker rights and responsibilities" webinars. The department gives an update and MNOSHA Compliance answers questions. The webinar is about 45 minutes long. During this quarter, there was one webinar, with 22 participants.

### **Publications**

The April edition of *Safety Lines* was published with updates and articles about safety topics and coming events.

### **Partnerships**

There are currently 19 partnership sites. Three new sites were signed this past quarter. There was one quarterly partnership meeting.

### **Compliance assistance**

During the third quarter, MNOSHA Compliance handled a total of 870 phone calls. It also responded to 810 written requests for information.

## **MNOSHA Compliance – safety update: Matt Lucas**

### **Inspections**

Through federal-fiscal-year 2023, third-quarter (Oct. 1, 2022, through June 30, 2023), MNOSHA Compliance:

- investigated 15 fatalities (last year, at this time, there were 42) and 15 serious injuries that occurred under its jurisdiction;
- conducted 937 inspections, surpassing the goal of 900 – 827 safety inspections and 110 health inspections;
- handled 261 total complaint inspections, surpassing 216 last year at this time and 181 the prior year (complaints are increasing both in Minnesota and federal OSHA jurisdictions), with a response time of seven days; and
- issued citations within 39 days for safety inspections and 70 days for health inspections.

### **Informal and case file review changes**

MNOSHA Compliance is changing to having its supervisors handle informal conferences and case file review. This aligns MNOSHA Compliance with other state plans and federal OSHA, and should help its investigators to turn in quality inspection reports timely.

### **National emphasis program**

MNOSHA Compliance is in the process of adopting the national emphasis program for warehousing and distribution center operations, effective Oct. 2, 2023. The purpose of this national emphasis program is to improve worker safety by reducing exposure to common hazards in the targeted industries, such as: powered industrial vehicle operations; material handling and storage; walking and working surfaces; means of egress; excessive heat; and fire protection. The Warehouse Distribution Workers Safety statute and Ergonomics statute will be addressed by MNOSHA Compliance during these inspections.

## MNOSHA Compliance – enforcement and rulemaking updates: James Krueger

### Rulemaking and legislative changes

- Publishing the maximum penalties in the *State Register* next Monday
- Planning to adopt the injury and reporting requirements for employers with more than 100 employees for the Jan. 2, 2024, reporting deadline
- Warehouse distribution worker safety:
  - Effective Aug. 1, 2023
  - Applies to 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
  - Webpage ([dli.mn.gov/about-department/rulemaking/mnosha-compliance-warehouse-workers](https://dli.mn.gov/about-department/rulemaking/mnosha-compliance-warehouse-workers)) explains who is covered determined by North American Industry Classification System codes, provides safety committee responsibilities and answers frequently asked questions
- Ergonomics program:
  - Effective Jan. 1, 2024
  - Applies to warehouse distribution center employers and meatpacking or poultry processing sites with 100 or more employees, and health care facilities
  - Department of Labor and Industry (DLI) will provide training materials about implementation (materials are being developed and should be on DLI's website in the next few weeks)

### Federal OSHA

- The federal-fiscal-year 2024 budget is \$11,400,000. The federal budget is anticipated to be \$4,802,200. There 85 full-time-equivalent (FTE) employees; last year submitted about 75 FTEs.
- Federal reports:
  - the Federal Annual Monitoring Evaluation (FAME) report, federal-fiscal-year 2022, follow-up and the state response is posted at [osha.gov/stateplans/famereport](https://osha.gov/stateplans/famereport). They were submitted at the beginning of January and are expected to be posted in June.
  - MNOSHA Compliance is happy to report no new findings and that penalty conformity is no longer a finding.

### Staffing

#### Organizational update:

- MNOSHA Compliance is currently interviewing and filling safety 1 and industrial hygiene 1 positions. It is continuing to focus on increasing its field staff members. About 50% of the staff members have fewer than two years in the field. MNOSHA Compliance is investing time to mentor them and train them through the OSHA Training Institute in Chicago.
- MNOSHA Compliance is in the process of interviewing for a ergonomics, warehousing and investigative staff supervisor.
- MNOSHA Compliance is working with the department for additional positions, as it continues to expand, to fully execute the new legislation and support the training needs of its staff.

## **Occupational Safety and Health State Plan Association (OSHSPA) and federal meeting**

- MNOSHA attended an OSHSPA meeting and major discussions about the FAME report process, training of safety and health investigators, and the status of the rulemaking for the emergency temporary standard for health care. Both OSHSPA and federal OSHA meet three times each year.
- MNOSHA plans to attend the next OSHSPA meeting, at the end of next month, in Saratoga Springs, New York.

## **Working on**

Minnesota OSHA is working on:

- a new five-year strategic plan to help identify how to use its resources effectively to reduce fatalities, injuries and illnesses in Minnesota workplaces;
- the 2022 OSHSPA *GRASSROOTS* publication (online at [dli.mn.gov/sites/default/files/pdf/grassroots\\_2022.pdf](https://dli.mn.gov/sites/default/files/pdf/grassroots_2022.pdf)); and
- replacing its electronic case management system Oct. 2, 2023.

## **Minnesota Safety Council update: Paul Aasen**

## **Occupational Safety and Health Advisory Council Members updates**

### **Next meeting date**

The next meeting is Friday, Nov. 17, 2023, 10 a.m. to noon. It will be a hybrid meeting – in person at the Department of Labor and Industry, and online via Webex.

### **OSHAC meeting dates, 2024**

These meetings will be hybrid – in person at the Department of Labor and Industry, and online via Webex.

- Friday, Feb. 16, 10 a.m. to noon
- Friday, May 17, 10 a.m. to noon
- Friday, Aug. 16, 10 a.m. to noon
- Friday, Nov. 15, 10 a.m. to noon

## **Adjournment: Paul Aasen, chairman**

- Roll call for adjournment by Gretchen Longbehn, executive secretary
  - The meeting has been adjourned.

[Play recording](#)