

FFY2024

**Minnesota Occupational Safety and Health Compliance
State OSHA Annual Report (SOAR)**

MNOSHA – 23g



December 2024
[Final]

SOAR for FFY2024
Minnesota Occupational Safety and Health Compliance

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SOAR for FFY2024
Minnesota Occupational Safety and Health Compliance
INTRODUCTION

The Minnesota Occupational Safety and Health Administration (MNOSHA) program is administered by the Minnesota Department of Labor and Industry (DLI); the program became effective August 1, 1973, with final state-plan approval obtained July 30, 1985. MNOSHA includes the Compliance unit, which is responsible for compliance program administration (conducting enforcement inspections, adoption of standards and operation of other related OSHA activities) and the Workplace Safety Consultation (WSC) unit, which provides free consultation services, on request, to help employers prevent workplace accidents and diseases by identifying and correcting safety and health hazards.

MNOSHA's mission is: "To make sure every worker in the state of Minnesota has a safe and healthful workplace." This mandate involves the application of a set of tools, including standards development, enforcement, compliance assistance and outreach, that enable employers to maintain safe and healthful workplaces.

MNOSHA's vision is to be a leader in occupational safety and health and make Minnesota's workplaces the safest in the nation. MNOSHA is striving for the elimination of workplace injuries, illnesses, and deaths so all of Minnesota's workers can return home safely. MNOSHA believes that to support this vision, the workplace must be characterized by a genuine, shared commitment to workplace safety by both employers and workers, with necessary training, resources and support systems devoted to making this happen.

The Minnesota occupational safety and health strategic plan for federal-fiscal-years (FFY) 2024 through 2028 established the following three strategic goals.

MNOSHA Compliance strategic goals
Goal 1: Reduce occupational hazards through compliance inspections.
Goal 2: Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership.
Goal 3: Strengthen and improve MNOSHA's infrastructure.

The FFY2024 performance plan provided the framework for accomplishing the goals of the MNOSHA strategic plan by establishing specific performance goals. This State OSHA Annual Report (SOAR) presents a review of the strategies used and results achieved in FFY2024. Special accomplishments, as well as the successful completion of mandated activities, are also discussed.

GOAL SUMMARIES – SOAR for FFY2024
Minnesota Occupational Safety and Health Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA Compliance's FFY2024 performance goals have been achieved. Each of the FFY2024 performance goals and the activities and strategies used to achieve those goals are described below. Comments and discussion relating to accomplishment of goal sub-items follows each chart.

Goal 1: Reduce occupational hazards through compliance inspections

How progress in achieving this goal will be assessed	Baseline Sept. 30, 2023	FFY2024 target	FFY2024 results
1. Reduce total recordable cases (TRC) rate	Bureau of Labor Statistics (BLS) data Calendar year (CY) five-year average using the five years prior to the target year. CY2018-2022 avg: 3.42	Reduction in TRC rate from the previous five-year avg. CY2018-2022 avg: 3.42	Consistent reduction over five-year plan (See comments following chart [1.1]) CY2023 TRC rate: 2.9, a 15.2% decrease
2. Reduce fatality rate ¹ for fatalities within MNOSHA's jurisdiction	² Department of Employment and Economic Development (DEED) and MNOSHA data FFY five-year average using the five years prior to the target year. FFY2019-2023 avg: 1.152	Reduction in fatality rate from the previous five-year avg. FFY2019-2023 avg: 1.152	Consistent reduction over five-year plan (See comments following chart [1.2]) FFY2024 fatality rate: 1.04 a 9.7% decrease
3. Number of hazards identified, and establishments visited: a) total hazards identified and establishments visited. b) establishment emphasis ³ – 1. Inspection emphasis 23 Construction 311 Food mfg 312 Beverage and tobacco product mfg 316 Leather and allied product mfg 321 Wood product mfg 326 Plastics and rubber products mfg 327 Nonmetallic mineral product mfg 331 Primary metal mfg 332 Fabricated metal product mfg 333 Machinery mfg 336 Transportation equipment mfg 337 Furniture and related product mfg 424 Merchant wholesalers, nondurable goods 44132 Tire dealers 444 Bldg material and garden equip supplies 481 Air transportation 485 Transit and ground passenger transport 493 Warehousing and storage 54194 Veterinary services 562 Waste management and remediation 71311 Amusement parks 71392 Ski hills 72111 Hotels, motels Public sector (state and local gov't and schools) 2. National emphasis programs Amputations – general industry Combustible dust – general industry Lead – health Process safety management – health and general industry Silica – health Trenching hazards – construction Warehouse distribution 3. Local emphasis programs Foundries – general industry and health Grain facilities – general industry and health Health care – general industry and health Occupational noise – health Top 50 health hazards – health Meat packing – general industry and health c) Ergonomics, workplace violence prevention and safe patient-handling, including hospitals, surgical centers and nursing homes	MNOSHA data FFY2018-2022 avg: 2,416; 1,538 [above, hyphen replaces em dash for consistency] N/A N/A Current practice	N/A Sixty-five percent of all programmed inspections	2,813; 1,144 Eighty percent of all programmed inspections See below
4. Percent of designated programmed inspections ⁴	MNOSHA data FFY2018-2022 avg: 67%	50%	68%

¹Fatality rate is calculated as the number of fatalities per 100,000 workers: (# of MNOSHA fatalities/# of Minnesota employed workers) x 100,000.

²Minnesota Department of Employment and Economic Development.

³The quantity of programmed inspections is variable; therefore, no defined number is provided.

GOAL 1 – Comments

Goal 1.1

Reduce total recordable cases: FFY2024 target = reduction in TRC rate from the previous five-year average and a consistent reduction over the five-year plan.

Minnesota's estimated workplace injury and illness rate for 2023 was lower than that of 2022. According to the annual Survey of Occupational Injuries and Illnesses, the state had an estimated 2.9 OSHA-recordable, nonfatal workplace injuries and illnesses per 100 full-time-equivalent (FTE) workers in 2023; the estimated rate for 2022 was 3.8 cases per 100 FTE workers; therefore, 2023 had a decrease of 23.7% from 2022.

The survey estimated Minnesota had 65,100 workers with OSHA-recordable, nonfatal workplace injuries and illnesses in 2023, compared to 85,400 estimated cases for 2022. There were 5,200 illnesses in 2023 and, of these, 3,000 were respiratory illnesses, including COVID-19 cases. In 2022, there were 19,100 illnesses.

In 2023, Minnesota's employment covered by the survey was approximately 2.85 million workers. In 2022, employment covered by the survey was 2.79 million workers.

The industries with the highest total injury and illness rate in Minnesota were: state hospitals (17.7 cases per 100 FTE workers); private industry couriers and messengers (13.9); and state police protection (13.1). These survey results show the importance of employers taking measures to keep the workplace safe from the hazards that cause injuries and illnesses.

The TRC rate for CY2023 decreased 15.2% from the previous five-year average.

Goal 1.2

Reduction in the state fatality rate: FFY2024 target = reduction in fatality rate from the previous five-year average and a consistent reduction over the five-year plan.

The fatality rate for FFY2024 decreased 9.7% from the previous five-year average. There were 30 fatalities in Minnesota in FFY2024 and the rate of fatalities (1.04) was lower than the average rate of fatalities for FFY 2019 through 2023 (1.152). This was the second lowest rate in the past five fiscal-years. The fatalities occurred in a broad range of industries and were due to a variety of causes. MNOSHA conducts inspections according to its policies and it addresses workplace fatalities through its various outreach methods. MNOSHA, along with its staff members, partners and other stakeholders, will further identify areas to focus outreach resources on.

Minnesota's fatal occupational injuries per 100,000 FTE workers (2022) is 2.8. This is the lowest of its surrounding states: Iowa, North Dakota, South Dakota and Wisconsin. This is from U.S. Bureau of Labor Statistics data, available at the [Injuries, Illnesses and Fatalities webpage](#).

Goal 1.3

Hazards abated and establishments visited: FFY2024 target = 65% of all programmed inspections conducted in emphasis industries.

In FFY2024, MNOSHA investigators conducted 1,144 inspections where 2,813 hazards were identified and cited. Seventy percent of the inspections conducted resulted in violations; 74% of violations were cited as "serious." MNOSHA continues to create incentives for employers to address safety and health issues through strong, fair and effective enforcement of safety and health regulations. It focused its programmed inspections to reduce injuries, illnesses and fatalities in certain emphasis industries. The FFY2024 goal was for 65% of all programmed inspections conducted to be in the emphasis industries; MNOSHA met this goal, with 80% of all programmed inspections conducted in the emphasis industries. MNOSHA had a goal of 100 inspections in emphasis program areas and conducted 159. As part of a health care focus, MNOSHA conducted 11 programmed inspections with a North American Industry Classification System (NAICS) codes of 623110 or 622110.

In FFY2024, the MNOSHA public-sector consultation program continued its work concerning workplace violence prevention, because ongoing incidents of workplace violence generated interest for technical assistance in the form

of on-site evaluations and formal training. In FFY2024, 22 separate interventions were conducted with various public-sector groups, providing workplace violence prevention information to a wide range of audiences covering more than 1,200 participants.

GOAL SUMMARIES – SOAR for FFY2024
Minnesota Occupational Safety and Health Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 2: Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership.

How progress in achieving this goal will be assessed	Baseline Sept. 30, 2023	FFY2024 target	FFY2024 results
1. Increase or maintain: <ul style="list-style-type: none"> a. partnerships; b. Voluntary Protection Programs (Minnesota Star (MNSTAR) Program); c. continue to identify compliance assistance opportunities¹; and c. alliances.² 	<p>Number of FFY2023 partnerships: Two</p> <p>Number of FFY2023 MNSTAR Program sites: 34</p> <p>Current practice</p> <p>N/A</p>	<p>Maintain</p> <p>One new and two recertifications</p> <p>Ongoing</p> <p>Maintain</p>	<p>Three maintained (See comments following chart [2.1a,c])</p> <p>Two new and two recertifications (See comments following chart [2.1.b])</p> <p>(See comments following chart [2.1a,c])</p> <p>(See comments following chart [2.1.c])</p>
2. Maintain total number of people participating in MNOSHA outreach and training in areas such as: <ul style="list-style-type: none"> a. youth; b. immigrant employers and employees; c. emerging businesses; d. construction; e. manufacturing; f. other strategic plan compliance; and g. public sector. 	FFY2018-2022 avg: 3,000	3,000	3,558
3. Participate in homeland security efforts at state and national levels	Current practice	Ongoing	Ongoing (See comments following chart [2.3])
4. Maintain response time and service level to stakeholders in areas such as: <ul style="list-style-type: none"> a. telephone inquiries and assistance; b. written requests for information; and c. MNOSHA website information and updates. 	Current practice	Ongoing	Ongoing (See comments following chart) [2.4])

¹The compliance assistance activities are incorporated in various places, including goals one and two.

²The goal 2.1.c. target to maintain alliances was projected in the WSC FFY2024 CAPP. Alliances in the public sector are reported in SOAR.

Goal 2.1. a,c**Compliance assistance (including maintaining two partnerships) in FFY2024.**

MNOSHA's construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors and with Associated General Contractors of Minnesota are designed to help reduce the number of injuries, illnesses and fatalities at participating construction industry employers.

Partnerships are managed by both associations and have three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA's Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In FFY2024, MNOSHA completed CCP agreements with 13 Level 3 individual contractors at 14 specific construction sites, across the state. The partnership program continues to have quarterly meetings with Level 3 contractors. At these meetings, contractors share best practices with each other. The focus of the meetings is on accident and injury reduction.

MNOSHA continues with the partnership agreement with the Minnesota Department of Transportation and the Ames/Kraemer Joint Venture. This partnership is for the I-35, I-535, Highway 53 Twin Ports Interchange project in Duluth, Minnesota. This project consists of the reconstruction of the interchange to improve safety and traffic flow. This project began in October 2020 and will continue through fall 2025.

MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA employs two investigators who are fluent in both English and Spanish. MNOSHA also employs one investigator who is fluent in both English and Hmong. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department of Labor and Industry's community services representative. MNOSHA continues to use the Language Line Services live telephone translation service to ensure effective communication is provided to the diverse Minnesota workforce.

Goal 2.1.b**Increase Voluntary Protection Program (VPP) worksites by one new and two recertifications in FFY2024.**

The MNSTAR Program is a VPP available to any size employer in Minnesota. The program relies mainly on the concept of self-assessment by the requesting employer and follows administrative management directive (ADM) 3.28K, which is the Minnesota-specific MNSTAR Program/VPP directive.

The MNSTAR Program requires the employer's commitment to complete an extensive application, which includes providing MNOSHA WSC with copies of all requested written policies and programs. The employer's total case incidence rate (TCIR) and days-away-restricted-or-transferred (DART) injury and illness rate must be below the national averages for the industry. Employers that meet all requirements for MNSTAR Program status are exempt from programmed inspections by MNOSHA Compliance for up to three years, upon initial certification, and up to five years upon subsequent recertification.

The MNSTAR Program has been very successful since its inception in FFY1999. MNSTAR Program status has been awarded to both large and small employers in high-hazard and in state-targeted industries.

Federal-fiscal-year 2024 ended with 36 full MNSTAR Program worksites. Two new sites were granted full MNSTAR Program status, exceeding the FFY2024 goal. Two companies successfully achieved full recertification as MNSTAR Program sites, meeting the FFY2024 goal. One site voluntarily withdrew from the MNSTAR Program.

All active MNSTAR Program certified companies for FFY2024 are available on the Department of Labor and Industry website at dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-minnesota-star-mnstar-program.

Goal 2.1.c

Maintain the training alliances (projected in WSC's FFY2024 CAPP).

Overall, no new alliances were initiated with any public-sector entities. Alliances with the Minnesota Municipal Utilities Association (MMUA) and Minnesota State Colleges and Universities (MnSCU) remain active.

WSC continues to support the MMUA alliance through visits and presentations about workplace violence prevention and other relevant topics. It also supports MMUA through determination of safety and health curriculums relevant to local government entities and assistance with the development of educational and training programs targeted to help MMUA members provide a more safe and healthful workplace for employees. In addition, WSC has worked with several MMUA members through the Safety Grant Program.

WSC continues to support MnSCU and campus safety and health management efforts through on-site hazard surveys, program assistance, training and other technical assistance at colleges and universities under the Minnesota state umbrella. Through the alliance, WSC generated six visits.

Goal 2.2

In FFY2024 target = 3,000 people participating in outreach and training areas.

MNOSHA established a baseline of 3,000 participants each year for outreach and training sessions covering various subject areas. In FFY2024, MNOSHA Compliance conducted 80 presentations to 3,558 participants. MNOSHA continued to use its safety investigator 3 and 4 positions in its outreach efforts throughout the state and has supervisors participating in Department of Labor and Industry webinars.

Each year, MNOSHA Compliance has leading organizations that request outreach services: Midwest Center for Occupational Health and Safety; Associated General Contractors of Minnesota; Associated Building Contractors; American Society of Safety Professionals; American Industrial Hygiene Association; and the Minnesota Safety Council. In these leading areas, MNOSHA provided 37 outreach presentations to more than 1,121 participants.

In addition, MNOSHA Compliance conducted five Construction Seminars in FFY2024. The Construction Seminar was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction Seminar provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA investigators. MNOSHA continues to work with the Construction Seminar Focus Group to select safety topics and presenters for each event. Topics are discussed and then approved by MNOSHA's management team. The committee comprises representatives from the construction industry, including insurance loss-control representatives, company safety directors and safety consultants, who volunteer their time and expertise. In total, the Construction Seminar presentations attracted 395 participants. Topics included: mental health in the construction industry; excavations; mobile elevating work platforms; crane safety; and silica in construction. The seminars were hybrid, offered both virtually and in person.

MNOSHA continued its strong working relationship with the Minnesota Safety Council. MNOSHA continues to provide speakers for some of the council's classes and participates in the council's conferences. The main conference this year was in Shakopee, Minnesota; MNOSHA provided speakers and staffed a booth to field participants' questions. In addition, there were in-person conferences in both Duluth and Mankato, Minnesota; MNOSHA provided a speaker for each.

New or revised publications during the fiscal-year included: MNOSHA fatality investigations summary for FFY2024; MNOSHA serious-injury investigations summary for FFY2024; and MNOSHA most-frequently cited standards for FFY2024. Material on the MNOSHA webpages has been translated into three languages – Hmong, Somali and Spanish. MNOSHA continues to publish its quarterly newsletter *Safety Lines*; some of the topics covered in the past year included: grain bin safety; safety grants; WSC consultation outreach; recordkeeping; partnerships; rulemaking updates; carbon monoxide threats during the winter months; heat stress hazards in the summer months; safety and health for young workers; alliances; and other safety and health information.

Goal 2.3

Agency participation in homeland security (current practice; ongoing).

MNOSHA Compliance continued to participate with the state emergency response plan. The Minnesota Emergency

Operations Plan was reviewed in August 2024. During FFY2024, the MNOSHA health director attended four meetings of the Emergency Response Preparedness Committee and represented the Department of Labor and Industry at the State Emergency Operations Center throughout the fiscal year.

Goal 2.4

In FFY2024, maintain response time and service level to stakeholders.

Each business day, MNOSHA has two safety and health professionals on duty to answer questions received primarily through phone calls and email messages. During FFY2024, MNOSHA responded to 3,888 phone calls and 2,882 written requests for assistance, primarily email messages (6,770 inquiries total). Calls received are roughly 24% from employees, 20% from employers and 15% from other sources. Most information is provided to callers during the initial phone call, while others are directed to the MNOSHA or federal OSHA websites, or another state agency for assistance. During these calls, MNOSHA staff members gave advice about how to protect employees; for this reason, MNOSHA continues to use investigative staff members to answer most of the calls.

During FFY2024, MNOSHA received 1,252 workplace safety and health employee-complaints. Two hundred forty (or 19%) of the total complaints resulted in an on-site inspection with an average of three days for response time. The remaining complaints were handled via MNOSHA's phone or fax system (nonformal complaints).

MNOSHA also provides a variety of safety and health information on its webpages, including printable handouts. The MNOSHA webpages provide links to other websites where safety and health regulations can be accessed. In total, there were 48,817 hits to MNOSHA webpages.

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Goal 3: Strengthen and improve MNOSHA’s infrastructure.

How progress in achieving this goal could be assessed	Baseline Sept. 30, 2023	FFY2024 target	FFY2024 results
1. Review rules annually for effectiveness: ongoing evaluation; and development of rules, standards, guidelines and procedures.	Current practice	Ongoing	(See comments following chart [3.1])
2. Workforce development and retention plan.	Current practice	Evaluate and update existing workforce plan	(See comments following chart [3.2])
3. Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of federal OSHA and the services provided to stakeholders are met.	Current practice	1) Evaluate consistency and quality of inspection files 2) Establish a new casefile management system	(See comments following chart [3.3])

GOAL 3 – Comments

Goal 3.1

In FFY2024: Conduct an annual review of rules and standards, guidelines and procedures, ongoing.

The MNOSHA Compliance Directives Coordination Team (DCT) is charged with coordinating and managing the MNOSHA internal information system. DCT comprises three MNOSHA management analysts and a MNOSHA director. This group monitors federal standard and policy activity and coordinates updates to all relevant MNOSHA standards, directives and policies accordingly. MNOSHA adopts federal standards by reference or develops Minnesota-specific standards when necessary to support MNOSHA program goals.

- Federal standards adopted in FFY2024: Tracking of workplace injuries and illnesses and improved tracking of workplace injuries and illnesses.
- Minnesota Rules adopted in FFY2024: None.
- Minnesota Statutes updated in FFY2024: section 182.678, Surgical smoke evacuation system policies.

The annual review of agency rules resulted in no additional MNOSHA obsolete or duplicative rules needing repeal in FFY2024. However, Minnesota adopted the “Tracking of workplace injuries and illnesses and improved tracking of workplace injuries and illnesses recordkeeping standards during FFY2024. MNOSHA also began the process of adopting the federal “Amended hazard communication” standard during FFY2024. Minnesota also passed a new statute into legislation during the FFY2024 session, Minn. Stat. section 182.678, Surgical smoke evacuation system policies, which requires health care employers to implement policies to prevent employee exposure to surgical smoke via the use of evacuation systems. MNOSHA is conducting a rulemaking process required by the Minnesota Legislature as a result of the 2024 session. The Legislature passed a bill requiring MNOSHA to conduct rulemaking to reduce the blood lead level at which an employee is removed from exposure to lead and to reduce the blood lead level at which an employee may be returned to work with exposure to lead.

Of the 14 MNOSHA directive issuances in FFY2024, all were existing directives that were revised, either as part of the scheduled review or as needed. The amended directives included those pertaining to: handling complaints and reports of injury and information requests; referrals; injury and illness inspections; inspection scheduling; expedited settlement agreements; recordkeeping; monitoring; respirators; air contaminant overexposures; recirculated air; garage ventilation; indoor ventilation and temperature; noise audiogram evaluation; and labor management. Also note that ADM 2.1, Scheduling, ADM 3.16, Complaints and information request, and ADM 3.17, Referrals, were updated twice during this time.

MNOSHA Compliance has also updated its maximum penalties in FFY2024, per state statute. This increased MNOSHA’s maximum and minimum penalties in statute and will continue to allow for increases in the penalties based on inflation each federal fiscal-year. See the “Special accomplishments” section for more information about this and other Minnesota legislation implemented in FFY2024.

Goal 3.2

FFY2024: Workforce development and retention plan – ongoing evaluation and updates as necessary.

In FFY2024, MNOSHA continued to maintain consistency and quality throughout the organization's field staff. Goals previously identified and continued in FFY2024 were to assure MNOSHA:

- has an adequate workforce to ensure worksites are complying with MNOSHA safety and health regulations; and
- continues to be an organization recognized as a "best in class" state-plan state.

Results from updating the *Workforce Development Plan* in FFY2018 showed MNOSHA staff members in a number of leadership positions, with significant years of experience, may and would be retiring. These departures reduce MNOSHA's institutional knowledge and memory. This will potentially create leadership challenges in supporting and managing the many different approaches and situations of work and life balance for employees. As MNOSHA's workforce shifts to newer and less experienced employees, there will be an increasing need to invest in career planning for these workers to build proficiency in their jobs. This will increase the need to assess skills, abilities and competencies, and provide training accordingly.

During FFY2024, MNOSHA continued to focus on increasing its investigative field staff. MNOSHA hired a total of 13 field staff members (four industrial hygienists and nine safety investigators) during this time and has worked with the Department of Labor and Industry to have continual postings for safety and health investigative staff member positions. This allows MNOSHA to interview as needed and hire qualified candidates when they apply. A new training supervisor position was created and filled to oversee investigative staff members who are in training. This training supervisor is responsible for hiring, scheduling, and conducting classroom training, and developing and scheduling field training, for new and existing investigative staff members. With the addition of the new training supervisor, the hiring process has been streamlined among the various units, such as the Department of Labor and Industry's Financial Services and Human Resources, and Minnesota IT Services. With the increased field staff, MNOSHA created and filled an industrial hygienist training officer position that will help with general training of staff members, but also focus on training new staff members about the use of equipment, sampling methods and creation of industrial hygiene reports. The addition of the training supervisor and industrial hygienist training officer allows MNOSHA to continue to improve its training processes by focusing on mentoring.

In addition, MNOSHA has filled a full-time investigator position to cover intakes for the Discrimination Team. This had previously been a temporary (two year) position. Having a designated, full-time position handling intakes has increased efficiency for the team by increasing continuity and reducing interruption, enabling investigators to focus their attention at closing open cases as soon as possible. The Discrimination Team now has four investigators and has filled a supervisor position for the team.

MNOSHA has recently lost some of its most experienced staff members; however, MNOSHA has been able to hire and retain staff members and supervisors who have significant safety and health experience. MNOSHA has many experienced and extremely dedicated staff members, including many with more than 10 years of experience. Currently, MNOSHA has three staff members that are certified safety professionals, three certified industrial hygienists, one professional engineer, one certified professional ergonomist and one staff member with a Ph.D. in industrial hygiene.

MNOSHA continued with specialized training for investigative staff members, in industries such as foundries, grain handling, agriculture, meat packing, health care, process safety management and traffic controls. Each of these areas have had team leaders who assume the role as "expert" in the area and work with various stakeholders to ensure communication is maintained between MNOSHA staff members and various stakeholders. These team-leads gain knowledge about leadership and how to work with significant stakeholders in Minnesota.

During FFY2024, MNOSHA conducted its annual right-to-know training for staff members. There were also discussions about MNOSHA's 50th anniversary, recordkeeping, weekly activity reports (OSHA 31s) and a review of the federal audit. Training was provided in the classroom and virtually to ensure MNOSHA continues to have a well-trained staff. Asbestos and hazardous waste operations and emergency response (hazwoper) recertification were also provided to staff members during FFY2024.

MNOSHA continues to invest in training for its field staff. New investigative staff members attend four phases of

internal classroom training conducted by MNOSHA training officers, safety investigator 4s, industrial hygienist 3s, management analysts, supervisors and directors. This training covers manuals, directives, policies and procedures, as well as federal and state regulations. In addition, MNOSHA was able to have 52 staff members attend 23 OSHA Training Institute (OTI) classes in person or virtually and hosted two OTI courses in Minnesota – confined space – with 32 staff members in attendance, and cranes in construction – with 29 staff members in attendance.

Goal 3.3

FFY2024: Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of federal OSHA and the services provided to stakeholders are met: ongoing – evaluate consistency and quality of inspection files; and establish a new case file management system.

MNOSHA ensures quality and consistency through increased hiring and training

As MNOSHA continues to onboard new staff members, it has focused on training to ensure consistency and quality of inspection files. MNOSHA has consistently focused on training staff members for the past two years. In FFY2023, five industrial hygienists and eight safety investigators were hired. In FFY2024, four industrial hygienists and nine safety investigators were hired – 26 new investigative staff members in two years. MNOSHA added one supervisor to direct the Ergonomics Team and one supervisor to direct training. MNOSHA has been responsive to filling positions from staff attrition, retirements and opportunities provided in WSC. It continues to provide in-house training of standards, manuals, inspection techniques and directives. It uses a model of classroom training and field training to enhance knowledge retention. Training is further enhanced by sending staff members to OTI for training and brought two OTI classes to Minnesota in FFY2024. MNOSHA has increased its training staff to include two principal safety investigators and one senior industrial hygienist. As new staff members have been hired, changes have been made to the classroom training to include mock inspections, the inspection checklist, lockout/tagout, industrial hygiene protocols, sampling methods and the use of our sampling equipment.

MNOSHA successfully implements OSHA Express

MNOSHA moved to a new case management system, OSHA Express, Oct. 2, 2023. This system was rolled out with minimal impact to daily operations and has been used successfully for the past federal fiscal-year. The major advantages of OSHA Express from the federal OSHA Information System (OIS) are detailed below.

- Full document and case file management capability
- Full data migration to the new system
- Inspection file review process
- Configurable forms and templates
- Configurable workflows
- Configurable data retention schedule
- Fully auditable system
- Dashboard capability
- Case files can be exported
- All reports available in real time
- Integrates with Minnesota's SWIFT financial system
- Integrates with the federal OIS for SOD/EOD
- Customizes to meet most of Minnesota's requirements
- Familiarity with OSHA Express because it is similar to the former system, which saves training and transition time

Highlights of changes MNOSHA made include integrating higher penalties into OSHA Express; it also allows use of the federal OSHA rapid response procedure. With the integration of the state's SWIFT financial system, employers can now pay their fines online. For discrimination cases, MNOSHA has a new case management system to streamline data migration from MNOSHA to federal OSHA and help streamline administrative tasks.

In addition to traditional compliance activities, MNOSHA also concentrates efforts in other areas aimed at assisting employers to make their workplaces safer and healthier. Some achievements for FFY2024 include the following.

2024 legislation impacting Minnesota OSHA

Minnesota Statutes section 182.678, Surgical smoke evacuation system policies, was added during the most recent legislative session. This requires health care employers to adopt and implement policies to prevent exposure to surgical smoke by requiring the use of a smoke evacuation system during any surgical procedure that is likely to generate surgical smoke. This statute is effective in Minnesota Jan. 1, 2025.

Outreach and ergonomics

Since joining MNOSHA Compliance, the ergonomics supervisor has had numerous opportunities to present about a variety of ergonomics-related topics to stakeholders. During the buildup to the effective date of Minn. Stat. section 182.677, Ergonomics, and Minn. Stat. section 182.6526, Warehouse distribution worker safety, three webinars were conducted about these statutes. Three articles were written for the quarterly MNOSHA newsletter *Safety Lines* about the impending effective dates of the statutes and how they will be enforced. The ergonomics supervisor also presented at the Care Providers conference and the Leading Age conference, giving updates about MNOSHA in the long-term-care environment, and was invited to speak at the international Human Factors and Ergonomics Society (HFES) ASPIRE meeting in Phoenix, Arizona, with representatives from federal OSHA and Washington State's Department of Labor and Industries, about the status of ergonomics statutes in the United States. A paper, *Update on ergonomics standards in the United States*, was prepared and published in *Proceedings of the 68th HFES International Meeting*.

Significant inspections

In October 2023, MNOSHA Compliance conducted an occupational safety and health inspection at a warehouse distribution center. In April 2024, MNOSHA Compliance issued two serious citations, including a general duty clause violation related to ergonomic hazards and one violation of the warehouse distribution worker safety law. The inspection found the employer did not protect employees from ergonomic hazards while selecting, sorting, packaging and shipping products in the outbound process, and warehouse employees who were expected to meet a quota of selecting, stowing and packaging products were not provided a written copy of the quota before they were expected to meet the quota. The employer has contested the citations. A [news release](#) was issued in June 2024.

In July 2024, MNOSHA Compliance issued 10 serious citations for violations of the general industry, confined space standard, 29 CFR 1910.146.

For permit-required confined spaces, the company did not: prevent unauthorized entry; identify and evaluate the hazards prior to entry; implement the means, procedures and practices necessary for safe operations; test conditions inside prior to employee entry; provide at least one attendant outside during entry operations; develop and implement a system for the preparation, issuance, use and cancellation of entry permits for entries conducted by employees; provide adequate training for employees conducting entries; certify the required training for employees was completed prior to entry; evaluate the rescue capabilities of the local emergency services prior to employee entries; or ensure employees wore adequate retrieval systems or other methods to facilitate non-entry rescue of entrants. A [news release](#) was issued in August 2024.

Loggers' Safety Education Program (LogSafe)

This program is 100% state-funded and administered by MNOSHA WSC. LogSafe training provides safety training throughout the state for logging employers. The training was contracted to the Minnesota Logger Education Program and extended through CY2026. The goal of the program is to help reduce injuries and illnesses in the logging industry through on-site consultation services, outreach and training seminars. To receive workers' compensation

premium rebates from the Targeted Industry Fund, logger employers must maintain current workers' compensation insurance coverage and they and their employees must have attended during the previous year a logging safety seminar sponsored or approved by MNOSHA WSC. These classes provide an overview of general safety topics related to recent workers' compensation injuries and claims for the logging industry in Minnesota. Topics covered may include: preventing equipment fires; slip and fall prevention; emergency response call systems; hydraulic safety; tire maintenance safety; general health and personal safety; GHS labeling systems; first-aid kit requirements; emergency planning and communication strategies; and other topics as deemed appropriate to address trends in logging safety. There is currently not a consultant position dedicated to logging, but logging employers can submit a request for consultation services.

Workplace Violence Prevention Program

The Workplace Violence Prevention Program helps employers and employees reduce the incidence of violence in their workplaces by providing on-site consultation, training seminars and general information. The program focus is on providing technical assistance to workplaces at higher risk for violence. There has been continued work about workplace violence prevention in public-sector establishments, with specific topic areas about program development, de-escalation of violent situations and facility design. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by safety consultants within MNOSHA WSC.

In FFY2024, MNOSHA continued its work concerning workplace violence prevention due to ongoing occurrences of workplace violence and continued interest for technical assistance in the form of on-site evaluations and formal training. In FFY2024, 22 separate interventions were conducted with various public-sector groups providing workplace violence prevention information to a wide range of audiences and more than 1,200 participants.

The workplace violence prevention consultant continues to serve on an advisory board for the Midwest Center for Occupational Health and Safety, Education and Research Center.

Safety Grants Program

The Safety Grant Program is a 100% state-funded, application-based program that provides matching funds up to \$10,000 to assist employers with safety and health improvements. To qualify, employers must follow specific protocol that includes providing a hazard survey and recommendation for improvements. Each grant application is reviewed and scored, and the most impactful projects are awarded matching funds. In state-fiscal-year 2024, MNOSHA WSC received 244 applications and were able to fund 130 grants. The project awarded more than \$700,000 in funds to assist employers with safety and health improvements. Awarded industries included construction, logging, manufacturing, commercial and service. Projects included fall protection, personal protective equipment, ergonomics, ventilation, training and other hazard mitigations.

In addition to the Safety Grant Program, an additional grant program designed to assist employers with ergonomic improvements and the reduction of musculoskeletal disorders was created. Through this new program, one-time funding of \$2 million from the state's general fund remains available to qualifying employers (warehousing, meatpacking and health care) until June 30, 2026. More than \$490,000 has been awarded to 55 employers.

Compliance

Activities mandated under the Occupational Safety and Health Act are considered core elements of Minnesota's occupational safety and health program. The accomplishment of these core elements is tied to achievement of the state's strategic goals. Many mandated activities are "strategic tools" used to achieve outcome and performance goals.

"Mandated activities" include program assurances and state activity measures. Fundamental program requirements that are an integral part of the MNOSHA program are assured through an annual commitment included as part of the 23(g) grant application. Program assurances include:

- unannounced, targeted inspections, including prohibition against advance notice;
- first instance sanctions;
- a system to adjudicate contestations;
- ensuring abatement of potentially harmful or fatal conditions;
- prompt and effective standards setting and allocation of sufficient resources;
- counteraction of imminent dangers;
- responses to complaints;
- fatality and catastrophe investigations;
- ensuring employees protection against and investigation of discrimination, access to health and safety information, information about their rights and obligations under the act and access to information about their exposure to toxic or harmful agents;
- coverage of public employees;
- recordkeeping and reporting; and
- voluntary compliance activities.

Mandated activities are tracked on a quarterly basis using the State Activity Mandated Measures report, which compares state activity data to an established reference point. A comparison of MNOSHA activity measures for FFY2022, FFY2023 and FFY2024 is provided in the tables on pages 18 and 19.

Continued success was seen in these mandated activities in FFY2024:

- days to initiate complaint inspections decreased to 3.2 days from 4.0 in the previous year, well below the goal of nine days; and
- days to initiate complaint investigations increased to 1.8 days but remains below the goal of two days.

MNOSHA's percent of total inspections in the public sector was 4.8% in FFY2024, exceeding its goal of 3%. MNOSHA's in-compliance percentage has been reduced from 43% to 35% for health inspections and from 35% to 31% for safety inspections.

Consultation

Mandated activities are tracked on a quarterly basis using the Mandated Activities Report for Consultation (MARC) and CAPP reports, which compare state consultation data to an established reference point. Some specific performance measures that are monitored (and any corresponding targets/requirements):

- percent of initial visits in high-hazard establishments (not less than 90%);
- percent of initial visits to smaller businesses (not less than 90%);
- percent of visits where consultant conferred with employee (100%);
- percent of serious hazards verified corrected in a timely manner, not more than 14 days of latest correction due date (100%); and
- percent of serious hazards verified corrected in original time or on site (65%).

The MNOSHA public-sector consultation program met all but one MARC performance measure for FFY2024:

- percent of initial visits in high hazard establishments, 100%;
- percent of initial visits to businesses with not more than 250 employees at the establishment, 92.31%;

- percent of initial visits to businesses with not more than 500 employees controlled by employer, 87.18%;
- percent of visits where consultant conferred with employees, 100%;
- percent of serious hazards verified corrected in a timely manner, 100%; and
- percent of serious hazards verified corrected (in original time or on site), 100%.

**Comparison of FFY2022, FFY2023 and FFY2024 activity measures
MNOSHA Compliance**

Performance measure	FFY2022	FFY2023	FFY2024¹	Comments
Average number of workdays to initiate complaint inspections (state formula)	2.43	4.07	3.23	The average number of days to initiate a complaint inspection decreased in FFY2024 and remains below the established goal of nine days.
Average number of workdays to initiate complaint investigations (state formula)	0.81	1.10	1.88	The average number of days to initiate a complaint investigation increased in FFY2024 and remains below the established goal of two days.
Percent of complaints and referrals responded to within one workday (imminent danger)	99.24	97.2	100	All imminent-danger complaints were responded to within one day.
Number of denials where entry was not obtained	0	0	0	Entry was obtained for all denials in FFY2024.
Average violations per inspection with violations – serious/willful/repeat (SWR)	1.93	2.07	2.45	The number of SWR citations increased in FFY2024. MNOSHA continues to follow its training plan to assist investigative staff members in identifying hazards.
Average violations per inspection with violations – other	0.48	.60	.77	The number of other citations increased in FFY2024. MNOSHA continues to follow its training plan to assist investigative staff members in identifying hazards.
Percent of total inspections in the public sector	3.20	4.74	4.82	The percent of public-sector inspections increased and was above the goal of 3%.
Inspections – safety	1,168	1,153	952	The number of safety inspections decreased in FFY2024 and did not meet the fiscal-year goal.
Inspections – health	195	155	189	The number of health inspections increased in FFY2024 but did not meet the fiscal-year goal.
Average current penalty per serious violation (private-sector only) total one to 250 or more employees (EEs)	1,423.40	1,223.06	2,286.50	The overall average current penalty increased in FFY2024. [This text isn't at the top of the cell.]
Average current penalty per serious violation (private-sector only) one to 25 EEs	953.00	933.00	1,315.00	The average penalty for this size employer increased in FFY2024.
Average current penalty per serious violation (private-sector only) 26 to 100 EEs	1,084.72	960.50	1,386.43	The average penalty for this size employer increased in FFY2024.
Average current penalty per serious violation (private-sector only) 101 to 250 EEs	1,974.24	1,981.64	2,930.14	The average penalty for this size employer increased from FFY2024.
Average current penalty per serious violation (private-sector only) 251 or more EEs	3,728.22	2,919.28	6,946.40	The average penalty for the largest employers increased in FFY2024. [This text isn't at the top of the cell.]

Percent in compliance – safety	38.86	34.96	31.35	The percent in compliance safety inspections decreased from FFY2023.
Percent in compliance – health	47.26	43.20	34.84	The percent in compliance health inspections decreased in FFY2024.
Percent of work-related fatalities responded to in one workday	100	95.65	100	All fatalities were responded to within one day. [This text isn't at the top of the cell.]
Average lapse time from opening conference date to issue date – safety	32.50	41.05	42.91	Safety lapse-time increased in FFY2024. [This text isn't at the top of the cell.]
Average lapse time from opening conference date to issue date – health	50.99	64.67	53.75	Health lapse-time decreased in FFY2024. [This text isn't at the top of the cell.]
Percent penalty retained	92.38	93.67	92.25	The percent penalty retained decreased in FFY2024.
Percent of initial inspections with employee walkaround representation	100	100	100	The percent of inspections with walkaround representation remained at 100%.
Percent of 11(c) investigations completed within 90 days	9	3	0	MNOSHA continued to work on the backlogged cases, as well as the increase in new cases. The percent completed decreased in FFY2024.
Percent of 11(c) complaints that are meritorious	15	5	33	MNOSHA's percent of meritorious cases increased in FFY2024.
Average number calendar-days to complete 11(c) investigations	572	690	660	The average number of days decreased from FFY2023. The Discrimination Team continues to work on the backlogged cases.

¹Data source: SAMM report provided by OSHA, November 2024.