

**Occupational Safety and Health Advisory Council**  
**Meeting minutes**  
**May 3, 2013**

**Members present**

Erick Ajax  
Carol Bufton  
Michael Hawthorne  
Michael Mueller  
Elizabeth Rheingans  
Greg Rindal  
Christopher Schmidt  
Dean Tharp

**Staff members present**

Alden Hoffman  
Mark Hysell  
James Krueger  
Ryan Nosan  
Roslyn Robertson  
Commissioner Ken Peterson  
Cindy Valentine

**Visitors present**

Rick Martagon  
Melissa Mueller

**Call to order**

The meeting was called to order at 10 a.m. by Chairwoman Carol Bufton and announcements were read. Members, staff members and visitors introduced themselves.

**Approval of the agenda**

The May 3, 2013, meeting agenda was approved.

**Approval of the minutes**

Erick Ajax moved to approve the Feb. 1, 2013 meeting minutes; Mike Mueller seconded the motion. All voted in favor and the motion carried.

**Federal update – Mark Hysell**

- Sequestration: A 5 percent cut in funding has been taken, but no furloughs or layoffs are expected. Efforts of enforcement-related activities will be focused on. Compliance assistance will be trimmed down. State-plan states received the same 5 percent funding cut.
- On April 29, 2013, OSHA launched an initiative to protect temporary workers from workplace hazards, with an emphasis on temporary worker training provided in a language the worker can understand. Bureau of Labor Statistics (BLS) statistics demonstrate there has been an increase in fatalities. Out of 12 percent total 2011 workplace fatalities (within OSHA's jurisdiction), 542 of 4,693 were related to temporary workers of Hispanic/Latino origin.
- Workers' Memorial Day is an annual observance to honor workers who have died on the job and renews a commitment to making worksites across the

country safer. Mark agreed to forward the announcement and news release to Erick Ajax to assist with his Minnesota Safety Conference presentation. The news release link can be found by accessing the following for some interesting and useful statistics concerning temporary workers:

[www.dol.gov/opa/media/press/osha/OSHA20130800.htm](http://www.dol.gov/opa/media/press/osha/OSHA20130800.htm).

- On April 23, 2013, OSHA issues final rule to protect workers using cranes and derricks in demolition and underground construction. Applies to the rule and streamlines the standard. It eliminates the current standard and corrects the 2010 standard language.
- On March 18, 2013, President Obama nominated Thomas Perez for Secretary of Labor. Perez worked at the Justice Department and was Maryland's Secretary of Labor.
- On Feb. 21, 2013, Department of Labor Assistant Secretary Richard Fairfax issued a letter of interpretation regarding employee rights to representation (Salmon letter). It clarifies and cancels some of the letters of interpretation that were confusing. Assistant Secretary Fairfax retires (today) May 3, 2013.
- MNOSHA'S FY2012 State OSHA Annual Report and Consultation's Annual Project Report: The final reports have been submitted to the national office. Thanks to MNOSHA, the process went very smoothly. They do a great job!

#### **Department update - Commissioner Ken Peterson**

- The department expects no issues of funding cuts.
- Legislation update
  - A workers' compensation bill that affects benefits and a maximum cost reduction limit on rehabilitation/job placement is expected to be heard in the Senate this afternoon and in the House next week.
  - The minimum-wage increase is expected to pass.
  - Two fatalities occurred in northern Minnesota recently. Greg Rindal thanked Commissioner Peterson, Jim Krueger and Jeff Isakson for their support and encouragement of visiting the injured worker in the hospital after he was burned in October 2012 at a taconite facility. Greg stated the worker visited the plant last week, as he continues with his recovery. Greg stated significant changes have been made to address the hazards. It was found that coal dust in a bunker caused the explosion.

#### **New business**

- ***Sequestration program impact - CindyValentine***  
Sequestration went into effect March 1, 2013. MNOSHA was initially instructed to cut 5 percent from the FFY13 budget (ends Sept. 30). Cuts made were more than 4 percent: \$35,000 in Workplace Safety Consultation (WSC) and \$133,000 in Compliance. Three vacancies remain that mitigate the cost reductions. OTI training will be canceled for the summer and all but core training will be suspended until after the current FFY.

- ***Workplace Safety and Incentive Program – Ryan Nosan, MNSTAR/MNSHARP coordinator***

Ryan provided a presentation giving background information about and requirements for both programs.

- MNSTAR is modeled after the federal Voluntary Protection Program (VPP). It is an application-based partnership among management, labor and MNOSHA, administered by WSC and funded by Compliance. The program is designed for employers that choose to “go above and beyond” the minimum MNOSHA requirements. There is no company size-limitation for participation. Employers must have a DART rate and TCIR below the industry average (compared with the BLS information). Worksites are used as models of safety and health and act as mentors to other employers. Currently, 32 employers are active in the MNSTAR Program.
- MNSHARP recognizes companies whose managers and employees work together to develop safety and health programs beyond the basic compliance with all applicable MNOSHA standards. Employers must meet all eligibility requirements and may be removed from Compliance’s programmed inspection list for up to three years. This program is designed for smaller employers (fewer than 250 employees at the site; fewer than 500 employees nationwide, with a DART rate and TCIR below the industry average, compared with BLS information). Currently, there are 37 full participants and one in pre-SHARP status.
- MNSHARP Construction has been expanded. Projects must be longer than 18 months in duration and the contractor must have at least one year of operating history. DART rates and TCIRs must be below the national average as compared with BLS, and must participate in pre-MNSHARP for one year. Currently, there are six full MNSHARP Construction and three pre-MNSHARP Construction participants.

## **Old business**

- ***Future agenda topics***

Send topic ideas to Cindy, Carol or Pam for ranking at the November meeting. Suggested topics: Duluth (wind turbine, energy and safety) or Rochester (health care).

- ***Meeting location options***

Cindy stated very little response was received regarding an offsite meeting in August. Mark stated federal government staff are limited on travel, especially overnight, but Duluth could be a day trip for him to attend. **Mike Hawthorne moved that the Aug. 3, 2013, OSH Advisory Council meeting be at Minnesota Power in Duluth, with the topic being “wind turbine energy.” Mike Mueller seconded. All approved and the motion carried.** Greg Rindal will make the scheduling arrangements and will forward that information to Pam.

## Staff reports

- **Compliance – Jim Krueger**
  - **Second quarter 2013 statistics**
    - Seven hundred sixty-three inspections were completed.
    - An increase has been seen in serious injury cases involving temporary agencies. The temp agency will always be cited under the multi-employer worksite policy.
    - One fatality and eight serious injury cases were recorded.
    - One hundred eighty-five complaints resulted in 109 inspections. An increase in complaint-driven inspection activity has been seen.
  - **Legislation**
    - GHS was adopted by reference, with exceptions in Part 1910.1200 (b)(6)(xi) and (xii), ionizing and non-ionizing radiation and biological agents. They are covered under Minnesota Employee Right-to-Know (MN ERTK) requirements. In addition, while the new 1910.1200 will require one-time retraining, MNOSHA will retain its annual training requirements in MN ERTK for all chemicals, physical and infectious agents.
  - **Minnesota Rules**
    - AWAIR list changes: see [www.dli.mn.gov/OSHA/Awair.asp](http://www.dli.mn.gov/OSHA/Awair.asp).
    - Crane rule will be repealed because it duplicates the federal standard.
    - Notice of contest form can now be e-filed for increased efficiency.
  - **Emphasis programs**
    - Window washing: investigator training continues particularly about the new standard.
    - Inspections continue with additional staff training in each of the following areas: excavations, residential construction (fall protection), crane inspection and silica in construction.
  - **Construction seminars**
    - This event will be at a new venue, St. Paul College, on May 14; *Electrical worksite safety standards* is the topic.
  - **Publications**
    - The most recent edition of *Safety Lines* is available on DLI's website at [www.dli.mn.gov/OSHA/SafetyLines.asp](http://www.dli.mn.gov/OSHA/SafetyLines.asp).
    - The year in review (2012), most-frequently cited standards and AWAIR NAICS have been updated and are available on the DLI website at [www.dli.mn.gov/OSHA/Information.asp](http://www.dli.mn.gov/OSHA/Information.asp).
    - The MNOSHA poster was updated Oct. 1 and is available at no cost. Call (651) 284-5042 or 1-800-342-5354, or order from the DLI website at [www.dli.mn.gov/LS/Posters.asp](http://www.dli.mn.gov/LS/Posters.asp).
  - **Federal audit (2012)** results are available on the federal OSHA website, [www.osha.gov](http://www.osha.gov).

- **OSHSPA updates**
  - Jim will attend the OSHSPA 2013 Spring Meeting, June 11 and 12, in Mystic, Conn.
- ***Workplace Safety Consultation – Roslyn Robertson***
  - **Second quarter 2013 statistics**
    - Conducted 235 consultation visits, less than half of its yearly goal.
    - Activity increases during the summer months.
    - Significant hazards have been identified.
    - Eight hundred sixty-three serious hazards and 188 other-than-serious.
  - **Marketing**
    - Invitations will be sent to approximately 900 Minnesota employers identified as having illness/injury rates above the national rate. The purpose of the invitation is to bring awareness to the employer that their rate is above the national average and to invite them to contact WSC for services that can reduce those rates.
  - **OSHCON meeting**
    - Roslyn attended the annual conference, in Salt Lake City, Utah, April 15 through 19; marketing impact results were discussed.
  - **Partnerships**
    - A Healthcare Group Alliance meeting is tentatively set for July.
    - Workplace Violence Prevention:
      - Scott County has requested a comprehensive program and training assessment of all their county facilities;
      - WSC uses its Alliance partnership program to develop training and education assistance with specific industry groups, such as co-ops.
  - **Log Safety**
    - Roslyn and Cindy Valetine met with representatives of the Minnesota Log Safety Group in Grand Rapids, Minn. A workgroup was established to describe training opportunities. Suggestions, comments and training ideas were compiled. A request for proposal (RFP) has gone out for interested groups to bid on a contract to deliver safety and health training starting in March 2014. Funding: established funding has not changed in more than 20 years and Commissioner Peterson has asked that DLI provide additional funding for safety and health training in the logging industry.
  - **Safety grants**
    - Safety grants are a powerful tool for the employer and Roslyn provided a summary of the grant application/award process. Forty-nine applications were received and 36 grants were awarded to 31 private-sector companies and five public-sector entities in the second quarter; \$270,000 was awarded for projects, totaling more than \$1.3 million.

- **Training and Outreach - Cindy for Nancy Zentgraf**
  - **Presentations**
    - Thirty-three presentations were conducted in the second quarter. Two Constructions Seminars were conducted: GHS and cranes.
    - On May 14, electrical safety will be presented at the Construction Seminar at a new location, St. Paul College.
    - On June 20, a Construction Seminar will be presented focusing on Hispanic/Latino partners. Staff members from the Workers' Compensation Division and Construction Codes and Licensing Division will lend their assistance in answering questions and providing further information to this audience.
  - **OTI schedule**
    - Most OTI classes have been canceled for summer 2013.
  - **Partnerships**
    - Lisa Hollingsworth has accepted a position to assist Nancy working with contractor activity.
    - MNOSHA has a partnership with the Minnesota Department of Transportation and Ed Kraemer & Sons for the St. Croix River Bridge project. Twelve cranes on barges will be used to build the bridge foundation, starting in April and continuing through early summer 2014.

### **2013 meeting schedule**

- **Aug. 2 (at Minnesota Power in Duluth); Nov. 1 (at DLI in St. Paul)**

### **Adjournment**

Mike Hawthorne moved to adjourn the meeting; it was seconded by Mike Mueller. All voted in favor and the motion carried. The meeting was adjourned at 11:54 a.m.

Respectfully submitted,  
*Pamela McLaughlin*  
 Executive Secretary