

**Occupational Safety and Health Advisory Council
Minutes
August 7, 2009**

Members Present:

Melanie Allen
Carol Bufton
Harvey Burski
Fay Chawla
Mike Hawthorne
Mike Mueller
Greg Rindal
Kathy Smith
Bill Stuart
Dean Tharp
Daryl Tindle

Members Excused:

Erick Ajax

Staff:

James Collins
Alden Hoffman
James Honerman
Julie Klejewski
Jim Krueger
Steve Sviggum
Patricia Todd

Visitors:

Lois Klobuchar
Jenny O'Brien, DLI
Shelly Techar, DLI
Gary Thaden, NECA/MMCA/MnSEIA

The meeting was called to order at 10:07a.m., by chairperson Carol Bufton. Members and staff introduced themselves.

Burski made a motion to accept the May 1, 2009 minutes as printed; seconded by Stuart, all voted in favor and the motion passed.

I. Assistant Commissioner's Update – Patricia Todd

Assistant Commissioner Todd reported the summer months have been fairly calm. The Department held their first Workers' Compensation Policy Summit in June at the Grandview Lodge in Nisswa. It went very well and was very informative. In addition, the Department completed a DVD about Workers' Compensation to inform employees and employers about various different benefits, etc., that are available through that system. Please contact Julie if you would like a copy.

II. Federal OSHA Update – Alden Hoffman on behalf of Mark Hysell

The administration nominated David Michaels to lead the OSHA program. If approved by the Senate, he will be the Assistant Secretary of the Labor Department.

Mueller referenced recent press regarding Federal OSHA taking over another State Plan State, and asked about the oversight Federal OSHA has over MNOSHA and any concerns raised over time regarding Minnesota programs.

Todd replied that Federal OSHA does come here to perform quarterly audits in both the Compliance and Consultation programs. There are certain measures in the grant that MNOSHA has to maintain. MNOSHA has

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always done extremely well in those evaluations as well as the annual review which is called FAME. The FAME is available on the Federal OSHA website. Overall the MNOSHA program is considered to be one of the strongest in the country. She reviewed the hearings which took place last legislative session which Federal OSHA did conduct an investigation and found none of the allegations brought forth were of substance.

III. Staff Reports: Compliance – Alden Hoffman for James Krueger

INSPECTIONS

- Second Quarter CY 2009
 - Investigated 6 fatalities and 14 serious injuries under MNOSHA jurisdiction
 - Conducted 767 inspections
 - Handled 111 complaints, of which 47 resulted in inspections

CONSTRUCTION BREAKFAST

- May 19, 2009: 57 participants attended Post Serious Accident or Fatality Procedures
- September 15, 2009: Health Hazards in the Construction Industry
- November 17, 2009: MNOSHA Workplace Safety Consultation
- January 19, 2010: To be determined
- March 16, 2010: To be determined
- May 18, 2010: To be determined

OUTREACH

- During second quarter CY 2009, the MNOSHA Compliance Division gave a total of 19 presentations to 583 attendees.
- 75th Minnesota Safety and Health Conference (May 13-15, 2009)
 - MNOSHA Compliance gave 5 presentations
 - The Bridge – A Construction Retrospective
 - The Boomers Are Coming: Implications for Employers
 - MNOSHA: A Peek Backward and a Look Ahead
 - Tracking the Trends: Workplace Fatalities
 - OSHA Real Incident Reviews
 - Staffed a booth in the Exhibit Hall
 - Participated in Lunch with the Enforcers
- Continued assisting MNOSHA Workplace Safety Consultation with their Combustible Dust Seminars
- Responded to 1,037 phone calls and 275 written requests (primarily e-mails) related to safety and health issues

PUBLICATIONS

- The summer issue of *Safety Lines* was posted in July
- Pandemic influenza Web page was created on the department Web site
 - 2 new MNOSHA fact sheets on disinfection and respiratory protection
 - Links to the federal OSHA, NIOSH, CDC, MN Department of Health and Flu.gov influenza Web pages
- 6 handouts were updated with the new Mankato address, 5 obsolete ones were deleted, the Internet fact sheet underwent major revision and the revised first aid fact sheet is under review

EMPLOYEE TRAINING

- During 2nd Quarter CY 2009, 12 investigators attended OTI and two others completed a class at the Midwest Center for Occupational Health and Safety. Another nine staff members participated in two OTI Webinars.
- Compliance staff members attended a total of 127 training sessions during the first two quarters of CY 2009

- We currently have 64 reserved spots at OTI for FFY 2010. We also have 7 people to register for classes at other venues.
- OTI conducted the OSHA 3110 Fall Arrest Systems class for our staff on July 25-27 at Ft. Snelling. A total of 33 students, including 22 from MNOSHA Compliance and 8 from Consultation.
- OTI is also bringing the OSHA 3080 Principles of Scaffolding class to Minnesota September 22-24. The class has a strong hands-on component and will be held at the Carpenters and Joiners Training Center in St. Paul. At least 16 Compliance investigators will be in attendance.

OPEN POSITIONS

- 1 Metro - Safety
- 1 Metro - Health
- 1 St. Cloud – Safety

SIGNIFICANT LEGISLATION/RULEMAKING

- Safe Patient Handling: in definitions section of the current statute 182.6552, clinical settings is being added.
 - New 182.6554 = physician, dental and other outpatient care facilities that move patients will have until July 1, 2010 to develop a written SPH plan to achieve by Jan. 1, 2012 the goal of minimizing manual lifting of patients by workers, by using SPH equipment.
- Electrical Standard; Clarifications; Corrections
 - Adopted by fedOSHA on October 29, 2008
 - Adopted by MNOSHA on June 1, 2009
- Longshoring and Marine Terminals; Vertical Tandem Lifts; Final Rule
 - Adopted by US DOL on December 10, 2008
 - Adopted by MNOSHA on June 1, 2009
- Clarification of Employer Duty to Provide Personal Protective Equipment and Train Each Employee; Final Rule
 - Adopted by US DOL on December 12, 2008
 - Adopted by MNOSHA on June 1, 2009

OSHSPA

- James Krueger attended the OSHSPA Summer Conference in Portland, OR on June 23-24, 2009
- The next meeting will be on October 5-7, 2009 in Arlington, VA
- Oregon OSHA is completing the 2009 edition of *Grassroots Worker Protection*, i.e., the annual OSHSPA report. MNOSHA submitted material for the report in June.

A question was asked about resources for employers to follow to help them deal with safety regarding the H1N1. Hoffman stated watch the MN Dept of Health's website primarily as well as the CDC. Health is working with the Public Safety's Homeland Security and plans are continuing.

Staff Reports: Consultation – James Collins

Special Projects

- **Consolidation of Staff Development Plan**

The two OSHA programs are working cooperatively to research, design and implement a program that will meet the professional training and educational needs of both groups. Plans will be complete soon with an implementation date of October 1, 2009.
- **Consultation Computer Project**

MnOSHA Workplace Safety Consultation has embarked on the re-development of its antiquated computer system. The project will take six months. The essential benefits include:

 - 1) Minnesota will have local control over its computer operations, instead of the Feds.
 - 2) System will be enriched to include our State's workers' compensation information
 - 3) Application will be Web based

4) Consultants will save up to 25% time from paperwork; thereby increasing productivity.

- **LogSafe Program CD**

The Department of Labor and Industry in cooperation with MNSCU has created a 6 hour LogSafe Training program to assist logging employers. At stage two of this program, the Department intends to make it into an on-line training course. The goal is to place the training on-line for both the public and private sectors, free-of-charge. Details are being worked out.

- **Nursing Home Research Project**

Research and Policy Development is in the process of completing WSC's four-year nursing home study. Preliminary data suggest the study will show consultation effectiveness in reducing injury and illness rates and also show a substantial reduction in workers' compensation costs through effective disability management.

- **New Phone System**

MnOSHA Workplace Safety Consultation is in the process of purchasing a new distribution call center to enable Consultation to better provide technical assistance, as well as, to assist us in tracking and generating reports for management and staff.

- **Safety Grants**

MnOSHA Workplace Safety Consultation is conducting research to determine if the application process can be computerized. This is work in progress.

Budget Update

- Workplace Safety Consultation received permanent funding increase of \$40,000 in FFY 2009.
- Workplace Safety Consultation received temporary one-time-only funding of \$40,000 to purchase equipment, new phone system and staff supplies.

Grant Application

- MnOSHA Compliance and Consultation submitted a joint Federal Grant Application for FFY 2010 on August 6, 2009. Grant information was discussed at the Federal Family meeting held in Toledo, Ohio in July and final grant application was submitted on August 6, 2009.

Programs Update

- Overall Consultation productivity for FFY 2009 (Oct. 1, 2008 – Sept. 30, 2009)

	Federal Goal	Actual
Initial Visits and Follow-up's	900	1000
Training Assistance	125	163
Interventions	125	236
Number of Hazards	5000	3990

MNSTAR

General Industry	4	4
Construction	2	1

MNSHARP

General Industry	4	4
Construction	2	2

Human Resource Management

Retirements: The division lost two consultants, one a 33 year employee and the other a 10 year employee.

Transfers: The division lost two employees, one consultant and the other an Administrative Assistant.

Two additional vacancies: Safety Grants Consultant and an Ergonomics IH3 Consultant.

Actions:

- Hired a Management Analyst to replace the Administrative Assistant.

- Hired a Safety Consultant in Duluth to replace the transfer to Compliance.
- Transferred one consultant back into the field to replace the retired consultant in Cambridge- moved the position to St. Paul.
- Hired an Ergonomics IH3 Consultant, the position was vacant for a year.
- Offer pending for the Grants Consultant.
- Interviews in process for the Mankato Consultant.

The logsafe information is estimated to be online in approximately 6 months. The Nursing Home report will be available electronically on our Website, and is also estimated to be available in 6 months.

Buften welcomed Commissioner Sviggum to the meeting. He thanked members for being on the advisory council and reminded everyone how safety is very important in everyone's daily lives. He reported each year Minnesota becomes more safe. There has been a decline in the number of recordables and injuries. He stated how very impressed he is with the departments MNOSHA staff and how committed they all are to safety.

IV. Business –Carol Buften

- Presentation on DLI's Web site <http://www.dli.mn.gov>

Buften introduced James Honerman who is the Communication Director at DLI. He gave a presentation on the recently redesigned Web site for the department and did a hands-on demo navigating to the different links, etc. Summary:

- The last major update to the Web site was in 2003.
 - The department receives approximately 5,800 visitors a day and approximately 500 of those visit for OSHA information, about 2,000 for code information, 830 for Work Comp, 900 for Labor Standards.
 - New navigation on sides and at top.
 - Huge feature – tabs.
 - Make pages smaller, easier to view.
 - Being user friendly – allow people to see more information quicker.
 - Add some movement to the pages.
 - At some point, the logging video (online training) will be housed on the Web site.
 - License lookup for building/residential contractors is very popular, will be expanding to independent contractor and electrical.
 - Address changed to .gov as the search engines prefer that and will put you on top when you are a .gov – most people seeking Web information use a search engine
 - Search engines will take you to a second or third level Web page – to find your information quickly.
- Discussion Topic F – feedback and recommendations on how to improve Web site.

Buften opened the floor for ideas. After some discussion, below is a summary of ideas:

1. How can we drive more people to the site?
 2. More links between agencies, regulators, cross reference – examples would be for health care industry - safe patient moving, ergonomics; and fleet safety (DOT).
 3. More training programs/resources both for trainers and people seeking training.
 4. Other videos – such as mock inspection.
 5. History of OSHA and how it functions.
- 2010 Meeting Dates: February 5, May 7, August 6, November 5

V. Future Agenda Items

- November
 - Presentation on MNOSHA 5 year strategic plan
 - Discussion and recommendations on orientation package for new advisory council members

Chair Carol Bufton adjourned the meeting at 11:30 a.m.

Respectfully Submitted,

Julie A. Klejewski

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