State Safety and Loss Control Conference

Minnesota OSHA Update
September 27, 2017

Why is OSHA Needed?

• When congress was considering the OSH Act in 1970, approximately 14,000 occupational fatalities were being reported each year.
• There were 2.5 million job related disabilities.
• There were 300,000 new cases of job related illnesses.
Williams-Steiger Occupational Safety and Health Act of 1970

The Occupational Safety and Health Act

- Enacted December 29, 1970
- Signed into law by President Nixon
  - To assure that every working man and woman in this nation have safe and healthful working conditions.
  - Encouraging every state to become involved in planning to assume its own occupational safety and health program.

28 STATE PLANS AND TERRITORIES

[Map of 28 state plans and territories, showing different states covered by state programs and those covered by federal OSHA.]
• MNOSHA 40+ year history.
• MNOSHA has continued to evolve to meet the growing and ever-changing needs of safety and health standards for workers.
• In 1973, MNOSHA covered approximately 1.3 million workers within the state.
• Covers approximately 2.6 million workers.
MNOSHA’s Mission Statement

To make sure every worker in the State of Minnesota has a safe and healthful workplace.

- Commissioner – Ken Peterson
- Deputy Commissioner – Jessica Looman
- Workplace Safety Manager – James Krueger
MNOSHA Compliance

Office Locations

North
South
Central

Nancy Zentgraf......Compliance Director
Vacant...............Training and Outreach Director

North.............. Jeff Isakson, Supervisor
Central............. Sarah Kickbusch, Supervisor
South............. Clayton Handt, Supervisor
Principal......... Ryan Nosan, Supervisor
Ind. Hygiene....... Ron Anderson, Supervisor

Field Inspection Groups

Supervisor

- 8 Safety
- 4 Industrial Hygienist
MNOSHA Compliance
Staffing Update

Did not hire between 10/10/2012-5/20/2015

Staff with Significant Experience;
- Workplace Safety Manager
- Industrial Hygiene Director
- Safety Supervisor
- Safety Investigator 4
- Industrial Hygienist 3
- Consultation Director
- Health Consultant
- Safety Consultant

Training
- One Safety Investigators
- One Industrial Hygienist

MNOSHA Compliance (23g)
Current Staff 2017

28 Safety Investigators
13 Health Investigators
  6 Principal/IH3
  2 Directors
  2 Training Officers
  3 Discrimination Investigators
  3 Program Analysts
  8 Program Support
  8 Supervisors
2017 MNOSHA Compliance Budget

- Federal Grant: $3,991,800
- State Match: $4,178,000
- Total Budget: $8,169,800

- Note: Grant Includes Public Coverage and MNSTAR
Federal Grant covers staff for:

- MNSTAR
- Outreach
- Services to stakeholders, ergonomics, logging and public sector
- Compliance inspections
MNOSHA Program Activities:

- Inspections Reduced
  - 2500 (3 year average)
  - 1800 (FFY15,16,17)
- Priority to
  - Imminent Dangers
  - Fatals
  - Complaints
  - Serious Injuries

Reporting Requirements

Employers must report the following to MNOSHA:

- All work-related fatalities within 8 hours (no change to requirement)
- All work-related in-patient hospitalizations of one or more employees within 24 hours (3 in-patient hospitalizations)
### Serious Injury Inspections

<table>
<thead>
<tr>
<th>Year</th>
<th>Quarter 1</th>
<th>Quarter 2</th>
<th>Quarter 3</th>
<th>Quarter 4</th>
<th>Total Injuries</th>
</tr>
</thead>
<tbody>
<tr>
<td>2014</td>
<td>7</td>
<td>4</td>
<td>12</td>
<td>12</td>
<td>35</td>
</tr>
<tr>
<td>2015</td>
<td>13</td>
<td>25</td>
<td>20</td>
<td>25</td>
<td>83</td>
</tr>
<tr>
<td>2016</td>
<td>36</td>
<td>28</td>
<td>18</td>
<td>22</td>
<td>114</td>
</tr>
</tbody>
</table>

### Federal Region 5 Monitoring and Evaluation (FAME) Report

In its 40+ year history MNOSHA established an effective and cooperative relationship with all regional monitors:

- Cooperative process
- Regular monitoring meetings
- Quarterly meetings with the Advisory Council
- Bi-annual Onsite Audit


MNOSHA Conducted 1,979 inspections, goal was 1,800.

1,165 Complaints resulting in 291 onsite Inspections (Responded in just over 3.3 days, Goal 9 days)

Handled 4,635 phone calls and 1,873 written requests, primarily e-mail.

Federal Annual Monitoring and Evaluation (FAME) Report 2015

Week long Onsite Audit:

Enforcement Files Reviewed:
110 Inspection Case Files,
10 Non Formal Complaints

11(c) Discrimination Cases
19 Case Files
11 Screen and Close Cases

Complete reports and issue citations:

**Safety**
- MNOSHA 15 days
- National Data 45 days

**Health** – send samples to lab for results
- MNOSHA 19 days
- National Data 57 days

MNOSHA Goals

Reduce state Total Recordable Cases

Reduction in state Fatality Rate from the previous 5-year average

Increase hazards abated
Injury and Illness Incidence Rates
Minnesota 2005-2015

Occupational Injuries/Illnesses per 100,000 Full-time Equivalent Workers 2014

<table>
<thead>
<tr>
<th>State</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>4.4</td>
</tr>
<tr>
<td>Minnesota</td>
<td>3.7</td>
</tr>
<tr>
<td>North Dakota</td>
<td>Not Available</td>
</tr>
<tr>
<td>South Dakota</td>
<td>Not Available</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>4.0</td>
</tr>
</tbody>
</table>
### Fatal Occupational Injuries per 100,000 Full-time Equivalent Workers 2014

<table>
<thead>
<tr>
<th>State</th>
<th>Fatality Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Iowa</td>
<td>6.0</td>
</tr>
<tr>
<td>Minnesota</td>
<td>2.3</td>
</tr>
<tr>
<td>North Dakota</td>
<td>9.8</td>
</tr>
<tr>
<td>South Dakota</td>
<td>4.8</td>
</tr>
<tr>
<td>Wisconsin</td>
<td>3.5</td>
</tr>
</tbody>
</table>

### Fatalities
Bureau of Labor Statistics
Census of Fatal Occupational Injuries
2015

• 4,836 Fatal work injuries in the US in 2015

• Increase from 4,821 in 2014; highest since 5,214 fatalities in 2008

BLS - CFOI
2015

Minnesota Data
• Agriculture, forestry, fishing & hunting recorded the highest rate of fatalities with 16.9.
• Second-highest was transportation & utilities with 5.2.
• Construction had the third-highest with 5.0.

Note: 2014 was 3.9
BLS - CFOI
2015

Minnesota Data
• Causes of fatalities in MN
  – Transportation incidents (31)
  – Contact with objects and equipment (17)
  – Falls (13) – 10 were in general industry
  – Violence (7)

A fatality under MNOSHA jurisdiction is defined as:

An employee death resulting from an employment incident or illness caused by or related to a workplace hazard
MNOSHA Does Not Investigate:
- Motor vehicle accidents
- Airplane accidents
- Mining sites
- Small family farms
- Self-employed workers with no employees
- Federal employees
- Railroad employees

Cause/Contribute Penalties

Minnesota Statutes, section 182.666, subd.2a

If the violation causes or contributes to the death of an employee, the minimum nonnegotiable fine is:

- $25,000 for a serious violation
- $50,000 for willful or repeat violation
MNOSHA Compliance Fatality Investigations FFY 2012 - 2016

During the period October 1, 2011 – September 30, 2016, the annual average number of fatalities under Minnesota OSHA jurisdiction was 17.

The most common types of workplace fatalities were:
- Contact with an object or equipment: Average of 8 workers each year
- Falls: Average of 5 workers each year
- Electrocution: Average of 1.2 workers each year

MNOSHA Fatalities

FFY 2012-2016
- 87 Total
- An average of 17 per year
  - 32 Construction (37%)
  - 55 General Industry (63%)

FFY 2007-2011
- 92 Total
- An average of 18 per year
  - 26 Construction (28%)
  - 66 General Industry (72%)
MNOSHA General Industry Fatalities

5 Years
Federal Fiscal Years 2012-2016
October 1, 2011 - September 30, 2016
MNOSHA Fatalities
FFY 2007-2016

General Industry Fatalities

Gen’l Industry Fatality Citations
41 Cases with citations
115 citations issued

93 Serious (81%)
2 Willful (2%)
2 Repeat (2%)
18 Non-serious (15%)

Average amount of total penalties for cases with citations was $26,182
MNOSHA Gen’l Industry Fatalities

General industry fatalities inspected by MNOSHA are preventable

Adequate training on hazards, machine guarding & lockout/tagout can prevent deaths

Minnesota OSHA's Most Frequently Cited Standards in General Industry
Federal Fiscal Year 2016

<table>
<thead>
<tr>
<th>STANDARD</th>
<th>DESCRIPTION</th>
<th>FREQUENCY</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910.1200</td>
<td>Hazard Communication</td>
<td>264</td>
</tr>
<tr>
<td>MN Rules 5206.0700</td>
<td>Employee Right-To-Know training</td>
<td>255</td>
</tr>
<tr>
<td>1910.212</td>
<td>Machine guarding – general requirements</td>
<td>154</td>
</tr>
<tr>
<td>1910.147</td>
<td>Control of hazardous energy (lockout/tagout)</td>
<td>147</td>
</tr>
<tr>
<td>1910.134</td>
<td>Respiratory protection</td>
<td>134</td>
</tr>
<tr>
<td>MN Statutes 182.653 subd. 8</td>
<td>A Workplace Accident and Injury Reduction (AWAIR) program</td>
<td>107</td>
</tr>
<tr>
<td>1910.305</td>
<td>Electrical wiring methods, components and equipment for general use</td>
<td>92</td>
</tr>
<tr>
<td>1910.178</td>
<td>Powered industrial trucks</td>
<td>83</td>
</tr>
<tr>
<td>MN Rules 5205.0116</td>
<td>Carbon monoxide monitoring</td>
<td>80</td>
</tr>
<tr>
<td>1910.151</td>
<td>Emergency eyewash and showers</td>
<td>72</td>
</tr>
</tbody>
</table>
### Minnesota OSHA’s Most Cited Public Sector

<table>
<thead>
<tr>
<th>Standard</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>1910.1200</td>
<td>Hazard communication</td>
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</tr>
<tr>
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<tr>
<td>1910.213</td>
<td>Emergency eyewash and showers</td>
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<tr>
<td>1910.212</td>
<td>Machine guarding – general requirements</td>
</tr>
<tr>
<td>1910.151</td>
<td>Emergency eyewash and showers</td>
</tr>
<tr>
<td>1910.23</td>
<td>Walking Working Surfaces</td>
</tr>
<tr>
<td>1910.303</td>
<td>General electrical wiring methods, components and equipment shall be free from recognized hazards</td>
</tr>
<tr>
<td>1910.215</td>
<td>Abrasive wheel Guarding</td>
</tr>
<tr>
<td>1910.219</td>
<td>Belt and Pulley Guarding</td>
</tr>
<tr>
<td>1910.146</td>
<td>Confined Space Entry</td>
</tr>
<tr>
<td>1910.1030</td>
<td>Bloodborne Pathogens</td>
</tr>
<tr>
<td>Minnesota Statutes 182.653, subd. 8</td>
<td>A Workplace Accident and Injury Reduction (AWAIR) program</td>
</tr>
</tbody>
</table>

### MNOSHA Construction
Construction Fatalities FFY 2012-2016

![Chart showing construction and total fatalities from 2012 to 2016.](chart1)

Construction Fatalities by Company Size FFY 2012 - 2016

![Chart showing fatalities by company size from 2012 to 2016.](chart2)
MN Construction Fatalities

Over the years, our data suggests that most of the construction fatalities inspected by MNOSHA are preventable.

Requirements for fall protection and protective systems in trenches are not being followed.

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<th>FREQUENCY</th>
</tr>
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<tbody>
<tr>
<td>1926.501</td>
<td>Fall protection</td>
<td>284</td>
</tr>
<tr>
<td>1926.451</td>
<td>General requirements for scaffolds</td>
<td>79</td>
</tr>
<tr>
<td>MN Statutes 182.653 subd. 8</td>
<td>A Workplace Accident and Injury Reduction (AWAIR) program</td>
<td>63</td>
</tr>
<tr>
<td>1926.1053</td>
<td>Ladders</td>
<td>55</td>
</tr>
<tr>
<td>MN Rules 5207.1100</td>
<td>Fall protection on elevating work platforms</td>
<td>44</td>
</tr>
<tr>
<td>1926.651</td>
<td>Specific requirements for excavations</td>
<td>41</td>
</tr>
<tr>
<td>1926.652</td>
<td>Protective systems for excavations</td>
<td>38</td>
</tr>
<tr>
<td>1926.100</td>
<td>Head Protection</td>
<td>33</td>
</tr>
<tr>
<td>1910.1200</td>
<td>Hazard Communication</td>
<td>32</td>
</tr>
<tr>
<td>1926.405</td>
<td>Electrical wiring, components &amp; equipment</td>
<td>28</td>
</tr>
<tr>
<td>1926.1052</td>
<td>Stairways</td>
<td>28</td>
</tr>
</tbody>
</table>
Types of Inspections

Responding to reports of alleged hazardous working conditions identified at a specific work site

• Imminent Dangers
• Fatalities/catastrophes
• Serious Inj/illnesses
• Complaints
• Referrals
• Follow-ups

Scheduling Inspections

Industries are identified based upon…

• Historical injury and illness rates reported by the Bureau of Labor Statistics (Specifically for Minnesota) and Priority to Strategic Plan

• Local and national “emphasis” programs, inspections focused on certain industries or work processes. Public Sector is an emphasis program.
Types of Inspections

Inspections of worksites which have been scheduled based upon objective or neutral selection criteria are programmed.
Minnesota OSHA's Most Frequently Cited Standards For All Industries
Federal Fiscal Year 2016

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<td>1926.501</td>
<td>Fall protection in construction</td>
<td>285</td>
</tr>
<tr>
<td>MN Rules 5206.0700</td>
<td>Employee Right-To-Know training</td>
<td>276</td>
</tr>
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<td>MN Statutes 182.653 subd. 8</td>
<td>A Workplace Accident and Injury Reduction (AWAIR) program</td>
<td>170</td>
</tr>
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<td>1910.212</td>
<td>Machinery and machine guarding – general requirements</td>
<td>154</td>
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<td>1910.147</td>
<td>The control of hazardous energy (lockout/tagout)</td>
<td>150</td>
</tr>
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<td>Respiratory protection</td>
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</tr>
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<td>92</td>
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<td>84</td>
</tr>
</tbody>
</table>

Specialty Training 2018

- Meat Packing
- Foundry’s
- Health Care
- Trenching
- Grain Handling
- Public Sector (On Going)

- Asbestos
- Hazardous Waste (HAZWOPER)
- Process Safety Management (PSM)
MNOSHA 2018
Inspections

• Health Care
• Fall Protection
• Trenching
• Silica
• Machine Guarding Lockout/Tagout
• PSM
• Public Sector

MNOSHA’s Local Emphasis in Health care
Background

- MNOSHA's emphasis program has been in effect since 2009
- MNOSHA will continue the emphasis program with the goal of reducing injuries and illnesses in the health care industry
Focus of Inspections

- Safe Patient Handling
- Bloodborne Pathogens
- Infectious Disease
- Workplace Violence
- Slips, Trips and Falls
- Specialty Training

Fall Protection

- Fall protection for construction enforced at 6 feet
  - Subpart M 1926.501 (b)(1)
- Other acceptable fall protection
  - Vertical Standards
    - Subpart L (scaffolds)
    - Subpart X (ladders)
    - 1926.453 (aerial lifts)
Fall Protection

Fall Protection
Fall Protection
Outreach

Each year, 5 construction seminars at the MNDOT Training center in Arden Hills

MNOSHA has three bilingual inspectors staff.
  • Local Spanish Cable News Channel
  • Various presentations with the Consulate of Mexico located in St Paul MN.

National Safety Stand-Down
May 8 – 12, 2017

“To Prevent Falls in Construction”

Fatalities caused by falls from elevation continue to be a leading cause of death for construction employees.
National Safety Stand-Down
May 8 – 12, 2017

MNOSHA and Minnesota construction industries have participated in every National Stand-Down since their inception in 2014.

Trenching Safety

“The time to think about worker protection in trenches is before the digging even begins.”
Excavation/Trenching

- 3 fatalities – In the last two years 2015 and 2016

- 5 serious injuries – In the last 5 years one each year.

Consider:

The trenching fatality rate is 112% greater than that for all construction accidents.
Consider:

The vast majority of trench fatalities are occurring in trenches 5 to 15 feet deep!!!

Consider:

One cubic yard of soil weighs approximately:

3000 lbs.
Trenching Inspections

Adequate protection shall be provided by:

- Sloping
- Shoring
- Shielding
From April 17 through April 21 2017 MNOSHA conducted its first Excavation Safety Stand-down.

Excavation safety was the topic because:
- Of the many hazards associated when working in excavations/trenches
- Excavation accidents resulted in three fatalities to Minnesota workers since 2015
- The excavation season was starting

The purpose, of this Stand-down was to raise awareness among employers and workers about preventing excavation accidents.
MNOSHA Excavation Stand-down

An excavation Stand-down is a way for employers and workers to pause during the workday and talk about excavation safety.

Types of events used:
- Job Safety Analysis talks
- Lunch and Learn
- Toolbox Talks

MNOSHA Excavation Stand-down

This excavation Stand-down was a great success. 11 companies and 248 employees participated in the Stand-down.
A Stand-down “Selfie”

Stand-down Participant Certificate
Silica Inspections

Crystalline Silica
MNOSHA has adopted by Reference

• Construction (50 ug/m3)
  – To comply (September 23, 2017)

• General Industry and Maritime (50 ug/m3)
  – Two years to fully comply (June 23, 2018)

• Hydraulic Fracturing
  – Two years to Comply and five years for engineering control requirements.
Construction, MNOSHA September 23, 2017

- Limit of 50 µg/m³ as an 8-hour time weighted average (TWA)
- Action level of 25 µg/m³ as an 8-hour TWA

Machine Guarding
Machine Guarding
point of operation must be guarded

Lockout/Tagout
Lockout/Tagout

Process Safety Management Inspections

• Ammonia, 10,000 pounds

• Facilities with Ethyl Alcohol (Ethanol)

• Staff Expertise and Training
2017 Federal OSHA

- Alex Acosta, Secretary of Labor April 27, 2017
- TBD, Assistant Secretary OSHA Administrator
  – Acting Deputy Assistant Secretary, Loren Sweatt, July 24, 2017.

General Industry Walking-Working Surfaces and Fall
MNOSHA Adopted by Reference, Effective September 19, 2017

MNOSHA:
- 5 Directives Deleted
- Involves 6 different MN Rules Standards
- Manuals for Correct Standards Updated
Federal OSHA Tracking of Workplace Injuries and Illnesses
MNOSHA Has Not Adopted

Employers will need to submit injury and illness data electronically:

• Federal OSHA is accepting electronic submissions of injury and illness logs at this time.

Federal OSHA Tracking of Workplace Injuries and Illnesses
MNOSHA HAS Not Adopted
(Continued)

Employers will need to submit injury and illness data electronically:

• December 1, 2017, greater than 20 employee‘s, submit 2016, Form 300A data
• Again by July 1, 2018, for 2017 data
• Every year after March 2, starting March 2, 2019
MNOSHA Has Not Adopted

Protecting Workers from Beryllium Exposure

• On June 27, 2017 OSHA proposes to revoke the ancillary provisions for the construction and the shipyard sectors that OSHA adopted on January 9, 2017. This proposal does not affect the general industry beryllium standard published on January 9, 2017.

• Most provisions for Gen Industry take effect March 12, 2018.

2018 Updates

Website
- MN Department of Labor and Industry
- MNOSHA Website

Strategic Plan
- MN Department of Labor and Industry
- Federal OSHA
- MNOSHA and Workplace Services
MNOSHA and Federal OSHA Web Sites

Minnesota OSHA
• http://www.dli.mn.gov/MnOsha.asp

Federal OSHA
• http://www.osha.gov

• Safety Lines is an online, quarterly publication of the Minnesota Department of Labor and Industry.

• Its purpose is to promote occupational safety and health and to inform readers about the purpose, plans and progress of Minnesota OSHA.

• Sign up via e-mail to receive notification at www.dli.mn.gov/OSHA/SafetyLines.asp
Workplace Safety Consultation

What we do...

• Voluntary compliance assistance
  – On-site S&H consultative assistance
    • Hazard identification
    • Mandated S&H program review
    • S&H management assessment
    • Hazardous substance, noise, and heat stress monitoring
    • Training
  – Off-site technical assistance

• Free on-site consultations for private and public sector employers
  • Construction
  • General industry

• S&H recognition programs
  – MNSTAR
  – MNSHARP

How Can Employers Report to MNOSHA?

MNOSHA Metro phone:
  • 651-284-5050
  • Toll – free, 1-877-470-6742

By telephone to the 24-hour OSHA hotline
  • 1-800-321-OSHA or 1-800-321-6742
Questions?

Resources

• Bureau of Labor Statistics
  – www.bls.gov
  – www.bls.gov/iif
• Minnesota Department of Labor & Industry
  – www.doli.state.mn.us
This material can be provided to you in a different format (Braille, large print or audio) if you call the MNOSHA Training/Outreach Office at (651) 284-5050; toll-free at 1-877-470-6742.

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For more information, contact:

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Toll-free: 1-877-470-6742
E-mail: OSHA.Compliance@state.mn.us
http://www.dli.mn.gov/MnOsha.asp
Revised 3/21/16