



STATE OF MICHIGAN

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GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH  
STANLEY "SKIP" PRUSS  
DIRECTOR

Michigan Occupational  
Safety & Health Administration  
(MIOSHA)

## CONSTRUCTION SAFETY STANDARDS COMMISSION MEETING

March 26, 2009—9:30 a.m.  
2nd Floor Room 205, Lansing Center  
333 East Michigan, Lansing, Michigan  
MINUTES

### COMMISSIONERS PRESENT:

Lynn Coleman, Chairperson  
Valerie Bradley  
Don Staley, Vice Chairperson

Gregg Newsom  
Joe Gillespie  
Kathleen Dobson

### COMMISSIONERS ABSENT:

Patrick 'Shorty' Gleason  
Don Hiltunen

Larry Redfearn

### DEPARTMENT PERSONNEL PRESENT:

Marsha Parrott-Boyle, MIOSHA Standards Section Program Manager  
Christine Hundt, Departmental Analyst, Standards Section  
Doug Kalinowski, MIOSHA Director  
Martha Yoder, MIOSHA Deputy Director  
Bob Pawlowski, Director, Construction Safety & Health Division Director  
Patti Meyer, Construction Safety & Health Division  
Cindy Eicher, MIOSHA Standards Section Secretary

### VISITORS PRESENT:

Peter Anderson  
Daniel Zechmeister

Kyle Loehonic  
Scott Walkowicz

#### *Mission statement*

*The mission of the construction safety standards commission is to provide the leadership and vision necessary to ensure a safe work environment for the Michigan construction community.*

*The commission involves employees and employers in the development of safety standards as it endeavors to continually examine and improve those standards for purpose, clarity, applicability, enforceability, and cost effectiveness.*

*It is our vision that we become a national leader in safety for industry by incorporating the changing needs of new technologies and methods into our standards.*

### Agenda Item #1--Call to Order and Roll Call

Chairperson Coleman called the March 26, 2009 meeting to order. A roll call was taken and a quorum was present.

Mr. Pete Anderson welcomed the group and invited commissioners to check out the conference. All the commissioners, staff and guests introduced themselves.

### **Agenda Item #2--Approval of Minutes for December 3, 2008 Meeting**

A motion was made by Commissioner Dobson and seconded by Commissioner Staley to approve the minutes with a correction of removing Pete Strazdas from the list of commissioners present at the December 3, 2008 meeting. **MOTION CARRIED UNANIMOUSLY.**

### **Agenda Item #3--Standards Section Update**

Ms. Parrott-Boyle reviewed the goals for the FY2009-13 Strategic Plan. The standards goal for the next five year period is to promulgate 100% of all standards required by OSHA within six months and 80% of the other standards within the deadlines established by an annual plan.

CS Part 29 Communication Towers could be officially approved today and will be effective in as little as 14 days. Michigan is the second state in the nation to adopt specific rules to govern the hundreds of communication towers that are erected yearly. The Masonry Wall Bracing Advisory Committee has completed their work which they along with Departmental Analyst Christine Hundt will be presenting to the commission later today. In 2000, the CSSC requested that Part 1 be opened in order to access better needs in sanitation and toilet facilities with regard to gender issues. The commission will be taking a look at applications for this advisory committee later in order that they might be seated soon. CS Part 12 Scaffolds which was also charged to be review is slated to open therefore the commission will also review applications.

The updated and approved commission policy and procedures were distributed. This update reflects the changes that were recently approved including incorporating the telephone and video conferencing guidelines. It was noted this does include a statement that committee and commission members could not participate in teleconferencing while they are driving.

### **Agenda Item #5--Old Business**

#### **a. Advisory Committee Applications for Part 1 General Rules**

The commissioners reviewed three applications for this advisory committee and the current roster. Commissioner Dobson noted that Pete Anderson had recently served on a number of advisory committees. It was noted that no other applications were received. After discussion, a motion was made by Commissioner Newsom and supported by Commissioner Bradley to appoint Kim Dennison as a Labor representative and Patricia Fisher, April Harmer and Peter Anderson as Management representatives, and further if any other applications are received, they will still be considered for appointment. **MOTION CARRIED UNANIMOUSLY.**

### **Agenda Item #4--Michigan OSHA Update**

Mr. Doug Kalinowski gave a brief MIOSHA budget update. MIOSHA's federal base may be increased a little this year. The state funding issues that are affecting state government are general funds which does not affect much of DELEG which uses very little general fund money.

Mr. Kalinowski advised that federal OSHA had a public hearing this month on crane operation certification and they may be moving this issue forwards in a matter of months. MIOSHA staff is keeping an eye on this issue. Federal OSHA is still operating without an Assistant Secretary for Labor and it does not appear that one will be appointed in the near future.

MIOSHA has been working on a MVPP program for construction. There are some companies already interested. MIOSHA has recently issued our guidelines with three different options. There was a great deal of participation from the construction field as well as some commissioners participating including Commissioner Bradley and Commissioner Staley. There is also the possibility of using special government employees which would be an opportunity for people from MVPP companies to become certified and help with the program.

The MIOSHA Training Institute completed its first full year last year with over 3000 participants. Yesterday a steering committee meeting was held. There have been 92 graduates including 19 in construction. MIOSHA continues to work on level 2 certification. There will be some pilot programs later this year. There are a number of construction programs under development.

MIOSHA's 5<sup>th</sup> annual "Take a Stand Day" draft flyer was distributed. Approximately 125 MIOSHA compliance and consultation staff will visit Michigan worksites as consultants for a day with no citations or penalties. MIOSHA is trying to expand to reach employers that have not had MIOSHA visits before. In addition, this year a separate construction specific flyer has been developed.

The focus of the next issue of MIOSHA News is the tough economic times but emphasizing that it's not a time to step back from workplace safety but a time to step up. It costs less money to prevent an injury then to pay for one. MIOSHA has an internal group that started meeting in February to look at ways we can help save employer's money. This includes an increase in penalty reduction for immediate abatement and advising employers that payment plans are available.

Mr. Kalinowski recognized the Christman Company for taking the old Board of Water and Light building project and making plans for some demolition, renovation and new construction work on it. MIOSHA is working on a partnership for this project with the signing possibly in April.

#### **Agenda Item #5--Old Business**

##### **b. Advisory Committee Applications for Part 12 Scaffolds**

Ms. Parrott-Boyle stated that in 2000 the commission was approached with a request regarding removing handrails in outrigger baskets. An advisory committee was set up and met a couple of times but did not complete their work. The commission reviewed the current roster and six new applications. Ms. Parrott-Boyle stated that their charge is a focused and targeted one. After further discussion, a motion was made by Commissioner Newsom and supported by Commissioner Bradley to appoint Daryl Gallant, Warren Townsend and Dale Younglove as Labor representatives and Richard Clanek, Dennis Lee Moomey and Peter Anderson as Management representatives.

**MOTION CARRIED UNANIMOUSLY.**

##### **c. Masonry Wall Bracing, Part 2 Recommendation**

Ms. Christine Hundt explained that in January of 2006, the Masonry Institute of Michigan expressed concerns to this Commission that the Part 2 Masonry Wall Bracing standard had errors, omissions, and inconsistencies. They reported that walls today are built taller than those that were built in the 70's and 80's when the standard was written and that it needed to be updated to newer technology, including taller wall bracing. The Commission ordered an advisory committee be seated to address these problems and update the standard to include taller walls.

Daniel Zechmeister and Kyle Loehonic gave an overview and history of the changes in the size and technology used in wall bracing. They reviewed the old standard and the need for the updates. They also thanked Christine Hundt for her assistance and keeping the committee moving along and Patty Meyer for her valuable help in outlining how the standard would be enforced in the field. The proposed draft standard was reviewed rule by rule.

There were concerns in regards to Rule 204(2) dealing with training for individuals entering restricted zones. A handout was distributed showing some proposed language changes to the draft standard. The specific language proposals were discussed in detail. A motion was made by Commissioner Newsom and supported by Commissioner Bradley to adopt new suggested language. After further discussion the motion was amended to change 204(2), (3) and 205(3) by changing "performs work" to

“enters”. After further discussion the motion was amended to delete the proposed rule 204(2) and change 205(3) to change “each employee who performs work in the” to “any employee who enters a.”  
**MOTION CARRIED UNANIMOUSLY.**

The commission reviewed the concerns of AGC & Pete Anderson regarding subrule 204(5) in regards to the competent person shall “notify the controlling contractor when he or she will be off-site”. The issue was discussed whether a minimum period of time the competent person would be gone was needed to trigger the notification and how soon the notification should happen. The commission also reviewed the concerns received from Paul Gassel of Construction Laborers’, Local 1076 regarding 204(4) and (5) specifically “controlling contractor responsibilities”. After further discussion a motion was made by Commissioner Bradley and supported by Commissioner Staley to let these concerns be brought up at the public hearing and adopt the proposed standard as presented with the change previously made to delete rule 204(2) and change to rule 205(3). **MOTION CARRIED UNANIMOUSLY.**

Mr. Lochonic thanked the commission for the opportunity to serve on the advisory committee. Chairperson Coleman thanked the committee for all their hard work and dedication in meeting and completing their work and noted they had many difficult issues and technical details to work out.

**Agenda Item #6—New Business**

None.

**Agenda Item #7--Construction Safety & Health Division Update**

Mr. Pawlowski advised the CSHD investigated 15 fatalities in calendar year 2008 and two so far this year. Over last five years there has been a 30% decline in construction fatalities.

The CSHD is implementing a new good faith process in calculating penalties when a serious, willful, or repeat violation occurs. An employer can get up to a 30% reduction based on their good faith efforts. They are also launching in the construction area a promotion of safety and health management systems. The division will be doing some training and looking more closely at what needs to be part of a good safety and health management system.

The MVPP program for construction that was previously discussed has its first candidate under consideration which is a Walbridge Aldinger project.

The CSHD currently has 3 open positions for safety officers. The latest three safety officers were hired last October and are now out conducting inspections independently.

**Agenda Item #8--Public Comment**

None.

**Agenda Item #9--Next Meeting**

The next scheduled meeting is June 10, 2009 at the General Office Building in Lansing.

**Agenda Item #10--Adjournment**

With no further business before the Commission, the meeting was adjourned.

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Lynn Coleman,  
Lynn Coleman, Chairperson

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June 10, 2009  
Date

**\*\*\*\*Minutes were reviewed and approved at the June 10, 2009 meeting.\*\*\*\***