



STATE OF MICHIGAN

Jennifer M. Granholm
GOVERNOR

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

Michigan Occupational
Safety & Health Administration
(MIOSHA)

CONSTRUCTION SAFETY STANDARDS COMMISSION MEETING

June 10, 2009—9:30 a.m.
General Office Building, Room B
7150 Harris Drive, Lansing, Michigan
MINUTES

COMMISSIONERS PRESENT:

Lynn Coleman, Chairperson
Valerie Bradley
Don Staley, Vice Chairperson
Gregg Newsom

Joe Gillespie
Kathleen Dobson
Don Hiltunen

COMMISSIONERS ABSENT:

Patrick 'Shorty' Gleason

Tapan Datta

DEPARTMENT PERSONNEL PRESENT:

Marsha Parrott-Boyle, MIOSHA Standards Section Program Manager
Doug Kalinowski, MIOSHA Director
Dana Girty, Investigator, Employee Discrimination Section, GISHD
Bob Pawlowski, Director, Construction Safety & Health Division Director
Patti Meyer, Manager, Construction Safety & Health Division
Cindy Eicher, MIOSHA Standards Section Secretary

VISITORS PRESENT:

Cynthia Hutchens-Smith

Peter Anderson

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 June 10, 2009 meeting to order. A roll call was taken and a quorum was present.

Ms. Marsha Parrott-Boyle advised that a new commissioner has been recently appointed, Dr. Tapan Datta he was unable to attend this meeting but plans to attend the next meeting.

Agenda Item #2--Approval of Minutes for March 26, 2009 Meeting

A motion was made by Commissioner Staley and seconded by Commissioner Dobson to approve the minutes of the March 26, 2009 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. Ms. Parrott-Boyle reviewed the annual plan for this year in detail with the commissioners.

A Public Hearing has been scheduled for CS Part 2 Masonry Wall Bracing for August 19, 2009. A report of all public hearing comments will be provided to the commission. Vice Chairperson Don Staley will be attending the public hearing representing the CSSC.

The Part 10 Lifting and Digging Advisory Committee has met 8 times and is close to completing their recommendations and its possible they may be presenting their work at the September meeting. The CS Part 1 General Rules Advisory Committee held its first meeting on May 29, 2009 and we will be reviewing one additional application for this advisory committee later in the meeting. The CS Part 12 Scaffolds Advisory Committee held its first meeting on May 21, 2009. The scope of this advisory committee will be discussed later in the meeting.

A copy of the new CS Part 29 Communication Towers Standard was distributed to commissioners.

Agenda Item #4--Michigan OSHA Update

Mr. Doug Kalinowski explained that due to MIOSHA's mission as well as Federal OSHA's concern about MIOSHA having a presence on normal working days that MIOSHA requested to be exempt from the furlough days. MIOSHA did not receive an exemption; however, MIOSHA employees have been split in two groups with two different sets of furlough days so MIOSHA will still have a presence but at about 50% level of employees.

MIOSHA's federal support base may be increased as much as 15% next year; however we would need to come up with a 15% match from state funds, which is 1.4 million dollars. MIOSHA is working on how to come up with this match. MIOSHA is trying to fill 9 positions right now, including 2 in construction.

Mr. Kalinowski advised that under the American Recovery and Reinvestment Act there is 4 million dollars available to be split between states. MIOSHA has requested 100,000 and as this money would also require a 50% state match, MIOSAHA would have 200,000 to utilize. This money will be spent by enforcement of specific sites, including consultation assistance to advance battery and wind plants coming to Michigan. MIOSHA is still working to identify these plants.

MIOSHA's 5th 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 MIOSHA Training Institute has a core group of courses including both a construction and general industry track. Level 1 and level 2 certifications are available. There have been over 100 individuals who have completed the level 1 certification. There are over 3000 participants. There is a specific curriculum for each course and there is a test for each course. MIOSHA is looking into having some of the courses to apply as credits towards a degree.

Mr. Kalinowski advised the spring MIOSHA News focuses on tough economic times and 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 than to pay for one. MIOSHA is looking at ways we can help save employer's money. Trying to convince the public that safety pays, it benefits employees to focus on safety. This initiative includes a 10% penalty reduction for immediate abatement and advising employers that payment plans are available. MIOSHA will also be offering scholarships for the MIOSHA training institute. The scholarships would be for half price classes.

Mr. Kalinowski advised that Jordan Barab is now the deputy assistant secretary and acting assistant secretary of labor for OSHA. OSHA is moving forward with a big emphasis on enforcement.

Agenda Item #5--Old Business

a. Advisory Committee Application for Part 1 General Rules

The commissioners reviewed one new application for this advisory committee and the current roster. A motion was made by Commissioner Hiltunen and supported by Commissioner Newsom to appoint Timothy LaLonde as a Labor representative. **MOTION CARRIED UNANIMOUSLY.**

Agenda Item #6—New Business

a. Revisions for CS Part 12, Scaffolds

Ms. Patty Meyer advised that the CSHD division has five additional issues that they would like added to the scope of the Part 12 Scaffolds Advisory Committee that has just begun meeting. Ms. Meyer distributed a letter outlining the 5 issues recommended to be considered which were stilts base plate height; clearing for scaffolding near insulated wires; base plates and mudsills; stair towers; and mobile scaffolds. Ms. Meyer reviewed each item in detail. After further discussion, a motion was made by Commissioner Bradley and supported by Commissioner Newsom to send these issues to the Part 12 Scaffolds Advisory Committee for their review. **MOTION CARRIED UNANIMOUSLY.**

b. Introduction to MIOSHA Discrimination Program

Ms. Dana Girty advised the Employee Discrimination Section (EDS) provides protection for workers who have been allegedly discriminated against for exercising rights under the Michigan Occupational Safety and Health Act. Ms. Girty reviewed some examples of discrimination and outlines the investigation process. She explained that the first step is determining whether or not the complainant has a legitimate issue. The EDS is able to settle the majority of their cases informally however cases that are not resolved informally proceed to a hearing in front of an administrative law judge. After an administrative law judge issues his decision if either party is not satisfied there is also an appeal to circuit court.

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

Mr. Pawlowski advised the CSHD investigated two fatalities so far this year. Mr. Pawlowski reviewed the fatalities.

The CSHD has implemented 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 has its first candidate under consideration which is a Walbridge Aldinger project for a new law school to be built in Ann Arbor at University of Michigan later this year.

The CSHD has posted its 26th construction fact sheet on web site titled Working Safely on Roadways.

The CSHD currently has 3 open positions for safety officers and has received approval to fill two of these. The CSHD has one new safety supervisor, Bryan Renaud.

Mr. Pawlowski reviewed the existing partnership and advised two new partnerships are under consideration. Mr. Pawlowski briefly explained the partnership responsibilities of both MIOSHA and the employers.

Agenda Item #8—OHS Update

Ms. Cynthia Hutchens-Smith noted that the new U.S. Secretary of Labor is Hilda L. Solis. Secretary of Labor Hilda Solis has appointed Seth Harris as assistant secretary of labor and Jordan Barab as deputy assistant secretary and acting assistant secretary of labor for OSHA. Ms. Hutchens-Smith also advised that Mike Connors has been temporarily assigned to work in Washington.

Under the American Recovery and Reinvestment Act OSHA's role is to ensure that worker protection laws are enforced as recovery infrastructure investments are carried out. OSHA carries out this responsibility through enforcement of its standards, providing free consultation services to small employers, and outreach to employees and employers regarding hazard awareness and worker protection in affected industries and job classifications.

Ms. Hutchens-Smith advised that OSHA has revised its Field Operations Manual to provide OSHA compliance officers with a single comprehensive resource of updated guidance in implementing the agency's mission to more effectively protect employees from occupational injuries, illnesses and fatalities.

Ms. Hutchens-Smith advised that the regulatory agenda is now on the web site. OSHA has developed a national emphasis program for silica in construction and adopted the Globally Harmonized System of Classification and Labeling of Chemicals (GHS). OSHA's renewed Alliance with the Tree Care Industry Association continues focus on safety hazards from tree care and removal. Commissioners are encouraged to review OSHA's website at www.osha.gov

Agenda Item #9--Public Comment

None.

Agenda Item #10--Next Meeting

The next scheduled meeting is September 9, 2009 at the General Office Building in Lansing. Commissioner Dobson advised she will be out of state and will not be able to attend on September 9, 2009.

Agenda Item #11--Adjournment

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

Don Staley
Don Staley, Vice Chairperson

September 23, 2009
Date