



STATE OF MICHIGAN

JENNIFER M. GRANHOLM
GOVERNOR

DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
Michigan Occupational Safety & Health Administration
(MIOSHA)

STANLEY "SKIP" PRUSS
DIRECTOR

GENERAL INDUSTRY SAFETY STANDARDS COMMISSION AND OCCUPATIONAL HEALTH STANDARDS COMMISSION JOINT MEETING

January 14, 2009--9:30 a.m.

State Secondary Complex, 7150 Harris Drive, Lansing
General Office Building, Conference Room B

MINUTES

GISSC MEMBERS:

MEMBERS PRESENT

Mr. Dwayne Betcher
Mr. William Borch
Mr. AJ Hale
Mr. Karl Heim
Mr. Thomas Pytlik
Mr. Jeffrey Radjewski
Ms. Regina Meo

MEMBERS ABSENT

Ms. Jennifer Ewing
Ms. Elizabeth Koto

OHSC MEMBERS:

MEMBERS PRESENT

Mr. Andrew Comai
Ms. Margie Faville
Mr. David Glynn
Mr. Ricardo Longoria
Mr. John Miller
Mr. Gary Novak
Mr. Satyam Talati
Mr. Ronald Torbert

MEMBERS ABSENT

Mr. Jim Cianciolo

DEPARTMENT PERSONNEL PRESENT:

Mr. Doug Kalinowski, Director, MIOSHA
Mr. Tom Martin, DELEG
Ms. Connie O'Neil, CETD
Ms. Eva Hatt, Manager, GISHD
Mr. John Peck, Director, MTSD
Ms. Cindy Ross, MTSD
Ms. Christine Hundt, MSS

Ms. Martha Yoder, Deputy Director, MIOSHA
Mr. John Brennan, Director GISHD
Ms. Elaine Clapp, Manager, GISHD
Mr. Bart Pickelman, GISHD
Ms. Marsha Parrott-Boyle, Program Manager, MSS
Ms. Dena Hendon, MSS

VISITORS ATTENDING:

Dr. Tycho Fredericks
Ms. Sheryl Ulin
Ms. Marie Martinko
Mr. Ken Fletcher
Mr. Derrick Quinney
Mr. Charlie Owens
Mr. John Rupp, Jr.
Mr. Dennis Emery
Mr. Terry Davis
Mr. Carl Little
Ms. Cynthia Paul
Mr. Ricardo Sven
Mr. Alfonso Guzman
Ms. Caroline Ross
Ms. Wilhelmina Torres-Wirth
Mr. Lee Schwartz
Ms. Teresa Bellinger

Mr. Vern Stepp, Jr.
Mr. Paul Gilley
Mr. Mike Johnston
Ms. Michelle Cordano
Mr. Rob Anderson
Mr. Edwin Palmer
Mr. Chris Klaver
Mr. Richard Zdeb
Ms. Denise Osgood
Mr. Bob Chaprnka
Ms. Gloria Combe
Mr. Don Gregory
Mr. Steve Smith
Ms. Sandra McMillan
Ms. Deedre Williams
Ms. Marilyn Coulter
Mr. Ray Dawson

Ms. Linda Gobler
Ms. Lola Odunuga
Mr. John Fedewa
Mr. Lyle Birchman
Ms. Wendy Block
Mr. Chis Fisher
Mr. Spencer Nevins
Ms. Angela Madden
Mr. Brian Fredline
Ms. Anita Dawson
Mr. Melvin Coleman
Ms. Cynthia Hutchens-Smith
Mr. Jamie Callahan
Mr. Art Luna
Mr. Andy Deloney
Mr. Randy Rouborn

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

The January 14, 2009 Joint General Industry Safety Standards Commission (GISSC) and Occupational Health Standards Commission (OHSC) meeting was called to order by Carl Heim, GISSC Chairperson. Carl Heim (GISSC) and Andrew Comai (OHSC) co-chaired the meeting. A roll call was taken and a quorum was present for both of the commissions.

All of the OHSC commissioners and GISSC commissioners introduced themselves.

Agenda Item #2--Approval of Minutes for the OHSC Meeting November 20, 2008 and the GISSC Meeting November 10, 2008

A motion was made by Commissioner Longoria and was seconded by Commissioner Novak to approve the minutes of the November 20, 2008 OHSC meeting. **MOTION CARRIED UNANIMOUSLY.**

A motion was made by Commissioner Borch and was seconded by Commissioner Pytlik to approve the minutes of the November 10, 2008 GISSC meeting. **MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #3--Standards Section Update - Marsha Parrott-Boyle
FY09-13 Strategic Plan**

Ms. Parrott-Boyle reviewed the new strategic plan for FY09-13 and the goals set for this period. The standards goal for the next five years 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 standards promulgation plan.

Ms. Parrott-Boyle reviewed the results of the recently conducted Standards Priority Survey. General Industry Safety Standard Part 74 Fire Fighting and General Industry Safety Standard Part 19 Crawler, Locomotive and Truck Cranes were rated the highest of the standards not yet worked on at this time. The 2009 annual standards promulgation plan for this year will be prepared using the survey results.

Ms. Parrott-Boyle directed the commissioners' attention to a handout that charts the steps in the MIOSHA administrative rule promulgation process. She noted that the agency, with regards to the ergonomics proposed standard, has followed all the legal steps in the rule promulgation process, which is in the early stages. If the commissioners were to accept the proposed standard and support it as a necessary rule, it would be moved forwards to satisfy the many steps remaining in the process including public hearings, which would be held around the state.

Agenda Item #4--MIOSHA Update – Doug Kalinowski

Mr. Kalinowski briefly discussed the MIOSHA strategic plan goals for FY09-13 and reviewed the new goals.

Mr. Kalinowski gave a brief budget update. There still has not been an increase in the federal budget. Staff continues to monitor the budget monthly. There are currently 17 vacancies not being filled because of funding. In spite of budget problems, MIOSHA's goal is to keep field staff in the field and keep the number of inspections at the same levels.

Mr. Kalinowski thanked everyone for coming to the meeting.

Agenda Item #5--New Business

None.

Agenda Item #6--Old Business

Proposed Ergonomics Standard Background – Marsha Parrott-Boyle

Ms. Parrott-Boyle spoke about the *MIOSHA Fact Sheet on Ergonomics*, which is available to the general public and which was developed by MIOSHA's enforcement specialist. She also highlighted details of the *Ergonomic Injuries Cost/Savings Fact Sheet*, including the extent and costs of ergonomic injuries plus the savings realized through an ergonomics program. She reviewed the *Proposed Ergonomics Standard* language. Also available to meeting attendees was a list of interested parties who had previously expressed their support or opposition to the proposed standard as of December 2008. Ms. Parrott-Boyle then presented written letters commenting on the proposed standard from the *Michigan Bankers Association* and the *Michigan Railroads Association*.

The letter from Michigan Railroads Association and their President, Robert Chaprka, requested an exemption in the proposed standard for the established jurisdiction of the Federal Railroad Administration. The commissions discussed an exemption for the railroad industry. A motion was made by Commissioner Bosch and was seconded by Commissioner Miller to add language to Section A--Scope and Application of the proposed standard exempting the "Jurisdiction covered exclusively by the Federal Railroad Administration. **MOTION CARRIED UNANIMOUSLY.**

Considering the current economic difficulties, Commissioner Hale presented proposed language for phase-in provisions that he recommended for Section C--Training and Section D--Process for Assessing and Responding to Ergonomic Occupational Risk Factors. A motion was made by Commissioner Hale and seconded by Commissioner Betcher to add a Section C(5) which would read, "This rule will take effect 8 months after being filed with the Secretary of State; and a Section D(3) which would read, "This rule will take effect 6 months after being filed with Secretary of State."

After commission discussion about compliance confusion and consistency, Commissioner Hale withdrew his motion. A motion was made by Commissioner Faville and was seconded by Commissioner Borch to add a Section C(5) and D(3) which would read, "This rule will take effect 6 months after being filed with the Secretary of State." **MOTION CARRIED UNANIMOUSLY.**

Commission Discussion on the Proposed Standard

The commissions discussed at length the need for an ergonomic standard. They specifically discussed the draft language phrase "an effective ergonomic program" that is found in Section C(4), and Section D(2), as the Advisory Committee's recommendation for a grandfather clause. "Employers with an effective ergonomic program established and documented by the effective date of these rules would be considered to be in compliance with the rules in this section."

A motion was made by Commissioner Talati and was seconded by Commissioner Glynn (OHSC) to delete subrule (4) from Section C and delete subrule (2) from Section D. This motion was also made by Commissioner Borch and was seconded by Commissioner Hale (GISSC). **MOTION CARRIED UNANIMOUSLY BY BOTH COMMISSIONS.**

Public Comment

Guests were invited to speak and address the commissions. The following individuals spoke with regard to the ergonomics proposed standard and the general issue of ergonomic injury:

IN SUPPORT

1. Mr. Don Gregory, UAW
2. Mr. Ken Fletcher, MI Nurses Association
3. Mr. John Rupp, UAW
4. Mr. Terry Davis, UAW
5. Mr. Derrick Quinney, AFL-CIO
6. Ms. Wilhelmina Torres-Wirth, GM - UAW
7. Ms. Marilyn Coulter, UAW Local 602
8. Mr. Carl Little, UAW Retiree
9. Ms. Cynthia Paul, MI Consumer Healthcare Coalition
10. Mr. Alfonso Guzman, UAW
11. Mr. Brian Fredline, UAW Local 602
12. Ms. Denise Osgood, UAW Retiree
13. Ms. Caroline Ross, UAW Local 6000

OPPOSED

1. Mr. Mike Johnston, Michigan Manufacturers' Association

"OTHER" COMMENTS

1. Mr. Bob Chaprnka, Michigan Railroad Association. Mr. Chaprnka asked the commissions for a straight railroad industry exemption, not just an exemption of the jurisdiction covered exclusively by the Federal Railroad Administration.
2. Mr. Edwin Palmer, Michigan Railroad Association. Mr. Palmer asked the commissions for a total railroad industry exemption, not just an exemption of the jurisdiction covered exclusively by the Federal Railroad Administration.
3. Ms. Marie Martinko, SPI. Ms. Martinko wanted to clarify the name of her organization. It is SPI—The Society of the Plastics Industry, Inc. and not Plastics Industry Trade Association as listed in handout #9.

WRITTEN COMMENTS IN OPPOSITION

1. Ms. Mary Dechow, Spartan Stores, Inc.

Action

No action was taken on the additional exemption request made by the Michigan Railroad Association. A motion was made by Commissioner Borch and was seconded by Commissioner Hale (GISSC) to adopt the amended ergonomics proposed standard and to move forward the proposed standard to the Department for rule promulgation. This motion was also made by Commissioner Miller and was seconded by Commissioner Faville (OHSC). **MOTION CARRIED UNANIMOUSLY BY BOTH COMMISSIONS.**

Commissioner Heim thanked the advisory committee members, committee liaisons, and MIOSHA staff for their dedication and hard work over many years drafting these important recommendations to protect Michigan workers. He also thanked all of the visitors for attending the meeting and for making comments.

Agenda Item #7--Next Meetings

The next meeting of the GISSC will be held on April 7, 2009 in Grand Rapids in conjunction with the Michigan Safety Conference. The next meeting of the OHSC will be May 13, 2009 in Lansing.

Agenda Item #8--Adjournment

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

Karl Heim
Mr. Karl Heim, GISSC Chairperson

4-7-09
Date

****Minutes were reviewed and approved at the April 7, 2009 meeting.****

Andrew Comai
Mr. Andrew Comai, OHSC Chairperson

5-13-09
Date

****Minutes were reviewed and approved at the May 13, 2009 meeting.****