



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

**September 23, 2009 - 9:30 a.m.**  
**Operating Engineers Local 324**  
**275 E. Highland Road, Howell**

## MINUTES

### COMMISSIONERS PRESENT:

Don Staley, Vice Chairperson.....	The Christman Company Safety Manager
Valerie Bradley .....	Dee Cramer, Inc Vice President of Administration & Safety
Tapan Datta, PhD .....	Wayne State University College of Engineering Professor
Joe Gillespie .....	City of Grand Rapids Safety Technician
Patrick 'Shorty' Gleason.....	Michigan Building Trade Council President
Don Hiltunen .....	Law Office of Don Hiltunen Attorney
Gregg Newsom.....	Retired, Operating Engineers Local 324 Safety Director

### COMMISSIONERS ABSENT:

Lynn Coleman, Chairperson .....	Michigan Laborers Training and Apprenticeship Institute Director
Kathleen Dobson .....	Alberici Constructors Safety Director

### DEPARTMENT PERSONNEL PRESENT:

Douglas Kalinowski.....	MIOSHA Director
Marsha Parrott-Boyle.....	MIOSHA Standards Section Program Manager
Christine Hundt .....	MIOSHA Standards Section Departmental Analyst
Dena Hendon.....	MIOSHA Standards Section Departmental Analyst
Robert Pawlowski .....	Construction Safety & Health Division Director
Patricia Meyer.....	Construction Safety & Health Division Safety Manager
Tom Swindlehurst .....	Consultation, Education, and Training Division Consultant

### ***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.*

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**VISITORS PRESENT:**

**CS Part 1 General Rules Advisory Committee Members**

Kim Dennison.....Michigan Laborers Training and Apprenticeship Institute

**CS Part 2 Masonry Wall Bracing Advisory Committee Members**

Daniel Zechmeister .....Masonry Institute of Michigan

Jim Ireland .....William Reichenbach Company

**CS Part 10 Lifting and Digging Equipment Advisory Committee Members**

Connie Munsch .....Retired, MIOSHA Standards Division Chief

John Hartwell .....Operating Engineers Local 324, Apprentice Coordinator and Field Representative

Cynthia Hutchens-Smith ....OSHA Area Director

John Bavin .....Consumers Energy

Keith Smith .....Operating Engineers Local 324, CCO Instructor and Examiner, and Crane Instructor

Kyle Lochonic .....Davenport Masonry

John O'Donnell .....Detroit Edison

Lawrence Kruth.....Douglas Steel Fabricating

Lee Graham.....Operating Engineers Local 324 Training Director

Mark LaClair .....Walbridge

Peter Anderson.....Associated General Contractors of Michigan

Richard Mee .....Associated General Contractors of Michigan

Timothy LaLonde .....Retired, Operating Engineers Local 324

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

Vice-Chairperson Don Staley called the September 23, 2009 meeting to order. A roll call was taken and a quorum was present. The Commissioners and staff introduced themselves.

Lee Graham, Operating Engineers Local 324 Training Director, welcomed the Commissioners and guests to their facility.

OSHA Training Institute instructor, Larry Campion, who was conducting the Crane and Derrick class next door which included several MIOSHA staff, greeted the Commission. He informed the Commissioners that he is very impressed with the advances Michigan has made in safety and health rules.

Ms. Marsha Parrott-Boyle introduced a new commissioner, Dr. Tapan Datta. He received his baccalaureate in Calcutta, India and his Doctorate from Michigan State University. He is a Registered Professional Engineer in four States, including Michigan. He has been a professor at Wayne State University for 37 years with a specialty of transportation engineering. Dr Datta will be representing labor for public employees.

**Agenda Item #2--Approval of Minutes for June 10, 2009 Meeting**

A motion was made by Commissioner Gregg Newsom and seconded by Commissioner Shorty Gleason to approve the minutes of the June 10, 2009 meeting. **MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #3--Standards Section Update – Marsha Parrott-Boyle, Program Manager**

Ms. Parrott-Boyle reviewed the FY 09-13 strategic plan and the goals for Standards in detail. During this fiscal year Standards has completed CS-29 Tower Communication, GI-1A Abrasive Wheels, and opened GI Part 69 Compressed Gases: Acetylene, Hydrogen, Oxygen, and Nitrous Oxide. GI-69 is in response to an update by OSHA which must be completed within 6 months. OSHA updated the consensus standards in the rule. She reported on the progress of the proposed

ergonomics standard's regulatory impact statement (RIS). This analysis will show the costs and benefits of the proposed standard.

A Public Hearing is schedule for September 30, 2009 for OH Part 316 Diisocyanates, OH Part 301 Air Contaminants for General Industry, and OH Part 601 Air Contaminants for Construction. The OH-316 Diisocyanates standard will provide protection for Michigan workers involved in the use of diisocyanates, through the use of training, engineering controls, and respiratory protection. OH-301 Air Contaminants for GI and OH-601 Air Contaminants for Construction will provide protection to workers involved in the use of diisocyanates as well as chromium VI.

A Public Hearing was held for CS Part 2 Masonry Wall Bracing on August 19, 2009. The public hearing comments and suggestions will be provided to the commission later in this meeting.

#### **Agenda Item #4--Michigan OSHA Update - Douglas Kalinowski, Director**

Mr. Kalinowski stated that it is unknown if Michigan will have a budget by October 1<sup>st</sup>. However, even if most State employees are unable to work, MIOSHA will still continue with necessary operations.

MIOSHA's federal support base may be increased as much as 15% next year; however MIOSHA 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's 5<sup>th</sup> annual "Take a Stand Day" was on August 26, 2009. We had a record number of 279 employers that requested a MIOSHA professional to provide a special one-on-one consultation. There are no citations and no penalties for participating workplaces, however, participants must agree to correct all serious conditions

The MIOSHA Training Institute (MTI) has a core group of courses including both a construction and general industry. This year MIOSHA is offering \$18,000 in safety and health training scholarships for the MTI courses in FY 2010. Enclosed in your packets is the application form. Scholarships must be applied for on-line.

MIOSHA signed a Partnership Agreement with the Christman Company/Accident Fund New National Headquarters Project to promote the safety and health of workers on a major construction project.

Mr. Kalinowski stated that MIOSHA recognizes the difficulties that employers and employees are facing and have instituted a 'Protecting Workers in Tough Economic Times Initiative.' The response to these changes has been amazing. Many employers are complying with these new MIOSHA requirements of penalty reduction; penalty payment plan; OTS violations not cited; prehearing options; good faith credits; increase publication limits; better access to standards; and a free video loan library.

#### **Agenda Item #5--Old Business – Christine Hundt, Departmental Analyst**

##### **a. Part 10 Lifting and Digging Equipment, Proposed Revisions**

Ms. Hundt reviewed the background for the CS-10 Advisory Committee. November 7, 2007, Commissioner Newsom brought forth concerns about crane operating skills. Commissioner Coleman stated that at least 13 states require certification and licensing for crane operating. The Commission seated an advisory committee to consider crane operator certification in CS Part 10 Lifting and Digging.

The Advisory Committee consisted of 8 Labor and 9 Management representatives. Serving as MIOSHA advisors were Mr. Paul Wrzesinski from CS enforcement and Mr. Tom Swindlehurst from CET. They have reached consensus rule revisions.

Ms. Hundt introduced the Co-Chairs of the Advisory Committee, Mr. John Hartwell with Operating Engineers Local 324; and Mr. John O'Donnell with Detroit Edison. The advisory committee

revisions for crane operator certifications were reviewed in detail with a few changes that were made to improve the language.

After discussion, a motion was made by Commissioner Gregg Newsom and seconded by Commissioner Valerie Bradley to accept the CS Part 10 Lifting and Digging Equipment standard language and move it forward for promulgation. **MOTION CARRIED UNANIMOUSLY.**

**i. Request for New Scope**

Mr. John Hartwell and Mr. John O'Donnell requested that the scope of the advisory committee's work be extended to include riggers and signal persons. Additional advisory committee members, Mr. Lawrence Kruth from Douglas Steel Fabricating and Mr. Keith Smith from the Operating Engineers Local 324 also spoke in support of this further review.

**ii. New Advisory Committee Applications**

New advisory committee applications for CS Part 10 advisory committee were reviewed for Mr. Michael Relyin and Mr. John O'Donnell Jr., both from Ironworkers Local No. 25.

A motion was made by Commissioner Gregg Newsom and seconded by Commissioner Tapan Datta to extend the scope of the CS Part 10 Lifting and Digging Equipment advisory committee to continue to review and suggest amendments on riggers and signal persons; plus appoint Michael Relyin and John O'Donnell Jr to this advisory committee. **MOTION CARRIED UNANIMOUSLY.**

**b. Part 1 General Rules, Proposed Revisions**

Ms. Hundt reviewed the background for this Advisory Committee. Seven years ago Mr. Paul Gassel of the Michigan Laborers expressed concern to the Commission to revise the sanitation section of Pt 1 General Rules regarding jobsites with no hand washing facilities as did Ms. Carrie Harding of the Operating Engineers Local 324 with concerns regarding unsanitary toilets and women sharing toilets with men on jobsites. An Advisory Committee was seated to review Rules 128, 129, and 130 of that standard. Additionally, two years ago and again recently Michigan Representative Mark Meadows introduced a Bill to require that a general contractor provide no less than 1 toilet facility for each 10 employees. Last year, Mr. Scott Loy, a concerned citizen, addressed this Commission regarding his concerns regarding inadequate toilet facilities at construction sites.

An Advisory Committee was seated May of 2009 that consisting of 4 Labor and 4 Management representatives. Serving as MIOSHA advisors were Mr. Bill DeLiefde from Construction Enforcement and Mr. Phu Nguyen from CET. The advisory committee met monthly and has unanimous consensus recommendations. They worked very responsibly taking all concerns raised into careful consideration.

Ms. Hundt introduced Co-Chairperson, Ms. Kim Dennison. Ms. Dennison is a registered nurse and is with the Michigan Laborers Training and Apprenticeship Institute. The other Co-Chair, Ms. Pat Fisher was unable to be at the meeting.

The CS Part 1 General Rules advisory committee draft was reviewed in detail and changes were made to improve the language for clarity.

After discussion, a motion was made by Commissioner Tapan Datta and seconded by Commissioner Valerie Bradley to accept the proposed CS Part 1 General Rules language as edited. **MOTION CARRIED UNANIMOUSLY.**

**c. Part 2 Masonry Wall Bracing, Public Hearing Report**

Ms. Hundt informed the Commission that on August 19 a public hearing was held to receive comments on revisions to the CS-2 Masonry Wall Bracing Standard. Don Staley was in attendance at the Public Hearing representing the Commission. The chair and vice-chair, Kyle Lochonic and Dan Zechmeister were representing the Advisory Committee.

Four individuals/companies commented on the proposed revisions – 1 in partial support and 3 not in support of specific rules. Each Commission was given an outline of these issues and a copy of the proposed standard revisions.

Ms. Hundt reviewed 5 clarification revisions to the Commission. Mr. Lochonic then reviewed two substantive issues that were raised regarding the added responsibilities of the general contractor and the other trades on site.

After discussion, a motion was made by Commissioner Gregg Newsom and seconded by Commissioner Valerie Bradley to accept the proposed CS Part 2 Masonry Wall Bracing language as edited. **MOTION CARRIED UNANIMOUSLY.**

The Commissioners expressed their sincere appreciation for all the hard work of the advisory committee members and MIOSHA staff for these recommendations, especially Christine Hundt for facilitating these advisory committees.

#### **Agenda Item #6—New Business**

None

#### **Agenda Item #7--Construction Safety & Health Division Update – Robert Pawlowski, Director**

Mr. Pawlowski stated CSHD currently have 41 positions; 17 safety officers, 6 industrial hygienists, 8 supervisory staff and 10 support staff. They recently hired 2 new safety officers, 1 for Wayne/Oakland county area and 1 for the Saginaw/Bay county area. 2 safety officers have left the division and paperwork has been submitted for approval to fill both of these positions.

Mr. Pawlowski advised there have been 8 fatalities to date in 2009; 2 struck-by's, 2 crushed-bys, 1 electrocution, 1 explosion, 1 cave-in, and 1 fall.

MIOSHA received funds to conduct inspection work at roadway and infrastructure projects with American Recovery and Reinvestment Act (ARRA) funding. The initiative was launched on July 1, 2009 and will run through September 30, 2010. The initial list of ARRA projects has 90 projects across the State.

The CSHD launched an overtime initiative on July 14, 2009. The purpose of this initiative is to increase MIOSHA's presence during non-traditional work hours, at construction sites where road and infrastructure work is being conducted.

CSHD have construction alliances with 5 Michigan associations and currently partnerships on 5 construction projects across the State.

#### **Agenda Item #8—OSHA Update – Cynthia Hutchens-Smith, Lansing Area Director**

Ms. Hutchens-Smith informed the Commissioners that OSHA awarded more than \$6.8 million in Susan Harwood Training Grants to 30 recipients, encompassing labor unions, employer associations, colleges and universities, and other nonprofit organizations. The UAW, International Union was the only organization in Michigan to receive this Grant. The UAW received \$248,643 to update existing curricula addressing metal working fluid hazard recognition and prevention training to include the latest information.

Ms. Hutchens-Smith also stated that recently, OSHA published a guidance document entitled "Controlling Silica Exposures in Construction" which addresses the control of worker exposure to dust containing crystalline silica, known to cause the lung disease silicosis

OSHA published in the Federal Register a final rule revising personal protective equipment (PPE) requirements for eye- and face-protective devices, and head and foot protection. OSHA is updating the references in its regulations to reflect more recent editions of the applicable national consensus standards that incorporate advances in technology. Michigan does not need to adopt this rule.

OSHA revised the Acetylene Standard by replacing references to outdated consensus standards with updated references reflecting current industry practices in the acetylene industry. Michigan will need to adopt this rule and as stated by Ms. Parrott-Boyle, promulgation has already begun on it.

Ms. Hutchens-Smith encouraged the Commissioners to review OSHA's website at [www.osha.gov](http://www.osha.gov)

**Agenda Item #9--Public Comment**

Peter Anderson from the Associated General Contractors of Michigan invited the Construction Safety Standards Commission to hold their spring meeting at the Michigan Construction Safety Training Day on March 23, 2010. This event will be held at the James B. Henry Center for Executive Development on the Michigan State University Campus in East Lansing.

Vice-Chairperson Don Staley thanked Mr. Anderson for the invitation and it will be considered at the next meeting.

**Agenda Item #10--Next Meeting**

The next scheduled meeting is December 9, 2009 at the General Office Building in Lansing. At this meeting the 2010 meeting dates will be set and the chairperson and vice-chairperson will be elected.

**Agenda Item #11--Adjournment**

With no further business before the Commission, a motion was made by Commissioner Joe Gillespie and seconded by Commissioner Gregg Newsom to adjourn this meeting. **MOTION CARRIED UNANIMOUSLY.**

**Lynn Coleman**  
Lynn Coleman, Chairperson

**12-2-09**  
Date