



STATE OF MICHIGAN

Jennifer M. Granholm
GOVERNOR

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

Michigan Occupational
Safety & Health Administration
(MIOSHA)

OCCUPATIONAL HEALTH STANDARDS COMMISSION MEETING

May 13, 2009--9:30 A.M.

7150 Harris Drive, Lansing, General Office Building, Conference Room B

MINUTES

COMMISSIONERS PRESENT:

Mr. Andrew Comai, Chairperson
Mr. Gary Novak, Vice Chairperson
Chief Ricardo Longoria

Mr. Satyam Talati
Mr. Jim Cianciolo
Mr. John Miller

COMMISSIONERS ABSENT:

Ms. Margie Faville
Mr. David Glynn

Mr. Ronald Torbert

DEPARTMENT PERSONNEL PRESENT:

Ms. Marsha Parrott-Boyle, Program Manager, MSS
Ms. Martha Yoder, Deputy Director, MIOSHA
Mr. John Peck, Director, MTSD Division
Mr. Bob Pawlowski, Director, CSHD
Mr. Adrian Rocskay, Acting Director, GISHD

Mr. Mike Mason, Manager, GISHD
Ms. Cindy Eicher, Secretary, MSS
Ms. Dena Hendon, Dept. Analyst, MSS
Ms. Christine Hundt, Dept Analyst, MSS
Ms. Maria Ley, Secretary MIOSHA Admin.

LATEX ADVISORY COMMITTEE MEMBERS PRESENT

Mr. Gregory Bozimowski, Mich. Assoc. of Nurse Anesthetists
Dr. Anthony Burton, MD, GM Powertrain Willow Run
Ms. MaryAnn Minard, Mich. Nurses Assoc. (MNA)
Ms. Michele Goodyear, Mich. Society for Clinical Laboratory Science (MSCLS)
Ms. Lisha Sly, Workers United A/W Service Employees Intern. Union (SEIU)
Ms. Margie Vissman, Commission Liaison

VISITORS PRESENT

Ms. Cynthia Hutchens-Smith, OSHA
Ms. Paula Weidig, MI Dental Hygienist Assoc.
Mr. Jeff Breslin, MNA
Ms. Mary Antimend, MNA
Ms. Barbara Mannor, MSCLS
Ms. Carey Loveland, MSCLS

Mr. Hendrix Orman, MSCLS
Ms. Michele Klint, SEIU Healthcare – MI
Mr. Russell Smith, SEIU Healthcare – MI
Mr. Zac Altrogt, SEIU Healthcare – MI
Mr. Steve Shepard, United AutoWorkers Union
Mr. Tom Kuchheiser, MI Dental Association

Agenda Item #1—Call to Order, Roll Call

The May 13, 2009 Occupational Health Standards Commission (OHSC) meeting was called to order by Chairperson Comai. A roll call was taken and a quorum was present. All commissioners, staff and visitors introduced themselves.

Agenda Item #2—Approval of Minutes for January 14, 2009 Meeting

A motion was made by Commissioner Longoria and was seconded by Commissioner Novak to approve the minutes of the January 14, 2009 meeting with the addition of adding information to the list of those that spoke in support of Ergonomics from UAW indicating their local number and noting if they have retired.

MOTION CARRIED UNANIMOUSLY.

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

Ms. Parrott-Boyle informed the Commission that a new standard had recently become effective, Construction Safety Standard Part 29 Communication Towers. Copies were provided.

Ms. Parrott-Boyle reviewed the new strategic plan for FY09-13 and the goals that had been established for FY08-09. She discussed the progress on the proposed ergonomics standard, the proposed diisocyanates standard. Ms. Parrott Boyle advised that the Latex Advisory Committee would be making a presentation later in the meeting. Ms. Parrott-Boyle continued with a detailed progress report for all rules under revision.

Agenda Item #4—Old Business

a. Latex Advisory Committee Report & Recommendation

Ms. Dena Hendon, facilitator of the Latex Advisory Committee (LAC), advised that in late 2002, several concerned parties approached the OHSC including the Michigan Nursing Association and an anesthesia nurse from Traverse City who had been severely disabled due to adverse reaction to natural rubber latex (NRL). With the assistance of the Michigan Health & Hospital Association and other experts, the Commission studied the extent of the problem of latex and in February 2004 directed MIOSHA to seat an appointed advisory committee.

The LAC was appointed with representatives from the Michigan Nurses Association; Michigan Association of Nurse Anesthetists; Unite Here (a union that represents casino, laundry, and cafeteria workers); Michigan Society for Clinical Laboratory Science; Marriott Hotel in Dearborn; and the Michigan Health & Hospital Association. An occupational health physician served as a Technical Advisor and a former OHSC member, Margie Vissman, whose term had expired, served as a Commission Liaison.

The LAC was charged to research the scientific literature and assess the extent of harm caused by employee exposure to NRL and then to bring their recommendations to this Commission. They held 21 monthly meetings. The recommendations for greater protection due to the harm from exposure to latex gloves are not a total consensus of the advisory committee. One member, being Michigan Health and Hospital Association was opposed.

Mr. Greg Bozimowski thanked Dena Hendon and the other members of the advisory committee for their dedication and hard work. He reported that after the literature review they concluded that adverse reactions to NRL from occupational exposure have occurred to a significant degree and that there is sufficient evidence the problem has cause substantial harm in workers to warrant industry-wide responses to protect workers. These conclusions are outlined in the LAC's 'Medical Literature Review Summary Statement' as presented to the Commission. Mr. Bozimowski advised that many medical facilities have voluntarily removed latex gloves from their facilities, including Johns Hopkins Medical Centers (Baltimore Maryland), Lansing Sparrow Health System (Lansing, Michigan), Metro Health Hospital (Wyoming, Michigan), and St. John Providence Park Hospital (Novi, Michigan). Subsequently, the LAC decided to focus the exposure to latex from disposal gloves.

Dr. Anthony Burton reported that the LAC felt they needed a relative assessment of the extent of exposure in principle industries where latex disposable gloves are used. They conducted an informal survey of facilities in dental, medical, veterinary, food establishments, and service industries with a total of 738 responses. The overall results showed that 50% of the contacted facilities use latex gloves and 59% of those gloves are powered. The committee contact other affected organizations, informing them of this advisory committee's work and inviting them to give feed back. Representatives from several organizations attended meetings and responded to this issue.

The committee is recommending that disposable NRL glove not be uses unless one minimally can not accomplish the task and if not, then only use power-free and low allergen glove be use while documenting the rationale and post warning signs. The three standards to be amended are OH Part 554 Bloodborne Infectious Diseases, OH Part 433 Personal Protective Equipment, and GI Part 33 Personal Protective Equipment. This recommendation is a group consensus except for one being Chris Mitchell of the Michigan Health and Hospital Association does. Mr. Bozimowski and Dr. Burton reviewed the recommended language changes.

Agenda Item #5—Public Comment

Guests were invited to speak and address the commission. The following individuals spoke in support of the LAC's recommendations and greater protection for Michigan workers.

Ms. Lisha Sly, Workers United A/W Service Employees Intern. Union (SEIU)
Ms. Michele Goodyear, Mich. Society for Clinical Laboratory Science (MSCLS)
Ms. MaryAnn Minard, Mich. Nurses Assoc. (MNA)
Ms. Paula Weidig, MI Dental Hygienist Assoc.
Ms. Michele Klint, SEIU Healthcare – MI
Ms. Barbara Mannor, MSCLS
Mr. Jeff Breslin, MNA
Mr. Steve Shepard, United AutoWorkers Union,
Ms. Carey Loveland, MSCLS
Ms. Margie Vissman, Commission Liaison

Agenda Item #4—Old Business

b. Latex Advisory Committee Report & Recommendation (continued)

After discussion a motion was made by Commissioner Cianciolo and supported by Commissioner Miller to accept the Part 433 and Part 554 recommendations as presented by the Latex Advisory Committee and to move them forward to the Governor as recommended by the Commission, requesting rule promulgation. Further discussion with the LAC was held regarding the definitions for "technically infeasible". The motion was called and the **MOTION CARRIED UNANIMOUSLY.**

Chairperson Comai thanked the LAC and staff for their hard work and service in developing these recommendations.

Ms. Parrott-Boyle advised the LAC co-chairs that they would also present the Part 33 recommendations to the General Industry Safety Standards Commission at their next meeting, as GI Part 33 is under their domain.

Agenda Item #6—MIOSHA Update – Martha Yoder, Deputy Director, MIOSHA

Ms. Martha Yoder advised the Governor's Executive order 2009-22 issued some spending freezes, cuts and called for six furlough days for state employees. Federal OSHA does have some concerns about there not being a MIOSHA presence on those days which are normal working days for most employers. MIOSHA is working to find alternatives to provide a MIOSHA presence. For FY '09 MIOSHA has received a 1.747%

increase in federal funds. Next year the increase could be up to 15%. Despite the overall state budget issues MIOSHA itself has a pretty good budget. MIOSHA has 9 positions that need to be filled and so far we have received approval to fill 7 of them. Ms. Yoder advised that MIOSHA was receiving some stimulus money and is looking for the best way to use it; two items discussed are shift differential and roadwork initiative.

MIOSHA has issued a News Release titled "MIOSHA Launches Initiative to help Employers during Tough Economic Time Protecting Worker Safety & Health can Help Your Business Survive in Tough Economic Times." MIOSHA has been working on a Michigan Voluntary Protection Program for construction. There already are some companies interested. There was a great deal of participation from the construction field as well as some Construction Safety Standards Commissioners participating.

Agenda Item #7--OSHA Update--Cynthia Hutchens-Smith, Lansing Area OSHA Director

Ms. Cynthia Hutchens-Smith noted that the new U.S. Secretary of Labor is Hilda L. Solis. Secretary of Labor Hilda Solis has appointed Jordan Barab as deputy assistant secretary and acting assistant secretary of labor for OSHA.

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. OSHA does not have an official Unified Regulatory Agenda. OSHA is initiating a comprehensive rulemaking on combustible dust and convening a rulemaking panel on worker exposure to food flavorings containing diacetyl.

Agenda Item #8—General Industry S&H Div Update—Adrian Rocskay PhD, Acting Director, GISHD

Dr. Rocskay reported that to date in 2009 GISHD has investigated 3 fatalities.

On October 1st, GISHD issued new assignments to compliance officers bringing in the new strategic plan targets. Also on October 1st GISHD started a new way of reviewing the way the good faith discount is calculated.

A significant case New Center Stamping in Detroit, Michigan was recently completed which included \$102,060 in proposed penalties for 11 serious violations, with 6 repeat serious and 10 other than serious including 4 repeat other than serious. Staff is working closely with the employer on abating items. Dr. Rocskay also updated the commissioners on the Division's progress towards relevant strategies, performance goals and partnerships/alliances.

Agenda Item #6-Constuction Safety and Health Division Update – Bob Pawlowski, Director, CSHD

Mr. Pawlowski reported that CSHD has investigated 3 fatalities to date for calendar year 2009, 1 crushed between equipment and 1 explosion. He reported a new construction fact sheet - *Working Safely on Roadways* which is now on the web.

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

The latest three safety officers were hired last October and are now out conducting inspections independently. The CSHD currently has 3 open positions for safety officers and has requested approval to fill 2 of these positions.

Agenda Item #10—New Business

Chairperson Comai requested that he would like to see a silica standard discussed at the August commission meeting. This issue and the outdated PEL's were discussed including OSHA current efforts in this area as well as what this commissions options will be if OHSA moves forward with something more then their current guidelines.

Agenda Item #11—Next Meeting

The next meeting will be held August 12, 2009 at the General Office Building, 7150 Harris Drive, Lansing in Conference Room B at 9:30.

Agenda Item #11—Adjournment

There being no further business, the meeting adjourned.

Andrew Comai

Mr. Andrew Comai, Chairperson

8-12-2009

Date

******Minutes were reviewed and approved at the August 12, 2009 meeting.******