



STATE OF MICHIGAN

#2

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**  
**August 12, 2009--9:30 A.M.**  
**7150 Harris Drive, Lansing, Michigan**  
**General Office Building, Conference Room B**

**MINUTES**

**COMMISSIONERS PRESENT:**

Mr. Andrew Comai, Chairperson  
Mr. Gary Novak, Vice Chairperson  
Chief Ricardo Longoria  
Mr. John Miller  
Mr. Ronald Torbert

**COMMISSIONERS ABSENT:**

Mr. Jim Cianciolo  
Ms. Margie Faville  
Mr. David Glynn  
Mr. Satyam Talati

**DEPARTMENT PERSONNEL PRESENT:**

Ms. Marsha Parrott-Boyle, Program Manager, MSS  
Ms. Martha Yoder, Deputy Director, MIOSHA  
Mr. Bob Pawlowski, Director, CSHD  
Dr. Adrian Rocskay, Acting Director, GISHD  
Mr. Mike Mason, Manager, GISHD  
Ms. Cindy Eicher, Secretary, MSS  
Ms. Dena Hendon, Dept. Analyst, MSS

**VISITORS PRESENT**

Mr. Steve Shepard  
Mr. Tom Taylor

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### **Agenda Item #1—Call to Order, Roll Call**

The August 12, 2009 Occupational Health Standards Commission (OHSC) meeting was called to order by Chairperson Comai. A roll call was taken and a quorum was present.

### **Agenda Item #2—Approval of Minutes for May 13, 2009 Meeting**

A motion was made by Commissioner Novak and was seconded by Commissioner Longoria to amend the minutes of the May 13, 2009 meeting to add the word 'standard' after 'silica' in the New Business discussion portion of the minutes. **MOTION CARRIED UNANIMOUSLY.**

A motion was made by Commissioner Miller and was seconded by Commissioner Torbert to approve the amended minutes of the May 13, 2009 meeting. **MOTION CARRIED UNANIMOUSLY.**

All commissioners, staff and visitors introduced themselves.

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

Ms. Parrott-Boyle reviewed the FY09-13 strategic plan and the goals for Standards including two rule revisions completed. 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. The General Industry Safety Standards Commission approved the identical latex provisions as was approved by this commission within their equivalent Personal Protective Equipment (PPE) standard. Additional PPE standard issues are being assessed internally before the promulgation process advances. The RIS for these amendments is being developed with anticipation to schedule a public hearing in the late fall. After some revision to the RIS, a public hearing for the proposed diisocyanates standard has been scheduled for September 30, 2009.

Ms. Parrott-Boyle advised that OSHA anticipates greater activity on standards. Top issues appear to be beryllium, cranes, safety and health management systems, combustible dust, standardizing MSDS, diacetyl (popcorn flavoring), silica, isocyanates, as well as general infectious disease. She also noted that published on June 22, 2009 in the Federal Register was a notice for public comment addressing employee notification requirements for Chromium VI.

### **Agenda Item #4—MIOSHA Update – Martha Yoder, Deputy Director, MIOSHA**

Ms. Martha Yoder reported that over 200 companies have signed up to participate in Take a Stand Day on August 26, 2009. Commissioners are encouraged to share this information with anyone who may be interested or could benefit from this service.

Ms. Yoder also reported on the MISOHA scholarship program (\$18,000) which provides for a simple scholarship application process to respond to these difficult economic times. MIOSHA hopes to encourage and support Michigan employers and employees. Greater reduced fees are available for the unemployed. Other MIOSHA "tough times" opportunities are outlined in the last MIOSHA News publication includes penalty reductions that have been used by a significant number of employers.

Ms. Yoder advised that MIOSHA's budget is in good shape. Overall the State of Michigan is struggling and MIOSHA is participating in furlough days. Due to concerns from federal OSHA regarding safety for Michigan's employees MIOSHA is split into two groups with different furlough days so that we are operating Monday through Friday from 8 am to 5 pm on all normal working days.

Ms. Yoder discussed some new areas that MIOSHA will be involved with inspecting may include the film industry, wind turbine, lithium and battery plants and is researching hazards that may be involved in those areas.

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Federal OSHA has a proposed assistant secretary of labor, David Michaels from George Washington University. MIOSHA is hearing he is interested in electronic reporting and has a big focus on culture and would like to change the way the nation thinks about safety including integration into business operations.

### **Agenda Item #5—Old Business**

#### **a. Top Permissible Exposure Limits (PEL's) Needing Updating**

Ms. Parrott-Boyle reviewed the history of the review of out-dated permissible exposure limits (PEL's). In 2004, MIOSHA was directed by the commission to do a comprehensive study and comparison identifying the most outdated PEL's with current toxicology science, national established limits and amount of exposure to Michigan workers. In 2006, the CSHD provided a selected list compounds and in 2007 GISHD provided their top 10 recommendations for the most crucial out-dated PEL's. No action was taken due to other pressing business. Both lists are significantly dated; construction PEL's reflect 1968 values, general industry PEL's were established in 1989. This issue was discussed again in November 2008.

There are an additional 80 other AGCIH limits that we do not have on our list. However, the courts have said to OSHA that you can't revise the air contaminant in mass. Therefore, Michigan is continuing to try to identify which compounds have the greatest need for updating to current workplace toxicology. Commissioners review the list as accessed by MIOSHA based on risk and exposure frequency across Michigan.

In 2006, California tackled this same issue and revised their exposure limits for 18 elements. In 2004, UAW negotiated current AGCIH limits for all their facilities. The Commissioners wanted more information and explanation of how the proposed limits were reached. Staff advised of the work and research that is done at MSU and that MSU provides referrals to MIOSHA when they identify an individual they believe was exposed in an occupational hazard. The commissioners expressed a desire to consult Dr. Rosenman regarding the selection of these particular PEL's before they make a recommendation for updating. Commissioners requested adding to the list what industries may contain the specific contaminants and adding the current NIOSH values. Dr. Rosenman will be invited to speak to the Commission as soon as a session can be arranged.

### **Agenda Item #6—New Business**

None

### **Agenda Item #7—General Industry S&H Div Update—Adrian Rocskay PhD, Acting Director, GISHD**

Dr. Rocskay reported that to date in 2009 GISHD has investigated 9 fatalities.

On October 1<sup>st</sup>, GISHD issued new assignments to compliance officers bringing in the new strategic plan targets. Also on October 1<sup>st</sup>, GISHD started a new way of reviewing the way the good faith discount is calculated. GISHD has developed a revised safety and health system evaluation form. If an employer does not have a good safety and health management system enforcement, then staff will refer them to CET who can help them develop a better system.

Dr. Rocskay noted that the current MIOSHA News contains an interesting Employee Discrimination Section case. He further mentioned that there is also an article that outlines more initiatives included in the 'tough economic times' awareness campaign including the additional location options of prehearing locations for employers.

The GISHD has filled the vacant Departmental Analyst position and has conducted interviews for a safety officer and an industrial hygienist position. The division is also working on permanently filling the division director position.

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**Agenda Item #8-Constuction Safety and Health Division Update – Bob Pawlowski, Director, CSHD**

Mr. Pawlowski reported that CSHD has investigated 5 fatalities to date for calendar year 2009, 2 crushed between equipment, 1 cave-in, 1 fall and 1 explosion.

Mr. Pawlowski advised that 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. Mr. Pawlowski stated that Martha Yoder and he attending a forum regarding ARRA on July 15, 2009 which dealt with the requirements contractors have to meet in order to obtain contracts for ARRA work. MIOSHA was able to let these individuals know that MIOSHA will be visiting these sites and checking for compliance with safety and health requirements. In addition, CSHD has launched an overtime initiative to increase MIOSHA presence during non-traditional work hours, at road and infrastructure work sites.

The CSHD is soliciting information for the MIOSHA “Safety Pays” campaign. The goal is to compile information on companies with successful safety and health programs to share with other companies. The best way to demonstrate the benefits to other employers is for them to see the success stories of employers who have already made improvements.

The CSHD currently has approval to fill 2 safety officer positions. One safety supervisor has just accepted a position in the CET division so that will create another vacancy.

Two new partnerships have recently been signed; Kamminga & Roodvoets which is their seventh partnership and Christman Company which is their eighth partnership.

**Agenda Item #9—Next Meeting**

The next meeting will be held November 18, 2009 at the General Office Building, 7150 Harris Drive, Lansing in Conference Room B at 9:30.

**Agenda Item #10—Public Comment**

Mr. Tom Taylor thanked the commissioners for the opportunity to attend and stated he appreciates the work the commission does.

Mr. Steve Shepard stated he is glad to see the commission is taking the opportunity to look into updating the PEL's.

**Agenda Item #11—Adjournment**

There being no further business, the meeting adjourned.

**Andrew Comai**

Mr. Andrew Comai, Chairperson

**10-9-09**

Date

\*\*\*\*Minutes were reviewed and approved at the October 9, 2009 meeting.\*\*\*