



STATE OF MICHIGAN

Jennifer M. Granholm
GOVERNOR

DEPARTMENT OF LABOR & ECONOMIC GROWTH
KEITH W. COOLEY
DIRECTOR

Michigan Occupational
Safety & Health Administration
(MIOSHA)

OCCUPATIONAL HEALTH STANDARDS COMMISSION MEETING

June 13, 2007--9:30 A.M.

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

MINUTES

MEMBERS PRESENT:

Mr. Andrew J. Comai
Mr. David Glynn, Vice Chairperson
Ms. Margie Faville, Chairperson
Chief Ricardo Longoria
Mr. John Miller
Mr. Satyam Talati

MEMBERS ABSENT:

Mr. James B. Cianciolo
Mr. Ronald Torbert

DEPARTMENT PERSONNEL PRESENT:

Ms. Martha Yoder	Deputy Director, MIOSHA
Mr. John Peck	Director, Management & Technical Services Div.
Ms. Marsha Parrott-Boyle	Program Manager, Standards Section
Mr. Robert Pawlowski	Director, Construction Safety & Health Div.
Mr. John Brennan	Director, General Industry Safety & Health Division
Mr. Mike Mason	Safety & Health Manager, GI Safety & Health Division
Ms. Cindy D. Eicher	Secretary, Standards Section

VISITORS ATTENDING:

Ms. Mary Jo Reilly
Dr. Doina Stanislav
Dr. Doina Giurgiu

Agenda Item #1—Call to Order, Roll Call

The June 13, 2007 Occupational Health Standards Commission meeting was called to order by Chairperson Faville. A roll call was taken and a quorum was present.

Agenda Item #2—Approval of Minutes for March 14, 2007 Meeting

A motion was made by Commissioner Glynn and was seconded by Commissioner Talati to approve the minutes of the March 14, 2007 Commission meeting.

MOTION CARRIED UNANIMOUSLY.

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

Mr. Bob Pawlowski introduced two Romanian doctors who have been in Michigan through MSU since the beginning of May as part of an exchange to learn about our occupational health and safety systems.

Ms. Parrott-Boyle advised the commissioners that standards section staff is using a new numbering system in place of colored paper for commission handouts.

Ms. Parrott-Boyle reminded the commissioners that MIOSHA is in the fourth year of a five year strategic plan for fiscal years 2004 through 2008. She reviewed with the commission the current progress on standards under revision. Two recently completed standards were distributed to commissioners, GI Part 76 Flammable and Combustible Materials and OH Part 526 Dipping and Coating. OH Part 528 is in the process of being rescinded as it is no longer needed after all spray finishing operations were consolidated into GI Part 76.

Ms. Parrott-Boyle advised that representatives from fire fighting organizations had come to the GI Safety Standards Commission and requested GI Part 74 the Fire Fighting standard be opened up to update to current technology. The ergonomics standard work group formed to develop the appendices and resources continues to meet. OH Part 316, Diisocyanates is progressing through the promulgation process. Staff recently finished the regulatory impact statement for Part 316 which reflects what the cost to small business and others. Ms. Parrott-Boyle advised that an expert on diisocyanates would be a guest speaker later in the meeting. The Latex Advisory Committee has met eight times and has finished a review of the relevant medical literature. Dr. Anthony Burton, an expert in the field, and the committee prepared a review summary statement that was provided to commission members. Adverse reactions to latex have occurred to a significant degree, there is evidence that the problem is great enough to cause substantial harm to workers. Work is currently being done to determine the extent of use for latex gloves in Michigan.

CS Part 2 Masonry Wall Bracing will be the next advisory committee to begin. There have been significant deaths due to walls collapsing and MIOSHA needs to bring the standard up to current technology. Revision to GI Part 39, Design for Electrical Systems is almost completed. This is a significant change completed by adopting the new OSHA standards contained in the February 14, 2007 Federal Register. The existing standard was very old and needed revision to recognize newer electrical codes and equipment.

Agenda Item #4—Old Business**a. Diisocyanates and Occupational Asthma, Mary Jo Reilly**

Ms. Marsha Parrott-Boyle introduced Mary Jo Reilly. Ms. Mary Jo Reilly, Occupational and Environmental Medicine, Michigan State University distributed handouts on work related asthma. Since 1988, over 2500 cases of work related asthma have been determined. Fifteen percent of these are due to isocyanates. Ms. Reilly outlined two deaths that were investigated related to diisocyanates. Over half of employees affected go to emergency rooms, one quarter have been hospitalized and have lots of dr visits and emergency room visits associated with their illness. Medical literature shows over and over that once a person is sensitized it's very important to get them out of the exposure or it may progress to a debilitating condition. Once they are removed, 80% still have asthma systems and still need to take medication. If employees are not aware of the dangers they are less likely to report problems to a doctor or employer. The proposed standard would help in awareness, knowledge and detection. Delays in removing an employee from exposure can be fatal. Any bit of exposure is too much once a person is sensitized. This shows the serious outcome of not having a standard. The proposed standard will go a long way to protect workers from the effects of isocyanates, Michigan is the only state working on this standard, and should have clear and convincing need due to number of people exposed and the car automotive industry.

b. Part 350 Carcinogen: Court Decision, Marsha Parrott-Boyle

Ms. Parrott-Boyle reviewed with the commissioners questions regarding OH Part 350 Carcinogens and Federal OSHA removal of lab activity and daily rosters provisions by court order. In 1973, the 3rd circuit court decided the laboratory provisions should be removed because proper notice was not given and protocol was not followed. Federal OSHA said ok we will make a separate rule which never happened. Finally in 1992, OH Part 431 Hazardous Work in Labs was issued and MIOSHA adopted the OSHA standard. Through close review, the Part 350 lab provisions are not covered by Part 431.

Mr. Mark Spence from Dow has requested the opportunity to speak with the commission before they made a final decision.

Regarding the question of a daily roster, Federal OSHA removed that provision in 1978 stating that they felt it was of limited benefit and does not substantially contribute to employee safety and health. There are other means to show which employees have been exposed to which hazardous materials through the medical records and the right to know standard.

Commissioner Glynn moved to table this issue until the next meeting supported by Commissioner Talati. Ideas were discussed such as with current technology tracking could be done with swipe cards to monitor who was in and out of certain areas. **MOTION CARRIED UNANIMOUSLY.**

c. Latex Advisory Committee Application

The commissioners received a new application for consideration. The new applicant would be a labor representative, replacing Derrick Quinney who volunteered to fill this spot until someone who dealt with labor in the affected industries. Lisha M. Sly is with Unite Here, which represents hospitals, textile and food, casino, and airport concession workers. A Motion was made by Commission Miller and supported by Commissioner Longoria to appoint Lisha M. Sly to the Latex Advisory Committee. **MOTION CARRIED UNANIMOUSLY.**

Agenda Item #5—New Business

None.

Agenda Item #6-Constuction S&H Div. Update- Bob Pawlowski, Director

Mr. Bob Pawlowski stated there have been six fatalities in the construction field investigated by the Construction Safety and Health Division to date this year. By category there were three falls, one electrocution, one struck-by and one crush.

Mr. Pawlowski reviewed with the commissioners the conclusion of a recent significant enforcement case for Maco Concrete, Inc. Willful violations were issued and MIOSHA notified the Attorney General of this and they made the decision to prosecute due to the history of this type of accident with this employer. A complaint was filed and on April 19th the employer pled no contest. The sentencing was held May 31st, the maximum penalty of \$10,000 was given.

The CSHD has posted on the MIOSHA website 18 "Construction Fact Sheets". The latest ones posted that deal with occupational health issues are Exposure to Hexavalent Chromium and Isocyanate Exposure in Construction.

Mr. Pawlowski advised that CSHD currently has 4 positions open, two safety supervisor positions and two field compliance safety officer positions.

Agenda Item #7—General Industry Safety & Health Division Update—John Brennan, Director

Mr. John Brennan introduced Mike Mason, the newest Safety and Health Manager in the General Industry Safety and Health Division to the commission. Mr. Brennan informed the Commissioners that there have been 7 fatalities under the GI jurisdiction so far in 2007. Mr. Brennan reviewed the recent fatalities in detail.

During the month of April, GI held a staff meeting during the week of the safety conference. Staff received training on work related asthma, similar to the briefing received today by Mary Jo Reilly. They also received training on carbon monoxide, grounding, GI Part 14 Conveyors, workplace violence, permit required confined space issues and tree trimming due to a number of tree trimming fatalities. GI has been working with initiatives to step up compliance in tree trimming businesses.

There are two upcoming significant cases, one will have penalties over \$230,000 including a number of willful violations and failed to abate violations, the second with penalties over \$130,000. The division is close to issuing citations for both.

Mr. Brennan advised they have reinspected 77 employers in certain sic codes that had five or more previous serious hazard citations. To date, 50% have shown a decrease in serious hazards. Additionally, they have called employers with 50 or less employees, who receive citations, and offered abatement assistance and help with ISA's (informal settlement agreement) and appeals. Mr. Brennan reassigned one safety officer to the employee discrimination section and is hoping to hire two safety officers and one safety supervisor.

Agenda Item #8—MIOSHA Update – Martha Yoder, Deputy Director, MIOSHA

Ms. Martha Yoder indicated that MIOSHA is very busy and accomplishing a lot. Doug Kalinowski is attending the OSHPA spring meeting. She commented that after Doug Kalinowski had given his state report, he received a lot of feedback on how much action the Michigan program has going on.

The Connecting MIOSHA to Industry initiative last year including handing out customer comments cards as a pilot program. This year the comment card includes more feedback on what the customer did as a result of the MIOSHA contact and how can we improve. Results have been very good.

Another new initiative "Ask MIOSHA" went live in April on the MIOSHA website. On the right side of the MIOSHA website you can click on an option to send a question into MIOSHA.

Ms. Yoder advised MIOSHA's 3rd annual Take a Stand Day will be held on August 15, 2007. All compliance and consultation staff and many managers and supervisor will be out meeting with employers on that day. This year MIOSHA is giving priority to employers in strategic plan areas that have not had Take a Stand Day visits in the past.

MIOSHA's Training Institute will be rolling out state wide courses this fall, there are 66 seminars under GI or CS certificate programs. MIOSHA continues to work on new courses and on standards curriculum.

Ms. Yoder stated there has been a lot of talk and media coverage on the state's budget and cutbacks. There are many restrictions on spending money including traveling and training. The state is also under a hiring freeze. MIOSHA is working to fill two CS safety officer positions and requesting approvals for positions in GI.

MIOSHA works with a five year strategic plan to guide our activities. The current cycle has one more year in it. This September MIOSHA will be starting a year long process of developing the goals for the next 5 years period and would appreciate any suggestions from commissioners. The commissioners were encouraged to submit ideas or suggestions.

Agenda Item #9—Next Meeting

The next meeting will be held on September 12, 2007 at the General Office Building, 7150 Harris Drive, Lansing in Conference Room B at 9:30.

Agenda Item #10—Public Comment

None

Agenda Item #11—Adjournment

A motion was made by Commissioner Talati and was seconded by Commissioner Longoria that with no further business before the Commission, the meeting be adjourned.

MOTION CARRIED UNANIMOUSLY

Ms. Margie Faville, Chairperson

Date