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MIOSHA at 35 Years New Era of Accountability and Expectations

By: Martha Yoder, Deputy Director

Tremendous progress has been made during the past 35 years in improving the safety and health of Michigan's workers. But there is more to do. Recent tragedies in the United States including the mine explosion in West Virginia that claimed 25 lives and the BP oil well explosion where 11 workers were killed serve as stark reminders of how quickly a routine day can turn to a catastrophe.

Today's world is complex, demanding and fast changing. The safety and health of workers must take its place as a top corporate value to prevent serious harm to workers. Organizations must create a culture that is proactive and demands continuous improvement. Relying on past successes does not guarantee continued success in the future.

Collective Ownership for Safety and Health

Passage of the Michigan Occupational Safety and Health Act of 1974, created an expectation that workers would be provided safe and healthy working conditions. MIOSHA uses a combination of firm and fair enforcement, development of relevant standards, and cooperative programs to meet the requirements of the Act.

In January 2007, MIOSHA adopted the "Connecting MIOSHA to

Industry Initiative" to create an expectation of collective ownership for the safety and health of Michigan's workforce by MIOSHA, employers and workers in Michigan. This collective ownership demands proactive performance and new levels of accountability.

Traditional safety and health hazards and exposures are well known and preventable. We face challenges presented by new and emerging safety and health issues. (See *Connecting Column*.) It will take the collective efforts of all stakeholders to provide the level of workplace safety and health protection to which employees are entitled.

Expectation of Compliance

As we move through MIOSHA's 35th year, you will see a MIOSHA that expects employers to seek out information on the hazards, potential exposures, and required safeguards for their industry and the work being performed.

After 35 years, employers must accept their obligations to create safe and healthful working environments. Simply waiting for a MIOSHA inspection to signal the time to take action is not acceptable.

MIOSHA also expects employers to accept and implement the requirements of safety and health standards.

Employers are not allowed to substitute their judgment for the requirements of a standard. This may be a basis for designating a violation as willful.

Federal OSHA has announced plans to strengthen enforcement through administrative changes to increase penalties, an aggressive

standards-setting agenda, and more in-depth investigations including verifying that employees are adequately trained and in a language they can understand. As a state plan program, MIOSHA will be expected to adopt similar policies that are "at least as effective" as those implemented by federal OSHA.

Strong Education and Outreach

MIOSHA is committed to continuing the strong education and outreach programs and services that have been available in Michigan since 1967. Michigan is one of the few states to have a separate staff dedicated to providing education and outreach assistance.

The *MIOSHA Training Institute (MTI)*, established to provide consistent, credible training, will continue and new courses will be offered. The MTI Scholarship program launched this year will continue, with \$50,000 available to assist employers and employees attending courses during Fiscal Year 2011.

We are exploring options to expand grant opportunities to include a streamlined mini-grant for partnering with MIOSHA for a specific activity and employer grants to assist with abatement of hazards.

MIOSHA is committed to continuing its strong partnerships and alliances with employers and organizations. Results of these partnerships demonstrate that worker safety and health has improved through working cooperatively.

MIOSHA Commitment

Well into the third decade of the MIOSHA program, we rededicate ourselves to our mission of, "helping assure safe and healthful work environments for Michigan's working men and women."

We also continue our past commitment to work with employers, employees, and organizations who are seeking help in enhancing their workplace safety and health systems.



During the 2010 Michigan Safety Conference, participants at the "MIOSHA Update" session heard MIOSHA's expectations and future plans.

MIOSHA Milestones 2005 – 2010

- 08/25/05:** Held first "Take a Stand Day" for workplace safety and health.
- 02/13/06:** SAM interactive safety training CD mailed to 30,000 manufacturers.
- 02/23/06:** Right Rail, Inc., Mio, convicted and sentenced for a workplace fatality.
- 10/10/06:** Launched the "Extreme Safety" Youth Initiative.
- 01/01/07:** "Connecting MIOSHA to Industry" Initiative started to ensure MIOSHA interventions are useful.
- 02/15/07:** Developed the Michigan Challenge Program to help high-hazard companies.
- 03/29/07:** Created the new "Ask MIOSHA" web feature.
- 05/31/07:** Maco Concrete Inc., St. Clair Shores, convicted and sentenced for a workplace fatality.
- 10/01/07:** The MIOSHA Training Institute (MTI) started offering Level One Certificate courses.
- 01/20/09:** Michigan Court of Appeals affirmed employee discrimination protection.
- 03/03/09:** Implemented the Michigan Voluntary Protection Program for Construction (MVPPC).
- 04/10/09:** Became the second state in the nation to promulgate a Communication Towers standard.
- 05/07/09:** Launched the "Protecting Workers in Tough Economic Times" Initiative.
- 01/01/10:** Since the start of the modern MIOSHA program, fatalities have dropped significantly from 115 in 1977 to 24 in 2009.



Working to Create Michigan's Future Today



Doug Kalinowski, CIH
Director

Celebrating Success

The 35th Anniversary of the MIOSHA program provides us with an excellent opportunity to celebrate our successes and highlight some new approaches for the future.

We will continue to focus on helping employers develop the tools necessary to protect their workers and administering a compliance program that provides firm and fair enforcement.

MIOSHA's overriding commitment is that every worker deserves to go home healthy and whole every

"Our most important success is the declining fatality rate since the start of the modern MIOSHA program in 1975."

day. This is the very foundation of our program.

Our most important success is the declining fatality rate since the start of the modern MIOSHA program in 1975. In 1977 (the earliest year records are available) 115 Michigan workers lost their lives in workplace deaths. In 2009, 24 workers died on the job.

That is 24 workers too many, who will never go home again – but it signifies strong progress in the right direction. Many Michigan stakeholders played a role in that success, and we thank them all for their safety diligence.

In 2004 we enhanced our relationship with employers, employees and key stakeholders, and enacted formal partnership and alliance programs. The goal of these programs is "collective ownership" of workplace safety and health across Michigan.

I'm pleased to report that the results to date have been extremely positive. The injury and illness rates at our partnership sites have been remarkably less than state and national averages – in fact, several sites have had zero lost-time incidents.

All of our alliance partners have been very effective in building relationships between MIOSHA and their constituents, as well as sharing information, especially with small to medium-sized employers and their workers.

New Approaches for the Future

On the national level, OSHA is moving toward a stronger enforcement presence. MIOSHA is one of 27 State Plan States that administers its own safety and health program. The key expectation is that states will operate in a manner that is "as effective as" federal OSHA.

The *Protecting America's Workers Act (PAWA)* has been introduced in both the U.S. Senate and the House of Representatives. It's been 40 years since the Occupational Safety and Health Act was passed, and this proposal would make significant changes to the Act.

State Plan States would be required to adopt most of the changes. PAWA would strengthen the OSH Act by:

- Increasing protections for whistleblowers,
- Providing additional rights to accident victims and their families,
- Improving OSHA enforcement,
- Increasing the monetary and

criminal penalties for violations of the law, and

- Extending OSHA coverage to all public employees in America. In Michigan, public employees are already covered by MIOSHA.

OSHA's new *Severe Violator Enforcement Program (SVEP)* became effective June 18, 2010. The SVEP concentrates resources on inspecting employers who have demonstrated indifference to their OSH Act obligations by committing willful, repeated, or failure-to-abate violations. It is expected that OSHA's State Plan States will adopt most provisions of the SVEP.

Enforcement actions include:

- Mandatory follow-up inspections,
- A new policy that will significantly increase penalties,
- Expanded enforcement to other locations of a business, and
- Issuing separate violations rather than grouping hazards.

Under the MIOSH Act, employers are responsible for providing safe and healthful workplaces for their employees. We know most employers want to do the right thing.

It is our intent to work with all committed employers to help them provide a safe and healthy work environment. Working together, we can "Make a Difference" for Michigan's working men and women.

Challenges Call For Us To Stay Connected

The "Connecting MIOSHA to Industry" initiative has helped MIOSHA become a continuous improvement organization. Program improvements include:

- Continuous feedback via customer comment cards,
- Transparency through policy and standard interpretations on the MIOSHA website,
- Easy access to written responses through "Ask MIOSHA."

These improvements will serve us all well as we move forward with efforts to create and maintain safe work environments, recognizing the potential changes on the horizon that create new challenges. The issues below represent some of the new challenges employers and workers will face in the next decade.

Workforce Demographics

Our workforce is aging. According to the U.S. Bureau of Labor Statistics, during the next 10 years, the number of workers over age 55 will increase by nearly 40 percent and the number of workers over age 65 will almost double.

To ensure the safety of aging workers, both employers and employees will need to work together to make sure that the older worker can do the job safely within their physical abilities. Liberty Mutual Insurance suggests implementing ergonomic programs, strengthening return-to-work practices, and implementing wellness programs.

New immigrants accounted for half of the growth in the U.S. labor force for the three years from 1999 through 2001. Immigrants entering the workforce need to be trained in a language and in a way they understand. This may require translators or adding staff with the ability to communicate with immigrant workers.

In March 2010, federal OSHA cited a company more than \$200,000 after a Latina woman was caught in a machine and crushed to death. The supervisor indicated that information on machine safety was not provided because the employees spoke Spanish and could not read. Clearly, this is not acceptable.

Emerging Technologies

Potential hazards created by emerging technologies like advanced battery production and nanotechnology present challenges to understand, predict and manage potential health and safety risks.

Our state's efforts toward becoming a leader in advanced battery manufacturing led to Michigan-based companies receiving \$1.3 billion in federal grants during 2009



Martha Yoder
Deputy Director

for the development of new batteries, with the potential for as many as 40,000 jobs over the next 11 years.

Advanced battery manufacturing, vehicle/battery engineering and research and development will bring the need to evaluate the materials, processes, and equipment used to ensure worker safety and health in this new industry.

Nanotechnology is an exciting new technology with the potential to transform industries. By 2015 it is estimated that nanotechnology will have a \$1 trillion impact on the global economy and will employ two million workers. New challenges to understand, predict, and manage potential health and safety risks to workers accompany this new field.

New Regulations

Federal OSHA issued a regulatory agenda that includes combustible dust, crystalline silica, confined space in construction, construction cranes and derricks, diacetylene, modernizing injury and illness reporting, and adding a musculoskeletal disorders (MSD) column to the injury/illness log.

In addition, Michigan-specific proposed rules include ergonomics, diisocyanates, and crane operator certification. Federal OSHA is also discussing the potential need for an Injury and Illness Prevention Program (I2P2) rule. (See article on page 6.)

All of these challenges call for us to stay connected – to share information, expectations, and understandings. We look forward to working with all of our stakeholders in addressing these emerging issues.

Coffee with MIOSHA

Monday – August 16th
8:00 – 10:00 a.m.

At 35 Coffee Shops
across Michigan
(Including 25 Biggby Shops)

Come ask your questions and "Connect" with MIOSHA staff.



For details, visit our website:
www.michigan.gov

V&S Detroit Galvanizing Fails to Protect Workers

On April 7, 2010, DELEG Director Skip Pruss announced MIOSHA cited **V&S Detroit Galvanizing LLC**, of Redford, following a fatal accident, with **\$245,000 in proposed penalties** for allegedly failing to adequately protect employees during overhead crane operations.

V&S Detroit Galvanizing LLC, employs approximately 39 employees, with some employees represented by Teamsters Local 299. The plant is over 50,000 square feet and does hot dip galvanizing of all types of metal parts, for a wide variety of industries.

Fatality Description

On Nov. 3, 2009, V&S Detroit Galvanizing employees were attaching parts to be galvanized onto two 1½ ton racks (steel I-beams). The racks were supported by rack stands. A crane operator moved the first rack up and over employees who were hanging parts on the second rack. The crane clipped the rack stands, causing the remaining rack to fall. A temporary employee, Darryl Johnson, was caught and crushed under the weight of the rack, resulting in his death.

"This tragic workplace fatality could have been prevented. V&S Detroit Galvanizing knew their rack system was unstable, and yet they continued to expose their employees to daily hazards during overhead crane operations, which led to the death of this worker," said Pruss. "This failure to protect their workers will not be tolerated. We are sending a clear message to all employers that they must be proactive and consistently protect their workers."

Accident Description

On Oct. 21, 2008, a V&S Detroit employee received multiple fractures to his left leg in a very similar incident. A rack that was loaded with parts fell on him and crushed his leg as a crane lifted another rack off the same supporting pair of rack stands. "This accident should have been a warning to the company to alter their procedures to protect their workers," said Pruss.

In V&S Detroit Galvanizing's normal racking procedure there are two rackers, a crane operator and a hi-lo operator. This is a permanent operation at the facility and the company had several alternatives available to protect their workers:

- They could have bolted the rack stands to the concrete floor in order to prevent them from moving when the first stand is lifted.

- They could have changed the set up so that only a single rack was supported by a rack stand.

- They could also have required employees to move to the side of the building when a crane was lifting and moving a rack.

MIOSHA Investigation

General Industry Safety Standard, Part 18, *Overhead and Gantry Cranes*, is a comprehensive standard that covers the equipment, installation, maintenance, and operation of top running overhead and gantry single and multiple girder cranes in, about, and around places of employment, in order to safeguard employees. It also details the necessary employee training and certification that employers must provide.

From Nov. 3, 2009, to Feb. 11, 2010, MIOSHA conducted the fatality investigation, as well as a second investigation at V&S Detroit Galvanizing LLC. As a result of these two investigations, MIOSHA issued citations for 10 alleged violations of MIOSHA regulations. The combined citations for both investigations include seven Serious and three Willful Serious violations. The combined penalty for both investigations is \$245,000.

Employer Responsibility

The responsibility to protect employees lies with the employer. It is anticipated that issuing these citations will cause the employer to strengthen their safety and health efforts by maintaining corrections.

"MIOSHA is committed to helping employers who want to do the right thing. Our Consultation Education and Training (CET) Division can help employers build an effective safety and health sys-

tem," said MIOSHA Director Doug Kalinowski. "However, MIOSHA will not tolerate employers who place their employees at risk of injury or death and will take appropriate enforcement action to protect workers."

A Willful violation is one committed with an intentional disregard or plain indifference to the requirements of MIOSHA regulations and employee safety and health. A Serious violation exists where there is a substantial probability that serious physical harm or death can result to an employee.

The company has appealed the citations.



A V&S Detroit Galvanizing employee was crushed under this rack.



A second investigation revealed the same unstable rack system.



A major asbestos fiber release occurred at GRL Properties' John Bean Building in Lansing.

On May 4, 2010, DELEG Director Skip Pruss announced MIOSHA cited **GRL Properties, LLC**, of Grand Rapids, with **\$115,000 in proposed penalties** for allegedly failing to adequately protect employees and the general public from serious asbestos hazards at the John Bean Building in Lansing.

"These proposed fines reflect the fact that the company knew there was asbestos-containing material in the John Bean Building and yet did not take

appropriate action to protect the workers removing the material or their tenants," said Pruss.

MIOSHA Investigation

On Nov. 23, 2009, the MIOSHA Asbestos Program began a complaint investigation involving an allegation that asbestos insulated piping was being removed improperly by a tenant (Property Shield, LLC) at the John Bean Building, at 1305 S. Cedar, in Lansing. The building is owned by GRL Properties, LLC, and is managed by GRL Properties Management Co., LLC, and has a variety of tenants.

The MIOSHA investigation found the building was not completely inspected for asbestos, and the inspection information the building owner had was not conveyed to employees working in the facility or tenants occupying the facility. As a result, a major asbestos fiber release episode occurred, potentially exposing employees and building tenants to asbestos.

GRL Properties, LLC, and GRL Properties Management Company, LLC, and their other affiliated companies have extensive citation histories involving asbestos violations that go back to 1996. They

have been fully advised multiple times of their obligations to assure that pre-1981 buildings are properly inspected for asbestos; that inspection results are conveyed to employees, tenants and contractors; and that disturbance/removal must be conducted following asbestos standards.

MIOSHA Violations

GRL Properties, LLC, received a total of three alleged Willful violations with a proposed penalty of \$105,000. The violations included: no notification of the presence of asbestos to employees, no notification of the presence of asbestos to contractors or tenants, and no training provided to employees performing housekeeping operations in a building containing asbestos.

The company also received five alleged Serious violations with a proposed penalty of \$10,000. The violations included: no complete asbestos survey, proper isolation controls not used, proper decontamination not provided, and the competent person present during removal work not assuring proper work practices were utilized. The total proposed penalty for the company is \$115,000.

GRL Properties Cited for Asbestos Hazards

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Top Construction Fatalities

By: Bob Pawlowski, CSHD Director

Although the construction industry accounts for less than 5 percent of the working population, it also accounts for nearly 40 percent of the workplace fatalities. There is no doubt that construction work can be dangerous!

Between 2006 and 2009 MIOSHA investigated 62 construction fatalities in Michigan. There has been a downward trend in fatalities with 26 (highest year of the last four) to 10 fatalities in 2009 (lowest since records have been kept).

Any life that is lost is a great tragedy. MIOSHA strives for no worker to lose their life. The MIOSHA Strategic Plan specifies that the Construction Safety and Health Division (CSHD) target hazards with greater probability of causing death or serious physical harm.

The chart below shows the top five causes of fatalities in construction in the past four years are: Falls (21), Struck-by incidents (often vehicle and equipment related) (16), Electrocutions (10), Caught-by incidents (often machinery related) (7), and Trench cave-ins (4).

MIOSHA provides fatality information to encourage employers to take the necessary steps to protect their workers.

■ In 2008 a 19-year-old carpenter was securing materials and fell 70 feet to his death.

■ In 2008, a 41-year-old iron worker sitting on a beam fell to his death when the anchorage failed.

■ In 2009, a 56-year-old employee was killed when a 5-yard dump truck backed over him during a road paving operation.

■ In 2008, a 45-year-old laborer died when an excavator came in contact with overhead power lines.

■ In 2006, a 53-year-old skid steer operator positioned himself between the machine and the elevated cab to inspect a hydraulic leak. The cab came down on the victim pinning him around his neck and head.

■ In 2006, a 29-year-old employee was working in a 9 feet deep excavation adjacent to a basement foundation wall. The side of the excavation caved in trapping the worker at the base of the excavation.

We ask employers and employees to ponder that behind each statistic is an individual with family; who can never replace the loss of their loved one.

Top Construction Fatalities: 2006 – 2009					
Category	2006	2007	2008	2009	Total
Fall	9	5	5	2	21
Struck By	5	3	6	2	16
Electrocution	3	2	3	2	10
Caught By	3	1	1	2	7
Cave In	3	0	0	1	4
Other	3	0	0	1	4
Total	26	11	15	10	62

Revisions to Part 2 – Masonry Wall Bracing Standard

By: Patty Meyer, CSHD Safety Manager

The *Masonry Wall Bracing Standard, Part 2*, has been revised and became effective **May 28, 2010**. Tall, slender reinforced walls have become more common since the original Part 2 was published in 1989, and require more expertise for wall bracing designs in order to prevent a catastrophic failure during windy conditions.

The standard has been amended to help ensure a safe work environment through the use of training, “restricted zone” requirements, wind speed monitoring, and proper bracing for wind conditions.

Some of the new requirements

■ Mason contractors are required to provide written notification to the controlling contractor when and where a restricted zone will exist.

■ Written certification of training by a qualified person is required for each competent person who installs, alters, repairs, maintains, or inspects a wall bracing system.

■ Written certification of training by a qualified person is required for each employee who enters a restricted zone.



■ New “Restricted Zone” and “Danger Signs” requirements.

■ Each employer is responsible for monitoring the wind with a wind-measuring device and evacuating employees when wind speeds are exceeded.

■ New table and bracing requirements during the Initial Period (24 hours or less) and evacuating the restricted zone when wind speeds exceed 20 MPH.

■ New tables and bracing requirements during the Intermediate Period (after the initial period) and evacuating the restricted zone when wind speeds exceed 35 MPH.

■ Wall bracing systems are required to be designed by a qualified person for a wind speed of 40 MPH using acceptable engineering practices.

■ A triangle wall bracing system can only be used for walls 16 feet or less.

■ A competent person is required to inspect the wall bracing system during each shift and after any occurrence that may affect it.

To view the entire standard, go to www.michigan.gov/mioshastandards.

Construction Fall Protection Initiative

FALLS – accounted for 75 of the 202 construction workplace fatalities investigated by MIOSHA in the past 10 years. These fatalities can be **STOPPED** – with the proper training and equipment!

This proactive campaign is designed to increase awareness of fall hazards associated with the construction industry, highlight the need for appropriate fall protection, and help ensure that employees receive the training required.

MIOSHA launched the initiative by sending letters to more than 800 construction employers who received a MIOSHA citation related to fall protection requirements in the past five years.

Employees must be able to recognize the hazardous condition before an accident occurs. It is the employer’s responsibility to ensure that their employees possess, at a minimum, adequate training on fall protection issues and all other training required by standards specific to the work operation or exposure. Proper training can reduce accidents, related costs and lost production, as well as prevent MIOSHA citations and penalties.

The CET Division is scheduling a series of workshops on fall awareness training. Workshops will be posted on the CET Calendar on our website at www.michigan.gov/mioshatraining.

ROOFER – FALL FATALITY

In July of 2009, a 19-year-old roofer fell 19 feet and died from a head injury. The victim was helping to wrap up for the night. While installing a tarp on a steep roof, he stepped onto the tarp causing him to slip down and off the roof.

MIOSHA Violations (not inclusive):

■ Part 6, *Personal Protective Equipment*, Rule 622(1) – No head protection worn.

■ Part 45, *Fall Protection*:

□ Rule 1926.501(b) (11) – Steep roof without fall protection.

□ Rule 1926.503(2) (b) – No written certification of fall protection training.

■ Part 1, *General Rules*, Rule 114(1) (a) – No accident prevention program.

CASE SUMMARIES

FRAMING CARPENTER – FALL FATALITY

In November of 2009, a 51-year-old framing carpenter was elevated 18 feet in a scaffold platform of a rough terrain fork truck. The truck operator was positioning the platform and backed into a mud hole. The fork truck tipped over and the worker was thrown off the platform and died from a head injury.

MIOSHA Violations to Part 12, *Scaffold & Scaffold Platform* (not inclusive):

■ Rule 1243(2) – Platform not secured to the forks by a mechanical device.

■ Rule 1243(9) – No fall protection being used while elevated in platform.

■ Rule 1243(12) – Fork truck and platform being re-positioned while elevated.

Enforcing the Hazard Communication Standard

By: James Kivell, GISHD Senior Safety Officer

On March 12, 2010, MIOSHA revised Agency Instruction MIOSHA-STD-04-R1 regarding the application of the **Hazard Communication Standard (HCS)**.

This revision contains significant changes to the enforcement of the standard and will be used to evaluate compliance with the HCS.

Major Changes

■ **Generic Material Safety Data Sheets (MSDSs)** – Employers may maintain a generic MSDS from any manufacturer when common hazardous chemicals are used. For example, different brands of 70% isopropyl alcohol could all be covered under a single MSDS.

■ **MSDS Availability** – During a medical emergency or first aid treatment related to chemical exposure, the employer must provide a hard copy of MSDSs to emergency responders or send it to the receiving hospital electronically or by fax.

■ **In Non-emergency Situations** – Employers may establish work rules governing when MSDSs may be reviewed so as to not unreasonably disrupt work processes. Once the employee is allowed to review the MSDSs, they must be provided within 15 minutes. The review must be provided within the work shift.



■ **Electronic Access to MSDSs** – The use of electronic means such as computers with printers, microfiche machines, the Internet, CD-ROMS, and fax machines are acceptable. If electronic means are used, the devices must be reliable and accessible on all shifts. Workers must be trained in the use of these devices, including the specific software. Also, there needs to be an adequate back-up system for MSDSs in the event of an emergency, such as a power outage.

■ **Fire Fighter Right to Know** – Employers are required to respond to surveys that are sent out by the local fire chief to identify firms using or producing hazardous chemicals. The surveys ask for a list of chemicals, their quantities, and their locations on-site. If the survey is not returned to the fire chief within a period of time, then MIOSHA may initiate enforcement activities.

■ **Employee Information and Training** – Although a written hazard communication training program and written training records are considered to be a best practice, the standard does not require an employer to have them in writing.

The full HCS instruction is available on our website at www.michigan.gov/mioshapolicies.

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Top GI Fatalities

By: Kay Salazar, GISHD Supervisor

One of the most tragic events in the workplace occurs when an employee is killed on the job. MIOSHA provides fatality information to encourage employers to take the necessary steps to protect their workers.

MIOSHA investigated 82 general industry fatalities from 2006 through 2009. There has been a slight downward trend in general industry fatalities, from 26 in 2006 to 14 fatalities in 2009, the lowest since records have been kept.

The number one cause of employee deaths during the last four years was crushing injuries, with a total of 26. For example:

■ In 2008 a 49-year-old employee was crushed by a coil of steel falling over.

A worker struck by an object was the next leading cause of employee deaths, with a total of 17. For example:

■ In 2007 a 47-year-old employee was struck by a tree branch.

There were 12 employee deaths from falls and nine from electrocutions. For example:

■ In 2006, a 56-year-old employee died when he fell from the top of a press.

■ In 2008, a 57-year-old employee died when he was changing a fuse on a transformer.

Being run over, caught in or being involved in an explosion resulted in 15 employees losing their lives. For example:

■ In 2007, a 47-year-old employee died when he was thrown from the fire apparatus and struck by another vehicle.

■ In 2009, a 29-year-old employee died when his shirt became entangled in a power-take off shaft on a feed wagon.

■ In 2008, a 28-year-old employee died when workers were repairing a gas pipe and an explosion occurred.

Everyone in a work environment must be responsible for safety. If you see someone doing an unsafe act, tell them or tell a supervisor, but tell someone. Your actions may save that person's life.

General Industry Standards Interpretations

When the weather is warm, is it acceptable to wear sandals and other summer footwear at work?

Yes, sandals and other summer footwear are acceptable. However, MIOSHA Safety Standard Part 33, *Personal Protective Equipment* requires employers to assess the workplace for hazards and potential hazards that necessitate the use of personal protective equipment. This includes hazards to the foot. If the employer determines hazards to the foot are present, or likely to be present, then personal protective equipment for the foot must be worn.

Part 33 also has specific requirements for foot protection:

■ Protective footwear must be worn in areas where an employee's feet are exposed to electrical hazards, where there is a danger of foot injuries due to falling or rolling objects, or a danger of objects piercing the sole of the shoe.

■ Where a hazard is created from a process, environment, chemical, or mechanical irritant which would cause an injury or impairment to the feet by absorption or physical contact, other than from impact, footwear, such as boots, overshoes, rubbers, wooden-soled shoes, or their equivalent, shall be used.

Therefore, when there are hazards to the foot, summer footwear is not adequate protection.

CASE SUMMARIES

MATCHER FEEDER – AMPUTATION

In August 2009, two employees were removing a piece of jammed wood from a large wood planer. One employee, believing the machine was powered down, began disengaging parts of the machine, including a guard, and reached into the machine to remove the piece of wood that was causing the jam. The machine began to function, and the spinning cutter amputated a part of the employee's hand and four fingers.

MIOSHA violation:

■ Part 85, *The Control of Hazardous Energy Sources*, Rule 1910.147(c)(4)(i) – Procedures were not developed, documented, and utilized for the control of potentially hazardous energy when employees were engaged in activities covered by Part 85.

STOCKMAN – AMPUTATION

In October 2009, employees were moving a large tool that was longer than the forks of the powered industrial truck being used. The load was not secured to the truck's forks so an employee was stabilizing the load using his hands. While the item was being lowered, it shifted and pinched the employee's hand between the load and the powered industrial truck. The employee sustained injuries including the partial amputation of two of his fingers.

MIOSHA violations to Part 21, *Powered Industrial Trucks*:

■ Rule 2193(e) – Forklift was used to transport and lift load in a manner that did not prevent it from moving or falling off the load engaging means.

■ Rule 2154(1) – Employees do not have permits to operate PITs throughout the facility.

Top General Industry Fatalities: 2006 – 2009

Category	2006	2007	2008	2009	Total
Crushed By	11	6	5	4	26
Struck By	5	4	4	4	17
Fall	4	1	5	2	12
Electrocuted	3	2	2	2	9
Caught In	1	2	1	1	5
Explosion	2	1	2	0	5
Run over	0	4	0	1	5
Other	0	0	3	0	3
Total	26	20	22	14	82

**Connie O'Neill, Director
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What is I2P2?

By Connie O'Neill, CET Division Director

When I first heard the acronym I2P2, I immediately thought it was a new technology, a name for a safety robot, or new online safety training tool. However, I2P2 actually stands for *Injury and Illness Prevention Programs (I2P2)*.

Proposed I2P2 Rule

OSHA recently announced its intent to develop an *Injury and Illness Prevention Programs* proposed rule. They obtained stakeholder input during three meetings held in June 2010. The proposed I2P2 rule would require employers to develop and implement a program that minimizes worker exposure to safety and health hazards.

Instead of waiting for an OSHA inspection or a workplace incident to address workplace hazards, employers would be required to create a plan for identifying and correcting hazards, and then implementing the plan. Workers would also participate in the development and implementation of such plans.

"We are asking employers to 'find and fix' the hazards in their workplaces," said Assistant Secretary of Labor for OSHA **Dr. David Michaels**. "This common sense rule will help make the secretary of labor's vision of 'Good Jobs for Everyone' a reality."

MIOSHA Voluntary Approaches

Since 1999, every *MIOSHA Five-year Strategic Plan* has included strategies to promote safety and health



Sherwin Williams in Holland, an MVPP company, has an effective safety and health system.

systems. Today, all MIOSHA field staff promote safety and health systems during 100 percent of their contacts and evaluate them during comprehensive inspections. This evaluation is a tool to help employers improve their work environment and protect their workers.

MIOSHA also offers a number of recognition programs such as the Michigan Voluntary Protection Program (MVPP), the Michigan Safety and Health Achievement Recognition Program (MSHARP), and other Consultation, Education & Training (CET) Awards that provide recognition to companies with outstanding safety and health systems.

In fact, in a review of MVPP companies' injury and illness rates in 2008, their rates were 69 percent below the industry average for similar types of companies. These companies believe the safety and health systems they've created have positively impacted the culture of their organization and their safety performance.

Continuing Efforts

What will it take to reach more employers about the benefits of implementing a systems approach? Perhaps the proposed I2P2 rule will help. It is hoped that discussion at the OSHA stakeholder meetings will show the advantages and disadvantages of a systemic process that proactively addresses workplace safety and health hazards through rulemaking. For more information about the proposed I2P2 rule, go to www.osha.gov.

Whether the rule moves forward or not, MIOSHA will continue to promote the benefits and encourage the implementation of a safety and health system. The MIOSHA CET Division is prepared to assist employers who do not know what to do to reduce their high injury rates through the *Michigan Challenge Program*. Contact the CET Division at 517.322.1132 or online at www.michigan.gov/cet.

MIOSHA News Quiz

Topic: Personal Protective Equipment

The quiz is written by MIOSHA safety and health professionals and topics cover a wide range of safety and health issues. The quiz is available at www.michigan.gov/mioshanewsquiz.

MIOSHA Awards

05/13/10—Clark Construction Company—CET Platinum Award. Clark Construction has gone more than 9 years and 2.5 million work hours without a lost-time accident and is the first construction company to receive the Platinum Award. Clark Construction



Company was founded in 1946 and is ranked as one of the top 400 Construction Management (CM) firms in the nation by Engineering News Record.

Employer Honor Roll

04/29/10—ESCO Company, LLC, Muskegon—CET Bronze Award

05/24/10—Northern Coatings, Menominee—SHARP Recertification

06/11/10—Associated Spring, Saline—CET Bronze Award

The press releases for all MIOSHA Awards are available on the MIOSHA News website at www.michigan.gov/mioshanews.

The CET Division recognizes the safety achievements of Michigan employers and employees through various awards, based on excellent safety and health performance. For more information, visit our website at www.michigan.gov/miosha or call the CET Division.

"Take a Stand Day" Success in 2010!

2010 marks the 35th anniversary of the modern MIOSHA program. Our sixth annual "Take a Stand Day" is part of MIOSHA's efforts to commemorate the importance of workplace safety and health during this anniversary year.

On **May 5th**, MIOSHA dedicated more than 125 professional staff to visit Michigan high-hazard industries targeted by the MIOSHA Strategic Plan. This year **190 companies participated** and here are some of their comments:

- It was a great forum for everyone and it was appreciated by us and also the owner of the project. (*DeMoria Building Company*)

- Not only did the MIOSHA representative inspect our facility, he educated us as well. (*M.D.A.H.S.*)

- MIOSHA does a nice job of pushing the education part of safety. (*Detroit Deisel*)

- The "Take a Stand" program was most helpful. We're glad we participated and appreciate the guidance. (*Falcon Corporation*)

- Provide more "Take a Stand" days, they would be a benefit for Michigan construction companies. (*O'Brien Construction Company*)

- The MIOSHA representative was very knowledgeable not only of the specific directives, but also just good common sense practices to reduce employee injuries. (*Pliant Plastics Corp.*)

If you missed "Take a Stand Day," NO Penalty and NO Citation consultations are available every day from the MIOSHA Consultation Education & Training (CET) Division.

2010 TASD Participants



Dufrene Machinery, Inc. Ithaca



EJC Construction, Detroit



Heart Truss & Engineering, Lansing



Terra Contracting, LLC, Kalamazoo

Web Update

By: Staci M. Smith,
Program Developer & Web Coordinator

MIOSHA is on Facebook

What's New? MIOSHA has created its own Facebook page! We have already accumulated more than 230 "Fans." You're probably asking, why would anyone want to become a fan of MIOSHA?

Well, there are plenty of good reasons, such as:

- Routine announcements of safety and health training courses all across the state;
- MIOSHA Training Institute (MTI) scholarship opportunities;
- New initiatives, alliances and partnerships;
- Safety and health video clips; and
- Other important information/events that are beneficial to Michigan employers and employees.

The goal of the MIOSHA Facebook page is to reach users who might not normally visit the Michigan.gov site, especially younger workers. It's important to teach young workers about workplace safety as soon as possible. Once you're a fan, we will keep you up to date on all of our MIOSHA activities across the state and bring you back to our MIOSHA website for more information.

If you haven't visited the MIOSHA Facebook page yet, you can expect to see the "Wall" or main page when you first visit. On the left side, you'll see our contact information, friends, photos, favorite pages, events, and videos. The "Wall" is where all the status updates will appear and this is also where fans can add comments to our updates or click "Like" to indicate they like what was posted.

Please join us on Facebook & click "Like" to add MIOSHA as one of your Favorite Pages.

A to Z Topic Index

Having trouble finding what you're looking for on the MIOSHA website? Everything on our website is now listed according to topic in the "A-Z Topic Index."

To get there, go to our homepage: www.mi.gov/miosha and click on the top link on the left side of the page in the green section titled, "A-Z Topic Index." From there, click on the first letter of the topic you are looking for.

That link will drop you down to the topic on the left side of the page. Then links to the standards, publications, fact sheets, interpretations, and more will be listed on the right side of the page for that particular topic.

www.michigan.gov/miosha

Variances

Variations from MIOSHA standards must be made available to the public in accordance with Part 12, Variations (R408.22201 to 408.22251). MIOSHA variations are published in the MIOSHA News website: www.michigan.gov/mioshavariances

**Dawn C. M. Jack, Director
Appeals Division
517.322.1297**

The MIOSHA Appeals Division oversees the settlement of cases where citation(s) have been issued.

**John Peck, Director
Management & Technical
Services Division
517.322.1851**

Standards Update

Status of Michigan Standards Promulgation

General Industry Safety Standards Commission

- GI Part 17, *Refuse Packer Units*, an advisory committee will be appointed to review language regarding gates on stationary barriers.
- GI Part 33, *Personal Protective Equipment*, revisions regarding disposable gloves were approved. A public hearing will be scheduled. An advisory committee will be appointed to address clarity, consistency, and to update consensus standards.
- GI Part 62, *Plastic Molding*, an advisory committee will be appointed to update this standard.
- GI Part 74, *Fire Fighting*, an advisory committee will be appointed to update this standard.

Construction Safety Standards Commission

- CS Part 1, *General Rules*, revisions regarding sanitation were approved. A public hearing will be held.
- CS Part 6, *Personal Protective Equipment*, an advisory committee was appointed to address clarity, consistency, and to update consensus standards.
- CS Part 10, *Lifting and Digging Equipment*, revisions for crane operator certification were approved. Public hearings were held on May 24 and 25. An advisory committee is reviewing rigger and signal person qualifications.
- CS Part 12, *Scaffolds and Scaffold Platforms*, revisions regarding guardrails and stair towers were approved. A public hearing will be held.

Occupational Health Standards Commission

- OH Part 301, *Air Contaminants in General Industry*, and OH Part 601, *Air Contaminants in Construction*, the commission is reviewing diisocyanates and hexavalent chromium, and an advisory committee is reviewing exposure limits that should be updated.
- OH Part 315, *Chromium (VI) in General Industry*, and OH Part 604, *Chromium (VI) in Construction*, these rules are being amended to make them "as effective as" federal OSHA.
- OH Part 316, *Diisocyanates*, comments from the September 30 public hearing are being reviewed.
- OH Part 433, *Personal Protective Equipment*, and OH Part 554, *Bloodborne Infectious Diseases*, see GI Part 33 above.
- OH Part 529, *Welding, Cutting, and Brazing*, an advisory committee will be appointed to review respiratory protection references.
- OH *Limiting Dry Cutting of Masonry Products*, the advisory committee is discussing the feasibility of a rule limiting silica exposure during dry cutting of masonry products.

Joint Standards

- *OH/GI Ergonomics in General Industry*, MIOSHA continues to work on the Regulatory Impact Statement (RIS) for the proposed standard.

Worker Fatalities

By: John Peck, MTSD Director

One key metric for measuring the success of a worker safety and health program is the number of workers who die from a fatal work injury. MIOSHA tracks the number of Michigan worker fatalities for which we have jurisdiction and investigate, as does OSHA on a national basis.

NIOSH tracks worker fatalities in some states through their Fatality Assessment and Control Evaluation (FACE) program. Michigan participates in the MIFACE program.

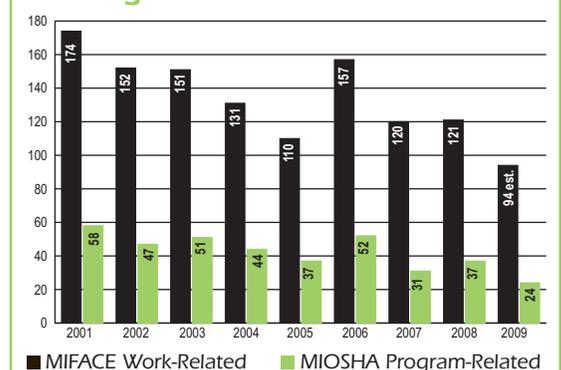
The graph indicates the MIOSHA program-related fatalities and the MIFACE work-related fatalities for the current decade. The graph demonstrates a general downward trend, with 2009 the lowest recorded year for both MIOSHA and MIFACE.

As you can see from the data, MIOSHA has jurisdiction and investigates about one third of the work-related fatalities. The types of fatalities which we do not investigate include mo-

tor vehicles accidents, homicides and suicides, and drug overdoses. For example, the top five means of work-related death in Michigan for 2009 were: 30 for transportation/motor vehicle, 26 for fall, 16 for struck by, 13 for homicide, and 12 machine-related. You can learn more about work-related fatalities at www.oem.msu.edu and click on MIFACE.

The primary goal of MIOSHA is to have every worker return home safely at the end of the work day.

Michigan Fatalities 2001-2009



MIOSHA Training Institute Tracks Success

In 2005 during MIOSHA's 30th Anniversary, Macomb Community College and MIOSHA established a formal alliance to develop the **MIOSHA Training Institute (MTI)**. Five years later, the MTI has become the state's premiere safety and health training program.

Doug Kalinowski, Director, MIOSHA Program, and **Michael Metz**, Director, Public Service Institute, Macomb Community College, presented *MTI Level One Certificates* to 38 graduates at the 2010 Michigan Safety Conference.

The MTI assessment-based certificate program offers participants an opportunity to be recognized for their educational efforts and increased technical expertise. Since 2008, the MTI has awarded the following *Level One Certificates*: 183 General Industry, 36 Construction and 15 Dual Track.

The MTI has seen tremendous growth, from 917 participants trained in April 2008, to more than 5,600 participants trained today. In FY 2009 the MTI offered 153 courses statewide at 28 cosponsors, including Macomb College, M-TEC facilities, community colleges, and safety and health organizations. To date, 205 MTI students have qualified for *Level One Certificates*.

MTI started offering advanced training in 2010.

The *Level Two Certificate* is offered in two areas. The *Level Two Safety and Health Management Systems Certificate* provides in-depth information on the management of safety and health systems. The *Level Two MIOSHA Compliance Certificate* provides technical training on MIOSHA standards, and offers *General Industry* or *Construction* tracks.

Graduate Testimonials

Laura Wright, Thomson-Shore Inc., Dexter
"I cannot say enough positive comments about my experience with the MTI. Not only did the training enhance my skills as a safety professional, it also gave me confidence to make educated decisions based on my 'now' complete understanding of the general industry standards. I will continue to enjoy MTI as I pursue



MTI graduates at the 2010 Michigan Safety Conference.

Level Two certification."

Lance Lamm, Safety and Compliance Supervisor, Lipari Foods, Inc., Warren

"MTI is an exemplary source of safety training and instruction. MIOSHA has taken the lead in continuing education and advanced safety training, creating a program that should be the blueprint for other states. The return on investment can't be measured. I recommend that any business in Michigan utilize this invaluable resource."



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The Mission of the MIOSHA Program is: To Help Assure the Safety and Health of Michigan Workers.

The MIOSHA News is a publication of the MIOSHA program. Its purpose is to educate Michigan employers and employees about workplace safety and health and we encourage reprinting.

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

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