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MIOSHA Recognition Programs Add Value

Across the state, 27 Michigan workplaces have received the MVPP Star Award, six have received the MVPP Rising Star Award, and 19 have received the Michigan SHARP Award – all for workplace safety and health excellence. (See sidebar.)

MVPP and MSHARP sites are the “Best of the Best,” and must have an effective safety and health management system and workplace injury and illness rates below the Michigan average for their industry.

“Nationally, VPP sites experience 60 to 80 percent less lost work day injuries than would be expected of an average site in their industry,” said MIOSHA Director **Doug Kalinowski**. “Not only do the MVPP and MSHARP programs significantly reduce injuries and illnesses – they also have a tremendous impact on the bottom line.”

Walbridge – MVPPC Star Site

On September 23rd, Walbridge became the first construction company to qualify for the MVPP for Construction Star Award. Walbridge was recognized for its outstanding safety program and practices at the Couzens Hall renovation project on the campus of the University of Michigan in Ann Arbor.

“This award recognizes a unique partnering effort between Walbridge, our subcontractors and trades, the University of Michigan and MIO-SHA,” said Walbridge Chairman and CEO **John Rakolta, Jr.** “Each of these participants was engaged and committed to the MVPPC process at



Walbridge is the first construction company to receive the MVPPC Star Award.

Couzens Hall. We’re truly honored to receive this award. But, we can’t rest on our laurels. Since we maintain that safety is our highest core value, it requires us to remain vigilant in keeping the focus squarely on safety.”

Walbridge is a privately held, top-50 construction company founded in Detroit in 1916. The company employs 600 professionals and offers construction management, design-build, engineering management, general contracting, pre-construction, program management and turnkey solution services.

Marathon Detroit Refinery – MVPP Star Site

On October 8th, Marathon Petroleum Company LP’s (MPC) Michigan Refining Division received the MVPP Star Award. The Detroit Refinery is Michigan’s only petroleum refinery and processes 106,000 barrels of crude oil per day. The facility employs more than 450 employees and contract employees, many of whom are represented by Teamsters Local 283.

“We are extremely proud to receive this distinguished level of safety recognition by MIOSHA,” said Michigan Refining Division Manager **Tracy Case**. “Our organization has been able to achieve a best-in-class level of safety performance through development of outstanding safety programs and processes, and through the personal commitment of our employees to safety.”

Marathon focuses on continually improving on-the-job safety, process safety, health programs, and facility and employee security through training, awareness, performance improvement and compliance programs.

Marathon is the fourth largest United States-based integrated oil company and the nation’s fifth largest crude oil refiner. It will invest approximately \$2.2 billion in a current expansion and upgrade project at the Detroit refinery which will add more than 400,000 gallons per day of clean transportation fuels.



Marathon’s Detroit Refinery and Holly Construction celebrate their MVPP status.

Holly Construction – MVPPC Rising Star Site

On October 8th, Holly Construction Company, a resident contractor at Marathon’s Detroit Refinery, received the MVPP for Construction Rising Star Award. Holly Construction has been a resident contractor at the Detroit Refinery for more than 30 years.

Holly construction services include new tank construction and process piping. Repair and maintenance services include industrial cleaning, aboveground storage tank repair/maintenance, and process piping.

“This award recognizes a special partnership between Holly Construction Company, the union trades, Marathon and MIOSHA,” said Holly Construction Company CEO **Larry Kramer**. “We are humbled to be an MVPPC company and will continue to focus on improving our health and safety performance and strive for excellence beyond MIOSHA standards.”

Holly Construction has more than 25 years experience and a strong focus on safety and quality. “Quality with Safety” is and has always been their first priority. Their goal is to be a world-class provider of quality construction, service and products to the markets they serve while maintaining a commitment to safety.

Holly Construction Company has served the petro/chemical industry with industrial construction, repair, and maintenance services since its founding in 1972. The company is headquartered in Belleville, Michigan.

MVPP Star Companies

Alcoa-Howmet Whitehall Operations
 Cascade Engineering Container Group
 Covanta Energy, Inc. Grand Rapids
 Detroit Edison Fermi 2 Plant
 Dow Corning Corporation - Auburn
 DTE Energy Milford Station
 Georgia Pacific Albion Packaging Div.
 Georgia-Pacific Beaver Creek Resin Plant
 Herman Miller Greenhouse Operations
 Herman Miller Main Site Operations
 Herman Miller Midwest Distribution Cen.
 Herman Miller Spring Lake 171st Plant
 Huntsman Polyurethanes
 IP Kalamazoo Container Plant
 IP Sturgis Converting & Distribution Cen.
 Johnson Technology Latimer Plant
 Johnson Technology Muskegon Plant
 Louisiana Pacific Newberry Plant
 Marathon Petroleum Detroit Refinery
 Monsanto Company Constantine Plant
 OXY Ludington Plant
 Palisades Nuclear Power Plant
 Pfizer Global Kalamazoo Operations
 Sherwin-Williams Holland Plant
 Verso Paper Quinnesec Mill
 Walbridge Couzens Hall Project
 West Michigan Air Care

MVPP Rising Star Companies

DTE River Rouge Power Plant
 DTE Washington 10 Station
 Holly Construction Company
 Michigan Packaging Company
 Potlatch Land & Lumber
 United Water Wixom Plant

Michigan SHARP Companies

Alco Tec Wire Corporation
 Aleris International Coldwater North
 Aleris International, Inc. Saginaw
 Arnold Center – Midland & Gladwin
 FIAMM Technologies Cadillac
 Flint Hills Resources
 Gestamp Mason, Inc.
 Liqui-Force Services (USA) Inc.
 Midwest Intl. Standard Products, Inc.,
 Northern Coatings & Chemical Co.
 Oetiker, Inc. - Marlette
 Olympic Steel Company - Detroit
 Quality Aluminum Products - Hastings
 SFK Pulp & Recycling U.S. Inc.
 Steel Industries Inc. - Five Plants



Working to Create Michigan's Future Today



Doug Kalinowski, CIH
Director

The Challenge of Change

To say that MIOSHA is undergoing change would be an understatement! Within a short, three-month window more than 30 valued MIOSHA staff people have retired. We are welcoming a new administration in state government. And, we continue to experience economic challenges as individuals, organizations and a country.

When discussing the impact of change on a corporation or organization, **Tom Peters** said, "Excellent

"Excellent firms don't believe in excellence – only in constant improvement and constant change." Tom Peters

firms don't believe in excellence – only in constant improvement and constant change."

The good news is that MIOSHA has become skilled in addressing changes around us. We have built the ability to recognize and respond quickly into our operating framework. MIOSHA encourages staff to take initiative to make services more effective and to "step up" when needed. This has served us well.

Positive Changes at MIOSHA

Over the past several years, the MIOSHA program has initiated many successful changes.

Restructuring: In 2003, MIOSHA restructured to unify programs, improve efficiency and improve service. Four compliance divisions were collapsed to combine safety and health disciplines resulting in better communication and increased consistency.

Strategic Plan: MIOSHA adopted a strategic plan approach to direct program resources and measure results. Strategic plan goals apply directly to our mission of reducing work-related injuries, illnesses and fatalities. By focusing on specific goals our impact has been greater and more effective in keeping people safe and healthy.

MIOSHA Training Institute: We created a MIOSHA Training Institute (MTI) in 2007. Since then, more than 6,000 participants have attend-

ed MTI classes.

Customer Service: We ask everyone we interact with, "How are we doing?," by distributing comment cards to customers on enforcement and consultation visits. Thousands of comment cards are handed out to employers and we receive very positive feedback.

Partnerships: We have fostered partnerships and alliances that work cooperatively with employers to address workplace safety issues.

Website: We have expanded our website and enhanced information sharing capabilities.

State Plan Program Adds Value

MIOSHA is a comprehensive state-run program, with both strong voluntary compliance and enforcement components. We encounter challenging issues at times and use strong enforcement when needed to get an employer's attention. However, we strongly believe that it is

collaboration that brings long-lasting improvements.

The MIOSHA staff who retired represent 15 percent of our staffing. Their combined contributions represent more than 925 years of knowledge and experience. Obviously, we are changed by their departure.

As a State Plan Program, MIOSHA will continue to offer:

- Fair and consistent enforcement approaches covering public and private sectors;
- Significant stakeholder input in our strategic plan, policies and rules;
- Ready access to MIOSHA managers to resolve issues;
- Flexibility to address emerging issues in a timely manner;
- Innovative ways to share information such as "Take a Stand Day," and the "Safety Pays" Campaign;
- Proactive Michigan Voluntary Protection Program (MVPP);
- Recognition programs that salute employers and their workers for their successful safety efforts;
- Extensive voluntary safety and outreach services;
- Collaborative grants of more than \$1,000,000 annually to non-profit organizations.

Through all of this, know that MIOSHA will continue to focus on our mission of reducing injuries, illnesses and fatalities, while pursuing continuous improvement.

Customer Focus is Continuous

When an organization challenges itself to never be satisfied with the status quo, to never be done, or shy away from a good idea because it sounds like a lot of work, great things happen!

I am proud to say this is exactly what has happened through the "Connecting MIOSHA to Industry" initiative.

The Connecting initiative resulted from recognizing that the world had changed and MIOSHA needed to change too. The goal was to merge traditional program responsibilities with progressive outreach measures. The focus was to continue to reduce injuries, illnesses, and fatalities; to promote safer workplaces; and to strengthen public confidence.

This initiative has called on every MIOSHA employee to emphasize collaboration and information sharing. It has called on the agency to:

- Consider the needs of employers and employees.
- Streamline agency processes.
- Listen and respond to concerns.
- Seek opportunities to provide useful information.

Since announcing the Connecting initiative in 2007, MIOSHA has implemented the changes below in how we do business and share information.

Transparency & Information Sharing

Transparency and access to information has been improved by sending letters to general industry employers advising that their location has been selected for a scheduled inspection and offering voluntary consultation services; and posting agency policy on the MIOSHA website.

An "Ask MIOSHA" feature was added to the website so customers can request written feedback to questions on rules, requirements, or safe work practices. The responses are posted on our website.

MIOSHA is making greater use of several email Listservs to proactively alert customers to new information, rule changes, and other important notifications.

Website Expanded

The MIOSHA website has expanded from basic information to



MIOSHA provides extensive consultation outreach services.



Martha Yoder
Deputy Director

an extensive information source. All MIOSHA standards and publications are available for downloading free. Standards interpretations, single subject fact sheets, variances, MIOSHA News quizzes, forms, and much more are available 24/7.

Inspection Deferrals

MIOSHA recognizes employers who wish to work proactively to identify and address potential hazards. Deferrals for employers using the voluntary services of the Consultation Education and Training (CET) Division have been expanded for those requesting a full service visit from CET.

Valuable Training

Credible, relevant, and practical training was the goal of MIOSHA in creating the MIOSHA Training Institute (MTI). MIOSHA teamed with Macomb Community College and a network of cosponsors to develop a training curriculum designed specifically for those responsible for workplace safety and health. The MTI's growth and expansion has surpassed everyone's expectations.

Responding to the Business Climate

MIOSHA is attuned to the world around us and responds in ways that are productive and beneficial. As Michigan's economic struggles became more pronounced, MIOSHA responded with new strategies.

Employers may now receive additional penalty reductions for prompt abatement. A scholarship program was established to assist with tuition to attend MTI programs. In addition, employers have the opportunity to hold a prehearing conference closer to their location, and have access to penalty payment plans, when needed, with no fees or interest.

This review of actions taken by MIOSHA is not a final list – it never will be! Our vision calls on us to operate a firm and fair enforcement program; offer credible consultation services; and rely on relevant, fact-based rules. To do this requires continuous improvement and action. As we begin a new year, know that MIOSHA's commitment to respond in a positive way to customer feedback and input will continue.

\$1 Million for MIOSHA Worker Protection Grants

On November 18, 2010, MIOSHA awarded **22 Consultation Education and Training (CET) Grants** for Fiscal Year 2011 totaling \$1.05 million to promote worker safety and health across the state.

The Consultation Education and Training (CET) Division provides outreach services to employers in a variety of formats. The MIOSHA CET Grant program provides additional options for safety and health education and training to employers and employees.

Most of the grants focus on the performance goals identified in the new FY 2009 – 2013 MIOSHA Strategic Plan, with an emphasis on hazard recognition and prevention for high-hazard industries.

The 22 statewide projects include a wide range of training activities and proficiency levels, and many offer interactive computer-based training modules.

The FY 2011 CET Grants continue MIOSHA's commitment to greater training of safety practices and fewer workplace injuries, illnesses, and fatalities. Information is available on our website at www.michigan.gov/mioshagrants.

FY 2011 CET Grant Projects

Construction Training

Associated General Contractors of Michigan will provide short onsite training to construction contractors statewide, and advanced day-long training on a single topic. Training will cover changes in MIOSHA rules. Contact: Pete Anderson at 571.371.1550 or panderson@agcmichigan.org.

Construction Association of Michigan (CAM) will focus their construction jobsite training on the four causes of injury in the construction trades that result in over 88 percent of all injuries. It will emphasize the importance of a safety and health system. Contact: Joe Forgue at 248.972.1141 or Forgue@cam-online.com.

Michigan Construction Trades Safety Council will continue to produce a "MIOSHA Walkthrough for Construction" CD-ROM. It will be a high-end, interactive training tool that makes safety and health training interesting and memorable. Contact: Susan Carter at 517.394.4614 or carter@safetycouncil.org.

Michigan Infrastructure and Transportation Association (MITA) will develop specialized company training sessions and statewide conferences to reduce injuries in the heavy construction industry through the Occupational Hazard Reduction (OHR) Program. Contact: Patrick Brown at 517.347.8336 or patrickbrown@mi-ita.com.

General Industry Training

Michigan State AFL-CIO will provide training to new employees and incumbent workers affected by new technology and new work processes, equipment or operations. Where generic training

does not meet employer needs, staff will customize training. Contact: Derrick Quinney at 517.372.0784 or dquinney@miaflcio.org.

Michigan State University School of Criminal Justice will offer 24-hour machine rescue operation training courses in hands-on workshops for fire-fighters who perform machine rescues and fire officers managing the rescue scene. Contact: Scott Tobey at 517.355.3363 or tobey@msu.edu.

Retail, Wholesale, and Department Store Union (RWDSU) will provide health and safety injury prevention training in food processing facilities through safety and health committees. They will focus on training sessions in specific high-hazard areas. Contact: Fred Jimenez at 616.304.4861.

United Auto Workers (UAW) will provide workplace safety and health training to industries with fabricated metal products, warehousing and storage, machinery manufacturing, hospitals, and plastics and rubber manufacturing. Contact: Steve Shepard at 313.962.5563 or stshepard@uaw.net.

Construction and General Industry Training

Alpena Community College will deliver training in the high-hazard industries of nursing and residential care facilities, construction, machinery manufacturing, transportation manufacturing, utilities; and wood products manufacturing. Contact: Jim Makowske at 989.358.7301 or makowskj@alpenacc.edu.

Eastern Michigan University Organization for Risk Reduction will offer asbestos and lead awareness courses to prevent inadvertent exposure of employees to lead and airborne asbestos fibers, and will cover MIOSHA Occupational Health Standards. Contact: Arlene Cook at 734.487.6991 or acook@emich.edu.

Macomb Community College will provide outreach material to all statewide cosponsors of the MIOSHA Training Institute (MTI). The MTI delivers affordable, consistent seminars based on the most up-to-date industry standards in a hands-on, interactive environment. Contact: Yvonne Morosky-Grant at 586.498.4106 or mti@macomb.edu.

Safety Council for Southeast Michigan will provide safe driver training to the many businesses that don't currently take advantage of the National Safety Council or other safe driver training courses. Contact: Jack Mihalko at 248.858.8830 or jack.mihalko@safetycouncilsemi.org.

Ergonomics

Michigan Association of Chiropractors will provide back and ergonomic safety training to workers in the nursing home, manufacturing, warehouse and storage, wholesalers of non-durable goods, and landscaping industries through its WorkSafe program. Contact: Joe Ross or Kathy Schaefer at 517.333.3133 or MACWorkSafe@Yahoo.com.

University of Michigan Center for Ergonomics has developed and will deliver on-site customized ergonomics seminars, ergonomics job analysis, follow-up activities to document workplace changes, to small and medium-sized companies. Contact: Sheryl Ulin at 734.763.0133 or Sheryl.Ulin@umich.edu.

Healthcare Industries

Cassie Stern Healthcare Worker Education and Training Center/SEIU will bring critically needed health and safety instruction to a statewide home-



The Michigan Farm Bureau provides on site and classroom training.

based workforce of independent providers. Contact: Anita Caref at 313.263.0419 or anita.caref@seihealthcaremi.org.

Lansing Area Safety Council will provide safety and health training to employees in long-term care facilities. Some topics include: Aggressive Behavior; Bloodborne Pathogens; Disaster Preparedness; and Safe Lifting and Transfer of Patients. Contact: Susan Carter at 517.394.4614 or carter@safetycouncil.org.

Crisis Management

Center for Workplace Violence Prevention, Inc. will develop training and instructional videos in Emergency Management and Workplace Violence plus host an Online Resource Center, and develop manuals on violence prevention and crisis recovery programs. Contact: Ken Wolf or Marilyn Knight at 248.347.3300 or KWolfPhD@aol.com.

Young and Emerging Workers

MARO Employment and Training Association will provide training to staff of community rehabilitation organizations, Centers for Independent Living, and workers with disabilities and/or for workers with other barriers to community inclusion. Contact: Todd Culver at 517.484.5588 or tculver@maro.org.

Parents for Student Safety Employment Standards (PASSES) works with high schools to provide student training and web-based digital training. PASSES teaches teens, entry-level workers, and school personnel in a variety of hazardous industries. Contact: Donna Weaver at 313.910.6531 or passessedge@live.com

Agriculture, Trees, Wood and Wood Manufacturing Industries

Michigan Farm Bureau will provide on-site and classroom training that targets agricultural employers, managers, service providers and facility owners as part of their Emergency Preparedness Series and Facility Review. Contact: Craig Anderson at 517.323.7000, ext. 2311 or canderso@michfb.com.

Bay De Noc Community College will provide safety training and technical assistance to owners and employees in the forest products industry with an emphasis on sawmills and secondary wood manufacturing. Contact: Barbara Walden at 906.789.6902 or waldenb@baycollege.edu.

Michigan Green Industry Association (MGIA) will provide statewide training for employees and employers in the tree/landscape business and those performing tree care, such as golf course, municipality, and other grounds personnel. Contact: Karla J. Trosen at 248.646.4992 or karla@landscape.org.



CAM training covers the four leading causes of injury in the construction trades.

Patty Meyer, Acting Director
Construction Safety &
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Winter Construction Hazards

By: Paul Wrzesinski, CSHD Acting Safety Manager

Winter presents unique jobsite conditions in the construction industry. One day you can be in mud up to the top of your boots and the next day you're working in snow and ice. Temperatures can get well below zero degrees, with wind chills to 30 degrees below zero.

Part 1, *General Rules*, Rule 114 (2) requires that an employer:

- Instruct employees in recognizing and avoiding hazards;
- Inspect jobsites for potential hazards; and
- Plan how to control and/or eliminate these hazards.

If weather conditions create a hazard then they need to be addressed.

Addressing Winter Hazards

Temporary heat is commonly used to keep the building, mortar and poured concrete from freezing. A site-specific fire protection plan and Hazard Communication program should be reviewed and updated. Part 18, *Fire Protection and Prevention*, Rules 408.41841(1) through (5) cover the requirements for a fire protection and prevention program.

The requirements for storage, piping, hoses, safety devices, container, and equipment that uses Liquid Petroleum (L.P.) gas are covered in Part 18. More specifically, the requirements for temporary heating devices are covered in Rule 408.41875.

If using temporary heating devices and enclosures for curing concrete, Part 25, *Concrete Construction*, Rule 408.42535(1) and (2) refer you back to Part 18, but also have additional requirements when using tarpaulins for temporary enclosures.

Just navigating around the jobsite can be difficult during the winter. Part 21, *Guarding of Walking and Working Areas*, Rule 408.42159(1) requires that surfaces be maintained free of tripping or slipping hazards. Rule 408.42131(3) requires the portion of a roof where employees are working be kept free of ice, snow or slippery conditions.

As you can see there are many different standards that should be reviewed when gearing up for work in this winter wonderland.



Air Testing Equipment in Hazardous Work Environments

By: Jeff Silva, CSHD Senior Industrial Hygienist

Whether you're testing the atmosphere in an excavation, confined space, or any other enclosed work area where the atmosphere may be hazardous, such air testing must be conducted with equipment that is maintained, calibrated, and utilized in accordance with the manufacturer's instructions.

Too often our worksite inspections have revealed that although employees have received proper training concerning the recognition of potential atmospheric hazards that may be present in a confined work space, they have not received adequate training regarding the maintenance, calibration and safe use of the instrument(s) being utilized to test an atmosphere.

Without proper training and the knowledge necessary to effectively use such equipment, any data generated during air testing is questionable and should not be relied upon for safe entry purposes.

Critical Questions

Some of the critical questions that employers and employees need to ask themselves be-

fore utilizing an instrument to test an atmosphere in a confined space are:

1. Has the instrument been calibrated in accordance with the procedures and frequency dictated by the manufacturer?
2. Does the instrument require "bump testing" (i.e., testing the alarm sensitivity of an instrument using a known concentration of gas) prior to daily use?
3. How do I effectively test the work environment?
4. How do I remotely test without putting myself in danger?
5. In what order do I test for the various atmospheric gases/air contaminants?

If you have questions regarding entry procedures into excavations, confined spaces, or any other enclosed work environment posing a potential atmospheric hazard, please contact the Consultation Education & Training Division at 517.322.1809, the Construction Safety & Health Division at 517.322.1856, the General Industry Safety & Health Division at 517.322.1831, or visit our website at www.michigan.gov/miosha.

MIOSHA Signs Two New Partnerships with Barton Malow

On November 3, 2010, MIOSHA signed a partnership agreement with Barton Malow Company on the Stoney Corners Wind Farm project in McBain. The owner of the project, Heritage Sustainable Energy, is a leading Michigan-based wind power company. Since starting the project in 2007, there have been no lost time injuries. The project will continue for approximately one more year. The Stoney Corners Wind Farm is the first wind project to be completed under the state's Renewable Portfolio Standard (RPS).

On December 3, 2010, a partnership was signed with Barton Malow Company in Ann Arbor. Barton Malow is currently constructing the C. S. Mott Children's Hospital and Von Voigtlander Women's Hospital Replacement Project at the University of Michigan. This hospital project has operating rooms, clinical and treatment rooms, medical offices and patient rooms. The project consists of an 855,000 sq. ft. inpatient facility (12 levels) and a 245,000 sq. ft. outpatient facility with medical offices (9 levels). The University of Michigan and the Michigan Building and Construction Trades Council are supporting partners.

Partnerships are a key component of the MIOSHA strategic plan where we work collaboratively with employers and employees to reduce injuries and illnesses. For more information about current and completed partnerships, go to www.michigan.gov/alliance.



Barton Malow Stoney Corners Wind Farm.

LABORER – FALL FATALITY

In September 2010, a laborer was performing demolition activity while on an extension ladder. He was using a cutting torch and severed steel structural supports, which caused the roof section to collapse. He was thrown backwards and landed on material and tools on the floor. The employee initially survived, but died on the way to the hospital.

MIOSHA violations:

- Part 1, *General Rules*, Rule 408.40114-1 – No training or instruction regarding demolition hazards.

- Part 1, *General Rules*, Rule 408.40132-3 – No one at jobsite trained in first aid.

- Part 20, *Demolition*, Rule 408.42031-1 – Engineering survey did not consider condition of adjoining walls and roof section, and necessary shoring and supports.

CASE SUMMARIES

WELDER/FABRICATOR – ELECTROCUTION

In July 2010, an employee was electrocuted while working on a floating dock. He was using a portable, gasoline powered arc welder to secure metal guardrails to the lower dock sections. Co-workers observed him slumped over the railing. Co-workers and EMS were unable to revive the victim.

MIOSHA violations:

- Part 1, *General Rules*, Rule 408.40114-2 (b) – No instructions regarding welding hazards.

- Part 6, *Personal Protective Equipment*, Rule 408.40617-1 – Gloves used by employee had holes in palms and fingers.

- Part 7 – *Welding and Cutting*, Rule 408.744-11 – Electrode holder was not fully insulated against maximum voltage to ground.

Bharat Forge Fined \$137,750 for Failure to Protect Workers

In October 2010, Bharat Forge America, Inc. of Lansing received 42 citations alleging they failed to adequately protect employees from serious safety and health hazards, with proposed penalties totaling \$137,750.

MIOSHA Inspection

MIOSHA compliance inspections target establishments with high injury/illness rates. The intent is to identify hazardous conditions so they can be corrected before injuries and illnesses occur.

Bharat Forge America is part of Bharat Forge Limited, India, a full service supplier of forged engine and chassis components and non-automotive components and systems. They purchased the facility in 2005 from Federal Forge and retained many management personnel.

Between 1990 and 2002, MIOSHA conducted 10 inspections at Federal Forge. Management is well aware of the MIOSHA standards regulating their industry. From June through October 2010 MIOSHA conducted a comprehensive inspection at Bharat Forge. The inspection identified 19 Serious, four Willful, and 19 Other- than-Serious violations.

Summary of Violations

The four Willful violations were related to the *Permit Required Confined Spaces* standard:

- An inadequate written program did not explain how to and when to use ventilation.
- Confined space gas monitor did not work.

- Inadequate training provided on entry procedures, gas monitoring, ventilation techniques, attendant duties and rescue.

- Inadequate rescue procedures that rely on 911 and local fire department, and there was no contract with any fire department.

The inspection identified 19 Serious hazards throughout the facility. Some of these included:

- No guards or inadequate guards on a wide range of equipment and operations.
- Allowed employees to stand and perform work duties approximately 12 feet above floor level on forging presses.
- Not locking out while performing die changing operations for forge presses, and a range of other operations.



This is the swab tunnel entrance to the permit-required confined space.

Health Standards Interpretations

Can Employees Decline Audiometric Testing?

When employees are exposed to noise at or above an eight-hour, time-weighted average (TWA) or 85 decibels, the employer must establish and maintain an effective hearing conservation program. Audiometric testing is a key element of an effective hearing conservation program. The following has been MIOSHA's policy regarding the interpretation of Rules 12 and 13 of Part 380, *Occupational Noise Exposure*: Employers are in compliance with Rule 12 if they "make available" the audiometric testing.

Employees can refuse the free audiometric testing, but only after they have received the training required by Rule 23(3)(a-c) which should provide employees with enough information to make a well-informed decision. It is necessary for an employer to document any employee refusal to undergo the audiometric testing, although the standard does not specify/define a particular declination form.

It is MIOSHA's position that employees who refuse audiometric testing cannot be allowed to continue working in areas where their noise exposures will equal or exceed the action level for a period longer than six months. The employer would then be in violation of Rule 13(1), which requires an employer to obtain a valid baseline audiogram. We also suggest that employers consult with their legal advisor concerning whether they can make participation in the audiometric testing program a "condition of employment."

CASE SUMMARIES

CABINET MAKER – FATALITY

In May 2010, an employee was in front of a lifted load of loosely stacked wooden planks. The planks tipped and fell from the raised forks of the truck and crushed the employee.

MIOSHA violations of Part 21, *Powered Industrial Trucks (PIT)*:

- Rule 2154(1) – No training, testing, or permits issued to employees who operate the PITs.
- Rule 2174(1) – Ensure that when leaving a PIT unattended, an operator shall fully lower the forks flat to the floor, neutralize the controls, set the brakes and shut the power off.
- Rule 2193(d) – Loads that were not within the rated capacity of the PIT were lifted or transported.

FARM LABORERS – DOUBLE FATALITY

In July 2010, two young dairy farm laborers were instructed to clean two 3,000-gallon polyethylene tanks with a power washer. The tanks contained about six inches of a liquid dairy cattle feed supplement residue. They were instructed to clean them from the outside. Later in the day they were discovered face down inside the first tank. Rescue services responded, but both employees had died.

MIOSHA violations:

- Act 154, Section 11(a) – Employees were exposed to confined space hazards while cleaning liquid feed tanks.
- Part 430, *Hazard Communication*, Rule 1910.1200(e)(1) – No written program and no, or inadequate, employee training provided.

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High Hazard Industry Focus

By: Charles E. Picardy, CIH, Health Supervisor

Employers in NAICS 321, **Wood Product Manufacturing**, should be aware that they are one of the 13 high-hazard industries that the General Industry Safety and Health Division (GISHD) has targeted for enforcement during 2009 - 2013.

The nonfatal injury and illness incidence rate among private industry employers in NAICS 321 in 2008 was among the highest in the nation (9.0 cases per 100 workers). The goal is to reduce the injury and illness rate in this industry 20 percent by 2013.

Industries in the wood product manufacturing subsector manufacture wood products, such as lumber, plywood, veneers, wood containers, wood flooring, wood trusses, manufactured homes (i.e., mobile home), and prefabricated wood buildings.

Sawmills

One of the subsectors under this NAICS code is sawmills. This industry group is comprised of establishments whose primary production process begins with logs or bolts that are transformed into boards, dimension lumber, beams, timbers, poles, ties, shingles, shakes, and wood chips.

Working in a sawmill is one of the most dangerous occupations in the United States. Massive weights and falling, rolling, or sliding logs can be very dangerous. Sawmill equipment also can be hazardous, particularly when workers use machines improperly or without proper safeguards. Lacerations, severed fingers, blindness, and hearing loss are some of the injuries and illnesses that may occur.

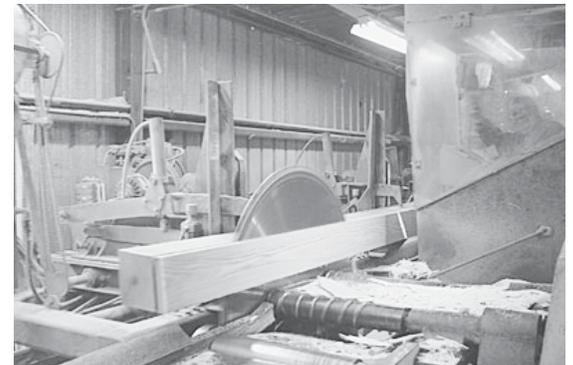
A few of the more serious hazards at a sawmill include:

- Noise (Part 380),
- Personal Protective Equipment (Parts 33 & 433),
- Machine Guarding (Part 52),
- Lock Out/Tag Out (Part 85),
- First Aid (Part 472).

Other areas of interest may include: hazard communication, air contaminants, respiratory protection, powered industrial trucks, and electrical/fire safety.

Standards/guidelines/handouts related to these hazards can be reviewed on the MIOSHA website at www.michigan.gov/miosha.

Employers are encouraged to call MIOSHA's CET Division at 517.322.1809 for free compliance assistance.



The main sawyer is protected by a cab enclosure.

Connie O'Neill, Director
 Consultation Education &
 Training (CET) Division
 517.322.1809

Best Practices: Holly Construction

By: Doug Kimmel, MVPP Program Specialist

Holly Construction Company's (H.C.C.) resident contractor operation at the Marathon Petroleum Refinery in Detroit was approved for participation in MVPPC pilot on September 14, 2010.

H.C.C. employees routinely operate in heavy industrial construction environments where hazards are encountered that they are not likely to see outside of the workplace. These include:

- Heavy equipment with large blind spots,
- Distracting noises,
- Construction operations, and
- Pedestrian traffic wearing PPE in areas where space is small and visibility is poor.

The Smith System

During the MVPPC onsite review H.C.C.'s best practices were identified, one of which is their safe driving program. H.C.C. has implemented the Smith System with impressive results.

The Smith System is a set of precautionary driving techniques to help reduce the potential for vehicular accidents. Safe driving or accident avoidance programs are very important. According to the *National Highway and Traffic Safety Administration (NHTSA)* there were **37,261 traffic fatalities** in 2008.

Some of the benefits attributed to the implementation of the Smith System include:

- Reduction in risk of vehicular accidents,
- Lower fuel and maintenance costs, and
- Reduced anxiety and stress from driving.

The Five Keys

The Smith System utilizes a structured approach with a focus on human factors and driving behaviors. It's organized around a core of techniques and practices called "The Five Keys." When implemented properly, they can help drivers to increase vis-

ibility, focus, and hazard awareness.

The Five Keys include recommendations for safe following distances, lane positioning in traffic, and spacing when stopped. Both classroom and practical instruction is utilized to effectively promote comprehension of the five keys and re-enforce safe driving habits.

H.C.C. uses the Smith System to certify employees as operators of their vehicles. Classroom and on-road instruction are provided by an in-house instructor that has been certified through the Smith System train-the-trainer program. Instruction and evaluation are required by H.C.C. prior to the operation of a company vehicle and at least annually thereafter.

The classroom instruction is two hours of interactive learning that includes exercises to demonstrate knowledge of each of the five keys. The practical on-road portion covers three major phases: instructor demonstration, coached on-road practice, and an on-road practical.

During the on-road practical the student receives a documented evaluation that identifies strengths and areas of improvement. Areas of improvement are followed up during subsequent evaluations.

The safe driving techniques of the Smith System help H.C.C. control workplace hazards and also effects off-work driving habits. H.C.C.'s safe driving program is helping to instill a culture of safe driving both at work and away from work.



Holly Construction's Smith System classroom instruction.

MIOSHA News Quiz

Topic: The Inspection Process

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

09/30/10–AlcoTec Wire Corp., Traverse City – CET Platinum Award. AlcoTec Wire is a SHARP company and has worked more than 1,000,000 hours without a lost-time accident. AlcoTec Wire Corporation employs 125 workers and is the technological leader and the world's largest producer of aluminum welding wire.



10/15/10–Steel Industries Inc., Redford – Five SHARP Awards. Steel Industries is the first company to receive SHARP awards at five facilities (two new & three recertifications). With nearly a century of forging excellence, Steel Industries Inc., an Ameriforge Company, is a full service open die forging and seamless rolled ring manufacturer.



09/23/10 – Walbridge – MVPPC Star Award (see cover)

10/08/10 – Marathon Detroit Refinery – MVPP Star Award (see cover)

Employer Honor Roll

10/04/10–Faygo Beverages, Detroit–CET Bronze Award

10/08/10–Holly Construction, Detroit–MVPPC Rising Star Award

11/16/10–PSC Env. Services Div., Detroit–CET Gold 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.

Initiative to Stop Electrocutions

By: Connie O'Neill, CET Director

One of the most tragic events in the workplace occurs when an employee is killed or seriously injured on the job. This year in Michigan, we have had seven electrocutions. This is a significant increase over the last several years.

MIOSHA is implementing a new initiative to prevent electrocutions in both construction and general industry.

Electrocution Fatalities

Some of the recent electrocution fatalities occurred when an employee:

- Conducted maintenance on a telephone line.
- Broke into a wall with a crow bar.
- Performed repair on a water pump.
- Worked on a roof near an air conditioning unit.
- Worked on a raised conveyor.
- Picked up a downed electrical power line.

Preventing Electrocutions

Fatalities can be prevented with proper training, equipment, and following the MIOSHA standards that have been put into place to help employers assure a safe workplace.

MIOSHA urges proactive attention to safety and health in all workplaces to eliminate these needless deaths. As a business owner, the following proactive steps could save a life.

- Learn and comply with MIOSHA standards that apply to your work activities.
- Assure workers follow the safety rules.
- Understand the hazards of working with and around electricity.
- Conduct employee training.
- Provide appropriate personal protective equipment.
- Encourage workers to conduct pre-job task analysis to assess potential hazards and take precautions.
- Implement a safety and health system that engages workers.

Ask MIOSHA

Question: What are the confidentiality regulations for work drug testing? Does the employer receive all results of drug testing or just positive or negative results? Is there a procedure for disclosing prescription medications that may alter a drug test? What confidentiality must the testing lab maintain? Is prescription medication information revealed to the employer?

Answer: MIOSHA does not regulate the specifics of how employers conduct employment drug testing or determine fitness for work. MIOSHA does regulate how employee medical records are maintained.

MIOSHA Part 470, *Medical Records & Trade Secrets*, applies to "all employee exposure and medical records, and analyses thereof, made or maintained in any manner, including on an in-house, contractual, or fee-for-service basis." Part 470 defines an employee as "...a current employee, a former employee, or an employee who is being assigned or transferred to work where there will be exposure to toxic substances or harmful physical agents."

Employee medical records are only accessible to employees and designated representatives. Pre-employment drug testing results of employees may be covered by Part 470, and/or under Michigan Department of Community Health regulations and specific details must be kept confidential.

MIOSHA does not set regulations pertaining to what drugs are tested for in employment screenings. MIOSHA does not set criteria for prescription medication use in the workplace. These types of decisions should be made by a medical professional.

Employee disabilities and their ability to do work safely are also not covered by MIOSHA regulations. These issues are covered under the *Persons with Disabilities Civil Rights Act*, which is administered by the Michigan Department of Civil Rights.

Non-work related privacy and confidentiality of medical records is primarily regulated by the *Health Insurance Portability and Accountability Act of 1996 (HIPAA)* through the 2000 Standards for Privacy of Individually Identifiable Health Information ("Privacy Rule"). In Michigan, these laws are administered by the Michigan Department of Community Health.

Persons who feel they have been discriminated against based on the results of drug testing that revealed the use of legal prescription medications, may contact the Michigan Department of Civil Rights 800.482.3604.

www.michigan.gov/askmiosha

Variations

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
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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 was 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 was appointed to update this standard.

- GI Part 90, *Confined Space Entry*, the title of this standard will be changed to "Permit-Required Confined Spaces" to match OH Part 490.

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*, public hearings were held on May 24 and 25 regarding Crane Operator Certification. A report to JCAR is being prepared. The commission approved proposed rules for rigger and signal person qualifications. OSHA published their revised Cranes and Derricks in Construction standard on 08/09/10 with an effective date of 11/08/10. The commission will include related revisions in amendments to CS Part 10.

- CS Part 12, *Scaffolds and Scaffold Platforms*, revisions regarding guardrails and stair towers were approved. A public hearing will be held.

- CS Part 26, *Steel Erection*, R 408.42614 Structural Steel Assembly is being amended to make it "as effective as" federal OSHA Rule 1926.754. A note will be added regarding existing FHA regulations.

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. A second public hearing will be held.

- OH Part 316, *Diisocyanates*, a second public hearing will be held.

- 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*, these rules are being amended to make them "as effective as" federal OSHA Standards 29 CFR §1910.251 to 1910.255.

- OH Part 621, *Health Hazard Control for Specific Equipment and Operations*, the commission approved a proposed rule limiting employee exposures during dry cutting of silica-containing products.

Joint Standards

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

MIOSHA Standards Promulgation 2010

The MIOSHA Standards Section had a very busy year in 2010, with 28 different standards in some form of analysis, revision, and/or formal adoption.

The General Industry Safety Commission, the Construction Safety Commission and the Occupational Health Commission each held four meetings during the year, for a total of 12 commission meetings.

More than 200 business, employee and citizen-at-large representatives participated in 29 advisory committee meetings. Three public hearings were also held for standard promulgation purposes.

The following five amended standards were formally adopted during 2010:

- General Industry Safety Standard Part 69, *Compressed Gases: Acetylene, Hydrogen, Oxygen, and Nitrous Oxide*, with an effective date February 8, 2010.

- Construction Safety Standard Part 2, *Masonry Wall Bracing*, with an effective date of May 28, 2010.

- Occupational Health Standard Part 315, *Chromium (VI) in General Industry*, with an effective date of September 13, 2010.

- Occupational Health Standard Part 604, *Chromium (VI) in Construction*, with an effective date of September 13, 2010.

- Construction Safety Standard Part 16, *Power Transmission and Distribution*, with an effective date of November 24, 2010.

We appreciate the dedication and hard work of each commission and advisory committee member to help protect the safety and health of Michigan's workers.

Creating a Positive Safety Culture

By: Sheila Ide, CET Supervisor

Do you know the two most important issues in a vibrant and dynamic safety and health management system? No matter what other elements are used, it all comes down to **management commitment** and **employee involvement**. These two have the greatest impact on culture in an organization.

When managers create an atmosphere that integrates safety and health into the company culture, along with other bottom-line issues, good things happen. When employees feel they are a valued and necessary part of the system, high morale and productivity are the outcomes.

Course Development

In 2008, the CET Division evaluated the safety and health systems of companies participating in hazard surveys. The outcomes below were revealing:

- 32% did not have a fully written and implemented system in place.
- 40% did not fully implement "management commitment."
- 46% did not fully implement "employee involvement."

Based on MIOSHA's experience with award-winning companies, customer surveys and the CET evaluations, an MTI course was created titled "*Creating a Positive Safety Culture*," for the *Level Two Management Certificate*.

This MTI course is directed at upper management, plant managers, safety directors, safety representatives and others that have a direct role in shaping safety and health policy and implementation.

Course Objectives

1. Define Organizational Culture and its Effect on Performance: Every employee must understand and be motivated to live the goals and mission of the company every day, in every assignment. Examples explore why some companies are more successful than others and what they have in common.

2. Explore Factors that Impact Safety Culture: Illustrates why some companies are more successful by sharing their strategies and best practices. This segment relies primarily on companies identified as the "best of the best." Regardless of the strategies, similar patterns emerge that support strong management commitment and employee involvement.

3. Take Steps for Improving Safety Culture: Focuses on perceptions held by managers and employees that may be hindering system success. Perception surveys are explained and practiced. This segment provides tools participants can take back to the workplace and implement to analyze their culture.

The course will be offered three times this year, check the MTI calendar for details.



PSC Environmental Services Division of Detroit signs emphasize safety.

MTI website: www.michigan.gov/mti



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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.

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