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Protecting Workers in Tough Economic Times

Workplace Safety & Health can Help Your Business Survive in Tough Economic Times

MIOSHA launched an extensive awareness campaign on May 7th, "Protecting Workers in Tough Economic Times," to help employers protect their workers and their bottom line.

As part of this initiative, MIOSHA is offering penalty reductions to companies who are compliant at the end of a MIOSHA inspection, as well as other incentives to encourage companies to develop safety and health management systems that protect their workers.

"Businesses today are struggling to survive in the most precarious economic conditions we have seen in our lifetime," said MIOSHA Director **Doug Kalinowski**. "When facing the challenging times of today, now is not the time to cut corners. The costs of reacting to workplace injuries and illnesses far exceed the costs of preventing them from happening in the first place."

MIOSHA Incentives to Work Safe

The MIOSHA Program recognizes the difficulties that employers and employees are facing and will do all that we can to help address workplace safety and health issues. MIOSHA is offering the following significant changes to help employers comply with MIOSHA requirements:

■ **Penalty Reduction** – an additional 10 percent penalty reduction

may be applied for prompt abatement.

■ **Penalty Payment Plan** – an extended payment plan will allow employers the opportunity to pay the citation penalty in installments rather than one lump sum.

■ **Focused Inspections** – inspections in most targeted general industry workplaces will focus on the primary hazards of the industry, instead of the traditional "wall-to-wall" approach.

■ **OTS Violations Not Cited** – Other-than-Serious (OTS) violations relating to focused hazards will not be cited if the violation is abated in the presence of the inspector.

■ **Prehearing Options** – three alternative options to prehearings conducted in Lansing will be available.

■ **Inspection Deferrals** – employers working with the Consultation Education & Training (CET) Division may receive a deferral from a MIOSHA enforcement routine inspection.

■ **Good Faith Credits** – new "Good Faith Credits" for penalty reductions have been implemented.

■ **MTI Training Scholarships** – \$18,000 in safety and health training scholarships will be available for MIOSHA Training Institute (MTI) courses in FY 2010.

■ **Increase Publication Limits** – the CET Division will increase the limits on free copies of popular printed material, like permits, stickers, and posters.

■ **Access to Standards** – All MIOSHA standards are now searchable and downloadable from our website, and our new "A-Z Index" makes locating standards easier.

■ **Free Video Loan Library** – the CET Video Library is transitioning from VHS to DVDs and has 76 DVD titles on a wide range of safety and health topics available on a free-loan basis.

Employers have a legal obligation to provide a safe and healthy work environment for employees. MIOSHA is required to monitor the safety and health conditions in workplaces. Our inspection system focuses on Michigan workplaces with the highest injury and illness rates. We want to target worksites where we can do the most good. In addition, consultation activities are focused where the greatest potential for improvement exists.

Safety Adds Value to the Workplace

MIOSHA urges proactive attention to safety and health diligence in all workplaces. Fatal accidents can be prevented when employers develop and implement safety and health management systems. These systems include not only following MIOSHA rules, but emphasize the need for ongoing strong leadership support, employee involvement, worksite monitoring, and training.

Workplace safety just makes good business sense. The direct costs of workplace accidents were estimated at \$48.6 billion in 2006 (Liberty Mutual 2008 Workplace Safety Index). Liberty Mutual estimates that businesses pay an additional \$127 billion to \$212 billion of indirect costs, bringing the total financial impact of serious workplace incidents to between \$170 and \$255 billion annually.

"The MIOSHA program is dedicated to protecting the safety and health of Michigan's working men and women," said **Kalinowski**. "We are ready to partner with any Michigan employer or organization to increase safety and health awareness and encourage the use of all available resources, including MIOSHA outreach services, to provide a safe and healthy work environment."

Allocate Resources

The estimated direct U.S. workers' compensation costs for the most disabling workplace injuries and illnesses in 2006 were \$48.6 billion, according to Liberty Mutual*.

They also estimate businesses pay an additional \$127 billion to \$212 billion of indirect costs, bringing the total financial impact of serious workplace incidents to between \$170 and \$255 billion annually.

Companies can use their recordkeeping data to identify the leading causes of their most compensable injuries.

Companies can incorporate that information into their safety and health system to have the greatest prevention impact.

Disabling Injuries

The "most disabling work-related injuries and illnesses" consist of those causing an employee to lose six or more workdays.

Top Causes of Disabling Workplace Injuries*

1. Overexertion
2. Fall on the same level
3. Fall to lower level
4. Bodily reaction
5. Struck by object
6. Struck against object
7. Highway accident
8. Caught in/compressed by
9. Repetitive motion
10. Assaults/violent acts

*Liberty Mutual 2008 Workplace Safety Index



Phil Preston, EHS Manager, Gestamp US HardTech (Mason), with CET Safety Consultant Debra Gundry. "Our efforts to reach MSHARP status and to reduce our work-comp costs by 50 percent have been helped directly by CET Division staff," said Preston.



Working to Create Michigan's Future Today



Doug Kalinowski, CIH
Director

Connecting Safety to Business Success

As you saw in the cover article, we launched our *"Protecting Workers in Tough Economic Times"* awareness campaign in May. This extensive campaign will help employers understand the vital relationship between protecting their workers and protecting their bottom line.

Improving worker health and safety is a commitment to be shared by workers, employers and state and federal agencies. Investing in a sound workplace safety and health

"All three – safety, quality, and productivity – have all gone in the right direction," Jim O'Dea, Acument Global Technologies

program not only yields positive results for employers and workers – it also enhances our state's economic climate and status.

Overall, employers and employees have done a good job in reducing injuries and illnesses in the U.S. According to Liberty Mutual Insurance, the number of work-related injuries and illnesses in this country in the last seven years has decreased by 20 percent; yet the total costs, even accounting for inflation, have gone up four percent.

Obviously, the number one benefit of preventing injuries and illnesses is that **workers don't get hurt**. But the other issue is how much it affects an employer's bottom line. A growing number of employers have made the connection between protecting workers and their business success.

I've talked to many Michigan CEOs who have effectively addressed workplace injuries. As these CEOs monitor their overall operations, they see productivity increasing while injuries decreasing. As injuries stay at a very low level, productivity continues to climb and quality improves. These are key factors for the overall success of a business.

Real-Life Example

Acument Global Technologies, headquartered in Troy, is a world leader in mechanical fastening systems. With 8,500 employees in 17 countries, Acument provides fastening solutions to the aerospace, automotive, construction, electronics, industrial, and transportation industries.

The **Acument Gainey Drive** facility is a recent recipient of the Michigan Voluntary Protection Program (MVPP) Star Award and has gone nearly four years without a workers' compensation claim.

I asked **Jim O'Dea**, Director of Michigan Operations for Acument Global Technologies, about the impact of workplace safety on Gainey Drive's bottom line. "Absolutely, they go hand-in-hand," Jim said. "If you look at our data, both in our quality record to our customers, and reduction in scrap rates, it's significant."

Jim said when they started the MVPP journey six years ago, they

had about a five percent scrap rate in the plant – now it's less than one. Today they have less than one part per million defective rate shipped to the customer – which is a world class level.

"Productivity's gone hand-in-hand with our safety improvements. We've seen our pieces produced per minute steadily improving," said O'Dea. "All three – safety, quality, and productivity – have all gone in the right direction."

One of the examples of a best practice I saw when I visited their site was their detailed investigation of near misses. The company uses the results from these near miss investigations to prevent incidents from occurring in the future. Within 24 hours, they send an email to the rest of their facilities in North America to share the results of their investigation.

"Changing your culture starts from the top-down. You create a winning safety culture when you get your people involved, make the fixes, and sustain your efforts," O'Dea added. "The teamwork, cooperation and personal standards our employees live by daily are the key to creating remarkably consistent results."

Contacting MIOSHA is Risk Free

Recently I had the opportunity to visit a large manufacturing firm in Michigan that is doing very well – and expanding its operations significantly. This is so great to see!

While talking with the representative, it was clear the company is very committed to providing a safe and healthful work environment. When offering MIOSHA services, it was also clear that there was reluctance to contact MIOSHA for proactive assistance and advice.

Hesitation about contacting the MIOSHA program isn't unique to this facility and can certainly be understood when there is no knowledge of MIOSHA's programs, services, and our operating principles. One person told me it would be like inviting the "fox into the hen house."

This is one of MIOSHA's biggest challenges and opportunities – how to let employers, workers, organizations and others know that information, services, and help is available – and calling is risk free!

These difficult economic times call for making use of every means available that will improve your business success. So, if you are among those who have been reluctant to contact MIOSHA in the past, let me try to convince you to give us a try.

Protect People – Pay Yourself

Those who work with MIOSHA rate the value and usefulness of services very high in bringing workplace improvements that make a humanistic difference.

Humanistic benefits include improved morale, reduced turnover, reduced absenteeism, and the ultimate goal of people going home each day unharmed by the work they perform. It is a true win-win because these benefits also result in improved productivity, reduced scrap and a more engaged workforce.

You pay yourself when you keep workers safe. Bottom-line business benefits are incredible. Studies show that for every \$1 spent on workplace safety and health, there is a \$4-6 return. It is easy to see how this can happen when the cost of accidents is truly considered.



Martha Yoder
Deputy Director

The National Safety Council estimates that a worker injury with no lost time costs \$7,000 on average. A worker injury with time away from work averages \$28,000 and the death of a worker \$980,000. This includes direct and indirect costs, but excludes property damage. Keep your people safe and this money stays in the business!

If an accident happens, the strain on the balance sheet is significant because the company must sell additional product to make up the accident costs. For example, if an accident costs \$5,000 and the company operates with a 3 percent profit margin, then \$167,000 additional sales are needed to make up the accident costs. (See chart below.)

Get Information from the Source

MIOSHA consultation and enforcement staff have access to the same interpretations, training, and instructions. Both can provide guidance by phone or consultation staff can come to your workplace to discuss an issue or review conditions.

The *"Ask MIOSHA"* feature on the MIOSHA website can also be used to obtain written feedback. You don't have to provide your name or company to receive information!

MIOSHA implemented a policy to coordinate services so that employers who voluntarily work with the Consultation Education and Training (CET) Division are provided time to address the hazards identified without a routine inspection. Several deferral programs are available.

Meeting with MIOSHA can help build rapport and develop contacts. We encourage you to use MIOSHA services to keep your workers safe and improve your bottom line.

Sales Needed to Recover the Cost of an Accident

Accident Cost	Company Profit Margin			
	1%	2%	3%	4%
\$1,000	\$100,000	\$50,000	\$33,000	\$25,000
\$5,000	500,000	250,000	167,000	125,000
\$10,000	1,000,000	500,000	333,000	250,000
\$25,000	2,500,000	1,250,000	833,000	625,000
\$50,000	5,000,000	2,500,000	1,666,667	1,250,000
\$100,000	10,000,000	5,000,000	3,333,000	2,500,000

Governor's Green Today, Jobs Tomorrow Initiative

At the **Green Today, Jobs Tomorrow Conference** on May 11th, **Governor Jennifer M. Granholm** said Michigan's plan to diversify the state's economy by growing the renewable energy sector to create jobs is the right plan for Michigan.

The conference, sponsored by the Department of Energy, Labor & Economic Growth (DELEG), brought together a variety of stakeholders, including business, education and training, labor, environmental, and community and faith-based partners who are currently working on various facets of creating a green economy.

"By investing in our work force, manufacturing infrastructure, and natural resources, we can make Michigan the state that helps end our nation's dependence on foreign oil and create good-paying jobs in the process," **Granholm** said. "Michigan is uniquely positioned to diversify its economy and create jobs by growing the renewable energy sector."

Green Jobs Report

Governor Granholm cited the state's **Green Jobs Report**, which demonstrates the potential for green jobs in Michigan. The first ever survey of its kind found that:

- Michigan has 109,067 private sector green jobs;
- From 2005 to 2008, a sample of 358 green-related firms added more than 2,500 jobs to Michigan's economy, an employment expansion rate of 7.7 percent - compared to the total Michigan private sector average of negative 5.4 percent;
- Among the renewable energy production firms in that sample, the growth rate hit 30 percent;
- Green jobs pay well; thirteen of the top 15 sectors of green employment have weekly wages above the overall private sector weekly average;

Michigan defines green jobs as jobs directly involved in generating or supporting a firm's green-related products or services. The state's green economy is defined as being comprised of industries that provide products or services in five areas: agriculture and natural resource conservation, clean

transportation and fuels, increased energy efficiency, pollution prevention or environmental cleanup, and renewable energy production.

Covanta Kent Inc. of Grand Rapids Renewable Energy Success Story

MIOSHA will work with companies in the emerging green energy sector to help them put safety and health management systems in place that have the ability to maximize their business success.

The primary benefit of an effective safety and health management system is that workers go home healthy and whole every day. Other benefits include lower work-comp costs; and increased productivity, quality and morale.

Covanta Kent Inc. of Grand Rapids was awarded the prestigious Michigan Voluntary Protection Program (MVPP) Star Award on September 12th, 2008.

"Covanta Energy is an outstanding example of emerging renewable energy resources and we are honored to recognize Covanta Kent's safety achievements," said MIOSHA Director **Doug Kalinowski**. "Covanta Energy's dedication to safe, reliable and environmentally superior energy solutions will fuel America's economic revitalization."

Covanta Energy is committed to an injury-free work environment and believes the security of their people is vital to their overall success. Their facilities have been recognized numerous times by regulators, industry organizations and community groups for their outstanding safety, environmental and operational performance.

"Driven by our employees, the Covanta Kent facility has implemented on-site safety activities and procedures that have generated outstanding results. We are proud of their efforts and applaud their achievement," said **Seth Myones**, President of Covanta Americas.

Covanta Kent areas of excellence include:

- Annual objectives are aimed at furthering the primary goal of safety excellence;
- All employees have an annual performance

appraisal, including a safety component;

- JSAs (Job Safety Analyses) identify issues that are addressed by the safety system;
- Weekly tailgate meetings are held; and
- Written facility near-miss reports are distributed.

The Covanta Kent Energy-from-Waste Facility employs about 40 workers and processes 625 tons-per-day of municipal solid waste, generating up to 18 megawatts of clean, renewable electricity and/or 116,000 pounds of steam per hour. The facility is owned by Kent County, and operated and maintained by Covanta Energy. Waste is delivered to the facility from Grand Rapids and five surrounding cities: East Grand Rapids; Grandville; Kentwood; Walker; and Wyoming.

Covanta Energy is an internationally recognized owner and operator of large-scale Energy-from-Waste and renewable energy projects. A recipient of the Energy Innovator Award from the U.S. Department of Energy's Office of Energy Efficiency and Renewable Energy, Covanta's 38 Energy-from-Waste facilities provide communities with an environmentally sound solution to their solid waste disposal needs by using that municipal solid waste to generate clean, renewable energy.



Covanta Kent Energy-from-Waste Facility, Grand Rapids.

Michigan Court of Appeals Affirms MIOSHA Protections

On January 20, 2009, the Michigan Court of Appeals overturned a Jackson Circuit Court decision in an employee discrimination case, and upheld the original decision of the Administrative Law Judge **J. Andre Friedlis**. The court ruled that Leoni Township violated an employee's rights under the MIOASH Act. (Case No. 279143)

The Discrimination Case

Leoni Township employed Benjamin Brzezinski as a Department of Public Works (DPW) laborer. His job duties included maintaining house grinders and pumps, rebuilding pumps, maintaining equipment, and installing water lines and taps on sewer and water lines.

On the morning of November 3, 2005, Brzezinski refused to go into an unprotected trench to help install a water line because he didn't feel safe. In the afternoon Brzezinski discussed the situation and other issues with his supervisor. He was terminated that afternoon for insubordination. On December 13, 2005, Brzezinski filed a discrimination

complaint with MIOSHA.

The MIOSHA Employee Discrimination Section conducted an investigation of the complaint and determined the employee's rights were violated and that the termination was the result of raising safety concerns. Leoni Township was ordered to reinstate the complainant and pay him back pay.

The Township appealed the decision and a hearing was held before state of Michigan Administrative Law Judge (ALJ) Friedlis. The ALJ held a contested hearing (with witnesses) and affirmed the MIOSHA determination.

Leoni Township then sought review of the ALJ's decision in circuit court. The Jackson Circuit Court reversed the ALJ's decision, ruling that there was not competent, material and substantial evidence to support the decision. MIOSHA appealed the circuit court decision.

The Court of Appeals Review

An Assistant Attorney General argued on behalf of MIOSHA that the circuit court exceeded the

scope of its appellate review of the ALJ's decision and in so doing, acted as an initial trier of fact, substituted its judgment for that of the ALJ and ignored the ALJ's credibility determinations.

In ruling for the original ALJ decision, the Court of Appeals said, "In this case, the circuit court clearly erred by acting as a finder of fact, weighing evidence and substituting its credibility assessment for the credibility assessment of the ALJ. The circuit court's ruling exceeded the scope of review allowed for an agency's decision."

For these reasons, the Court of Appeals upheld the original decision of the administrative law judge that Leoni Township terminated Brzezinski's employment in violation of MIOSHA rules. The township did not appeal to the Michigan Supreme Court.

On April 13, 2009, Mr. Brzezinski returned to work and received a check for lost wages and for hearing costs (transcript cost and witness fees). He was reinstated with all seniority and benefits.

**Bob Pawlowski, CIH, CSP,
Director, Construction
Safety & Health Division
517.322.1856**

Marathon Oil Expansion: Connecting MIOSHA to Industry

By: Bob Pawlowski, CSHD Director

Marathon Oil Corporation is investing approximately \$2.2 billion in a current expansion and heavy oil upgrade construction project at the Detroit refinery, which will add more than 400,000 gallons per day of clean transportation fuels.

Marathon Oil and Fluor Constructors invited MIOSHA staff from the Construction Safety and Health Division (CSHD) and the Consultation, Education and Training (CET) Division to participate in a one-day training session on April 29th at the expansion site. The training included how Marathon interfaces with their construction contractors to make sure safety and health issues are a top priority.

On June 12th, the Marathon Detroit Refinery received the Michigan Voluntary Protection Program (MVPP) Rising Star Award for workplace safety and health excellence. It was inspiring to see the work and dedication Marathon and Fluor Constructors staff have put into creating a safety and health management system that works, and how it really pays off in terms of impressively low injury and illness rates, high employee morale and increased productivity.

Some other noteworthy practices both companies are implementing include:

- Longer term employees are expected to mentor newer employees with respect to safety and health as the workforce increases.
- Implementation of a hardhat sticker policy that identifies how long employees have been on the site.
- A walk-around of the construction site is included as part of the initial safety orientation.
- Enhanced efforts to find opportunity to share data and information on safety and health.
- A reward/incentive program for good safety and health practices, and
- A process that encourages employees to speak up on safety and health issues.

These are just a few good practices we noted that are part of their safety system. This was an excellent "Connecting" opportunity for MIOSHA CSHD and CET staff. Plans are in the works for a general industry Process Safety Management exercise.



Marathon Oil Detroit Refinery.

Road and Bridge Infrastructure Hazards

Repair Projects Pose Serious Lead and Silica Hazards to Workers

By: Bill DeLiefde, CSHD Health Manager

With federal stimulus money available for infrastructure projects, road and bridge maintenance/repair activities are expected to increase significantly the next two years. These types of projects pose serious potential health risks to the construction worker from exposures to lead and silica when improper work practices and procedures are utilized.

Lead-based paint was utilized on steel bridge structures because it's a good rust and corrosion inhibitor. Exposure to lead typically occurs during abrasive blasting to remove paint, during cutting torch/welding work on painted steel and during grinding or rivet busting activities.

Exposure to lead occurs by both inhalation and ingestion routes. These exposures can lead to acute (short term) and chronic (long term) health effects. These effects include insomnia, constipation, nausea, encephalopathy or damage to the central nervous system, anemia and kidney disease. It can also result in damage to the male and female reproductive systems.

Silica is a major component of sand, rock and

mineral ores. Work activities on road and bridge infrastructure projects that pose the greatest potential exposure hazards include abrasive blasting utilizing sand as the abrasive, concrete cutting and concrete jack hammering.

Excessive exposure to respirable silica dust can result in a disabling, nonreversible and sometimes fatal disease called silicosis. Exposure to silica is also associated with other diseases such as bronchitis and tuberculosis. It has also been associated with lung cancer in some studies.

To help address and regulate these serious potential health risks, MIOSHA and the Michigan Department of Transportation (MDOT) are collaborating on these projects. Specifically, MDOT provides MIOSHA information on the contractors awarded these projects, the scheduling of projects, and the MDOT engineer overseeing an individual project.

For further information, you can review the MIOSHA Construction Safety and Health Division Fact Sheets at www.michigan.gov/miosha.



Two New Construction Partnerships

Kammaing & Roodvoets – Muskegon County Wastewater Management System

On April 6th MIOSHA signed a formal partnership with Kammaing & Roodvoets on a major underground piping project at the Muskegon Wastewater Treatment Plant. The project requires installation of 5.3 miles of 16 inch to 60 inch diameter ductile iron pipe main. The project started in March 2009 and the projected completion date is July 2010. The contract price exceeds \$14.5 million.

The Christman Company – Accident Fund Headquarters

On May 14th MIOSHA signed a formal partnership with The Christman Company on the new headquarters for the Accident Fund. This project involves the redevelopment of the historic Lansing Ottawa Street Station power plant into a 10-story office building with 185,000 SF of office space and 34,000 SF of basement parking. The contract cost is approximately \$182 million.

Some project highlights include:

- Environmental remediation of the site.
- Development of the seven-acre site, including a "linear" park along Grand River.
- Removal of the parking deck structure over Grand Avenue.



Christman Partnership Signing.

Elevator Mechanic – Fall Fatality

In early August 2008, a 31-year-old elevator mechanic died when he fell down an elevator shaft. Upon arrival the employee climbed several flights of stairs to the floor where he assumed the elevator car was located. The employee used a special key, opened the door and stepped into the shaft. The elevator car was not located at that floor and the employee fell five stories down the shaft.

MIOSHA violations:

- Part 1, General Rules, Rule 114(1) Not coordinating company accident prevention program with employees.
- Part 1, General Rules, Rule 114(2) (c) Not inspecting work site to detect unsafe conditions.
- Part 6, Personal Protective Equipment, Rule 408.40622(1) Appropriate head protection not worn.

CASE SUMMARIES

Iron Worker – Fall Fatality

In late July 2008, a 41-year-old iron worker was killed when he fell from the top of a masonry wall. The worker was positioning a structural steel beam, which cantilevered out from the wall several feet when the beam pulled the anchors from the wall. The employee fell approximately 12 feet to the ground below and was struck in the head by the steel beam. The employee died approximately two weeks later without regaining consciousness.

MIOSHA violations:

- Part 6, Personal Protective Equipment, Rule 622(1) Appropriate head protection not worn.
- Part 26, Steel Erection, Rule 2614(1) Structural steel stability was not maintained during erection process.

Field Sanitation Facilities for Migrant Farm Workers

By: Elaine Clapp, GISHD Safety & Health Manager

Agriculture is the number two industry in Michigan. Many farmers hire migrant workers to assist in the production and maintenance of crops, especially during planting and harvesting seasons. About 40,000 farm workers and their families come to Michigan in the spring and stay until the harvest is over.

These workers perform very difficult hand labor operations and often work long hours in very hot weather. Every year farm workers nationwide experience serious heat-related illnesses when they are not provided with adequate supplies of drinking water.

MIOSHA Part 500, *Field Sanitation*, protects migrant farm workers and requires employers to provide adequate potable drinking water, as well as appropriate toilet and handwashing facilities while they are working in the field.



Field Sanitation Special Program

In April 2008, MIOSHA initiated a special program to ensure migrant farm workers are provided with potable drinking water, as well as toilet and hand washing facilities while they are working in farm fields. MIOSHA sent outreach letters to over 1,400 agricultural establishments informing them about these requirements.

During 2008, MIOSHA received 12 complaints concerning the lack of field sanitation facilities. Eight of these complaints resulted in inspections where employers were issued citations for not complying with drinking water, toilet and/or handwashing requirements.

In March 2009, MIOSHA mailed another letter to over 1,400 agricultural employers. This letter reminded them about MIOSHA Field Sanitation requirements and also informed them about the results of last year's inspections. MIOSHA will continue to assure that migrant farm workers are protected and provided adequate field sanitation facilities.

The General Industry Safety and Health Division (GISHD) investigates employee complaints alleging inadequate field sanitation supplies and facilities. Please contact the GISHD at 517.322.1831 if you have questions about these requirements. You may also go to the MIOSHA standards website at www.michigan.gov/mioshastandards for additional information.

Adrian Rocskay, Ph.D., CIH
Acting Director
General Industry Safety
& Health Division
517.322.1831

High-Hazard Industry Focus

By: Adrian Rocskay, GISHD Acting Director

Beverage and tobacco product manufacturing is one of the 13 high-hazard industries that the General Industry Safety and Health Division (GISHD) has targeted for enforcement during 2009-2013.

GISHD targeted this industry because of its high injury and illness rate. The goal is to reduce the rate in this industry by 20 percent by 2013. Sprains and strains account for most of the rate. The leading cause of these sprains and strains is overexertion.

The nonfatal injury and illness incidence rate among private industry employers in 2007 was 4.9 cases per 100 workers. The rate in Michigan for the beverage and tobacco product manufacturing sector was 9.3.

Focused Compliance Inspections

GISHD is conducting random inspections of establishments in beverage and tobacco product manufacturing. These inspections are typically focused. They cover a pre-set, limited number of hazards that are responsible for most of the injuries and illnesses.

In this industry, the focused hazards are:

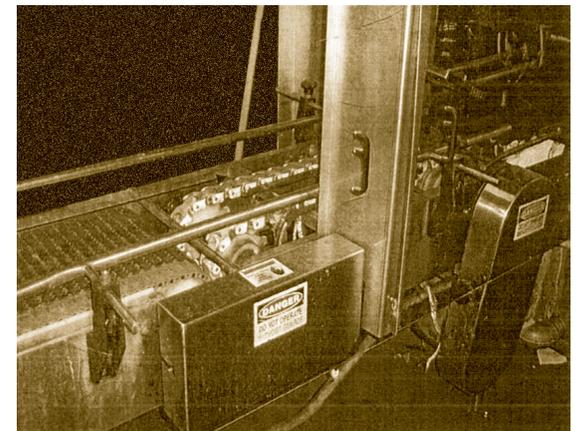
- Ergonomics,
- Noise,
- Machine Guarding,
- Lock Out/Tag Out,
- Powered Industrial Trucks.

Compliance officers have authority to look beyond the focused hazards. They can address any serious hazards found during the walk around, in the MIOSHA 300 logs, or through employee interviews. They can also expand to a full wall-to-wall inspection if the company has an ineffective safety and health management system.

Free Compliance Assistance

GISHD urges companies in beverage and tobacco product manufacturing to call MIOSHA's Consultation, Education and Training (CET) Division at 517.322.1809 for free compliance assistance.

CET consultants can visit your workplace to identify violations of MIOSHA regulations and help you implement a comprehensive safety and health management system – before GISHD arrives.



The chain and sprocket must be guarded to prevent access on the crate dispenser line in this beverage plant.

Safety Standards Interpretations

Does the opening in a sink for a garbage disposal have to be guarded?

It depends on the size of the sink opening. Garbage disposals do not need a guard other than the regular rubber insert if they have an opening of four (4) inches or less. All other garbage disposal openings are required to be guarded with a point of operation guard.

There are a variety of different guards that can be used to be in compliance with this requirement. Most garbage disposal manufacturers have guards available for the sink/disposal openings. Some guards are called "silver-savers" and actually prevent silverware or glasses from entering the sink/disposal opening, but will allow garbage to enter.

Part 1, *General Provisions*; Rule 408.10034(3) states, "A point of operation guard or device shall be as prescribed in a specific standard, or, in the absence of a specific standard, shall be designed and constructed, when required, to prevent the machine operator exposed to the hazard from having any part of his or her body in the hazardous area during the operating cycle."

To obtain copies of MIOSHA standards, visit our website at www.michigan.gov/mioshastandards.

CASE SUMMARIES

MECHANIC – STRUCK BY FATALITY

In February 2009, a mechanic was attempting to install an air shock bag on a vehicle. He was using a pry-bar to line up bracket holes so he could insert screws to secure the air shock to the mounting pad. The air shock inflated and slipped from the vehicle mounting pad, striking the mechanic in the head, resulting in lacerations. The mechanic was transported to a local hospital where he later died from the injury.

MIOSHA violation:

- Part 72, Automotive Service Operation; Rule 7211 (a) – The employer did not provide training to an employee as to the hazards, safe operations of the assigned job and applicable rules of the standard.

MAINTENANCE – CRUSHED BY FATALITY

In January 2009, maintenance employees were in the process of moving a large lathe with a powered industrial truck. The truck had a rated capacity of 2,700 pounds and the lathe weighed 3,200 pounds. The lathe slid off the truck forks and pinned the deceased between the wall and lathe resulting in fatal injuries.

MIOSHA violations to Part 21, Powered Industrial Truck:

- Rule 2172(1) – Operator failing to safeguard other employees at all times.
- Rule 2193(d) – Loads that were not within the rated capacity of the powered industrial truck.
- Rule 2193(e) – Forklift was used to transport and lift a load in a manner that did not prevent it from falling off the load engaging means.

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

Alliances...Collaboration Brings Results

By: Connie O'Neill, CET Division Director

Formal alliances are excellent collaborative efforts between MIOSHA and other organizations to work together to promote safety and health in the workplace. MIOSHA recently signed two new alliances, which brings our total to 18.

Our alliance partners help MIOSHA leverage resources and expertise to develop compliance assistance tools and share information with employers and employees to help prevent injuries, illnesses and fatalities in the workplace.

**American Society of Safety
Engineers (ASSE)
Greater Detroit, West Michigan, &
Lansing Chapters**

The ASSE Alliance was signed on April 7th at the Michigan Safety Conference. Signing were the three chapter presidents: **Joe Forgue**, Greater Detroit; **Brian Becker**, West Michigan; and **Craig Galecka**, Lansing.



"The ASSE has a proud history of protecting people, property and the environment," said MIOSHA Director **Doug Kalinowski**. "This alliance offers great opportunities to share best practices and help create safer and healthier workplaces throughout Michigan."

The key goals include:

- Improve communication and cooperation between Chapter members and MIOSHA.

- Sign up 15 Chapter-member firms to obtain direct service through consultation/hazard surveys from MIOSHA CET consultants.

- Increase awareness of MIOSHA and the outreach services the CET Division offers.

- Produce safer, better-trained Chapter members, and the employees of their respective companies.

The three ASSE Michigan Chapters have more than 700 occupational safety, health and environmental members who work day in and day out identifying hazards and implementing safety advances in all industries and at all workplaces.

**Precision Metalforming
Association (PMA)
East & West Michigan Districts**

The purpose of the PMA is to protect Michigan workers in the metalforming industry. Signing the alliance on June 16th were: **William E. Gaskin**, President; and Safety Committee Chairs **Richard Sbroglia**, East Michigan, and **Joe Hartings**, West Michigan.

"Safety is of utmost importance to the metalforming industry," said **Gaskin**. "We look forward to working closely with MIOSHA to provide Michigan metalformers with detailed information and easy access to training resources."

The key goals include:

- Develop training resources for the metalforming industry.

- Reduce and prevent exposure to ergonomic hazards and address press safety issues.

- Improve cooperation between District members and MIOSHA.

- Promote the MIOSHA Training Institute and MIOSHA cooperative programs to District members.

- Produce safer, better-trained District members.

With nearly 1,100 member companies, PMA is the full-service trade association representing the \$91-billion metalforming industry of North America - in industry that creates precision metal products using stamping, fabricating, spinning, slide forming and roll forming technologies.



**MIOSHA Awards
MVPP & SHARP Awards**

05/19/09—Michigan Packaging Company of Mason—SHARP Award. Michigan Packaging employs 114 workers and is a corrugated sheet feeder. The management team makes every effort to provide a safe and healthy work environment, especially allocating significant resources to support their safety and health system. They have gone nearly six years without a lost time accident!



06/14/08—Marathon Oil Detroit Refinery—MVPP Rising Star Award. The Detroit Refinery has 500 employees, many of whom are represented by Teamsters Local 283. The Detroit refinery, Michigan's only petroleum refinery, processes 102,000 barrels of crude oil per day. Marathon is the fourth largest United States-based integrated oil company and fifth largest crude oil refiner.



Employer Honor Roll

03/12/09—Country Fresh LLC Grand Rapids facility—CET Bronze Award

06/18/09—SMS Millcraft's Taylor facility—CET Silver Award

06/26/08—Tekna Solutions of Kalamazoo—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.

Take a Stand Day

Who: Employers are invited to "Take a Stand" for safety and health

When: Wednesday, August 26th

What: More than 125 MIOSHA compliance and consultation staff will visit Michigan worksites.

- These visits will follow the enforcement approach of focused inspections.
- There will be NO CITATIONS and NO PENALTIES for participating workplaces. Participants must agree to correct all serious conditions.

How: To schedule a visit call the CET Division, 517.322.1809

Deadline: Submit your request by August 12th



(Left) Sure Fit Metal Products, Livonia, participated in "Take a Stand Day" in 2007; (Right) Rockford Construction, Grand Rapids, participated in 2008.

MIOSHA News Quiz

Topic: Working Safely on Roadways

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.

Ask MIOSHA

Question: Is there a law that allows employees to leave their place of employment for the day, when the temperature inside that facility reaches a certain point?

Answer: MIOSHA does not have a regulation governing workplace temperatures. However, employers are required to furnish employees with a place of employment free from recognized hazards that are causing or likely to cause death or serious physical harm.

When the body is unable to cool itself by sweating; heat strain, heat exhaustion and more severe heat stress can occur. Factors that contribute to heat stress and strain include: high temperature and humidity; direct sun or heat; limited air movement; physical exertion; poor physical condition; some medicines; and inadequate tolerance for hot workplaces.

Warning signs of heat strain can range from visible sweating (beading on skin), dizziness, fainting, nausea, clumsiness and confusion.

Heat Stress Prevention

Some guidelines include:

- Know signs/symptoms; monitor yourself and coworkers.
- Block out direct sun or other heat sources.
- Use cooling fans; rest regularly.
- Drink lots of water; 1 cup every 15 minutes.
- Wear lightweight, loose-fitting clothes.
- Avoid alcohol, caffeine drinks, heavy meals.

Heat Stress Program

An effective program includes;

1. Reduce exposure through engineering and work practice controls.
2. Train employees on recognition, treatment, and prevention.
3. Conduct periodic environmental measurements to determine employee exposure.
4. Provide adequate work-rest regimens.
5. Provide an acclimatization procedure.

To conduct periodic environmental measurements (#3 above), an employer can use a Wet Bulb, Globe Temperature (WBGT) meter. This instrument measures air temperature, radiant heat, and humidity. These measurements can be used to assist an employer in developing an employee work-rest regimen (#4 above).

The American Conference of Governmental Industrial Hygienists (ACGIH) has developed a screening criteria table that uses WBGT measurements in a work-rest regimen table. For more information on the ACGIH, please visit www.acgih.org.

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/mioshavariations

**Ken Pung, Acting 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 74, *Fire Fighting*, an advisory committee was appointed to update this standard.

Construction Safety Standards Commission

- CS Part 1, *General Rules*, an advisory committee is reviewing Rules 128, 129, and 130 regarding sanitation.
- CS Part 2, *Masonry Wall Bracing*, amendments to this standard received informal approval by the Legislative Service Bureau and a public hearing has been scheduled. (See below.)
- CS Part 10, *Lifting and Digging Equipment*, an advisory committee is considering crane operator certification.
- CS Part 12, *Scaffolds and Scaffold Platforms*, an advisory committee is reviewing rules regarding rough terrain forklift truck scaffolds, portable ladders, electrical lines and stilts.
- CS Part 29, *Communication Towers*, this new standard became effective April 10. (See below.)

Occupational Health Standards Commission

- OH Part 301, *Air Contaminants in General Industry*, and OH Part 601, *Air Contaminants in Construction*, draft language has been prepared to add air contaminant limits for hexavalent chromium (Cr6+) and diisocyanates, to change air contaminant limits for ammonia and coal dust, and update standard. A Request for Rulemaking has been approved by the State Office of Administrative Hearings and Rules (SOAHR).
- OH Part 316, *Diisocyanates*, an advisory committee drafted a new standard. A Request for Rulemaking has been approved by SOAHR.
- Latex Advisory Committee, the Occupational Health Standards Commission accepted proposed revisions to OH Part 554, *Bloodborne Infections Diseases*, and OH Part 433, *Personal Protective Equipment*. Details will be published in the Michigan Register and public hearings will be scheduled.

Proposed Ergonomics Standard Update

DELEG posted an "Invitation to Bid" for a third party to prepare portions of the Regulatory Impact Statement (RIS) for the proposed ergonomics standard. In May the Administrative Board approved a contract to Ruth Ruttenberg and Associates (RRA) to prepare the information. (RRA was the only company to bid for the project.) MIOSHA staff will work with RRA to prepare the RIS. MIOSHA has not previously contracted with a third party for development of a RIS, but felt it was best to consult with experts in the field to collect and compile the potentially controversial data.

New Communication Towers Standard – Effective April 10th

The new MIOSHA Construction Safety Standard (CS), Part 29, *Communication Towers*, became effective on April 10th. The standard provides protection for Michigan communication tower workers while constructing, altering, repairing, operating, inspecting, maintaining, and demolishing communication towers at heights over six feet.

The major areas of focus in this standard are: fall protection, emergency response, training, and hazard identification. Key specific areas focus on: hoists, catheads or capstans, gin poles, and personnel lifting, including hoist inspections.

The *Communication Tower Advisory Committee*, which drafted the standard, included members from the telecommunications industry, the tower construction industry, and tower workers, along with MIOSHA representatives. Michigan is only the second state in the nation to promulgate a Communication Tower Standard.

Public Hearing

Public Hearing: CS Part 2, Masonry Wall Bracing.

Date/Time: August 19, 2009 – 1:00 p.m.

Location: General Office Building – Conference Room B

The purpose of the hearing is to allow all interested parties an opportunity to present data, views, and arguments relative to the amendments. Attendees are urged to submit a written summary of their remarks. The proposed amendments were published in the Michigan Register and copies may be obtained from the Standards Section at 517.322.1845.

Persons unable to attend may submit written data to Standards Section Manager Marsha Parrott-Boyle. Copies can be submitted electronically to: parrott-boyle@michigan.gov. To submit written copies, please call the Standards Section.

The meeting site and parking are accessible. Individuals attending the meeting are requested to refrain from using heavily scented personal care products, in order to enhance accessibility for everyone. People with disabilities requiring additional services (such as materials in alternative format) in order to participate in the meeting should call Marsha Parrott-Boyle at 517.322.1845 at least two business days prior to the meeting. DELEG is an equal opportunity employer/program.

\$18,000 Available for MTI Scholarships

Tough economic times may affect your decision to attend safety and health training. To assist employers, employees and others needing safety and health training, MIOSHA is pleased to announce an exciting opportunity for individuals to attend MIOSHA Training Institute (MTI) courses.

Scholarship Details

MIOSHA has dedicated \$18,000 for MTI training scholarships in FY 2010. The scholarships will cover half the cost of an MTI class. Unemployed workers can apply for the entire cost and will only be charged the \$20.00 database fee.

Past, current and new students are eligible to apply for MTI training scholarships, which will cover 50 percent of the regular course fees anywhere in the state. Application forms for the schol-



Recent MTI graduates at the Michigan Safety Conference: William Jackson, Oakland County Road Commission; Janice Hoffman, City of Saginaw Wastewater Treatment; John McNamara, Michigan Freeze Pack; Paula Batey, DesignWare; Doug Kalinowski, MIOSHA Director; Forest Ervay, DOW Chemical Midland Plant.

arships will be available on the MTI web page in mid-July for classes starting October 1, 2009.

Applicants will be able to apply for scheduled MTI courses up to three months prior to the course date. Currently, there are no limits to the number of courses an individual can attend with scholarship assistance. The scholarships will be available on a first come, first served basis.

The MTI scholarships were established to:

- Provide a financial incentive for employers.
- Provide a significant reduction in cost for unemployed workers.
- Increase attendance in MTI courses and certifications.

Certification Update

The MTI currently has more than 120 graduates of Level One Certification. In FY 2010, MTI will also offer Level Two certification courses. Level Two has three separate tracks available for students.

The "Safety and Health Management Systems Certification" will provide information on the administration and management of safety and health systems. The "MIOSHA Compliance Certification" will provide technical training on MIOSHA standards in either *General Industry* or *Construction*, and will require students to take up to seven core classes and one elective.

The FY 2010 MTI courses will be added to the MTI Training Calendar in mid-July. For further information, please contact the Consultation Education and Training (CET) Division at 517.322.1809.

MTI website: www.michigan.gov/mti



Director: Douglas J. Kalinowski
Deputy Director: Martha B. Yoder
Editor: Judith M. Shane

MIOSHA Hotline: 800.866.4674
Fatality Hotline: 800.858.0397
General Information: 517.322.1817
Website: www.michigan.gov/miosha

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.

Website: www.michigan.gov/deleg

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Michigan Department of Energy, Labor & Economic Growth
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P.O. Box 30643
7150 Harris Drive
Lansing, Michigan 48909-8143