



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
MARTHA YODER
DIRECTOR

STEVEN H. HILFINGER
DIRECTOR

OCCUPATIONAL HEALTH STANDARDS COMMISSION MEETING

July 11, 2012--9:30 A.M.
General Office Building, 1st Floor, Conference Room B
7150 Harris Drive, Lansing, Michigan

MINUTES

COMMISSIONERS PRESENT:

Mr. Ronald Torbert, Chairperson
Ms. Caroline Ross, Vice-Chairperson
Mr. David Glynn
Mr. Andrew Comai

Chief Ricardo Longoria
Mr. Brian Potter
Mr. Jim Cianciolo

COMMISSIONERS ABSENT:

Mr. John Miller

Mr. Satyam Talati

DEPARTMENT PERSONNEL PRESENT:

Ms. Martha Yoder, MIOSHA Director
Mr. Ron Ray, MIOSHA MTSD Director
Mr. Daniel Dykstra, MIOSHA Standards Manager
Ms. Dena Hendon, MIOSHA Standards Analyst
Mr. Michael Mason, MIOSHA CSHD Industrial Hygiene Manager

Ms. Toscha Densmore, MIOSHA Standards Secretary
Ms. Debbie Merryfield, MIOSHA Standards Analyst
Mr. Robin Spaulding, MIOSHA GISHD Manager

VISITORS

Mr. Robert Bonack, OSHA Lansing Area Director
Mr. James Fisk, United Steel Workers 12075
Mr. William Kilgore, General Motors
Mr. Dennis Emery, Self Employed Safety Consultant
Mr. Oscar Rodriguez-Franco, Lansing Board of Water & Light

Mr. Tim Kearney, Argus-Hazco
Mr. Dennis O'Brien, Retired – Wayne State University

Mission statement

The mission of the occupational safety standards commission is to provide the leadership and vision necessary to ensure a safe work environment for the Michigan construction community.

The commission involves employees and employers in the development of safety standards as it endeavors to continually examine and improve those standards for purpose, clarity, applicability, enforceability, and cost effectiveness.

It is our vision that we become a national leader in safety for industry by incorporating the changing needs of new technologies and methods into our standards.

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Agenda Item #1 - Call to Order, Roll Call

The July 11, 2012 Occupational Health Standards Commission (OHSC) meeting was called to order at 9:34 am by Chairperson Torbert. A roll call was taken and a quorum was present.

Agenda Item #2 - Approval of Minutes from April 11, 2012 Meeting

A motion was made by Commissioner Glynn and was seconded by Commissioner Longoria to approve the minutes of the April 11, 2012 meeting. **MOTION CARRIED UNANIMOUSLY.**

Agenda Item #3 – MIOSHA Update –Martha Yoder, MIOSHA

Ms. Martha Yoder welcomed the Commission. Ms. Yoder announced that MIOSHA's ENews started last November and is moving forward strong. The ENews shows policies adopted, media releases, and how to stay connected with the organization. MIOSHA is also using Twitter as a way to keep the public updated on the happenings within MIOSHA. We are Tweeting at least twice a day.

The MIOSHA Training Institute (MTI) just had its first boot camp and it was extremely successful. Next year, MIOSHA plans to have 3 boot camps, one each in Lansing, Detroit, and Gaylord. In June, MIOSHA treated the current co-sponsors of the MLI to lunch as a way to honor the co-sponsors and show appreciation for their help in making the program a success. The MIOSHA Leadership Institute (MLI) will be held in August and available to over 20 new supervisors and managers. The MLI is a course that offers leadership concepts. The course is currently only available to those in supervision or management, and it is hoped to be open next year to other staff that is interested in learning leadership for the future.

Ms. Yoder gave a brief update on the status of the Office of Regulatory Reinvention (ORR) project. MIOSHA is moving forward with rescinding rules per the recommendation.

MIOSHA's current year budget is on track and we are not in the negative. Enough funding is available that MIOSHA is able to hire a contractor to assist with creating a new data system. The budget for the next fiscal year is looking to be about a 1.2 million dollar deficit. The directors from each division are putting together spending plans to maximize use of our funds. If more budget cuts are announced, MIOSHA may face a 2 million dollar deficit.

Ms. Yoder distributed a handout that showed MIOSHA's performance score card for the month of June. Every month a score card is published for agencies within the State of Michigan to show the overall performance of the agency.

Ms. Yoder announced that Ms. Judith Shane, MIOSHA's communication director, is planning to retire at the end of this year. A survey will be sent out before the end of the year to see if a hardcopy version of the MIOSHA News is still preferred or if an electronic version is better.

MIOSHA is in the 5th year of our current strategic plan. Work has begun on FY's 13-17. Ms. Yoder asked that if anyone is interested in helping with the plan, please let Mr. Dan Dykstra, Mr. Ron Ray, or herself know.

Ms. Yoder and Mr. Bart Pickelman attended the Occupational Safety Health State Plans Association (OSHSPA) meeting at the end of May. The OSHSPA provided draft new measures for monitoring and evaluation of state plan programs. Standards in the works include acetylene, power generation, confined space for construction, personal protective equipment, backing operations in construction, and combustible dust.

Agenda Item #4 – Management & Technical Services Division Update – Ron Ray, Director

Mr. Ron Ray provided an update on the Management & Technical Services Division. The current fiscal years budget is right on target. Regarding the budget for the next fiscal year, it is anticipated MIOSHA will have a 5-10% cut. As Ms.

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Yoder stated earlier, MIOSHA is preparing for less funding. Part of the deficit we are facing is due to all state employees getting raises in October.

MIOSHA is currently working on the finishing touches for federal grants, the 21d and 23g programs. The 23g recently went through a financial audit, as did MIOSHA's use of ARA funds. Both are performing well. The ARA audit praised the fact that MIOSHA performed some inspections during the "overtime and/or off" work hours.

The survey team from the Management Information Systems Section (MISS) received the Circle of Excellence award from OSHA, recognizing 5 consecutive years of exemplary work in regards to the OSHA Data Initiative. MIOSHA is the first large state to receive the award.

MIOSHA is currently reviewing CET grant applications. A total of 19 applicants applied, one of which is a new applicant. Also, 3 of MIOSHA's past applicants did not apply this year. Mr. Dykstra is now overseeing the CET grants.

As Ms. Yoder mentioned earlier, the MLI will be starting on August 6, 2012 and Mr. Dykstra will be heading up the course. The course is spread out over a 2 week time period. A couple examples of the classes offered include "Visions and Values" and "Communication Skills". It is anticipated that Phase 2 of the courses will be available in the spring of 2013. The course has a very minimal cost to MIOSHA, and is estimated to be \$2400.

Agenda Item #5 - Standards Section Update – Daniel Dykstra, MTSD Standards Program Manager

Mr. Dykstra provided a brief update on the Standards Section. Revisions to OH 301/601, Air Contaminants for General Industry and Construction, have been submitted regarding updates to the permissible exposure limit (PEL) for Chromium VI and clarity. The advisory committee for OH 301/601 will make a presentation regarding recommended changes to other PELs later in the agenda. Proposed revisions for Diisocyanates has been withdrawn. CS 6/GI 33/OH 433, Personal Protective Equipment, regarding latex has been withdrawn. The work for latex is done, so in the future if it is seen that it can be moved forward, it will be re-submitted. OH 433, Personal Protective Equipment, the draft is done and it is anticipated it will be submitted later this summer. OH 529, Welding, Cutting, & Brazing, there has been a change in the federal standard and the MIOSHA standard has been submitted downtown to reflect the changes. OH 430, Hazard Communication, also had federal changes and has been submitted downtown to reflect the changes.

In regards to the ORR report, approximately 20 Construction standards are downtown for review between the ORR and Legislative Service Bureau (LSB). General Industry Safety Standards has approximately 30 standards that need revisions and they are currently in process. Occupational Health Standards has approximately 30 standards that need revisions and are currently being worked on as well. Some recommendations that are in the report, MIOSHA is not able to do as it would make MIOSHA less effective than federal. Mr. Dykstra went over the process that the standards section is following in regards to the ORR report. MIOSHA prepares the draft rules; draft rules are submitted to the ORR; ORR reviews/revises/approves the draft rules and posts on their website; ORR then forwards the rules to the LSB for review of form and arrangement; once approved by LSB, ORR publishes the draft in the Michigan Register, from the date of publication, the public has 35 days to review and provide comment; at the end of the 35 day period, the rules are certified and filed with the Office of the Great Seal. Public hearings are not required for this process. Commissioner Glynn asked if this process is the same for new rules? Mr. Dykstra explained that the process is different for new rules.

Commissioner Comai asked if the process for creating rules for Confined Space for Agriculture would be the same as we are doing for the ORR report? Mr. Dykstra stated at this time, we will still follow the process we have in the past of appointing a committee, reporting to the Commission, having a public hearing, and submitting to the ORR, LSB, and JCAR. Commissioner Potter asked when rescinding rules, how does the public comment once the rules are on the Michigan Registry? Mr. Dykstra referred to the handout provided for contact information to the ORR. Ms. Yoder suggests comments from the commissioners be provided to the ORR on why they believe a rule should be kept. Commissioner Comai asked if they can provide their input to Ms. Yoder for what they feel should be defended and also to

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see a list of what rules have already been defended? Ms. Yoder stated that ventilation is currently being reviewed. Ms. Yoder also stated that any rules of concern can be brought to the attention of MIOSHA along with reason for the concern.

Agenda Item #6 – Construction Safety & Health Division Update – Michael Mason, Industrial Hygiene Manager

Mr. Michael Mason provided an update in regards to the Construction Safety & Health Division (CSHD). In working towards strategic and performance goals, CSHD has initiated all fatality investigations within 24 hours of the fatality being reported. To date for Calendar Year (CY) 12, CSHD has investigated a total of 5 fatalities.

The CSHD has no new significant enforcement cases since the last meeting. Two new fact sheets have been created; Methylene Chloride, bath tub refinishing operations, and MIOSHA and EPA Lead Rules, pointing out the differences between the two.

Mr. Mason provided a brief update on the staffing within the CSHD. Two students will be leaving in the next two weeks, one is moving to our Wage and Hour Division, and the other is taking a position with the Department of Treasury.

Mr. Mason reviewed two of the CSHD's six ongoing partnerships in construction. The first partnership mentioned is with Detroit Edison – Monroe Power Plant Environmental Controls Project. This partnership is going on 5 years, and has logged over 5 million hours of work with four lost-time injuries and 34 MIOSHA recordable injuries. The second partnership is with Walbridge/dck Joint Venture, Wayne County Consolidated Jail Facility Project. This partnership was signed in June 2012. The Wayne County Consolidated Jail Facility is currently projected to have in excess of 700,000 square feet and consist of a partial basement level with a tunnel connection to the existing Frank Murphy Justice Center, main support level, and three levels of inmate housing.

Agenda Item #7 – General Industry Safety & Health Division Update – Robin Spaulding, GISHD Safety & Health Manager

Mr. Robin Spaulding provided an update in regards to the General Industry Safety & Health Division (GISHD). In working towards strategic and performance goals, GISHD continues to meet all the goals. All fatality investigations have been initiated within 24 hours of the fatality being reported. To date for CY 12, GISHD has investigated a total of 8 fatalities.

The GISHD has no new significant enforcement cases since the last meeting. They have however, ended the partnership with Michigan Sugar. Michigan Sugar had a scheduled inspection with 17 serious, 3 repeat serious, and 23 other-than-serious violations. The partnership with UAW/Ford is still continuing.

The GISHD has two new fact sheets in Spanish: Agricultural Field Sanitation and Temporary Labor Camps. Fact Sheets are in progress for Appeals, Beverage and Tobacco Products, and Nursing Homes.

Agenda Item #8 – OSHA Update

Mr. Robert Bonack presented a Power Point presentation on Preventing Falls in Construction and Preventing Heat Illness in Outdoor Workers. Mr. Bonack showed where on the OSHA website information regarding these topics could be found.

Agenda Item #9 – Old Business

a. OH 301/601, Air Contaminants for General Industry and Construction Presentation

Ms. Debbie Merryfield stated the advisory committee held their first meeting on May 11, 2010 to review the Permissible Exposure Limits (PELs) for Air Contaminants. The advisory committee met for a total of 11 meetings. The advisory committee had 5 labor representatives, 12 management representatives and 3 technical advisors. Mr. Jeff Silva, Mr. Bob Dayringer, and Mr. Bart Pickelman served as MIOSHA advisors to the committee. Mr. Tim Kearney and Mr. Dennis O'Brien presented the recommendations of the committee to the commission. Although the recommendations are not able to move forward at this time, it was asked that the recommendations by the committee be formally accepted by the

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Commission. A motion was made by Commissioner Glynn to table the recommendations until the next commission meeting, to allow the commissioners time to review the committee's recommendations, and seconded by Commissioners Longoria. **MOTION CARRIED UNANIMOUSLY**

Chairperson Torbert thanked the advisory committee for their hard work and time on the PELs for Air Contaminants.

Agenda Item #10 – New Business

None

Agenda Item #11 – Public Comment

Mr. Jim Fisk had a few questions on what was discussed on latex. Mr. Dykstra reiterated that latex has been withdrawn at this time. Mr. Fisk also asked for an explanation of what MTI is, Ms. Yoder explained the program. Mr. Dennis Emery extended his thank you to Mr. Pickelman, Mr. Dayringer, and Mr. Silva for their efforts on the OH 301/601 advisory committee.

Agenda Item #12 – Next meeting

The next Occupational Health Standards Commission meeting will be held on Wednesday October 17, 2012, 9:30 a.m., General Office Building in Lansing, Conference Room B.

Agenda Item #13 - Adjournment

With no further business before the Commission, a motion was made by Commissioner Glynn and seconded by Commissioner Cianciolo to adjourn this meeting. **MOTION CARRIED UNANIMOUSLY.**

Ronald Torbert, Chairperson

Date