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## WHAT'S HAPPENING

### Michigan Worker Deaths of 2015

The 28<sup>th</sup> and 29<sup>th</sup> Michigan worker deaths of 2015 occurred on December 11 and 18, 2015. Employers and employees are urged to use extreme care and safety diligence in all work activities.

*Summary of incident #28: On December 11, 2015, at approximately 7:00 a.m., a 61-year-old co-owner was working inside a plastic material container that had been placed on top of the front forks of a forklift. The container was not secured to the forks. The forklift then elevated the box, with the co-owner in it, to just below the ceiling of the greenhouse. The co-owner apparently reached for tools outside the box. The box shifted and fell from the forks. The co-owner fell approximately 6 feet 11 inches to the concrete floor below. He died as result of the fall.*

*Summary of incident #29: On December 18, 2015, a 17-year-old high school co-op student was working at a hog farm as a farm hand. Approximately one hour after she arrived for work, she was found unresponsive. There were no witnesses. Atmospheric testing from the day of the incident found elevated levels of carbon monoxide and hydrogen cyanide possibly coming from a steam generator used for high pressure power washing. The steam generator is located in the area where the deceased was discovered. The steam generator was in use at the time of the incident.*

There were 37 MIOSHA-related deaths in 2014. 2009 saw the lowest number with 24. Every life is precious. Our mutual goal must be that every employee goes home at the end of their shift every day!

If you need help or assistance in ensuring your workplace is safe, MIOSHA is here with resources to help. The Consultation Education & Training (CET) Division provides workplace safety and health training and consultations to employers and employees throughout Michigan free of charge. Contact CET today at 800-866-4674 or submit a request [online](#).

### New Circuit Court Decision

Earlier this month, a County Circuit Court judge heard oral argument concerning a petition to review the Administrative Law Judge's (ALJ) ruling on two serious citations totaling \$5,600 in penalties issued by MIOSHA's General Industry Safety and Health Division. When an employer, employee representative with party status, or MIOSHA disagree with a decision by the ALJ which has become a final order of the Board of Health and Safety Compliance and Appeals,

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they can appeal for review of the decision by the circuit court. The citations were issued following a general industry safety officer's investigation into a forklift accident which injured a worker in 2012. The worker was injured when a forklift operator attempted to forcefully place a load of parts on racks in the drop-off area while the worker was aloft on an adjacent stack of racks performing an inspection. The investigation into the accident revealed the employer's unloading process required the forklift operator to drive forward with his/her view obstructed by the load of racks.

The employer was cited with three serious violations out of [Part 21. Powered Industrial Trucks](#):

Rule 2185 – An operator shall look in the direction of and keep a clear view of the direction of travel. When moving loads blocking the forward visibility, for safe handling an operator shall drive the truck with the load trailing.

Rule 2172(1) – An operator shall safeguard other employees at all times.

Rule 2172(2) – An operator shall not drive a truck up to anyone who is standing in front of a fixed object.

The employer appealed and an administrative hearing on the three citations was held on November 6, 2014. After the hearing, the ALJ issued a decision upholding the violations of rules 2185 and 2172(1). The rule 2172(2) violation was dismissed by the ALJ for failure to establish violation of the rule; i.e., that the injured worker was standing in front of a fixed object.

After the ALJ's decision was approved as a final order by the Board of Health and Safety Compliance and Appeals, the employer filed a petition for review in the circuit court. The circuit court was asked to review the ALJ's decision to uphold the two citations. Following oral argument on the petition, the circuit court issued an Order on December 15, 2015, denying the petition and upholding the two serious citations as a final order. If the employer wishes to appeal this case any further, it must file an application for leave to appeal with the Michigan Court of Appeals within 21 days.

### **New Online Penalty Reduction Agreement (PRA) Update**

On December 7, 2015, MIOSHA launched its new online system for completing a Penalty Reduction Agreement (PRA), formerly known as an Informal Settlement Agreement. The launch of this innovative new system was the by-product of MIOSHA's first-ever continuous improvement and Reinventing Performance in Michigan (RPM) project. The goal of the new system was to help employers and MIOSHA complete PRAs more quickly and easily. The day the system launched, MIOSHA and employers both began to see its usefulness and appeal. While citation packets announcing the launch of the new system hadn't even begun to be mailed, news of the new product from staff, prior MIOSHA publications and events, led five employers to use the new online system within the first four hours of the site going live! Since the launch, 44 employers have used the new system to request their PRA.

One customer shared their thoughts of the new PRA system via the feedback and comments link on the MIOSHA PRA Homepage ([www.michigan.gov/mioshapra](http://www.michigan.gov/mioshapra)): "Very user friendly and easy to use. Made submission of abatement pretty simple."

### **OSHA's Safety and Health Program Management Guidelines: Let Your Voice Be Heard**

The [Occupational Safety and Health Administration](#) is updating its Safety and Health Program Management Guidelines and wants your help in shaping the new document. Intended to help employers establish safety and health management plans at their workplaces, the guidelines were first published in 1989. They are being updated to reflect modern technology and practices. As revised, the guidelines should be particularly helpful to small- and medium-sized businesses. And for the first time, they address ways in which multiple employers at the same

worksite can coordinate efforts to make sure all workers are protected.

The guidelines are advisory only and do not create any new legal obligations or alter existing obligations under OSHA standards or regulations.

OSHA has made available a draft of the revised document on its website, at [www.osha.gov/shpmguidelines](http://www.osha.gov/shpmguidelines), along with a set of questions to consider when reviewing the guidelines. The page also has a direct link to post comments, which will be accepted until February 15. Comments will be taken into consideration when creating a final set of guidelines.

“The goal of safety and health management is to prevent workplace injuries, illnesses and deaths,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “Employers who embrace these guidelines will experience lower injury and illness rates, and their progress in improving the safety culture at their worksites will contribute to higher productivity, reduced costs and greater worker satisfaction.”

## AGENCY INSTRUCTIONS/MEMOS ISSUED

**December 16, 2015** - [Multi-Employer Work Sites](#)

## MEDIA

**December 1, 2015** - [New Minimum Wage for Michigan Employees](#)

**December 9, 2015** - [New MIOSHA Injury and Illness Reporting Requirements in Effect](#)

**December 10, 2015** - [AGC of Michigan and MIOSHA; Share a Cup of Coffee Over Worker Safety](#)

**December 17, 2015** - [Lakewood Construction, MIOSHA Sign Partnership to Protect Workers During Caledonia High School Project](#)

**December 23, 2015** - [Verso Paper Corp. Quinnesec Mill Receives Michigan's Most Prestigious Worker Safety and Health Award](#)

All of the MIOSHA Press Releases can be viewed from our [website](#).

## VARIANCES

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

## QUICK LINKS

[Asbestos Program](#)

[Ask MIOSHA](#)

[CET Request for Consultative Assistance Services](#)

[MIOSHA Recordkeeping](#)

[MIOSHA Standards](#)

[MIOSHA Training Institute \(MTI\)](#)

[Radiation Safety Section](#)

[Telephone, Mailing and Email Addresses](#)

[Wage & Hour Program](#)

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