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WHAT'S HAPPENING

Michigan Worker Deaths of 2015

The 7th, 8th, 9th and 10th Michigan worker deaths of 2015 occurred on May 5, 11, 28, and 29, 2015. Employers and employees are urged to use extreme care and safety diligence in all work activities.

Summary of incident #7: On May 5, 2015, at approximately 6:30 a.m., a 53-year-old energy center operator was cleaning sludge from the filter press machine when the press cycled, crushing the employee between plates in the filter press.

Summary of incident #8: On May 11, 2015, at approximately 11:40 a.m., a 38-year-old carpenter foreman was removing supports in the basement of the structure when the first floor above collapsed and crushed him.

Summary of incident #9: On May 28, 2015, at approximately 9:28 a.m., an approximately 90,000 pound concrete I-Beam that had been sitting on dunnage, tipped over and fell on a 50-year-old laborer, crushing him.

Summary of incident #10: On May 29, 2015, at approximately 1:55 p.m., a 53-year-old production associate was allegedly crushed by the operation of a CNC machine.

There were 37 MIOSHA-related deaths in 2014. 2009 saw the lowest number with 24. 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 at www.michigan.gov/cetrca.

Every life is precious. Our mutual goal must be that every employee goes home at the end of their shift every day!

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Litigation Update: Dkt. No. 13-010445-MIOSHA

The [May 6, 2014 edition of the MIOSHA eNews](#) reported an April 11, 2014 hearing decision issued by an Administrative Law Judge (ALJ) which involved a single citation issued by the **Construction Safety and Health Division**. The citation was issued for a violation of Rule 941(1) of Construction Safety Standard Part 9, "Excavation, Trenching and Shoring." Rule 941(1) requires an employer to slope the sides of an excavation more than 5 feet deep to specific angles based upon the soil type. The sloping is required unless the excavation is otherwise supported to protect employees from cave-ins. The May eNews article reported the ALJ upheld the citation as classified and the \$125 proposed penalty. After the ruling by the ALJ, the Board of Health and Safety Compliance and Appeals ("Board") accepted the ALJ Decision as a final order.

Once a hearing decision is entered as a final order of the Board, either party may petition for a review of the final order by the state circuit court. The circuit court may reverse or set aside a final order if the court determines that the final order is any of the following:

- In violation of the constitution or statute.
- In excess of the statutory authority or jurisdiction of the agency.
- Made upon unlawful procedure resulting in material prejudice to a party.
- Not supported by competent, material and substantial evidence on the whole record.
- Arbitrary, capricious or clearly an abuse or unwarranted exercise of discretion.
- Affected by other substantial and material error of law.

Following the publication of the eNews article, the employer exercised their right to file a petition for review of the final order with the Macomb County Circuit Court.

On January 30, 2015, after review of the hearing record and briefs from the parties, a Macomb County Circuit Court Judge issued an Opinion and Order reversing the Board's final order. In the Opinion, the judge determined that the hearing decision was not supported by competent, material and substantial evidence. The judge based this opinion on its determination that the testimony during hearing regarding measurements of the excavation did not demonstrate sufficient reliability to render the employer in violation of Rule 941(1).

No further appeal of the Macomb County Circuit Court opinion was filed by MIOSHA or the employer. Pursuant to the circuit court's January 30, 2015 Opinion and Order, the citation and penalty was vacated.

MiSHIP Grant Equipment Saves a Life

MIOSHA received a phone call in May, from the Corporate Safety Director of a MiSHIP Grant recipient company. The purpose of the call was to let us know that the horizontal lifeline system (and associated training) that his company purchased with their MiSHIP grant money saved an employee's life recently. The employee was working on a bridge over a major highway when he fell off and over the side of the bridge. They reported the system worked exactly as it was supposed to and they were able to retrieve the employee safely and he was back to work within an hour. We are very happy to share this good news story with you.

AGENCY INSTRUCTIONS/MEMOS ISSUED

March 30, 2015 – [Residential Fall Protection Compliance Criteria](#)

May 15, 2015 – [Horizontal or Vertical Standards – Determining Application](#)

May 20, 2015 – [MIOSHA Training Institute \(MTI\) Scholarship Procedures](#)

MEDIA

May 4, 2015 – [MIOSHA, Christman Company and AGC to Participate in National Fall Prevention Stand-Down; Stand-down to be held at Capitol Building in Lansing to raise awareness of preventing fall hazards in construction](#)

May 5, 2015 – [MIOSHA, The Christman Company and AGC of Michigan Hold Stand-Down to Prevent Falls in Construction](#)

May 6, 2015 – [MIOSHA and CMMA Sign Alliance to Foster Safer, More Healthful Workplaces](#)

May 18, 2015 – [Wolverine Building Group and MIOSHA Partner to Protect Workers During Construction of Student Housing in Allendale](#)

May 19, 2015 – [AlcoTec in Traverse City Receives Renewed MIOSHA Certification for Outstanding Workplace Safety](#)

May 21, 2015 – [ASSE's West Michigan Chapter and MIOSHA have "A Cup of Coffee and an Ounce of Prevention" with Employers, Workers at Calvin College](#)

May 21, 2015 – [Bay City Metal Sales Awarded MIOSHA Certification for Exemplary Workplace Safety for Second Time](#)

May 28, 2015 – [MIOSHA Awards Astech, Inc. in Vassar for Elevated Worker Safety and Health](#)

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/mioshavariances.

QUICK LINKS

[Asbestos Program](#)

[Consultation Education & Training \(CET\) Division](#)

[CET Training Calendar](#)

[Construction Safety & Health Division \(CSHD\)](#)

[DVD/Video Library Service](#)

[Employee Safety, Health and Discrimination Complaint Forms](#)

[General Industry Safety & Health Division \(GISHD\)](#)

[Laboratory & Equipment Services](#)

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