



IN THIS ISSUE

What's Happening

[10th & 11th Michigan Worker Deaths of 2014](#)
[More Amended Standards Become Effective](#)
[Workplace Violence](#)
[Hearing Decision](#)

[Agency Instructions/Memos Issued](#)

[Media](#)

[Variations](#)

[Quick Links](#)

WHAT'S HAPPENING

10th & 11th Michigan Worker Deaths of 2014

The 10th and 11th Michigan worker deaths of 2014 occurred on April 4, and April 16, 2014, respectively. Employers and employees are urged to use extreme care and safety diligence in all work activities.

Summary of incident: On April 4, 2014, at approximately 5:44 am, a crane was lifting a section of duct. The crane began to tip forward and its counterweights dislodged and struck the 36 year old operator.

Summary of incident: On April 16, 2014, at approximately 2:00 pm, a 58 year old laborer was disassembling and removing equipment from a grain elevator when he fell 60 feet from a catwalk.

There were 27 MIOSHA-related deaths in 2013 & 2012. 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. View the [Annual Fatality Information](#) chart, which shares preliminary details about the fatalities reported to the Michigan Occupational Safety and Health Administration this year, by clicking on the link provided, or visit our website.

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

More Amended Standards Become Effective

The following amended standards became effective on April 11, 2014: **OH Part 308 Inorganic Arsenic, GI Part 33 Personal Protective Equipment, GI Part 37 Accident Prevention Signs and Tags.**

Copies of the revised standards will soon be on the Standards web page. We will also be putting all the information in the Implementation Strategy Table on the Standards home page.

In order to stay abreast of the rapidly changing status of all rule changes, we advise you to watch the [SPOTLIGHT](#) section on our website, where we list updated information as it becomes available.

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Workplace Violence

Callers to MIOSHA have sometimes been told that we do not investigate workplace violence. However, MIOSHA has adopted OSHA's instruction regarding workplace violence. Per OSHA's instruction, workplace violence is recognized as an occupational hazard in some industries and environments that, like other safety issues, can be avoided or minimized if employers take appropriate precautions. Workplace violence has remained among the top four causes of death at work for over fifteen years. Therefore, under certain circumstances, MIOSHA does investigate workplace violence.

Research has identified factors that may increase the risk of violence at worksites. Such factors include working with the public or volatile, unstable people; working alone or in isolated areas; handling money and valuables; providing services and care; working where alcohol is served; and working late at night or in high crime areas.

Examples of two health investigations that resulted in general duty clause violations related to violence in the workplace:

Complaint investigation in the emergency room of a hospital located in the City of Pontiac: The emergency room treats numerous inner city patients who come in on their own or are transported there by the police. Our investigation revealed that security guards who were assigned to the emergency room responded to calls anywhere in the hospital. If an incident occurred in another part of the hospital, the emergency room was left unguarded. Between February and March of 2013, at least five separate workplace violence incidents occurred between emergency room employees and patients. This included an employee who was punched in the head with a closed fist, causing her to fall down. The patient then struck the side and back of the employee's head two-three additional times. The hospital did not have a workplace violence program.

Programmed investigation at a psychiatric hospital located in the suburbs of Detroit: During calendar years 2009 through 2013, 42 workplace violence injuries were recorded on the MIOSHA 300 logs. Injuries resulted from bites, being struck, being pushed, and breaking up altercations between patients. Recordable cases related to workplace violence as a percentage of total cases for the corresponding year, increased from approximately 35% in 2009 to 72% in 2013. The employer was aware of the increase in injuries, but had not fully implemented a workplace violence program.

Hearing Decision

On April 11th, an Administrative Law Judge (ALJ) issued a decision on a citation issued to a company by the **Construction Safety and Health Division**. An inspection was conducted of an excavation for a water main project. During the inspection, a person working inside the excavation was observed. The worker was not protected by any shoring system or trench box and the hole was improperly sloped. MIOSHA learned that the worker in the excavation was an employee of a subcontractor hired to tap into the water main. A different subcontractor was responsible for digging the excavation. While MIOSHA was still on site, a person arrived and entered the excavation to place a tarp over the water main. That person was identified as the owner of the company hired to dig the excavation.

The company who dug the excavation was issued a serious violation of Rule 941(1) of Construction Safety Standard Part 9, "Excavation, Trenching and Shoring" with a proposed penalty of \$125. 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 company appealed the citation and a hearing was held.

During the hearing, the company disputed who was responsible for digging the hole. Following the hearing, the ALJ issued a decision upholding the citation and penalty. In conclusion, the company was responsible for the excavation, the judge noted the multiple sources MIOSHA used to confirm who dug the hole, including: the other subcontractor, the general contractor, identification of the person who entered to cover the water main as the owner of the company, photos of barricade materials labeled with the companies initials.

Hearing Decision - continued

The judge also agreed with MIOSHA that by digging the excavation in a manner that did not comply with the standard, the company had created a hazard for the other subcontractor's employee who was assigned to work in it. The judge stated: "A subcontractor who creates hazards for the employees of fellow contractors at multi-employer work sites is liable under the occupational safety laws."

Exceptions to the ALJ's decision may be filed with the Board of Health and Safety Compliance and Appeals. The decision will be filed with the board on May 9, 2014. The decision will be filed with the board on May 9, 2014.

AGENCY INSTRUCTIONS ISSUED

April 3, 2014 – MIOSHA-STD-05-1R2, [Permit-Required Confined Spaces \(PRCS\) Standard](#)

MEDIA

April 30, 2014 – [MIOSHA Invites Employers and Workers to Share a Cup of Coffee and Learn about the Benefits of Workplace Safety and Health](#)

May 1, 2014 – [State Recognizes MIOSHA Training Institute Graduates at the Michigan Safety Conference](#)

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

[Agency/Division Instructions/Memorandums](#)

[Asbestos Program](#)

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

[CET Request for Consultative Assistance Services](#)

[CET Training Calendar](#)

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

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

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

[Laboratory & Equipment Services](#)

[Michigan Alliances](#)

[MIOSHA FOIA Request Form](#)

[MIOSHA Homepage](#)

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

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