

Standards Update

Ron Ray, Director
MIOSHA Wage Hour and
Technical Services Division

MIOSHA Standards Section staff continues to work with the Office of Regulatory Reinvention to complete the changes required due to the Workplace Safety Advisory Rules Committee recommendations. Approximately 30 standards are still in the process of being finalized, which we hope to have completed by early 2014. To help communicate the status of these changes, we continue to regularly update our status update page on the website at www.michigan.gov/miosha.

On April 23, 2013, Federal OSHA published revisions to their crane standard, and MIOSHA must now adopt similar changes to Construction Safety Standard Part 10, Construction Safety Standard Part 14, and Construction Safety Standard Part 26 to remain as effective as federal regulations. While our changes are still in draft form and not yet being released to the public, the federal changes can be viewed in the actual Direct Final Rule on the OSHA website at: <https://www.osha.gov>. Watch

for further information regarding these changes on the MIOSHA website.

Also, federal regulation 1926.1431, Cranes & Derricks in Construction, was recently updated to state that a headache ball, hook, and the load, should not be used to transport personnel except when using a personnel platform or boatswain chair. MIOSHA Construction Safety Standard Part 28, Personnel Hoisting in Steel Erection, which has been in place for more than 20 years, permits transporting personnel using a headache ball under certain conditions. In response to a request from OSHA to review this standard, MIOSHA convened an Advisory Committee comprised of industry representatives with the charge of once again reviewing the standard, and developing a recommendation whether the standard is still relevant and necessary. MIOSHA Administration is currently reviewing the recommendation and will be formulating a response to OSHA. Watch for more information regarding this process on our website.



Variances

Variances from MIOSHA standards must be available to the public in accordance with Part 12, Variances (R408.22201 to 408.22251). MIOSHA variances are published on the MIOSHA News website: www.michigan.gov/mioshavariances

WAGE & HOUR PROGRAM

What Do You Know About Wage Deductions?

Recently, the Wage and Hour Program investigated a complaint where an employee worked for two weeks and was terminated. The employee signed a written consent agreeing to deductions for a background check and a medical screening that was required by the company. The consent contained the required information to make the deductions.

Section 7 of Act 390 states that unless an employer has the full, free written consent of the employee identifying the amount to be deducted or a method of calculation, the pay period the deduction will take place and the employees' signature, the employer may not make deductions from wages. The exception is deductions required by law or collective bargaining

agreements do not require an employees' written consent. A deduction for the employers' benefit cannot take the employees' wages below the minimum wage of \$7.40 per hour worked.

When the deductions were made, the employee received no pay for two weeks of work. The employee filed a claim with the Wage and Hour Program and the employer was notified and asked to make a statement. The employer provided their payroll records and their information was reviewed by the assigned Wage and Hour investigator. A determination was made based on the requirements of Act 390 that the employer must pay the employee at least \$7.40 per hour for all hours worked. The employer submitted payment to the employee for all hours worked at \$7.40, the

Jennifer Fields, Program Manager
Wage and Hour Program
855-464-9243

claimant was paid and the employer was informed of the requirements of Act 390 for the future.

More information regarding Act 390 can be found at the Wage and Hour Program website www.michigan.gov/wagehour.



Michigan Department of Licensing and Regulatory Affairs
Michigan Occupational Safety and Health Administration
7150 Harris Drive, P.O. Box 30643
Lansing, MI 48909-8143

PRESORTED STANDARD
U.S. POSTAGE
PAID
LANSING, MI
PERMIT NO. 1200

www.michigan.gov/miosha

“Behavioral Based Safety: Fundamentals and Implementation” — *Coming Spring 2014*

The MIOSHA Training Institute’s (MTI) newest course being developed for a spring 2014 launch is “Behavior Based Safety: Fundamentals and Implementation.”

The safety hierarchy dictates engineering out hazards as the first resort; yet in some cases workers engage in shortcuts that bypass engineering controls which result in accidents or worse, injuries. Nobody wants to get hurt, so why would anybody work against their own self-interest? The “Behavior Based Safety” course attempts to answer this paradox with a scientifically proven method for analyzing and improving performance.

The course developer is James Getting, Ph.D., a MIOSHA senior construction safety consultant, who holds a doctorate in industrial and organizational psychology. Dr. Getting says, “As I work on this course, I think about the safety professionals and managers struggling to get workers to comply with basic rules and avoid unsafe work practices. This course is designed to develop competency in methods that fix these problems. I’m excited to bring this class to Michigan companies because I’ve seen first-hand the powerful effect of behavior based safety.”

This course will teach you how to analyze the circumstances of critical work performance to understand why employees make the choices they do. It will also show what is needed to encourage proper courses of action.

The Mission of the MIOSHA Program is:
**To Protect the Safety, Health, Earned Wages
and Fringe Benefits 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.

Director: Martha B. Yoder
Deputy Director: Barton G. Pickelman
Editor: Andrea K. Miller
MIOSHA Hotline: 800-866-4674
Fatality Hotline: 800-858-0397
General Information: 517-322-1817

Michigan Department of Licensing and Regulatory Affairs (LARA)
Michigan Occupational Safety and Health Administration (MIOSHA)

LARA is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities. (22,000 copies printed at a cost of \$2,087.46 or \$0.09 per copy.) Printed 10/13



INSIDE:

Connecting Update	2
Best Practices	2
Failure to Appear for Hearing	3
Class IV Asbestos Training Requirements	4
Case Study	4
Standards Update	5

Vol. 17, No. 4, Fall 2013

DIRECTOR'S *corner*



Martha Yoder
Director

There is a lot going on at MIOSHA!

Our new **Strategic Plan** just became effective October 1st and already outreach activities are happening!

MIOSHA co-sponsored an agriculture industry symposium in Southwest

Michigan that provided hands-on training for first responders and farm family members on MIOSHA requirements, safe bin entry, common hazards and fatality causes.

We partnered with the University of Michigan to offer a special forum, "Protecting the Caregivers – Preventing Injuries in Long-Term Care" focused on preventing injuries in the industry and how to develop and implement safe resident handling programs.

We are responding to more requests to hold "Coffee with MIOSHA" events around the state. These interactive gatherings provide an opportunity to meet local MIOSHA representatives to informally discuss safety and health issues.

All of these activities strengthen our efforts to better connect MIOSHA to industry! There is change in the wind too! This issue of the **MIOSHA News** has a new design and size. Like many agencies receiving federal funds, MIOSHA is affected by federal Sequestration funding reductions. As we look for how to best use available funds, we are moving to an online-only publication. This new design is well-suited for online-only viewing and will allow for more and longer articles and color pictures!

Finally, we welcome the **Radiation Safety Section**, responsible for radiation machine and facility regulation, to MIOSHA from the LARA Bureau of Health Care Services.

MIOSHA CET Grants

Laurie Lorish
CET Grant Administrator

Each year, MIOSHA awards Consultation Education and Training (CET) grants for the development and implementation of a variety of safety and health training and services to supplement CET division activities.

As part of the initial process, each applicant submits a Request for Proposal (RFP) that addresses the following topics: proposal narrative, summary of training and services provided, projected timetable of activities, budget narrative and a detailed description of grant and matching expenditures. Once the deadline is met, a MIOSHA committee meets to discuss and prioritize each project and recommend funding levels. The committee then provides their recommendations to both agency and department administration for approval. Selected grantees are notified of the award and a press release is issued announcing the grantees and a summary of their grant project.

Below are a few fiscal year 2013 CET grant highlights:

Center for Workplace Violence Prevention — Provided approximately 4,000 hours of onsite training to more than 1,400 employees on the subjects of Responding to and Surviving an Intruder/Active Shooter Incident, Verbal De-escalation Techniques and Personal Safety Strategies.

Michigan Infrastructure and Transportation Authority (MITA) — Onsite inspections and trainings focusing on Electrocutions, Struck By, Falls and Crushed By/ Caught In have been presented to more than 1,800 employees at heavy construction sites throughout Michigan.

Parents for Student Safety Employment Standards (PASSES) — Training is provided in a school setting to young workers regarding topics such as: Lifting, Ladder Safety, Proper use of Personal Protective Equipment, Young Worker Labor Law, and Retail Safety. There have been 2,700 students who received more than 4,060 hours of training on these and other safety and health topics.

Proposals for FY 14 grant projects have been received and reviewed. Once approved, an announcement detailing the FY 14 projects will be made on the MIOSHA website.

For more information on the CET Grant Program visit the MIOSHA website at www.michigan.gov/mioshagrants.

The Detroit Hispanic Workers group attended a Spanish version of Hazard Communication training in July at the UAW Local 600 in Dearborn. Funding for this training was provided by a MIOSHA CET grant.



CONNECTING UPDATE

Connecting Through “Take a Stand Day”



Bart Pickelman, CIH
Deputy Director

MIOSHA is committed to protecting the safety and health of Michigan workers and “Take a Stand Day” is one tool used to accomplish that goal. It is one day a year that MIOSHA dedicates both enforcement and consultation staff to work in a consultative fashion to assist employers across the state with their safety and health needs. This year was the 9th annual event and 200 employers in high hazard industries requested a visit. The “Take a Stand Day” visits were provided by more than 125 MIOSHA personnel including field and supervisory staff.

“Take a Stand Day” is a great day for workplace safety and health. The most

important benefit is establishing collaborative relationships to help ensure workers are protected and everyone returns home at the end of the work day healthy and whole. A wealth of knowledge is exchanged during these consultative visits without the concern of citations or penalties being issued. “Take a Stand Day” is one example of the type of outreach services MIOSHA provides and is part of the “Connecting MIOSHA to Industry” initiative that has helped MIOSHA become a leader in protecting workers!

To learn more about “Take a Stand Day” or any of the other services MIOSHA provides, please contact the MIOSHA Consultation Education and Training Division at (517) 322-1809 or visit our website at www.michigan.gov/miosha.



Group of Christman workers “Taking a Stand” for safety.
Photo credit: Dave Trumpie, photographer

BEST PRACTICES

Georgia Pacific, Albion Continued

The Georgia-Pacific, Albion plant was the focus for the Best Practice article in the 2013 summer edition of the MIOSHA News. The site, as well as Georgia-Pacific policies and procedures, continues to be the focus for this edition of the News.

As stated in the summer edition, G/P, Albion produces corrugated sheets that are sold to customers and used to make industrial packaging, retail packaging, or point-of-purchase displays. The site was approved for participation in the Michigan Voluntary Protection Program 9 in 2005.

G/P, Albion continually works at maintaining their MVPP status. They do this by regularly updating their safety and health policies, procedures and programs. The following are additional examples of the types of programs that G/P, Albion has developed to engage their employees and keep the system fresh:

Self-Assessments — (Safety & Health (S&H) Risk Management System (RMS) Assessment) Teams that include at least one manager or supervisor and a team member (hourly employee) evaluate the effectiveness of each of the seven RMS elements:

- Leadership & Management Commitment
- Employee Involvement & Ownership
- Risk Assessment & Worksite Analysis
- Risk Management & Hazard Prevention and Control
- Communication, Education & Training
- Change Management
- Sustain & Continuously Improve

The program provides regular assessment of the S&H RMS by requiring a review of:

- The components of the RMS
- The overall effectiveness of the RMS
- Business specific program elements, initiatives, etc.

S&H RMS metrics —

- Each element of the S&H RMS is evaluated and measured
- The initial RMS measurement is the baseline RMS metric

Doug Kimmel,
MVPP Program Specialist

Safety Catches

Team members can complete a Safety Catch card to document safety concerns. All safety catches are reviewed by the Environmental Health & Safety (EH&S) Manager for validity and potential solutions. Corrective measures are then implemented and outcome of the Safety Catch improvements are reviewed at the Safety Team (safety committee) meeting.

Downtime Observations

Through trending of injury and illness data, Georgia-Pacific has found in the past three years at plants in the region, 10 of the total recordable injuries at these plants have occurred during “downtime.” Downtime is considered time other than normal production time and generally involves an upset condition, such as machine breakdown, line malfunction, etc. To address this issue sites in the region are now utilizing “downtime observers.” The observer’s use a Downtime Observation card and observe work being performed during downtime in order to identify safe and unsafe acts. Since implementing the program the Albion site has had no MIOSHA recordable injuries during downtime operations.

APPEALS DIVISION

Failure to Appear for Hearing

Dawn C. M. Jack, Director
Appeals Division
517-322-1297

If an employer fails to appear for a hearing after proper notice, the judge may either hold the hearing in the absence of the employer or enter a default against them. If the hearing is held without the employer, MIOSHA will present evidence of the violations which may lead to a ruling in MIOSHA's favor. If a default is issued, the appeal is dismissed and the citations and penalties are automatically upheld.

Some employers have asserted the hearing was missed because the company was not notified of the hearing, is no longer in business, or filed bankruptcy. However, these reasons may not protect an employer from the consequences for failing to appear.

Hearing notices are sent to the address provided to MIOSHA by the employer or its representative in the inspection and appeal documentation. It is the employ-

er's obligation to notify MIOSHA and the Michigan Administrative Hearing System (MAHS) of any changes in its representative or its mailing address.

Going out of business or filing bankruptcy after citations were issued will not eliminate the citations or extinguish the appeal. If an employer no longer wishes to contest the citations, a letter withdrawing the appeal should be sent to the MIOSHA Appeals Division. If the case has already been given a hearing date, a copy of the letter must also be sent to the MAHS. If a withdrawal is not filed, the contested citations must proceed through the entire appeal process resulting in wasted time and resources.

If an employer wants to continue to contest citations after missing the hearing, a written request must be filed with MIOSHA and the MAHS within 10 days of the

missed hearing date. The request should indicate it is a request to set aside the default or conduct another hearing and must include good cause for the failure to appear. If the judge determines good cause is shown, a new hearing date will be scheduled.



CONSULTATION AND TRAINING UPDATE

Agricultural Outreach

Nella Davis-Ray, Division Director
Consultation Education & Training
(CET) Division – 517-322-1809

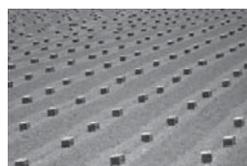
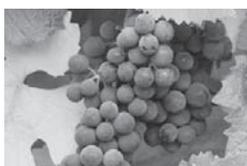
Agriculture remains one of the most dangerous industries. Farmworkers are at high risk for fatal and nonfatal injuries and work-related diseases. Nationally, about 243 agricultural workers suffer a lost-work-time injury each day. In 2011, support activities for agriculture production (i.e. planting, cultivating or harvesting services) had a total recordable case rate that was double the rate of all Michigan industries combined. Only two other industries had higher rates. Crop production (farms, orchards, groves, greenhouses, and nurseries, primarily engaged in growing crops or plants) had the 12th highest rate.

MIOSHA's new strategic plan covering FY 14-18 includes the goal of reducing the rate of worker injuries, illnesses, and fatalities in agricultural workplaces. MIOSHA is including increased outreach and consultation with the agricultural industry as part of the new strategic plan. Under this emphasis, we will be seeking opportunities to partner with the industry to encourage proactive attention to improve safety and reduce fatalities in all types of agricultural operations.

Some of the outreach opportunities identified include:

- Participating as speakers and/or vendors at industry events such as,
 - 2014 Michigan Ag Expo
 - 2014 Michigan Safety Conference, Agricultural Division
 - 4H/Future Farmers of America Meetings
 - Ag Safety and Rescue Symposiums
- Adding more Agriculture related videos to MIOSHA's lending library.
- Developing a MIOSHA fact sheet on confined spaces.
- Editing and distributing a grain entrapment brochure.
- Providing safety and health content for an online course on regulations and compliance for agriculture.
- Authoring safety and health articles for the industry's publications.

For more information on the Consultation, Education and Training Division, please visit the MIOSHA website at www.michigan.gov/MIOSHA.



CONSTRUCTION UPDATE

Class IV Asbestos Training Requirements, Construction Safety & Health Division

Patty Meyer, Director
Construction Safety & Health Division
517-322-1856

Employees performing Class IV Asbestos work as specified in Part 602 Asbestos Standards for Construction are required to have Class IV training. There are two types of work described in the definition of Class IV asbestos work:

1. Maintenance and custodial activities where asbestos-containing material (ACM) or presumed asbestos-containing material (PACM) is contacted but not disturbed.

Maintenance is work to preserve, retard future deterioration of, maintain or improve the functional condition of, or restore a structure to an adequate level of service.

Custodial activity is work to clean, maintain, provide security for, or initiate or make minor repairs to equipment and building structures.

2. Cleanup of dust, waste, and debris resulting from Class I, II, or III activities.

Class I, II, or III activities is work where the asbestos-containing material (ACM) or

presumed asbestos-containing material (PACM) has been disturbed in some manner.

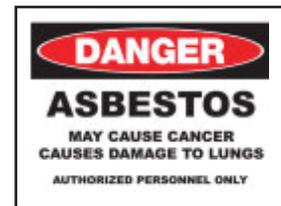
Initial Class IV training must be a minimum of two hours in length and be consistent with the EPA training requirements set forth in 40 CFR 763.92(a)(1). Class IV training does not require "hands-on" training; however the training must, at a minimum, include the following topics:

- Information regarding asbestos and its various uses and forms.
- Information on the health effects associated with asbestos exposure.
- Available information concerning the locations of thermal system insulation and surfacing asbestos-containing material or presumed asbestos-containing material, and asbestos-containing flooring material, or flooring material where the absence of asbestos has not yet been certified.
- Recognition of damage, deterioration, and delamination of asbestos-containing building materials.

Annual refresher training is required for Class IV work. Refresher training should include a review of the topics originally presented in the initial training course and present new developments in government regulations, state-of-the-art work practices, and asbestos abatement industry standards. The duration of this refresher training is not specified in the asbestos regulation.

Internet- or computer-based training may meet some refresher or annual training requirements provided it covers topics relevant to workers' assigned duties and supplemented by the opportunity to ask questions of a qualified trainer.

For additional information, please visit the Asbestos Program website at www.michigan.gov/asbestos.



GENERAL INDUSTRY UPDATE

Case Study — Reduction of Cobalt Air Concentration to Prevent Respiratory Illness

Mark Pedo, Senior Industrial Hygienist
General Industry Safety & Health Division
517-322-1809

GISHD investigated a report alleging an employee had respiratory irritation and inflammation after inhaling tungsten carbide dust during tool grinding operations.

GISHD reviewed the work operation and found that employees were grinding on tooling and steels containing up to 30% cobalt. According to medical studies, cobalt exposure can cause respiratory illness including interstitial fibrosis, pneumonitis, and sensitization of the respiratory tract and skin.

At this surface grinding operation, wet methods were utilized to manage airborne cobalt; however, the operation was not

equipped with local exhaust ventilation. Despite the use of wet methods, the action of the grinding wheel cast off high-speed, extremely fine grinding residues into the breathing zones of employees. MIOSHA air monitoring revealed employee exposure to cobalt was in excess of the MIOSHA eight-hour, time-weighted average limit of 0.05 mg/m³ as set forth in Occupational Health Standards Part 301, Air Contaminants.

After the GISHD intervention, the employer immediately developed and implemented a respiratory protection program for all employees in grinding operations. The employer also equipped surface grind-

ers with an exhaust ventilation system to locally capture and control chips, shavings, and other grinding-related residues at their source.

Once the local exhaust ventilation systems were installed, the employer retained the services of the MIOSHA Consultation, Education and Training (CET) Division to assure employees were no longer exposed to cobalt in excess of the MIOSHA limit. Subsequent exposure monitoring conducted by MIOSHA revealed that the added ventilation was effective in reducing employee exposures to below the MIOSHA limit.