

Director's Corner

Bart Pickelman, CIH, Acting Director



With the retirement of former Director Martha Yoder, I want to take the time to introduce myself as MIOSHA's new Acting Director.

Though this title may be new to me, working with MIOSHA is not. From September 2011 to March 2016, I served as the

agency's deputy director. Prior to that, I held the positions of safety and health manager, ergonomic specialist, and compliance officer for MIOSHA's General Industry Safety and Health Division.

As a certified industrial hygienist with more than 25 years of experience in both the private and public sectors, it goes without saying that workplace safety and health is a true passion of mine.

In my nearly 17 years at MIOSHA, we've seen an overall decrease in fatalities and injuries — a trend which I am very proud of and will strive to continue as I administer and oversee all aspects of the MIOSHA program.

I look forward to working with our many partners in workplace safety and health, while continuing to connect with more employers and employees as we work towards creating a safer, healthier Michigan for our workers.



Temporary Workers Symposium

Tanya Baker, MIOSHA Communications Representative

MIOSHA hosted a Temporary Workers Symposium on Thursday, March 3 at the Operations Center in Dimondale, MI. The symposium was held to help reduce the number of worker injuries, illnesses, and fatalities with the temporary worker population by helping temporary staffing agencies recognize and understand their responsibilities as joint employers. To some degree, both employers are responsible for determining the conditions of employment, complying with the occupational safety and health requirements, and providing workers with adequate safety and health protection.

More than 70 people participated in the day-long program that included MIOSHA staff; Larry Johnson, OSHA Area Director; Deb Chester, Occupational and Environmental Medicine, MSU; and Steve Wolbrink, Herman Miller.

Another symposium will be held in west Michigan on June 8. Registration for this free event will be open through June 1: <http://bit.ly/1NQ4J3j>



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“Take a Stand” Day

Tanya Baker, MIOSHA Communications Representative

Save the Date!



MIOSHA Invites You to
“Take a Stand”
 for Safety and Health

Since the first “Take a Stand” Day, 2,312 employers have participated. This year, you can too!

On August 10, 2016, MIOSHA compliance and consultation staff will visit Michigan worksites across the state, focusing on specific hazards/areas as requested by the employer.

There will be NO CITATIONS and NO PENALTIES for participating workplaces, however, participants must agree to correct all serious conditions.

Visit www.michigan.gov/mioshatasd to submit a request, or call the Lansing Office at **517-284-7720** or **800-866-4674** by July 20, 2016. You will be contacted prior to the date for scheduling.

NO Penalty | NO Citation

Best Practices

Doug Kimmel, Michigan Voluntary Protection Program (MVPP) Specialist, Consultation Education and Training (CET) Division

The Atlantic Packaging Converting and Distribution Center in Sturgis, MI has been part of the Michigan Voluntary Protection Program (MVPP) since 2005. The site was previously owned by International Paper, but was recently purchased by Atlantic Packaging. Although the ownership has changed, the site’s commitment to the safety and health of their employees remains unchanged.

The site currently maintains the MVPP Star award, the highest safety award available from MIOSHA. The Star award is given to sites that have an exemplary safety and health management system with injury and illness incidence rates below industry average.

The facility, built in the mid-1960s, converts paperboard rolls to sheets or smaller rolls for distribution in the Midwest and Great Lakes printing market. The process is accomplished through the use of precision sheeters that convert the paperboard rolls into customer-specified sheet dimensions. The sheeting operation is supported by a variety of other departments including: skid/pallet production, waste handling, finishing, and traffic.

The identification of best practices is an integral part of the MVPP continuous improvement process. One of the best practices identified during a recent reevaluation onsite review is the improvements made in traffic flow and employee and vehicle interaction.

The prior owners identified traffic flow in their facilities as a source of potentially hazardous injury, and initiated a plan to evaluate and address the concerns. All company sites were instructed to perform a traffic flow risk assessment and the plant manager established a traffic flow risk assessment team. The team consisted of himself, production manager, safety coordinator, and maintenance personnel. The team was supported by the corporate safety administrator and corporate engineer.

Continued on next page

Best Practices (Continued)

Doug Kimmel, MVPP Specialist, CET Division



Relocated employee lockers from existing employee entrance to new entrance area around Supervisor's office.

- Employees entering the building into Finished Goods Warehouse where power industrial trucks (PITs) are operating actively.
- Shipping clerk moving through PIT operating areas.
- Office staff taking inventory in finished goods warehouse while PITs are operating.

Risks:

- Employee being hit by OTR trucks outside the building or inside by PITs while they're on their way to their job station.
- Shipping clerk and/or inventory personnel being hit by a PIT.

Solutions:

- Installed stop signs at the employee cross walk in the vehicle entrance to the employee parking lot.
- Posted 5 mph speed limit signs in the employee parking lot.
- Relocated the employee entrance into facility (this required making an opening in the fence from the employee parking lot to a new sidewalk) and installed LED lights and awning to cover sidewalk.
- Relocated the scrap wood roll-off bins to the east side of the building (reduced the travel distance for PIT operators and the hazard to pedestrians).
- Relocated scrap bins from the side of the building to the rear of the building.
- Relocated the employee lockers from the existing employee entrance to the new entrance.
- Relocated storage bays so that materials are no longer being stacked next to the employee entrance.
- Added guard rails along pedestrian paths (to prevent interaction between employees and PITs – guardrails act as a barrier).
- Added Aisle Cops (manual gate barrier) at the main traffic aisles.
- Installed Dok-Guardian safety barriers at all shipping dock doors.
- Implemented No Foot Traffic policy in the shipping and receiving warehouse.
- Instituted a procedure requiring that a "Hit-Not" collision avoidance device be carried by the operators of Taylor-Dunn carts (electric personnel carriers) while in the shipping or receiving warehouse.

The assessment was performed by the team going out into the work area and observing and documenting conditions. The areas identified with the most potential for vehicle and pedestrian interaction were the boiler room, scrap bins (located outside, along the side of the building), sheeter area, carton line, skid room, roll warehouse, and railroad docks. After determining the areas with potential for traffic hazards the team ranked the areas and began to address the highest hazard areas first.

Below are some of the team's findings, as well as the steps taken to address the identified hazards:

Areas: Employee entrance, finished goods warehouse

Hazards:

- Employees crossing the over-the-road (OTR) truck driveway.



Aisle Cops (manual gate barrier) installed at main traffic aisle employee walkways.

General Industry Safety Part 86. Power Generation, Transmission, and Distribution

Jeff Edgerton, Safety Officer, General Industry Safety and Health Division (GISHD)



Effective April 1, 2015, three rules whose enforcement was previously postponed under Part 86, Electric Power Generation, Transmission, and Distribution became enforceable. Federal OSHA's final rule for 29 CFR 1910.269 originally became effective on July 10, 2014, and MIOSHA's General Industry Safety and Health Division (GISHD) adopted the federal standard as Part 86 in May of 2015. Due to significant objections from industry relating to the new requirements, OSHA postponed some of the enforcement provisions of the revised standard. The three rules that are currently enforceable are under Rule 1910.269(l)(8), Protection from flames and electric arcs. Under these rules, employers are now required to provide estimates of available heat energy (l)(8)(ii), ensure the use of flame-resistant clothing (l)(8)(iii), and ensure the use of arc-rated protection (l)(8)(v).

Rule (l)(8)(ii) states the employer shall assess hazards by performing estimates of available heat energy (incident energy in cal/cm^2) in any system where employees could be exposed to electric arcs or flames. This is only an estimate since there are two variables in the calculation that the employer must know and two variables they will only be able to estimate. The known variables include the available fault current for the system. This is not

the voltage the employees are working on, but the maximum available fault current that the employee could be exposed to in a phase-to-phase or phase-to-ground condition. The amount of available fault current is largely based on the short circuit current available at the secondary side of the next upstream transformer. The other known variable is the system clearing time. This is the amount of time the fault protection devices such as fusible disconnects or re-closers (which function similar to a circuit breaker in your home) take to interrupt any fault. The two estimated variables include the distance the employee will be relative to the origin of the arc, and the length of that arc. The three accepted methods used to calculate the available heat energy are located in [Appendix E of the standard, Part 86](#).

Once the employer has assessed the hazard (i.e., incident energy) at the equipment where exposure to electrical hazards is possible, the appropriate personal protective equipment (PPE) shall be worn as required by (l)(8)(iii) and (l)(8)(v). The two electrical hazards are arc flash burns and electric shock; each requires a different type of PPE. For certain conditions, the employer must ensure flame-resistant clothing, adequate for the entire available heat energy, is worn as an outer layer. For other conditions, the employer must ensure employees are protected with arc-rated PPE. The correct PPE for arc flash is rated in different values of incident energy and is measured in cal/cm^2 .

There is still one provision in the standard that has been given an enforcement extension. Rule 1910.269(l)(3)(ii) requires the employer to determine the maximum anticipated per-unit transient overvoltage for voltages above 72.5 kilovolts. The enforcement date has been extended until January 31, 2017. No citations will be issued under this Rule until after the extension date. The enforcement extension is explained in the [federal OSHA memorandum](#).

If you have any questions, please contact GISHD at 517-284-7750. You may contact the Construction Safety and Health Division at 517-284-7680 on construction-related issues and the Consultation, Education and Training Division at 517-284-7720 on free consultation services or via the [MIOSHA website](#).



Violence in the Workplace — Who Was Donna Gross?

Scott D. MacFarlane, CIH, CSP, Senior Industrial Hygienist, General Industry Safety and Health Division (GISHD)

Donna Gross was a mother who raised three children, she was active in her church, and was employed for 14 years as a psychiatric technician at the Napa State Hospital in California. On October 23, 2010, Ms. Gross was walking on hospital grounds when she ran into a patient named Jess Massey. Mr. Massey had a pass that allowed him to wander the campus unsupervised. He attacked Ms. Gross and strangled her. Ms. Gross was one of the 832 occupational fatalities in the United States in 2010 due to workplace violence. California OSHA conducted an investigation and issued four serious and one willful citation and fined the hospital over \$100,000.



In December 2015, OSHA's Office of Communications issued a [news release](#) highlighting a recently developed webpage that provides information and tools for evaluating and preventing violence in the healthcare setting. In this news release, OSHA stated that from 2002 to 2013, incidents of serious workplace violence were four times more common in healthcare than in private industry on average; and that "Healthcare accounts for nearly as many serious violent injuries as all other industries combined."

To address the very real and serious issue of violence in the workplace, MIOSHA has developed and implemented an enforcement memorandum that establishes agency policies for inspections of violence in the workplace. These inspections are to be conducted in accordance with federal OSHA enforcement instruction, CPL 02-01-052, "[Enforcement Procedures for Investigating or Inspecting Workplace Violence.](#)"

The OSHA Instruction provides detailed guidance on how workplace violence inspections are to be conducted. Many employers may find this document useful in evaluating their own workplace violence prevention programs. There are also many other resources available to assist the employer in the development of an effective program, including the federal OSHA document titled "[Guidelines for Preventing Workplace Violence for Healthcare and Social Service Workers](#)" (OSHA 3148-04R 2015). If you should like any further information or assistance in the evaluation of your workplace for occupational hazards, please contact our [MIOSHA Consultation, Education and Training Division](#) at (517) 284-7720.

Case Study — Construction

Eric Allen, Division Manager, Construction Safety and Health Division (CSHD)



On November 28, 2011, the owner of a roofing company and an employee were scheduled to repair a roof leak near the chimney of a residential home. The employee was unable to reach the work area with a 40-foot aluminum ladder. Due to the steep slope (16 in x 12 pitch) and the height where the chimney was located, the owner and the employee decided to splice a 20-foot fiberglass section to the 40-foot aluminum ladder with nylon straps.

As the employee climbed the spliced ladder, the straps separated. The employee held onto the ladder as it slid off the edge of the roof and fell approximately 25 feet to the brick paved driveway below. The employee passed away due to sustained injuries.

Continued on next page

Case Study (Continued)

Eric Allen, Division Manager, CSHD

Rules cited:

Part 1, General Rules, Rule 114(1) – The employer did not develop, maintain, and coordinate with employees an accident prevention program.

Part 11, Fixed and Portable Ladders, Rule 1124(12)* – Two portable ladders shall not be spliced together to provide long sections unless such ladders are specifically designed for such use.

Part 45, Fall Protection, Rule 1926.501(b)(13) - "Residential construction." Each employee engaged in residential construction activities 6 feet (1.8 m) or more above lower levels shall be protected by guardrail systems, safety net system, or personal fall arrest system unless another provision in paragraph (b) of this section provides for an alternative fall protection measure. Exception: When the employer can demonstrate that it is infeasible or creates a greater hazard to use these systems, the employer shall develop and implement a fall protection plan which meets the requirements of paragraph (k) of 1926.502.

Part 11, Administrative Rules, Recordkeeping and Reporting of Occupational Injuries and Illnesses, Rule 1139(1)* – An oral report of a work related incident resulting in a fatality or the inpatient hospitalization of three or more employees was not made within eight hours after the occurrence to the Michigan Occupational Safety and Health Administration.

*This rule has changed since the date of citation.

FAQ

First-Time Violators

Q: Why doesn't MIOSHA issue warnings without a citation or penalty for first-time violators?

A: When the United States Congress passed the federal Occupational Safety and Health Act (OSH Act) in 1970, the OSH Act provided for first time monetary sanctions for violations of the OSH Act or standards promulgated under authority of the OSH Act. To this day the OSH Act does not allow warnings or waiver of a citation or penalty for first-time offenders. The citation/penalty process is not viewed as punitive, but as an incentive for employers to comply with safety and health (S & H) requirements without waiting to use up their first-time waiver if one were to exist. However, Federal OSHA does provide funding for consultative services administered by the states, so employers can request such services at no cost and no citation or associated penalty.

The federal OSH Act includes language that allows states to create their own safety and health compliance programs; such states are said to have a "State Plan Program." The Michigan Occupational Safety and Health Act (MIOSH Act), Act 154 of 1974, as amended, created the Michigan S & H, State Plan Program, administered by MIOSHA. For MIOSHA to maintain status as a State Plan Program, we must maintain a program that is deemed to be "at least as effective as" states under federal OSHA jurisdiction. This includes maintaining a compliance program that does not allow waiver of citation/penalty for first time offenders. However, MIOSHA maintains a consultation service program administered by the MIOSHA Consultation, Education and Training (CET) Division. As mentioned above, any employer can request the CET Division to help them comply with [MIOSHA standards](#) and address safety and health issues in their workplace, free of charge, with no monetary penalties for non-compliance. When requesting consultative services, the employer must agree to correct any hazard that is deemed to be of a serious nature.

Awards, Partnerships and Alliances

Construction Association of Michigan Continues Alliance with MIOSHA to Heighten Worker Safety

MIOSHA and Construction Association of Michigan (CAM) renewed its formal alliance to protect the safety and health of Michigan's construction workers through increased communication, collaboration, awareness, and education and training opportunities. CAM first signed an alliance with MIOSHA in 2005, renewing for its third time.



Michigan Assisted Living Association and MIOSHA Form Alliance to Foster Worker Safety

MIOSHA and Michigan Assisted Living Association (MALA) entered into a formal alliance to protect the safety and health of Michigan's healthcare workers through increased communication, collaboration, awareness, and education and training opportunities.

PARTNERSHIP
A MIOSHA Cooperative Program

Ford, UAW Partner with MIOSHA to Reduce Injuries and Illnesses at Plants Throughout Michigan

To emphasize the importance of employee health and safety conditions at its Michigan manufacturing facilities, Ford Motor Company and the United Automobile, Aerospace and Agricultural Implement Workers of

America (UAW) have renewed their partnership with MIOSHA.

Standards Update

Recently Revised MIOSHA Standards

- OH Part 529 Welding, Cutting and Brazing – effective December 22, 2015
- GI Part 12 Welding and Cutting – effective January 14, 2016
- GI Part 65 Mills and Calendars for Rubber and Plastic – effective January 14, 2016
- CS Part 16 Power Transmission and Distribution – effective March 2, 2016
- OH Part 523 Abrasive Blasting – effective March 11, 2016
- GI Part 85 The Control of Hazardous Energy Sources – effective March 11, 2016
- GI Part 7 Guards for Power Transmission – effective March 15, 2016
- OH Part 526 Dipping and Coating Operations – effective March 15, 2016
- CS Part 10 Cranes and Derricks – effective March 22, 2016
- CS Part 15 Excavators, Hoists, Elevators, Helicopters and Conveyors – effective March 22, 2016
- OH Part 520 Ventilation Control – effective March 31, 2016

MIOSHA Standards Being Revised

- CS Part 8 Handling and Storing of Materials
- CS Part 12 Scaffold and Scaffold Platforms
- CS Part 19 Tools
- CS Part 25 Concrete Construction
- CS Part 21 Guarding of Walking and Working Areas
- CS Part 30 Telecommunications for Construction
- CS Part 91 Process Safety Management of Highly Hazardous Chemicals
- GI Part 5 Scaffolding
- GI Part 14 Conveyors
- GI Part 21 Powered Industrial Trucks
- GI Part 24 Mechanical Power Presses
- GI Part 25 Manlifts
- GI Part 50 Telecommunications for General Industry
- GI Part 51 Logging
- GI Part 74 Fire Fighting
- GI Part 90 Permit Required Confined Spaces
- GI Part 91 Process Safety Management of Highly Hazardous Chemicals
- OH Part 315 Chromium (VI) in Construction
- OH Part 380 Occupational Noise Exposure in General Industry
- OH Part 490 Permit Required Confined Spaces
- OH Part 591 Process Safety Management of Highly Hazardous Chemicals
- OH Part 604 Chromium (V) in Construction
- ADM Part 11 Recording and Reporting of Occupational Injuries and Illnesses

Watch the MIOSHA [standards webpage](#) for final versions once they are approved. For more information regarding these proposed changes, go to the [ORR proposed rule status page](#) and click on “proposed revision info” adjacent to the specific standard.



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; we encourage reprinting.

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