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MIOSHA *news*

Vol. 18, No.3, Late Summer / Early Fall 2014

DIRECTOR'S *corner*



Martha Yoder
Director

There is an old saying that “an ounce of prevention is worth a pound of cure!” We believe this is true and there are important prevention lessons to be learned from our top MIO-SHA violations summary.

These top violations represent common hazards for Michigan workers that could cause serious physical

harm or even death— a tragedy no employer wants to have happen.

In addition, there are business bottom-line costs for not addressing hazards that cause injury. Liberty Mutual insurance Company estimated the direct costs of workplace accidents at \$48.6 billion nationwide for 2006.

The top violations lists can be a great place to start a “self-inspection” of your workplace to ensure that hazards are eliminated or properly addressed. Self-inspection activities are an integral part of a safety and health management system.

MIOSHA has developed a [Self-Inspection Checklist](#) that may also help you assess potential hazards. The checklist is by no means exhaustive because each workplace has its own unique requirements and conditions but can be a great resource.

We encourage you to be proactive by adopting a safety and health system that addresses your specific hazards and includes regular self-inspections as part of that system. If you would like assistance from MIOSHA, the Consultation Education and Training (CET) Division is available to conduct hazard surveys of an employer’s site. These surveys serve as a training tool by providing an opportunity to learn how to identify unsafe or unhealthy acts or conditions with a MIOSHA professional. MIOSHA also offers a one-day seminar, “How to Conduct a Workplace Inspection.” Check the [MIOSHA Training Institute Calendar](#) for scheduled classes.

Set a goal for yourself today to get started by taking an “ounce of prevention!” The paybacks are tremendous – you send employees home safe and whole at the end of their work shift and improve your business bottom line.

“Top 10 Most Frequently Cited MIOSHA Standards”

Andrea Miller
MIOSHA Communications Director
Administration Division

One of the most tragic events in the workplace occurs when an employee is killed on the job. MIOSHA provides fatality information to encourage employers to take the steps necessary to protect their workers. Workplace injuries, illnesses, and fatalities are preventable. The costs of reacting to workplace injuries and illnesses far exceed the costs of preventing them from happening.

**Your actions
may save
that person’s
life...**

Help is Available

Information on specific hazards is available on the website including fact sheets to help recognize and eliminate workplace hazards. For compliance and enforcement information contact the General Industry Safety and Health Division (GISHD) or the Construction Safety and Health Division (CSHD).

Top 10 Most Cited MIOSHA Standards

Below are the Top 10 Most Frequently Cited MIOSHA Construction, General Industry, and Occupational Health Standards. These are serious violations most frequently cited by the GISHD and the CSHD in Fiscal Year 2012—2013 (October 1, 2012 through September 30, 2013).

This list was compiled to provide an overview of the most common hazards identified by MIOSHA during safety and health inspections. The list can help employers identify serious hazards which could result in workplace injuries and fatalities. Employers are encouraged to use the “Top 10” list as a tool to improve safety and health at their worksites. If a standard on the “Top 10” list applies to your workplace, review the specific requirements of the standard to assess how well your safety and health system is and address deficiencies. MIOSHA standards can be downloaded from the [MIOSHA website](#).

A comprehensive safety and health management system is the best framework to help employers comply with MIOSHA standards.

The key elements of a Safety and Health Management System are:

- Management commitment,
- Employee involvement,
- Workplace analysis,
- Hazard prevention and control, and
- Safety and health training.

[\(Click here to finish the story\)](#)



“Top 10 Most Frequently Cited MIOSHA Standards” (Cont’d)

Top 10 Health Standards

STANDARD VIOLATED	STANDARD	TOTAL VIOLATIONS	INITIAL PENALTY
1926.1101	Asbestos Standards for Construction	657	\$451,500
1910.1200	Hazard Communication	220	\$149,675
1910.134	Respiratory Protection	175	\$ 59,140
1926.062	Lead Exposure in Construction	118	\$ 63,100
325.6005	Personal Protective Equipment	99	\$ 35,525
325.4720	Medical Services and First Aid	98	\$ 97,525
1910.100	Asbestos Standards for General Industry	86	\$ 72,325
325.6008	Personal Protective Equipment	57	\$ 29,825
1910.146	Permit-required Confined Spaces	56	\$ 31,750
325.6006	Personal Protective Equipment	50	\$ 27,750

Top 10 Construction Industry

STANDARD VIOLATED	STANDARD	TOTAL VIOLATIONS	INITIAL PENALTY
1926.501	Fall Protection	629	\$475,865
408.4114	General Rules	566	\$107,060
408.4132	General Rules	335	\$ 6,525
408.4622	Personal Protective Equipment	250	\$ 92,325
408.41243	Scaffolds and Scaffold Platforms	215	\$ 44,025
408.41725	Electrical Installations	207	\$ 49,725
1926.502	Fall Protection	138	\$103,720
408.22349	Mobile Equipment	130	\$ 32,200
408.41124	Fixed and Portable Ladders	130	\$ 24,625
408.41217	Scaffolds and Scaffold Platforms	125	\$ 22,200

Top 10 General Industry

STANDARD VIOLATED	STANDARD	TOTAL VIOLATIONS	INITIAL PENALTY
1910.147	Lockout/Tagout	421	\$503,360
1910.305	Design Safety Standards for Electrical Systems	411	\$ 77,840
1910.1200	Hazard Communication	358	\$ 56,320
1910.303	Design Safety Standards for Electrical Systems	283	\$197,560
408.1034	General Provisions	252	\$509,745
408.1.3308	Personal Protective Equipment	228	\$ 80,490
408.14007	Electrical Safety Related Work Practices	196	\$ 21,530
408.1727	Guards for Power Transmissions	164	\$158,325
408.12154	Powered Industrial Trucks	130	\$ 24,200
408.13312	Personal Protective Equipment	124	\$ 72,400

Everyone in a work environment must be responsible for safety. If you see someone doing an unsafe act, tell them or tell a supervisor, but tell someone. Your actions may save that person’s life, or prevent a serious injury or illness!

CONNECTING UPDATE

Bart Pickelman, CIH
Deputy Director



Connecting Through Leadership

Effective leadership is vital to any organization's success, and developing the skills of MIOSHA's current and future leaders is an important focus for the agency. Robust leadership enhances our ability to "Connect MIOSHA to Industry" in order to better protect the safety, health, earned wages and fringe benefits of Michigan workers.

In 2000, MIOSHA surveyed their employees about the culture and effectiveness of the agency. The survey identified training of supervisors, managers, and other leaders as an area for further attention. As a result, MIOSHA began the MIOSHA Leadership Institute (MLI) in 2002 to help create a common vision: to improve culture and foster improved communications through consistent training tailored to the agency's needs.

{ It has been said that leaders are not born, they are made... }

The MLI curriculum includes sessions on vision and values in leadership, effective listening, team building, communication, time management, conflict resolution, coaching skills, etc. These sessions have been extremely beneficial in the growth of MIOSHA's leadership team and in the agency's capacity to connect with our customers and each other.

A very successful session in the MLI is the "Leaders on Leading" session. This session involves a panel of distinguished stakeholders from general industry, construction, and government who dis-

cuss their experiences and views on various aspects of leadership and working with MIOSHA. It is also an opportunity for MIOSHA to obtain feedback from the panelists on how they believe the agency is doing in carrying out our mission. It is important for the current and future MIOSHA leadership team to know how our stakeholders view our operations and gain insight into how improvements can be made.

The last session of the "Leaders on Leading" panel discussion offered MIOSHA the following advice:

- Continue the proactive approach by reaching out to employers, employees, and organizations;
- Maintain open communication and a spirit of collaboration;
- Retain consistent and fair enforcement;
- Stay approachable and willing to help;
- Provide practical rule interpretation;
- Seek input on new rules and requirements from the regulated community; and
- Keep innovating and doing what you are doing.

It has been said that leaders are not born, they are made and the MLI is a very important tool used by the agency to accomplish that task. Effective leadership will help ensure MIOSHA continues to work collaboratively with employers, employees, and organizations to advance the message that preventing injuries, illnesses and fatalities in the workplace is not only the right thing to do, but it also makes good business sense. Safety does pay!

New Minimum Wage for Michigan Employees

Jennifer Fields, Manager
Wage & Hour Program

On May 27, 2014, the Workforce Opportunity Wage Act, Public Act 138 of 2014 (Act 138), took immediate effect replacing the Michigan Minimum Wage and Overtime Act (Act 154). The new Act 138 is enforced by the Wage and Hour Program within the Technical Services Division.

Act 138 applies to employers in Michigan that have two or more employees age 16 and older. A copy of Act 138, along with guidelines and the required poster may be downloaded from the [Wage and Hour Program Website](#).

Dates of Minimum Wage Rate Increases

The rate increases are as follows:

- September 1, 2014 \$8.15
- January 1, 2016 \$8.50
- January 1, 2017 \$8.90
- January 1, 2018 \$9.25

Youth Training Wage

Act 138 allows an employer to pay a newly hired employee age 16 to 19 a training wage of \$4.25 per hour for the first 90 days of employment.

85% Minimum Wage

Act 138 also allows Michigan employers to pay 85 percent of the minimum wage to employees aged 16 and 17; however, note that the current Federal Minimum Wage rate is \$7.25 per hour. Employers that are covered by both State and Federal Minimum Wage laws should pay the higher applicable rate. Information on Federal Minimum Wage can be obtained by calling the United States Department of Labor at 866-487-9243.

New Minimum Wage for Michigan Employees (Cont'd)

Effective Date	Minimum Hourly Wage Rate	85% of Minimum Hourly Wage Rate
September 1, 2014	\$8.15	\$7.25*
January 1, 2016	\$8.50	\$7.25*
January 1, 2017	\$8.90	\$7.57
January 1, 2018	\$9.25	\$7.86

*per Federal Minimum Wage Rate

Tipped employees

Act 138 allows employers to take a tip credit on minimum wage under certain conditions for those employees who customarily and regularly receive tips.

The following conditions apply to taking a tip credit on the state minimum wage rate:

- The employee is in a position which customarily and regularly receives gratuities from a guest, patron, or customer for services rendered to that guest, patron, or customer.
- If the gratuities plus the minimum hourly wage rate do not equal or exceed the minimum hourly wage otherwise established, the employer pays any shortfall to the employee.
- The gratuities are proven gratuities as indicated by the employee's declaration under the federal insurance contribution act.
- The employee was informed by the employer of the provisions of Act 138.

- If a credit is taken for gratuities received by an employee, then the employment records for each pay period shall contain the credit that was taken along with a written statement of the amount of gratuities received by the employee. The statement shall be signed by the employee and dated before the date the paycheck was received.

The minimum hourly rate of pay for a worker subject to tip credit provisions is:

Effective Date	Minimum Hourly Wage Rate :	Tipped Employee Minimum Hourly Wage Rate	Provided Reported Tips Per Hour Average At Least:
September 1, 2014	\$8.15	\$3.10	\$5.05
January 1, 2016	\$8.50	\$3.23	\$5.27
January 1, 2017	\$8.90	\$3.38	\$5.52
January 1, 2018	\$9.25	\$3.52	\$5.73

Overtime Requirements

- Employees covered by the overtime provisions of the Work force Opportunity Wage Act must be paid 1½ times their regular rate of pay for hours worked exceeding 40 in a work week.

Some positions are considered exempt from overtime requirements. For a complete list of those positions or for further questions or information, call the Wage and Hour Program or visit the program [website](#).

CET DIVISION UPDATE

Video Streaming Pilot Project

The CET Division has over 300 safety and health videos available on a free-loan basis. The only charge is the cost of returning the borrowed items. Video loans average about 1,650 uses per year; however, the CET Division has noticed a decline in use over the past two years. After brainstorming, the CET Division decided to offer other options for viewing videos.

Beginning October 1, 2014, the CET Division will pilot video streaming opportunities offered by two companies that specialize in occupational health and safety videos. The first piloted video program is provided by the Summit Training Source. Customers will be able to stream titles directly from the MIOSHA website at no charge. MIOSHA will be purchasing a set number of "views". CET will be promoting this opportunity on the MIOSHA website and email announcements.

The second video streaming opportunity will be provided by The Training Network and will be tailored to the accommodation industry — North American Industry Classification System (NAICS) code 721. Companies in the accommodation subsector provide

lodging or short-term accommodations for travelers, vacationers, and others. The accommodation industry group is one of the three new high hazard industries identified in MIOSHA's current five-year strategic plan. Twelve videos with tests and certificates will be available under this option for unlimited use for one year to 30 companies with 500 or fewer employees. The CET Division will be identifying potential customers and a letter will also be sent to companies with this NAICS code from MIOSHA's database of Michigan businesses. The project will be offered on a first-come, first-served basis.

At the end of the video streaming pilot project, MIOSHA will assess its value and convenience for the customer and determine how to proceed with future video streaming options. Questions about the pilot project can be answered by the CET Division. To request videos currently available through the loan program, email your request to mioshavidoes@michigan.gov.

Katie Benghauser, Analyst
Consultation Education and Training Division

MIOSHA Training Institute (MTI): Coming Attractions

Sheila Ide, MTI Facilitator
Consultation Education and Training Division

October 1, 2014, marks MTI's seventh year of providing premier workplace safety and health training with 46 specific courses. Almost 17,000 participants have successfully completed these affordable, informative, participant driven seminars and workshops. The assessment-based certificate programs offer participants an opportunity to be recognized for their educational efforts and increased technical expertise.

Over the past seven years multiple changes, driven by student demand and industry practice, have been put into place. Level One tracks for both General Industry and Construction were developed for those starting in the safety and health field or as refreshers for veteran practitioners. The Management track was developed to assist managers charged with implementing effective Safety and Health Management Systems (SHMS). Level Two compliance tracks in General Industry and Construction assist those who need to interpret standards and apply them correctly. A separate Occupational Health track was also developed to recognize students completing all the health courses.

NEW THIS YEAR

- The Management track will contain the new program "Behavior Based Safety: Fundamentals and Implementation." Students will hear from a variety of companies who have successfully adapted Behavior Based Safety into their unique cultures to positively impact their safety and health systems and improve their bottom line.
- Also in the Management track is "Workplace Inspection," a combined course addressing general industry, construction, and health issues into a comprehensive guide for an in-house inspection process to address the Safety and Health Management System Element Worksite Analysis/Hazard Assessment.

- Based on student trends, the General Industry compliance track has been revised to offer more electives to students by only requiring four courses and allowing students to take five other standards courses that match their interests and worksites.
- The former "Blueprint for a Safety and Health Management System" is being completely re-worked to focus more closely on the five elements of a safety and health program. The new "Elements of a Safety and Health System" will focus on the critical components of an effective program and how they relate for success. The new program is scheduled to be piloted in December, 2014.
- Four MTI Boot Camps will be offered this year — two for Level One and two for Level Two. The boot camps offer students an expedited pathway in achieving their certificates after successfully completing an intense six or eight day program.
- As the training year progresses, all classes will begin providing students with a flash drive containing their student guides and resource materials. This will allow information to be taken back to the workplace in a portable mode.

Watch for the Fall/Winter catalog listing all the MTI class dates and locations or check the [MIOSHA Training](#) web-page. To learn more about the MIOSHA Training Institute and what it can do for you and your company, please contact the CET office or visit the [MTI website](#).



MIOSHA Training Institute (MTI)

Premier Workplace Safety and Health Training

The MIOSHA Training Institute (MTI) provides a wide range of seminars across the state directed toward improving and advancing safety and health in the workplace. Employers, workers, safety and health personnel, and others can participate in the same training MIOSHA provides to their own professional staff.

Consistent and Credible Statewide Seminars

MTI delivers affordable, consistent, participant driven, and informative seminars. Based on the most up-to-date industry standards in a hands-on interactive environment, courses are offered in sponsorship with M-TEC facilities, community colleges, and safety and health organizations at a reasonable cost.

CEUs and Certificate Programs

The MTI assessment-based certificate program offers participants an opportunity to be recognized for their educational efforts and increased technical expertise. The courses offer continuing education credits and maintenance points as well as an opportunity to achieve Level One General Safety and Health, Level Two Safety and Health Management Systems (SHMS), and Safety and Health Compliance certificates. An Occupational Health certificate is also available.

MTI courses may qualify an employer for potential penalty reductions during a MIOSHA inspection.

To learn more about MTI log on to:
www.michigan.gov/mti

For more information call the CET Division
517-322-1809



MTI Certificate Programs

LEVEL ONE	LEVEL TWO
General Industry Safety and Health Required Elements of a Safety & Health Management System (Formerly Blueprint for a Safety and Health Management System) MIOSHA General Industry 10 Hour ** Electives (Select 2) Human Factors Engineering (Formerly Ergonomics) Job Safety Analysis/Make Every Machine Guarding & Hazard Identification MIOSHA Recordkeeping & Cost of Injuries ** Supervisor's Role in Safety & Health ** When MIOSHA Enforcement Visits ** Construction Safety and Health Required Health Hazards in Construction MIOSHA Construction 10 Hour Course MIOSHA Construction - Part 43 Fall Protection Electives (Select 4) Asbestos & Lead Awareness Electricity: The Invisible Killer Excavations: The Grave Danger! MIOSHA Recordkeeping & Cost of Injuries ** Supervisor's Role in Safety & Health ** When MIOSHA Enforcement Visits ** Part 2 - Masonry Wall Bracing Part 6, 13, & 43 - Personal Protective Equipment Standards for General Industry & Construction ** Part 10 - Lifting & Rigging Equipment Construction Cranes & Rigging Part 12 - Scaffolds & Scaffold Platforms Part 13 - Mobile Equipment & Work Zone Safety Part 17 - 39 & 40 - Electrical Standards for General Industry & Construction ** Part 42, 92, & 430 - Hazard Communication & Right-to-Know Requirements ** Part 451 - Respiratory Protection ** OCCUPATIONAL HEALTH Required Part 42, 92, & 430 - Hazard Communication & Right-to-Know Requirements ** Part 380 - Occupational Noise Exposure Part 451 - Respiratory Protection **	MIOSHA Compliance for General Industry Required Part 7 - Guards for Power Transmission Parts 17, 39 & 40 - Electrical Standards for General Industry & Construction ** Part 85 - Control of Hazardous Energy Sources Part 42, 92, & 430 - Hazard Communication & Right-to-Know Requirements ** Electives (Select 5) Industrial Laser Safety Industrial Robot Safety Part 1 - General Provisions Part 2, 3, 4 - Floor/Wall Openings, Stairways & Skylights, Ramps and Portable Ladders Part 6, 13, & 43 - Personal Protective Equipment Standards for General Industry & Construction ** Part 14 - Competency Part 21 - Powered Industrial Trucks: What Every Trainer & Operator Must Know Part 36 - Mechanical Power Press Parts 90 & 490 - Permit Required Confined Spaces Part 380 - Occupational Noise Exposure Part 451 - Respiratory Protection ** Part 472 & 854 - Medical Services & First Aid, Bloodborne Infectious Diseases MIOSHA Compliance for Construction Students must successfully pass any eight electives not previously taken from the Construction track. Safety and Health Management Systems (Both General Industry and Construction) Required Advanced Accident Investigation Behavior Based Safety Fundamentals & Implementation Continuous Safety & Health Improvement Creating a Positive Safety Culture Effective Safety & Health Training Workplace Inspection Part 472 & 854 - Medical Services & First Aid, Bloodborne Infectious Diseases Human Factors Engineering (Formerly Ergonomics) DE Parts 90 & 490 - Permit Required Confined Spaces

2014-2015 MIOSHA Training Institute Registration and Enrollment

Certificate: General

OCTOBER

1	Part 12 - Scaffolds & Scaffold Platforms
1	Asbestos and Lead Awareness
1-2	MIOSHA Construction 10 Hour Course
2	MIOSHA Recordkeeping & Cost of Injuries **
7	Part 21 - Powered Industrial Trucks: What Every Operator Must Know - Behavior Based Safety and Health
7	Electrical Safety and Health
8	MIOSHA Construction Behavior Based Safety and Health
8	MIOSHA Construction Human Factors Engineering (Formerly Ergonomics)
8-9	Elements of a Safety and Health Management System (Formerly Blueprint for a Safety and Health Management System)
9	Masonry Wall Bracing
14-15	MIOSHA Construction Competency
15	Human Factors Engineering (Formerly Ergonomics)
15-16	MIOSHA Construction Permit Required Confined Spaces
22-23	Swampship (SA)
27-29	Annual Work
16	Mechanical Power Press
22	Advanced Accident Investigation
22-23	Electrical Safety and Health
28	Behavior Based Safety Fundamentals & Implementation
28-29	Electrical Safety and Health
29	Electrical Safety and Health
5	Human Factors Engineering (Formerly Ergonomics)
5	Creating a Positive Safety Culture
6	Advanced Accident Investigation
6, 11, 12, 20	MIOSHA Construction 10 Hour Course - Midland (C)
12	Behavior Based Safety Fundamentals & Implementation
18	MIOSHA Recordkeeping and Cost of Injuries - Grand Rapids (GL C)
19	MIOSHA Construction 10 Hour Course - Midland (C)
19-20	Powered Industrial Trucks: What Every Operator and Supervisor Must Know - Cadillac (GL)
25	Supervisor's Role in Safety and Health - Irons (GL C)

Premier Provider of High Quality Workplace Safety and Health Training
MIOSHA Training Institute (MTI)
 2014-2015 Fall & Winter Schedule



CET BEST PRACTICES

MIOSHA Consultations — U.P. Style

Stephen Tighe, Construction Safety Consultant
Consultation Education and Training Division

One goal of the MIOSHA Strategic Plan is to reduce injury and illness rates for public entities, which includes state, county, city, and village employers. Public entities are unique in that they have both general industry and construction operations, many of which function interdependently. Public entities working with smaller budgets may find themselves doing work with fewer employees. When employers face an economic downturn, employee training is often significantly diminished or eliminated. Employees may be utilized in areas where they have not been properly trained and safety programs and policies are not maintained. There are special considerations that can make compliance challenging, especially if the employer is located in Michigan's Upper Peninsula.

Consultation Services for Upper Peninsula (U.P.) Public Sector Employers

The U.P. makes up one third of Michigan's land mass but just three percent of its total population. It has two time zones and shares parts of the shoreline with three of the Great Lakes. Some of the unique issues facing the public sector in the U.P. are limited access to training facilities or instructors, significant weather considerations, travel expenses to obtain training, and small work forces that are unable to shut down for a day of training. MIOSHA CET Division has two consultants that live and work in the U.P., Senior Safety Consultant John Bodnar and Construction Safety Consultant Steve Tighe have developed a model for addressing the unique issues that impact public employers and their ability to maintain compliance and reduce injury and illness rates.

Model for Public Sector Services

Consultants Bodnar and Tighe will schedule an initial meeting with the city or village manager and all department heads;

(Water, Public Works, Police, Fire, Parks and Maintenance). The consultants will explain the need and requirements for a comprehensive safety and health management system (SHMS). They will then work with the managers to draft the administrative segments of the SHMS. Department-by-department the consultants then work with the managers responsible for completing Job Safety Analyses, Personal Protective Equipment Assessments and other written program requirements. With Bodnar focusing on the general industry safety requirements and Tighe focusing on the construction safety requirements, they address MIOSHA safety compliance requirements within each department. For example, Bodnar may consult with the department managers on the training needs for office staff while Tighe works with the field crews on heavy equipment or traffic control issues. As needed, a third CET consultant, Curtis Johnson, Senior Industrial Hygienist, may assist by providing health related information and conducting air, noise and other monitoring or sampling. The consultants will schedule additional meetings, training or hazard assessments as needed.

If at any point in this process a department manager needs clarification Bodnar or Tighe will step back in for guidance. Sometimes that guidance is simply helping the manager with breaking down tasks to manageable steps in order to keep the SHMS program development process from becoming overwhelming. If the public entity has technical needs that they cannot provide the training for, they will direct them to multiple options. If specialized equipment such as fall protection gear is needed, the consultants will help the managers find vendors that can assist them.

This model has worked well with many U.P. public entities and the two U.P. consultants continue to expand their work with these employers.



New Construction Fact Sheets

The Construction Safety and Health Division recently developed two new MIOSHA fact sheets. The first one titled, "[Scissor Lifts — Alternatives for Compliance](#)," specifically addresses those unique situations where a self-propelled aerial lift platform (scissor lift) cannot reach the work area because of an overhead obstruction, (i.e., piping, duct work, equipment). In the past, employers were required to obtain a variance from the following two rules in Part 32 — Aerial Work Platforms in order to place a small platform within the scissor lift to gain additional height:

- Rule 3216(3) prohibits using the work platform guardrail to support materials, other work platforms, and employees.
- Rule 3216(4) requires employees to maintain a firm footing on the platform and prohibits using railings, planks, ladders, or any other devices on the platform for achieving additional height.

This fact sheet provides employers with **two alternatives** for compliance with Rules 3216(3) and 3216(4) following these alternatives a variance is no longer required.

Alternative #1: There are many new types of scissor lift attachments and newly designed aerial lift work platforms available on the market that are designed to increase the working height and fit into tight, narrow places. A manufactured scissor lift or attachment is the best way to achieve additional height or fit into tight areas to reach the work area.

Alternative #2: Employers may use the stipulations that were required in the previous Aerial Lift variances. These stipulations are located in the new "[Scissor Lifts — Alternatives for Compliance](#)" fact sheet. If an employer is complying with all of the

stipulations prescribed in the fact sheet, this would be considered a "de minimis" violation of Rules 3216 (3) and 3216(4) and no citations will be issued.

The second fact sheet is titled, "[Miss Dig — New Public Act 174](#)." This fact sheet addresses the new Miss Dig Underground Facility Damage Prevention and Safety Act 174 that went into effect April 1, 2014. The new Act 174 contains specific requirements when excavating with power equipment in proximity to utility marks. It also provides guidance for both exercising "reasonable care" and identifying "when working" in close proximity to underground utilities is applicable. Hand exposing must be performed prior to the use of power equipment in the Caution Zone which is defined as the area within 48 inches of either side of the utility marking.

The "[Miss Dig — New Public Act 174](#)" fact sheet explains further that when an employer is following the requirements that are established in Public Act 174, MIOSHA would consider them to be in compliance with the requirements of Part 9 Excavation, Trenching and Shoring, Rules 931(1) and 931(2) for addressing the location and working around underground utilities.

A list of all the [MIOSHA Fact Sheets](#) and other information can be viewed on the MIOSHA website at www.michigan.gov/miosha.

Brian Gronda, Acting Safety Manager
Construction Safety and Health Division



Locating and marking underground utility lines



Example of proper scissor lift

MICHIGAN'S UTILITY COLOR CODE

RED		Electric
YELLOW		Gas, Oil, Steam or Petroleum
ORANGE		Communications
BLUE		Potable Water
PURPLE		Reclaimed Water Irrigation
GREEN		Sewer & Drain Lines
WHITE		Proposed Excavation
PINK		Temporary Surveying

Unlicensed Asbestos Abatement Contractor — Asbestos Case Study

Michael Mason, Health Manager
Construction Safety Health Division

In response to a report submitted to MIOASHA from the Michigan Department of Environmental Quality (MDEQ) regarding improper asbestos abatement activity, MIOASHA investigated a contractor who was working at an abandoned house in the Detroit area. The house was slated for demolition as part of a large blight reduction program. MDEQ law requires that all regulated asbestos-containing materials be removed from a facility before it is demolished. MIOASHA determined that the contractor removed friable asbestos-containing materials from the house without first obtaining a license from the department, and in addition, did not protect its employees by complying with the asbestos regulations. The contractor was cited for alleged violations of the Asbestos Standards for Construction (Part 602), and the Asbestos Workers Accreditation Act (Act 135 of 1986). The total penalty was \$31,000.00.

Violations included citations for:

Description

- Contractor did not perform exposure monitoring; the
- Contractor did not use engineering controls and work practices required for any type of asbestos work; the
- Contractor did not use any of the more stringent engineering controls and work practices specifically required for Class I asbestos work; and



During an asbestos abatement project in a house built in 1950, an unlicensed contractor did not collect and dispose of asbestos waste, scrap, and debris, in sealed, labeled, impermeable bags or other containers

- Contractor who was engaged in asbestos abatement activity did not receive the appropriate license from the department before starting the activity.

Fatalities Summaries

Construction Industry, Millwright — Fall

On April 16, 2014, at approximately 2:15 p.m., five employees were disassembling and removing the conveyor equipment from a grain elevator. One of the employees was working from a catwalk area approximately 60 feet above the ground where the grain leg of the conveyor had been removed. The removal of the grain leg left an opening of approximately 60 inches by 28 inches which was not covered or protected; the employee subsequently fell through the hole. The employee fell approximately 60 feet to the ground. The employee was transported to the hospital where he passed away from his injuries.

MIOASHA Violations

Part 1, General Rules

- [408.40114\(1\)\(a\)](#) — No accident prevention program



Part 20, Demolition

- [408.42032](#) — No fall protection in use during demolition activities
- [1926.503\(a\)\(1\)](#) — No means of egress was provided to employee engaged in demolition activities

GENERAL INDUSTRY CASE STUDY

MIOSHA Employee Discrimination Section

The MIOSHA Employee Discrimination Section provides protection to employees by conducting investigations into employee allegations that they were retaliated against for exercising a right afforded them under the Michigan Occupational Safety and Health Act. Commonly investigated allegations include termination, suspension, or written warnings for complaining to management about on the job safety and health, or for filing a MIOSHA complaint.

After an investigation, the Discrimination Section issues a determination upholding or dismissing the complaint. When upheld, an employer is ordered to make the employee “whole.” (i.e. giving the employee their job back with back pay, removing a suspension, and reimbursing the employee for lost wages, and/or removing written warnings.) Whether a complaint is upheld or dismissed, either party has the right to appeal resulting in a hearing with an administrative law judge.

Alternately, employers and employees have the option of negotiating a settlement. A settlement agreement allows the parties to avoid a lengthy investigation and the possibility of a hearing and significant cost savings (especially if attorneys are involved). Additionally, with cases that have possible back pay liability, early resolution can substantially reduce the liability, making resolution more appealing.

Recent Activity

Recently, the MIOSHA Discrimination Section investigated a complaint allegation of an employee who raised safety and health concerns to management. The employee elevated the concerns to their human resource department as well as filing a MIOSHA safety complaint. Before the MIOSHA inspection

began, their human resource department conducted an investigation into the employees’ concerns. They indicated they appreciated him raising the concern and began to address the safety issue but also determined he conducted himself in a disrespectful and/or inappropriate way, resulting in a written warning. In the midst of the MIOSHA safety inspection and discrimination investigation the employee was laid off due to lack of work (along with other employees; the employee did not believe his layoff was retaliatory). The investigation was about the employee’s belief the written warning was retaliation for raising safety and health concerns to management.

After learning the employee was eligible to return to work from layoff and since the employer’s claim that there was no animosity toward the employee for raising the safety issue, settlement negotiations began. The employer held the position that the written warning was not retaliation but they were willing to reduce the written warning to a verbal counseling as a way to settle the complaint. The employee felt this was fair and accepted the offer. Both parties signed a settlement agreement that clearly stated the employer was not admitting guilt just simply resolving the matter. The employee’s record was cleared of the written warning which may be crucial when the time comes to recall employees from layoff since employee discipline records are a factor when they are recalled.

Reaching an agreement shows good faith for both parties and hopefully, if the employee is recalled, the transition will be positive. It is also our hope that both sides can learn from this experience and work together to resolve any future issues they may have, on their own.



Hotels and Motels

Series on the 10 High-Hazard Industries in Michigan

Accommodations (NAICS 721) is one of the new 10 high-hazard industries the General Industry Safety and Health Division (GISHD) has targeted for enforcement during the 2014 – 2018 Strategic Plan years. According to the US Bureau of Labor Statistics, in Michigan, this industry had an average of 5.4 injuries and illnesses per 100 workers per year between 2010 and 2012; this was higher than the rate of 4.0 for all private industry. The goal of targeted enforcement is to reduce the injury and illness rate in high-hazard industries by 15 percent by the year 2018.

Accommodations Hazards

This industry comprises establishments primarily engaged in providing lodging in facilities known as hotels, motor hotels, resort hotels, and motels. In the accommodations industry, housekeepers, janitors, and custodial workers perform the following tasks that can cause injury:

- 1) Bed making, changing sheets, and moving heavy mattresses;
- 2) Cleaning bathrooms and floors and walls;
- 3) Pushing heavy carts;
- 4) Operating machinery;
- 5) Walking on wet floors;
- 6) Lifting and dumping trash cans;
- 7) Moving furniture;
- 8) Carrying heavy objects;
- 9) Using corrosive chemicals;
- 10) Dealing with contaminated sharps and soiled linens; and
- 11) Exposure to air contaminants.



Mark N. Scott, Industrial Hygienist Specialist
General Industry Safety and Health Division



Tasks 1 through 8 listed present a higher probability of muscular or joint stress or strain from risk factors such as:

- Forceful exertions (e.g., lifting heavy mattresses, pushing heavy supply carts);
- Awkward postures (e.g., cleaning bathroom floors or bath tubs, reaching ceiling); and
- Repetitive activities (e.g., putting on pillowcases, cleaning mirrors, vacuuming).

To address the high probability of these risk factors, employers may wish to implement a comprehensive ergonomics program. A comprehensive program includes a safety and health committee, equipment maintenance program, and medical management team to go along with providing employees with training, engineering and work practice controls, and personal protective equipment.

Tasks 9 through 11 and other common hazards in this industry are related to medical services and first aid; personal protective equipment; hazard communication; blood borne infectious diseases; air contaminants; electrical; means of egress; laundry machinery; respiratory protection; and slips, trips and falls. General industry safety standards that cover these hazards include but are not limited to: Parts 1, 6, 8, 33, 38, 39, 71, 85, and general industry occupational health standard parts 430, 451, 472, 554, etc. These standards are located on [MIOSHA website](#).

Employers can call MIOSHA's Consultation Education and Training Division for free consultation services and compliance assistance.

Nursing Home Series

Safe Patient Handling — Everyone Wins

In October 2013, MIOSHA co-sponsored a forum at University of Michigan in Ann Arbor titled “Protecting the Caregivers — Preventing Injuries in Nursing and Residential Care Facilities.” One of the speakers at the forum, Margaret Arnold, PT, CEES, CSPHP spoke on “Incorporating Patient and Employee Safety into patient care plans. Maximizing Quality through a culture of Safety.” Arnold’s presentation addressed the importance of having a safe patient handling program as an integral part of the everyday culture in hospitals. She has received positive feedback from patients who were assisted using lifts. Lifts make the patient feel more stable (reduced fear of falling) and independent. Arnold’s presentation stressed the importance of staff safety also being elevated to the same level as patient safety. If staff safety programs are implemented as part of their everyday working culture, hospitals will see a reduction in restricted and lost work days due to injuries to workers, and in turn will lower costs associated with those injuries.

Arnold talked about eight key tools to drive a successful safety plan in the healthcare setting:

- Communication;
- Right equipment;
- Unit assessment;
- Support at all levels of organization;
- Processes and policies to integrate the program;
- Accountability;
- Integration into daily activities; and
- Use of care plans to drive safety (for patients and staff).

Haley Stowe, Industrial Hygienist
General Industry Safety and Health Division



By using these tools, Margaret Arnold’s hospital was able to reduce injuries from an average 110 worker injuries per year (pre-Safe Patient Handling Program) to six worker injuries in 2013, with only two being MIOSHA recordable. This is proof that incorporating safe patient handling into the healthcare facility can work well for employers and employees.

Technical Services Division Update

For the past year, the Technical Services Division staff has worked with other MIOSHA staff preparing for the migration of the agency’s antiquated information system to the new OSHA Information System (OIS). The OIS system tracks inspection and consultation activities and information, as well as coordinates the issuing of citations for deficiencies found during interventions. The new system is a Web based application, so MIOSHA will have access to current and past intervention information from wherever they are located.

One of the biggest hurdles MIOSHA has had to overcome is that the OIS was developed specifically for use by Federal OSHA. Staff has manually converted thousands of Michigan rules into OIS in order for the inspection and consultation reports to accurately depict what the investigators found during the workplace evalua-

tion. In addition, MIOSHA has had to review its current data entry procedures to amend some of the processes for the new system.

MIOSHA participated in a national workgroup, comprised of several states that have their own OSHA state plan program, to ensure that the needs of the state plans are being addressed. Modifications to OIS are being made as a result to make the transition for states easier.

MIOSHA Consultation Onsite Program has been using the new system on a limited basis since October 2013. Both of MIOSHA’s enforcement divisions, (Construction Safety and Health Division and General Industry Safety and Health Division), began using OIS on August 4, 2014.

Ron Ray, Director
Technical Services Division

STANDARDS UPDATE

Daniel Dykstra, Manager
Technical Services Division

MIOSHA News Rule Promulgation Update

MIOSHA staff has completed their work with respect to the Office of Regulatory Reinvention's (ORR) Workplace Safety Advisory Committee (ARC) recommendations, and a handful of those standards remain to complete the process of becoming effective. To help communicate the status of these changes, we continue to regularly update our status update page on the website at [ORR standards revisions status page](#).

MIOSHA Standards Recently Revised

In addition to the above mentioned ARC work, the following MIOSHA standards were recently revised due to changes in the federal OSHA regulations, and are in effect (click on title for link to the standard):

- [CS Part 26 Steel Erection](#)
- [CS Part 10 Lifting and Digging Equipment](#)
- [CS Part 14 Tunnels, Shafts and Cofferdams](#)

These revised standards can also be viewed at [our standards webpage](#).

MIOSHA Standards Being Revised

The following MIOSHA standards are in the process of being revised due to changes in the federal OSHA regulations:

- OH Part 306 Formaldehyde
- OH Part 472 Medical Services and First Aid
- GI 77 Grain Handling Facilities
- CS Part 6 Personal Protective Equipment
- CS Part 10 Lifting and Digging Equipment
- CS Part 11 Fixed and Portable Ladders
- CS Part 16 Power Transmission and Distribution
- CS Part 45 Fall Protection
- GI Part 33 Personal Protective Equipment
- GI Part 39 Design Safety Standards for Electrical Systems
- GI Part 40 Electrical Safety — Related Work Practices
- GI Part 86 Electric Power Generation, Transmission and Distribution

Watch the MIOSHA standards web page (see link above) 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.

Wage and Hour Rules in the Promulgation Process

The following Wage and Hour rules are in the promulgation process:

- 2013-017LR proposed amendment to General Rules was withdrawn.
- 2013-018LR proposed amendment to Wage Deviation Rules was withdrawn.
- 2013-019LR proposed amendment to Payment of Wages and Fringe Benefits Rules is pending review of the public hearing report.
- 2014-060 LR Section 44 request to rescind the Wage and Hour General Rules.

Again, 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 rule set.

The Radiation Safety Section is in the process of promulgating a new rule set that will be applicable only to radiation machines. In January, ORR approved the request for rulemaking (2013-107LR). An informal review of the draft rule set has been completed by ORR and the draft rule set is currently being revised to incorporate their suggested changes. The status can be viewed on the [ORR pending revisions page](#).

New Appointments to the Board of Health and Safety Compliance and Appeals

Dawn C.M. Jack, Director
Appeals Division

Earlier this year, Governor Rick Snyder's Appointments Division announced two appointments to the Board of Health and Safety Compliance and Appeals. Governor Snyder appointed Judd Van Coppenolle of Adrian to represent labor in general industry on the board. Mr. Van Coppenolle is the business manager and financial secretary for Plumbers and Pipefitters Local Union 333. Mr. Van Coppenolle succeeds John Mark Reilly, whose term expired in March of this year.

In addition, Governor Snyder reappointed Kevin Lepak of West Bloomfield to represent management in general industry on

the board. Mr. Lepak is a process safety management coordinator for Marathon Petroleum Company. This is Mr. Lepak's second term serving on the board.

The Board of Health and Safety Compliance and Appeals reviews all contested MIOSHA cases involving safety and health citations, orders and appeals. The board does not review MIOSHA decisions concerning employee discrimination complaints. The board issues hundreds of final orders a year related to contested MIOSHA cases.

MIOSHA Events

Andrea Miller, Communications Director
Administration Division

Michigan Safety Health Achievement Recognition Program (MSHARP) Awards

Cintas Corporation #354 Receives MSHARP Award for Workplace Safety and Health Excellence

May 28, 2014 – Cintas Corporation #354 of Macomb received the prestigious Michigan Safety and Health Achievement Recognition Program (MSHARP) award for an exemplary safety and health management system.

The North American Industry Classification System (NAICS) Code for Cintas Corporation #354 is 812332 – Industrial Launderer, which is classified as a high-hazard industry. The facility has 121 employees.

In 2012 Cintas Corporation #354 had Total Incidence Rate (TCIR) rates and Days Away from Work and Restricted/Transfer Cases (DART) rates below the Bureau of Labor Statistics (BLS) industry average. Their TCIR was 1.61 compared to the BLS rate of 6.0 for this type of industry.



Cintas Corp #354 employees and Director Yoder pose with new workplace flag

Michigan Safety Health Achievement Recognition Program (MSHARP) Renewal Awards

Glastender Inc. Receives Renewed MIOSHA Recognition of their Workplace Safety and Health Excellence

June 23, 2014 — Glastender Inc. received renewal of its MSHARP Award certification from MIOSHA. The North American Industry Classification System (NAICS) Code for Glastender is 332322.

Steel Industries, Plants #1 – 4, Receives Renewed MIOSHA Recognition of their Workplace Safety and Health Excellence

June 25, 2014 – Steel Industries – Plants #1–4 recently received renewal of their MSHARP Award certifications. All four plants are located in Redford, Michigan. Steel Industries Inc. specializes in custom open die forgings and seamless rolled rings. The NAICS Code for Steel Industries plants #1, 2, and 3 is 332111. Plant #4 is 332710.

Alliances

MIOSHA and Associated Builders and Contractors of Michigan Sign Alliance to Protect Workers

June 24, 2014 – The Associated Builders and Contractors, Inc. (ABC in Michigan) and MIOSHA signed a formal alliance to provide ABC in Michigan members and others with safety and health information, guidance, and access to training resources.

“We are pleased to join with ABC in Michigan to protect our working men and women,” said MIOSHA Director Martha Yoder. “This Alliance offers great opportunities to provide needed training and help create safer and healthier workplaces throughout Michigan.”

The purpose of this alliance is to increase and promote on the job safety and health to ABC in Michigan membership by creating better communication between ABC in Michigan members and MIOSHA for the benefit of a safer workforce. The greatest value that the alliance provides is the outreach and training that is the foundation of the ABC activities. Training goals set for the alliance primarily address “focus four” issues; fall hazards, electrical hazards, struck by hazards, and caught between/crushed by hazards. In developing this Alliance, MIOSHA and ABC in Michigan recog-

ABC in Michigan sign formal alliance to protect workers.



nize that MIOSHA’s Consultation Education and Training (CET) Division is an integral part of this effort. Total member contact outreach capability is approximately 20,000 people.

Signing the Alliance was Perry Merlo, 2014 Chairman of the Southeastern Michigan Chapter; Mark Sawyer, President, Southwestern Michigan Chapter; Dan Murphy, 2014 Chairman, Greater Michigan Chapter; Jimmy Greene, President, Greater Michigan Chapter; Paul Lemley, 2014 Chairman, Western Michigan Chapter; Norm Brady, President, Western Michigan Chapter; David Mollitor, Executive Board Member, ABC of Michigan; Chris Fisher, President, ABC of Michigan; Martha Yoder, Director, MIOSHA; Bart Pickelman, Deputy Director, MIOSHA; and Nella Davis-Ray, CET Division Director.

Partnerships

Granger Construction, Michigan Building and Construction Trades Council, Contractors and MIOSHA Sign Partnership to Protect Workers on University of Michigan Project

July 14, 2014 – Granger Construction Company, the Michigan Department of Licensing and Regulatory Affairs (LARA), MIOSHA, the Greater Detroit Building Trades Council, and the Partnering Contractors signed a formal partnership to protect workers during the renovation of the 1956 mechanical engineering laboratory — classroom building, located on U-M’s North Campus in Ann Arbor. The facility will receive approximately 141,000 square feet of major infrastructure, programmatic instructional and administrative space improvements. The building will be occupied during the renovation process, which will require work to occur in a ten phase construction plan that eliminates exposure to hazards and minimizes disruption to the daily operations of the staff and students in adjacent spaces. The partnership goal is enhanced safety and health protection and zero injuries for workers on this major facility project.

“We’re honored today to recognize the exemplary leadership of Granger Construction Company and their commitment to worker safety and health on this significant project at the University of

Michigan,” said LARA Deputy Director Stephanie Comai. “Your commitment sends a strong message that providing a safe and healthy work environment is a sound business decision.”

Signing partners included: Glenn Granger, President, Granger Construction Company; Gregory Bobzien, Corporate Safety Director, Granger Construction Company; Jerome Schulte, Associate Director of Construction and Design, U of M; Stephanie Comai, Deputy Director, LARA; and Martha Yoder, Director, MIOSHA. Also signing were the contractors and building trades unions working on the project.

Partnerships are an important emphasis in MIOSHA’s Strategic Plan to improve the health and safety of workers through cooperative relationships with groups, including trade associations, labor organizations, and employers. Partnerships move away from traditional enforcement methods and embrace collaborative agreements.



CONTACT MIOSHA

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Michigan Occupational Safety & Health Administration (MIOSHA)
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7150 Harris Drive
Lansing, Michigan 48909-8143

Phone Numbers:

MIOSHA Hotline	(800) TO-MIOSH or (800) 866-4674
Fatality or Catastrophe Hotline	(800) 858-0397
General Information (automated attendant)	(517) 322-1814
Appeals Division	(517) 322-1297
Asbestos Program	(517) 322-1320
Construction Safety and Health Division	(517) 322-1856
Consultation Education and Training Division (CET)	(517) 322-1809
CET Grant Program	(517) 322-1865
Employee Discrimination Section	(313) 456-3109
Freedom of Information Section	(517) 322-1295
General Industry Safety and Health Division	(517) 322-1831
Technical Services Division	(517) 322-1851
Recordkeeping	(517) 322-1848
Radiation Safety Section	(517) 636-6800
Regulatory Services Section	(517) 322-1845
Wage & Hour Program	(517) 322-1825

MIOSHA Redirects:

MIOSHA's website: www.michigan.gov/miosha
Regulatory Services Section homepage: www.michigan.gov/mioshastandards
Asbestos Program homepage: www.michigan.gov/asbestos
Laboratory & Equipment Services Section homepage: www.michigan.gov/less
Consultation Education & Training Division homepage: www.michigan.gov/cet
Consultation Education & Training Calendar: www.michigan.gov/mioshatraining
To view/order Publications, Posters, Forms & Media: www.michigan.gov/mioshapublications
Recordkeeping & Statistics: www.michigan.gov/recordkeeping
MIOSHA Policies and Procedures (Instructions, Memos, and Standard Interpretations): www.michigan.gov/mioshapolicies
Telephone, mailing and email addresses: www.michigan.gov/contactmiosha
Michigan Voluntary Protection Plan (MVPP): www.michigan.gov/mvpp
Michigan Safety & Health Achievement Recognition Program (MSHARP): www.michigan.gov/msharp
CET Grants: www.michigan.gov/mioshagrants
CET Request for Consultative Services: www.michigan.gov/cetrca
MIOSHA Training Institute: www.michigan.gov/mti
MIOSHA Variances: www.michigan.gov/mioshavariations
DVD/Video Library Service: www.michigan.gov/mioshavedios
Ask MIOSHA: www.michigan.gov/askmiosha
Construction Safety & Health Division: www.michigan.gov/mioshaconstruction
MIOSHA News: www.michigan.gov/mioshanews
Michigan Alliances: www.michigan.gov/alliance
Employee Safety, Health and Discrimination Complaint Forms: <http://www.michigan.gov/mioshacomplaint>
Strategic Plans & Initiatives: www.michigan.gov/mioshastrategicplan
General Industry Safety & Health Division: www.michigan.gov/mioshageneralindustry
Wage & Hour Program: www.michigan.gov/wagehour
Radiation Safety Section: www.michigan.gov/rss
Sign up to receive [emails](#) from MIOSHA!



The Mission
of the MIOSHA Program is:

**To Protect the Safety,
Health, Earned Wages
and Fringe Benefits of
Michigan Workers.**

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Its purpose is to educate Michigan
employers and employees about
workplace safety and health and
we encourage reprinting.

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

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request to individuals with disabilities.