



# MIOSHA NEWS

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## Leading Causes of Workplace Fatalities

As of December 27th, **36 Michigan workers died on the job in 2011**. These workers left home healthy and whole – but never came back. The 36 deaths were program-related, which means their occupations are covered by MIOSHA rules.

Nothing can replace these lives and our deepest sympathies go to the families and co-workers. However, we can learn from what happened to prevent a similar tragic incident.

The charts below show the top five causes of fatalities in construction and general industry over the past five years. We encourage you to use this information to identify hazards in your facility and take steps to eliminate the possibility of a fatality.

### Top Construction Fatalities

The construction industry is one of the most dangerous in Michigan and across the U.S. Although construction accounts for only four percent of the working population, it accounts for 35 percent of workplace fatalities.

Between 2007 and 2011, MIOSHA investigated **57 construction fatalities**. The leading cause of death was **"Falls," with 19 fatalities**. The MIOSHA Strategic Plan specifies that the Construction Safety and Health Division target hazards in its inspections with the greatest probability of causing serious physical harm and death.

Below are descriptions of the four fatal "Falls" in 2011.

04/21/11 – A **50-year-old carpenter** fell approximately 30 feet to the ground while setting wood roof trusses onto a pole building. Trusses were being set in place with a crane and the truss collapsed while the employee was disconnecting it from the crane.

06/28/11 – A **44-year-old laborer** was climbing a ladder to access the roof and before he could tie off, he fell approximately 24 feet. He was transported to the hospital and later died of his fall injuries.

08/08/11 – A **53-year-old project manager** was working on a sewer project. He entered a manhole to attempt to rescue a sub-contractor employee. Upon entry he was exposed to a toxic environment and became unconscious. He fell about 21 feet to the manhole bottom and died from his injuries.

11/28/11 – A **31-year-old roofer** fell about 49 feet from a residential roof to the ground while engaged in roof repair. The worker had lashed two extension ladders together to obtain the needed height. When he reached the upper section of the ladder it twisted, causing him to lose his grip and slide down and off the roof.

### Top General Industry Fatalities

MIOSHA provides fatality information to encourage employers to protect their workers. Reducing the number of fatalities is one of the key goals of the General Industry Safety and Health Division in the MIOSHA Strategic Plan.

Between 2007 and 2011, MIOSHA investigated **109 general industry fatalities**. The leading cause of death was **"Crushed By," with 25 fatalities**.

Below are descriptions of the six general industry fatal "Crushed By" incidents in 2011.

04/20/11 – A **45-year-old stacker operator** went to retrieve a 2 x 4 and was crushed between a transfer roller and a stationary balcony.

05/25/11 – A **49-year-old owner** was working alone. The local sheriff received a report of machine running for a long time. The sheriff and Michigan State Police responded. The deceased appeared to have been run over by a skid steer.

05/30/11 – An **18-year-old farm laborer** entered a silo with 15 feet of corn in it. The worker was standing on the corn when it gave way; he was buried and crushed by the corn.

10/24/11 – A **37-year-old maintenance technician** at a steel coating operation was crushed between equipment while making adjustments to a belt wrapper.

11/07/11 – A **55-year-old machine operator** was crushed on 11/04/11, when a 1,500-pound bag of pigment fell about 15 feet from a mezzanine where it was placed by a powered industrial truck. The employee passed away at a hospital on 11/07/11.

12/09/11 – A **55-year-old truck driver** was assisting with the placement of a trailer into a warehouse loading dock when he was caught and crushed between the rear of the trailer and the warehouse door.

## 2010 CFOI Fatal Injuries Summary

The annual *Census of Fatal Occupational Injuries (CFOI)* is compiled by the *Bureau of Labor Statistics*. The rate of fatal work injury for U.S. workers in 2010 was 3.5 per 100,000 full-time equivalent (FTE) workers.

Below are some key indicators from the 2010 CFOI report.

■ Police officer fatalities increased by 40%.

■ Female homicides increased by 13%, while homicides overall declined by 7%.

■ Fatal falls declined 2 percent in 2010.

■ Transportation incidents continued to account for nearly 40% of all fatalities.

■ Fatalities in the private industry construction sector declined by 10%.

■ Fatalities in the educational and health service industries increased by 13%.

■ Fatalities among government workers were up 3%.

■ Fatalities involving farming, fishing, and forestry workers increased by 9%.

■ Fatal work injuries among Hispanic or Latino workers were down 4% in 2010 to the lowest level since 1997.

■ Fatal work injuries incurred by women increased by 6% in 2010, but declined by 1% for men.

■ Fatalities involving workers in transportation and material moving occupations increased by 5% and accounted for about one-fourth of all fatal injuries.

The full CFOI report is available at [www.bls.gov/iif](http://www.bls.gov/iif).

### Top Construction Fatalities 2007 - 2011

Category	2007	2008	2009	2010	2011*	Total
Fall	5	5	2	3	4	19
Struck By	3	6	2	1	1	13
Electrocuted	2	3	2	1	3	11
Caught By	1	1	2	3	2	9
Cave In	0	0	1	2	0	3
Other	0	0	1	1	0	2
<b>Total</b>	<b>11</b>	<b>15</b>	<b>10</b>	<b>11</b>	<b>10</b>	<b>57</b>

\*Through 12/27/11

### Top General Industry Fatalities 2007 - 2011

Category	2007	2008	2009	2010	2011*	Total
Crushed By	6	5	4	4	6	25
Fall	4	4	4	9	4	21
Struck By	1	5	2	2	5	19
Electrocuted	2	2	2	6	2	14
Caught In	2	1	1	0	2	6
Other	0	3	0	6	7	24
<b>Total</b>	<b>20</b>	<b>22</b>	<b>14</b>	<b>27</b>	<b>26</b>	<b>109</b>

\*Through 12/27/11



Doug Kalinowski, CIH  
Director

**Where is MIOSHA Going in 2012?**

We will continue to focus on the three overarching goals in our fourth year of the five-year MIOSHA Strategic Plan. Briefly, these include:

1. Reducing work-related injuries, illnesses and fatalities;
2. Helping to create a positive safety culture in Michigan's workplaces; and
3. Working to continuously improve the services provided by MIOSHA.

However, there will also be some key areas with additional emphasis.

Governor Snyder created the ORR to review all state administrative rules and make recommendations to eliminate or modify those

Once the Governor's Office has reviewed and approved the recommendations, there will be opportunities for input through public hearings and other avenues before any of the suggested changes become final. We will keep you updated on their status through the MIOSHA website and our mailing lists.

**Residential Fall Protection**

For many years, federal OSHA residential fall protection guidelines allowed employers to use alternative methods in lieu of conventional fall protection systems. MIOSHA followed comparable guidelines. At the encouragement of the *National Association of Home Builders*, many of these provisions were eliminated in June 2011.

While MIOSHA was required to adopt these changes to be considered "at least as effective as" federal OSHA, we have extended the deadline for compliance to April 16, 2012. MIOSHA staff has conducted more than 70 seminars across the state to help builders understand the changes. We are also working with the *Michigan Association of Home Builders* and affiliated contractors to deter-

***When referring to the ORR process, I use the analogy of cleaning the garage to remove items that block the way of getting to the tools we really need.***

that are duplicative, unnecessary and/or overly burdensome.

One of the first three areas addressed was workplace safety, through the creation of a Workplace Safety Advisory Rules Committee (WSARC). Between June and December 2011, the WSARC met 12 times. The committee's work is complete and the ORR will submit recommendations to the Governor's Office in the near future.

While we can't provide all of the details until the Governor's Office reviews the recommendations, these important issues can be shared:

- Changes to requirements required nationally were not considered;
- Effective workplace safety and health will be maintained; and
- There are many MIOSHA rules that are never used, are found in more than one place, or do not provide additional protections.

When referring to the ORR process, I use the analogy of cleaning the garage to remove items that block the way of getting to the tools we really need.

mine and clarify what is expected on residential building sites. There is more work to be done. Working with those affected, MIOSHA will lead the effort and is planning a residential fall protection forum in March 2012. We will share the details as this forum is developed.

**MIOSHA eNews**

Last November, MIOSHA created *MIOSHA eNews*, a monthly electronic newsletter to keep Michigan citizens informed of the most recent MIOSHA information, developments and policy changes. It serves as a supplement to the MIOSHA News. If you would like to be added to this email list, please visit [www.michigan.gov/miosha](http://www.michigan.gov/miosha).

**Working Together to "Make a Difference"**

These are just some of the current things being tackled by MIOSHA. More details can always be found on our website, through email lists and on Facebook. We will continue to share information and work together to "Make a Difference" for Michigan's employers and workers.

**Connecting MIOSHA to Industry**

The "Connecting MIOSHA to Industry" initiative began in 2007 with the goal of improving the delivery of MIOSHA services in order to best accomplish the mission of protecting the health and safety of Michigan workers. By connecting with employers and employees the message is received better and the impact of our work is enhanced. Simply put, by connecting with our customers more lives are saved, more injuries and illnesses are prevented, and more worker rights are protected.

The "Connecting MIOSHA to Industry" initiative is in Phase III. This latest phase has been designed to demonstrate:

- A desire to Genuinely Help;
- To Communicate as an active listener with a clear, calm delivery;
- To Collaborate using solution-oriented next steps; and finally,
- To Offer MIOSHA as a Resource ready to do what will help in the long run.

Many articles have been written and much talk has ensued about the "Connecting MIOSHA to Industry" initiative, but is it working? Is MIOSHA staff using the training provided to truly build strong positive and effective relationships with our customers with the goal of protecting Michigan workers? The best way to answer these questions is to look at a sample of the feedback MIOSHA receives via letters and comment cards from our customers.

**Construction Safety and Health Division (CSHD)**

CSHD received a letter with the following remarks from Aristeo Wind Energy Division, regarding a recent enforcement inspection of a wind turbine construction project: "I would just like to say on behalf of Aristeo Construction that it was a pleasure having the safety inspectors at our job site for the past few days. Your review of our project safety compliance was by far the most in-depth and helpful that I have had by any compliance officer in my 16 years as a safety professional. Both your knowledge and your professionalism of the current safety standards surpass many in your field."

**General Industry Safety and Health Division (GISHD)**

GISHD received the following comments from Highland Park Tire Company, regarding a recent enforce-



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Deputy Director

ment investigation: "We have updated our books, held meetings to discuss safety procedures, updated equipment, installed an eyewash system, and made a safety procedures program. Initially, I was worried about the investigation but after talking to the representative, the visit left me with a good feeling. MIOSHA was very informative."

**Wage and Hour Division (WHD)**

WHD received a letter from an employee who had not received final compensation from their former employer. The letter in part said, "Thanks to your department and the wonderful people that represented me, I am now getting what is owed to me. I called quite a bit asking about my check and not once did staff get impatient or aggravated. I am happy that we can rely on your department as citizens to have our worker rights protected."

**Consultation Education and Training Division (CET)**

CET received the following comments from SRC Refrigeration regarding a recent intervention by a safety consultant: "The interaction was very useful in helping us further our health and safety goals. **We want businesses to know that MIOSHA is a resource, not a threat.**"

As evidenced in the above statements, MIOSHA staff is working hard to connect with Michigan employers and employees. Initiatives like Connecting MIOSHA to Industry enhance our ability to accomplish MIOSHA's primary goal of protecting employee safety and health and worker rights.



*Phase III Connecting training emphasized team building skills, as well as good and bad examples of connecting with employers.*

## \$1 Million for MIOSHA Worker Protection Grants

On November 10, 2011, MIOSHA awarded 22 Consultation Education and Training (CET) Grants for Fiscal Year (FY) 2012 totaling \$1.05 million to promote worker safety and health across the state.

The Consultation Education and Training (CET) Division provides outreach services to employers in a variety of formats. The MIOSHA CET Grant Program provides additional options for safety and health education and training to employers and employees.

Most of the grants focus on the performance goals identified in the FY 2009 – 2013 MIOSHA Strategic Plan, with an emphasis on hazard recognition and prevention for high-hazard industries.

The 22 statewide projects include a wide range of training activities and many offer interactive computer-based training modules. CET grants are awarded on a competitive basis to nonprofit organizations, such as universities, management/employer groups, labor/employee organizations, hospitals and service agencies.

The FY 2012 CET Grants continue MIOSHA's commitment to greater training of safety practices and fewer workplace injuries, illnesses, and fatalities. Information is available on our website at [www.michigan.gov/mioshagrants](http://www.michigan.gov/mioshagrants).

### FY 2012 CET Grant Projects

**Alpena Community College** will deliver training in the high-hazard industries of nursing and residential care facilities; construction; machinery manufacturing; transportation manufacturing; utilities; and wood products manufacturing. Contact Jim Makowski at 989.358.7301 or at [makowskj@alpenacc.edu](mailto:makowskj@alpenacc.edu).

**Associated General Contractors of Michigan** will provide brief "on site" safety and health training to all construction contractors statewide, and advanced day-long training on a single topic. Training will also be provided to update contractors on changes in MIOSHA regulations. Contact Pete Anderson at 571.371.1550 or [panderson@agcmichigan.org](mailto:panderson@agcmichigan.org).

**Bay De Noc Community College** will provide safety training and technical assistance to owners and employees in the wood products industry through on-site visits, and will also provide safety training in nursing/residential homes. Contact Barbara Walden at 906.789.6902 or [waldenb@baycollege.edu](mailto:waldenb@baycollege.edu).

**Center for Workplace Violence Prevention, Inc.** will develop training and instructional videos including Online Resource Center for Workplace Violence, to cover Emergency Management / Preparedness programs. Contact Ken Wolf or Marilyn Knight at 248.347.3300 or [KWolfPhD@aol.com](mailto:KWolfPhD@aol.com).

**Construction Association of Michigan (CAM)** will focus their construction jobsite training on the four causes of injury in the construction trades that result in over 88 percent of all injuries: Falls, Caught-In, Struck By, and Electrocution.



The AGC of Michigan provides on-site safety training to construction contractors statewide.

Contact Joe Forgue at 248.972.1141 or at [Forgue@cam-online.com](mailto:Forgue@cam-online.com).

**Eastern Michigan University Organization for Risk Reduction** will offer a three-hour trenching safety course across the state to address the safety and health hazards of this type of work for both general industry and construction. Contact Arlene Cook at 734.487.6991 or [acook@emich.edu](mailto:acook@emich.edu).

**Grand Rapids Community College** will provide training for 64 International Brotherhood of Electrical Workers (IBEW) Journeymen Linemen for their Competent Climber and Tower Rescue certification, for working safe on wind turbine and transmission towers. Contact Brian Shultz at 616.234.3016 or [bshultz@grcc.edu](mailto:bshultz@grcc.edu).

**Lansing Area Safety Council** will provide safety and health training to employees in long-term care facilities. Some of the training topics include Aggressive Behavior; Bloodborne Pathogens; Ergonomics; Safe Lifting; and Latex Allergies. Contact Susan Carter at 517.394.4614 or [carter@safetycouncil.org](mailto:carter@safetycouncil.org).

**MARO Employment and Training Association** will provide training to staff of community rehabilitation organizations, Centers for Independent Living, and workers with disabilities and/or for workers with other barriers to community inclusion. DVDs will be used in conjunction with on-site consultation. Contact Todd Culver at 517.484.5588 or [tculver@maro.org](mailto:tculver@maro.org).

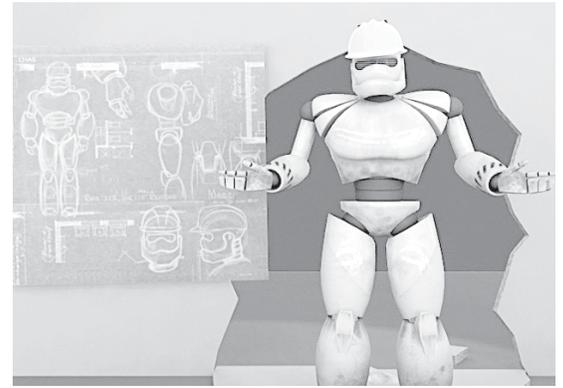
**Michigan AFL-CIO** will deliver generic and customized workplace safety and health training to new and transitional workers who have been affected by the economic crisis and to nursing/residential homes. Contact Derrick Quinney at 517.372.0784 or 517.449.1514 or [dquinney@miaflcio.org](mailto:dquinney@miaflcio.org).

**Michigan Association of Chiropractors** will provide back and ergonomic safety training to workers in the nursing home, manufacturing, warehouse and storage, wholesalers of non-durable goods, and landscaping industries. Contact Joe Ross or Kathy Schaefer at 517.333.3133 or [MACWorkSafe@Yahoo.com](mailto:MACWorkSafe@Yahoo.com).

**Michigan Farm Bureau** will provide on-site and classroom safety and health training that targets agricultural employers, managers, service providers and facility owners as part of their Emergency Preparedness Series and Facility Review. Contact Craig Anderson at 517.323.7000, ext. 2311 or [canderso@michfb.com](mailto:canderso@michfb.com).

**Michigan Green Industry Association (MGIA)** will provide statewide safety training for employees and employers in the tree/landscape business, and for those performing tree care such as golf course, municipality, and other grounds personnel. Contact Karla J. Trosen at 248.646.4992 or [karla@landscape.org](mailto:karla@landscape.org).

**Michigan Infrastructure and Transportation Association (MITA)** will develop specialized company training sessions and statewide conferences to reduce injuries in the heavy construction industry through the Occupational Hazard Reduction (OHR) program.



The Michigan Safety Consortium will produce a "MIOSHA Walkthrough for Construction" CD.

Contact Patrick Brown at 517.347.8336 or [patrickbrown@mi-ita.com](mailto:patrickbrown@mi-ita.com).

**Michigan Safety Conference (MSC)** will establish a new division in the MSC to target employees and employers in the Agricultural/Landscaping industry and will deliver specific safety and health training for these industries. Contact Denise McGinn at 517.203.0737 or [www.michsafetyconference.org](http://www.michsafetyconference.org).

**Michigan Safety Consortium** will produce a "MIOSHA Walkthrough for Construction" CD-ROM. This CD will be a high-end, interactive training tool and will be distributed to more than 120,000 Michigan construction companies. Contact Susan Carter at 517.394.4614 or [carter@safetycouncil.org](mailto:carter@safetycouncil.org).

**Michigan State University School of Criminal Justice** will offer 24-hour machine rescue operation level training courses in hands-on workshops using equipment and props for firefighters and rescue personnel. Contact Scott Tobey at 517.355.3363 or at [tobey@msu.edu](mailto:tobey@msu.edu).

**North Central Michigan College** will provide training in person and web-based for healthcare, nursing and long-term care employers and employees. Seven counties in Northern Michigan and the Upper Peninsula will be served. Contact Thomas Nathe at 231.348.6613 or [tnathe@ncmich.edu](mailto:tnathe@ncmich.edu).

**Parents for Student Safety Employment Standards (PASSES)** works with high schools to provide web-based digital training in a variety of hazardous industries, and will provide "safety team leaders" extended training over three years. Contact Donna Weaver at 313.910.6531 or [passededge@live.com](mailto:passededge@live.com).

**Retail, Wholesale, and Department Store Union (RWDSU)** will provide health and safety injury prevention training in food processing facilities through safety and health committees. The training will cover overexertion, facility emergency preparedness, and lock out/tag out. Contact Fred Jimenez at 616.304.4861 or [fjimenez@rwdsu.org](mailto:fjimenez@rwdsu.org).

**United Auto Workers (UAW)** will provide workplace safety and health training to industries with fabricated metal products, warehousing and storage, machinery manufacturing, hospitals, and plastics and rubber manufacturing. Contact Steve Shepard at 313.962.5563 or at [stshepard@uaw.net](mailto:stshepard@uaw.net).

**University of Michigan Center for Ergonomics** will deliver on-site customized ergonomics seminars, ergonomics job analysis, follow-up activities to document changes, and development of ergonomic programs, to small and medium-sized companies. Contact Sheryl Ulin at 734.763.0133 or [Sheryl.Ulin@umich.edu](mailto:Sheryl.Ulin@umich.edu).

Patty Meyer, Director  
Construction Safety &  
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517.322.1856

## Fall Protection Policies

By: Paul Wrzesinski, Safety Manager

The MIOSHA Construction Safety and Health Division recently published a revised instruction, CSHD-COM-04-2R1, “*Fall Protection – General Interpretations*.” This revision clarified policies related to compliance with MIOSHA Part 45, *Fall Protection*, and other regulations. Here are **three significant changes** in the revision.

### Working Around Hoistways

Rule 1926.502(d)(24) of Part 45 addresses the requirements for hoisting operations without the need for employees to lean out over the edge. It specifically states that, “When a personal fall arrest system is used at hoist areas, it shall be rigged to allow the movement of the employee only as far as the edge of the walking/working surface.” In other words, the rule allows for the use of a restraint system. To clarify the rule, if the employee does not need to lean out over the edge after the guardrail has been removed, then he or she must be protected by either a personal fall arrest system or a restraint system.

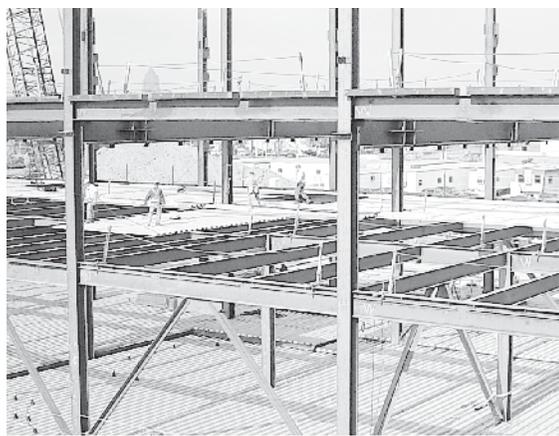
### Installing Protective Measures

Employees must be protected while in the act of installing, correcting, or maintaining protective systems (examples: guardrails, safety nets, personal fall arrest system, fall restraint system, or alternative fall protection measures).

Fall protection systems must be installed at the earliest possible time when there is potential exposure to a fall hazard, although there will be situations where it is infeasible or creates a greater hazard to install and use fall protection (example: securing the initial anchor point to attach a lifeline or lanyard). In these circumstances, a Fall Protection Plan in accordance with 1926.502(k) of Part 45 is allowed.

### Working Over or Near Water

In Part 6, *Personal Protective Equipment*, Rule 408.40636(1) “*Working over or near water*,” requires each employee to wear an approved life jacket or buoyant work vest where a possibility of drowning exists. However, if workers are using 100 percent fall protection (without exception) to prevent employees from falling into the water, then jackets/vests are not required under this rule, because the drowning hazard is eliminated.



## Asbestos Abatement: Common Deficiencies

By: Mike Mason, Health Manager

The **Asbestos Program** investigates asbestos abatement activities of contractors, exempt trade groups (i.e., plumbers, electricians, mechanical contractors, residential builders, and maintenance/alteration contractors) and others in Michigan. The program responds to allegations of improper work practices or procedures involving asbestos abatement and disturbance activities. If noncompliance is proven, citations with monetary penalties are proposed.

Here are some **common deficiencies** found during investigations:

- Asbestos debris still present after a job is completed.
- Lack of properly trained and accredited individuals on site.
- Lack of required documentation, such as licenses or asbestos surveys.

■ Failure to designate a competent person responsible for the asbestos abatement project.

■ Improper decontamination, such as exiting without showering and wearing contaminated clothing outside the regulated area.

■ Inadequate recordkeeping, such as incomplete medical surveillance forms and air monitoring records. The air monitoring records must include the worker’s activities and times monitored. Medical records must include the asbestos-specific medical questionnaire required by Part 602, *Asbestos Standards for Construction*.

The Asbestos Program has the authority to conduct investigations and issue citations under the authority of three Michigan laws: the *Michigan Occupational Safety and Health Act*, the *Asbestos Abatement Contractors Licensing Act*, and the *Asbestos Workers Accreditation Act*.

## MIOSHA Signs Third Partnership with Christman

On October 14, 2011, MIOSHA signed a partnership agreement with The Christman Company to protect workers building the Lansing Board of Water & Light (BWL) REO Town Plant Electric-Steam Generation Facility.

MIOSHA, Christman, BWL – together with the project trade workers and contractors – declared a united front to ensure the health and safety of every worker on the project, with the goal of having zero injuries or accidents.

Christman is construction manager on the \$182 million cogeneration facility project, located in Lansing’s historic REO Town neighborhood, which will use natural gas to generate both electricity and steam.

“We know proactive safety practices are just good business,” said BWL General Manager **J. Peter Lark**. “We appreciate the opportunity to participate in this partnership.”

In addition to zero injuries and accidents, the goals of the proactive partnership include promotion of positive worker attitudes and actions, 100 percent safe site conditions, effective coordination and cooperation, and increased knowledge of safety rules and requirements.

“Safety is a top priority on every project and we want every worker to return to his or her home and family safely each day,” said Christman Corporate Safety Manager **Don Staley**.

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 resource sharing agreements.



### CARPENTER – FALL FATALITY

In April 2011, a 50-year-old worker was helping set roof trusses on a pole building. The trusses were lifted with a crane. After the truss was set and secured the crane operator picked up another truss; the secured truss collapsed and fell. The roof truss hit the employee who fell and died from his injuries.

MIOSHA violations (not inclusive):

- Act 154 of 1974, Section 11(a) – Roof trusses inadequately braced.
- Part 45, *Fall Protection*:
  - Rule 1926.501(b)(1) – Employees not required to use fall protection.
  - Rule 1926.503(a)(1) – No fall protection training.
- Part 11, *Fixed & Portable Ladders*, 408.41113(1) – Not using ladder to reach elevated location.

### CASE SUMMARIES

#### ROOFER – ELECTROCUTION FATALITY

In December 2011, a 32-year-old roofer came into contact with a 4,800-volt power line. The worker was replacing some corner edge steel on a roof. Nearby employees heard a buzzing noise and found the employee lying on the ground. The employee was electrocuted, fell 17 feet to the ground, and died from his injuries.

MIOSHA violations (not inclusive):

- Part 45, *Fall Protection*, Rule 1926.501(b)(10) – No fall protection provided.
- Part 1, *General Rules*:
  - Rule 408.40115(4) – Employer allowed work too close to high voltage power lines.
  - Rule 408.40114(1) – No accident prevention program.

## General Industry Reinspections — Fiscal Year 2012

By: Amber Sweeney, Departmental Analyst

MIOSHA uses a strategic plan to identify workplaces and industries that can most benefit from a MIOSHA inspection.

If an establishment receives a high number of serious violations during any inspection, the General Industry Safety and Health Division (GISHD) may conduct a reinspection of the establishment one to three years later. The purpose of the return visit is to see whether safety and health measures put in place to satisfy a previous inspection are being maintained.

### Reinspection Criteria Changed

This year the determining factors for conducting a reinspection have changed. First, reinspections have been expanded from programmed inspections to any type of inspection. Second, the trigger point for reinspection has been made dependent on the number of employees working at the establishment.

Specifically, a reinspection may be conducted if a workplace:

- Had any type of inspection conducted during FY 2010; and
- The inspection is past the final order date and abated, or it is closed; and
- The size of the company and number of violations meet one of the conditions below:
  - The company has up to 249 employees and received five or more serious citations; or

- The company has 250-499 employees and received seven or more serious citations; or
- The company has 500 or more employees and received 10 or more serious citations.

GISHD will issue approximately 200 reinspection assignments during FY 2012. These establishments will continue to be reinspected until the establishment is below the trigger point.

### Reinspection Certificates

MIOSHA sends certificates and congratulatory letters to companies that show both a reduction in serious hazards and an improvement in their safety and health management system during a reinspection. For more information on safety and health management systems, contact the CET Division at 517.322.1809.



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## High Hazard Industry Focus

By: Sundari Murthy, CIH, Safety & Health Manager

**Plastics and Rubber Products Manufacturing (NAICS 326)** is one of 13 high-hazard industries targeted for enforcement by GISHD during 2009 – 2013 because of high injury and illness rates. The nonfatal injury and illness incidence rate among private industry employers in 2010 was 4.2 cases per 100 workers, while the rate was 5.6 for this industry.

Industries in the Plastics and Rubber Products Manufacturing subsector make goods by processing plastics materials and raw rubber. The core technology employed by establishments in this subsector is that of plastics or rubber product production.

Occupational health and safety hazards in this industry include:

- Lack of lockout/tagout procedures and fall protection can result in serious injuries or death.
- Inadequate use of electrical switch off systems and mechanical brakes and emergency stop switches can result in amputations or death.
- Lack of guards to limit access to material feed openings and discharge points can result in lacerations and amputations.
- Lack of screens or flaps can result in exposure to material flying out from grinder feed openings.
- Fire in plastics manufacturing facilities can generate acrid smoke and poisonous gases including carbon monoxide and can spread quickly.
- Explosion from fine combustible polymeric dust can settle on walls/floors, and can provide sources of ignition. Electrical switches, motors and fans should be suitable for use in areas where flammable vapors are present.
- Exposure to high noise levels can result in hearing loss if a hearing conservation program is not implemented.
- Employees with exposure to isocyanates may get sensitized to it and develop breathing difficulties, if they do not use adequate personal protective equipment (PPE) and/or if adequate ventilation is not provided.

The general industry standards applicable to this industry include: Parts 1, 2, 7, 14, 18, 21, 23, 24, 33, 39, 62, 85, 92, and 451. These standards can be viewed on MIOSHA's website at [www.michigan.gov/miosha](http://www.michigan.gov/miosha).



## Health Standard Interpretation

### How do you protect workers from injurious or corrosive materials that may harm the skin or eyes?

MIOSHA Occupational Health Standard, Part 472, *Medical Services and First Aid*, requires an employer to ensure that suitable facilities for quick drenching or flushing of the eyes and body are provided within the work area for immediate emergency use when the eyes or body of any person may be exposed to injurious or corrosive materials. How close the emergency shower and/or eyewash facilities are located to a work area, must be based on the potential of the particular material to cause tissue damage, i.e. the severity of the damage that would result if contact occurs.

Suitable facilities are described in ANSI standard Z358.1-2004. Facilities must be clearly marked, well lighted, and easily accessible (i.e., no obstacles, closeable doorways, or turns). Self-contained eyewash equipment (i.e., portable units) must be capable of delivering to the eyes not less than 0.4 gallons per minute for 15 minutes minimum, total volume 6 gallons. Therefore a small bottle is not a suitable eyewash facility. Requiring the use of appropriate personal protective equipment (i.e., safety glasses, goggles, gloves) where injurious corrosive materials are used will further help to prevent employee tissue contact with the corrosive materials.

## CASE SUMMARIES

### MACHINIST – ENTANGLEMENT

In May 2011, a 58-year-old machinist's loose clothing became entangled in a lathe machine at a fabricated metal products manufacturing facility. The employee was then pulled into the lathe machine. The employee sustained serious injury and was transported to a local hospital where he later died.

MIOSHA violations:

- Part 26, *Metalworking Machinery*:
  - Rule 2612(d) – Not prohibiting the wearing of loose clothing near a machine having rotating shaft or spindle in the form of a part.
  - Rule 2611(a) – Inadequate training for employees as to the potential hazard of wearing loose clothing near rotating equipment.

### FOREMAN - ELECTROCUTION/FALL

In July 2011, a 41-year-old foreman at a carnival ride company was helping take down an amusement ride. The ride was within one foot of a power line. The employee was electrocuted and fell approximately 34 feet to the ground. The employee was fatally injured.

MIOSHA violations:

- Part 33, *Personal Protective Equipment*:
  - Rule 3308(1) – Employee standing about 34 feet above the ground without utilizing any approved fall protection.
  - Rule 3390(1) – No hazard assessment conducted.
- Part 40, *Electrical Safety-Related Work Practices*, Rule 4005(4) – Unqualified employee standing on the ride near the overhead power line.

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**Best Practice: Walbridge**

By: Doug Kimmel, MVPP Program Specialist

Walbridge, a privately held, top-50 construction company founded in Detroit in 1916, was the first company to receive the Michigan Voluntary Protection Program for Construction (MVPPC) Star Award. The Award is presented to worksites that provide exemplary workplace protection for their workers.

Walbridge received the first Star Award for the Couzens Hall renovation project on the campus of the University of Michigan (U of M) in Ann Arbor, in September 2010. After a successful conclusion to the Couzens Hall project, it was recommended the company receive a second Star Award for its outstanding safety program and practices at the Alice Lloyd Hall renovation project, also at U of M.

**“Huddle UP” for Safety**

A Best Practice identified during the MVPPC review is the Walbridge program known as “Huddle UP.” Much like the team huddle during football games, these huddles are a controlled environment in which the “quarterback” or leader can engage their teammates. The program is based on the premise that winning teams have a game plan that is communicated and understood by all.

In 2004, Walbridge began holding daily morning safety huddles with employees at one of their job locations. These simple huddles were

used to discuss the possible hazards of the work to be performed that day utilizing the previously developed Pre-Task Plan. This provided the project foremen and superintendents an opportunity to discuss the Pre-Task Plans for the day and identify any new hazards and possible solutions.

The success of the safety program at projects utilizing the new huddle program proved to be significantly better than those that did not use them. This led Walbridge to develop a policy requiring that the daily safety huddles be conducted on all of their job sites. Eventually the program was expanded to require two huddles a day.

**Safety Huddle Success**

Because of the success of the huddle program Walbridge has now instituted a three-a-day Safety Huddle policy. The pre-shift, mid-shift, and post-shift safety huddles are conducted to promote safety awareness and encourage employee involvement. During the huddles the foremen discuss the potential hazards associated with the day’s work activities and encourage worker involvement in the review of pre-task plans, causes and corrective action for recent incidents and near misses, and general problems/concerns with project safety.

Through the huddle process, safety awareness and compliance is being driven from the ground up through open communication with the employees, much like a football team where players offer input to improve the game plan. Walbridge’s goal is to complete all projects safely with empowered employees. To meet this goal they plan to continue to “Huddle Up” on all of their projects.



This is an example of a Walbridge site huddle.

**MIOSHA CET Division Services**

To learn more about the free services offered by the MIOSHA CET Division:

- Call the Lansing office at 517.322.1809 or 800.866.4674.
- Submit a request for services electronically at [www.michigan.gov/cetrca](http://www.michigan.gov/cetrca).
- Visit the CET Division website at [www.michigan.gov/cet](http://www.michigan.gov/cet).

**MIOSHA Awards**

**10/21/11–Roncelli, Sterling Heights–Platinum Award.** Roncelli has gone more than 1.4 million work hours without a lost-time accident. Their safety program is dedicated to providing work environments free from recognized hazards and unsafe acts or behaviors. Established in 1966, Roncelli is a privately owned construction company.



**10/11/11–United Airlines, Detroit Customer Contact Center (DTWCC)–MVPP Star Award.** This is the first United Airlines facility to qualify for the Star Award. Their number one priority is the safety of their customers and employees. DTWCC is committed to achieving excellence in environmental, health and safety protection.



**09/23/10–Walbridge, Ann Arbor–MVPPC Star Award.** This is Walbridge’s second MVPPC Star Award and recognizes their safety practices at the University of Michigan’s Alice Lloyd Hall renovation project. Daily safety huddles are one of their best safety practices. Walbridge is a privately held, top-50 construction company founded in Detroit in 1916.



**Employer Honor Roll**

- 12/08/11–Pfizer Inc.–Kalamazoo–MVPP Star Recertification
- 11/17/11–Lacks Industries–Grand Rapids–Ergonomic Innovation Award
- 11/08/11–TH Marsh Construction–Royal Oak–Gold Award
- 10/28/11–Merrill Engineering & Integration–Saginaw–Gold Award
- 10/19/11–Verso Paper–Quinnesec–MVPP Star Recertification
- 09/26/11–Vision Institute of MI–Sterling Heights–Gold Award
- 08/03/11–Herman Miller–Greenhouse–MVPP Star Recertification
- 08/03/11–Herman Miller–Zeeland Main Site–MVPP Star Recertification
- 06/07/11–Huntsman Corp.–Auburn Hills–MVPP Star Recertification

**MLTAI and MIOSHA Sign Alliance**

On November 7, 2011, the Michigan Laborers’ Training & Apprenticeship Institute (MLTAI) and MIOSHA signed a formal alliance to provide training opportunities to help participants recognize construction hazards and learn how to solve jobsite problems in a safe and productive manner.

The Alliance formalizes a working relationship between MLTAI and MIOSHA to utilize their three state-of-the-art training centers to provide unique safety and health training opportunities for their members and all participants. The target audience for this alliance is apprentices, journeymen and others who work on energy distribution, renewable energy, home performance, building trades and/or civil and heavy highway projects.

The purpose of this Alliance is to protect the safety and health of Michigan construction workers, and ensure employers view safety as a priority in the workplace.

For over 30 years the MLTAI has served the training needs of Construction Craft Laborers and their Signatory Employers.



MLTAI Apprenticeship Dir. Scott McDonald, MIOSHA Deputy Dir. Bart Pickelman, MLTAI Deputy Dir. Daryl Gallant, MLTAI Dir. Lynn Coleman, MIOSHA Dir. Doug Kalinowski, CET Construction Safety Consultant Jason Griffin, and MLTAI Board Member Barbara Strachan.

Dawn C. M. Jack, Director  
 Appeals Division  
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## Appeals Research Tools

*By: Dawn C. M. Jack, Appeals Division Director*

When preparing to contest an action taken by MIOSHA, it is helpful to know the proper steps which must be taken and if the courts have previously dealt with the legal or factual arguments you intend to assert.

Resources that can assist appealing parties with the appeals process include:

- Michigan Occupational Safety & Health Act,
- Michigan Administrative Code,
- MIOSHA Digest.

Understanding what these resources contain and how to locate them can be beneficial to anyone considering challenging an action taken by MIOSHA.

### MIOSHA Act

The Michigan Occupational Safety and Health (MIOSH) Act, Act 154 of 1974, as amended, MCL 408.1001 et seq., sets forth the steps and deadlines that the agency and an employer, or employee representative, must adhere to in order to properly file an appeal of a MIOSHA citation or discrimination determination. The MIOSH Act is on our website under the Standards section.

### Michigan Administrative Code

The Michigan Administrative Code contains additional guidelines and procedural rules which detail how the provisions contained within the MIOSH Act are to be carried out.

Key provisions of the rules are:

- Part 4: Procedures for the Board (R 408.21401 - 408.21147);
- Part 12: Variances (R 408.22201 - 408.22251);
- Part 13: Inspections & Investigations, Citations and Proposed Penalties (R 408.22301 - 408.22361).

These rules can be found under the Standards section of the MIOSHA website.

### MIOSHA Digest

The MIOSHA Digest is used to research case law on topics and legal issues that have been previously litigated involving MIOSHA. It contains indices by subject and case name and over 1,000 pages of MIOSHA case summaries dealing with safety and health citations, discrimination complaints, petitions for modification of abatement, and variances. It includes decisions rendered from Administrative Law Judges, the Board of Health and Safety, Compliance and Appeals, as well as the state court system.

The Digest was designed to minimize the need to re-examine issues previously thought decided. For a nominal fee, an individual may obtain a copy of the Digest, or copies of the decisions which are summarized within it, from the Michigan Administrative Hearing System upon request.

## Variances

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

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## Standards Update

### Construction Part 10 – Lifting and Digging Equipment

MIOSHA staff is reviewing the proposed changes and incorporation of the Federal OSHA crane rules to ensure the rule set conforms to new requirements of the LARA Office of Policy and Legislative Affairs (OPLA).

### Construction Part 22 – Signals, Signs, Tags, & Barricades

MIOSHA staff is working with an advisory committee to look at proposed changes regarding how traffic control devices are set up and collected within construction zones.

### General Industry Part 74 – Firefighting

The advisory committee to update MIOSHA's Firefighting rules is nearing completion and will forward its recommendations to the General Industry Safety Commission after the first of the year.

### General Industry Part 33; Occupational Health Part 433; Construction Safety Part 6 – Personal Protective Equipment

Three separate advisory committees are working to compare these standards for consistency in language and requirements. The work is nearing completion and recommendations will be forwarded to the applicable Commissions after the first of the year.

## Michigan's 2010 Injury & Illness Data

*By: Ron Ray, MTSD Division Director*

MIOSHA, in conjunction with the U.S. Bureau of Labor Statistics (BLS), is authorized to implement an on-going annual occupational safety and health survey program. Data collection is conducted in accordance with provisions of the MIOSH Act, Public Act 154 of 1974, as amended. MIOSHA requires that employers keep records of work-related fatalities, all occupational illnesses, and work-related injuries which result in loss of time, loss of consciousness, restriction of work or motion, transfer to another job, or medical treatment other than first aid.

The annual survey provides occupational injury and illness data which facilitate yearly comparisons for each industry within the scope of the survey in Michigan. Incidence rates which represent the number of occupational injuries and/or illnesses or lost workday cases per 100 full-time workers are also obtained from the survey data. The incidence rates are a measure of injuries and illnesses which are comparable over a period of time, and are a useful tool with which to monitor occupational injury and illness trends. The survey is on our website, [www.michigan.gov](http://www.michigan.gov), in the "Recordkeeping and Statistics" section.

Jack Finn, Director  
 Wage & Hour Division  
 517.322.1825

## Payment of Wages & Fringe Benefits Act

*By: Jack Finn, Director Wage & Hour Division*

The majority of cases before the Wage & Hour Division (WHD) arise from claims filed by individual employees under the auspices of the *Payment of Wages & Fringe Benefits Act*. The law was signed as **Act 390 of 1978** by then-Governor William Milliken.

**Act 390** provides several rights and responsibilities for employers and employees in the workplace. This article will provide reminders for employers on certain major responsibilities under Act 390.

### Act 390 Major Responsibilities

**Section 3 of Act 390** – provides that an employer "shall pay" fringe benefits in accordance with the "terms in the written contract or written policy." In effect, if this is not done, the employee can seek enforcement of the fringe benefit in a claim to WHD.

**Section 6 of Act 390** – has been recently revised to allow payment of wages by direct depos-

it or by a debit card, under conditions as required by the Act within this section.

**Section 7 of Act 390** – allows no deductions from wages without the written consent of the employee, with the exception of those allowed by law or a collective bargaining agreement. If such deduction(s) occur, the employee can seek restoration of the deduction(s).

**Section 9 of Act 390** – details the type of records to be kept for three years by the employer, to include: name, address, birth date, occupation/classification, rate of pay, total hours worked in each pay period, total wages earned in each pay period, and a separate itemization of deductions and fringe benefits.

**Section 13 of Act 390** – provides that there can be no discrimination or discharge of an employee for filing a wage claim. This can result in a separate employee claim, where rehiring and payment of back pay can be ordered by WHD.

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## MIOSHA TRAINING INSTITUTE (MTI)

### Safety & Health Training — MTI Boot Camp

By Sheila Ide, CET Supervisor

The MIOSHA Training Institute (MTI) has placed a bull's eye on the elements that support the development of a successful safety and health management system (SHMS). Experts agree that a strong SHMS provides a company with a method of continuous improvement which in turn leads to bottom line cost containment and responsible employees.

The MTI curriculum targets these five SHMS elements: Employer Leadership and Commitment; Employee Involvement; Worksite Analysis/Hazard Assessment; Hazard Prevention and Control; and Safety and Health Training.

#### MTI Boot Camp

To assist employers and employees in achieving the fifth element, Safety and Health Training, MIOSHA is offering an accelerated "MTI Boot Camp" that will provide students with a *Level One General Industry Certificate* after an intensive eight days of classes. This first-ever boot camp is scheduled for July 2012, in Lansing.

The MTI Boot Camp has been especially designed for those students who have not previously taken any MTI courses and want to speed up the training process by taking all the required certificate classes in a comprehensive eight-day session. They will also receive continuing education credits and may qualify an employer for "good faith" credit during a MIOSHA inspection which, in turn, may lead to a reduction in penalties.

Students must successfully complete and pass the assessment for all classes in the **MTI Boot Camp** to be eligible for the Level One certificate. Courses include: MIOSHA General Industry 10 Hour+; Blueprint for a Safety and Health Management System; Machine Guarding/Hazard Recognition; When MIOSHA Enforcement Visits; Supervisor's Role in Safety and Health; and MIOSHA Recordkeeping and Cost of Injuries.

Check the *MIOSHA Training Calendar* for class details, dates and register information.



*Dual-Certificate Graduates recognized at the 2011 Michigan Safety Conference: Tom Bills, Dow Corning; Ronald Rayford, Safety Professional; Doug Kalinowski, MIOSHA Director; DJ Svacha, Safety Professional; Matt McClachak, Marine Pollution Control.*

MTI website: [www.michigan.gov/mti](http://www.michigan.gov/mti)



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**The Mission of the MIOSHA Program is:  
To Protect Employee Safety, Health  
and Worker Rights.**

The MIOSHA News is a publication of the MIOSHA program. Its purpose is to educate Michigan employers and employees about workplace safety and health and we encourage reprinting.

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