



RICK SNYDER
GOVERNOR

STATE OF MICHIGAN
DEPARTMENT OF ENERGY, LABOR & ECONOMIC GROWTH
Michigan Occupational Safety & Health Administration
(MIOSHA)

ANDREW S. LEVIN
ACTING DIRECTOR

CONSTRUCTION SAFETY STANDARDS COMMISSION MEETING

February 16, 2011 - 9:30 a.m.
State Secondary Complex, General Office Building
1st Floor, Conference Room B, Lansing, Michigan

MINUTES

COMMISSIONERS PRESENT:

Valerie Bradley
Tapan Datta
Kathleen Dobson, Vice Chairperson
Joe Gillespie

Gregg Newsom, Chairperson
Jack O'Donnell
Don Staley

COMMISSIONERS ABSENT:

Don Hiltunen

Lynn Coleman

DEPARTMENT PERSONNEL PRESENT:

Martha Yoder, MIOSHA Deputy Director
John Peck, MIOSHA Management and Technical Services Division Director
Daniel Dykstra, MIOSHA Standards Section Program Manager
Patty Meyer, MIOSHA Construction Safety & Health Division Acting Director
Toscha Densmore, MIOSHA Standards Section Secretary
Cindy Eicher, MIOSHA Management and Technical Services Division Secretary
Debbie Merryfield, MIOSHA Standards Analyst

VISITORS

John Hartwell, Operating Engineers

RW "Sandy" Phillips, Consumers Energy

Mission statement

The mission of the construction safety standards commission is to provide the leadership and vision necessary to ensure a safe work environment for the Michigan construction community.

The commission involves employees and employers in the development of safety standards as it endeavors to continually examine and improve those standards for purpose, clarity, applicability, enforceability, and cost effectiveness.

It is our vision that we become a national leader in safety for industry by incorporating the changing needs of new technologies and methods into our standards.

DELEG is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request to individuals with disabilities.

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CONSTRUCTION SAFETY STANDARDS COMMISSION MEETING MINUTES
February 16, 2011 -- Page 2 of 4

Agenda Item #1—Call to Order, Roll Call

The February 16, 2011 Construction Safety Standards Commission meeting was called to order by Chairperson Newsom. A roll call was taken and a quorum was present. Commissioners, staff and visitors introduced themselves.

Agenda Item #2 - Approval of Minutes for November 8, December 6 and December 28, 2010 Meetings

A motion was made by Commissioner Bradley and seconded by Commissioner Datta to approve the Minutes of the November 8, 2010 meeting. **MOTION CARRIED UNANIMOUSLY.**

A motion was made by Commissioner Gillespie and seconded by Commissioner Staley to approve the Minutes of the December 6, 2010 meeting. **MOTION CARRIED UNANIMOUSLY.**

A motion was made by Commissioner Dobson and seconded by Commissioner O'Donnell to approve the Minutes of the December 28, 2010 meeting. **MOTION CARRIED UNANIMOUSLY.**

Agenda Item #3 – MIOSHA Update – Martha Yoder, MIOSHA Deputy Director

Ms. Martha Yoder stated MIOSHA lost 30 staff to early retirements and 2 staff retired under regular retirement. Since January there has been a lot of activity working to fill positions. Right now we are limited to hiring 1 person for every 2 that retired, so MIOSHA can only fill 15 of the 30 vacancies caused by the early retirement. Five of these positions have been filled so far. Ms. Yoder advised that the DELEG department is in a state of transition and is still waiting for an announcement of a new department director. In the meantime Andy Levin continues to serve as the department acting director. Susan Corbin, the deputy director for the department that MIOSHA reported to has left for another position. MIOSHA is still waiting to hear about potential reorganization of DELEG and may hear something tomorrow. There has been talk about legislation introduced and Ms. Yoder confirmed Senate Bill 14 calls for the elimination of MIOSHA in March of 2012, this has not been scheduled for hearing yet and we do not know if it will be. The bill has generated a flurry of activity. There are many individuals and organizations that value our program and have shared their desire to keep our program active. Senate Bill 20 prohibits any state agency from promulgating a rule regarding workplace ergonomics and a hearing has been held. The House passed the bill with amendment to allow MIOSHA to adopt an ergonomics standard if federal OSHA passes one. In the Governor's State of the State Address he used ergonomics as an example of a regulation that goes beyond the federal requirements that we will not be pursuing. Ms. Yoder distributed a Program Comparison of Michigan OSHA and Federal OSHA and an information sheet showing where MIOSHA funding comes from.

Agenda Item #4 – Standards Section Update – Daniel Dykstra, Standards Section Program Manager

Mr. Daniel Dykstra stated that there are still many standards open at this time. A progress report was submitted and Mr. Dykstra gave a brief overview of the current status of open standards. Mr. Dykstra advised a public hearing was held on diisocyanates. Overall most comments were supportive but there were a few questions and the hearing report is being worked on and comments will be replied to. Mr. Dykstra is hopeful this standard will move forward.

CS Part 12 is still waiting for a public hearing to be scheduled. We are waiting for a new department director to move forward. Advisory Committees for CS Part 6, OH Part 433 and GI Part 33 are working to clarify and clean up these standards and to make sure they are consistent. These groups are nearing completion of their mission.

The Advisory Committee for OH Parts 301 and 601 are dealing with exposure limits and are nearing completion of their draft language. CS Part 22 Advisory Committee is moving forward and will hold its first meeting later this month. Advisory Committee for CS Part 32 GI Part 58 has held one meeting and is working to update referenced standards.

CONSTRUCTION SAFETY STANDARDS COMMISSION MEETING MINUTES

February 16, 2011 -- Page 3 of 4

Commissioner Staley asked for an update on CS Part 1. Staff advised the Regulatory Impact statement has been submitted to Office of Policy and Legislative Affairs (OPLA). As with other pending standards we are waiting for direction from new administration. We would like to be able to schedule a public hearing soon.

Commissioner Datta asked about the process used in adopting the Michigan Manual of Uniform Traffic Control Devices (MMUTCD) and expressed concern about some of the requirements contained in the MMUTCD. Ms. Meyer advised that the MMUTCD references the Federal MUTCD, which was recently updated. The Michigan Department of Transportation (MDOT) is currently in the process of updating the MMUTCD using the 2009 edition of the Federal MUTCD. They have a draft they are anticipating going into effect in November of this year which would adopt some of the Federal MUTCD but would customize it to meet the needs of Michigan. Therefore, that is the document we are hoping to be able to reference in our standards. Ms. Meyer advised that is similar to what MIOSHA did in 2005.

Mr. Dykstra advised Christine Hundt retired at the end of December and at this time we are unsure if this position will be able to be filled. The Standards Section has a new secretary, Toscha Densmore who comes to us from the General Industry Safety & Health Division.

Mr. Dykstra noted we have several commissioners that have terms that expire in March 2011. The direction we have received is that commissioners continue to serve until further notice. DELEG has requested lists of all commissioners including term expiration dates. The new administration is most likely looking at all commissions and boards.

Agenda Item #5 – Construction Safety & Health Division Update – Patty Meyer, Acting Director

Ms. Patty Meyer gave an update on the progress towards strategic and performance goals. She stated that all fatality investigations were initiated within 24 hours. There were 11 construction program related fatalities in 2010, 3 falls, 3 crushed by, 1 electrocution, 2 cave-ins and 1 chemical exposure. No program related construction fatalities have been reported to date in 2011.

The Construction Safety & Health Division (CSHD) issued citations against Detroit Water and Sewerage Department in a significant case. Ms. Meyer reviewed some of the specifics of the incident. There were 14 alleged violations with a total proposed penalty of \$110,400.

MIOSHA is launching a joint special initiative with GISHD, CSHD and CET to address electrical hazards in the workplace. CSHD has recently revised the Residential Fall Protection Criteria Instruction. Ms. Meyer provided a brief overview of changes.

CSHD currently has 46 positions consisting of 19 safety officers, 7 industrial hygienists, 8 supervisory staff and 12 support staff. CSHD had 6 staff retire under the early retirement. Two of those positions have been filled, the executive secretary and one word processing assistant. The remaining four are at various stages of the hiring process; these positions include the division director, a health manager, asbestos program manager and asbestos industrial hygiene specialist.

Ms. Meyer reviewed the ongoing partnerships in construction including The Christman Company and Detroit Edison. She also reviewed their progress and successes of working under a partnership.

Agenda Item #6 – Old Business - Part 10 Lifting and Digging Equipment Status – Daniel Dykstra

The first part of this project is the Crane Operator Certification Amendment and it has been moving along very well. The portion has been through the Legislative Service Bureau (LSB) who looks at final wording and edits. The next step is going through the State Office of Administrative Hearings and Rules (SOAHR) to sign off and pass it along to the Joint Committee on Administrative Rules (JCAR). This proposed amendment is still at SOAHR. It appears they are holding it for the new department director to be able to review before it moves to JCAR.

CONSTRUCTION SAFETY STANDARDS COMMISSION MEETING MINUTES

February 16, 2011 -- Page 4 of 4

Mr. Dykstra advised that the second part of this project, dealing with the signal person and qualified rigger, has been pulled back at this time. Due to the fact that this piece was so far behind the certification portion, it was decided we should wait until the first part is completely through the process, and then proceed with the additional modifications. The third portion of this project dealing with the incorporation of federal OSHA rules will be combined with the second portion and they will go through the remaining portions of the rulemaking process together. They will need to go to public hearing.

Mr. John Hartwell, a member of the Part 10 Advisory Committee advised they are getting a lot of questions in the field about the new federal standard. Contractors and others working in the field want to make sure they are up to speed. Many know that MIOSHA is working on it and they are using the federal standard to show contractors what changes are coming. Staff advised to direct those individuals to the MIOSHA website and the federal standard. The new federal standard will be adopted but will take longer than the usual 6 months and federal OSHA is aware of the timeframe.

Agenda Item #7 – New Business

a. Michigan Injuries and Illnesses Rates – John Peck, Director, MTSD (HO#7a)

Mr. John Peck provided a handout showing an evaluation of the illness and injury rates for Michigan versus federal and other Great Lake States (Illinois, Indiana, Minnesota and Wisconsin). Mr. Peck reviewed the rates for selected strategic plan industries including manufacturing, beverage/tobacco products, private hospitals, private nursing/residential care facilities as well as the construction industry. Mr. Peck reviewed total recordable cases (TRC) rates and cases with days away from work, job transfer or restriction (DART).

b. 2011 CET Grant Announcement – John Peck, Director, MTSD (HO #7b)

Mr. Peck advised that MIOSHA gives \$1.05 million in grants to promote workplace safety and health across the state. Commissioners received a handout over viewing the grants for 2011. The MIOSHA CET Grants are awarded on a competitive basis to nonprofit organizations who must then file quarterly activity and financial reports. MIOSHA monitors each program. Most of the grants focus on the performance goals identified in the new MIOSHA strategic plan. Mr. Peck briefly reviewed some of the grantees for 2011 and highlighted worker safety issues. Mr. Peck advised the grant cycle starts in April and MIOSHA will announce what is required to submit a proposal. Proposals are due in May or June and then will be reviewed.

c. 2011 Meeting Schedule

A 2011 meeting schedule was distributed to all commissioners and staff.

d. Commissioner information update

Standards section staff is working to update our commissioner information. Commissioners were asked to fill out a registration form if they were not currently receiving travel reimbursement and would like to. A commission roster was also circulated for commissioners to ensure their contact information is up-to-date.

Agenda Item #8 - Public Comment

No public comment at this time.

Agenda Item #9 – Next Meeting

The next meeting of the Construction Safety Standards Commission will be on Wednesday May 18, 2011, General Office Building, Conference Room B, at 9:30 am in Lansing.

Agenda Item #10 - Adjournment

With no further business before the Commission, a motion was made by Commissioner O'Donnell and supported by Commissioner Staley to adjourn the meeting. **MOTION CARRIED UNANIMOUSLY.**

Gregg Newsom, Chairperson

Date