



RICK SNYDER  
GOVERNOR

STATE OF MICHIGAN  
DEPARTMENT OF LICENSING AND REGULATORY AFFAIRS  
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION  
DOUGLAS KALINOWSKI  
DIRECTOR

STEVEN H. HILFINGER  
DIRECTOR

## GENERAL INDUSTRY SAFETY STANDARDS COMMISSION MEETING

June 15, 2011 at 9:30 a.m.  
General Office Building, 1<sup>st</sup> Floor, Conference Room B  
7150 Harris Drive, Lansing, Michigan

### MINUTES

#### COMMISSIONERS PRESENT:

Jeffrey Radjewski, Chairperson  
Elizabeth M. Koto, Vice Chairperson  
William L. Borch  
Jennifer Ewing  
Dwayne F. Betcher  
Thomas Pytlik  
Regina L. Meo

#### COMMISSIONERS ABSENT:

AJ Hale  
Karl E. Heim

#### DEPARTMENT PERSONNEL PRESENT:

Martha Yoder, Deputy Director, MIOSHA  
Daniel Dykstra, Program Manager, Standards Section  
Adrian Rocskay, Director, General Industry Safety & Health Division  
Sherry Scott, Manager, Consultation, Education and Training Division  
Toscha Densmore, Secretary, Standards Section  
Dena Hendon, Department Analyst, Standards Section

#### GUESTS:

Robert Bonack, Lansing Area, OSHA Director  
John Bavin, Consumer Energy

#### MISSION STATEMENT

The mission of the General Industry Safety Standards Commission is to provide the leadership and vision necessary to ensure a safe work environment for the people of Michigan.  
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. Our vision is to be a recognized leader in safety for the work environment for the people of Michigan by incorporating the changing needs of new technologies and methods into our standards.

**Agenda Item #1—Call to Order and Roll Call**

The June 15, 2011 General Industry Safety Standards Commission meeting was called to order by Chairperson Radjewski at 9:35. Roll call was taken and a quorum was present.

**Agenda Item #2—Approval of Minutes from the March 16, 2011 Meeting**

A motion was made by Commissioner Borch and was seconded by Commissioner Pytlik to approve the minutes of the March 16, 2011 Commission meeting. **MOTION CARRIED UNANIMOUSLY.**

**Agenda Item #3—MIOASHA Update—Martha Yoder, MIOASHA Deputy Director**

Ms. Martha Yoder gave a brief update on the new administration for the Department of Licensing and Regulatory Affairs (LARA), which became effective April 24, 2011. The Office of Regulatory Reinvention (ORR) is in the process of analyzing all rules and regulations. They have required that we review all standards, and all documents that provide guidance to the public, and provide this information to ORR. This includes our fact sheets, guidebooks, and any documents used by Consultation, Education and Training (CET) in their work. ORR has created three committees to identify rules and regulations throughout state government, which are the Environmental Advisory Rules Committee, Insurance and Finance Advisory Rules Committee, and Workplace Safety Advisory Rules Committee. Mr. Doug Kalinowski has been appointed to the Workplace Safety Advisory Rules Committee which will cover MIOASHA rules and regulations. The Committee will function for 120 days after formation, unless that date is extended by ORR, and upon the completion of their work will issue a report to the Governor with recommendations. The first meeting for the Workplace Safety Advisory Rules Committee is June 20, 2011. Members of each committee are listed on the website [www.michigan.gov/orr](http://www.michigan.gov/orr). Ms. Yoder read off the list of members for the Workplace Safety Advisory Rules Committee and advised that we will keep the Commission updated on their progress. The ORR has already identified approximately 3,061 rules promulgated by the Michigan Occupational Safety and Health Administration. The Committee will evaluate these rules based on the factors listed in Executive Order 2011-5, including the health and safety benefits of the rules; the cost of compliance with the rules; whether the rules are duplicative or obsolete; and other factors.

Ms. Yoder gave an update on staffing within MIOASHA. The Wage & Hour Division, which was at one time part of the same bureau as MIOASHA, has been merged back into MIOASHA, minus Youth Employment which went to the Department of Education. There are about 30 employees in the division. In 2010, Wage & Hour handled over 7000 wage complaints. With all the recent retirements, we are making good progress on filling the vacant positions. Ms. Nella Davis-Ray has been appointed as Director of the Consultation, Education, and Training Division (CET). Ms. Patty Meyer has been appointed as Director of the Construction Safety and Health Division (CSHD). The vacancy left when Mr. John Peck retired is currently in the process of being filled. In the meantime, the position of Acting Director is temporarily being rotated between Mr. Ron Ray, Mr. Robert Kieffer, and Mr. Daniel Dykstra. Ms. Yoder announced that after more than 36 years of service to the State of Michigan, she will be retiring August 1, 2011. The paperwork is in process now to fill her vacancy. Commissioner Radjewski, on behalf of the Commission, congratulated Ms. Yoder on her retirement and thanked her for her many years of dedicated service.

Ms. Yoder gave a brief update on Take A Stand Day. This year we had 209 requests, which is an increase from the number of requests received last year. Our highest number in the past was 249. Our budget for next year has been set. Governor Snyder did meet his goal of having it done by May. Our budget will have a slight increase, therefore, we are looking good financially. Senate Bill 14, which would repeal MIOASHA in March of 2012, has been referred to the Committee on Appropriations. We are confident about the level of support from the regulated community to keep MIOASHA. Senate Bill 20, which prohibits a department, board, or commission authorized to promulgate rules from promulgating workplace ergonomic standards, was signed into

law by Governor Snyder on March 22, 2011. The law does permit adopting Federal rules on ergonomics if/when such rules become law.

Before moving on to the next item on the agenda, Commissioner Radjewski asked that we go around the room and introduce ourselves and to welcome Mr. Robert Bonack. Mr. Bonack stated he was not prepared to give an update to the Commission at this time as he wanted to be an observer for his first meeting to see how things work. Mr. Bonack gave a brief overview of his work experience. He has taken over as the Director of the Lansing Area office for OSHA. He came from the Regional office where he has worked as a compliance officer, program analyst, safety & health manager, and audit & analyst supervisor. Mr. Bonack is also an active member of the National Guard.

**Agenda Item #4—Management & Technical Services Division Update—Daniel Dykstra, Acting Director**

Mr. Daniel Dykstra gave a brief update on the CET Grants. The grants are currently in process, and the deadline is June 16, 2011 for applications. The Integrated Management Information System (IMIS) is being replaced with the OSHA Information System (OIS). IMIS is a federal database that dates back to the 1980's and currently is being used to enter all inspections and the data obtained such as violations cited, safety recommendations, fatality reports, and to pull statistics on each. The new program, OIS, is a web-based program that will be easier for the users and will hopefully require less maintenance and repair than is currently needed for the older system. OIS is currently being used in CET, and the target date is August 18, 2011 for the enforcement divisions. Mr. Bonack stated they are finding issues with the new system and they are working on each of them as they come up. Mr. Bob Kieffer, MIOSHA MISS Manager, is working with OSHA on the implementation of OIS.

The Management Information Systems Section's (MISS) Survey team, led by Ms. Terrilyn Jones, has received their fourth straight year of recognition for Outstanding Performance. The Laboratory & Equipment Services Section (LESS) is accredited by the American Industrial Hygiene Association and is in the process of renewing the accreditation. MIOSHA is currently in the process of replacing older computers.

**Agenda Item #5—Standards Section Update—Daniel Dykstra, Standards Program Manager**

Mr. Dykstra provided an update on projects that the Standards Section is working on. Currently many MIOSHA staff are working on the ORR rules review project. This project is taking a lot of time since we have 158 promulgated standards to report on, as well as many non-promulgated fact sheets, guidebooks, and other guidance type documents. We are required to report such things as the benefit to the regulated community, cost implications, and when the standard was last updated. The whole agency is working together to compile the information requested and will provide the information to the LARA Office of Policy and Legislative Affairs by the due date of July 6, 2011. The Standards Section is also working on the annual regulatory plan, which indicates projected rule promulgation between July 1, 2011 and June 30, 2012, and is due next week. The Wage & Hour Division information will be added to all reports as well.

**Agenda Item #6—General Industry Safety & Health Division Update—Adrian Rocskay, Director**

Dr. Adrian Rocskay gave an update on the progress toward strategic & performance goals.

1. Emphasis: 1.1 is to reduce by 20% the rate of worker injuries and illnesses in high-hazard industries. 13 industries are targeted for this emphasis. We will continue to work with these industries to work on improvement. We need to work more with a few of the industries as they are going the wrong direction. Emphasis: 1.2 is to reduce by 20% the rate of worker injuries, illnesses, and fatalities in workplaces experiencing high rates or with targeted hazards or exposures not covered by Emphasis: 1.1. This goal was a two part goal. Part 1 was to reduce the incident rate, total recordable cases (TRC) per 100 full time workers. MIOSHA exceeded this goal. A 4% reduction to 6.3 was obtained for the first year. Part

2 was to reduce the number of fatalities. This goal was met, as there was a decrease in the number of fatalities to 14, in calendar year 2009. However, in 2010 the number increased to 25. We will be focusing on that.

2. Emphasis: 3.2A is to respond to 97% of complaints within ten working days for enforcement divisions. We are reaching this goal.
3. Emphasis: 3.2B is to continue to maintain initiation of investigations of program-related fatalities and catastrophes within one working day. We are reaching this goal.
4. Emphasis: 3.2C is to decrease the average number of calendar days from opening conference date to citation issuance date by 10% to protect workers in a timelier manner. Safety is meeting the goal. Health needs to work on meeting the goal.

Dr. Rocskay discussed significant enforcement issues. New assignments were given to field staff in high-hazard industries. Focused inspections have been discontinued and all of these inspections are now “wall-to-wall”. Four special new initiatives have been added, they are: National Emphasis Program – Process Safety Management; National Emphasis Program – Recordkeeping; Hexavalent Chromium; and Severe Violator Enforcement Program. Diacetyl has been discovered to cause lung disease and research shows the replacement chemical seems to be just as bad.

Dr. Rocskay also discussed significant outreach activities. Four fact sheets were approved in March, Temporary Labor Camps; Adult and Child Care Industries; Electrical Shock Hazards; and Hair Straightening Products and Formaldehyde. They are currently working on a fact sheet for heat with OSHA. GISHD lost a lot of staff with the retirement incentive and staff moving to other divisions. GISHD is currently in the process of rebuilding and are in the process of hiring one Industrial Hygienist Specialist, three Industrial Hygienists, three Safety Supervisors, three Word Processing Assistants, one Rights Representative Manager, and one Safety & Health Manager. Three Safety Compliance Officers started training Monday June 13, 2011.

Commissioner Betcher asked if the increase for Nursing and Residential Care Facilities worker injuries and illnesses is due to ergonomics. Dr. Rocskay says it is believed to be part of it. Commissioner Borch noted we are meeting or exceeding in most areas, with the exception of Beverage and Tobacco Product Manufacturing, and asked what MIOSHA was looking at on how to address it. Dr. Rocskay says we have our theories of why it is heading the wrong direction, but can not say for sure as there are multiple factors that contribute. Commissioner Borch suggested we break them down into subcategories to better reach the goal. Commissioner Pytlik commented on a fatality at his workplace, Dow Chemical, and thanked MIOSHA for the investigation.

#### **Agenda Item #7—Old Business**

##### **a. GI Part 90 Confined Space Entry**

Mr. Dykstra provided the Commission with a copy of the updated standard. The amendment was filed on June 7, 2011, and will be effective June 21, 2011.

##### **b. Advisory Committee Applications**

- i. GI Part 19 Crawler, Locomotive and Truck Cranes – Bernard Brewer, Technical Advisor
- ii. GI Part 20 Underhung Cranes and Monorail Systems - Bernard Brewer, Technical Advisor
- iii. GI Part 62 Plastic Molding – Norman Hurosky, Management

Before voting on the above applications, Commissioner Radjewski asked if there are guidelines for appointing members, such as to the size requirements for each committee. Ms. Dena Hendon stated there are no guidelines, as each committee would have different needs. Ms. Hendon said we normally limit it to 8-10 members to ensure a quorum for each scheduled meeting.

Commissioner Borch made a motion to appoint Mr. Bernard Brewer to the Advisory Committee for GI Part 19. Commissioner Ewing seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

Commissioner Borch made a motion to appoint Mr. Bernard Brewer to the Advisory Committee for GI Part 20. Commissioner Ewing seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

Regarding the application of Mr. Norman Hurosky to the Advisory Committee for GI Part 62, due to the fact that the committee seems unevenly weighted towards management representatives, Commissioner Borch made a motion to table the application until the next meeting to review more applications which have been received. Commissioner Betcher seconded the motion. **MOTION CARRIED UNANIMOUSLY.**

Commissioner Borch raised questions on windmills. He would like to request that MIOSHA look into possibly having a standard regarding training, rescue, and emergency response. The CSHD is currently in a partnership with Barton Malow Company while working with Stoney Corners Wind Farm. After discussion, it was decided that the questions asked are more on the Construction enforcement side and will be discussed between the General Industry and Construction divisions. Ms. Martha Yoder suggested a possible way to address the concerns would be for the divisions to put together a fact sheet. It was also suggested that the rescue issues be brought up at the GI Part 74 Fire Fighters committee meeting next week. Mr. Bonack mentioned there is a national task force on windmills discussing most of these concerns, and he will research it and may have a presentation for the next commission meeting.

**Agenda Item #8—Public Comment**

None

**Agenda Item #9—Next Meeting**

Chairperson Radjewski reminded the Commissioners that the next meeting will be Wednesday, September 14, 2011 at the General Office Building in Conference Room B.

**Agenda Item #10—Adjournment**

A motion was made by Commissioner Borch and was seconded by Commissioner Pytlik that with no further business before the Commission, the meeting be adjourned. **MOTION CARRIED UNANIMOUSLY.**

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Jeffrey Radjewski, Chairperson

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Date