



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

OCCUPATIONAL HEALTH STANDARDS COMMISSION MEETING

April 20, 2011--9:30 A.M.
Radisson Hotel, Capitol II Room
111 N. Grand Avenue, Lansing

MINUTES

COMMISSIONERS PRESENT:

Mr. Andrew Comai
Mr. David Glynn
Mr. Gary Novak
Mr. Satyam Talati

Chief Ricardo Longoria, Chairperson
Ms. Caroline Ross
Mr. Ronald Torbert, Vice-Chairperson

COMMISSIONERS ABSENT:

Mr. Jim Cianciolo
Sheriff John Miller

DEPARTMENT PERSONNEL PRESENT:

Mr. Ron Ray, MIOSHA MTSD Acting Director
Mr. Bart Pickelman, MIOSHA GISHD Manager
Mr. Daniel Dykstra, MIOSHA Standards Program Mgr.
Ms. Toscha Densmore, MIOSHA Standards Secretary

Ms. Patty Meyer, MIOSHA CSHD Director
Ms. Debbie Merryfield, MIOSHA Standards Section
Ms. Sherry Scott, CET Manager
Mr. Mark Pedo, GISHD Industrial Hygienist

VISITORS

Mr. Robert Murphy, OSHA Area Office
Mr. Jim Fisk, United Steel Workers 12075

Mr. Sandy Philips, Consumers Energy
Mr. Scott Shepherd, East Jordan Iron Works

Mission statement

The mission of the occupational 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.

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Agenda Item #1 - Call to Order, Roll Call

The April 20, 2011 Occupational Health Standards Commission (OHSC) meeting was called to order by Chairperson Longoria. A roll call was taken and a quorum was present.

Agenda Item #2 – Welcome from Michigan Safety Conference

Mr. AJ Hale, Representative from the Board of the Michigan Safety Conference (MSC), welcomed the Commission to the Michigan Safety Conference. Mr. Hale commended MIOSHA and mentioned Ms. Sheila Ide, MIOSHA Consultation, Education and Training Division Supervisor, was recognized by the MSC as “Safety Professional of the Year” for her role in managing the MIOSHA Training Institute.

Agenda Item #3 - Approval of Minutes from January 12, 2011 Meeting

A motion was made by Commissioner Glynn and was seconded by Commissioner Novak to approve the minutes of the January 12, 2011 meeting. **MOTION CARRIED UNANIMOUSLY.**

Agenda Item #4 – MIOSHA Update – Ron Ray, Acting Director, Management & Technical Services Division (MTSD)

Mr. Ron Ray gave an update on the MIOSHA budget. The budget has a 0.2 percent decrease from last fiscal year, approximately \$60,000. We are not sure where things are going with the next fiscal year budget, and are thinking it may go back to the 2008 budget, which would be about a 5% cut. It could be a bigger cut, but we do not think that will happen. The Federal government is trying to shield State Plan states from cuts. Mr. Ray announced that Ms. Patty Meyer is the new director of Construction Safety & Health Division (CSHD). Ms. Meyers has 20 years in CSHD, she has been a compliance officer, a consultant, a supervisor, the acting director, and now the director. Effective April 25, 2011 there will be a new state agency, the Office of Regulatory Reinvention (ORR). ORR will be forming advisory committees to review current rules and make recommendations for rule changes to focus on three areas of State government. They will be looking at the rules and regulations for Workplace Safety, Insurance & Finance, and Environmental. The ORR will be reviewing between 17-19,000 rules and will form several advisory committees. Each committee will have 120 days after formation to complete the review and report back to the ORR their recommendations. Mr. Steve Arwood, Deputy Director of Employment Security and Workplace Safety will be meeting with Mr. Doug Kalinowski on Thursday April 21, 2011, and we hope to find out more of what is planned. Commissioner Glynn asked if we know the intent of ORR. Mr. Ray said they will go through all rules and can make changes. Mr. Dykstra stated this is a good thing, and we should set the tone for all agencies as we have already been working on comparing our standards with those set by Federal OSHA. At this time, though, we do not know the complete intent from ORR. Mr. Ray stated we hope to have answers after Mr. Kalinowski’s meeting. As far as Commission appointments, no new appointments have been announced so far, and until advised those on the Commission will maintain their appointment.

Agenda Item #5 - Standards Section Update – Daniel Dykstra, Program Manager

Mr. Daniel Dykstra reviewed the standards progress report noting there have not been many changes since the last meeting. Most rules are currently on hold as SOAHR is becoming ORR, effective April 25, 2011. Senate Bill 20, which prohibits any state agency from promulgating a rule regarding workplace ergonomics, was signed by Governor Snyder, therefore we can no longer pursue an ergonomics standard. For Personal Protective Equipment we have three different committees meeting, OH Part 433, CS Part 6, and GI Part 33. These are all a few more meetings away from having a final product. OH Part 529, Welding, Cutting & Brazing has been returned from SOAHR with questions on the Request for Rulemaking form and we are preparing responses to those questions.

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The OH Part 301/601, Air Contaminants for General Industry and Construction advisory committee has a meeting next Wednesday April 27, 2011 and should have recommended permissible exposure limits ready for submittal to the OHSC after this meeting. OH Part 621 committee has made recommendations and MIOSHA is preparing the Regulatory Impact Statement. All rules are waiting until SOAHR becomes ORR. At this time Commissioner Andy Comai arrived at the meeting.

Other projects in Standards include cleaning out our files for archiving and comparing MIOSHA rules to OSHA rules. Ms. Debbie Merryfield is currently working on cleaning and archiving of our files. A variety of MIOSHA employees from General Industry and Construction have been working on comparing MIOSHA rules against OSHA rules. This comparison is almost complete. This should help benefit our agency when the rules are being checked by ORR. We believe we are in great shape. Mr. Ray notified the Commission that as of Monday April 25, 2011, the Department of Energy, Labor and Economic Growth will become the Department of Licensing and Regulatory Affairs (LARA).

Agenda Item #6 – Construction Safety & Health Division (CSHD) Update – Patty Meyer, 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. First fatality for 2011 was reported yesterday and an officer is out conducting an investigation. Details provided are that it was an electrocution while installing cable TV equipment, and that the employee made contact with 277 volts.

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 recently launched 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. CET has 22 sessions on Residential Fall Protection scheduled with the Home Builders Association. 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. Five of those positions have been filled: division director, health manager, asbestos program manager, executive secretary and word processing assistant. With these positions filled, it did open more in the field, so they are still short on staff and are in the process of getting the field positions filled.

Ms. Meyer reviewed the ongoing partnerships in construction including three with Barton Malow Co., and one with Detroit Edison. Two partnerships are in the works, one in Allendale with Pioneer Construction for Grand Valley State University and the other for Rockford Construction/Meijer Construction Group for a Meijer in Bath Twp.

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Agenda Item #7 – General Industry Safety & Health Division (GISHD) Update – Bart Pickelman, Manager

Mr. Bart Pickelman reviewed progress towards achieving the goals set forth in the Strategic & Performance Goals. A five year goal (beginning in 2007) has been set to reduce by 20% the rate of worker injuries and illnesses in high-hazard industries. To date, six of the high-hazard industries have reached the 20% reduction goal. MIOSHA is working on developing ways to help the industries that have not met the goal. Program related fatalities jumped in 2010 to 26, however, it is hard to pinpoint a particular problem. Mr. Pickelman mentioned there were several electrocution fatalities, which is where the initiative with CSHD will come in place to help bring those down.

Mr. Pickelman also reviewed the special enforcement issues where GISHD has issued new assignments to the field staff covering the 13 high-hazard industries. GISHD has four new fact sheets covering: Temporary Labor Camps; Adult and Child Care Industries; Electrical Shock Hazards; and Hair Straightening Products and Formaldehyde.

GISHD is working to fill positions for three Safety Officers, one Industrial Hygiene Specialist, three Industrial Hygienist, two Safety Supervisors, two Word Processing Assistants, one Rights Representative Manager and one Departmental Technician position. Several employees are working out-of-class to temporarily fill these openings.

Mr. Pickelman gave a brief overview of the five program related fatalities that GISHD has had in 2011. Unfortunately, there was a fatality this morning, where an employee was caught between machines up north. A safety officer is currently in route to the establishment to conduct and investigation.

OSHA Update

Mr. Robert Murphy out of the Chicago regional OSHA office addressed the Commission. Since Ms. Cynthia Hutchins-Smith left, they have had acting staff in the Lansing area office. Mr. Robert Bonack has been appointed the Area Director. Mr. Bonack will start the first or second week of May.

Agenda Item #8 – General Industry Safety & Health Division Investigations: Hastings Mfg. and Yankee Springs Dairy – Mark Pedo, Senior Industrial Hygienist, GISHD

Mr. Mark Pedo presented two power point presentations to the Commission going over high profile cases within General Industry Safety & Health Division.

Agenda Item #9 - Old Business

a. Draft Diisocyanates Agency Report

Mr. Dykstra gave an update on the status of process. We have one year from the public hearing to get the agency report approved and to JCAR. SOAHR said to take our time with the process since things are not moving at this time. Mr. Dykstra asked that the Commissioners take a look through the packet for discussion at our next meeting. If there are any questions, comments or suggestions, please let Mr. Dykstra know ahead of time so he can have the answers prepared for the next meeting. Hopefully by our next Commission meeting, the rules process will be moving so we can go forward with the recommended Diisocyanates rules.

Commissioner Glynn expressed some concern on us moving forward with this process if the governor does not want us to be beyond the Federal standards. Mr. Dykstra stated we should continue our process as we are hopeful that things will move forward. Mr. Kalinowski is talking to the director of ORR, and believes they will

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be reasonable. As far as comments to the Agency report handout, they are summarized. At the next meeting it is requested that the Commission needs to agree or disagree to the comments. Commissioner Novak expressed his concerns on not wanting to discourage or upset anyone who has put work into this, such as committee members. It was suggested that if a Commissioner feels the ORR is not going in the right direction, that as Governor appointed officials, they can follow their avenues. Mr. Ray pointed out that even though Ergonomics was stopped, it did create a lot of positive action in the field. If we are prepared, we will be ready to go forward with rules when allowed to do so. We need to push forward and hope for the best.

Agenda Item #10 – Public Comment

Mr. Jim Fisk proposed that we work on the easy standards on the list of things to do, to get those done (i.e. latex). Mr. Fisk would like the public to be aware of what we do. Mr. Dykstra stated that MIOSHA Administration is actively working to educate the new administration, legislators and the public regarding what the agency does, and the benefits of having MIOSHA. Mr. Fisk believes all those on the Commission are here to save people, and to help save Michigan companies money.

Agenda Item #11 – Next meeting

The next Occupational Health Standards Commission meeting will be held on Wednesday July 13, 2011, 9:30 a.m., General Office Building in Lansing, Conference Room B.

Agenda Item #12 - Adjournment

With no further business before the Commission, a motion was made by Commissioner Glynn and seconded by Commissioner Novak to adjourn this meeting. **MOTION CARRIED UNANIMOUSLY.**

Ricardo Longoria, Chairperson

Date