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MIOSHA Partnerships Protect Workers

Partnerships Provide Opportunities to Move from Traditional Enforcement Methods and Embrace Collaborative Agreements

Partnerships are an important emphasis in MIOSHA's Strategic Plan to improve the health and safety of workers through collaborative relationships with employers, and groups like trade associations and labor organizations.

Every MIOSHA partner is committed to providing their employees with a safe and healthy work environment. Partnerships emphasize proactive measures to anticipate, evaluate and control workplace hazards.

Pioneer Construction Partnership

Pioneer Construction signed a formal partnership with MIOSHA on June 10th to protect workers at the Grand Valley State University (GVSU) Mary Idema Pew Library Learning and Information Commons project in Allendale.

The partnership goal is enhanced safety and health protection and zero injuries for workers.

Pioneer Construction is the general contractor for the \$47.5 million GVSU Mary Idema Pew Library project. The design of the new library will serve as an incubator for 21st century skills, preparing students to compete globally in the information age. The facility will be built to the U.S. Green Building Council's LEED Platinum specifications – the highest possible standard in that sustainability rating system.

"This says a lot about where our company and industry has come," said **Tim Schowalter**, Pioneer President & CEO. "This partnership represents a very important commitment to the safety of our people and to the idea of proactively working together with MIOSHA, our clients and our subcontractor partners to accomplish our safety goals."

A partnership agreement was established to raise awareness and promote safety for all personnel employed in the project. Recognizing that engineering techniques are not enough to ensure that exposure to hazards are controlled, the partnering employers developed key elements to assure worker safety.

Established in 1933, Pioneer Construction builds exceptional facilities that perform for their clients, on time and in budget. They are headquartered in Grand Rapids and provide construction solutions throughout the continental United States.



Building throughout four generations of family ownership, they have been fortunate to construct many landmark environments in which people learn, heal, worship, work, govern, play, shop and live.

Ford/ACH/UAW Partnership

On August 9th, Ford Motor Company, Automotive Components Holdings (ACH) and the United Auto Workers (UAW) renewed their strategic partnership with MIOSHA to help improve worker health and safety at Ford and ACH facilities in Michigan.

The partnership agreement covers all Ford Motor Company manufacturing facilities, including the company's ACH locations. The agreement aims to continuously reduce work-related injuries and illnesses at the company's Michigan manufacturing locations by optimizing the resources of the partners in the development and administration of plant health and safety standards.

"Combining the leadership and resources of Ford, ACH, the UAW and MIOSHA creates a dynamic team as we continue to work together to improve our standards of health and safety in our plants," said **Jim Tetreault**, Ford Motor Company vice president, North America Manufacturing. "Ford is proud of its history in Michigan – we know that safety always must be top of mind, and we welcome the opportunity this agreement provides."

The partnership is founded on mutual respect, trust, cooperation, accountability, understanding, and employee involvement in all plant health and safety issues. Together, the partners are developing a process for data reviews and issue resolution, as well as coordinating site visits and monitoring inspections.

"Through this agreement, we will continue working to create a safe and productive environment for UAW members at Ford and ACH," said UAW vice president **Jimmy Setfles**, who directs the union's National Ford Department. "Workplace safety is paramount for our union. It's important our members know we're working together with Ford and MIOSHA and that everyone in the organization is empowered to focus on safe work practices."



Partnering for Safety

Partnerships provide the opportunity to create safe and healthful workplaces using non-traditional strategies.

Sharing safety and health information between all signing partners helps identify emerging issues.

Core elements of MIOSHA partnerships include:

- Clearly defined goals and strategies,
- A measurement system to track progress,
- Self-sustaining Safety and Health Management systems,
- Employee involvement,
- Stakeholder involvement, and
- MIOSHA enforcement incentives.

Current Partnerships: General Industry

- Ford Motor Company, ACH and United Auto Workers;
- Michigan Sugar Company and five BCTGM Locals.

Current Partnerships: Construction

- Detroit Edison – At the Monroe Power Plant Environmental Controls Project;
- Barton Malow – At the Severstal NA Modernization Project;
- Barton Malow – To build the Stoney Corners Wind Farm;
- Barton Malow – At the U of M Mott Children's Hospital and Von Voigtlander Women's Hospital Replacement Project;
- Pioneer Construction – At the GVSU Mary Idema Pew Library Project.

For information about current and completed partnerships, go to www.michigan.gov/alliance.





Doug Kalinowski, CIH
Director

Office of Regulatory Reinvention Update

In the last issue of the MIOSHA News, I wrote about the *Office of Regulatory Reform (ORR)* and the *Workplace Safety Advisory Rules Committee (WSARC)*. This committee was established to review all workplace safety and health rules and regulations with the intent of eliminating redundant, unnecessary or overly burdensome ones. Similar advisory committees have been appointed

“Reinventing Michigan demands that we break the bad habits of the past and embrace opportunities for our future,” Governor Snyder said.

by the Governor to review all state rules and regulations such as those that pertain to insurance, the environment, occupational licenses and liquor control.

Since the last issue, the WSARC has met several times. While no one raised significant issues with any specific MIOSHA rules, a review and analysis began of all Michigan workplace safety rules that do not have federal OSHA counterparts. Various members representing employers and employees affected by MIOSHA rules as well as a number of MIOSHA staff have been involved in the review.

The details of the review will not be released until the process is complete and the Governor's Office receives recommendations from ORR. While this has been a labor-intensive undertaking, it appears the results should be very beneficial to employers and employees across Michigan.

Numerous outdated and non-useful rules have been identified that truly have no real impact on employee safety yet make it difficult to comply with the occupational safety and health rules that really matter. On the other hand, a number of rule sets that do not have federal equivalents are expected to remain because they provide needed guidance or bring together a number of safety and health

requirements for specific industries into one document.

The Michigan Dashboard

In his first State of the State address, **Governor Snyder** provided a detailed road map to energize Michigan's lagging economy and reshape state government. “Reinventing Michigan demands that we break the bad habits of the past and embrace opportunities for our future,” Snyder said.

A key step in moving Michigan forward is the setting of clear, measurable goals that serve as a catalyst for positive change. The governor unveiled the **Michigan (MI) Dashboard**, found at www.michigan.gov/midashboard, which shows the progress in meeting objectives that impact economic growth, education, public health and safety, value for taxpayer dollars in government, and overall quality of life.

The information provided on this website tells Michigan's citizens how the state is performing in areas that affect them. While MIOSHA measures about 30 indicators on a routine basis to track the results of our five-year Strategic Plan, some of the key measurements that focus on service and/or results will be included in MI Dashboard. The completed MI Dashboard is expected to be released in the near future.

New MIOSHA Deputy Director

On July 29th of this year, our Deputy Director **Martha Yoder** retired from state government after serving MIOSHA for nearly 28 years. Her dedication, program knowledge and wisdom will be truly missed by employers, employees and MIOSHA staff. Many of the positive changes made within the agency in the last decade were the result of her thoughtfulness, commitment and hard work.

On September 4th, **Bart Pickelman**, was appointed the new Deputy Director for MIOSHA. He was most recently a Safety and Health Manager in the General Industry Safety and Health Division and is a long-time MIOSHA employee. Please welcome Bart as we move forward to keep MIOSHA a continuously improving state agency that is *“Customer Driven. Business Minded.”*

Continuing MIOSHA's Mission

I'd like to begin by expressing how honored and proud I feel to be appointed the new MIOSHA Deputy Director. I would like to thank the previous Deputy Director, **Martha Yoder**, for her years of dedication and leadership and for leaving behind such a well-running machine. Due to the efforts of so many, the safety and health of Michigan workers is in a much better state of affairs than just a few decades ago.

However, there are still too many unnecessary and costly injuries, illnesses, and fatalities occurring each year in this great state. Therefore, much more work needs to be done to assure each Michigan worker's safety and health is protected now and for decades to come. My goal as the new Deputy Director is to work diligently with the amazing staff of MIOSHA to further that mission.

Connecting MIOSHA to Industry

I am a Certified Industrial Hygienist with more than 20 years of experience in occupational safety and health and have over 12 years with MIOSHA in various roles within the General Industry Safety and Health Division. I'm glad I was a part of the MIOSHA team when we launched the *“Connecting MIOSHA to Industry”* initiative in January 2007.

The purpose of the initiative is to enhance the services we provide to our customers and increase the effectiveness of our program. The initiative focuses on increased communication, coordination and outreach **throughout** the MIOSHA program. It also calls for increased sensitivity to the well being of every employing entity. Our continuing goal is to expand opportunities to build effective safety and health systems in Michigan workplaces.

The *“Connecting MIOSHA to Industry”* initiative has allowed us to merge traditional program responsibilities with proactive outreach measures.

■ MIOSHA's obligation to mandate standards is being **combined** with a commitment to provide education on rule requirements and create information to help employers comply.

■ MIOSHA's mandate to protect workers is being **combined** with increased sensitivity to the well-being of the company and the need to retain employers and jobs in Michigan.

■ The authority of MIOSHA to ensure hazards are corrected is being **combined** with assistance for employers and workers in creating a safety and health system suitable for the specific workplace.



Bart Pickelman, CIH
Deputy Director

To date, we believe the Connecting Initiative has helped create a culture of shared knowledge, increased concern for safety and health of people and their jobs, and generated respectful cooperation between MIOSHA, employers and workers. Ultimately, we are all developing a collective ownership for the safety and health of Michigan's workforce.

Take a Stand Day

MIOSHA created *“Take a Stand Day”* in 2005 as part of our 30th Anniversary celebration. Each year MIOSHA dedicates more than 125 professional staff – compliance, consultation, managers and supervisors – to visit Michigan high-hazard industries targeted by the MIOSHA Strategic Plan.

Each year more than 200 employers across the state sign up for the one-on-one consultations. There are no CITATIONS or FINES for participating workplaces. During the consultation visit, MIOSHA professionals **“connect”** cooperatively with the companies to recognize hazardous conditions and to effectively address safety and health issues.



“Take a Stand Day” 2011 – Maple Valley Plastics, Brown City.



“Take a Stand Day” 2011 – Clark Construction Company, Crisler Arena, Ann Arbor.

Two Construction Companies Fined \$356,450 for Workplace Fatality

The **Pellston Regional Airport** is constructing a new Snow Removal Equipment and Airport Rescue and Fire Fighting (SRE/ARFF) facility that will house a fire truck, fire equipment and other equipment. **DeVere Construction** of Alpena is the construction manager. Trade subcontractors work on various components of the project. The \$8 million construction project began in the fall of 2010.

On December 28, 2010, **Grand Traverse Construction** was covering a tubular, welded-frame scaffold with plastic weatherproofing in preparation for masonry block construction. An incident occurred when an employee on the ground was struck by the scaffolding that overturned due to high winds. The scaffold was loaded with masonry block and not properly restrained or secured. The employee expired due to the injuries received.

The MIOSHA Construction Safety and Health Division (CSHD) opened an inspection on December 29, 2010. The inspection found that an improperly constructed and overloaded scaffold overturned in high winds, striking and killing an employee. The foreman of **Grand Traverse Construction** directed activities at the jobsite and allowed work to continue after being questioned about enclosing the scaffolding by DeVere Construction, the general contractor on the site. Employees of Grand Traverse Construction also expressed concern about the wind speed to the foreman, just prior to the accident occurring. While inspecting the worksite, **DeVere Construction** allowed the work to continue after questioning Grand Traverse Construction about the construction, bracing and loading of the scaffolding.

Employer Responsibility

The responsibility to protect employees lies with the employer. It is anticipated that issuing these citations will cause each employer to strengthen their safety and health efforts by main-

taining corrections. During these inspections, **MIOSHA found both employers had some level of responsibility to correct the hazard.**

When there are multiple employers on a worksite, MIOSHA must determine which employers may be cited. *MIOSHA Instruction COM-04-1R2: Multi-Employer Work Sites* provides guidelines for compliance officers and defines the employer roles:

- **The Creating Employer:** The employer that caused a hazardous condition that violates a MIOSHA standard. (Grand Traverse Construction)

- **The Exposing Employer:** An employer whose own employees are exposed to the hazard. (Grand Traverse Construction and DeVere Construction)

- **The Correcting Employer:** An employer who is engaged in a common undertaking, on the same worksite as the exposing employer and is responsible for correcting a hazard.

- **The Controlling Employer:** An employer who has general supervisory authority over the worksite. (DeVere Construction)

The total proposed penalty for both companies is **\$356,450**. The citations and penalties reflect an evaluation of the conditions, MIOSHA requirements, and the level of consequences that could result.

Grand Traverse Construction Violations

As a result of the accident investigation, Grand Traverse Construction received four Willful violations, one Repeat Serious violation, and four Serious violations for alleged safety hazards with total proposed penalties of **\$237,200**. The Grand Traverse foreman directed activities at the jobsite and allowed employees to work in hazardous conditions. CSHD also conducted a separate inspection of serious scaffolding hazards not related to the fa-

tality. For this inspection Grand Traverse received five Serious violations and one Other-than-Serious violation for alleged safety hazards with total proposed penalties of **\$4,250**. The combined penalty for both inspections is **\$241,450**. Grand Traverse Construction is well aware of their responsibility to protect their workers. The company has been inspected 23 times in the past 10 years and has been issued 14 Serious violations.

DeVere Construction Violations

As the general contractor, DeVere Construction is being issued citations as the controlling contractor on the site. The company received two Willful violations and one Serious violation for alleged safety hazards with total proposed penalties of **\$115,000**. They allowed work to continue when violations were identified and in plain view. The company has been inspected 29 times in the past 10 years and has been issued 21 Serious violations.

Both companies have appealed the violations and penalties.



A Grand Traverse Construction employee was struck and killed by this scaffolding that overturned due to high winds.

Construction Company Fined \$199,200 for Workplace Explosion

Ann Arbor Township hired **Posen Construction, Inc.** to complete roughly \$400,000 in upgrades to the **Dixboro Sewer Station** in Washtenaw County. On December 23, 2010, three employees of Posen Construction were working at the sewage lift station. They had placed concrete in the bottom of a wet well inside the lift station the day before and left a propane torch device running overnight to



An explosion occurred at the bottom of this wet well, injuring three Posen employees.

help dry the concrete. During the night, the torch went out and filled the confined space with liquid propane (LP) gas.

At approximately 8:00 a.m. in the morning the employees went into the wet well and attempted to relight the heater and an explosion occurred. Each of the three employees suffered burns and were transported to the University of Michigan Hospital for treatment.

The MIOSHA Construction Safety and Health Division (CSHD) opened an investigation on the morning of the explosion. The investigation found the employer used and stored 100 pound LP cylinders within a confined space; improperly used a propane torch as a heating device; left the LP cylinder and attached torch unattended overnight; and did not test or record the confined space atmosphere before entering.

Posen Construction Violations

The responsibility to protect employees lies with the employer. It is anticipated that issuing these citations will cause the employer to strengthen their safety and health efforts by maintaining corrections.

Posen Construction's supervisor and an employee stated that two heaters had been sent to the site at different times and both were defective. The foreman stated this was the reason they used the torch as a heater. In addition, their safety director removed the atmospheric testing equipment from the worksite over a week before the explosion, leaving the crew without a means to test the atmosphere.

Posen Construction, Inc., located at 50500 Design Lane, Shelby Township, Michigan, has been inspected 20 times in the last three years. As a result of those inspections, Posen has been cited for 27 Serious violations, six Repeat Serious violations, and 107 Other-than-Serious violations.

As a result of the December 2010 accident investigation conducted by the MIOSHA Construction Safety and Health Division, Posen Construction received three Willful violations, three Repeat Serious violations, and five Serious violations for alleged safety hazards with total proposed penalties of **\$199,200**.

The company has appealed the violations and penalties.

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New OSHA Rules

By Eric Allen, CSHD Senior Safety Officer
& Industrial Hygienist

On July 7, 2011, federal OSHA released their regulatory plans in the Semiannual Regulatory Agenda report. This report outlines all Department of Labor regulations expected to be under review or development between April 2011 and April 2012. Below are the construction-related rules.

Final Rule Stage: Electrical Power Transmission & Electrical Protective Equipment – This standard is being revised to incorporate more applicable personal protective equipment and other equipment, and improve the injury/fatality statistics related to power line work. It will also address numerous construction and general industry activities in related areas of work. The revised OSHA regulation is scheduled to become effective in September 2011. Currently, MIOSHA enforces construction-related activities under Part 16, *Power Transmission and Distribution*.

Final Rule Stage: Confined Spaces in Construction – In 1993, OSHA issued Subpart J - Permit Required Confined Spaces, which MIOSHA adopted, for general industry workers only. Construction activities were not covered. After many years of public comments and discussions, the new standard is slated to become effective in November 2011. Currently MIOSHA has two construction safety standards related to confined space activities: Part 1, *General Rules*, and Part 7, *Welding and Cutting*.

Proposed Rule Stage: Crystalline Silica: Exposures to high levels of respirable crystalline silica causes acute or accelerated fatal forms of silicosis and is a recognized hazard. ASTM International and the Building Construction Trades Department of the AFL-CIO has developed more restrictive recommended standards than currently addressed and will be available for public comment.

MIOSHA is required to be “as effective” as federal OSHA and will have six months after the effective date of these new or revised standards to either adopt the new regulations and/or update our current standards, as appropriate. All persons are invited to comment, participate, and/or discuss these proposed updates and any other topics in the report. The entire report can be found at www.reginfo.gov.



Five linemen were seriously injured while setting a pole.

It's that time of year again when summer heat gives way to cool fall breezes and contractors start getting buildings closed up for winter. By closing up the buildings, they not only keep the cold air out, they keep the air and possibly other contaminants in. Gas and propane-fueled equipment can still be used inside and could cause a build-up of carbon monoxide (CO).

CO is a colorless, odorless toxic gas produced by any process that involves the incomplete combustion of carbon-containing substances. It is emitted through the exhaust of gas and propane-fueled equipment.

When carbon monoxide is inhaled, it combines with the oxygen carrying hemoglobin of the blood to form carboxyhemoglobin. The formation of carboxyhemoglobin prevents oxygen transport to other cells and tissues throughout the body, resulting in potentially serious health effects, including death.

Limiting CO Exposure

MIOSHA has established 8-hour time weighted averages (TWA) for CO. For employees working in general industry settings the TWA is 35 parts per million, and for those in the construction trades, the TWA is 50.

Carbon Monoxide Hazards

By Tony Casaletta, Asbestos Program Manager

To help ensure that employee exposure to CO is minimized within established limits, the employer should:

- Use proper engineering controls (gas and propane-fueled equipment are well maintained and work areas have sufficient dilution ventilation);
- Use administrative controls (worker rotation and/or limiting employee exposure time when possible); and
- Conduct periodic air monitoring for CO with accurate (calibrated) test equipment.

All gas and propane-fueled equipment should be operated in areas away from workers. Employees must be trained on the hazards of CO poisoning, and how to identify symptoms of exposure.



New Masonry Wall Bracing Q&A Fact Sheet

By Paul Wrzesinski, Safety Manager

Masonry wall bracing designs can be very technical and take into account many different variables. If not designed and braced properly, masonry walls can create serious job-site hazards during windy conditions.

Construction Safety Standard Part 2, *Masonry Wall Bracing*, was amended on May 14, 2010. The revised standard contains new requirements for monitoring wind and setting up restricted zones, updated tables and drawings, and engineering references to the *Masonry Wall Bracing Handbook* and *Standard Practices for Bracing Masonry Walls Under Construction*.

In the months following the revision, many questions were compiled from the construction industry regarding clarification of definitions, restricted zone and signage specifics, wind monitoring, training requirements and wall bracing designs. The Construction Safety and Health Division met with members of the *Part 2 Advisory Committee* and created a question and answer fact sheet to help answer these questions.

The Masonry Wall Bracing Q & A fact sheet was completed in August of 2011. The fact sheet has very detailed answers and scenarios that provide guidance for not only masonry contractors, but general contractors and sub-contractors working on projects with masonry walls. The fact sheet can be found at www.michigan.gov/mioshaconstruction.

CARPENTER - FALL

In April 2011, a 50-year-old carpenter was placing wood trusses on a large post and frame building when he fell 28 feet to his death. The trusses being set were about 82 feet in length. The employee was not protected from falling by the use of fall protection measures.

MIOSHA Violations (not inclusive):

- Part 45, *Fall Protection*:
 - Rule 1926.501(b)(1) – No fall protection used while at elevation.
 - Rule 1926.503(a)(1) – No fall protection training program in place.
- Act 154, *General Duty* – No temporary truss bracing installed.
- Part 11, *Portable Ladders*, Rule 1113(1) – No ladder provided at access point.

CASE SUMMARIES

COMMUNICATIONS TECHNICIAN - ELECTROCUTION

In April 2011, a 46-year-old communications technician was electrocuted while relocating a LCD television monitor. The victim was connecting an energized 277 volt electric line to the monitor when he made contact with a section of the electric line where insulation was missing.

MIOSHA Violations (not inclusive):

- Part 17, *Electrical Installations*:
 - Rule 1723(1) – Non-licensed employee engaged in electrical work.
 - Rule 1724(2) – No inspection of electrical circuits prior to work starting.
 - Rule 1724(3) – Electrical circuit not de-energized; and PPE not used.

MIOSHA Update on Combustible Dust

By: Todd Strong, Acting Supervisor & Senior Safety Officer

Combustible dust hazards, despite posing substantial risks in a number of industries, are not well recognized. The GISH Division has increased enforcement activities since our last article on this issue (Summer 2007).

From 2008 until the present, at least three combustible dust-related citations have been written and upheld in Michigan. One of the three cited firms is taking steps to correct the hazards. Though incomplete at the time of this article, these steps illustrate good efforts at mitigation.

Combustible Dust Inspection

The cited processes involved combustible resins and other dry ingredients added into horizontal batch mixers. Upon recognizing these hazards, dust accumulations on multiple levels are being removed through an organized house-keeping program.

In addition, the firm is conducting a hazard assessment covering the mixers and other equipment. Dust collectors will either be relocated outside the facility or redesigned, including

duct work and exhaust hoods.

The firm will look at surrounding conditions as part of a thorough hazard assessment using National Fire Protection Association Standard #654 as guidance. Through these and other measures it is likely that the firm will eliminate or control all of the potential for deflagration in and around the processes, avoiding potential catastrophe.

Combustible Dust Hazards

Even a weak explosion confined in an industrial plant can result in severe damage and loss of life. If your firm has not considered the potential hazards associated with combustible dust, take this notification as an opportunity to ask questions.

For more information, visit the federal OSHA website at www.osha.gov. Combustible dust dangers and safeguards are covered annually at the Michigan Industrial Ventilation Conference at www.michiganivc.org. Outreach is also available through the MIO-SHA CET Division at www.michigan.gov/cet.



Safety Standard Interpretation

Which standard protects workers from the hazards of vehicle-mounted auger-type drills?

MIOSHA has no specific rules covering vehicle-mounted auger-type drills. However, employers must protect employees from the hazards associated with this operation under the MIOSHA General Duty Clause.

Powered augers are used predominantly in the agriculture, landscaping, construction and utility industries. They are used to drill holes for pilings, utility poles, light poles and fence posts. The auger may be mounted on a variety of equipment or vehicles. The equipment may be ridden or walked behind.

There have been a number of fatal accidents involving augers. According to federal OSHA, since 1987, at least 13 workers have died from entanglement or crushing hazards of augers. Additionally, electrocutions have occurred from contact with underground and overhead electrical equipment and utility lines.

Installation of any of the controls below can protect workers from these hazards:

- A guard around the auger;
- A standard barrier around the perimeter of the auger;
- Constant pressure controls; or
- An electronic brake.

CASE SUMMARIES

LOGGER – STRUCK BY

In February 2011, employees were hand cutting “clump trees,” which are trees with a common base that cannot be felled by mechanical means. As two employees were performing this operation, one of the three trees being cut fell and struck one employee in the head. The employee died at the scene.

MIOSHA violations:

- Part 51, Logging, Rule 5122:
 - The employee was not wearing a protective helmet while felling trees.
 - The employee was not trained in the requirements of MIOSHA Part 51.
 - The employee was within 50 feet of another employee felling a group of trees.

SAWMILL STACKER OPERATOR - CRUSHED

In April 2011, an employee went to retrieve a piece of scrap lumber from a machine. The machine resumed operation and the employee was crushed between the machine’s frame and the transfer roller. The employee died at the scene.

■ MIOSHA violations (not inclusive):

- Part 85, *The Control of Hazardous Energy Sources*:
 - Rule 1910.147 (c)(4)(i) – Lockout procedures not utilized
 - Rule 1910.147 (c)(5)(i) – Employees authorized to perform lockout not provided with locks.
 - Rule 1910.147 (c)(6)(i) – Periodic inspections of energy control procedure not performed.
 - Rule 1910.147 (c)(7)(i)(A) – Authorized employees were not trained in lockout procedures.

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High Hazard Industry Focus

By: Sundari Murthy, CIH, Safety & Health Manager

Non-Metallic Mineral Product Manufacturing (NAICS 327) is one of 13 high-hazard industries targeted for enforcement by GISHD during 2009 – 2013 because of high injury and illness rates.

This industry covers manufacturing of products such as cement, concrete, lime, clay, gypsum and refractory products. Common machinery used are power tools, conveyors, cranes, mixers, block makers, cubers, and metalworking machinery such as rebar benders, cutters and cage rollers.

This industry has a wide range of safety and health hazards, including:

- Inadequate guards on equipment can result in amputations or death.
- Lack of fall protection can lead to serious injury or death when employees work in elevated areas. Slips, trips, and falls are common in this industry. Makeshift ladders, platforms, and stairs with improper or no guardrails make falls more likely.
- Improper storage of materials can cause workers to be injured if concrete forms are improperly chocked, braced or cribbed. Falling materials can also injure workers.

■ Inadequate lockout/tagout can lead to serious worker injuries when conveyors and other machinery unexpectedly start moving.

■ Cement dust can irritate the eye, skin and respiratory tract. Skin contact can result in moderate irritation to thickening/cracking of skin to severe skin damage from chemical burns.

■ Cement dust can also contain silica and chromium VI. Inhalation of silica can cause silicosis and lung cancer, and chromium VI can cause allergy, asthma or lung cancer.

■ High noise levels are generated during cement loading/unloading and pneumatic chipping inside truck mixer drums.

■ Permit-required confined spaces, such as mixers and ready-mix trucks, pose severe safety and heat stress risks for workers.

Worker injuries can be reduced by hazard evaluation, operator training, maintenance of equipment, use of personal protective equipment, and establishment of a safety and health program. Employers can contact the MIOSHA CET Division for assistance.



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Best Practices: Michigan Packaging Company

By: Doug Kimmel, MVPP Program Specialist

Michigan Packaging Company (MPC) in Mason received the Michigan Voluntary Protection Program (MVPP) Rising Star Award in September 2010. During the MVPP award presentation **Matt Barnes**, General Manager said, "Personal commitment towards safety is the very definition of every member on the Michigan Packaging team. This recognition is an important milestone and confirms the focus that this team possesses."

Their excellent driver's safety record was identified as a best practice during the MVPP on site review. MPC maintains a fleet of semi-trucks and employs 24 full-time drivers to operate them.

Excellent Driver Safety Program

What sets them apart and how do they do it? Their over-the-road drivers log over two million miles per year and the company is continually investigating strategies for safety improvement. In 2010, a key strategy was partnering with the Michigan Center for Truck Safety (MCTS). MCTS introduced MPC to their *Hitting a Home Run for Safety* program. This program consists of five focused elements.

1. Safety Management – A Michigan Center for Truck Safety specialist came on-site to answer questions, examine records, evaluate compliance needs and prepare the site for a safety audit.

2. Professional Driver Coaching – Each driver received a one-on-one evaluation conducted by a trained observer. This helped to enhance and encourage positive driving behaviors. A written summary report of all evaluations is sent to the company.

3. Defensive Driving Course – A four-hour classroom version of the National Safety Council's Defensive Driving course for the professional truck driver.

4. Decision Driving Course (skid pad) – Drivers are taught to identify potential crash situations and develop essential decision-making and driving skills to respond appropriately and avoid involvement. Drivers get hands-on training in braking techniques, evasive maneuvers, steering techniques, skid control and jack knife control and recovery.

5. Fatigue Management – This online program helps drivers identify the signs of fatigue, how to reduce it, and how their families share a role in ensuring they get adequate rest. It also helps drivers identify the signs and effects of sleep disorders.

Home Run for Safety Award

For those companies with a driver's safety program that truly excels the MCTS offers the *Home Run for Safety Award*. To qualify, all drivers must complete the core elements of the safety program, and the company must implement MCTS's Safety Management Program. On February 15, 2011, Michigan Packaging received the Home Run for Safety Award.

Michigan Packaging Company employs 119 workers and is a corrugated sheet feeder. They produce a wide variety of packaging products while offering sustainable packaging strategies that are designed to optimize materials and energy.



Michigan Packaging drivers do a pre-trip inspection prior to heading out on the road.

MIOSHA News Quiz

Topic: Asbestos

The quiz is written by MIOSHA safety and health professionals and topics cover a wide range of safety and health issues. The quiz is available at www.michigan.gov/mioshanewsquiz.

MIOSHA Awards

08/18/11–Siemens Industry Metal-lurgical Services, Benton Harbor–SHARP Award. The Siemens Benton Harbor facility is a Tier 1 supplier to the North American steel industry and employs 50 workers. For over 160 years the facility has specialized in the maintenance and engineering of continuous caster molds.



08/04/11–Associated Spring, Saline Division–SHARP Award. For over 154 years, Associated Spring has been one of the world's leading spring manufacturers with facilities on four continents around the globe. The company employs 72 workers and is committed to leadership in the Health, Safety and Environmental (HSE) field.



07/20/11–Dow Corning Corporation, Auburn Site–CET Platinum Award. The Dow Corning Auburn Site has gone more than eight years without a lost time accident. The Auburn Site employs about 230 workers and is a chemical manufacturing facility that produces high-quality, silicon-based materials.



06/27/11–Burkland Inc., Goodrich–SHARP Award. Burkland Inc. is a "World-Class" producer of fineblanked components for the automotive, heavy truck, agricultural, construction and consumer products markets and employs 56 workers. Their company safety and health goal is zero injuries and illnesses.



06/02/11–AWTEC, Plymouth–SHARP Award. AWTEC is a leading provider of products and services to the North American automotive market. AWTEC employs 96 workers and was established in 1988 to provide remanufacturing capabilities for Aisin AW, their parent company. Safety is the number one company policy priority.



03/29/11–DTE Energy, River Rouge Power Plant–CET Platinum Award. The DTE Energy River Rouge Power Plant has gone more than six years without a lost time accident and is the first power plant to reach platinum status. The plant has 155 employees, many of whom are represented by UWUA Local 223.



Employer Honor Roll

- 09/07/11–DTE Energy, Kalkaska–MVPP Rising Star Award
- 08/19/11–DTE Energy, Monroe Power Plant–CET Bronze Award
- 08/10/11–Environmental Quality Company, Belleville–CET Bronze Award
- 08/09/11–International Paper, Kalamazoo–MVPP Star Recertification
- 06/30/11–Quality Aluminum Products, Hastings–SHARP Recertification
- 05/04/11–Liqui-Force Services USA, Romulus–SHARP Recertification
- 03/23/11–AlcoTec Wire Corp., Traverse City–SHARP Recertification

Ask MIOSHA

Question: Federal OSHA does not require motor vehicle accidents involving a fatality or multiple hospitalization incidents (unless they occur in a construction work zone) to be reported. Are all motor vehicle accidents involving a fatality or multiple hospitalization incidents that occur within Michigan required to be reported to MIOSHA?

Answer: Under R 408.22139, yes. If the motor vehicle accident occurs on a public street or highway, you do have to report the incident to MIOSHA. These injuries must be recorded on your MIOSHA injury and illness records, if you are required to keep such records.

Question: If an employee who sustains a work-related injury requiring days away from work is terminated for drug use based on the results of a post-accident drug test, how is the case recorded? May the employer stop the day count upon termination of the employee for drug use under section 1904.7(b)(3)(viii)?

Answer: Under section 1904.7(b)(3)(viii), the employer may stop counting days away from work if an employee who is away from work because of an injury or illness leaves the company for some reason unrelated to the injury or illness, such as retirement or a plant closing. However, when the employer conducts a drug test based on the occurrence of an accident resulting in an injury at work and subsequently terminates the injured employee, the termination is related to the injury. Therefore, the employer must estimate the number of days that the employee would have been away from work due to the injury and enter that number on the 300 Log.

Question: An employee experienced an injury or illness in the work environment before they had "clocked in" for the day. Is the case considered work-related even if that employee was not officially "on the clock" for pay purposes?

Answer: Yes. For purposes of OSHA recordkeeping injuries and illnesses occurring in the work environment are considered work-related. Punching in and out with a time clock (or signing in and out) does not affect the outcome for determining work-relatedness. If the employee experienced a work-related injury or illness, and it meets one or more of the general recording criteria under section 1904.7, it must be entered on the employer's OSHA 300 log.

www.michigan.gov/askmiosha

Variations

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

**Dawn C. M. Jack, Director
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The MIOSHA Appeals Division oversees the settlement of cases where citation(s) have been issued.

**Ron Ray, Director
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Services Division
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Standards Update

ORR Advisory Rules Committee

Executive Order 2011-5 created the Office of Regulatory Reinvention (ORR), and included a requirement for the ORR to complete a systematic review of existing and proposed rules, with particular emphasis on those rules which exceed federal requirements. The ORR formed the *Workplace Safety Advisory Rule Committee (WSARC)*, which began meeting in July. MIOSHA staff is currently engaged in providing assistance and clarification for the WSARC as they analyze each of MIOSHA's over 150 existing standards. It is anticipated this process will continue into the fall. (See Page 2.)

Revised Crane Standard

Federal OSHA's Final Rule on Cranes and Derricks in Construction became effective November 8, 2010. MIOSHA continues to work as expeditiously as possible to complete promulgation of revisions to **Construction Safety Standard Part 10, Lifting and Digging**, to be "at least as effective" as the new federal rules. We anticipate these rules will move to the Joint Committee on Administrative Rules (JCAR) in the fall 2011.

Adopted Standard

General Industry Safety and Health Standard Part 90, Permit-Required Confined Spaces, was adopted in June, with an effective date of June 21, 2011. There are no requirements in Part 90 for entry into a simple confined space, but there are numerous requirements for entries into a Permit-Required Confined Space. This update clarified the language of the standard.

MIOSHA Adopts National Emphasis Programs

Microwave Popcorn Processing Plants – General Industry

In July 2011, MIOSHA adopted the updated federal OSHA National Emphasis Program (NEP) for microwave popcorn processing plants. Previously, OSHA and MIOSHA had an NEP for diacetyl, a butter-flavoring chemical implicated in several cases of bronchitis obliterans, a severe obstructive lung disease. The updated NEP expands the chemicals of concern to diacetyl substitutes, such as 2,3-pentanedione, 2,3-hexanedione, and 2,3 heptanedione.

Portland Cement – Construction

MIOSHA participates in the NEP for hexavalent chromium and has implemented the "Portland Cement Inspection Procedures" NEP which establishes uniform inspection and compliance procedures. Portland cement is one of the most widely-used formulations of cement in construction. The occupational health hazards include inhalation, dermal and eye hazards.

**Jack Finn, Director
Wage & Hour Division
517.322.1825**

National Wage Laws Conference

By: Jack Finn, Director, Wage & Hour Division

The 47th Annual National Conference of the **Interstate Labor Standards Association (ILSA)** was held in Michigan August 14th – 19th. This was the first time the conference had been held in Michigan since 1985, and the first time it has met in Traverse City.

ILSA is an amalgam of states with wage claim laws, minimum wage laws and/or prevailing wage laws. The conference traditionally occurs for five business days, as was the case this year. The meeting takes place in the home state of each year's ILSA President. I am privileged to serve as the ILSA President this year.

Ten states, the USDOL Wage & Hour Division, Canada and Taiwan sent attendees to the conference. In addition, several of the Michigan Wage & Hour employees attended, and were able to obtain valuable information from other states laws and their best practices. Limits or even outright

bans on out-of-state travel in many states limited attendance, but the conference was its usual productive and educational experience.

Labor Standards Issues

As in past conferences, the first agenda item included reports from the attendee states on changes to their laws and/or procedures as well as data on their investigations. Following this, the USDOL Administrator's office provided a report on state legislative trends and on federal activities in the past year.

Other topics included young worker employment protections and issues; minimum wage developments; misclassification of workers; prevailing wage on both states' and federal levels; and, workplace issues other than wages, such as the Family Medical Leave Act and ERISA. Finally, the president provided a summary of significant court cases in the last year.

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MIOSHA TRAINING INSTITUTE (MTI)

Level Two Course: Job Site Survey in Construction

By Sheila Ide, CET Supervisor

The final piece of the Level Two Safety and Health Management System (SHMS) track has been placed into the MTI puzzle. *"Job Site Survey in Construction"* was recently piloted in Midland and is now in regular rotation for the upcoming seminar year. It is a sister course to *"Worksite Inspection in General Industry"* and students may choose either one to complete their Level Two requirements.

Level Two SHMS was designed for those who have the responsibility and authority to affect safety and health performance in their workplaces. Each of the classes in Level Two SHMS was designed to engage and assist students in the successful implementation of the safety and health pentagon: Management Leadership and Commitment; Employee Involvement; Worksite Assessment; Hazard Prevention; and Safety and Health Training.

Course Objectives

Though targeted to construction managers, this class presents concepts that hold true for any worksite. Its objectives include:

- Why Consider a Jobsite Survey;
- Identifying and Inspecting for Health and Safety Hazards;

- Developing the Inspection Process; and
- An Effective SHMS.

Presented from a management perspective the course will assist students in understanding how a properly conducted inspection process can be used to gauge the effectiveness of their own SHMS. It is not simply a "how to" list, but explores what should be tracked, what is contributing to hazardous situations, and can serve to measure the entire "culture" of the worksite.



"Job Site Survey in Construction" pilot class.

This course also identifies resources that can be used to guide safety managers in developing their own unique jobsite inspection procedures and best practices. Students perform an exercise where they review a specific case scenario, related MIOSHA standards and other resources. They then develop case specific inspection worksheets through interactive discussion among their team mates.

Course Schedule

All courses on the Level One and Level Two tracks will be presented during the next fiscal year (Oct. 1, 2011 - Sept. 30, 2012). New This Year: MTI will pilot a "Safety Boot Camp" for those interested in obtaining a certificate in three consecutive weeks. MIOSHA will be offering the entire General Industry Level One track in Lansing in July 2012. Visit the MTI website for further information.

MTI website: www.michigan.gov/mti



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