



MIOSHA NEWS

Director's Column	2
Connecting Update	2
New Developments	3
Construction Update	4
General Industry Update	5
Consultation & Training Update	6
Technical Information	7
Vol. 15, No. 3	Summer 2011

Safety Training Can Help Your Company

*By: Kristin Osterkamp, CIH, CSP, CET Senior Industrial Hygienist
Doug Kimmel, CET Senior Safety Consultant & MVPP Specialist*

Running a business is one of the most demanding tasks in the world. Success in business means providing quality work and great customer service at a good price. It means keeping up with technology, as well as staying ahead of the competition.

To achieve success, many owners/managers focus on profit maximization and lowering the cost of production. However, they often ignore some of the basic factors that might directly or indirectly be related to profits.

Although safety training may be overlooked, it is aligned with profit maximization. An effective training program can reduce the number of workplace injuries, illnesses and deaths. Other benefits include reduced: property damage, legal liability, workers' compensation claims, and missed time from work.

Why Provide Training?

Many MIOSHA standards directly state the employer **shall train** employees in the safety and health aspects of their jobs. Some MIOSHA standards require employees to be "certified," "competent," or "qualified," meaning that they need specialized training.

Safety and health training is one of the five key elements that comprise a Safety and Health Management System (SHMS). For this reason, the

MIOSHA Training Institute (MTI) developed the "Effective Safety & Health Training" course. (See Winter 2010 for course details.)

What is Effective Training?

Safety training classes help establish a safety culture in which employees themselves help promote proper safety procedures while on the job. It is especially important that new employees are properly trained.

Innovative, effective safety training will ultimately lead to an effective safety culture. Training should be tailored to the worksite and work activities so it is relevant to the specific working conditions. The sidebar includes the top 12 tips for developing an effective training program.

What are the Top Training Violations?

Below are the most cited training violations in Michigan from 2008 through 2011.

General Industry

■ 440 – Part 85, Lockout / Tagout, Rule 1910.147(c);

■ 221 – Parts 92 & 430, Right-to-Know, Rule 1910.1200(h);

■ 207 – Parts 33 & 433, Personal Protective Equipment, Rule 3309 and 3256;

■ 163 – Part 1, General Provisions, Rule 11;

■ 91 – Part 451, Respiratory Protection, Rule 4512.

Construction

■ 249 – Part 45, Fall Protection, Rule 1926.503(a);

■ 235 – Part 42, Right-to-Know,

Rule 1910.1200(h);

■ 206 – Part 12, Scaffolds and Scaffold Platforms, Rule 1209.

What are Some Good Training Examples?

MVPP Company: Herman Miller

Herman Miller utilizes training teams, which include team members from all levels of the organization, to develop creative activities and tools designed to engage employees in safety. For example, a PPE Fashion Show where employees model the specific PPE for their area and the correct way to wear it. Another tool created by employees is Safety Flash Cards. The cards share daily safety information and are discussed at Work Team huddles. These cards typically include identifying workplace hazards, slips trips and falls, ergonomics, and/or tie into incidents and trends.

MVPP Company: Pfizer

The Pfizer Manufacturing site in Kalamazoo created "WALT," a character to promote their safety culture. WALT stands for Working, Acting, Living, and Talking safety. An employee, dressed in a robe and fez hat, plays WALT and thanks to green screen technology, appears in short video presentations in locations ranging from a Scottish library to the bridge of the Enterprise. The videos rely on creativity of site colleagues and are produced on a low budget using site resources. The WALT program has been a big success due to the use of humor and entertainment to keep the viewers' attention while delivering a serious safety message.

Where Can I Find More Training Information?

Contact the CET Division at 517.322.1809 for training information or visit our website at www.michigan.gov/cet. Helpful publications include:

■ MIOSHA Construction Standards - Safety and Health Training Requirements (SP#3).

■ MIOSHA General Industry and Agriculture - Safety and Health Training Requirements (SP#4).

Top Training Tips

1. Determine what training is needed.
2. Identify clear observable and measurable objectives. They are the roadmap to where you are going and how you will get there.
3. Design training content to meet your objectives.
4. Know your audience. Practice and prepare before conducting training.
5. Gain the audience's attention. Conduct an icebreaker activity.
6. Use training format(s) that will best help you meet the objectives – Powerpoint, photos, videos, hands-on, role-playing, group activities, demonstrations, etc.
7. Design learning activities to keep the adult learner engaged.
8. Avoid long generalized information sessions.
9. Conduct an evaluation to assess if objectives have been met.
10. Solicit feedback from attendees and revise the training program accordingly.
11. Maintain training documentation. Records can provide evidence of an employer's good faith towards compliance with standards.
12. Make learning pertinent to the workplace and also FUN!



MTI graduates recognized at the 2011 Michigan Safety Conference.

LARA
LICENSING AND REGULATORY AFFAIRS
CUSTOMER DRIVEN. BUSINESS MINDED.



Doug Kalinowski, CIH
Director

Reinventing Michigan's Licensing and Regulatory Environment

Effective April 25, 2011, the Department of Energy, Labor and Economic Growth became the **Department of Licensing and Regulatory Affairs (LARA)**. The new department will include MIOSHA and most of the licensing and permitting functions in state government, excluding environmental.

"My vision for LARA is to create a climate of economic growth with a simple, fair, efficient and transparent regulatory environment." LARA Director Steven H. Hilfinger

LARA Director **Steven H. Hilfinger** said, "My vision for LARA is to create a climate of economic growth with a simple, fair, efficient and transparent regulatory environment and a focused, efficient state government." The tag line for LARA is "*Customer Driven. Business Minded.*"

Office of Regulatory Reinvention

Also effective on April 25th was the official launch of the **Office of Regulatory Reinvention (ORR)**. Overseeing the day-to-day operation is ORR Deputy Director **Rob Nederhood**. The primary goal of ORR is to work with various departments and agencies of state government to amend or rescind unnecessary, obsolete, or overly restrictive rules and other regulatory burdens.

Three areas have been chosen to initiate the review of administrative rules. These are: Environmental, Insurance and Finance, and Workplace Safety. Three Advisory Rules Committees have been appointed with members representing people and organizations affected by these rules.

Committee members come from a broad spectrum of stakeholders including members from the regulated communities, the relevant regulatory bodies and the general public, in addition to ORR members who will direct each committee. The meeting

schedules will be announced at a later date.

Each of the Advisory Rules Committees will function for 120 days after formation, unless that date is extended by the ORR. Each Advisory Rules Committee will issue a report to the ORR containing advisory recommendations upon the completion of their work.

The Advisory Rules Committees will evaluate rules based on factors listed in *Executive Order 2011-5*, including: whether rules are mandated by statute; the health and safety benefits of rules; the cost of compliance with rules; whether rules are duplicative or obsolete; and other factors. Ultimately, the ORR will submit its findings and recommendations to the Governor, based in part on the reports of the Advisory Rules Committees.

Workplace Safety Advisory Rules Committee

Stephen Albert, Rochester, Skanska USA;

Brian Blocher, Grand Rapids, Pioneer Construction;

Doug Kalinowski, Lansing, MIOSHA;

Patrick Kresnak, Southfield, IAC Group;

Daryl "Skip" Miller, Saline, Pattco Inc.;

Todd Miller, Grand Rapids, Herman Miller;

Delaney Newberry, Lansing, Michigan Manufacturers Assn.;

Derrick Quinney, Lansing, Michigan State AFL-CIO;

Oscar Rodriguez-Franco, Lansing, Lansing Board of Water & Light;

Allen Smolen, Belleville, MI Municipal Risk Management Authority;

Thomas Taylor, Rives Junction, Consumers Energy Company;

Ron Walko, Mattawan, Pfizer Inc.

"The Workplace Safety Advisory Rules Committee is a highly talented group that I believe will make strong recommendations to make Michigan's regulatory system more efficient and effective," said **Hilfinger**.

The ORR will provide interested parties with the opportunity to share their perspectives online at www.michigan.gov/orr.

MIOSHA Documents Provide Useful Guidance

Doug's column discusses the Office of Regulatory Reform (ORR). This project covers both rules formally promulgated through the Michigan Administrative Rule process and "non-rule regulatory actions."

Non-rule regulatory actions include: guidelines, handbooks, manuals, instructional bulletins, forms with instructions, and operational memoranda.

MIOSHA non-rule regulatory documents include sample written programs, courtesy forms, abatement guidance, and other material.

Customer Feedback

These documents were developed in response to customer surveys conducted in 2002 and 2008. The purpose was to determine whether MIOSHA interventions are "useful." Comments included a desire for more website information and consistency between consultation and enforcement.

In response to these comments, MIOSHA made it a priority to create guidance that helps staff be more consistent and useful to the public in understanding what MIOSHA expects. We have added these policy documents as well as single-topic fact sheets, and "Ask MIOSHA" question and answers to the website.

MIOSHA Instructions and Memorandums

MIOSHA uses a formal Document Management System (DMS) to establish a standard format for issuing guidance. The information issued through the DMS includes 101 agency instructions and an additional 48 division level instructions. Some provide internal guidance on things like work hours, conduct, and training. Others provide guidance on how to apply specific MIOSHA rule requirements and are helpful to the public in understanding what is expected.

The DMS requires policy to be reviewed on a three-year cycle. This year, there are 63 instructions due for review. As instructions are reviewed and updated, the new version is added to the website.

Recently Updated Instructions

Permit-Required Confined Spaces Standard (PRCS), MIOSHA-STD-05-1R1, January 28, 2011. Expanded and



The MIOSHA Consistency Committee at work.



Martha Yoder
Deputy Director

added sample written programs, notes to the employer, sample entry permit, compliance checklist, and an evaluation tool with a downloadable spreadsheet.

Recording and Reporting of Occupational Injury and Illness Rates, MIOSHA-STD-05-2, May 20, 2011. Added the OSHA Handbook and MIOSHA Recordkeeping guide as Appendices and Resources. Adds a base penalty of \$1,000 per record if an employer fails to provide copies of records.

Penalty Considerations During Economic Downturn, MIOSHA-MEMO-COM-09-1R2, January 4, 2011. Extends through December 31, 2011, provisions providing for an additional ten percent (10%) reduction, beyond the level normally allowed, on items that are abated at the time the settlement is offered.

MIOSHA Initiatives, MIOSHA-MEMO-ADM-10-7, November 23, 2010. Extends program of encouraging formal agreements between MIOSHA and organizations to improve communication and information sharing.

Additional instructions that have been recently issued or updated include:

- Waiver of Freedom of Information Fees for Employers During Tough Economic Times;

- Combustible Dust;

- MIOSHA Activity in Small Farming Operations;

- Severe Violator Enforcement Program (see article page 3);

- Injury/Illness Recordkeeping.

We encourage you to check the website periodically for updates and to let us know if you have suggestions.

Final Connecting Column

This is my final connecting column and I wish to thank everyone for their commitment and support for creating safe and healthful work environments. It has been an honor to be part of the MIOSHA family and to work with so many employers and employees over the years. My best to you all!

New Severe Violator Enforcement Program

By: Mike Mason, CSHD Health Manager

On June 18, 2010, federal OSHA implemented the new Severe Violator Enforcement Program (SVEP). The new program is intended to focus OSHA enforcement resources on recalcitrant employers who endanger workers by demonstrating indifference to their responsibilities under the law. OSHA's SVEP directive established procedures and enforcement actions for the SVEP.

As a state plan state, MIOSHA was required to adopt this new enforcement program. The MIOSHA SVEP focuses resources on inspecting employers who have demonstrated indifference to their obligations under the MIOSH Act by committing willful, repeat, or failure-to-abate violations. This program was adopted in Michigan on Feb. 24, 2011, and applies to all employers regardless of size.

MIOSHA SVEP Provisions

An SVEP designation means MIOSHA will undertake a number of enforcement steps, which include:

- Mandatory follow-up inspections;
- Communication with the corporation or parent company about enforcement activities;
- Corporate-wide settlement agreements where appropriate;
- Enhanced settlement provisions; and
- Referrals that will result in additional inspections at other worksites of the same employer, on a nationwide basis.

An inspection or investigation that meets one or more of the following criteria at the time the citations are issued will be considered a severe violator enforcement case.

- Fatality or catastrophe – One or more willful or repeat violations or failure-to-abate notices where the violations or notices are serious and are connected to the death of one or more employees or

hospitalizations of three or more employees.

- Non-fatality or non-catastrophe – Two or more willful or repeat violations or failure-to-abate notices (or any combination) where the violations/notices are high-gravity serious violations/notices of one or more of the regulations.

- Non-fatality or non-catastrophe where Part 41 or 591, Process Safety Management, applies – Three or more willful or repeat violations or failure-to-abate notices (or any combination) where the violations/notices are high-gravity serious violations/notices.

- Egregious instance-by-instance – Any egregious citations.

NOTE: High-gravity serious violations are violations that have a greater probability of causing: death from injury or illness, injuries involving permanent disability, or chronic irreversible illnesses.

High-Emphasis Hazards

High-emphasis hazards are limited to high-gravity serious violations of the following regulations:

- **Fall Hazards:** General Industry Parts 2, 5, 25, and 58; and Construction Parts 11 (R 1113 and 1122), 12 (R 1213), 21 (R 2127), 26 (R 2645), 32 (R 3214), and 45 (R 1926.501 and 1926.502).

- **Amputation Hazards:** General Industry Parts 1, 7, 24, 27, and 85.

- **Combustible Dust Hazards:** General Industry Parts 1 (R 15 and 21), 39 (R 1910.307), and the MIOSH Act, General Duty Clause, Sec. 11(a).

- **Crystalline Silica Hazards** – General Industry and Construction:

- Overexposure:** Parts 301, 601;
- Failure to Implement Engineering Controls:** Parts 301 (R 5), 601 (R 1(2));
- When Overexposure Occurs:** Part 451.

- **Lead Hazards** (only violations based on sampling): General Industry Part 310 and Con-

struction Part 603.

- **Excavation/Trenching Hazards:** Part 9 (R 932 and 941).

- **Process Safety Management:** General Industry Part 91 or Construction Part 591.

Enforcement Examples

Example 1: An employer is cited for one high-gravity willful violation of general industry Part 2, "Floor and Wall Openings, Stairways, and Skylights," and one low-gravity willful violation of general industry Part 5, "Scaffolding." The inspection has not met the non-fatality/catastrophe criterion related to high-emphasis hazards and will not be designated an SVEP case.

Example 2: An employer is cited for two high-gravity willful violations of rules 932 and 941 of construction Part 9, "Excavation, Trenching, and Shoring." The inspection has met the non-fatality/catastrophe criterion related to high-emphasis hazards and the case is covered by SVEP.

MIOSHA Instruction #COM-11-2R2: *Severe Violator Enforcement Program (SVEP)* provides detailed information on the policies and procedures of the SVEP program. It is available on our website at www.michigan.gov/miosha, in the Compliance section.

The screenshot shows the MIOSHA website interface. At the top, there is a navigation bar with links for Michigan.gov Home, LARA Home, Contacts, Sitemap, Online Services, Agencies, and a search box. Below this, there are several menu categories: MIOSHA, A to Z Topic Index, Alliances & Partnerships, Compliance, Construction, Education & Training, Inside MIOSHA, Laboratory & Equipment Services, Policies & Procedures, Publications, Posters, Forms & Media, Recordkeeping & Statistics, Standards & Legislation, Strategic Plan & Initiatives, Agencies and Commissions, Bureau of Construction Codes, Bureau of Commercial Services, and Health, Safety & Environment. The MIOSHA logo is prominently displayed in the center, with the text "Michigan Occupational Safety and Health Administration" below it. There are also links for "Instructions" and "Memos" with brief descriptions of each.

Four Companies Fined \$229,600 For Workplace Fatality

The Detroit Water and Sewerage Department (DWSD) is replacing the existing Oakwood Pump Station and constructing a retention basin to eliminate untreated overflow into the Rouge River. The \$154 million construction project began in the fall of 2007 and will be completed in the summer of 2011.

On November 24, 2010, an employee of Royal Roofing Company, Inc. was performing roofing activities on the new Oakwood Pump Station. The em-



A Royal Roofing employee fell to his death from this roof.

ployee fell onto a roof hatch that was covered with 22 gauge sheet metal, but was not secured. The sheet metal cover gave way and the employee fell approximately 50 feet to the ground level. The employee died due to his injuries.

Three other employers were working onsite when the fatality occurred. 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 during multi-employer inspections.

Four Companies Cited

During the inspection, MIOSHA found each employer had some level of responsibility to correct the hazard. The four companies below were cited for their role in the fatality.

- **Royal Roofing Company, Inc.**, roofing contractor and exposing employer, two Willful violations and one Serious violation with proposed penalties of \$145,600.

- **E. W. Ensroth Company**, mechanical contractor and creating contractor, one Willful violation

and one Serious violation with proposed penalties of \$72,100.

- **L. D'Agostini & Sons, Inc.**, general contractor and exposing and controlling employer, two Serious violations with proposed penalties of \$8,400.

- **De-Cal, Inc.**, mechanical contractor and controlling employer, one Serious violation with proposed penalties of \$3,500

Royal Roofing Company received the following citations: Willful – Hole covers not strong enough; Willful – Hole covers not secured; and Serious – Accident prevention plan not coordinated with employees. The Royal Roofing foreman directed activities at the jobsite and directed employees to work near the hazardous conditions.

The total proposed penalty for all four companies is \$229,600. The citations and penalties reflect an evaluation of the conditions, MIOSHA requirements, and the level of consequences that could result.

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 maintaining corrections.

Patty Meyer, Director
Construction Safety &
Health Division
517.322.1856

Revisions: Part 10

By Paul Wrzesinski, Safety Manager

The new federal OSHA crane standard became effective Nov. 8, 2011. MIOSHA Construction Standard (CS) Part 10, Lifting and Digging Equipment is in the process of being revised and will be as effective as the new federal standard, therefore employers should familiarize themselves with this new federal standard (Subpart CC of Part 1926).

Until CS Part 10 is revised, employers and employees in Michigan are required to comply with the current standard. When serious hazards are not covered by the current MIOSHA rules, the General Duty Clause will be used to address those hazards.

Key Changes in Revised Rule

- Controlling contractor will provide notification to the assembly/disassembly director of hazards located beneath the set up area.

- Controlling contractor will ensure that the ground conditions meet the equipment manufacturer's specifications for adequate support.

- Crane assembly/disassembly will be directed by a person who meets the criteria for both a competent person and a qualified person, or by a competent person who is assisted by one or more qualified persons.

- Three options for power line safety, (1) ensure 20 ft. clearance, (2) de-energize and ground lines, and (3) determine the voltage, follow clearance table, erect and maintain an elevated warning line, barricade, or line of signs in view of the operator.

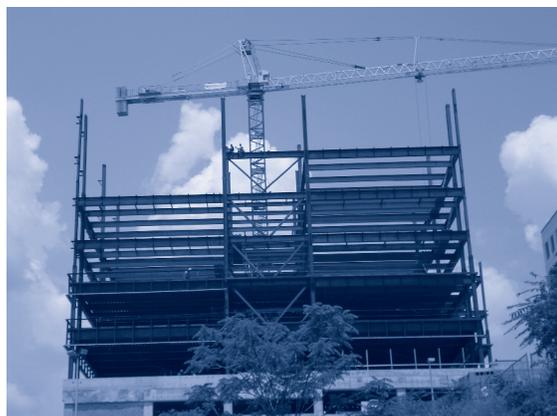
- Crane operator certification by an accredited crane/derrick operator testing organization or an audited employer program. Employers will have four years after the effective date of the rule to meet the requirements.

- Riggers must meet the requirements of a qualified person.

- Signal Persons must meet the requirements of a qualified person using one of two options. One option is a third party qualified evaluator and another is using an employer qualified evaluator.

Website Information

The new OSHA Crane standard can be found at www.osha.gov. The current CS Part 10 standard can be found on the MIOSHA website at www.michigan.gov/mioshastandards.



Best Practices For Your Accident Prevention Program

Patty Meyer, Director

Over the past 10 years, the construction industry in Michigan has shown remarkable improvements in their overall injury and illness rates. According to the latest data (2009) the Michigan construction industry ranks fifth in the nation for having the lowest Total Case Incident Rate (TCIR): 3.2 recordable injuries per 200,000 hours worked. The national average for TCIR is 4.3. Just 10 years ago, the TCIR rate in Michigan was 9.2!

There are many factors that attribute to these improved rates, e.g. highly trained and educated workforce, improved awareness, more site inspections, employee involvement, and more training opportunities; but the biggest factor is how employers are **managing** their Accident Prevention Program.

APP Best Practices

Part 1, *General Rules*, Rule 114(1) states, "An employer shall develop, maintain, and coordinate with employers an accident prevention program (APP), a copy of which shall be available at

the worksite."

Most employers have a written APP, however many employers are not maintaining it or communicating expectations and responsibilities to their employees. Contractors that are doing a good job of managing their APP have incorporated several industry best practices that help them reduce injuries and illnesses, reduce citations and penalties, and improve their bottom line.

Best practices include: written procedures for each work operation, requiring employees to conduct pre-task analysis of their work, involving employees in inspections and decision making, and creating a culture that clearly defines expectations and employee responsibilities.

CET Division construction safety consultants can help contractors develop and implement an Accident Prevention Program. For assistance please contact the CET Division at 517.322.1809. CET publication SP#1 provides a sample program and resources.

Asbestos Training: What Regulatory Agencies Are Involved?

By Mike Mason, Health Manager

In Michigan, training is required by three different state agencies when asbestos is handled, removed, and/or transported as a hazardous waste.

Michigan Department of Licensing and Regulatory Affairs

The *MIOSHA Asbestos Program* requires that asbestos supervisors (competent person) and workers be trained as specified by the Asbestos Workers Accreditation Act (Act 440 of 1988) and the MIOSHA asbestos regulations for general industry (Part 305) and construction (Part 602). For more information about training requirements, contact the MIOSHA Asbestos Program or visit their website at www.michigan.gov/asbestos.

Michigan Department of Environmental Quality

The *Asbestos National Emission Standards for Hazardous Air Pollutants (NESHAP)* Program requires at least one trained supervisor be present when asbestos-containing material is stripped, removed, disturbed, or otherwise handled. Additional information is available at www.epa.gov/asbestos and www.michigan.gov/air.

Michigan State Police Department

The *Traffic Safety Division* enforces the U.S. Department of Transportation's regulations on shipping and transporting of asbestos as a hazardous material. Hazmat employers are required to certify and document that hazmat employees (as defined in 49 CFR 171.8) receive training. Questions related to the transportation of asbestos can be addressed by the U.S. Department of Transportation's Hazmat Information Center at 202.467.4922. Additional information is available at <http://hazmat.dot.gov>.

SURVEYOR – STRUCK BY

In November 2010, two surveyors were conducting preliminary survey work on the roadway for an upcoming construction project. A motor vehicle entered the work area and struck the two surveyors. One surveyor received a broken leg and the second employee, a 61-year-old male, died from his injuries.

MIOSHA Violations:

- Part 22, *Signals, Signs, Tags and Barricades*:

- Rule 2221(2)(c) – An employer shall provide training appropriate to their work assignments.

- Rule 2223(1) – Traffic control devices were not maintained in accordance with Part 6 of the Michigan Manual on Uniform Traffic Control Devices.

CASE SUMMARIES

IRONWORKER – FALL

In November 2010, ironworkers were placing sheet metal decking on a new high school project. One of the workers walked across an unsecured piece of sheet metal decking that was not fully supported by the joists underneath. He fell about 14 feet to ground level, along with a section of the metal decking. The decking stuck into the ground like a knife, just missing the fallen ironworker. The ironworker was sent to the hospital with multiple injuries including a broken hip, arm and ribs.

MIOSHA Violations:

- Part 26, *Steel Erection*, Rule 2640(2) – Installation of metal decking shall be supported by structural members.

New Hires With NO “Press” Training Injured

By: Rob Black, Safety Officer; and Todd Strong, Senior Safety Officer & Acting Supervisor

Two newly hired employees started work at a plastic injection molding company in January 2011. The employees were hired through a temporary agency, and neither had worked in an industrial setting.

Both were classified as “press” operators and tended the injection molding equipment and operated assembly machines. The firm had a joint training program with the agency, except for the actual machine cell operator training, which was the responsibility of line supervisors.

Press Operation Accident

After three weeks one of the new operators ran out of work and was instructed to help at another station. She went to the other new employee’s station, who said she could run the bushing machine.

The assisting employee had never run this machine before. During the operation, a fault light on the part detect screen appeared and stopped the machine. She called to the primary operator who discovered the bushing was not loaded properly.

The primary operator reached over the other operator’s shoulder into the machine to straighten the part. As she did, the machine cycled closing on her fingers. Neither of the operators knew how to

release the machine. The supervisor responded to their calls for help and freed the employee. The worker suffered injuries to two fingers on her right hand.

MIOSHA Inspection

The machine was designed with adequate two-hand controls. Neither operator was aware that only the operator with both hands applied to the controls is protected. The training program did not provide adequate understanding of machine safeguards. Neither did it clearly require that employees avoid running equipment they have not been authorized or instructed to operate.

The firm was cited for inadequate provision of initial training and settled the case. They implemented extensive procedural and engineering changes to prevent reoccurrence. Light curtains were added to all similar equipment as a secondary means of guarding. The training program and other documents were modified to reflect policy changes.

This situation illustrates the need to properly train employees on the function of machine controls, the limitations of safeguards, and that stepping outside assigned roles is likely to result in increased hazards.

Adrian Rocskay, Ph.D., CIH
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High Hazard Industry Focus

By: Jim Kenyon, CIH, CSP, Industrial Hygienist

Landscaping services (NAICS 561730) is one of the 13 high-hazard industries the General Industry Safety and Health Division (GISHD) has targeted for enforcement during 2009-2013 because of high injury and illness rates. The injury and illness rate for private industry employers in 2009 was 4.2 cases; for landscaping services it was 5.0.

Landscaping services covers a wide variety of landscape, horticultural and maintenance services including: planting and maintaining gardens; lawn care; landscape care and plant maintenance; installing trees, shrubs, plants, lawns, or gardens; and/or arborist services.

These general industry standards cover landscaping services: **Parts 1, 1A, 7, 21, 22, 33, 38, 53, 54, 58, 85, 380, 430, 474, and OSH 11.** Construction of walkways, retaining walls, decks, fences, ponds, and similar structures is covered by construction standards.

The equipment and methods used in landscaping services can lead to serious safety and health hazards. The common hazards covered by GISHD standards are cuts and amputations, electrical, ergonomic, heat and cold stress, motor vehicles, noise, slips, trips and falls. Another area of concern is the safety of youth workers employed during the summer.

Landscaping Services Fatalities

The Centers for Disease Control and Prevention (CDC) reported a total of 1,142 grounds maintenance workers died during 2003 - 2008. Among those, 901 were employed in the landscaping services. The report, “Fatal Injuries Among Grounds Maintenance Workers—United States 2003-2008,” was published in the May 6 edition (Vol. 60, No. 17) of the *Morbidity and Mortality Weekly Report*.

MIOSHA recently investigated a fatality in this industry. The operator of a deck mower drowned in a drainage ditch during lawn grooming activities at an apartment complex. The employer had removed portions of the rollover protection system on his four mowers. MIOSHA issued three serious violations for inadequate: training, operating procedures, and equipment maintenance.

Employers can call MIOSHA’s Consultation Education and Training Division at 517.322.1809 for free compliance assistance.



The operator of this mower drowned in a drainage ditch.

Health Standards Interpretations

Do I have to fit test respirators for employees with occupational exposure to tuberculosis?

Respiratory protection is commonly used to limit employee exposure to airborne pathogens like tuberculosis (TB) or influenza that can be present in bio-aerosols. There has been some confusion over the requirement to fit test individuals who are using respiratory protection for exposure to TB. In 2004, Congress restricted OSHA’s appropriation and stated that “none of the funds appropriated under this paragraph shall be obligated or expended to administer or enforce the provisions of 29 CFR 1910.134 (f) (2) to the extent that such provisions require the annual fit testing (after the initial fit testing) of respirators for occupational exposure to tuberculosis.”

This specific prohibition against the annual fit testing of respirators was commonly misinterpreted. Employers mistakenly thought this applied to initial fit testing and that written respiratory protection programs were not required. This issue was resolved in 2008 through an omnibus appropriations bill. The new appropriations bill removed the restrictions on the enforcement of the Respiratory Protection Standard. Thus MIOSHA and OSHA resumed full enforcement on January 2, 2008.

Whenever employees rely on respiratory protection in any setting, **the employer must develop and implement a complete and effective respiratory protection program**, including initial and annual fit testing for required respirator use.

CASE SUMMARIES

LABORER – STRUCK BY

In November 2010, a 52-year-old employee of a recycle/junkyard facility was walking in the yard of the facility. Another employee was driving a powered industrial truck carrying a large load. The driver could not adequately see past the load and struck the other employee. She sustained serious injuries and was taken to the hospital where she later died.

MIOSHA violation:

- Part 21, *Powered Industrial Trucks*, Rule 2185 – An operator shall look in the direction of and keep a clear view of the direction of travel. When moving loads block the forward visibility, for safe handling an operator shall drive the truck with the load trailing.

LABORER – ASPHYXIATED

In January 2011, a 46-year-old employee at a metal stamping plant climbed onto a shaker table 57 inches high. His clothing became entangled in a nip point on a conveyor and he was pulled into the conveyor and asphyxiated. The employee was taken to a local hospital where he died several days later.

MIOSHA violations (not inclusive):

- Part 2, *Floor and Wall Openings, Stairways, and Skylights*, Rule 220(1) – Inadequate means to gain access to other elevations.

- Part 14, *Conveyors*:

- Rule 1421(4) – No guard on exposed nip point.
- Rule 1442(4) – No guard on revolving shaft.

- Part 85, *Control of Hazardous Energy Sources*, Rule 1910.147(C)(4)(i) – Not enforcing lockout.

Nella Davis-Ray, Director
 Consultation Education &
 Training (CET) Division
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MCP – Are You Up For The Challenge?

By: Nella Davis-Ray, Director

Does your workplace have injury and illness rates above your industry's average? Do you need help developing or improving your safety and health management system?

CET wants you! In 2006 CET created the Michigan Challenge Program (MCP) to help employers develop effective safety and health management systems. The benefits of MCP participation include:

- Decreased employee injury and illness rates,
- Decreased workers' compensation and medical costs,
- Decreased cost for replacement workers,
- Increased employee productivity,
- Increased employee morale,
- Six-month deferral from MIO-SHA programmed inspections.

Michigan Challenge Program

The MCP consists of a CET consultant's evaluation and assessment of a company's existing safety system. The evaluation includes a review of injury and illness data, policy and program review, accident cost estimation, and a hazard survey. Findings of the evaluation are submitted to the site's CEO as a written report with recommendations.

Site specific supervisory and safety and health committee training is a major component of the MCP. The training provided by the CET consultant consists of four required core programs and a minimum of two electives. Training sessions are an opportunity to assess progress made on correcting identified serious hazards.

Upon implementation of all safety and health management system elements, and two years of record reviews, the employer receives a certificate and a letter of MCP completion. In addition, the company may be eligible for one of the CET recognition awards, should there be a significant reduction in their injury and illness rates.

Trenton Forging MCP Success

In 2007 Trenton Forging Company was up for the challenge. In 2006 Trenton Forging had 14 recordable cases and a Total Recordable Case (TRC) rate of 14.4 compared to their industry average of 10.7. Their Days Away from Work and Restricted/Transfer Cases (DART) rate was 7.2 compared to their industry average of 6.2.

CET Consultant **Jennifer Clark-Denson** reviewed their 2007 and 2008 injury and illness data. She found the most common injuries were hand/finger caught between and provided detailed recommendations to enhance Trenton's safety system and facilitated eight different training sessions.

In 2009 when Trenton Forging successfully completed the MCP, their TRC was 4.3 compared to the industry average of 8.1. Their DART was 4.3 compared to the industry average of 3.5. Trenton's estimated cost of accidents went from \$172,825 in 2006 to \$111,964 in 2009.

"We have had a great working relationship with MIO-SHA for many years. Working with them on the Michigan Challenge Program allowed us to make sure we keep safety on every worker's mind through training sessions, hazard surveys and safety team meeting participation," said **David Moxlow**, Owner.

Are you up for the challenge?
 Call CET today.



Anthony Woolum and Jim Schiesel (Controller) performing a hazard assessment on a horizontal machining center.

MIO-SHA News Quiz

Topic: Surviving the Summer Heat

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

MIO-SHA Awards

04/28/11–Northern Coatings, Inc., Menominee, CET Platinum Award. Northern Coatings is a SHARP company and has gone more than nine years without a lost-time accident. Northern Coatings employs 30 workers and manufactures specialty coatings for fuel cells, medical equipment, engines, and many other commercial products.



05/20/11–Glastender, Inc., Saginaw, SHARP Award. Glastender, Inc. was established in 1969 when Jon D. Hall, Founder and current CEO, invented the world's first automatic rotary glass-washer. With 150 workers, Glastender is still family run, places a strong emphasis on visionary design and quality manufactured products.



05/25/11–Northern Concrete Pipe, Inc., Bay City, CET Platinum Award. Northern Concrete's Bay City facility has gone more than seven years without a lost-time accident. Northern Concrete is a leader in the precast concrete industry and manufactures precast reinforced pipe, manholes, catch basins, box culverts, and other products.



Employer Honor Roll

04/29/11–Michigan Packaging, Mason–MVPP Rising Star Award

04/22/11–Merrill Tool and Machine, Merrill–CET Bronze Award

11/23/10–Johnson Technology, Muskegon–MVPP Recertification

11/23/10–Johnson Technology, Norton Shores–MVPP Recertification

RAM Is Proactive About Safety

By: Pat Sullivan, CET Construction Safety Consultant

Founded in 1918, **RAM Construction Services** is the oldest and most experienced waterproofing and restoration contractor in the U.S. RAM is the prime contractor engaged in the restoration of the Burton Memorial Tower construction site on the U of M Ann Arbor campus.

Vince Griffin, RAM Safety Manager, had some questions on the rigging of swing stage scaffolds to be in compliance with Part 12. On 10/29/10 CET Construction Consultant **Patrick Sullivan** and AGC Health and Safety Manager **Rick Mee** visited the worksite. After viewing the rigging on the top two floors of the tower, recommendations were offered and RAM implemented those changes.

RAM is an employer that takes a pro-active approach toward jobsite safety and addresses hazards in the planning stages of the job. On 12/3/10 a MIO-SHA Construction Safety Officer conducted an inspection at the Burton Tower worksite and did not find any MIO-SHA violations.

RAM takes advantage of other CET services including training, hazards surveys and consultations, to enhance their safety culture. Devoting resources to safety in all levels of the company has improved RAM's mod rate which is now below the industry average. Their new safety slogan is, "We Never Give Safety a Day Off."



Rick Mee, AGC; Vince Griffin RAM Safety Manager; Patrick Sullivan, MIO-SHA; Tim Glen, Darren Frazze, Chris Woods—RAM; Bob Leporowski, RAM Foreman; Tom Waltherhouse and Toby Hovi—U of M.

Ask MIOSHA

Question: The MIOSHA Lockout/Tagout Compliance Guide (SP #27) under #8, Lockout/Tagout Program, Section A "Specific Machine/Equipment Procedure" talks about what must be included in the procedure when a machine specific documented procedure is required. What is a machine-specific documented procedure and when is such a procedure required?

Answer: Part 85 (c)(4) states, "Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section. Note – Exception: The employer need not document the required procedures for a particular machine or equipment, when all of the following elements exist..." (See Part 85.)

This means that you must write a step-by-step procedure on how to de-energize and lockout equipment and processes. If your equipment meets the eight elements listed in the exception referenced above, you do not have to write a machine-specific procedure, although you still need to lock out. The exception applies to equipment with one, lockable energy source. In all cases, a machine-specific written procedure is required for all equipment with more than one energy source.

In Appendix C (pages 34 and 37) of the Lockout Guide, SP #27, you will find explanations, a template, and step-by-step instructions on how to evaluate the need for and create your lockout procedures.

Question: MIOSHA standards dictate that all locks used for lockout in a facility will be the same. My question is, if we use the square Masterlocks and want to use both the long and short shaft models, does that meet the standard, or do the shafts all have to be the same length?

Answer: Part 85. Control of Hazardous energy Sources reads, "locks shall be...Standardized. Lockout and tagout devices shall be standardized within the facility in at least one of the following criteria: color, shape; or size and additionally, in the case of tagout devices, print and format shall be standardized." Since the requirement is that the lock be standardized in only one criterion, the shank size could be different as long as another identifying feature is the same, such as color.

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
Appeals Division
517.322.1297**

The MIOSHA Appeals Division oversees the settlement of cases where citation(s) have been issued.

**Management & Technical
Services Division
517.322.1851**

Standards Update

Office of Regulatory Reinvention

Executive Order 2011-5 created the Office of Regulatory Reinvention (ORR), which included a requirement for ORR to complete a review of existing and proposed rules, with emphasis on those rules which exceed federal requirements. (See Page 2.) All state agencies have been asked to provide a summary of existing rules. MIOSHA staff compiled the required information on more than 150 standards.

Proposed Ergonomic Rule

On March 22, 2011, Gov. Snyder signed Senate Bill 20. The bill amends the Michigan Occupational Safety and Health Act to prohibit a department, board or commission authorized to promulgate rules from mandating workplace ergonomic standards, unless it is an adoption of a federal OSHA ergonomic rule.

New Commissioners

Gov. Snyder recently announced the appointment of two new members to the Construction Safety Standards Commission. **Timothy Bedenis** of Plymouth, Vice President, Soil and Materials Engineering, Inc, replaces Commissioner Donald V. Staley. **Mark Bulthuis** of Grand Rapids, Project Efficiency Specialist, Parkway Electric & Communications, LLC, replaces Commissioner D. Lynn Coleman.

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

Wage And Hour Division

On May 23rd, the Department of Licensing and Regulatory Affairs (LARA) moved the Wage and Hour Division into the MIOSHA program. On May 22nd, **Steve Arwood**, LARA Deputy Director, sent all Wage and Hour employees a note announcing the change. In the note, Arwood said, "I anticipate that both divisions will work diligently towards becoming a cohesive department and I greatly appreciate your service to Michigan's workers and employers."

Prior to 2003, MIOSHA and the Wage and Hour Division together comprised the Bureau of Safety and Regulation. In 2003 the Granholm administration separated the two agencies. This LARA administrative change brings the two agencies back together again. The Wage and Hour Division is responsible for enforcing three wage protection laws in Michigan (the Payment of Wages and Fringe Benefits Act, the Minimum Wage Act, and the Prevailing Wage Act).

Don't WAIT To File Your Appeal

By: Dawn Jack, Appeals Division Director

In March, the Board of Health and Safety Compliance and Appeals (board) reviewed the dismissal of two cases which involved employers who had failed to file a timely appeal to contest their MIOSHA citations. Ultimately, the Board upheld the dismissals. In doing so, an important message was conveyed: employers who don't adhere to the timelines imposed for contesting a MIOSHA citation lose their ability to challenge the inspection findings.

Contesting a Citation

The Michigan Occupational Safety and Health (MIOSH) Act contains procedural requirements for contesting a MIOSHA citation. An employer has **15 working days** from receipt of the citation to file a petition to dismiss or modify the citation.

If an employer fails to properly file a petition within those 15 working days, the citation **automatically** becomes a final order of the Board of Health and Safety Compliance and Appeals. When a citation becomes a final order, the company must correct the hazard(s) by the abatement date and pay any penalties.

Filing a Late Appeal

MIOSHA lacks the authority to alter a citation

which has become a final order of the board. Only an Administrative Law Judge, acting on behalf of the board, or the board itself has the authority to reopen a citation which has become a final order. This process is known as a late appeal.

Employers seeking a late appeal are required to provide the judge with a good reason for being untimely ("good cause"), and a defense to the citations ("meritorious defense"). Often, what an employer thinks is a good reason for not meeting a filing deadline may not be sufficient for the judge or board to grant a late appeal.

Some commonly-raised reasons which have generally not been granted include:

- Researching violations;
- Awaiting receipt of a Freedom of Information request;
- Seeking legal advice;
- Unfamiliarity with MIOSHA or the appeals process;
- On vacation/out of the office;
- Busy with company operations; and
- Interoffice mail routing errors/delays.

To avoid a late appeal: follow the instructions contained within the citation packet and submit within the 15-day appeal period.

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Michigan Occupational Safety & Health Administration
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MIOSHA TRAINING INSTITUTE (MTI)

Why Attend The MIOSHA Training Institute?

The MIOSHA Training Institute (MTI) provides a unique opportunity to learn about safety and health requirements, network with other safety and health professionals, and establish rapport with MIOSHA staff.

Paul Crivac, Safety Director, Three Rivers Corporation in Midland, had the distinction of being the very first MIOSHA Training Institute Level 2 General Industry Management Track graduate. Paul is also a dual Level 1 graduate, with certificates in both General Industry and Construction.

On April 19th, MIOSHA and Macomb Community College recognized 35 MTI graduates at the 81st annual Michigan Safety Conference in Lansing.

Benefits of the MTI

For Paul, one of the most significant benefits of attending MTI has been the opportunities to network and learn from one another. Paul said his courses have included people whose companies bake cookies, and make air craft parts, auto parts, and potato chips. Paul commented that, "All participants are from different industries with individual challenges, but in many ways we are facing the same things. We listen and learn from each other. Safety has no boundaries."

Paul said attending helped verify what he already knew and provided some good reference material. He added that the ability to develop a good working relationship with MIOSHA is a definite benefit.

When asked why he decided to attend the MTI,

Paul responded, "Why wouldn't you? It is simple, the price is affordable and scholarships are available, and the quality of the courses is great."

Three Rivers Corporation provides full-service general contractor and design/build services. The company employs over 300 people for projects such as commercial and medical buildings, schools and sports facilities.

Visit the MTI website for a list of upcoming courses, as well as scholarship information.



Level 2 Graduates: Paul Crivac, Three Rivers Corp.; Derek Mrwoczynski, Weldaloy Corp.; Brad Lawrence, HiTech Mold & Engineering; Kelvin Willoughby, Merrill Technologies Group; James Fraley, Barton Malow. (Not pictured - Lance Lamm, Lipari Foods.)

MTI website: www.michigan.gov/mti



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**The Mission of the MIOSHA Program is:
To Help Assure the Safety and Health
of Michigan Workers.**

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

The Department of Licensing and Regulatory Affairs (LARA) is an equal opportunity employer/program. Auxiliary aids, services and other reasonable accommodations are available upon request.

Website: www.michigan.gov/lara
(22,000 copies printed at \$4,769 or \$0.22 per copy.)