

IN THIS ISSUE

What's Happening

[Michigan Worker Deaths of 2015](#)

[New Hearing Decision](#)

[CS Part 6 Personal Protective Equipment is amended](#)

[Agency Instructions/Memos Issued](#)

[Media](#)

[Variances](#)

[Quick Links](#)

WHAT'S HAPPENING

Michigan Worker Deaths of 2015

The 2nd Michigan worker death of 2015 occurred on March 20, 2015. Employers and employees are urged to use extreme care and safety diligence in all work activities.

Summary of incident: On March 20, 2015, at approximately 10:00 p.m., a 61 year old crane operator trainee was fatally injured after being struck in the head by a 9,400 pound bundle of steel round stock he was moving with an overhead crane.

There were 37 MIOSHA-related deaths in 2014. 2009 saw the lowest number with 24. If you need help or assistance in ensuring your workplace is safe, MIOSHA is here with resources to help. The Consultation Education & Training (CET) Division provides workplace safety and health training and consultations to employers and employees throughout Michigan free of charge. Contact CET today at 800-866-4674 or submit a request online at www.michigan.gov/cetrca.

Every life is precious. Our mutual goal must be that every employee goes home at the end of

New Hearing Decision

An Administrative Law Judge (ALJ) recently issued a hearing decision regarding citations issued to an employer by the Construction Safety and Health Division. The citations were issued following an inspection of a road reconstruction project. During the inspection, an employee was observed entering into a manhole without a ladder. A block or more away on the same worksite, another employee was observed elevated in an aerial lift truck without a lanyard attached to a safety harness. At the time the employees were observed, there was no foreman identified on site. Before the inspection concluded, the employees' supervisor arrived and indicated he visits crew sites unannounced once a month and that normally his technicians work alone, unsupervised and unobserved by managers or coworkers.

MIOSHA issued two serious citations with a total proposed penalty of \$2,800:

- Part 11, Fixed and Portable Ladders, Rule 1113(1) – A ladder was not provided at all personnel points of access when there was a break in elevation of 19 inches or more when a ramp, runway, sloped embankment, stairway, or personnel hoist was not provided.

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- Part 32, Aerial Work Platforms, Rule 3214(1) – A safety harness that has a lanyard which is in compliance with Construction Safety Standard Part 45. Fall Protection R 408.44501 to R 408.44502 and which is affixed to attachment points provided and approved by the manufacturer was not provided.

At administrative hearing, the direct supervisor for the employees and the Environmental Health and Safety Manager for the employer testified. The employer asserted they lacked actual or constructive knowledge of the violative conditions (i.e. lack of ladder for manhole entry; lack of tie-off while on the lift truck) and unforeseeable employee misconduct. The employer testified that the employees were seasoned, highly-skilled and trained, and that the once a month unannounced audits of the employees was sufficient to monitor for compliance with company rules and MIOSHA safety standards. The company supplied training documentation indicating the two employees had been previously trained on fall protection and safe work practices in manholes and aerial lifts.

In response to the company's defenses, MIOSHA presented the testimony of Construction Safety and Health Division Safety Supervisor and several federal OSHA court decisions discussing the issue of adequacy of supervision. The testimony and cases were introduced to support MIOSHA's position that while there is no one-size-fits-all standard level of supervision mandated by OSHA or MIOSHA, monthly visits in this case did not demonstrate reasonable diligence by the company toward safe work practices.

In the written decision, the ALJ ruled MIOSHA failed to establish the employer had actual or constructive knowledge of the hazardous conditions discovered during the inspection. The ALJ determined that the employer's safety program, which included training, refresher training, competency checks, and daily and weekly safety reminders by conference call and a monthly unannounced site visit, was adequate. The ALJ noted that while MIOSHA witnesses contended the once-monthly supervisory visits were not sufficient, MIOSHA did not suggest an alternative monitoring schedule that would satisfy the reasonable diligence requirement. The ALJ was further persuaded by the employer's inspection history and employee disciplinary records. In addition to finding the employer lacked knowledge of the conditions, the ALJ ruled the employees engaged in unforeseen employee misconduct.

CS Part 6 Personal Protective Equipment is amended, effective March 31, 2015

CS Part 6 Personal Protective Equipment gives direction to employers and employees on protecting Michigan employees from health and safety hazards in the construction workplace when using personal protective equipment. These rules are intended to create state specific versions of the recently revised federal regulation 29 C.F.R. §1926.97 "Electrical protective equipment" in order to be as effective as Federal OSHA standards.

The final OSHA construction rule also includes new requirements for the safe use and care of electrical protective equipment to complement the equipment design provisions. The revised standard will ensure that employers, when appropriate, shall meet consistent requirements for work performed under the construction and general industry standards.

NOTE: these changes are not related to the ORR Recommendations, and therefore no information will appear in the Implementation Strategy Table on our website.

AGENCY INSTRUCTIONS/MEMOS ISSUED

March 6, 2015 – [Control of Hazardous Energy Sources \(Lockout-Tagout\) for MIOSHA Personnel](#)

March 6, 2015 – [Exposure to Blood or Other Potentially Infectious Materials](#)

MEDIA

March 25, 2015 – [Aria Energy in Lenox Recognized for Outstanding Workplace Safety and Health](#)

March 20, 2015 – [Harris Rebar in Lansing Receives MSHARP Award for Workplace Safety and Health Excellence](#)

March 19, 2015 – [Pfizer Global Supply in Kalamazoo Named Star Site a Third Time for Exemplary Worker Safety](#)

March 12, 2015 – [Employers and Workers have 'Coffee with MIOSHA' in Bingham Farms to Discuss Benefits of Workplace Safety and Health](#)

March 10, 2015 – [MIOSHA Renews Alliance with Michigan Non-Profit Training Facility to Protect Workers](#)

March 3, 2015 – [Employers and Workers have 'Coffee with MIOSHA' in Troy to Discuss Benefits of Workplace Safety and Health](#)

All of the MIOSHA Press Releases can be viewed from our [website](#).

VARIANCES

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 on the MIOSHA News website: www.michigan.gov/mioshavariances.

QUICK LINKS

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