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MIOSHA *news*

Vol. 18, No.1, Winter 2014

DIRECTOR'S *corner*



Martha Yoder
Director

"...Make yourself do the thing you have to do, when it ought to be done, whether you like it or not..." I saw this quote by Thomas Huxley, an English Biologist from the 1800s, a few months back and it has just stuck with me as one of the great truths to live by! In fact, it

reminds me of the saying that true genius is taking something complex and making it sound so simple.

This year will mark the 40th year since the signing of the Michigan Occupational Safety and Health Act (MIOSHA). We have learned a lot during the past decades. We know how to guard machines and equipment to prevent accidental contact with moving parts. We know how to monitor the environment and protect people from harmful exposures. We know how to work safely with thousands of chemicals that help us produce great products. We know how to keep people from falling, being struck and crushed.

This year make a commitment to follow Thomas Huxley's advice and do what needs to be done, when it needs to happen. If we all do this, at the end of the year we will have safer, healthier workplaces and return our valuable workers home in the manner they came to work to enjoy their family, friends, and all the ways they enjoy their free time. Best regards for a successful 2014!

MIOSHA Announces New 5-Year Strategic Plan Martha Yoder, MIOSHA Director

MIOSHA finalized the new 5-year strategic plan for enforcement and outreach activities covering fiscal years 2014–2018. The plan began October 1, 2013 and serves as a blueprint to focus program resources and activities. This is MIOSHA's fourth plan.

MIOSHA's strategic planning process is inclusive. Stakeholders and constituents are a key component in developing the plan. To gain that valuable input, MIOSHA held focus groups with people from the construction industry, general industry, and labor before developing the draft plan. Once the plan was drafted, it was posted on the MIOSHA website for comment and a stakeholder meeting was held for feedback.

Over the past 5 years in Michigan the overall injury/illness rate went from 4.5 in 2008 to 4.1 in 2012 and the private sector overall rate went from 4.4 to 4.0. These reductions are very good, but there is still more work to be done. Key goals of the new plan include:

Goal 1: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities. Resources will be focused toward ten general industries with an anticipated outcome of reducing injury and illness rates by 15 percent at the end of the five-year period. Several industries are carried forward from the previous plan. New industries are Support Activities for Transportation (488), Warehousing and Storage (493) and Accommodations (741). The construction industry is also included with a goal of a ten percent reduction in injury/illness rates and fatalities.

Goal 2: Promote employer and worker awareness of, commitment to, and involvement with safety and health to effect positive change in the workplace culture. The benefits of a Safety and Health Management System (SHMS) will be promoted during all MIOSHA visits. Efforts will also be made to increase awareness and participation in the MIOSHA Training Institute and cooperative programs such as the Michigan Voluntary Protection Program (MVPP) and the Michigan Safety and Health Achievement Recognition Program (MSHARP).

Goal 3: Strengthen public confidence through continued excellence in the development and delivery of MIOSHA programs and services. The "Connecting MIOSHA to Industry" initiative will continue to help increase collaboration and communication with employers and employees. The goal is to create collective ownership for workplace safety and health.

- Communicate and collaborate with the construction industry to enhance a positive safety culture, i.e., active listening and inclusion with industry, meetings, presentations and training seminars.
- Build effective and positive relationships with the construction industry. Recognizing the "good" things that employers are doing to improve safety and health culture.

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CONNECTING UPDATE

Connecting Through Outreach



Bart Pickelman, CIH
Deputy Director

The new MIOSHA five-year strategic plan is loaded with outreach activities and goals to assist employers and employees in creating and maintaining safe and healthy workplaces. MIOSHA has a long-running philosophy to “educate before we regulate” and this new strategic plan follows through with that approach.

The strategic plan identifies targeted industries based on their elevated injury and illness rates. There are high hazard general industries that will receive consultative outreach in many forms. MIOSHA will conduct promotional events and awareness campaigns to increase the knowledge of the hazards present in the targeted general industries. Examples of these types of outreach activities include development and distribution of educational materials and conducting forums like the “Protecting the Caregivers — Preventing Injuries in Nursing and Residential Care Facilities” held in October 2013 and scheduled to be repeated in the coming year. In the construction industry, the plan is to expand the number of fact sheets and other materials available and to perform outreach to small construction contractors,

trade school programs and employers that are new to MIOSHA.

The new plan also includes three industry sectors that are targeted exclusively for consultative outreach. The agricultural, governmental, and temporary work agency sectors will receive enhanced levels of outreach activities. An example of this in the agricultural arena includes working with industry experts to provide training to prevent grain entrapments which are the cause of many fatalities. In the governmental or public sector, MIOSHA will develop working relationships much like the current alliance with the State of Michigan’s Office of the State Employer. These types of relationships allow the parties involved to use their collective expertise to provide guidance and create a culture that continually improves workplace safety and health.

The above targeted outreach activities will be augmented by loads of general outreach activities and information including the following:

- Take a Stand Day—One day a year when MIOSHA enforcement and consultation staff assist employers and employees without any resulting citations or penalties.
- Coffee with MIOSHA Events—Held in host locations across the state to pro-

mote informal interaction between MIOSHA staff and our customers to enhance communication.

- Consultation Education and Training (CET) Grants—Supplements the activities of MIOSHA’s CET Division by providing additional options for safety and health education and training.
- MIOSHA Website—Contains a plethora of information on available MIOSHA services, educational resources, fact sheets, interpretations, case studies, best practices, and the latest issues related to safety and health in the workplace.
- Facebook and Twitter—Announcements for training sessions, seminars, award events and various reminders are shared via these social media.

MIOSHA is committed to working collaboratively and promoting the philosophy of “educate before we regulate” as evidenced by the various forms of outreach activities we have incorporated into the new 5-year strategic plan. All of this outreach is designed to help employers and employees establish and maintain workplaces that will bring everyone home at the end of the shift safe, healthy, and whole!

BEST PRACTICES

Some of the best practices identified at the Georgia-Pacific (G/P), Albion plant were highlighted in the Summer 2013 and Fall 2013 editions of the MIOSHA News. This is a continuation of those articles about best practices identified at G/P, Albion a MVPP site since 2005.

G/P, Albion produces corrugated sheets that are sold to customers and used to make industrial packaging, retail packaging, or point-of-purchase displays. They have been a long standing participant in the MVPP and work diligently to maintain their MVPP status. To continually improve their systems they have implemented safety and health policies, procedures, and programs such as the following:

Safe Start Program

G/P, Albion initiated this program to get their team members (employees) thinking about safety 24 hours a day, not just while they’re at work. They believe that if they can get every team member to think safety 100% of the time, not just while they’re at work, they’ll not only be safer employees but safer people overall.

The Safe Start Program is based on four states that can lead to Critical Errors and increase the risk of injuries, the four states are: rushing, frustration, fatigue and/or complacency. The critical errors that can result from the four states are: eyes not on task,

Doug Kimmel, MVPP Program Specialist

mind not on task, line-of-fire or loss of balance, loss of traction or grip.

Part of the Safe Start learning process includes team members teaching others about the safety and health concepts that they are trained on at work. G/P, Albion has found that the concepts taught to team members are more firmly reinforced if the team member teaches the concepts to others, such as family and friends. An example may be a team member at home notices one of their family members in one of the four states (rushing, frustration, fatigue or complacency). The team member recognizes the situation and knows that it could lead to one or more critical errors (eyes not on task; mind not on task; line-of-fire or loss of balance; loss of traction or grip). The team member then shares with the family member the Critical Error Reduction Techniques (CERT)

- Self-trigger on the state so you don’t make a critical error.
- Analyze close calls and small errors.
- Look at others for the patterns that increase the risk of injury.
- Work on habits.

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APPEALS DIVISION

New Hearing Decision, Docket No. 12-000229-MIOSHA

Dawn C. M. Jack, Director
Appeals Division
517-322-1297

A hearing decision on citations issued by the General Industry Safety and Health Division recently became a final order. The multiple serious and other-than-serious safety and health citations were issued after a joint safety and health inspection. Proposed penalties totaled \$42,500.

During the hearing, the employer did not refute the existence of the violations. Instead, the employer challenged MIOSHA's authority to inspect its facility and the penalties imposed.

Inspection

The employer asserted that they had a signed contract to work with a consultant from the MIOSHA Consultation Education and Training (CET) Division which exempted it from MIOSHA inspections. After review of correspondence between CET and the employer regarding the prior consultative agreement, the Administrative Law Judge (ALJ) concluded that there was no evidence to support that the employer was exempt from MIOSHA inspections

after May 2008. The ALJ ruled the fall 2010 inspection and subsequent citations were proper.

Penalty Calculations

The employer stressed that their penalties were higher than those issued to other employers in the same industry for similar violations. The ALJ ruled the other employers' inspections records did not provide sufficient information to establish the conditions within the different workplaces were similar. In several inspections, the ALJ determined the facts and conditions were not similar between the workplaces, justifying the assessment of different penalties.

The employer also claimed the assessment of negative points in the "Miscellaneous" section of the Good Faith Reduction worksheet was duplicative of the assessment given in other good faith categories. While the ALJ agreed, he noted the removal of the negative points would not have increased the penalty reduction.

Lastly, the employer opposed the size adjustment calculation stating: (1) the number of total employees used to calculate the size adjustment was incorrect, and (2) only those employees exposed to the hazard should be included in the size calculation, not all employees. The ALJ rejected both arguments noting:

- MIOSHA relied on information provided by the employer during the inspection, and
- employees exposed to the hazard were factored into the severity and probability analysis for each violation consistent with the MIOSHA Field Operations Manual.

The ALJ upheld all citations and penalties. The employer filed exceptions with the Board of Health and Safety Compliance and Appeals, however, the board declined to direct review. The decision by the ALJ became final order on December 9, 2013.

CONSULTATION AND TRAINING UPDATE

Air Contaminants Outreach

Typically, when an employer contacts the Consultation Education and Training (CET) Division they are looking for assistance with addressing safety hazards. Many are not aware that CET has a staff of 11 industrial hygienists to assist them with health hazards as well. Health hazards may be an issue to the skin, mouth, eye and lung exposure due to air contaminants. Workplace air contaminants are linked to cancers, and many other acute and chronic diseases. One of CET's goals this year is to raise employer and employee awareness of workplace air contaminants.

Some of the outreach opportunities identified include:

- Highlighting more health related case studies and best practices in MIOSHA communications (MIOSHA News, MIOSHA eNews, MIOSHA web, etc.).
- Revising existing MIOSHA occupational health publications and developing new ones.
- Developing and presenting training on isocyanates and silica to Michigan workplaces where exposure to these contaminants are known or likely to occur.
- Adding more occupational health related videos to the MIOSHA lending library.

- Offering CET assistance to Michigan workplaces on evaluating and controlling air contaminants.

Reducing or eliminating air contaminants through systematic evaluation and the adoption of healthier chemicals, materials, products and processes, can provide benefits to both workers and businesses.

For more information on the Consultation Education and Training Division, please visit the MIOSHA website at www.michigan.gov/MIOSHA.



A worker using proper PPE during a sanding project

Nella Davis-Ray, Director
Consultation Education & Training
(CET) Division – 517-322-1809

CONSTRUCTION UPDATE

Renovation Contractor—Asbestos Citations

Michael Mason

Construction Safety & Health Division

A contractor renovated a 1950s, two-story house which had water- and moisture-damage throughout. Six feet of water had accumulated in the basement over a period of a year. The contractor removed all the asbestos-containing materials in the house, including thermal system insulation and troweled-on plaster. The employer did not protect its employees by complying with the asbestos regulations for Class I work, and did not use accredited (fully trained) workers.

The contractor was cited for alleged violations of Part 602, Asbestos Standards for Construction, and Act 440 of 1988, The Asbestos Workers Accreditation Act. The total penalty was \$29,500.00. The employer appealed the citations and said that the penalty was one-third of its yearly profit, saying that they thought that the asbestos regulations did not apply because the work was emergency work; and that the asbestos was not friable because it was either wet or damp. Although these defenses did not succeed, the employer was very coop-

erative during the appeals process and corrected all the alleged violations. The penalty was reduced by over 60 percent to settle the case. The employer said that the citation and appeal processes were useful educational experiences.

Variations

Variations from MIOSHA standards must be 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/mioshavariations

Revised Enforcement Field Operations Manual Issued

Maria Ley, Analyst, MIOSHA Administration

On November 22, 2013, MIOSHA issued a revised Field Operations Manual (FOM) covering enforcement activities. The revisions incorporate changes made by federal OSHA to its manual in April 2011.

MIOSHA is required to adopt policies that are “at least as effective as” the policies put in place by federal OSHA.

Significant enforcement changes or clarifications include:

- Clarified that participation in voluntary compliance programs may exempt an employer from programmed inspections.
- Complaints may be received from an attorney acting on behalf of an employee as an individual knowledgeable of the situation.
- Contractors performing friable asbestos removal or encapsulation work in Michigan must provide project notifications 10 calendar days prior to any non-emergency asbestos project.
- The safety officer/industrial hygienist (SO/IH) may conduct a separate joint opening conference if either party objects or if it is infeasible to hold a joint opening conference due to unavailability of the employer or employee representative.
- The SO/IH shall evaluate the employer’s good faith efforts to comply with the requirements of the Act.
- The SO/IH is in charge of inspections and questioning of persons.
- Interviewing employees in private is MIOSHA’s right.
- A follow-up inspection must be conducted after the citations become final orders even if abatement verification of the cited violations has been received for any Severe Violator Enforcement Program (SVEP) inspection.
- A repeat violation may be cited if the employer has been cited previously for a substantially similar condition, the previous violation was abated and has reoccurred, has become a final order, and the case is closed.
- A rule violation will be cited as a repeat violation if the violation occurred within three (3) years of the case closing

date. The case closing date is determined by the close date on the OSHA website.

- Two employers may be considered to share a common worksite when the two employers: a) have employees performing work activity on the same project or worksite; or b) have a single facility or office for their administrative or executive staff; or c) maintain a physical presence at each other’s facilities or worksites; d) share or interchange employees.
- The minimum penalty for a serious violation is increased to \$200.
- For small employers (250 or fewer employees nationwide), the penalty after adjustments will not be less than \$200 for the first repeat violation, \$500 for the second repeat violation, and \$1,000 for the third repeat.
- For large employers (more than 250 employees nationwide), the penalty after adjustments will not be less than \$400 for the first repeat violation, \$1,000 for the second repeat violation, and \$2,000 for the third repeat.
- The proposed penalty for an other-than-serious willful violation will not be less than \$5,000.
- The employer may petition the Board for an extension of the abatement date no later than the close of the next working day following the date on which abatement was originally required.

There are many additional changes. Some reflect efforts to move toward greater use of plain language. Other changes clarify information or provide needed guidance.

The revised Field Operations Manual is posted on the MIOSHA website at: www.michigan.gov/miosha. Look under the “A-Z Topic Index,” “Spotlight,” or “Policies and Procedures” for “Field Operations Manual,” “Field Operations Manual with highlighted changes,” and “FOM Memo.”

MIOSHA Announces New 5-Year Strategic Plan (Continued from the Cover)

- Use every opportunity to promote, educate and assist employers and employees.
- MIOSHA will also focus on ensuring that legal mandates such as responses to employee complaints and Freedom of Information Acts are responded to in a timely manner, that abatement is received timely for non-contested cases, and that federal standards will be promulgated within six months.

MIOSHA strategic planning plays a vital role in helping ensure the health and safety of Michigan workers.

We continue to seek input as we work to implement this new plan. The plan is available on our website at www.michigan.gov/mioshastrategicplan. Please feel free to call 517-322-

1817 or e-mail your comments to MIOSHASuggestionBox@michigan.gov.

We look forward to working with Michigan employers and employees to meet the safety and health challenges that lie ahead.



Michigan Safety Conference

The 2014 Michigan Safety Conference will take place April 15-16, 2014, at the Lansing Center in Lansing. The Michigan Safety Conference is an annual two-day world class health and safety training event. Training is targeted at workplace health and safety issues. All businesses in Michigan are encouraged to send their employees responsible for health and safety and risk management operations.

The conference includes more than 125 programs selected by the 15 divisions which include: Agriculture, Consultation Education and Training (CET), Chemical, Construction, Emergency Management and Fire Safety, Environmental Management Division, Healthcare, Industrial, Industrial Hygiene, Metal Fabricating Section, Public Utility & Employer, Risk & Insurance, Security, and Transportation.

Many MIOSHA employees are involved in organizing and planning the conference, particularly the Construction Division and the

CET Division. Classes scheduled for the CET Division this year include:

- MIOSHA Update
- Employee Involvement — Building a Safety & Health Management System
- Behavioral Safety
- Air Contaminants — Ventilation and Control
- Caring for the Caregiver in Nursing and Residential Care Facilities
- Hazard Communication/Globally Harmonized System Update
- Residential Fall Protection Forum
- Most Cited Top 10 Safety & Top 10 Health Violations

In addition, MIOSHA Record keeping and Cost of Injuries professional development course is being offered on Monday, April 14, 2014 from 9:00a.m. to 4:00p.m. for a cost of \$100. MIOSHA Consultants will help employers ensure that

Katie Benghauser, CET Division

their organization complies with MIOSHA record keeping requirements. Continuing Education Units (CEUs) are offered for this course and all CET Division classes.

The conference also includes a keynote address by Dr. L. Casey Chosewood, Senior Medical Officer for Work Life and Total Worker Health, Centers for Disease Control and Prevention, live demonstrations, and more than 150 vendors at the trade show. MIOSHA's booth will have consultants and compliance officers available to answer questions, provide materials, and guide attendees through the MIOSHA website.

For more information and registration details, please call 517-203-0737 or visit the website: www.michsafetyconference.org.



Visit MIOSHA at their booth during the Michigan Safety Conference



MTI Graduates — 2013 — Along with Dep. Director Bart Pickelman and Director Martha Yoder

BEST PRACTICES (Continued from Page 2)

Doug Kimmel, MVPP Program Specialist

When team members inform others about the Safe Start Program and the critical error reduction techniques the concepts of the program become more ingrained. Team members that embrace the program easily recognize the four states and utilize the CERT's which reduces the potential for injury.

Facility Risk Assessments

Many businesses perform risk assessments or some type of baseline hazard assessment. G/P, Albion has improved their assessment process by ensuring that the end user is informed of the hazards that have been identified on a specific piece of equipment or process. After being in-

formed of the potential hazards the team member is provided with the opportunity for further guidance if needed.

All risk assessments are reviewed to ensure that they are thorough and if needed additional analysis is performed. In addition, the results of all assessments are entered in the G/P online tracking system so that the risk reduction metrics are tracked to completion.

Look for more Best Practice tips and hints from the Georgia-Pacific, Albion plant in the next edition of the MIOSHA News!



Safety team member Jeff Biedermann taking time to do a Safe Start Observation on fellow team member Brian Keith at the bander.



New Hires Daniel Farmer and Michael Tappen reviewing their RAMM (Risk Assessment Mental Model) card on their new Job.

Forum on Nursing and Residential Care Facilities

By Matt Macomber, CIH
General Industry Division
Safety & Health

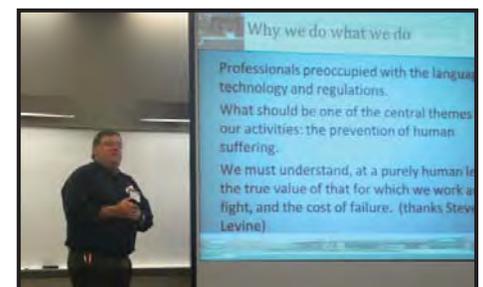
A full day forum/seminar titled Protecting the Caregivers – Preventing Injuries in Nursing and Residential Care Facilities was held on October 15, 2013 in Ann Arbor by MIOSHA and the University of Michigan to connect with and educate the professionals in the nursing home industry. According to the Bureau of Labor Statistics (BLS), nursing and residential care facilities experience one of the highest rates of lost workdays due to injuries and illnesses among all major American industries. For this reason, nursing homes have been chosen as one of the ten high-hazard industries targeted for enforcement and consultation activities in the 2014-2018 MIOSHA strategic plan.

The forum provided attendees with the knowledge of basic workplace and systems design principles needed to recognize health/safety hazards and workplace ergonomic problems, and recommend workplace designs in the nursing home and residential care setting. At the forum, a mix of speakers from government, academia, consulting and the healthcare industry presented:

- MIOSHA's Enforcement Programs for Nursing and Residential Care Facilities
- Business Case for Safe Patient Handling
- Elements for an Effective Safe Patient Handling Program
- Using Root Cause Analysis to Improve Safety
- Incorporating Patient and Employee Safety into Patient Care Plans
- Case Study Presentations that Demonstrate the Value of Lift Assists in Reducing Employee Injuries

MIOSHA's enforcement program includes OSHA's National Emphasis Program (NEP) for nursing and residential care facilities. This NEP concentrates primarily on the hazards that are prevalent in nursing and residential care facilities, specifically, ergonomic stressors relating to resident handling; exposure to blood and other potentially infectious materials; exposure to tuberculosis; workplace violence; and slips, trips, and falls.

Attendees of the forum included professionals from a wide variety of disciplines such as human resource managers, ergonomics professionals, and nursing managers. The course was very well received, and presenters received high ratings for presentation style and content. MIOSHA would like to thank the University of Michigan staff and all the conference attendees for making the first forum on nursing home and residential care facilities a great success. Based on the feedback from the participants, similar forums may be planned in the future for this industry.



Forum on Nursing and Residential Care Facilities program addressing caregivers in October

GENERAL INDUSTRIES UPDATE

Adrian Rocskay, Director, General Industry, Safety & Health Division 517-322-1831

Wood Products Manufacturing — Local Emphasis Program (LEP)

Wood products manufacturing (NAICS 321) has been selected by MIOSHA for outreach and enforcement activities in 2014 due to the fact that the industry continues to have an above-average injury and illness rate. In 2011, wood products manufacturing had a total recordable case rate of 5.3 injuries and illnesses per 100 workers per year, compared to the state average of 3.9. To help reduce that rate, MIOSHA is instituting a Local Emphasis Program (LEP) for this industry.

As part of this LEP, MIOSHA will conduct at least ten programmed inspections in wood products manufacturing during 2014. The establishments will be selected at random from a list of companies compiled from publicly available databases and other sources.

Programmed inspections will be comprehensive. The typical hazards of this industry will be examined, and they include;

- woodworking machinery,
- electrical safety,
- guards for power transmission,
- hand and portable powered tools,
- lockout/tagout,
- powered industrial trucks,
- floor and wall openings,
- stairways,
- portable fire extinguishers,
- personal protective equipment,
- hazard communication,
- combustible dust,

- noise,
- airborne wood dust and other air contaminants,
- and respiratory protection.

Businesses in this industry can contact the Consultation Education and Training (CET) Division at 517-322-1809 or make a request for consultative assistance online at www.michigan.gov/cet. CET consultations can preempt the comprehensive enforcement inspection by two or three months and allows an establishment time to correct violations found by the consultant.



THE MANAGEMENT AND TECHNICAL SERVICES DIVISION UPDATE

Ron Ray, Director, the Management and Technical Services Division, 517-322-1851

In 2013 the Management and Technical Services Division merged with the Wage and Hour Division and the Radiation Safety Section to create the Technical Services Division. The division is comprised of the following programs:

The Laboratory and Equipment Services Section (LESS) is responsible for providing technical and analytical services to various MIOSHA programs and in some cases other state departments. LESS is comprised of three units: the Occupational Health Laboratory, the Instrument Calibration and Maintenance Unit, which maintains equipment for MIOSHA field staff, and the CET Video Library, which provides free health and safety videos to Michigan employers.

The Management Information Systems Section (MISS) is responsible for managing, maintaining and reporting from both federal and state information systems. All of the data managed is either inspection/consultation-related or injury, illness or fatality related. MISS staff provides data reporting for MIOSHA Administration, agency staff as well as external customers. Section staff coordinates The Survey of Occupational Injuries and Illnesses. This annual survey is conducted in cooperation with

the Bureau of Labor Statistics. The workplace injury and illness data collected by this group is important in shaping the direction of efforts to reduce workplace injuries. The survey staff provide guidance to agency staff and Michigan employers on the Recordkeeping Standard (Part 11 Recording and Reporting of Occupational Injuries and Illnesses.) Similarly, staff conducts the Census of Fatal Occupational Injuries requiring the review of all Michigan fatalities and the processing of those that are work-related.

The Radiation Safety Section is responsible for radiation machine and facility regulation in Michigan. The section registers about 10,000 x-ray facilities with more than 29,000 x-ray machines. Registration fees support the activities of the program. The facilities and machines are routinely inspected by section health physicists to determine compliance with applicable state radiation rules and statutes. In addition, the section issues authorization for mammography machines prior to their use; approves radiation shielding design for medical and nonmedical radiation machines and facilities; and investigates radiation incidents involving excessive radiation doses to workers, radiation therapy medical

events and Computed Tomography (CT) medical events.

The Regulatory Services Section coordinates the promulgation of Michigan occupational safety and health standards through the appointment of advisory committees to assist with the development of standards, provides access to MIOSHA standards electronically and through distribution of single copies and sets of paper standards. It administers the Consultation Education and Training (CET) Grants. These grants supplement staff activities by providing competitive grants to nonprofit organizations to provide training and education in emerging safety and health issues, to address particularly dangerous occupations, and to extend MIOSHA's impact through "train-the-trainer" projects, and to provide training and outreach too difficult to reach target groups. Section staff also coordinates MIOSHA's responses to Michigan Freedom of Information Act (FOIA) requests. In addition to all of the above, it also conducts the MIOSHA Leadership Institute (MLI), which is an internal agency training program designed to strengthen the skill set

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By Matt Macomber, CIH
General Industry
Safety & Health Division

Nursing Home Employee Safety—A Success Story

In November 2013, an inspection was initiated at a nursing home in northern Michigan under OSHA's National Emphasis Program (NEP) for Nursing and Residential Care Facilities. The nursing home is a medium-sized facility providing care for both ambulatory and non-ambulatory residents.

Prior to 2013, the nursing home struggled with employee safety. Its employee injury and illness rates were more than double the industry average, as measured by the days away, restricted, or transferred (DART) rate. The DART rate is the rate of injuries and illnesses that involve days away from work, restricted activity, or job transfer. It is calculated by multiplying the number of lost time, restricted or transferred cases by the number of hours an equivalent 100 full-time employees would work in an average year (i.e., 200,000 hours), and dividing the number of hours the employee worked at the facility that year. The number is used as a reference to compare rates among facilities. According to the US Bureau of Labor Statistics, the average DART rate for nursing and residential facilities in Michigan was 5.6 in 2011. At this particular facility, the DART rates were:

- 2010 DART: 17.9
- 2011 DART: 11.9
- 2012 DART: 12.4
- 2013 DART: 3.3
(as of November 2013)

One reason for the higher employee injury rate at this nursing home was that even though the facility conducted injury investigations and had a safe patient lifting program, it focused on injury treatment rather than prevention. Then something changed. The nursing home tried a holistic approach that combined employee wellness, patient safety, and quality of care. The facility implemented new guidelines for patient care plans that made safe-patient handling a critical part of the patient care

plan. It instituted a no-lift policy; employees were no longer allowed to manually lift patients. Patients had to now be lifted with mechanical equipment. The safe patient handling techniques and equipment to be used were written into each patient care plan. Employees became subject to disciplinary action if they deviated from the care plan. Employees were only allowed to deviate from the care plan if they used a lifting technique that provided greater employee and resident safety (for example, a full-assist lift in place of a partial-assist lift). These deviations from the care plan had to be reported and were analyzed daily for modifications to the care plan (because they may reflect changes in the resident's health).

The facility also made a major investment in lifting and positioning equipment. It now has 100 lifting or positioning devices in service and enough patient slings so that they are available, nearby, across the facility, whenever employees need to use them. Employees received training in the safe operation of the equipment, and this included a requirement for employees to demonstrate proficiency using the equipment. To ensure training contained the best information on how to use the devices correctly, the facility worked with the manufacturer to provide effective training. Because the lifts and positioning devices are a critical part of the patient care plan, employees are spot checked on rounds and incorrect technique is remedied with retraining and encouragement. The equipment is on preventative maintenance schedules, and slings are tracked and inspected. This ensures the lifts are not broken when needed. The facility employs other tools such as slide sheets and positioning aids. Significant time and talent has been devoted to this interdisciplinary effort. The question is, has it paid off?

By November 2013, the DART rate had fallen to 3.3, which represents a decrease of 73 percent from the prior year. There are other indicators of healthy workers. At this

facility turnover rate for Certified Nursing Assistants (CNAs) was 13 percent. Nationally in 2011, the American Healthcare Association found the turnover rate for CNAs was 42.6 percent.

Inspections under the OSHA NEP also cover the employer's compliance with other health and safety hazards like slip/trip/falls, blood borne pathogens, tuberculosis, workplace violence, communicable diseases and hazard communication. The facility has implemented safety and health programs to effectively manage these other areas. It has experienced only a limited number of needlesticks, two in 2013. In addition, the facility has virtually eliminated residential falls and has had only one report of a combative resident and that incident resulted in no lost or restricted time. The changes made at this nursing home have made it a better place to work and have improved the quality of care of the residents.



Fatalities Summaries

Construction Safety and Health Division

Carpenter— Struck-by

In February 2013, a carpenter was using a pneumatic nail gun to frame a new home. The nail gun was equipped with a contact (bump) trigger. The nail gun appeared to have misfired or double-tap causing the carpenter to lose his balance. The nail gun struck his face causing an unintended discharge of a nail. The nail passed through the carpenter's eye socket and lodged into his brain. Emergency medical service transported the employee to the hospital where he later died from his injuries.

MIOSHA Violations:

- Part 1, General Rules
 - 408.40114(1) Accident prevention program was not developed.
- Part 6, Personal Protective Equipment
 - 408.40622(1) Head protection was not available or worn.
- Part 19, Tools
 - 408.41937(4) Eye protection was not available or worn.
 - 408.41937(5) Unintended discharge of pneumatic nail gun
- Part 11, Recording and Reporting of Occupational Injuries and Illnesses
 - 408.22129(1) Employee injuries were not recorded onto a 300 log.

Pipefitter— Explosion

In April 2013, workers were in the process of dismantling a large cover on a digester tank at a waste water treatment facility. Two workers, one employed by a rigging company and the other employed by a mechanical company, were on top of the digester tank using a cutting torch to remove the cover when an explosion occurred. There was an accumulation of methane gas under the cover that was ignited by the sparks and slag. The cover and both workers were propelled eight feet into the air receiving serious injuries. The mechanical contractor employee passed away later from his injuries.

MIOSHA Violations:

- Part 1, General Rules
 - 408.40114(1) Accident prevention program was not coordinated.
- Part 7, Welding and Cutting
 - 408.4711(2) Cutting operations taking place in an explosive atmosphere area.
 - 408.40713(1) Atmospheric conditions not tested and recorded.
 - 408.40761(2) Cracks and holes in cover not protected where sparks could enter.
 - 408.40761(3) Floor area where cutting activities were taking place not protected.
- Part 18, Fire Protection and Prevention
 - 408.41841(1) No fire protection and prevention plan.
- Part 20, Demolition
 - 408.42031(1)(a) No demolition survey.
 - 408.42031(8) No daily inspections to detect hazards.

General Industry Safety and Health Division

Plastic Injection Molding — Crushed

On March 21, 2013, an employee was using an overhead crane to move injection mold from a storage area using the wrong size eye bolt. The lifting eye bolt failed and a 6,800 pound suspended mold fell striking the employee. The employee died instantly.

The company was cited for the following MIOSHA violations:

- Part 18, Overhead and Gantry Cranes
 - Rule 1852(1) - No training for employee operating cranes.
 - Rule 1853(1) - No testing for employee operating cranes.
 - Rule 1854(1) - No permits and expired permits for employees operating cranes.
 - Rule 1865(1) - Plastic injection mold was carried over employee.
 - Rule 1852(5)(e) - No training provided in rigging procedures.
 - Rule 1865(6) - Plastic injection mold was attached to sling by improper device.
 - Rule 1872(1)(a) - No frequent inspections.
- Part 33, Personal Protective Equipment
 - Rule 3309(1) - Inadequate training in that the use of head protection was not addressed.
 - Rule 3370(1) - Not enforcing the use of head protection
 - Rule 3308(2) - No certification of hazard assessment.
 - Rule 3309(4) - No written certification of employee training.
- Part 39, Design Safety Standards for Electrical Systems
 - Rule 1910.305(g)(2)(iii) - No strain relief, chain has been disconnected, control pendant.



CONSTRUCTION SAFETY AND HEALTH DIVISION

Construction Injuries & Illnesses Increasing in Michigan

Patty Meyer, Construction Safety and Health
Division Director, 517-322-1856

The U.S. Bureau of Labor Statistics published the 2012 injury and illness (I & I) rates in November which showed the overall recordable I & I rate in Michigan's construction industry doubling in one year — from 2.6 incidents per 100 full time workers in 2011 to 5.0 incidents in 2012. This is disappointing news for Michigan construction workers and their families. It is also disappointing for employers as well — as workplace injuries can drive up costs and negatively impact an employer's bottom line. The Michigan construction industry had the 4th lowest I & I rate in the nation in 2011... **what happened in 2012?**

Although construction makes up only 3.5 percent of the overall workforce in Michigan, over 44 percent of the fatalities in 2013 took place in the construction industry. It can still be somewhat difficult to pinpoint which specific work activity or type of construction project is experiencing a higher injury rate since most of the information being gathered for I & I statistics are taken from such a small group. What we can pinpoint is seven of the 12 construction fatalities in 2013 were due to falls. That's 58 percent...the highest percentage of fatalities due to falls ever reported for one year! And it is not just falls...as I am writing this article another incident was reported where an employee was rushed to the hospital in serious condition when a side of an excavation caved in on him. **This must STOP!**

What is MIOSHA doing?

MIOSHA rolled out a new 5-year strategic plan on October 1, 2013. The new plan serves as a blueprint that will focus resources and guide MIOSHA activities over the next five years. The Construction Safety and Health Division will continue to focus enforcement activities on the four leading causes of death: fall, struck-by, electrocution, and caught by/caught between. During the previous five years over 60 percent of construction fatalities occurred

at commercial building projects, 30 percent at residential projects, and 9 percent at an industrial setting. Over 40 percent were small companies — employing ten or fewer employees. This information helped shape many of the strategies for the new plan. More focus on enforcement, consultation, and training were needed for residential projects and smaller employers. Here's a closer look at the strategies MIOSHA is taking to reduce fatalities, injuries, and illnesses in the construction industry.

- Increase enforcement and consultation during non-traditional work hours, i.e., weekend, afternoon and night time shifts.
- Promote cooperative agreements, such as partnerships and alliances.
- Focus enforcement, consultation activities and training programs on specific work operations, locations, and conditions that are more likely to experience one of the four leading causes of fatalities and serious hazards, (i.e., multi-story buildings, tall structures, residential projects, excavations, proximity to overhead power lines, scaffolding, road and bridge work, traffic control, concrete work, roofing, traditional wood framed structures, confined spaces, and heat/cold issues.)
- Create more outreach and training opportunities for small (ten or fewer employees) and new-to-MIOSHA contractors and trade school programs.
- Develop more Spanish publications.
- Enhance the MIOSHA construction web page by increasing the number of fact sheets, interpretations, and instructions.
- Distribute accident/fatality information more timely. MIOSHA now sends out a notification and preliminary information to their list-serve sub-

scribers when a worker death is reported.

- Target MIOSHA CET training grants to high hazard areas in construction.
- Seek ways to enhance MIOSHA's effectiveness and consistency by targeting serious hazards and conducting focused inspections on larger projects that have effective safety and health management systems and dedicated safety personnel on site.

What can employers and employees do?

Don't be complacent! It takes time and effort on everyone's part to develop and maintain a safe workplace. Employers and employees must be diligent and stay focused on maintaining and improving safety and health management systems. This includes developing and maintaining an effective accident prevention program, providing training to employees on recognizing hazards and safe work practices, inspecting jobsites for hazardous conditions, eliminating and correcting hazards, and actively engaging employees.

A safe and healthy workplace prevents workers from being injured or killed while trying to earn a living. Safe jobsites also improve worker morale and productivity, decrease workers compensation costs, and increase profits—making an employer more competitive and profitable. All



Employee working on residential construction site

MIOSHA AWARDS

Andrea Miller, Communications

Michigan Packaging Company Receives MIOSHA's Highest Recognition Award for Workplace Safety and Health Excellence

On November 5, 2013, Michigan Packaging Company was awarded the MVPP Star Award, the state's highest workplace safety and health award, from the Michigan Occupational Safety and Health Administration (MIOSHA). The MIOSHA program is part of the Michigan Department of Licensing and Regulatory Affairs (LARA).

"Michigan Packaging's long-time commitment to workplace safety and health sends a strong message to other Michigan companies," said LARA Deputy Director Stephanie Comai. "They have created a corporate culture where workplace safety and health is consistently held as a top priority. Their record shows that a safe workplace provides the foundation for a productive workplace."

MIOSHA established the Michigan Voluntary Protection Program (MVPP) in 1996 to recognize employers actively working toward achieving excellence in workplace safety and health. Michigan has 31 MVPP Star companies. This is the most prestigious safety and health award given in Michigan.

"National VPP sites experience 60 to 80 percent less lost work day injuries than would be expected of an average site in their industry," said Yoder. "This program recognizes employers with safety and health management systems that provide protections beyond what is required by MIOSHA standards. It also has a tremendous impact on the bottom line."

The MIOSHA MVPP Review Team consisted of Doug Kimmel, Team Leader and Gregg Grubb, Senior Industrial Hygienist. During the review, the team conducted 16 formal and 18 informal interviews. The team examined various elements of the safety and health management system, and found them to effectively address the scope and complexity of the hazards at the site.

Michigan Packaging employs 121 workers and manufactures corrugated sheets and specialized high impact graphic litho laminated sheets. The facility has an exemplary safety and health record, and has exhibited outstanding leadership in recognizing that a comprehensive safety and health system is critical to successful businesses today.

The MVPP assists employers and employees by providing a mechanism and a set of criteria designed to evaluate and recognize outstanding safety and health management systems. The program is designed to establish a cooperative relationship between management, labor, and MIOSHA. MVPP participants implement safety and health management systems that provide protections beyond what is required by MIOSHA standards.

There are two levels of recognition in the MVPP. The Michigan Star program is designed for workplaces that have an exemplary safety and health management system with injury and illness incidence rates below the industry average for the

last three years. The Rising Star program provides the "stepping stone" for those establishments that have the desire and potential to achieve Star Status within one to three years. Rising Star participants have a good safety and health management system and have incidence rates at or below the industry average for two out of the last three years.

Current Star sites are available to mentor other companies that have an interest and desire to improve their safety and health management system. Mentors inform, counsel, train, and strive to achieve excellence in safety and health through the MVPP.

THE MANAGEMENT AND TECHNICAL SERVICES DIVISION UPDATE

Ron Ray, Director, the Management and Technical Services Division, 517-322-1851

(Continued from Page 7)
of current supervisory staff, as well as develop emerging leaders.

The Wage and Hour Program

administers and enforces Act 390 the Payment of Wages and Fringe Benefits Act, Act 154 the Minimum Wage and Overtime Act, and Act 166 the Prevailing Wages on State Funded Construction Projects Act. The Program investigates complaints alleging non-payment of wages and fringe benefits, state minimum wage, overtime, equal pay, and prevailing wage disputes. The Wage and Hour program also educates employers and employees in the areas covered by these Acts.



Michigan packaging team members during the MVPP Award Ceremony.

MTI UPDATE**MIOSHA Training Institute (MTI)**

Fiscal year 2013 was another great year for the MIOSHA Training Institute (MTI). More than 2,700 students took advantage of the classes offered throughout the state to improve their understanding of MIOSHA standards along with safety and health issues. There have been more than 15,000 participants in MTI courses since October 2007. Fiscal year 2013 also showed student support for the new health certificate track and the creation of the cafeteria-style construction track, allowing construction students to customize their choice of classes to coincide with their interests, needs, and skills.

MIOSHA consultants and MTI co-sponsors cooperated to provide a variety of classes in various locations throughout the state. With the over 600 MIOSHA standards changes and the Global Harmonization System (GHS) alteration of the Hazard Communication standard, consultants were especially challenged to incorporate the necessary changes to meet presentation deadlines.

Fiscal year 2014 will present exciting new changes to the curriculum planned to provide students with even more options to obtain the educational opportunities they seek:

- 1) MIOSHA/MTI is piloting the use of flash drives. These will be given to students instead of hard copy books. The students will be able to take the information back to their workplaces in a portable mode rather than just putting another book on their shelves. Additionally each student will be provided a web link to download hard copies if they wish before the class.
- 2) The new class "Behavior Based Safety-Fundamentals & Implementation" will be piloted and added to the Safety & Health Management Systems (SHMS) certificate track replacing Job Safety Analysis.
- 3) After receiving many requests from Level One students, a Level Two SHMS Boot Camp will be introduced this year with at least one or two offerings planned throughout fiscal year 2014.
- 4) A new combined class will be piloted to address safety and health inspection issues for both general industry and construction worksites. Students will no longer have to choose between the two industries to complete the SHMS Level Two certificate. This combined class will also allow MIOSHA to offer more classes on this topic benefitting a student's ability to complete certificate requirements sooner.
- 5) MIOSHA is committing resources to the development of an online course, "When MIOSHA Enforcement Visits." This will be the first step to creating more options in educational opportunities for students outside of the conventional classroom scenario. MIOSHA is considering other ideas such as webinars and teleconferencing when delivering training to non-traditional situations or students.
- 6) Realizing that the MTI construction track contains the same classes and topics that are required for an OSHA 30 Hour Construction certificate, MIOSHA has been actively seeking endorsements from Construction employers to accept the MTI curriculum as an equivalent Construction 30 Hour. Currently, MIOSHA provides Construction 10 Hour cards for both MIOSHA and OSHA through a 2-day class.

To learn more about the MIOSHA Training Institute and what it can do for you and your company, please contact the CET office at 517-322-1809 or visit the website at www.michigan.gov/mti.

www.michigan.gov/miosha

Standards Update

Ron Ray, Director
MIOSHA Management and Technical
Services Division 517-322-1851

Revised versions of the following MIOSHA standards became effective since the last publication:

- GI Part 75 Flammable & Combustible Liquids, effective 9/25/13
- GI Part 91 Process Safety Management of Highly Hazardous Chemicals effective 9/26/13
- OH Part 591 Process Safety Management of Highly Hazardous Chemicals, effective 9/26/13
- OH 313 Methylene Chloride, effective 9/26/13

Copies of the new standards are available from our website at: <http://www.michigan.gov/miosha>

MIOSHA Standards Section staff continue to work with the Office of Regulatory Reinvention to complete the changes required due to the Workplace Safety Advisory Rules Committee recommendations. Approximately 30 standards are still in the process of being finalized, which we hope to have completed by March 1, 2014. To help communicate the status of these changes, we continue to regularly update our status update page on the website at: <http://www.michigan.gov/miosha>.

The Mission of the MIOSHA Program is:
**To Protect the Safety, Health, Earned Wages
and Fringe Benefits 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.

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Michigan Occupational Safety and Health Administration (MIOSHA)

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