



GRETCHEN WHITMER
GOVERNOR

State of Michigan
DEPARTMENT OF LABOR AND ECONOMIC OPPORTUNITY
MICHIGAN OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION
BARTON G. PICKELMAN, DIRECTOR

SUSAN CORBIN
ACTING DIRECTOR

MIOSHA GENERAL INDUSTRY AND CONSTRUCTION SAFETY AND HEALTH
STANDARD
PART 505 CORONAVIRUS DISEASE 2019 (COVID-19)
ADVISORY COMMITTEE MEETING

April 1, 2021 – 8:30 a.m.
Virtual – Teams Meeting

MEETING MINUTES

ADVISORY COMMITTEE MEMBERS PRESENT:

Andrew SmithMichigan Nurses Association
Kelly Indish.....AFSCME Local 875
Nathan PhillipsWest Michigan Plumbers, Fitters and Service Trades Local 174
Steven ClaywellMichigan Building and Construction Trades Council
Paul WrzesinskiAssociated General Contractors of Michigan
Wendy BlockMichigan Chamber of Commerce
Renee SmiddyMichigan Health & Hospital Association
Cindy OstrowskiCAO Consulting LLC
Don Staley.....The Christman Co.
Scott EllisMichigan Licensed Beverage Association
Sean Egan.....State of Michigan – Labor and Economic Opportunity (LEO)
Amelia DrummMichigan Retailers Association
David WorthamsMichigan Manufacturer’s Association
Nicole ManlyBlue Cross Blue Shield of Michigan

MIOSHA STAFF PRESENT:

Bart PickelmanMIOSHA Director
Ron RayMIOSHA Technical Services Division Director
Shannon MatsumotoMIOSHA Standards and FOIA Manager
Daniela Garza.....MIOSHA Standards and FOIA Section Analyst
Toscha KloppMIOSHA Standards and FOIA Section Secretary
Kristin Osterkamp.....MIOSHA CET Senior Industrial Hygienist
Eric AllenMIOSHA CSHD Health and Safety Manager
Matthew MacomberMIOSHA GISHD Industrial Hygiene Specialist 13
Lauren MillerMIOSHA Appeals Division Health Appeals Specialist

ABSENT:

Neil Parish.....National Electrical Contractors Association
Mark Scott.....MIOSHA GISHD Industrial Hygienist Specialist

GUEST:

Brian TechlinMSU Federal Credit Union
Lawrence Hidalgo.....MIOSHA CSHD Director
Benjamin Tirrell.....Michigan Farm Bureau
Kelly PrattStanwood
Craig AndersonMichigan Farm Bureau
Jerry Sweet.....
Will

Call to Order - Introductions

The April 1, 2021, General Industry and Construction Safety and Health Standard Part 505 Coronavirus Disease 2019 (COVID-19) advisory committee meeting was called to order by Mr. Worthams at 8:31 a.m.

Roll call was taken. A quorum of advisory committee members was present.

Approval of March 30, 2021 Minutes

Mr. Wrzesinski made a motion to accept the minutes as presented. Mr. Phillips seconded the motion. Without objection, the motion passed.

Committee member discussion

Mr. Worthams asked the director to lead us into the continuation of the “sunset” language to hopefully assist the committee in coming to a consensus in the language. Mr. Pickelman advised we are going to change the process of today’s meeting a little so we can try to have more engagement and hopefully better agreement.

Discussion was held by the committee on the wording for the MIOSHA Requirements language of Rule 12.

A motion was made by Mr. Phillips to accept the language as proposed. Mr. Wrzesinski seconded the motion. All committee members accepted the language, with the exception that Ms. Block passed on the vote. Motion passed.

“Within 21 days of the expiration or rescission of any remaining emergency order issued for COVID -19 under MCL 333.2253 of the Public Health Code, and the absence, expiration, or rescission of a declaration of a state of emergency issued related to COVID -19 by the Governor under MCL 30.403(4) or MCL 10.31(1), the department shall examine the continued need for those COVID-19 rules.”

The committee review returned to Rule 7. Discussion was held on if visitors/customers are covered in the terminology of the 6 feet of separation, and if we could add in “or latest CDC guidance” to the current language as the number could change.

A motion was made by Mr. Smith to postpone Rule 7 indefinitely. Mr. Claywell seconded the motion. Those in favor of the motion are Mr. Smith, Ms. Indish, Mr. Phillips, Mr. Claywell, and Mr. Wrzesinski. Mr. Block passed. Ms. Smiddy opposed. Motion passed.

The committee returned to the review of rules where we previously left off in Rule 9(4).

Mr. Ellis wants it on the record that if MIOSHA cannot prove it is a workplace safety issue to have areas that have a congregation area, such as a dart room, we are prohibiting commerce with this rule set. He has concerns that this dictates how a business is ran and puts employees in danger if they are required to approach someone who is not wearing a mask. Mr. Ellis would like this subrule removed and that MIOSHA rely on the general rules. Mr. Pickelman reminded that as previously discussed, it is not expected that an employee tries to enforce a public member to wear a mask, just provide a simple reminder and leave it at that.

Ms. Block would like to see Rule 9(4) removed as it seems DHHS covers this in their epidemic orders. Mr. Ellis agrees. Further discussion was held.

A motion was made by Ms. Block to amend Rule 9(4)(b)(c)(f) and (g) to state:

“(b) Require patrons to wear a face covering except when seated at their table or bar top (unless the patron is unable medically to tolerate a face covering). This provision shall be rescinded 14 days after the Michigan Department of Health and Human Services removes this requirement.”

“(c) Prohibit access to common areas in which people can congregate. This provision shall be rescinded 14 days after the Michigan Department of Health and Human Services removes this requirement.”

“(f) Post signs instructing customers to wear face coverings until they are seated at their table. This provision shall be rescinded 14 days after the Michigan Department of Health and Human Services removes this requirement.”

“(g) Require hosts, servers, and staff to wear face coverings in the dining area in addition to areas where social distancing cannot be maintained. This provision shall be rescinded 14 days after the Michigan Department of Health and Human Services removes this requirement.”

Ms. Smiddy seconded the motion. Those in favor of the motion are Ms. Block and Ms. Smiddy. Those opposed are Mr. Smith, Ms. Indish, Mr. Phillips, Mr. Claywell, and Mr. Wrzesinski. Motion failed due to lack of support.

A motion was made by Ms. Block to postpone Rule 9(4) indefinitely. Ms. Smiddy seconded the motion. Without objection, motion passed.

Discussion was held on Rule (9)(5).

Ms. Smiddy would like to see “or CDC guidelines” added in regard to the 6 feet of distance and that we keep in consideration that this rule effects smaller offices as well.

A motion was made by Ms. Smiddy to amend Rule 9(5)(b) and (c) to state:

“(5) Health care. Health facilities or agencies, including outpatient health-care facilities, clinics, primary care physician offices, dental offices, and veterinary clinics, must:

(b) Limit waiting-area occupancy to the number of individuals who can be present while staying 6 feet of physical distance or physically distance per the latest CDC guideline away from one another and ask patients, if possible, to wait in cars for their appointment to be called.

(c) Mark or arrange waiting rooms to enable 6 feet of physical distance or physically distance per the latest CDC guideline (e.g., by placing X’s on the ground and/or removing seats in the waiting room).”

Ms. Block seconded the motion. Those in favor of the motion are Mr. Wrzesinski, Ms. Block, and Ms. Smiddy. Those opposed are Mr. Smith, Ms. Indish, Mr. Phillips, and Mr. Claywell. Motion failed due to lack of support.

A motion was made by Mr. Smith to postpone Rule 9(5) indefinitely. Mr. Phillips seconded the motion. Without objection, motion passed.

Discussion was held on Rule 9(6).

A motion was made by Ms. Block to postpone Rule 9(6) indefinitely. Mr. Smith seconded the motion. Without objection, motion passed.

A motion was made by Ms. Block to postpone Rule 9(7)(8)(9) and (11) indefinitely. Ms. Smiddy seconded the motion. Without objection, motion passed.

Discussion was held on Rule 9(10).

A motion was made by Ms. Block to strike Rule 9(2)(a) and Rule 9(10)(a) as it duplicative of the general requirements. Ms. Smiddy seconded the motion. Without objection, motion passed.

A motion was made by Mr. Smith to add a new subrule for Rule 9 as Rule 9(12). The suggested language is:

“(12) Education. All providers of K-12 education must:

At the request of any employee working in a classroom with no exterior windows provide a portable air purifier with appropriate replacement filters at no cost to the employee.”

Mr. Phillips seconded the motion. Discussion was held on the recommendation. The Headlee Amendment was mentioned. Those in favor of the motion are Mr. Smith, Ms. Indish, Mr. Phillips, and Mr. Claywell. Those opposed are Mr. Wrzesinski, Ms. Block, and Ms. Smiddy. Motion failed due to lack of support.

Ms. Manly requested Rule 9(11)(c) to be reviewed before closing out the rule set.

Discussion was held on Rule 10.

A motion was made by Ms. Block to postpone Rule 10 indefinitely. Ms. Smiddy seconded the motion. In favor of the motion are Mr. Smith, Ms. Indish, Mr. Claywell, Mr. Wrzesinski, Ms. Block, and Ms. Smiddy. Mr. Phillips abstained on the vote. Motion passed.

Discussion was held on Rule 11.

Ms. Drumm and Mr. Ellis would like the amount of time the health screening records need to be retained lessened due to the number of employees/customers that records are being kept on.

A motion was made by Ms. Block to amend Rule 11(2) to state:

“Employers must maintain records as required by these rules for 1 year from time of generation, except health screening records should be maintained for at least 21 days.”

Ms. Smiddy seconded the motion. Discussion held. Those in favor of the motion are Mr. Wrzesinski, Ms. Block, and Ms. Smiddy. Those opposed are Mr. Smith, Ms. Indish, Mr. Phillips, and Mr. Claywell. Motion failed due to lack of support.

Ms. Block made a motion to postpone Rule 11 indefinitely. Ms. Smiddy seconded the motion. Without objections, the motion passed.

Mr. Wrzesinski made a motion to move to public comment and that old business be held at our next meeting on Tuesday. With no objection, motion passed.

Mr. Ellis thanked the committee and MIOSHA staff for working on these rules.

Mr. Pickelman also thanked everyone for their time and contributions.

Old Business – R408.2(1)(a) “Close Contact”

Added to next meeting agenda.

Old Business – R408.5(8) Working Remotely

Added to next meeting agenda.

Public Comment

Mr. Worthams opened the floor to public comment at 11:44 a.m.

There was no public comment.

Next Meeting

Tuesday, April 6, 2021 at 8:30 a.m.

Adjournment

Meeting adjourned at 11:47 a.m.