



SIGNATURE PROJECTS

OSHA Express

Minnesota OSHA (MNOSHA) conducted a review to replace its outdated software program, the Minnesota OSHA Operations System Exchange (MOOSE), which was 16 years old. This software not only facilitated investigations, but also stored all compliance data generated and retained by MNOSHA. Recognizing MOOSE's limitations and the need for a more sustainable solution, MNOSHA transitioned to a new case management system called OSHA Express on Oct. 2, 2023. The decision to adopt OSHA Express over the federal OSHA Information System (OIS) was based on several significant advantages, detailed below:

- Full document and case file management capability
- Full data migration to the new system
- Inspection file review process
- Configurable forms and templates
- Configurable workflows
- Configurable data retention schedule
- Fully auditable system
- Dashboard capability
- Case files can be exported
- Real-time access to all reports
- Can be integrated with Minnesota's financial system, SWIFT
- Already integrated with federal OIS for SOD/EOD data file transfer

- Customizes to meet most of Minnesota's requirements
- Familiarity with OSHA Express because it is similar to MOOSE, which saves training and transition time.

In FY23, MNOSHA reviewed all its case management operations, including forms, reports, penalties, data migration and training of all staff members at various degrees. All staff members received at least a day of training about the new OSHA Express system during the year.

Highlights of changes MNOSHA made include integrating higher penalties into OSHA Express; it will also use the federal OSHA rapid response procedure. For discrimination cases, MNOSHA has a new case management system to streamline data migration from MNOSHA to federal OSHA and help streamline administrative tasks.

MNOSHA TURNS 50

The Minnesota OSHA program marked its 50-year anniversary Aug. 1, 2023. In 1968, Minnesota workplace safety advocates started planning for the potential the federal government would allow states to create their own OSHA programs. The advocates envisioned a strong state program that would be so effective it would make all workplaces safe and would eventually put itself out of business.

Thanks to those advocates, MNOSHA became a reality as a state program on Aug. 1, 1973. The task has been a

huge undertaking and MNOSHA's idea of a safe workplace has continually evolved as conditions and technology change. MNOSHA remains committed to the goal of ensuring every worker in Minnesota is provided safe and healthful working conditions.

From typewriters and carbon paper to computers and email, the workplace has not remained idle in the past 50 years. New workplace hazards are created every day through changes in work processes, technology and the use of new chemicals and materials. Through this constant change, MNOSHA has worked diligently to identify new hazardous conditions and develop or update standards to keep workers safe.

Minnesota OSHA has taken innovative strategies to prevent fatalities, injuries and illnesses.

- MNOSHA created a first-of-its-kind database to track inspections, allowing MNOSHA to have one of the shortest citation issuance lapse times nationwide. Timely citation issuance directly impacts employers ability to abate hazards timely, leading to the prevention of workplace fatalities, injuries and illnesses.
- In 2007, MNOSHA's hands-on approach during the I-35W bridge collapse, demolition and rebuilding resulted in the entire project being completed without a single injury or illness among workers under MNOSHA's jurisdiction.
- During the COVID-19 pandemic, MNOSHA was one of the few state programs that continued to respond to its stakeholders needs. From Mar. 1, 2020, to Apr. 29, 2022, MNOSHA received more than 30,000 email and phone inquiries, which included 3,000 non-formal and 598 formal complaints (192 COVID-19 related). During the same

timeframe, MNOSHA conducted 2,623 inspections (251 COVID-19 related) and issued 3,756 citations (189 COVID-19 related).

Currently, MNOSHA is working on implementing legislation that was passed during the 2023 legislative session (see dli.mn.gov/about-department/rulemaking/minnesota-osha-rulemaking).

MNOSHA HAS A BUSY LEGISLATIVE SESSION IN 2023

As the result of legislation passed in July 2023, Minnesota OSHA saw updates to the following topics:

Ergonomics

Ergonomics program requirements apply to warehouse distribution center employers with 100 or more employees, meatpacking and poultry processing sites with 100 or more employees, and health care facilities. One-time funding of \$2 million from the state's general fund is also included for ergonomics safety grants to be awarded to qualifying employers for projects designed to reduce the risk of ergonomic injury to their employees. This program is estimated to result in \$12.6 million in workers' compensation cost savings for employers due to reductions in workplace ergonomic injuries. Effective Jan. 1, 2024, the ergonomics safety grants are effective July 1, 2023, see revisor.mn.gov/statutes/cite/182.677.

Warehouse Worker Safety

This law establishes workplace safety requirements for warehouse employers with 250 employees or more at one site (or at least 1,000 employees across one or more warehouse distribution centers in the state) and gives MNOSHA Compliance authority. If a particular worksite or employer is found to have

an employee incidence rate at least 30% higher than that year's average for the North American Industry Classification System (NAICS) codes included in the bill, the Department of Labor and Industry commissioner shall open an investigation of violations under this law. Additionally, such employers must have safety committee meetings monthly until the incidence rate is not 30% above the average for the relevant NAICS code. Effective Aug. 1, 2023, see revisor.mn.gov/statutes/cite/182.6526.

Federal OSHA Penalty Conformity

Penalties under Minnesota Statutes 182.666 are increased to conform with federal OSHA penalty levels. Penalties for willful and repeat violations are increased to a maximum of \$156,259 for each violation, while penalties for serious violations, nonserious violations, failure to correct violations and posting violations are increased to a maximum of \$15,625 for each violation. Future increases are now tied to inflation, ensuring continued conformity to federal penalty levels and protecting the state-plan status of MNOSHA, see revisor.mn.gov/statutes/cite/182.666.

Ergonomics Safety Grant Program

The Ergonomics Safety Grant Program became effective July 1, 2023, and awards matching funds up to \$10,000 to those employers covered under Minnesota Statutes 182.677, Ergonomics (health care, meatpacking and warehousing). One-time funding of \$2 million from the state's general fund is available for employers in these industries for projects designed to reduce the risk of ergonomic injury to their employees. The application process is the same as for the general Safety Grant Program. Ergonomics safety grant funds will be available to these covered industries until June 30, 2026, or until all funds have been distributed, whichever comes first.

MNOSHA Policy and Technical changes

MNOSHA policy and technical changes include:

- Making MNOSHA Compliance citations public 20 days after receipt by the employer (see [Minnesota Statutes, Section 182.66, Subdivision 4](#)).
- Clarifying that employee interviews conducted by MNOSHA Compliance are private and that employer representatives may not be present (see [Minnesota Statutes, Section 182.659, Subdivision 1](#)).
- Clarifying when a small employer needs to have a safety committee (see [Minnesota Statutes, Section 182.676](#)).
- Providing MNOSHA with an expedited hearing process through which employers could be required to abate serious workplace hazards even when a citation is contested (see [Minnesota Statutes, Section 182.661, Subdivision 3c](#)).
- Clarifying that former MNOSHA employees are not subject to subpoena (see [Minnesota Statutes, Section 182.659, Subdivision 8](#)).

HIRING AND TRAINING

MNOSHA is committed to maintaining a strong, well-trained workforce. Over the past two years, hiring and training new safety investigators and industrial hygienists have increased. MNOSHA continues to focus on attracting and retaining knowledgeable and well-trained staff to ensure all employees in Minnesota have a safe and healthy place to work.

New investigators have a wide variety of safety and health backgrounds and experiences. After being hired, investigators are sent through MNOSHA's extensive training curriculum, with classroom instruction, federal and state

standards review, and investigative observation and participation. In addition, newly hired employees attend a variety of in-depth courses through the federal OSHA Training Institute (OTI). As new investigators progress, they are partnered with seasoned, knowledgeable staff members throughout a months-long training period, receiving close supervision from trainers and supervisors. Throughout their MNOSHA careers, investigators also attend continuing education courses.

During FFY23, MNOSHA focused on increasing field staff by hiring 13 new staff members. Additionally, MNOSHA created one temporary position within the Discrimination team to manage the increased intake. The team now includes three full-time discrimination investigators and a new discrimination supervisor. MNOSHA also hired a new supervisor to lead the new ergonomics unit, responsible for enforcing the new statutes. With the increase in staff, MNOSHA also added a director to oversee field supervisors.



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MNOSHA Compliance had four employees retire, one employee transfer to a position within MNOSHA Workplace Safety Consultation and four employees leave for outside employment.

The training director continued to use OSHA Training Institute (OTI) for investigative staff members. During FFY23, MNOSHA received on-site, state-specific training for its investigators and staff members enrolled in courses. MNOSHA also sent 30 staff members to 16 OTI classes (virtual and in-person). MNOSHA maintains its best-in-class training both in the classroom and in the field, consistently investing in the development of its field staff.

In FFY23, MNOSHA took the following steps to streamline hiring, training, and mentoring:

- Reinstated the practice of having new investigative staff members report directly to the training director.
- Maintained continual job postings to attract potential new hires.
- Ensured consistent hiring without delays.

These steps enabled MNOSHA to extend job offers quickly, avoiding the risk of potential hires accepting other positions before receiving a MNOSHA job offer.

SAFETY GRANTS

The Minnesota Department of Labor and Industry's MNOSHA Workplace Safety Consultation (WSC) administers the state's Safety Grant Program, which provides reimbursement funding grants of up to \$10,000 to employers incorporating hazard controls designed to reduce workplace injuries and illnesses while enhancing workplace safety and health. The 100% state-funded grant program operates on Minnesota's fiscal year (July through June) and is broken into six two-month cycles when MNOSHA WSC receives and evaluates grant applications.

As part of the application process, grantees must provide detailed information about their project, including a hazard assessment identifying specific hazards to be addressed, as well as information about how employee safety and health will be impacted in the workplace when the project is complete. Grant applications are ranked and scored individually, with priority consideration being given to industries identified by MNOSHA with significant hazard exposures, including respirable silica protection in construction and manufacturing, cave-in protection associated with excavation and trenching, equipment with rollover protective structures in farming, hazards associated with grain-handling facilities, and fall prevention in residential construction and window washing.

In FY23, MNOSHA WSC received 291 safety grant applications, totaling more than \$2.2 million in requested funds, awarding more than \$875,000 in safety grants. The overall total project costs for all submitted safety grant applications exceeded \$6.2 million. Awarded safety grant projects included: fall protection equipment, trench boxes, boom-supported aerial lifts, fixed industrial ladder cages, exhaust ventilation systems, ergonomic material-lifting equipment, personal protective equipment

(including respiratory protection), patient-lifting equipment, and hazardous-atmosphere detection equipment.

When considering potential future impacts of the Safety Grant Program, MNOSHA WSC intends to continue to support impactful projects to bolster workplace safety and health throughout Minnesota across a wide array of industries with both distinct and complex hazards.

EMPHASIS PROGRAMS

In FFY23, MNOSHA Compliance staff conducted 752 programmed inspections, with 94% of these inspections carried out under 16 local and national emphasis programs.

ENFORCEMENT

CHS Inc. (318185378)

An employee was killed after being struck in the head with a fertilizer spreader boom while fertilizing a field with a second employee. During the incident, one employee was at the exterior controls of a fertilizer tender truck (tender) while another employee was in the fertilizer applicator machine (spreader) repositioning it to accept the fertilizer load. The tender was at the edge facing west, with the auger at the rear of the vehicle facing east. The spreader was facing north, positioned behind the tender, under the auger. While repositioning the spreader and moving forward, the spreader operator failed to stop, causing the spreader's boom to strike the tender operators head resulting in fatal injuries. MNOSHA cited the employer for Minnesota general duty statute for measures not taken to protect an employee to be clear of equipment, and because training on the safe operation of farm field equipment was not provided.

MNOSHA Compliance issued two serious citations, both of which carried the cause-and-contribute factor, with \$54,400 in penalties.

ISD 197 – Two Rivers High School (318182359)

An employee was seriously hurt after being struck by a falling tree that another employee was in the process cutting down. When the tree fell, the trunk end split and struck the employee in the back, causing pelvic fractures. The injured employee was kneeling on the ground when the tree fell. Minnesota OSHA Compliance cited the employer under the Minnesota general duty statute for inadequate precautions prior to cutting the tree; and for personal protective equipment not used for the leg, body, eye/face under and head. A late reporting of an inpatient hospitalization was also cited.

Four serious citations were issued, including one which carried the serious injury factor and a nonserious citation with \$19,600 in penalties.

Dive Guys, LLC (318180072)

In June 2022, an employee and a team of scuba divers were working to remove underwater weeds from a lake when one employee drowned. MNOSHA issued five citations, including two citations issued as “willful” with penalties totaling \$128,450.

- Lack of experience and training to use the equipment (29 C.F.R. 1910.410(a)(2)(i));
- Failure to develop a safe practices manual (29 C.F.R. 1910.420);
- Failure to establish a joint labor-management safety committee (Minn. Stat. 182.676)
- Failure to train in CPR (29 C.F.R. 1910.410(a)(3));
- Failure to use a standby diver (29 C.F.R. 1910.4242(c)(1))
- Failure to report a fatality to OSHA within eight hours (29 C.F.R. 1904.39(a)(1)).

Japs-Olson Company (318171873)

In Oct. 2021, an employee was crushed and seriously injured while trying to clear a paper jam in a large press machine. When part of the machine suddenly shot upward, it crushed the employee, resulting in serious injuries. MNOSHA Compliance issued four citations to the employer:

- Failure to use lockout/tagout procedures (29 C.F.R. 1910.147(c)(4)(i));
- Failure to conduct periodic inspections of the lockout/tagout procedures (29 C.F.R. 1910.147(c)(6)(i)); failure to provide hazardous energy control training (29 C.F.R.
- 1910.147(c)(7)(i)); and failure to provide machine guarding (29 C.F.R. 1910.212(a)(1)).

The citations were issued as “repeat” because the employer was cited for the same violations in 2020, with penalties totaling \$234,750. MNOSHA and the employer agreed to a settlement agreement, which amended the citations from four repeat citations to 12 serious and one nonserious citation. The increased number of serious citations reflected the number of paper processing machines. The terms of the settlement included an amended penalty of \$154,000. The employer also agreed to perform significant enhanced abatement, including installing customized guarding, adding a cage and interlock system on all 13 of its Roll Stand machines, establishing a safety task force, and retraining its employees on issues related to control of energy.

Duke Aerial (318152030)

In Nov. 2020, an employee was killed after contacting a power line while working from an aerial lift. MNOSHA issued three citations totaling \$75,000. The respondent appealed, but it was filed around three weeks too late. The Minnesota Occupational Safety and Health

Review Board determined the appeal was untimely but was without jurisdiction to take up the appeal. An administrative law judge later affirmed MNOSHA's citations.

Citations Issued:

- Failing to train (29 C.F.R. 1910.332(b)(2))
- Failing to maintain proper clearance from power lines (29 C.F.R. 1910.333(c)(3)(iii) (A))
- Failing to use signs, tags, barricades or safety attendants (29 C.F.R. 1910.335(b)).

OUTREACH

Presentations

In FFY23, MNOSHA Compliance conducted 48 presentations which reached 1,562 participants. MNOSHA is working toward offering virtual and in-person presentations. MNOSHA continues to strive to improve communication with immigrant and “hard-to-reach” employers and employees. MNOSHA employs investigators who are fluent in English, Somali and Spanish. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with Department of Labor and Industry community services staff.

Construction Seminars

In FFY23, MNOSHA Compliance conducted five construction seminars that reached 236 participants. The Construction Seminar series was developed to help employees construction industry workers responsible for worksite safety to stay current with MNOSHA Compliance standards. The Construction Seminar series provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA Compliance investigators. These seminars were conducted virtually and in-person. Topics included: how to build an effective safety program in construction; equipping your teams to destigmatize mental health; worker protection in trenches; fall protection, what does it take to be safe at heights; and health hazards in construction.

MNOSHA continues to publish its quarterly newsletter Safety Lines. Topics included: Grain-bin hazards; safety grants; MNOSHA Workplace Safety Consultation outreach; recordkeeping; partnerships; rulemaking updates; carbon-monoxide threats during the winter months; heat stress in the summer months; safety and health for young workers; and other safety and health information.



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PARTNERSHIPS

Minnesota STAR (MNSTAR) Program

MNOSHA has 35 full MNSTAR Program worksites, which include 34 general industry employers and one construction participant. Six companies successfully achieved full recertification as MNSTAR Program worksites, and one site withdrew during FFY23.

General industry participants in the MNSTAR Program exhibit a remarkable safety record, with a three-year accident and illness rate 67% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 72% below the current rate for “days away restricted transfer.” Similarly, the construction participant, a resident contractor at a MNSTAR Program participant site, has an accident and illness rate 65% below the current U.S. Bureau of Labor Statistics rate for total recordable cases and 36% below the current rate for “days away restricted transfer.”



In FFY22 MNOSHA partnered with 47 AGC and 26 MN ABC contractors at 22 Level 3 construction sites.

Partnerships with Construction Contractors

MNOSHA Compliance’s construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota are designed to help reduce the number of injuries, illnesses and fatalities at participating construction-industry employers.

In both programs, the partnership is managed by the association and has three levels. Level 1 requires the employer to maintain the minimum requirements of a safety and health program. Level 2 requires a more comprehensive safety and health program. Level 3 is MNOSHA’s Cooperative Compliance Partnership (CCP) program, whereby MNOSHA Compliance will provide compliance assistance for a specific project. To qualify, contractors must be at Level 2 for a minimum of one year and can then apply for participation in the CCP program for construction projects expected to last at least six months, but fewer than 18 months.

In FFY23, MNOSHA partnered with 53 AGC and 26 MN ABC contractors at 19 Level 3 construction sites. The MNOSHA Compliance partnership director also continues to have quarterly meetings with Level 3 contractors, focused on accident reduction. At these meetings, contractors share best practices with each other.