

# Safety Lines

## 2022: The year in review

### Minnesota OSHA Compliance

Each year, Minnesota OSHA (MNOSHA) Compliance conducts a review of its projected performance as defined in its performance plan, which is generated annually before Oct. 1, the start of the federal-fiscal-year.

#### *Performance review highlights*

In federal-fiscal-year 2022 (Oct. 1, 2021, through Sept. 30, 2022), MNOSHA Compliance:

- visited 1,367 establishments, identifying 2,009 hazards;
- generated safety inspection results within 32 days, on average;
- generated health inspection results within 51 days, on average;
- conducted 55 outreach presentations to 3,618 participants; and
- responded to approximately 4,033 phone calls and 3,088 written requests for assistance (primarily email messages), with most of these inquiries answered within one day.



Of the 1,496 workplace safety and health complaints received, 291 (19%) resulted in an on-site inspection, with an average of 2.45 days response time. The remaining complaints were handled via the MNOSHA Compliance phone and fax system (nonformal complaints).

MNOSHA Compliance continues to provide a variety of safety and health information online, plus printable handouts and links to federal OSHA information. For more, visit [dli.mn.gov/business/safety-and-health-work](https://dli.mn.gov/business/safety-and-health-work).

#### *More information*

For more information about MNOSHA Compliance's performance, a new annual report will be posted online during the second half of the calendar year at [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-reports-publications](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-reports-publications).

### Minnesota OSHA Workplace Safety Consultation

Each year, MNOSHA Workplace Safety Consultation (WSC) conducts a review of projected performance, as defined in annual performance plans, and summarizes accomplishments in its annual project report. The accomplishments of federal-fiscal-year 2022 are summarized below.

#### *Consultations, training, technical assistance*

- WSC completed 983 overall visits that included 739 initial (on-site consultation) visits, 130 formal training visits and 114 follow-up visits for general industry, construction and public-sector worksites.
- Initial visits helped employers identify 3,481 safety and health hazards.
- WSC completed 409 interventions (activities in addition to visits) that included formal presentations, technical assistance and outreach.
- More than 17,000 participants were involved in training and education presentations and technical assistance covering a range of construction and general industry safety and health topics, including: COVID-19 preparedness; fall protection; trenching and excavation; personal protective equipment (PPE); forklifts; compressed gas cylinders;



indoor air quality; hazard communication (HazCom); tuberculosis and bloodborne pathogen exposure control; hazardous drugs; silica dust; hazard recognition; electrical safety; injury and illness recordkeeping; ergonomics and safe patient-handling; safety motivation; and workplace violence prevention.

### ***Alliances and other collaborative efforts***

In federal-fiscal-year 2022, eight alliances representing various general industry, construction, education and professional organizations were active. The alliance program helps to maximize resources by collaborating with various organizations and employers to promote workplace safety and health. WSC worked with various professional and networking groups to promote, educate and lead discussions toward resolving matters of workplace safety and health. WSC works with various other labor, industry and academia organizations to promote, train and provide support on workplace safety and health. Two new alliances were added in federal-fiscal-year 2022.

### ***Recognition programs***

Both WSC safety and health recognition programs – the Minnesota Safety and Health Achievement Recognition Program (MNSHARP) and Minnesota Star (MNSTAR) Program have remained active for general industry and construction. Each program provides incentive and recognition to employer worksites that have achieved a higher level of safety and health excellence, recognized through reduced injury and illness rates and implementation of safety management attributes that comprise an effective management system.

#### **MNSHARP (general industry)**

- Two establishments were certified as new MNSHARP sites and 14 establishments were recertified, ending the year with a total of 35 MNSHARP general industry establishments. There are currently no establishments in the Pre-MNSHARP status.

#### **MNSHARP Construction**

- Seven worksites were certified as new MNSHARP Construction sites. Two worksites are currently in Pre-MNSHARP Construction status.

#### **MNSTAR Program**

- There were no new MNSTAR Program sites certified; however eight establishments were recertified. One employer withdrew from the program, leaving a total of 33 establishments with MNSTAR Program status.

### ***Safety Grant Program***

The Safety Grant Program awards grants for qualifying employers of up to \$10,000 for projects designed to reduce the risk of injury and illness to their employees. During state-fiscal-year 2022 (July 1, 2021, through June 30, 2022), 263 grant applications were submitted and the program awarded more than \$1.2 million to 175 applicants representing construction, health care, logging, manufacturing, the public sector and other service employers. Grant awards reimbursed applicants for the purchase of safety and health equipment and training. Grant project equipment purchases included:

- fall protection;
- noise reduction equipment;
- safe-patient-handling equipment;
- silica-dust controls;
- specialized PPE;
- confined-space entry equipment;
- equipment to reduce ergonomic risks;
- excavation and trench cave-in protection;
- exhaust ventilation; and
- machine safeguards.

### ***More information***

To learn more about Minnesota OSHA Workplace Safety Consultation and the free services and programs it offers, visit [dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-free-site-safety-and-health-consultation-assistance](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-free-site-safety-and-health-consultation-assistance).

# Rulemaking: MNOSHA adopts federal OSHA permanent COVID-19 recordkeeping and reporting standard

On June 21, 2021, federal OSHA issued an emergency temporary standard (ETS) in the *Federal Register* to protect workers providing health care or health care support services. On Dec. 27, 2021, federal OSHA announced it was withdrawing the non-recordkeeping portions of the health care ETS, while keeping the COVID-19 log and reporting provisions of CFR 1910.502(q)(2)(ii), (q)(3)(ii)-(iv) and (r) in effect, because they were adopted under a separate provision of the OSH Act, section 8. This final rule maintains the recordkeeping requirements concerning COVID-19. Minnesota Statutes § 182.655, subdivision 13 requires that Minnesota OSHA (MNOSHA) adopt standards that are “at least as effective as” federal OSHA.

MNOSHA has adopted certain provisions of the health care ETS published in the *Federal Register* on June 21, 2021. MNOSHA has adopted the *Federal Register* notice for “Occupational Exposure to COVID-19; Emergency Temporary Standard,” with the exception of 29 CFR 1910.502 (c) to (p) and (s), 29 CFR 1910.504, 29 CFR 1910.505 and 29 CFR 1910.509.

This rule adoption incorporates by reference paragraphs of the health care ETS that include the recordkeeping requirements for a COVID-19 log. This requires covered employers with more than 10 employees to record COVID-19 cases of their employees on their COVID-19 log if a worker is infected by COVID-19, regardless of whether the instance is connected to exposure at work.

This rule adoption also requires covered employers to report to MNOSHA each work-related COVID-19 fatality within eight hours of the employer learning about the fatality and each work-related in-patient hospitalization within 24 hours of the employer learning about the hospitalization, regardless of when the fatality or hospitalization occurred. As stated in 29 CFR 1910.502(r)(2), the employer must follow the requirements in 29 CFR 1904.39, except for 29 CFR 1904.39(a)(1) and (2) and (b)(6).

On Aug. 22, 2022, MNOSHA proposed adopting these COVID-19 recordkeeping and reporting provisions by reference in the *State Register* (Volume 47, Number 8, pages 121-122). On Nov. 21, 2022, these rules were adopted as proposed in the *State Register* (Volume 47, Number 21, page 475).

## Who is covered by the COVID-19 recordkeeping and reporting standard?

- CFR 1910.502(a)(1) states this standard applies to all settings where any employee provides *health care services or health care support services*.
- A flowchart is available on the federal OSHA website to help employers determine if their workplace is covered by the COVID-19 health care ETS at [osha.gov/sites/default/files/publications/OSHA4125.pdf](https://www.osha.gov/sites/default/files/publications/OSHA4125.pdf).
- For further information, visit [osha.gov/coronavirus/ets](https://www.osha.gov/coronavirus/ets).

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## Free on-site safety and health consultations available

Minnesota OSHA (MNOSHA) Workplace Safety Consultation offers free consultation services, where employers can find out about potential hazards at their worksites, improve safety management systems and apply for grants to abate safety standards.

The program targets small, high-hazard businesses. It is separate from Minnesota OSHA Compliance inspection activities and no citations are issued as part of a consultation visit.



## Learn more and request a consultation

Web: [dli.mn.gov](https://dli.mn.gov) • Email: [osha.consultation@state.mn.us](mailto:osha.consultation@state.mn.us) • Phone: 651-284-5060

## Pay extra attention to threat of carbon monoxide during the winter

Carbon monoxide (CO) is a deadly, colorless, odorless and tasteless gas. It is produced by the incomplete burning of various fuel products and equipment powered by internal combustion engines, such as portable generators, forklifts and power washers. According to the Centers for Disease Control and Prevention, each year more than 400 people in the U.S. die from non-fire-related CO poisoning.

Employees can be exposed to CO year-round, but employers should pay extra attention during the fall and winter months. Doors and windows that may have been open during the summer months are most likely shut tight during colder months to keep the heat in. Gas- or oil-fired furnaces and heaters can pose a hazard if they are not firing or vented properly, leading to a build-up of CO in the air.



The most common sources of CO in the workplace are gasoline- and propane-powered forklifts. An out of tune forklift can elevate airborne CO levels significantly, exposing employees to potentially hazardous levels. This is the reason Minnesota OSHA (MNOSHA) Compliance, under Minnesota Rules 5205.0116, requires quarterly employee exposure monitoring for CO whenever internal combustion engine powered industrial trucks, such as forklifts, are used in general industry workplaces. Under the rule, employers shall ensure employees are not exposed to CO above the permissible exposure limit (PEL) of 35 parts per million (ppm) as an eight-hour, time-weighted average or the five-minute ceiling limit of 200 ppm. This rule also requires tailpipe exhaust gases from powered industrial trucks be tested as part of a routine maintenance program.

Construction employers must do similar monitoring whenever operating internal combustion powered equipment or using unvented space heaters indoors under Minnesota Rules 5207.0310. The PEL for employees working in construction is an eight-hour, time-weighted average of 50 ppm.

For more information, visit the webpage “MNOSHA Compliance: Carbon-monoxide monitoring” at [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-carbon-monoxide-monitoring](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-carbon-monoxide-monitoring).

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## Reviewing the basics: Recordkeeping training offered online in January

Maintaining an accurate OSHA log of recordable work-related injuries and illnesses is an important skill that benefits employers, workers, safety professionals and government agencies. The Department of Labor and Industry is offering two free, online, introductory-level training sessions about OSHA recordkeeping in January. **Registration is required.**

### Dates, times, registration

- **Jan. 13**, 8:30 to 11:30 a.m. – [Register for this session](#)
- **Jan. 20**, 8:30 to 11:30 a.m. – [Register for this session](#)

### Topics

- Recordability of injuries and illnesses
- Privacy cases
- Creating a log summary
- Differences between OSHA cases and workers’ compensation claims
- Classifying cases
- How many logs to keep
- Reporting log data to OSHA
- Counting time
- Maintaining logs
- Recording COVID-19 cases

### More information

For more information about the training session, visit [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard).

## The importance of worksite pre-planning

Annually, there were an average of 26 fatalities under Minnesota OSHA jurisdiction from Oct. 1, 2016, through Sept. 30, 2021. The two most-common types of workplace fatalities were contact with an object or equipment, and falls. Oftentimes, fatalities can be avoided through the simple task of pre-planning.

Every employer should take the time to assess routine and non-routine tasks and pre-plan strategies to help control adverse effects. Complacency is often prevalent when dealing with routine tasks; consistent evaluation of these tasks and identification of potentially hazardous conditions can help employers improve effectiveness and avoid injuries. Pre-planning non-routine tasks is extremely important because it allows the employer to identify potentially hazardous conditions and evaluate and eliminate hazardous situations before accidents occur.

Construction, especially, is an ever-changing environment where no two days are the same. Planning the work before it occurs places employee safety at the forefront. Some examples of pre-planning include: establishing traffic patterns in yards and delivery areas; positioning workers outside of areas where objects could potentially fall on them; identifying areas where the possibility of falls is present and implementing employee protections; and having the appropriate protections (fall protection, trench boxes, lockout devices) available before any work commences.

Taking the time to familiarize new and existing employees with their worksites, fixed or mobile, has proven beneficial. Simply explaining to an employee where they park, eat, break, use the restroom and how to get there, can reduce the risk of injury.

Previous accident investigations can also be a useful tool when determining how to pre-plan and what things to look for. Through the course of accident investigations, employers often conclude the victim simply made a mistake or was in the wrong place at the wrong time. Bad decisions can certainly lead to serious injuries and fatalities, but to fully understand the root cause, an employer needs to consider everything that led to the event and what could have been done to prevent it.

Communication is crucial when it comes to accident prevention. Pre-shift meetings and regular communication between leadership and workers allows a time for everyone to reflect on the tasks in front of them and address any concerns. Pre-planning work can prevent injuries and save lives.



# Next Construction Seminar is Jan. 17: Equipping your teams to destigmatize mental health

Join Minnesota OSHA (MNOSHA) Compliance for its next online-only Construction Seminar, Equipping your teams to destigmatize mental health, Tuesday, Jan. 17, beginning at 7 a.m.

In 2020, the Centers for Disease Control and Prevention (CDC) reported the construction industry had one of the highest rates of worker death by suicide. Contractors, supervisors, workers, industry stakeholders and project owners must work together to stand up for suicide prevention by raising awareness, knowing the warning signs and educating others. Focusing on total human health – body, mind, heart and spirit – is imperative in the construction industry.

Construction workers work with tools every day and it is time to give them the tools they need to address mental health.



## Presenter Greg Sizemore

This Construction Seminar will be presented by Greg Sizemore, vice president of Health, Safety, Environment and Workforce Development, Associated Builders and Contractors (ABC). Sizemore is a leader in the construction industry and business community on safety, total human health and workforce development. Before joining ABC in 2015, Sizemore worked at Zachry Industrial, where he played an integral role in the formation of its competency-based safety, professional and craft workforce development programs.

## Attend virtually, more information, future dates

- [Join the presentation via Teams.](#)
- Get complete information about Construction Seminars at [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars).
- The remaining Construction Seminar dates are March 21 and May 16, 2023.

## Translated materials, Language Line available via DLI website

The Department of Labor and Industry (DLI) posts its available translated materials online at [dli.mn.gov/about-department/translated-materials](https://dli.mn.gov/about-department/translated-materials). It has documents available in Chinese, Hmong, Karen, Somali and Spanish. A few other documents throughout the website are available in additional languages.

Also, the DLI website now provides Google Translate, allowing visitors to choose the language for the website text.

In addition, DLI has access to Language Line, a free language translation phone service for limited-English speakers. If DLI help is needed, view the contact information at [dli.mn.gov/about-department/about-dli/contact-us](https://dli.mn.gov/about-department/about-dli/contact-us), call and a DLI employees will get in touch with an interpreter in the needed language.



# Annual tallies show decrease in workplace injury and illness rate, increase in fatal work-injuries

## Minnesota workplace injury and illness rate decreases (news release Nov. 9)

Minnesota's estimated workplace injury and illness rate for 2021 decreased from that of 2020. According to the annual Survey of Occupational Injuries and Illnesses, the state had an estimated 3.4 OSHA-recordable, nonfatal, workplace injuries and illnesses per 100 full-time-equivalent (FTE) workers in 2021; the estimated rate for 2020 was 3.5 cases per 100 FTE workers.

- Read the full news release at [dli.mn.gov/news/minnesota-workplace-injury-and-illness-rate-decreases](https://dli.mn.gov/news/minnesota-workplace-injury-and-illness-rate-decreases).

## State's fatal work-injuries increased in 2021 (news release Dec. 16)

A total of 80 fatal work-injuries were recorded in Minnesota in 2021 during the annual Census of Fatal Occupational Injuries (CFOI), an increase from the 67 fatal work-injuries in 2020. Minnesota's 2021 fatal-injury rate is 2.8 fatalities per 100,000 full-time-equivalent workers; the 2020 rate was 2.4 fatalities per 100,000 full-time-equivalent workers. These and other workplace fatality statistics come from the CFOI, conducted by the Bureau of Labor Statistics, U.S. Department of Labor.

- Read the full news release at [dli.mn.gov/news/states-fatal-work-injuries-increased-2021](https://dli.mn.gov/news/states-fatal-work-injuries-increased-2021).

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## Arthur E. McCauley Jr. Award nominations accepted through March 30

Minnesota OSHA (MNOSHA) is seeking nominations for the 2023 Arthur E. McCauley Jr. Award. The award is presented annually to a safety or health professional who embodies excellence and dedication in keeping Minnesota employees safe at work. The award is named for McCauley, a former member of the Minnesota Safety Council known for his tireless efforts to make the state's workplaces safe. The award is presented at the Minnesota Safety Council's annual safety conference each May.

To nominate a colleague (active or retired), complete the nomination form online at [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-arthur-e-mccauley-jr-award](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-arthur-e-mccauley-jr-award) by March 30.

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## MNOSHA fatality, serious-injury investigations summaries online

Each month, Minnesota OSHA (MNOSHA) Compliance publishes current, updated summaries of its fatality investigations and serious-injury investigations. For the federal-fiscal-year that began Oct. 1, 2022, MNOSHA Compliance has investigated three fatalities as of Dec. 27.



The information provided about each investigation is:

- the inspection number, date of incident and worksite city;
- the type of business and number of employees;
- a description of the event; and
- the outcome of the MNOSHA Compliance investigation.

The summaries, plus other helpful workplace safety and health information from MNOSHA, are available at [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-resources-all-industries).

## Injury, illness trends for private ownership hospitals

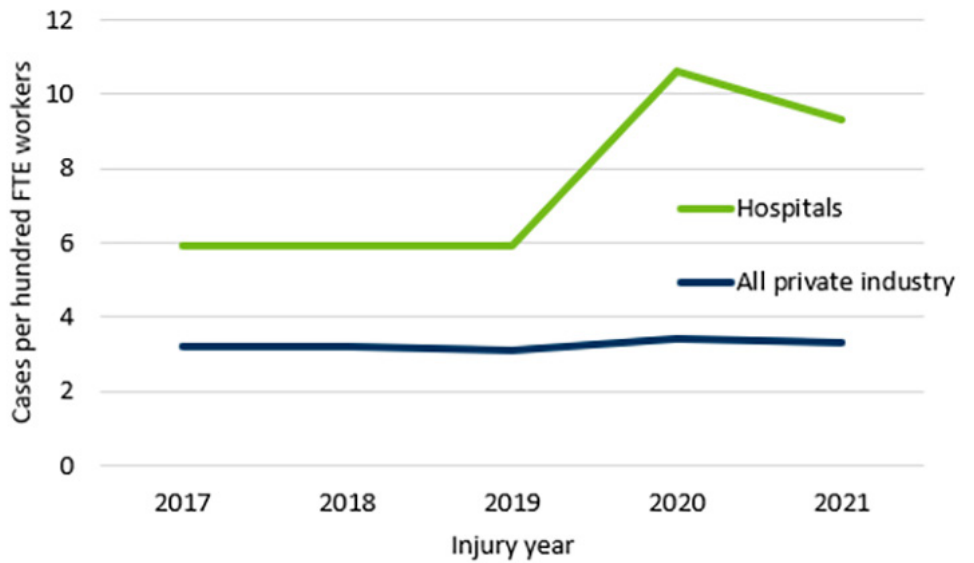
*By Brian Zaidman, Research and Statistics*

Hospitals record many workplace injuries and illnesses on their OSHA logs and perennially have injury and illness rates much higher than the state’s average rates. Additionally, Minnesota’s hospital workers have reported more COVID-19 cases than workers in any other industry. Trends in the total injury and illness case rate and in the number and types of cases for privately ownership hospitals are examined in this article. (The OSHA recordkeeping requirements for COVID-19 cases are different from Minnesota’s workers’ compensation statutes.)

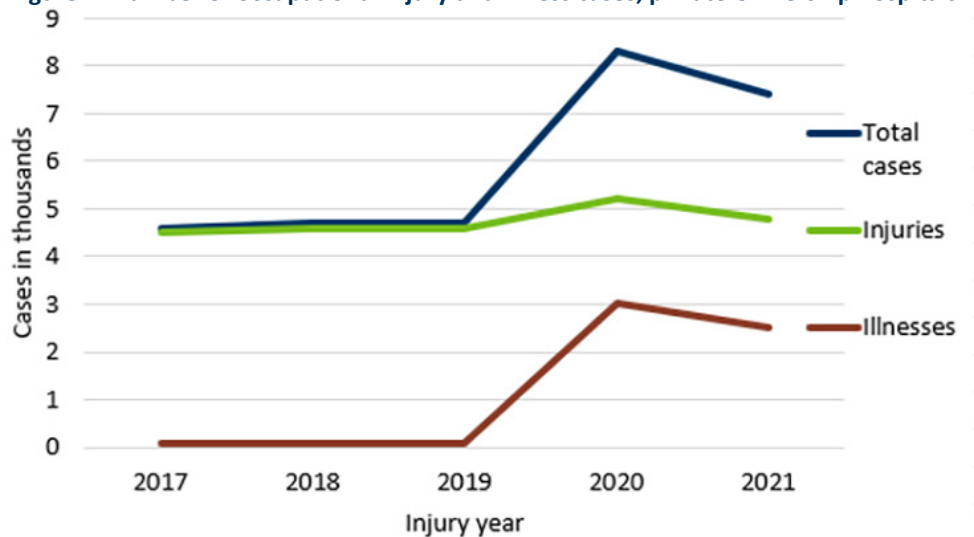
Figure 1 compares the total case incidence rates for all privately owned establishments in Minnesota with the rate for privately owned hospitals. The private industry rate decreased from 3.2 cases per 100 full-time-equivalent (FTE) workers in 2018 to 3.1 cases per 100 FTE workers in 2019 before increasing to 3.4 cases per 100 FTE workers in 2020, as the COVID-19 cases led to increased rates. The increased rates are clearly evident in the hospital trend, where the 2019 rate of 5.9 cases per 100 FTE workers increased substantially to 10.6 cases per 100 FTE workers in 2020.

The change to the hospital rate due to COVID-19 is shown in the trend of the number of injury cases and illness cases (Figure 2). From 2017 through 2019, there were only an estimated 100 illness cases each year. The illness estimate increased to 3,000 cases in 2020 and to 2,500 cases in 2021. Interestingly, the number of injury cases reported for hospital workers also increased, leading to the total number of cases increasing from an estimated 4,700 cases in 2019 to 8,300 cases in 2020 and to 7,400 cases in 2021.

**Figure 1. Total case incidence rates of injuries and illnesses for all industries and for hospitals, private ownership**



**Figure 2. Number of occupational injury and illness cases, private-ownership hospitals**





## MNOSHA Compliance signs safety, health partnerships



LS Black Constructors • Mission Support • Minneapolis



Hunt Electric • Fifth Street SW Reconstruction • Rochester, Minnesota

Minnesota OSHA (MNOSHA) Compliance recently signed two Level 3 Cooperative Compliance Partnerships on two projects. The partnerships were both signed under the Construction Health and Safety Excellence (CHASE) Minnesota agreement, between Associated General Contractors (AGC) of Minnesota and MNOSHA Compliance.

Level 3 is the peak level of MNOSHA Compliance partnerships, with applicants striving to be an industry leader with very comprehensive safety and health programs. The partnerships acknowledge the importance of providing a safe, healthful work environment in construction and seek a working relationship that creates mutual trust and respect among all parties – including project owners and construction workers – involved in the construction process. Participants may achieve three award levels: basic, intermediate and peak.

Complete information about MNOSHA's Cooperative Compliance Partnerships is online at:

- [dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-partnership-programs](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-partnership-programs).

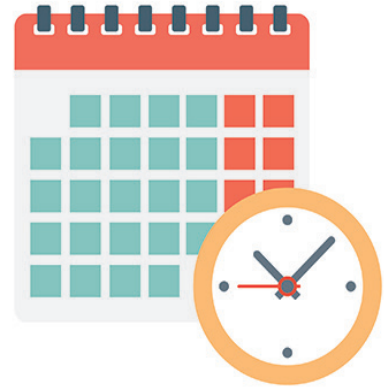


## Reminder: 2022 Form 300A data submission due by March 2

The Occupational Safety and Health Administration (OSHA) issued a [news release](#) reminding employers the agency is collecting calendar-year 2022 Form 300A data. Employers must submit the form electronically by March 2, 2023.

In Minnesota, employers with 10 employees or fewer are not required to report injury and illness data.

Employers must connect their [Injury Tracking Account](#) to a login.gov account to submit their 2022 workplace injury and illness data. [Watch the video to learn how.](#)



## Minnesota OSHA's calendar of events\*

### January 2023

- Jan. 13**     **Free training: Basics of OSHA recordkeeping**  
[dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard)
- Jan. 17**     **Construction Seminar: Equipping your teams to destigmatize mental health**  
[dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars)
- Jan. 20**     **Free training: Basics of OSHA recordkeeping**  
[dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-recordkeeping-standard)

### February 2023

- Feb. 17**     **Occupational Safety and Health Advisory Council**  
[dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council](https://dli.mn.gov/about-department/boards-and-councils/occupational-safety-and-health-advisory-council)

### March 2023

- March 21**     **Construction Seminar: Topic to be determined**  
[dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars](https://dli.mn.gov/business/workplace-safety-and-health/mnosha-compliance-construction-seminars)

***\*All dates subject to change.***

See more at [dli.mn.gov/about-department/about-dli/events-minnesota-osh](https://dli.mn.gov/about-department/about-dli/events-minnesota-osh)