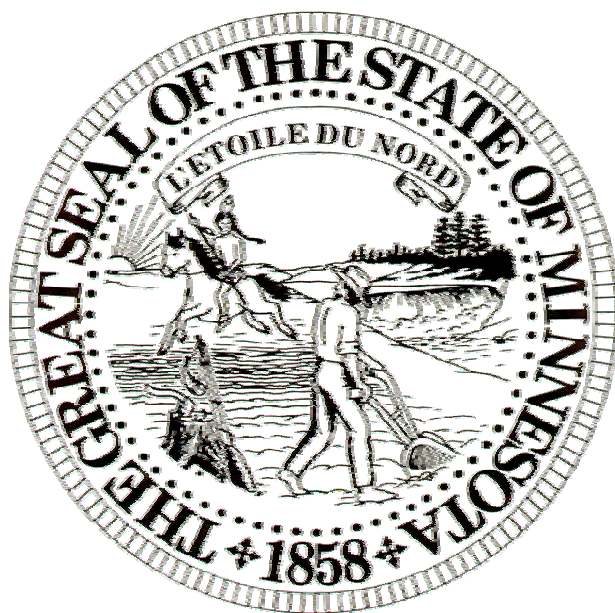


ANNUAL REPORT for FY2003

(October 1, 2002 to September 30, 2003)

Minnesota Department of Labor & Industry
Occupational Safety and Health Division



December 2003

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Annual Report for FY2003 Minnesota Occupational Safety and Health (MNOSHA)

INTRODUCTION

The Minnesota Occupational Safety and Health (MNOSHA) program is administered by the Minnesota Department of Labor and Industry (DLI); the program became effective on August 1, 1973, with final State Plan approval being obtained on July 30, 1985. MNOSHA includes the Occupational Safety and Health (OSH) Division, which is responsible for compliance program administration (conducting enforcement inspections, adoption of standards, and operation of other related OSHA activities) and the Workplace Safety Consultation (WSC) Division which provides free consultation services, on request, to help employers prevent workplace accidents and diseases by identifying and correcting safety and health hazards.

MNOSHA's mission is: "To make sure every worker in the State of Minnesota has a safe and healthful workplace." This mandate involves the application of a set of tools by MNOSHA including standards development, enforcement, compliance assistance, and outreach which enable employers to maintain safe and healthful workplaces.

MNOSHA's vision is to be a leader in occupational safety and health and make Minnesota's workplaces the safest in the nation. MNOSHA is striving for the elimination of workplace injuries, illnesses, and deaths so that all of Minnesota's workers can return home safely. MNOSHA believes that to support this vision, the workplace must be characterized by a genuine, shared commitment to workplace safety by both employers and workers, with necessary training, resources, and support systems devoted to making this happen.

The Minnesota Occupational Safety and Health Strategic Plan for FY1999 to 2003 established three strategic goals:

MNOSHA STRATEGIC GOALS
<i>Goal 1: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses, and fatalities.</i>
<i>Goal 2: Change workplace culture to increase employer and worker awareness of, commitment to, and involvement in safety and health.</i>
<i>Goal 3: Secure public confidence through excellence in the development and delivery of MNOSHA's programs and services.</i>

The FY2003 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FY2003. This Annual Report presents a review of the strategies used and results achieved in FY2003, as well as for the entire five-year Strategic Plan. Special accomplishments as well as the successful completion of mandated activities are also discussed.

Annual Report for FY2003 Minnesota Occupational Safety and Health (MNOSHA)

SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA's FY2003 performance goals have been achieved. Each of the FY2003 performance goals and the activities and strategies used to achieve those goals are described below.

Strategic Goal #1: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.		
Performance Goal 1.1A: Reduce injuries and illnesses in six high hazard industries by 15% by focusing on those workplaces with the highest rates of injuries and illnesses: SIC 201X (Meat Products; SIC 243X (Millwork, Veneer, Plywood & Structural Wood Members, SIC 33XX (Primary Metal Industries), SIC 344X (Fabricated Structural Metal Products), SIC 37XX (Transportation Equipment), and SIC 805X (Nursing and Personal Care Facilities).		
FY2003 Performance Goal: Reduce injuries and illnesses in the six selected high hazard SICs by 2% from the LWDII rate change reported for each SIC in MNOSHA's FY2000 Annual Report by focusing on those workplaces with the highest rates of injuries and illnesses.		
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Number of enforcement inspections conducted & compliance assistance/outreach activities	<u>Enforcement Inspections / Outreach</u> SIC 201X – 4 0 SIC 243X – 23 0 SIC 33XX – 12 0 SIC 344X – 51 0 SIC 37XX – 22 0 SIC 805X - 15 4	A total of 127 enforcement inspections were conducted in the six targeted SICs during FY2003. Since the SICs were the same for the entire five-year Plan and to ensure inspection frequency requirements, the number of enforcement inspections in these areas decreased.
<u>Activity Measure:</u> Number of on-site consultations & outreach sessions conducted	<u>Consultation visits * / outreach sessions:</u> SIC 201X – 26 SIC 243X – 43 SIC 33XX – 22 SIC 344X – 46 SIC 37XX – 25 SIC 805X – 106 <i>* Includes safety and health initial visits, training & assistance visits, and followup visits</i>	A total of 268 on-site consultation safety and health initial visits, training and assistance visits, and follow-up visits were conducted in FY2003.
<u>Intermediate Outcome Measure:</u> Percent of enforcement inspections with identified hazards	SIC 201X – 75.0% SIC 243X – 78.3% SIC 33XX – 83.3% SIC 344X – 74.5% SIC 37XX – 72.7% SIC 805X – 94.4%	The inspections conducted clearly resulted in documented hazards.
<u>Intermediate Outcome Measure:</u> Percent of on-site consultations with identified hazards	SIC 201X – 70% SIC 243X – 72% SIC 33XX – 89% SIC 344X – 81% SIC 37XX – 72% SIC 805X – 80%	

<u>Primary Outcome Measure:</u> Percent change in LWDII rates per 100 full-time workers in identified SICs.	<u>SIC</u>	<u>Baseline¹</u>	<u>2001²</u>	<u>%</u>	Although current LWDII data is not available for SIC 33XX, a 78% decrease in the WC indemnity claim rate was noted for this SIC, indicating a substantial decline in the number of injuries resulting in 3 or more days of lost work time. Although the LWDII rate for SIC 805X shows an increase, the 21.1% decrease in the WC indemnity claim rate for this SIC indicates that fewer of those injuries were of a serious nature.
			<u>Change</u>		
	SIC 201X –	14.0	9.7	- 30.7%	
	SIC 243X –	10.2	6.9	-32.4%	
	SIC 33XX –	11.5	11.3*	- 1.7%	
	SIC 344X –	6.8	4.9	-27.9%	
	SIC 37XX –	11.7	9.5	- 18.8%	
SIC 805X –	10.8	11.7	+ 8.3%		
NOTE: The baseline numbers reflect the rates for LWDII cases. LWDII rates are more representative of the severity of injuries and illnesses than the total reportable cases (total number of cases).					
*measure reflects 2000 data – 2001 data determined to be invalid					
<u>Primary Outcome Measure:</u> Percent change in Workers' Compensation Indemnity claims.	<u>SIC</u>	<u>Baseline¹</u>	<u>2001³</u>	<u>%</u>	
			<u>Change</u>		
	SIC 201X –	2.6	1.0	- 61.5%	
	SIC 243X –	3.1	1.1	- 64.5%	
	SIC 33XX –	4.1	0.9	- 78%	
	SIC 344X –	2.4	1.1	- 54.1%	
	SIC 37XX –	3.8	1.1	- 71.1%	
SIC 805X –	3.8	3.0	- 21.1%		

¹ Baselines were established using the 3-year average (1995-1997) LWDII rates (BLS data) and Workers' Compensation Indemnity Claim data. (The 3-year average was chosen due to the variability of BLS and WC data.)

² Bureau of Labor Statistics (BLS) Table 6, Incidence Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Selected Case Types, 2001, for Minnesota.

³ Minnesota Workplace Safety Report: Occupational Injuries and Illnesses, 2001, issued May 2003, Minnesota Department of Labor & Industry, Research and Statistics Unit. Workers' Compensation Indemnity Claim data was not identified as an indicator in the original Strategic Plan but was added since it helps to indicate severity of injuries.

During FY2003, MNOSHA continued inspection emphasis efforts in these strategic areas. However, since programmed inspections cannot be conducted at the same facility within a two-year period, the number of inspections in these areas decreased.

It is evident that inspection and compliance assistance efforts in previous years were successful. MNOSHA was able to meet the 15% reduction in illness and injury in four of the six areas. The indemnity claim rate was also substantially reduced in all six industries.

In SIC 805X, with no ergonomics standard, MNOSHA was unable to positively impact the LWDII rate. However, the percent change in indemnity claims decreased dramatically.

Strategic Goal #1:	Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.				
Performance Goal 1.1B:	Reduce injuries and illnesses in the construction industry by 15% by focusing safety inspections on the four leading causes of fatalities (falls, struck-by, crushed-by and electrocutions) and focusing health inspections on two prevalent causes of illnesses (lead and silica exposures).				
FY2003 Performance Goal:	Reduce injuries and illnesses in the construction industry by 2% from the LWDII rate change reported for construction SICs in MNOSHA's FY2000 Annual Report by focusing on the four leading causes of fatalities (falls, struck-by, crushed-by, and electrocutions) and focusing health inspections on two prevalent causes of illnesses (lead and silica exposures).				
INDICATORS	RESULTS			SUMMARY / COMMENTS	
<u>Activity Measures:</u> Number of enforcement inspections conducted & compliance assistance/outreach activities	<u>Enforcement Safety Inspections</u> SIC 15XX - 552 SIC 16XX - 146 SIC 17XX - 658 <u>Enforcement Health Inspections (lead/silica):</u> 10 Silica – 6 Lead -- 4 Outreach presentations for construction: 10			Construction inspections comprised approximately 59% of MNOSHA's inspection activity in FY2003. The MNOSHA compliance area increased the number of construction inspectors by 57% from the previous fiscal year. In the previous year, these numbers included General Industry. Response to notice of possible lead at a construction work site found no lead present. Also, unsuccessful attempts were made to locate construction sites with potential silica exposure.	
<u>Activity Measure:</u> Number of on-site consultations & outreach sessions conducted	* Consultation visits: 1684 Safety visits: 1466 Health visits: 218 * Includes initial visits, training & assistance visits, and followup visits.			Workplace Safety Consultation conducted 658 training sessions overall, with a total of 18,279 participants.	
<u>Activity Measure:</u> Number of construction fatalities	6 construction fatality investigations were conducted during FY2003.			There were 13 fatality investigations in the construction industry during FY2002. In FY2003 there were 9 serious injuries that could have resulted in a fatality.	
<u>Intermediate Outcome Measure:</u> Percent construction inspections resulting in identified hazards	88.6% of construction inspections resulted in identified hazards and citations being issued.				
<u>Intermediate Outcome Measure:</u> Percent of on-site consultations resulting in identified hazards	98%				
<u>Primary Outcome Measure:</u> Percent change in LWDII rates per 100 full-time workers in construction SICs.		<u>Baseline</u> ¹	<u>2001</u> ²	<u>% Change</u>	The LWDII rate was unchanged throughout the 5-year Strategic Plan; however, an 11% reduction was reported in the FY2002 annual report. The Workers' Compensation indemnity claim rate dropped nearly 16%, indicating a decrease in the severity of the injuries that occurred in the construction industry.
	LWDII	5.3	5.3	-0-	
	WC ³	4.4	3.7	- 15.9%	

<p><u>Primary Outcome Measure:</u> Percent change in average lead exposure severity or percent change in blood lead levels.</p>	<p align="center"><u>Adult Blood Lead Surveillance Summary for Adults 16 years old and Greater</u></p> <table border="1"> <thead> <tr> <th>Year/ (Total Reports)</th> <th>25-39 ug/dL (% of total #)</th> <th>40-49 ug/dL (% of total #)</th> <th>50 ug/dL + (% of total #)</th> </tr> </thead> <tbody> <tr> <td>Baseline (4,122)</td> <td>5.3 (219)</td> <td>1.5 (62)</td> <td>0.7 (29)</td> </tr> <tr> <td>1998 (4307)</td> <td>4.8 (205)</td> <td>1.1 (46)</td> <td>0.2 (8)</td> </tr> <tr> <td>1999 (4646)</td> <td>4.9 (230)</td> <td>0.8 (38)</td> <td>0.2 (9)</td> </tr> <tr> <td>2000 (4763)</td> <td>4.1 (197)</td> <td>0.9 (43)</td> <td>0.4 (17)</td> </tr> <tr> <td>2001 (4344)</td> <td>4.3 (187)</td> <td>0.9 (41)</td> <td>0.3 (14)</td> </tr> <tr> <td>2002 (4373)</td> <td>3.0 (131)</td> <td>0.6 (24)</td> <td>0.2 (7)</td> </tr> </tbody> </table> <p>() parentheses = # of blood lead reports received on adults and the # of adults at each level. + = reports received on adults with levels at 50ug/dL and above.</p>	Year/ (Total Reports)	25-39 ug/dL (% of total #)	40-49 ug/dL (% of total #)	50 ug/dL + (% of total #)	Baseline (4,122)	5.3 (219)	1.5 (62)	0.7 (29)	1998 (4307)	4.8 (205)	1.1 (46)	0.2 (8)	1999 (4646)	4.9 (230)	0.8 (38)	0.2 (9)	2000 (4763)	4.1 (197)	0.9 (43)	0.4 (17)	2001 (4344)	4.3 (187)	0.9 (41)	0.3 (14)	2002 (4373)	3.0 (131)	0.6 (24)	0.2 (7)	<p>A source for lead-exposure data was identified in FY2001. The MN Department of Health (MDH) provided data on adults 16 years-old or greater for the last eight years (1995 to 2002); the data is provided in the blood lead level ranges used by MDH for their reports to the CDC. The average blood-lead levels for the three-year period, 1995 to 1997, was used to calculate a baseline from which future exposures can be measured.</p> <p>Overall, the number of lead overexposures has decreased by over 50% during this 5-year Strategic Plan.</p>		
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<p><u>Primary Outcome Measure:</u> Percent change in average silica exposure severity</p>	<p align="center"><u>Respirable Silica Exposures</u></p> <table border="1"> <thead> <tr> <th>Year</th> <th>#Positive Samples</th> <th>Average Rate</th> </tr> </thead> <tbody> <tr> <td>FY1999-const.</td> <td>6</td> <td>0.9</td> </tr> <tr> <td>FY2000-const.</td> <td>22</td> <td>11.5</td> </tr> <tr> <td>FY2001-const.</td> <td>0</td> <td>N/A</td> </tr> <tr> <td>FY2002-const.</td> <td>8</td> <td>8.0</td> </tr> <tr> <td>FY2002-gen. ind.</td> <td>29</td> <td>0.66</td> </tr> <tr> <td>FY2002-total</td> <td>37</td> <td>2.2</td> </tr> <tr> <td>FY2003-const.</td> <td>2</td> <td>1.75</td> </tr> <tr> <td>FY2003-gen. ind.</td> <td>41</td> <td>71*</td> </tr> <tr> <td>FY2003-total</td> <td>43</td> <td>68</td> </tr> </tbody> </table> <p>*FY2003 includes 2 samples taken while sandblasting. Average rates without these are 0.92 (gen. ind.) and 0.96 (total).</p>	Year	#Positive Samples	Average Rate	FY1999-const.	6	0.9	FY2000-const.	22	11.5	FY2001-const.	0	N/A	FY2002-const.	8	8.0	FY2002-gen. ind.	29	0.66	FY2002-total	37	2.2	FY2003-const.	2	1.75	FY2003-gen. ind.	41	71*	FY2003-total	43	68	<p>The average exposure rate was calculated using data compiled by MNOSHA during inspections involving silica exposure. (Rates based on gravimetric units.)</p> <p>The Health area has increased inspections for silica and lead in the General Industry area and continue to respond to referrals and imminent danger Construction-related exposures.</p>
Year	#Positive Samples	Average Rate																														
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¹ Baseline is the 5-year average (1993-1997) for all construction SICs (1500-1799) combined.

³ Bureau of Labor Statistics (BLS) Table 6, Incidence Rates of Nonfatal Occupational Injuries and Illnesses by Industry and Selected Case Types, 2000, for Minnesota.

³ Workers' Compensation (WC) Indemnity Claim rates. Workers' Compensation Indemnity claim data was not identified as an indicator in the Strategic Plan, but was included since it indicates the severity of injuries.

During FY2003, a partnership was signed with the Association of General Contractors (AGC). MNOSHA continues to work with the Association of Building Contractors (ABC) and National Association of Tower Erectors (NATE).

Major construction projects in FY2003 included the Light Rail Project in Minneapolis, Metropolitan State University Library in St. Paul, Abbot Northwest Heart Hospital in Minneapolis, Bridge and Interchange at Hwy 52 and 117th Street in Inver Grove Heights, Plant Growth Facility at University of Minnesota in St. Paul, and Glen Pond Apartments development in Eagan.

In FY 2002, the Metro Safety discipline was divided into General Industry and Construction areas. This has been instrumental in moving the Construction area forward. The inspectors in Greater Minnesota continue to divide their time in both General Industry and Construction. The ability of inspectors to balance both areas continues to provide effective and balanced service to the area.

Construction Breakfasts continued to be a popular enforcement outreach activity during FY2003. A total of 292 participants attended construction breakfasts during the year featuring presentations on scaffolding safety, electrical safety, demolition safety, aerial lift safety, and excavation and trenching. Construction enforcement personnel attended the Construction Breakfasts and also participated in the Minnesota Safety Council's Northern Safety Days seminars and the annual Associated General Contractors Association conferences in Minneapolis and Duluth.

Strategic Goal #1:	Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.	
Performance Goal 1.1C:	Reduce injuries and illnesses in workplaces targeted by Minnesota First by 15%.	
FY2003 Performance Goal:	N/A	
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Number of inspections conducted in MN First workplaces		<p><i>The Minnesota First program ended in January 2002. Although the program was successful, it was discontinued so that limited resources (i.e., inspection staff, funding, etc.), could be utilized to accomplish more inspections, thus assuring the safety and health of workers at more workplaces. On average, a Minnesota First safety and health investigator could conduct only one general industry inspection in a month; that investigator is now able to conduct an average of four inspections per month. Four investigators were moved from this program to other programmed inspection activities.</i></p>
<u>Activity Measure:</u> Number of Action Plans submitted by MN First workplaces.		
<u>Intermediate Outcome Measure:</u> Percent MN First inspections resulting in identified hazards		
<u>Intermediate Outcome Measure:</u> Percent MN First inspections resulting in Action Plans being accepted.		
<u>Intermediate Outcome Measure:</u> LWDIIR data on all MN First inspections entered into Excel Program.		
<u>Primary Outcome Measure:</u> Percent change and percent decrease in LWDIIR among inspected MN First workplaces.		

Strategic Goal #1: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.		
Performance Goal 1.1D: Reduce injuries and illnesses among MNSHARP and other partnership program employers by 15% and maintain participants' lost workday injury and illness rates below national average by industry.		
FY2003 Performance Goal: Reduce the LWDI rate by 15% among employers in the MNSHARP and partnership programs.		
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Number of employers newly applying for MNSHARP participation	Two new participants received MNSHARP certification in FY2003.	
<u>Activity Measure:</u> Number of employers applying for other partnership programs.	Eight employers maintained certification in FY2003.	
<u>Activity Measure:</u> Number of onsite visits at MNSHARP and partnership sites.		
<u>Intermediate Outcome Measure:</u> Number of MNSHARP employers certified (certification includes requirement for a LWDIR below the national average for their industry)	Two new participants received MNSHARP certification in FY2003.	Eight MNSHARP participants retained certification and two new participants were certified in FY2003 for a total of 10 MNSHARP employers with a total employment of 847 employees.
<u>Intermediate Outcome Measure:</u> Number of employers successfully meeting partnership criteria.		
<u>Primary Outcome Measure:</u> Percent change in LWDI rate among MNSHARP and partnership employers.	<i>Data will be provided at a later date.</i>	<i>Data for this outcome measure was not available at the time this report was prepared. The information will be available at a later date in the "Minnesota Workplace Safety Consultation Annual Project Report for Federal Fiscal Year 2003."</i>

Strategic Goal #2:	Change workplace culture to increase employer and worker awareness of, commitment to, and involvement with safety and health.	
Performance Goal 2.1A:	Increase familiarity with MNOSHA standards, regulations, and reference materials among stakeholder groups by 10% through outreach activities.	
FY2003 Performance Goal: Design and conduct an on-line survey to determine if stakeholders' find MNOSHA's web page to be informative and useful.		
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Number of directives, schedules, and reference materials added to the DLI/MNOSHA website.	Although an exact "number" of additions to the website was not tracked during FY2003, several significant updates were made. Information added to the website included results from employer/ employee surveys and MNOSHA's FY2002 Annual Report.	In FY2003, MNOSHA continued the major project of preparing directives for filing on the Intranet for internal agency use. Progress was made and work will continue on this project. Information was continually updated and added to the MNOSHA internet site.
<u>Activity Measure:</u> Number of "hits" on the redesigned DLI/MNOSHA home page.	During FY2003, there were 40,160 "hits" to the MNOSHA page on the Labor and Industry website.	There were more than twice as many "hits" in FY2003 as compared to FY2002 (19,478).
<u>Intermediate Outcome Measure:</u>	All intermediate outcome measures have been met. The redesigned home page was completed and tested in August 2000. The initial inventory of outreach and training materials was completed in FY1999 and a system to track the distribution of these materials was established and is maintained by the Training and Outreach staff.	
<u>Primary Outcome Measure:</u> DLI/MNOSHA home page determined to be user-friendly and helpful.	The survey of employers in FY2002 included an opportunity for responders to comment on the MNOSHA website. Feedback was limited; however, responders who commented requested that more training/education materials be made available on the website that could be easily adapted to their worksites.	The website is continually updated and improved. An on-line survey of website users was developed in FY2003, with plans to finalize and launch the survey in FY2004.
<u>Primary Outcome Measure:</u> Training and outreach materials on the website are up-to-date.	MNOSHA regularly discusses website materials to determine whether updating is necessary and to correct outdated versions.	During FY03, a phone system conversion required phone and fax number changes for the Department of Labor and Industry. A plan was developed to notify stakeholders of the new numbers via the website and to assure that all website information and handouts were updated to reflect the change. In addition, as website management developed, on-line materials were updated more frequently in an effort to provide users with more accurate information.

A total of 36 presentations (including four in targeted SICs and 10 in construction) were conducted by MNOSHA Compliance in FY2003 with a total attendance of 1,237 participants. As in the past, sessions were conducted for the Minnesota Safety Council (including staffing a booth and sending safety and health investigators to participate in the "Lunch with Enforcers" event at MSC's Annual Safety and Health Conference), the Great Lakes OSHA Training Consortium; and the University of Minnesota's Midwest Center for Occupational Health and Safety.

The division newsletter, *Safety Lines*, was published quarterly during FY2003 to promote occupational safety and health and to inform readers of the purpose, plans and progress of MNOSHA. The newsletter is now available on-line only. Subscribers can sign-up for email delivery on the MNOSHA website. *Safety Lines* articles range from standards updates to seasonal health and safety issues, such as carbon monoxide concerns in winter months.

MNOSHA initiated and completed a handout reduction program in FY2003. Handouts were reviewed and purged. Two fact sheets were generated to provide information to stakeholders on how/where to order handouts and what websites are available as references. In order to introduce stakeholders to this new approach, laptops were set up at trade shows to demonstrate how to find the information on-line.

Strategic Goal #2:	Change workplace culture to increase employer and worker awareness of, commitment to, and involvement with safety and health.	
Performance Goal 2.1B:	By FY2003, respond to 95% of written requests for assistance within five working days.	
FY2003 Performance Goal:	Establish a written policy to define established procedures for tracking responses to written requests for assistance received by all MNOSHA staff and to maintain a rate of response of 95% within five working days.	
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Administrative procedures implemented to track and measure timeliness of MNOSHA responses to written requests for assistance.	Tracking procedures are in place.	An administrative directive outlines the procedure implemented to track timeliness of email responses.
<u>Activity Measure:</u> Management reports developed to summarize the number and type of requests received and the timeliness of responses.	Management reports are in place.	
<u>Activity Measure:</u> Continued tracking and monthly reporting of numbers and sources of telephone compliance assistance requests received by Outreach staff.	Tracking and monthly reporting continued during FY2003.	
<u>Intermediate Outcome Measure:</u> Number and types of written assistance requests received by MNOSHA staff.	Written requests received: 1,136 Included in the above total: Letters: US Mail & Fax: 59 Federal OSHA Fax: 47 Federal e-mail: 136 MNOSHA e-mail: 894	MNOSHA responded to 17% more written requests for information in FY2003 than FY2002.
<u>Intermediate Outcome Measure:</u> Number and sources of telephone assistance requests received by Outreach staff.	Compliance assistance phone calls: 11,133 The above total includes: Worker complaints: 663 Imminent danger complaints: 51	These totals include both Greater Minnesota and Metro Area phone assistance requests. Calls were received from: Employees: 2,557 Employers: 3,096 Consultants: 805 Other: 4,675
<u>Primary Outcome Measure:</u> Percent of written assistance requests that receive a response within five working days.	100%	All written requests for assistance received a response within five working days, exceeding the Performance Goal of 95%.

Strategic Goal #2:	Change workplace culture to increase employer and worker awareness of, commitment to, and involvement with safety and health.	
Performance Goal 2.2A:	Complete development of the MNSTAR Voluntary Protection Program, award MNSTAR certification to nine worksites by FY2003, and monitor worksite progress.	
FY2003 Performance Goal: To certify a total of 12 worksites by the end of FY 2003.		
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Number of applications received	Five applications were received.	Five applications received in FY2003, two received a visit, one was rejected due to rates, one entered MNSHARP, and one will be done in FY2004.
<u>Intermediate Outcome Measure:</u> Number of applicants scheduled for on-site visit.	Two applicants received an on-site visit	
<u>Primary Outcome Measure:</u> Number of MNSTAR certifications.	Two employers were certified as MNSTAR sites.	

MNSTAR is a voluntary protection program available to any size employer in Minnesota. The MNSTAR program relies mainly on the concept of self-assessment by the requesting employer and uses the federal VPP criteria (OSHA Instruction TED 8.4a, *Revised Voluntary Protection Programs (VPP) Policies and Procedures Manual*). MNSTAR requires the employer's commitment to complete an extensive application, which includes providing the WSC Unit with copies of all requested written policies and programs. The employer's lost workday injury and illness rate must be below the state and national levels for their industry. Employers who meet all requirements for MNSTAR status are exempt from programmed inspections by MNOSHA Enforcement for three years. MNSTAR certified companies include:

- Boise Cascade Corporation, International Falls, MN (SIC 2621) - 1161 individuals at worksite; awarded 9/3/99
- CF Industries, Inc., Glenwood, MN (SIC5191) - 10 employees; awarded 4/13/00.
- Minnesota Power, 27 facilities throughout Minnesota (SIC 4910) - 1,332 individuals in service area; awarded 10/15/00.
- International Paper, Sartell, MN (SIC 2621) - 600 employees; awarded 2/15/01.
- Marvin Windows and Doors, Warroad, MN (SIC 2431) - 2,425 employees; awarded 8/1/01.
- Ah-Gwah-Ching Center, Ah-Gwah-Ching, MN (SIC 89051) – 229 employees; awarded 2/14/02.
- Potlatch Corporation-Bemidji Lumbermill, Bemidji, MN (SIC 2421) – 94 employees; awarded 6/17/02.
- Potlatch Corporation-Bemidji OSB Mill, Bemidji, MN (SIC 2493) – 239 employees; awarded 6/17/02.
- IBM, Rochester, MN (SIC 8051) – 6,153 employees; awarded 7/16/02.
- New Ulm Medical Center, New Ulm, MN (SIC 8062) – 470 employees; awarded 3/7/03.
- Alexandria Extrusion Co., Alexandria, MN (SIC 3354) – 325 employees; awarded 9/30/03.

MNSTAR has been successful at achieving its projected goals for FY2003. MNSTAR status has been awarded to both large and small employers in high-hazard and in state-targeted industries.

Strategic Goal #3: Secure public confidence through excellence in the development and delivery of MNOSHA's programs and services.		
Performance Goal 3.1A: By FY2003, fully implement the information systems necessary to collect MNOSHA performance data and develop the capacity to analyze MNOSHA's performance.		
FY2003 Performance Goal: To identify and prioritize the essential IMIS data measures used by MNOSHA, gain an understanding of the measures related to mandated activities, and verify and understand the calculations used to obtain those measures.		
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Periodic review of monitoring reports.	Monitoring reports are reviewed on a monthly basis by the MNOSHA Management Team. Quarterly Monitoring Team meetings were held during FY2003 at which time SMM, SIR, and OPTMS data reports were reviewed and discussed by MNOSHA compliance staff. CAM and MARC data reports were also reviewed quarterly by the 21(d) consultation staff.	Data generated in the SIR, SMM, and OPTMS reports improved during FY2003. As reports are reviewed monthly and quarterly, any identified discrepancies are analyzed and reported to OMDS for correction to assure that data is complete, accurate, and useful.
<u>Intermediate Outcome Measure:</u> Results of first tests of new codes and activity measures reports.	Completed in FY2000.	
<u>Intermediate Outcome Measure:</u> CSHO Application training completed.	CSHO Application training was completed in FY2000. The CSHO Application was discontinued in FY2001 so that Windows 2000 could be implemented.	
<u>Primary Outcome Measure:</u> IT infrastructure revised, if appropriate, and maintained.	No revision was necessary to the IT infrastructure in FY2003.	
<u>Primary Outcome Measure:</u> Performance measures refined as needed.		Analysis of all IMIS reports was begun in FY2002 and completed in FY2003. Each IMIS report was evaluated to determine its usefulness, value, and accuracy.

MNOSHA representatives attended Federal OSHA's ITS conference during FY2002, were a part of the IMIS redesign project, and continue to participate in the weekly teleconference calls during FY2003. A complete review of the reports from IMIS was undertaken. A summary of report generation and review was determined. A temporary employee was hired to help reduce the number of open case files.

Program staff completed a review of data from IMIS to better understand where performance numbers are generated, and participated in a group to help develop reports off the new web-based IMIS system.

Strategic Goal #3: Secure public confidence through excellence in the development and delivery of MNOSHA's programs and services.		
Performance Goal 3.2A: At least 80% of stakeholders receiving MNOSHA assistance rate their experience as useful.		
FY2003 Performance Goal: Conduct a survey of employees affected by MNOSHA inspections similar to the survey done of employers in FY2002.		
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Number of surveys distributed.	Approximately 750 surveys distributed during January 2003	The employee survey collected information about client satisfaction with MNOSHA inspections. General emphasis was placed on evaluation of investigator's competence, familiarity with the industry, helpfulness, and professionalism. The survey also asked about how useful the client felt the inspection was toward improving workplace safety and health, and the client's understanding of why an inspection was conducted at their place of employment.
<u>Activity Measure:</u> Number and type of focus groups facilitated.	Survey participants were all employees interviewed during the course of an inspection in January 2003.	Survey design provided anonymity to participants disallowing classification into establishment types, ie. construction, general industry, etc.
<u>Intermediate Outcome Measure:</u> Number of surveys returned and analysis of response data received from each stakeholder group.	A total of 76 usable surveys were returned for an overall return rate of 10%.	Survey results were overwhelmingly favorable with both the usefulness of the information provided during the inspection and the usefulness of the inspection itself in improving workplace safety and health.
<u>Intermediate Outcome Measure:</u> Summary of focus group responses and recommendations.	Overall, MNOSHA compliance customers gave high marks to MNOSHA investigators for conduct and quality of information imparted. Employees found the inspection experience to be valuable in improving workplace safety and health and felt information provided and explanations offered during the visit were worthwhile. Employees demonstrated apparent confusion regarding the reason an inspection was conducted at their place of employment	79%of respondents indicated the reason for inspection was they either "just came up on the list" or they didn't know why their workplace was scheduled for an inspection. After reviewing survey results it was recommended to reiterate to both employees and employers the reason the inspection is being conducted.

<p><u>Primary Outcome Measure:</u> Percent of employers and workers responding to survey or participating in focus group who rate their experience with MNOSHA as useful.</p>	<p><u>Some survey results:</u></p> <ul style="list-style-type: none"> • 93.3% of respondents indicated the MNOSHA inspector looked at the important safety and health issues during the inspection • 85.6% of respondents were satisfied with the inspector's answers to his/her questions • 75% of respondents believed their rights and duties as an employee were explained • 65.8% of respondents believe the workplace will be safer after the inspection. 	<p>Survey respondents were asked to rate their satisfaction in several areas. The results of the surveys were posted on MNOSHA's website.</p>
<p><u>Primary Outcome Measure:</u> Action plan set for redirection and refinement of MNOSHA programs and services found to be deficient.</p>	<p>Survey results reveal that there is confusion about the reason for the inspection.</p>	<p>An article identifying the different reasons for an OSHA inspection was published in the Spring and Fall 2003 editions of "Safety Lines," the quarterly newsletter of MNOSHA. Additionally OSHIs continue to provide the reason for the inspection at the opening conference, and reiterate the reason for the inspection at the closing conference.</p>

Source: OFFICE MEMORANDUM "MNOSHA 2003 Employee survey", issued April 23, 2003

The survey provides feedback on one of MNOSHA's main functions, that of inspecting businesses for compliance with workplace safety rules. However, it does not evaluate any of MNOSHA's other services such as training and outreach, telephone assistance, dispute resolution procedures, discrimination investigations, and general assistance to the public. The primary limitations of the survey are the low return rate and that survey participants were all from one stakeholder group – employees interviewed during the course of an investigation during January 2003. The survey does not capture the opinions of any other constituent group.

In FY2004, MNOSHA will explore available options for conducting similar surveys of employers and employees on an on-going basis.

Strategic Goal #3: Secure public confidence through excellence in the development and delivery of MNOSHA's programs and services.		
Performance Goal 3.3A: By FY2003, complete 75% of all 11(c) discrimination complaint investigations within 90 days.		
FY2003 Performance Goal: Achieve a level where 75% of all 11(c) discrimination complaint investigations are completed within 90 days.		
INDICATORS	RESULTS	SUMMARY / COMMENTS
<u>Activity Measures:</u> Number of 11(c) discrimination complaints received.	In FY2003, 65 new cases were opened.	In FY2003, there were 84 screen/close and outreach cases. This is 280% more than in FY2002.
<u>Activity Measure:</u> Number of 11(c) discrimination complaints closed.	In FY2003, 59 cases were closed; 42 cases remain open.	These totals include some cases opened prior to FY2003.
<u>Activity Measure:</u> Number of 11(c) discrimination cases sent to the Attorney General's Office.	3 cases were forwarded to the Attorney General's Office in FY2003.	
<u>Primary Outcome Measure:</u> Percent of 11(c) discrimination complaint investigations completed in 90 days.	7% of the cases closed in FY2003 were closed within 90 days.	A large backlog of cases was carried over from FY2002 to FY2003. 54% of cases closed were closed within 90 days of when the investigator actively began investigating the complaint.

Source: IMIS web based whistle blower application and log of discrimination complaints.

The 11(c) discrimination unit underwent changes during FY2003 to streamline the intake and screening process. The changes were directed at improving the quality and consistency of the intake and screening process. These changes may have contributed to a decrease in the number of cases received from 85 in FY 2002 to 65 in FY 2003. There was an overall decrease in the number of open cases from 54 cases at the end of FY 2002 to 47 cases at the end of FY 2003. The number of pending cases over 90 days varied throughout FY 2003 from a high of 42 cases to a low of 25 cases. (The start and end points are both 35 cases). In FY 2004, MNOSHA plans to train additional staff members to assist the discrimination team in addressing the backlog of cases.

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PROGRESS TOWARD STRATEGIC PLAN ACCOMPLISHMENT

MNOSHA's core mission is to assure a safe and healthful workplace for workers. Accomplishing this mission requires MNOSHA to engage the occupational safety and health community (e.g., business, organized labor, professional associations) in identifying and addressing significant workplace hazards. MNOSHA uses a variety of strategic tools such as rulemaking, enforcement, compliance assistance, and outreach. When necessary, MNOSHA develops and utilizes strategies particular to a specific hazard, industry, or workplace. Strong enforcement serves as the appropriate response for employers who fail to meet their safety and health responsibilities. The enforcement program is enhanced through innovations such as focused inspections, improved targeting, and emphasis on results. In addition, MNOSHA uses consultation assistance, outreach, special programs, and partnership initiatives to help employers achieve safe and healthful workplaces.

MNOSHA made substantial progress toward achieving its three strategic goals by the close of the final year of the five-year strategic plan:

Strategic Goal #1: Improve workplace safety and health for all workers, as evidenced by fewer hazards, reduced exposures, and fewer injuries, illnesses and fatalities.

5-year Performance Goal 1.1A: Reduce injuries and illnesses in six high hazard industries by 15% by focusing on those workplaces with the highest rates of injuries and illnesses: Meat Products (SIC 201X), Millwork, Veneer, Plywood & Structural Wood Members (SIC 243X), Primary Metal Industries (SIC 33XX), Fabricated Structural Metal Products (SIC 344X), Transportation Equipment (SIC 37XX), and Nursing and Personal Care Facilities (SIC 805X).

The five-year performance goal set by MNOSHA was exceeded in four of the six targeted SICs. The rates of injuries and illnesses decreased in SICs 201X, 243X, 344X, and 37XX as illustrated by decreases in both LWDII rates and Workers' Compensation indemnity claim rates. LWDII rates decreased 18.8% to 32.4% in the four SICs, exceeding the goal of a 15% reduction. In addition to the drop in LWDII, all four SICs showed decreases in the Workers' Compensation indemnity claim rates ranging from 61.5% to 71.1%. The decrease in these two measures indicates both the number and severity of injuries was reduced during the time these industries were targeted by MNOSHA.

Data for the LWDII rate was not available for SIC 33XX, but the previous year's rate showed a moderate reduction of 1.7%. As a result, it is difficult to determine whether the five-year goal was met. An encouraging change is noted in the Workers' Compensation indemnity claims rate. The rate of indemnity claims dropped 78%, indicating a large decrease in the number of serious injuries in these industries.

The only SIC to show an increase in LWDII was 805X, which increased 8.3%. However, the Workers' Compensation indemnity claim rate decreased during this same time period by 21.1% indicating the injuries that did occur were less serious. Also, the ability to impact injury and illness rates in this specific area was limited because a federal ergonomics standard wasn't in place. Much has been learned about the nursing home industry and the inherent challenges to making these workplaces safer. This information will be carried forward and used to develop new and unique strategies to address the challenges in these establishments.

5-year Performance Goal 1.1B: Reduce injuries and illnesses in the construction industry by 15% by focusing safety inspections on the four leading causes of fatalities (falls, struck-by, crushed-by, and electrocutions) and focusing health inspections on two prevalent causes of illnesses (lead and silica exposures).

MNOSHA continues to put significant effort toward responding to the hazardous nature of the construction industry. Construction sites comprised a major portion of inspection activity during

FY2003. The five-year strategic goal was not realized as evidenced by the unchanged LWDII rate. However, the rate decreased by 11% from the previous year. The Workers' Compensation indemnity claims rate decreased nearly 16%, indicating a decline in the severity of the injuries in the construction industry. Additionally, the number of construction fatality investigations decreased by more than 50% from FY2002. Fewer fatalities and less serious injuries are clearly positive changes, and MNOSHA is dedicated to continuing its emphasis on making construction worksites safer by building on those changes.

5-year Performance Goal 1.1C: Reduce injuries and illnesses in workplaces targeted by Minnesota First by 15%.

The Minnesota First program ended in January 2002. Although the program was successful, it was discontinued so that limited resources (i.e., inspection staff, funding, etc.), could be utilized to accomplish more inspections, thus assuring the safety and health of workers at more workplaces. On average, a Minnesota First safety and health investigator could conduct only one general industry inspection in a month; that investigator is now able to conduct an average of four inspections per month.

5-year Performance Goal #1.1D: Reduce injuries and illnesses among MNSHARP and other partnership program employers by 15% and maintain participants' lost workday injury and illness rates below the national average by industry.

In FY2003, two new MNSHARP sites were certified for a total of 10 MNSHARP sites.

Strategic Goal #2: Change workplace culture to increase employer and worker awareness of, commitment to, and involvement with safety and health.

5-year Performance Goal #2.1A: Increase familiarity with MNOSHA standards, regulations, and reference materials among stakeholder groups by 10% through outreach activities.

The DLI/MNOSHA website has become a significant component of MNOSHA's efforts to increase familiarity with standards, regulations, and reference materials among stakeholder groups. Frequently requested handouts have been posted on the site and more are added on a regular basis. Information about public meetings, training and education seminars, Construction Breakfast schedules, and significant enforcement directives (such as the Bloodborne Pathogens directive) are posted on the site and readily accessible to all stakeholders.

5-year Performance Goal #2.1B: By FY2003, respond to 95% of written requests for assistance within five working days.

Data for FY2003 indicates that the goal of responding to 95% of written requests for assistance within five working days has been met. In fact, during FY2003, 100% of written assistance requests received a response within five days. Written requests responded to in FY2003 totaled 1,136.

In addition to responding to 1,136 written requests, MNOSHA provided telephone compliance assistance to 11,133 individuals, including employees, employers, consultants, and the general public.

5-year Performance Goal #2.2A: Complete development of the MNSTAR Voluntary Protection Program, award MNSTAR certification to nine worksites by FY2003, and monitor worksite progress.

The MNSTAR Voluntary Protection Program has been very successful since its inception in FY1999. At the close of FY2003, a total of 12 worksites had received certification. Only 11 retained certification after one employer rescinded their MNSTAR status.

Strategic Goal #3: Secure public confidence through excellence in the development and delivery of MNOSHA's programs and services.

5-year Performance Goal #3.1A: By FY2003, fully implement the information systems necessary to collect MNOSHA performance data and develop the capacity to analyze MNOSHA's performance.

Improvements in the OPTMS data during FY2003 made the data more accurate and more useful. The system can now be used to track more information than was possible when it was first implemented. The SAMM report is available monthly, making it a more useful tool for tracking performance. In FY2004, MNOSHA staff plan to learn more about IMIS data and how that data is compiled and used to generate IMIS reports.

5-year Performance Goal #3.2A: At least 80% of stakeholders receiving MNOSHA's assistance rate their experience as useful.

A survey of employees was conducted in FY2003 to collect information about client satisfaction with MNOSHA inspections. Survey participants were all employees interviewed during the course of an inspection in January 2003. Information was collected about client satisfaction with MNOSHA inspections. General emphasis was placed on evaluation of investigator's competence, familiarity with the industry, helpfulness, and professionalism. Ten percent (10%) of the surveys were returned. Overall, MNOSHA compliance customers gave high marks to MNOSHA investigators for conduct and quality of information imparted. MNOSHA began to explore options for conducting similar surveys of employees and employers on an on-going basis.

5-year Performance Goal #3.3A: By FY2003, complete 75% of all 11(c) discrimination complaint investigations within 90 days.

This goal was amended in FY2002 to reflect that 75% of 11(c) discrimination complaint investigations will be completed within 90 days. Previously, the goal referred to cases being "resolved" in 90 days. Because "resolved" was not defined, it was unclear whether the intent was to finish the complaint investigation in 90 days or to achieve total settlement of the cases within 90 days which, in some instances, would have included cases that had to be referred to the Attorney General's Office and/or the courts for a final decision. The amendment explains the intent of the goal in clearer terms.

The 11(c) discrimination unit has streamlined the workflow process (i.e., mechanisms for determining merit more quickly, evaluating discrimination trends, etc.) and will continue to improve in FY2004. The 11(c) staff's goal is to become more proactive (e.g., conducting more outreach to educate employers and employees about the discrimination provisions of the MN OSH Act, etc.) rather than reactive (e.g., processing a discrimination complaint that requires staff time and resources but has no merit under the MNOSH Act).

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SPECIAL ACCOMPLISHMENTS

In addition to traditional enforcement inspections, consultation activities, and partnership programs such as Minnesota First, MNSHARP and MNSTAR, MNOSHA also concentrates efforts in other areas aimed at assisting employers in making their workplaces safer and more healthful. Furthermore, various internal processes were evaluated and improved this year, and a major MNOSHA milestone was recognized. Some achievements for FY2003 include:

MNOSHA Milestone:

MNOSHA celebrated its 30 -year anniversary as a State Plan program. A small gathering with present and past staff members was conducted Aug. 15 at the Department of Labor and Industry in St. Paul. A 30-year recap article was featured in MNOSHA's newsletter, *Safety Lines*.

General Accomplishments:

In FY2003 the staffing level was approximately 85 people. Nine new investigators were trained. In addition, the following new training courses were added: interviewing skills, aerial lifts, fall protection, mock inspections, and handling unusual situations in the field.

The Field Compliance Manual (FCM) was updated. In addition, the Respiratory Protection and Lockout/Tagout directives were updated.

The number of paper handouts distributed to stakeholders was reduced by 85% by emphasizing on-line handout availability. To ensure continued availability of information to all stakeholders, two general procedural fact sheets were generated.

Homeland Security. The MNOSHA Compliance Program continued to be an active member on the State Emergency Response Team. The Catastrophic Events Inspection (CEI) Team was reactivated and the corresponding directive was updated. The CEI Team members and management completed the following two OTI courses: OSHA 345 - Basic Incident Command System, and OSHA 346 - Emergency Response to Terrorism. Purchases of equipment that will better prepare MNOSHA in the event of an incident were made with yearend money.

Equipment Updates. In an ongoing effort to reduce costs, lapse time, and to improve efficiency, MNOSHA made two major purchases. All inspectors are now using digital cameras. In addition, carbon monoxide detectors have been given to General Industry safety inspectors.

Internal Process Improvement. The MNOSHA Compliance Program has spent time improving internal processes. The Discrimination Team has performed an evaluation and determined areas to improve. The information included in case files was reviewed and changes were made to reduce the amount of redacting.

Task Force. A special MNOSHA Advisory Council meeting was held in September to provide input on the compliance program. This special meeting was a result of discussion on the continuation of the program. The following areas were identified as potential improvement areas:

- Use workers compensation data, experience modification rates, to determine enforcement focus.
- Define the differences between federal and MNOSHA requirements and keep only the ones that positively impact safety and health.
- Increase the effort in reducing workplace violence incidents.
- Move ergonomics ahead.

- Increase productivity of inspectors.
- Use the Advisory Council to facilitate stakeholder input in planning.
- Continue to build your "brand."
- Look at companies that are using behavioral safety models.
- Ensure that when goals are set within the division they are measurable and there's ability to impact them.
- Encourage MNOSHA to better utilize external resources to broaden our impact. (Alliances with other agencies and associations.)
- Strengthen role of the Advisory Council.
- Build stronger relationships with employers to share data and resources and share best practices.
- Increase the number of candidates for the Arthur McCauley Award.
- Review surveys and see if they are getting to the heart of the issue.
- Special effort to keep employees within the program. (Improve retention.)

Labor-Management Safety Committee Program. This 100% state-funded program is administered by the WSC Division and was developed jointly by the WSC Division and the State Bureau of Mediation Services. Expert assistance is available, free of charge, to Minnesota businesses with more than 25 employees. Services include interpretation of MNOSHA standards, training in self-inspection techniques, and help in preparing and implementing education and training programs.

During FY2003, WSC continued to provide training to companies and large groups on the elements of effective labor-management safety committees.

Loggers' Safety Education Program (LogSafe) This program, which is 100% state-funded and administered by the WSC Division, provides safety training through eight-hour seminars throughout the state. The goal of the program is to help reduce injuries and illnesses in the logging industry through onsite consultation services, outreach and training seminars. In order to receive workers' compensation premium rebates from the Targeted Industry Fund, logger employers must maintain current workers' compensation and they and their employees must have attended, during the previous year, a logging safety seminar sponsored or approved by the WSC Division.

During FY2003, WSC Workplace Safety Consultation staff members conducted logger safety seminars at various locations throughout the state.

Workplace Violence Prevention Program. This program helps employers and employees reduce the incidence of violence in their workplaces by providing on-site consultation, telephone assistance, education and training seminars, inspections, and a resource center. This program is targeted toward workplaces at high risk of violence, such as convenience stores, service stations, taxi and transit operations, restaurants and bars, motels, guard services, patient care facilities, schools, social services, residential care facilities, and correctional institutions. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by the WSC Division.

During FY2003, WSC Workplace Safety Consultation continued to conduct workplace violence training to various groups.

Safety Grants Program. This 100% state-funded program, which is administered by the WSC Division, awards funds up to \$10,000 to qualifying employers for projects designed to reduce the risk of injury and illness to their employees. Qualified applicants must be able to match the grant money awarded and must use the award to complete a project that reduces the risk of injury or disease to employees.

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MANDATED ACTIVITIES

Activities mandated under the Occupational Safety and Health Act are considered core elements of Minnesota's occupational safety and health program. The accomplishment of these core elements is tied to achievement of the State's strategic goals. Many mandated activities are "strategic tools" used to achieve outcome and performance goals.

"Mandated activities" include program assurances and state activity measures. Fundamental program requirements that are an integral part of the MNOSHA program are assured through an annual commitment included as part of the 23(g) grant application. Program assurances include:

- ▶ Unannounced, targeted inspections, including prohibition against advance notice;
- ▶ First instance sanctions;
- ▶ A system to adjudicate contestations;
- ▶ Ensuring abatement of potentially harmful or fatal conditions;
- ▶ Prompt and effective standards setting and allocation of sufficient resources;
- ▶ Counteraction of imminent dangers;
- ▶ Responses to complaints;
- ▶ Fatality/catastrophe investigations;
- ▶ Ensuring employees:
 - * Protection against, and investigation of, discrimination
 - * Access to health and safety information
 - * Information on their rights and obligations under the Act
 - * Access to information on their exposure to toxic or harmful agents
- ▶ Coverage of public employees;
- ▶ Recordkeeping and reporting;
- ▶ Voluntary compliance activities.

Mandated activities are tracked on a quarterly basis using the SAMM (State Activity Measures) Report which compares State activity data to an established reference point. Additional activities are tracked using the Interim State Indicator Report (SIR) and the OSHA Performance Measurement Report (OPTMS). A comparison of MNOSHA activity measures for FY2001, FY2002, and FY2003 is provided in the tables beginning on the following page.

Significant improvement was seen in specific mandated activities in FY2003:

- Complaint inspections were conducted within an average of 4.5 days, significantly lower than the goal of nine days;
- MNOSHA vacates and reclassifies fewer citations than the national average;
- MNOSHA finds more serious violations on programmed inspections than the national average;
- MNOSHA exceeded the public sector inspection goal;
- MNOSHA conducted 20 fatality inspections in FY2003 compared to 29 fatalities in FY2002.
- MNOSHA conducted 60% more inspections in FY2003 than in FY2002.
- The average lapse time for safety inspections decreased by 50% in FY2003, compared to FY2002.

COMPARISON OF FY2001, FY2002, and FY2003 ACTIVITY MEASURES

STATE ACTIVITY MANDATED MEASURES (SAMMs)					
Performance Measure	FY2001	FY2002	FY2003	Goal/National Data	Comments
Average number of days to initiate complaint inspections	8.06	5.31	4.58	9	In FY2003, MNOSHA continued to reduce the amount of time to initiate a complaint inspection.
Average number of days to initiate complaint investigations	1.9	2.8	3.76	2	The number of days to initiate a complaint investigation again increased due to some email forwarding problems from federal OSHA.
Percent of Complaints where complainants were notified on time	100	100	100	100	MNOSHA continues to timely notify all complainants.
Percent of complaints and referrals responded to within 1 day – Imminent Danger	93.85	96.25	95.71	100	MNOSHA consistently performed at 90% in this area.
Number of denials where entry not obtained	1	2	2	0	The two denials are unable to be tracked in IMIS and are believed to be data errors that have been subsequently corrected.
% of serious/willful/repeat violations verified – Private	61.11	61.37	65.36	100	Although the percentage rate remains below the goal, it increased FY2003.
% of serious/willful/repeat violations verified – Public	58.82	70.53	59.18	100	FY2003 saw a decrease to FY2001 levels in this measure.
Average number of calendar days from opening conference to citation issue – Safety	41.85	44	24.82	47.0	In FY2003 the average number of days from opening conference to citation issue for safety cases was reduced by 50% and well below the national average.
Average number of calendar days from opening conference to citation issue – Health	61.17	70.25	56.81	62.6	In FY2003 the average number of days from opening conference to citation issue for health cases was reduced by 20% and well below the national average.
% of programmed inspections with serious/willful/repeat violations – Safety	88.31	64.66	63.45	48.9	The percent of programmed safety inspections with S/W/R violations remained steady over the past two years and above the national average.
% of programmed inspections with serious/willful/repeat violations – Health	83.95	53.63	47.50	39.7	The percent of programmed health inspections with S/W/R continues to be well above the national average.
Average violations per inspection with violations – Serious/willful/repeat	2.54	2.27	2.13	2	MNOSHA remains above the national average for the number of violations per inspections with S/W/R violations.

STATE ACTIVITY MANDATED MEASURES (SAMMs)					
Performance Measure	FY2001	FY2002	FY2003	Goal/National Data	Comments
Average violations per inspection with violations – Other	0.68	0.63	.49	1.5	MNOSHA remains below the national average for other-than-serious violations.
Average initial penalty per serious violation (Private Sector Only)	902.05	780.04	657.64	1,331.3	MNOSHA's initial penalties continue to be below the national average for serious violations, probably due to the limited numbers of large employers inspected.
% of total inspections in public sector	4.38	4.67	5.23	4.9	MNOSHA continues to exceed the national average/standard for this goal.
Average lapse time from receipt of contest to first level decision	151.43	191.32	153.30	170.9	The average lapse time decreased 20% in FY2003 and is below the national average. The average number of cases at the Attorney General's office dropped from 49/month in FY2002 to 26/month in FY2003.
Percent of 11(c) investigations completed within 90 days	51.02	29.03	7.35	100	MNOSHA continues to experience a backlog of discrimination cases. In FY2003 investigations were conducted on strict "first in, first out" basis, resulting in a reduction in this percentage; there was a decrease from a high of 54 open case files to 47.
% of 11(c) complaints that are meritorious	24.49	27.42	16.18	21.6	The percent of merit cases decreased in FY2003.
% of meritorious 11(c) complaints that are settled	91.67	94.12	54.55	84.5	The percent of meritorious cases settled decreased FY2003 because the total number of merit cases decreased and three of those cases were forwarded to the AG's office when the parties refused to settle.

Data Source: State Activity Mandated Measures (SAMM) – October 28, 2003.

INTERIM STATE INDICATOR REPORT (SIR)					
Performance Measure	FY2001	FY2002	FY2003	Goal/National Data	Comments
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Safety	83.8	82.3	90.3	60.2	The percent of programmed safety inspections in the private sector increased by 8% in FY2003 and is well above the national data.
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Health	41.3	60.5	64.2	39.9	The percent of programmed health inspections in the private sector continued to increase in FY2003 and exceeds the federal data.
<u>Enforcement</u>	69.3	70.1	68.5	62.5	Overall MNOSHA finds violations on

INTERIM STATE INDICATOR REPORT (SIR)					
Performance Measure	FY2001	FY2002	FY2003	Goal/National Data	Comments
(Private Sector) % Programmed Inspections with Violations – Safety					programmed safety inspections more often than the national average.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Health	53.3	58.8	56.1	54.5	Overall, MNOSHA finds violations on programmed health inspections more often than the national average.
<u>Enforcement (Private Sector)</u> % Serious Violations – Safety	77.1	76.4	80.4	75.7	Overall, MNOSHA cites more serious violations on programmed safety inspections than the national average.
<u>Enforcement (Private Sector)</u> % Serious Violations – Health	71.9	71.5	72.7	60.6	MNOSHA cites more serious violations on programmed health inspections than the national average.
<u>Enforcement (Private Sector)</u> Abatement Periods for Violations Safety % > 30 days	5	3.8	4.9	19.7	The percent of safety inspections where abatement exceeds 30 days remains significantly lower than the national average.
<u>Enforcement (Private Sector)</u> Abatement Periods for Violations Health % > 60 days	7.8	11.8	5	10.3	The percent of health inspections where the abatement exceeds 60 days has decreased significantly in FY2003 and is below the national average.
<u>Enforcement (Private Sector)</u> Average Penalty – Safety Other-than-Serious	212.8	190	195.3	1007.8	MNOSHA penalties continue to be lower than the national average likely due to the size of employers inspected. Also, MNOSHA does not issue “unclassified” citations.
<u>Enforcement (Private Sector)</u> Average Penalty – Health Other-than-Serious	262	238.3	249.8	848.3	MNOSHA penalties continue to be lower than the national average likely due to the size of employers inspected. Also, MNOSHA does not issue “unclassified” citations.

INTERIM STATE INDICATOR REPORT (SIR)					
Performance Measure	FY2001	FY2002	FY2003	Goal/National Data	Comments
<u>Enforcement (Private Sector)</u> Inspections per 100 Hours – Safety	2.9	2.8	4.1	4.9	FY2003 demonstrates a marked increase in the number of safety inspections per 100 hours and is in line with the national average.
<u>Enforcement (Private Sector)</u> Inspections per 100 hours – Health	1.4	1.6	1.7	1.9	MNOSHA remains in line with the national average for the number of health inspections per 100 hours.
<u>Enforcement (Private Sector)</u> % Violations vacated	0.2	0.1	0	4.8	MNOSHA continues to vacate a significantly lower percentage of violations after citation issuance than the national average.
<u>Enforcement (Private Sector)</u> % Violations Reclassified	0	0	0	4.5	MNOSHA continues to not reclassify violations after citation issuance.
<u>Enforcement (Private Sector)</u> % Penalty Retention	83	80.9	79.8	59.2	MNOSHA continues to retain more assessed penalties than the national average.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Safety	84.8	90.6	94.7	N/A	The majority of MNOSHA's public sector inspections are programmed.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Health	8.7	0	0	N/A	The focus of public sector inspections continue to be in safety, not health.
<u>Enforcement (Public Sector)</u> % Serious Violations – Safety	74.2	71.1	69.9	N/A	This is consistent to the percentage of inspections with serious violations for the private sector.
<u>Enforcement (Public Sector)</u> % Serious Violations – Health	66.7	94.7	45.5	N/A	The number of serious violations resulting from health inspections in the public sector decreased significantly in FY2003, which indicates unprogrammed inspections.
<u>Review Procedures</u> % Violations Vacated	10	12.3	12.7	22.0	MNOSHA continues to vacate a lower percentage of violations after contestation than the national average.

INTERIM STATE INDICATOR REPORT (SIR)					
Performance Measure	FY2001	FY2002	FY2003	Goal/National Data	Comments
Review Procedures %Violations Reclassified	8	11.6	9.9	13.0	MNOSHA continues to reclassify fewer violations after contestation than the national average.
Review Procedures % Penalty Retention	53.6	51.5	46.9	50.8	MNOSHA's percent of penalties retained after contestation decreased in FY2003.

Data Source: Interim State Indicator Report (SIR) – September 2003.

OSHA PERFORMANCE MEASUREMENT REPORT: MEASURES & INDICATORS RELATED TO PERFORMANCE GOALS (OPTMS)					
MEASURES/ INDICATORS	FY2001	FY2002	FY2003		COMMENTS
Performance Goal 1.1A Primary Metals Industry (33XX) Percent of Overall Inspections Percent of Overall Compliance Assistance Number of serious/willful/repeat		1.30% 0.70% 63	.46% .88% 28		MNOSHA prioritized strategic plan programmed inspections in FY2003. Due to the five-year inspection priority and reinspection limitations the number of programmed inspections in this area decreased.
Performance Goal 1.1A Millwork & Structural Wood (243X) Percent of Overall Inspections Percent of Overall Compliance Assistance Number of serious/willful/repeat		2.20% 1.40% 118	.89% 3.8% 52		MNOSHA prioritized strategic plan programmed inspections in FY2003. Due to the five-year inspection priority and reinspection limitations the number of programmed inspections in this area decreased.

OSHA PERFORMANCE MEASUREMENT REPORT: MEASURES & INDICATORS RELATED TO PERFORMANCE GOALS (OPTMS)				
MEASURES/ INDICATORS	FY2001	FY2002	FY2003	COMMENTS
<u>Performance Goal 1.1A</u> Nursing Homes (805X) Percent of Overall Inspections Percent of Overall Compliance Assistance Number of serious/willful/repeat	 0.50% 3.20% 10	 4.40% 4.40% 102	 .58% 5.2% 33	MNOSHA prioritized strategic plan programmed inspections in FY2003. Due to the five-year inspection priority and reinspection limitations the number of programmed inspections in this area decreased.
<u>Performance Goal 1.1A</u> Meat Packing (201X) Percent of Overall Inspections Percent of Overall Compliance Assistance Number of serious/willful/repeat	 0.60% 0.20% 10	 0.80% 0.50% 43	 .19% .98% 20	MNOSHA prioritized strategic plan programmed inspections in FY2003. Due to the five-year inspection priority and reinspection limitations the number of programmed inspections in this area decreased.
<u>Performance Goal 1.1A</u> Transportation Equipment (37XX) Percent of Overall Inspections Percent of Overall Compliance Assistance Number of serious/willful/repeat	 1.50% 0.80% 86	 2.0% 0.70% 88	 .85% 1.37% 76	MNOSHA prioritized strategic plan programmed inspections in FY2003. Due to the five-year inspection priority and reinspection limitations the number of programmed inspections in this area decreased.
<u>Performance Goal 1.1A</u> Fabricated Structural Metal (344X) Percent of Overall Inspections Percent of Overall Compliance Assistance Number of serious/willful/repeat	 2.30% 1.10% 122	 4.90% 0.70% 247	 1.96% 2.1% 146	MNOSHA prioritized strategic plan programmed inspections in FY2003. Due to the five-year inspection priority and reinspection limitations the number of programmed inspections in this area decreased.

OSHA PERFORMANCE MEASUREMENT REPORT: MEASURES & INDICATORS RELATED TO PERFORMANCE GOALS (OPTMS)				
MEASURES/ INDICATORS	FY2001	FY2002	FY2003	COMMENTS
Performance Goal 1.1B Construction Percent of Overall Inspections Percent of Overall Compliance Assistance Number of serious/willful/repeat	57.30% 64% 1,093	45.60% 65.30% 915	53.11% 57.97% 1272	MNOSHA prioritized strategic plan programmed inspections in FY2003, and increased inspection volume in construction.
ADDITIONAL FIELD INDICATORS				
% serious/willful/repeat violations	78.50%	78%	81%	The percent of S/W/R violations increased in FY2003.
Number of significant cases	1	1	0	There were no significant cases in FY2003.
Number of programmed inspections	1,477	1,301	2220	The number of programmed inspections significantly increased in FY2003.
Number of unprogrammed inspections		373	354	The percentage of unprogrammed inspections decreased in FY2003. Senior staff handle phone calls from external stakeholders which helps reduce number of unprogrammed inspections.
Average penalty for serious/willful/repeat violations		\$924	\$723	One factor that may affect MNOSHA's lower average penalties is the fact that AWAIR (A Workplace Accident and Injury Reduction) Act violations are cited without penalties; AWAIR is generally one of the top five most frequently cited violations.
% of inspections with "other than serious" violations		9.50%	8%	The percent of nonserious violations continues to decrease.
Contested cases rate	22.60%	19.40%	17%	The number of contested cases continued to decline in FY2003.
Hour per: Safety construction inspection	13	13	10	The hours per safety construction inspection remains consistent.
Hours per: Safety non-construction inspection	41	30	20	The hours per safety non-construction inspection again showed a marked decline in FY2003.

OSHA PERFORMANCE MEASUREMENT REPORT: MEASURES & INDICATORS RELATED TO PERFORMANCE GOALS (OPTMS)				
MEASURES/ INDICATORS	FY2001	FY2002	FY2003	COMMENTS
Hours per: Health construction inspection	26	22	23	The hours per health construction inspection remains consistent.
Hour per: Health non-construction inspection	42	40	34	The hours per health non-construction inspection remains consistent.
Median citation lapse time for: Safety construction inspections	26	32	14	The median lapse time for safety construction inspections decreased significantly due to increased staffing and increased focus on lapse time.
Median citation lapse time for: Safety non-construction inspections	23	20	15	The median lapse time for safety construction inspections decreased significantly due to increased staffing and increased focus on lapse time.
Median citation lapse time for: Health non-construction inspections	40	47	30	The median lapse time for safety construction inspections decreased significantly due to increased staffing and increased focus on lapse time.
Median citation lapse time for: Health construction inspections	39	39	40	The median lapse time for health construction inspections remained consistent.
% of inspections in compliance: Construction	32.90%	34.90%	35.4%	Even with an increase in overall inspection numbers the rate in compliance remained consistent.
% of inspections in compliance: non-construction	30.60%	29.70%	28.8	Even with an increase in overall inspection numbers the rate in compliance remained consistent.
% of inspections in compliance: Programmed	28.40%	28%	30.7	Even with an increase in overall inspection numbers the rate in compliance remained consistent.
% of inspections in compliance: Unprogrammed	43%	47.10%	43.3	The percent of unprogrammed inspections in compliance continues to be higher than programmed.
% of inspections in compliance: Total	31.90%	32.10%	32.3	Even with increased inspections, the in compliance rate remained consistent.
Total number of inspections conducted	1,954	1,674	2574	The total number of inspections conducted increased by 60% in FY2003.
Total number of complaint investigations	600	396	402	
Total number of consultation activities	837	956	1004	
Total number of technical assistance activities	454	469	669	

Data source: OSHA Performance Measurement Report: Measures and Indicators Related to Performance Goals – Minnesota Data
September 2003