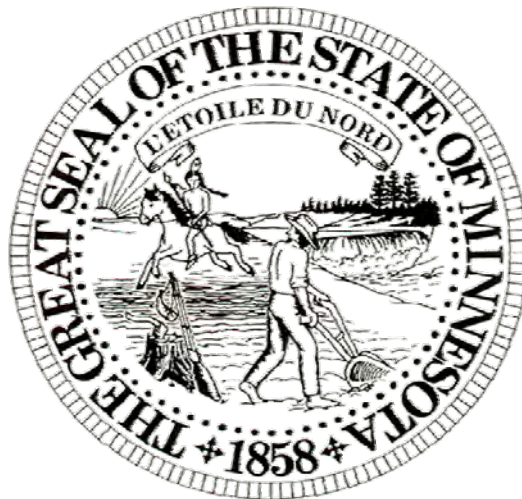


**FFY 2010**

**Minnesota Occupational Safety & Health Compliance  
State OSHA Annual Report (SOAR)**

***MNOSHA – 23g***



January 2011  
[Final]

**SOAR for FFY2010**  
**Minnesota Occupational Safety & Health Compliance (OSH)**

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**SOAR for FFY2010**  
**Minnesota Occupational Safety & Health Compliance (OSH)**

**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) Compliance 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 FFY2009 to 2013 established three strategic goals:

<b>MNOSHA Compliance (OSH) Strategic Goals</b>
Goal 1: Reduce occupational hazards through compliance inspections
Goal 2: Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership
Goal 3: Strengthen and improve MNOSHA's infrastructure

The FFY2010 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2010. This SOAR presents a review of the strategies used and results achieved in FFY2010. Special accomplishments as well as the successful completion of mandated activities are also discussed.

**GOAL SUMMARIES - SOAR for FFY2010**  
**Minnesota Occupational Safety and Health (MNOSHA) Compliance**  
**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS**

With few exceptions, MNOSHA Compliance's FFY2009 performance goals have been achieved. Each of the FFY2010 Performance goals and the activities and strategies used to achieve those goals are described below. Comments/discussion relating to accomplishment of Goal sub-items follows each chart.

**Goal 1: Reduce occupational hazards through compliance inspections**

How Progress in Achieving this Goal Will be Assessed	Baseline 9/30/09	FFY 10 Target	FFY 10 Results	FFY 13 Target
1. Reduce Total Recordable Cases (TRC) Rate	BLS data CY 5-year average using the 5 years prior to the target year <sup>3</sup> CY 2004-2008 avg: 4.86	Reduction in TRC rate from the previous 5-year avg. CY 2004-2008 avg: 4.86	CY 2009 TRC rate: 3.8, a 22% reduction	Consistent reduction over 5-year Plan
2. Reduce fatality rate <sup>1</sup> for fatalities within MNOSHA's jurisdiction	<sup>4</sup> DEED & MNOSHA data CY 5-year average using the 5 years prior to the target year CY 2004-2008 avg: .828	Reduction in fatality rate from the previous 5-year avg. CY 2004-2008 avg: 828	CY 2009 fatality rate: .700, a 15% reduction	Consistent reduction over 5-year Plan
3. Number of hazards identified & establishments visited: a) Total hazards identified / establishments visited	MNOSHA data FY 2003 – 2007 avg: 4919 / 2619	Increase hazard identification 1%	5534 / 2691 11.9% increase in hazard ID  See comments following chart [1.3]	Increase hazard identification 1%
b) Establishment emphasis <sup>2</sup> 1. <u>Inspection emphasis</u> Utilities, except 221113, nuclear Food manufacturing Construction Beverage and tobacco product mfg. Wood product manufacturing Nonmetallic mineral product mfg. Primary metal mfg. except foundries Transportation equipment mfg. Furniture & related product mfg. Building material & garden equip & suppliesdealers Warehouse and storage Hospitals Nursing homes Amputations Combustible dust Foundries Refineries Grain facilities Meatpacking Public sector Tree trimming/logging Asthma Lead Methylene chloride Popcorn Silica PSM	N/A	67% of all programmed inspections and consultation visits	64.3% of all programmed inspections	70% of all programmed inspections
2. Ergo & Safe Patient Handling, including hospitals, surgical centers, nursing homes	Current practice	Ongoing support of WSC's Ergo & SPH effort	See special accomplishments section	Ongoing support of WSC's Ergo effort
4. Percent of designated programmed inspections	MNOSHA data FY 2003-2007 avg: 85%	85%	87%	85%

<sup>1</sup>Fatality rate is calculated as the number of fatalities per 100,000 workers: (# MNOSHA fatalities / # of MN employed workers) x 100,000

<sup>2</sup>The quantity of programmed inspections is variable; therefore no defined number is provided.

<sup>3</sup>BLS data for the last year of five-year average is not available until October.

<sup>4</sup> Minnesota Department of Employment and Economic Development

**Goal 1.1**

Reduce total recordable cases: FFY10 target was reduction in TRC from the previous 5-year average.

MNOSHA Compliance met this goal and continues to review new information to redefine scheduling approaches to reduce injury and illness rates.

**Goal 1.2**

Reduction in state fatality rate: FFY10 Target reduction in rate from the previous 5-year average.

MNOSHA Compliance met this goal with a 15% reduction. MNOSHA Compliance continues to address workplace fatalities in its outreach materials, and during Construction Breakfast Seminars. There were 15 fatalities in calendar year 2010 and that number will be used to calculate the rate for FFY11.

**Goal 1.3**

Hazards abated / establishments visited. In FFY2010, MNOSHA investigators conducted 2,691 inspections where 5534 hazards were identified and cited. Seventy percent (70%) of the inspections conducted resulted in violations; 76% of violations were cited serious. MNOSHA continues to create incentives for employers to address safety and health issues through strong, fair, and effective enforcement of safety and health regulations. MNOSHA focused its programmed inspections to reduce injuries, illnesses, and fatalities in certain emphasis industries. The FFY10 goal was for 67% of all programmed inspections conducted to be in the emphasis industries. MNOSHA conducted 64% of all programmed inspections in the emphasis industries.

As part of an ergonomic focus, MNOSHA conducted 40 programmed inspections in the meat processing industry and nursing homes.

**GOAL SUMMARIES - SOAR for FFY2010  
Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)  
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS**

**Goal 2**  
**Promote a safety and health culture through compliance assistance, outreach, cooperative programs, and strong leadership**

How Progress in Achieving this Goal Will be Assessed	Baseline9/30/08	FFY 10 Target	FFY 10 Results	FFY 13 Target
1. Increase in:				
a. Partnerships	<sup>2</sup> N/A	1 new	0 (6 added to existing) (See comments following chart [2.1a,c])	1 new
b. Voluntary Protection Programs (MNSTAR)	<sup>3</sup> 26	4 new	16 new	4 new
c. Continue to identify compliance assistance opportunities.	Current practice	Maintain baseline	See comments following chart [2.1a,c]	Ongoing
2. Maintain total number of people participating in OSHA outreach/training in areas such as:	FY 2003-2007 avg: 2,785	5% increase	3285 18% increase	5% increase
a. Total				
b. Youth				
c. Immigrant employers and employees				
d. Emerging businesses				
e. Construction				
f. Manufacturing				
g. Discrimination				
h. Other strategic plan compliance/consultation emphases				
3. Participate in homeland security efforts at state and national levels	Current practice	Ongoing	Ongoing	Ongoing
4. Maintain response time and/or service level to stakeholders in areas such as:	Current practice	Ongoing	Ongoing	Ongoing
a) Telephone inquiries and assistance				
b) Written requests for information				
c) MNOSHA website information/updates				

<sup>1</sup>The compliance assistance activities are incorporated in various places in Goal 1, Items 1-2; and Goal 2, Items 1-4. Additional quantitative numbers will be defined with the inclusion of the proposed compliance assistance positions.

<sup>2</sup>Some partnerships that were in effect in previous years have ended. Therefore, beginning with the FFY2010 performance plan, MNOSHA will eliminate a baseline and add "1 new" partnership each year through FFY2013.

<sup>3</sup>Some VPPs that were in effect in previous years have ended; status and number of active participants change. Therefore, beginning with the FFY2011 performance plan, MNOSHA will eliminate a baseline and add "4 new" MNSTAR sites each year through FFY2013.

**Goal 2.1a.c -**

Compliance Assistance (including target of 1 new partnership) in FFY10.

In FFY10, MNOSHA reviewed how partnerships are being conducted in various state plan states to compare the effectiveness between the model used by MNOSHA with the I35W partnerships and other state's models. MNOSHA did not develop a new partnership during FFY10, but did meet and discuss possible options with stakeholders. Currently, MNOSHA has active partnerships with the Associated General Contractors (CHASE) and the Associated Building Contractors (ABC). Five new members were added to the ABC partnership, and 1 new member was added to the CHASE partnership.

MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA continues to hire investigators who are fluent in more than one language, and, when necessary, has requested translation services from one of the Department's Legal Analysts, who is fluent in both English and Spanish. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department's Community Services Representative. The Community Service Representative attended the Latino Worker Safety Health and Safety summit in Texas.

**Goal 2.1.b**

Increase VPPs by 4 in FFY10.

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 CSP 03-01-003, *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 TCIR and DART injury and illness rates must be below the state and national averages, for their industry. Employers who meet all requirements for MNSTAR status are exempt from programmed inspections by MNOSHA Enforcement for three years, upon initial certification, and up to five years upon subsequent re-certification. The MNSTAR VPP has been very successful since its inception in FFY1999. MNSTAR status has been awarded to both large and small employers in high-hazard and in state-targeted industries. For FFY 2010, there were 52 employers in the MNSTAR program, with 16 sites granted initial certification (15 Star employers and 1 Merit employer), during the 2010 federal fiscal year. Six companies were re-certified for MNSTAR status. The FFY 2010 MNSTAR certified companies are listed below:

**STAR Sites:**

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
1	Boise Cascade, LLC 400 2 <sup>nd</sup> Street International Falls, MN 56649	842	2621 322121	Sept. 9, 1999 to Sept. 9, 2002 Sept. 9, 2002 to Sept. 9, 2007 Sept. 9, 2007 to Sept. 9, 2012
2	CF Industries, Inc. Glenwood Terminal 19369 195 <sup>th</sup> Avenue PO Box 20 Glenwood, MN 56334-0020	10	5191 422910	Apr. 17, 2000 to Apr. 17, 2003 Apr. 17, 2003 to Apr. 17, 2008 Apr. 17, 2008 to Apr. 17, 2013
3	MN Power, Inc. 30 West Superior Street Duluth, MN 55802-2093	1,231	4911 221122	Oct. 20, 2000 to Oct. 20, 2003 Oct. 20, 2003 to Oct. 20, 2008 Oct. 20, 2008 to Oct. 20, 2013
4	Verso Paper 100 East Sartell Street Sartell, MN 56377	600	2621 322121	Feb. 15, 2001 to Feb. 15, 2004 Feb. 15, 2004 to Feb. 15, 2009 Feb. 15, 2009 to Feb. 15, 2014
5		2,560		

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
	Marvin Windows and Doors Hwy. 11 West; PO Box 100 Warroad, MN 56763-0100		2431 321911	Aug. 1 2001 to Aug. 1, 2004 Aug. 1, 2004 to Aug. 1, 2009 Aug. 1, 2009 to Aug. 1, 2014
6	Potlatch Corporation Bemidji Lumbermill 50518 County 45 Bemidji, MN 56601	94	2421 321113	Jun. 17, 2002 to Jun. 17, 2005 Jun. 17, 2005 to Jun. 17, 2010
7	IBM Department EQ9A Building 002-1, G105 3605 Highway 52 North Rochester, MN 55901-7829	4,400	3571 334111	Jul. 16, 2002 to Jul. 16, 2005 Jul. 16, 2005 to Jul. 16, 2010
8	New Ulm Medical Center P.O. Box 577 1324 Fifth North Street New Ulm, MN 56073	470	8062 622110	March 7, 2003 to March 7, 2006 March 7, 2006 to March 7, 2011
9	Alexandria Extrusion Co. 401 County Road 22 NW Alexandria, MN 56308	295	3354 331316	Sept. 30, 2003 to Sept. 30, 2006 Sept. 30, 2006 to Sept. 30, 2008 Sept. 30, 2008 to Sept. 30, 2013
10	International Paper 1699 West Ninth Street White Bear Lake, MN 55110	132	2653 322211	July 22, 2004 to July 22, 2007 July 22, 2007 to July 22, 2012
11	Specialty Minerals, Inc. 400 2 <sup>nd</sup> Street, Gate 5 P.O. Box 313 International Falls, MN 56649	6	2819 325188	April 7, 2005 to April 7, 2008 April 7, 2008 to April 7, 2013
12	Louisiana-Pacific Corp. 711 25 <sup>th</sup> Avenue Two Harbors, MN 55616	143	2493 321219	(Merit) Feb. 12, 2004 to Feb. 12, 2006 (STAR) April 15, 2005 to April 15, 2008 April 15, 2008 to April 15, 2013
13	Midwest Electric Products, Inc. P.O. Box 910, 58155 240 <sup>th</sup> Street Mankato, MN 56002-0910	73	3613 335313	Oct. 7, 2005 to Oct 7, 2008 Oct 7, 2008 to Oct 7, 2010 (completing 2-yr rate reduction plan)
14	Flint Hills Resources-Pine Bend Refinery PO Box 64596 St. Paul, MN 55164-0596  Jct. Hwy. 52 & 55 Inver Grove Heights, MN 55077	830	2911 324110	Dec. 21, 2005 to Dec. 21, 2008 Dec. 21, 2008 to Dec. 21, 2013
15	Mankato Area Public Schools – Administrative Office 10 Civic Center Plaza –Suite One Mankato, MN 56002-8741	16	611110 (923110)	Aug. 24, 2006 to Aug. 24, 2009 Aug. 24, 2009 to Aug. 24, 2014
16	CBI Services, Inc. 12555 Clark Road Rosemont, MN 55268 Mail Address: Box 64596 St. Paul, MN 55164-0596	300	237990 (236210)	Sept. 19, 2006 to Sept. 19, 2009 Sept. 19, 2009 to Sept. 19, 2014



No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
17	Honeywell Aerospace Minneapolis Operations 2600 Ridgway Parkway Minneapolis, MN 55413	1,250	334511	February 2, 2007 to February 2, 2010 February 2, 2010 to February 2, 2011
18	iLevel Weyerhaeuser ISC 700 Emerald Street St. Paul, MN 55114	62	423310	March 19, 2007 to March 19, 2010 March 19, 2010 to March 19, 2015
19	USG Interiors 27384 Highway 61 Blvd. Red Wing, MN 55066	40	327993	April 23, 2007 to April 23, 2010 April 23, 2010 to April 23, 2015
20	Valmont Industries, Inc. 20805 Eaton Avenue Farmington, MN 55024	123	332323	June 1, 2007 to June 1, 2010 June 1, 2010 to June 1, 2011
21	Monsanto Company Soybean Research 29770 US Highway 71 Redwood Falls, MN 56283	6	115114	Aug. 27, 2007 to Aug. 27, 2010 Aug. 27, 2010 to Aug. 27, 2015
22	Honeywell Defense & Space 12001 State Hwy. 55 Plymouth, MN 55441	550	334413	December 3, 2007 to February 3, 2011
23	Liberty Paper, Inc. 13500 Liberty Lane Becker, MN 55308	110	322130	December 27, 2007 to December 27, 2010
24	Lockheed Martin MS2 Tactical Systems 3333 Pilot Knob Road P.O. Box 64525 Eagan, MN 55121	1500	7373 514512	July 2, 2008 to July 2, 2011
25	Monsanto Company – Soybean Production 29770 U.S. Hwy. 71 Redwood Falls, MN 56283	20 full-time up to 15 part-time	0713 / 115114	July 25, 2008 to July 25, 2011
26	HB Fuller Company 5220 Main Street Fridley, MN 55421	35	2891 / 325520	August 14, 2008 to August 14, 2011
27	Aveda Corporation 4000 Pheasant Ridge Drive NE Blaine, MN 55449-7106	647	2844 325620	December 17, 2008 to December 17, 2011
28	Aveda Services, Inc. - Midwest Distribution Center 3860 Pheasant Ridge Drive NE, Blaine, MN 55449-7106	194	4225 493110	December 17, 2008 to December 17, 2011
29	Trident Seafoods Corporation 1348 Hwy 10 S Motley, MN 56466	273	2092 311712	February 6, 2009 to February 6, 2012
30	Corval Group, Inc. at Flint Hills Resources 12555 Clark Road Rosemount, MN 55268	25-160	1711 238220	September 21, 2009 to September 21, 2012

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
31	Mankato Area Public Schools Bridges Elementary 820 Hubbell Avenue Mankato, MN 56001	15	8211 611110	October 1, 2009 to October 1, 2012
32	Mankato Area Public Schools Dakota Meadows Middle School 1900 Howard Drive North Mankato, MN 56003	85	8211 611110	October 1, 2009 to October 1, 2012
33	Mankato Area Public Schools Franklin Elementary 1000 North Broad Street Mankato, MN 56001	80	8211 611110	October 1, 2009 to October 1, 2012
34	Mankato Area Public Schools Hoover Elementary 1524 Hoover Drive North Mankato, MN 56003	60	8211 611110	October 1, 2009 to October 1, 2012
35	Mankato Area Public Schools Jefferson Elementary 100 James Avenue Mankato, MN 56001	25	8211 611110	October 1, 2009 to October 1, 2012
36	Mankato Area Public Schools Lincoln Community Center 110 Fulton Street Mankato, MN 56001	95	8211 611110	October 1, 2009 to October 1, 2012
37	Mankato Area Public Schools Monroe Elementary 441 Monroe Avenue North Mankato, MN 56003	55	8211 611110	October 1, 2009 to October 1, 2012
38	Mankato Area Public Schools Roosevelt Elementary 300 West 6 <sup>th</sup> Street Mankato, MN 56001	65	8211 611110	October 1, 2009 to October 1, 2012
39	Mankato Area Public Schools Washington Elementary 1100 Anderson Drive Mankato, MN 56001	80	8211 611110	October 1, 2009 to October 1, 2012
40	Mankato Area Public Schools West Sr. High 1351 South Riverfront Drive Mankato, MN 56001	145	8211 611110	October 1, 2009 to October 1, 2012
41	Mankato Area Public Schools Day Treatment 709 South Broad Street Mankato, MN 56001	20	8211 611110	October 1, 2009 to October 1, 2012
42	Mankato Area Public Schools Early Childhood Development 2077 Lookout Drive North Mankato, MN 56003	25	8211 611110	October 1, 2009 to October 1, 2012
43	Mankato Area Public Schools All Seasons Arena 1251 Monks Avenue Mankato, MN 56001	18	8211 611110	October 1, 2009 to October 1, 2012
44	Mankato Area Public Schools Food Service & Delivery 1070 Lookout Drive North Mankato, MN 56003	3	8211 611110	October 1, 2009 to October 1, 2012

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
45	Gray / PCL Construction USPS Eagan / St. Paul Expansion 3232 Denmark Avenue Eagan, MN 55121	25	1542 236220	February 2, 2010 to February 2, 2013
<b>Merit Sites:</b>				
46	Norhstar Ethanol (Merit) 19200 499 <sup>th</sup> Avenue Lake Crystal, MN 56055	44	2869 325193	June 30, 2008 to June 30, 2011
47	Mankato Area Public Schools Eagle Lake Elementary (Merit) 500 LeSueur Avenue Eagle Lake, MN 56024	45	8211 611110	September 15, 2009 to September 15, 2012
48	Mankato Area Public Schools East Jr./Sr. High (Merit) 2600 Hoffman Road Mankato, MN 56001	150	8211 611110	September 15, 2009 to September 15, 2012
49	Mankato Area Public Schools Garfield Elementary (Merit) 320 Garfield Avenue North Mankato, MN 56003	35	8211 611110	September 15, 2009 to September 15, 2012
50	Mankato Area Public Schools Kennedy Elementary (Merit) 2600 East Main Mankato, MN 56001	75	8211 611110	September 15, 2009 to September 15, 2012
51	Mankato Area Public Schools Special Education (Merit) 1610 Commerce Drive North Mankato, MN 56003	35	8211 611110	September 15, 2009 to September 15, 2012
52	Marathon Petroleum Company 301 St. Paul Park Road St. Paul, MN 55071	325	2911 324110	November 20, 2009 to November 12, 2010

## **Goal 2.2 -**

In FFY10, increase the total number of people participating in outreach by 5%.

MNOSHA established a baseline of 2785 participants per year for outreach training sessions covering various subject areas. MNOSHA Compliance exceeded the goal for FFY 2010 by conducting presentations to 3285 participants; this is 18% above baseline. During FFY10, MNOSHA focused efforts on streamlining its outreach efforts while maintaining service and achieving its goals. MNOSHA included Safety Investigator III and IV positions in its outreach efforts throughout the state. The majority of outreach presentations were addressed to emphasis industries, including construction. Additionally, all investigative staff rotates to provide stakeholder assistance each day. The rotation of staff is coordinated in the St. Paul office in order to utilize staff resources efficiently.

Each year, MNOSHA Compliance has four leading organizations that request outreach services: Midwest Center for Occupational Health and Safety; Associated General Contractors of Minnesota; American Society of Safety Engineers; and Minnesota Safety Council.

In addition, MNOSHA conducted its popular Construction Breakfast Seminar five times in FFY10. The Construction Breakfast Seminar was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction Breakfast Seminar provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA investigators. MNOSHA continues to work with the Construction Breakfast Seminar Focus Group to select safety topics and presenters for each event. Topics are discussed and voted on by each member and then approved by MNOSHA's management team. The committee is made up of various representatives from the construction industry; including insurance agents, company safety directors, and safety consultants who volunteer their time and

expertise. The steering committee also meets during the season to evaluate each presentation for its relevancy and audience understanding and acceptance. In total, the Construction Breakfast Seminar presentations attracted 215 participants, representing an average attendance of 54 participants for each seminar.

MNOSHA conducted only three presentations outside of the targeted industries. During FFY10, MNOSHA also continued its strong working relationship with the Minnesota Safety Council.

MNOSHA continues to participate in major safety conferences throughout the state. The division staffed displays at five different exhibitions in FFY10, with two of the events lasting more than one day. All were well attended, with significant traffic at the MNOSHA booth of people asking numerous questions in regard to MNOSHA standards.

New or revised publications during the fiscal year included:

- An Employer's Guide to Developing an Employee Right-To-Know Program;
- Employee Right-To-Know on Construction Sites;
- Employee Right-To-Know Model Program for Small Employers;
- An Employer's Guide to A Workplace Accident and Injury Reduction (AWAIR);
- A Workplace Accident and Injury Reduction (AWAIR) Program for Small Construction Employers;
- Minnesota OSHA Recordkeeping Requirements;
- MNOSHA Audiovisual Library;
- Emergency Eyewash and Showers;
- MNOSHA Guidelines for Releases of Hazardous Substances That May Require an Emergency Response;
- Heat Stress;
- Hazards of Fiberglass Layup and Spray up;
- Building Owners' Responsibilities for Asbestos;
- Confined Spaces Standard for Construction with Attachments;
- Occupational Safety and Health Resources on the Internet fact sheet;
- You Have the Right to a Safe and Healthful Workplace fact sheet;
- Minnesota OSHA order form;
- Minnesota OSHA office information sheet;
- 2008 Most Cited Standards (overall, general industry and construction);
- Contents of a First Aid Kit fact sheet;
- Respiratory Protection for 2009 H1N1 Influenza fact sheet;
- Disinfection Using Bleach fact sheet;
- 2009 H1N1 Influenza: Hierarchy of Controls fact sheet;
- MNOSHA Strategic Partnership Program fact sheet;
- Fall Protection in Residential Roofing fact sheet;
- Tree Felling hazard alert;
- Belly Dump Trailers hazard alert;
- Carpenter Bracket Scaffolds hazard alert;
- Mobile Shelving Systems hazard alert;
- Confined Space Entries hazard alert;
- Loading/Unloading Systems at Concrete Products Plants hazard alert;
- Motor Vehicle Safety hazard alert; and
- Falls from Ladders Used in Advertising Sign Maintenance hazard alert.

In addition to the specific publications, MNOSHA continues to publish its newsletter, *Safety Lines*. Some of the subjects covered in the past year included the most cited standards, fatality cases, winter driving, heat stress, fall protection, mobile shelving systems, recordkeeping and statistics, and frequently asked questions.

MNOSHA also continues have a video lending library, which offers a selection of safety and health videos and DVDs available for a free two-week loan.

### **Goal 2.3 -**

#### Homeland Security

The MNOSHA Compliance program continued to participate on the State Emergency Response Team. The governor activated the state Emergency Operations Center three times in 2010 following spring flooding in northwest Minnesota,

statewide tornadoes in June, and flooding in southern Minnesota in September. One director attended thirteen MN Department of Public Safety, Homeland Security and Emergency Management (HSEM) division meetings related to these events, four meetings of the Emergency Preparedness Committee, and five federal OSHA Homeland Security conference calls.

Revisions to the MN Emergency Operations Plan were submitted in February 2010 which clarified the titles of two divisions within the department, OSHA and Construction Codes and Licensing.

One director completed eight on-line FEMA ICS courses: IS130, Exercise Evaluation and Improvement Planning; IS200.a, ICS for Single Resources and Initial Action Incidents; IS288, The Role of Voluntary Agencies in Emergency Management; IS393.A, Introduction to Hazard Mitigation; IS547, Introduction to Continuity of Operations(COOP); IS700, National Incident Management Systems (NIMS) An Introduction; IS800.B, National Response Framework An Introduction; and, IS230, Principles of Emergency Management.

Seven staff completed the two-hour Introduction to Incident Command on-line FEMA course (IS100) and the two-hour Single Resources and Initial Action Incidents on-line FEMA course (IS200).

Outreach on Responder Safety at a Mass Fatality Event was presented on October 29, 2009, by a MNOSHA Director. Lessons learned from the 2007 I-35W bridge collapse were discussed.

#### **Goal 2.4 -**

##### **In FFY10, maintain response time and/or service level to stakeholders.**

Every business day, MNOSHA has two safety and health professionals on duty to answer questions received primarily through phone calls and emails. During FFY10, these two positions responded to approximately 4540 phone calls and 1363 written requests for assistance, primarily e-mails. A majority of these inquiries are answered within one day. During FFY10, 63% of phone calls, emails, and written responses were received from employers, consultants or other individuals requesting safety and health information. Most information is provided to callers during the initial phone call, while others are directed to the MNOSHA or federal OSHA websites, or another state agency for assistance. The information requested covers a wide variety of topics which is why MNOSHA continues to use investigative staff to answer a majority of the calls.

During FFY10, 41% of inquiries were received from employees calling to file a workplace safety and health complaint. Forty-four (44) percent of the total complaints resulted in an onsite inspection with an average of 3.2 days response time. The remaining 56% of complaints were handled via MNOSHA's phone/fax system (non-formal complaint), within an average of 1 days.

MNOSHA also provides a variety of safety and health information on its website, including printable handouts and information about its audio visual library, which offers a selection of safety and health videos and DVDs available for a free two-week loan. The MNOSHA site also provides links to other websites where safety and health regulations and other information can be accessed. In total we received 42,759 hits to the MNOSHA web page.

**GOAL SUMMARIES - SOAR for FFY2010**  
**Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)**  
**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS**

**Goal 3**  
**Strengthen and improve MNOSHA's infrastructure**

How Progress in Achieving this Goal Could Be Assessed	Baseline 9/30/08	FFY 10 Target	FFY 10 Results	FFY 13 Target
1. Review rules annually for effectiveness: ongoing evaluation, development of rules, standards, guidelines and procedures.	Current practice	Ongoing	See comments following chart. [3.1]	Ongoing
2. Maintain workforce development and retention plan	Current practice	Develop a workplace plan.	See comments following chart. [3.2]	Monitor plan and evaluate results
3. Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders, are met.	Current practice	Develop: 1) workflow analysis of collections process, and 2) recommendations for website improvements	See comments following chart. [3.3]	Develop workflow analysis of case file citation issuance

**GOAL 3 – Comments**

**Goal 3.1 -**

**In FFY10: Conduct Annual Review of Rules/Standards, Guidelines and Procedures, with 100% of directives updated in 5-yr cycle**

The MNOSHA Compliance Directives Coordination Team (DCT) is charged with coordinating and managing the MNOSHA internal information system. The DCT consists of one MNOSHA management analyst, two MNOSHA program analysts, and two MNOSHA Management Team directors. This group monitors federal standard/policy activity and coordinates updates to all relevant MNOSHA standards, directives, and policies accordingly. MNOSHA adopts federal standards by reference and/or develops Minnesota-specific standards when necessary to support MNOSHA program goals.

Federal standards adopted in FFY10: 1) "Revising Standards Referenced in the Acetylene Standard; Direct Final rule; request for comment;" 2) "Revising Standards Referenced in the Acetylene Standard; Final rule; confirmation of effective date;" and 3) "Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment; Final rule."

Minnesota Rules adopted in FFY10: Minn. Rules 5205.0065 Suspension Scaffolds, subp. 2(C); technical amendment."

The annual review of Agency rules resulted in no MNOSHA obsolete or duplicative rules needing repeal in FFY10.

At the close of FFY09, 95% of the directives on the previous five-year cycle were completed; there were 6 directives still needing completion. At the close of FFY10, 98% of the directives on the previous five-year cycle were completed; there are 2 directives still needing completion.

The current five-year directive revision schedule was developed to coincide with the FFY09-FFY13 five-year plan. During FFY10, 34 existing directives were revised. These included internal procedures for Complaints, Referrals, Penalty Collection, EISA, Case File Processing, training, and scheduling. Four new directives on ARRA, Recordkeeping NEP, H1N1, and handling of laboratory samples were developed and issued. At the close of FFY10, 30% of the directives on the current five-year cycle were completed.

**Goal 3.2 -**

**FFY10: Ongoing: Develop a workplace plan**

Maintain workforce development and retention plan

Minnesota OSHA developed a workplace plan which included the following eight step process:

1. Environmental Scanning
2. Organizational Analysis
3. Identify Target Areas
4. Current Workforce Analysis
5. Future Workplace Analysis
6. Gap Analysis and Strategy Development
7. Develop and Implement an Action Plan and Communication Strategy
8. Monitor Plan & Evaluate Results

In FFY2010, MNOSHA utilized the plan to develop a strategy to maintain consistency and quality throughout the organization's field staff. Two goals were identified:

- To assure that MNOSHA has an adequate workforce to ensure that construction worksites are complying with MNOSHA safety and health regulations; and
- To assure that MNOSHA continues to be an organization that is recognized as a "best-in-class" state plan state.

MNOSHA has been able to consistently recruit staff. Additionally, stakeholders have come to expect the MNOSHA program to be a highly-functioning organization with strong leadership and experience.

The Current Workforce Analysis and the Future Workplace Analysis, including likely retirements, determined that an organizational change was necessary to ensure that future MNOSHA management staff will be able to continue the tradition of effective and consistent enforcement of safety and health standards. A key element of the reorganization plan is to create opportunities for current staff members to develop leadership skills by taking on additional responsibilities, special projects, and networking opportunities.

The plan includes restructuring of the investigative field staff into four units with similar numbers and disciplines of staff in all four units. The four new units are called North, Central, Southeast and Southwest. All units will have a portion of the metro area. The division of counties was determined by the number of inspections conducted historically. Each unit has at least three industrial hygienists and nine safety investigators who conduct both construction and general industry inspections.

The reorganizational plan developed in FFY09 was implemented in early FFY10. The new structure divides the staff into four assigned territories – north, central, southeast and southwest. Each group has similar staffing levels and disciplines, integrating safety and health investigators under the same supervision. All groups include a portion of the Twin Cities metropolitan area and no staff members were asked to move. The assignment of counties in each territory was determined by reviewing the number of inspections conducted. Each unit has at least three industrial hygienists and nine safety investigators who conduct both construction and general industry inspections.

Additionally, a fifth unit was developed consisting of team leads that include Safety Investigator 4s, and Industrial Hygienist 3s. This unit conducts informal conferences, mentoring, and case file review.

An analysis earlier in 2009 determined an organizational change was necessary to ensure future MNOSHA staff members will be able to continue the tradition of effective and consistent enforcement. The reorganization is designed to help MNOSHA meet its goals of assuring it:

- has an adequate workforce to ensure general industry and construction worksites are complying with MNOSHA safety and health regulations; and
- continues to be an organization recognized as a "best-in-class" state-plan state.

In addition, in FFY11 MNOSHA is planning on restructuring the MNSTAR program. This restructuring will involve work out of class opportunities for MNOSHA field staff. The current plan involves a work out of class supervisor and two Safety Investigator 4 positions. The reorganizational plan will not result in a reduction in investigative staff.

### **Goal 3.3 -**

FFY10: Ongoing: Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders, are met.

MNOSHA's continuing process improvement actions include monthly meetings with solicitors (Assistant Attorneys General). The status of pending cases is discussed, litigation strategy is reviewed, and verification with records maintained by MNOSHA is done. An on-line calendar of pending activity, such as depositions or administrative hearings, was established in FFY09. Staff and supervisors are notified of upcoming activity on their litigated case files. During FFY10, 37 cases were referred to AG for litigation. One case was heard before an Administrative Law Judge.

In Comm. v. Petra Development Services, MNOSHA prevailed at an administrative hearing regarding the contested two willful citations for violations of 1926.850(a) and (b). The willful classifications were upheld although the

penalties were amended. This prompted a revision to the Field Compliance Manual regarding violations which "cause or contribute" to the death of an employee, and the subsequent penalty calculations.

In addition, a MNOSHA Director provides a weekly report to in-house counsel of contested cases which are handled within the Department. In-house counsel provides a monthly report to MNOSHA on the status of contested cases. These help maintain a prompt turnaround for cases handled in-house.

Also in late FFY09, the use of Video Teleconferencing came to the Department. The Department has capabilities established for all its offices.

A MNOSHA Director provides a weekly summary of Open inspection files to each supervisor. This helps reduce the number of outstanding unabated violations and identifies potential cases for follow-up inspections.

In November 2009, MNOSHA established a post office box for mailing of employer penalty payments. This permitted separation of funds from routine mail and allowed for prompt processing by the department's Financial Services staff.

A new email address was established in FFY10 to allow employers a central location to submit electronic Progress Reports. This helps assure prompt review should any individual staff not be available and helps assure a legible copy of the abatement documentation is available for the file.

The Department's Accounts Receivable procedure for OSHA penalty collections was revised in FFY10. The procedure included the addition of Discrimination settlement funds. The Division policy on Penalty Collections, ADM 3.8, was revised in August, 2010.

Much focus was placed in FFY10 on abatement verification, particularly a performance indicator of the number of cases more than 30 days past their abatement date. In October 2009, there were 43 cases exceeding 30 days past their abatement date. A high of 65 cases was seen in August 2009. In contrast, MNOSHA concluded each of the last five months of FFY10 with less than 20 cases, and 50 was the highest number of cases seen during any month in FFY10 (late in calendar year 2009). The reduction was achieved through a variety of process changes, including weekly review of Open Inspection lists by supervisory staff, contact with employers prior to an abatement due date by investigators, discussions at office staff meetings, the establishment of an email address for employers to submit progress reports electronically, and a small increase in the number of follow up inspections conducted.

The redesigned department website, launched in FFY09, increased navigational options, uses informational tabs to display multiple links more easily, and offer a "highlights" section enabling users to find frequently accessed features on the agency's web site. Along with the Department Communications Unit, MNOSHA continues to monitor and maintain the information on the MNOSHA website. Recommendations are made as needed.



**SPECIAL ACCOMPLISHMENTS**

In addition to traditional compliance activities, MNOSHA also concentrates efforts in other areas aimed at assisting employers to make their workplaces safer and healthier. Some achievements for FFY2010 include:

**Staff Training:**

MNOSHA places a high value on staff training for both enforcement purposes and investigator safety. A major investment in time and money is made every year to assure that MNOSHA has knowledgeable, competent investigators.

During FFY 2010, MNOSHA had the privilege of hosting the OSHA Training Institute (OTI) as they conducted the OSHA 3010 Excavation, Trenching and Soil Mechanics here in June. This course provided a great opportunity at the beginning of the construction season for cross-training the metro area safety staff, as well as developing newly-hired investigators. The Division staff also completed an additional 74 registrations at OTI, while another 32 were completed online or as Webinars.

Other training endeavors during the year included in-house HAZWOPER refresher training for 11 staff members and the annual Employee Right-To-Know refresher for the investigative staff. Short sessions during the monthly staff meetings included; electrical, excavations, combustible dust and calculating good faith credit for citations and the Cisco Agent Desktop phone system.

In addition, MNOSHA prepared a presentation for staff that is expected to enter grain facilities. This training was designed not only to protect the enforcement staff, but also to aid in identifying hazards that are common in grain facilities, such as walking on the grain.

**Loggers' Safety Education Program (LogSafe)**

This program is 100% state-funded and administered by the WSC unit. , The training has been contracted out and provides safety training 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 unit. The intervention and training sessions conducted included (1) CPR/first aid, (2) defensive driving, (3) electrical safety, (4) fire safety, (5) blood-borne pathogens, (6) chain saw safety, (7) control of hazardous energy (LOTO), (8) hazard recognition.

**Summary of Activities FFY 2010**

Activity	Sessions	No of Employees/ Employers trained
Initial visits	39	
Follow-up visits	12	
Training visits	47	705
Interventions	89	1955
TOTAL Consultation Activities	187	2660

**Workplace Violence Prevention Program.** This program helps employers and employees reduce the incidence of violence in their workplaces by providing on-site consultation, training seminars, and general information. The program focus is on workplaces at higher 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 unit. In FFY 2010, there were 12 violence prevention training sessions provided, with approximately 435 employers and 382 employees participating. The coordinator of the Workplace Violence Prevention Program serves on the advisory board Midwest Center for Occupational Health and Safety, Education and Research Center.

### **Safety Grants Program**

This 100% state-funded program, which is administered by the WSC unit, awards funds up to \$10,000 for qualifying employers on 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.

During State Fiscal Year (SFY) 2010, a total of 261 safety grants were awarded to private sector employers (e.g., nursing homes, construction, logging manufacturing) and public sector employers (e.g., schools and cities). Examples of items purchased include: fall protection equipment, personal protective equipment, patient lifts, ergonomic equipment, ventilation systems, arc flash protection, logging equipment, eye washes, material handling equipment. The State spent \$1,116,269.30 for safety grants in SFY 2010.

### **Ergonomics Program Summary**

An ergonomics program coordinator, with a CPE credential, was hired in Sept 2009. A session on manual material handling in high hazard industries was organized and moderated by the ergonomics program coordinator at the Minnesota Safety Council Safety Conference in May 2010. Ergonomic worksite visits are being conducted for both industrial and office ergonomics.

### **Safe Patient Handling Act**

The Safe Patient Handling Act (Minn. Stat. 182.6551 through 182.6553), requires licensed health care facilities in Minnesota to adopt a written safe patient handling policy and establish a safe patient handling committee by July 1. The written policy must establish a plan to minimize manual lifting of patients by Jan. 1, 2011, through the use of patient-handling equipment. WSC developed a compliance directive to guide in the enforcement of the statute. A sample program for nursing homes and hospitals was also developed. The WSC safe patient handling webpage on the DLI website is being continuously updated to include safe patient handling information as it becomes available. The sample program and links to outside sites are available there.

An alliance with a health care group was established to provide on-site, hands-on training on hazard recognition and safe patient handling program development, for nursing home employers and employees. The alliance established four host nursing home sites who agreed to an on-site consultation visit. All identified serious hazards required abatement. The consultation visit allowed employees from the host and other nursing home facilities to participate. Following the consultation visit, a training session was provided to discuss findings and recommendations from the consultation.

In 2009, the Safe Patient Handling in Clinical Settings Statute (Minn. Stat. 182.6554) was passed. The Statute requires every clinical setting that moves patients to develop a written safe patient handling plan by July 1, 2010, with a goal of fully implementing the plan by January 1, 2012. This has resulted in additional work done with the MN Dental Association, to help their clients understand requirements of the Safe Patient Handling Act, as it applies to dental establishments. A sample safe patient handling program for clinical settings has been developed. A dental specific safe patient handling program and hazard assessment is being developed with the Minnesota branch of the American Dental Association. The hazard assessment will assist dental clinics to choose appropriate equipment for safe patient transfers.

### **Nursing Home Project**

The project has concluded and the final report can be accessed on the MN DLI web-site. The project was established in an effort to maximize impact in reducing WMSD within the state, by focusing efforts on an industry with a high rate of injuries that can be categorized as WMSD. Twenty-one private sector nursing homes and 5 public sector homes participated in the project. Multiple on-site evaluations were completed for each participant that included: full-service safety & health consultations (with safety & health management evaluation and hazard assessment), collection of injury and illness data (300 and 300A forms), and distribution and collection of surveys and reports. The surveys/reports included: facility survey, safety committee survey, employee report, and worker compensation report. The information obtained from these surveys/reports was used to assess the impact of consultation services on helping employers reduce the risk of work-related injuries through correction of hazards and establishing a comprehensive safety and health management system. The report concludes that WSC involvement resulted in an increased number of safe patient handling lifts obtained by intervention (participating) nursing homes. When compared to a control group, the intervention homes reported a mean decrease of 27% in recordable back injury cases, a 39% decrease in injuries to nursing staff, and a 42% decrease in recordable injuries to staff overall. The indemnity claims rate decreased by 36% and the mean weeks of temporary disability decreased by more than 11 weeks per 100 FTE, correlating in a 42% decrease in costs.

**Combined SOAR and CAPR for FFY2010  
Minnesota Occupational Safety & Health Compliance (OSH) and  
- Minnesota Workplace Safety Consultation (WSC)**

**MANDATED ACTIVITIES**

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**Compliance:**

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). A comparison of MNOSHA activity measures for FFY08, FFY09 and FFY10 is provided in the tables on pp. 33-34.

Significant improvement was seen in these mandated activities in FFY10:

- Complaint inspections were conducted within an average of 3 days, significantly lower than the goal of 9 days;
- Complaint investigations were conducted within an average of 1 day, significantly lower than the goal of 2 days.
- MNOSHA safety programmed inspections results in 68% with serious/willful/repeat citations, an increase from 64% in FFY09.
- MNOSHA health programmed inspections results in 58% with serious/willful/repeat citations, an increase from 45% in FFY09.

**COMPARISON OF FFY08, FFY09, and FFY10 ACTIVITY MEASURES**  
**MNOSHA Compliance**

<b>Performance Measure</b>	<b>FFY 08</b>	<b>FFY09</b>	<b>FFY10</b>	<b>Comments</b>
Average number of days to initiate complaint inspections	3.3	2.98	3.2	The average number of days to initiate a complaint inspection remains well below the established goal of 9 days.
Average number of days to initiate complaint investigations	1.18	1.09	1.03	The average number of days to initiate a complaint investigation decreased and remains below the established goal of 2 days.
Percent of Complaints where complainants were notified on time	100	100	100	MNOSHA continues to timely notify all complainants.
Percent of complaints and referrals responded to within 1 day – Imminent Danger	100	100	100	All imminent danger complaints were responded to within one day.
Number of denials where entry not obtained	0	1	0	There were no denials where entry was not obtained.
% of serious/willful/repeat violations verified – Private	67.28	67.31	71.20	MNOSHA has implemented new processes to address verification of abatement.
% of serious/willful/repeat violations verified – Public	90.51	83.47	80.98	MNOSHA has implemented new processes to address verification of abatement.
Average number of calendar days from opening conference to citation issue – Safety	18.61	22.79	22.50	The average number of calendar days from opening conference to citation issue for safety cases decreased and remains below the goal of 30 days.
Average number of calendar days from opening conference to citation issue – Health	33.38	33.09	32.61	The average number of calendar days from opening conference to citation issuance for health cases decreased and is below the goal of 35 days.
% of programmed inspections with serious/willful/repeat violations – Safety	64.97	64.46	68.43	The percent of programmed safety inspections with serious/willful/repeat violations increased in FFY10
% of programmed inspections with serious/willful/repeat violations – Health	59.17	45.06	58.28	The percent of programmed health inspections with serious/willful/repeat violations increased in FFY10.
Average violations per inspection with violations – Serious/willful/repeat	2.02	1.94	2.23	The number of SWR citations increased significantly in FFY10, from the previous year.
Average violations per inspection with violations – Other	.53	.55	.66	MNOSHA's rate of issuing other citations increased.
Average initial penalty per serious violation (Private Sector Only)	782.02	731.17	791.29	MNOSHA implemented a new penalty chart which resulted in an increase in the average initial penalty per serious violation.
% of total inspections in public sector	8.47	3.46	7.57	The percent of programmed public sector inspections remains above the goal of 3%.
Average lapse time from receipt of contest to first level decision	148.15	142.19	127.87	The average lapse time from receipt of contest to first level decision decreased significantly.
Percent of 11(c) investigations completed within 90 days	96.15	96.43	91.49	The percent of 11(c) investigations completed within 90 days continues to be high.
% of 11(c) complaints that are meritorious	9.62	10.71	12.77	The percent of merit cases increased in FFY09.
% of meritorious 11(c) complaints that are settled	100	66.67	83.33	The discrimination staff continues to work to settle merit cases.

Data Source: SAMM report run by Federal OSHA on Nov 12, 2010

Performance Measure	FFY 08	FFY 09	FFY 10	Comments
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Safety	91	93.4	91.6	The percent of programmed safety inspections in the private sector decreased in FFY 10.
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Health	63.7	70.86	66	The percent of programmed health inspections in the private sector decreased in FFY10.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Safety	69.4	74.78	73.1	The percent of programmed safety inspections with violations in the private sector decreased in FFY10.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Health	62	63.24	62.5	The percent of programmed health inspections with violations in the private sector decreased in FFY10.
<u>Enforcement (Private Sector)</u> % Serious Violations – Safety	78.2	80.13	76.1	The percent of serious violations in safety cases decreased in FFY10.
<u>Enforcement (Private Sector)</u> % Serious Violations – Health	69.3	63.15	66.7	The percent of serious violations in health cases increased in FFY10.
<u>Enforcement (Private Sector)</u> Average Penalty – Safety Other-than-Serious	216.30	207.08	203.80	The average other-than-serious penalty for safety cases decreased in FFY10.
<u>Enforcement (Private Sector)</u> Average Penalty – Health Other-than-Serious	222.70	185.63	174.90	The average other-than-serious penalty for health cases decreased in FFY10.
<u>Enforcement (Private Sector)</u> Inspections / 100 Hours – Safety	3.5	3.32	3.5	The number of inspections per 100 hours – safety increased in FFY10.
<u>Enforcement (Private Sector)</u> Inspections /100 hours – Health	2.3	2.12	2.3	The number of health inspections per 100 hours increased in FFY10.
<u>Enforcement (Private Sector)</u> % Violations vacated	0	0	0	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Enforcement (Private Sector)</u> % Violations Reclassified	0	0	0	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Enforcement (Private Sector)</u> % Penalty Retention	81.5	78	79.9	The penalty retention rate for private sector inspections increased in FFY10.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Safety	94.1	89.9	95.6	The percent of programmed safety inspections increased in FFY10.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Health	0	17.65	30	The percent of programmed health inspections increased significantly in FFY10.
<u>Enforcement (Public Sector)</u> % Serious Violations – Safety	78.9	75.66	74.1	The percent of serious violations for public sector safety inspections decreased in FFY10.
<u>Enforcement (Public Sector)</u> % Serious Violations – Health	61.9	72.22	87.8	The percent of serious violations in health cases in the public sector increased in FF10.
<u>Review Procedures</u> % Violations Vacated	7.1	11	9.2	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Review Procedures</u> %Violations Reclassified	9.6	0	11	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Review Procedures</u> % Penalty Retention	56	75	61.3	MNOSHA's penalty retention rate for public sector decreased in FFY10.

Data Source: SIR run by Federal OSHA using Current Month = September 2010.