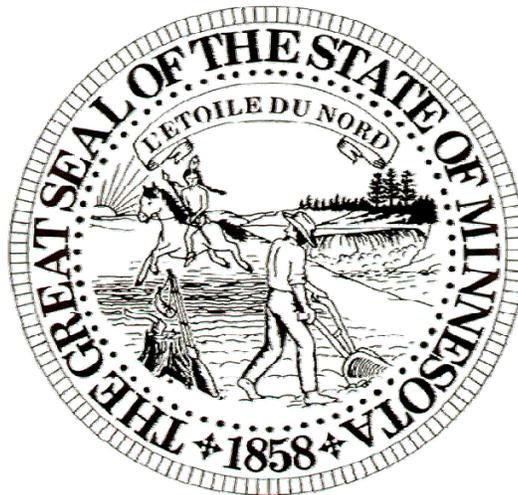


FFY 2012

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

MNOSHA – 23g



January 3, 2013

SOAR for FFY2012
Minnesota Occupational Safety & Health Compliance (OSH)

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SOAR for FFY2012
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:

MNOSHA Compliance (OSH) Strategic Goals
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 FFY2012 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2012. This SOAR presents a review of the strategies used and results achieved in FFY2012. Special accomplishments as well as the successful completion of mandated activities are also discussed.

GOAL SUMMARIES - SOAR for FFY2012
Minnesota Occupational Safety and Health (MNOSHA) Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA Compliance's FFY2012 performance goals have been achieved. Each of the FFY2012 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 12 Target	FFY 12 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 ¹ CY 2006-2010 avg: 4.40	Reduction of 2% in TRC rate from the previous 5-year avg. CY 2006-2010 avg: 4.40	CY 2011 TRC rate: 3.8, a 14% reduction	Consistent reduction over 5-year Plan
2. Reduce fatality rate ² for fatalities within MNOSHA's jurisdiction	³ DEED & MNOSHA data CY 5-year average using the 5 years prior to the target year CY 2006-2010 avg: .721	Reduction in fatality rate from the previous 5-year avg. CY 2006-2010 avg: .721	CY 2011 fatality rate: .883, a 22% increase	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%	4505 / 2667 8% decrease in hazard ID See comments following chart [1.3]	Increase hazard identification 1%
b) Establishment emphasis ⁴ 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 Lead Methylene chloride Popcorn Silica PSM Window washing	N/A	69% of all programmed inspections	75% 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 below	Ongoing support of WSC's Ergo effort
4. Percent of designated programmed inspections	MNOSHA data FY 2003-2007 avg: 85%	85%	85%	85%

¹BLS data for the last year of five-year average is not available until October.

²Fatality rate is calculated as the number of fatalities per 100,000 workers: (# MNOSHA fatalities / # of MN employed workers) x 100,000

³Because employment data from the Minnesota Department of Employment and Economic Development (DEED) is not yet available, MNOSHA uses the fatality rate for the prior year as its measurement.

⁴The quantity of programmed inspections is variable; therefore, no defined number is provided.

Goal 1.1

Reduce total recordable cases: FFY12 target was reduction of 2% 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: FFY12 target reduction in rate from the previous 5-year average.

During an 8-year period from 2000-2007, the average number of fatalities in Minnesota was 25. In 2008, the number of fatalities dropped dramatically to 12, and remained significantly low in 2009 (18) and 2010 (15), causing the 5-year average to decrease significantly. During 2008-2010, the number of employed workers in Minnesota declined steadily, and rose in 2011. The number of fatalities investigated by MNOSHA correlates with the decline and rise in the number of employed workers. Although there were 23 fatalities in Minnesota in 2011, the *rate* of fatalities (.883) was below the average rate of fatalities for 2000-2008 (.944). MNOSHA Compliance continues to address workplace fatalities in its outreach materials, and during Construction Seminars. There were 17 fatality inspections in calendar year 2012 and that number will be used to calculate the rate for FFY13.

Goal 1.3

Hazards abated / establishments visited: FFY12 target, increase hazard identification 1%. In FFY12, MNOSHA investigators conducted 2,667 inspections where 4505 hazards were identified and cited. While the identification of hazards was down 8% from the 2003-2007 average, the identification of construction hazards more than doubled. Sixty-nine percent (69%) 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 FFY12 goal was for 69% of all programmed inspections conducted to be in the emphasis industries. MNOSHA met this goal. MNOSHA conducted 75% of all programmed inspections in the emphasis industries.

As part of an ergonomic focus, MNOSHA conducted 44 programmed inspections in the meat processing industry and nursing homes.

**GOAL SUMMARIES - SOAR for FFY2012
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	Baseline 9/30/08	FFY 12 Target	FFY 12 Results	FFY 13 Target
1. Increase in:				
a. Partnerships	² N/A	1 new	2 revised (See comments following chart [2.1a,c])	1 new
b. Voluntary Protection Programs (MNSTAR)	³ 26	4 new	3 new (6 re-certs)	4 new
c. Continue to identify compliance assistance opportunities. ¹	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	4,341 59% 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				

¹The compliance assistance activities are incorporated in various places in Goal 1, Items 1-2; and Goal 2, Items 1-4.

²Some 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.

³Some 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 FFY12.

In FFY12, MNOSHA signed newly-revised construction safety and health partnerships with the Minnesota Chapter of Associated Builders and Contractors (MN ABC) and with Associated General Contractors (AGC) of Minnesota. The partnerships are designed to help reduce the number of injuries, illnesses and fatalities at participating construction industry employers.

In November 2011, DOLI hosted 14 stakeholders representing large and small construction contractors from throughout the state, and loss-control insurers to identify ways to improve on the current partnership programs between MN ABC, AGC and MNOSHA Compliance. The meeting focused on identifying ways to have an even greater impact on employee safety and health, more participation by association members, making all levels of the partnership achievable while maintaining accountability and ensuring there were no overlaps with other MNOSHA programs.

Additional meetings were held between MNOSHA and both associations and in September 2012, newly-revised construction safety and health partnership agreements were signed. The newly-revised agreements upgrade the requirements for both programs which were originally signed in 2003 (AGC) and 2006 (ABC).

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

MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA employs two investigators who are fluent in both English and Spanish. MNOSHA has also updated its AWAIR handout and progress report forms in Spanish. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department's Community Services Representative, and attendance at a related MNOSHA outreach session was 112 participants.

Goal 2.1.b

Increase VPPs by 4 in FFY12.

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 follows ADM 3.28J which is the Minnesota specific MNSTAR/VPP directive. 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 national averages, for their industry. Employers who meet all requirements for MNSTAR status are exempt from programmed inspections by MNOSHA Compliance 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. There are currently 34 employers in the MNSTAR program, with 3 sites granted initial certification (2 Star employers and 1 Merit employer), during FFY 2012. Six companies were re-certified in some form of MNSTAR status; two companies were placed in one-year conditional status, one employer had its Merit status extended, one employer was put into a two year rate reduction program and two received full recertification. In addition, three participants voluntarily withdrew from the program and two employers were placed into one year conditional status as a result of their annual self-evaluation. The FFY 2012 MNSTAR certified companies are listed below:

STAR Sites:				
No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
1	CF Industries, Inc. Glenwood Terminal	10	5191	Apr. 17, 2000 to Apr. 17, 2003

STAR Sites:				
No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
	19369 195 th Avenue PO Box 20 Glenwood, MN 56334-0020		422910	Apr. 17, 2003 to Apr. 17, 2008 Apr. 17, 2008 to Apr. 17, 2013
2	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
3	Marvin Windows and Doors Hwy. 11 West; PO Box 100 Warroad, MN 56763-0100	2,560	2431 321911	Aug. 1 2001 to Aug. 1, 2004 Aug. 1, 2004 to Aug. 1, 2009 Aug. 1, 2009 to Aug. 1, 2014
4	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 Jun. 17, 2010 to Jun 17, 2015
5	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 Jul. 16, 2010 to Jul 16, 2015
6	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 March 7, 2011 to March 7, 2012 (one year conditional status) March 7, 2011 to March 7, 2016
7	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 March 1, 2012 to March 1, 2013 (1 year conditional based on ASE)
8	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 July 22, 2012 – July 22, 2013 (one year conditional status)
9	Specialty Minerals, Inc. 400 2 nd 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
10	Louisiana-Pacific Corp. 711 25 th 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

STAR Sites:				
No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
11	Midwest Electric Products, Inc. P.O. Box 910, 58155 240 th Street Mankato, MN 56002-0910	73	3613 335313	Oct. 7, 2005 to Oct 7, 2008 Oct 7, 2008 to Oct 7, 2010 (completed 2-yr rate reduction plan) Oct. 7, 2010 to Oct. 7, 2015
12	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 March 1, 2012 to March 1, 2013 (1 year conditional based on ASE)
13	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
14	Honeywell Aerospace Minneapolis Operations 2600 Ridgway Parkway Minneapolis, MN 55413	1,250	3812 334511	February 2, 2007 to February 2, 2010 February 2, 2010 to February 2, 2012 (completed 2-year rate reduction) recertification complete in FFY2012 February 2, 2010 to February 2, 2015
15	iLevel Weyerhaeuser ISC 700 Emerald Street St. Paul, MN 55114	62	5031 423310	March 19, 2007 to March 19, 2010 March 19, 2010 to March 19, 2015
16	USG Interiors 27384 Highway 61 Blvd. Red Wing, MN 55066	40	3296 327993	April 23, 2007 to April 23, 2010 April 23, 2010 to April 23, 2015
17	Valmont Industries, Inc. 20805 Eaton Avenue Farmington, MN 55024	123	3446 332323	June 1, 2007 to June 1, 2010 June 1, 2010 to June 1, 2011 (completed one year conditional status) recertification completed in Apr. 2011 June 1, 2010 to June 1, 2015
18	Monsanto Company Soybean Research 29770 US Highway 71 Redwood Falls, MN 56283	6	0713 115114	Aug. 27, 2007 to Aug. 27, 2010 Aug. 27, 2010 to Aug. 27, 2015
19	Honeywell Defense & Space 12001 State Hwy. 55 Plymouth, MN 55441	550	3674 334413	December 3, 2007 to December 3, 2011 December 3, 2010 to December 3, 2015
20	Liberty Paper, Inc. 13500 Liberty Lane Becker, MN 55308	110	2631 322130	February 14, 2008 to February 14, 2011 February 14, 2011 to February 14, 2016

STAR Sites:				
No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
21	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 July 25, 2011 to July 25, 2016
22	HB Fuller Company 5220 Main Street Fridley, MN 55421	35	2891 325520	August 14, 2008 to August 14, 2011 Placed in 1 year conditional status from August 14, 2011 to August 14, 2012 August 14, 2011 to August 14, 2016
23	Aveda Corporation 4000 Pheasant Ridge Drive NE Blaine, MN 55449-7106	647	2844 325620	December 17, 2008 to December 17, 2011 December 17, 2011 to December 17, 2016
24	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 December 17, 2011 to December 17, 2013 (2 year rate reduction plan)
25	Trident Seafoods Corporation 1348 Hwy 10 S Motley, MN 56466	273	2092 311712	February 6, 2009 to February 6, 2012 February 6, 2012 to February 6, 2013 (1 year conditional status)
26	Pioneer Hi-Bred International, Inc. 182 Industrial Parkway Jackson, MN 56143	40	0723 115114	December 20, 2010 to December 10, 2013
27	Sauer Danfoss 3500 Annapolis Lane North Plymouth, MN 55447	140	3628 335999	June 17, 2011 to June 17, 2014
28	Monsanto – Corn Research 2135 W Lincoln Ave Olivia, MN 56227	18	0713 115114	September 1, 2011 to September 1, 2014
29	Monsanto – Owatonna 170 32 nd Ave Southwest Owatonna, MN 55060	7	0713 115114	July 6, 2012 to July 6, 2015
30	Monsanto – Stanton 2440 Hwy 19 Blvd. Stanton, MN 55018	14	0723 115114	August 1, 2012 to August 1, 2015
Merit Sites:				
31	MCP Foods, Fermentich 100 North Valley Street New Ulm, MN 56073-1601	77	2023 311514	September 14, 2010 to September 14, 2012
32	Thomson Reuters 610 Opperman Drive Eagan, MN 55123	700	2732 323117	April 15, 2011 to April 15, 2013
33	GE Water & Process Technologies 5951 Clearwater Drive Minnetonka, MN 55343-8995	450	3999 333319	July 1, 2011 to July 1, 2013

STAR Sites:				
No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
34	Norbord Minnesota 4409 Northwood Road NW Solway, MN 56678	141	2436 321219	December 1, 2011 to December 1, 2014

Goal 2.2 -

In FFY12, increase the total number of people participating in outreach by 5%.

MNOSHA established a baseline of 2,785 participants per year for outreach training sessions covering various subject areas. MNOSHA Compliance exceeded the goal for FFY12 by conducting 102 presentations to 4,341 participants; this is 59% above baseline. MNOSHA continued to utilize its Safety Investigator III and IV positions in its outreach efforts throughout the state. Ninety-eight percent of outreach presentations were in emphasis industries, including construction with a focus in excavation and residential construction. There were 67 trench inspections conducted, and five outreach training sessions presented, specific to trenching operations, to over 350 employer representatives. Additionally, a fact sheet was released and posted on the MNOSHA web site. This fact sheet is also being distributed by the Construction Codes and Licensing Division (CCLD) to sewer and water utility contractors.

Each year, MNOSHA Compliance has five leading organizations that request outreach services: Midwest Center for Occupational Health and Safety; Associated General Contractors of Minnesota; Associated Building Contractors; American Society of Safety Engineers; and Minnesota Safety Council. In these leading areas MNOSHA did 53 outreach presentations to over 1,794 participants.

In addition, MNOSHA conducted five Construction Seminars in FFY12. The Construction Seminar was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction 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 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 Seminar presentations attracted 310 participants. Topics Included: Locating Under Ground Utilities Before Digging; Department of Health's New Lead Standard; The New Crane Standard; Distracted Driving Hazards; and Safety by Design.

MNOSHA conducted only one presentation outside of the targeted industries, and also continued its strong working relationship with the Minnesota Safety Council. MNOSHA continues to participate in major safety conferences throughout the state, including staffing information booths at four separate exhibitions in FFY12. All were well attended, with significant attendance and interest at the MNOSHA booth.

MNOSHA provided presentations at the local American Society of Safety Engineers (ASSE) and the American Industrial Hygienists (AIHA) Associations, for a total of six meetings with 584 participants.

MNOSHA's largest increase in presentations was in the area of outreach for youth. MNOSHA did 17 outreach training presentations to 452 youth participants, a 71% increase in participation in the strategic plan area. To further expand into the curriculum of the MnSCU system, a MNOSHA Director attended a board meeting at St. Paul College to aid in establishing goals and objectives related to residential contractor training through MnSCU.

New or revised publications during the fiscal year included:

- Spanish version of An Employer's Guide to AWAIR;
- Spanish version of AWAIR Program for Small Construction Employers;
- 2011 Most Cited Standards (overall, general industry and construction);
- Trenching and excavation fact sheet;
- Update phone numbers for 13 booklets and 26 fact sheets
- Update Quarterly Fatality/Serious Injury log – available online.

In addition to the specific publications, MNOSHA continues to publish its newsletter, *Safety Lines*. Some of the topics covered in articles this past year included the most frequently cited standards, the new window-washing standard,

Consultation's services for small business, MNSHARP, hair-straightening salon products, the annual safety report from Research and Statistics, grain handling, denial of entry, shipyard employment, construction partnerships, beverage distribution injury rates, defective safety MNOSHA year-in-review, hand-held mobile telephone restrictions for commercial vehicle drivers, temporary help firms, new federal OSHA construction videos, workers compensation heat stress, the Globally Harmonized System of Classification and Labeling, follow-up inspections, silica in concrete and masonry work, and safe patient handling and the ever-popular *MNOSHA Answers Frequently Asked Questions* column.

MNOSHA continues its 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 Plan. The governor activated the state Emergency Operations Center from June 20 to 28, 2012, following localized flooding in four counties in northeastern MN and three counties in southern MN. One director attended 18 MN Department of Public Safety, Homeland Security and Emergency Management (HSEM) division EOC meetings related to these events, two meetings of the Emergency Preparedness Committee, and three federal OSHA Homeland Security conference calls.

The MN Emergency Operations Plan was reviewed in March 2012 with no edits this year.

One director completed one seminar: PDS 240, Leadership and Influence, as part of the Governor's annual Homeland Security conference.

Eleven 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).

Goal 2.4 -

In FFY12, maintain response time and/or service level to stakeholders.

Each business day, MNOSHA has two safety and health professionals on duty to answer questions received primarily through phone calls and emails. During FFY12, these two positions responded to approximately 4,261 phone calls and 1,795 written requests for assistance, primarily e-mails. A majority of these inquiries are answered within one day. During FFY12, 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 FFY12, MNOSHA received 577 workplace safety and health employee complaints. And 282 or 49% of the total complaints resulted in an onsite inspection with an average of 2.7 days response time. The remaining complaints were handled via MNOSHA's phone/fax system (non-formal complaint).

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 website site also provides links to other websites where safety and health regulations can be accessed. In total, there were 47,745 hits to the MNOSHA web page.

GOAL SUMMARIES - SOAR for FFY2012
Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 3
Strengthen and improve MNOSHA's infrastructure

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	Strengthen and improve infrastructure.	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 workflow analysis of the complaint process.	See comments following chart. [3.3]	Develop workflow analysis of case file citation issuance

GOAL 3 – Comments

Goal 3.1 -

In FFY12: 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 FFY12: 1) "General Working Conditions in Shipyard Employment; final rule;" 2) "Standards Improvement Project – Phase III; final rule;" 3) "Revising Standards Referenced in the Acetylene Standard; Direct Final Rule; request for comment;" 4) "Revising Standards Referenced in the Acetylene Standard; Final Rule; confirmation of effective date;" and 5) "Hazard Communication; Final Rule."

Minnesota Rules adopted in FFY12: New Minnesota Rule 5205.0730, Window Washing; Building Maintenance, was adopted, and an amendment occurred to Minnesota Rules 5205.0650.

The annual review of Agency rules resulted in no MNOSHA obsolete or duplicative rules needing repeal in FFY12.

The current five-year directive revision schedule was developed to coincide with the FFY2009-FFY2013 five-year plan. During FFY12, 18 existing directives were revised. They included internal procedures for fatalities, serious injuries, complaint handling, training, and scheduling. At the close of FFY12, 73% of the directives on the current five-year cycle were completed.

Goal 3.2 -

FFY12: Ongoing: Strengthen and improve infrastructure.

In FFY12, MNOSHA continued 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 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.

As vacancies have occurred, MNOSHA has been able to consistently recruit well-qualified staff. Stakeholders expect the MNOSHA program to be a highly-functioning organization with strong leadership and experience. In the last three years, MNOSHA has experienced a 17% turnover of its investigative staff. During FFY12, MNOSHA developed a plan with Division management and DLI Human Resources that will create an enhanced career path for investigative staff, with competitive salaries and promotional opportunities, improving retention of investigative staff in MNOSHA Compliance.

During FFY12, MNOSHA trained its staff on window washing, residential construction, grain handling, cranes, and silica. In addition, MNOSHA has been able to recruit two additional field staff that has significant safety and health consulting experience. MNOSHA has also been able to retain two investigators that speak fluent Spanish. MNOSHA has extremely dedicated and experienced staff including 5 Industrial Hygienists with 14 years of experience, including three CIH's and 10 Safety Investigators with 10+ years of experience.

Goal 3.3 -

FFY12: 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: develop workflow analysis of the complaint process.

The Complaint process and its description were reviewed and determined to be current except for a concern with categorization of incoming phone calls.

MNOSHA Instruction ADM 3.16, *Complaints and Information Requests*, was last revised September 16, 2010. Since then, assigned staff has been divided among the five work days each week with a supervisor assigned to each day as well. The VOIP phone system was upgraded in March 2012, allowing for additional reports to be generated, summarizing the volume of calls to the Division. Tallying of phone calls is done manually by each staff assigned for the day and the individual tally sheets submitted to an Administrative Support Clerk who prepares a tally for the entire Division.

In FFY12, quarter 3, testing of electronic phone reports was done. A summary spreadsheet of each month's phone calls was developed which reports the number of incoming phone calls, the number of calls handled, the number of calls missed, the number of calls waiting to be answered, and the average time waiting to be answered.

At the conclusion of each phone call, staff can select from a menu of descriptions to categorize each call. What was previously done via the daily tally sheets will be performed electronically, eliminating the manual steps done by phone staff and the time of the Administrative Support Clerk. This feature was enabled in July 2012 and after required users are trained, it will be fully active during FFY13.

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 FFY12 include:

Window Washing:

Beginning in FFY11, MNOSHA initiated a local emphasis program targeting window washing operations. In FFY12, MNOSHA adopted a new Minnesota Rule that further protects employees in the window washing industry. The rule is designed to increase worker protection to provide clarity for contractors that perform interior or exterior window washing or building maintenance operations. It applies to workers who are suspended more than 14 feet above grade; the standard does not apply to operations that are performed from grade level or from a ladder.

MNOSHA enforcement also conducted outreach training specific to window washing operations to 64 participants and conducted 40 inspections of window washing operations. MNOSHA's new window washing safety standard took effect March 1, 2012.

Enhanced Inspection Activity:

In FFY12, MNOSHA Compliance conducted inspections of many high risk work activities including, construction trenching, construction fall protection, cranes used in construction, and silica.

MNOSHA conducted 67 trench inspections and five outreach training sessions specific to trenching operations to over 350 employer representatives. Additionally, a fact sheet was released and posted on the Department of Labor and Industry web site. This fact sheet is also being mailed out by the Construction Codes and Licensing Division (CCLD) to sewer and water utility contractors.

MNOSHA cited 190 employers for violation of residential fall protection standards in FFY12. MNOSHA conducted three outreach sessions to over 200 employer representatives. In addition, a MNOSHA representative attended a board meeting at St Paul College to aid in establishing goals and objectives related to residential contractor training through the Minnesota State College and Universities (MnSCU) system.

MNOSHA created a crane inspection team with the purpose of focusing on the new federal standard 29 CFR 1926 subpart CC. The crane inspection team meets quarterly to address the use of cranes in construction and has participated in specialized hands-on training to understand the nomenclature and functions of construction cranes. The team serves as mentors for other investigators throughout the division when construction crane inspections are conducted. The team has participated in 10 construction crane inspections, including two serious injury and eight comprehensive inspections, yielding a total of 38 citations.

MNOSHA Health investigators meet quarterly. During FFY12 they have focused on Silica inspection in the construction industry and have all the sampling equipment ready to respond in minutes. This allows for quick response to activities that are often short in duration. In total they conducted eight inspections, issued citations for three silica over-exposures; three respiratory protection program deficiencies; two lack of Right-to-Know (RTK) training; and two lack of a written RTK Program.

Staff Training:

MNOSHA has created six specialty areas for training for select industries within the state of Minnesota. The six areas include foundries, grain handling, process safety management, electrical utilities, combustible dust, and hazardous waste operations.

MNOSHA has a lead investigator that does in-house training to ensure that investigative staff is wearing the proper protective equipment and are issuing citations consistently in foundries. To date, seven investigators are trained in this area, including three who had previously worked in foundries, two of which were safety and health directors in foundries. During FFY13, MNOSHA plans to add three new members to this group.

Regarding grain handling, MNOSHA also did in-house training for six investigative staff. This training is conducted by a lead investigator. In addition to this training, nine staff has attended the OSHA 3060 Safety and Health in Grain Handling Operations course at the OSHA Training Institute.

MNOSHA also has numerous investigators trained on the Process Safety Management Standard; 15 have attended the OSHA 330A Safety and Health in the Chemical Processing Industries course at the OSHA Training Institute; and seven investigators have attended the OSHA 3300 Safety and Health in the Chemical Processing

Industries course. Six attended the OSHA 3400 Hazard Analysis in the Chemical Processing Industries course, three attended the OSHA 3410 Advance Process Safety Management course, and two attended the OSHA 3430 Advanced PSM in the Chemical Industries course.

MNOSHA provides specialty training in the electrical utilities area; seven investigators were trained via the OSHA 3190 Electrical Power Generation, Transmission and Distribution course. Three additional staff will attend this training in FFY13.

In addition, MNOSHA has thirteen staff trained on combustible dust hazards. They have attended the OSHA 3320 Combustible Dust Hazards and Controls course. A class for all investigative staff was attended, taught by a lead investigator sharing how to identify combustible dust hazards.

Hazardous Waste Operations and Emergency Response is the final specialty area. Eight staff completed the initial 40 hours of training. MNOSHA continues to provide annual refresher training.

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) processor/harvester preventive maintenance, (3) safe access and safety features, (4) standardized wood yard procedures, (5) safety in the work shop, and (6) tick-borne disease.

Continued funding of a consultant position is provided for additional on-site assistance and training, for logging employers and other employers with work activities relating to chain saw use and tree felling.

Summary of Logging-Related Activities FFY 2012

Activity	Sessions	Employees affected/ Employers affected
Initial visits	4	25/4
Formal Training	68	922/119
TOTAL Consultation Activities	72	947/123

Workplace Violence Prevention Program. This program helps employers and employees reduce the incidence of violence in their workplaces by providing onsite consultation, training seminars, and general information. The program focus is on providing technical assistance to 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, correctional institutions, and other municipal facilities. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by the WSC public sector safety consultant. In FFY2012, there were 8 violence prevention training sessions provided, with approximately 199 employers and employees participating. Sessions were provided to municipalities who requested an onsite consultation and professional associations including: USDA, and League of MN Cities. The level of interest and public awareness about workplace violence was significantly heightened following a September 2012 incident at a private employer’s work-site. After the initial media coverage, the workplace violence coordinator responded to public and media requests for information about workplace violence prevention, including three television and two radio appearances. The coordinator was also asked to report to the OSHA Advisory Council, spoke at a workplace violence prevention roundtable, and compiled frequently asked questions about workplace violence that was posted on DLI’s website. The coordinator continues to serve on the advisory board for the 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. The State awarded \$1,057,573.70 for safety grants in SFY2012.

During SFY2012, a total of 144 safety grants were awarded to private sector employers (e.g., nursing homes, construction, logging, and manufacturing) and public sector employers (e.g., schools and cities). Examples of items purchased include: fall protection equipment, personal protective equipment, patient lifts, manhole cover lifters, security equipment, ventilation systems, logging equipment, excavation equipment, and material handling equipment.

Ergonomics Program Summary

WSC has retained an ergonomics program coordinator, with a CPE credential. Safe patient handling in healthcare facilities continues to be an area of focus, though more work in FFY2012 was completed at other types of facilities that included dental clinics, public employers, and manufacturing facilities. There were 46 initial consultation visits completed, along with 26 training and assistance visits. Initial visits included assessment in ergonomics risks, as well as assistance with other hazards and mandated health programs. Training topics included: SPH/ergonomics, exposure control, office ergonomics, ergonomic risk factors related to manufacturing, and other safety & health topics, including emergency exits and exposure control programs.

The program coordinator participated in the planning and development of a one-day safe patient handling conference, held in conjunction with the annual MN Safety Council conference. The coordinator also participated in a panel-presentation discussing the impact of the Minnesota Safe Patient Handling statute, and also attended and presented at the MN Ambulatory Surgical Center Association on safe patient handling.

Other activities included: collaborating with the MN Dental Association to develop an example safe patient handling hazard assessment for dental clinics, collaborating with the MN Hospital Association to develop a "road map to success" for safe patient handling, facilitating quarterly meetings with healthcare employers to discuss issues and solutions for safe patient handling, and presenting on various other health-related topics.

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. The written policy must establish a plan to minimize manual lifting of patients, through the use of patient-handling equipment. WSC collaborated in the development of a final version of a compliance directive to guide in the enforcement of the statute. 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 long-term care group was re-established to provide onsite, hands-on training on hazard recognition and safe patient handling program development, for nursing home and home healthcare employers and employees. The alliance agreed to provide six host nursing and home healthcare sites who agreed to an onsite 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.

A second alliance with a group of three hospitals has continued. This alliance provides a venue for facilitated discussions on safe patient handling, from current issues to best practices. Meetings are held quarterly, and representatives from MN healthcare facilities are invited to participate directly. A summary of meeting discussions has included: safe patient handling in clinical settings, emergency medical services and urgent care safe patient handling, and providing care service to obese patients. Discussion focused on equipment needs, facility needs, assessments, training, challenges and possible solutions.

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 dental-specific hazard assessment was developed and finalized, in collaboration with the Minnesota branch of the American Dental Association. The hazard assessment will assist dental clinics in choosing appropriate options and equipment for safe patient transfers.

MANDATED ACTIVITIES

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 FFY10, FFY11 and FFY12 is provided in the tables on pp. 19-20.

Significant improvement was seen in these mandated activities in FFY12:

- Complaint inspections were conducted within an average of 3 days, significantly lower than the goal of 9 days;
- Percent of programmed inspections with serious/willful/repeat violations – Safety, results in 66%, an increase from FFY11.
- Percent of total inspections in public sector, results in 6%, remaining above the goal of 3%.
- Average initial penalty per serious violation increased from 936 to 1082, an increase of 15% from FFY11.
- Private sector inspections per 100 hours – Safety, increased from 3.6 to 4.4, an increase of 8% from FFY11.

COMPARISON OF FFY10, FFY11, and FFY12 ACTIVITY MEASURES
MNOSHA Compliance

Performance Measure	FFY10	FFY11	FFY 12	Comments
Average number of days to initiate complaint inspections	3.2	2.98	2.79	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	1.03	.64	2.18	The average number of days to initiate a complaint investigation increased just above the established goal of 2 days. During this FFY, our longtime complaint clerk retired.
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	0	0	There were no denials where entry was not obtained.
% of serious/willful/repeat violations verified – Private	71.20	82.10	70.31	MNOSHA continues to maintain abatement verification.
% of serious/willful/repeat violations verified – Public	80.98	88.70	82.67	MNOSHA continues to maintain abatement verification.
Average number of calendar days from opening conference to citation issue – Safety	22.50	21.77	25.19	The average number of calendar days from opening conference to citation issue for safety cases increased, but remains below the goal of 30 days. This is due to process changes to fatality and serious injury inspections.
Average number of calendar days from opening conference to citation issue – Health	32.61	25.13	25.84	The average number of calendar days from opening conference to citation issuance for health cases increased slightly, but remains well below the goal of 35 days. This is due to process changes to fatality and serious injury inspections.
% of programmed inspections with serious/willful/repeat violations – Safety	68.43	64.64	65.73	The percent of programmed safety inspections with serious/willful/repeat violations increased in FFY12
% of programmed inspections with serious/willful/repeat violations – Health	58.28	60.77	54.98	The percent of programmed health inspections with serious/willful/repeat violations decreased in FFY12.
Average violations per inspection with violations – Serious/willful/repeat	2.23	2.04	1.90	The number of SWR citations decreased slightly in FFY12, from the previous year. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Average violations per inspection with violations – Other	.66	.70	.58	MNOSHA's rate of issuing other citations decreased. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Average initial penalty per serious violation (Private Sector Only)	791.29	935.91	1082.16	MNOSHA's average initial penalty per serious violation increased significantly.
% of total inspections in public sector	7.57	5.67	6.26	The percent of programmed public sector inspections remains above the goal of 3%.
Average lapse time from receipt of contest to first level decision	127.87	141.54	140.61	The average lapse time from receipt of contest to first level decision decreased.
Percent of 11(c) investigations completed within 90 days	91.49	82.35	42.31	MNOSHA's data indicates a decrease from last year. MNOSHA hired an additional investigator to handle the increase in cases.
% of 11(c) complaints that are meritorious	12.77	8.82	11.54	MNOSHA's data indicates an increase from last year.
% of meritorious 11(c) complaints that are settled	83.33	100	67	MNOSHA discrimination staff continues to settle merit cases.

Data Source: SAMM report run by Federal OSHA in November 2012.

Performance Measure	FFY 10	FFY 11	FFY 12	Comments
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Safety	89.5	87.0	89.1	The percent of programmed safety inspections in the private sector increased in FFY 12.
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Health	68.9	71.6	71.6	The percent of programmed health inspections in the private sector remained the same in FFY12.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Safety	71.3	69.1	69.6	The percent of programmed safety inspections with violations in the private sector increased in FFY12.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Health	65.4	67.8	65.4	The percent of programmed health inspections with violations in the private sector decreased in FFY12.
<u>Enforcement (Private Sector)</u> % Serious Violations – Safety	74.0	72.7	77.3	The percent of serious violations in safety cases increased in FFY12.
<u>Enforcement (Private Sector)</u> % Serious Violations – Health	66.4	67.0	63.4	The percent of serious violations in health cases decreased in FFY12.
<u>Enforcement (Private Sector)</u> Average Penalty – Safety Other-than-Serious	215.70	228.70	205.50	The average other-than-serious penalty for safety cases decreased in FFY12.
<u>Enforcement (Private Sector)</u> Average Penalty – Health Other-than-Serious	188.70	202.80	247.40	The average other-than-serious penalty for health cases increased in FFY12.
<u>Enforcement (Private Sector)</u> Inspections / 100 Hours – Safety	3.5	3.6	4.4	The number of safety inspections per 100 hours increased in FFY12.
<u>Enforcement (Private Sector)</u> Inspections /100 hours – Health	2.5	2.8	2.9	The number of health inspections per 100 hours increased in FFY12.
<u>Enforcement (Private Sector)</u> % Violations vacated	0	0	.10	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	79.2	78.2	80	The penalty retention rate for private sector inspections increased in FFY12.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Safety	94.3	92.2	91.5	The percent of programmed safety inspections decreased slightly in FFY12. MNOSHA exceeded its goal of 3% public sector inspections.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Health	21.6	6.3	21.4	The percent of programmed health inspections increased in FFY12. MNOSHA exceeded its goal of 3% public sector inspections.
<u>Enforcement (Public Sector)</u> % Serious Violations – Safety	73.5	73.1	73.3	The percent of serious violations for public sector safety inspections increased in FFY12.
<u>Enforcement (Public Sector)</u> % Serious Violations – Health	81.8	64.3	64.7	The percent of serious violations in health cases in the public sector increased in FFY12.
<u>Review Procedures</u> % Violations Vacated	7.6	5.8	5.9	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	10.2	9.4	9	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	53.2	48.4	47.4	MNOSHA's penalty retention rate for public sector decreased in FFY12.

Data Source: SIR run by Federal OSHA using Current Month = November 2012.