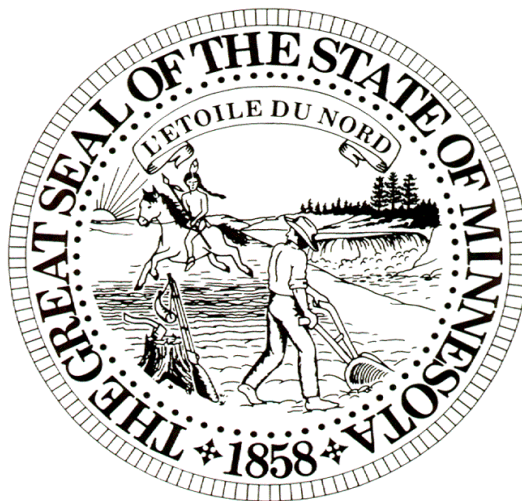


**FFY2022**

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

***MNOSHA – 23g***



December 2022  
[Final]

**SOAR for FFY2022**  
**Minnesota Occupational Safety & Health (MNOSHA) Compliance**

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**SOAR for FFY2022**  
**Minnesota Occupational Safety & Health (MNOSHA) Compliance**  
**INTRODUCTION**

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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 federal fiscal year (FFY) 2019 to 2023 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 FFY2022 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2022. This SOAR presents a review of the strategies used and results achieved in FFY2022. Special accomplishments as well as the successful completion of mandated activities are also discussed.

**GOAL SUMMARIES - SOAR for FFY2022**  
**Minnesota Occupational Safety and Health (MNOSHA) Compliance**  
**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS**

With few exceptions, MNOSHA Compliance's FFY2022 performance goals have been achieved. Each of the FFY2022 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 9/30/18	FFY 2022 Target	FFY 2022 Results
1. Reduce Total Recordable Cases (TRC) Rate	BLS data CY 5-year average using the 5 years prior to the target year CY 2016-2020 avg: 3.32	Reduction in TRC rate from the previous 5-year avg. CY 2016-2020 avg: 3.32	Consistent reduction over five-year plan  (See comments following chart [1.1])  CY 2021 TRC rate: 3.4, a 2.35% increase
2. Reduce fatality rate <sup>1</sup> for fatalities within MNOSHA's jurisdiction	<sup>2</sup> DEED & MNOSHA data FFY 5-year average using the 5 years prior to the target year FFY 2017-2021 avg: .920	Reduction in fatality rate from the previous 5-year avg. FFY 2017-2021 avg: .920	Consistent reduction over five-year plan  (See comments following chart [1.2])  FFY 2022 fatality rate: 1.870 a 103.3% increase
3. Number of hazards identified & establishments visited: a) Total hazards identified / establishments visited	MNOSHA data FFY 2013 – 2017 avg: 4256 / 2303	N/A	2009 / 1367
b) Establishment emphasis <sup>3</sup> 1. <u>Inspection emphasis</u> 23 Construction 311 Food mfg. 312 Beverage & tobacco product mfg. 321 Wood product mfg. 322 Paper manufacturing 326 Plastics & rubber products mfg. 331 Primary metal mfg. 332 Fabricated metal product mfg. 333 Machinery mfg. 336 Transportation equipment mfg. 337 Furniture & related product mfg. 424 Merchant wholesalers, nondurable goods 441 Motor vehicle & parts dealers 444 Bldg material & garden equip supplies Public Sector (State & Local Gov't & Schools) 2. <u>National Emphasis Programs</u> Amputations – General Industry Combustible Dust – General Industry Lead – Health PSM – Health & General Industry Trenching Hazards – Construction 3. <u>Local Emphasis Programs</u> Foundries – General Industry & Health Grain Facilities – General Industry & Health Healthcare – General Industry & Health Hexavalent Chromium - Health Isocyanates - Health Meat Packing–General Industry & Health Silica- Health Window Washing – General Industry	N/A	65% of all programmed inspections	99% of all programmed inspections
c) Ergo Workplace Violence & Safe Patient Handling, including hospitals, surgical centers, nursing homes	Current practice	Ongoing support of WSC's Ergo, Workplace Violence & SPH effort	See below
4. Percent of designated programmed Inspections <sup>4</sup>	MNOSHA data FFY 2013-2017 avg: 82%	82%	62%

<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>Minnesota Department of Employment and Economic Development.

<sup>3</sup>The quantity of programmed inspections is variable; therefore, no defined number is provided.

<sup>4</sup>The percent of designated programmed inspections is driven by the amount of unprogrammed activity each year. The target listed is the 5-year average and this metric is tracked to allow for an evaluation of annual trends and is not meant to be evaluated as a specific goal.

**Goal 1.1**

Reduce total recordable cases: FFY2022 target = reduction in TRC from the previous 5-year average and a consistent reduction over the five-year plan.

Minnesota's estimated workplace injury and illness rate for 2021 dropped slightly from that of 2020. According to the annual Survey of Occupational Injuries and Illnesses, the state had an estimated 3.4 OSHA-recordable, nonfatal, workplace injuries and illnesses per 100 full-time-equivalent (FTE) workers in 2021; the estimated rate for 2020 was 3.5 cases per 100 FTE workers, therefore 2021 had a decrease of 3% from 2020.

The survey estimated Minnesota had 73,800 workers with OSHA-recordable, nonfatal, workplace injuries and illnesses in 2021, compared to 76,700 estimated cases for 2020. There were 13,500 illnesses in 2021 and, of these, 11,300 were respiratory illnesses, including COVID-19 cases. In 2019, there were 400 respiratory cases and in 2018, 200.

In 2021, Minnesota's employment covered by the survey was approximately 2.69 million workers. In 2020, employment covered by the survey was 2.78 million workers.

These survey results show the importance of employers taking measures to keep the workplace safe from the hazards of COVID-19 and other injuries and illnesses,

The TRC for calendar year 2021 increased 2.35% from the previous 5-year average.

**Goal 1.2**

Reduction in state fatality rate: FFY2022 target = reduction in fatality rate from the previous 5-year average and a consistent reduction over the five-year plan.

The fatality rate for FFY2022 increased 103% from the previous 5-year average. There were 51 fatalities in Minnesota in FFY2022, and the rate of fatalities (1.807) was higher than the average rate of fatalities for FFY 2017-2021 (.920). However, COVID-19 accounted for 16 of those fatalities. The rate without COVID-19 fatalities was (1.283) for FFY 2022. The fatalities occurred in a broad range of industries and were due to various causes. MNOSHA conducts inspections according to its policies and addresses workplace fatalities through its various outreach methods. Going forward, MNOSHA, along with staff, partners, and stakeholders, will further identify areas on which to focus its outreach resources.

Minnesota's Fatal Occupational Injuries per 100,000 full-time equivalents workers (2020) is 2.4. This is the lowest of its surrounding states Iowa, North Dakota, South Dakota and Wisconsin. This is from BLS data:

<https://www.bls.gov/iif/oshstate.htm>

**Goal 1.3**

Hazards abated / establishments visited: FFY2022 target = 65% of all programmed inspections conducted in emphasis industries.

In FFY2022, MNOSHA investigators conducted 1,367 inspections where 2,009 hazards were identified and cited. Fifty-nine percent (59%) of the inspections conducted resulted in violations; 78% 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 FFY2022 goal was for 65% of all programmed inspections conducted to be in the emphasis industries. MNOSHA met this goal. MNOSHA conducted 99% of all programmed inspections in the emphasis industries. As part of an agricultural focus, MNOSHA conducted 10 programmed inspections with NAICS numbers of 112120 & 112210.

In FFY2022 MNOSHA continued its work concerning workplace violence. Ongoing occurrences of workplace violence incidents at work facilities has maintained continued interest for technical assistance in the form of onsite evaluations and formal training. In FFY2022, 14 formal training/program assistance activities were conducted with various public sector groups providing workplace violence prevention information to a wide range of audiences covering 218 participants.

In FFY2022 MNOSHA maintained its efforts concerning ergonomics in the workplace. Overall, on-site consultative services were provided at an ambulatory care clinic, a hospital, several office environments, an aviation production facility, multiple other manufacturing facilities, and various public sector establishments. In addition, 83 interventions were completed which included formal training, outreach, and technical assistance. Training and technical assistance topics included OSHA's ETS for Healthcare and Vaccination and Testing, respiratory protection, ergonomics and patient handling injury prevention, and injury/illness recordkeeping.

**GOAL SUMMARIES - SOAR for FFY2022**  
**Minnesota Occupational Safety and Health (MNOSHA) Compliance**  
**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 9/30/18	FFY2022 Target	FFY2022 Results
1. Increase or maintain: <ul style="list-style-type: none"> <li>a. Partnerships</li> <li>b. Voluntary Protection Programs (MNSTAR)</li> <li>c. Continue to identify compliance assistance opportunities.<sup>1</sup></li> <li>f. Alliances<sup>2</sup></li> </ul>	# of FFY2018 partnerships: 2  # of FFY2018 MNSTAR sites: 35  Current practice  N/A	Maintain  1 new and 3 recerts  Ongoing  1 new	1 new and maintained 2 (See comments following chart [2.1a,c])  0 new and 8 recerts (See comments following chart [2.1.b])  (See comments following chart [2.1a,c])  (See comments following chart [2.1.f])
2. Maintain total number of people participating in OSHA outreach/training in areas such as: <ul style="list-style-type: none"> <li>a. Youth</li> <li>b. Immigrant employers and employees</li> <li>c. Emerging businesses</li> <li>d. Construction</li> <li>e. Manufacturing</li> <li>f. Other strategic plan compliance</li> <li>g. Public sector</li> </ul>	FFY2013-2017 avg: 3,751	3500	3,618
3. Participate in homeland security efforts at state and national levels	Current practice	Ongoing	Ongoing (See comments following chart [2.3])
4. Maintain response time and/or service level to stakeholders in areas such as: <ul style="list-style-type: none"> <li>a. Telephone inquiries and assistance</li> <li>b. Written requests for information</li> <li>c. MNOSHA website information/updates</li> </ul>	Current practice	Ongoing	Ongoing (See comments following chart) [2.4]

<sup>1</sup>The compliance assistance activities are incorporated in various places, including Goals 1 and 2.

<sup>2</sup>The Goal 2.1.f. target of 1 new Alliance was projected in the Consultation FFY 2022 CAPP. Alliances in the public sector are reported in the SOAR.

**Goal 2.1.a,c -**

Compliance Assistance (including maintaining 2 partnerships) in FFY2022.

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

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.

In FFY2022, MNOSHA completed Cooperative Compliance Partnership agreements with 22 Level 3 individual contractors at 18 specific construction sites, across the whole state. The partnership continues to hold quarterly meetings with Level 3 contractors. At these meetings, contractors share best practices with each other. The focus of the meetings is on accident and injury reduction.

MNOSHA continues with the partnership agreement with MnDOT and Ames/Kraemer Joint Venture (AKJV). This partnership is for the I-35, I-535, Highway 53 Twin Ports Interchange project in Duluth Minnesota. This project consists of the reconstruction of I-35/I-535/Highway 53 interchange to improve safety and traffic. This project began October 2020 and will continue through the fall of 2024.

MNOSHA continues to strive to improve communication with immigrant and "hard-to-reach" employers and employees. MNOSHA employs one investigator who is fluent in both English and Spanish and one investigator who is fluent in Somali and English. MNOSHA gave one presentation in Spanish this year. In addition, MNOSHA provides written materials to immigrant and other hard-to-reach employers in coordination with the Department's community services representative.

**Goal 2.1.b -**

Increase VPPs by 1 new and 3 re-certifications in FFY2022.

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 3.28K 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 up to three years, upon initial certification, and up to five years upon subsequent re-certification.

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.

FFY2022 ended with 33 full STAR sites. No new sites were granted full STAR status, therefore, not meeting the FFY2022 goal. Eight companies successfully achieved full re-certification as MNSTAR sites, meeting the FFY2022 goal. One site withdrew from MNSTAR.

All active MNSTAR certified companies for FFY2022 are available on the Department's website:

<https://www.dli.mn.gov/business/workplace-safety-and-health/mnosha-wsc-minnesota-star-mnstar-program>.

**Goal 2.1.f -**

Increase Alliances by 1 in FFY2022 (projected in Consultation's FFY2022 CAPP).

Overall, no new Alliances were initiated with a public sector entity.

Alliances with the MN Municipal Utilities Association (MMUA) and MN State (formerly known as MNSCU or MN State Colleges and Universities) remain active.



The MMUA alliance continued to be supported with multiple (4) Workplace Violence presentations being provided at events representing MMUA members, affecting more than 500 employees. Original alliance activities included completing exposure assessments to respirable crystalline silica, for work tasks identified as potentially exposing workers to higher levels of silica dust. These samplings were halted due to the retirement of one of the implementation team members representing the alliance as well as the Pandemic. WSC continues to provide services to the MMUA and is looking to increase the sampling footprint moving forward.

The MN State alliance continues to support campus safety & health management efforts, through on-site hazard surveys, program assistance, training, and other technical assistance at colleges and universities under the MN State umbrella. Through the alliance, WSC generated 16 visits and conducted 1 presentation.

### **Goal 2.2 -**

In FFY2022 target = 3500 people participating in outreach/training areas.

MNOSHA established a baseline of 3,500 participants per year for outreach training sessions covering various subject areas. In FFY2022, MNOSHA Compliance conducted 55 presentations to 3,618 participants. MNOSHA continued to utilize its Safety Investigator 3 and 4 positions in its outreach efforts throughout the state. We have Supervisors participating in the Department webinars.

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 Professionals; and Minnesota Safety Council. In these leading areas, MNOSHA did 32 outreach presentations to over 743 participants.

In addition, MNOSHA conducted five Construction Seminars in FFY2022. 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 then approved by MNOSHA's management team. The committee is comprised of various representatives from the construction industry, including insurance loss control representatives, company safety directors, and safety consultants who volunteer their time and expertise. In total, the Construction Seminar presentations attracted 231 participants. Topics Included: Lockout/tagout: Communication; contractors' role and responsibilities, ANSI standard for Mobile Elevated Work Platforms, ABC's of Fall Protection, Mental Health Safety and New Hires; what to do with them. The seminars were held virtually using WebEx and in person. In the future the plan is to do some of the seminars in person and some virtually or the combination.

MNOSHA continued its strong working relationship with the Minnesota Safety Council. MNOSHA continues to provide speakers for some of their classes. In the past we have participated in their conferences. The conference was held in person this year and we provided a speaker and a booth.

New or revised publications during the fiscal year included: MNOSHA Fatality Investigation Summary for FFY2022; MNOSHA Serious Injury Investigation Summary for FFY2022; and MNOSHA Most Frequently Cited Standards for FFY2022. Material on our website has been translated into 4 languages. MNOSHA continues to publish its quarterly newsletter, Safety Lines. Some of the topics covered in articles this past year included: grain bins, safety grants, WSC Consultation outreach, recordkeeping, partnerships, rulemaking update, carbon monoxide threat during the winter months, heat stress in the summer months, articles on COVID-19, health for young workers, alliances, and other informational articles.

### **Goal 2.3 -**

Homeland Security (Current practice; ongoing)

The MNOSHA Compliance program continued to participate on the State Emergency Response Plan. The Minnesota Emergency Operations Plan was reviewed in August 2022. During FFY2022, a MNOSHA director attended four meetings of the Emergency Response Preparedness Committee. A MNOSHA director represented the Department at the State Emergency Operations Center (SEOC) throughout the fiscal year.

**Goal 2.4 -**

In FFY22, 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 FFY2022, MNOSHA responded to 4,033 phone calls and 3,088 written requests for assistance, primarily emails (total of 7,121 inquiries). Calls received are roughly 43% from employees, 30% from employers, and 27% other sources. 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. Our staff gave advice on how to protect employees during these calls. For this reason, MNOSHA continues to use investigative staff to answer most of the calls.

During FFY2022, MNOSHA received 1,496 workplace safety and health employee complaints. And 291 or 19% of the total complaints resulted in an onsite inspection with an average of 2.45 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. The MNOSHA website provides links to other websites where safety and health regulations can be accessed. In total, there were 52,058 hits to the MNOSHA web page and an additional 11,543 hits to the MNOSHA COVID-19 page.

**GOAL SUMMARIES - SOAR for FFY2022**  
**Minnesota Occupational Safety and Health (MNOSHA) Compliance**  
**SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS**

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

How Progress in Achieving this Goal Could Be Assessed	Baseline 9/30/18	FFY2022 Target	FFY2022 Results
1. Review rules annually for effectiveness: ongoing evaluation, development of rules, standards, guidelines and procedures.	Current practice	Ongoing	See comments following chart. [3.1]
2. Workforce development and retention plan	Current practice	Evaluate and update existing workforce plan.	See comments following chart. [3.2]
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	1) Evaluate consistency and quality of inspection files 2) Review organizational structure to streamline complaint intake	See comments following chart. [3.3]

**GOAL 3 – Comments**

**Goal 3.1 –**

In FFY2022: Conduct Annual Review of Rules/Standards, Guidelines and Procedures, ongoing

The MNOSHA Compliance Directives Coordination Team (DCT) is charged with coordinating and managing the MNOSHA internal information system. The DCT consists of three MNOSHA management analysts, and both a MNOSHA director and supervisor. 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 FFY2022:
  - COVID-19 Vaccination and Testing; Emergency Temporary Standard
  - COVID-19 Vaccination and Testing; Emergency Temporary Standard (withdrawal)
- Minnesota Rules adopted in FFY2022:
  - None.

The annual review of Agency rules resulted in no additional MNOSHA obsolete or duplicative rules needing repeal in FFY2022. However, Minnesota did adopt and withdraw the COVID-19 Vaccination and Testing; Emergency Temporary Standard during FFY2022. The Occupational Exposure to COVID-19; Emergency Temporary Standard also expired during this time as well. However, MNOSHA did begin the process of adopting the Recordkeeping provisions of the expired standard during FFY2022, which has been adopted in FFY2023.

Of the 19 MNOSHA directive issuances in FFY2022, all were existing directives that were revised, either as part of the scheduled review, or as needed. The amended directives included those pertaining to: handling complaints/reports of injury and information requests, fatality inspection procedures, equipment purchasing-storage-inventory-loan-replacement procedures, public employer inspections, services stations, hard hats, fall protection in construction, safe patient handling, inspection scheduling, discrimination, contest and informal conferences, state car policy, bloodborne pathogens, scaffolding in construction, and 1-3, Butadiene. Also note that ADM 3.19 Fatality Inspection Procedures was updated twice, and STD 3-11.4 Fall Protection in Construction were updated three times during this period.

MNOSHA compliance continues to propose legislation that would update MNOSHA's maximum penalties in statute. MNOSHA has not been successful in recent years in getting the penalty conformance legislation passed, including FFY2022. MNOSHA intends to propose legislation during the next legislative session and will review the penalty process upon successful passing of the revised statute.

### **Goal 3.2 -**

FFY2022: Workforce development and retention plan: Ongoing evaluation and updates as necessary.

In FFY2022, MNOSHA continued to maintain consistency and quality throughout the organization's field staff. Goals previously identified and continued in FFY2022 were:

- 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.

Results from updating the Workforce Development Plan in FFY2018 showed that MNOSHA staff in a number of leadership positions with significant years' experience may and would be retiring. These departures reduce MNOSHA's institutional knowledge and memory. This will potentially create leadership challenges in supporting and managing the many different approaches and situations of work/life balance for employees. As MNOSHA's workforce shifts to newer and less experienced employees, there will be an increasing need to invest in career planning for these workers to build their proficiency in their jobs. This will increase the need to assess skills, abilities, and competencies, and provide training accordingly.

During FFY2022, MNOSHA focused on increasing field staff. MNOSHA hired 11 field staff during this time. In addition, due to COVID-19 MNOSHA continued to have one additional temporary (two years) position to the discrimination unit. Our discrimination investigative staff from has increased from three investigators to five investigators to handle the increase of discrimination cases received during COVID-19. MNOSHA has also filled a supervisor position over the Industrial Hygienist staff. In addition, MNOSHA has reassigned the industrial hygienists to one unit reporting to the Health Supervisor.

In addition, MNOSHA has been able to retain field staff that have significant safety and health experience and retain one investigator who speaks fluent Spanish and one who speaks fluent Somali. MNOSHA has extremely dedicated and experienced staff, including two Industrial Hygienists and two chemical engineers with over fifteen years of experience, including two certified industrial hygienists (CIHs), and Safety Investigators and one civil engineer with over ten years of experience.

MNOSHA continued with specialized training in select industries such as foundries, grain handling, agriculture hazards, meat packing, health care, process safety management (PSM), and traffic controls. Each of these areas have had team leaders that assume the role as "expert" in this area and work with various stakeholders to ensure that communication is maintained between MNOSHA staff and the various stakeholders. These team leads gain knowledge on leadership and how to work with significant stakeholders in the state of Minnesota. Asbestos and hazwoper recertification were also provided to employees of MNOSHA during FFY2022.

During FFY2022, MNOSHA trained its staff on: Right-to-know, and COVID-19 pandemic preparedness plan. Training was provided in classroom and virtually to ensure that MNOSHA continues to have a well-trained staff.

MNOSHA continues to invest in training for our field staff. New investigative staff attend four different phases of internal classroom training given by our training officers, safety investigator 4's, industrial hygienist 3's, Management Analysts and Supervisors. This training covers our manuals, directives, policies and procedures. It also covers Federal and State regulations. In addition, we were able to send 46 staff to 13 different OSHA Training Institute classes either in person or virtually.

### **Goal 3.3 -**

FFY2022: 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: 1) Ongoing- Evaluate consistency and quality of inspection files 2) Review organizational structure to streamline complaint intake.

1. MNOSHA continued to use the multi-level review process as well as board meetings to improve the consistency of inspection files and ensure quality reports were being generated timely. MNOSHA updated its board meeting process to remove the need for board meetings for serious injury inspections that are being conducted by either a Safety Investigator 3 or 4 an Industrial Hygienist 3. MNOSHA also updated its serious injury directive providing greater direction and discretion to Supervisors to conduct many employer reported injuries through our non-formal

process (similar to Federal OSHA's Rapid Response). This added discretion allows the OMT to manage our investigator resources and also ensures that hazards identified to MNOSHA are abated timely.

2. MNOSHA reviewed our workflow process with a desire to improve consistency and efficiency of our complaint intake and follow up processes. Working toward this goal we instituted an update to our complaint directive. This updated procedure clarifies the criteria for conducting serious injury inspections, allowing injuries and illnesses not meeting that criteria to be handled as non-formal complaints. The intent is to provide consistent review and handling of incoming complaints and free up resources to allow MNOSHA to be more proactive with our investigations.

MNOSHA intended to utilize our Discrimination Supervisor to provide oversight of the complaint workflow process and to improve consistency with this process. The added Discrimination workload experienced due to COVID-19 made it apparent that this position would not have the capacity to oversee the complaint process. Currently we are working to develop and fill a director position that would oversee the three safety supervisors and our safety investigator 4's. We are hopeful that this addition to the OSHA Management Team will help us improve consistency and efficiency of our complaint intake process.

MNOSHA has been receiving a number of pictures from stakeholders (Imminent Danger Complaints) related to falls in the construction industry that are showing a repetitive pattern of employee(s) not protected from fall protection at heights greater than six feet. MNOSHA updated its manuals and educated its staff to utilize these pictures in the field to document that employee(s) are not tied off and issue citations to the appropriate employer.

MNOSHA completed a review and assessment of the options available to replace our aging software program used by investigators to complete all investigative and other compliance work. This software system is also used to house all our compliance data generated and retained by MNOSHA. The existing system, the Minnesota OSHA Operations System Exchange (MOOSE), is 15 years old and will not be a viable solution in the future. MNOSHA plans to be moving to a new system in the first half of FFY2023.

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 FFY2022 include:

**MNOSHA Adapts and Responds during the COVID-19**

MNOSHA managed to continue to respond effectively to the needs of the State and the Department in response to COVID-19. MNOSHA offices opened to the public in the end of April. Our employees have been trained on COVID 19 and are provide with cloth face coverings, face shields, antifog safety glasses, surgical masks and respirator as well as cleaning supplies and other items needed. Staff have been required to complete COVID medical screening each day before going the file or reporting to an office. Since the start of COVID-19 many changes have occurred within Minnesota OSHA (MNOSHA) Compliance from March 1, 2020 through the end of this Federal Fiscal Year. Like many other businesses and organizations, MNOSHA began practicing social distancing by having staff members work remotely. MNOSHA created a telework plan for all staff and a specific plan in June that has been added to our Field Safety and Health Manual. These plans have been updated frequently to adjust to the fluctuated COVID-19 cases throughout the state in the last year.

Since the beginning of the COVID-19 MNOSHA has seen a significant increase in e-mails and phone calls (inquiries). This required MNOSHA to dedicate additional staff to responding to these inquiries. Since the start of COVID-19, from March 1, 2020 to April 27, 2022:

- MNOSHA received over 26,00 email and phone inquiries.
  - o Included 3,008 non-formal complaints.
  - o Included 591 (192 COVID-19) formal complaints.
- MNOSHA conducted 2,604 inspections (250 COVID-19); issued 3,768 citations (189 citations issued on inspections with a COVID-19 component, with 5 being general duty citations).
- MNOSHA's Discrimination unit fielded a total of over 600 intakes, which resulted in over 150 cases being pursued. With at least 126 cases have been designated as having a COVID-19 component.
- Also, MNOSHA received data practice requests resulting in over 2,000 files being requested.

**MNOSHA Continues Project of upgrading the MOOSE Operating System**

During this FFY MNOSHA along with it MNIT (Minnesota IT Services) partners performed a "Lift & Shift" project to a newer and supported technology platform from its current technical platform which was reaching end of life support. This was an immediate need to maintain the MOOSE system on a support infrastructure. In addition, MNOSHA along with MNIT did a detailed discovery and gap analysis of the MOOSE system that included both current and additional desired functionality. As DLI continues to modernize their systems, risks have been identified regarding maintaining and resourcing its current technology platform (developed with C back-end, PowerBuilder front-end and Informix Database). A GAP analysis was performed between MOOSE, the Federal Occupational Safety and Health Information System (OIS) system and a third-party system, to determine the best solution for MNOSHA and the Department of Labor and Industry as part of the technology modernizations effort. MNOSHA is looking for an advanced technology-based system to replace MOOSE. The following are high level items that were included in scope for this project:

- Regular status update meetings and status reports
- Deliverables:
  - o IT Business Analysis Requirements
  - o GAP Analysis Documentation between MOOSE, OIS and a third-party system
  - o GAP Analysis Documentation between IRIS, OIS and a third-party system
  - o Cost estimate for development/implementation and ongoing support/maintenance of the system
  - o Decision Sign-off on the new systems to be deployed

The project was completed and MNOSHA anticipates a decision to be announced and the start of implementation, by the 2<sup>nd</sup> quarter of FFY2023.

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

This program is 100% state-funded and administered by the WSC unit. The LogSafe training provides safety training throughout the state for logging employers. The training was contracted to the Minnesota Logger Education Program and was renewed for calendar years (CYs) 2022 and 2023. The goal of the program is to help reduce injuries and illnesses in the logging industry through onsite consultation services, outreach, and training seminars. 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. These classes will provide an overview of general safety topics related to recent work comp injuries and claims for the logging industry in Minnesota. Topics to be covered may include: preventing equipment fires, slips and falls prevention, emergency response call systems, hydraulic safety, tire maintenance safety, general health and personal safety, GHS labeling systems, 1st aid kit requirements, emergency planning and communication strategies, and other topics as deemed appropriate to address trends in logging safety. There currently is not a consultant position dedicated to logging. Logging employers can still submit a request for consultation services.

### **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. There has been continued work on workplace violence prevention in public sector establishments, with specific topic areas on program development, de-escalation of violent situations, and facility design. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by safety consultants within the WSC unit.

Ongoing occurrences of workplace violence incidents at work facilities has maintained continued interest for technical assistance in the form of onsite evaluations and formal training. In FFY2022, 14 formal training/program assistance activities were conducted with various public sector groups providing Workplace violence prevention information to a wide range of audiences covering 218 participants.

The workplace violence prevention consultant continues to serve on an 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.

During state fiscal year (SFY)2022, the program awarded \$1,107,896.90 to 178 applicants representing private sector employers (e.g., health care facilities, construction, logging, manufacturing, and other service employers) and public sector employers (e.g., schools, health care facilities, and municipalities).

Examples of items purchased included: fall protection systems and equipment to minimize fall hazards, trenching/excavation cave-in protection equipment, safe patient handling equipment, tools & equipment for silica dust control, material handling equipment and other tools to minimize exposure to ergonomic risk factors, workplace violence prevention equipment, improved logging & log hauling equipment, machine guarding and safeguarding devices, various PPE and accessories, and confined space atmospheric monitoring equipment.

The commissioner of the Department of Labor and Industry (DLI) was designated to establish a Logger Safety Grant Program to provide matching funding for logging industry employers to make safety improvements recommended by an on-site safety survey by the 92nd Legislature, 2021 1st Special Session, Chapter 10, Article 3, Section 21. An appropriation of \$1 million was made.

WSC administered this grant awarding funds up to \$25,000 for qualifying employers in the logging industry toward projects designed to reduce workplace illnesses and injuries. During SFY2022, the program awarded \$1,000,000 to 78 applicants representing employers engaged in logging operations. Examples of equipment purchased under this grant program included crib trailers, log loaders, and a wide array of heavy equipment utilized in timber harvesting.

### **Ergonomics Program**

WSC has an ergonomics program coordinator, with a CPE credential. Safe patient handling (SPH) in acute healthcare, long-term healthcare, dental offices, and emergency services continue to be areas of significant involvement, mainly through networks of stakeholders. Ergonomic assessments in office and manufacturing settings were also a focus for the position this year.

Consultant presented at the 2022 Department of Labor and Industry Workers' Compensation Summit on Ergonomics and the changing nature of office work. The discussion included how the pandemic has changed the way we work, from prolonged remote working, to return to the office mandates, and changes to how office occupancy affects office design. Also discussed were the implications for ergonomics when office work has changed so drastically in the last couple of years.

The consultant continues to work with a national coalition of stakeholders to develop ergonomic resources for mass fatality events such as those experienced during the pandemic. The group consists of healthcare and government safety and health experts working with NIOSH to develop standards and best practices for safe handling of decedents during mass fatality events. The effort was initiated out of New York by a hospital that experienced mass fatalities during the COVID-19 pandemic and had to develop methods for transporting and storing decedents after their system was overwhelmed. The end goal is for NIOSH to publish a document that can be used by all healthcare facilities to follow should they experience a mass fatality event. Workplace Safety Consultation ergonomic consultant and Park Nicollet Methodist Hospital are participating in the development of the NIOSH Guidance document, Ergonomics for Mass Fatality Handling.

The consultant also continued to work with a statewide ergonomics team for state employees with responsibility for ergonomics within their agency. The goal of this team is to provide support and sharing of resources to improve ergonomic outcomes in state agencies. This team continues to meet periodically.

Overall, on-site consultative services were provided at an ambulatory care clinic, a hospital, several office environments, an aviation production facility, multiple other manufacturing facilities, and various public sector establishments. In addition, 83 interventions were completed which included formal training, outreach, and technical assistance. Training and technical assistance topics included OSHA's ETS for Healthcare and Vaccination and Testing, respiratory protection, ergonomics and patient handling injury prevention, and injury/illness recordkeeping.



**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 Mandated Measures) Report which compares State activity data to an established reference point. A comparison of MNOSHA activity measures for FFY2020, FFY2021, and FFY2022 is provided in the tables on pp. 17-18.

Continued success was seen in these mandated activities in FFY2022:

- Days to initiate complaint inspections decreased to 2.45 days but remains lower than the goal of 9 days.
- Days to initiate complaint investigations increased to 0.81 days but remains below the goal of 2 days.

MNOSHA's percent of total inspections in public sector decreased to 3.15% in FFY2022, meeting our goal of 3%.

One activity that fell short of our anticipated goal in FFY2022:

The percentage in compliance of our health inspections was at 47%. Unprogrammed inspections, including Covid-19 complaints and fatalities, continue to impact our percent in compliance. MNOSHA continues to work on reducing our percentage of inspections that are in compliance.

**Consultation**

Mandated activities are tracked on a quarterly basis using the MARC (Mandated Activities Report for Consultation) and the CAPP (Consultation Annual Performance Plan) Report which compares State consultation data to an established reference point. Some specific performance measures that are monitored (and any corresponding targets/requirements):

- Percent of initial visits in high hazards establishments (not less than 90%);
- Percent of initial visits to smaller businesses (not less than 90%);
- Percent of visits where consultant conferred with employee (100%);
- Percent of serious hazards verified corrected in a timely manner, <= 14 days of latest correction due date (100%);
- Percent of serious hazards verified corrected in original time or on-site (65%).

The MNOSHA Public Sector Consultation program met CAPP total visit projections and met all but two MARC performance measures for FFY 2022:

- Percent of initial visits in high hazard establishment...96.06%
- Percent of initial visits to businesses with <250 employees at the establishment...80.58%
- Percent of initial visits to businesses with <500 employees controlled by employer...98.06%
- Percent of visits where Consultant conferred with Employees ....100%
- Percent of serious hazards verified corrected in a timely manner...98.23%
- Percent of serious hazards verified corrected (in original time or on-site)...96.02%

**COMPARISON OF FFY2020, FFY2021, and FFY2022 ACTIVITY MEASURES**  
**MNOSHA Compliance**

<b>Performance Measure</b>	<b>FFY2020</b>	<b>FFY2021</b>	<b>FFY2022</b>	<b>Comments</b>
Average number of work days to initiate complaint inspections (state formula)	2.79	2.73	2.45	The average number of days to initiate a complaint inspection decreased in FFY2022 and remains below the established goal of 9 days.
Average number of work days to initiate complaint inspections	2.03	2.22	1.88	(Federal formula)
Average number of work days to initiate complaint investigations (state formula)	0.99	0.72	0.81	The average number of days to initiate a complaint investigation increased in FFY2022 and remains below the established goal of 2 days.
Average number of work days to initiate complaint investigations	0.96	0.69	0.70	(Federal formula)
Percent of complaints & referrals responded to within 1 workday (imminent danger)	100	98	98.5	All but two imminent danger complaints were responded to within one day. Both complaints were the result of requiring a warrant due based on a denial from the employer
Number of denials where entry not obtained	0	0	0	Entry was obtained for all denials in FFY2022.
Average violations per inspection with violations – Serious/willful/repeat	1.98	1.83	1.93	The number of SWR citations increased in FFY2022. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Average violations per inspection with violations– Other	0.68	0.60	0.47	The number of other citations decreased in FFY2022. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Percent of total inspections in public sector	2.61	3.2	3.15	The percent of programmed public sector inspections stayed the same and met the goal of 3%.
Inspections - Safety	1181	1030	1172	The number of safety inspections increased in FFY2022 but did not meet the fiscal year goal.
Inspections - Health	238	189	194	The number of health inspections increased in FFY2022 but did not meet the fiscal year goal.
Average current penalty per serious violation (Private Sector Only) Total 1–250+ EEs	1128.49	1340.31	1424.27	The overall average current penalty increased in FFY2022.
Average current penalty per serious violation (Private Sector Only) 1-25 EEs	665.00	1135.00	952.00	The average penalty for this size employer decreased in FFY2022.
Average current penalty per serious violation (Private Sector Only) 26-100 EEs	822.92	1062.91	1084.72	The average penalty for this size employer increased in FFY2022.
Average current penalty per serious violation (Private Sector Only) 101-250 EEs	3371.79	1310.96	1967.88	The average penalty for this size employer increased from FFY2022.

Average current penalty per serious violation (Private Sector Only) 251+ EEs	3147.37	3980.89	3801.43	The average penalty for the largest employers decreased in FFY2022.
Percent in compliance – Safety	37.67	40.06	38.98	The percent noncompliance safety inspections decreased from FFY2022.
Percent in compliance – Health	52.07	53.85	47.17	The percent noncompliance health inspections decreased in FFY2022.
% of work-related fatalities responded to in 1 work day	96.55	96.97	100	All fatalities were responded to within one day.
Average lapse time from opening conference date to issue date – Safety	25.80	28.03	32.43	Safety lapse time increased in FFY2022.
Average lapse time from opening conference date to issue date - Health	39.15	39.29	51.27	Health lapse time increased same in FFY2022.
Percent penalty retained	91.12	91.13	91.22	The percent penalty retained increased each year of the comparison.
% of initial inspections with employee walk around representation	100	100	100	The percent of inspections with walk around representation remained at 100%.
Percent of 11(c) investigations completed within 90 days	48	36	9	MNOSHA continued to work on the backlogged cases as well as the increase in new cases. The percent completed decreased in FFY2022.
Percent of 11(c) complaints that are meritorious	21	8	15	MNOSHA's percent meritorious cases increased in FFY2022.
Average number calendar days to complete 11(c) investigations	201	244	572	The average number of days increased from FFY2021. The discrimination unit continues to work on the backlogged cases.

Data Source: SAMM report run by Federal OSHA November 2022