

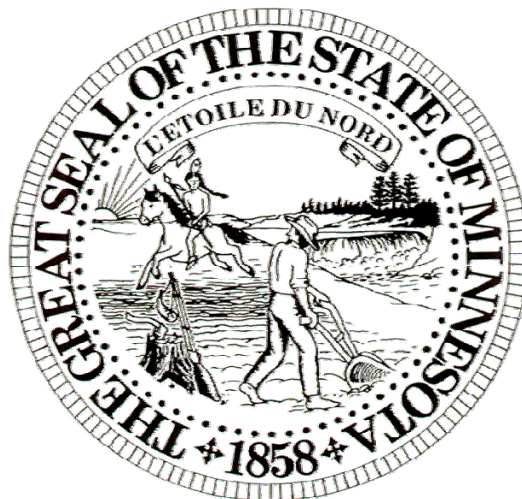
FFY 2009

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

and

**Minnesota Workplace Safety
Consultation Annual Project Report (CAPR)**

MNOSHA



January 2010
[Final]

**Combined SOAR and CAPR for FFY2009
Minnesota Occupational Safety & Health Compliance (OSH) and
- Minnesota Workplace Safety Consultation (WSC)**

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**Combined SOAR and CAPR for FFY2009
Minnesota Occupational Safety & Health Compliance (OSH) and
- Minnesota Workplace Safety Consultation (WSC)**

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	MNOSHA Workplace Safety Consultation (WSC) Strategic Goals
Goal 1: Reduce occupational hazards through compliance inspections	Goal 1: Reduce occupational hazards through direct interventions
Goal 2: Promote a safety and health culture through compliance assistance, outreach, cooperative programs and strong leadership	Goal 2: Promote a safety and health culture through consultation assistance, intervention, outreach, cooperative programs and strong leadership.
Goal 3: Strengthen and improve MNOSHA's infrastructure	Goal 3: Maximize MNOSHA Workplace Safety Consultation effectiveness and efficiency by strengthening our capabilities and infrastructure.

The FFY2009 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2009. This combined SOAR and CAPR presents a review of the strategies used and results achieved in FFY2009. Special accomplishments as well as the successful completion of mandated activities are also discussed.

GOAL SUMMARIES - SOAR for FFY2009
Minnesota Occupational Safety and Health (MNOSHA) Compliance
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA Compliance's FFY2009 performance goals have been achieved. Each of the FFY2009 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 9/30/08	FFY 09 Target	FFY 09 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 ³ CY 2003-2007 avg: 5.12	Reduction in TRC rate from the previous 5-year avg. CY 2003-2007 avg: 5.12	CY 2008 TRC rate: 4.2, an 18% reduction	Consistent reduction over 5-year Plan
2. Reduce fatality rate ¹ for fatalities within MNOSHA's jurisdiction	⁴ DEED & MNOSHA data CY 5-year average using the 5 years prior to the target year CY 2003-2007 avg: .940	Reduction in fatality rate from the previous 5-year avg. CY 2003-2007 avg: .940	CY 2008 fatality rate: .440, a 52% reduction	Consistent reduction over 5-year Plan
3. Number of hazards identified & establishments visited:				
a) Total hazards identified / establishments visited	MNOSHA data FY 2003 – 2007 avg: 4919 / 2619	N/A	4944 / 2717 See comments following chart [1.3]	5170
b) Establishment emphasis ²	N/A	65% of all programmed inspections	75% of all programmed inspections	70% of all programmed inspections
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 & supplies dealers Warehouse and storage Hospitals Nursing homes Amputations Combustible dust Foundries Refineries Grain facilities Meatpacking Public sector Tree trimming/logging Asthma Lead Methylene chloride Popcorn Silica PSM	Current practice	Ongoing support of WSC's Ergo & SPH effort	See Special Accomplishments Section	Ongoing support of WSC's Ergo effort
2. Ergo & Safe Patient Handling, including hospitals, surgical centers, nursing homes	Current practice	Ongoing support of WSC's Ergo & SPH effort	See Special Accomplishments Section	Ongoing support of WSC's Ergo effort
4. Percent of designated programmed inspections	MNOSHA data FY 2003-2007 avg: 85%	85%	88%	85%

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

²The quantity of programmed inspections is variable; therefore no defined number is provided.

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

⁴Minnesota Department of Employment and Economic Development

Goal 1.1

Reduce total recordable cases: FFY09 target was reduction in TRC from the previous 5-year average.

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

Goal 1.2

Reduction in state fatality rate: FFY09 Target reduction in rate from the previous 5-year average.

MNOSHA Compliance met this goal with a 52% reduction. MNOSHA Compliance continues to address workplace fatalities in its outreach materials, and during Construction Breakfasts. There were 18 fatalities in calendar year 2009 and that number will be used to calculate the rate for FFY10.

Goal 1.3

Hazards abated / establishments visited. In FFY2009, MNOSHA investigators conducted 2,717 inspections where 4944 hazards were identified and cited. Seventy two percent (72%) of the inspections conducted resulted in violations; 77% 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 FFY09 goal was for 65% of all programmed inspections conducted to be in the emphasis industries. MNOSHA conducted 75% of all programmed inspections in the emphasis industries.

As part of an ergonomic focus, MNOSHA conducted 37 programmed inspections in the meat processing industry and nursing homes.

Goal Summaries – CAPR for FFY 2009
Minnesota Occupational Safety and Health (MNOSHA) - Workplace Safety Consultation
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

FFY 2009-2013 SUMMARY CHARTS
Strategic/Performance Goals

Goal 1 Reduce occupational hazards through direct interventions				
How Progress in Achieving this Goal will be Assessed	Baseline 9/30/08	FFY 09 Target	FFY 09 Results	FFY 13 Target
Outcomes 1. Reduce Total Recordable Case (TRC) Rate	BLS data CY 5-year average using the 5 years prior to the target year CY 2003 - 2007 average: 5.12	Reduction in TRC from the previous 5-year average: 4.2	18% reduction (Met this goal)	Consistent reduction over 5-year Plan
2. Number of hazards identified & establishments visited: a. Total hazards identified/establishments visited through onsite consultation b. Establishments emphasis • Consultation emphasis 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 equipment & supplies dealers Warehouse and storage Hospitals Nursing homes Amputations Combustible dust Foundries Refineries Grain facilities Meatpacking Public Sector Tree trimming/logging Asthma Lead Methylene chloride Popcorn Silica PSM • Ergo & Safe Patient Handling, including hospitals, surgical centers, nursing homes	MNOSHA data FY 2003 – 2007 Average: 5000 / 900 N/A N/A	5000/900 65% of all on-site consultations Ongoing support of WSC's Ergo & SPH effort	5170/967 (Met this goal) 98.87% of all initial visits occurred in high hazard industries (Met this goal) See Special Accomplishments Section	5000/900 65% of all on-site consultations Ongoing support of WSC's Ergo

GOAL 1 – Comments (Consultation)

Goal 1.1

Consultation Annual Project Plan (CAPP) Goals Met and Exceeded

Review of the FFY 2009 CAPR, MNOSHA Workplace Safety Consultations accomplished 182.5 percent of the total safety and health activities projected in the CAPR:

	Goal	Actual	Change	%
Initial Visits	829	967	138	117
Follow-ups	119	223	104	187
Training Assistance	139	197	58	142
Intervention	139	345	206	248
Total	1226	1732	506	182.5%

Discussion:

1. **DART**

Cases in calendar year 2008 survey results show a 39 percent reduction in the number of cases from the baseline DART (cases with days away from work, job transfer, or restriction). The targeted reduction was 24 percent.

2. **WC, Indemnity Claims**

Review of the 2008 Worker's Compensation indemnity claims rate of 1.15 shows a decrease of 28.6 percent from 2003 baseline of 1.62. Claims are measured per 100 full-time equivalent workers.

History of Workers Comp claim rates per 100 full-time equivalent workers:

1995	1.85
1996	1.80
1997	1.74
1998	1.64
1999	1.67
2000	1.66
2001	1.52
2002	1.43
2003	1.34
2004	1.29
2005	1.28
2006	1.22
2007	1.17
2008	1.15

GOAL SUMMARIES - SOAR for FFY2009
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 09 Target	FFY 09 Results	FFY 13 Target
1. Increase in:				
a. Partnerships	² # of FFY 08 partnerships: 3	4	See comments following chart [2.1]	N/A
b. Voluntary Protection Programs (MNSTAR)	³ 26	30	37	N/A
c. Continue to identify compliance assistance opportunities.	Current practice	Ongoing	See comments following chart [2.1]	Ongoing
2. Maintain total number of people participating in OSHA outreach/training in areas such as:	FY 2003-2007 avg: 2,785	Maintain baseline	3,952 See comments following chart. [2.2]	Maintain baseline
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	See comments following chart [2.3]	Ongoing
4. Maintain response time and/or service level to stakeholders in areas such as:	Current practice	Ongoing	See comments following chart [2.4]	Ongoing
a) Telephone inquiries and assistance			1,229	
b) Written requests for information			3,979	
c) MNOSHA website information/updates			18	

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

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 Partnerships) in FFY09.

In FFY07, the Minnesota Legislature approved additional state dollars to support 50% funding for 12 positions within the MNOSHA Compliance Division. Although Federal OSHA did not provide matching dollars, six positions were added using 100% state funding. In FFY09, one of these positions was designated a Compliance Assistance focus to develop and maintain partnership agreements and assist in educating Minnesota employers on the hazards of combustible dust.

MNOSHA continues to strive to improve communication with immigrant and “hard to reach” employers and employees. MNOSHA continues to hire investigators who are fluent in more than one language, and, when necessary, has requested translation services from one of the Department’s Legal Analysts, who is fluent in both English and Spanish. In addition, MNOSHA provides written materials to immigrant and other hard to reach employers in coordination with the Department’s Community Services Representative.

MNOSHA did not enter into a partnership during FFY2009, but MNOSHA did work with MNDOT to establish a new partnership on a major project in FFY2010. Currently, MNOSHA has active partnerships with the Associated General Contractor and the Associated Building Contractors.

Goal 2.1.b

Increase VPPs by 4 in FFY09.

MNSTAR is a voluntary protection program available to any size employer in Minnesota. The MNSTAR program relies mainly on the concept of self-assessment by the requesting employer and uses the federal VPP criteria (OSHA Instruction TED 8.4a, *Revised Voluntary Protection Programs (VPP) Policies and Procedures Manual*). MNSTAR requires the employer’s commitment to complete an extensive application, which includes providing the WSC Unit with copies of all requested written policies and programs. The employer’s lost workday injury and illness rate must be below the state and national levels for their industry. Employers who meet all requirements for MNSTAR status are exempt from programmed inspections by MNOSHA Enforcement for three years. 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. Currently, there are 37 employers in the MNSTAR program, with eleven granted initial certification (5 Star employers and 6 Merit employers), during the past federal fiscal year. Six companies were re-certified for MNSTAR status. MNSTAR certified companies are listed below:

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

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
				Aug. 1, 2009 to Aug. 1, 2014
6	Potlatch Corporation Bemidji Lumbermill 50518 County 45 Bemidji, MN 56601	94	2421 321113	Jun. 17, 2002 to Jun. 17, 2005 Jun. 17, 2005 to Jun. 17, 2010
7	IBM Department EQ9A Building 002-1, G105 3605 Highway 52 North Rochester, MN 55901-7829	4,400	3571 334111	Jul. 16, 2002 to Jul. 16, 2005 Jul. 16, 2005 to Jul. 16, 2010
8	New Ulm Medical Center P.O. Box 577 1324 Fifth North Street New Ulm, MN 56073	470	8062 622110	March 7, 2003 to March 7, 2006 March 7, 2006 to March 7, 2011
9	Alexandria Extrusion Co. 401 County Road 22 NW Alexandria, MN 56308	295	3354 331316	Sept. 30, 2003 to Sept. 30, 2006 Sept. 30, 2006 to Sept. 30, 2008 Sept. 30, 2008 to Sept. 30, 2013
10	International Paper Weyerhaeuser White Bear Lake 1699 West Ninth Street White Bear Lake, MN 55110	132	2653 322211	July 22, 2004 to July 22, 2007 July 22, 2007 to July 22, 2012
11	Specialty Minerals, Inc. 400 2 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
12	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
13	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 (completing 2-yr rate reduction plan)
14	Flint Hills Resources-Pine Bend Refinery PO Box 64596 St. Paul, MN 55164-0596 Jct. Hwy. 52 & 55 Inver Grove Heights, MN 55077	830	2911 324110	Dec. 21, 2005 to Dec. 21, 2008 Dec. 21, 2008 to Dec. 21, 2013
15	Mankato Area Public Schools – Administrative Office 10 Civic Center Plaza –Suite One Mankato, MN 56002-8741	16	611110 (923110)	Aug. 24, 2006 to Aug. 24, 2009 Aug. 24, 2009 to Aug. 24, 2014
16	CBI Services, Inc. 12555 Clark Road Rosemont, MN 55268 Mail Address: Box 64596 St. Paul, MN 55164-0596	300	237990 (236210)	Sept. 19, 2006 to Sept. 19, 2009 Sept. 19, 2009 to Sept. 19, 2014
17	Honeywell Aerospace Minneapolis Operations 2600 Ridgway Parkway	1,250	334511	February 2, 2007 to February 2, 2010

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
	Minneapolis, MN 55413			
18	iLevel Weyerhaeuser ISC 700 Emerald Street St. Paul, MN 55114	62	423310	March 19, 2007 to March 19, 2010
19	USG Interiors 27384 Highway 61 Blvd. Red Wing, MN 55066	40	327993	April 23, 2007 to April 23, 2010
20	Valmont Industries, Inc. 20805 Eaton Avenue Farmington, MN 55024	123	332323	June 1, 2007 to June 1, 2010
21	Monsanto Company Soybean Research 29770 US Highway 71 Redwood Falls, MN 56283	6	115114	Aug. 27, 2007 to Aug. 27, 2010
22	Honeywell Defense & Space 12001 State Hwy. 55 Plymouth, MN 55441	550	334413	December 3, 2007 to December 3, 2010
23	Liberty Paper, Inc. 13500 Liberty Lane Becker, MN 55308	110	322130	December 27, 2007 to December 27, 2010
24	Lockheed Martin MS2 Tactical Systems 3333 Pilot Knob Road P.O. Box 64525 Eagan, MN 55121	1500	7373 514512	July 2, 2008 to July 2, 2011
25	Monsanto Company – Soybean Production 29770 U.S. Hwy. 71 Redwood Falls, MN 56283	20 full-time up to 15 part- time	0713 / 115114	July 25, 2008 to July 25, 2011
26	HB Fuller Company 5220 Main Street Fridley, MN 55421	35	2891 / 325520	August 14, 2008 to August 14, 2011
27	Brandenburg Industrial Service Company 501 Shepard Rd. St. Paul, MN 55101	25	1795 238910	November 24, 2008 to November 24, 2011
28	Aveda Corporation 4000 Pheasant Ridge Drive NE Blaine, MN 55449-7106	647	2844 325620	December 17, 2008 to December 17, 2011
29	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
30	Trident Seafoods Corporation 1348 Hwy 10 S Motley, MN 56466	273	2092 311712	February 6, 2009 to February 6, 2012
31	Corval Group, Inc. at Flint Hills Resources 12555 Clark Road	25-160	1711 238220	September 21, 2009 to September 21, 2012

No.	Company Name and Address	Number of Employees	SIC NAICS	Effective Dates
	Rosemount, MN 55268 Mailing Address 1633 Eustis Street Saint Paul, MN55108			
32	Norhstar Ethanol (Merit) 19200 499 th Avenue Lake Crystal, MN 56055	44	2869 325193	June 30, 2008 to June 30, 2011
33	Mankato Area Public Schools Eagle Lake Elementary (Merit) 500 LeSueur Avenue Eagle Lake, MN 56024	45	8211 611110	September 15, 2009 to September 15, 2012
34	Mankato Area Public Schools East Jr./Sr. High (Merit) 2600 Hoffman Road Mankato, MN 56001	150	8211 611110	September 15, 2009 to September 15, 2012
35	Mankato Area Public Schools Garfield Elementary (Merit) 320 Garfield Avenue North Mankato, MN 56003	35	8211 611110	September 15, 2009 to September 15, 2012
36	Mankato Area Public Schools Kennedy Elementary (Merit) 2600 East Main Mankato, MN 56001	75	8211 611110	September 15, 2009 to September 15, 2012
37	Mankato Area Public Schools Special Education (Merit) 1610 Commerce Drive North Mankato, MN 56003	35	8211 611110	September 15, 2009 to September 15, 2012

Goal 2.2 -

In FFY09, Maintain the total number of people participating in outreach.

MNOSHA established a baseline of 2,785 participants per year for outreach training sessions covering various subject areas. MNOSHA Compliance exceeded the goal for FFY 2009 by conducting 93 presentations to 3,952 participants; this is 41% above baseline. During FFY09, MNOSHA focused efforts on streamlining its outreach efforts while maintaining service and achieving its goals. MNOSHA included Safety Investigator III and IV positions in its outreach efforts throughout the state. The majority of outreach presentations were addressed to emphasis industries, including construction. Additionally, all investigative staff rotates to provide stakeholder assistance each day. The rotation of staff is coordinated in the St. Paul office in order to utilize staff resources efficiently.

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

In addition, MNOSHA conducted its popular Construction Breakfast Seminar five times in FFY09. The Construction Breakfast program was developed to assist members of the construction industry responsible for worksite safety to stay current with MNOSHA standards. The Construction Breakfast provides a forum for members of the construction trades and their employers to discuss issues and experiences with the speaker, their peers and MNOSHA investigators. MNOSHA continues to work with the Construction Breakfast Focus Group to select safety topics and presenters for each event. Topics are discussed and voted on by each member and then approved by MNOSHA's management team. The committee is made up of various representatives from the construction industry; including insurance agents, company safety directors, and safety consultants who volunteer their time and expertise. The steering committee also meets during the season to evaluate each presentation for its relevancy and audience understanding and acceptance. In total, the Construction Breakfast presentations attracted 317 participants, representing an average attendance of 63 participants for each breakfast seminar.

MNOSHA conducted only three presentations outside of the targeted industries. The targeted training

opportunities are listed in Appendix C. During FFY09, MNOSHA also continued its strong working relationship with the Minnesota Safety Council.

MNOSHA continues to participate in major safety conferences throughout the state. The division staffed displays at five different exhibitions in FFY09, with two of the events lasting more than one day. All were well attended, with significant traffic at the MNOSHA booth of people asking numerous questions in regard to MNOSHA standards.

New or revised publications during the fiscal year included:

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

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

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

Goal 2.3 -

Homeland Security

The MNOSHA Compliance program continued to participate on the State Emergency Response Team. One director attended seven MN Department of Public Safety, Homeland Security and Emergency Management (HSEM) division meetings, one Region V conference call, and nine federal OSHA Homeland Security conference calls. Spring flooding in northwest Minnesota, followed by H1N1 outbreaks, was the subject of most of these meetings. Minnesota OSHA helped to deliver several boxes of outreach material on flood safety which were provided by federal OSHA.

Revisions to the MN Emergency Operations Plan were submitted in September 2009 which clarified the responsibilities of two divisions within the department, OSHA and Construction Codes and Licensing.

One director completed five on-line FEMA ICS courses: IS001, Emergency Manager: An Orientation to the Position; IS 022, Are You Ready? An In-depth Guide to Citizen Preparedness; IS 055, Household Hazardous materials –A Guide for Citizens; IS 100.a, Introduction to Incident Command; and, IS 120, An Introduction to Exercises. One staff completed the two-hour Single Resources and Initial Action Incidents on-line FEMA course (IS-200).

Outreach on Responder Safety at a Mass Fatality Event was presented on October 30, 2008 by a MNOSHA Director. Lessons learned from the 2007 I-35W bridge collapse were discussed.

Goal 2.4 -

In FFY09, maintain response time and/or service level to stakeholders.

Every business day, MNOSHA has two safety and health professionals on duty to answer questions received primarily through phone calls and e-mails. During FFY 09, these two positions responded to approximately 1229 phone calls and 3979 written requests for assistance, primarily e-mails. A majority of these inquiries are answered within one day. During FFY09, 74% of phone calls, e-mails, 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 FFY09, 26% of inquiries were received from employees calling to file a workplace safety and health complaint. Forty-nine (49) percent of the total complaints resulted in an onsite inspection with an average of 3.3 days response time. The remaining 51% of 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 site also provides links to other websites where safety and health regulations and other information can be accessed.

Goal Summaries – CAPR for FFY 2009
Minnesota Occupational Safety and Health (MNOSHA) - Workplace Safety Consultation
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 2 Promote a safety and health culture through consultation assistance, interventions, cooperative programs and strong leadership.				
How Progress in Achieving this Goal will be Assessed	Baseline 9/30/08	FFY 09 Target	FFY 09 Results	FFY 13 Target
1. Increase in: a. The number of participants in the MNSHARP Partnership Program by 4 worksites in each of the 5 targeted years b. The number of participants in the Pre-MNSHARP Program at four worksites c. The number of participants in the Alliance Program by two alliances in each of the 5 targeted years d. The number of training, intervention and technical assistance sessions	MNSHARP: 32 Pre-MNSHARP: 4 Alliance: 13 250	36 Maintain baseline 15 250	41 (Met this goal) 8 (Met this goal) 15 (Met this goal) 542 (Met this goal)	52 Maintain baseline 23 Maintain baseline
2. Increase familiarity, with MNOSHA standards, policies procedures, regulations and reference material through technical assistance, interventions, outreach, training, alliance, grants, and on-site consultation among stakeholder and selected industry groups. Increase the number of employees and employers trained in the above selected groups. a. Strategic plan employers and employees b. Youth c. Immigrant employers and employees d. Emerging businesses	Current Practice	Ongoing	See Comments following chart	Ongoing
3. Participate in homeland security efforts at state and national levels	Current practice	Ongoing	See Comments following chart	Ongoing
4. Maintain response time and/or service level to stakeholders in areas such as: a. Telephone inquires and assistance b. Written requests for information c. MNSOAH website information/updates	Current practice	Ongoing	See Comments following chart	Ongoing

GOAL 2 – Comments (Consultation)

Goal 2.1.a.

MNSHARP Program Assessment:

Indicator Type	Indicator	Projected Activity in CAPP	Results	Comments
Activity Measure	Number of companies certified as MNSHARP sites.	4	WSC retained a total of forty-one participants in the MNSHARP program. Eleven new participants received MNSHARP certification. Met 275% of goal.	Forty-one total certified participants in the MNSHARP program. Met 275% of goal.

#	Participation Period		Establishment Name & Location	Site EE's	SIC NAICS
	Start Date	End Date			
1	5/8/07	5/8/10	Altimate Medical 262 West 1 st Street Morton, MN 56270	22	3842 339113
2	11/8/08 (Initial Start Date: 5/8/07)	11/8/11	Anderson Automatics, Inc. 6401 Welcome Ave. North Brooklyn Park, MN 55429	74	3451 332721
3	5/8/07	5/8/10	Roberts Automatic Products, Inc. 880 Lake Drive Chanhassen, MN 55317	100	3451 332721
4	8/1/07	8/1/10	Rochester Meat Company 1825 7 th Street NW Rochester, MN 55901	250	2013 311612
5	4/1/08	4/1/11	E.J. Ajax and Sons 7773 Ranchers Road Fridley, MN 55432	50	3469 332116
6	9/20/07	9/20/10	Phillippi Equipment Company 2875 Highway 55 Eagan, MN 55121	26	5082 423810
7	9/30/08	9/30/11	Murphy Warehouse, Co. Company 701 24 th Avenue S.E. Minneapolis, MN 55414	150	4225 493110
8	9/30/08	9/30/11	Lovegreen LLC 2280 Sibley Court Eagan, MN 55122	25	3449 332323
9	3/16/07	3/16/10	Minnesota Freezer Warehouse 820 E. 13 th St. Albert Lea, MN 56007-3404	24	4222 493120
10	3/19/07	3/19/10	Malco Products 14080 State Hwy. 55 NW Annandale, MN 55302-3457	168	3423 332212
11	9/28/07	9/28/10	Bayer Built Woodwork, Inc. 24614 US Hwy. 71 Belgrade, MN 56312	200	5031 423310

#	Participation Period		Establishment Name & Location	Site EE's	SIC NAICS
	Start Date	End Date			
12	9/28/07	9/30/10	Bayer Trucking, LLC Truck Shop East East on 245 St. Belgrade, MN 56312	24	4231 488490
13	4/7/08	4/7/11	Lifecore Bimedical, Inc. 3515 Lyman Boulevard Chaska, MN 55318	180	2833 325411
14	4/7/08	4/7/11	Huisken Meat, Co. 245 Industrial Drive Sauk Rapids, MN 56379	40	3842 311612
15	8/11/08	8/11/11	Zenith Products 9177 Zachary Ln. Maple Grove, MN 55369	12	3271 327331
16	9/23/08	9/23/11	Scott Equipment Co. 605 Fourth Avenue NW New Prague, MN 56071	70	3523 333111
17	10/3/08 (Initial Start Date: 10/3/05)	10/3/11	Anchor Block Co. 13450 Johnson Memorial Dr. Shakopee, MN 55379	32	3271 327331
18	12/15/08 (Initial Start Date: 12/15/05)	12/15/11	Reynolds Food Packaging 21925 Industrial Blvd. Rogers, MN 55374 Rob Davis, ABS Mngr 763-428-7217	190	3089 326199
19	6/8/07	6/8/10	Anchor Block Co. 8201 Brooklyn Blvd Brooklyn Park, MN 55445	47	3271 327331
20	2/7/09	2/7/12	Timber Roots 100 North Jefferson Wadena, MN 56482	171	2439 321214
21	2/27/09	2/27/12	Riverwood Healthcare Center 200 Bunker Hill Aitkin, MN 56431	340	8051 623110
22	3/9/09	3/9/12	Minnesota Freezer Warehouse Co. - Austin 1907 14th Street NE Austin, MN 55912	10	4222 493120
23	6/8/09	6/8/12	Worldwide Dispensers 78 2nd Ave S Lester Prairie, MN 55354	77	3089 326199
24	12/3/07	12/3/09	A.S.V., Inc. 1001 NW 3rd Street Cohasset, MN 55721	44	3531 333120
25	1/2/08	1/2/10	BASF Polyurethane, LLC 13630 Watertower Circle Plymouth, MN 55441	38	3087 325991
26	4/11/08	4/11/10	Siewert Cabinet & Fixture Manufacturing, Inc. 2640 Minnehaha Avenue Minneapolis, MN 55406	42	2434 337110
27	5/5/08	5/5/10	Anderson & Dahlen, Inc. 6850 Sunwood Dr NW Ramsey, MN 55303	140	3444 332322
28	5/5/08	5/5/10	Tapemark Company 1685 Marthaler Lane West St. Paul, MN 55118	183	7389 561910

#	Participation Period		Establishment Name & Location	Site EE's	SIC NAICS
	Start Date	End Date			
29	8/4/08	8/4/10	D.J. Kranz Co. Inc. 9801 Upland Drive Maple Grove, MN 55441	60	1542 236220
30	10/3/08	10/3/10	Western Lake Superior Sanitary District (WLSSD), Scanlon Pump Station 3209 Highway 61 Scanlon, MN 55720 Steve Johnsen, Director of Safety and Security 218-740-4764	4952 221320	A
31	10/3/08	10/3/10	Western Lake Superior Sanitary District (WLSSD), Biosolids Storage Facility 1922 Highway 210 Carlton, MN 55718 Steve Johnsen, Director of Safety and Security 218-740-4764	4952 221320	A
32	10/3/08	10/3/10	Western Lake Superior Sanitary District (WLSSD), Material Recovery Center (MRC) 4587 Ridgeview Road Duluth, MN 55803 Steve Johnsen, Director of Safety and Security 218-740-4764	4953 562920	A
33	10/3/08	10/3/10	Western Lake Superior Sanitary District (WLSSD) Wastewater Treatment Plant 2626 Courtland Street Duluth, MN 55806 Steve Johnsen, Director of Safety and Security 218-740-4764	4952 221320	A
34	10/13/08	10/13/10	Kraus-Anderson Construction Company 640 Jackson Street St. Paul, MN 55101 Jay Vander Leest Safety Coordinator 612-810-5602	1541 236220	S
35	11/3/08	11/3/10	Mortenson Construction TCF Bank Stadium 2009 University Avenue SE Minneapolis, MN 55414 Chris Tschida Safety Director 763-287-5217	1542 236220	S
36	1/27/09	1/27/11	Timber Roots - Dover 670 South Main Dover, MN 55929 Mark Schultz, Manager 507-932-4415	2431 321911	A
37	2/17/09	2/17/11	Opus Northwest Construction, LLC Cargill Project 9300 Excelsior Blvd. Hopkins, MN 55343 McKenzie VP Const. 612-363-2533 John E.	1541 236220	S

#	Participation Period		Establishment Name & Location	Site EE's	SIC NAICS
	Start Date	End Date			
38	1/2/08	7/1/11	Lakeside Foods, Inc. 1055 West Broadway Plainview, MN 55964-1096 David Christensen, Assistant Human Resources Manager 507-534-5062	2033 311421	A
39	5/27/08	6/8/11	Pro-Build Millwork and Cabinetry 11356 215th Street Lakeville, MN 55044 Roger Lashinski, General Manager (952)469-3466	2431 321918	A
40	8/1/08	10/22/11	M.A. Mortenson Company 1100 3rd Ave. North Minneapolis, MN 55403 Chris Tschida Safety Director 763-287-5217	1542 236220	S
41	7/1/07	7/1/10	Morrissey, Inc. 9304 Bryant Ave. South Bloomington, MN 55420-3404 Tamara Anderson 952-888-4675	3469 332116	A

"MNSHARP" (Minnesota Safety and Health Achievement Recognition Program) is a voluntary, consultation-based program, which assists small high-hazard employers in achieving safety and health improvements and recognizes them for doing so. MNSHARP participants receive a comprehensive safety and health consultation survey, which results in a one-year deferral status while the action plan is completed. During that year, participants must correct identified hazards and develop and implement an effective safety and health program with full employee involvement. MNOSHA Consultation exempts the employer from compliance-programmed inspections for one year while in deferral status. When the employer meets all requirements, and the DART (Days Away Restricted Transfer) and TRC (Total Case Incident Rate) is below the national average for their industry, a MNSHARP Certificate of Recognition is awarded and MNOSHA Consultation exempts the employer from compliance-programmed inspections during its first year of certification. If an on-site safety and health survey by the WSC Division reveals that the employer is continuing to meet the program requirements, the employer's certification is renewed and the employer continues to be exempt from compliance programmed inspections for three additional years.

Discussion

MNSHARP TRC rates in FFY 2009 were 3.18 for General Industry and 3.20 for Construction, compared to the National average for these classifications; a 49.7% and 28% decline respectively.

MNSHARP DART rates in FFY 2009 were 1.59 for General Industry and 1.19 for Construction, compared to the National average for these classifications; a 57% and 37.5% decline respectively.

Goal 2.1.b.

Pre-MNSHARP Deferral Program Assessment:

Indicator Type	Indicator	Projected Activity in CAPP	Results	Comments
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Activity Measure	Number of new Deferral MNSHARP sites.	4	Eight new participants received Pre-MNSHARP deferral certification. Met 200% of goal	Eight new participants received Pre-MNSHARP deferral certification.
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#	Participation Period		Establishment Name & Location	SIC Cod/NAICS	Strategic Plan (S)ilica (L)ead (A)mputation
	Start Date	End Date			
1	3/12/09	3/12/10	Pollux Manufacturing, Inc. 650 Taft Street NE Minneapolis, MN 55413 Daaron Arnold 612-362-4540	3281 327991	A
2	5/26/09	5/26/10	Water Heater Innovations, Inc. 3107 Sibley Memorial Highway Eagan, MN 55121-1604 Shirley Bonawitz Human Resources Manager 651-994-4067	3639 335228	A
3	5/26/09	5/26/10	Kraus-Anderson Construction Company 2450 Riverside Avenue Minneapolis, MN 55454 Jay Vander Leest Safety Coordinator 612-810-5602	1541 236220	A
4	8/12/09	8/12/10	Akkerman Incorporated 58256 266th Street Brownsdale, MN 55918 Gary Medgaarden Improvements Manager 507-567-2261 ext 150	3532 333131	A
5	8/28/09	8/28/10	Ultra Pac, Inc. dba Reynolds Food Packaging - KAMA 22101 Industrial Boulevard Rogers, MN 55374 Anthony Ingrassia EHS Manager 763-428-7206	3081 326112	A
6	8/11/09	2/11/10	Anchor Block Company 2300 Mcknight Road North St. Paul, MN 55109 Jay Battenberg 952-351-9654	3271 327331	S
7	4/30/09	4/30/10	Duke Construction (West End Project) 1551 Park Place Boulevard St. Louis Park, MN 55416 Steve Manni Project Manager 952-543-2974	1542 226220	S
8	7/7/09	7/7/10	Gemini, Inc. 103 Mensing Way Canon Falls, MN 55009 Jet Tran Safety and Environmental Officer 507-263-3957	3993 339950	A

Discussion

Average Pre-MNSHARP TRC rates in FFY 2009 were 6.34 for General Industry and 2.17 for Construction, compared to the National average for these classifications; a +3.48% and a 51% decline respectively.

Average Pre-MNSHARP DART rates in FFY 2009 were 3.07 for General Industry and 1.03 for Construction, compared to the National average for these classifications; a +3.68% and a 53.3% decline respectively.

Goal 2.2 and 2.4

Web Site - During FFY2009, WSC continued to utilize its own website as an effective communication resource for employees and employers. Employees and employers outside the state also view our website. Employers can find out about WSC specific information and have the ability to request consultation services by filling out a form on-line. WSC also posts all of their scheduled training sessions on the web. All parties interested may download a complete copy of the brochure for dates, locations, and a description of the training to be conducted. The site includes the safe patient handling act legislation - MS 182.6551-6553, a letter notifying stakeholders of the grant program, the safe patient handling grant program application & instructions, the safe patient handling grant contract, training resources, and a summary of the legislation. The unit also added a 1-year MNSHARP construction pilot program. During FFY2009 there were 12,144 hits on the WSC website.

Alliance Training Seminars

During FFY 2009, WSC provided training seminars in collaboration with the groups below:

Builders Association of Minnesota

Conducted one Construction 10 hour certificate course

Conducted six ½ day sessions on Safety and Health in the Construction industry for the State of Minnesota contractors re-licensing requirement

The sessions were presented in Roseville, Mora, St. Cloud, Sauk Center, Marshall, and Moorhead

511 employers participated in the classes

Labor Users Contractors (LUC)

Reviewed and edited the employees Fall Protection manual for the construction industry, 50,000 copies were reprinted for distribution

Hennepin Technical College

Presented at the annual State for Minnesota contractors re-licensing classes held at their Eden Prairie and Brooklyn Park campuses. This year the focus was on OSHA inspectors and health hazards in construction.

485 employers participated in the 9 classes

Twin Cities Roofers Association

Conducted one Construction 10 hour certification course

Created and presented three 2 hour presentations for the roofing industry on the Employee Right to Know rule.

100 employers and employees were in attendance.

Mechanical Contractor Association

Evaluated and assisted in the rewrite of the Associations Confined Space Program that is available for membership

The Builders Group (TBG)

Conducted seven Construction 10 hour certification courses held in Eagan, Faribault, Rochester, Alexandria, and Moorhead

Developed and presented five ½ day seminar on woodworking safety and health hazards in manufacturing facilities; lead in Construction; NFPA 70E; and health hazards in construction – mainly respirators, silica, and air contaminants

257 employers and employees participated - there are 1050 members in the TBG Group

Minnesota Electrical Association

Presented at 4 sessions in Mankato, Brainerd, Minneapolis, St. Cloud on electrical hazards in construction

80 employers participated in the training sessions

Sheet Metal Air Conditioning & Roofing Contractors Association

FFY2009 Combined SOAR and CAPR

Minnesota Occupational Safety and Health (MNOSHA)

Conducted one presentation at their quarterly association meeting on OSHA inspections
25 members attended

Professional Societies and Organizations

Association of General Contractors (AGC)

Developed and presented ½ day seminar on Disaster Response in construction at the annual Safety Day in Minneapolis also ½ day on Confined Space

Conducted Construction 10 hour certification course at the annual Safety Days in Duluth

Presented 3 sessions at their Safety Committee meetings during this time frame

249 employers and employees participated in the training sessions

Association of Building Contractors (ABC)

Presented ½ day seminar on excavation and fall protection at their annual Safety Day in St. Cloud

60 employers and employees participated

Arrowhead Conference of International Building Officials

Presented class on NFPA 70E electrical safety in St. Paul

20 employers participated

City Auto Glass

Presented at the employers annual Safety Day in St. Paul

75 employees were present

Construction Codes and Licensing Division (CCLD)

Completed the Construction 10 hour certification course

12 employees from their plumbing division participated

Minnesota Pollution Control

Presented excavation and electrical safety at their annual Safety Day

70 employers participated

National Electrical Association of Wisconsin

Presented at their annual conference on NFPA 70E electrical Safety

30 employers attended the training sessions.

Conducted one Construction 10 hour certification course for Centrex Homes in Eden Prairie

50 employers and employees participated in the course

Lakes Area Safety and Health Organization (LASHO)

Three construction breakfast seminars were conducted in Brainerd Fall Protection, 2008 fatalities and serious injuries, and Pre-task planning

49 employers and employees participated in the breakfast seminars.

Minority, Woman and Apprenticeship Organizations

Brownfield - Conducted two Construction 10 hour certification courses in Mounds View

Minneapolis Urban League – Conducted one Construction 10 hour certification course in Minneapolis

Summit Academy – Conducted one Construction 10 hour certification course in Minneapolis

Construction Career Coalition – Conducted one Construction 10 hour Certification course in Minneapolis

74 students successfully completed the courses

Construction Breakfast in Greater Minnesota

WSC has also made some adjustments with the Construction Breakfast training sessions that have been held in four locations throughout the state. In addition WSC is trying to establish some informal partnerships to help promote attendance at the sessions.

Goal 2.3.

The MNOSHA Safety Consultation unit has developed a one four-hour module of training for small businesses to be delivered in FFY2009. Emergency preparedness training has been provided to one staff person who will participate in Homeland Security activities with the MNOSHA Compliance staff. Consultation provides assistance to the MNOSHA Compliance effort within our state.

GOAL SUMMARIES - SOAR for FFY2009
Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd)
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 3 <i>Strengthen and improve MNOSHA's infrastructure</i>

How Progress in Achieving this Goal Could Be Assessed	Baseline 9/30/08	FFY 09 Target	FFY 09 Results	FFY 13 Target
1. Review rules annually for effectiveness: ongoing evaluation, development of rules, standards, guidelines and procedures.	Current practice	Ongoing	See comments following chart. [3.1]	Ongoing
2. Maintain workforce development and retention plan	Current practice	Ongoing	See comments following chart. [3.2]	Ongoing
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	Ongoing	See comments following chart. [3.3]	Ongoing

Goal 3.1 -

In FFY09: 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 MN-specific standards when necessary to support MNOSHA program goals.

Federal standards/amendments adopted in FFY09 include: 1) “Electrical Standard; Clarifications; Corrections;” 2) “Longshoring and Marine Terminals; Vertical Tandem Lifts; Final Rule;” and 3) “Clarification of Employer Duty to Provide Personal Protective Equipment and Train Each Employee; Final Rule.” There were no Minnesota Rules amendments adopted in FFY09. The annual review of Agency rules resulted in no MNOSHA obsolete or duplicative rules needing repeal in FFY09.

At the close of FFY08, 111 directives on the previous five-year updating cycle were completed (91%). At the close of FFY09, 95% of the directives on the previous five-year cycle were completed; there are 6 directives still needing completion.

The new five-year directive revision schedule was developed to coincide with the FFY09-FFY13 five-year plan. During FFY09, 26 existing directives were revised. These included internal procedures for case file processing, complaint handling, discrimination, voluntary protection, and scheduling. The directive on hexavalent chromium inspections was rewritten following the release of the federal directive. Two new directives on Tree Trimming Inspections and PPE requirements for Foundry inspections (CPL 2-1.20 and 2-1.45) were developed and issued.

Goal 3.2 -

FFY09: Ongoing: Maintain workforce development and retention plan

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

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

In FFY2009, MNOSHA utilized the plan to develop a strategy to maintain consistency and quality throughout the organization’s field staff. Two goals were identified:

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

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

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

The reorganizational plan developed in FFY09 will be implemented in early FFY10. The plan includes restructuring of the investigative field staff into 4 units with similar numbers and disciplines of staff in all 4 units. The four new units will be called North, Central, Southeast and Southwest. All units will have a portion of the metro area. The division of counties will be determined by the number of inspections conducted historically. Each unit will have

approximately 3 industrial hygienists and nine safety investigators who will conduct both construction and general industry inspections.

Additionally, a fifth unit will be developed consisting of team leads that include Safety Investigator 4s, and Industrial Hygienist 3s. This unit will conduct informal conferences, mentoring, and case file review. The re-organizational plan will not result in a reduction in investigative staff nor in staff relocation.

Goal 3.3 -

FFY09: Ongoing: Monitor and improve systems and processes to ensure the business needs of MNOSHA, the requirements of Federal OSHA, and the services provided to stakeholders, are met.

MNOSHA's continuing process improvement actions include monthly meetings with solicitors (Assistant Attorneys General). The status of pending cases is discussed, litigation strategy is reviewed, and verification with records maintained by MNOSHA is done. An on-line calendar of pending activity, such as depositions or administrative hearings, was established in FFY09. Staff and supervisors are notified of upcoming activity on their litigated case files. During FFY09, 22 cases were referred to AG for litigation. Four cases were heard before an Administrative Law Judge.

In *Comm. v. Petra Development Services*, MNOSHA prevailed at an administrative hearing regarding the contested two willful citations for violations of 1926.850(a) and (b). The willful classifications were upheld although the penalties were amended. This prompted a revision to the Field Compliance Manual regarding violations which "cause or contribute" to the death of an employee, and the subsequent penalty calculations.

In addition, a MNOSHA Director meets with in-house counsel regularly to review contested cases which are handled within the Department. This review helps maintain a prompt turnaround for cases handled in-house.

Changes in the preparation of significant cases were made in FFY09. Investigators meet with a cross-discipline group early during the investigation to review initial findings, discuss strategy and potential violations. Known as "boarding" because the discussions often involve a visual white-board review and analysis, they are done among all groups within MNOSHA and are resulting in a better documented case file.

Also during FFY09, the use of Video Teleconferencing came to the Department. Through September, the Department had capabilities established for its St. Paul, Duluth, St. Cloud, and Mankato offices.

Goal Summaries – CAPR for FFY 2009
Minnesota Occupational Safety and Health (MNOSHA) - Workplace Safety Consultation
SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 3 Maximize MNOSHA WORKPLACE SAFETY CONSULTATION effectiveness and efficiency by strengthening our capabilities and infrastructure.				
How Progress in Achieving this Goal will be Assessed	Baseline 9/30/08	FFY 09 Target	FFY 09 Results	FFY 13 Target
3.1A Develop and implement marketing plan, focusing MNOSHA WORKPLACE SAFETY CONSULTATION assistance towards employers with the highest total recordable cases and the highest injury and illness rates (DART) within the targeted industries.	Current practice	Ongoing	Ongoing	Ongoing
3.1B Develop and implement effectiveness measures and ensure MARC and CAPP requirements are met and maintained in FFY 2009 through 2013.	Current practice	Ongoing	Ongoing	Ongoing

GOAL 3 – Comments (Consultation)

Goal 3.1.A.

The MNOSHA Workplace Safety Consultation unit has effectively used its outreach, intervention, and training to promote its consultation activities. The unit has used the Minnesota Safety Hazard Abatement Grant Program participants list as another venue for promoting its on-site consultation program. Other marketing activities are listed below:

- MNOSHA website, 12,144 page views representing a 16% increase in FFY 2009.
- Trade and business association presentations
- Press releases
- Word of mouth and through satisfied customer referrals
- Speakers Bureau
- Alliances and construction partners
- Health alliance convention
- Direct mailing to targeted industries from the state's workers' compensation unit data and from the Department of Employment and Economic Development employers' information.

Goal 3.1.B.

The MNOSHA Consultation program has met the CAPP, CAM, and MARC requirements for FFY 2009.

- Percent of initial visits in high hazard establishment...98.88%
- Percent of initial visits to smaller businesses...96.63%
- Percent of visits where Consultant conferred with Employees100%
- Percent of serious hazards corrected timely...100%
- Percent of serious hazards verified corrected (in original time or on-site)...95.59%

**Combined SOAR and CAPR for FFY2009
- Minnesota Occupational Safety & Health Compliance (OSH) and
- Minnesota Workplace Safety Consultation (WSC)**

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 FFY2009 include:

Staff Training:

Compliance:

MNOSHA places a high value on staff training for both enforcement purposes and investigator safety. A major effort was put in on revising the training directive (ADM 5.1) with updates to cover changes in the organization and to include the Consultation Division.

During FFY 2009, MNOSHA had the privilege of hosting the OSHA Training Institute (OTI) as they conducted two courses for MNOSHA staff. The first class was the OSHA 3110 Fall Arrest Systems in July and the second was the OSHA 3080 Principles of Scaffolding in September. These courses provided a great opportunity for cross-training the Metro area safety staff.

The Division also instituted mandatory in-house safety training for those staff members designated to inspect foundry operations. The investigators must also wear flame-retardant PPE and conduct personal air sampling in order to measure their own exposure. All these requirements will be included in a future revision of the Field Compliance Manual (FCM). It is hoped that these steps will not only protect MNOSHA staff, but will model "best practices" for employers and employees.

Other training endeavors during the year included defensive driving and computer-based soft skills training. These courses were mandatory for all staff.

Consultation:

WSC has developed a comprehensive training policy to ensure that all consultants are provided the technical skills and competencies as outlined in Appendix K of the CPPM. The WSC employs these competencies to evaluate potential new hires, formulate training plans for experienced consultants, quality assessment, and the development of the WSC training program. Appendix B contains the required trainings a consultant is expected to complete divided into hard and soft skill sets. Appendix C contains trainings consultants will complete in FFY 2010. Appendix D contains the required checklist consultants complete during visits to ensure consistency and conformity with the procedures outlined in the CPPM. WSC utilizes the OSHA Form 33 to evaluate Safety and Health Management Systems while applying the Safety and Health Management Guidelines (FR3904-3916).

Individual activity is monitored via weekly planned activity entries on the WSC calendar, activity logs updated monthly, NCR reports regarding consultation activities, uncorrected hazards, and error reports ensuring correction of form entry problems. A consultation program supervisor randomly reviews safety case files to ensure that the correct federal or state standards have been referenced for the identified hazards. Since all industrial hygiene consultants in the WSC program are at the IH 3 level, which is the highest level within the state personnel classification system, they utilize a peer review process to ensure report accuracy and consistency.

Professional Certifications:

Compliance:

MNOSHA supports professional development for staff beyond core training when feasible and appropriate. Currently, MNOSHA Compliance has staff with the following professional certifications:

--P.E. (Professional Engineer)	=	5
--CIH (Certified Industrial Hygienist)	=	5
--CSP (Certified Safety Professional)	=	1

Consultation:

WSC added one Certified Professional Ergonomist (CPE) and one Certified Industrial Hygienist (CIH) during FFY09. Currently the unit has three CIHs, one CPE, and three CSPs.

Redesigned DLI/MNOSHA Website:

On May 1, 2009, the Minnesota Department of Labor and Industry launched its new website, with a new web address: www.dli.mn.gov.

The new site increased navigational options, uses informational tabs to display multiple links more easily, and offers a "highlights" section enabling users to find frequently accessed features on the site. MNOSHA staff assisted DLI Communications staff with layout and organization of the MNOSHA webpage (www.dli.mn.gov/MnOsha.asp), to ensure a smooth transition of website content.

Website satisfaction surveys remain available on the site for stakeholders to offer feedback on their experience with the website.

Consultation:

Loggers' Safety Education Program (LogSafe)

This program, which is 100% state-funded and administered by the WSC unit, 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) chain saw/PPE, (3) Fatality review, (4) Slips and falls, (5) Ergonomics, (6) OSHA Logging Operations standard, (7) Landing and wood yard safety, (8) safe work practices, and (9) hazard recognition.

Summary of Activities FFY 2009

Activity	Sessions	No of Employees/ Employers trained
Consultations	10	85
Interventions	114	2433
Initial visits	10	
Follow-up visits	5	
Training visits	12	351
TOTAL	151	2869

Workplace Violence Prevention Program. This program helps employers and employees reduce the incidence of violence in their workplaces by providing on-site consultation, telephone assistance, education and training seminars, and a resource center. This program is targeted toward workplaces at high risk of violence, such as convenience stores, service stations, taxi and transit operations, restaurants and bars, motels, guard services, patient care facilities, schools, social services, residential care facilities, and correctional institutions. The Workplace Violence Prevention Program is a 100% state-funded program and is administered by the WSC unit. In FFY 2009, there were 10 violence prevention training sessions where 667 employers and employees received training, 17 interventions four of which led to formal complaints and 40 other requests for information. The coordinator of the Workplace Violence Prevention Program serves on the advisory board Midwest Center for Occupational Health and Safety, Education and Research Center.

Safety Grants Program

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

During State Fiscal Year (SFY) 2009, a total of 244 safety grants were awarded to private sector employers (e.g., nursing homes, construction, logging manufacturing) and public sector employers (e.g., schools and cities). Examples of items purchased include: fall protection equipment, personal protective equipment, patient lifts, ergonomic equipment, ventilation systems, arc flash protection, logging equipment, eye washes, fire and smoke alarms. The State spent \$1,667,560.00 for safety grants in SFY 2009.

Safety Patient Handling Grant Program

In May, Governor Tim Pawlenty signed the Safe Patient Handling Act (Minnesota Statutes §182.6551 through 182.6553), which requires licensed health care facilities in Minnesota to adopt a written safe-patient-handling policy and establish a safe-patient-handling committee by July 1. The written policy must establish a plan to minimize manual lifting of patients by Jan. 1, 2011, through the use of patient-handling equipment. The law also provides \$500,000 for the safe patient-handling grant program administered by DLI. A one-page safe patient handling grant application form was developed, two slide programs, and several reference web-sites were posted on the DLI web-site. Workplace Safety Consultation (WSC) established an alliance with the MN Chapter of the American Physical Therapy Association (APTA). Initial alliance activity included a presentation, on Minnesota's Safe Patient Handling statute.

Sixty-nine health care facilities statewide have been awarded grants by the Minnesota Department of Labor and Industry (DLI) Workplace Safety Consultation unit to help purchase equipment that will allow employees to safely handle physically challenged patients while lifting or moving them. The grants will help the organizations comply with new state patient-handling regulations taking effect July 1, making such situations safer for both patient and employee. The average size of the grant was \$7,692.00. These grants helped to provide assistance to health care facilities -- defined as hospitals, outpatient surgical centers and nursing homes -- with the purchase of safe patient-handling equipment, training about safe patient-handling and training about the use of safe patient-handling equipment.

CAPR Ergonomics Program Summary FFY – 2009

An ergonomics program coordinator, with a CPE credential, was hired in Sept–2009. A consultation at Savanna Pallets, on April 1, 2009, included a review of an operator work-station with recommendations to re-design the work-station to improve worker body positioning and minimize high-risk lifting, while feeding lumber into a machine.

Nursing Home Project

The project is in its conclusion phase. The project was established in an effort to maximize impact in reducing WMSD within the state, by focusing efforts on an industry with a high rate of injuries that can be categorized as WMSD. 21 private sector nursing homes and 5 public sector homes participated in the project. The final on-site evaluations were concluded for each participant. This final evaluation included: a full-service safety & health consultation (with safety & health management evaluation and hazard assessment), collection of injury and illness data (300 and 300A forms), and distribution and collection of surveys and reports. The surveys/reports include: facility survey, safety committee survey, employee report, and worker compensation report. The information obtained from these surveys/reports will be used to assess the impact of consultation services on helping employers reduce the risk of work-related injuries through correction of hazards and establishing a comprehensive safety and health management system.

The project is now in the final report writing phase.

Construction Safety Pilot Program

Minnesota Workplace Safety Consultation launched on December 20, 2007 one of the nation's first safety and health achievement recognition programs for the construction industry.

The Minnesota Safety and Health Achievement Recognition Program (MNSHARP) provides incentives and onsite support for large (18 months or longer) construction specific worksites and works with their employees to develop, implement and continuously improve the effectiveness of their workplace safety and health programs; including onsite hazard identification, training, education and technical assistance.

The goal of the program is to reduce injury and illness rates below the national average for their industry. Participating employers were exempt from MNOSHA programmed inspections for one year with effective safety and health site specific programs; the employer's exemption is renewable on an annual basis until the project is complete. When the program commenced, we had planned on three major construction project employers participating.

The program was well received in this first year. Fifteen major construction project employers have asked to participate in the program. Of those major construction project employers, so far 4 exhibited a reasonable promise of achieving agreed-upon milestones and time frames and were granted a Pre-MNSHARP status. Those agreed-upon milestones

and time frames are based on a full service safety and health consultation visit, a comprehensive assessment of their safety and health management system, and remediate all hazards identified by The Workplace Safety and Health Assessment Team. This categorization bestows major construction project employers an exemption for routine MNOSHA inspections for up to two years while the company works on achieving the goals. We are still working with 11 of the remaining major construction project employers.

This site specific award is reserved for employers that complete the following:

1. Receive and correct all items found during a full service, consultation visit that involves a complete safety and health hazard identification survey, including a comprehensive assessment of the worksite's safety and health management system
2. Post the List of all Hazards identified by the Workplace Safety and Health Assessment Team;
3. Provide information regarding all hazards identified by the Workplace Safety and Health Assessment Team to employees;
4. Submit hazard correction verification to the Workplace Safety and Health Assessment Team;
5. Employers shall show written evidence that the construction project will be at least 18 months in duration;
6. Show evidence of Workers Compensation Coverage;
7. Provide evidence of having the foundation of a safety and health management system;
8. Comply with all applicable state and federal laws, rules and regulations and have a site injury and illness rate lower than the national average.

The major construction inactive MNSHARP employers for historical records are:

- Zumbro River Constructors at Highway 212 in Chaska, MN (inactive)
- Opus Northwest Construction at 8200 Coral Sea Street N in Mounds View, MN (Inactive)
- Aldolfson & Peterson Construction at 1001 Lilac Lane in Faribault, MN (Inactive)
- M. A. Mortenson at the Minnesota Zoo in Apple Valley, MN (Inactive)

INTERNAL QUALITY ASSURANCE PROGRAM

The WSC program follows the Federal Consultation Policies and Procedures Manual - TED 3.6. In addition, WSC internal policies and protocols have been developed to further guide program activities and maintain consistency. Information regarding WSC programs, their performance and program issues flows down, across and up the organization in periodic staff meetings, memos, e-mails and OMT meeting minutes.

Evaluation of injury/illness data and hazard analysis is conducted by Senior Research Analysts. An annual Workplace Safety Report, (available online at <http://www.dli.mn.gov/RS/PDF/wcfact07.pdf>), is completed annually by MN Department of Labor and Industry analyzing trends in hazards, injuries/illnesses, fatalities, and Voluntary Protection Programs' (VPP) performance

Communication

1) Communicating Employer Obligations: Consultants are required to communicate to employers their obligation to correct imminent dangers immediately, post the list of hazards for 3 working days or until hazard correction is completed, correct serious hazards within agreed time-frame, and a discussion of the employer satisfaction survey. Consultants are provided with a mandatory checklist containing the guidelines for opening, closing conferences and the walk-around consultation to be completed during the visit (copy included in Appendix D).

The checklist is a comprehensive inventory developed from the CPPM to assure consistency and conformance with federal guidelines containing 35 topics. Additionally, as noted in the training section, consultants are provided with formal training in effective communication techniques, mediation techniques, presentations, writing, and conflict resolution.

2) Relationship of Consultation and Enforcement: Consultants are instructed by senior staff to clearly communicate the relationship before completing the Form 20 Request for Visit. The explanation is to include the following statements: 1) The consultant's advice is not binding on MnOSHA Compliance 2) MnOSHA Compliance may identify additional hazards and cite or propose penalties, 3) Consultation reports are not provided to MnOSHA Compliance, although the employer may provide the report to Compliance to demonstrate "good faith". During on-site consultation visits, WSC consultants follow the current 1908 regulations, state policies and procedures, and the mandatory checklist requirements. Use of the checklist ensures that the consultants cover all required information,

including the employer's obligation to correct all identified serious hazards in a timely manner, as well as the posting requirements. The relationship between MNOSHA Enforcement and WSC is also included in the checklist items.

**Combined SOAR and CAPR for FFY2009
Minnesota Occupational Safety & Health Compliance (OSH) and
- Minnesota Workplace Safety Consultation (WSC)**

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 FFY07, FFY08 and FFY09 is provided in the tables beginning on the following page.

Significant improvement was seen in these mandated activities in FFY09:

- Complaint inspections were conducted within an average of 3 days, significantly lower than the goal of 9 days;
- Complaint investigations were conducted within an average of 1 day, significantly lower than the goal of 2 days.
- MNOSHA safety programmed inspections results in 65% with serious/willful/repeat citations versus the national average of 59%.
- MNOSHA health programmed inspections results in 45% with serious/willful/repeat citations versus the national average of 51.4%.

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%).

MNOSHA Consultation program has met the MARC and CAPP requirement for FFY 2009:

- Percent of initial visits in high hazard establishment...98.88%
- Percent of initial visits to smaller businesses...96.63%
- Percent of visits where Consultant conferred with Employees100%
- Percent of serious hazards corrected timely...100%
- Percent of serious hazards verified corrected (in original time or on-site)...95.59%

COMPARISON OF FFY07, FFY08, and FFY09 ACTIVITY MEASURES
MNOSHA Compliance

Performance Measure	FFY 07	FFY 08	FFY09	Comments
Average number of days to initiate complaint inspections	3.74	3.3	2.98	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	.98	1.18	1.09	The average number of days to initiate a complaint investigation remains below the established goal of 2 days.
Percent of Complaints where complainants were notified on time	100	100	100	MNOSHA continues to timely notify all complainants.
Percent of complaints and referrals responded to within 1 day – Imminent Danger	100	100	100	All imminent danger complaints were responded to within one day.
Number of denials where entry not obtained	0	0	1	A warrant for entry was obtained however when the OSHI returned to the establishment all operations were shut down indefinitely so the file became a no inspection – process not active.
% of serious/willful/repeat violations verified – Private	78.19	67.28	67.31	MNOSHA has continued to concentrate efforts to address verification of abatement.
% of serious/willful/repeat violations verified – Public	93.64	90.51	83.47	MNOSHA has continued to concentrate efforts to address verification of abatement.
Average number of calendar days from opening conference to citation issue – Safety	23.06	18.61	22.79	The average number of calendar days from opening conference to citation issue for safety cases remains below the goal of 30 days.
Average number of calendar days from opening conference to citation issue – Health	33.47	33.38	33.09	The average number of calendar days from opening conference to citation issuance for health cases remains below the goal of 35 days.
% of programmed inspections with serious/willful/repeat violations – Safety	67.48	64.97	64.46	The percent of programmed safety inspections with serious/willful/repeat violations remained steady in FFY09
% of programmed inspections with serious/willful/repeat violations – Health	69.52	59.17	45.06	The percent of programmed health inspections with serious/willful/repeat violations decreased in FFY09.
Average violations per inspection with violations – Serious/willful/repeat	2.17	2.02	1.94	Overall, the number of SWR citations decreased in FFY 09, from the previous year, however this measure has been increasing over the last 2 quarters.
Average violations per inspection with violations – Other	.59	.53	.55	MNOSHA rate of issuing other citations remains steady.
Average initial penalty per serious violation (Private Sector Only)	783.22	782.02	731.17	The average initial penalty per serious violation decreased.
% of total inspections in public sector	6.44	8.47	3.46	The percent of programmed public sector inspections decreased but remains above the goal of 3%.
Average lapse time from receipt of contest to first level decision	133.53	148.15	142.19	The average lapse time from receipt of contest to first level decision decreased.
Percent of 11(c) investigations completed within 90 days	92.86	96.15	96.43	The percent of 11(c) investigations completed within 90 days continues to be high.
% of 11(c) complaints that are meritorious	28.57	9.62	10.71	The percent of merit cases increased in FFY09.
% of meritorious 11(c) complaints that are settled	75	100	66.67	The discrimination staff continue to work to settle merit cases.

Data Source: SAMM repost run on the MOOSE system 11/20/09.

Performance Measure	FFY 07	FFY 08	FFY 09	Comments
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Safety	91	91	93.4	The percent of programmed safety inspections in the private sector increased in FFY09.
<u>Enforcement (Private Sector)</u> % Programmed Inspections-Health	67.6	63.7	70.86	The percent of programmed health inspections in the private sector increased in FFY09.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Safety	71.7	69.4	74.78	The percent of programmed safety inspections with violations in the private sector increased in FFY09.
<u>Enforcement (Private Sector)</u> % Programmed Inspections with Violations – Health	66.8	62	63.24	The percent of programmed health inspections with violations in the private sector increased in FFY09.
<u>Enforcement (Private Sector)</u> % Serious Violations – Safety	76.9	78.2	80.13	The percent of serious violations in safety cases increased in FFY09.
<u>Enforcement (Private Sector)</u> % Serious Violations – Health	73.6	69.3	63.15	The percent of serious violations in health cases decreased in FFY09.
<u>Enforcement (Private Sector)</u> Average Penalty – Safety Other-than-Serious	211	216.30	207.08	The average other-than-serious penalty for safety cases decreased in FFY09.
<u>Enforcement (Private Sector)</u> Average Penalty – Health Other-than-Serious	226	222.70	185.63	The average other-than-serious penalty for health cases decreased in FFY09.
<u>Enforcement (Private Sector)</u> Inspections / 100 Hours – Safety	3.6	3.5	3.32	The number of inspections per 100 hours remains consistent.
<u>Enforcement (Private Sector)</u> Inspections /100 hours – Health	2.1	2.3	2.12	The number of health inspections per 100 hours remains consistent.
<u>Enforcement (Private Sector)</u> % Violations vacated	0	0	0	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Enforcement (Private Sector)</u> % Violations Reclassified	0	0	0	This measure does not accurately reflect MNOSHA's system where employers must contest prior to scheduling an informal conference.
<u>Enforcement (Private Sector)</u> % Penalty Retention	78.4	81.5	78	The penalty retention rate for private sector inspections decreased in FFY09.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Safety	94.7	94.1	89.9	The percent of programmed safety inspections decreased in FFY09.
<u>Enforcement (Public Sector)</u> % Programmed Inspections – Health	0	0	17.65	The percent of programmed health inspections increased in FFY09.
<u>Enforcement (Public Sector)</u> % Serious Violations – Safety	74.5	78.9	75.66	The percent of serious violations for public sector safety inspections decreased in FFY09
<u>Enforcement (Public Sector)</u> % Serious Violations – Health	66.7	61.9	72.22	The percent of serious violations in health cases in the public sector increased in FFY09.
<u>Review Procedures</u> % Violations Vacated	7.8	7.1	11	The percentage of violations vacated after contestations increased in FFY08.
<u>Review Procedures</u> %Violations Reclassified	10.2	9.6	0	The percentage of violations reclassified decreased in FFY09.
<u>Review Procedures</u> % Penalty Retention	55	56	75	MNOSHA's penalty retention rate for public sector is consistent with private sector.

Data Source: SIR and Inspection Summary reports run on the MOOSE system 11/20/09.