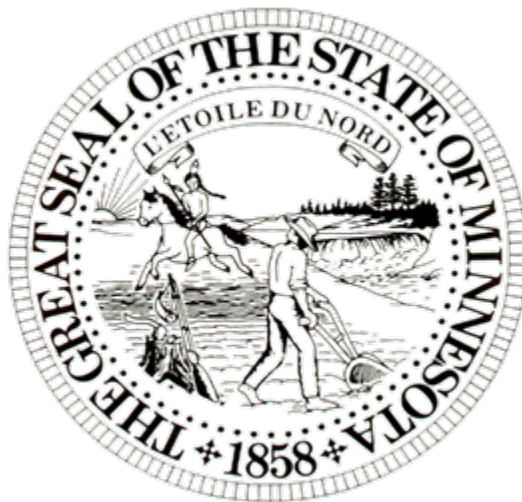


FY 2020
Follow-up Federal Annual Monitoring Evaluation (FAME) Report

State of Minnesota

Minnesota Department of Labor and Industry
Occupational Safety and Health Division



Evaluation Period: October 1, 2019 – September 30, 2020

Initial Approval Date: June 6, 1973
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I. Executive Summary

The primary purpose of this report is to assess the State Plan's progress in Fiscal Year (FY) 2020 in resolving outstanding findings and/or observations from the previous FY 2019 Comprehensive Federal Annual Monitoring Evaluation (FAME) Report. This report also assesses the current performance of Minnesota Department of Labor and Industry – Occupational Safety and Health Division (MNOSHA) 23(g) compliance program in the context of agreed upon monitoring measures.

FY 2020 brought unique challenges to MNOSHA due to the outbreak of the SARS-CoV-2 (COVID-19) virus. The COVID-19 public health crisis was declared a national emergency on March 13, 2020. From late March through September, MNOSHA staff worked remotely from home utilizing state-issued laptops and cell phones. The State Plan conducted 110 presentations to 9,906 participants, a 207% increase over FY 2019. Additional compliance staff were assigned to respond to a 148% increase in questions and requests for assistance, which totaled 7,886 phone calls and 7,519 written requests, primarily related to COVID-19. MNOSHA also accepted approximately 500 additional complaints during this time period and worked efficiently with other state agencies to develop a COVID-19 Preparedness Plan template and guidance specifically for the meat packing industry. The assessment of the State Plan's FY 2020 progress is accomplished with an understanding of the impact the continuing COVID-19 public health crisis has on their operations.

The FY 2019 Comprehensive FAME Report identified six observations and no findings. A detailed explanation of the observations, and the status of the State Plan's response, is found in Section III, B, Findings and Observations. All six observations are continued in this report. A summary of the observations and federal monitoring plans is found in Appendix B, Observations and Federal Monitoring Plans. No new findings or observations have been identified.

The MNOSHA Strategic Management Plan for FY 2019 to FY 2023 established three strategic goals: 1) Reduce occupational hazards through compliance inspections; 2) Promote a safety and health culture through compliance assistance, outreach, cooperative programs, and strong leadership; and 3) Strengthen and improve MNOSHA's infrastructure. The FY 2020 Performance Plan provided the framework for accomplishing the goals of the strategic plan by establishing specific performance goals for FY 2020.

In the FY 2020 State OSHA Annual Report (SOAR), MNOSHA provided information that outlines their accomplishments toward meeting their Five-Year Strategic Management Plan. The information has been reviewed and analyzed to assess their progress in meeting performance plan goals. Through effective resource utilization, partnership development, outreach activities, and an overall commitment to performance goal achievements, all but four of the annual performance goals have been met or exceeded. For a more comprehensive look at this data, please see MNOSHA's SOAR attached as Appendix E.

Quarterly monitoring team meetings were held during FY 2020, at which time the State Activity Mandated Measures (SAMM) report and the State Indicators Report (SIR) were reviewed and discussed with MNOSHA management staff. The FY 2020 SAMM is Appendix D of this report.

II. State Plan Background

The Minnesota Department of Labor and Industry (DLI) administers the MNOSHA program. The program began operating on August 1, 1973, with final State Plan approval 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 in the private sector and in state and local government agencies, adoption of standards, and operation of other related OSHA activities), and the Workplace Safety Consultation (WSC) Division, which provides free consultation services upon request to help employers prevent workplace accidents and diseases by identifying and correcting safety and health hazards.

MNOSHA's mission is "to ensure 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 enables employers to maintain safe and healthful workplaces.

Nancy Leppink served as DLI Commissioner from February 2019 until August 13, 2020, when Deputy Commissioner Roslyn Robertson began acting as Temporary Commissioner. James Krueger is the Director of the OSH Compliance Division and Tyrone Taylor is the Director of the WSC Division within Minnesota DLI.

The FY 2020 grant included funding totaling \$9,358,918, which includes \$684,118 above the amount required to match federal funding, and full-time equivalent (FTE) staffing of 70.25 positions. The State Plan's expected staffing level is 31 safety investigators and 12 health investigators. MNOSHA allocated funding for 36.75 safety and 13.92 health positions. There were no furloughs or hiring freezes affecting MNOSHA during FY 2020.

New Issues:

Maximum Penalty Increase

In accordance with the Bipartisan Budget Bill passed on November 2, 2015, OSHA published a rule on July 1, 2016 raising its maximum penalties. As required by law, OSHA then increased maximum penalties annually, most recently on January 8, 2021, according to the Consumer Price Index (CPI). State Plans are required to adopt both the initial increase and subsequent annual increases within the corresponding six-month timeframe set by regulation. December 2020 marked four years since the first deadline passed for adoption and Minnesota State Plan has not yet completed the legislative changes to increase maximum penalties.

III. Assessment of State Plan Progress and Performance

A. Data and Methodology

OSHA has established a two-year cycle for the FAME process. This is the follow-up year, and as such, OSHA did not perform an on-site case file review associated with a comprehensive FAME. This strategy allows the State Plan to focus on correcting deficiencies identified in the most recent

comprehensive FAME. The analyses and conclusions described in this report are based on information obtained from a variety of monitoring sources, including:

- State Activity Mandated Measures Report (Appendix D)
- State Information Report
- Mandated Activities Report for Consultation
- State OSHA Annual Report (Appendix E)
- State Plan Annual Performance Plan
- State Plan Grant Application
- Quarterly monitoring meetings between OSHA and the State Plan

B. Findings and Observations

FINDINGS (STATUS OF PREVIOUS AND NEW ITEMS)

This follow-up FAME report contains six observations continued from the FY 2019 Comprehensive FAME Report. There are no new findings or observations identified for FY 2020. Appendix B describes observations subject to continued monitoring and the related federal monitoring plan.

OBSERVATIONS

Continued FY 2019 Observations

Observation FY 2020-OB-01 (FY 2019-OB-01): Two of the 13 (15%) onsite complaint inspections reviewed for FY 2019 lacked evidence/documentation that the result of the inspection was mailed to the mailing address provided by the complainant.

Status: MNOSHA administrative supervisor discussed with administrative staff to ensure they are documenting in the Notes tab when the results are sent to the complainant. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation is continued.

Observation FY 2020-OB-02 (FY 2019-OB-02): In four of the 24 (17%) fatality case files reviewed for FY 2019, additional information was not obtained and/or considered before terminating the investigation and changing the inspection scope to no inspection.

Status: MNOSHA has updated their process on evaluating fatalities. Since COVID-19, MNOSHA is not going onsite when there is a potential that it may not be work-related. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation is continued.

Observation FY 2020-OB-03 (FY 2019-OB-03): In two of the 24 (8%) fatality cases reviewed for FY 2019, a letter to the next-of-kin contained an error; and in one case (4%), a letter was not sent to the next-of-kin.

Status: MNOSHA updated their procedures and supervisors are reviewing and signing by hand each next-of-kin letter, even during the COVID-19 pandemic. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation is continued.

Observation FY 2020-OB-04 (FY 2019-OB-04): In two of eight (25%) health inspection files with citations reviewed for FY 2019, the abatement certification provided by the employer was not adequate to close the case.

Status: The MNOSHA health supervisor is holding monthly meetings to discuss these type of items with current staff to ensure abatement certification and consistency going forward. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation is continued.

Observation FY 2020-OB-05 (FY 2019-OB-05): In five of the 25 (20%) files reviewed for FY 2019 where employee representation applied, participation by a representative and/or mailing a copy of the citation to the representative were not consistently documented.

Status: The MNOSHA administrative supervisor discussed with administrative staff and they are documenting in the Notes tab when a copy of the citation is sent to the employee representative. All investigative staff have been reminded to include union participation in the Contacts tab or a notation in the narrative if there wasn't a representative present or they declined. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation is continued.

Observation FY 2020-OB-06 (FY 2019-OB-06): Two of the 20 (10%) whistleblower protection cases reviewed for FY 2019 showed that the Tennessen Warning had been given to management and business owner witnesses.

Status: Prior to beginning interviews with witnesses, Minnesota Statute § 13.04, subd. 2, requires the individual be given certain information referred to as the "Tennessen Warning." Included is information on confidentiality of the witness's statement. MNOSHA's ADM 3.6 directs the investigator to read the warning to non-management witnesses. The MNOSHA discrimination supervisor discussed the mistake with the investigator. A case file review is necessary to gather the facts needed to evaluate performance in relation to this observation. This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME. This observation is continued.

C. State Activity Mandated Measures (SAMM) Highlights

Each SAMM has an agreed upon Further Review Level (FRL) which can be either a single number, or a range of numbers above and below the national average. State Plan SAMM data that falls outside the FRL triggers a closer look at the underlying performance of the mandatory activity. Appendix D presents the State Plan's FY 2020 State Activity Mandated Measures

(SAMM) Report and includes the FRLs for each measure. The State Plan was outside the FRL on the following SAMMs:

SAMM 5 – Average number of violations per inspection with violations by violation type

Discussion of State Plan data and FRL: The FRL for average number of other-than-serious (OTS) violations per inspection with OTS violations is +/- 20% of the three-year national average of 0.95, which equals a range of 0.76 to 1.14. The Minnesota State Plan's average for OTS violations is 0.68, slightly lower than the FRL.

Explanation: The Minnesota State Plan's average violations per inspection are evaluated during quarterly monitoring meetings and discussed when warranted. Although slightly lower than the FRL for OTS violations, this metric does not yet rise to the level of an observation. MNOSHA's average violations per inspection for serious/willful/repeat/unclassified violations is within the FRL of +/- 20% of 1.79 at 1.98 violations.

SAMM 6 – Percent of total inspections in state and local government workplaces

Discussion of State Plan data and FRL: The FRL for percent of total inspections in state and local government workplaces is +/- 5% of 3.89%, which is the number negotiated by OSHA and the State Plan through the grant application. Therefore, the FRL range is 3.69% to 4.08%. The Minnesota State Plan's percent of total inspections in state and local government workplaces is at 2.61%, which is below the FRL.

Explanation: MNOSHA projected conducting 1,640 inspections in the private sector and 60 inspections in state and local government workplaces. MNOSHA conducted 1,382 inspections in the private sector and 37 inspections in state and local government workplaces. Consequently, Minnesota State Plan achieved 84% of their goal for private sector and 62% of their goal for state and local government workplaces. The primary factor affecting the Minnesota State Plan's ability to conduct inspections during FY 2020 was the profound increase in complaint intake and compliance assistance activities due to COVID-19. This metric does not yet rise to the level of an observation.

SAMM 7 – Planned v. actual inspections – Safety/Health

Discussion of State Plan data and FRL: The FRL for planned inspections compared to actual inspections is +/- 5% of the number of inspections negotiated by OSHA and the State Plan through the grant application; 1,360 safety inspections and 340 health inspections. The Minnesota State Plan conducted 1,181 safety inspections, which is below the acceptable range of 1,292 to 1,428 inspections. The Minnesota State Plan conducted 238 health inspections, which is also below the acceptable range of 323 to 357 inspections.

Explanation: MNOSHA conducts inspections in accordance with national and local emphasis programs as well as in response to complaints. MNOSHA conducted 1,181 safety and 238 health inspections in FY 2020 for a total of 1,419. This is 83% of their projected total inspection goal of 1,700. The primary factor affecting the Minnesota State Plan's ability to conduct inspections

during FY 2020 was the profound increase in complaint intake and compliance assistance activities due to COVID-19. This metric does not yet rise to the level of an observation.

SAMM 8 – Average current serious penalty in private sector

Discussion of State Plan data and FRL: SAMM 8 is divided into categories based on the number of workers controlled by the employer. The FRL for average current serious penalty is +/- 25% of a three-year national average for each category. The Minnesota State Plan fell below the average current serious penalties FRL range in every category.

Number of workers	National Average	FRL Range	State Plan Data
All	\$2,964.86	\$2,223.65 - \$3,706.08	\$1,128.49
1 to 25	\$1,967.64	\$1,475.73 - \$2,459.55	\$665.00
26 to 100	\$3,513.45	\$2,635.09 - \$4,391.81	\$822.92
101 to 250	\$5,027.02	\$3,770.27 - \$6,283.78	\$3,371.79
Greater than 250	\$6,190.91	\$4,643.18 - \$7,738.64	\$3,147.37

Explanation: Minnesota has not yet completed the legislative changes to increase maximum penalties. OSHA will continue to work with Minnesota on this issue.

SAMM 9 – Percent in-compliance

Discussion of State Plan data and FRL: The FRL for percent in-compliance for safety inspections is +/- 20% of the three-year national average of 31.03%, which equals a range of 24.82% to 37.24%. The Minnesota State Plan’s in-compliance rate for safety is 37.67%, which is slightly higher than the FRL. The FRL for percent in-compliance for health inspections is +/- 20% of the three-year national average of 37.15%, which equals a range of 29.72% to 44.58%. The Minnesota State Plan’s in-compliance rate for health is 52.07%, which is also higher than the FRL.

Explanation: The Minnesota State Plan’s in-compliance rates are evaluated during every quarterly monitoring meeting and discussed when warranted. MNOSHA attributes their higher than expected rates to their policy to inspect every allegation of an imminent danger, although many of those inspections do not result in citations. MNOSHA also experienced a high number of in-compliance complaint inspections related to COVID-19. This metric does not yet rise to the level of an observation.

SAMM 10 – Percent of work-related fatalities responded to in one workday

Discussion of State Plan data and FRL: The FRL for percent of work-related fatalities responded to within one workday is 100%. The Minnesota State Plan responded to 96.55% of fatalities within one day.

Explanation: The Minnesota State Plan responded to 28 of 29 work-related fatalities within one workday. This metric does not yet rise to the level of an observation.

SAMM 11 – Average lapse time

Discussion of State Plan data and FRL: The FRL for average lapse time for safety inspections is +/- 20% of the three-year national average of 50.58 days which equals a range of 40.46 to 60.70 days. The Minnesota State Plan's lapse time for safety is 25.80 days, which is substantially below the FRL. The FRL for average lapse time for health inspections is +/- 20% of the three-year national average of 60.39, which equals a range of 48.31 to 72.47 days. The Minnesota State Plan's lapse time for health is 39.15 days which is also substantially below the FRL.

Explanation: MNOSHA staff is committed to completing case files and issuing citations in a timely manner and their resulting lapse time is favorable.

SAMM 12 – Percent penalty retained

Discussion of State Plan data and FRL: The FRL for percent penalty retained is +/- 15% of the three-year national average of 67.51% which equals a range of 57.38% to 77.64%.

Explanation: The Minnesota State Plan retained 91.12% of penalties, which is well above the FRL and a positive outcome.

SAMM 14 – Percent of 11(c) investigations completed within 90 days

Discussion of State Plan data and FRL: The FRL for percent of 11(c) investigations completed within 90 days is fixed at 100% for all State Plans based on a requirement in the Occupational Safety and Health Act of 1970 (OSH Act) for the complainant to be notified of a determination within 90 days. The Minnesota State Plan completed 48% of 11(c) investigations within 90 days, which is below the FRL.

Explanation: The Minnesota State Plan's 11(c) investigation data is reviewed and discussed during every quarterly monitoring meeting. MNOSHA continually strives to complete thorough and accurate investigations in a timely manner. Even though MNOSHA was below the fixed FRL of 100%, it was higher than the national average of 38%.

SAMM 16 – Average number of calendar days to complete an 11(c) investigation

Discussion of State Plan data and FRL: The FRL for average number of calendar days to complete an 11(c) investigation is fixed at 90 days for all State Plans based on a requirement in the OSH Act for the complainant to be notified of a determination within 90 days. The Minnesota State Plan completed 11(c) investigations within an average of 201 calendar days.

Explanation: The Minnesota State Plan's 11(c) investigation data is reviewed and discussed during every quarterly monitoring meeting. MNOSHA continually strives to complete thorough and accurate investigations in a timely manner. MNOSHA's average number of days to complete an 11(c) investigation is substantially better than the national average of 262 days.

Appendix A – New and Continued Findings and Recommendations

FY 2020 MNOSHA Follow-up FAME Report

FY 2020-#	Finding	Recommendation	FY 2019-# or FY 2019-OB-#
	None		

Appendix B – Observations and Federal Monitoring Plans

FY 2020 MNOSHA Follow-up FAME Report

Observation # FY 2020-OB-#	Observation# FY 2019-OB-# or FY 2019-#	Observation	Federal Monitoring Plan	Current Status
FY 2020-OB-01	FY 2019-OB-01	Two of the 13 (15%) onsite complaint inspections reviewed for FY 2019 lacked evidence/documentation that the result of the inspection was mailed to the mailing address provided by the complainant.	This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME.	Continued
FY 2020-OB-02	FY 2019-OB-02	In four of the 24 (17%) fatality case files reviewed for FY 2019, additional information was not obtained and/or considered before terminating the investigation and changing the inspection scope to no inspection.	This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME.	Continued
FY 2020-OB-03	FY 2019-OB-03	In two of the 24 (8%) fatality cases reviewed for FY 2019, a letter to the next-of-kin contained an error; and in one case (4%), a letter was not sent to the next-of-kin.	This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME.	Continued
FY 2020-OB-04	FY 2019-OB-04	In two of eight (25%) health inspection files with citations reviewed for FY 2019, the abatement certification provided by the employer was not adequate to close the case.	This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME.	Continued
FY 2020-OB-05	FY 2019-OB-05	In five of the 25 (20%) files reviewed for FY 2019 where employee representation applied, participation by a representative and/or mailing a copy of the citation to the representative were not consistently documented.	This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME.	Continued
FY 2020-OB-06	FY 2019-OB-06	Two of the 20 (10%) whistleblower protection cases reviewed for FY 2019 showed that the Tennessen Warning had been given to management and business owner witnesses.	This observation will be a focus of next year's on-site case file review during the FY 2021 comprehensive FAME.	Continued

Appendix C - Status of FY 2019 Findings and Recommendations

FY 2020 MNOSHA Follow-up FAME Report

FY 2019-#	Finding	Recommendation	State Plan Corrective Action	Completion Date	Current Status and Date
	None				

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 MNOSHA Follow-up FAME Report

U.S. Department of Labor				
Occupational Safety and Health Administration State Plan Activity Mandated Measures (SAMMs)				
State Plan: Minnesota – MNOSHA			FY 2020	
SAMM Number	SAMM Name	State Plan Data	Further Review Level	Notes
1a	Average number of work days to initiate complaint inspections (state formula)	2.79	9	The further review level is negotiated by OSHA and the State Plan.
1b	Average number of work days to initiate complaint inspections (federal formula)	2.03	N/A	This measure is for informational purposes only and is not a mandated measure.
2a	Average number of work days to initiate complaint investigations (state formula)	0.99	2	The further review level is negotiated by OSHA and the State Plan.
2b	Average number of work days to initiate complaint investigations (federal formula)	0.96	N/A	This measure is for informational purposes only and is not a mandated measure.
3	Percent of complaints and referrals responded to within one workday (imminent danger)	100%	100%	The further review level is fixed for all State Plans.

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 MNOSHA Follow-up FAME Report

U.S. Department of Labor

U.S. Department of Labor				
4	Number of denials where entry not obtained	0	0	The further review level is fixed for all State Plans.
5	Average number of violations per inspection with violations by violation type	SWRU: 1.98	+/- 20% of SWRU: 1.79	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 1.43 to 2.15 for SWRU and from 0.76 to 1.14 for OTS.
		Other: 0.68	+/- 20% of Other: 0.95	
6	Percent of total inspections in state and local government workplaces	2.61%	+/- 5% of 3.89%	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 3.69% to 4.08%.
7	Planned v. actual inspections – safety/health	S: 1,181	+/- 5% of S: 1,360	The further review level is based on a number negotiated by OSHA and the State Plan through the grant application. The range of acceptable data not requiring further review is from 1,292 to 1,428 for safety and from 323 to 357 for health.
		H: 238	+/- 5% of H: 340	
8	Average current serious penalty in private sector - total (1 to greater than 250 workers)	\$1,128.49	+/- 25% of \$2,964.86	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,223.65 to \$3,706.08.
	a. Average current serious penalty in private sector (1-25 workers)	\$665.00	+/- 25% of \$1,967.64	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$1,475.73 to \$2,459.55.

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 MNOSHA Follow-up FAME Report

U.S. Department of Labor

U.S. Department of Labor				
	b. Average current serious penalty in private sector (26-100 workers)	\$822.92	+/- 25% of \$3,513.45	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$2,635.09 to \$4,391.81.
	c. Average current serious penalty in private sector (101-250 workers)	\$3,371.79	+/- 25% of \$5,027.02	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$3,770.27 to \$6,283.78.
	d. Average current serious penalty in private sector (greater than 250 workers)	\$3,147.37	+/- 25% of \$6,190.91	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from \$4,643.18 to \$7,738.64.
9	Percent in compliance	S: 37.67%	+/- 20% of S: 31.03%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 24.82% to 37.24% for safety and from 29.72% to 44.58% for health.
		H: 52.07%	+/- 20% of H: 37.15%	
10	Percent of work-related fatalities responded to in one workday	96.55%	100%	The further review level is fixed for all State Plans.
11	Average lapse time	S: 25.80	+/- 20% of S: 50.58	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 40.46 to 60.70 for safety and from 48.31 to 72.47 for health.
		H: 39.15	+/- 20% of H: 60.39	

Appendix D – FY 2020 State Activity Mandated Measures (SAMM) Report

FY 2020 MNOSHA Follow-up FAME Report

U.S. Department of Labor

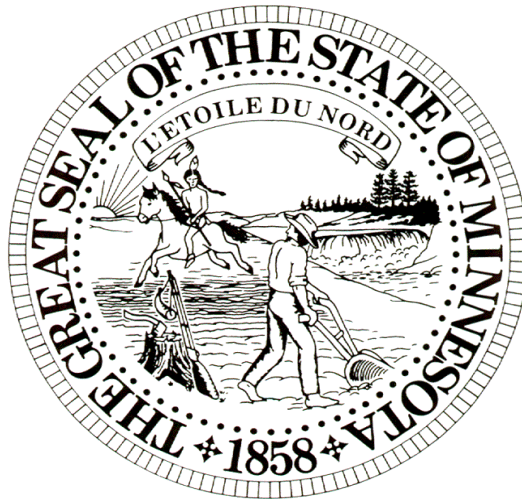
12	Percent penalty retained	91.12%	+/- 15% of 67.51%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 57.38% to 77.64%.
13	Percent of initial inspections with worker walk around representation or worker interview	100%	100%	The further review level is fixed for all State Plans.
14	Percent of 11(c) investigations completed within 90 days	48%	100%	The further review level is fixed for all State Plans.
15	Percent of 11(c) complaints that are meritorious	21%	+/- 20% of 18%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 14.40% to 21.60%.
16	Average number of calendar days to complete an 11(c) investigation	201	90	The further review level is fixed for all State Plans.
17	Percent of enforcement presence	1.19%	+/- 25% of 1.09%	The further review level is based on a three-year national average. The range of acceptable data not requiring further review is from 0.82% to 1.36%.

NOTE: The national averages in this report are three-year rolling averages. Unless otherwise noted, the data contained in this Appendix D is pulled from the State Activity Mandated Measures (SAMM) Report in OIS and the State Plan WebIMIS report run on November 9, 2020, as part of OSHA's official end-of-year data run.

FFY 2020

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

MNOSHA – 23g



December 2020

Appendix E – FY 2020 State OSHA Annual Report (SOAR)

FY 2020 MNOSHA Follow-up FAME Report

SOAR for FFY2020 Minnesota Occupational Safety & Health Compliance (OSH)

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Appendix E – FY 2020 State OSHA Annual Report (SOAR)

FY 2020 MNOSHA Follow-up FAME Report

SOAR for FFY2020 Minnesota Occupational Safety & Health Compliance (OSH) INTRODUCTION

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

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

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

The Minnesota Occupational Safety and Health Strategic Plan for FFY2019 to 2023 established three strategic goals:

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

The FFY2020 Performance Plan provided the framework for accomplishing the goals of the MNOSHA Strategic Plan by establishing specific performance goals for FFY2020. This SOAR presents a review of the strategies used and results achieved in FFY2020. Special accomplishments as well as the successful completion of mandated activities are also discussed.

Appendix E – FY 2020 State OSHA Annual Report (SOAR)

FY 2020 MNOSHA Follow-up FAME Report

GOAL SUMMARIES - SOAR for FFY2020 Minnesota Occupational Safety and Health (MNOSHA) Compliance SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

With few exceptions, MNOSHA Compliance's FFY2020 performance goals have been achieved. Each of the FFY2020 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 20 Target	FFY 20 Results
1. Reduce Total Recordable Cases (TRC) Rate	BLS data CY 5-year average using the 5 years prior to the target year ¹ CY 2014-2018 avg.: 3.42	Reduction in TRC rate from the previous 5-year avg. CY 2014-2018 avg.: 3.42	Consistent reduction over five-year plan (See comments following chart [1.1]) CY 2019 TRC rate: 3.2, a 6.43% reduction
2. Reduce fatality rate ² for fatalities within MNOSHA's jurisdiction	³ DEED & MNOSHA data FY 5-year average using the 5 years prior to the target year FY 2015-2019 avg.: .718	Reduction in fatality rate from the previous 5-year avg. FY 2015-2019 avg.: .718	Consistent reduction over five-year plan (See comments following chart [1.2]) FY 2020 fatality rate: 1.046 a 45.7% increase
3. Number of hazards identified & establishments visited: a) Total hazards identified / establishments visited	MNOSHA data FY 2013 – 2017 avg.: 4256 / 2303	N/A	2186 / 1419
b) Establishment emphasis ⁴ 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	91% 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 ⁵	MNOSHA data FY 2013-2017 avg: 82%	82%	63%

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

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

³Minnesota Department of Employment and Economic Development.

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

⁵ 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.

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GOAL 1 - Comments

Goal 1.1

Reduce total recordable cases: FFY20 target = reduction in TRC from the previous 5-year average and a consistent reduction over the five-year plan.

The TRC for calendar year 2019 decreased 6.43% from the previous 5-year average.

Goal 1.2

Reduction in state fatality rate: FFY20 target = reduction in fatality rate from the previous 5-year average and a consistent reduction over the five-year plan.

The fatality rate for FFY 2020 increased 45.7% from the previous 5-year average. There were 30 fatalities in Minnesota in FFY 2020, and the rate of fatalities (1.046) was higher than the average rate of fatalities for FFY 2015-2019 (.718). However, COVID-19 accounted for 10 of those fatalities. The rate without COVID-19 fatalities was (.697) for FFY 2020 a decrease of 3% from FFY 2019. The FFY 2020 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 partners and stakeholders, will further identify areas on which to focus its outreach resources.

Goal 1.3

Hazards abated / establishments visited: FFY20 target = 65% of all programmed inspections conducted in emphasis industries.

In FFY 2020, MNOSHA investigators conducted 1419 inspections where 2186 hazards were identified and cited. Sixty-two percent (62%) of the inspections conducted resulted in violations; 74% 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 FFY 2020 goal was for 65% of all programmed inspections conducted to be in the emphasis industries. MNOSHA met this goal. MNOSHA conducted 91% of all programmed inspections in the emphasis industries.

As part of an ergonomic focus, MNOSHA conducted 10 programmed inspections in the meat processing and healthcare industries and a total of 26 inspections including unprogrammed activity.

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GOAL SUMMARIES - SOAR for FFY2020 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 9/30/18	FFY 20 Target	FFY 20 Results
1. Increase or maintain:			
a. Partnerships	# of FFY18 partnerships: 2	Maintain	(See comments following chart [2.1a,c])
b. Voluntary Protection Programs (MNSTAR)	# of FFY18 MNSTAR sites: 35	1 new and 3 recerts	1 new and 7 recerts (See comments following chart [2.1.b])
c. Continue to identify compliance assistance opportunities. ¹	Current practice	Ongoing	(See comments following chart [2.1a,c])
f. Alliances ²	N/A	1 new	(See comments following chart [2.1.f])
2. Maintain total number of people participating in OSHA outreach/training in areas such as:	FY 2013-2017 avg: 3,751	3500	9,906
a. Youth			
b. Immigrant employers and employees			
c. Emerging businesses			
d. Construction			
e. Manufacturing			
f. Other strategic plan compliance			
g. Public sector			
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:	Current practice	Ongoing	Ongoing (See comments following chart) [2.4]
a. Telephone inquiries and assistance			
b. Written requests for information			
c. MNOSHA website information/updates			

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

²The Goal 2.1.f. target of 1 new Alliance was projected in the Consultation FFY 2020CAPP. Alliances in the public sector are reported in the SOAR.

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GOAL 2 - Comments

Goal 2.1.a.c -

Compliance Assistance (including maintaining 2 partnerships) in FFY20.

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 FFY 2020, MNOSHA completed Cooperative Compliance Partnership agreements with nineteen Level 3 individual contractors at 16 specific construction sites. 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 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 presentations in both Spanish and Somali 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 FFY20.

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 FFY 1999. MNSTAR status has been awarded to both large and small employers in high-hazard and in state-targeted industries.

FFY 2020 ended with 35 full STAR sites. One site (Cardinal IG Technology Center, St. Louis Park), was granted full STAR status, meeting the FFY 2020 goal. Seven companies (PotlatchDeltic Corporation, Bemidji; Valmont Industries, Farmington; Honeywell Defense & Space, Plymouth; Trident Seafoods Corporation, Motley; The Sherwin Williams Company, Minneapolis; Firmenich, New Ulm; Cintas FAS, Brooklyn Park) successfully achieved full re-certification as MNSTAR sites, also meeting the FFY 2020 goal. One site (IBM, Rochester) withdrew from MNSTAR.

All active MNSTAR certified companies for FFY 2020 are listed below:

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MNSTAR SITES							
No.	Company Name	Address	Contact Information	EE	SIC	NAICS	Dates
1	CF Industries, Inc., Glenwood Terminal	19369 195th Avenue PO Box 20 Glenwood, MN 56334-0020	Darrel Kollman Terminal Superintendent (320) 634-5134 khib@cfindustries.com dkollman@cfindustries.com	10	5191	424910	Apr 17 2000 - Apr 17, 2003 Apr 17 2008 - Apr 17, 2013 Apr 17, 2013 - Apr 17, 2018 Apr 17, 2018 - Apr 17, 2023
2	Marvin Windows and Doors	Hwy. 11 West; PO Box 100 Warroad, MN 56763-0100	Brian Gilbert - Main Contact EHS Manager briangi@marvin.com 218-386-1430 ext. 1809 Marti Stevens 218-386-4358 - Marti martis@marvin.com	2,560	2431	321911	Aug 1 2001 - Aug 1, 2004 Aug 1, 2009 - Aug 1, 2014 Aug 1, 2014 - Aug 1, 2019 Aug 1, 2019 - Aug 1, 2022
3	PotlatchDeltic Corporation Bemidji Lumbermill	50518 County 45 Bemidji, MN 56601	Susan Kaplan & Randy Lipsy HR Manager & Safety Manager 218-759-4308 susanm.kaplan@potlatchcorp.com randy.lipsy@potlatchcorp.com back up until Randy rtns >>> robert.werlein@potlatchdeltic.com	94	2421	321113	June 1, 2002 - June 1, 2005 June 1, 2010 - June 1, 2015 June 1, 2015 - June 1, 2020 June 1, 2020 - June 1, 2025
4	International Paper	1699 West Ninth Street White Bear Lake, MN 55110	Joseph Domino Site Manager 651-426-6222 joseph.domino@paper.com	132	2653	322211	Jul 22, 2004 - Jul 22, 2007 Jul 22, 2007 - Jul 22, 2012 Jul 22, 2012 - Jul 22, 2013 Jul 22, 2012 - July 22, 2017 Jul 22, 2017 - July 22, 2022
5	Louisiana-Pacific Corp.	711 25th Avenue Two Harbors, MN 55616	Nathan Maen Env. Health & Safety Mgr 218-834-8715 nathan.maen@lpcorp.com	143	2493	321219	Apr 15, 2005 - Apr 15, 2008 Apr 15, 2008 - Apr 15, 2013 Apr 15, 2013 - Apr 15, 2018 April 15, 2018 - April 15, 2023
6	Flint Hills Resources	PO Box 64596 St. Paul, MN 55164-0596	Robert Duffy Safety Contact 651-437-0647 robert.duffy@fhr.com Dan Kloeke, Safety Director: 651-226-4754	830	2911	324110	Dec 21, 2005 - Dec 21, 2008 Dec 21, 2008 - Dec 21, 2013 Mar 1, 2012-Mar 1, 2013 Dec 21, 2013 - Dec 21, 2018 Dec 21, 2018 - Dec 21, 2023 Jan 1, 2019 - Dec 31, 2020 2YRR
7	Aptim Services, LLC	12555 Clark Road Box 64596 Rosemount, MN 55268	Jason Nardiello, Project Manager Ben Weideman, HSE Manager jason.nardiello@aptim.com ben.weideman@aptim.com J: 651-438-5864 or 612-246-7002(cell) B: 651-437-0627 or 715-441-2430(cell)	300	1629	236210	Sept 19, 2006 - Sept 19, 2009 Sept 19, 2009 - Sept 19, 2014 Sept 19, 2014 - Sept 19, 2019 Sept 19, 2019 - Sept 19, 2024
8	Valmont Industries, Inc.	20805 Eaton Avenue Farmington, MN 55024	Jim Morris, Director of Opns james.morris@valmont.com 651-463-9137 Christian Timanus Safety Coordinator christian.timanus@valmont.com 651-463-9167	123	3446	332323	June 1, 2007 - June 1, 2010 June 1, 2010 - June 1, 2011 June 1, 2010 - June 1, 2015 June 1, 2015 - June 1, 2020 May 2018 - May 2019 1 yr Cond. June 1, 2020 - June 1, 2023
9	Monsanto Company - Soybean Research	29770 US Highway 71 Redwood Falls, MN 56283	Aaron Kramer Testing Operations Manager 507-644-3011 ext 1 aaron.j.kramer@monsanto.com David Wood, HSE Manager 314-694-6931 david.wood1@bayer.com	6	713	115114	Aug 27, 2007 - Aug 27, 2010 Aug 27, 2010 - Aug 27, 2015 Aug 27, 2015 - Aug 27, 2020
10	Honeywell Defense & Space	12001 State Hwy. 55 Plymouth, MN 55441	Jaspreet (Jesse) Narr HSE Manager 763-954-2720 jaspreet.narr@honeywell.com	550	3674	334413	Dec 3, 2007 - Dec 3, 2010 Dec 3, 2010 - Dec 3, 2015 Dec 3, 2015 - Dec 3, 2020
11	Liberty Paper, Inc.	13500 Liberty Lane Becker, MN 55308	John Martin Safety Manager 763-261-6106 or 763-301-0809 (cell) johnmartin@libertypaper.com	110	2631	322130	Feb 14, 2008 - Feb 14, 2011 Feb 14, 2011 - Feb 14, 2016 Feb 14, 2016 - Feb 14, 2018 2YRR Feb 14, 2018 - Feb 14, 2021
12	Monsanto Company - Soybean Production	29770 U.S. Hwy. 71 Redwood Falls, MN 56283	Dave Magyar, Production Lead dave.magyar@monsanto.com 507-644-4130 David Wood, HSE Manager 314-694-6931 david.wood1@bayer.com 314-694-6931	35	713	115114	July 25, 2008 - July 25, 2011 July 25, 2011 - July 25, 2016 July 25, 2016 - July 25, 2021
13	Aveda Corporation	4000 Pheasant Ridge Drive NE Blaine, MN 55449-7106	Kim Yoakum Safety and Risk Mgmt Manager 763-951-4252 kyoakum@aveda.com	647	2844	325620	Dec 17, 2008 - Dec 17, 2011 Dec 17, 2011 - Dec 17, 2016 Dec 17, 2016 - Dec 17, 2021

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14	Aveda Services, Inc. - Midwest Distribution Center	3860 Pheasant Ridge Drive N Blaine, MN 55449-7106	Kim Yoakum Safety and Risk Mgmt Manager 763-951-4252 kyoakum@aveda.com	194	4225	493110	Dec 17, 2008 - Dec 17, 2011 Dec 17, 2011 - Dec 17, 2013 2yr RR plan based on elevated rts Dec 17, 2011 - Dec 17, 2016 Dec 17, 2016 - Dec 17, 2021
15	Trident Seafoods Corporation	1348 Hwy 10 S P.O Box 440 Motley, MN 56466	Cassie Roberts, Safety Manager 218-352-2323 croberts@tridentseafoods.com	350	2092	311712	Feb 6, 2009 - Feb 6, 2012 Feb 6, 2012 - Feb 6, 2013 Feb 6, 2012 - Feb 6, 2017 Feb. 6, 2017 - Feb. 6, 2020 Feb 6, 2020 - Feb 6, 2023
16	Danfoss Power Solutions	3500 Annapolis Lane N Plymouth, MN 55447	Emily Freihammer Senior Quality Engineer, EHS 763-694-2190 efreihammer@danfoss.com	140	3629	335999	Jun 17, 2011 - Jun 17, 2014 Jun 17, 2014 - Jun 17, 2019 Jun 17, 2019 - Jun 17, 2022
17	Monsanto - Stanton	2440 Hwy 19 Blvd Stanton, MN 55018	Becky Sockness, SafetyCoord 218-498-654 Kevin Barrett kabarr@monsanto.com David Wood, HSE Manager 314-694-6931 david.wood1@bayer.com	14	723	115114	Aug 1, 2012 - Aug 1, 2015 Aug 1, 2015 - Aug 1, 2020
18	The Sherwin - Williams Company	1101 South 3rd Street Minneapolis, MN 55415	Mark Friske EHS Manager 612-375-7370 mark.friske@sherwin.com c: 612-719-6857	413	2851	325510	Jan. 1, 2013 - Jan. 1, 2016 Jan. 1, 2016 - Jan. 1, 2021
19	Monsanto - Glyndon	11486 12th Ave S Glyndon, MN 56547	Keith Jackson Becky Sockness Site Manager Safety Coord 218-498-654 keith.l.jackson@monsanto.com 218-498-0267 David Wood, HSE Manager 314-694-6931 david.wood1@bayer.com	15	723	115114	Feb 15, 2013 - Feb 15, 2016 Feb 15, 2016 - Feb 15, 2021
20	Norbord Minnesota, LLC	4409 Northwood Road NW Solway, MN 56678	Steve Ellison Safety Manager steve.ellison@norbord.com 218-751-2023	141	2436	321219	July 1, 2013 - July 1, 2016 July 1, 2016 - July 1, 2021
21	NuStar Energy - Roseville Terminal	2288 County Road C West Roseville, MN 55133	Mike Moore SR Operations Manager 651-636-1780 mike.moore@NuStarEnergy.com Bill Turner, HSE Specialist 316-721-7072 bill.turner@nustarenergy.com	11	4226	493190	Oct 15, 2013 - Oct 15, 2016 Oct 15, 2016 - Oct 15, 2021
22	NuStar Energy - Moorhead Terminal	1101 SE Main Avenue Moorhead, MN 56560	Mike Moore SR Operations Manager 651-636-1780 mike.moore@NuStarEnergy.com Bill Turner, HSE Specialist 316-721-7072 bill.turner@nustarenergy.com	5	4226	493190	Oct 15, 2013 - Oct 15, 2016 Oct 15, 2016 - Oct 15, 2021
23	NuStar Energy - Sauk Centre Terminal	1833 Beltline Road Sauk Centre, MN 56378	Mike Moore SR Operations Manager 651-636-1780 mike.moore@NuStarEnergy.com Bill Turner, HSE Specialist 316-721-7072 bill.turner@nustarenergy.com	3	4226	493190	Oct 15, 2013 - Oct 15, 2016 Oct 15, 2016 - Oct 15, 2021
24	Nyco, Inc.	10730 Briggs Drive, Suite B Inver Grove Heights, MN 55077	Brantley Grekoff Project Manager 612-325-7280 brantley.grekoff@nycoinc.us	53	1799	238290	May 1, 2014 - May 1, 2017 May 1, 2017 - May 1, 2022
25	Delta Air Lines - Minneapolis Reservations Customer Engagement Center	7500 Airline Drive Minneapolis, MN 55450	Lisa Taylor Customer Experience Manager 612-266-5439 cell: 612-402-6925 lisa.l.taylor@delta.com	426	7389	561599	May 27, 2014 - May 27, 2017 May 27, 2017 - May 27, 2022 Apr 24, 2020 - Dec 31, 2022 2YRR
26	Firmenich - New Ulm	100 North Valley Street New Ulm, MN 56073-1601	Jenny Backer Health and Safety Manager 507-233-7498 jennifer.wirz-backer@firmenich.com c) 507-766-1638	90	2023	311514	June 1, 2014 - June 1, 2017 June 1, 2017 - June 1, 2020 June 1, 2020 - June 1, 2025
27	Bosch Security Systems	12000 Portland Ave Burnsville, MN 55337	Jim Stroud EHS Administrator 952-736-3877 cell: 952-210-3076 jim.stroud@us.bosch.com	135	3669	334290	Dec 1, 2014 - Dec 1, 2017 Dec 1, 2017 - Dec 1 2022

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28	Cintas Corporation - Location 470	11500 95th Ave N Maple Grove, MN 55369	Brad Beyer General Manager 763-391-5266 beyerb2@cintas.com	106	7218	812332	Feb 15, 2015 - Feb 15, 2018 Feb 15, 2018 - Feb 15, 2023
29	Sysco Asian Foods	1300 L'Orient St St. Paul, MN 55117	Joe Lolich Safety Manager lolich.joe@asianfoods.com 651-558-2534 cell: 651-329-3724	128	5141	424410	Jan 22, 2016 - Jan 22, 2019 Jan 22, 2019 - Jan 22, 2024
30	Cintas FAS - Brooklyn Park	8703 Brooklyn Blvd Brooklyn Park, MN 55445	Bill Montealegre General Manager (763) 657-8192 or (651)253-8192 cell montealegrew@cintas.com	42	5047	423450	May 10, 2017 - May 10, 2020 May 10, 2020 - May 10, 2025
31	Cintas - Eagan	3375 Mike Collins Drive Eagan, MN 55121	Jenna Pakes, General Manager cell: 608-957-2567 pakesj@cintas.com	148	7218	812332	February 1, 2018 - February 1, 2021
32	Delta Air Lines, Inc. - Iron Range Reservations - Customer Engagement Center	601 Iron Drive Chisholm, MN 55719	Breanne Katrin Customer Experience Manager, 218-254-7527 c)218-421-9540 bre.katrin@delta.com Doug Witt, Engagement Center Director 218-254-7560 doug.witt@delta.com	434	4729	561599	January 5, 2018 - January 5, 2021
33	Clearway Energy (formerly NRG Energy Center Minneapolis, LLC)	816 4th Ave South Minneapolis, MN 55404	Greg Olson Operations Supervisor 612-436-4152 c: 612-221-2564 greg.olson@nrgeenergy.com	36	4961	221330	Sept 1, 2015 - Sept 1, 2018 Merit Extended full 3-years Sept 18, 2018 - Sept 18, 2021
34	Monsanto - Redwood Falls Pre-Commercial	1210 East Bridge Street Redwood Falls, MN 56283	Charles Bucholz, Safety Coordinator cell: 626-691-7995 charles.jerome.bucholz@monsanto.com David Wood, HSE Manager 314-694-6931 david.wood1@bayer.com	50	723	115114	Dec 17, 2018 - Dec 17, 2021
35	Cardinal IG Technology Center	7201 West Lake Street St. Louis Park, MN 55426	Joe Plehal, Safety Manager 952-314-4477 jplehal@cardinalcorp.com	38	3231	327215	Sept 25, 2020 - Sept 25, 2023

Goal 2.1.f –

Increase Alliances by 1 in FY2020 (projected in Consultation's FFY2020 CAPP).

An Alliance with Minnesota State colleges was renewed. An Alliance with the MN Municipal Utilities Association (MMUA) remains active.

The MMUA Alliance will continue to assess worker exposure to respirable, crystalline silica dust, and provide guidance on exposure control options, focusing mainly on street sweeping operations. The Minnesota State colleges Alliance will continue to initiate hazard survey and safety management assistance for campuses and campus safety representatives.

Goal 2.2 -

In FFY20 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 FFY 2020, MNOSHA Compliance conducted 110 presentations to 9,906 participants. This was a 207 percent increase from last year's participants. MNOSHA continued to utilize its Safety Investigator III and IV positions in its outreach efforts throughout the state. We have Supervisors participating in the Department Weekly/Biweekly webinars. Most of the outreach presentations have dealt with COVID-19. Some of the items covered are the role of MNOSHA, OSHA standards, and our inspection process. A lot of the discussion was on preparedness plans and protecting workers from COVID-19. The beginning of the year we focused on excavation hazards to over 450 people.

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 63 outreach presentations to over 1,466 participants.

In addition, MNOSHA conducted three Construction Seminars in FFY 2020. 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

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representatives, company safety directors, and safety consultants who volunteer their time and expertise. In total, the Construction Seminar presentations attracted 94 participants. Topics Included: AWAIR and safety program; Advanced Safety and Health Opportunities and Cranes in Construction. Due to the pandemic 2 of the seminars were cancelled this year. The last seminar was held virtually using WebEx.

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. Due to the pandemic, the Minnesota Safety Council postponed their spring conference to later in the fall. Therefore, MNOSHA did not participate in any conferences in FFY20. This conference will be held virtually in FFY21.

MNOSHA provided presentations at the local American Industrial Hygiene Association and American Society of Safety Professionals (ASSP) with 1,050 participants in attendance.

MNOSHA continues to look for opportunities to conduct presentations in the area of outreach for youth. Four presentations targeting youth were conducted in FFY 2020 with 198 youth in attendance.

New or revised publications during the fiscal year included: MNOSHA Fatality Investigation Summary for FFY 2020; MNOSHA Serious Injury Investigation Summary for FFY 2020; and, MNOSHA Most Frequently Cited Standards for FFY 2020. MNOSHA created the COVID-19 Preparedness Plan template and instructions. This is on our website and has been translated into 4 languages. MNOSHA also created the Minnesota worker resource guide for employee's in processing and manufacturing plants.

In addition to the specific publications, MNOSHA continues to publish its newsletter, Safety Lines. Some of the topics covered in articles this past year included: grain bins, Safety Grants, WSC Consultation outreach, recordkeeping, partnerships, rulemaking update, carbon monoxide threat during the winter months, articles on COVID-19, health for young workers, 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 July 2020. During FFY 2020, a MNOSHA supervisor attended four meetings of the Emergency Response Preparedness Committee. A MNOSHA supervisor represented the Department at the State Emergency Operations Center (SEOC) from March 13, 2020 through the end of the fiscal year.

The Department also assisted in staffing a state hotline through the SEOC where we scheduled two employees per day, seven days per week for several weeks. MNOSHA personnel also helped support the safety officer at the SEOC for many weeks assisting with temperature checks and educating and encouraging proper adherence to established COVID-19 safety protocols.

MNOSHA, and the entire Department of Labor and Industry, continue to participate in the State's emergency response to COVID-19.

Goal 2.4 -

In FFY20, 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. At the end of March 2020, MNOSHA rolled all the incoming phone calls to a voicemail box as staff began to telework. Each day the voicemail and emails were emailed to 7-12 safety and health professionals on duty to answer the phone call or email. During FFY 2020, MNOSHA responded to 7,886 phone calls and 7,519 written requests for assistance, primarily emails (total of 15,405 inquiries). Because our system has changed, we are no longer able to categorize the caller. This is a 148% increase from last year's total inquiries. 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. Most of the information requested is COVID-19 related. 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 FFY 2020, MNOSHA received 1,912 workplace safety and health employee complaints. And 339 or 18% of the total complaints resulted in an onsite inspection with an average of 2.8 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 78,216 hits to the MNOSHA web page and an additional 65,246 hits to the MNOSHA Novel Coronavirus page.

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GOAL SUMMARIES - SOAR for FFY2020 Minnesota Occupational Safety and Health (MNOSHA) Compliance (cont'd) SUMMARY OF ANNUAL PERFORMANCE PLAN RESULTS

Goal 3
Strengthen and improve MNOSHA's infrastructure

How Progress in Achieving this Goal Could Be Assessed	Baseline 9/30/18	FFY 20 Target	FFY 20 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) Penalty process review with workflow analysis	See comments following chart.** [3.3]

GOAL 3 – Comments

Goal 3.1 -

In FFY20: 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 two 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 FFY 2020:
 - Final Rule on Crane Operator Certification Requirements
 - Final Rule on Standards Improvement Project – Phase IV
 - Occupation Exposure to Beryllium; Final Rule (Shipyard and Construction)
 - Final Rule on the Beryllium Standard for General Industry
 - Additional Ambient Aerosol CNC Quantitative Fit Testing Protocols: Respiratory Protection Standard
- Minnesota Rules adopted in FFY 2020:
 - Minnesota Rule 5208.1500 Standard Industrial Classification List for AWAIR.

The annual review of Agency rules resulted in no additional MNOSHA obsolete or duplicative rules needing repeal in FFY 2020.

Of the 21 MNOSHA directive issuances in FFY2020, all but one were existing directives that were revised, either as part of the scheduled review, or as needed. The amended directives included those pertaining to: scheduling, discrimination, forklifts, abatement verification and extension, data practices, LOTO, complaints, state car, amending citations, casefile processing, public employers, TB, grain handling, eyewashes, compressed gas storage, abrasive wheels, temporary traffic controls, portable generators, fit testing protocols and penalty collections. The one new directive, STD 1-6.1, Additional Ambient Aerosol CNC Quantitative Fit Testing Protocols was developed as an interim policy and expired upon adoption of the protocols in the State Register.

Goal 3.2 -

FFY20: Workforce development and retention plan: Ongoing evaluation and updates as necessary.

In FFY 2020, MNOSHA continued to maintain consistency and quality throughout the organization's field staff. Goals previously identified and continued in FFY 2020 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 FFY 2018 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

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managing the many different approaches and situations of work/life balance for employees. As MNOSHA's workforce shifts to newer and younger 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 FFY2020, MNOSHA experienced three long-term staff retirements, two Supervisors and a Training Officer. The Training Officer was responsible for training new staff and working with the Federal OSHA Training Institute. One of the Supervisors was overseeing the Discrimination Unit and the other Supervisor was overseeing our Administrative function. Ryan Nosan and Ron Anderson assumed the duties of supervising some of the Administrative staff while they continued their roles as Principal and Program/IH3 Supervisors. Nancy Zentgraf is also supervising one of the Administrative staff while continuing her other duties. The Training Officer position responsibilities has been absorbed by various staff. Matthew Lucas was promoted to the role of Discrimination Supervisor. -

During FFY2020, the MNOSHA Enforcement Director was able to attend several virtual Safety Day events that were scheduled for different areas around the State of MN. These opportunities help to answer questions that are unique to the state. It also gave attendees an opportunity to speak with the Director without traveling to the Twin Cities.

MNOSHA continued with specialized training in select industries such as foundries, grain handling, asbestos, combustible dust, HAZWOPER recertification, health care, 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.

During FFY2020, MNOSHA trained its staff on: Right-to-know, including GHS; and COVID preparedness plan. In addition, MNOSHA has been able to retain field staff that have significant safety and health experience and retain 1 investigator who speaks fluent Spanish and one who speaks fluent Somali. MNOSHA has extremely dedicated and experienced staff, including 6 Industrial Hygienists with 15+ years of experience, including two CIHs, and 10 Safety Investigators with 10+ years of experience. In addition, 5 new investigative staff (2 Industrial Hygienists and 3 Safety Investigators) were hired during the last two quarters and trained virtually to ensure that MNOSHA continues to have a well-trained staff even during a pandemic.

Goal 3.3 -

FFY20: 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) Penalty process review with workflow analysis

1) MNOSHA's existing processes were challenged during the pandemic and many innovative solutions were implemented to allow MNOSHA to maintain our effectiveness. First, most of our staff were equipped with appropriate technology including laptop computers and state issued cellular phones and instructed to work from home for the protection of all within the organization.

In order to continue to track our incoming phone and email inquiries several changes were made. With staff remote and unable to answer phones directly, all calls were routed to a voicemail box. These voicemails were routed through email to our outreach coordinator who also received all our external email requests. These phone and email requests were then distributed to investigative staff who returned the calls and addressed all the inquiries. The number of staff required to respond to the large volume of inquiries fluctuated from as few as 7 up to 14 staff per day.

MNOSHA realized that inquiries regarding Covid-19 would have to be addressed quickly to protect employees. MNOSHA updated its non-formal complaint policy to require employer to respond in writing to Covid-19 non formal complaints within 48 hours.

Working remotely created many obstacles that staff overcame throughout the year including learning to work remotely and complete the work of MNOSHA. Board meetings, staff meetings and other communications had to be conducted remotely. Employee hiring has continued with some in-person, socially distanced training and most new investigator training being handled remotely.

Through all these challenges in FFY20, 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. Board meetings were conducted to provide investigators with guidance, resources and an opportunity to discuss their significant case/s. The review process and board meetings have had a positive impact to improve the quality and consistency of our files as well as identify areas where consistency is lacking. One specific instance where improvements were initiated was with the revisions to STD 1-7.3, LOTO policy and the citation rating guide. It was determined that the two policies were not aligned, and a review group was formed which included the Principal Safety Investigators, Management Analysts and both the Principal Safety Supervisor and Health IH3 supervisor. The review group was able to review, meet and discuss the revisions needed to provide consistent citation direction among LOTO violations, which in turn improved the consistency among citations in inspection files.

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2) MNOSHA compliance continues to propose legislation that would update MNOSHA maximum penalties in statute. MNOSHA has not been successful in recent years in getting the penalty conformance legislation passed, including FFY20. MNOSHA intends to propose legislation during the next legislative session and will review the penalty process upon successful passing of the revised statute.

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 have hired a supervisor that will oversee our complaint intake process. This individual will be responsible for ensuring consistent implementation of the criteria for conducting serious injury inspections, allowing injuries and illnesses not meeting that criteria to be handled first 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.

**In addition to the previously designated Goal 3.3 targets for FFY 2020, MNOSHA managed to respond effectively to the needs of the State and the Department in response to COVID-19. This response included acquiring and providing appropriate technology to allow almost all staff to work from their homes. Implementing Covid-19 preparedness plans to protect our employees when entering our office and when conducting inspections in the field. Our employees were trained on this plan and provided with cloth face coverings, face shields, antifog safety glasses, cleaning supplies and other items needed to respond during this difficult time.

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SOAR for FFY2020

- Minnesota Occupational Safety & Health Compliance (OSH) 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 FFY 2020 include:

MNOSHA Assists in Shutdown of Lead Contaminated Facility

On October 28, 2019 the Minnesota Department of Labor and Industry and the MN Department of Health (MDH) shutdown a fishing tackle and battery component maker Water Gremlin Company after the children of employees were found to have dangerous levels of lead in their blood. Following an inspection by MNOSHA we found that there were insufficient measures in place to prevent lead dust from making its way into the homes of company employees, and into the bloodstreams of their families.

Department of Labor and Industry Commissioner issued a temporary order shutting down production at the facility for 72 hours. The Department of Labor and Industry and the Department of Health filed a petition in Ramsey County District Court where a Judge affirmed the state's authority and actions to address the public health threat of lead poisoning and protect children. The judge provided clear and detailed orders regarding steps that Water Gremlin Company must put into place in the short-term and the need for the employer to implement a permanent solution to better protect the health and safety of its workers and their families.

The order required permanent solutions to be implemented within the next year, including new changing areas and shower facilities, to ensure workers are free of lead when they leave the facility. In the short term, the judge ordered Water Gremlin Company to clean up lead contamination in the facility and employees' vehicles. The judge also ordered the MDH to reach out to current and former employee's and offer to have the employer pay for testing and remediation conducted in employee's homes if requested by the employee.

Both agencies remained active to ensure that the court order is followed. It is anticipated that this will be completed sometime in 2021.

MNOSHA Adapts and Responds during Pandemic

As was true for every organization, many changes occurred for Minnesota OSHA (MNOSHA) Compliance from March through September. Like many other businesses and organizations, MNOSHA began practicing social distancing by having staff members work remotely when possible at the end of March. All field staff were working from home on a laptop and using a state cell phone. However, that did not mean that MNOSHA was sitting on the sidelines. MNOSHA created a specific plan for its field staff and added it to their Field Safety and Health Manual as it continued to do field inspections.

By the end of March MNOSHA started to see significant increase in e-mails and phone calls (inquiries). This required MNOSHA to dedicate many additional staff to responding to these inquiries. Overall, a 148% increase in inquiries and over 500 additional complaints were received by MNOSHA.

In April, MNOSHA worked with its partners, the Minnesota Department of Health (MDH) and the Minnesota Department of Agriculture (MDA) to develop and provide guidance for the meatpacking industry. This was designed to help workers stay safe and keep plants open. The meatpacking industry guidance was developed to ensure the meatpacking sector complies with the Minnesota Department of Health (MDH) and Centers for Disease Control and Prevention (CDC) guidelines and Minnesota Occupational Safety and Health Administration (MNOSHA) standards related to COVID-19. The guidance addresses employee and visitor screening; cleaning and disinfecting; distancing and production, work-shift schedules and work-break schedules; personal protective equipment (PPE) and facial coverings; personnel hygiene and adequate handwashing facilities; communications and training for managers and workers; COVID-19 Business Plan; working remotely; and employment and human resources items. Letters were sent to meat packing facilities in Minnesota informing them of the guidelines.

MNOSHA Compliance with the assistance for MDH, MDA and Department of Employment and Economic Development (DEED) created a COVID-19 Preparedness Plan template and instructions for employers to use in developing their own preparedness plan. This template can be used by all industries to aid in reducing the spread of COVID-19. These documents, along with additional related information, are available in several languages at www.dli.mn.gov/updates.

MNOSHA also developed many documents for our webpage and the DEED webpage. All documents were translated into at least four different languages English, Hmong, Somali and Spanish.

MNOSHA Compliance conducted 110 outreach events, with 9,906 participants, which is 207% increase from FFY19. MNOSHA Compliance participated in a variety of virtual events. Three webinars were hosted with the Minnesota Department of Health, long-term-care employers and their employees. Another webinar was with Somali workers in Greater Minnesota, with MNOSHA Compliance staff members explaining the inspection process, the complaint-handling process, CDC guidelines and worker rights, plus answering audience questions. The goals of the

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webinar were that employees understood their rights, knew how to file an anonymous complaint with MNOSHA Compliance and had someone who could explain these items to them in Somali. MNOSHA Compliance also hosted several webinars with Latino workers in Minnesota. Again, staff members explained the inspection process, complaint- handling process, CDC guidelines and worker rights, and answered audience questions in Spanish. A staff member was also interviewed by the Spanish WUMN Univision Café Libre program. In addition, one staff member conducted a presentation on Hmong radio. MNOSHA has participated using many different media events such as WebEx, television, Facebook Live and other sources.

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, for CYs 2017 through 2019 and renewed for CYs 2020 and 2021. 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. 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 ongoing technical assistance in the form of onsite evaluations and formal training. In FY 2020, 10 formal training sessions were held with various public sector entities. The effects of the COVID-19 pandemic had an impact on the ability to provide services.

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 SFY 2020, the State was given additional funding for the program. This resulted in a higher number of applicants receiving their full, requested grant. The program awarded \$1,486,674 to 215 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, vacuum excavator, 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, exhaust ventilation systems, improved logging & log hauling equipment, machine guarding and safeguarding devices, various PPE and accessories, repair of walking/working surfaces, chemical spill equipment and training, permit-required confined space entry equipment, emergency eyewash, loading dock vehicle restraints, road construction safety equipment, and noise control.

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 included various public sector establishments.

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During the fiscal year and as a result of the pandemic, the position was assigned to create guidance and provide technical assistance on COVID-19 preparedness and later was assigned to an inter-departmental team that developed State-wide guidance and provided technical assistance to stakeholders, on COVID-19 preparedness. From February thru the end of the fiscal year, activities relating to COVID-19 preparedness took up a majority of the work time, for the position.

For public sector employers, 3 initial consultation visits were completed, along with 10 formal training visits and 75 additional formal training, technical assistance, and program assistance interventions. Training and technical assistance topics included COVID-19 preparedness, hazardous drugs, ergonomics and patient handling injury prevention, injury/illness recordkeeping, OSHA 10-hour topics, involvement on the State-wide ergonomics committee, and guest lecturer at the U of MN.

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SOAR for FFY2020 Minnesota Occupational Safety & Health Compliance (OSH) 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 Mandated Measures) Report which compares State activity data to an established reference point. A comparison of MNOSHA activity measures for FFY 18, FFY19, and FFY20 is provided in the tables on pp. 19-20.

Continued success was seen in these mandated activities in FFY20:

- Days to initiate complaint inspections decreased to 2.8 days but remains significantly lower than the goal of 9 days.
- Days to initiate complaint investigations decreased to 0.99 days but remains well below the goal of 2 days.

There were a few activities which fell short of our anticipated goal in FFY20, including the following measures:

- Percent of total inspections in public sector decreased to 2.6% in FFY20 which is below our 3% goal. MNOSHA decided during the 2nd quarter of FFY 2020 to discontinue programmed public sector inspections to allow cities and counties to dedicate their resources to the Statewide COVID-19 response. Schools in Minnesota also went to a distance learning platform in the spring of 2020 resulting in little to no activity at these sites.
- Percent in compliance health inspections increased this year to 52%. Contributing to this increase is most likely the decrease in programmed inspections conducted in health this year. Programmed inspections dropped from 56% last year to 35% this year. The percent of health programmed inspections with violations is 70% (30% in compliance rate for programmed inspection activity). Unprogrammed health inspections are largely out of MNOSHA control and have a direct effect on the percent 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 MARC performance measures for FY 2020:

- Percent of initial visits in high hazard establishment...96.23%
- Percent of initial visits to businesses with <250 employees at the establishment...94.34%
- Percent of initial visits to businesses with <500 employees controlled by employer...96.23%
- Percent of visits where Consultant conferred with Employees100%
- Percent of serious hazards verified corrected in a timely manner...100%
- Percent of serious hazards verified corrected (in original time or on-site)...70.63%

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COMPARISON OF FFY18, FFY19, and FFY20 ACTIVITY MEASURES

MNOSHA Compliance

Performance Measure	FFY18	FFY19	FFY20	Comments
Average number of work days to initiate complaint inspections (state formula)	3.55	2.60	2.79	The average number of days to initiate a complaint inspection increased slightly in FFY20 and remains well below the established goal of 9 days.
Average number of work days to initiate complaint inspections	3.22	2.04	2.03	(Federal formula)
Average number of work days to initiate complaint investigations (state formula)	1.0	0.82	0.99	The average number of days to initiate a complaint investigation increased slightly in FFY20 and remains below the established goal of 2 days.
Average number of work days to initiate complaint investigations	0.91	0.72	0.96	(Federal formula)
Percent of complaints & referrals responded to within 1 workday (imminent danger)	100	99.3	100	All imminent danger complaints were responded to within one day.
Number of denials where entry not obtained	0	0	0	Entry was obtained for all denials in FFY20.
Average violations per inspection with violations – Serious/willful/repeat	1.79	1.86	1.98	The number of SWR citations increased each year of the comparison. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Average violations per inspection with violations– Other	0.80	0.70	0.68	The number of other citations decreased in FFY20. MNOSHA continues to follow its training plan to assist investigative staff in identifying hazards.
Percent of total inspections in public sector	5.21	4.51	2.61	The percent of programmed public sector inspections decreased below the goal of 3%.
Inspections - Safety	1444	1509	1181	The number of safety inspections decreased in FFY20 and did not meet the fiscal year goal.
Inspections - Health	398	332	238	The number of health inspections decreased from FFY19 and did not meet the fiscal year goal.
Average current penalty per serious violation (Private Sector Only) Total 1–250+ EEs	1006.08	1028.31	1128.49	The overall average current penalty increased again in FFY20.
Average current penalty per serious violation (Private Sector Only) 1-25 EEs	620.76	733.07	665.00	The average penalty for this size employer decreased in FFY20.
Average current penalty per serious violation (Private Sector Only) 26-100 EEs	759.73	696.58	822.92	The average penalty for this size employer increased from FFY19.
Average current penalty per serious violation (Private Sector Only) 101-250 EEs	2295.30	1640.14	3371.79	The average penalty for this size employer increased significantly from FFY19.
Average current penalty per serious violation (Private Sector Only) 251+ EEs	2207.16	3406.66	3147.37	The average penalty for the largest employers decreased in FFY20.
Percent in compliance – Safety	36.32	37.00	37.67	The percent incompliance safety inspections remained about the same in FFY20.

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Percent in compliance – Health	39.69	41.80	52.07	The percent in compliance health inspections increased in FFY20.
% of work-related fatalities responded to in 1 work day	100	100	96.55	All but one fatality was responded to within one day.
Average lapse time from opening conference date to issue date – Safety	18.78	21.28	25.80	Safety lapse time increased in FFY20.
Average lapse time from opening conference date to issue date - Health	25.00	27.63	39.15	Health lapse time increased in FFY20.
Percent penalty retained	86.44	87.36	91.12	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	49	33	48	MNOSHA continued to work on the backlogged cases as well as the increase in new cases. The percent completed increased in FFY20.
Percent of 11(c) complaints that are meritorious	11	11	21	MNOSHA's percent meritorious cases increased in FFY20.
Average number calendar days to complete 11(c) investigations	137	216	201	The average number of days decreased from FFY19 despite the significant increase in new cases. The discrimination unit continues to work on the backlogged cases.

Data Source: SAMM report run by Federal OSHA November 2020.