Public Safety & Compliance

Quarterly Compliance Newsletter

OSHA Subpart D Walking Working Surfaces

I was able to get some clarification from OSHA regarding the questions that were raised during the Subpart D-Walking-Working Surfaces presentation at the MN Chief Engineers Guild Conference.

First, how is temporary and infrequent defined when working on a roof? Temporary and infrequent is defined as no more than 3 times a year and for a short time duration defined as no more than a couple of hours. Anything else would be considered "regular" and would require some type of fall protection.

So:
Under 1910.28:
If it is within 6 feet of the edge - you need to use conventional guard rails, safety net, fall arrest or travel restraint.

If it is within 6 ft. to 15 ft. - all of the above applies **unless** it is temporary and infrequent then you can use a designated work area as long as you follow the criteria 1910.29.

If it is more than 15 feet - you can use guard rail, safety net, fall arrest, travel restraint or designated work area **unless** it is temporary and infrequent in which case you will not need anything.

Did You Know

The State of Minnesota through the Department of Administration-Risk Management Division has embarked on a 5 year study of state employees' perception of workplace safety. They have contracted with PMA Companies to conduct safety perception surveys of all state employees. There will be 3 surveys done with the 2017 survey serving as the benchmark for each state agency to work from. The between survey years will be a time for state agencies to work on the goals set from the survey working on improving positive responses on the next survey.
Minnesota State employees were asked to participate and complete the survey between April 17 and May 22, 2017.

On behalf of Minnesota State Colleges and Universities I want to thank each and every employee who took the time to fill out the survey!! The data that we received will help each individual campus and the system as a whole get a better understanding of their individual and our system safety culture, where we excel and where we need improvement. Stay tuned as the system along with the State of Minnesota continues to evaluate employee safety and ways to make it even better.

Don

A second question was regarding scissor lifts which had been part of the old Subpart D. Under what standard were they now located? In the new Subpart D, 1910.28 (a)(2)(v) it referenced 1910.67-Aerial Lifts for father fall protection information. In 1910.67 it had in its definitions "vertical towers" being covered under this standard. 1910.67 requires aerial lifts to have guardrails, and being tethered and anchored as soon as you get into the aerial lift at any height.

OSHA **does not** consider scissor lifts as an aerial lift. A scissor lift is considered a mobile scaffold. The new Walking and Working Surfaces standard for General Industry is now enforcing the Construction Standard for scaffolds. Requirements for scissors lifts will be found in the Construction Standard.

So:
Scissor lifts must have guardrails installed to prevent workers from falling. It is not required for employees working inside the protection of the guardrail system, which meets the OSHA requirements for a guardrail system on a scissor lift, to also be tethered or anchored.

Another requirement of the new Subpart D is that in order to use personal fall arrest systems you need to have a certified anchor point. This anchor point will need to be certified by an engineer to withstand an impact load of 5,000 pounds and be re-evaluated on an annual basis. If your roof doesn't have certified anchor points you will not be able to use a personal fall arrest system as your fall protection. This will be a problem on most roofs as we have not engineered in any anchor points. We don't have safety nets. So the only choices that we have is travel restraint, guardrails or designated areas depending on where the work is located on the roof.

A hazard analysis needs to be done on your campus to determine where fall protection may be needed and choose the best fall protection for that operation. If you have any specific scenarios that you would like to discuss, please let me know

Did You Know

OSHA Consultation Visits have shown to be a valuable tool to determine where your campus is at in terms of health and safety compliance. They have provided an educational training opportunity for faculty and staff who have participated in the visits.

We want to encourage all of the system campuses to participate in our Alliance with OSHA and schedule a Consultation visit. They will only review those areas of the campus that you want them to review. You can stop the visit at any time when you think you have reached your workload or budgetary limits. Many campuses have done multiple visits so that the workload and possible repair costs are spread out.

We are starting to schedule fourth quarter of 2017 visits. If you are interested in a visit please contact me at:

donald.beckering@minnstate.edu or at 651-201-1790.

2017 Third Quarter OSHA Consultation Visit Findings

We didn't conduct any Consultation Visits during the third quarter of 2017. We feel this is because we are having more faculty interested in participating in the Consultation Visits, which is great!! Since the Fall semester has started we are once again scheduling visits. We have the following visits scheduled:

October 10-Ridgewater College-Hutchinson Campus
October 11-Ridgewater College-Willmar Campus
October 17-St Cloud Technical and Technical College
October 24-M-State-Fergus Falls Campus
November 20-Metro State University
December 5-Pine Technical and Community College

If you would like to attend any of these visits, please let me know. Thanks!!

Motor-Fuel Dispensing Operations

There have been a revision in the 2015 Minnesota State Fire Code regarding Motor-Fuel Dispensing Operations. For our facilities that have fuel pumps on campus please be aware that fire marshals are looking for compliance to the following:

1) Ensure an Emergency Pump Shutoff Switch

2303.2 Emergency disconnect switches. An *approved,* clearly identified and readily accessible emergency disconnect switch shall be provided at an *approved* location to stop the transfer of fuel to the fuel dispensers in the event of a fuel spill or other emergency. An emergency disconnect switch for exterior fuel dispensers shall be located within 100 feet of, but not less than 20 feet from, the fuel dispensers. Such devices shall be distinctly *labeled* as: EMERGENCY FUEL SHUTOFF.

2) Ensure a sign on or near pumps that addresses emergency procedures

2304.3.5 Emergency procedures. An *approved* emergency procedures sign, in addition to the signs required by Section 2305.6, shall be posted in a conspicuous location and shall read:

IN CASE OF FIRE, SPILL OR RELEASE

1. **USE EMERGENCY PUMP SHUTOFF**
2. **REPORT THE ACCIDENT!**
3. **FIRE DEPARTMENT TELEPHONE NO. 911**
4. **FACILITY ADDRESS _____**

3) Ensure warning signs on the fuel dispensing pumps

2305.6 Warning signs. Warning signs shall be conspicuously posted within sight of each dispenser in the fuel-dispensing area and shall state the following:

1. **No smoking.**
2. **Shut off motor.**
3. **Discharge your static electricity before fueling by touching a metal surface away from the nozzle.**
4. **To prevent static charge, do not reenter your vehicle while gasoline is pumping.**
5. **If a fire starts, do not remove nozzle—back away immediately.**
6. **It is unlawful and dangerous to dispense gasoline into unapproved containers.**
7. **No filling of portable containers in or on a motor vehicle. Place container on ground before Filling.**

4) Ensure that when you are putting on new hoses, add Emergency breakaway devices

2306.7.5.1 Emergency breakaway devices. Dispenser hoses for Class I and II liquids shall be equipped with a *listed* emergency breakaway device designed to retain liquid on both sides of a breakaway point. Such devices shall be installed and maintained in accordance with the manufacturer's instructions.

5) Ensure a portable fire extinguisher 20B:C rated within 75 feet of the dispensing pumps

Did You Know

Federal OSHA uses the NAICS Code: 6113 *Colleges and Universities and Professional Schools* to record rule violations at higher education institutions nationally. The data is public record and available to anyone.

Federal OSHA NAICS Data

Listed below are the standards which were cited by **Federal OSHA** for the specified NAICS Code during the period October 2016 through September 2017. Penalties shown reflect current rather than initial amounts.

Standard	Citations	Inspections	Penalty	Description
Total	26	10	$97,793	*All Standards cited for Colleges, Universities, and Professional Schools*
19101001	5	2	$43,797	Asbestos.
19100037	3	2	$9,432	Maintenance, safeguards, and operational features for exit routes.
19100213	3	1	$7,497	Woodworking machinery requirements.
19100132	2	1	$7,000	General requirements.
19100133	2	2	$3,695	Eye and face protection.
19100212	2	2	$11,281	General requirements for all machines.
19101030	2	1	$3,695	Bloodborne pathogens.
19101200	2	2	$0	Hazard Communication.
19040039	1	1	$3,396	--- *No Description Found* ---
19100022	1	1	$4,000	General requirements.
19100134	1	1	$0	Respiratory Protection.
19100157	1	1	$4,000	Portable fire extinguishers.
19100305	1	1	$0	Wiring methods, components, and equipment for general use.

Minnesota Data

NAICS Code: 6113 *Colleges, Universities, and Professional Schools*

Listed below are the standards which were cited by **Minnesota OSHA** for the specified NAICS Code during the period 10/11/2016 through 10/11/2017. Penalties shown reflect current rather than initial amounts.

No.	Activity	Opened	Type	Sc	NAICS	Vio	Establishment Name
1	1265601.015	09/21/2017	Planned	Partial	611310		96036 - University Of Minnesota - Duluth Facilities Mgmt
2	1245939.015	07/11/2017	Complaint	Partial	611310	6	95560 - University Of Minnesota

1. Inspection Detail: 1265601.015 - 96036 - University Of Minnesota - Duluth Facilities Mgmt

Case Status: OPEN. This inspection has not been indicated as closed. Please be aware that the information shown may change, e.g. violations may be added or deleted.

Inspection Type:	Planned		
Scope:	Partial	Advanced Notice:	N
Ownership:	Private		
Safety/Health:	Safety	Close Conference:	09/21/2017
Emphasis:	S:Danger	Close Case:	

2. Inspection Detail: 1245939.015 - 95560 - University Of Minnesota

Case Status: CLOSED

Inspection Type:	Complaint			
Scope:	Partial	Advanced Notice:	N	
Ownership:	State Govt			
Safety/Health:	Health	Close Conference:	08/24/2017	
		Close Case:	09/25/2017	
Related Activity:	Type	ID	Safety	Health
	Complaint	1236813	Yes	
	Complaint	1236813		Yes

Violations Summary

	Serious	Willful	Repeat	Other	Total
Initial Violations	4			2	6
Current Violations	4			2	6
Initial Penalty	$4,200			$700	$4,900
Current Penalty	$2,940			$490	$3,430

Violation Items

No.	ID	Type	Standard	Issuance	Abate	Current Penalty	Initial Penalty	Last Event
1.	01001	Serious	19100212 B	09/01/2017	09/24/2017	$735	$1,050	I - Informal Settlement
2.	01002	Serious	19100252 A02 IX	09/01/2017	09/24/2017	$735	$1,050	I - Informal Settlement
3.	01003	Serious	19100304 B04 II B	09/01/2017	09/24/2017	$735	$1,050	I - Informal Settlement
4.	01004	Serious	19101200 H01	09/01/2017	09/24/2017	$735	$1,050	I - Informal Settlement
5.	02001	Other	19101025 D02	09/01/2017	09/14/2017	$245	$350	I - Informal Settlement
6.	02002	Other	19101025 L01 I	09/01/2017	09/24/2017	$245	$350	I - Informal Settlement

Standards Cited:

1. 19100212 B *General requirements for all machines.*

Anchoring fixed machinery. Machines designed for a fixed location shall be securely anchored to prevent walking or moving.

2. 19100252 A02 IX *General Requirements.*

Combustible walls. Where cutting or welding is done near walls, partitions, ceiling or roof of combustible construction, fire-resistant shields or guards shall be provided to prevent ignition.

3. 19100304 B04 II B *Wiring design and protection.*

Where connected to a branch circuit supplying two or more receptacles or outlets, a receptacle may not supply a total cord- and plug-connected load in excess of the maximum specified in Table S-4; and

Table S-4. -- Maximum Cord- and Plug-Connected Load to Receptacle

Circuit rating (amperes)	Receptacle rating (amperes)	Maximum load (amperes)
15 or 20	15	12
20	20	16
30	30	24

4. 19101200 H01 *Hazard Communication.*

Employers shall provide employees with effective information and training on hazardous chemicals in their work area at the time of their initial assignment, and whenever a new chemical hazard the employees have not previously been trained about is introduced into their work area. Information and training may be designed to cover categories of hazards (e.g., flammability, carcinogenicity) or specific chemicals. Chemical-specific information must always be available through labels and safety data sheets.

5. 19101025 D02 *Lead.*

Initial determination. Each employer who has a workplace or work operation covered by this standard shall determine if any employee may be exposed to lead at or above the action level.

6. 19101025 L01 I *Lead.*

Each employer who has a workplace in which there is a potential exposure to airborne lead at any level shall inform employees of the content of Appendices A and B of this regulation.

Did You Know

The International Building Code tells you when you need a fire curtain and MN state fire code (which references NFPA) tells you what it looks like and how it operates. The IBC Codes can be viewed at: https://codes.iccsafe.org/public/document/code/353/5770129

Section 410.3.4 Says that when the stage height is greater than 50'-0" then the proscenium wall needs to have a 2 hour fire resistance rating.
Section 410.3.5 says that when the proscenium is required to have a 2 hour fire resistance rating then the stage opening will need a fire curtain complying with NFPA 80.
Section 410.3.1.1 Says that the stage height is measured from the lowest point of the stage floor to the highest point of the roof deck.

So according to the IBC if the stage height is less than 50'-0" there is no requirement to have a fire curtain.

The NFPA-80 code can be viewed at: http://www.nfpa.org/codes-and-standards/all-codes-and-standards/list-of-codes-and-standards/detail?code=80
Click on the "Free Access" Button.
Fire Curtains for Theatres are located in "Chapter 20".

Quarterly Workers Compensation Summary:

Last Quarter Summary (July – Sept 2017):

97 total number of incidents/claims. Includes incident only, accepted and denied claims.

There were incidents with:
44 – Incident only
8 – Lost time claims
45 – Medical only claims

If you would like your specific Workers Compensation campus data please contact Amy!!

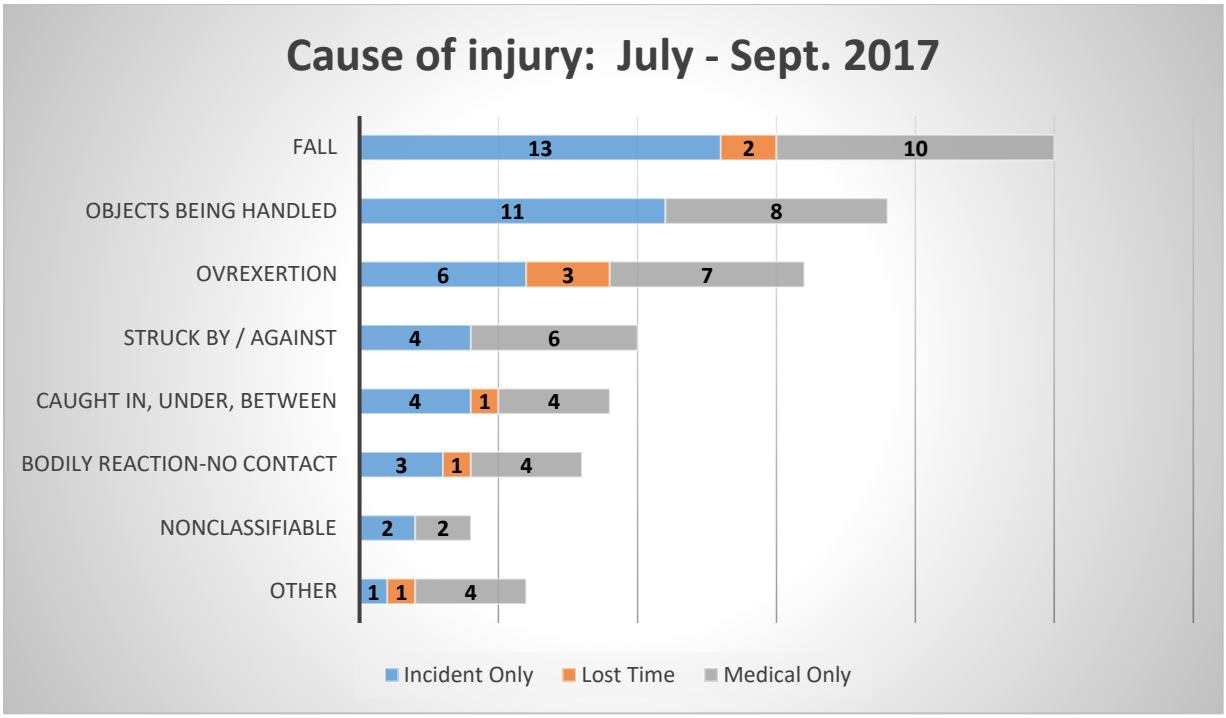
FY18 Summary (includes incident only and denied claims):

	Q1	YTD
Incident Only	44	44
Lost Time	8	8
Medical Only	45	45
Total	97	97

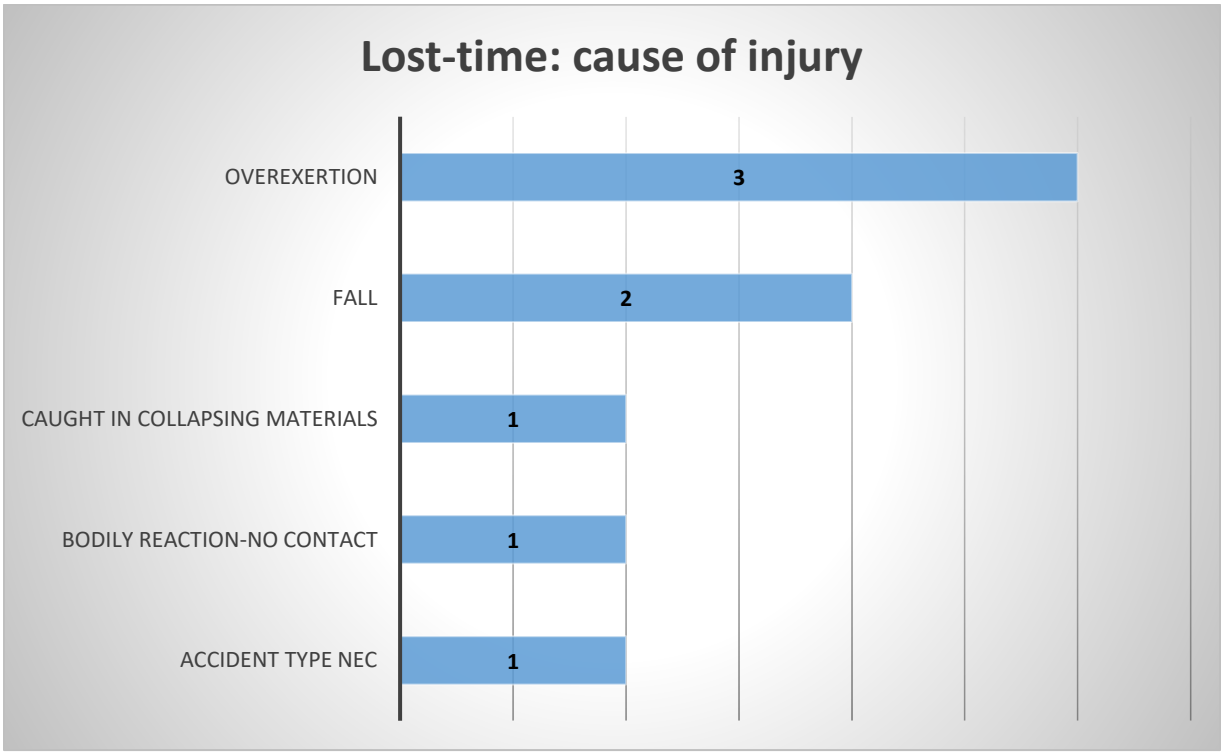
FY17 Summary (includes incident only and denied claims):

	Q1	Q2	Q3	Q4	YTD
Incident Only	54	60	55	42	211
Lost Time	14	7	23	6	50
Medical Only	57	43	67	34	201
Total	125	110	145	82	462

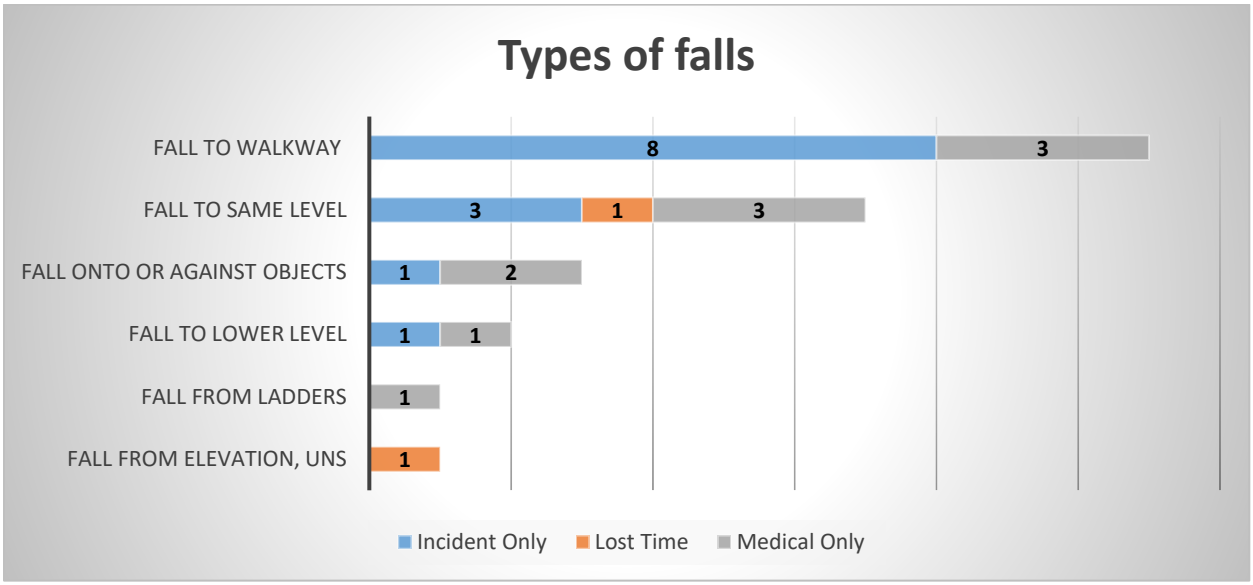
Primary Cause of Injury: Continues to be falls.



Lost-time injury increased slightly from last quarter



Fall Injuries:



Injuries by Occupation:

The injuries by occupation continue to be consistent. In all quarters of FY17, the top three occupations injured were General Maintenance / Repair Workers, Student Workers and Faculty. Student Workers and Faculty were consistently 2nd and 3rd but changed places throughout the year.