



MINNESOTA STATE

## Public Safety & Compliance

### Quarterly Compliance Newsletter

### December 2018

#### 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.

If you are interested in a visit please contact me at:  
[donald.beckering@minnstate.edu](mailto:donald.beckering@minnstate.edu) or at 651-201-1790.

#### Fourth Quarter Consultation Visits

We completed 4 campus visits the 4<sup>th</sup> quarter of 2018. We have not received all of the reports as of yet and the OSHA offices are going through renovation and our Consultation officers don't have easy access to their offices. Once we have all of the reports we will complete the summary and post it on our Sharepoint site.

#### OSHA Consultation Visit Summary from the reports that we have received:

1. The employer did not ensure that a mobile ladder stand or platform did not move when an employee was on it. 1910.23(e)(1)(viii) (**Mobile ladder stand was missing foot pad that would prevent the stand from unintentional movement**)
2. The exit route or path of exit travel from any point within a workplace to a place of safety (including refuge areas) was not continuously maintained free of all obstructions or impediments to full instant use in the case of fire or other emergency. 1910.37(a)(3) (**Exit was blocked by boxes and equipment**)
3. Exits were not marked by readily visible sign reading "Exit". 1910.37 (b)(2) (**Emergency exit sign was missing**) **Multiple campuses**

4. The employer shall conduct, at minimum, an annual inspection of the energy control program to ensure that the procedures and the requirements of this standard are being followed. 1910.147 (c)(6)(i) **(The lockout/tagout program needed to be updated)**
5. Where employees were exposed to injurious materials, suitable facilities for quick drenching or flushing of the eyes were not provided within the work area for immediate use. 1910.151(c) **(Portable eye wash was less than 15 minutes and needs monthly water change) Multiple locations on one campus, Multiple Campuses**
6. The minimum vertical clearance of 18 inches between automatic sprinkler systems sprinklers and the material below was not maintained. 1910.159(c)(10) **(Storage on top of cabinets were over the 18 inch limit)**
7. Each service, feeder and branch circuit, at its disconnecting means or overcurrent device, was not legibly marked to indicate its purpose, nor located and arranged so the purpose was evident. 1910.303(f)(2) **(Power shut off was not labeled so the purpose was not evident)**
8. Flexible cords were not connected to devices and fittings so that tension would not be transmitted to joints or terminal screws. 1910.305 (g)(2)(iii) **(The flexible cord was not provided with strain relief)**
9. Receptacles installed in wet or damp locations were not suitable for the location. 1910.305 (j)(2)(iv) **(No GFCI protection of electrical outlets in a wet location) Multiple Campuses**
10. The employer did not ensure that no employee was exposed to an airborne concentration of benzene in excess of one part of benzene per million parts of air (1 ppm) as an 8-hour time weighted average. 1910.1028(c)(1) **(A can of 3M adhesive cleaner was in the flammable storage cabinet and benzene is a constituent of the product. The employer did not determine what the employee's exposure to benzene is while working with this product)**
11. Ventilation for garages was not capable of removing a volume of air not less than three-fourths cubic foot per minute per square foot of floor area. Exhaust ducts shall not be more than 18 inches from the floor, so placed as to remove carbon monoxide gas from the entire garage. An equal amount of tempered fresh supply air shall be provided. 5205.0200 subp 2. **(The diesel labs ventilation system was not tested on a regular basis to ensure that it was capable of removing three-fourths cubic foot per minute per square foot of floor area. The carbon monoxide sensors were also not calibrated to ensure they are working properly.)**
12. Exhaust gases from internal combustion engines being tested were not discharged to the outdoors through a duct or flexible hose of noncombustible material of suitable size attached as an extension to the exhaust pipe. 5205.0200 subp. 3. **(The exhaust in cubic feet per minute (cfm) had not been tested on the tailpipe exhaust system in the diesel labs)**

## Hazardous Waste Enforcement Actions

Minnesota Pollution Control Agency (MPCA) and Metro County hazardous waste regulators perform announced, and sometimes unannounced, inspections of our campuses. These inspections determine the status of regulatory compliance. As with OSHA inspections, hazardous waste inspections can occur at any time. Additionally, OSHA, MPCA, County Regulatory Agencies and other state and county regulators, all view violations found on any single campus as a Minnesota State system-wide violation. Serious or repeat findings can result in an enforcement action being taken against Minnesota State.

Both in 2007 and 2010 as a result of serious findings during hazardous waste inspections, the MPCA and exercised issued notice of violations (NOV's) to individual campuses and to the Minnesota State system. Monetary fines were included with the NOV's. To offset some of the charges and to lower the cost of

the fines, Minnesota State entered into a Stipulation Agreement (Stip). These Stips are negotiated agreements with specification actions which must be undertaken to resolve the violation, and additional actions to ensure the violations do not recur. These agreements contain penalties which are triggered if the requirements of the agreement are not met or maintained. There is no deadline associated with these penalties!

Summary of 2012 NOV findings:

- Accepted and stored unevaluated hazardous waste
- Improperly disposed of unevaluated hazardous waste
- Failed to evaluate “newly” generated or unknown waste within 60 days
- Failed to properly manage unevaluated waste
- Failed to train personnel with proper waste handling and emergency response procedures
- Failed to label containers as hazardous waste
- Failed to keep containers of hazardous waste closed
- Failed to label as “Satellite Accumulation” (SA) containers. The SA labels must contain the words hazardous waste and a description of the waste. Dates are not required, other than to track the time it takes to fill the container
- Failed as an SQG to identify emergency coordinators contact information
- Failed as an SQG to submit manifest copy to MPCA within five working days
- Failed to perform weekly inspection of hazardous waste, to include SA containers
- Failed to have fire extinguisher, spill control and decontamination equipment
- Failed to report hazardous waste on annual license renewal application
- Failed to store and label “Used Oil” properly
- Failed to store and label “Used Oil Filters” properly
- Failed to store and label Universal Waste properly

Minnesota State (formerly MnSCU) and the inspected campuses agreed to the requirements listed in the MPCA’s Stip. All required actions were completed in the time allotted by MPCA. The final executed Stipulation Agreement was signed by the Vice Chancellor for Finance and Administration, and copies were provided to the Chancellor, General Counsel, the Attorney General’s Office and to several divisions of the MPCA. As stated at the end of the signed agreement, *“Termination of the Agreement does not release the Parties from any provisions intended to have future application, including without limitation Parts 8 (Covenant Not to Sue and Reservation Of Remedies), 9 (Repeat Violations) and 16 (Liabilities), which terms shall survive the termination of the Agreement.”*

In plain English, this agreement never goes away.

Unfortunately, there are signs showing we are falling out of compliance with these Stips, and with other hazardous waste management legislation. Routine systems office visits and a recent regulatory inspection, has brought to light how many of these violations are still occurring. Here is a summary of findings from a recent regulatory inspection:

- Improperly labeled or missing labels from containers of used oil, universal waste (bulbs) and hazardous waste.
- Weekly inspections of waste collection and storage areas was not being completed.
- Improper disposal of hazardous waste.
- Lack of training for personnel assigned with hazardous waste duties.

- Failure to keep containers closed when not filling.
- Failure to clean up oil spills properly.
- Failure to provide spill cleanup supplies.

Campus visits by Don and myself have also noted compliance gaps, or in some cases, a total lack of compliance with hazardous waste management requirements. Some prevalent examples include:

- Missing or improper labeling,
- Open containers of waste and/or missing bungs
- Missing waste disposal documentation
- Incomplete weekly inspection records

All of these violations, both from the regulatory inspection and in-house visits, could be viewed as repeat violations, and outright violations of the Stipulation Agreements.

We highly recommend campuses conduct internal reviews of their waste management practices. Please contact Ken Auer with any questions or concerns. I will be more than happy to talk with you about this, and to come out and walk your campus to identify and help you fix any discrepancies.

## Underground Storage Tank Compliance

The Minnesota Pollution Control Agency (MPCA) is revising underground storage tank (UST) rules. These revisions are necessary to incorporate changes the Environmental Protection Agency (EPA) incorporated into their regulations. The revisions will also update outdated information contained within the MPCA rules.

Below are some of the proposed revisions:

- adding secondary containment requirements for new and replaced tanks and piping;
- adding operator training requirements for UST system owners and operators;
- adding periodic operation and maintenance requirements for UST systems;
- removing certain deferrals;
- adding new release prevention and detection technologies;
- updating codes of practice;
- other related topics that time and resources allowed; and
- editorial and technical corrections.

The MPCA has gone through a couple comment and review periods to date, and are now working on finalizing rule changes. The MPCA expects to adopt these new rules by the end of June 2019.

During their site inspections, the following UST systems are inspected for compliance (Note: this is not a complete list of items inspected):

- Spill buckets
  - Cleanliness and condition of cover and bucket
  - Condition of riser and drop tubes
  - Signs of leakage

- Dispensers (If installed)
  - Cleanliness and condition of sump
  - Signs of leakage
  - Condition of shear valves
- Submersible sump pumps
  - Cleanliness and condition sump pump
  - Signs of leakage
- Release detection equipment. Inspection will want you to verify the following:
  - Leak detection is operating properly, and monthly passing tests are on record
  - For steel tanks, satisfactory cathodic testing has been performed. If no cathodic is on the steel tank, then records for tank tightness testing will be reviewed.
  - No water has been detected in the tanks

The MPCA estimates there are 4,117 UST facilities in Minnesota, with a total of approximately 13,000 active UST's located at these facilities. From October 1, 2017 to September 30, 2018, the MPCA inspected 806 UST facilities. {Information taken from the MPCA Fact Sheet:

*Underground Storage Tanks Annual Summary (c-prp2-06) November 2018}*

Average life expectancy for steel UST's ranges from 15-30 years. Review your records and if your tanks are pushing or past 30 years old, then you should start planning to have them removed and replaced. Cheaper to plan it out, then to have MPCA force us to remove UST and cleanup the site if a leak is found.

Please contact me with any questions or concerns. If you have not done so already, please update me on the number of UST's and AST's on site, approximate age, sizes and contents of each tank.

## FY 2019 Safety Perception Survey

FY 2019 will be starting up and will be the third year in the State of Minnesota's Employee Safety Perception Project. Hopefully, all of you have been working on your campus goals in preparation for the 2019 follow up survey.

### Safety Perception Survey

In October 2017 you were sent your college or university specific Safety Perception Survey Report along with an overview of what the state project was trying to accomplish and next steps. Hopefully, you have been able to meet with your administration and safety committee to start to put together college/university specific goals based on the information in your report. These goals should focus on the open-ended questions in your report. Toward the end of FY2019 another survey will be taken. We are asking each campus to send us their campus specific goals.

We have established the following system goals:

#### 1. Increase system wide employee participation in the 2019 survey.

In order for us to accomplish this, each campus will need to establish a strong communication process that will ensure every campus employee will know how to access and fill out the survey. To help the Department of Administration's project coordinator have better communications with campuses we need to have the name and contact information for each college/university's survey coordinator. This coordinator will ensure that once the survey is launched that each employee is

notified and given directions on how to access and fill out the survey. Please send your coordinator contact information to Anita Mujumdar, [anita.mujumdar@minnstate.edu](mailto:anita.mujumdar@minnstate.edu).

## **2. FY 2019 Campus Goals.**

Each campus was sent their campus specific results from the survey done in 2017. Campuses were asked to develop campus specific goals for FY 2018. 16 campuses sent their goals to us for review. Hopefully those that didn't send their campus goals to us established goals and worked on them throughout 2018. It is time to review the progress on those goals and determine if they need to be extended into 2019 or if goals have been completed, new goals are developed. For any campuses that may need assistance in their 2018 goals review or establishing new 2019 goals, Anita has taken every campus' specific report and broken it down into a useable analysis matrix. I encourage you to contact her to get a copy of the matrix and schedule some time with her to go through the findings. Setting doable, employee suggested goals will go a long way to increasing campus employee participation.

## **3. Implement Operating Instruction 5.24.7-Safety Committees, using the Operating Instruction Technical Manual.**

The number one issue from the 2017 survey was the effectiveness of our safety committees. To help campuses with this issue we developed an Operating Instruction that lays out what campuses need to do in order to be compliant with state statute and union contracts. The companion technical manual helps the safety committee coordinator and the safety committee to understand its duties and its findings/activities are effectively communicated out to the campus community. We will be reviewing FY 2019 meeting minutes and making campus follow up calls to ensure that campuses are implementing the Operating Instruction. For more information or implementation assistance contact Anita Mujumdar, [anita.mujumdar@minnstate.edu](mailto:anita.mujumdar@minnstate.edu).

Safety is part of every system employee's daily activities. The major goal of this state project is to improve the safety culture in every state agency. Minnesota State Colleges and Universities has a good track record for safety compliance, but even good track records can be improved upon. Let's work hard to develop sound project goals that will impact on your campus safety culture and ones that will show positive results in the 2019 follow up survey.

## **Instilling a Positive Safety Culture at Minnesota State Campuses**

### **What is 'Safety Culture'?**

Every organization has a culture: a set of written and unwritten rules and assumptions that define how things are done.

A safety culture is not a policy, program or procedure. A safety culture is a common set of beliefs, assumptions and normative behaviors that actively influence how employees think and act with regard to safety issues.

### What is positive safety culture?

A positive safety culture is established when an organization places a high level of importance on safety beliefs/values and attitudes are shared by the majority of employees and management. Organizations having a highly rated and positive safety culture have fewer accidents and injuries.

### Safety Perception Survey:

The survey results demonstrate that evaluation of safety in workplace environment and addressing the issues promptly needs improvement on Minnesota State campuses. Survey scores greater than 4.0 reflect a positive safety culture.

Question	Average Score
11. My organization properly evaluates the risk of tasks we perform	3.68
13. Unsafe conditions are corrected in a timely manner	3.72
28. Safety performance is considered in performance appraisals and promotions	3.29
30. Production demands and safety conflicts are addressed properly	3.68

Compare the scores for your campus with the System average for the effectiveness of safety program assessments.

For implementing effective safety and health environment in the campus, safety performance should be measured regularly. Frequently use various sources of information to gain understanding and feedback on the effectiveness of safety initiatives.

This performance can be measured intensely or reactively.

- Intense measurement includes safety audits, inspecting work areas and programs and work environments - to identify and address hazards
- Reactive measurements are conducted immediately after an accident, injuries or near misses - to identify the causal factors resulting in organizational damage or injury.

### Culture action: Monitor, review and reflect on improvement of work environment

1. Enlist all the safety audits conducted at the campus - Identify the safety audits conducted occasionally or routinely on your campus
  - OSHA Alliance – consultation inspection; was it done once or multiple times
  - COPE inspection
  - Hazards assessment existing and new
  - Fire inspections
  - Lab Inspections
  - Eye wash and shower inspections
  - Safety Administrator walk around inspections
  - Safety committee walk around inspections
  - Other program inspections specific to the campus

Identify the areas of non-compliance and focus on areas for improvement. Analyze inspection results or reports by comparing with the prior results. Identify areas of improvement. Ensure that regulatory compliance is documented.

2. Review accident, injury reports and OSHA logs routinely to identify any trends in injury data. Address the safety program, safety behavior and infrastructure issues.
3. Review how hazards are rectified at the campus
  - Ensure there are adequate avenues for the employees to report hazardous conditions
    - a. Supervisors
    - b. Safety Administrator
    - c. Campus Safety committee
    - d. Other methods specific to campus – safety box for anonymous reporting
  - Implement strategies to address and correct unsafe work conditions in a prompt manner
  - Ensure that employees are informed timely about the safety hazard being rectified.
4. Emphasize importance of safe working in group and personal discussions with the employees and supervisors. Educate employees, management and administration of the priority and significance of safety over production.

### Did You Know

The Campus Safety Program and Workers Compensation must work together in order to reduce the number of campus injuries and the Workers Compensation costs. For that reason we will be doing a quarterly summary of system claims data and hopefully some best practices to follow to minimize them from occurring.

If you have any questions please contact Amy Kockelman, System Workers Compensation Specialist at 651-201-1595 or at [amy.kockelman@minnstate.edu](mailto:amy.kockelman@minnstate.edu)

## Quarterly Workers Compensation Summary:

### Last Quarter Summary (Oct - December 2018):

Includes incident only, accepted and denied claims.

104 – Total number of incidents/claims

42 – Incident only

16 – Lost time claims

46 – Medical only claims

**If you would like your specific Worker's Compensation campus data please contact Amy!**

FY 19 Summary (includes incident only, accepted and denied claims):

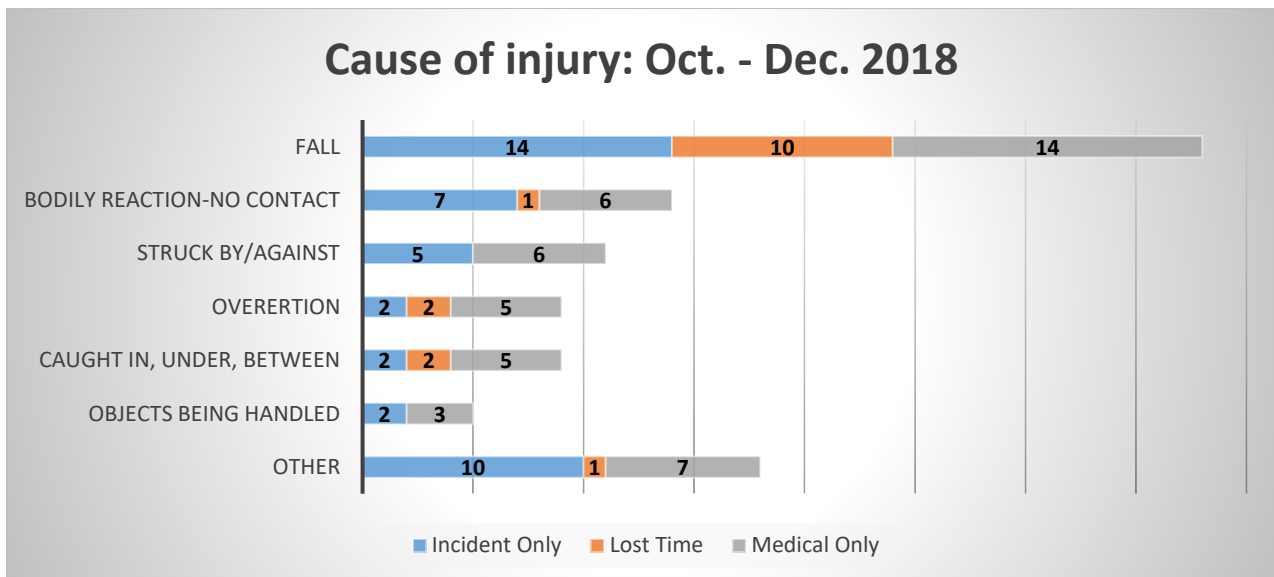
	Q1	Q2	Q3	Q4	YTD
Incident Only	29	42			71
Lost Time	12	16			28
Medical Only	48	46			94
Total	89	104			193



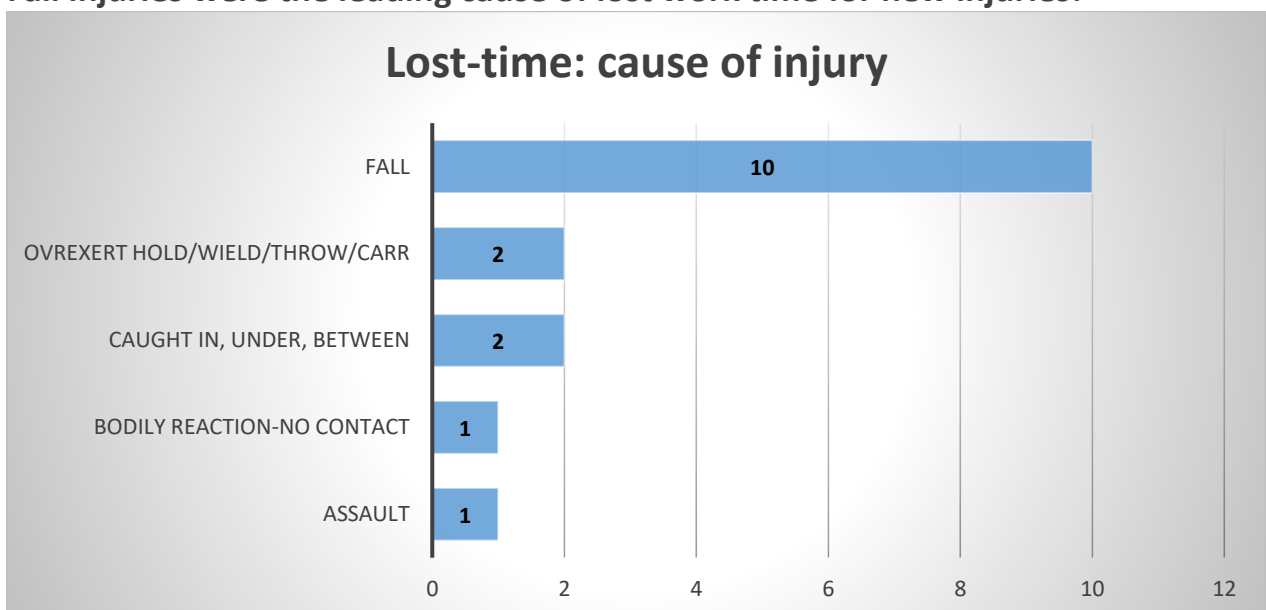
FY18 Summary (includes incident only and denied claims):

	Q1		Q2	Q3	Q4	YTD
Incident Only	44		50	74	29	197
Lost Time	8		17	19	14	58
Medical Only	45		56	68	67	236
Total	97		123	161	110	491

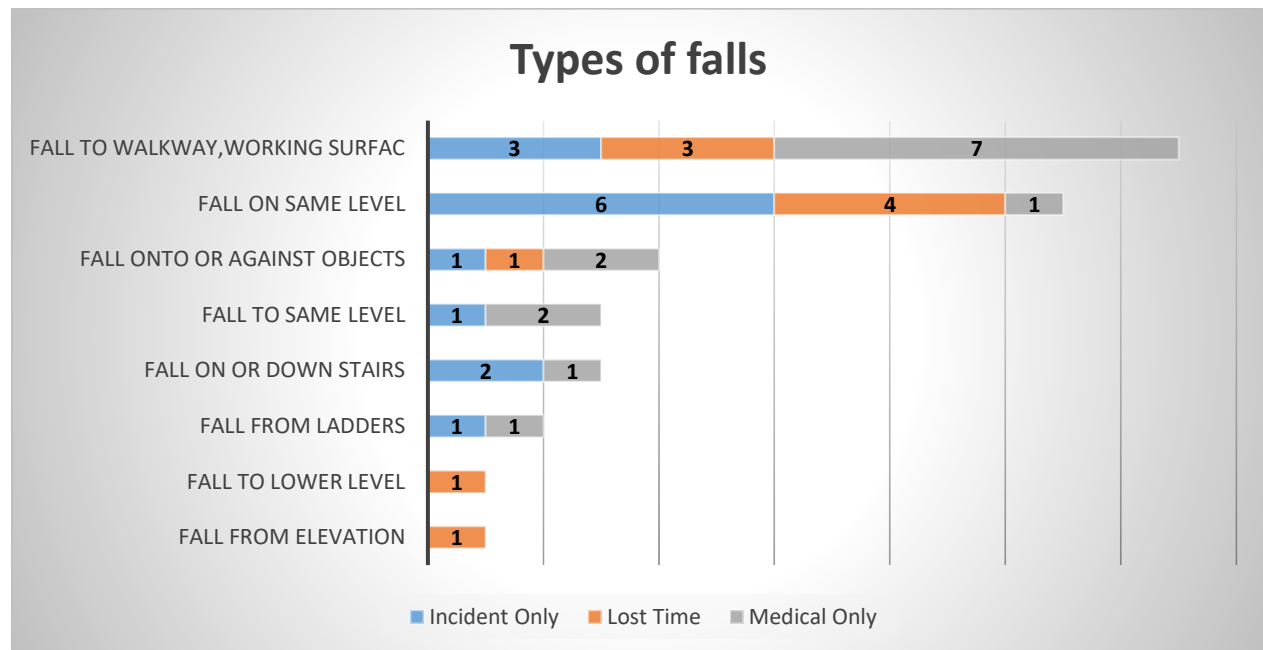
The primary cause of injury continues to be falls:



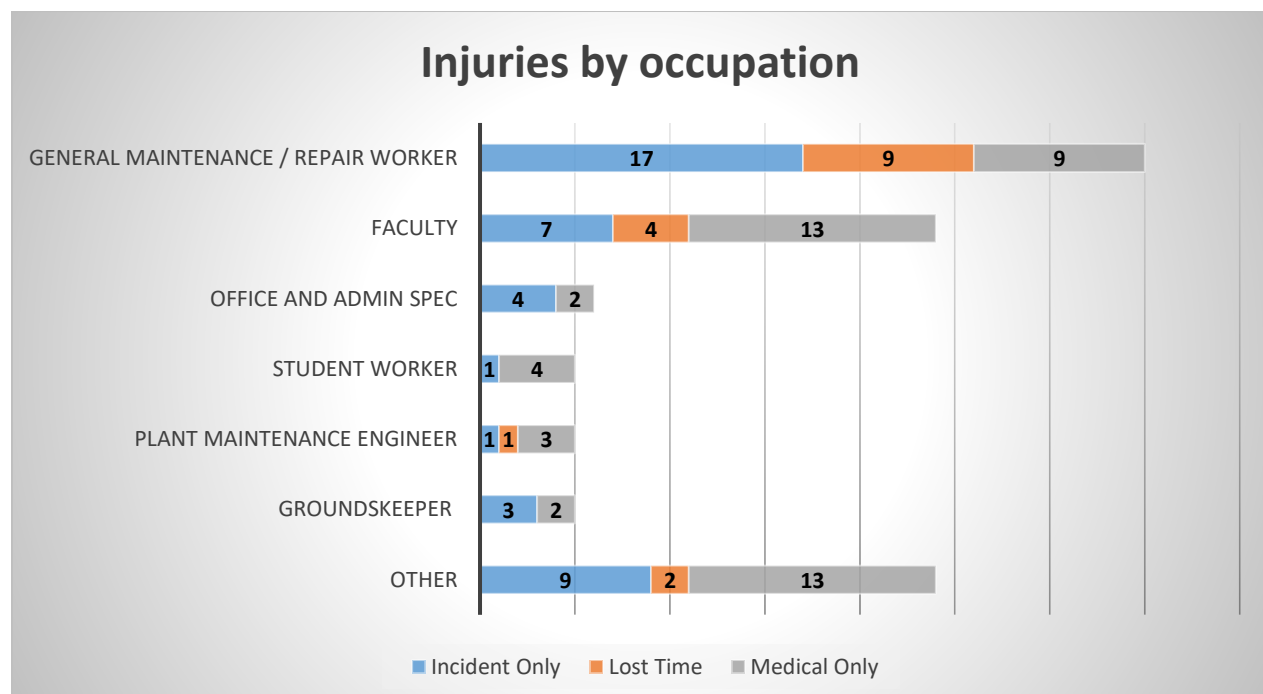
Fall injuries were the leading cause of lost work time for new injuries:



## Fall Injuries:



**General Maintenance Workers/Repair Workers continues to be the occupation where most injuries occurs. Student worker injuries have dropped dramatically, from 9 in the first quarter of FY 19 to 5 in the second quarter.**



# THE CLERY ACT - A COMPLIANCE TIMETABLE

WHAT TO DO	WHEN TO DO IT
<b>Have emergency notification and evacuation procedures</b> for alerting the campus community about significant emergencies or dangerous situations. Disclose your policies and procedures in the annual security report.	Use emergency notification procedures whenever there is an immediate threat to the health or safety of students or employees on campus.
<b>Issue timely warnings</b> to alert the campus community about crimes that pose a serious or continuing threat to safety.  Disclose your policy in the annual security report.	Issue a warning whenever there is a threat that a crime is ongoing or may be repeated.
<b>Keep a crime log</b> that records, by date reported, all crimes reported to the campus police or security department (a)	Update your log within two business days of the crime report. Make the log available to the public during business hours.
<b>Keep a fire log</b> that records, by date reported, all fires in on-campus student housing facilities. (b)	Update your log within two business days of the fire report. Make the log available to the public during business hours.
<b>Collect crime reports from campus security authorities</b> within the institution.	Identify campus security authorities at the beginning of the calendar year and collect crime reports on an ongoing basis.
<b>Request crime statistics from local law enforcement</b> in the jurisdiction where the institution is located.	Make a request annually, ideally at the beginning of the calendar year.
<b>Submit crime and fire statistics to ED</b> via a Web-based data collection. (b)	Submit statistics each fall, by the dates provided by ED in a letter to your institution sent each year in July.
<b>Have missing student notification procedures</b> to aid in determining if a student is missing and in notifying law enforcement personnel. Disclose your policy and procedures in the annual security report. (b)	Follow required procedures whenever a student is determined to have been missing for 24 hours. Offer students the opportunity to register a contact annually.
<b>Publish an annual security report</b> containing campus security policy disclosures and crime statistics for the previous three years.	Publish and distribute your report or provide a notice of its availability annually by Oct. 1.
<b>Publish an annual security report</b> containing policy disclosures and fire statistics for on-campus student housing facilities for the previous three years. (b)	Publish and distribute your report or provide a notice of its availability annually by Oct. 1.

**a** The crime log is mandatory for all institutions that maintain a campus police or security department.

**b** The fire log, annual fire safety report, disclosure of fire statistics and missing student notification procedures are mandatory for any institution that has an on-campus student housing facility.

# DID YOU KNOW?

## Take the Clery Act Quiz

Read the statements below then circle all that apply.

**1. The College/University is required to report annual crime statistics to the State Department of Education by October 1st of each year.**

True or False

**2. As a Campus Security Authority (CSA), I am required to report any crimes or incidents to police/public safety/security which are brought to my attention that:**

a. Occurred on campus or college property

b. Occurred at a bar downtown

c. Occurred on a branch campus

**3. If the victim wants to remain anonymous, I do not have to report the crime.**

True or False

**4. The CSA should try to find the person responsible for the crime.**

True or False

**5. As a CSA, I should try to convince or force the victim to report the crime to the police/public safety/security so the perpetrator can be held accountable.**

True or False

**6. As a CSA, I must record crimes/incidents and report them using the Crime/Incident Reporting Form.**

True or False

**7. The crime definitions used to report crimes are taken from our local and state laws and statutes.**

True or False

**8. As a CSA, I should first determine whether a crime has been committed before I report it.**

True or False.

**Answers on the following page.**

## Clery Act Quiz – ANSWER KEY

**1. The College/University is required to report annual crime statistics to the State Department of Education by October 1st of each year.**

False. The annual security report must be submitted to the U.S. Department of Education.

**2. As a Campus Security Authority (CSA), I am required to report any crimes or incidents to police/public safety/security which are brought to my attention that:**

a. Occurred on campus or college property

c. Occurred on a branch campus

**3. If the victim wants to remain anonymous, I do not have to report the crime.**

False. You still need to report the crime without identifying the victim.

**4. The CSA should try to find the person responsible for the crime.**

False. The CSA should not try to apprehend the perpetrator. That is the responsibility of law enforcement.

**5. As a CSA, I should try to convince or force the victim to report the crime to the police/public safety/security so the perpetrator can be held accountable.**

False. The CSA should not convince or force the victim to file a report.

**6. As a CSA, I must record crimes/incidents and report them using the Crime/Incident Reporting Form.**

True

**7. The crime definitions used to report crimes are based on definitions from local/state laws and statutes.**

False. The crime definitions are based on the Federal Bureau of Investigation's (FBI's) Uniform Crime Reporting Handbook (UCR). For sex offenses only, use definitions from the FBI's National Incident-Based Reporting System (NIBRS) edition of the UCR. Classify hate crimes according to the FBI's Uniform Crime Reporting Hate Crime Data Collection Guidelines and Training Guide for Hate Crime Data Collection.

**8. As a CSA, I should first determine whether a crime has been committed before I report it.**

False. The CSA serves only as a reporter. Determining whether a crime has been committed is the responsibility of law enforcement.