

Director's Corner

Bart Pickelman, CIH, Director



In case you hadn't noticed, [MIOSHA's website](#) has a new look! MIOSHA was one of several state departments and agencies to have recently launched a refreshed website. The enhanced site is part of a broader State of Michigan effort to modernize its website content management system and prioritize ease of access to

government services for all Michiganders.

In our case, that meant making our website more user-friendly for Michigan's employers and employees, which directly ties into MIOSHA's Strategic Plan goal 3.4: Use information technology (IT) to better deliver MIOSHA services. As part of this goal, we are working actively to enhance web and mobile applications to improve the delivery of critical workplace health and safety information and services.

We participated in an extensive user-experience project to ensure our site structure was set up in a way that best serves those coming to our site – whether you're searching for [safety and health standards](#), seeking [free consultative assistance](#) or looking to participate in one of our [cooperative and recognition programs](#) to make a measurable, positive impact on workplace safety.

Read the Michigan Department of Technology, Management and Budget's [press release](#) to learn more about this statewide project, and be sure to visit our website to help you find valuable resources to protect the health and safety of everyone in your workplace: www.michigan.gov/miosha.

New Year. New Look.

Easier access to government services for all Michiganders



A 20-year Legacy of Success: The MIOSHA/UAW/Ford Motor Partnership

Robert Atkins, Safety Consultant, Consultation Education and Training (CET) Division

March 2022 marked the 20-year anniversary of the first partnership agreement between Ford Motor, Visteon Corp, the United Auto Workers (UAW) and MIOSHA. The goal of the original agreement and all subsequent agreements is to provide employees a safe and healthy workplace, and reduce worker injuries and illnesses. This is achieved through a partnership based on mutual respect and trust, while leveraging all parties' resources.

The seeds of this longstanding partnership were planted in 2000, soon after Ford, the UAW and federal OSHA signed a partnership agreement with the same goal: to increase worker safety. The production facilities covered by this OSHA agreement were all located within federal OSHA enforcement states. It was the first of its kind between an automotive manufacturer, a union and the federal government. Ford/UAW then approached MIOSHA, proposing a partnership agreement that would cover 17 Ford and Visteon manufacturing facilities. Visteon is a corporation that was created in 2000, when Ford spun off parts of manufacturing plants to reduce costs. In 2005, Visteon sold specific facilities back to Ford and these facilities became Automotive Components Holdings, LLC (ACH-LLC).

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A 20-year Legacy of Success: The MIOSHA/UAW/Ford Motor Partnership (continued)

Robert Atkins, Safety Consultant, CET Division

Over the years, most ACH facilities were sold off or closed, with two reverting back to Ford. The original partnership agreement was established between Ford, Visteon, UAW and MIOSHA. In later agreements, Visteon was replaced with ACH. Once all the ACH facilities were sold, closed or absorbed by Ford, ACH was dropped from the partnership agreement. The Visteon and ACH employees remained Ford employees for UAW representation purposes. A steering committee, made up of representatives from all involved parties, was formed to create the partnership agreement. A 10-person MIOSHA implementation team developed a plan to execute the partnership, including Consultation Education and Training (CET) Division Director Nella Davis-Ray. The plan contained an 11-point set of guidelines that focused on hazards inherent to the automotive industry. The agreement was signed March 22, 2002, updated in 2003 and ran for three years until 2006.

With the federal OSHA and MIOSHA partnerships both in place, Ford-Visteon/UAW focused on improving employee safety in their facilities. Ford and the UAW have a long cooperative history dating back to the early 1970s concerning worker safety. Following the River Rouge explosion in 1999, safety became an even greater priority. The partnership allowed an approach that was focused more on situations causing injuries rather than the traditional wall-to-wall inspection approach of past federal OSHA/MIOSHA interactions with Ford. MIOSHA became a partner with Ford/UAW in root cause solutions to safety issues.

The 2003-2006 agreement was renewed in 2007 and again for a third time in 2011. The 2011 agreement was unique; it was the first agreement that combined the federal OSHA partnership agreement with the MIOSHA partnership agreement. Subsequent partnership agreements have not been combined. The Ford/UAW/OSHA agreement was concluded in 2015.

The benefits of the partnership agreements and Ford/UAW's safety initiatives were impressive. An annual report that evaluated Total Case Incident Rates (TCIR) and Days Away/Restricted and Transfer (DART) rates from 2002 to 2010 documented the following:

- 60.71% TCIR and 83% DART rate reductions in vehicle operations
- 51.8% TCIR and 68% DART rate reductions in power trains
- 38% TCIR and 56% DART rate reductions among parts distribution centers
- 49% TCIR and 46.33% DART rate reductions among ACH/Visteon

Ford/UAW continued the drive for safety improvement in 2008 with the start of safety chartering. The initiative resulted in the creation of Ford's Safety Operating System (SOS), modeled after their Quality Operating System. SOS is an expansion of their existing safety and health system. The SOS system became a major component of subsequent editions of the partnership with MIOSHA.

[MIOSHA's CET Division](#) has been the lead division for partnership activities with enforcement division personnel assisting by participating in MIOSHA Day visits of each facility. The MIOSHA Day visits have been the primary tool for the partnership to verify the efforts at each facility. These visits allow for the examination of injury and illness records, and discussions concerning safety initiatives using Ford's SOS system. A plant floor walk caps off these verification efforts. Although enforcement follow-up on specific issues or situations is a component of the partnership agreement, it has never been necessary to utilize these actions.

The current and sixth partnership agreement was signed February 25, 2020. Soon after, restrictions on plant visits were put in place due to the COVID-19 pandemic. This severely restricted partnership verification activities.

"Few have shown as enduring a commitment to workplace safety and health as our partners at Ford Motor and the UAW."

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A 20-year Legacy of Success: The MIOSHA/UAW/Ford Motor Partnership (continued)

Robert Atkins, Safety Consultant, CET Division

In the first 15 months of the agreement, only two virtual MIOSHA Day visits were held. With 20 sites part of the current four-year agreement, this did not bode well for the success of the partnership. When restrictions on site visits were lifted in June 2021, a flurry of activity by all involved in the partnership ensued — six MIOSHA Day site visits were completed by the end of December 2021, essentially catching up the partnership.

The partnership steering committee has planned visit dates for the rest of the facilities included in the partnership that would allow for all sites to be visited by the conclusion of the partnership in December 2023.

The tracking of TCIR and DART rates to measure the success of the partnership has continued. For example, compared to 2010 data, the Sterling Axle Plant saw a 55.5% drop in TCIR and a 34.5% drop in DART. Livonia Part Distribution Center's TCIR and DART numbers have dropped to zero.

“As organizations strive to create safer workplaces in complex environments, there is an ever-increasing value in positive collaborations,” said Sean Coughlin, UAW assistant director, National Ford Department Health and Safety. “Our partnerships with regulatory agencies such as MIOSHA offer an expanded system view that enables broader opportunities to advance workplace safety. The benefits of best practice sharing, the transfer of various knowledge and experiences, and a fresh eye view help set the stage for increased worker protections. We look forward to a continued positive partnership.”

MIOSHA was the first state plan to sign a partnership agreement with Ford/UAW and the only state plan to renew their agreement (partnership agreements were signed in Minnesota in 2004, Indiana in 2006 and Kentucky in 2007).

“The value of the partnership between MIOSHA and the UAW-Ford continues to grow, both within the spirit of the agreement and the overall benefit to all three organizations,” said Ford Director of Global Safety Wendy Burkett.

MIOSHA's agreement has also outlasted the original federal OSHA partnership agreement that ran from 2000 to 2015.

“Employers' voluntary efforts play a vital role in eliminating serious hazards and elevating the safety and health of all Michigan workers,” said MIOSHA Director Bart Pickelman. “Yet, few have shown as enduring a commitment to workplace safety and health as our partners at Ford Motor and the UAW. We commend them for continuing to partner with us to achieve a significant and measurable reduction in workplace deaths, injuries and illnesses and we look forward to many more years of partnership.”

The strong spirit of cooperation and dedication that exists today between the UAW, Ford Motor and MIOSHA promises the partnership agreement will be renewed in 2023, helping to ensure worker safety as the automotive industry transitions to new electric vehicle technology. In the last 20 years, the automotive industry has undergone tremendous changes and transitions, yet the partnership has endured as an important component in the significant improvements in worker safety and health.

The MIOSHA Training Institute (MTI) Introduces Two New Health Courses

Gloria Keene, MTI Program Coordinator, CET Division

MIOSHA is pleased to announce the addition of two new occupational health courses to its premier workplace safety and health training list!

In July 2022, MIOSHA will add a new MTI health course, “Silica Awareness,” to the Occupational Health Certificate Program. This half-day course is designed for every supervisor, laborer, manager or owner performing Michigan's construction and general industry activities.

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MTI *(continued)*

Gloria Keene, MTI Program Coordinator, CET Division

Participants will learn how to recognize and prevent health hazards relative to silica exposures within the workplace. The course utilizes resources from MIOSHA and federal OSHA to explain how to control exposure to respirable crystalline silica in places of employment through work practices, engineering controls and respiratory protection.

“The Fundamentals of Industrial Hygiene” is another brand-new course available August 2022. This full-day class explains a professional industrial hygienist’s fundamental duties to assess exposures to hazardous air contaminants. A major topic covered in this class is Anticipation, Recognition, Evaluation and Control (AREC).



Participants will learn how to select an evaluation method for a given air contaminant and apply the hierarchy of controls to an air contaminant overexposure. To reinforce the learning objective, this class will also include a series of hands-on-workshop style modules that train participants on using air sampling equipment, calibration techniques and sample handling.

With the addition of these two new health courses, those seeking a certificate in Occupational Health will see some changes.

Effective March 2022, the required number of courses to complete the Occupational Health Certificate Program will change from four courses and one elective to four courses and two electives. Refer to the [Certificate Program form](#) for more details. MIOSHA will honor successful completion of designated health courses earned before these changes until March 2023.

To learn more about the MTI and what it can do for you, contact MIOSHA’s Consultation Education and Training Division at 517-284-7720, or visit www.michigan.gov/mti.

MVPP Best Practices — Dow Performance Silicones

Chase Roberts, Health and Safety Technician, Dow Auburn Site



Dow Performance Silicones plant in Auburn, MI, has been a part of the [Michigan Voluntary Protection Program](#) (MVPP) since 2008. The MVPP Star award is given to sites that have an exemplary safety and health management system with injury and illness incidence rates below the industry average for the last three years.

The Auburn Site produces advanced silicone and silicone-related products for hi-tech industries such as aerospace, electronics and automotive. If you use a computer, cell phone or drive a car, chances are you have probably used one of its products.

The values at the Auburn Site that help guide its vision and mission are sustainability, employees, technology, quality, safety, integrity and its customers. Its vision and values are what guide its path and align it with the entire Dow Corporation. Safety is a core value for Dow, and it is at the top of the list at the Auburn facility. The site reports that it has benefited from participation in the MVPP through its relationship with MIOSHA, networking with other MVPP sites and mentoring other Dow facilities. The identification of best practices is an integral part of the MVPP approval and continuous process improvement.

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MVPP Best Practices *(continued)*

Chase Roberts, Health and Safety Technician, Dow Auburn Site

Here are some of the Dow Auburn site's best practices.

PACE+ Program:

PACE+ program encourages employees and fosters a safety culture via the following: P=Make it Personal, A=Ask open-ended questions, C=Create an environment where people are free to ask questions, E=Escalate Issues and the + is for Empower — we empower our employees to stop or escalate any work that could present hazards or injury.

PACE+ is not a new concept, but Dow Auburn is placing a refreshed emphasis on the initiative as PACE+ encompasses the safety culture we are aiming to achieve. Many of our safety incidents and near misses could have been avoided if PACE+ principles had been used. There are no metrics or quotas for PACE+; rather, it's a cultural mindset that shapes how we interact daily with our teams. All influential leaders in our site help drive this by making all our interactions personal, taking the time to ask open-ended questions and truly listen to the answers, creating an environment where people are free and comfortable to ask questions and express concerns, and empowering our teams at all levels to elevate concerns without fear of negative consequences.

If we can truly engrain these guiding principles into our everyday interactions and make them part of who we are, it is our goal to make Auburn Site one of the safest and most desirable sites to work within Dow.

Pre-Task Analysis (PTA) Program:

The PTA emphasizes discussion on what the hazards are for the work task and any surrounding hazards, and asks, "What's the worst that could happen?" prior to the start and end of the job.

Behavior-based Performance (BBP) Program:

The Auburn site fully implemented the BBP in 2022. We require our influential leaders (shift activity coordinators, tech advisors, plant leader, safety team, ops leaders, etc.) to be safety observers and conduct a set amount of BBPs per month. As an observer, you are the checks and balances to ensure that personnel in the facility are conducting themselves in a safe manner and abiding by the Dow Life Critical Standards. The program accelerates the necessary behavioral changes to help us all achieve the site safety goal of being as safe as possible at work and to go home the same way we came in.

Types of observations that shall take place in the field are:

- Individuals are following the Life Critical Standards 100 percent of the time, including:
 - Safe Work Permitting (SWP)
 - Isolation of Energy (IOE)
 - Elevated Work
 - Confined Space Entry (CSE)
 - Hot Work
 - Electrical Safe Work
 - Line of Equipment Opening (LEO)
 - Hydro-blasting and Pressure Washing
- Proper PPE usage for the task (includes donning/doffing)
- Operating equipment and power tools safely
- Using and following Safe Work Permits (SWP) or procedures in the field
- Hazard recognition and mitigation (including things like hand placement, slip and fall, and ergonomics)
- Safe driving
- Job site management (housekeeping, material storage, barricades, etc.)
- Working safely in various weather conditions (thermal stress and cold)

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MVPP Best Practices *(continued)*

Chase Roberts, Health and Safety Technician, Dow Auburn Site

While in the field, the BBP Program has multiple benefits for all involved. Using the PACE+ principles when interacting with personnel supports treating others with mutual respect, building positive working relationships and a positive safety culture that we strive for. Coaching and mentoring employees on the positives and negatives during these interactions is key. Positive reinforcement is used when good safety habits are being utilized, and positive mentoring and coaching is employed when there are subpar safety habits witnessed. After the observation and interaction has taken place, the observer uploads the information gathered into the electronic BBP tool. Compiling this data allows our site leadership and health and safety team to determine where our strengths are and where we may be lacking. As a result, we can leverage best practices for the rest of our Auburn site and other Dow sites. The areas that we need to strengthen are documented and allow us to escalate it to the proper personnel to work on engineering solutions.

Dow continues its core principles of Life Critical Standards and Drive to Zero for injuries and events, with a focus on continuous improvement and the commitment that each employee goes home in the same, safe condition they arrived.

Significant Case Study — Machine Guarding and Lockout

Amanda Bartlett, Acting Safety Supervisor, General Industry Safety and Health Division (GISHD)

MIOSHA's GISHD investigated an employee complaint at an industrial salt manufacturer in June 2020. The company manufactures various products for consumer and industrial use, such as culinary salts and water softening salts and utilizes hydraulic presses, conveyors and power transmission components in the manufacturing process.

The complaint alleged multiple employee injuries, guarding deficiencies and recordkeeping inadequacies. Additionally, the complaint alleged an employee was directed to operate a hydraulic press without proper safeguards, resulting in injury. As a result of the MIOSHA investigation, the complaint allegations were substantiated and four serious, four willful-serious and four other-than-serious citations were issued.

The following MIOSHA rules were cited pertaining to the investigation:

1910.23(b)(11) [GI Part 2, Walking-Working Surfaces](#): The employer must ensure each employee faces the ladder when climbing up or down it.

408.12316(a) [GI Part 23, Hydraulic Presses](#): The employer shall use dies or operating methods, or both, designed to control or eliminate hazards to operating personnel.

408.12321(1) [GI Part 23, Hydraulic Presses](#): Where operator exposure exists, a press shall be equipped and operated with a point of operation guard or a point of operation protection device for every press operation performed, except where the point of operation is limited to an opening of 1/4 inch or less.



Significant Case Study *(continued)*

Amanda Bartlett, Acting Safety Supervisor, GISHD

408.12369(1) [GI Part 23, Hydraulic Presses](#): A die setting procedure shall be established that will:

- (a) [Insure](#) that enclosure guards or protective devices are used and properly installed prior to production, and
- (b) Require the die setter or authorized personnel to ascertain that all point of operation safety devices are effective before releasing the press for operation.

408.12371 [GI Part 23, Hydraulic Presses](#): Before starting work on a press and before starting work on an operation with which the operator is not familiar, he shall be carefully instructed in that particular operation and in the safe method of work.

408.12373 [GI Part 23, Hydraulic Presses](#): The employer shall establish and follow a program of periodic and regular inspections of his presses to insure that all their parts, auxiliary equipment, and safeguards are in a safe operating condition and adjustment. The employer shall maintain records of these inspections and the maintenance work performed.

1910.147(c)(4)(i) [GI Part 85, The Control of Hazardous Energy Sources](#): Procedures shall be developed, documented and utilized for the control of potentially hazardous energy when employees are engaged in the activities covered by this section.

1910.147(c)(6)(i) [GI Part 85, The Control of Hazardous Energy Sources](#): The employer shall conduct a periodic inspection of the energy control procedure at least annually to ensure that the procedure and the requirements of this standard are being followed.

1910.147(c)(7)(i)(A) [GI Part 85, The Control of Hazardous Energy Sources](#): Each authorized employee shall receive training in the recognition of applicable hazardous energy sources, the type and magnitude of the energy available in the workplace, and the methods and means necessary for energy isolation and control.

408.22112c(1) [ADM Part 11, Recording and Reporting of Occupational Injuries and Illnesses](#): When an injury or illness involves restricted work or job transfer but does not involve death or days away from work, you must record the injury or illness on the MIOSHA 300 Log by placing a check mark in the space for job transfer or restriction and an entry of the number of restricted or transferred days in the restricted workdays column.

408.22135(3)(c) [ADM Part 11, Recording and Reporting of Occupational Injuries and Illnesses](#): When an employee, former employee, personal representative, or authorized employee representative asks for copies of your current or stored MIOSHA 300 Log or Logs for an establishment the employee or former employee has worked in, you must give the requester a copy of the relevant MIOSHA 300 Log or Logs by the end of the next business day.

408.22140(1) [ADM Part 11, Recording and Reporting of Occupational Injuries and Illnesses](#): Basic requirement. When an authorized government representative asks for the records you keep under these rules, you must provide copies of the records within 4 business hours.

High-hazard Industry — Outcome of a Contested Asbestos Inspection

Nikilia “Nikki” Clark, Industrial Hygienist Supervisor, Construction Safety and Health Division (CSHD)

In July 2015, a licensed asbestos abatement contractor (contractor) was hired by a general contractor (GC) to perform interior demolition at multiple worksites. Originally, the contractor was to perform demolition of building materials that did not contain asbestos. Eventually, the scope of the contractor’s work changed, and they were paid to demolish asbestos containing drywall joint compound material (DJCM).

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High-hazard Industry *(continued)*

Nikilia “Nikki” Clark, Industrial Hygienist Supervisor, CSHD

Prior to the start of the work, the contractor was provided a copy of the project’s asbestos building survey report, and the contractor received an email from the GC that warned the asbestos abatement work was to be performed with relevant MIOSHA safety and health protocols implemented. As the work began, an onsite supervisor expressed concern to the contractor about performing demolition of asbestos containing materials (ACM) without the required safety and health protocols being implemented. An employee filed a complaint with MIOSHA related to concerns about the work activities.

On July 8, 2015, MIOSHA inspected two of the contractor’s jobsites. These jobsites were approximately one mile apart. The inspections confirmed that asbestos containing DJCM was being removed by the contractor’s employees, and required safety and health protocols were not implemented.

On Oct. 19, 2015, MIOSHA concluded the contractor willfully ignored safety and health protocols during the work operation, and issued penalties totaling \$110,000 at jobsite No. 1 and penalties totaling \$160,000 at jobsite No. 2. The contractor appealed the citations as issued.

A hearing before an Administrative Law Judge (ALJ) convened, beginning on Feb. 26-28, 2018, and convened again on Jan. 7-9, 2019. In May 2019, the ALJ issued a decision that found all the citations issued were serious, not egregious/willful and combined the two inspections into one with a total penalty of \$3,400. MIOSHA filed exceptions to the ALJ’s decision to the Board of Health and Safety Compliance and Appeals (the Board).

At the Sept. 27, 2019 Board meeting, the following documents were reviewed: the ALJ’s decision, MIOSHA’s exceptions and the contractor’s responses. The Board concluded MIOSHA correctly classified the violations as “willful serious” because the contractor exhibited plain indifference to known asbestos exposure at the worksites. The Board upheld the ALJ’s decision to group the citations and indicated the contractor was to pay a total penalty of \$28,600.

On Jan. 9, 2020, MIOSHA appealed the case to the Circuit Court. MIOSHA argued the ALJ’s consolidation of the citations and violations were in excess of its authority. The contractor cross-appealed the Board’s decision to reinstate the “willful serious” violation status.

On Nov. 10, 2021, the Circuit Court issued a final decision on the case based on a review of the record. The Circuit Court determined the “... Board’s decision to upgrade the violations from serious to willful serious was based on material, competent and substantial evidence in the record. Accordingly, the Court dismissed both MIOSHA’s appeal and (the Contractor’s) cross-appeal.” The Circuit Court decision/order states it “disposes of the last pending claim and closes this case.” Therefore, the decision of the Board is final order. The two inspections and citations were combined, the citations were classified as willful and the total penalty was \$28,600.

Partnerships, Alliances and Awards

Tanya Baker, Communications Specialist, CET Division

New Alliance to Promote Workplace Safety and Health Helps Protect Employees from Airborne Contaminants



MIOSHA and the Michigan Industrial Ventilation Conference (MIVC) have joined forces to help more workers involved in industrial ventilation practices reduce and prevent exposure to airborne contaminants in the workplace. The two partners signed a formal alliance agreement seeking to raise awareness of MIOSHA's rulemaking and enforcement initiatives pertaining to airborne contaminants, while bolstering education, outreach and training to protect more working Michiganders across a wide range of industries. Read the full [press release](#) to learn more.

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Partnerships, Alliances and Awards

Tanya Baker, Communications Specialist, CET Division

Two GE Aviation Plants Receive Michigan Voluntary Protection Program (MVPP) Recertification



GE Aviation's Latimer and Norton Shores Plants recently received recertification of the MVPP Star Award — MIOSHA's highest workplace safety and health award. Both facilities were recognized for implementing worker protections beyond MIOSHA requirements and maintaining injury and illness incidence rates below the industry average for the last three years.

"While we always strive for manufacturing excellence and to support our customers, there is nothing more important than the safety of our team," said GE Aviation Muskegon President Andy Brown. "We are grateful to everyone who helps us accomplish this on a daily basis. The MVPP helps us to ensure that safety is everyone's responsibility through active participation in safety programs. I want to thank MIOSHA for their continued partnership allowing our employees to share and learn from other sites."

The Latimer Plant located in Muskegon earned its first MVPP Star Award in 2003 and was awarded continued Star status for the fourth time in late 2021. The Norton Shores plant was awarded its first Star Award in 2004 and received its fifth recertification in late 2021.

GE Aviation, an operating unit of GE, is a world-leading provider of jet and turboprop engines, as well as integrated systems for commercial, military, business and general aviation aircraft.

Standards Update

Shannon Matsumoto, Manager, Standards and FOIA Section, Technical Services Division (TSD)

Standards in Progress

GI Part 74. Firefighting

The current rules are being revised to adopt by reference National Fire Protection Association (NFPA) standard 1403, establishing requirements for live fire training.

Due to other legislation, the Michigan Occupational Safety and Health Act, Act 154 of 1974 was amended to require the Director of Labor and Economic Opportunity to promulgate rules regarding a firefighter's use of firefighting foam concentrate containing a perfluoroalkyl or polyfluoroalkyl substance (PFAS).

The Public hearing was held April 5, 2022, in Lansing, Michigan. For meeting information, visit our [website](#).

Check the [MIOSHA standards web page](#) for final versions once they are promulgated and in effect.

Variances

Variances from MIOSHA standards are available to the public in accordance with Administrative Standards for All Industries, Part 12. Variances (R408.22201 to 408.22251). MIOSHA variances are published on the MIOSHA website: michigan.gov/mioshavariances.



Mission:

To Protect the Safety
and Health of
Michigan Workers.

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