
MIOSHA

Michigan Occupational Safety and Health Administration (MIOSHA)
Department of Labor and Economic Opportunity (LEO)

AGENCY INSTRUCTION

DOCUMENT IDENTIFIER:

MIOSHA-COM-20-7

DATE:

November 16, 2020

SUBJECT: COVID-19 Construction – State Emphasis Program (SEP)

- I. Purpose. This instruction establishes a state emphasis program (SEP) to ensure construction employers are protecting workers from severe acute respiratory syndrome coronavirus 2 (SARS-CoV-2) which causes coronavirus disease 2019 (COVID-19).
- II. Scope. This instruction applies to the Consultation Education and Training (CET) Division and the Construction Safety and Health Division (CSHD).
- III. References.
 - A. Agency Instruction MIOSHA-SHMS-20-1, [COVID-19 Preparedness and Response Plan for MIOSHA Staff](#), as amended.
 - B. Agency Instruction MIOSHA-COM-20-2, [Coronavirus Disease 2019 \(COVID-19\) – Interim Enforcement Plan](#), as amended.
 - C. Agency Instruction MIOSHA-STD-05-2, [Recording and Reporting of Occupational Injuries and Illnesses](#), as amended.
 - D. Division Instruction CSHD-COM-09-1, [Construction Inspection Targeting](#), as amended.
 - E. [MIOSHA Field Operations Manual \(FOM\)](#), as amended.
 - F. MIOSHA [Emergency Rules for Coronavirus Disease 2019 \(COVID-19\)](#).
 - G. MIOSHA Safety and Health Standard Part 11. /R408.22101 et seq., [Recording and Reporting of Occupational Injuries and Illnesses](#).
 - H. Occupational Safety and Health Administration (OSHA), [Guidance on Preparing Workplaces for COVID-19](#).
 - I. OSHA Enforcement Memo, [Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 \(COVID-19\), May 19, 2020](#).
 - J. US Centers for Disease Control and Prevention (CDC), Coronavirus Disease 2019 (COVID-19), [Guidance Documents](#), webpage, as amended.
- IV. Distribution. MIOSHA Staff; Federal OSHA; S-drive Accessible; MIOSHA Messenger; and Internet Accessible.
- V. Next Review Date. This instruction will be reviewed on February 8, 2021.
- VI. Contact. [Nella Davis-Ray](#), Director, CET, and [Lawrence Hidalgo Jr.](#), Director, CSHD
- VII. Originator. Barton G. Pickelman, Director
- VIII. Background. Work by its nature removes people from the confines and relative safety of their homes to interact with others, including coworkers, who may be carrying the SARS-

- CoV-2. Employees who come in contact with large numbers of people as a result of their employment are at elevated risk of infection. This SEP will increase MIOSHA's presence on construction worksites to ensure workers are protected from SARS-CoV-2.
- IX. Targeting. CSHD will develop a targeted list of construction worksites using a list of active construction projects from the latest Dodge database (see CSHD-COM-09-1, [Construction Inspection Targeting](#)).
- X. Enforcement Activities. Investigations under this SEP will be conducted by either a Safety Officer (SO) or an Industrial Hygienist (IH) from the CSHD. The SO/IH shall utilize the policies and procedures set forth in MIOSHA-SHMS-20-1 [COVID-19 Preparedness and Response Plan for MIOSHA Staff](#) to protect themselves from the potential hazards that may be encountered during such inspections.
- XI. Inspection Procedures.
- A. General. The SO/IH shall utilize the inspection policies and procedures set forth in MIOSHA-COM-20-2, [Coronavirus Disease 2019 \(COVID-19\) – Interim Enforcement Plan](#).
- B. Scope. The scope of the inspection will be partial. COVID-19 will be the hazard addressed including review of the establishment's COVID-19 preparedness and response plan.
- C. Standard of Evaluation. The SO/IH shall evaluate the employer's compliance with existing MIOSHA standards along with the MIOSHA [Emergency Rules for Coronavirus Disease 2019 \(COVID-19\)](#). See [Appendix A](#) for a list of inspection resources as of the date of issuance of this instruction.
- D. Employee Interviews. The SO/IH shall interview employees in accordance with the [MIOSHA FOM](#).
- E. Citations. Citations can be issued for a violation of the emergency rules and applicable MIOSHA standards. The IH/SO will follow the citation procedures outlined in the Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan, and applicable MIOSHA standards in line with the MIOSHA FOM.
- F. Recordkeeping. The SO/IH shall evaluate the employer's compliance with [Part 11](#), Recording and Reporting of Occupational Injuries and Illnesses. To determine if any employee illnesses have occurred due to occupational exposure to SARS-CoV-2, the SO/IH shall speak to management representatives, interview employees, and review the employer's occupational illness records. If the SO/IH determines that illnesses from such exposures are not being properly recorded, the citation guidance in MIOSHA-STD-05-2, [Recording and Reporting of Occupational Injuries and Illnesses](#), as amended, and OSHA Enforcement Memo, [Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 \(COVID-19\)](#) shall be followed.
- XII. OSHA Information System (OIS) Coding. IHs will use the OIS code **N 16 COVID-19** to track all enforcement activities related to COVID-19. In addition, all enforcement

activities conducted under this SEP shall be coded with the SEP code “**COVID-19 CONSTRUCTION**”. On the Inspection tab, on the Inspection Type subtab, IHs will:

- A. Select “Programmed Planned” from the Initiating Type drop down menu.
 - B. Select “**COVID-19 CONSTRUCTION**” from the State Emphasis Program drop down list.
 - C. Select “**CONSTRUCTION**” from the Primary Emphasis Program drop down list.
 - D. Select “Health” from the Inspection Category option.
 - E. Select “Partial” from the Scope of Inspection drop down list.
 - F. Click on “Add from Reference” and select **N 16 COVID-19** Response activities related to COVID-19 Coronavirus.
- XIII. Outreach Activities. The CET Division will use outreach activities as an opportunity to raise awareness among employers, employees, and safety and health professionals to the requirements for COVID-19. These activities will include the development of a fact sheet, a press release, Gov Delivery announcement of the SEP, and a webinar. The outreach plan can be found in [Appendix B](#).

Appendix A

Inspection Resources

Statutes

- Michigan Occupational Safety and Health Act, Act 154 of 1974, Section 11(a) – general duty clause

MIOSHA Regulations

- Safety and Health Standard Part 11. /R408.22101 et seq., Recording and Reporting of Occupational Injuries and Illnesses.
- General Industry Safety and Health Standard Part 33. /R408.13301 et seq., Personal Protective Equipment.
- General Industry Safety and Health Standard Part 433. /R325.60001 et seq., Personal Protective Equipment.
- Occupational Health Standard Part 451. /R1910.134 et seq., Respiratory Protection.

MIOSHA Emergency Rules

- MIOSHA Emergency Rules, Coronavirus Disease 2019 (COVID-19)

Agency Instructions

- MIOSHA-SHMS-20-1, COVID-19 Preparedness and Response Plan for MIOSHA Staff, as amended
- MIOSHA-COM-20-2, Coronavirus Disease 2019 (COVID-19) – Interim Enforcement Plan, as amended
- MIOSHA-STD-05-2, Recording and Reporting of Occupational Injuries and Illnesses, as amended
- MIOSHA-STD-8-1, Personal Protective Equipment (PPE) Standard
- MIOSHA-STD-15-1, Respiratory Protection Standard, Part 451, Enforcement Policies

OSHA Guidance

- Guidance on Preparing Workplaces for COVID-19, 2020

OSHA Enforcement Memos

- Expanded Temporary Enforcement Guidance on Respiratory Protection Fit-Testing for N95 Filtering Facepieces in All Industries During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 8, 2020
- Enforcement Guidance for Use of Respiratory Protection Equipment Certified under Standards of Other Countries or Jurisdictions During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 3, 2020
- Enforcement Guidance on Decontamination of Filtering Facepiece Respirators in Healthcare During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 24, 2020
- Discretion in Enforcement when Considering an Employer's Good Faith Efforts During the Coronavirus Disease 2019 (COVID-19) Pandemic, April 16, 2020
- Enforcement Guidance for Respiratory Protection and the N95 Shortage Due to the Coronavirus Disease 2019 (COVID-19) Pandemic, April 3, 2020
- Revised Enforcement Guidance for Recording Cases of Coronavirus Disease 2019 (COVID-19), May 19, 2020
- Temporary Enforcement Guidance - Healthcare Respiratory Protection Annual Fit-Testing for N95 Filtering Facepieces During the COVID-19 Outbreak, March 14, 2020
- Updated Interim Enforcement Response Plan for Coronavirus Disease 2019 (COVID-19), May 19, 2020

CDC Guidance – Webpage

- Coronavirus Disease 2019 (COVID-19), [Guidance Documents](#), webpage

CDC Guidance – Businesses (General)

- Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020 (5/5/20)
- Interim Guidance for Implementing Safety Practices for Critical Infrastructure Workers Who May Have Had Exposure to a Person with Suspected or Confirmed COVID-19 (4/20/20)
- Testing Strategy for Coronavirus (COVID-19) in High-Density Critical Infrastructure Workplaces after a COVID-19 Case Is Identified (6/13/20)
- General Business Frequently Asked Questions (5/3/20)

CDC Guidance – Personal Protective Equipment

- Decontamination and Reuse of Filtering Facepiece Respirators (4/9/20)
- Healthcare Supply of Personal Protective Equipment (3/14/20)
- Personal Protective Equipment When Caring for COVID-19 Patients (4/3/20)
- Release of Stockpiled N95 Filtering Facepiece Respirators Beyond the Manufacturer-Designated
- Shelf Life: Considerations for the COVID-19 Response (3/19/20)

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- Strategies for Optimizing the Supply of Eye Protection (3/17/20)
- Strategies for Optimizing the Supply of Facemasks (3/17/20)
- Strategies for Optimizing the Supply of Isolation Gowns (3/17/20)
- Strategies for Optimizing the Supply of N95 Respirators (4/22/20)
- Use Personal Protective Equipment When Caring for Patients with Confirmed or Suspected COVID-19 (4/8/20)
- Using Personal Protective Equipment (PPE) (4/3/20)

Appendix B
INITIATIVE OUTREACH PLAN

Name of Initiative: COVID-19 Construction – State Emphasis Program (SEP)

Initiative Liaison: Jim Getting **Telephone:** (517) 284-7720 **Date Submitted:** 11/4/2020

Check all that Apply: New/Revised Standard New Targeted Industry New Targeted Hazard

Divisions Involved (Check all that applies): Administration Appeals CETD
 CSHD GISHD TSD

Lead Division: CET Division

Purpose/Scope: The purpose of the SEP is to minimize or eliminate employee exposures to SARS-COV-2 (severe acute respiratory syndrome coronavirus 2) which causes coronavirus disease 2019 (COVID-19). The SEP will target construction establishments (NAICS 23). The outreach plan identifies CET activities that will be completed from November 9, 2020, to the expiration date of the SEP. These activities will educate MIOSHA staff, as well as employers and employees in the State of Michigan, about the new SEP. The outreach program will inform MIOSHA staff, employers, and employees of the requirements under the MIOSHA Emergency Rules for Coronavirus Disease 2019 (COVID-19) that apply to construction establishments. The outreach will be conducted concurrently with any SEP-related COVID-19 inspections.

1. **Policy/Procedure** **New or revised MIOSHA policies, procedures, instructions or interpretations.** MIOSHA, CSHD is finalizing an Instruction on COVID inspection procedures. MIOSHA staff will need training on the new policies and procedures.

2. **Communication** (Check all that apply.)
 - Press Release**
 - MIOSHA News** – CETD and/or CSHD will author one articles for the MIOSHA News after the SEP is final.
 - MIOSHA Website** – CETD will review current COVID resources for the construction industry (https://www.michigan.gov/leo/0,5863,7-336-100207_101283---,00.html) and update resources as needed. Review and updates will include MIOSHA and Federal OSHA resources (ex. MIOSHA and OSHA enforcement policies, employee training programs, sample exposure control plans, fact sheets and FAQs).
 - MIOSHA Messenger** – When SEP is effective it will be announced to MIOSHA staff.
 - GovDelivery Message** – When SEP is effective it will be announced to our subscribers. Agency webmaster will work with the outreach liaison for input on the message.
 - Social Media** - When SEP is effective it will be announced to our Facebook & Twitter subscribers.
 - Other** - Include information on no-cost On-site Consultation services in communications.
 - MIOSHA Messenger** – When SEP is effective, announcement will be made to MIOSHA staff.

- GovDelivery Message** – When SEP is effective, CETD will draft announcement to our subscribers.
- Social Media** – When SEP is effective, CETD will post announce to our subscribers.
- Other** – Include information on no-cost on-site consultation services in messaging in communications.

3. Educational Resources (Check all that apply.)

- Promote existing DVDs in lending library and available for MIOSHA staff use.
- New reference materials for MIOSHA staff use.
- New or revised MIOSHA publications/fact sheets. Review existing resources, generate fact sheet for Construction on Controlling Exposures to COVID as needed.
- New or revised MIOSHA presentations/training. Review existing presentation and revise as needed.
- Other

4. Outreach Activities (Check all that apply.)

- Develop, revise, and conduct training program. Liaison to generate construction-facing training on competent person responsibilities and best practices for compliance. Assign GI-facing competent person training and best practices to CET staff.
- Targeted consultation. CET IH staff to receive “warm-call” list to offer targeted consultations.
- Alliances/partnerships with impacted organizations.
- Contact all construction alliance partners.
- Letters to target industries – Informing them of CET services, make them aware of the SEP.
- Targeted enforcement – As specified in SEP.
- No outreach activities needed.

5. Data Generated (Check all that apply.)

- Number of training seminars conducted.
- Number of employees trained.
- Number of consultation activities conducted (and what type).
- Number of compliance inspections conducted.

6. Workgroup

- Create a workgroup to implement outreach plan.

Anticipated Launch Date: 11/9/2020 **Length of Initiative:** 3 months