CHAPTER 182

OCCUPATIONAL SAFETY AND HEALTH

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182.01 MS 1971 [Repealed, 1973 c 732 s 27]

182.02 MS 1971 [Repealed, 1973 c 732 s 27]

182.03 MS 1971 [Repealed, 1973 c 732 s 27]

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182.05 MS 1971 [Repealed, 1973 c 732 s 27]

182.06 MS 1971 [Repealed, 1973 c 732 s 27]

182.07 MS 1971 [Repealed, 1973 c 732 s 27]

182.08 MS 1971 [Repealed, 1973 c 732 s 27]

182.09 MS 1976 [Repealed, 1978 c 490 s 1]

182.10 MS 1971 [Repealed, 1973 c 732 s 27]

182.11 MS 1971 [Repealed, 1973 c 732 s 27]

182.12 MS 1971 [Repealed, 1973 c 732 s 27]

182.13 MS 1971 [Repealed, 1973 c 732 s 27]

182.14 MS 1971 [Repealed, 1973 c 732 s 27]

182.15 MS 1971 [Repealed, 1973 c 732 s 27]

182.16 MS 1971 [Repealed, 1973 c 732 s 27]

182.17 MS 1971 [Repealed, 1973 c 732 s 27]

182.177 MS 1971 [Repealed, 1973 c 732 s 27]

182.178 MS 1971 [Repealed, 1973 c 732 s 27]

182.179 MS 1971 [Repealed, 1973 c 732 s 27]

182.18 MS 1969 [Repealed, 1971 c 652 s 1]

182.19 MS 1971 [Repealed, 1973 c 732 s 27]

182.20 MS 1971 [Repealed, 1973 c 732 s 27]

182.21 MS 1971 [Repealed, 1973 c 732 s 27]

182.22 MS 1971 [Repealed, 1973 c 732 s 27]

182.23 MS 1971 [Repealed, 1973 c 732 s 27]

182.24 MS 1971 [Repealed, 1973 c 732 s 27]

182.25 MS 1971 [Repealed, 1973 c 732 s 27]

182.26 MS 1971 [Repealed, 1973 c 732 s 27]

182.27 MS 1971 [Repealed, 1973 c 732 s 27]

182.28 MS 1971 [Repealed, 1973 c 732 s 27]

182.29 MS 1971 [Repealed, 1973 c 732 s 27]

182.30 MS 1971 [Repealed, 1973 c 732 s 27]

182.31 MS 1971 [Repealed, 1973 c 732 s 27]

182.32 MS 1971 [Repealed, 1973 c 732 s 27]

182.33 MS 1971 [Repealed, 1973 c 732 s 27]

182.34 MS 1971 [Repealed, 1973 c 732 s 27]

182.35 MS 1971 [Repealed, 1973 c 732 s 27]

182.36 MS 1971 [Repealed, 1973 c 732 s 27]

182.37 MS 1971 [Repealed, 1973 c 732 s 27]

182.38 MS 1971 [Repealed, 1973 c 732 s 27]

182.39 MS 1971 [Repealed, 1973 c 732 s 27]

182.40 MS 1971 [Repealed, 1973 c 732 s 27]

182.41 MS 1971 [Repealed, 1973 c 732 s 27]

182.42 MS 1971 [Repealed, 1973 c 732 s 27]

182.43 MS 1971 [Repealed, 1973 c 732 s 27]

182.44 MS 1971 [Repealed, 1973 c 732 s 27]

182.45 MS 1971 [Repealed, 1973 c 732 s 27]

182.46 MS 1971 [Repealed, 1973 c 732 s 27]

182.47 MS 1971 [Repealed, 1973 c 732 s 27]

182.48 MS 1971 [Repealed, 1973 c 732 s 27]

182.49 MS 1971 [Repealed, 1973 c 732 s 27]

182.50 MS 1971 [Repealed, 1973 c 732 s 27]

182.51 MS 1971 [Repealed, 1973 c 732 s 27]

182.52 MS 1971 [Repealed, 1973 c 732 s 27]

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182.57 MS 1971 [Repealed, 1973 c 732 s 27]

182.58 MS 1971 [Repealed, 1973 c 732 s 27]

182.59 MS 1971 [Repealed, 1973 c 732 s 27]

182.60 MS 1971 [Repealed, 1973 c 732 s 27]

182.61 MS 1971 [Repealed, 1973 c 732 s 27]

182.62 MS 1971 [Repealed, 1973 c 732 s 27]

182.65 CITATION AND LEGISLATIVE PURPOSE.

Subdivision 1. **Citation.** This chapter shall be known as the "Occupational Safety and Health Act of 1973."

Subd. 1a. **Employee Right to Know Act.** Laws 1983, chapter 316, shall be known as the "Employee Right to Know Act of 1983."

Subd. 2. **Legislative findings and purpose.** (a) The legislature finds that the burden on employers and employees of this state resulting from personal injuries and illnesses arising out of work situations is substantial; that the prevention of these injuries and illnesses is an important objective of the government

of this state; that the greatest hope of attaining this objective lies in programs of research and education, and in the earnest cooperation of government, employers and employees; and that a program of regulation and enforcement is a necessary supplement to these more basic programs.

(b) The legislature declares it to be its purpose and policy through the exercise of its powers to assure so far as possible every worker in the state of Minnesota safe and healthful working conditions and to preserve our human resources by:

(1) authorizing the Occupational Safety and Health Advisory Council to advise, consult with or recommend on any matters relating to the Minnesota occupational safety and health plan to the commissioner of labor and industry and by authorizing the commissioner of labor and industry to promulgate and enforce mandatory occupational safety and health standards applicable to employers and employees in the state of Minnesota;

(2) encouraging employers and employees to increase their efforts to reduce the number of occupational safety and health hazards at their places of employment, and to stimulate employers and employees to institute new and to perfect existing programs for providing safe and healthful working conditions;

(3) providing that employers and employees have separate but dependent responsibilities and rights with respect to achieving safe and healthful working conditions;

(4) providing for research in the field of occupational safety and health; including the psychological factors involved, and by developing innovative methods, techniques, and approaches for dealing with occupational safety and health problems;

(5) exploring ways to discover latent diseases, establishing causal connections between diseases and work in environmental conditions, and conducting other research relating to health problems, in recognition of the fact that occupational health standards present problems often different from those involved in occupational safety;

(6) utilizing advances already made by federal laws and regulations providing safe and healthful working conditions;

(7) providing criteria which will assure insofar as practicable that no employee will suffer diminished health, functional capacity, or life expectancy as a result of work experience;

(8) providing an effective enforcement program which shall include locating enforcement personnel in areas of the state with a higher incidence of workplace fatalities, injuries, and complaints and a prohibition against giving advance notice of an inspection and sanctions for any individual violating this prohibition;

(9) providing for appropriate reporting procedures with respect to occupational safety and health, which procedures will help achieve the objectives of this chapter and accurately describe the nature of the occupational safety and health problem;

(10) encouraging joint labor-management efforts to reduce injuries and diseases arising out of employment;

(11) providing consultation to employees and employers which will aid them in complying with their responsibilities under this chapter where such consultation does not interfere with the effective enforcement of this chapter; and

(12) providing for training programs to increase the number and competence of personnel engaged in the field of occupational safety and health.

History: *1973 c 732 s 1; 1975 c 271 s 6; 1977 c 305 s 45; 1983 c 216 art 1 s 88; 1983 c 316 s 1,29; 1986 c 444; 2003 c 38 s 1; 2007 c 135 art 2 s 22*

182.651 DEFINITIONS.

Subdivision 1. **General.** For the purpose of this chapter, the terms defined in this section have the meanings given them.

Subd. 2. **Commissioner.** "Commissioner" means the commissioner of labor and industry or a duly designated representative.

Subd. 3. **Board.** "Board" means the Occupational Safety and Health Review Board established pursuant to section 182.664.

Subd. 4. **Council.** "Council" means the Occupational Safety and Health Advisory Council.

Subd. 5. **Department.** "Department" means the Department of Labor and Industry.

Subd. 6. **Person.** "Person" means one or more individuals, partnerships, associations, corporations, business trusts, legal representatives, the state of Minnesota and its political subdivisions, or any group of persons.

Subd. 7. **Employer.** "Employer" means a person who employs one or more employees and includes any person who has the power to hire, fire, or transfer, or who acts in the interest of, or as a representative of, an employer and includes a corporation, partnership, association, group of persons, and the state and all of its political subdivisions.

Subd. 8. **Federal standard.** "Federal standard" means a standard, or modification thereof, adopted by a rule promulgated under section 6 of the federal Occupational Safety and Health Act of 1970 Public Law 91-596.

Subd. 9. **Employee.** "Employee" means any person suffered or permitted to work by an employer, including any person acting directly or indirectly in the interest of or as a representative of, an employer, and shall include state, county, town, city, school district, or governmental subdivision.

Subd. 10. **Place of employment.** "Place of employment" means any factory, plant, foundry, construction site, farm workplace, premises, vehicle or any other work environment where any employee is during the course of employment.

Subd. 11. **Standard.** "Standard" means an occupational safety and health standard promulgated by the commissioner which requires conditions, or the adoption or use of one or more practices, means, methods, operations or processes reasonably necessary or appropriate to provide safe and healthful employment and places of employment.

Subd. 12. **Serious violation.** "Serious violation" means a violation of any standard, rule, or order other than a de minimis violation which is the proximate cause of the death of an employee. It also means a violation of any standard, rule, or order which creates a substantial probability that death or serious physical harm could result from a condition which exists, or from one or more practices, means, methods, operations, or processes which have been adopted or are in use, in such a place of employment, unless the employer did not, and could not with the exercise of reasonable diligence, know of the presence of the violation.

Subd. 13. **Act.** "Act" means the Minnesota Occupational Safety and Health Act of 1973.

Subd. 14. **Hazardous substance.** (a) "Hazardous substance" means a chemical or substance, or mixture of chemicals and substances, which:

(1) is regulated by the federal Occupational Safety and Health Administration under the Code of Federal Regulations, title 29, part 1910, subpart Z; or

(2) is either toxic or highly toxic; an irritant; corrosive; a strong oxidizer; a strong sensitizer; combustible; either flammable or extremely flammable; dangerously reactive; pyrophoric; pressure-generating; compressed gas; carcinogen; teratogen; mutagen; reproductive toxic agent; or that otherwise, according to generally accepted documented medical or scientific evidence, may cause substantial acute or chronic personal injury or illness during or as a direct result of any customary or reasonably foreseeable accidental or intentional exposure to the chemical or substance; or

(3) is determined by the commissioner as a part of the standard for the chemical or substance or mixture of chemicals and substances to present a significant risk to worker health and safety or imminent danger of death or serious physical harm to an employee as a result of foreseeable use, handling, accidental spill, exposure, or contamination.

(b) In determining whether a chemical or substance is hazardous under paragraph (a), clause (2) or (3), the commissioner shall, if appropriate, apply the criteria contained in the American National Standard Institute's American National Standard for the Precautionary Labeling of Hazardous Industrial Chemicals, Z129.1-1982, or any later revision of that standard. In addition the commissioner may consider the information contained in appendices which do not appear in the standard and any other available scientific evidence which substantially indicates a chemical or substance or mixture of chemicals and substances is hazardous.

(c) Hazardous substance does not include a substance being developed or handled by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151. This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals.

Subd. 15. **Harmful physical agent.** "Harmful physical agent" means a physical agent determined by the commissioner as a part of the standard for that agent to present a significant risk to worker health or safety or imminent danger of death or serious physical harm to an employee. This definition includes but is not limited to radiation, whether ionizing or nonionizing.

Harmful physical agent does not include an agent being developed or utilized by a technically qualified individual in a research, medical research, medical diagnostic or medical educational laboratory or in a health care facility or in a clinic associated with the laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151. The exemption in this clause does not include a physical agent utilized in a laboratory that primarily provides a quality control analysis for a manufacturing process. This exemption applies only to technically qualified individuals and not to persons working in the same work area who are not technically qualified individuals.

Subd. 16. **Technically qualified individual; adoption of rule.** (a) "Technically qualified individual" means a physician, dentist, pharmacist, or lead research individual, other than a student in one of these fields, who, because of professional or technical education, training, or experience, understands, at the time of exposure, the health risks and the necessary safety precautions associated with each hazardous substance, harmful physical agent, infectious agent, or mixture handled or utilized by the person.

(b) The commissioner shall by rule adopt a standard which specifies the criteria to be considered in determining whether or not a person is a technically qualified individual under this subdivision.

Subd. 17. **Hazardous substance or harmful physical agent determinations.** For the purposes of this chapter, the determination of what is a hazardous substance or harmful physical agent is part of the occupational safety and health standard concerning that substance or agent adopted under section 182.655, subject only to the rulemaking procedure which the whole standard is subject to under section 182.655.

Subd. 18. **Hazardous substance exclusions.** (a) The following substances or mixtures are not hazardous substances if they are:

(1) products intended for personal consumption by employees in the workplace;

(2) consumer products packaged for distribution to, and used by, the general public, including any product used by an employer or the employer's employees in the same form, concentration, and manner as it is sold to consumers, and to the employer's knowledge, employee exposure is not significantly greater than the consumer exposure occurring during principal consumer use of the product;

(3) any article, including but not limited to, an item of equipment or hardware, which contains a hazardous substance, if the substance is present in a solid form which does not create a health hazard as a result of being handled by an employee;

(4) any hazardous substance that is bound and not released under normal conditions of work or in a reasonably foreseeable occurrence resulting from workplace operations;

(5) products sold or used in retail food sale establishments and all other retail trade establishments, exclusive of processing and repair work areas;

(6) "intoxicating liquor" as defined in section 340A.101, subdivision 14, or "3.2 percent malt liquor" as defined in section 340A.101, subdivision 19;

(7) "food" as defined in the Federal Food, Drug, and Cosmetic Act, United States Code, title 27, section 321, et seq.; or

(8) any waste material regulated pursuant to the federal Resource Conservation and Recovery Act, Public Law 94-580, but only with respect to any employer in a business which provides a service of collection, processing, or disposal of such waste.

(b) The commissioner may, by inclusion in the standards adopted pursuant to section 182.655, determine whether any of the following may be excluded from the definitions of hazardous substance or harmful physical agent:

(1) waste products labeled pursuant to the Resource Conservation and Recovery Act;

(2) any substance received by an employee in a sealed package and subsequently sold or transferred in that package, if the seal remains intact while the substance is in the employer's workplace; or

(3) any substance, mixture, or product if present in a physical state, volume, or concentration for which there is no valid and substantial evidence that a significant risk to human health may occur from exposure.

Subd. 19. **Manufacturer.** "Manufacturer" means anyone who produces, synthesizes, extracts, or otherwise makes, processes, blends, packages or repackages a hazardous substance or harmful physical agent. The term manufacturer also includes anyone who imports into this state or distributes within this state a hazardous

substance or harmful physical agent. Manufacturer does not include anyone whose primary business concerning the hazardous substance or harmful physical agent is in retail sales to the public.

Subd. 20. **Infectious agent.** "Infectious agent" means a communicable bacterium, rickettsia, parasites, virus, or fungus determined by the commissioner by rule, with approval of the commissioner of health, which according to documented medical or scientific evidence causes substantial acute or chronic illness or permanent disability as a foreseeable and direct result of any routine exposure to the infectious agent. Infectious agent does not include an agent in or on the body of a patient before diagnosis.

Subd. 21. **Affected employee.** "Affected employee" means a current employee of a cited employer who is exposed within the scope of employment to the alleged hazard described in the citation.

Subd. 22. **Authorized employee representative.** "Authorized employee representative" means a labor organization that has a collective bargaining relationship with the cited employer and that represents affected employees.

Subd. 23. **Respondent.** "Respondent" means a person against whom a complaint has been issued or served.

History: *1973 c 123 art 5 s 7; 1973 c 732 s 2; 1975 c 271 s 6; 1975 c 375 s 1; 1983 c 216 art 1 s 88; 1983 c 316 s 2-7,29; 1984 c 626 s 1; 1985 c 130 s 1; 1985 c 248 s 70; 1986 c 444; 1987 c 384 art 2 s 47; 1989 c 249 s 1-3; 1991 c 233 s 63-65; 1991 c 249 s 31*

182.652 COVERAGE.

Subdivision 1. **All places of employment.** The provisions of this chapter or any standard or rule promulgated pursuant to this chapter shall apply to all places of employment within this state except as noted in subdivision 2.

Subd. 2. **Federal exclusion.** Nothing in this chapter shall apply to any working conditions which are under the exclusive jurisdiction of the federal government.

Subd. 3. **Relationship with federal government.** The department, in the exercise of its duties under this chapter, shall give due consideration to all federal regulations of concurrent jurisdiction and shall avoid unnecessary duplication of enforcement efforts.

History: *1973 c 732 s 3; 1983 c 216 art 1 s 88; 1983 c 316 s 29; 1985 c 248 s 70*

182.6521 INDEPENDENT CONTRACTORS.

An independent contractor doing building construction or improvements in the public or private sector must comply with the occupational safety and health standards that apply under this chapter to an employer and its employees. This section applies to an independent contractor however organized including, without limitation, those organized as a partnership, sole proprietorship, or corporation.

History: *1993 c 344 s 1*

182.6525 CRANE OPERATION.

Subdivision 1. **Certification required.** An individual may not operate a crane with a lifting capacity of five tons or more on a construction site unless the individual has a valid crane operator certificate received from a nationally recognized and accredited certification program. No employer, and no person who is under a contract to construct an improvement to land, may permit any employee, agent, or independent contractor

to perform work in violation of this section. A crane operator certification required under this subdivision must be renewed by an accredited certification program every five years.

Subd. 2. **Exceptions.** The requirements of subdivision 1 do not apply to:

(1) a crane operator trainee or apprentice, if the individual is under the direct supervision of a crane operator who holds a valid crane operator certificate as required in subdivision 1;

(2) a person directly employed by a class 1 or 2 railroad who is qualified by the employing railroad as a crane operator or boom truck operator while performing work on property owned, leased, or controlled by the employing railroad;

(3) a person who is employed by or performing work for a public utility, rural electric cooperative, municipality, telephone company, or industrial manufacturing plant;

(4) a person who is subject to inspection and regulation under the Mine Safety and Health Act, United States Code, title 30, sections 801 through 962;

(5) a person engaged in boating, fishing, agriculture, or arboriculture;

(6) a person who is a member of and performing work for a uniformed service or who is a member of and performing work for the United States Merchant Marine;

(7) a person who is operating a crane for personal use on premises owned or leased by that person; and

(8) a person who is operating a crane in an emergency situation.

Subd. 3. **Penalties.** An employer or general contractor may be cited by the commissioner for a violation of the certification requirements in this section. A citation is punishable as a serious violation under section 182.666.

History: *2005 c 87 s 1,3*

182.6526 WAREHOUSE DISTRIBUTION WORKER SAFETY.

Subdivision 1. **Definitions.** (a) The terms defined in this subdivision have the meanings given.

(b) "Aggregated employee work speed data" means a compilation of employee work speed data for multiple employees, in summary form, assembled in full or in another form such that the data cannot be identified with any individual.

(c) "Commissioner" means the commissioner of labor and industry.

(d)(1) Except as provided in clause (2), "employee" means a person who meets the definition in section 182.651, subdivision 9, and who works at a warehouse distribution center.

(2) For the purposes of subdivisions 2, 3, and 4 only, "employee" means a person who: (i) meets the definition in section 182.651, subdivision 9; (ii) does not meet any of the exceptions under section 177.23, subdivision 7, clauses (1) to (19); and (iii) performs warehouse work occurring on the property of a warehouse distribution center. Employee does not include any person performing solely manufacturing, administrative, sales, accounting, human resources, or driving work at, or to and from, a warehouse distribution center.

(e) "Employee work speed data" means information an employer collects, stores, analyzes, or interprets relating to an individual employee's performance of a quota, including but not limited to quantities of tasks performed, quantities of items or materials handled or produced, rates or speeds of tasks performed,

measurements or metrics of employee performance in relation to a quota, and time categorized as performing tasks or not performing tasks. Employee work speed data does not include itemized earnings statements pursuant to chapter 181, except for any content of those records that includes employee work speed data as defined in this paragraph.

(f) "Employer" means a person who meets the definition in section 182.651, subdivision 7, and who directly or indirectly, or through an agent or any other person, including through the services of a third-party employer, temporary service, or staffing agency or similar entity, employs or exercises control over the wages, hours, or working conditions of 250 or more employees at a single warehouse distribution center or 1,000 or more employees at one or more warehouse distribution centers in the state. For purposes of this paragraph, all employees of an employer's unitary business, as defined in section 290.17, subdivision 4, shall be counted in determining the number of employees employed at a single warehouse distribution center or at one or more warehouse distribution centers in the state.

(g) "Warehouse distribution center" means an establishment as defined by any of the following North American Industry Classification System (NAICS) codes:

(1) 493110 for General Warehousing and Storage;

(2) 423 for Merchant Wholesalers, Durable Goods;

(3) 424 for Merchant Wholesalers, Nondurable Goods;

(4) 454110 for Electronic Shopping and Mail-Order Houses; and

(5) 492110 for Couriers and Express Delivery Services.

(h) "Quota" means a work standard under which:

(1) an employee or group of employees is assigned or required to perform at a specified productivity speed, or perform a quantified number of tasks, or handle or produce a quantified amount of material, or perform without a certain number of errors or defects, as measured at the individual or group level within a defined time period; or

(2) an employee's actions are categorized and measured between time performing tasks and not performing tasks, and the employee's failure to complete a task performance standard may have an adverse impact on the employee's continued employment.

Subd. 2. **Written description required.** (a) Each employer shall provide to each employee a written description of each quota to which the employee is subject and how it is measured, including the quantified number of tasks to be performed or materials to be produced or handled or the limit on time categorized as not performing tasks, within the defined time period, and any potential adverse employment action that could result from failure to meet the quota.

(b) The written description must be understandable in plain language and in the language identified by each employee as the primary language of that employee.

(c) The written description must be provided:

(1) upon hire or within 30 days of August 1, 2023; and

(2) no fewer than one working day prior to the effective date of any increase of an existing quota and no later than the time of implementation for any decrease of an existing quota.

(d) An employer shall not take adverse employment action against an employee for failure to meet a quota that has not been disclosed to the employee.

Subd. 3. **Breaks.** An employee shall not be required to meet a quota that prevents compliance with meal or rest or prayer periods; use of restroom facilities, including reasonable travel time to and from restroom facilities as provided under section 177.253, subdivision 1; or occupational health and safety standards under this chapter or Minnesota Rules, chapter 5205. An employer shall not take adverse employment action against an employee for failure to meet a quota that does not allow a worker to comply with meal or rest or prayer periods or occupational health and safety standards under this chapter.

Subd. 4. **Employee work speed data.** (a) Employees have the right to request orally or in writing from their direct supervisor or another representative designated by the employer, and the employer shall provide within four business days: (1) a written description of each quota to which the employee is subject; (2) a copy of the most recent 90 days of the employee's own personal employee work speed data; and (3) a copy of the most recent 90 days of aggregated employee work speed data for similar employees at the same work site.

The written description of each quota must meet the requirements of subdivision 2, paragraph (b), and the employee work speed data must be provided in a manner understandable to the employee. An employee may make a request under this paragraph no more than four times per year.

(b) If an employer disciplines an employee for failure to meet a quota, the employer must, at the time of discipline, provide the employee with a written copy of the most recent 90 days of the employee's own personal employee work speed data. If an employer dismisses an employee for any reason, they must, at the time of firing, provide the employee with a written copy of the most recent 90 days of the employee's own personal employee work speed data. An employer shall not retaliate against an employee for requesting data under this subdivision. Discipline means taking a formal action, documented in writing, and does not mean conversations surrounding performance improvement or training. An employer must formally document any disciplinary action.

Subd. 5. **High rates of injury.** If a particular work site or employer is found to have an employee incidence rate in a given year, based on data reported to the federal Occupational Safety and Health Administration, of at least 30 percent higher than that year's average incidence rate for the relevant NAICS codes, the commissioner shall open an investigation of violations under this section. The employer must also hold its safety committee meetings as provided under section 182.676 monthly until, for two consecutive years, the work site or employer does not have an employee incidence rate 30 percent higher than the average yearly incidence rate for the relevant NAICS code.

Subd. 6. **Enforcement.** (a) Subdivisions 2, paragraphs (a) to (c), 4, and 5 shall be enforced by the commissioner under sections 182.66, 182.661, and 182.669. A violation of this section is subject to the penalties provided under sections 182.666 and 182.669.

(b) A current or former employee aggrieved by a violation of this section may bring a civil cause of action for damages and injunctive relief to obtain compliance with this section; may receive other equitable relief as determined by a court, including reinstatement with back pay; and may, upon prevailing in the action, recover costs and reasonable attorney fees in that action. A cause of action under this section must be commenced within one year of the date of the violation.

(c) Nothing in this section shall be construed to prevent local enforcement of occupational health and safety standards that are more restrictive than this section.

History: *2023 c 53 art 9 s 1; 2024 c 110 art 3 s 1*

182.653 RIGHTS AND DUTIES OF EMPLOYERS.

Subdivision 1. **Scope.** Rights and duties of employers include but are not limited to those specified in this section.

Subd. 2. **Conditions and place of employment.** Each employer shall furnish to each of its employees conditions of employment and a place of employment free from recognized hazards that are causing or are likely to cause death or serious injury or harm to its employees.

Subd. 3. **OSHA standards.** Each employer shall comply with occupational safety and health standards or rules promulgated pursuant to this chapter.

Subd. 4. **Inspections.** Each employer shall refrain from any unreasonable restraint on the right of the commissioner or an authorized representative of the commissioner to inspect the employer's place of business. Each employer shall assist the commissioner, or an authorized representative of the commissioner, in the performance of inspection duties by supplying or by making available information dealing with injury reports, general safety records, and other records required under this chapter, and any necessary personnel or necessary inspection aids.

Subd. 4a. **Disclosure requirements.** An employer who is a manufacturer of a hazardous substance or a mixture of substances shall provide an employer who purchases the substance with the information necessary for the purchasing employer to comply with subdivision 4b. A manufacturer of equipment which may generate a harmful physical agent environment approximating that allowed by the standard adopted by the commissioner, shall provide an employer who purchases the equipment with the information necessary for the purchasing employer to comply with subdivision 4c. The information shall be provided at the time of purchase and shall be current, accurate, and complete for each substance, equipment, or mixture.

For a mixture of hazardous substances, the manufacturer may provide the information required by this section on the entire product mixture, instead of on each hazardous substance in it, if all of the following conditions are met: hazard test information exists on the mixture itself or adequate information exists to form a valid judgment of the hazardous properties of the mixture itself and the manufacturer indicates that the conclusions drawn are from some source other than direct testing on the mixture; information on the mixture will be as effective in protecting employee health as information on the ingredients; and the hazardous substances in the mixture are identified together, with the information on the mixture.

Subd. 4b. **Hazardous substance training.** (a) Prior to an employee's initial assignment to a workplace where the employee may be routinely exposed to a hazardous substance or harmful physical agent, the employer shall provide training concerning the hazardous substance or harmful physical agent. The employer shall provide additional instruction whenever the employee may be routinely exposed to any additional hazardous substance or harmful physical agent. The term "routinely exposed" includes the exposure of an employee to a hazardous substance when assigned to work in an area where a hazardous substance has been spilled.

(b) For each hazardous substance to which the employee may be routinely exposed, the employer's training program shall include:

(1) the name or names of the substance including any generic or chemical name, trade name, and commonly used name;

(2) the level, if any and if known, at which exposure to the substance has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines established by competent professional groups including but not limited to the American Industrial Hygiene Association, the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(3) the primary routes of entry and the known acute and chronic effects of exposure at hazardous levels;

(4) the known symptoms of the effects;

(5) any potential for flammability, explosion, or reactivity of the substance;

(6) appropriate emergency treatment;

(7) the known proper conditions for safe use of and exposure to the substance;

(8) procedures for cleanup of leaks and spills;

(9) the name, phone number and address of the manufacturer of the hazardous substance; and

(10) a written copy of all of the above information which shall be readily accessible in the area or areas in which the hazardous substance is used or handled.

(c) Employees who have been routinely exposed to a hazardous substance prior to the effective date of Laws 1983, chapter 316, and who continue to be routinely exposed to that hazardous substance after the effective date of Laws 1983, chapter 316, shall be trained with respect to that hazardous substance within six months of the effective date of Laws 1983, chapter 316.

(d) Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

(e) Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 182.654, subdivision 10.

(f) This subdivision does not apply to any employer engaged in a farming operation.

(g) This subdivision does not apply to any nonpublic school or any school district before January 1, 1985.

(h) Any technically qualified individual shall be notified of and may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals. The employer shall make a reasonable attempt to allow technically qualified individuals to attend training or update programs which may be held during the employee's scheduled work hours.

Subd. 4c. **Harmful physical agent training.** (a) For each harmful physical agent to which an employee may be routinely exposed, the employer's training program shall include the information required by the standard for that physical agent as determined by the commissioner, including but not limited to:

(1) the name or names of the physical agent including any commonly used synonym;

(2) the level, if any and if known, at which exposure to the physical agent has been restricted according to standards adopted by the commissioner, or, if no standard has been adopted, according to guidelines

established by competent professional groups including but not limited to the American Conference of Governmental Industrial Hygienists, the Center for Disease Control, the Bureau of Radiological Health, and the American National Standards Institute;

(3) the known acute and chronic effects of exposure at hazardous levels;

(4) the known symptoms of the effects;

(5) appropriate emergency treatment;

(6) the known proper conditions for safe use of and exposure to the physical agent;

(7) the name, phone number and address, if appropriate, of the manufacturer of the equipment which generates the harmful physical agent; and

(8) a written copy of all of the above information which shall be readily accessible in the area or areas in which the harmful physical agent is present and where the employee may be exposed to the agent through use, handling or otherwise.

(b) Employees who have been routinely exposed to a harmful physical agent prior to the effective date of Laws 1983, chapter 316, and who continue to be routinely exposed to that harmful physical agent after the effective date of Laws 1983, chapter 316, shall be trained with respect to that harmful physical agent within six months of the effective date of Laws 1983, chapter 316.

(c) Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

(d) Every employer shall maintain current information for training under this subdivision or for information requests by employees under section 182.654, subdivision 10.

(e) This subdivision does not apply to any employer engaged in a farming operation.

(f) Any technically qualified individual shall be notified of and may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals. The employer shall make a reasonable attempt to allow technically qualified individuals to attend training or update programs which may be held during the employee's scheduled work hours.

Subd. 4d. **Waste disposal training.** Each employer who is in the business of providing a service of collection, processing, or disposal of waste regulated pursuant to the federal Resource Conservation and Recovery Act, Public Law 94-580, shall provide employees who are routinely exposed to this waste a general safety training program approved by the commissioner. This training program shall be appropriate for the seriousness of the safety hazards commonly encountered by the employees and shall include: training concerning the general safety hazards involved in the collection, processing, or disposal of the waste; proper safety procedures to avoid the deleterious effects of these hazards; and common symptoms of the deleterious effects. Training shall be provided to employees within 60 days of the commissioner's approval of the training program, or, if the employee is employed after this 60-day period, prior to the employees' initial assignment where they will be routinely exposed to waste. The employer's safety training program shall be submitted to the commissioner for approval within two months of the effective date of Laws 1983, chapter 316. Refresher courses reviewing the information of the training program shall be given to employees at intervals no greater than one year.

Subd. 4e. **Farming operation training.** Each employer who is engaged in a farming operation and employs more than ten employees or who is engaged in a farming operation and maintains a temporary labor

camp and employs any of its residents, shall comply with a training program, developed by the commissioner, concerning the hazardous substances and harmful physical agents to which the employees are routinely exposed. The commissioner shall develop this training program in consultation with experts in agricultural work environment hazards. The program shall be designed to fulfill the same purposes as training under subdivisions 4b and 4c, but take into account factors unique to farming operations. These factors shall include but not be limited to the fact that many agricultural employees' primary language is Spanish and the fact that many chemicals used by agricultural employers are labeled under the Federal Insecticide, Fungicide, and Rodenticide Act. The commissioner shall complete implementation of this program by March 1, 1986.

Subd. 4f. **Infectious agent training.** Each employer shall provide training according to a program developed by the commissioner by rule with approval of the commissioner of health to its employees routinely exposed to an infectious agent. The training shall include the information required by the rule for that agent as developed by the commissioner and shall include, if known, names of infectious agents to which the employee is routinely exposed, proper techniques for the employee to avoid self-contamination, and symptoms and effects of contamination. Training shall be provided upon the initial assignment of the employee to a job where that person will be routinely exposed to an infectious agent. Existing in-service, hospital licensure or certification programs which the commissioner determines substantially comply with the rules adopted pursuant to this subdivision may be certified by the commissioner to satisfy all or a part of the rules.

Infectious agent does not include an agent being developed or regularly utilized by a technically qualified individual in a research, medical research, medical diagnostic, or medical educational laboratory or in a health care facility or in a clinic associated with a laboratory or health care facility, or in a pharmacy registered and licensed under chapter 151.

Training to update the information required to be provided under this subdivision shall be repeated at intervals no greater than one year.

Any technically qualified individual shall be notified of and may elect to participate in any training or update programs required to be provided under this subdivision to employees who are not technically qualified individuals. The employer shall make a reasonable attempt to allow technically qualified individuals to attend training or update programs which may be held during the employee's scheduled work hours.

Subd. 4g. **Training statements.** Every employer shall have the right to request that their employees sign statements that they have received appropriate training under this subdivision, once training has been completed.

Subd. 5. **Employer participation in development of standards.** Any employer or association of employers is entitled to participate in the development, revision and revocation of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue, under section 182.655.

Subd. 6. **Variances.** Any employer is entitled, under section 182.655, to seek an order granting a variance from an occupational safety and health standard.

Subd. 7. **Trade secrets; privileged communications.** Any employer is entitled, under section 182.668, to protection of trade secrets and other legally privileged communications.

Subd. 8. **Work place programs or AWAIR.** (a) An employer covered by this section must establish a written work place accident and injury reduction program that promotes safe and healthful working conditions and is based on clearly stated goals and objectives for meeting those goals. The program must describe:

(1) how managers, supervisors, and employees are responsible for implementing the program and how continued participation of management will be established, measured, and maintained;

(2) the methods used to identify, analyze, and control new or existing hazards, conditions, and operations;

(3) how the plan will be communicated to all affected employees so that they are informed of work-related hazards and controls;

(4) how work place accidents will be investigated and corrective action implemented; and

(5) how safe work practices and rules will be enforced.

(b) An employer must conduct and document a review of the work place accident and injury reduction program at least annually and document how procedures set forth in the program are met.

Subd. 9. **Standard industrial classification list.** The commissioner shall adopt, in accordance with section 182.655, a rule specifying a list of either standard industrial classifications of employers or North American industry classifications of employers who must comply with subdivision 8. The commissioner shall demonstrate the need to include each industrial classification on the basis of the safety record or workers' compensation record of that industry segment. An employer must comply with subdivision 8 six months following the date the standard industrial classification or North American industry classification that applies to the employer is placed on the list. The list shall be updated every five years.

Subd. 10. **Rulemaking authority.** The commissioner's rulemaking authority for the purpose of implementing subdivision 8 is limited to specifying the list of standard industrial classifications as provided in subdivision 9.

History: *1973 c 732 s 4; 1983 c 216 art 1 s 88; 1983 c 316 s 8-14,29; 1984 c 431 s 1-3; 1985 c 130 s 2-6; 1985 c 248 s 70; 1986 c 444; 1986 c 456 s 2-4; 1988 c 629 s 43; 1989 c 249 s 4; 1990 c 508 s 1-3; 1991 c 233 s 67; 2005 c 86 s 1; 2016 c 128 s 1; 2017 c 68 art 3 s 1*

182.654 RIGHTS AND DUTIES OF EMPLOYEES.

Subdivision 1. **Scope.** Rights and duties of employees include but are not limited to those specified in this section.

Subd. 2. **OSHA standards.** Each employee shall comply with occupational safety and health standards and all rules and orders issued pursuant to this chapter which are applicable to the employee's own actions and conduct.

Subd. 3. **Employee participation in development of standards.** Any employee or association of employees is entitled to participate in the development, revision and revocation of standards by submission of comments on proposed standards, participation in hearings on proposed standards, or by requesting the development of standards on a given issue, under section 182.655.

Subd. 4. **Notification of variance requests.** Each employee or an authorized representative shall be notified by an employer of any application for a temporary order granting the employer a variance from any provision of this chapter or standard or rule promulgated pursuant to this chapter.

Subd. 5. **Variance hearings.** The employee representative shall be given the opportunity to participate in any hearing which concerns an application by an employer for a variance from a standard promulgated under this chapter.

Subd. 6. **Petitions.** Any employee who may be adversely affected by a standard or variance issued pursuant to section 182.655 may file a petition stating a position with regard to proposed standard or variance with the commissioner.

Subd. 7. **Excess exposures.** An employee who has been exposed or is being exposed to hazardous substances or harmful physical agents in concentrations or at levels in excess of that provided for by an applicable standard shall be provided by the employer with the opportunities provided in section 182.655, subdivision 10a.

Subd. 8. **Right to request inspection.** Subject to rules issued pursuant to this chapter any employee or authorized representative of employees has the right to request an inspection and to consult with the commissioner at the time of the physical inspection of any workplace as provided in section 182.659.

Subd. 9. **Discriminatory acts prohibited.** No employee shall be discharged or in any way discriminated against because such employee has filed any complaint or instituted or caused to be instituted any proceeding or inspection under or related to this chapter or has testified or is about to testify in any such proceeding or because of the exercise by such employee on behalf of the employee or others of any right afforded by this chapter. Discriminatory acts are subject to the sanctions contained in section 182.669.

Subd. 10. **Access to information.** An employee, except an employee employed in a farming operation with ten or fewer employees and no temporary labor camp, or the designated representative of the employee has the right to request and receive from the employer, within a reasonable period of time, access to information the employer is required to provide the employee under section 182.653, subdivision 4b, 4c, 4d, or 4e. For the purposes of this subdivision and section 182.668, subdivision 5, "designated representative" means a labor organization, as defined in section 179.01, subdivision 6, that represents employees under a valid collective bargaining agreement, or another employee whom an employee or former employee has authorized, in writing, to exercise the employee's rights under this chapter.

Every employee employed in a farming operation with ten or fewer employees and no temporary labor camp, and any agricultural employee association or union representing that employee, shall have the right, upon request, to receive from their employer, within a reasonable period of time, any information on a label that is required by any federal or state health and safety law to be on the container of any substance or chemical to which the employee is routinely exposed.

Subd. 11. **Refusal to work under dangerous conditions.** An employee acting in good faith has the right to refuse to work under conditions which the employee reasonably believes present an imminent danger of death or serious physical harm to the employee.

A reasonable belief of imminent danger of death or serious physical harm includes but is not limited to a reasonable belief of the employee that the employee has been assigned to work in an unsafe or unhealthful manner with a hazardous substance, harmful physical agent or infectious agent.

An employer may not discriminate against an employee for a good faith refusal to perform assigned tasks if the employee has requested that the employer correct the hazardous conditions but the conditions remain uncorrected.

An employee who has refused in good faith to perform assigned tasks and who has not been reassigned to other tasks by the employer shall, in addition to retaining a right to continued employment, receive pay for the tasks which would have been performed if (1) the employee requests the commissioner to inspect and determine the nature of the hazardous condition, and (2) the commissioner determines that the employee,

by performing the assigned tasks, would have been placed in imminent danger of death or serious physical harm.

Additionally, an administrative law judge may order, in addition to the relief found in section 182.669:

(1) reinstatement of the worker to the same position held before any adverse personnel action or to an equivalent position; reinstatement of full fringe benefits and seniority rights; compensation for unpaid wages, benefits, and other remuneration; or front pay in lieu of reinstatement; and

(2) compensatory damages payable to the aggrieved worker equal to the greater of $5,000 or twice the actual damages, including unpaid wages, benefits, and other remuneration and punitive damages.

History: *1973 c 732 s 5; 1983 c 216 art 1 s 88; 1983 c 316 s 15-17,29; 1984 c 431 s 4; 1985 c 130 s 7; 1985 c 248 s 70; 1986 c 444; 2023 c 53 art 5 s 9*

182.6545 RIGHTS OF NEXT OF KIN UPON DEATH.

In the case of a death of an employee, the department shall make reasonable efforts to locate the employee's next of kin and shall mail to them copies of the following:

(1) citations and notification of penalty;

(2) notices of hearings;

(3) complaints and answers;

(4) settlement agreements;

(5) orders and decisions; and

(6) notices of appeals.

In addition, the next of kin shall have the right to request a consultation with the department regarding citations and notification of penalties issued as a result of the investigation of the employee's death. For the purposes of this section, "next of kin" refers to the nearest proper relative as that term is defined by section 253B.03, subdivision 6, paragraph (a), clause (3).

History: *2000 c 488 art 2 s 11 1Sp2020 c 2 art 8 s 145; 2026 c 95 art 1 s 8*

182.655 OCCUPATIONAL SAFETY AND HEALTH STANDARDS.

Subdivision 1. **Standards and variances; exempt rules.** Standards and variances shall be proposed, granted, adopted, modified or revoked by the commissioner in accordance with the procedures of this section. The standards and variances are exempt from the Administrative Procedure Act but, to the extent authorized by law to adopt rules, the commissioner may use the provisions of section 14.386, paragraph (a), clauses (1) and (3). Section 14.386, paragraph (b), does not apply to these rules.

Subd. 2. **Rulemaking procedures.** Whenever the commissioner, in order to serve the objectives of this chapter, determines that a rule should be promulgated under this section, establishing, modifying or revoking an occupational safety and health standard, the commissioner shall publish a proposed rule promulgating, modifying, or revoking an occupational safety or health standard and shall afford interested persons a period of 30 days after publication to submit written data or comments.

On or before the last day of the period provided for the submission of written data or comments, any interested person may file with the commissioner written objections to the proposed rule, stating the grounds

therefor and requesting a public hearing on such objections. Within 30 days after the last day for filing such objections, the commissioner shall publish a notice specifying the occupational safety or health standard to which objections have been filed and a hearing requested, and specifying a time and place for such hearing.

Subd. 3. **Rule promulgation.** Within 60 days after the expiration of the period provided for the submission of written data or comments or within 60 days after the completion of any hearing, the commissioner shall issue a rule promulgating, modifying, or revoking an occupational safety or health standard or make a determination that a rule should not be promulgated. Such a rule may contain a provision delaying its effective date for such period, not in excess of 90 days, as the commissioner determines may be necessary to insure that affected employers and employees will be informed of the existence of the standard and of its terms and that employers affected are given an opportunity to familiarize themselves and their employees with the existence of the requirements of the standard.

Subd. 4. **Standards for hazardous substances and harmful physical agents.** The commissioner, in adopting standards dealing with hazardous substances or harmful physical agents under this section, shall set the standard which most adequately assures, to the extent feasible, on the basis of the best available evidence, that no employee will suffer material impairment of health or functional capacity even if the employee has regular exposure to the hazard dealt with by the standard for the period of the employee's working life. Development of standards under this subdivision shall be based upon research, demonstrations, experiments, and other information as may be appropriate. In addition to the attainment of the highest degree of health and safety protection for the employee, other considerations shall be the latest available scientific data in the field, the feasibility of the standards, and experience gained under this and other health and safety laws. Whenever practicable, the standard adopted shall be expressed in the terms of objective criteria and of the performance desired.

Subd. 5. **Variances.** Any employer may apply to the commissioner for a temporary order granting a variance from a standard or any provision thereof promulgated under this section. Such temporary order shall be granted only if the employer files an application which meets the requirements of subdivision 7 and establishes that:

(1) it is unable to comply with a standard by its effective date because of unavailability of professional or technical personnel or of materials and equipment needed to come into compliance with the standard or because necessary construction or alteration of facilities cannot be completed by the effective date;

(2) it is taking all available steps to safeguard employees against the hazards covered by the standard; and

(3) it has an effective program for coming into compliance with the standard as quickly as practicable.

Subd. 6. **Temporary orders.** Any temporary order issued under this section shall prescribe the practices, means, methods, operations and processes which the employer must adopt and use while the order is in effect and state in detail the employer's program for coming into compliance with the standard. Such a temporary order may be granted only after notice to employees and to employee representative and an opportunity for a hearing; provided, that the commissioner may issue one interim order to be effective until a decision is made on the basis of a hearing. No temporary order may be in effect for longer than the period needed by the employer to achieve compliance with the standard or one year, whichever is shorter, except that such an order may be renewed not more than twice. No such order shall be renewed unless the requirements of this section are met and an application for renewal is filed at least 90 days prior to the expiration date of the order. No interim order may remain in effect for longer than 180 days.

Subd. 7. **Applications for temporary orders.** An application for a temporary order under this section shall contain:

(1) a specification of the standard or portion thereof from which the employer seeks a variance;

(2) a representation by the employer, supported by representations from qualified persons having first hand knowledge of the facts represented, that it is unable to comply with the standard or portion thereof and a detailed statement of the reasons therefor;

(3) a statement of the steps being taken and which will be taken, with specific dates, to protect employees against the hazards covered by the standard;

(4) a statement of when it expects to be able to comply with the standard and what steps it has taken and will take, with specific dates, to come into compliance with the standard; and

(5) a certification that it has informed employees of the application by giving a copy thereof to their authorized representative, posting a statement giving a summary of the application and specifying where a copy may be examined at the place or places where notices to employees are normally posted, and by other appropriate means, and that it has informed employees of their right to petition the commissioner for a hearing.

Subd. 8. **Permanent variances.** Any affected employer may apply to the commissioner for a rule or order for a permanent variance from a standard promulgated under this section. Affected employees shall be given a notice of each such application and an opportunity to participate in a hearing. The commissioner shall issue such rule or order if the commissioner determines on the record, after opportunity for an inspection where appropriate and a hearing, that the proponent of the variance has demonstrated by a preponderance of the evidence that the conditions, practices, means, methods, operations or processes used or proposed to be used by an employer will provide employment and places of employment to employees which are as safe and healthful as those which would prevail if there was compliance with the standard. The rule or order so issued shall prescribe the conditions the employer must maintain, and the practices, means, methods, operations and processes which it must adopt and utilize. Such a rule or order may be modified or revoked upon application by an employer, employees, or by the commissioner on the commissioner's own motion, in the manner prescribed for its issuance under this subdivision at any time after six months from its issuance.

Subd. 9. **Variance for experimental techniques.** The commissioner is authorized to grant a variance from any standard or portion thereof whenever the commissioner determines that such variance is necessary to permit an employer to participate in an experiment approved by the commissioner or the United States Secretary of Labor or the United States Secretary of Health, Education and Welfare, designed to demonstrate or validate new and improved techniques to safeguard the health and safety of workers.

Subd. 10. **Labels and other warnings.** (a) Any standard adopted under this section shall prescribe the use of labels or other appropriate forms of warning as are necessary to insure that employees are apprised of all hazards to which they are exposed, relevant symptoms and appropriate emergency treatment, and proper conditions and precautions of safe use or exposure.

(b) In the case of containers containing a hazardous substance or equipment which generates a harmful physical agent, a label is required as an appropriate form of warning in providing substantially the same information as required under section 182.653, subdivision 4b, 4c, or 4e. As a minimum, a hazardous substance container must be tagged or marked with (1) the identity of the hazardous substance; (2) the appropriate hazard warnings; and (3) the name and address of the chemical manufacturer, importer, or other responsible party.

(c) A label may be a coded reference to an appropriate and accessible data sheet containing the information required under section 182.653, subdivision 4b, 4c, or 4e. When appropriate, a current data sheet may be affixed to, or posted in, accessible close proximity to a container containing a hazardous substance or a work area where there is a harmful physical agent in satisfaction of standards adopted for labels under this chapter. Containers may be labeled pursuant to federal or state labeling requirements that the commissioner certifies as satisfying the labeling standards adopted under this chapter. Specifically, pesticides that are labeled in accordance with the federal Insecticide, Fungicide and Rodenticide Act (United States Code, title 7, section 136 et seq.); any food, food additive, color additive, drug, or cosmetic including materials intended for use as ingredients in products labeled in accordance with the requirements of the Federal Food, Drug, and Cosmetic Act (United States Code, title 21, section 301 et seq.); distilled spirits, (beverage alcohols), wine, or malt beverage labeled in accordance with the federal Alcohol Administration Act (United States Code, title 27, section 201 et seq.); any consumer products as defined in the Consumer Product Safety Act (United States Code, title 15, section 2051 et seq.) and labeled in accordance with the requirement of that act; or any hazardous substance as defined in the federal Hazardous Substances Act (United States Code, title 15, section 1261 et seq.) and labeled in accordance with the requirements of that act shall meet the requirements of the labeling standards adopted under this chapter.

Subd. 10a. **Protective equipment; monitoring exposure levels; medical exams.** Where appropriate, standards shall prescribe suitable protective equipment, if feasible engineering and administrative methods of protection alone do not provide adequate protection, and this equipment shall be made available by and at the cost of the employer. The standards shall also provide for monitoring or measuring employee exposure at the locations and intervals and in the manner as may be necessary and appropriate for the protection of employees. Where appropriate, a standard shall prescribe the type and frequency of medical examinations or other tests which shall be made available by the employer, or at the employer's cost, to employees exposed to hazards in order to most effectively determine whether the health of those employees is adversely affected by the exposure. The results of these examinations or tests shall be furnished only to the commissioner, the employee's physician, at the request of the employee, and the employer with notice to the employee.

Subd. 11. **Emergency temporary standards.** (a) The commissioner shall adopt an emergency temporary standard to take immediate effect upon publication if the commissioner determines:

(1) that employees are exposed to grave or imminent danger from exposure to hazardous substances or harmful physical agents or other hazards; and

(2) that the emergency standard is necessary to protect employees from the danger. The standard shall be effective until superseded by a standard adopted in accordance with the procedures prescribed in subdivision 2.

(b) Upon publication of the standard or standards, which interested persons may receive upon request and payment of fees, the commissioner shall commence a proceeding in accordance with subdivision 2 and the standard as published shall also serve as a proposed rule for the proceeding; the commissioner shall adopt a standard under this section no later than six months after the publication of the emergency standard.

Subd. 12. **Standards affecting interstate commerce.** Standards promulgated under this section shall not be different from federal standards where the standard significantly affects interstate commerce, unless such standards are required by compelling local conditions and do not unduly burden interstate commerce.

Subd. 13. **Relation to federal law.** All standards adopted by the commissioner shall be at least as effective as those which are presently or will, in the future, be promulgated under section 6 of the federal Occupational Safety and Health Act of 1970.

Subd. 14. **Relation to other standard-setting organizations.** The commissioner may recommend for adoption those portions of current occupational health and safety standards deemed significant and deserving of mandatory status adopted by the Threshold Limit Value Committees of the American Conference of Governmental Industrial Hygienists, the American National Standards Institute, or other recognized national standard-setting organizations and recommended to the commissioner by the council; and may further periodically adopt changes in such standards under the same circumstances but not more often than once a year.

History: *1973 c 732 s 6; 1975 c 271 s 6; 1981 c 253 s 27; 1982 c 424 s 130; 1983 c 216 art 1 s 88; 1983 c 316 s 18-21,29; 1985 c 130 s 8,9; 1986 c 444; 1997 c 187 art 5 s 27*

182.6551 CITATION; SAFE PATIENT HANDLING ACT.

Sections 182.6551 to 182.6554 may be cited as the "Safe Patient Handling Act."

History: *2007 c 135 art 2 s 23; 2009 c 159 s 81*

182.6552 DEFINITIONS.

Subdivision 1. **Direct patient care worker.** "Direct patient care worker" means an individual doing the job of directly providing physical care to patients including nurses, as defined by section 148.171, who provide physical care to patients.

Subd. 2. **Health care facility.** "Health care facility" means a hospital with a North American Industrial Classification system code of 622110, 622210, or 622310; an outpatient surgical center with a North American Industrial Classification system code of 621493; and a nursing home with a North American Industrial Classification system code of 623110.

Subd. 3. **Safe patient handling.** "Safe patient handling" means a process, based on scientific evidence on causes of injuries, that uses safe patient handling equipment rather than people to transfer, move, and reposition patients in all health care facilities to reduce workplace injuries. This process also reduces the risk of injury to patients.

Subd. 4. **Safe patient handling equipment.** "Safe patient handling equipment" means engineering controls, lifting and transfer aids, or mechanical assistive devices used by nurses and other direct patient care workers instead of manual lifting to perform the acts of lifting, transferring, and repositioning health care facility patients and residents.

Subd. 5. **Clinical settings that move patients.** "Clinical settings that move patients" means physician, dental, and other outpatient care facilities, except for outpatient surgical settings, where service requires movement of patients from point to point as part of the scope of service.

History: *2007 c 135 art 2 s 24; 2009 c 159 s 82; 2015 c 54 art 2 s 1*

182.6553 SAFE PATIENT HANDLING PROGRAM.

Subdivision 1. **Safe patient handling program required.** (a) Every licensed health care facility in the state shall adopt a written safe patient handling policy establishing the facility's plan to achieve the goal of minimizing manual lifting of patients by nurses and other direct patient care workers by utilizing safe patient handling equipment.

(b) The program shall address:

(1) assessment of hazards with regard to patient handling;

(2) the acquisition of an adequate supply of appropriate safe patient handling equipment;

(3) initial and ongoing training of nurses and other direct patient care workers on the use of this equipment;

(4) procedures to ensure that physical plant modifications and major construction projects are consistent with program goals; and

(5) periodic evaluations of the safe patient handling program.

Subd. 2. **Safe patient handling committee.** (a) Every licensed health care facility in the state shall establish a safe patient handling committee either by creating a new committee or assigning the functions of a safe patient handling committee to an existing committee.

(b) Membership of a safe patient handling committee or an existing committee must meet the following requirements:

(1) at least half the members shall be nonmanagerial nurses and other direct patient care workers; and

(2) in a health care facility where nurses and other direct patient care workers are covered by a collective bargaining agreement, the union shall select the committee members proportionate to its representation of nonmanagerial workers, nurses, and other direct patient care workers.

(c) A health care organization with more than one covered health care facility may establish a committee at each facility or one committee to serve this function for all the facilities. If the organization chooses to have one overall committee for multiple facilities, at least half of the members of the overall committee must be nonmanagerial nurses and other direct patient care workers and each facility must be represented on the committee.

(d) Employees who serve on a safe patient handling committee must be compensated by their employer for all hours spent on committee business.

Subd. 3. **Facilities with existing programs.** A facility that has already adopted a safe patient handling policy that satisfies the requirements of subdivision 1, and established a safe patient handling committee by July 1, 2008, is considered to be in compliance with those requirements. The committee must continue to satisfy the requirements of subdivision 2, paragraph (b), on an ongoing basis.

Subd. 4. **Committee duties.** A safe patient handling committee shall:

(1) complete a patient handling hazard assessment that:

(i) considers patient handling tasks, types of nursing units, patient populations, and the physical environment of patient care areas;

(ii) identifies problems and solutions;

(iii) identifies areas of highest risk for lifting injuries; and

(iv) recommends a mechanism to report, track, and analyze injury trends;

(2) make recommendations on the purchase, use, and maintenance of an adequate supply of appropriate safe patient handling equipment;

(3) make recommendations on training of nurses and other direct patient care workers on use of safe patient handling equipment, initially when the equipment arrives at the facility and periodically afterwards;

(4) conduct annual evaluations of the safe patient handling implementation plan and progress toward goals established in the safe patient handling policy; and

(5) recommend procedures to ensure that, when remodeling of patient care areas occurs, the plans incorporate safe patient handling equipment or the physical space and construction design needed to accommodate safe patient handling equipment at a later date.

Subd. 5. **Training materials.** The commissioner shall make training materials on implementation of this section available to all health care facilities at no cost as part of the training and education duties of the commissioner under section 182.673.

Subd. 6. **Enforcement.** This section shall be enforced by the commissioner under sections 182.66 and 182.661. A violation of this section is subject to the penalties provided under section 182.666.

Subd. 7. **Grant program.** The commissioner may make grants to health care facilities to acquire safe patient handling equipment and for training on safe patient handling and safe patient handling equipment. Grants to any one facility may not exceed $40,000. A grant must be matched on a dollar-for-dollar basis by the grantee. The commissioner shall establish a grant application process. The commissioner may give priority for grants to facilities that demonstrate that acquiring safe patient handling equipment will impose a financial hardship on the facility. For health care facilities that provide evidence of hardship, the commissioner may waive the 50 percent match requirement and may grant such a facility more than $40,000. Health care facilities that the commissioner determines are experiencing hardship shall not be required to meet the safe patient handling requirements until July 1, 2012.

History: *2007 c 135 art 2 s 25; 1Sp2011 c 4 art 3 s 2; 2015 c 54 art 5 s 1,2*

182.6554 SAFE PATIENT HANDLING IN CLINICAL SETTINGS.

Subdivision 1. **Safe patient handling plan required.** (a) By July 1, 2010, every clinical setting that moves patients in the state shall develop a written safe patient handling plan to achieve by January 1, 2012, the goal of ensuring the safe handling of patients by minimizing manual lifting of patients by direct patient care workers and by utilizing safe patient handling equipment.

(b) The plan shall address:

(1) assessment of risks with regard to patient handling that considers the patient population and environment of care;

(2) the acquisition of an adequate supply of appropriate safe patient handling equipment;

(3) initial and ongoing training of direct patient care workers on the use of this equipment;

(4) procedures to ensure that physical plant modifications and major construction projects are consistent with plan goals; and

(5) periodic evaluations of the safe patient handling plan.

(c) A health care organization with more than one covered clinical setting that moves patients may establish a plan at each clinical setting or establish one plan to serve this function for all the clinical settings.

Subd. 2. **Facilities with existing programs.** A clinical setting that moves patients that has already adopted a safe patient handling plan that satisfies the requirements of subdivision 1, or a clinical setting that moves patients that is covered by a safe patient handling plan that is covered under and consistent with section 182.6553, is considered to be in compliance with the requirements of this section.

Subd. 3. **Training materials.** The commissioner shall make training materials on implementation of this section available at no cost to all clinical settings that move patients as part of the training and education duties of the commissioner under section 182.673.

Subd. 4. **Enforcement.** This section shall be enforced by the commissioner under section 182.661. An initial violation of this section shall not be assessed a penalty. A subsequent violation of this section is subject to the penalties provided under section 182.666.

History: *2009 c 159 s 83*

182.6555 REDUCING OCCUPATIONAL EXPOSURES TO BLOOD-BORNE PATHOGENS THROUGH SHARPS INJURIES.

(a) Employers must comply with Code of Federal Regulations, title 29, section 1910.1030, to eliminate or minimize employee exposure to blood-borne pathogens through sharps injuries.

(b) Written exposure control plans prepared by employers must be reviewed at least annually and whenever necessary to reflect new or modified tasks and procedures which affect occupational exposures and to reflect new or revised employee positions with occupational exposure. The requirement to review and update the plan means that the plan must reflect changes in technology that eliminate or reduce exposure to blood-borne pathogens. The exposure control plan must document consideration and implementation of appropriate commercially available and effective engineering controls, for example, needleless systems and sharps with engineered sharps injury protection, designed to eliminate or minimize exposure.

(c) A safety committee established under section 182.676 must make advisory recommendations for the use of effective engineering controls. The recommendations are not binding on the employer. One-half of the members of the safety committee must be employee representatives of job classifications that would use or may reasonably anticipate encountering any device in the category being evaluated in the performance of the employee's duties. The employer may establish a subcommittee of the safety committee to meet the requirements of this paragraph. One-half of the members of this subcommittee must be employee representatives of job classifications that would use or may reasonably anticipate encountering any device in the category being evaluated in the performance of the employee's duties. Employers not required to establish a safety committee under section 182.676 must involve their employees in the evaluation of effective engineering controls.

(d) MS 2002 [Expired, 2000 c 351 s 1]

(e) Employers must establish internal procedures to document the route of exposure and the circumstances under which an exposure incident occurred. This information should include:

(1) engineering controls in use at the time;

(2) work practices followed;

(3) a description and brand name of the device in use;

(4) protective equipment or clothing that was used at the time of the exposure incident;

(5) location;

(6) procedure being performed when the incident occurred;

(7) the employee's training; and

(8) the injured employee's opinion about whether any other engineering, administrative, or work practice control could have prevented the injury and the basis for that opinion.

History: *2000 c 351 s 1*

182.656 OCCUPATIONAL SAFETY AND HEALTH ADVISORY COUNCIL.

Subdivision 1. **Council creation; makeup of council.** An Occupational Safety and Health Advisory Council consisting of 12 members appointed by the commissioner of labor and industry is created to advise the department. The council members shall be chosen so that three shall represent management; three shall represent labor; three shall represent occupational safety and health professions; and three shall represent the general public.

The commissioner of labor and industry shall designate one of the public members as chair. The members shall be selected upon the basis of their experience and competence in the field of occupational safety and health. The commissioner of labor and industry shall be an ex officio member and shall serve as secretary of the council. The council shall elect from its members, by a concurring vote of not less than six members, other officers as necessary to carry out the duties thereof.

Subd. 2. MS 1974 [Repealed, 1975 c 315 s 26]

Subd. 3. **Meetings.** A majority of the council members constitutes a quorum. The council shall meet at the call of its chair, or upon request of any six members. A tape recording of the meeting with the tape being retained for a one-year period will be available upon the request and payment of costs to any interested party. The council shall expire and the terms, compensation, and removal of members shall be as provided in section 15.059.

History: *1973 c 732 s 7; 1975 c 271 s 6; 1975 c 315 s 14; 1977 c 305 s 45; 1984 c 531 s 6; 1986 c 444; 1993 c 132 s 4; 1997 c 192 s 30; 2001 c 161 s 36; 2003 c 38 s 2; 2009 c 78 art 6 s 18; 2014 c 286 art 8 s 26*

182.657 RULES.

The commissioner shall promulgate, in accordance with chapter 14, such rules as may be deemed necessary to carry out the responsibilities of this chapter, except for those responsibilities contained in section 182.655, including rules dealing with the inspection of places of employment.

History: *1973 c 732 s 8; 1982 c 424 s 130; 1983 c 216 art 1 s 88; 1983 c 316 s 29; 1985 c 248 s 70*

182.6575 WAIVER PROHIBITED.

No employer may request or require any employee to waive any rights under this chapter or under occupational safety and health standards adopted pursuant to this chapter.

History: *1983 c 316 s 22*

182.658 POSTING REQUIREMENTS.

The commissioner shall issue rules requiring that employers, through posting of notices or other appropriate means, keep their employees informed of their protections and obligations under this chapter including the provisions of applicable standards.

History: *1973 c 732 s 9; 1983 c 316 s 23; 1985 c 248 s 70*

182.659 INSPECTIONS.

Subdivision 1. **Authority to inspect.** In order to carry out the purposes of this chapter, the commissioner, upon presenting appropriate credentials to the owner, operator, or agent in charge, is authorized to enter without delay and at reasonable times any place of employment; and to inspect and investigate during regular working hours and at other reasonable times, and within reasonable limits and in a reasonable manner, any such place of employment and all pertinent conditions, structures, machines, apparatus, devices, equipment, and materials therein, and to question privately any such employer, owner, operator, agent or employee. An employer or its representatives, including but not limited to its management, attorneys, or consultants, may not be present for any employee interview.

Subd. 1a. **Proof of crane operator certification.** An individual who is operating a crane on a worksite shall provide proof of certification required under section 182.6525 upon request by an investigator.

Subd. 2. **Powers of commissioner.** In making inspections and investigations under this chapter the commissioner shall have the power to administer oaths, certify as to official acts, take and cause to be taken depositions of witnesses, issue subpoenas, and compel the attendance of witnesses and production of papers, books, documents, records and testimony. In case of failure of any person to comply with any subpoena lawfully issued, or on the refusal of any witness to produce evidence or to testify to any matter regarding which the person may be lawfully interrogated, the district court shall, upon application of the commissioner, compel obedience proceedings for contempt, as in the case of disobedience of the requirements of a subpoena issued by the court or a refusal to testify therein.

Subd. 3. **Aiding of inspection.** Subject to rules issued by the commissioner, a representative of the employer and a representative authorized by employees shall be given an opportunity to accompany the commissioner during the physical inspection of any workplace under subdivision 1 for the purpose of aiding such inspection. The authorized representative of employees shall also be given the opportunity to participate in any conference or discussion held prior to or during any such inspection. Where there is no authorized employee representative, the commissioner shall consult with a reasonable number of employees concerning matters of health and safety in the workplace. No employee as a consequence of aiding such inspection shall lose any privilege or payment that the employee would otherwise earn, such loss being a discriminatory act subject to the sanctions contained in section 182.669.

Subd. 4. **Request for inspection.** Any employee or representative of employees who believes that a violation of a safety or health standard exists that threatens physical harm, or that an imminent danger exists, may request an inspection by giving notice to the commissioner of such violation or danger. Any such notice shall be reduced to writing, shall set forth with reasonable particularity the grounds for the notice, and shall be signed by the employee or representative of employees. A copy of the notice shall be provided the employer or agent no later than the time of the inspection, except that, upon the request of the person giving such notice, the employee's name and the names of individual employees referred to therein shall not appear in such copy or on any record published, released, or made available pursuant to section 182.663, subdivision 4. If upon receipt of such notification the commissioner determines that there are reasonable grounds to believe that such violation or danger exists, the commissioner shall make a special inspection in accordance

with the provisions of this section as soon as practicable, to determine if such danger or violation exists. An inspection conducted pursuant to a complaint may cover all of the premises of the employer and shall not be limited to that portion of the premises specified in the notice. If the commissioner determines that there are no reasonable grounds to believe that such a violation or danger exists the commissioner shall notify the employee or representative of employees in writing of such determination. Upon such notification the employee or the employee representative may request the commissioner to reconsider the determination. Upon receiving such request the commissioner shall review the determination.

Subd. 5. **Reporting of violations.** Prior to or during any inspection of a workplace, any employee or representative of employees employed in such workplace may notify the commissioner, in writing, of any violation of this chapter which they have reason to believe exists in such workplace. The commissioner shall, by rule, establish procedures for informal review of any refusal by a representative of the commissioner to issue a citation with respect to any such alleged violation and shall furnish the employees or representative of employees requesting such review a written statement of the reasons for the commissioner's final disposition of the case.

Subd. 6. **Court orders for entrance and inspection.** Upon the refusal or anticipated refusal, based on an employer's refusal to permit entrance on a prior occasion, of an owner, operator, or agent in charge to permit entry as specified in this chapter, the commissioner may apply for an order in the district court in the county in which a workplace is located, which compels the employer to permit the commissioner to enter and inspect the workplace.

Subd. 7. **Advance notice of inspection.** (a) Advance notice may not be authorized by the commissioner except:

(1) in cases of apparent imminent danger to enable the employer to abate the danger as quickly as possible;

(2) in circumstances where the inspection can most effectively be conducted after regular business hours or where special preparations are necessary for an inspection;

(3) where necessary to assure the presence of representatives of the employer and employees or the appropriate personnel needed to aid in the inspection;

(4) in other circumstances where the commissioner determines that the giving of advance notice would enhance the probability of an effective and thorough inspection; and

(5) the reason for advance notice and the results will be recorded and retained on an appropriate form.

(b) When advance notice is given to an employer, such notice shall also be given by the commissioner to the authorized representative of employees if the identity of such representative is known to the employer.

(c) Violations of this subdivision are subject to the sanctions contained in section 182.667, subdivision 3.

Subd. 8. **Protection from subpoena; data.** Neither the commissioner nor any current or former employee of the department is subject to subpoena for purposes of inquiry into any occupational safety and health inspection except in enforcement proceedings brought under this chapter. Data that identify individuals who provide data to the department as part of an investigation conducted under this chapter shall be private.

History: *1973 c 732 s 10; 1983 c 216 art 1 s 88; 1983 c 316 s 29; 1985 c 130 s 10; 1985 c 248 s 70; 1986 c 444; 1987 c 46 s 1,2; 2001 c 202 s 11; 2005 c 87 s 2,3; 2023 c 53 art 11 s 39,40*

182.66 CITATIONS.

Subdivision 1. **Written citations.** After an inspection or investigation, if the commissioner believes that an employer has violated a requirement of section 182.653, or any standard, rule or order adopted pursuant to this chapter, the commissioner shall, with reasonable promptness and in no event later than six months following the inspection, issue a written citation to the employer by certified mail. The citation shall describe with particularity the nature of the violation, including a reference to the provision of the act, standard, rule or order alleged to have been violated. In addition, the citation shall fix a reasonable time for the abatement of the violation.

Subd. 2. **Posting requirement.** Each citation issued under this section, and the penalty proposed to be assessed under section 182.666, or a copy or copies thereof, shall be prominently posted, as prescribed in rules issued by the commissioner, at or near each place a violation referred to in the citation occurred. Each citation and proposed penalty shall be posted for a minimum period of 20 days.

Subd. 3. **De minimis violations.** The commissioner may prescribe procedures for the issuance of a notice in lieu of a citation with respect to de minimis violations which have no direct or immediate relationship to safety and health.

Subd. 4. **Classification of citation data.** Notwithstanding section 13.39, subdivision 2, the data in a written citation is classified as public data 20 days after the employer has received the citation. All data in the citation is public, including but not limited to the employer's name, the employer's business address, and the address of the worksite; the date or dates of inspection; the date the citation was issued; the provision of the act, standard, rule, or order alleged to have been violated; the severity level of the citation; the description of the nature of the violation; the proposed abatement date; the proposed penalty; and any abatement guidelines. If a notice of contest is filed contesting any part of a citation pursuant to section 182.661, subdivision 3, the date that the notice was filed shall also be classified as public data 20 days after the employer has received the citation. When citation data is requested, the department must also provide any final settlement agreement or order amending or withdrawing the citation.

History: *1973 c 732 s 11; 1975 c 375 s 2; 1983 c 316 s 24; 1985 c 248 s 70; 2003 c 38 s 3; 2023 c 53 art 11 s 41*

182.661 ENFORCEMENT.

Subdivision 1. **Notice of penalty; contesting a penalty.** If, after an inspection or investigation, the commissioner issues a citation under section 182.66, the commissioner shall notify the employer by certified mail of the penalty, if any, proposed to be assessed under section 182.666 and that the employer has 20 calendar days within which to file a notice of contest and certification of service, on a form provided by the commissioner, indicating that the employer wishes to contest the citation, type of violation, proposed assessment of penalty, or the period of time fixed in the citation given for correction of violation. A copy of the citation and the proposed assessment of penalty shall also be mailed to the authorized employee representative including, in the case of the death of an employee, the next of kin. If within 20 calendar days from the receipt of the penalty notice issued by the commissioner the employer fails to file the notice of contest, and no notice of contest is filed by any employee or authorized representative of employees under subdivision 3 within such time, the citation and assessment, as proposed, shall be deemed a final order of the commissioner and not subject to review by any court or agency.

Subd. 2. **Failure to correct a violation.** If the commissioner has reason to believe that an employer has failed to correct a violation for which a citation has been issued within the period permitted for its correction, which period shall not begin to run until the entry of a final order by the commissioner in case of any review

proceedings under this section initiated by the employer in good faith and not solely for delay or avoidance of penalties, the commissioner shall notify the employer by certified mail of such failure and of the penalty proposed to be assessed under section 182.666 by reason of such failure, and that the employer has 20 calendar days within which to file a notice of contest and certification of service, on a form provided by the commissioner, indicating that the employer wishes to contest the commissioner's notification or the proposed assessment of penalty. If, within 20 calendar days from the receipt of penalty notification issued by the commissioner, the employer fails to file the notice of contest indicating that the employer intends to contest the notification or proposed assessment of penalty, the penalty notification and assessment, as proposed, shall be deemed a final order of the commissioner and not subject to review by any court or agency.

Subd. 2a. **Action in district court.** The commissioner may bring an action in district court for injunctive or other appropriate relief including monetary damages if the employer fails to comply with a final order of the commissioner.

Subd. 3. **Contested citations or penalties.** If an employer notifies the commissioner that the employer intends to contest the citation or the proposed assessment of penalty or the employee or the authorized employee representative notifies the commissioner that the employee intends to contest the time fixed for abatement in the citation issued under section 182.66, the citation, the type of alleged violation, the proposed penalty, or notification issued under subdivision 1 or 2, the commissioner shall resolve the matter by settlement agreement, petition the board for a decision based on stipulated facts, or refer the matter to an administrative law judge for a hearing in accordance with the applicable provisions of chapter 14. Where the commissioner refers a matter for a contested case hearing, the administrative law judge shall make findings of fact, conclusions of law, and any appropriate orders. The determinations shall be the final decision of the commissioner and may be appealed to the board by any party. The rules of procedure prescribed by the commissioner shall provide affected employees or authorized representatives of affected employees an opportunity to participate as parties to hearings under this subdivision. Upon receipt of notice of hearing under this subdivision, the employer shall serve such notice as required by rule.

Subd. 3a. **Posting and service requirements.** As prescribed in rules issued by the commissioner, each notice of intent to contest the citation, proposed assessment of penalty, or period of time fixed in the citation for correction of the violation shall be prominently posted at or near each place a violation referred to in the citation occurred or served on affected employers, employees, and authorized employee representatives. If the contesting employer, employee, or authorized employee representative fails to post or serve the notice of intent to contest the citation, the proposed assessment of penalty, or the period of time fixed for correction of the violation within the time prescribed in rules issued by the commissioner, the administrative law judge may render a default judgment in favor of the commissioner.

Subd. 3b. **Service of notices.** The contesting party shall serve a copy of the notice of contest and notice to employees, on forms provided by the commissioner, upon unrepresented affected employees and authorized employee representatives on or before the date the notice of contest is filed with the commissioner. For purposes of this section, filing may be accomplished by United States mail addressed to the commissioner. Filing is timely if the document is deposited in the United States mail and postmarked within the time fixed for filing or otherwise timely received by the commissioner.

Subd. 3c. **Contestation of time for correction of a violation.** (a) Where an employer contests the period of time fixed for correction of a violation that is not a serious, willful, or repeat violation, the period of time shall not run until the order of the commissioner becomes final.

(b) Where an employer or employee contests the period of time fixed for correction of a violation that is a serious, willful, or repeat violation, the commissioner may refer the matter to the Court of Administrative

Hearings for an expedited contested case hearing solely on the reasonableness of the time fixed for correction. The administrative law judge may order the employer to correct the violation pending final resolution of the cited violations on the merits.

Subd. 4. **Relation to federal enforcement provisions.** Enforcement of this section shall continue to be at least as effective as the enforcement as provided for in the federal Occupational Safety and Health Act of 1970.

Subd. 5. **Settlement.** Where the parties resolve a contested matter by settlement agreement, the contesting party shall serve a copy of the agreement upon affected employees and authorized employee representatives. Affected employees and authorized employee representatives may file, with the commissioner, an objection to the settlement agreement. The objections must be filed within ten calendar days after service of the agreement. Upon receipt of an objection to a settlement agreement, the commissioner may refer the agreement to the Court of Administrative Hearings for assignment to an administrative law judge who shall give consideration to the objection before approving or disapproving the agreement. If no timely objection is made, the settlement agreement becomes a final order of the commissioner.

Subd. 6. **Complaint and answer.** The commissioner shall serve a complaint on all parties no later than 90 calendar days after receiving a notice of contest. The contesting party shall serve an answer on all the parties within 20 calendar days after service of the complaint.

History: *1973 c 732 s 12; 1975 c 271 s 6; 1975 c 375 s 3,4; 1Sp1981 c 4 art 2 s 16; 1982 c 424 s 130; 1985 c 130 s 11,12; 1986 c 444; 1987 c 46 s 3; 1991 c 233 s 66,68-74; 1997 c 81 s 1; 2000 c 488 art 2 s 12; 2023 c 53 art 11 s 42; 2025 c 39 art 2 s 68*

182.662 PROCEDURES TO COUNTERACT SERIOUS AND IMMINENT DANGERS.

Subdivision 1. **Temporary order.** If an inspector finds any condition or practice in any place of employment which presents a substantial probability that the condition or practice could result in death or serious physical harm, the inspector shall issue an order, after consultation either by phone or in person with the commissioner and upon the commissioner's recommendation, which prohibits the employment or continuing operational process until such steps as may be necessary are taken to correct or remove the situation. This order shall not be effective for a period longer than three days.

Subd. 2. **District court jurisdiction.** The district courts shall have jurisdiction, upon petition of the commissioner, to restrain any conditions or practices in any place of employment which are such that a danger exists which could reasonably be expected to cause death or serious physical harm immediately or before the imminence of such danger can be eliminated through the enforcement procedures otherwise provided by this chapter. Any order issued under this section may require such steps to be taken as may be necessary to avoid, correct, or remove such imminent danger and prohibit the employment or presence of any individual in locations or under conditions where such imminent danger exists, except individuals whose presence is necessary to avoid, correct, or remove such imminent danger or to maintain the capacity of a continuous process operation to resume normal operations without a complete cessation of operations, or where a cessation of operations is necessary, to permit such to be accomplished in a safe and orderly manner.

Subd. 3. **Injunctive relief; temporary restraining orders.** Upon the filing of any such petition the district court shall have jurisdiction to grant such injunctive relief or temporary restraining order pending the outcome of an enforcement proceeding pursuant to this chapter. The proceeding shall be as provided by the Rules of Civil Procedure of the district courts, except that no temporary restraining order issued without notice shall be effective for a period longer than five days.

Subd. 4. **Venue.** The venue for actions brought under this section shall be any county in which the commissioner has an office, or in which the place of employment, where such a danger exists, is located.

Subd. 5. **Notice to affected parties.** Whenever and as soon as an inspector concludes that conditions or practices described in subdivision 1 exist in any place of employment, the inspector shall inform the affected employees and employers of the danger and that the inspector is recommending to the commissioner that relief be sought.

Subd. 6. **Writ of mandamus.** If the commissioner arbitrarily or capriciously fails to seek relief under this section, any employee who may be injured by reason of such failure, or the representative of such employees, may bring an action against the commissioner in district court for a writ of mandamus to compel the commissioner to seek such an order and for such further relief as may be appropriate.

History: *1973 c 732 s 13; 1983 c 216 art 1 s 88; 1983 c 316 s 29; 1986 c 444*

182.6625 HONORING DECEASED WORKERS.

At the request of the family of a worker involved in a fatal accident killed while working on a public construction project, the commissioner shall erect a plaque in honor of the deceased worker. The plaque shall be located on the completed project and be reasonably visible to the public.

History: *1991 c 192 s 1*

182.663 STATISTICS AND RECORD KEEPING.

Subdivision 1. **Statistics program.** In order to further the purposes of this chapter, the commissioner shall develop and maintain an effective program of collection, compilation, and analysis of occupational safety and health statistics. Such programs may cover all employments within the scope of this chapter. The commissioner shall compile accurate statistics on work deaths, injuries and illnesses which shall include all deaths and all disabling, serious, or significant injuries and illnesses, whether or not involving loss of time from work, other than minor injuries requiring only first aid treatment and which do not involve medical treatment, loss of consciousness, restrictions of work or motion, or transfer to another job. Such programs shall be developed so that the state may coordinate and cooperate with a federal data collection and record-keeping program.

Subd. 2. **Employer records.** Each employer shall make, keep and preserve, and make available to the commissioner such records regarding the employer's activities relating to this chapter as the commissioner may prescribe by rules as necessary or appropriate for the enforcement of this chapter or for the development of information regarding the causes and prevention of occupational accidents and illnesses. The records which the commissioner shall require the employer to make, keep and preserve shall be at least as effective as those required by the United States Department of Labor.

Subd. 3. **Records on hazardous substances and harmful physical agents.** The commissioner shall adopt rules requiring employers to maintain accurate records of employee exposures to hazardous substances or harmful physical agents which are required to be monitored under this chapter. The rules shall provide employees or their representatives with an opportunity to have access to the records. The rules shall provide employees or their representatives with an opportunity to observe the monitoring or measuring and to have access to the records and reports of the monitoring and measuring. In order to carry out the provisions of this section, the rules may include provisions requiring employers to conduct periodic inspections. An employer shall promptly notify an employee who has been or is being exposed to hazardous substances or harmful physical agents in concentrations or at levels which exceed those prescribed by an applicable

occupational safety and health standard adopted under this chapter, and shall inform any employee who is being exposed of the corrective action being taken.

Subd. 4. **Reports.** The commissioner is authorized to compile, analyze, and publish annually, either in summary or detailed form, all reports or information obtained under this section, and to cooperate with the United States Department of Labor in obtaining national summaries of occupational deaths, injuries and illnesses. The commissioner shall preserve the anonymity of each employee with respect to whom medical reports or information is obtained.

Subd. 5. **Standards for collection of information.** Any information obtained by the commissioner under this chapter shall be obtained with a minimum burden upon employers, especially those operating small business. Unnecessary duplication of efforts in obtaining information shall be reduced to the maximum extent feasible.

History: *1973 c 732 s 14; 1983 c 216 art 1 s 88; 1983 c 316 s 25,29; 1985 c 248 s 70; 1986 c 444*

182.664 OCCUPATIONAL SAFETY AND HEALTH REVIEW BOARD.

Subdivision 1. **Creation and makeup of board.** There is hereby created the Occupational Safety and Health Review Board, consisting of three members to be appointed by the governor. The governor shall designate one member to serve as chair. The review board members shall be chosen so that one shall represent management; one shall represent labor; and one shall represent the general public. The members shall be chosen from persons qualified by education, training or experience to carry out the functions of the board. Service on such board for a term shall not render a person ineligible for reappointment.

Subd. 1a. **Membership terms.** The membership terms, compensation, removal of members, and filling of vacancies on the board shall be as provided in section 15.0575.

Subd. 2. MS 1990 [Repealed, 1991 c 233 s 110]

Subd. 3. **Powers and duties of board.** The review board shall review and decide appeals from final decisions and orders of the commissioner, including decisions issued by administrative law judges, petitions to vacate final orders of the commissioner, and with the agreement of the parties, may review and decide petitions for decisions based on stipulated facts. The powers of the board in the conduct of hearings, including the power to sign decisions and orders, may be delegated to a member, members, or the board chair. The board may schedule a hearing for purposes of taking oral argument. A notice stating the time and place of the hearing must be given ten days in advance of such a hearing to the parties and copies of the notice of such hearing shall be served by the employer as rules of the board shall require. The hearings shall be open to the public and the board's decisions and orders shall be maintained and available for examination. Chapter 13D does not apply to meetings or hearings of the board when the board is deliberating to reach its decision on an appeal or petition under its jurisdiction.

Subd. 4. **Department to assist board.** It shall be the duty of the department to provide such equipment, supplies, clerical assistance, and other needs, as the board may reasonably require.

Subd. 5. **Authority of board; scope of review.** (a) For the purpose of carrying out its functions under this chapter, two members of the board shall constitute a quorum and official action can be taken only on the affirmative vote of at least two members. The decisions and orders of an administrative law judge, or final orders of the commissioner, may be appealed to the review board by the employer, employee, or their authorized representatives or any party, within 30 days following service by mail of the administrative law judge's decision and order, or final order of the commissioner.

(b) The review board shall have authority to revise, affirm, remand, or reverse the decision and order of administrative law judges.

(c) The review board shall also have authority to affirm, or vacate and remand, final orders of the commissioner when a petition to vacate a final order is filed. The board shall only vacate and remand a final order of the commissioner relating to a petition to vacate upon a showing of good cause. For purposes of this section, good cause is limited to fraud, mistake of fact by the commissioner, mistake of law by the commissioner, or newly discovered evidence.

History: *1973 c 732 s 15; 1975 c 271 s 6; 1976 c 134 s 48,49; 1982 c 424 s 130; 1983 c 216 art 1 s 88; 1983 c 305 s 21; 1983 c 316 s 29; 1984 c 640 s 32; 1986 c 444; 1991 c 233 s 75,76; 2024 c 110 art 3 s 2,3*

182.665 JUDICIAL REVIEW.

Any person aggrieved by a final order of the board in a contested case, by a final order of the board on a petition to vacate a final order of the commissioner, or by any standard, rule, or order promulgated by the commissioner, is entitled to judicial review thereof in accordance with the applicable provisions of chapter 14.

History: *1973 c 732 s 16; 1975 c 271 s 6; 1982 c 424 s 130; 1985 c 248 s 70; 2024 c 110 art 3 s 4*

182.666 PENALTIES.

Subdivision 1. **Willful or repeated violations.** Any employer who willfully or repeatedly violates the requirements of section 182.653, or any standard, rule, or order adopted under the authority of the commissioner as provided in this chapter, may be assessed a fine not to exceed $156,259 for each violation. The minimum fine for a willful violation is $11,162.

Subd. 2. **Serious violations.** Any employer who has received a citation for a serious violation of its duties under section 182.653, or any standard, rule, or order adopted under the authority of the commissioner as provided in this chapter, shall be assessed a fine not to exceed $15,625 for each violation. If a serious violation under section 182.653, subdivision 2, causes or contributes to the death of an employee, the employer shall be assessed a fine of up to $25,000 for each violation.

Subd. 2a. **Citations connected to the death of an employee.** (a) Notwithstanding any other provision of this section, if any (1) serious, willful, or repeated violation other than a violation of section 182.653, subdivision 2; or (2) failure to correct a violation pursuant to subdivision 4 causes or contributes to the death of an employee, the minimum total nonnegotiable fine which shall be assessed for all citations connected to the death of an employee is $50,000 if there is a willful or repeated violation or $25,000 if there is no willful or repeated violation, except as provided in paragraph (b).

(b) If there is no willful or repeated violation and the employer has fewer than 50 employees, the employer shall be assessed an initial fine of $5,000 and an additional fine of $5,000 for each of the following four years. The commissioner may elect to waive the $5,000 fine for any of the following four years if the employer received no citations in the preceding calendar year.

(c) If the business or enterprise employs fewer than 50 employees, this subdivision does not apply to the death of an employee who owns a controlling interest in the business or enterprise, except if the commissioner determines that a fine shall be assessed.

Subd. 3. **Nonserious violations.** Any employer who has received a citation for a violation of its duties under section 182.653, subdivisions 2 to 4, where the violation is specifically determined not to be of a

serious nature as provided in section 182.651, subdivision 12, may be assessed a fine of up to $15,625 for each violation.

Subd. 4. **Failure to correct a violation.** Any employer who fails to correct a violation for which a citation has been issued under section 182.66 within the period permitted for its correction, which period shall not begin to run until the date of the final order of the commissioner in the case of any review proceedings under this chapter initiated by the employer in good faith and not solely for delay or avoidance of penalties, may be assessed a fine of not more than $15,625 for each day during which the failure or violation continues.

Subd. 5. **Posting violations.** Any employer who violates any of the posting requirements, as prescribed under this chapter, except those prescribed under section 182.661, subdivision 3a, shall be assessed a fine of up to $15,625 for each violation.

Subd. 5a. **Waiver of rights violations.** Any employer who knowingly violates section 182.6575 shall be assessed a fine of up to $7,000 for each violation. The employer shall also be liable to each aggrieved employee for civil punitive damages of $400.

Subd. 6. **Authority to assess fines; considerations.** Only the commissioner shall have authority to assess all proposed fines provided in this section. Notwithstanding the factors in section 14.045, subdivision 3, the commissioner must give due consideration only to the following factors:

(1) appropriateness of the fine with respect to the size of the business of the employer;

(2) the gravity of the violation;

(3) the good faith of the employer; and

(4) the history of previous violations.

Subd. 6a. **Increases for inflation.** (a) The commissioner shall increase the fines in subdivisions 1 to 5, except for the fine for a serious violation under section 182.653, subdivision 2, that causes or contributes to the death of an employee, to the amounts of the corresponding federal penalties for the specified violations promulgated in United States Code, title 29, section 666, subsections (a) and (b), as amended through November 5, 1990, and adjusted according to United States Code, title 28, section 2461, note (Federal Civil Penalties Inflation Adjustment), as amended through November 2, 2015. A maximum fine shall not be reduced under this subdivision. The fines shall be increased to the nearest one dollar.

(b) A fine increased under this subdivision takes effect on the next October 1 after any increases to the corresponding federal penalties and applies to all fines assessed on or after October 1.

(c) No later than September 1 of each year, the commissioner shall give notice in the State Register of any increases to the corresponding federal penalties and the resulting increase to the fines in subdivisions 1 to 5.

Subd. 7. **Payment of fines; unpaid fines.** Fines imposed under this chapter shall be paid to the commissioner for deposit in the special compensation fund and may be recovered in a civil action in the name of the department brought in the district court of the county where the violation is alleged to have occurred or the district court where the commissioner has an office. Unpaid fines shall be increased to 125 percent of the original assessed amount if not paid within 60 days after the fine becomes a final order. After

that 60 days, unpaid fines shall accrue an additional penalty of ten percent per month compounded monthly until the fine is paid in full or until the fine has accrued to 300 percent of the original assessed amount.

History: *1973 c 732 s 17; 1983 c 216 art 1 s 88; 1983 c 316 s 26,29; 1986 c 444; 1987 c 46 s 4-8; 1988 c 620 s 1-7; 1991 c 233 s 77-82; 1992 c 513 art 3 s 40,41; 1997 c 180 s 4; 2000 c 488 art 2 s 13,14; 2003 c 38 s 4,5; 2023 c 53 art 1 s 15-20; 2024 c 110 art 3 s 5*

182.667 CRIMINAL PENALTIES.

Subdivision 1. **False statements.** Whoever knowingly makes any false statement, representation, or certification in any application, record, report, plan, or other document filed or required to be maintained pursuant to this chapter shall, upon conviction, be guilty of a gross misdemeanor and be punished by a fine of not more than $20,000, or by imprisonment for not more than six months, or by both.

Subd. 2. **Willful or repeated violations.** Any employer who willfully or repeatedly violates the requirements of section 182.653, any safety and health standard promulgated under this chapter, any existing rule promulgated by the department, may be punished by a fine of not more than $70,000 or by imprisonment for not more than six months or by both; except, that if the conviction is for a violation committed after a first conviction of such person, punishment shall be a fine of not more than $100,000 or by imprisonment for not more than one year, or by both.

Subd. 3. **Advance notice of inspection.** Any person who gives advance notice of any inspection to be conducted under the authority of this chapter, without the consent of the commissioner or designees shall, upon conviction, be assessed a fine of up to $3,000 or by imprisonment for not more than six months or by both.

Subd. 4. **Investigative data.** The commissioner may share active and inactive civil investigative data pursuant to section 13.39 with a city or county attorney for purposes of enforcing this section. The commissioner may share complete data and need not withhold any data under the requirements of chapter 13 or 182 or any other state privacy law.

History: *1973 c 732 s 18; 1983 c 216 art 1 s 88; 1983 c 316 s 29; 1984 c 628 art 3 s 11; 1985 c 248 s 70; 1986 c 444; 2003 c 128 art 11 s 10; 2024 c 110 art 3 s 6*

182.668 PROTECTION OF TRADE SECRETS.

Subdivision 1. **Registration.** Subject to the restrictions on the withholding of information pursuant to Minnesota Rules, part 5205.0010, a manufacturer or employer who believes that all or a part of the information required under section 182.653, subdivision 4a, 4b, 4c, 4e, or 4f or requested under section 182.654, subdivision 10 is a trade secret as defined in section 325C.01, subdivision 5, may register the information with the commissioner as trade secret information.

Subd. 2. **Classification of data.** Information that has been registered pursuant to subdivision 1 shall be classified as nonpublic or private data as defined in section 13.02, subdivisions 9 and 12.

All other information reported to or otherwise obtained by the commissioner or a representative in connection with any inspection or proceeding under this chapter which contains or which might reveal a trade secret shall be classified as nonpublic or private data as defined in section 13.02, subdivisions 9 and 12. Information classified as nonpublic or private may be disclosed to other officers or employees concerned with carrying out this chapter or when relevant in any proceeding under this chapter or when otherwise required in order to comply with federal law or regulation but only to the extent required by the federal law or regulation.

Subd. 3. **Determination by commissioner.** On the request of a manufacturer, employer, employee or employee representative, the commissioner shall determine whether information registered pursuant to subdivision 1 or otherwise reported to or obtained by the commissioner is a trade secret as defined in section 325C.01, subdivision 5. In making a determination the commissioner shall also determine whether the information should in any event be disclosed in order to properly protect the health and safety of employees.

An employer or manufacturer that disagrees with a determination under this subdivision may pursue its remedies as provided in chapter 325C or other relevant law.

Subd. 4. **Orders.** The commissioner shall issue orders as may be appropriate to protect the classification of trade secrets and may, at the request of an employer, in inspections of trade secrets areas or in discussions involving trade secrets, allow an authorized representative of employees to be replaced by an employee authorized by the employer. The commissioner may also allow the employer to screen out trade secret details where photographs are deemed essential to the investigation and to restrict samples to be taken where trade secrets might be exposed.

Subd. 5. **Restrictions on disclosure.** Information provided to an employee or designated representative pursuant to section 182.653, subdivisions 4a, 4b, 4c, 4e, or 182.654, subdivision 10 which has been determined by the commissioner to be a trade secret shall not be disclosed to anyone except as required for medical treatment or as otherwise required in this chapter. An employee, designated representative or other person who knowingly discloses information in violation of this subdivision or any person knowingly receiving the information is subject to the provisions of section 609.52 relating to the theft of trade secrets and to the civil liabilities provided by chapter 325C or other relevant law.

History: *1973 c 732 s 19; 1983 c 316 s 27; 1985 c 130 s 13*

182.669 DISCRIMINATION.

Subdivision 1. **Complaints alleging discriminatory acts; private actions.** Any employee believed to have been discharged or otherwise discriminated against by any person because the employee has exercised any right authorized under the provisions of sections 182.65 to 182.674, may, within 30 days after the alleged discrimination occurs, file a complaint with the commissioner alleging the discriminatory act. Upon receipt of the complaint, the commissioner shall cause an investigation to be made as the commissioner deems appropriate. If upon such investigation the commissioner determines that a discriminatory act was committed against an employee, the commissioner shall refer the matter to the Court of Administrative Hearings for a hearing before an administrative law judge pursuant to the provisions of chapter 14. Communications between discrimination complainants and attorneys representing the commissioner are privileged as would be communications between an attorney and a client. For purposes of this section, the commissioner shall file with the administrative law judge and serve upon the respondent, by registered or certified mail, a complaint and written notice of hearing. The respondent shall file with the administrative law judge and serve upon the commissioner, by registered or certified mail, an answer within 20 days after service of the complaint. In all cases where the administrative law judge finds that an employee has been discharged or otherwise discriminated against by any person because the employee has exercised any right authorized under sections 182.65 to 182.674, the administrative law judge may order payment to the employee of back pay and compensatory damages. The administrative law judge may also order rehiring of the employee; reinstatement of the employee's former position, fringe benefits, and seniority rights; and other appropriate relief. In addition, the administrative law judge may order payment to the commissioner or to the employee of costs, disbursements, witness fees, and attorney fees. Interest shall accrue on, and be added to, the unpaid balance of an administrative law judge's order from the date the order is signed by the administrative law judge until

it is paid, at the annual rate provided in section 549.09, subdivision 1, paragraph (c). An employee may bring a private action in the district court for relief under this section.

Subd. 2. MS 1974 [Repealed, 1975 c 343 s 2]

Subd. 3. MS 1974 [Repealed, 1975 c 343 s 2]

Subd. 4. MS 1974 [Repealed, 1975 c 343 s 2]

Subd. 5. MS 1974 [Repealed, 1975 c 343 s 2]

Subd. 6. MS 1974 [Repealed, 1975 c 343 s 2]

History: *1973 c 732 s 20; 1975 c 343 s 1; 1985 c 130 s 14; 1986 c 444; 1987 c 46 s 9; 1989 c 249 s 5; 1991 c 233 s 83; 2000 c 323 s 1; 2025 c 39 art 2 s 68*

182.67 ADMINISTRATIVE AUTHORITY.

Subdivision 1. **Department's authority; cooperation with other departments.** The department has sole authority and responsibility for the administration and enforcement of this chapter. Any other department or official of this state or political subdivision thereof which would in any way affect the administration or enforcement of this chapter shall cooperate and coordinate all such activities with the department to assure orderly and efficient administration and enforcement of this chapter.

Subd. 2. **Contracts and cooperation with federal government.** The department is authorized and empowered to make all contracts and to do all things necessary to cooperate with the United States government, and to qualify for, accept and disburse any grant from the United States government intended for the administration of this chapter.

Subd. 3. **Liaison officer.** The commissioner shall designate a liaison officer from the department whose duty it shall be to insure the maximum possible consistency in procedures and to insure minimum duplication between the department and the other agencies that may be involved in occupational safety and health.

History: *1973 c 732 s 21; 1983 c 216 art 1 s 88; 1983 c 316 s 29; 1986 c 444; 2017 c 68 art 3 s 2*

182.671 WORKERS' COMPENSATION.

Nothing in this chapter shall be construed to supersede or in any manner affect the workers' compensation law of this state.

History: *1973 c 732 s 22; 1975 c 359 s 23; 1983 c 216 art 1 s 88; 1983 c 316 s 29*

182.672 REPRESENTATION IN CIVIL LITIGATION.

The attorney general shall represent the commissioner in all civil actions arising under this chapter.

History: *1973 c 732 s 23; 1983 c 216 art 1 s 88; 1983 c 316 s 29*

182.673 TRAINING AND EDUCATION.

The commissioner shall promulgate rules for the establishment of programs for the education of employers and employees in the recognition, avoidance, and prevention of unsafe or unhealthful working conditions in places of employment covered by this chapter, and consult with and advise employers and employees,

and organizations representing employers and employees, as to effective means of preventing occupational injuries and illnesses.

History: *1973 c 732 s 24; 1983 c 216 art 1 s 88; 1983 c 316 s 29; 1985 c 248 s 70*

182.6731 SAFETY AWARDS.

The commissioner may present awards to businesses that have excellent safety records. The award shall be presented jointly to the company and its employees. The commissioner may solicit advice on what businesses shall receive the awards from representatives of labor and business.

History: *1990 c 508 s 4*

182.674 REPORTS.

Subdivision 1. **Commissioner reports.** The commissioner shall make all reports to the United States Department of Labor which are required by the assistant secretary of labor.

Subd. 2. **Employer reports.** Employers shall make all reports to the commissioner and to the assistant secretary of the United States Department of Labor as are required.

History: *1973 c 732 s 25*

182.675 RELATIONSHIP TO COLLECTIVE BARGAINING.

Although not required, an employee or employer may seek to resolve any dispute arising under this chapter through resolution procedures provided by any applicable labor agreement or, if there is no applicable provision of a labor agreement, through a dispute resolution procedure to be developed by the commissioner. The employee is not deemed to have waived or lost any substantive or procedural rights under this chapter due to resort to the resolution methods and may pursue all legal remedies under this chapter without any prejudice due to the results of these resolution methods. Nothing in this chapter is deemed to prevent the creation of additional rights or remedies for employees pursuant to a labor agreement or personnel rule.

History: *1983 c 316 s 28; 1984 c 640 s 32; 1996 c 305 art 2 s 35*

182.676 SAFETY COMMITTEES.

(a) Every public or private employer of more than 25 employees shall establish and administer a joint labor-management safety committee.

(b) Every public or private employer of 25 or fewer employees shall establish and administer a safety committee if it is subject to the requirements of section 182.653, subdivision 8.

(c) A safety committee must hold regularly scheduled meetings unless otherwise provided in a collective bargaining agreement.

(d) Employee safety committee members must be selected by employees. An employer that fails to establish or administer a safety committee as required by this section may be cited by the commissioner. A citation is punishable as a serious violation under section 182.666.

The commissioner may adopt rules necessary to implement this section.

History: *1995 c 231 art 2 s 101; 1997 c 7 art 5 s 18; 2023 c 53 art 11 s 43*

182.677 ERGONOMICS.

Subdivision 1. **Definitions.** (a) For purposes of this section, the definitions in this subdivision apply unless otherwise specified.

(b) "Health care facility" means a hospital with a North American Industrial Classification system code of 622110, 622210, or 622310; an outpatient surgical center with a North American Industrial Classification system code of 621493; and a nursing home with a North American Industrial Classification system code of 623110.

(c) "Warehouse distribution center" means a site in Minnesota with 100 or more employees and a North American Industrial Classification system code of 493110, 423110 to 423990, 424110 to 424990, 454110, or 492110.

(d) "Meatpacking site" means a site in Minnesota with 100 or more employees and a North American Industrial Classification system code of 311611 to 311615, except 311613.

(e) "Musculoskeletal disorder" or "MSD" means a disorder of the muscles, nerves, tendons, ligaments, joints, cartilage, blood vessels, or spinal discs.

Subd. 2. **Ergonomics program required.** (a) Every employer with employees at a licensed health care facility, warehouse distribution center, or meatpacking site in the state shall create and implement an effective written ergonomics program establishing the employer's plan to minimize the risk of its employees developing or aggravating musculoskeletal disorders. The ergonomics program shall focus on eliminating the risk. To the extent risk exists, the ergonomics program must include feasible administrative or engineering controls to reduce the risk.

(b) The program shall include:

(1) an assessment to identify and reduce musculoskeletal disorder risk factors in the facility;

(2) an initial and ongoing training of employees on ergonomics and its benefits, including the importance of reporting early symptoms of musculoskeletal disorders;

(3) a procedure to ensure early reporting of musculoskeletal disorders to prevent or reduce the progression of symptoms, the development of serious injuries, and lost-time claims;

(4) a process for employees to provide possible solutions that may be implemented to reduce, control, or eliminate workplace musculoskeletal disorders;

(5) procedures to ensure that physical plant modifications and major construction projects are consistent with program goals; and

(6) annual evaluations of the ergonomics program and whenever a change to the work process occurs.

Subd. 3. **Annual evaluation of program required.** There must be an established procedure to annually assess the effectiveness of the ergonomics program, including evaluation of the process to mitigate work-related risk factors in response to reporting of symptoms of musculoskeletal disorders by employees. The annual assessment shall determine the success of the implemented ergonomic solutions and whether goals set by the ergonomics program have been met.

Subd. 4. **Employee training.** (a) An employer subject to this section must train all employees on the following:

(1) the name of each individual on the employer's safety committee;

(2) the facility's ergonomic program;

(3) the early signs and symptoms of musculoskeletal injuries and the procedures for reporting them;

(4) the procedures for reporting injuries and other hazards;

(5) any administrative or engineering controls related to ergonomic hazards that are in place or will be implemented for their positions; and

(6) the requirements of subdivision 9.

(b) New employees must be trained according to paragraph (a) prior to starting work. Current employees must receive initial training and ongoing annual training in accordance with the employer's ergonomics program. The employer must provide the training during working hours and compensate the employee for attending the training at the employee's standard rate of pay. All training must be in a language and with vocabulary that the employee can understand.

(c) Updates to the information conveyed in the training shall be communicated to employees as soon as practicable.

Subd. 5. **Involvement of employees.** Employers subject to this section must solicit feedback for its ergonomics program through its safety committee required by section 182.676, in addition to any other opportunities for employee participation the employer may provide. The safety committee must be directly involved in ergonomics worksite assessments and participate in the annual evaluation required by subdivision 3.

Subd. 6. **Workplace program or AWAIR.** An employer subject to this section must reference its ergonomics program in a written Workplace Accident and Injury Reduction (AWAIR) program required by section 182.653, subdivision 8.

Subd. 7. **Recordkeeping.** An employer subject to this section must maintain:

(1) a written certification dated and signed by each person who provides training and containing the name and job title of each employee who receives training pursuant to this section. The certifications must include the date training was conducted. The certification completed by the training providers must state that the employer has provided training consistent with the requirements of this section and include a brief summary or outline of the information that was included in the training session;

(2) a record of all worker visits to on-site medical or first aid personnel for the last five years, regardless of severity or type of illness or injury; and

(3) a record of all musculoskeletal disorders suffered by employees for the last five years.

Subd. 8. **Availability of records.** (a) The employer must ensure that the certification records required by subdivision 7, clause (1), are up to date and available to the commissioner, employees, and authorized employee representatives, if any, upon request.

(b) Upon the request of the commissioner, an employee who is a member of the facility's safety committee, or an authorized employee representative, the employer must provide the requestor a redacted version of the medical or first aid records and records of all musculoskeletal disorders. The name, contact information, and occupation of an employee, and any other information that would reveal the identity of an employee,

must be removed in the redacted version. The redacted version must only include, to the extent it would not reveal the identity of an employee, the location where the employee worked, the date of the injury or visit, a description of the medical treatment or first aid provided, and a description of the injury suffered.

(c) The employer must also make available to the commissioner and the employee who is the subject of the records the unredacted medical or first aid records and unredacted records of musculoskeletal disorders required by subdivision 7, clause (2), upon request.

Subd. 9. **Reporting encouraged.** Any employer subject to this section must not institute or maintain any program, policy, or practice that discourages employees from reporting injuries, hazards, or safety and health standard violations, including ergonomic-related hazards and symptoms of musculoskeletal disorders.

Subd. 10. **Training materials.** The commissioner shall make training materials on implementation of this section available to all employers, upon request, at no cost as part of the duties of the commissioner under section 182.673.

Subd. 11. **Enforcement.** This section shall be enforced by the commissioner under sections 182.66 and 182.661. A violation of this section is subject to the penalties provided under section 182.666.

Subd. 12. **Grant program.** (a) The commissioner shall establish an ergonomics grant program to provide matching funding for employers who are subject to this section to make ergonomic improvements recommended by an on-site safety survey. Minnesota Rules, chapter 5203, applies to the administration of the grant program.

(b) To be eligible for a grant under this section, an employer must:

(1) be a licensed health care facility, warehouse distribution center, or meatpacking site as defined by subdivision 1;

(2) have current workers' compensation insurance provided through the assigned risk plan, provided by an insurer subject to penalties under chapter 176, or as an approved self-insured employer; and

(3) have an on-site safety survey with results that recommend specific equipment or practices that will reduce the risk of injury or illness to employees and prevent musculoskeletal disorders. This survey must have been conducted by a Minnesota occupational safety and health compliance investigator or workplace safety consultant, an in-house safety and health committee, a workers' compensation insurance underwriter, a private consultant, or a person under contract with the assigned risk plan.

(c) Grant funds may be used for all or part of the cost of the following:

(1) purchasing and installing recommended equipment intended to prevent musculoskeletal disorders;

(2) operating or maintaining recommended equipment intended to prevent musculoskeletal disorders;

(3) property, if the property is necessary to meet the recommendations of the on-site safety survey that are related to prevention of musculoskeletal disorders;

(4) training required to operate recommended safety equipment to prevent musculoskeletal disorders; and

(5) tuition reimbursement for educational costs related to identifying ergonomic-related issues that are related to the recommendations of the on-site safety survey.

(d) The commissioner shall evaluate applications, submitted on forms developed by the commissioner, based on whether the proposed project:

(1) is technically and economically feasible;

(2) is consistent with the recommendations of the on-site safety survey and the objective of reducing risk of injury or illness to employees and preventing musculoskeletal disorders;

(3) was submitted by an applicant with sufficient experience, knowledge, and commitment for the project to be implemented in a timely manner;

(4) has the necessary financial commitments to cover all project costs;

(5) has the support of all public entities necessary for its completion; and

(6) complies with federal, state, and local regulations.

(e) Grants under this section shall provide a match of up to $10,000 for private funds committed by the employer to implement the recommended ergonomics-related equipment or practices.

(f) Grants will be awarded to all applicants that meet the eligibility and evaluation criteria under paragraphs (b), (c), and (d) until funding is depleted. If there are more eligible requests than funding, awards will be prorated.

(g) Grant recipients are not eligible to apply for another grant under chapter 176 until two years after the date of the award.

Subd. 13. **Standard development.** The commissioner may propose an ergonomics standard using the authority provided in section 182.655.

History: *2023 c 53 art 1 s 21; 2024 c 110 art 3 s 7,8*

182.678 SURGICAL SMOKE EVACUATION SYSTEM POLICIES.

Subdivision 1. **Definitions.** (a) For purposes of this section, the terms defined in this subdivision have the meanings given.

(b) "Surgical smoke" means the gaseous by-product produced by energy-generating devices including surgical plume, smoke plume, bio-aerosols, laser-generated airborne contaminants, or lung-damaging dust.

(c) "Smoke evacuation system" means equipment that effectively captures and filters surgical smoke at the site of origin before the smoke makes contact with the eyes or the respiratory tract of occupants in the room.

(d) "Health care employer" means a hospital as defined in section 144.50, subdivision 2, or an ambulatory surgical facility or outpatient surgical center as defined in section 144.55, subdivision 2, paragraph (b).

Subd. 2. **Surgical smoke evacuation system policies required.** A health care employer shall adopt and implement policies to prevent exposure to surgical smoke by requiring the use of a smoke evacuation system during any surgical procedure that is likely to generate surgical smoke.

Subd. 3. **Enforcement.** This section shall be enforced by the commissioner under sections 182.66 and 182.661. A violation of this section is subject to the penalties provided under section 182.666.

History: *2024 c 110 art 7 s 9*

182.679 COMMERCIAL DIVING OPERATIONS.

Subdivision 1. **Application.** (a) This section applies to persons who are conducting self-contained underwater breathing apparatus (scuba) diving at a place of employment while making improvements to land, including the removal of aquatic plants.

(b) Issuing a permit under section 103G.615 alone does not make the commissioner of natural resources an employer of the permit holder or the permit holder's employees.

Subd. 2. **Certification required for commercial diving operations.** No employer may permit an individual subject to this section to conduct scuba diving unless the individual has a valid open-water scuba diver certificate or more advanced certificate received from a nationally recognized and accredited certification program or agency.

Subd. 3. **Equipment requirements.** An employer must require the use of the following equipment when an individual subject to this section is scuba diving:

(1) a buoyancy-control device;

(2) a mask;

(3) a compressed-gas cylinder and valve;

(4) a primary regulator;

(5) a breathing-gas monitoring device;

(6) a quick-release weight system and weights;

(7) at least one audible emergency surface-signaling device; and

(8) an illuminated dive beacon.

Subd. 4. **Equipment requests.** An employer must provide the use of the following equipment when a diver requests it:

(1) a depth-monitoring device;

(2) fins and snorkel;

(3) alternate air source;

(4) adequate exposure protection appropriate for local dive conditions; and

(5) a dive computer or recreational dive planner (RDP).

Subd. 5. **Standby diver required.** An employer must ensure that a standby diver is available while a diver is in the water.

Subd. 6. **First aid and CPR training required.** An employer must require all individuals subject to this section conducting scuba diving or serving as a standby diver under subdivision 5 to be trained in cardiopulmonary resuscitation (CPR) and first aid, the American Red Cross standard course or equivalent.

Subd. 7. **Penalties.** An employer may be cited by the commissioner for violations of subdivisions 2 to 6. Citations are punishable under section 182.666.

Subd. 8. **Information for employers.** The commissioner must develop an information sheet for employers who have or intend to have one or more employees use scuba diving equipment in the workplace. The information sheet must explain the requirements of this section and include any applicable federal requirements for employers. The commissioner must post the information sheet on the department's website. The commissioner must also deliver the information sheet to the commissioner of natural resources to provide to businesses according to section 103G.615, subdivision 1, paragraph (e).

Subd. 9. **Citation.** This section is the "Brady Aune and Joseph Anderson Safety Act."

History: *2025 c 8 s 3*