

# LMCD Harvesting Program Comments and Response

Updated 11/14/2018

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A number of comments have been made recently criticizing the LMCD Harvesting Program and urging the LMCD to suspend or permanently stop the program. In response to the request from the LMCD Board of Directors for more information, the following information attempts to capture the recent comments and provide information in response to each.

1. *What is harvesting?*

Harvesting is the removal of lake vegetation through the use of mechanical equipment. The goal of harvesting is to ensure safe navigation for lakeshore owners and the general public, reduce the amount of AIS available to spread by boaters and other means throughout the busy season, and reduce biomass in the lake. Harvesting provides an alternative to other AIS management methods where they are not feasible or desired. It includes removal of vegetation that is cut in addition to removing nuisance vegetation that is loose or in mats in the area where harvesting for EWM/CLP occurs. Steps are incorporated to capture the vegetation that is cut, along with other AIS nuisance vegetation that may also be in the area. The LMCD Harvesting Program began harvesting operations in 1989 and it has continued every year since. In recent years, due to financial limitations, the LMCD has operated only two of its three harvesters.

2. *How does the LMCD determine the areas to be harvested?*

The past two years, the harvesting schedule has been somewhat fluid to accommodate changes in types and density of vegetative growth observed each year. Some of the main factors in determining the harvesting areas are: historical growth and locations; scouting of the areas at the beginning of and throughout the boating season to assess vegetation types and levels; and feedback from lakeshore owners and other customers regarding needs and timing, e.g., residents, bay captains, businesses, special event coordinators, agencies, etc.

3. *Is the LMCD harvesting spreading AIS such as flowering rush?*

LMCD does not harvest flowering rush. It typically grows in shallow waters close to shore and harvesters typically do not go that close to shore. However, there are no barriers surrounding areas where flowering rush are growing to prevent passage by lakeshore owners and other boaters throughout the boating season. LMCD has spoken to other agencies to formulate a plan to address management of flowering rush.

4. *Does the LMCD obtain permits from the MN DNR for harvesting?*

Yes, the LMCD is issued permits each year from the MN DNR for harvesting in Lake Minnetonka. In 2017, the MN DNR implemented a new electronic permitting system and entered the information on behalf of the LMCD per the historical harvesting information. No change in the permit coverage for harvesting was intended. The MN DNR issued several permits for areas in lieu of one for the whole lake. LMCD obtained additional permits in 2017 to address the increase in CLP. Staff will work with the MN DNR staff if there are any filing miscommunications. A copy of the email from MN DNR in response to questions about the permits follows:

**From:** Lund, Keegan (DNR) <keegan.lund@state.mn.us>  
**Sent:** Wednesday, November 14, 2018 11:44 AM  
**To:** V Schleuning  
**Subject:** Harvesting permitting concerns

Vickie,

I have been told there are some concerns regarding permitting treatment areas and accurate treatment maps. DNR switched to an online permitting system (MPARS) and through this process, we divided many of the bays within Lake Minnetonka into individual harvest areas versus the historic whole lake IAPM harvest permit we previously issued.

If there are discrepancies from this transition, DNR will resolve the issue in the coming 2019 permit season.

We have no concerns regarding these permitting issues.

If you have additional questions/concerns please let me know.

Regards,

**Keegan Lund**  
Invasive Species Specialist | Ecological and Water Resources  
1200 Warner Road  
Saint Paul, MN 55106  
Phone: 651-259-5828  
Email: [keegan.lund@state.mn.us](mailto:keegan.lund@state.mn.us)



5. *Does the LMCD partner with any other parties or agencies for AIS or lake management?*

Yes, the LMCD partners with many agencies and parties for AIS and other lake management activities such as MN DNR, TRPD, Hennepin County, MCWD, LMA, businesses, residents, etc. This includes review of activities, programs, reports, grants, coordination, services, etc. In 2012, a subgroup of the LMCD AIS Task Force recommended continuing the harvesting program. It is beneficial to review program activities periodically.

6. *Does the LMCD train the harvesting staff?*

Yes, harvesting staff are trained in classroom, dry dock, and on water. A training manual is reviewed for all harvesting staff emphasizing operations, safety, vegetation, customer service, etc., prior to harvesting and then monitored throughout the season. Safety and good business management practices are important and the LMCD continues to evaluate and formalize processes.

7. *Were the harvesters stored without cleaning and winterizing?*

The harvesters are being winterized later this year due to equipment evaluations including an OSHA evaluation. Therefore, the winterizing was not initiated within normal time frames. While the equipment is not likely to be damaged or spread AIS due to the amount of time stored for this winter, it is a best management practice to prepare equipment for harvesting in fall and spring.

8. *Did the LMCD say at the October 19, 2018 AIS Taskforce Meeting that the native nuisance vegetation in Carmans Bay was harvested at the end of the season? How does this match up with the MN DNR permit?*

No, the LMCD stated that requests were received to remove the floating nuisance vegetation and started researching feasibility, but the LMCD program had already ended for the season the prior week. The Lake Minnetonka Association (LMA) executive director requested part of the bay be harvested and referred LMCD to a lakeshore owner for more information. Since the chemical treatments began, it was stated that the native vegetation has increased to a point that it has become a nuisance for part of the bay.

9. *The public comment was made that the LMCD is not removing all the vegetation it harvests as required by the MN DNR permit. Specifically quoted is that only 80% of the vegetation is removed.*

The harvesting program operates in compliance with the MN DNR permit by ensuring vegetation that is harvested is removed from the Lake and properly disposed. Measures are in place to capture as much vegetation as possible. A significant amount of AIS nuisance vegetation creating navigation hazards and obstructions beyond what is cut by LMCD is also removed through the collection of pre-existing fragments and mats floating in the area. Further, the vegetation that was accumulated on the shore or between docks due to other sources prior to LMCD harvesting cannot be removed under the current program. In many situations, the amount of AIS vegetation harvested in an area is greater than the amount of vegetation cut by the LMCD harvesters because of they collect loose materials already in the area.

10. *The Lake Minnetonka Association (LMA) states they receive an increasing number of complaints about the harvesting program and accumulation of fragments.*

The LMCD encourages individual parties that have concerns about harvesting activities or AIS to contact the LMCD directly and right away to discuss possible options. The LMCD works proactively with many parties to determine location and timing for harvesting activities, as well as trends. Some new initiatives were implemented in 2018 based on prior customer feedback resulting in positive feedback. The LMCD requests that the Lake Minnetonka Association send those contacts and their locations to the LMCD so it can be considered as part of the review of the AIS Harvesting Program.

11. *Why are the harvesters not operated at 1500-1700 RPMs to save 40-60% fuel costs?*

While harvesting, when operated at lower RPMs it was noted the hydraulics do not work properly while harvesting vegetation. When contacted, the manufacturer indicated the hydraulics do not work well when the RPM is not sufficient for the operations. The manufacturer stated each machine is set up to work most efficiently and effectively at the maximum RPMs

and operations set for that machine. The LMCD has been focusing efforts to effectively remove AIS vegetation. However, when the harvesters are moving but not harvesting, they are often operated at the lower RPMs.

12. *Why was the harvester barge driven to the marina shop with the alarm going off since the motor could have exploded with a nearby gas tank injuring young people? The marina stated the motor was 320 degrees at the shop.*

The site supervisor checked the motor and noticed water was circulating through the motor. Tonka Bay Marina stated they would not be able to tow it for a while. Therefore, based on the assessed risk of overheating and the motor seizing up, the harvester barge was driven to the marina so it could be repaired. The manufacturer stated that they have not experienced a motor exploding from overheating. It would likely seize up and melt the plastic components.

13. *Why is the propeller pitch set the way it is for the harvester barge?*

The LMCD hires and pays companies to maintain and repair the harvesting equipment. The harvester barge was picked up from being repaired and broke down near big Island right away after being picked up. The pitch may have a range based on power or speed that is best for that piece of equipment and its use. While there may be more than one option or method, we expect the work to be conducted in a professional manner and within tolerances of manufacturer specifications. According to records, the original propeller was a 19 pitch. According to the manufacturer, while the original propeller for the motor was apparently a 19 pitch, due to the commercial use and nature of the harvesting barge, a larger diameter and lower pitch is often preferred for power versus speed.

14. *Did the LMCD harvesting operation harvest a large patch of lily pads in violation of state law?*

The LMCD staff were contacted about the alleged harvesting of a large lily pad area. As part of protocol, an internal investigation was conducted to include photos, video, and interviews of staff indicating the lily pad area was not harvested.

The City of Orono made a complaint to the MN DNR. The MN DNR confirmed that there was no evidence that the lily pad area was harvested.

An email from the MN DNR is attached stating no violation was found.

**From:** Lund, Keegan (DNR) <keegan.lund@state.mn.us>  
**Sent:** Wednesday, September 12, 2018 3:54 PM  
**To:** V Schleuning <vschleuning@lmcd.org>  
**Subject:** FW: Orono Residents complaining of Weed Harvesting per the LMCD

FYI

**From:** Weyandt, Leah (DNR)  
**Sent:** Saturday, September 08, 2018 7:01 AM  
**To:** Lund, Keegan (DNR) <keegan.lund@state.mn.us>; Crowell, Wendy J (DNR) <wendy.crowell@state.mn.us>; Hansen, Jon (DNR) <jon.hansen@state.mn.us>  
**Cc:** Cattoor, Kylie (DNR) <kylie.cattoor@state.mn.us>; Londo, April (DNR) <april.londo@state.mn.us>; Kpachavi, Arnaud (DNR) <arnaud.kpachavi@state.mn.us>  
**Subject:** RE: Orono Residents complaining of Weed Harvesting per the LMCD

Morning, Keegan:

I had CO Arnaud Kpachavi check on this location yesterday and he said that there is a significant amount of lily pads in that area and he did not see any evidence of a large machine going through. He said you could see where the machine skirted the edges of the lily pad bed but no damage to the lily pads themselves.

As for not removing the vegetation, that's a hard one to prove if I'm not there the day of the cutting. Although it's great to have citizens take videos of what's going on for further evidence, this particular video does not prove or show them actually cutting lily pads.

As far as Enforcement is concerned, there is not a violation. Not sure if you already talked to Vicki but just mentioning to her that you got a complaint and specifically in that area is all we would do at this point.

Thanks for checking in with us!

**Leah Weyandt**  
Conservation Officer, WREO | Division of Enforcement

**Minnesota Department of Natural Resources**  
1200 Warner Road  
St. Paul, MN 55106  
Phone: 612.759.9230  
Email: [leah.veyandt@state.mn.us](mailto:leah.veyandt@state.mn.us)  
[mndnr.gov](http://mndnr.gov)

 **DEPARTMENT OF  
NATURAL RESOURCES**



15. *Did the LMCD staff tell previous harvesting employees not to talk to a "private investigator"?*

No, former employees were only advised they would possibly be contacted by a party and of their options. LMCD is not aware if Leer Communications or the party that contacted the former staff is a private investigator licensed by the State of Minnesota, as stated.

As part of a large data request, Leer Communications, obtained the names of harvesting employees from 2015-2018. LMCD staff were contacted by a former employee concerned about

a call that was received. In consult with the LMCD attorney, the following courtesy email was sent to email addresses previously provided by employees.

**From:** V Schleuning  
**Sent:** Friday, October 12, 2018 9:09 AM  
**To:** V Schleuning <vschleuning@lmcd.org>  
**Cc:** M Cook <mcook@lmcd.org>; LMCD <lmcd@lmcd.org>  
**Subject:** Notice Possible Call LMCD Harvesting  
**Importance:** High

Hello,

We have been made aware that a person is contacting former LMCD harvesting employees about their experience with the program. You are not obligated to answer questions, but are welcome to if you wish.

Please let me know if you have questions.

Thanks and have a great day,

**Vickie Schleuning**

Executive Director | Lake Minnetonka Conservation District  
5341 Maywood Road, Suite 200 | Mound, MN 55364  
Ph 952-745-0789 | Fx 952-745-9085 | [vschleuning@lmcd.org](mailto:vschleuning@lmcd.org)  
[www.lmcd.org](http://www.lmcd.org)

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*To preserve and enhance the Lake Minnetonka experience*

16. *Is the harvesting program putting young girls, young people, and other staff at risk? A young girl was scared to drive the harvesting barge out of the Tonka Bay Marina.*

Safety is a high priority for the LMCD. As such, there is training and oversight of the harvesting staff. The LMCD continues to further formalize and improve its programs where feasible. There have not been any reported injury claims related to the harvesting program in the past 25 years.

The harvesting staff was concerned about being boxed in by other watercraft and didn't want to accidentally damage other equipment. In response, the marina representative drove the harvesting barge out at accelerated speed. Harvesting staff are advised that if they have any concerns about the safety of a situation, to not proceed and contact the supervisor.

The LMCD is an equal opportunity employer and will employ qualified individuals regardless of age, gender, ethnicity, etc.

Minnesota OSHA reviewed the harvesting program and equipment in October 2018. While the overall result indicated good safety practices, some recommendations were made regarding the equipment and operations.

17. *A public comment was made that a harvester was tipped over.*

In 2008, a harvester was turned on its side. No injuries were reported. Staff are trained to operate a harvester safely and the actions to take if this type of situation occurs.

18. *A public comment was that an LMCD truck and conveyor were pulled over and given a ticket from a Police Department.*

This apparently was an incident several years ago. No information was readily available about the situation and the employees are no longer employed by the LMCD.

19. *A public comment was made that a power line or cable that is 8 feet deep was cut by the harvester and it is in litigation.*

There is no litigation. In 2013, a claim was made by the utility company regarding an alleged utility line that was cut. The LMCD turned the claim into its insurer who denied it due to lack of evidence and other possible sources. The LMCD harvesters do not cut vegetation 8 feet deep.

20. *A public comment was made that harvesting staff stated the harvesters were used as bumper cars.*

This apparently arose out of an incident or conversation that occurred several years ago. No information is available to determine the facts surrounding this situation. The harvesters do hook up to the transporter barge and the shore conveyor to unload vegetation. However, the pontoon boat is older and has numerous dents.

21. *A public comment was made that Tonka Bay Marina noted liquor bottles stored on the pontoon boat while preparing it for storage.*

This apparently occurred several years ago. No information is available to determine the facts surrounding this statement and if and how the bottles were introduced to the watercraft. The LMCD pays the Marina to store the watercraft at the site. However, the watercraft is not monitored at all times by LMCD while stored at the marina. During 2017 and 2018, empty bottles and cans along with other trash could be found in the trash bag on the machines periodically since picking up litter, trash, and other debris was one of the duties harvesting staff were instructed to perform as feasible.

22. *A public comment was made that LMCD is no longer performing any preventive AIS measures such as the watercraft safety inspections.*

In 2018, the LMCD continued to partner with the Three Rivers Park District to perform watercraft inspections. Approximately 500 hours will be performed with the aid of a Hennepin County grant.





November 2, 2018

Vickie Schleuning  
Safety Coordinator  
Lake Minnetonka Conservation District  
5341 Maywood Road  
Mound, MN 55364

Dear Vickie Schleuning:

In response to your request, Vikki Sanders conducted a Limited Service Safety consultation survey at your site on October 24, 2018. Enclosed is a report that includes the identified serious hazards, projected schedule for correction, and a *Hazard Correction Form* used to record the corrective actions on the identified hazards. Please use Visit Number 507091874 when referencing this report.

**The *Hazard Correction Form* should be completed on-line at <https://secure.doli.state.mn.us/hazards/> utilizing the visit number 507091874 and this visit key 30905. If you do not have computer access the form can be mailed or faxed to us.** Diligence in timely abatement correction and reporting is an expected component of the consultation process.

It is imperative that you meet the above requirements because Workplace Safety Consultation activity can affect Minnesota OSHA Compliance inspections. A consultation can affect the priority of a *programmed* OSHA Compliance safety or health inspection; however, an *unprogrammed* compliance inspection, which includes accidents, complaints, referrals and follow-ups, takes priority over a consultation in progress. With written verification, the changed priority can begin 10 business days prior to the scheduled visit date. It expires on the latest correction due date indicated on the *Hazard Correction Form*.

If needed, an employer must submit a written request with information on interim protection for an extension prior to the due date, ensuring adequate time for Workplace Safety Consultation review. If the request is approved, the "in progress" time frame is extended and a letter granting the extension will be sent, indicating the new correction date. If the request is denied, the "in progress" time frame remains as originally indicated. In the event of a *programmed* inspection, Minnesota OSHA Compliance will need to see written verification of any "in progress" consultation activity before withdrawing from this planned inspection.

It must be noted that a Compliance Officer is not legally bound by the advice we have given you, or by any failure on our part to point out any specific hazards, nor are they bound by our hazard classifications. You may, but are not required to, furnish a copy of this report to the Compliance Officer.

The report contains recommendations about how to: correct identified hazards, prevent their recurrence, and improve management practices for ongoing, systematic hazard prevention. This helps to ensure your program's effectiveness in preventing worker injuries and illnesses. We encourage you to inform your employees of the action you take. This knowledge will help them to do their part to maintain a safe and healthful workplace and it will let them know of your concern for their welfare.

Thank you for seeking our assistance. If you need additional information, we encourage you to contact us at (651) 284-5060.

Sincerely,

A handwritten signature in black ink, appearing to read 'Tyrone Taylor', written over a horizontal line.

Tyrone Taylor  
Director, Workplace Safety Consultation



**MNOSHA Workplace Safety Consultation Program**  
**Workplace Safety Consultation Report**

For

Lake Minnetonka Conservation District  
5341 Maywood Road  
Mound, MN 55364  
Visit Number: 507091874

Submitted By:

Vikki Sanders  
Department of Labor and Industry  
Workplace Safety Consultation  
443 Lafayette Road North  
St Paul, MN 55155  
Phone: (651) 284-5060  
Fax: (651) 284-5739  
1-800-657-3776

## INTRODUCTION

At the request of Vickie Schleuning, Safety Coordinator, a Limited Service Safety hazard survey was conducted with Lake Minnetonka Conservation District at 5341 Maywood Road, Mound, MN 55364, on October 24, 2018 by Vikki Sanders from the Minnesota Department of Labor and Industry.

The observed hazards detailed in this report are identified by item number and are referenced to the appropriate OSHA standards.

A **Serious** hazard is a condition that could result in an injury or illness that causes prolonged or temporary impairment of the body or substantially reduces efficiency on or off the job. Examples of such injuries are amputations, fractures, deep cuts involving significant bleeding, disabling burns, and concussions. Included under serious hazard is **Imminent Danger**. These are hazards that can reasonably be expected to cause death or serious physical harm immediately or before this written report is received. Any such hazards would have been corrected immediately, and no correction dates or correction method would appear in the *Report of Hazards Found*.

Hazards identified as **Serious** must be corrected by the correction due date and written notification of how the hazards were corrected must be sent to us by that date. An extension of the time frame set for the correction of the serious hazards may be requested in writing if you have made a good faith effort to correct the hazards, show that the delay was beyond your control, and give assurance that interim safeguards are in use to protect employees from the hazards.

**Other-Than-Serious** hazards, as defined by OSHA, lack the potential for causing serious physical harm, but could have a direct impact on employee safety and health. We encourage you to correct these hazards.

**Regulatory** hazards reflect violations of OSHA posting requirements, record-keeping requirements, and reporting requirements as found in 29 CFR 1903 and 1904. We encourage you to correct these hazards.

## OVERVIEW OF CONSULTATION ACTIVITIES

This survey included an opening conference, a walk-through of the work site, Local conservation district, and a closing conference. The opening conference was held with: Vickie Schleuning - Executive Director. The opening conference included a review of the Consultation Program and the employer's obligation to correct any items classified as "serious" under current OSHA standards.

The walk-through included a survey of Programs were reviewed along with the machinery that was used during the season.. Vickie Schleuning - Executive Director accompanied the consultant during the walk-through. In addition, 2 company employees were interviewed during the consultation survey. During the closing conference, attended by: Vickie Schleuning - Executive Director, a review of the hazards identified during the survey was conducted. After a discussion of the recommended abatement procedures, the time frame for correction of serious hazards was agreed to by the employer's authorized representative and the consultant. Findings of the safety and health management system evaluation were also discussed, and recommendations were provided for some management elements requiring further improvement.

## NOTICE OF OBLIGATION

As you know, we are required to notify the Occupational Safety and Health Administration (OSHA) if serious hazards are not corrected within the required time(s). Extensions may be granted if you encounter difficulties completing correction within these time frames, but we must receive your request for an extension, in writing, before the correction due date.

Should you need an extension for one or more hazard items, you can use the bottom section of each hazard item listed in the *Hazard Correction Form* to make that request. Please see the guidelines listed in the *Hazard Correction Form* page. Extension requests shall be documented on The *Hazard Correction Form*, which can be completed on-line at <https://secure.doli.state.mn.us/hazards/> utilizing the visit number 507091874 and this visit key 30905. If you do not have computer access, the form can be mailed or faxed to us.

Although we are not required to notify OSHA if other-than-serious hazards are not corrected, these hazards could result in injury to your employees. Moreover, your company would be subject to citations for them in the event of an OSHA enforcement inspection.

In the event of an OSHA inspection, it is important to remember that the Compliance Officer is not legally bound by the consultant's advice or by the consultant's failure to point out a specific hazard. You may, but are not required to, furnish a copy of this report to the Compliance Officer, who may use it to determine your good faith efforts toward safety and health and reduce any proposed penalties. You are, however, required to furnish any employee exposure data from this report as required by 29 CFR 1910.1020.

## Attachment - Report of Hazards Found

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Item: **0001** Instance: **A**  
Standard: **1910.22(d)(1)**

Hazard Type: **Serious**  
Correction Due Date: **Imm. Abated**

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Description: 29 CFR 1910.22(d)(1): The employer did not ensure that walking-working surfaces were inspected, regularly and as necessary, and maintained in a safe condition:

On the weed harvester the ladders needed to have slip resistance treads replaced to prevent falls. Chains were broken or missing on the openings on the operating stations.  
The midrail was missing on the guard rail of one of the machines

Employer has taken the equipment out of service since September.

Recommended Action: Missing parts should be replace before machines are put in service again. Midrails should be halfway between the top rail and the bottom of guardrail and should be able to with stand a force of 200 lb.

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Item: **0002** Instance: **A**  
Standard: **1910.145(c)(3)**

Hazard Type: **Other**  
Correction Due Date: **Imm. Abated**

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Description: 29 CFR 1910.145(c)(3): Safety instruction signs were not used where there was a need for general instructions and suggestions relative to safety measures:

The motor on the weed harvester would get hot after running for a while. There was no warning sign concerning the risk.  
Employer has taken machine out of service.

Recommended Action: A sign warning that it was hot should be place on or by machine to warn of hazard.

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Item: 0003 Instance: A  
Standard: 1910.28(b)(1)(i)

Hazard Type: Serious  
Correction Due Date: Imm. Abated

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Description: 29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that was 4 feet (1.2 m) or more above a lower level was protected from falling by one or more of the following: guardrail systems, safety net systems or personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems:

On the weed harvester machine, There was an unprotected narrow runway that had a fall greater than 4 feet.  
Employer had removed harvester from service.

Recommended Action: Before putting back in service, Contact manufacturer and find out if area can be guarded to prevent falls or if it is not feasible to use a guardrail or other fall protection employer must prove three things.

When the employer can demonstrate that the use of fall protection systems is not feasible on the working side of a platform used at a loading rack, loading dock, or teeming platform, the work may be done without a fall protection system, provided: [1910.28(b)(1)(iii)]

(A) The work operation for which fall protection is infeasible is in process; [1910.28(b)(1)(iii)(A)]

(B) Access to the platform is limited to authorized employees; and, [1910.28(b)(1)(iii)(B)]

(C) The authorized employees are trained in accordance with §1910.30. [1910.28(b)(1)(iii)(C)]

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## **Attachment - Hazard Correction Form**

Use copies of this form to send documentation of your hazard correction to the Workplace Safety Consultation unit. For each item in the report classified as "serious", complete one of the following hazard correction sections and fax or mail a copy to the consultant at the following address, on or before the correction due date.

As you know, we are required to notify MNOSHA Compliance if serious hazards are not corrected within the agreed-upon time. Extensions may be granted if you encounter difficulties completing the required corrections within the mutually agreed upon time frames.

**Should you need an extension for one or more hazard items, you can use the bottom section of each hazard item listed in the Hazard Correction Form to make the request. Please see the guidelines listed in the Hazard Correction Form page.** Extension requests shall be documented on the Hazard Correction Form, which should be completed on-line at <https://secure.doli.state.mn.us/hazards/> utilizing the visit number 507091874 and your unique code 30905. If you do not have computer access, the form can be mailed or faxed to us.

Although we are not required to notify MNOSHA if other-than-serious hazards are not corrected, these hazards should also be corrected because they can result in injury to your employees. Your company also would be subject to citations for them in the event of a MNOSHA Compliance inspection.

Vikki Sanders  
Workplace Safety Consultant

Department of Labor and Industry  
Workplace Safety Consultation  
443 Lafayette Road North  
St. Paul, MN 55155-4311  
Email: [osha.consultation@state.mn.us](mailto:osha.consultation@state.mn.us)  
Phone: (651) 284-5060  
Fax: (651) 284-5739  
1-800-657-3776

The Hazard Correction Form should be completed on-line at <https://secure.doli.state.mn.us/hazards/> utilizing the visit number 507091874 and this unique visit key 30905. If you do not have computer access, the form can be mailed or faxed to us. Diligence in timely abatement correction and reporting is an expected component of the consultation process.

Lake Minnetonka Conservation District - Visit # 507091874  
Date of Visit - 10/24/2018

Employer Signature/Title: \_\_\_\_\_



## **Safety and Health Program Management**

During the on-site visit, the consultant is required to review and discuss the components that make up an effective safety and health management system. The tool that is used for this assessment is referred to as the Safety and Health Program Assessment Worksheet. The assessment contains safety management attributes that are derived from the 1989 OSHA Safety and Health Program Management Guidelines. Each attribute that is evaluated is documented and given a score that is an indication of the attribute's effectiveness. The findings and improvement recommendations, for each attribute evaluated, are based on the findings obtained during the consultation and the consultant's professional judgment. Evaluations are based on interviews with employees, observed workplace activities and conditions, and documentation review.

A copy of the assessment worksheet, for your work-site, is included as part of this report. Some attributes may be left blank if the consultant is unable to obtain enough information to determine a score for that attribute. Please take the time to review the assessment information. Improving attributes that received a low score may help you avoid the recurrence of hazards that were noted during the visit and prevent the occurrence of other hazards.

### **Attachment - Other Findings and Recommendations**

Lake Minnetonka has eight employees. Two full time and one who works half time. The other five work as seasonal employees. The Director has extensive environmental science background and in addition is familiar with chemicals and infectious agents. She has done a risk assessment of the hazards on the job and has created an employee handbook that details the job duties and the safety responsibilities. The seasonal employees are mentored until they can safely operate the machinery. IF anyone by passes the safety rules they are taken off the machines. Safety is enforced and priority is given to safe operations.

PPE includes the wearing of life preservers, close toe shoes, emergency radios and prohibiting of wearing loose clothes.

At the time of inspections the summer machines were put up for storage. There was some repairs that needed to be done before putting them back in service again.

#### **Safety Grant Request**

Some of the machines were older models and needed to be retrofitted with guardrails. After talking with the manufacturer it may be necessary to purchase new guarding or build some guard rails.

**Attachment - List of Hazards  
Minnesota Department of Labor & Industry  
Workplace Safety Consultation**

**List of Hazards**

This *List of Hazards* must be posted, unedited, in a prominent place where it is readily observable by all affected employees for 3 working days, or until the hazards are corrected, whichever is later.

**VISIT NUMBER: 507091874**

**VISIT DATE: 10/24/2018**

Lake Minnetonka Conservation District  
5341 Maywood Road  
Mound, MN 55364

This is a notification of serious hazards identified during the consultation visit. **This notification is not a citation.** Lake Minnetonka Conservation District is a voluntary participant in the consultation program and has agreed to correct the hazards on this list within the correction due date specified. Lake Minnetonka Conservation District has also agreed to make information on other-than-serious hazards as well as corrective action proposed by the consultant available to you upon request.

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Item: **0001**

Standard: **1910.22(d)(1)**

Instance: **A**

Correction Due Date: **Imm. Abated**

Description: 29 CFR 1910.22(d)(1): The employer did not ensure that walking-working surfaces were inspected, regularly and as necessary, and maintained in a safe condition:

On the weed harvester the ladders needed to have slip resistance treads replaced to prevent falls. Chains were broken or missing on the openings on the operating stations.  
The midrail was missing on the guard rail of one of the machines

Employer has taken the equipment out of service since September.

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Item: **0002**

Standard: **1910.145(c)(3)**

Instance: **A**

Correction Due Date: **Imm. Abated**

Description: 29 CFR 1910.145(c)(3): Safety instruction signs were not used where there was a need for general instructions and suggestions relative to safety measures:

The motor on the weed harvester would get hot after running for a while. There was no warning sign concerning the risk.  
Employer has taken machine out of service.

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Item: **0003**

Standard: **1910.28(b)(1)(i)**

Instance: **A**

Correction Due Date: **Imm. Abated**

Description: 29 CFR 1910.28(b)(1)(i): The employer did not ensure that each employee on a walking-working surface with an unprotected side or edge that was 4 feet (1.2 m) or more above a lower level was protected from falling by one or more of the following: guardrail systems, safety net systems or personal fall protection systems, such as personal fall arrest, travel restraint, or positioning systems:

On the weed harvester machine, There was an unprotected narrow runway that had a fall greater than 4 feet.

Employer had removed harvester from service.

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If you have any questions regarding this list of hazards that cannot be answered by a representative of Lake Minnetonka Conservation District, please contact the state Consultation program at 651-284-5060 or send an e-mail to the Consultant's e-mail address [vikki.sanders@state.mn.us](mailto:vikki.sanders@state.mn.us).

**Safety and Health Program Assessment Worksheet**  
**Form 33**

<b>Request Number</b>	806238127	<b>Visit Number</b>	507091874	<b>Visit Date</b>	10/24/2018
<b>Employer</b>	Lake Minnetonka Conservation District				
<b>Site Location</b>	5341 Maywood Road, Mound, MN 55364				
<b>SIC/NAICS</b> 9511/924110	<b>Log Year</b>	<b>TRC</b>	<b>DART</b>		
Legend: 0=No; 1=No, Needs major improvement; 2= Yes, Needs minor improvement; 3=Yes; NA=Not Applicable; NE=Not Evaluated; *=Stretch items Attribute of Excellence					

Synthesis Item Score	Score
Hazard Anticipation and Detection Score	11
Hazard Prevention and Control Score	15
Planning and Evaluation Score	3
Administration and Supervision Score	3
Safety and Health Training Score	0
Management Leadership Score	3
Employee Participation Score	0
Total Score	35
Average Score	2.50

Hazard Anticipation and Detection	Score
1. A comprehensive, baseline hazard survey has been conducted within the past five (5) years.	2
Comments: Minnesota Cities Insurance and Trust provides the insurance for the organization. It is recommended to do a annual safety audit every year.	
2. Effective safety and health self-inspections are performed regularly.	3
Comments: Executive Director is quite knowledgeable in environmental, chemical, and physical hazards. She along with the crew document the risk factors and has done a good job in mitigating the hazards.	
3. Effective surveillance of established hazard controls is conducted.	1
Comments: crew should report when signs are missing or safety chains are broken. an inspection checklist might be an aid.	
4. An effective hazard reporting system exists.	
Comments:	
5. Change analysis is performed whenever a change in facilities, equipment, materials, or processes occurs.	
Comments:	
6. Accidents are investigated for root causes.	3
Comments: The staff on board do investigate accidents for root causes.	
7. Safety Data Sheets are used to reveal potential hazards associated with chemical products in the workplace.	2
Comments: Chemicals are limited. But executive director has an inventory and can pull up the SDS sheets.	
8. Effective job hazard analysis is performed.	
Comments:	
9. Expert hazard analysis is performed.	
Comments:	
10. *Incidents are investigated for root causes.	

Comments:	
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<b>Hazard Prevention and Control</b>		<b>Score</b>
11. Feasible engineering controls are in place.		3
Comments:	Some of the older harvesters and barges may be missing safety devices and guards that the newer machines have now. It would be good to check with the manufacturer and find out if anything has been grandfathered in.	
12. Effective safety and health rules and work practices are in place.		
Comments:	Employer has safety and health rules for employees and they are expected to follow them. Employees shadow season employees until they prove they understand the process and can be trusted to operate on their own.	
13. Applicable OSHA-mandated programs are effectively in place.		
Comments:		
14. Personal protective equipment is effectively used.		3
Comments:	Employees must wear closed shoe slip resistant shoes. No loose clothing and life preservers.	
15. Housekeeping is properly maintained.		1
Comments:	The area around the harvesters and barges had buoys and other equipment that was tossed near the harvesters. The harvesters have blades that could cut or injury if walked into. unauthorized personnel should be restricted	
16. The organization is properly prepared for emergency situations.		3
Comments:	Employees are given walkie-talkies for communication. Sheriff water patrol also provides protection.	
17. The organization has an effective plan for providing competent emergency medical care to employees and others present at the site.		3
Comments:	Water patrol has emergency response team as well as other fire department mutual aid	
18. *Effective preventive maintenance is performed.		2
Comments:	Maintenance is contracted out. A checklist or reporting system should be used to make sure that repairs or safety hazards are handled in a timely manner.	
19. An effective procedure for tracking hazard correction is in place.		
Comments:		

<b>Planning and Evaluation</b>		<b>Score</b>
20. Workplace injury/illness data are effectively analyzed.		3
Comments:	No reportable injuries in the last three years	
21. Hazard incidence data are effectively analyzed.		
Comments:		
22. A safety and health goal and supporting objectives exists.		
Comments:		
23. An action plan designed to accomplish the organization's safety and health objectives is in place.		
Comments:		
24. A review of in-place OSHA-mandated programs is conducted at least annually.		
Comments:		
25. *A review of the overall safety and health management system is conducted at least annually.		
Comments:		



<b>Administration and Supervision</b>		<b>Score</b>
26. Safety and health program tasks are each specifically assigned to a person or position for performance or coordination.		
Comments:		
27. Each assignment of safety and health responsibility is clearly communicated.		3
Comments:	Safety responsibilities are written in employee job description	
28. *An accountability mechanism is included with each assignment of safety and health responsibility.		
Comments:		
29. Individuals with assigned safety and health responsibilities have the necessary knowledge, skills, and timely information to perform their duties.		
Comments:		
30. Individuals with assigned safety and health responsibilities have the authority to perform their duties.		
Comments:		
31. Individuals with assigned safety and health responsibilities have the resources to perform their duties.		
Comments:		
32. Organizational policies promote the performance of safety and health responsibilities.		
Comments:		
33. Organizational policies result in correction of non-performance of safety and health responsibilities.		
Comments:		

<b>Safety and Health Training</b>		<b>Score</b>
34. Employees receive appropriate safety and health training.		
Comments:		
35. New employee orientation includes applicable safety and health information.		
Comments:		
36. Supervisors receive appropriate safety and health training.		
Comments:		
37. *Supervisors receive training that covers the supervisory aspects of their safety and health responsibilities.		
Comments:		
38. Safety and health training is provided to managers.		
Comments:		
39. *Relevant safety and health aspects are integrated into management training.		
Comments:		

<b>Management Leadership</b>	<b>Score</b>
507091874 - Lake Minnetonka Conservation District	

40. Top management policy establishes clear priority for safety and health.	
Comments:	
41. Top management considers safety and health to be a line rather than a staff function.	
Comments:	
42. Top management provides competent safety and health staff support to line managers and supervisors.	
Comments:	
43. Managers personally follow safety and health rules.	3
Comments:	
44. Managers delegate the authority necessary for personnel to carry out their assigned safety and health responsibilities effectively.	
Comments:	
45. Managers allocate the resources needed to properly support the organization's safety and health system.	
Comments:	
46. Managers assure that appropriate safety and health training is provided.	
Comments:	
47. Managers support fair and effective policies that promote safety and health performance.	
Comments:	
48. Top management is involved in the planning and evaluation of safety and health performance.	
Comments:	
49. Top management values employee involvement and participation in safety and health issues.	
Comments:	

Employee Participation	Score
50. There is an effective process to involve employees in safety and health issues.	
Comments:	
51. Employees are involved in organizational decision making in regard to safety and health policy.	
Comments:	
52. Employees are involved in organizational decision making in regard to the allocation of safety and health resources.	
Comments:	
53. Employees are involved in organizational decision making in regard to safety and health training.	
Comments:	
54. Employees participate in hazard detection activities.	
Comments:	
55. Employees participate in hazard prevention and control activities.	
Comments:	

56. *Employees participate in the safety and health training of co-workers.	
Comments:	
57. Employees participate in safety and health planning activities.	
Comments:	
58. Employees participate in the evaluation of safety and health performance.	
Comments:	