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SAFETY NEWS ALERT

Safety News Alert, part of the Catalyst Media Network, keeps safety pros up to date on the latest OSHA news, safety training ideas, workers' comp cases and injury cases from other companies. Read what more than 334,000 safety pros turn to regularly for occupational safety information. Safety News Alert's editorial staff is led by veteran Editor-in-Chief Fred Hosier.

What happens when production wins over safety? High injury rates

■ Valuable lesson learned from Amazon's struggles

Arguably the most constant struggle for safety pros is the obstacle presented by increased production demands versus ensuring employees work safely.

But what exactly happens when production wins out?

Among a variety of issues that can crop up when production becomes the focus at the cost of safety is an increase in work-related injuries, something Amazon is currently struggling with, according to news reports.

The second-largest private employer in the U.S. is also a leader

in warehouse worker injury rates, according to *The Washington Post*.

6 injuries/100 employees

For every 100 employees, or 200,000 hours worked, at a U.S. Amazon warehouse in 2020, there were 5.9 serious injuries that caused employees to miss work or be shifted to light duty, *The Post* report says, quoting data from OSHA.

That number is "nearly double the rate of non-Amazon warehouses" in retail, and those higher rates have been ongoing since 2017.

Walmart, the largest private U.S.

(Please see Production over safety ... on Page 2)

THE PANDEMIC

Employee who got COVID awarded workers' comp

In a reversal of an insurance company's denial, a judge awarded workers' compensation benefits to an employee who contracted COVID-19 and missed three weeks of work.

Jose Tovar, a former employee of food-processing company JBS in Texas, caught COVID-19 in April 2020 and wasn't able to work.

JBS' insurer denied Tovar's claim for lost wages, according to a news release from Texas RioGrande Legal Aid (TRLA), an organization that represented Tovar.

But a Texas administrative law judge (ALJ) ordered JBS's insurer to pay damages to Tovar.

The ALJ found Tovar contracted COVID at the JBS plant where he worked close to infected employees.

JBS didn't appeal the ruling, and it became final.

An epidemiologist who has researched the meatpacking industry testified Tovar likely contracted COVID due to crowding on the assembly line and in the locker room. The doctor said Tovar's day-to-day interactions outside of work were low risk.

The ALJ found the epidemiologist's testimony was "persuasive" and Tovar "could reasonably only have been infected at work."

'Rare victory'

TRLA calls this case "a rare victory."

But national litigators call it an important case.

The Midwest Center for Investigative Reporting says there've been at least 50,000 reported COVID cases tied to meat processing facilities across the country. At least 248 worker deaths have been reported.

LAWSUIT

Fatal incident leads to \$222M jury verdict

A Texas jury handed down a \$222 million verdict to the widow of a worker killed in a 2018 steam accident at Evergy’s Jeffrey Energy Center power plant.

Team Industrial Services, a subcontractor for Evergy, was found 90% responsible for the incident, which resulted in the scalding death of Evergy employee Jesse Henson and a co-worker.

Evergy was found to be 10% responsible.

Engulfed in superheated steam

The incident occurred June 3, 2018, after Team finished rebuilding parts in three generation units at the coal-fired power plant, according to the *Fort Worth Star-Telegram*.

Two of the three units restarted without incident, but the third wouldn’t return to full power, so Henson and co-worker Damien “Craig” Burchett were sent to investigate the loss of steam at a safety

relief valve.

The two men took an elevator to the 14th floor where the steam valve was located and were engulfed in superheated steam that leaked from the recently rebuilt valve as the elevator doors opened.

Team argued Evergy and Henson were responsible, but the jury found that Henson was not at fault.

Production over safety ...

(continued from Page 1)

employer, reported 2.5 serious cases per 100 workers at its facilities during the same year.

To get these numbers, *The Post* analyzed facility-level injury records from OSHA, and found that 5,411 warehouse facilities sent injury reports to OSHA in 2020, with 638 of those facilities being owned by Amazon.

Data revealed more than 24,400 reported injuries at the Amazon facilities, with more than 10,800 injuries resulting in missed work and about 13,600 requiring a shift to light-duty work.

Walmart filed injury reports for more than 242 of its facilities in 2020. The company didn’t respond to *The Post’s* request for comment on its lower injury rate.

Critics blame production pressures

The data analyzed by *The Post* didn’t provide the causes of the injuries, but “former OSHA officials, union representatives and Amazon workers place the blame on productivity pressures.”

Warehouse staff are pushed to meet hourly rates to put away incoming stock and pick, pack and ship orders.

Some say those metrics reflect unrealistic expectations that push workers too hard and lead to injuries.

Amazon announced June 2 that it’s taking a closer look at its employee productivity policies “to refocus the conversations on instances where there are likely true operational issues to resolve,” according to CNN.

SHARPEN YOUR JUDGMENT

This feature provides a framework for decision making that helps keep you and your company out of trouble. It describes a recent legal conflict and lets you judge the outcome.

■ DID FAILURE TO FOLLOW TRAINING CAUSE EXPLOSION?

“I don’t know what happened to cause the explosion, John – I honestly don’t,” Safety Manager Pete Travers said.

“The investigators don’t know, either,” company attorney John Jenkins replied. “But OSHA is citing us, and we need to go over it again to see if we can fight it.”

‘They should have stopped work’

“Three contract workers are dead and several of our people were injured,” Pete said. “I’m more concerned about figuring this out to keep it from happening again.”

“Maybe talking about it will help with that, too,” John said.

“The crew showed up for their shift and immediately smelled an odor that was like a cross between diesel fuel and oil,” Pete explained. “Several employees looked around for a source, but they couldn’t find anything.”

“Most of them gave up, but two continued to search out areas where they felt the odor was most likely to come from, but none of them panned out either,” Pete continued. “None of the workers ever found the source.”

“What did they do after that?” John asked.

“Nothing, and a little while later the explosion occurred,” Pete said. “They should have stopped all work. That’s what they were trained to do.”

“Then that’s unpreventable employee misconduct, and we can fight this,” John said.

Pete’s company fought the citation. Did it win?

■ Make your decision, then please turn to Page 6 for the ruling.

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FEDERAL REGS

OSHA releases spring regulatory agenda

■ ELECTRONIC INJURY FORM SUBMISSIONS, OTHER CHANGES

The on-again, off-again requirement to electronically submit certain OSHA forms may be on again if the agency carries through with an item on its Spring 2021 Regulatory Agenda.

OSHA intends to issue a Notice of Proposed Rulemaking (NPRM) in December 2021 to re-establish a rule that was enacted in 2016 but removed in January 2019.

Establishments with 250 or more employees would have to submit their 300 Log and Form 301 electronically. Currently, these businesses only have to submit Form 300A.

The Obama administration established the rule, only for much of it to be withdrawn by the Trump White House. It appears OSHA under President Biden wants to restore the full reporting requirement.

Several more priorities

Among the other proposals in the Regulatory Agenda expected to reach the NPRM stage in 2021 or 2022:

- Infectious Disease Standard (NRPM

December 2021): Workplaces where this proposed rule would apply include health care, emergency response, correctional facilities, homeless shelters, drug treatment programs and other settings where employees can be at increased risk of exposure.

- Updated Hazard Communication Standard (public hearing scheduled Sept. 21, 2021): An NPRM was issued in February 2021. OSHA wants to update to a more recent version of the Globally Harmonized System of Classification and Labeling of Chemicals.
- Lockout/Tagout Update (NPRM April 2022): Technical advances in computer-based LO/TO controls conflict with OSHA's current LO/TO standard. As a result, the agency has received an increasing number of requests for variances to the current rule.
- Powered Industrial Truck Standard Update (NPRM expected soon): OSHA proposes to update its reference to ANSI B56.1-1969 to include the latest version of ANSI/ITSDF B56.1a-2018.

CRIMINAL CHARGES

Violation leads to fatality, fine, probation for company

A railroad service company was fined \$325,000 and sentenced to two years of corporate probation for committing an OSHA violation resulting in a worker's asphyxiation death.

The U.S. District Court for the Middle District of Pennsylvania issued the order June 7 to Dana Container, which was doing business as Dana Rail Care at the time of the incident.

Willfully violated standard

Under the terms of probation, Dana is required to make regular, monthly payments to pay off the \$325,000 fine, and to immediately report any future OSHA citations to the court.

The company pleaded guilty March 15 to one federal criminal

charge for willfully violating the OSHA confined space standard.

In March 2019, Dana contracted with another firm to clean crude oil residue from about 100 rail cars in a Pittston, PA, rail yard.

On May 31, 2019, a Dana employee entered a rail car to scrape crude oil from the walls of the car and collapsed inside the car about 30 minutes later.

The employee later died on the scene from asphyxiation.

Despite being aware of OSHA regulations regarding confined space entry, Dana did not outfit the employee with the proper respirator needed to enter the rail car, which was determined to be oxygen-deficient.

TRENDS TO WATCH

Watch what's happening in various states. Some actions indicate trends.

■ OSHA ANNOUNCES WEEKEND CONSTRUCTION INSPECTIONS

Colorado construction industry employers will be getting weekend visits at their worksites from OSHA throughout the summer of 2021.

OSHA announced June 7 that it will be implementing a "Weekend Work" initiative "in which federal workplace safety and health inspections will occur randomly on weekends in Arapahoe, Douglas, Jefferson, El Paso, Adams, Boulder, Broomfield, Denver, Larimer and Weld counties."

The initiative will identify and address construction-related hazards on days when worksites often go unchecked, according to a Department of Labor news release.

OSHA's area offices in Denver and Englewood will continue these inspections into the fall of 2021.

■ ANOTHER STATE ADOPTS ITS OWN COVID SAFETY LAW

Maryland joins Virginia and New York as the latest state to adopt its own COVID-19 workplace safety law.

The Maryland Essential Workers' Protection Act (EWPA) will impose workplace requirements on certain employers during health emergencies, according to law firm Proskauer Rose.

This affects employers that operate in essential sectors and have employees who must work onsite in essential functions.

It applies to the current pandemic, but only while there's a state of emergency declared in Maryland.

The law focuses on providing safe working conditions, reducing the risk of COVID transmission in the workplace and providing leave.

Governor Hogan announced May 28 that he will allow the bill to become law without his signature.

Roundup of most recent OSHA citations

Go to www.SafetyComplianceAlert.com/fines for more OSHA fines and injury settlements.

Teen construction worker killed in building collapse

A framing contractor was cited by Indiana OSHA after a teen worker died from injuries sustained in a building collapse.

Edwin Campos-Martinez, 14, suffered a brain injury when the building collapsed. He later died in the hospital.

Three other workers were injured in the incident, according to WTHR News.

The collapse occurred during a thunderstorm with estimated winds near 60 mph.

IOSHA found the employer failed to inspect the jobsite for hazards, didn't ensure the structural integrity of working surfaces and failed to train employees on fall hazards.

Fine: \$7,500

Company: Alex Painting & Carpentry, Indianapolis

Business: Framing contractor

Reasons for fine:

Five serious violations for failure to:

- develop, implement or enforce accident prevention safety and health program
- ensure jobsite was inspected by competent person where employees were exposed to falls
- determine if Mono-type wood trusses employees were working on had structural integrity to support employees safely
- protect employees working 6 feet or more above lower level from falling by using guardrail, safety net or personal fall arrest systems
- provide training program for employees exposed to fall hazards

Worker struck by forklift suffers serious injuries

OSHA has fined an employer after a forklift struck and seriously injured an employee.

The worker was walking toward a pallet to label products for shipping at

the facility where vegetables are canned for Libby's and several other brands.

During its investigation, OSHA also found another employee suffered a fractured finger that was caught in machinery the company failed to lock out. OSHA cited the company for similar violations at a different location in 2019.

Fine: \$177,490

Company: Seneca Foods, Ripon, WI

Business: Packaging food

Reasons for fine:

Two repeat violations for failure to:

- train employees about machine hazards associated with moving parts while machinery is being serviced
- ensure employees implement energy control before servicing machines

Three serious violations for failure to:

- complete a periodic inspection of energy control procedures for machinery at least annually to ensure the procedures are being followed
- provide refresher training to a forklift operator who has been involved in an incident or near-miss
- ensure forklift drivers look in the direction of, and keep a clear view of the path or travel

Worker crushed, killed after falling off train car

Indiana OSHA cited a chemical manufacturing plant after a worker was run over and killed by a train.

The employee fell off a train car while it was moving through the plant, and it rolled over her.

Fine: \$14,000

Company: Green Plains Mount

Vernon LLC, Mount Vernon, IN

Business: Ethyl alcohol manufacturing

Reasons for fine:

Three serious violations for failure to:

- provide employment free from recognized crushing hazards likely to cause death or serious physical harm
- ensure walking surfaces on locomotive were equipped with guardrails of sufficient height
- ensure guardrails on locomotive were equipped with midrails

WORKERS' COMP DECISIONS

Can she collect after being robbed at gunpoint?

A cashier was robbed and later filed a claim for post-traumatic stress disorder. Can she collect?

What happened: The cashier was robbed at gunpoint while at work. The robber also took her car keys and stole the vehicle. Later, the cashier filed a workers' compensation claim for post-traumatic stress disorder.

Company's reaction: The incident wasn't so extreme that it's compensable.

Decision: She couldn't collect. Previous case law set a standard (a similar case involving an employee who was kidnapped and witnessed the shooting of her captor) for PTSD to be compensable. This case did not meet that standard, according to the court.

Cite: *Black v. Same Old Place*, WV Supreme Court, No. 19-0983, 2/19/21.

Can he get benefits for old repetitive stress injuries?

A worker filed a claim for old repetitive stress injuries, but did he file too late to get benefits?

What happened: The worker complained of pain in his left shoulder, wrists and knees. He was diagnosed with repetitive stress injuries, which were found to have occurred years earlier.

Company's reaction: You should have known about these injuries and filed a claim sooner.

Decision: He could collect. Medical evidence proved his shoulder and knee problems were more recent developments that weren't time-barred.

Cite: *Matter of Chrostowski v. Pinnacle Environmental Group*, NY Court of Appeals, No. 531438, 2/18/21.

REAL PROBLEMS, REAL SOLUTIONS

Reduce injuries, address human factors

Companies often struggle with what is called “human factors.”

These are problems dealing with human nature – something we’re all struggling with, even though it can feel like we’re alone sometimes when trying to overcome these challenges.

Human factors affect safety, but they can affect other key performance indicators (KPI) as well, such as engagement, quality, performance, efficiency and overall culture.

When you stop and think about it, it’s no secret to anyone that the world has really changed due to the pandemic, and a number of other things going on in the world – there are a lot of things affecting all of us at this point in time.

These are the types of physical and mental states that affect how people think and act which can cause people to deviate from their normal behavior.

And this is all part of being human, so it won’t just go away.

Organizations struggle to recognize the impact these human factors have.

Traditional approach

When it comes to safety, how do we try to reduce injuries?

By eliminating or guarding hazards, instituting rules or regulations, doing more training and introducing PPE.

Is that enough?

We know it isn’t, and the reason is because none of it addresses the human factors.

Corporate America spends a lot of time focused on a traditional approach to safety. And that’s because it gives us a measure of efficiency and has eliminated a lot of hazards, but when we have all those measures in place we come almost to a point of diminishing returns.

Human factors may get identified in a risk assessment – if they’re identified at all – but it’s rare that guidance is given on how to manage them.

There is a risk pattern associated with human factors that involves a learning loop – that can be both positive or negative – tied to an individual’s thoughts, feelings and

decisions as well as to the actions they take based on those items.

And this human factor risk pattern affects injury risks, performance and overall culture.

Climate v. culture

Addressing your company climate, not your culture, is an important part of addressing the human factor issue.

Culture is basically the idea of “the way things are done around here” in contrast to climate which is “the way things feel around here these days.”

Climate has a more narrow focus than culture.

For safety, climate is about employees’ perceived value of safety today, and it can be influenced by other

Climate has a narrow focus.

people’s opinions, attitudes and actions.

It also changes based on the circumstances.

Things that could change climate include the boss being in a bad mood, a rush order or a production line being shut down.

If you want to improve your safety culture, start with improving your climate.

Do that by:

- ensuring there is effective communication throughout the company
- making sure everyone is aware of hazards
- having methods for effective reporting and gathering of data
- ensuring employees are engaged, and
- having active leadership since supervisors and managers wield a great deal of influence over climate.

(Adapted from a presentation by Danny Smith, Senior Safety Consultant, SafeStart, Birmingham, AL, at the VPPPA Next Level Safety Virtual Event.)

TRAINING TIPS

Keeping workers safe down in the trenches

Sometimes, in the hustle and bustle of daily construction site activity, workers may feel too rushed or distracted to think about trench safety.

Unfortunately, failure to take precautions before entering a trench can be fatal, with the U.S. Bureau of Labor Statistics recording 168 trench-related fatalities from 2011 to 2018.

OSHA says that before entering a trench employees should:

- ensure there is a safe way to enter and exit
- make sure there are no materials near the edge of the trench
- look for standing water and atmospheric hazards, and
- make sure trench walls are sloped, shored or shielded.

They should also never enter a trench unless it has been properly inspected.

Blocking exits isn’t OK under any circumstances

Having enough space for product is a constant struggle on busy shipping docks and inside warehouses.

Sometimes that leads to employees placing things in areas where they shouldn’t, such as in front of fire exits or in aisle chokepoints.

Even if it’s temporary, it’s a major hazard if a fire breaks out or another emergency happens.

No one plans a fire, so that “couple of minutes” an employee decides to block an exit could end up being the worst time to do so.

This is also something OSHA takes very seriously, having recently fined a U.S. Postal Service facility \$236,783 for repeat violations involving blocked exits and aisles.

PANDEMIC

OSHA issues healthcare-only COVID ETS, new guidance

OSHA's much-anticipated COVID-19 emergency temporary standard (ETS) has been approved, but it is only directed toward the healthcare industry, whose workers are deemed the most at risk to contracting the coronavirus at this point in the pandemic.

Along with the healthcare-only ETS, OSHA released new guidance for general industry employers to help them protect workers who haven't been vaccinated against COVID-19.

"The science tells us that healthcare workers, particularly those who come into regular contact with the virus, are the most at risk at this point in the pandemic," Secretary of Labor Marty Walsh said during a news conference on the ETS.

The ETS establishes new requirements for healthcare and healthcare support services while providing some exemptions for providers who screen out patients who may have COVID-19.

Requirements for non-exempt facilities include:

- conducting a hazard assessment and having a written plan on mitigating virus spread
- providing certain employees with N95 respirators and other PPE

- ensuring 6 feet of distance between workers or erecting barriers between employees, if distancing isn't possible, and
- providing employees with paid time off to get vaccinated and recover from any side effects.

General industry guidance

OSHA's new general industry guidance is meant to help employers and workers not covered by the ETS to identify exposure risks to unvaccinated workers and help them take steps to prevent infection.

This covers employees who may not be able to get a vaccination due to pre-existing medical conditions.

The guidance document points out that unless otherwise required by other federal, state, local, tribal or territorial laws, most employers no longer need to protect fully vaccinated workers who aren't otherwise at-risk from COVID-19 exposure.

New regional emphasis program on noise

OSHA is launching a regional emphasis program (REP) on

hazardous noise levels in the Midwest for the manufacturing industry.

The REP will begin with informational mailings and presentations to employers and other stakeholders.

This outreach phase will begin June 1, 2021, and will last three months. Following the outreach, the REP will empower OSHA to inspect select manufacturing industries in Illinois, Ohio and Wisconsin with hearing loss rates higher than the national average.

NY adopts infectious disease standard

New York Gov. Cuomo signed a bill June 11 requiring the state to create model standards covering infectious disease exposures in the workplace.

The standards will be applicable to all worksites and cover any infectious viral, bacterial or fungal disease transmissible through the air.

Such diseases must also be designated by the state's commissioner of health to be highly contagious, communicable and present a serious risk of harm to the public health, according to the law.

SHARPEN YOUR JUDGMENT – THE DECISION

(see case on Page 2)

No, Pete's company lost when the court found employees weren't adequately trained to deal with dangerous atmospheres in enclosed spaces.

The real circumstances of this case involved welding and other hot work being conducted on a salvaged river barge where the odor of diesel fuel and oil wasn't uncommon.

But on the day of the explosion, the odor was much stronger than usual and resulted in concern among most of the workers.

Despite that, when they didn't find the source of the odor, they just went back to work with cutting torches and welders, which likely caused the explosion, although the investigation never did uncover an official cause.

The court found the employees' and supervisors' failure to issue a stop-work order until the source of the odor was found proved there was a lack of adequate training.

ANALYSIS: THOROUGH INVESTIGATIONS

In this case, most of the workers only performed a cursory investigation, then wrote off the smell as something nonthreatening. There were two who did a much more thorough search, but eventually gave up as well.

As safety pros know, when you're investigating a potential hazard, you must be thorough and with people's lives on the line, you can't just write something off because an initial search resulted in no findings.

Cite: *Secretary of Labor v. First Marine LLC*, Occupational Safety and Health Review Commission, No. 18-1287 and 18-1288, 4/19/21. Dramatized for effect.

Government notices on workplace safety

Here's SCA's digest of key notices that appeared recently in the Federal Register (FR) or on OSHA's website concerning workplace safety issues. For the FR listings and other related links, go to [SafetyComplianceAlert.com/category/federal-activities](https://www.safetynewsalert.com/alert.com/category/federal-activities).

CRIMINAL CHARGES

The owner of a tanker truck repair company pleaded guilty May 20 to lying to OSHA during an investigation into an explosion that severely injured an employee.

Loren Jacobson, owner of Pocatello, ID-based KCCS Inc. – a tanker testing and repair company – admitted he lied to OSHA inspectors about his employer status and certain certifications during the investigation.

The Aug. 14, 2018, explosion occurred when a KCCS employee's welder flame pierced the skin of a tanker, which contained residual flammable material, according to a Department of Justice news release.

During the subsequent investigation, Jacobson told an OSHA inspector he didn't have any employees and that the person who was injured was merely an "observer."

In his plea agreement, Jacobson also admitted he didn't have the necessary certification to conduct cargo tanker repairs under the Hazardous Materials Transportation Act.

The Act states that all repairs to the skin of a cargo tanker require the repair person to hold an "R-stamp," which requires extensive training requirements, to ensure those doing repairs on tankers have the expertise to do so safely.

Jacobson said he would send employees into the cargo tankers to weld patches from the inside of the tanker so the illegal repairs wouldn't be visible from the outside, while failing to follow OSHA's confined space entry regulations.

This is the sort of repair that was being done when the explosion occurred.

Jacobson is scheduled for

sentencing Aug. 25 and faces a maximum penalty of 10 years in prison.

CHEMICAL REGS

More than 20,000 facilities just wrapped up their reporting obligations under the Toxics Release Inventory (TRI) program.

There are currently 770 individually listed chemicals and 33 chemical categories covered by TRI. Facilities that manufacture, process or otherwise use these chemicals above set limits every year by July 1.

Three kinds of per- and polyfluoroalkyl substances (PFAS) must be reported through the TRI online portal (TRI-Me) beginning July 1, 2022:

- perfluorooctyl iodide
- potassium perfluorooctanoate, and
- silver(I) perfluorooctanoate.

This action was required under the National Defense Authorization Act for Fiscal Year 2020 signed into law by Congress.

TRI reporting falls under the Emergency Planning and Community Right-to-Know Act and the Pollution Prevention Act.

TEEN WORKERS

A Georgia-based Piggly Wiggly supermarket franchisee, Sandy Foods, was cited by the U.S. Department of Labor's Wage and Hour Division after a teen worker received a cut on his finger while cleaning a meat grinder.

The 16-year-old boy was tasked with cleaning the meat grinder during his shift, which is prohibited activity for minors under child labor law.

Under the child labor law, workers under the age of 18 aren't allowed to operate, set up, adjust, clean, oil or repair power-driven food machines, including slicers, grinders, choppers, cutters, bakery mixers and other power-driven bakery equipment.

The violation resulted in a fine of \$7,274, which the company has paid.

WHERE TO GET HELP

■ TRAINING REMINDER: WHEN A SPILL'S AN EMERGENCY

Spills are bound to happen in industrial facilities.

Do staffers know what constitutes an emergency spill?

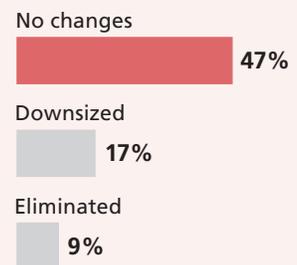
Staffers should be trained to know the four basic characteristics as defined by OSHA's HAZWOPER standard:

- high levels of toxic or dangerous substances could injure exposed employees or the public
- there's a risk of a fire or an explosion
- vapors could lower oxygen levels to unsafe levels, and
- employees need to evacuate the affected area.

Info: [osha.gov/emergencypreparedness/hazardous-wasteoperations/faq-hazpower](https://www.osha.gov/emergencypreparedness/hazardous-wasteoperations/faq-hazpower)

What safety pros say

Has the pandemic caused you to change your company's physical workspace?



Source: International Foundation of Employee Benefit Plans

The survey revealed employers anticipate about 32% of their employees will be working remotely in the future. Before the pandemic, only 12% were working remotely.

Each issue of SCA contains an exclusive survey to give safety professionals insight into what their peers nationwide are thinking and doing.

WHAT WOULD YOU DO?

Here's a challenging scenario you could encounter. We've asked three of your peers what they'd do. How would you handle it?

Superstar employee working unsafely, but supervisors say he's being efficient

The Scenario

As Manager Mike Kelly walked toward the receiving office, he heard a horn before seeing a forklift suddenly round the corner at the next intersection.

The forklift operator, Stan Swanson, swiftly placed a pallet into a rack causing the rack to bounce a bit, quickly backed out then took off again toward the receiving dock.

Mike heard the fading sounds of the horn as Stan sped away.

He's going too fast, Mike thought.

'We need the product right away'

Mike waited for Stan to return, but he didn't come back.

Must be moving product to other locations, Mike thought.

On his way to the receiving office, Mike saw supervisors Janet Costello and Jack Hall.

"Have you guys seen the way Stan Swanson is operating his lift today?" Mike asked.

"Oh, he's putting away a special order," Janet replied. "We need that product right away for orders that are going out today."

"We may need the product, but it doesn't excuse him being unsafe," Mike said.

"I don't think he's being that unsafe, Mike," Jack said. "He's sounding his horn and stopping at intersections. He's just moving a little faster than usual. That's why he's such a superstar in situations like this."

"This happens often?" Mike asked. "And you condone it?"

"He's not being unsafe," Jack said again. "He's being efficient."

If you were Mike, what would you do?

Reader Responses

1 Gary Grigsby, EHS Manager, Teledyne RISI, Tracy, CA

What Gary would do: Since the supervisory personnel condoned the unsafe behavior, I would recommend they and the operator go through refresher training for forklift drivers.

Reason: Unsafe is unsafe. There is no justification for allowing an employee to drive a forklift in an unsafe manner. The supervisors' need of the material for orders does not justify unsafe behavior.

2 Keith Grim, Safety Quality Manager, Ram Industrial Services, Camp Hill, PA

What Keith would do: I would recommend Mike show upper management the OSHA statistics and cost of workers' comp claims to

justify placing governor systems on the forklifts to limit speeds. In addition, I would recommend Mike implement a behaviors-based policy for forklift operations to implement uniform disciplinary action for all employees, including the superstars.

Reason: Productivity is no excuse for unsafe forklift use. One worker's comp claim will erase all productivity gains made by the unsafe practice.

3 Steve Davies, QA Manager, LND Inc., Oceanside, NY

What Steve would do: Safety managers, and all other managers and supervisors, must enforce safety even if the employees won't observe it themselves.

Reason: Many employees don't understand their haste to complete tasks while taking safety shortcuts could lead to fines or court-ordered judgments against the company.

OUTSIDE THE LINES

■ DID CAPTAIN AHAB NEED WORKERS' COMP INSURANCE?

You do your absolute best to ensure the workers on your watch are safe, but you certainly can't anticipate everything.

Like an employee being swallowed whole by a whale, for example.

That's what happened to a commercial lobster diver recently. He was injured when he got caught in the mouth of a humpback whale while working off the coast of Cape Cod, according to the *Associated Press*.

He told reporters he thought he was going to die ... which is understandable.

Luckily, the humpback – a gentle species rarely associated with attacks on humans – spit him out.

Imagine the poor safety person at that company, trying to cover that hazard in their next safety plan.

Did you know ...

Drink a cup of water every 20 minutes while working in the heat



Employees working in hot weather should drink at least **one cup** of cool water every 20 minutes, even if they're not thirsty.

Source: OSHA

Workers should also take frequent rest breaks, preferably in a designated shady or cool location, and they should be given enough time to recover from the heat.

This feature in each issue of SCA charts trends in national workplace safety and health to help safety professionals perform their jobs.