

June 1, 2021

Holes in safety procedures tear family apart: Father, mother killed

Why didn't employee wear safety gear?

“Thank goodness school is back to normal,” said Jane Lyon to her husband Frank. “The kids needed to get back in the classroom.”

“I thought you did a great job of teaching them,” said Frank as the couple enjoyed a glass of wine on the porch.

“Thanks, I appreciate that, but it wasn't easy,” Jane sighed. “Oh well. What a beautiful evening huh?”

Frank's contented smile quickly turned to a frown as his cell phone buzzed. “Oh boy, it's work,” said Frank.

Frank was a pump technician for

an oil and gas company and could get called in at any time for a serious equipment issue.

“I'm sorry, there's a problem at a pumping station,” said Frank. “I've got to roll now.”

Jane sighed. “That's a shame,” she said. “OK. I'll wait up for you.”

Didn't assess the dangers first

Frank arrived at the pump house (aka a waterflood station).

An oil level alarm activated, telling

(Please see Holes ... on Page 2)

Sharpen Your Judgment

Worker electrocuted: Was it misconduct?

“I can't believe that on top of a tragedy, OSHA's going to add a bogus fine for not checking the site for safety hazards,” said Supervisor Ron Jensen.

“Walk me through what happened that day,” Safety Director Chris Taylor said.

Evidence says he touched wires

“My crew was doing electrical repairs,” said Ron. “I told Billy that the de-energized wire they were going to work on looked to be a little too close to an energized one.”

“Billy said he'd let the rest of the crew and the electrician know about it,” Ron said. “But

a few minutes later, there was an arc flash. We found Billy face down on top of the wire. He'd been electrocuted.”

“He never let the crew know about the problem?” Chris asked.

“No,” Ron replied. “And I don't want to get too graphic, but Billy's hands were nearly burnt off.”

“It looks like he grabbed the wire before checking it was de-energized. That's clearly against our rules.”

“This sounds like it was employee misconduct,” Chris said. “We'll fight the fine.”

Was the fine dismissed?

This regular feature sharpens your thinking and helps keep both you and your firm out of trouble. It describes a real legal conflict and lets you judge the outcome.

Make your decision, then please turn to Page 4 for the court's ruling.

Holes ...

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Frank he'd need to isolate the pump by shutting off the two valves in the pump station.

It figures this would happen on a nice night alone with Jane, Frank thought to himself.

There was no one else in the pump house with him – except for a silent killer.

Worker didn't wear PPE

"That should do it," Frank said as he closed off the second valve. That's when the pump started up.

That shouldn't happen, Frank thought. Before he knew it, hydrogen sulfide (HS) vapors filled the pump house.

Frank tried to shut off the pump but soon couldn't draw enough oxygen into his lungs, and he began to feel woozy.

He slumped to the floor as the toxic gas overcame him.

She knew he was in danger

Frank should've called me by now, Jane thought to herself.

She woke up her two children, hurried them out to the family pickup truck, and drove off to find her husband.

Jane located Frank's cell phone through a finder app. She told the kids to wait in the truck and rushed inside the pump house to try finding her husband.

"Frank! Where are you?" Jane yelled. She noticed a rotten egg

smell. There was no reply from Frank above the din of machinery.

By the time Jane found Frank's lifeless body, toxic HS gas filled the room. She lost consciousness and died close to her husband's body.

Their orphaned children were found uninjured in the family truck.

Lockout/tagout a factor

The Chemical Safety Board (CSB) determined the employee didn't cut off the pump from its power source first, which started up as he closed off the valves.

He also wasn't wearing an HS detection device.

Reason: The company's safety plan didn't require it and employees weren't ordered to use them.

Also: Two bay doors at the accident scene were only halfway open. Better ventilation may have allowed the husband and wife to escape in time.

CSB also faulted:

- an HS alarm system that didn't go off as it should have, and
- an unlocked security gate that allowed the pumper's wife to enter the site.

Key: This tragic accident came down to deficiencies in equipment maintenance, safety planning, PPE, lockout/tagout, security and confined space safety.

The husband and wife would be alive if the company's safety plan covered all the bases, and workers got the training they needed.

Info: tinyurl.com/gasfatality

TEST YOUR KNOWLEDGE

Crazy from the heat? It could be heat stress

Whether the work is indoors or outdoors, excessive heat can cause the body to lose its ability to cool itself, resulting in illness, injury or even death.

Do your staffers know what to do when temperatures get uncomfortably hot on the job? Have them answer *True* or *False* to the following questions to find out.

1. You should drink a cup of water every half hour to stay hydrated.
2. If you start feeling dizzy, just drink more water and get back to work.
3. When working in hot weather, it's best to acclimate your body to the temperature. A good way to do that is gradually work longer shifts.
4. Not sure how hard you should be working in hot conditions? Just keep pace with your co-workers.

ANSWERS

1. *False.* Hydration is the first thing mentioned in OSHA's time-honored slogan of "Water, Rest, Shade." But to ward off dehydration, you should be drinking that one cup of water every 15 minutes.
2. *False.* Yes, you should drink more water. But if it's hot and you're sweating excessively, feeling dizzy or nauseous, having muscle cramps or headaches, stop what you're doing and rest until you feel better. Don't try to work through it – get out of the heat and take a break.
3. *True.* If your body isn't used to working in excessive heat, it can wear out faster.
4. *False.* In hot conditions, keeping up with someone else's fast pace could lead to exhaustion. So it's best to work at a pace that you feel comfortable with.

Answers to the quiz:

Fines, accidents and damage supervisors could've prevented

News you can use to head off safety mishaps

In this regular section we highlight situations that led to fatalities, injuries, near-misses, damaged equipment or fines that frontline supervisors could've prevented.

Supervisor pleads guilty to illegal asbestos removal

What happened: Gunay Yakup admitted to being part of a conspiracy to illegally remove regulated asbestos-containing material (RACM) from a former IBM site in Kingston, NY.

What people did: Working as an abatement supervisor, Yakup was pressured by conspirators to speed up asbestos removal. He and his crew often didn't keep RACM wet so that dust couldn't spread and potentially harm workers. New York State Department of Labor inspectors also found bulk quantities of RACM that weren't double-bagged and stored safely which is violation of Clean Air Act work practice standards. Contamination cleanup costs are estimated to be in the millions of dollars.

Result: He faces up to five years in prison and is scheduled to be sentenced in July.

Note: EPA says there's no safe level of exposure to asbestos, which has been determined to cause lung cancer, mesothelioma and asbestosis.

Retailer hit with \$265K fine for facility safety hazards

What happened: A Beverly Hills, FL, Dollar Tree store was fined by OSHA for repeat violations.

What people did: The discount

store exposed workers to fire, entrapment and struck-by hazards, blocked exit routes, and stacked boxes and other materials in an unsafe manner that could've injured workers.

Result: The agency proposed \$265,265 in penalties.

Note: A fact sheet on OSHA requirements for keeping exits clear is available at bit.ly/clear511. Also, refer to "Recommended Practices for Safety and Health Programs" for tips on identifying and assessing hazards at bit.ly/hazard511.

Worker lowers himself into pit, injured in fall: \$234K

What happened: Xylem of Pewaukee, WI, a water technology facility, is facing a steep penalty after an employee was injured in a fall as he was lowering himself into a nearly 30-foot deep water test pit.

What people did: As the employee was descending, a guardrail loosened, causing him to fall and strike his head on a support beam. OSHA inspectors found the company failed to:

- ensure employees working four feet or higher above dangerous equipment were protected from falling
- ensure employees on walking-working surfaces with an unprotected edge 4 feet or more above a lower level had fall protection, and
- develop procedures for safe permit entry operations.

Result: One willful violation and nine serious violations add up to a \$234,054 fine.

SAFETY TRAINING TIPS

■ Get the engagement you need in virtual meetings

Many companies are trying to limit in-person meetings due to COVID-19 concerns.

That makes virtual learning via platforms like Zoom a must.

To help ensure staffers pay attention and become engaged in safety dialogue, consider:

- limiting meetings to five or six people tops. That way you can all see each others' faces. It's a good way for Supervisors to immediately gauge if someone's tuning out.
- shortening talks, especially if you have to divide up your group for separate talks.
- asking people to keep video running. When people know they're on camera, they force themselves to stay engaged.

■ Who's most likely to miss time from work?

One way to drive home the importance of safety training is to remind folks what types of workers are most likely to miss time from work due to injury.

Among the top 10 are:

- heavy and tractor-trailer truck drivers plus light truck drivers
- laborers and movers of freight, stock and material
- construction laborers
- maintenance and repair workers
- janitors and cleaners, and
- shelf stockers and order fillers.

Make sure to emphasize that it's not the job duties to blame! Or the people who do these essential tasks every day of the year.

The message needs to be that folks who do these types of jobs face the greatest risks. And injuries that take them away from work can impact them for the rest of their lives – and impact their loved ones in a negative way.

Slip-and-fall injures employee of subcontractor: Is company liable for safety hazard?

Lack of housekeeping oversight, dimly lit basement led to accident

“Are you kidding me?” grumbled electrician John Stolfi. “The one tool I need to finish this and it’s not here.

“Hey Kassie,” he called to his apprentice. “I need a metric nut driver. There should be a set in the toolbox I left in the basement. Just bring the whole set.”

“I’m on it, John,” Kassie Nolan replied, beginning the trek from the upper floor to the basement.

Couldn’t see hazard

Kassie followed the marked, but dusty, basement walkway. “*This place creeps me out. Who knows how many subcontractors, besides us, keep supplies in this cluttered area?*” she thought.

Because of the low lighting, she didn’t see a pipe strap laying loose on the floor of the equipment laydown area.

Kassie stepped on the strap buckle and it slid out from under her foot. She fell hard onto the concrete walkway on her right hip and elbow. Her injuries required surgery.

She sued the company that owned the

building, which had hired her crew to do the electrical work, for failure to:

- maintain the walkway so it remained free of potential hazards
- implement reasonable safety policies to ensure the walkway was clear of hazards
- provide adequate lighting along the walkway, and
- provide a skid-proof surface on the walkway.

Result: A judge dismissed some of the suit’s claims under the state employment safety act because in a negligence case, the regs only apply to direct employers of an employee. But the court ruled the case could proceed because the company may have been in violation of federal OSHA standards. And there were legitimate liability claims to consider.

Key: Keeping a workplace free from slip, trip and fall hazards is an important part of a Supervisor’s job. In this case, housekeeping inspections of the basement could’ve kept someone from getting hurt.

Based on Anderson v. Intel Corporation.

What you need to know:

To prevent slips, trips and falls at work:

- clean all spills immediately
- set up “wet floor” markers around spills
- keep all walkways free of obstacles and clutter
- adequately cover cables that cross walkways
- secure mats, rugs and carpets that don’t lay flat
- keep working areas and walkways well lit, and
- replace burned out light bulbs and faulty light switches.

Sharpen Your Judgment – The Decision

(continued from Page 1)

Yes. The company appealed the fine to the Occupational Safety and Health Review Commission (OSHR), which vacated it.

OSHA claimed the company failed to “identify, evaluate and control” the hazards of the worksite.

The company argued it had made a reasonable attempt to warn the deceased worker of a hazard.

A Supervisor told him to have someone check out the area, but the worker likely ignored the warning.

OSHR had a tough call to make: The only witness to the warning had died. But given the evidence of the accident scene, it ruled

the worker had probably failed to follow the company’s warnings, and it dismissed the fine.

Analysis: Don’t leave it to chance

Counting on workers to relay instructions to each other is not always a good idea.

They’re prone to forgetting or even flat-out ignoring instructions.

A much safer bet: Make sure you deliver safety messages to the whole team at the same time.

When everyone’s able to get safety info together, they’re more likely to observe and remind each other of hazards.

Based on In re: Georgia Power Co.

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