

September 1, 2021

Safety program needed fixes after accident: What does OSHA check?

Forklift training in bad need of makeover

“How are we doing with safety training?” asked CEO Ed Gordon. “Particularly with forklifts?”

Supervisor Amy Bradshaw sighed. “Well I won’t sugarcoat it, we’re not where we should be,” said Amy.

“As you know, we’re short-handed,” said Amy. “Finding good people who want to work in manufacturing is an uphill battle these days.”

“Tell me about it,” said Ed. “It’s getting harder all the time!”

“Go on, what are the specific problems?” Ed asked.

“To be frank, everyone is swamped with

work. They’re always in a rush to cut short our sessions. And I’ve got to watch them like a hawk,” said Amy.

Staff play loose with rules

“So a workplace fatality didn’t put the fear of God into them?” asked Ed.

“Maybe since it was a contractor who died they don’t feel the same sense of urgency,” said Amy.

“No one knew the support beam had come loose,” said Amy.

“Not to excuse William for hitting the

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Sharpen Your Judgment

Can firm overturn OSHA forklift fines?

“OSHA’s acting like we’re working in a cave,” Supervisor Sal Fasano said. “There’s plenty of light in the loading dock.”

“That may be the case, Sal,” Safety Director Chris Taylor said. “But let’s lay out the facts.”

Were light readings inaccurate?

“The inspector saw we were using a lift truck without working headlights,” Sal said. “He told me that we should’ve taken it out of service since the lights were out.”

“Did you know the lights weren’t operational?” asked Chris.

“Someone had brought it up a day or two

before,” Sal said. “I put a work order in.

“But then he pulls out the light meter and starts checking the darkest parts of the loading dock. He tells me there was insufficient light, and that using the lift was dangerous.”

“The lighting in there seems adequate to me,” Chris said.

“This fine is just too subjective to stand up,” replied Sal. “The light is plenty good enough for our operators, otherwise they’d use the spotlights we have available on the dock. There’s nothing unsafe about that set up.”

The company fought the fine for not taking the lift out of service. 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.

Safety ...

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beam with the forklift, mind you,” said Amy.

Tragedy lingers heavily

“The contractor never knew what hit him,” said Ed, shaking his head in disgust.

“What a tragedy,” Ed said. “We’re trying to do right by his family so we don’t end up going to court.

“I just don’t want a repeat of that horrible day,” said Ed.

“You and me both,” said Amy.

“Come to think of it, can you come to tomorrow’s safety session?” Amy asked.

“I think it would make a good impression if the crew sees you sit in,” said Amy.

“I’ll do my best,” said Ed.

Guess who comes calling?

Later that day, Amy received a surprise visit.

“I’m Karen Vernon from OSHA.

“I’m here to follow up on your safety program and verify you’ve abated all of your prior violations,” said Karen.

Amy felt the blood rush from her face. *Today of all days OSHA decides to inspect us*, she thought.

“We’re certainly doing out best,” she replied. “What would you like to know about?”

“I’d like to take a look at your

forklift training and maintenance records first,” said Karen.

Too little, too late

Flashback: One year earlier, a welding contractor was fatally crushed by a metal beam that fell on him.

A company employee who operated a forklift struck the beam by accident. OSHA cited the firm for multiple safety violations.

The follow-up visit didn’t go the company’s way.

Result:

OSHA wasn’t satisfied with the company’s attempts to train workers adequately on forklift safety or check forklifts before letting them be put in service.

OSHA issued two repeat citations for both of those infractions, as well as serious

citations for not enforcing seatbelt use, not identifying load capacities and allowing operators to dismount while loads were still elevated.

Sloppy habits hardest to break

Key: This company’s leadership and Supervisors tolerated unprofessional work habits – a mistake that caught up to them.

Supervisors want to nip safety shortcuts like failing to use a seat belt on a forklift in the bud.

Verbal and written warnings are a must, along with retraining in some cases.

What you need to know:

As important as training is, effective forklift safety also depends on:

- hazard identification
- site surveys
- ongoing hazard assessment
- maintenance and repairs
- up-to-date operating procedures, and
- smart facility design.

Info: osha.gov/news/newsreleases/region4/07292021

TEST YOUR KNOWLEDGE

Spotting ergonomic injuries as early as possible

An ergonomic injury can result in unbearable pain – maybe not immediately, but often for the rest of a worker’s life.

Early detection of ergonomic problems is key to preventing these life-long pains.

Find out how much you know about these conditions by answering *True* or *False* to the following.

1. Workers are always the first to recognize the symptoms and indicators of an ergo injury.
2. One sign of a developing ergonomic injury is when workers “shake out” their hands or wrists following a task.
3. Warm weather or heat in the workplace make ergo injuries more likely to develop.
4. The best defense against ergo injuries is PPE such as knee pads.

ANSWERS

1. *False.* Many workers will compensate for ergonomic injuries before they even realize what’s wrong. It’s important that they can recognize these signs before it begins to affect the quality of their lives.
2. *True.* Other common indicators include attempting to modify tools to make them less painful to use, frequently rolling their shoulders or using other aids such as weight belts or knee braces.
3. *False.* Cold conditions actually lead to more ergonomic injuries. This includes outdoor work during cold months or work in refrigerated or air-conditioned environments.
4. *False.* PPE is important, but it’s the least effective way to prevent an ergo injury. Most effective way is engineering controls – adjusting equipment or tasks to prevent awkward postures or exertion.

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.

Cutting corners again on fall protection? Pay up!

What happened: OSHA checked up on a roofing contractor that agreed in writing to abide by fall protection guidelines. Turns out company execs and Supervisors were still letting employees work at heights without vests and landlines to save their lives and limbs in the event of a fall.

What people did: Janiec Roofing of Hasbrouch Heights, New Jersey, allowed employees to:

- work without fall protection on construction projects
- use ladders in unsafe ways, and
- forgo wearing required head and eye PPE.

Result: Janiec paid \$121,687 in fines in 2020. Repeat violations in a follow-up check add up to a whopping \$600,000!

OSHA noise emphasis: Big fine for repeat violator

What happened: Workers at Tramont Manufacturing in Milwaukee were exposed to:

- amputations and crushing injuries from machinery without guards
- high-decibel noise over extended periods, and
- face injuries related to lack of necessary PPE.

What people did: The company didn't correct machine guarding and noise violations from previous OSHA visits. Inspectors

came knocking after Tramont didn't report back on how it had abated the hazards. Tramont manufactures tanks, sub-base tanks, enclosures and other products for engine-generators.

Result: OSHA is proposing penalties of over \$216,000. Four citations are repeat.

Lesson: OSHA just launched a regional emphasis program to reduce occupational noise exposure. Employers must implement a hearing conservation program when the average noise exposure over eight working hours reaches 85 decibels.

No protection from asbestos, firms fined \$239K

What happened: A contractor removed old floor tiles containing chrysotile asbestos at a nursing home without testing for asbestos or protecting workers and residents from asbestos dust. Asbestos is a known carcinogen.

What people did: The job went on for a month until the Missouri Department of Natural Resources received a complaint and had the building evacuated.

Result: The contractor, Eastern Coast Management, was fined \$105,127 for 11 serious violations including not putting up protective barriers or providing workers with PPE. The building owner, SRZ Management Holdings of Jefferson City, was fined \$95,570. And Bentonview Park Health and Rehabilitation, which operates the nursing home, was dinged for \$38,228.

SAFETY TRAINING TIPS

■ CDC reverses itself on masking in workplace

Heads up: The Centers for Disease Control and Prevention (CDC) is recommending fully vaccinated people wear masks indoors in areas where COVID-19 transmission levels are high.

The prevalence of the Delta variant, which now makes up about 83% of all COVID cases, spurred the CDC's decision.

While this is medical guidance for now, there's a good chance OSHA will revise COVID policy to mirror the CDC's, with a step-up in enforcement to come.

About 46% of U.S. counties are considered to have high transmission rates with another 17% considered to be in the "substantial" transmission category.

Info: cdc.gov/coronavirus/2019-ncov/vaccines/fully-vaccinated-guidance.html

■ Time to give feedback? Focus on meat of matter

Many Supervisors soften – whether it's knowingly or not – negative feedback or bad news with what's called the Feedback Sandwich:

Positive comment, negative comment, positive comment.

Employees are often left loving the soft bread and missing the "meat" of the matter – what they really need to fix.

You can avoid the Feedback Sandwich by using this three-piece approach:

Describe the behavior you want to reinforce or correct.

Explain the impact. People don't always see what's at stake for the company, co-workers and themselves.

Describe what must be done now. If the employee's receiving a written warning, he should know that immediate improvement is needed to remain employed.

Unguarded power saw takes off worker's fingers after Supervisor went to lunch

OSHA finds fault with facility

Supervisor Lorrie Delgado grabbed her keys and headed out for lunch. She was surprised to see Michael Smith walking in.

"Shouldn't you be taking lunch now?" Lorrie asked.

"Just getting back from it," Michael said. "I'm leaving early for my doctor's appointment, so I got in early today."

"That's right," Lorrie said. "Let me run back in and set you up with your work for the afternoon."

"That's OK," Michael said. "Just doing the wood work, right?"

"Yeah," Lorrie said. "You're sure you have everything you need?"

"Positive," Michael replied.

"Great," Lorrie said. "Because I'm famished. See you in a half hour."

Saw wasn't 'good to go'

Michael took out the materials and began working. He was using a table saw to make cuts to a large wooden board.

The first cut went off without a hitch. But on the second cut, the board began to

rise off the table.

Acting quickly, Michael slammed his free hand down on the board to keep it from rising and ruining the cut.

But the saw kicked back, dragging the board – and Michael's left hand – into the whirring blades.

Where were the guards?

Michael lost three fingers in the accident. His injury was reported to OSHA, which showed up to investigate.

Result: OSHA found that the Supervisor didn't ensure machine guards and an anti-kickback device were used on the saw.

It issued \$36,560 in fines. That was later negotiated down to \$18,335.

Key: Supervisors can't watch employees every second of the day. But it is their job to make sure guards and protections are in place at all times.

Make sure guards are never removed from machines, and train workers not to use any equipment missing a guard.

Based on an accident at Azusa Unified S.D.

What you need to know:

Some rules on machine guarding should be practiced at all times:

- moving parts, nip points and other hazardous areas should be guarded
- these guards should be designed to avoid having body parts enter the danger zone
- guards should never be removed unless it's necessary for cleaning or maintenance, and
- maintenance should only be performed by those trained to per LO/TO regs.

Sharpen Your Judgment – The Decision

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No. The Occupational Safety and Health Review Commission (OSHRC) heard the appeal, but upheld the fine.

OSHA said having a lift without operational headlights was dangerous and should've been taken out of service immediately.

The company argued it didn't matter if the lights were out. They were going to be fixed soon and there was extra lighting available on site if workers wanted or needed it.

But OSHRC didn't buy the company's argument.

It pointed out OSHA's rules clearly require equipment that's unsafe or in need of repair be taken out of service immediately – and

it wasn't an employee's decision whether equipment was safe enough or not.

Analysis: Written OSHA standards' wording is the key issue

There was no counterargument to the basic facts of this case: The lift was in need of repairs and it hadn't been taken out of service.

Any arguments about whether the lighting was adequate or if workers didn't mind weren't going to work.

Before making judgment calls, ask: Did we follow OSHA's written standards? If not, no argument will pass muster.

Based on Secretary of Labor v. Home Depot.

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