

October 1, 2021

## She tried to fix machine, instead loses 4 fingers: What went wrong?

*Poor machine guarding, lockout/tagout to blame*

“Looks like another busy day ahead of us,” said Susan Miller, a maintenance and repair technician.

“Oh yeah!” replied Supervisor Billy Vernon. “That’s the way it goes with these machines. They take a lot of use and abuse.”

“Are we having any luck finding another tech?” said Susan. “We’re short on hands, you know.”

“I know, I know,” said Billy. “I think we’re going to have to bring on an apprentice, like you were when you first started here.”

“Guess I’ll get to help train the newbie then,” Susan laughed.

### Locks in short supply

“We’ve got an emergency work order, before I forget,” said Billy.

“The blow molder on the main plant floor crapped out at the end of the third shift,” Billy continued. “Probably a jam in the rolls.”

“Will do,” said Susan. “One more thing, can we please order more circuit locks? There aren’t any on the wall in the boiler

*(Please see 4 fingers ... on Page 2)*

### *Sharpen Your Judgment*

## Painful fall from ladder: Who’s at fault?

“Shame about Shane’s accident,” Supervisor Fred Collins said. “He called me today. They’re going to have to put a screw in his shoulder.”

“Worse than we thought,” Safety Director Chris Taylor said. “And it’s just going to keep getting worse. I got some news today too.”

“What’s that?” Fred asked.

“Shane is suing us,” Chris said. “He says he never would’ve fallen off that ladder if we had given him a harness and a spotter.”

“He’s already got workers’ comp benefits,” Fred said. “And he didn’t need a harness or a spotter. He fell off that ladder because he

leaned over too far and lost his balance. There’s no way that’s our fault.”

### Can he win more than workers’ comp?

“He could’ve tied the top of the ladder off too,” Chris pointed out. “But even if he’d done that, leaning that far over would’ve gotten him hurt anyway.”

“Exactly,” Fred said. “That’s why we have to fight this. Workers’ comp benefits are one thing, but forking over a ton of money when he could’ve prevented that accident is insane.”

Fred’s company fought Shane’s negligence lawsuit. Was it successful?

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.*

# 4 fingers ...

(continued from Page 1)

room. I'm literally scrambling to find locks."

"Right. We're a little tight budget-wise right now, but I'll order some," said Billy.

## Were LOTO procedures taught?

When Susan reached the blow molder, a trio of workers stood by pacing the floor.

"How long's this gonna take?" one asked. "We've got orders waiting."

"I'll let you know as soon as I know what's up," said Susan.

She shined a flashlight into the machine to get a better idea of what was gumming up the works.

*Just like Billy said, it's a material jam,* Susan thought to herself.

Susan was able to easily reach into the blow molder because two plate covers normally covering the front of the machine were removed at some point by workers.

## Stored energy not accounted for

Susan grabbed a tool and began moving a roller to fix the jam. But she didn't realize there was built-up energy in the heavy machine.

Workers from the third shift shut it down in the middle of a cycle. And as Susan touched machine parts, a roller cycled down lightning-quick.

"SLAM!!" Susan let out a weak

cry and nearly passed out.

The sight of four bloody fingers on the floor sent waves of shock and horror through Susan.

## Safety program fell short

The company, a milk packing plant in Denver, is facing \$339,000 in safety fines following an OSHA inspection.

OSHA issued two willful citations for:

- not guarding the point of operation on the blow molder, and
- failure to control hazardous (stored) energy.

Serious fines were doled out for a lack of circuit locks on

several pieces of equipment throughout the facility, infrequent lockout/tagout (LOTO) worker training, and frequent oil leaks that created slip, trip and fall hazards.

## Unsafe by choice

OSHA didn't mince words in a news release announcing the

fines: "[the company] knew its equipment lacked safeguards, yet chose to let work continue without regard to workers' safety. ... This indifference caused a worker to suffer a serious and permanent injury."

The woman in question must learn to do a myriad of daily tasks with one hand for the rest of her life. She'll need medical procedures and therapy to deal with a horrible, disfiguring injury.

*Based on an OSHA enforcement action against the Safeway supermarket chain.*

### What you need to know:

OSHA regs are clear: "Any machine part, function or process that may cause injury must be safeguarded. When the operation of a machine or accidental contact can injure the operator or others in the vicinity, the hazards must be eliminated or controlled."

Always keep an eye out for missing or damaged guards. Supervisors are the last line of defense between workers and irreversible injuries.

## TEST YOUR KNOWLEDGE

### Hand truck & dolly safety

Moving heavy equipment by hand isn't always an option. It can be dangerous, if not impossible.

Hand trucks can be a good alternative for safe moving, but only if they're used properly.

Test your workers' knowledge of hand truck and dolly safety by having them answer *True* or *False* to the following statements. Refer to the correct answers below.

1. Hand trucks are simple enough to be operated by any employee, so long as they're careful. Their use doesn't require any special considerations.
2. Since hand trucks support the weight, they eliminate the possibility of injury or strains.
3. Whether you should keep the truck ahead of you or behind you depends on whether you're going uphill or down.

## ANSWERS

1. *False.* Hand trucks should only be used by employees who are prepared to use them. Workers should be wearing sturdy shoes with nonskid soles, ideally with steel toes, and gloves that improve your grip. Also: Loose or baggy pants can easily get caught in the wheels.
2. *False.* You can injure your back loading a truck if you don't use proper lifting techniques. Be sure to bend your knees and keep your back straight, so your legs do the lifting. Once it's loaded, bend your knees, keep your back straight and lean in the direction you're moving.
3. *True.* You'll have better control if you keep the truck ahead of you when you're going downhill and behind you when you're going uphill.

### 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.*

## **6 killed never trained on liquid nitrogen dangers**

**What happened:** A freezer at a poultry processing plant malfunctioned and leaked liquid nitrogen, a colorless and odorless gas that can kill you quickly in close quarters. The company that owns the plant, Foundation Food Group in Gainesville, Florida, didn't provide safety data sheets or label the freezers properly with hazard warnings.

**What people did:** Three maintenance workers who weren't wearing PPE were overcome by fumes and died. Three other workers couldn't escape the area in time and also died. All six deaths were due to asphyxiation.

**Result:** Foundation Foods and three other companies which operate and maintain the chicken plant were cited for 59 violations and \$998,637 in fines. Workers weren't trained on liquid nitrogen hazards, how to detect a leak or emergency evacuation procedures that could've saved six lives. Go to [osha.gov/news/newsreleases/national/07232021](https://www.osha.gov/news/newsreleases/national/07232021) for more info.

## **Buried alive, lives to tell tale: Facility pays the price**

**What happened:** A farmworker is lucky to be alive after he was engulfed with grain in a farm silo bin up to his waist. Two workers were clearing the bin of debris and crops when the soy bean cave-in occurred.

**What people did:** The company, Topflight Grain Cooperative in Monticello, Illinois, is in hot water with OSHA because it:

- allowed workers to enter the bin without locking out or de-energizing equipment
- didn't put a safety attendant on post outside the bin to respond in case of emergency, and
- allowed employees to enter a grain bin with 10 to 15 feet of grain build-up on the walls.

**Result:** In addition to those willful citations, the co-op was also fined for directing employees to work on top of railcars without fall protection and failing to test oxygen levels in a grain bin before allowing workers inside. Total fine: \$303,510.

## **Firm appeals roofing fines but judge says 'No dice'**

**What happened:** Premier Roofing, a contractor in Denver, can't get out of a \$145,000 penalty for repeatedly failing to protect workers from fall hazards and conduct on-site safety inspections. The subcontractor it works with, M&M General Construction, is also on the hook.

**What people did:** The company's no stranger to OSHA inspections! It's been cited more than once for not enforcing the fall protection standard. OSHA had visual evidence of employees working at heights with no safety vests and lanyards attached to a secure anchor point, or any alternative means of fall protection.

**Result:** Premier appealed the fines but an administrative law judge shot it down.

## **SAFETY TRAINING TIPS**

### ■ 3 ways to boost facemask wearing on the job

If you're like many facilities where workers must wear facemasks, here are a few ways you can boost compliance and morale at the same time:

- Always wear your mask when and where it's mandatory to do so. Supervisors set the tone. So do upper management and especially heads of companies who also can't afford to "bend the rules" because it sends the wrong message to others.
- Provide complimentary disposable and cloth masks. It's a cost for sure, but if your facility must take measures to prevent the spread of COVID-19, it's a smart business cost that goes a long way. Bonus: Employees see that the company's on the same page with workers.
- If there are any activities that can be moved outdoors, do so. That includes lunches, training toolboxes, you name it. Fresh air and breaks from having to wear masks can go a long way.

### ■ Don't fall prey to this management trap

It's natural to rely on staffers who deliver in the clutch. But there can be consequences for using the same workers every time:

- They get stretched too thin. Valuable employees will still put in a good effort, but over time they can start to feel overburdened – and eventually undercompensated.
- It keeps others from reaching their full potential. You may never know what other folks are capable of doing if they don't get a chance to spread their wings.

Here's the thing: Many employees you rely on may not let you know if they're feeling overloaded.

Bottom line: There's nothing wrong with relying on trusted staffers, just make sure to spread the workload evenly.

# Explosion rips through confined space: 1 worker killed and another burned

*Spark from a light switch all it takes for tragedy*

Darren Jenks yawned loudly as he set cans of paint down at his work site.

“Stay up for the football game last night?” Supervisor Tom Lane asked.

“Yeah,” Darren said. “Why the heck do they have to start those things so late?”

“Not sure,” Tom replied. “All I know is someone makes money off it somehow. Ready to get started?”

“Sure,” Darren said, putting on a ventilator. “I want to get this over with.”

“Well, take your time,” Tom said. “I’ll be right out here if you need anything.”

Darren got to work painting the area.

But toward the end of the job, the paint fumes were irritating his throat.

He decided to come out after he started coughing.

“You OK?” Tom asked.

“Fine,” Darren said. “Those fumes are pretty powerful in that tight space.”

“Take your time,” Tom said. “Get some fresh air whenever you need to.”

“Thanks,” Darren replied. “But I’m

almost done painting. I’ll just finish up.”

As Darren entered the room again, he thought he saw a spot he missed.

But when he flicked on the light switch to get a better look, a spark from the light ignited the pent-up paint fumes.

There was a sickening silence, followed by the loudest sound Tom ever heard.

An explosion ripped through the space, killing Darren instantly and burning Tom.

## Awful tragedy under the microscope

OSHA inspectors arrived on the scene to determine what went wrong.

**Result:** The company was fined \$46k for exposing workers to explosion hazards in a confined area where ventilation was inadequate and failing to check the oxygen levels in a confined space.

**Key:** Good Supervisors always make sure conditions are safe before workers go into confined spaces. Otherwise, they may not come out alive.

*Based on a fatality at Dredge & Marine.*

## What you need to know:

By preparing for a job in confined spaces, you can help keep your people safe.

Here’s what to do before a worker goes into a confined space.

- Make sure there’s a ladder or other way for workers to get out if anything goes wrong.
- Inspect the area to be sure it’s clear of ignition sources.
- Provide workers with proper PPE and make sure they’re using it correctly, and
- Check oxygen levels for safety.

## Sharpen Your Judgment – The Decision

*(continued from Page 1)*

Yes, the company eventually won the lawsuit after a few costly rounds of appeals.

Shane argued Fred’s company hadn’t done enough to keep him safe.

He argued the company should have given him a fall harness and a spotter while he was working on the ladder.

The company fought back, pointing out even if it had provided all of those things, Shane still would’ve taken a tumble because he leaned over too far.

Eventually a judge agreed, ruling that Shane needed to take more responsibility for his own actions and work safely.

If he hadn’t leaned out while working on

the ladder, the judge said, there was a strong chance he wouldn’t have fallen.

### Stress ladder safety regularly

Folks use ladders every day. So use this case as an opportunity to remind your workers to:

- Keep their bodies centered between the rails of the ladder at all times.
- Make sure the ladder extends three feet over the roofline or working surface, and
- Never overload a ladder with more weight than it can support. Factor in your weight, plus that of tools and materials.

*Based on Wehr Constructors v. Gibson.*

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