

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: DOL-OSHA-09-1557-DAL
Monday, Jan. 4, 2010
Contact: Elizabeth Todd
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US Department of Labor's OSHA proposes more than \$1.4 million in penalties in connection with fatal explosion in Houston

HOUSTON -- The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) today issued CES Environmental Services Inc. willful and serious citations after an investigation into a fatal explosion at the company's Griggs Road facility in Houston. Proposed penalties total \$1,477,500.

In July 2009, an employee cleaning a tank was killed in an explosion when an altered piece of equipment ignited flammable vapors inside the tank. The fatality was the third death in less than a year at this employer's facilities; two hydrogen sulfide exposure-related deaths at a related facility, Port Arthur Chemical & Environmental Services LLC (PACES), occurred in December 2008 and April 2009.

"Proper precaution prevents deaths," said Secretary of Labor Hilda L. Solis. "Employers should take steps to eliminate hazards and provide a safe working environment for their workers. That is the law."

Based on the most recent investigation, OSHA has issued 15 willful citations with proposed penalties totaling \$1,050,000, alleging that **15 pieces of electrical equipment were unsafe to use in the tank wash area due to the presence of flammable and combustible vapors.** Two additional willful citations with proposed penalties totaling \$125,000 have been issued. One alleges that CES **failed to ventilate tanks in which employees were working, exposing the workers to toxic atmospheric hazards.** The other alleges that CES stored flammable and reactive chemicals together, which posed fire and explosion hazards.

In addition, OSHA has issued 54 serious violations with proposed penalties totaling \$302,500. These include allegations that CES failed to implement all aspects of the process safety management standard; provide proper respiratory protection, **confined space rescue equipment** and adequate fall protection; properly install and maintain boiler equipment; implement an emergency response plan, and adequate energy control procedures; train powered industrial truck operators; guard and to anchor machinery adequately; store compressed gas cylinders safely; and label hazardous chemicals.

A willful citation is characterized by an employer's intentional disregard of the standards or plain indifference to employee safety and health. A violation is characterized as serious when death or serious physical harm could result if an accident were to occur as the result of a hazard about which the employer knew or should have known.

OSHA previously cited PACES following the Dec. 18, 2008 and the April 14, 2009, fatalities and proposed penalties of \$16,600 and \$207,800, respectively. Both of those fatalities occurred in Port Arthur, Texas. Those citations were contested and are being litigated before the independent Occupational Safety and Health Review Commission. CES and PACES together employ 155 workers.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 2 News Release: 09-1573-NEW (osha 09-273)
Jan. 11, 2010
Contact: Joanna Hawkins
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US Labor Department's OSHA fines Camden chocolate processing plant following worker fatality

CAMDEN, N.J. – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has cited Lyons & Sons Inc. with seven serious citations and Cocoa Services LP with five serious citations for workplace safety and health violations following the death of a worker.

"It is absolutely imperative that these companies rectify these violations to prevent other workplace tragedies from occurring," said Paula Dixon-Roderick, director of OSHA's area office in Marlton, N.J. "One means of helping ensure worker safety is for employers to establish an effective safety and health management system through which they and their employees work together to proactively evaluate, identify and eliminate hazards before they result in injury or illness."

OSHA began its investigation in July following the **death of a worker who fell into a tank converting hard chocolate to liquid chocolate**. The serious violations for both companies include a **lack of railing on floor openings or working platforms above the melting tanks, employees working on melting platform exposed to nine-foot falls**, employer **failing to post warning signs on the melting tanks to indicate confined space** and the employer failing to provide fire extinguisher training upon initial employment and annually thereafter.

Additional violations for Lyons & Sons include failing to provide enclosures or guards over energized wires on melting tank boilers and failing to provide a first aid program.

OSHA issues a serious citation when there is substantial probability that death or serious physical harm could result and the employer knew, or should have known, of the hazard.

Lyons & Sons provide warehouse space to various customers at its Camden location and employs about 45 workers, and Moorestown, N.J.-based Cocoa Services LP converts hard chocolate to liquid chocolate and employs seven workers.

Lyons & Sons was assessed a penalty of \$21,750 and Cocoa Services LP was assessed a penalty of \$17,450.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 2 News Release: 09-1568-NEW/BOS 2010-014
Tues., Jan. 12, 2010
Contact: Ted Fitzgerald
Phone: 617-565-2074

US Labor Department's OSHA cites two employers following confined-space deaths at Queens, NY, recycling facility

NEW YORK – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has completed inspections prompted by a June 29, 2009, triple fatality at a Jamaica, N.Y., recycling facility. An employee of S. Dahan Piping and Heating Co., of South Ozone, N.Y., was fatally overcome by hydrogen sulfide gas while cleaning a dry well at Regal Recycling Co. Inc. The owner of S. Dahan Piping and Heating, who was also the worker's father, and a Regal Recycling employee also succumbed while trying to rescue him from the dry well.

OSHA's inspection found that S. Dahan Piping and Heating should have monitored the air quality in the dry well to determine if there was a lack of oxygen or the presence of another breathing hazard before any of its employees entered the dry well to perform their duties. If a hazard was found, protective measures would need to have been implemented prior to employee entry. OSHA defines a confined space as a space that has limited or restricted access of entry or exit, is large enough for a worker to enter and work in, but is not designed for continuous occupancy. Regal Recycling failed to post signs warning its employees of hazards that may be present in a confined space, such as the dry well.

"Unfortunately, this incident was a classic example of a multiple-fatality event where would-be rescuers are themselves overcome in their attempt to save the initial victim," said Kay Gee, OSHA's area director for Queens, Manhattan and Brooklyn. "Many deaths in confined spaces occur because people who are attempting to rescue someone else are neither trained nor equipped to do so."

As a result of its findings, OSHA has issued four serious citations to S. Dahan Piping and Heating for the confined-space hazards and for not having a respiratory-protection program.

"This family has already paid an incalculable price with the loss of two of its loved ones," said Robert Kulick, OSHA's regional administrator in New York. "Nothing can restore their lives, but it is our hope that employers will heed these findings and take effective action to prevent future confined-space tragedies."

Regal Recycling Co. was issued one serious citation for the absence of warning signs and for failure to abate notices for not correcting unrelated respiratory protection and guardrail hazards cited after a January 2009 OSHA inspection. Regal Recycling faces a total of \$79,000 in fines.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 1 News Release: 10-174-BOS/BOS 2010-078
Mon., Feb. 22, 2010
Contact: Ted Fitzgerald
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US Department of Labor's OSHA cites North Carolina and Georgia contractors following fatal worker fall from Epping, NH, water tower

CONCORD, N.H. - The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has cited two contractors responsible for the rehabilitation and painting of a municipal water tower in Epping, N.H., for alleged violations of safety standards following the Aug. 7, 2009, **death of a worker who fell 90 feet from the tower.**

OSHA's inspection found that the deceased worker's employer, Bullins Painting Inc., the Eden, N.C., subcontractor performing the tower work, failed to provide him with fall protection. Both Bullins Painting and the project's general contractor, Utility Services Inc. of Perry, Ga., failed to inspect fall protection equipment before each use, protect vertical lifelines against cuts and abrasions, and provide a ladder cage or equivalent safeguard for tower access ladders.

"This case is a clear and grave example of the human cost incurred when required fall protection safeguards are absent, ignored or inadequate," said Rosemarie Ohar, OSHA's New Hampshire area director. "The loss of a worker's life could have been prevented if these protective measures had been in place and in use."

OSHA identified additional safety and health hazards for Bullins employees, including improper anchorage points for the lifelines, an uninspected suspended scaffold, respirator protection deficiencies, overexposure to respirable dust, fumes and solvents, improper transfer of flammable liquids, smoking while mixing flammable liquids, electrical hazards and **failing to appropriately monitor the inside of the water tank for oxygen-deficient atmospheres before workers entered it.** Both employers also were cited for recordkeeping violations.

All told, Bullins Painting has been issued three willful, 16 serious and one other-than-serious citations, with \$187,800 in proposed fines while Utility Services Co. was issued one willful, two serious and three other-than-serious citations, with \$93,000 in fines.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 2 News Release: 10-233-NEW/BOS 2010-084
Feb. 24, 2010
Contact: Ted Fitzgerald
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US Labor Department's OSHA proposes more than \$62,000 in fines for Worldcolor Buffalo for hazards at Depew, NY, printing plant

BUFFALO, N.Y. – The U.S. Department of Labor's Occupational Safety and Health Administration (OSHA) has cited Worldcolor Buffalo for 27 alleged violations of safety and health standards at its Depew, N.Y., printing facility. The company faces a total of \$62,350 in proposed fines following OSHA inspections begun in October 2009.

“Our inspections identified a cross-section of safety and health hazards that must be effectively addressed for the well-being of the workers at this plant,” said Arthur Dube, OSHA's area director in Buffalo. “Left uncorrected, they expose workers to the risk of lacerations, amputation, burns, hearing loss, exposure to asbestos, electric shock, or being **caught or trapped in confined spaces** or operating machinery.”

Specifically, OSHA found instances of improper transfer and storage of flammable liquids; **lack of specific lockout/tagout procedures and training to prevent the unintended startup of machines during maintenance**; lack of hearing protection; inadequate respirator training, fit-testing, medical evaluation, inspection and maintenance; unguarded grinders; blocked access to electrical boxes; electrical equipment not safely maintained in hazardous locations; and accumulation of combustible dust in a work area.

In addition, the plant lacked a written program and training for employees whose duties require entry into confined spaces; failed to inform workers of the presence of asbestos containing insulation on steam pipes; and failed to provide the Hepatitis B vaccine and training to workers whose duties involved exposure to blood or other potentially infectious materials.

These conditions resulted in the company being issued 24 serious citations, with \$61,350 in fines. OSHA issues serious citations when death or serious physical harm is likely to result from hazards about which the employer knew or should have known. OSHA also issued three other-than-serious citations, with a fine of \$1,000, for inadequate recordkeeping, fire extinguisher training and exposure monitoring.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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ELMWOOD, Wis. -- The U.S. Department of Labor's Occupational Safety and Health Administration

Region 5 News Release: 10-349-CHI
March 29, 2010
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US Labor Department's OSHA fines Elmwood, Wis., dairy farm following investigation into worker's death

has issued citations to Val-O-Mo Farm Inc. in Elmwood following an investigation into the death of a migrant farmhand at the location.

OSHA opened its inspection in October 2009 after learning from the Dunn County, Wis., sheriff's department of a **fatality reportedly due to the immersion drowning of a migrant** farmhand who worked and lived at the farm. As a result of that inspection, OSHA announced today it has cited the farm for six serious and one other-than-serious violations of federal workplace safety standards.

"Our investigation at this farm reinforced the fact that farming is dangerous work and farm owners and operators need to understand, search out and correct the hazards their workers face," said OSHA Area Director Mark Hysell in Eau Claire, Wis.

OSHA's serious citations address the **failure to provide a guarding mechanism to prevent power driven machinery from accidentally falling into the earthen manure storage facility**, alteration of seat belts on that machinery, lack of adequate training and instruction for operators of the skid steer machinery, potential amputation issues and electrical shock hazards. Proposed penalties total \$7,200.

The Val-O-Mo Farm covers approximately 550 acres including a variety of farm buildings such as corn bins, feed storage bunkers, a milking parlor and multiple barns. This farm has not previously been inspected by OSHA. While many farming operations, particularly those with 10 or fewer employees, are exempt from OSHA regulations, those that have maintained a temporary labor camp within the last 12 months are not exempt and are subject to all OSHA regulations.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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10-382-KAN
April 15, 2010
Contact: Rich Kulczewski

US Department of Labor's OSHA cites Buckhorn Inc. of Springfield, Mo., for violations of OSH Act
Employee loses life in plastic injection molding machine accident

SPRINGFIELD, Mo. -- The U.S. Department of Labor's Occupational Safety and Health Administration has cited Buckhorn Inc. in Springfield for alleged violations of the Occupational Safety and Health Act following the investigation of an accident in which an employee was **crushed inside a plastic injection molding machine.**

"There is no excuse for this accident. This worker should not have been allowed to work in the machine without energy sources being locked out," said Charles Adkins, OSHA's regional administrator in Kansas City, Mo. "It is imperative that employers take the necessary steps to eliminate hazards and provide a safe working environment for all of their employees to prevent accidents like this from occurring."

OSHA's investigation of the company found one willful and 15 serious violations of the OSH Act. The willful violation stems from the company's **failure to ensure the plastic injection molding machine was isolated from energy sources/turned off and locked out when employees were performing maintenance activities inside the machine danger zone.** OSHA issues a willful violation when an employer exhibits plain indifference to or intentional disregard for employee safety and health.

The serious violations stem from a lack of open sided floor guarding; obstructed emergency exits; **permit required confined space deficiencies**; a lack of lockout/tagout training and periodic inspection; a lack of eyewash facilities; improperly stored materials; powered industrial trucks in need of repair not taken from service; welding cylinders not secured in storage; electrical wiring installation deficiencies; lack of strain relief on flexible cords in use; and unmarked containers of hazardous materials. OSHA issues a serious citation when death or serious physical harm is likely to result from a hazard about which an employer knew or should have known.

OSHA has proposed \$116,000 in penalties against the company. Buckhorn Inc. has 15 business days from receipt of the citations to comply, request an informal conference with OSHA's area director in Kansas City, Mo., or contest the findings before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

10-474-CHI
April 19, 2010
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US Labor Department's OSHA fines American Packaging Corp. in Columbus, Wis., following investigation into worker's death

COLUMBUS, Wis. -- The U.S. Department of Labor's Occupational Safety and Health Administration has cited American Packaging Corp. in Columbus with 29 alleged serious violations of federal workplace health and safety standards following an investigation into a worker's death.

OSHA began its inspection in October 2009 after learning from the company that a maintenance technician was killed during an explosion at the plant. Flammable vapors were present when the worker was using a grinder to cut off a bolt while installing a metal floor threshold.

American Packaging has been cited with 26 serious health violations and fined \$108,450. Some of these violations include failing to provide safe work practice procedures for **hot work in a confined space**, failing to properly train workers in procedures to safely maintain equipment, the lack of a proper emergency response plan, the lack of procedures for summoning rescue and emergency services, not having appropriate personal protective equipment for workers, the absence of lockout/tagout procedures for energy sources and various process safety management deficiencies.

The company also has been cited with three serious safety violations with \$18,900 in proposed penalties for failing to take adequate precautions to prevent the ignition of flammable vapors, to prevent cutting operations in the presence of explosive atmospheres and to maintain safe handling of equipment in cutting operations.

An OSHA violation is serious if death or serious physical harm can result from a hazard an employer knew or should have known exists.

"These types of violations show the company's disregard for the safety and welfare of its employees," said OSHA Area Director Kim Stille in Madison, Wis. "Those who ignore safe practices and OSHA regulations are inviting tragedy into the lives of their workers."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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10-453-ATL (229)

April 21, 2010

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US Department of Labor's OSHA proposes more than \$133,000 in penalties against Clarksville, Ga., manufacturer for 60 safety and health violations

ATLANTA -- The U.S. Department of Labor's Occupational Safety and Health Administration has cited Scovill Fasteners in Clarksville, Ga., for 60 safety and health violations. Penalties total \$133,350.

OSHA began its inspection in October 2009 after receiving a complaint concerning a partial amputation of an employee's index finger. Inspectors found a number of deficiencies at the plant including unguarded power presses, failing to develop lockout/tagout procedures for energy sources, lack of training for forklift operators, improper personal protection equipment for employees handling acids and caustics, and failing to provide a written hazard communications plan. The investigation was expanded to all areas of the facility when inspectors observed a high number of safety hazards.

The company is being cited with 40 serious safety violations with \$99,050 in proposed penalties. The violations are associated with several instances where mechanical power presses were unguarded, exposing employees to amputation hazards. Other violations are related to fall hazards, damaged storage racks, crane and overhead hoists exposing employees to struck-by hazards, lack of adequate lighting and signage for emergency egress, and several electrical deficiencies.

A separate health inspection revealed 14 serious violations with \$34,300 in proposed penalties. They include hazards associated with abrasive blasting, noise overexposure, lack of noise training for employees, failing to address all the required elements in the emergency response plan, failing to provide an appropriate eye wash and shower station, failing to perform a personal protection equipment assessment, as well as **deficiencies in the** respiratory protection program and the **permit required confined space program**. An OSHA violation is serious if death or serious physical harm can result from a hazard an employer knew or should have known exists.

The facility is also being cited with six other-than-serious violations with no proposed penalty. The violations concern dip tank ventilation deficiencies, improper use of respirators, lack of a written exposure control plan and failing to label containers. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"These types of violations show the kind of disregard this company has for the safety and welfare of its employees and why it needs to make the required improvements to prevent needless injuries," said Gei-Thae Breezley, director of OSHA's Atlanta-East Area Office."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 10-544-CHI
May 5, 2010
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Milk Specialties Co. in Whitehall, Wis., agrees to pay \$535,000 in penalties after US Labor Department's OSHA safety and health investigation

WHITEHALL, Wis. — Milk Specialties Co. in Whitehall has agreed to pay \$535,000 in penalties as part of a legal settlement with the U.S. Department of Labor's Occupational Safety and Health Administration after being cited with willful, repeat and serious violations concerning combustible dust hazards, untrained employees working in potentially dangerous areas and a **lack of proper permits for working in confined spaces.**

"We are pleased that Milk Specialties Co. has recognized and agreed to abate the health and safety violations addressed in the settlement," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "Our number one concern is to ensure the safety and welfare of all workers. With this agreement, I am confident the company is moving in the right direction."

OSHA began a December 2008 inspection in response to a complaint alleging a variety of safety hazards at the company's whey processing plant. **Willful citations were issued for the employer's failure to comply with OSHA's confined space entry and control of hazardous energy requirements. Untrained employees entered confined spaces and performed maintenance and cleaning on powered equipment without protection from various hazards.** Penalties for the nine willful violations total \$504,000. A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirement, or plain indifference to employee safety and health.

Seventeen serious citations, with penalties totaling \$21,855, address combustible dust and electrical hazards; lack of exit route lighting and signage; **lack of confined space evaluations;** uninspected fire extinguishers; and untrained and uncertified powered industrial truck operators, among other issues. An OSHA violation is serious if death or serious physical harm can result from a hazard an employer knew or should have known exists.

Four repeat violations with penalties totaling \$9,145 address the guarding of floor and wall openings, ladders and respiratory protection, and other issues addressed in previous inspections of this company.

Milk Specialties has been inspected by OSHA 15 times since 1974, including four inspections in Wisconsin between 2006 and 2008, with citations resulting from many of the same safety and health hazards cited in the most recent inspection.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 10-291-CHI
May 11, 2010
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**US Labor Department's OSHA notifies Minneapolis Veterans Affairs
Medical Center of workplace safety and health hazards to its workers**

MINNEAPOLIS - The U.S. Department of Labor's Occupational Safety and Health Administration has notified officials at the Minneapolis Veterans Affairs Medical Center that a recent inspection has found 32 serious, four repeat and one other-than-serious violation of federal workplace safety and health standards.

OSHA began its safety and health inspection at the hospital in September 2009 as a planned inspection under its targeting inspection program, designed to focus on federal worksites experiencing a high number of lost time work-related injury and illness cases.

Serious violations identified involve electrical hazards, safety guarding of machines to prevent amputation or other injuries when workers are pulled into moving machine parts, improper storage of fuel and oxygen, compliance with requirements for controlling bloodborne pathogens and **confined space entry**, among others.

Repeat violations are based on a previous inspection at a Veterans Affairs facility in Madison, Wis., where similar electrical hazards and inadequate hazardous energy control procedures were identified.

"Workers in the VA hospitals around the country accept responsibility for providing care to those Americans who risked their lives serving our country," said OSHA Area Director Mark Hysell in Eau Claire, Wis. "It is imperative that VA management see to it that these workers are protected against injuries as they pursue that admirable task."

Because the medical center is a federal employer, no fines are being assessed. However, if penalties were permissible, they would total \$171,000.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, outreach, education and assistance.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 1 News Release: 10-676-BOS/BOS 2010-209
Mon., May 17, 2010
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**US Labor Department's OSHA proposes \$77,500 in fines against
West Hartford, Conn., metal finishing plant for 45 safety and health hazards**

HARTFORD, Conn. - The U.S. Department of Labor's Occupational Safety and Health Administration has cited Har-Conn Chrome Co. Inc. for 45 alleged serious violations of safety and health standards at its West Hartford metal finishing plant.

"The conditions found at this workplace exposed employees to a variety of potential hazards including electrocution, fire, falls, lacerations and exposure to toxic substances," said Paul Mangiafico, OSHA's area director in Hartford. "For the safety and health of its workers, this employer must address these hazards completely, effectively and on an ongoing basis to prevent their recurrence."

OSHA's inspection identified numerous electrical hazards, including exposed live parts, damaged or misused electrical equipment and wiring, blocked access to electrical wiring and the use of unapproved wiring; unguarded saws, fans and grinders; improper transfer of flammable liquids; improper storage of compressed gas cylinders; **confined space hazards**; untrained forklift operators; lack of personal protective equipment; and lack of emergency eyewashes.

Additional hazards included failing to determine workers' exposure levels to hexavalent chromium, provide annual medical surveillance and training to exposed workers, establish a regulated work area and ensure contaminated protective clothing remained in the work area; and lack of cadmium exposure sampling.

OSHA has proposed a total of \$77,500 in fines. OSHA issues serious citations when death or serious physical harm is likely to result from hazards about which the employer knew or should have known.

Har-Conn Chrome has 15 business days from receipt of its citations and proposed penalties to comply, meet with the OSHA area director or contest the citations and penalties before the independent Occupational Safety and Health Review Commission. This inspection was conducted by OSHA's Hartford Area Office; telephone 860-240-3152.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 4 News Release: 10-654-ATL

May 19, 2010

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**US Department of Labor's OSHA cites VT Halter Marine more than
\$1.3 million for willfully exposing workers to toxic vapors in a confined space
2 workers died and 2 received 3rd degree burns**

JACKSON, Miss. - The U.S. Department of Labor's Occupational Safety and Health Administration has fined VT Halter Marine Inc., a shipbuilder, for \$1,322,000 following a November 2009 **explosion and fire that killed two workers and seriously injured two other workers. The incident occurred in the inner bottom void of a tugboat** that was being constructed at the company's Escatawpa, Miss., facility.

"This was a horrific and preventable situation. The employer was aware of the hazards and knowingly and willfully sent workers into a confined space with an explosive and toxic atmosphere," said Secretary of Labor Hilda L. Solis. "Loss of life can never be something considered acceptable or as a course of doing business."

Following its investigation, OSHA has cited the company for 17 willful and 11 serious violations. **The willful citations are for failing to inspect and test the confined space prior to entry, to prevent entry into confined spaces where concentration of flammable vapors exceed the prescribed limits and to use explosion proof lighting in a hazardous location.** A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirements, or with plain indifference to employee safety and health.

The serious violations include a lack of machine guarding, allowing the use of defective electrical equipment, failing to use approved containers for disposing flammable liquids, **the lack of a rescue service available for a confined space entry, failing to properly ventilate a confined space, and missing or incomplete guardrails.** A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Eight other-than-serious violations also have been issued. These concern recordkeeping, failing to provide lavatory facilities with tepid running water, failing to ensure workplace floors were free from water accumulation and electrical grounding hazards.

"VT Halter knowingly and willfully failed to protect the lives of its workers in a confined space even though it had the knowledge and equipment necessary to do so," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "We will not tolerate this type of blatant and egregious disregard for the health and safety of workers. Employers need to know there will be consequences."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

National News Release 10-711-DEN
May 27, 2010
Contact: Jason Surbey
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**US Department of Labor fines South Dakota Wheat Growers Association
of Aberdeen, SD, more than \$1.6 million for grain handling violations
*Worker suffocated in December 2009 after being engulfed in grain***

WASHINGTON - The U.S. Department of Labor's Occupational Safety and Health Administration has fined the South Dakota Wheat Growers Association of Aberdeen, S.D., more than \$1.6 million following the Dec. 22, 2009, death of a worker at the company's McLaughlin, S.D., grain handling operation. **The worker suffocated after being engulfed by grain in one of the facility's bins. OSHA's investigation found that five additional workers were also at risk of being engulfed when they were sent into the bin to dig the victim out.**

"The South Dakota Wheat Growers Association ignored long-established standards addressing safety in grain handling operations," said Secretary of Labor Hilda L. Solis. "The company's intentional disregard for its safety and health responsibilities put its workers at risk, and more egregiously, led to an unnecessary loss of life. Worker safety must be a top priority."

Following its investigation, OSHA proposed \$1,610,000 in fines for 23 alleged willful violations of the grain handling and confined space standards, including: failing to prohibit workers from walking on top of clumped grain; failing to prohibit entry into the grain bins where the buildup of grain existed; failing to shut off and lock out equipment to prevent grain from moving through the bin while workers were inside; failing to equip workers with grain engulfment protection; failing to provide observers equipped to provide assistance; failing to train workers; failing to issue permits to control entry into grain bins; failing to test the atmosphere; a lack of rescue equipment; and failing to implement an emergency action plan prior to entry. A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirements, or with plain indifference to employee safety and health.

"We know that safety precautions could have prevented this tragedy," said Dr. David Michaels, assistant secretary of labor for OSHA. "The dangers of grain bin entry are well known in the industry, yet the South Dakota Wheat Growers Association chose to ignore these hazards."

The death in South Dakota follows a similar May 2009 death of a 17-year old employee of Tempel Grain LLP in Haswell, Colo. That worker also suffocated after being engulfed by grain. OSHA issued \$1,592,500 in fines for 22 alleged willful and 13 alleged serious violations in that case.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: DOL-OSHA-10-1008-DAL

July 26, 2010

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**US Labor Department's OSHA cites Thermal Polymer Systems
following workplace fatality in Angleton, Texas**

ANGLETON, Texas - The U.S. Department of Labor's Occupational Safety and Health Administration has cited Thermal Polymer Systems LC of Angleton, Texas, following an explosion inside a permit-required confined space that killed one worker and injured two others.

"This company exposed its workers to the hazards of confined space entry," said Mark Briggs, OSHA's area director for the Houston South Area Office. "In this case, the ventilation system was not on to remove the flammable and toxic vapors of the primer being used by the employees, and the internal atmosphere of the tank was not being monitored with a combustible gas meter to alert the employees that the atmosphere was becoming toxic and inflammable."

OSHA issued citations alleging four willful and 28 serious violations following an investigation that began January 28 when two workers were burned while applying primer inside a tanker trailer. One worker died and another remains hospitalized with burns to over 90 percent of his body. A third worker, the attendant monitoring the confined space in the event of an emergency, was blown off the tank when the vapors ignited.

The willful violations were for failing to eliminate and control hazardous atmospheres, such as flammable gas, through ventilation; complete confined space entry permits; use intrinsically safe lights in hazardous locations; and annually fit-test employees for respirator use. A willful violation is one where there was intentional disregard for safety and health.

Serious violations include failing to mark exits; ensure flammables storage areas had self-closing doors; conduct workplace hazard assessments; monitor, evaluate, and annually review and retain records for the confined spaces; implement a hearing conservation program, and secure compressed cylinders. A serious violation is one that could cause death or serious physical harm to employees when the employer knew or should have known of the hazard. Penalties for the violations total \$161,600.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 1 News Release: 10-997-BOS/BOS 2010-323
Mon., July 26, 2010
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US Labor Department's OSHA proposes more than \$250,000 in fines against two employers following explosion at Nashua, NH, manufacturing plant

CONCORD, N.H. - The U.S. Department of Labor's Occupational Safety and Health Administration has cited Worthen Industries Inc., a Nashua, N.H., manufacturer of glues and adhesives, and S.L. Chasse Welding & Fabrication Inc., a Hudson, N.H., steel erection contractor, for alleged violations of workplace safety standards following a Jan. 23 explosion at Worthen's manufacturing plant on East Spit Brook Road. Combined penalties against the two employers total \$257,500.

The explosion occurred when flammable vapors ignited while Chasse workers were installing a new motor on a vessel used in the plant's manufacturing process. OSHA found that Worthen had not cleaned the vessel thoroughly enough to ensure the absence of flammable materials or vapors, and had not vented it prior to allowing welding to be performed. As a result, OSHA issued Worthen one willful citation with a proposed fine of \$63,000. OSHA defines a willful violation as one committed with plain indifference to or intentional disregard for employee safety and health.

"Welding should not have been permitted until all feasible steps had been taken to remove flammable materials and the potential for ignition," said Rosemarie Ohar, OSHA's area director for New Hampshire. "This problem combined with numerous additional safety and health hazards identified at the Worthen plant account for the sizable proposed fines."

OSHA identified numerous other hazards at the plant including an incomplete and inadequate process safety management program, fall hazards from an unguarded mezzanine and floor openings, accumulations of ice on exit stairs, a variety of electrical hazards, lack of personal protective equipment and tools, an incomplete and inadequate respiratory protection program, inadequate chemical hazard communication, not conducting initial monitoring for employee exposure to formaldehyde and methylene chloride, and incomplete illness and injury logs. These conditions resulted in 48 serious and five other-than-serious citations for Worthen with \$162,400 in additional fines. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. Worthen's fines total \$225,400.

S.L. Chasse was cited for inadequately training its workers to recognize potential chemical, fire, explosion or toxic release hazards and appropriate protective work practices, and allowing welding to be performed where a flammable atmosphere was present. Other citations addressed lack of fall protection and machine guarding, and incomplete injury and illness logs. These conditions resulted in eight serious and six other-than-serious citations, with \$32,100 in fines for Chasse.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 10-1014-CHI

Aug. 4, 2010

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US Labor Department's OSHA fines Wisconsin grain cooperative \$721,000 after worker is engulfed in frozen soybeans. OSHA issues warning letter to industry following series of similar incidents including suffocation last week of 2 teenagers in Illinois grain elevator

BURLINGTON, Wis. -- The U.S. Department of Labor's Occupational Safety and Health Administration has proposed fines of \$721,000 against Cooperative Plus Inc. in Burlington for violations of federal workplace safety standards. **OSHA alleges that this employer, a farmer owned cooperative, exposed workers to the risk of being engulfed and suffocated in grain storage bins without proper equipment and procedures. In a near tragedy that occurred in February, a worker was trapped in soybeans up to his chest in 25 degree weather and ultimately rescued after a four hour ordeal.**

"Cooperative Plus ignored long established safety standards for working safely in grain handling operations and knowingly exposed workers to possible suffocation. In this case, a worker almost died," said Secretary of Labor Hilda L. Solis. "Disregarding well-recognized standards places workers in this industry in serious danger and will not be tolerated."

In spite of clear OSHA standards, employers continue to put workers at risk of death by requiring them to enter grain storage bins without proper protection. The citations against Cooperative Plus are being issued one week after a separate and especially tragic incident in a grain elevator in Illinois in which two teenage workers, a 14- and a 19-year-old, were killed and a 20-year-old was hospitalized after being similarly engulfed in grain. In a third case last year, a South Dakota Wheat Growers Association worker was killed after being engulfed by grain in a wheat handling facility. In May, OSHA issued a fine of more than \$1.6 million against the South Dakota Wheat Growers Association.

In response to these and other events, OSHA is sending a strong letter to all grain elevator operators warning them not to allow workers to enter grain storage facilities without proper equipment, precautions and training. "We are putting these employers on notice," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "OSHA will use the full extent of the law to ensure that any employer who violates these standards is held accountable for its lack of concern for worker safety."

OSHA has cited that employer for 10 willful violations. Two per-instance willful violations are for **failing to provide workers entering grain storage bins with body harnesses and lifelines and to provide an observer while other workers entered the grain bins. A citation has been issued for each bin entry OSHA documented in which the employer failed to observe these requirements. OSHA also has issued additional willful violations that address the company's failing to ensure that safe procedures were implemented for entry into the bins; to prohibit workers from walking on the grain inside the bin; to provide rescue equipment for workers entering the bins and to implement an emergency action plan.**

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: 10-1055-DAL (462)

Aug. 5, 2010

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**US Department of Labor's OSHA cites Matula & Matula Construction
following worker death in Lake Jackson, Texas**

LAKE JACKSON, Texas - The U.S. Department of Labor's Occupational Safety and Health Administration has cited Matula & Matula Construction Inc. of Lake Jackson for workplace safety and health violations **following the death of an employee who was working inside a sanitary sewer manhole.**

"This company exposed its workers to hazardous atmospheres while they were working in sanitary sewers," said Mark Briggs, OSHA's director for its Houston South Area Office in Texas. "It is critical that procedures for safe confined space entry are utilized each time a worker enters a confined space."

OSHA has issued citations alleging two willful, three serious and two repeat violations following an investigation that began Feb. 8, when **a worker who was pumping grout into the sewer line on the Highway 332 Utility Relocation Project in Lake Jackson was overcome by hydrogen sulfide.**

The willful violations are for **failing to implement confined space entry procedures, including testing, ventilation and rescue, and to train employees on the hazards of working in a confined space.** OSHA issues a willful citation when an employer exhibits plain indifference to or intentional disregard for employee safety and health.

Serious violations include failing to train employees about the danger of working with hazardous chemicals in the workplace, and to inspect, properly maintain and repair damaged ladders. A serious violation is one in which there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The repeat violations are for failing to make a reasonable estimate of employee exposure to hazardous chemicals such as hydrogen sulfide and carbon monoxide, and to properly erect a ladder for use in accessing the sanitary sewer manhole. OSHA issues repeat violations when an employer previously has been cited for the same or substantially similar violations in the past three years, and those citations have become a final order.

Proposed penalties total \$136,000. The company has 15 business days from receipt of the citations to comply, request an informal conference with OSHA's area director in Houston, or contest the citations and penalties before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 10-1128-CHI

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**Cooperative Plus Inc. fined again after US Labor Department's
OSHA finds 25 safety violations at 2 other grain facilities in Wisconsin**

Company fined \$374,500 for willful and serious safety violations at Whitewater and Genoa City

WHITEWATER, Wis. - The U.S. Department of Labor's Occupational Safety and Health Administration has proposed penalties of \$374,500 against Cooperative Plus Inc., a farmer-owned cooperative, for federal workplace safety violations at its Whitewater and Genoa City, Wis., sites. These penalties follow \$721,000 in penalties issued earlier this month after **a worker was seriously injured from being engulfed by soybeans at the cooperative's Burlington, Wis., facility in February.**

"This continued non-compliance with long established safety standards for working in grain handling operations by Cooperative Plus Inc. shows a complete disregard for worker safety," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "All workers have the right to work in a safe environment, and the Labor Department will use all legal means necessary to ensure companies comply with established safety requirements."

Based on its investigation of the Cooperative Plus facility in Whitewater, OSHA has fined the company \$210,000 for three alleged willful violations. **The company failed to test the atmosphere before entry and to have an employee entering wear a safety harness and lifeline. It also failed to post an employee to observe the entry, and to turn off and lock out power to the auger before workers entered the grain bins.**

The Genoa City facility has received a proposed \$70,000 penalty for one alleged willful violation, again for failing to shut down and lock out power to the grain bin augers before workers entered the bins.

In addition to the willful citations, the company has received \$35,500 in proposed penalties for seven alleged serious violations at the Whitewater facility. The citations allege, among other violations, that the company lacked an emergency action plan and failed to train workers in the emergency use of respirators and on safe grain handling hazards. **It also failed to test the oxygen levels in pits prior to entry or to maintain air-monitoring equipment for confined space entries. The company also has received a \$59,000 proposed penalty for 11 alleged serious violations found at Genoa City. Violations address failures to implement confined space procedures while working in fertilizer tanks; to test the air quality before workers entered fertilizer tanks; to meet requirements for an emergency action plan; to train workers on grain handling hazards annually; and to equip employees with body harnesses and lifelines while working in grain bins.**

OSHA recently sent letters to other grain storage companies warning them of their responsibility to comply with grain-handling and confined space entry standards.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 4 News Release: 10-1139-ATL (489)
Aug. 24, 2010
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US Department of Labor's OSHA cites Walter Coke Inc. of Birmingham, Ala., with repeat safety violations and \$171,500 in penalties

BIRMINGHAM, Ala. – The U.S. Department of Labor's Occupational Safety and Health Administration is proposing \$171,500 in penalties against Walter Coke Inc. of Birmingham for exposing workers to a variety of safety violations.

The February inspection was initiated based on the 2009 Site-Specific Targeting program, which directs enforcement resources to those workplaces where the highest rates of injuries and illness have occurred.

"Prior to this inspection, the company was made aware of what needed to be addressed to protect its workers from injury, but management did not act and continues to put employees at risk," said Roberto Sanchez, OSHA's area director in Birmingham. "Managers should not wait any longer to implement OSHA standards to protect their employees."

The company is being cited with three repeat violations carrying proposed penalties of \$99,000. The employer failed to complete annual inspections of the lockout/tagout procedures for energy control, and to provide proper machine guarding to protect the operator and other workers from rotating parts, flying chips and sparks. A repeat violation is issued when an employer previously was cited for the same or similar violation of any standard, regulation, rule or order at any other facility in federal enforcement states within the last three years.

The employer also is being cited with 27 serious safety violations carrying \$72,500 in proposed penalties. These violations include fall and trip hazards, blocked fire extinguishers exposing workers to fire risks, lack of proper railings around stairs and floor openings, failing to provide an emergency shut-off for dispensing gasoline, **confined space deficiencies**, toxic chemical storage and poor housekeeping. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

DOL-OSHA-10-1320-DAL

Sept. 21, 2010

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**US Labor Department's OSHA cites Smackover, Ark., refinery
with \$165,600 in penalties for alleged safety and health violations**

SMACKOVER, Ark. - The U.S. Department of Labor's Occupational Safety and Health Administration has issued citations to Martin Operating Partnership LP for one alleged willful and 21 alleged serious violations of federal health and safety regulations. Penalties total \$165,600.

"This company failed to follow OSHA's standards and procedures as they relate to process safety management," said Carlos Reynolds, OSHA's area director in Little Rock, Ark. "Employers are responsible for providing a safe and healthful workplace. In this case, it is fortunate that no serious injuries or fatalities occurred."

OSHA's Little Rock Area Office began its inspection on March 23 at the company's facility in Smackover as part of the agency's National Emphasis Program for Process Safety Management of Refineries. The facility produces naphthenic crude oil and employs about 65 workers. It is owned by Martin Midstream Partners LP, which is headquartered in Kilgore, Texas.

The willful violation is for failing to maintain process safety information for the design of various pressure vessels such as the atmospheric distillation unit, vacuum unit, desalter and steam blowdown drum. A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirements, or with plain indifference to employee safety and health.

Serious violations include failing to provide the required information for changes on process safety management, provide an initial process hazard analysis, establish procedures on the integrity of process equipment, ensure that written operating procedures were made available regarding various equipment, **ensure that workers entering confined spaces were provided with a prompt means of rescue in the event of an emergency**, and to provide required respiratory protection and personal protective equipment. A serious violation is one in which there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 7 News Release 10-1328-KAN (10-299)

Sept. 30, 2010

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**US Department of Labor's OSHA cites Consolidated Blenders Inc.
in Odessa, Neb., with \$120,600 in penalties for safety hazards**

ODESSA, Neb. - The U.S. Department of Labor's Occupational Safety and Health Administration has cited Consolidated Blenders Inc., doing business as Shoftstall Alfalfa, in Odessa with one alleged willful and 24 alleged serious violations for exposing workers to inadvertent machinery start-ups and other safety hazards. Proposed penalties total \$120,600.

OSHA's inspection was initiated in March under its "High Hazard Workplaces Without an OSHA Inspection Since 1996" Local Emphasis Program. This LEP targets companies in Nebraska that have not been inspected by OSHA since 1996 and employ 11 or more workers.

"There is no excuse for employees to work in an environment where they are exposed to being crushed while working inside machinery where the energy source was not properly locked out and tagged," said Charles Adkins, OSHA's regional administrator in Kansas City, Mo. "It is imperative employers take the necessary steps to eliminate hazards from the workplace."

The willful violation stems from the company's failure to lock out and tag out all energy isolating devices. OSHA issues a willful violation when an employer exhibits plain indifference to or intentional disregard for employee safety and health.

The serious violations stem from absent or deficient guardrail systems; an inadequate respiratory protection program; **lack of a permit required for confined space; incomplete confined space entry program and practices**; lack of energy source lockout/tagout training; insufficient powered industrial truck training; absent or deficient machine guarding; deficient compressed air equipment; improper storage of welding cylinders; and overall deficiencies in electrical wiring and equipment. OSHA issues a serious citation when death or serious physical harm is likely to result from a hazard that an employer knew or should have known about.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 2 News Release: 10-1388-NEW/BOS 2010-418

Oct. 7, 2010

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**US Labor Department's OSHA cites Niagara Falls, NY,
paper mill after worker death**

BUFFALO, N.Y. - The U.S. Department of Labor's Occupational Safety and Health Administration has issued Norampac Industries Inc. repeat and serious safety violations following the May 12 death of a worker at its Niagara Falls, N.Y., paper mill. The worker was crushed when he became caught between a fixed metal barrier and a large paper roll that was moving on a conveyor.

"Our inspection found that the area where the moving paper roll and the barrier intersected lacked guarding to prevent employees from being caught between the two objects," said Arthur Dube, OSHA's area director in Buffalo. "Proper and effective machine guarding is essential to protecting workers against serious injury or death."

OSHA also identified other hazardous conditions that were not related to the fatality. These included lack of eye and face protection for workers performing voltage testing on live electrical circuits; unmarked and painted-over electrical disconnects; **and not ensuring that confined space entry supervisors could verify that rescue services were available and able to be contacted in the event of a confined space emergency.**

As a result of its inspection, OSHA issued the company two repeat citations with \$70,000 in proposed fines for lacking machine guarding and eye and face protection. The repeat citations stem from violations found in 2009 for similar hazards at the company's Thompson, Conn., manufacturing plant.

Two serious citations with \$5,000 in fines were issued for the remaining items. OSHA issues serious citations when death or serious physical harm is likely to result from hazards about which the employer knew or should have known.

"One means of eliminating hazards such as these is for employers to establish an illness and injury prevention program in which workers and management jointly work to identify and eliminate hazardous conditions on a continual basis," said Robert Kulick, OSHA's regional administrator in New York.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 8 News Release 10-1419-DEN
Oct. 15, 2010
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**US Labor Department's OSHA cites Tactical Cleaning Co. following
worker death at tank cleaning facility in Commerce City, Colo.**

DENVER - The U.S. Department of Labor's Occupational Safety and Health Administration has cited Tactical Cleaning Co. in Commerce City, Colo., **for 12 alleged serious violations at its tank cleaning facility for exposing a worker to a flash fire while working in a confined space with flammable materials. The worker sustained significant burns and died later from his injuries.**

"The dangers of entering confined spaces that contain flammable vapors are well known to this industry," said Greg Baxter, OSHA's regional administrator in Denver. "For the safety of all their workers, employers must be vigilant when workers enter confined spaces, and take effective and specific protective action."

OSHA's April inspection found that the **employer was not implementing a comprehensive permit-required confined space program while workers entered confined spaces to perform tank cleaning activities. As a result of these conditions, OSHA has cited the company for failure to follow permit-required confined space procedures; test conditions in confined space before entry; complete entry permits properly; evaluate the confined space; provide employees with adequate training; evaluate rescue services for employees entering confined spaces; and provide adequate personal protective equipment; as well as for using improper electrical equipment in flammable atmospheres.** OSHA issues serious citations when death or serious physical harm is likely to result from hazards about which the employer knew or should have known.

"Tactical Cleaning is required, like all employers who have employees entering confined spaces, to have an effective safety and health management system that identifies all hazards involved in a confined space entry," said Herb Gibson, OSHA's Denver Area Office director. "All safety and health aspects of confined space entries must be thoroughly evaluated prior to entry."

The company was fined a penalty of \$39,000 and has 15 business days from receipt of its citations and proposed penalties to comply, meet with the OSHA area director or contest the citations and penalties before the independent Occupational Safety and Health Review Commission. This inspection was conducted by OSHA's Denver Area Office; telephone 303-844-5285. To report workplace accidents, fatalities or situations posing imminent danger to workers, call OSHA's toll-free hotline at 800-321-OSHA (6742).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: DOL-OSHA-10-1262-DAL

Sept. 14, 2010

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US Department of Labor's OSHA cites Austin, Texas, construction company \$51,000 for exposing workers to excavation and fall hazards

AUSTIN, Texas - The U.S. Department of Labor's Occupational Safety and Health Administration has cited S.J. Louis Construction of Texas Ltd. based in Austin with 10 alleged serious and two other-than-serious violations for exposing workers to multiple safety hazards, including a possible trench cave-in and exposure to electrical hazards at the company's Leander, Texas, worksite. Proposed penalties total \$51,000.

"OSHA has specific standards to prevent trenching hazards that employers are required to follow. A trenching cave-in can quickly lead to a worker dying," said Casey Perkins, area director of OSHA's Austin Area Office. "It's the employers' responsibility to protect workers and when employers fail to do so, OSHA will cite them."

OSHA's Austin Area Office began its investigation on March 23 at the company's worksite on Trails End Road in Leander, where employees were working in a 17-foot deep excavation site that was not properly shielded or sloped to protect workers from a possible cave-in. The inspection was conducted under the agency's National Emphasis Program on Trenching and Excavation.

Serious violations include failing to provide the required excavation sloping to prevent a possible cave-in, perform effective excavation inspections, **provide rescue equipment for workers who were welding in confined spaces**, provide the safe placement of a ladder for egress during excavation activities, provide the proper machine guarding for a rotating shaft on a piece of equipment and ensure workers were adequately protected from overhead electrical lines. A serious violation is one for which there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The two other-than-serious violations involve failing to properly certify injury and illness records in the OSHA 300 log. An other-than-serious violation is one that has a direct relationship to job safety and health but probably would not cause death or serious physical harm.

OSHA standards mandate that all excavations 5 feet or deeper be protected against collapse. Detailed information on trenching and excavation hazards is available on OSHA's website at <http://www.osha.gov/SLTC/trenchingexcavation/index.html>. Detailed information on scaffold hazards and safe work practices, including an interactive e-Tool, is available online at <http://www.osha.gov/SLTC/scaffolding/index.html>.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 7 News Release 10-1544-KAN
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**US Department of Labor's OSHA launches emphasis program
to focus on grain handling industry in Kansas**

WICHITA, Kan. – The U.S. Department of Labor's Occupational Safety and Health Administration has launched a local emphasis program in Kansas aimed at reducing injuries, illnesses and fatalities in the grain handling industry.

Under the program, OSHA's Wichita Area Office will target establishments such as grain elevators and storage bins, rail car, milling, fertilizer, feed, chemical and farm machinery operations; and equipment repair and maintenance.

"The hazards associated with grain handling operations are well recognized, and allowing workers to enter grain storage facilities without proper equipment, precautions and training can cost workers their lives," said Charles E. Adkins, OSHA's regional administrator in Kansas City, Mo. "OSHA's Wichita Area Office will devote resources to outreach and enforcement activities in an effort to prevent workplace hazards and save lives."

Inspections will include hazard evaluations on grain handling including fall protection, engulfment and fire, explosions from combustible dust, noise, **confined space** and machine guarding.

In August, OSHA sent a letter to grain elevator operators advising them that it is their responsibility to prevent workers from dying in grain storage facilities. All employers, and especially those in high-hazard industries such as the grain industry, must recognize as well as prevent workplace hazards. The letter is available at: http://www.osha.gov/asst-sec/Grain_letter.html. For more information on the grain handling facilities standard, go to: http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9875.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: DOL-OSHA-10-1508-DAL

Nov. 9, 2010

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**US Labor Department's OSHA cites US Minerals facility in
Harvey, La., with 30 safety violations, more than \$110,000 in penalties**

HARVEY, La. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Dyer, Ind.-based U.S. Minerals LLC with 30 safety violations for exposing workers to multiple safety and health hazards at the company's facility in Harvey. Proposed penalties total \$110,400.

"This is not the first time this company has jeopardized the safety of its employees," said Dorinda Folse, OSHA's area director in Baton Rouge, La. "OSHA's safety and health standards must be followed to prevent injuries and accidents."

OSHA's Baton Rouge Area Office began its inspection June 8 at the company's facility on Peters Road, where some workers were repairing a bagging machine that was not locked out in a manner to prevent exposure to potentially hazardous energies, and other workers were filling large bags with processed coal slag without protective eye wear.

Twenty serious violations were found, including failing to protect employees from hazardous noise levels that could cause hearing damage, enforce the use of seat belts for employees operating fork lifts, provide training on the use of fork lifts, enforce the use of safety glasses for eye protection and provide machine guarding where employees could be caught by chains or pulleys. A serious violation is one in which there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Eight repeat violations were cited for failing to provide adequate lockout-tagout training and develop machine specific lockout-tagout procedures, protect workers from exposed electrical hazards, protect propane tanks from damage, **develop and implement a confined space entry program and inform workers of the hazards of entering a confined space.** A repeat violation is issued when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

Two other-than-serious violations were cited for failing to provide sanitary washing facilities and warm or hot water in lavatories. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

U.S. Minerals employs about 60 workers and operates two plants in Illinois as well as one in Galveston, Texas, in addition to the one in Harvey, La. In September, OSHA fined the company's Baldwin, Ill., facility \$466,400 and cited 35 health and safety violations

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Nov. 29, 2010

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OSHA reissues Shipbreaking National Emphasis Program and updates Shipyard PPE directive to include PPE Payment

WASHINGTON — OSHA issued two directives Nov. 4 updating its National Emphasis Program on Shipbreaking and its Enforcement Guidance for Personal Protective Equipment in Shipyard Employment.

The Shipbreaking national emphasis program (NEP) was initiated in 2000 in support of a 1999 agreement between OSHA, the U.S. Navy, the Maritime Administration, and the Environmental Protection Agency. This November 2010 Shipbreaking NEP replaces the update of March 2005. Inspections of shipbreaking operations will focus on 20 worker safety and health issues, including asbestos and lead exposure, polychlorinated biphenyls, confined spaces, heavy metals, powered industrial trucks, guarding of deck edges, oil/fuel removal and tank cleaning, hearing conservation, fire prevention, scaffolds, cutting and welding, and personal protective equipment.

The revised NEP directive supports the agency's goal to reduce injuries and illnesses among Latino workers, who comprise a significant part of the shipbreaking workforce. Though OSHA standard 29 CFR 1915.73 does not require guarding deck openings and edges in shipbreaking tasks, the revised NEP provides clarification regarding fall protection requirements during shipbreaking operations. This revised NEP is available in a Web-based format with links to shipyard employment safety and health information.

OSHA also issued a shipyard employment directive on personal protective equipment that includes employer requirements to pay - that is, provide at no cost to the worker - for certain PPE. Steel-toed rubber boots, goggles, hard hats, hearing protection and respirators are some of the protective items employers must provide free of charge. This revised Web-based directive also describes equipment that employers do not have to pay for, such as ordinary clothing used as protection from weather, non-specialty prescription safety eyewear, and PPE that a worker already owns and is allowed to use instead of the employer-provided PPE.

This revised shipyard PPE guidance also recognizes consensus standards updates in OSHA's September 2009 final rule, *Updating OSHA Standards Based on National Consensus Standards; Personal Protective Equipment*. It sets forth enforcement policies that OSHA inspectors should use when citing employers for failing to provide the necessary PPE to their workers.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

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US Labor Department's OSHA fines US Minerals facility in Illinois

\$396,000 for 28 violations, including exposure to hazardous dust

COFFEEN, III. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited U.S. Minerals LLC with willfully exposing its workers to dangerously high levels of hazardous dust, and not providing adequate breathing protection and training for workers at its facility in Coffeen. The company, headquartered in Dyer, Ind., has been issued a total of 28 health and safety citations with proposed penalties of \$396,000.

"U.S. Minerals has severely jeopardized the health and safety of its workers by exposing them to extremely high levels of hazardous dust and other dangers," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "This is the fourth U.S. Minerals facility where very serious violations were cited in the past three months, clearly indicating these problems are widespread and systemic. This blatant disregard of workers' health and safety is not acceptable."

Inhalation of the hazardous dust material produced at the facility can cause debilitating lung disease such as pneumoconiosis, which is characterized by symptoms including chronic cough, difficulty breathing and shortness of breath.

This investigation falls under the requirements of OSHA's Severe Violators Enforcement Program. Initiated in the spring of 2010, SVEP is intended to focus on recalcitrant employers who endanger workers by committing willful, repeat or failure-to-abate violations in one or more of the following circumstances: a fatality or catastrophe; industry operations or processes that expose workers to severe occupational hazards; employee exposure to hazards related to the potential releases of highly hazardous chemicals; and all egregious enforcement actions. For more information on SVEP, go to <http://www.osha.gov/dep/svep-directive.pdf>.*

OSHA has issued the U.S. Minerals Coffeen facility six willful citations with proposed fines of \$336,000 for exposing workers to levels of hazardous dust at concentrations higher than the permissible exposure limit; failure to implement a written respiratory protection program or to mandate employees wear respirators; failure to implement engineering controls to reduce harmful dust exposures; and failure to develop and utilize energy control procedures. A willful violation is one committed with

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intentional, knowing or voluntary disregard for the law's requirements or plain indifference to employee safety and health.

"U.S. Minerals continually has failed to come into compliance on safety issues such as providing adequate breathing protection," said OSHA Area Director Thomas Bielema in Fairview Heights, Ill. "We are committed to seeing that the workers at this facility are provided a safe and healthful workplace."

The company has received seven repeat citations with fines of \$34,200 for **violating permit-required confined space entry rules**, failure to provide fall protection, failure to provide required training on energy procedures and failure to provide guards on mechanical powered equipment. A repeat violation is issued when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

The company also has been issued 10 serious citations with proposed penalties of \$24,000. Violations include failure to assess the need for adequate personal protective equipment; inadequate eye protection; **failure to develop procedures and practices for permit-required confined space entry**; lack of a written hazard communication program; inadequate information and training on dust containing silica; and failure to cover floor holes and enclose electrical boxes. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The company also has received five other-than-serious citations with \$1,800 in penalties for lack of proper injury and illness recordkeeping. An other-than-serious violation is one that has a direct relationship to job safety and health but probably would not cause death or serious physical harm.

The company manufactures abrasive blasting and roofing materials from slag produced at coal-fired power plants. In September, OSHA issued a \$466,400 penalty to the company's facility in Baldwin, Ill., citing 35 health and safety violations for willfully exposing workers to dangerously high levels of hazardous dust and failing to provide adequate breathing protection. As a result of the egregious conditions found at that worksite, OSHA initiated inspections of the company's other facilities, including the Coffeen location. The company's Harvey, La., operation was cited last month with 30 violations and proposed penalties of \$110,400. The Galveston, Texas, facility was fined \$273,000 last week, and cited with 38 violations for exposing workers to fall and machine guarding hazards.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 3 News Release: 10-1693-PHI (osha 10-227)

Dec. 9, 2010

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**US Labor Department's OSHA cites Philadelphia paper manufacturer
for workplace safety and health hazards following worker fatality**

PHILADELPHIA – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Newman and Co. for exposing workers to numerous workplace safety and health hazards after a worker was killed at the paper manufacturer's Philadelphia plant.

OSHA initiated an investigation on June 12 after being notified that a worker was crushed by a paper hopper during loading operations. As a result of the investigation, citations were issued for 39 serious and four other-than-serious violations.

"All of these violations contribute to an extremely hazardous work environment for Newman and Co. employees," said Al D'Imperio, director of OSHA's Philadelphia Area Office. "It is absolutely vital that the company remove all hazards to prevent future tragedies from occurring."

Serious violations include the company's failing to remove hazards from aisles, an inadequate lockout/tagout program that exposes workers to hazardous energy, inadequate machine guarding, electrical hazards, blocked fire exits, an ineffective pest control program, a lack of personal protection equipment to protect against burns, inadequate exposure control for bloodborne pathogens and a lack of runway guard rails. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Other-than-serious citations were issued for failing to provide hearing conservation training, **effectively inform workers of the dangers related to confined space and record employee injuries**. An other-than-serious violation is one that has a direct relationship to job safety and health but probably would not cause death or serious physical harm.

OSHA has proposed a total of \$86,100 in penalties against the company

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Region 7 News Release: 10-1755-KAN

Dec. 21, 2010

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US Department of Labor's OSHA cites Weskan, Kan. grain facility following fatality

Worker killed after falling through unguarded opening in grain bin

WICHITA, Kan. – The U.S. Department of Labor's Occupational Safety and Health Administration has issued CHS Inc., doing business as United Plains Ag in Weskan, Kan., one willful and one serious citation following the **death of a worker who fell through an access hole in a grain bin and was killed.** The company allegedly exposed employees to fall and unguarded machinery hazards.

"Unfortunately, incidents in grain elevators are not rare occurrences," said Charles E. Adkins, OSHA's regional administrator in Kansas City, Mo. "OSHA has found that deaths in grain elevators generally occur because of employer negligence, failure to comply with OSHA standards, and/or poor safety and health practices. All employers, and especially those in high-hazard industries such as the grain industry, must take the necessary steps to eliminate hazards from the workplace."

The willful citation alleges a violation of fall protection requirements, specifically unguarded hatchways and floor chute openings. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health. For information on fall prevention, visit <http://www.osha.gov/SLTC/fallprotection>.

The serious citation addresses hazards associated with unguarded sprocket wheels and chains. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Earlier this year, Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels sent a letter to businesses in the grain handling industry reminding them of their responsibility to ensure their workers' safety. The letter is available at http://www.osha.gov/asst-sec/Grain_letter.html. OSHA has proposed \$75,000 in penalties for CHS Inc.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: 10-1716-DAL

Dec. 29, 2010

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**US Department of Labor's OSHA fines Pasadena Refining Services
in Texas \$115,650 for multiple safety hazards**

PASADENA, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Pasadena Refining Services Inc. with 21 serious violations for exposing workers to multiple safety and health hazards at the company's facility in Pasadena. Proposed penalties total \$115,650.

OSHA's Houston South Area Office in Texas began its investigation on June 30 at the company's facility on Red Bluff Road as part of the agency's national emphasis program on process safety management of refineries.

The serious violations include failing to provide properly constructed scaffolds, provide supports to hold piping, provide controls to prevent valves from closing, **conduct annual confined space audits**, ensure guard rails are adequate, and ensure that operating procedures are up-to-date and accurate. A serious violation is one in which there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"OSHA's National Emphasis Program is designed to comprehensively evaluate the petroleum refining industry," said Mark Briggs, OSHA's area director for the Houston South Area Office. "An employer's lack of compliance with OSHA's standards will not be tolerated."

Pasadena Refining Services is an independent refinery which employs about 363 employees in Pasadena.

The company has 15 business days from receipt of the citations to comply, request an informal conference with OSHA's Houston South Area Office or contest the citations and penalties before the independent Occupational Safety and Health Review Commission.

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Region 8 News Release: 10-1778-DEN (11-2)

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**US Department of Labor's OSHA cites Speedy Rooter Inc. of
South Sioux City, Neb., following double fatality in sewer manhole**

BISMARCK, N.D. – The U.S. Department of Labor's Occupational Safety and Health Administration has issued Speedy Rooter Inc. in South Sioux City, Neb., citations for one willful and five serious violations after **two workers who entered a municipal sewer manhole were overcome by sewer gas and died.**

OSHA's area office in Bismarck began the investigation in July after **a worker entered the manhole in an attempt to rescue another worker who had been overcome by sewer gas, and both workers died.**

"This employer blatantly disregarded industry-recognized hazards and safe work practices by exposing these workers to dangerous sewer gases that ended their lives," said Tom Deutscher, OSHA's area director in Bismarck. "There is no acceptable reason for any employer to require employees to enter a confined space without first ensuring that they can do so safely and without compromising their lives."

The willful violation is for **failing to effectively develop and implement a confined space permit program to ensure workers were protected from confined space hazards.** OSHA defines a willful violation as one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The five serious violations involve **failing to provide effective means for atmospheric testing, space ventilation, summoning rescue and emergency services, issuing entry permits and conducting employee training.** A serious violation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The penalty proposed for the six citations is \$94,500.

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Courtesy of Burgess and Associates-Hot Zone USA
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**US Labor Department cites 2 Illinois grain elevator operators for willful
safety, child labor violations following deaths of 3 workers, including 2 teens**

Employers fined nearly \$1.4 million

MOUNT CARROLL, Ill. – The U.S. Department of Labor has fined Haasbach LLC in Mount Carroll and Hillsdale Elevator Co. in Geneseo and Annawan, Ill., following the **deaths of three workers, including two teenagers. The workers were killed when they suffocated after being engulfed by grain.**

"The tragic deaths of three people could have been prevented had the grain bin owners and operators followed the occupational safety standards and child labor laws," said Secretary of Labor Hilda L. Solis. "It is unconscionable to allow a minor to work in any high-hazard area. Haasbach's and Hillsdale's disregard for the law and commonsense safety practices has led to devastation for three families."

At least 25 U.S. workers were killed in grain entrapments last year, and the numbers of entrapments are increasing, according to researchers at Purdue University. There were more grain entrapments in 2010 than in any year since they started collecting data on entrapments in 1978.

"Grain entrapments kill workers. All employers, especially those in high-hazard industries, must prevent workers from being hurt or killed as a result of recognized hazards," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "There is absolutely no excuse for any worker to be killed in this type of incident."

The fines to both companies total \$1,352,125. Haasbach was issued 25 citations from the department's Occupational Safety and Health Administration with a penalty of \$555,000 following an investigation into the **deaths of the two young workers, Wyatt Whitebread and Alex Pacas (ages 14 and 19 years old, respectively), at the company's grain elevator in Mount Carroll. A 20-year-old man also was seriously injured in the July 2010 incident when all three became entrapped in corn more than 30 feet deep. At the time of the incident, the workers were "walking down the corn" to make it flow while machinery used for evacuating the grain was running.**

The department's Wage and Hour Division's separate investigation found that Haasbach violated the Fair Labor Standards Act's Child Labor standards for employing anyone less than 18 years of age to

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perform hazardous jobs prohibited by the act. As a result, the division issued Haasbach \$68,125 in civil money penalties. More information on child labor rules and hazardous occupations can be found at <http://www.dol.gov/elaws>.

Hillsdale Elevator was issued 22 citations by OSHA following the **death of a 49-year-old worker, Raymond Nowland, who was engulfed by corn in a storage bin at the company's facility in Geneseo.** OSHA discovered additional violations during a later inspection of the company's Annawan facility. Consequently, OSHA issued the company \$729,000 in fines.

Since 2009, OSHA has fined grain operators in Illinois, Colorado, South Dakota and Wisconsin following similar preventable fatalities and injuries. In addition to enforcement actions, OSHA sent a notification letter to grain elevator operators warning them not to allow workers to enter grain storage facilities without proper equipment, precautions and training. "OSHA will not tolerate non-compliance with the Grain Handling Facilities standard," said Michaels in the letter. "We will continue to use our enforcement authority to the fullest extent possible."

OSHA's Region V, which includes Illinois, Ohio and Wisconsin, initiated a Grain Safety Local Emphasis Program in August 2010, and has since conducted 61 inspections and issued 163 violations to grain operators/facilities. The violations cover hazards associated with grain engulfment, machine guarding, lockout/tagout of dangerous equipment to prevent accidental energization start-up, electricity, falls, employee training and combustible dust hazards.

These investigations also fall under the requirements of OSHA's Severe Violators Enforcement Program. Initiated in the spring of 2010, SVEP is intended to focus on recalcitrant employers that endanger workers by committing willful, repeat or failure-to-abate violations in one or more of the following circumstances: a fatality or catastrophe, industry operations or processes that expose workers to severe occupational hazards, employee exposure to hazards related to the potential releases of highly hazardous chemicals and all per-instance citation (egregious) enforcement actions. For more information on SVEP, visit <http://www.osha.gov/dep/svep-directive.pdf>.

For a copy of the warning letter OSHA sent to grain elevator operators, visit http://www.osha.gov/asst-sec/Grain_letter.html.

The Haasbach and Hillsdale citations are available at <http://www.osha.gov/ooc/citations/haasbach-hillsdale-citations.html>.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: DOL-OSHA-11-75-DAL

Jan. 27, 2011

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**US Department of Labor's OSHA cites Abilene, Texas,
manufacturing facility for multiple safety and health hazards**

ABILENE, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has issued SPA Pipe and Supply LP in Abilene, doing business as Smith Pipe, 20 serious and two other-than-serious citations after an inspection at the company's facility on Highway 277. The inspection, initiated Aug. 2, 2010, found that workers were being exposed to electrical deficiencies, possible leakage that could lead to a fire or explosion and other violations with the potential to cause injuries. Proposed penalties total \$45,600.

"This company exposed its employees to preventable workplace hazards," said Jack Rector, OSHA's area director in El Paso, Texas. "Employers must provide a safe and healthful working environment for their employees."

Serious citations allege failure to ensure compressed oxygen and acetylene gas cylinders were stored separately, ensure overhead cranes were periodically inspected, ensure exposed live electrical wires were de-energized, and **train employees on** hazard communication and **permit-required confined space entry procedures**. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The other-than-serious citations allege failure to ensure enough toilets were available for the number of employees working at the facility and to ensure that first aid kits were adequately stocked. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

Smith Pipe, an oil tank manufacturing company that employs about 180 workers at its Abilene facility, has 15 business days from receipt of citations to comply, request an informal conference with OSHA's area director in El Paso or contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission.

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Region 2 News Release: 11-48-NEW/BOS 2011-030

Jan. 31, 2011

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**US Department of Labor's OSHA proposes \$220,000 in fines to Syracuse, NY,
manufacturer for willful, serious and uncorrected violations**

Oberdorfer LLC cited for exposing workers to silica, mechanical and electrical hazards

SYRACUSE, N.Y. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Oberdorfer LLC for 28 alleged violations of workplace health and safety standards, including failing to correct hazards cited during a previous OSHA inspection. The Syracuse manufacturer of aluminum castings faces a total of \$220,000 in proposed fines following an OSHA inspection opened July 30, 2010, to verify correction of previously cited hazards.

OSHA previously cited the company for a variety of violations involving employee overexposure to airborne concentrations of silica, which has been classified as a human lung carcinogen. This newest inspection found the company failed to implement engineering controls to reduce workers' exposure to silica. In addition, the inspection found that an employee who was overexposed to silica lacked a respirator.

"This company was given the time and opportunity to take effective corrective action, yet our latest inspections identified silica-related hazards that either went uncorrected or were allowed to recur. This is unacceptable," said Christopher Adams, OSHA's area director in Syracuse. "The sizable fines levied here reflect the severity and recurring nature of these conditions. They must be corrected - once and for all - to help ensure the health and safety of the workers at this plant.

As a result of its latest inspections, OSHA issued the company two failure-to-abate notices carrying \$75,000 in fines for the uncorrected conditions and one willful citation with a \$70,000 fine for the lack of respiratory protection. A failure-to-abate notice is issued, and additional fines proposed, when an employer fails to correct previously cited hazards. A willful violation exists when an employer has demonstrated either an intentional disregard for the requirements of the law or plain indifference to employee safety and health.

The company also was issued 21 serious citations with \$72,000 in fines for fall, electrical and machine guarding hazards; a locked exit door; **lack of a permit-required confined space program and training**; failure to develop specific lockout/tagout procedures to prevent the unintended startup of

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machinery; lack of an eyewash station; and failing to provide training on silica. Finally, the company was issued four other-than-serious citations with \$3,000 in fines for inadequate recording of workplace injuries and illnesses. OSHA issues a serious citation when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"One means of addressing workplace hazards such as these is for employers to establish and maintain an illness and injury prevention program, in which workers and management work together continuously to identify and eliminate hazardous conditions," said Robert Kulick, OSHA's regional administrator in New York.

Breathing crystalline silica dust can cause silicosis, which in severe cases can be disabling or even fatal. The respirable silica dust enters the lungs and causes the formation of scar tissue, thus reducing the lungs' ability to take in oxygen. Detailed information on silica hazards and safeguards, including an interactive eTool, is available online at <http://www.osha.gov/SLTC/silicacrystalline/index.html>.

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Region 4 News Release: 11-145-ATL (47)

Feb. 17, 2011

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**US Department of Labor's OSHA cites St. Augustine, Fla., contractor
following Hollywood, Fla., scaffolding collapse inside water tank**

HOLLYWOOD, Fla. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited M Brothers Paintings Inc. of St. Augustine with 15 safety violations following a scaffolding collapse at a Hollywood worksite that seriously injured two workers. Penalties total \$69,168.

In October 2010, two employees were painting the inside of a water tank when a suspended scaffold device anchored on the outer surface of a roof hole fell through the hole, causing one side of the scaffold to collapse. The two workers fell approximately 25 feet.

"If proper safety precautions had been taken, these injuries could have been prevented," said Darlene Fossum, OSHA's area director in Fort Lauderdale. "It is the employer's responsibility to ensure all aspects of OSHA's standards are followed."

Fourteen serious safety violations were cited with a penalty of \$59,928 for failure to inspect the scaffold and its components for defects; ensure the suspension scaffold device could rest on surfaces capable of supporting at least four times the load; protect workers with adequate fall protection; train workers to recognize the hazards associated with the use of shackles as anchor devices on supporting surfaces; and provide a safety and health program that includes hazard prevention and control. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

A repeat citation with a penalty of \$9,240 was issued for failing to equip the load end of the wire suspension rope with thimbles. The thimbles can prevent the wire from pitching and abrading while preventing the load from coming into direct contact with the wire. OSHA cited the company in September 2010 for failing to meet the agency's safety standard for scaffolding. A repeat citation is issued when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: DOL-OSHA-11-214-DAL

Feb. 22, 2011

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**US Department of Labor's OSHA cites Premont, Texas, drilling
waste disposal company for multiple safety and health hazards**

PREMONT, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has issued 21 serious citations to Waste Facility Inc. for exposing workers to multiple safety and health hazards following an inspection at the company's facility in Premont. Proposed penalties total \$48,000.

OSHA's Corpus Christi Area Office initiated a safety and health inspection on Oct. 12, 2010, following a complaint about the company's facility on West County Road 431 where employees were processing waste materials without the use of respiratory protection or protective eye equipment.

"This company exposed its employees to numerous preventable workplace safety and health hazards," said Michael Rivera, OSHA's area director in Corpus Christi. "OSHA standards must be adhered to in order to avoid injuries and fatalities."

The serious violations include failing to provide guardrails around pits, platforms and stairs; provide appropriate personal protective equipment such as goggles or gloves; develop a respiratory protection program; **provide a confined space entry program and procedures**; and develop and implement a hazard communication program. OSHA issues a serious citation when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Waste Facility Inc., which employs about 21 workers in Premont, cleans vacuum trucks and fractionation tanks associated with oil and gas operations.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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National News Release: 11-347-CHI

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US Labor Department's OSHA cites Gavilon Grain for willful, other safety

violations following death of 20-year-old worker at Morral facility

Company receives 46 safety and health violations at 3 Ohio facilities

MORRAL, Ohio – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Gavilon Grain LLC in Morral following the September 2010 **death of a 20-year-old worker who was caught in a discharge auger while cleaning out a grain bin.**

"This tragic death could have been prevented had the grain bin owner and operators followed occupational safety standards and learned from the tragedies that have occurred at other grain bins," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "Grain elevator owners and operators must implement well-known safety practices to prevent workers from being hurt or killed in a grain bin."

At least 25 U.S. workers were killed in grain entrapments last year, and the numbers of entrapments are increasing, according to researchers at Purdue University. There were more grain entrapments in 2010 than in any year since the university started collecting data on entrapments in 1978.

Following inspections at its Morral, West Jefferson and Harpster grain bin facilities, the company is being cited for 46 safety and health violations with penalties totaling \$465,500.

Gavilon Grain's Morral facility was issued a total of eight safety citations with proposed penalties of \$175,000, including two willful citations for failing to lock out the discharge and sweep auger, and **to provide an appropriate grain bin entry permit to perform work.** A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

Five serious citations were issued for **failing to train employees in safety precautions and bin entry procedures, not having an observer during bin entry, failing to have rescue equipment, failing to test the atmosphere in the space to be entered and failing to have deflagration controls for combustible dust.** A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

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One other-than-serious citation was issued for not having combustible dust warning signs in place. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

As a result of violations discovered at the Morral facility, OSHA initiated inspections at the company's West Jefferson and Harpster facilities. The West Jefferson facility was fined \$171,000 and cited with a total of 22 health and safety violations, including two repeat safety violations for allowing employees to walk working surfaces without proper guarding in place and failing to safeguard employees from electrical hazards such as broken electrical conduits. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

Thirteen serious safety citations were issued for allowing employees to walk working surfaces without ladderway gates and mid-rails, and exposing workers to electrical and machine guarding hazards. Four serious health citations were issued for a lack of safe grain handling and electrical procedures. Three other-than-serious health citations were issued for lack of signage and hazard communication procedures.

The company's facility in Harpster was fined \$119,500 and cited with a total of 16 safety violations, **including one willful violation for failing to evaluate work spaces to determine if any required confined space entry permits. Fourteen serious citations were issued for failing to implement a confined space program, not having a non-entry retrieval system**, a lack of personal protective equipment for employees, a lack of electrical training, a lack of combustible dust controls and failing to train employees in combustible grain dust hazards. One other-than-serious citation was issued for a lack of combustible dust warning signs.

Gavilon Grain LLC, which operates as Peavey Co. in Ohio, is a subsidiary of Omaha, Neb.-based Gavilon Group LLC. Prior to these inspections, Gavilon Group facilities in Nebraska and Delaware were issued citations in 2010 and 2009, respectively, including citations for the grain handling standard.

Since 2009, OSHA has fined grain operators in Illinois, Colorado, South Dakota and Wisconsin following similar preventable fatalities and injuries. In addition to enforcement actions and training, OSHA sent a notification letter in August 2010 to grain elevator operators warning them not to allow workers to enter grain storage facilities without proper equipment. "OSHA will not tolerate noncompliance with the Grain Handling Facilities standard," said Michaels in the letter. "We will continue to use our enforcement authority to the fullest extent possible." For a copy of the letter, visit http://www.osha.gov/asst-sec/Grain_letter.html.

OSHA's Region V, which includes Illinois, Ohio and Wisconsin, initiated a Grain Safety Local Emphasis Program in August 2010, and has since conducted 61 inspections and issued 163 citations to grain operators/facilities. The violations cover hazards associated with grain engulfment, machine guarding, lockout/tagout of dangerous equipment to prevent accidental energization start-up, electricity, falls, employee training and combustible dust hazards.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 8 News Release: 11-346-DEN

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US Department of Labor's OSHA fines North Central Farmers Elevator in Ipswich, SD, \$378,000 for exposing workers to grain engulfment

BISMARCK, N.D. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited North Central Farmers Elevator in Ipswich, S.D., with six willful violations for exposing workers to being engulfed by grain. Proposed penalties total \$378,000.

"It's fortunate that the North Central Farmers Elevator worker who was engulfed survived - because many don't. Grain entrapments are killing workers. Grain elevator owners and operators must implement well-known safety practices to prevent workers from being hurt or killed in a grain bin," said Assistant Secretary of Labor for OSHA Dr. David Michaels.

At least 26 U.S. workers were killed in grain entrapments last year, and the numbers of entrapments are increasing, according to researchers at Purdue University. There were more grain entrapments in 2010 than in any year since Purdue researchers started collecting data on entrapments in 1978.

OSHA's area office in Bismarck began an investigation at the North Central Farmers Elevator facility in October 2010 following an incident in which an employee was engulfed by corn in a grain bin. **The alleged violations relate to grain and confined spaces, and address the failure of the employer to ensure that lockout/tagout procedures were followed to prevent accidental energy start-up, complete confined space and grain bin entry permits, perform required atmospheric testing, protect employees from engulfment hazards, provide an entrance observer and prohibit entry into grain bins where bridging conditions exist.** A willful violation exists when an employer has demonstrated either an intentional disregard for the requirements of the law or plain indifference to employee safety and health.

Since 2009, OSHA has issued fines exceeding \$100,000 per employer to grain operators across the country following preventable fatalities and injuries. In addition to enforcement actions, OSHA sent a notification letter in August 2010 and another in February 2011 to a total of more than 13,000 grain elevator operators warning them of proper safety precautions, including prohibiting entry in grain storage facilities while grain is being emptied out or flowing in or out of the bin, prohibiting employees from walking down the grain and ensuring that employees enter the bin with the proper safety equipment.. "OSHA will not tolerate noncompliance with the Grain Handling Facilities standard," said Michaels in both letters. "We will continue to use our enforcement authority to the fullest extent

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possible." The February 2011 letter is available at <http://www.osha.gov/asst-sec/Grain-Letter-2-1-2011.html>.

In Denver, Colo., a regional emphasis program has been implemented for the grain handling industry to address serious hazards, and OSHA area offices in Colorado, Montana, North Dakota and South Dakota are providing assistance to help grain storage facilities comply with safety standards.

At the time of the investigation, the workers' compensation carrier insuring North Central Farmers Elevator was Wausau Underwriters Insurance Co., headquartered in Boston. North Central Farmers Elevator, which operates 17 grain handling and agronomy facilities throughout North Dakota and South Dakota, has 15 business days from receipt of the citations and penalties to comply, request an informal conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission. OSHA's Bismarck Area Office can be reached at 701-250-4521. To report workplace incidents, fatalities or situations posing imminent danger to workers, call the agency's toll-free hotline at 800-321-OSHA (6742).

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 4 News Release: 11-470-ATL (158)

April 19, 2011

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US Labor Department's OSHA cites cleaning products manufacturer for safety and health violations at Lawrenceville, Ga., plant Goodwin Ammonia fined more than \$128,000

LAWRENCEVILLE, Ga. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Goodwin Ammonia Co. for 16 safety and health violations at its manufacturing plant in Lawrenceville. OSHA began its inspection of the plant in October 2010 as part of a site-specific targeting program focused on industries with high occupational injury and illness rates. Proposed penalties total \$128,550.

A willful safety citation, with the maximum penalty of \$70,000, was issued for exposing employees to amputation hazards from a lack of machine guarding on production machines. A willful violation exists when an employer has demonstrated either an intentional disregard for the requirements of the law or plain indifference to employee safety and health.

Goodwin Ammonia was issued 11 serious citations, with penalties of \$58,550, for exposing workers to fall, electrical **and confined space entry hazards**; failing to provide an emergency response plan to potential chemical spills; and allowing employees to improperly use compressed air to clean equipment. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Four other-than-serious citations with no monetary penalties were issued for not installing directional signs in the warehouse; not conducting medical evaluation and training of employees who were voluntarily using full face and half mask respirators; **not informing employees of confined space dangers** and not re-evaluating employees trained as forklift operators after three years. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"Eliminating safety barriers and failing to develop emergency plans because they are inconvenient or time-consuming is no excuse for endangering employees," said William Fulcher, director of OSHA's Atlanta-East Area Office. "Employees should not have to risk their safety or health for a paycheck."

Goodwin Ammonia manufactures sanitation and cleaning products at its Lawrenceville location and has corporate offices in Garden Grove, Calif

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 8 News Release: 11-550-DEN

April 25, 2011

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US Department of Labor's OSHA fines LM Wind Power Blades of Grand Forks, ND, \$136,500 following investigation

BISMARCK, N.D. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited wind turbine blade manufacturer LM Wind Power Blades Inc. in Grand Forks, formerly LM Glasfiber Inc., with 11 alleged health and safety violations for exposing workers to unsafe conditions following an OSHA inspection that began in October 2010. The agency has proposed \$136,500 in penalties.

"The employer is well aware of OSHA requirements and has continued a pattern of failing to comply with them," said Tom Deutscher, OSHA's area office director in Bismarck. "Despite having been cited for similar infractions in the past, the company continues to place workers in harm's way by allowing hazards to exist."

Two willful violations are **failing to ensure that entry supervisors canceled the confined space permit and terminated the entry operation when prohibited conditions were found, and to ensure entry attendants immediately ordered the evacuation of a confined space upon discovery of conditions dangerous to life or health**. A willful violation exists when an employer has demonstrated either an intentional disregard for the requirements of the law or plain indifference to employee safety and health.

Five repeat violations address failing to provide adequate respirators for conditions immediately dangerous to life or health; **purge or ventilate the atmospheric hazards within a confined space**; prevent employee overexposure to styrene levels exceeding the time, weighted average and ceilings limits; and implement effective engineering controls regarding ventilation of the confined space. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

Four serious violations are failing to provide appropriate personal protective equipment, **conduct effective confined space monitoring, perform retraining of employees when required and maintain an accurate count of entrants in permit-required confined spaces**. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: 11-647-DAL

May 9, 2011

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US Labor Department's OSHA cites grain elevator operator with safety violations following worker death in Taft, Texas

TAFT, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Taft Grain & Elevator Co. with four willful and 16 serious violations following the **death of an employee who became engulfed in grain** at the company's work site in Taft.

"Tragically, a worker was killed when he became trapped in a grain storage facility and engulfed by grain," said Michael Rivera, OSHA's area director in Corpus Christi. "Grain elevator owners and operators must implement and follow well-known safety practices to prevent workers from being hurt or killed in grain bins."

At least 26 U.S. workers were killed in grain entrapments last year, and the number of entrapments is increasing, according to researchers at Purdue University. There were more grain entrapments in 2010 than in any year since Purdue researchers started collecting data on entrapments in 1978.

OSHA's Corpus Christi Area Office initiated its inspection Nov. 9, 2010, following a report of an employee who died from being engulfed by grain at the company's facility on North Highway 81. An additional inspection was performed on Nov. 17 under the OSHA Regional Emphasis Program for Grain Handling Facilities, which covered all processes at the company's facility.

The willful violations include **failing to provide a body harness and lifeline to employees working on stored grain, lock and tag out equipment during grain storage building entry to prevent accidental energy start-up and have an attendant present with rescue equipment during grain storage bin entry.** A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

Serious violations include failing to ensure that employees were trained in hazards associated with grain handling, protect employees from falls by providing harnesses, and clean combustible dust from workroom floors and other surfaces. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

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Since 2009, OSHA has issued fines exceeding \$100,000 per employer to grain operators across the country following preventable fatalities and injuries. In addition to enforcement actions, OSHA sent a notification letter in August 2010 and another in February 2011 to a total of more than 13,000 grain elevator operators warning them of proper safety precautions, including prohibiting entry in grain storage facilities while grain is being emptied out or flowing in or out of the bin, prohibiting employees from "walking down the grain" and ensuring that employees enter the bin with the proper safety equipment. "OSHA will not tolerate noncompliance with the Grain Handling Facilities standard," said Assistant Secretary of Labor for OSHA Dr. David Michaels in both letters. "We will continue to use our enforcement authority to the fullest extent possible." The February letter is available at <http://www.osha.gov/asst-sec/Grain-Letter-2-1-2011.html>.

Taft Grain & Elevator, which employs more than 20 workers, was fined \$188,000 for the citations and has 15 business days from receipt to comply, request an informal conference with OSHA's area director in Corpus Christi, or contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: 11-726-DAL

May 19, 2011

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US Department of Labor's OSHA cites Shawnee, Okla. milling company \$146,000 for 25 serious workplace violations

SHAWNEE, Okla. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Shawnee Milling Co. with 25 alleged serious violations following an inspection at the company's facility in Shawnee that found multiple safety and health hazards. Proposed penalties total \$146,000.

"An employer's failure to effectively implement OSHA's regulations exposes workers to potential hazards that could lead to serious injuries or death. Such safety and health violations will not be tolerated," said David Bates, OSHA's area director in Oklahoma City.

OSHA's Oklahoma City Area Office began its investigation Nov. 23, 2010, at the company's facility on South Broadway Street. About 276 workers produce consumer products such as flour, cornmeal and animal feed at the facility.

The violations include failing to **properly reclassify confined spaces from permit-required to non-permit-required, to have the mandatory confined space entry permits**, to provide adequate respirators to employees for emergency evacuation in the event of toxic chemical release, to provide an adequate lockout/tagout program of energy sources and to provide required machine guarding. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA News Releases-Confined Spaces 2010-2012
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Region 7 News Release: 11-855-KAN

June 9, 2011

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US Department of Labor's OSHA cites Liquid Feed Commodities in Fremont, Neb., for serious health and safety violations

FREMONT, Neb. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Liquid Feed Commodities Inc. in Fremont for 20 serious and one other-than-serious violation of OSHA's safety and health standards. Proposed fines total \$79,200.

OSHA's inspection of Liquid Feed Commodities was initiated in March under a local emphasis program that targets grain handling establishments. The program is designed to reduce injury, illness and death rates in the industry by increasing employers' knowledge of safety and health programs through a combination of outreach and enforcement activities.

"Hazards associated with the grain handling industry are well-recognized," said Charles Adkins, OSHA's regional administrator in Kansas City, Mo. "Liquid Feed Commodities failed to provide its employees with a safe and healthful workplace. It is imperative that all employers take the necessary steps to eliminate hazards and provide a safe working environment for their employees."

The serious violations stem from a lack of or inadequate fall protection, respiratory hazards, **confined space hazards**, energy source lockout/tagout hazards, a lack of eyewash facilities, a lack of powered industrial truck training, machine guarding hazards, electrical hazards and chemical hazards. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The other-than-serious violation is related to deficient powered industrial truck inspections. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 8 News Release: 11-1018-DEN

July 11, 2011

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US Labor Department's OSHA cites Delta Oilfield Tank Co. Safety and health procedures found lacking at Fort Morgan fabrication facility

DENVER – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Delta Oilfield Tank Co. LLC at Fort Morgan with 13 serious and two repeat violations for safety and health hazards following an inspection at the company's oil field products manufacturing facility. Proposed penalties total \$52,760.

The serious violations involve exposing employees **to hazards associated with improper confined space entry procedures**; lack of appropriate eye protection; not training workers on hazardous chemicals; improper use of lifting equipment; lack of proper training for fork truck use; failure to conduct regular inspections of overhead cranes; using an improper fall protection system; and failure to label electrical circuit panels. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The repeat violations relate to not providing an appropriate respiratory protection program for spray painters. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

"Finding and fixing basic safety and health hazards in a manufacturing facility is critical to preventing injuries," said Herb Gibson, OSHA's area director in Denver. "Many of these violations could have been corrected if the employer had implemented an effective safety and health management system, which helps identify hazards in the workplace and reduce the likelihood of harm to employees."

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 7 News Release: 11-970-KAN

July 15, 2011

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US Department of Labor's OSHA cites Bushnell Illinois Tank Co. in Nebraska for exposing workers to multiple safety and health hazards

OMAHA, Neb. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Bushnell Illinois Tank Co., doing business as Schuld/Bushnell in Valley, for one willful, one repeat, 20 serious and one-other-than serious violation, following a combined safety and health inspection at the company's facility. Proposed penalties total \$142,400.

OSHA's inspections of Schuld/Bushnell, which manufactures metal grain bins, were initiated in January under the agency's Local Emphasis Program for Powered Industrial Trucks and Other Material or Personnel Handling Motorized Equipment in Construction and General Industry.

"OSHA has a stringent confined space standard because employees entering and exiting a confined space could be exposed to serious hazards, including entrapment, engulfment and dangerous atmospheric conditions," said Charles E. Adkins, OSHA's regional administrator in Kansas City, Mo. "It is imperative that employers rigorously monitor and minimize the hazards of dangerous environments such as confined spaces, and that they provide an overall safe and healthful workplace for employees."

The willful violation involves **allowing employees to work in permit-required confined spaces without having first written and implemented a confined space program**. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The repeat violation is similar to an electrical violation cited in October 2006 for improper use of a flexible cord at the company's facility in Bushnell, Ill. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

The serious violations include misusing and overloading an under-hung hoist; using a damaged fiberglass ladder; exposing employees to falls of more than 4 feet; failing to properly train and document training of workers who operate industrial trucks; overloading an industrial truck; failing to inspect and remove damaged slings from service; using damaged slings to lift heavy objects; failing to guard a power-transmitting belt and pulley;

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exposing workers to more than 85 decibels of noise without a hearing conservation program; spray painting within 20 feet of spark-producing equipment; allowing voluntary respirator use without the required elements of a respirator program and without proper training; and **allowing workers to enter a permit-required confined space without identifying hazards, providing proper training and equipment, testing atmospheric conditions and providing an attendant at all times.** Electrical violations include exposing workers to shocks through a missing stop button in a control box, using an electrical cord without a ground plug and using an outlet box without a cover. Additionally, the employer failed to maintain material safety data sheets and train workers who use or store hazardous chemicals. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The other-than-serious violation involves failing to properly record injuries and illnesses on OSHA's 300 log. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 4 News Release: 11-1098-ATL (365)

July 27, 2011

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US Department of Labor's OSHA cites 2 companies at Hamilton, Ala., plant;

proposes more than \$112,000 in fines

Illinois-based NTN-Bower and Advanced Technology Services cited for 19 violations

HAMILTON, Ala. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited NTN-Bower Corp. and on-site contractor Advanced Technology Services Inc. for a total of 19 safety and health violations at NTN-Bower's Hamilton plant. Proposed penalties total \$112,200 following a January inspection, which was a follow-up to a 2009 inspection.

NTN-Bower Corp. is one of the largest manufacturers of precision roller bearings used in industrial and agricultural equipment, with its main office located in Macomb, Ill. Advanced Technology Services Inc. is headquartered in Peoria, Ill., and performs maintenance support activities within host companies.

NTN-Bower was cited for one repeat safety violation with a penalty of \$22,000 for failing to label hazardous chemical containers. A repeat violation exists when an employer previously has been cited for the same or similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. The Hamilton plant received a citation for the same violation in 2009.

Additionally, ten serious safety violations with \$50,600 in proposed penalties including not requiring employees working with corrosive chemicals to wear eye, face, hand or body protection; failing to have an eyewash station or other means available for drenching; not protecting a battery charger from being damaged by trucks; failing to secure and balance crane loads; missing machine guarding; and an electrical disconnect switch that was not readily accessible.

Two serious health violations with \$8,800 in penalties include not establishing a baseline hearing test for employees and failing to follow up with annual tests for employees. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Advanced Technology Services was cited for six serious safety violations with penalties of \$30,800 for allowing unguarded, open-sided platforms to not have handrails; not providing a landing platform for

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ladders when employees had to step a distance greater than 12 inches; **failing to provide an evaluation of confined space rescue and emergency services**; having disconnect switches that were not marked with their purpose; and blocking disconnect switches in the tool room.

"This inspection identified a range of safety and health deficiencies that need to be addressed by the employers in order to protect employees," said Roberto Sanchez, OSHA's area director in Birmingham. "It is the employers' responsibility to provide a safe and healthful workplace."

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Region 1 News Release: 11-1129-BOS/BOS 2011-272

Aug. 1, 2011

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US Labor Department's OSHA cites Putnam, Conn., filter manufacturer for safety and health hazards; more than \$121,000 in fines proposed

HARTFORD, Conn. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Pallflex Co. for 29 alleged violations of workplace safety and health standards at its Putnam manufacturing plant. The filter manufacturer faces a total of \$121,650 in proposed fines following a comprehensive OSHA inspection opened in January.

"The sizable penalties proposed here reflect the breadth and severity of the conditions found during this inspection," said Paul Mangiafico, OSHA's area director in Hartford. "Left uncorrected, they expose employees to injury, illness or death from falls, lacerations, being caught in moving machinery, electrocution, fire, hearing loss, or being overcome by an oxygen-deficient or toxic atmosphere while working in a confined space. Effective steps must be taken to correct these conditions and prevent their recurrence."

OSHA's inspection identified a variety of hazards that can occur in a manufacturing environment, resulting in citations for 24 serious violations carrying \$120,650 in proposed fines. They include fall hazards from unguarded tank platforms; improper storage and dispensing of flammable liquids; inadequate personal protective equipment; lack of a confined space program and procedures to safeguard workers who enter storage tanks; no annual fire extinguisher training; unguarded operating machine parts; several electrical-related hazards; lack of a hearing conservation program; and failure to perform initial formaldehyde exposure monitoring. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Additionally, five other-than-serious violations with \$1,000 were cited, including improperly maintained OSHA illness and injury logs. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

Pallflex Co. has 15 business days from receipt of its citations and proposed penalties to comply, meet with OSHA or contest the findings before the independent Occupational Safety and Health Review Commission. The inspection was conducted by OSHA's Hartford Area Office; telephone 860-240-3152. To report workplace incidents, fatalities or situations posing imminent danger to workers, call the agency's toll-free hotline at 800-321-OSHA (6742).

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 8 News Release: 11-1165-DEN (11-179)

Aug. 15, 2011

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US Labor Department's OSHA notifies Hill Air Force Base in

Ogden, Utah, of unsafe and unhealthful working conditions Base cited for exposing employees to hazardous air contaminants

DENVER – The U.S. Department of Labor's Occupational Safety and Health Administration has issued notices to Hill Air Force Base in Ogden, Utah, for 32 serious and eight other-than-serious violations of safety and health standards. OSHA began its planned safety and health inspection of the U.S. Air Force base in January under the agency's targeted inspection program designed to focus on federal work sites experiencing a high number of work-related injury and illnesses.

Some of the serious violations involve employees exposed to air contaminants including hexavalent chromium, cadmium and methylene chloride; lack of engineering controls for air contaminants; lack of engineering controls for noise exposure; inadequate process safety management controls for sulfur dioxide; **improper confined space entry procedures**; lack of appropriate eye protection; not training workers on hazardous chemicals; improper training for emergency response; using an improper mobile ladder; and failure to properly record injuries and illnesses. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The other-than-serious violations involve failing to properly maintain the OSHA 300 logs for work-related injuries and illnesses; document lockout/tagout procedures for energy sources; administer a respiratory protection program; determine through testing if employee chemical exposures are below the action level; and perform air monitoring for both cadmium and methylene chloride. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"Among the violations found at the base, workers are exposed to excessive levels of hazardous air contaminants and providing necessary controls is critical to preventing disease," said Herb Gibson, OSHA's Denver Area Office director. "Many of these violations could have been corrected earlier if the base had implemented a more effective safety and health management system aimed at identifying workplace hazards and reducing the likelihood of harm to employees."

Under Executive Order 12196, federal agencies must comply with the same safety and health standards as private sector employers covered under the Occupational Safety and Health Act.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Aug. 17, 2011

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OSHA issues hazard alerts on dangers of worker engulfment and suffocation in grain bins

WASHINGTON – The Occupational Safety and Health Administration (OSHA) has issued a [Hazard Alert](#) and an illustrated hazard [wallet card](#) explaining the dangers of working inside grain storage bins. Grain handling is a high hazard industry where workers can be exposed to serious and life threatening hazards such as suffocation from engulfment and entrapment, fires and explosions from grain dust accumulation, falls from heights and crushing injuries and amputations from grain handling equipment. According to a report issued by Purdue University, in 2010, 51 workers were engulfed by grain stored in bins and 26 died - the highest number on record.

"Suffocation from engulfment is the leading cause of death in grain bins and the number of tragedies continues to climb," said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. "They can be avoided if owners and operators use well-known safety measures that are proven to prevent workers from being killed or seriously injured."

Grain bins are used to store bulk raw agricultural commodities such as corn, wheat and oats. Workers entering bins can be engulfed and suffocate if they stand on moving or flowing grain, which acts like "quicksand" and pulls workers under. Such was the case in June when three workers were killed in one week after they were buried in grain.

Workers can also suffocate if they enter bins that don't have enough oxygen or contain hazardous atmospheres. Incidents in grain bins often result in multiple deaths because workers attempt to rescue their coworkers and become trapped as well.

The Hazard Alert describes how workers may become engulfed in grain bins and lists the precautions that employers must take under OSHA's [Grain Handling Facility](#) standard to protect workers. Precautions include disconnecting equipment that presents a danger; prohibiting workers from walking on the grain to make it flow; providing workers with personal protective and rescue equipment; and requiring an observer outside the bin who can perform rescue operations. The wallet hazard card is an abbreviated version of the bulletin and highlights the precautions that employers must take to ensure that workers are safe when entering storage bins. Drawings illustrate how quickly a worker can become entrapped in grain.

Information on required safety practices and controls for preventing worker injuries and deaths in grain facilities is available on OSHA's Safety and Health Topics page on [Grain Handling](#) and the [Grain Handling Facilities](#) regulation.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: 11-1145-DAL

Aug. 23, 2011

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US Department of Labor's OSHA cites Estis Well Service for safety violations following worker's death near Bayou Sorrel

BAYOU SORREL, La. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited New Iberia-based Estis Well Service LLC for one willful and eight serious safety violations following the death of a worker at Rig No. 23 located near Bayou Sorrel.

"This company willfully jeopardized the safety of its employees," said Dorinda Folse, OSHA's area director in Baton Rouge. "If the company had followed OSHA and industry standards, this tragic accident might have been avoided."

OSHA's Baton Rouge Area Office began its inspection March 10 following a report that an employee was fatally injured when a land-based portable rig, which was mounted on a barge, tipped over and crushed the employee to death. The rig was being used to conduct remedial operations on an oil well to increase production.

The willful violation was for failing to ensure employees were protected from falls while working on an elevated drill floor by providing rails or personal fall arrest systems. A willful violation exists when an employer has demonstrated either an intentional disregard for the requirements of the law or plain indifference to employee safety and health.

The serious violations include **failing to utilize confined space permits**; provide an emergency escape line or other form of emergency egress for employees working on the monkeyboard (a platform on which a derrickhand stands to handle the top end of a pipe as it is run into, or out of, the drill hole); utilize industry-approved methods to anchor or brace a well rig; ensure the use of personal protective equipment such as fire retardant clothing; and provide a competent, qualified person on the rig to administer first aid in the event of an emergency. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Estis Well Service, which employs about 44 workers, has operations in Louisiana, Texas and Mississippi. Proposed penalties total \$83,300.

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Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 7 News Release: 11-1261-KAN

Aug. 31, 2011

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US Department of Labor's OSHA cites DL Cattle Trading in Parks, Neb., after worker suffocates in grain

PARKS, Neb. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited DL Cattle Trading LLC Co. for two willful, nine serious and one other-than-serious alleged safety violation at the company's cattle feed lot and farming operation in Parks. OSHA opened an inspection following the **death of a worker who suffocated when engulfed in grain that he was walking on in a bin that had a running auger.**

"OSHA has found that deaths in grain bins and elevators generally occur because of employer negligence, failure to comply with OSHA standards or poor safety and health practices," said Charles E. Adkins, the agency's regional administrator in Kansas City, Mo. "All employers, especially those in high-hazard sectors such as the grain industry, must take the necessary steps to eliminate hazards from the workplace."

The willful violations were cited for **exposing employees to confined space hazards without having emergency rescue or medical care immediately available, as well as for allowing workers to stand on flowing grain without isolating power to the auger.** A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The serious violations address electrical hazards as well as those associated with a lack of fall protection, compressed gas cylinder storage, machine and power transmission guarding, **confined spaces** and lockout/tagout of energy sources. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The other-than-serious violation was cited for not reporting the fatality within eight hours. The worker died on March 1, but the company did not report the death until March 14. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

As a result of the investigation, DL Cattle Trading has been placed in OSHA's Severe Violator Enforcement Program.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 8 News Release: 11-1289-SEA (11-201)

Sept. 6, 2011

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US Department of Labor's OSHA cites Cenex Harvest States in Columbus, Mont., for violations found in grain elevator areas

COLUMBUS, Mont. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Cenex Harvest States Inc., doing business as Central Montana Co-Op in Columbus, for one willful, three repeat and nine serious safety and health violations found in the grain elevator areas of the company's facility. The investigation was initiated under OSHA's regional emphasis program targeting grain handling establishments. Proposed fines total \$229,000.

The willful violation was cited for **failing to test for hazardous atmospheres in permit-required spaces**. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The repeat violations involve unguarded pit and floor holes, and unacceptable accumulations of potentially explosive dust. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. OSHA cited the company in August 2010 at its Courtenay, N.D., location and in February 2011 at its Wolf Point, Mont., location.

The serious violations involve unguarded platforms, walkways with uncovered holes, improper design of ladders, a lack of implementation of a housekeeping program for combustible dust, **no communication provided during permit-required confined space entries, a lack of atmospheric monitoring before entering grain storage structures** and improper electrical wiring for high dust areas. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"The hazards associated with grain handling operations are well recognized," said Christine A. Webb, OSHA's area director in Billings. "All employers, especially those engaged in high-hazard activities such as those found in the grain industry, must take the steps necessary to create a safe and healthful workplace."

OSHA sent a notification letter in August 2010 and another in February 2011 to a total of more than 13,000 grain elevator operators, warning them of proper safety precautions. These include prohibiting entry in grain storage facilities while grain is being emptied out or flowing in or out of the bin, prohibiting employees from "walking down the grain" and ensuring that employees enter the bin with the proper safety equipment. "OSHA will not tolerate noncompliance with the Grain Handling Facilities standard," said Assistant Secretary of Labor for OSHA Dr. David Michaels

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 8 News Release: 11-1332-SEA (11-202)
Sept. 12, 2011
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**US Department of Labor's OSHA cites Wagner's of Flagler, Colo.,
for unsafe working conditions at grain handling facility**

ENGLEWOOD, Colo. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Wagner's LLC in Flagler for one repeat, 13 serious and two other-than-serious safety violations for exposing workers to a variety of grain hazards during bulk birdseed handling and packaging operations. This investigation was initiated under a regional emphasis program focused on the grain handling industry. Proposed penalties total \$62,100.

"Too many workers and their families have suffered tragic losses in the grain industry," said John Healy, OSHA's area director in Englewood. "Grain handling hazards are preventable, and are currently the focus of local and national enforcement efforts."

The repeat violation was cited for improper electrical wiring. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. A similar electrical violation was cited in January 2010.

The serious violations involve employees exposed to fall hazards, improper controls for combustible grain dust, **inadequate procedures for entering confined spaces**, a lack of proper machine guarding and electrical hazards. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The other-than-serious violations involve inadequate personal protective equipment and failing to provide an adequate lockout/tagout program for the energy sources of equipment. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

Since 2009, OSHA has issued fines exceeding \$100,000 per employer to grain operators across the country following preventable fatalities and injuries. In addition to enforcement actions, OSHA sent a notification letter in August 2010 and another in February 2011 to a total of more than 13,000 grain elevator operators warning them of proper safety precautions, **including prohibiting entry in grain storage facilities while grain is being emptied out or flowing in or out of the bin, prohibiting employees from "walking down the grain" and ensuring that employees enter the bin with the proper safety equipment.** "OSHA will not tolerate noncompliance with the Grain Handling Facilities standard"

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 11-1367-CHI

Sept. 26, 2011

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US Department of Labor's OSHA cites Marietta Industrial Enterprises in Marietta, Ohio, after worker's death at recycling facility

MARIETTA, Ohio – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Marietta Industrial Enterprises Inc., which operates Refuse Recycling in Marietta, for 21 safety, including two willful, violations. OSHA opened an inspection after a **worker was found dead inside the rotating drum assembly of a machine used to screen recyclables from other refuse** on March 30.

"Marietta Industrial Enterprises showed an intentional disregard for employee safety by **failing to provide lockout/tagout training to workers performing maintenance inside rotating drums, which could easily be restarted if their energy sources were not properly cut off,**" said Deborah Zubaty, OSHA's area director in Columbus. "No one should ever lose his or her life because safety procedures were not followed. It is the employer's responsibility to train workers and ensure that the workplace is free from unnecessary hazards."

Two willful violations involve failing to implement lockout/tagout procedures to prevent equipment from becoming unexpectedly energized and to train workers in lockout/tagout procedures. A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirement or plain indifference to employee safety and health.

Additionally, 14 serious violations involve failing to provide machine guarding, provide adequate guardrails, mark and illuminate emergency and exit signs, , examine powered industrial trucks prior to each shift, ensure that employees used electrical protective equipment, provide electrically insulated tools, develop an exposure control plan for bloodborne pathogens, offer hepatitis B vaccines and label biohazard containers. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Finally, five other-than-serious violations involve using work areas for storage, as well as failing to record work-related injuries, maintain clean conditions, provide a written respiratory protection program and provide employees with information for voluntary respirator use. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious injury.

Proposed penalties total \$186,300.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 11-1407-CHI

Oct. 3, 2011

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**US Labor Department's OSHA reaches settlement with Wisconsin-based
Cooperative Plus to improve grain bin safety training, abate hazards
*Cooperative to pay \$550,000 in penalties for grain violations***

BURLINGTON, Wis. – The U.S. Department of Labor's Occupational Safety and Health Administration has filed a settlement agreement with the Occupational Safety and Health Review Commission between the agency and Cooperative Plus Inc., after the farmer-owned Wisconsin cooperative agreed to pay \$550,000 in penalties, increase employee grain bin safety training and abate all safety issues at its grain handling facilities in Whitewater, Burlington, East Troy and Genoa City.

"At least 26 workers were killed in grain entrapments nationwide last year, the highest number of any year since researchers started collecting data in 1978, but there are well-known safety practices that can be implemented to prevent these tragedies," said Mike Connors, OSHA's regional administrator in Chicago. "We are pleased to reach this agreement. The procedures and training that Cooperative Plus agreed to implement will ensure that these often deadly entrapments will not happen again."

As part of the settlement agreement, Cooperative Plus will provide site-specific training for all employees exposed to potential hazards identified by OSHA's grain handling, permit-required confined space and lockout standards. The cooperative also will schedule confined space and bin entry rescue drills semiannually, and provide 10 hours of training to newly hired and current employees whose duties expose them to potential hazards addressed by these standards.

Additionally, the cooperative will develop and implement a program to manage the risk of grain handling that includes safe methods to inspect grain and dislodge clumps of grain to empty the bin; develop lockout/tagout procedures for augers, conveyors and other equipment prior to bin entry; and develop engineering controls to abate hazards posed by bridged and castled grain. The company will audit work to ensure that all employees are properly trained in program rules and OSHA safety standards.

Finally, the company agreed to retain at least one independent safety consultant and to comply with OSHA follow-up inspections over a two-year period.

OSHA cited Cooperative Plus Inc. for a total of 14 willful, 23 serious and two other-than-serious safety violations in August 2010 for lacking proper equipment and procedures, thereby exposing workers to the risk of being engulfed and suffocated in grain storage bins.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 11-1336-CHI

Oct. 4, 2011

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US Labor Department's OSHA cites Future Environmental in Mokena, Ill., for exposing workers to respiratory, other hazards; fines total more than \$122,760

CHANNAHON, Ill. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Future Environmental Inc. of Mokena for one willful health and nine serious safety violations. OSHA inspectors found that **workers were exposed to respiratory and confined space hazards while cleaning waste tanks used to store petroleum hydrocarbons at a job site in Channahon.** Proposed fines total \$122,760.

"Failing to identify hazards, provide appropriate personal protective equipment and monitor workers puts them at an unacceptable risk for injury or illness," said Gary Anderson, OSHA's area director in Calumet City. "Employers have a responsibility to ensure that work environments are healthful and safe."

One willful health violation with \$69,300 in fines was cited for **failure to ventilate to eliminate or control respiratory hazards and failing to provide continuous atmospheric monitoring of permit required confined spaces during entry.** A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirements or plain indifference to employee safety and health.

Nine serious safety violations with \$53,460 in fines involve failing to provide personal protective equipment; failing to identify and evaluate respiratory hazards; fit test and conduct medical evaluations for respirator use; **and train employees in permit-required confined space procedures, including rescue member training and notification; and utilizing rescue entry equipment.** A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

These citations are available at

[http://www.osha.gov/ooc/citations/Future Environmental Inc 315157024 1003 11.pdf](http://www.osha.gov/ooc/citations/Future_Environmental_Inc_315157024_1003_11.pdf)*

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 8 News Release: 11-1389-SEA (11-235)
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US Department of Labor's OSHA cites Polar Service Center in Billings, Mont., for exposing workers to variety of hazards; fines total \$151,000

BILLINGS, Mont. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Polar Service Center in Billings for one willful and 13 serious violations of safety and health standards for exposing workers to a variety of hazards. The tank trailer service and repair center faces proposed penalties of \$151,000.

"Polar Service Center failed to provide its employees with a safe and healthful workplace," said Christine Webb, director of OSHA's Billings Area Office, which conducted the inspection. "The hazards discovered during this inspection are well-recognized and must be addressed immediately to prevent needless injuries or illnesses."

The willful violation was cited for failing to utilize protective guards on equipment. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to employee safety and health.

The serious violations involve **failing to implement a confined space program**, hazard communication program, hearing conservation program and respiratory protection program for voluntary use of respirators; using a modified crane that was not designed by a professional engineer; **and failing to provide ventilation in a confined space during welding operations**. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The citations for Polar Service Center can be viewed at
http://www.osha.gov/ooc/citations/PolarInc_29160_1007_11.pdf*
http://www.osha.gov/ooc/citations/PolarInc_29206_1007_11.pdf.*

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: 11-1516-DAL

Oct. 20, 2011

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US Labor Department's OSHA cites Corpus Christi, Texas-based grain elevator operator following bin entrapment

CORPUS CHRISTI, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Corpus Christi Grain Co. in Corpus Christi for six willful and 20 serious violations with total proposed penalties of \$258,900. OSHA's Corpus Christi Area Office initiated its inspection at the company's facility on Talbert Lane after it was reported that a **worker was engulfed while emptying grain from a storage bin.** The employee was rescued due to the exceptional efforts of the Corpus Christi Fire Department.

"Employees working in grain storage buildings are exposed to dangerous conditions, and proper safety measures must be taken," said Michael Rivera, director of OSHA's Corpus Christi office. "If OSHA's standards were followed, it is possible this unfortunate incident could have been avoided."

The willful violations include **failing to provide personal protective equipment, such as a body harness and life line, for employees working with stored grain; perform lockout/tagout procedures for the energy sources of equipment, such as augers and conveyors, while workers are inside the grain bins; and have a competent attendant present with rescue equipment when workers enter grain storage bins.** A willful violation is one committed with plain indifference to or intentional disregard for OSHA's requirements or employee safety and health.

The serious violations include failing to ensure that employees are trained on the hazards associated with grain handling, cover openings with grates in grain bins, ensure that workroom floors are clear of combustible dust and provide a preventive maintenance schedule for machinery. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

In addition to the agency's enforcement actions to promote grain bin safety, OSHA Assistant Secretary Dr. David Michaels sent a notification letter in August 2010 and another in February 2011 to a total of more than 13,000 grain elevator operators warning them of proper safety precautions. These include prohibiting entry in grain storage facilities while grain is being emptied out or flowing in or out of the bin, prohibiting employees from "walking down the grain" and ensuring that employees enter the bin with the proper safety equipment. The February letter is available at <http://www.osha.gov/asst-sec/Grain-Letter-2-1-2011.html>.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 11-1505-CHI

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US Department of Labor's OSHA cites Bosserman Aviation Equipment in Carey, Ohio, for exposing workers to confined space and other hazards *Proposed fines total nearly \$54,000*

CAREY, Ohio – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Bosserman Aviation Equipment Inc. in Carey for 16 safety and health violations, including **allowing workers to clean fuel tanks without implementing permit-required confined-space precautions, such as the use of life lines and two-person teams.** Proposed fines total \$53,900.

Out of 12 serious safety violations, **seven were cited for permit-required confined-space hazards. These involve failing to provide an attendant outside of fuel tanks to monitor workers performing cleaning and maintenance inside the tanks; exposing workers to conditions that could cause oxygen deprivation; and failing to provide life lines, train workers in confined space hazards and evaluate procedures annually.** The remaining serious safety violations involve failing to provide fall protection for workers on top of fuel tanks, provide machine guarding on the mechanical press brake, provide ventilation for workers **conducting welding inside fuel tanks,** and protect workers from electrical-shock hazards by properly installing electrical boxes and using electrical boxes that are not damaged. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The company also was cited for one serious and three other-than-serious health violations for failing to provide adequate respiratory protection for workers. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"Employers have a responsibility to ensure workers are trained in the necessary precautions to protect their health and safety while performing assigned tasks," said Kim Nelson, OSHA's area director in Toledo. "OSHA is committed to protecting workers, especially when employers fail to do so."

Bosserman Aviation Equipment manufactures, assembles and repairs airport jet-fuel tanker trucks and pumpers. The company has 15 business days from receipt of its citations and penalties to comply, request an informal conference with OSHA's area director, or contest the findings before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 11-1542-CHI

Nov. 1, 2011

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**US Department of Labor's OSHA cites Gardner Equipment Co. in Columbus and Juneau, Wis.,
for 22 safety and health violations**

COLUMBUS, Wis. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Gardner Equipment Co. for safety and health violations at its Columbus and Juneau facilities, including one willful violation for failing to ensure workers used personal protective equipment while painting metal birdhouses at the Columbus facility. OSHA has proposed \$125,900 in fines for a total of 22 violations found at the two locations.

"Gardner Equipment Co. has a responsibility to ensure its employees are properly protected from known hazards in the workplace," said Kim Stille, OSHA's area director in Madison. "Failing to ensure workers use protective clothing and respiratory protection demonstrates a lack of regard for workers' safety and health. OSHA is committed to protecting workers, especially when employers fail to do so."

The willful safety violation was cited for failing to ensure that workers at the Columbus facility wore protective clothing - including eye and face protection, gloves and a barrier suit - while using powdered paint containing skin irritants and sensitizers. A manager was made aware of some workers experiencing skin rashes on their arms and hands, a known side effect of the paint substance. The company, also, failed to train workers on the use of personal protective equipment. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The company was cited for 16 serious health and safety violations at the Columbus facility involving failing to establish a respiratory program that includes fit testing, medical evaluations and training, and failing to properly clean and store respirators. The employer also **failed to evaluate the workplace for confined space hazards and establish a permit-required confined space program**; failed to establish and train workers in a hazard communication program; failed to establish an energy control program, including the provision of lockout/tagout devices and training on proper procedures; and allowed workers to eat and drink in areas contaminated by hazardous chemicals. Other serious violations involved a nonfunctional automatic sprinkler and flame gate, and the company's failure to have adequate explosion protection for combustible dust collectors and cyclones inside the building.

The company's Juneau facility was cited for three serious safety violations involving their energy control program, including the lack of machine specific procedures, failure to train employees on lockout/tagout procedures and the lack of lockout devices, as well as failing to establish a hazard communication program and provide related training.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 11-1569-CHI

Nov. 2, 2011

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**US Department of Labor's OSHA cites Illinois pet food production and
packaging company for 23 health and safety violations; fines exceed \$750,000**

All-Feed Processing & Packaging failed to protect workers from dust and noise exposure

PEORIA, III. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited All-Feed Processing & Packaging Inc., headquartered in Alpha, for 23 safety and health violations at its pet food production and packaging facility in Galva, including willful violations of OSHA's air contaminant, respiratory protection and hearing conservation standards. Some violations were cited under OSHA's "general duty" clause, including failing to provide appropriate fire and explosion protection in locations where concentrations of combustible dust existed. Proposed fines total \$758,450.

"Even after a powerful dust explosion and fire at this facility in 2009, along with a number of citations previously issued for similar conditions, All-Feed Processing & Packaging fails to comply with safety and health requirements," said OSHA Assistant Secretary Dr. David Michaels. "By showing a blatant disregard for worker safety and health, this employer continues to expose workers to deadly hazards."

OSHA issued nine per-instance willful citations for failing to mandate the use of respirators for six workers exposed to dust in excess of the permissible exposure limits; and failing to protect three dust collection units, which collect combustible dust such as starch, potato base, cellulose fiber and pea protein, from fire and explosion hazards.

Additionally, four single-instance willful citations were issued for requiring employees to work in areas where they were exposed to total dust in excess of permissible limits, together with failing to implement adequate engineering controls when employees were so exposed; failing to administer a continuing and effective hearing conservation program for employees exposed to excessive noise; failing to ensure the safe use, wiring and installation of equipment in hazardous locations; and allowing the use of liquid propane-powered industrial trucks in atmospheres where combustible dust may be ignited. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health. Proposed fines for the 13 willful violations total \$700,700.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Three repeat safety violations were cited for failing to ensure that operators of powered industrial trucks had completed training and were evaluated on their skills, have the load rating affixed to lifting devices and post danger signs to warn exposed employees of potential dangers posed by work spaces involving hazardous conditions. One repeat health violation was cited for failing to post safety instruction signs indicating the presence of combustible dust. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. The company was cited for similar hazards in 2009. Proposed fines for the four repeat violations total \$50,050.

One serious safety violation, with a proposed fine of \$3,850, was cited for **failing to have a written certification indicating that all hazards in the permit-required confined space had been eliminated.** A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazardous condition about which the employer knew or should have known.

All-Feed Processing & Packaging Inc also was cited for five other-than-serious violations, with proposed fines of \$3,850, for failing to record work-related injuries and illness as required on the OSHA 300 log. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

Prior to this inspection, which was opened in May after OSHA procured a warrant to conduct the inspection, All-Feed Processing & Packaging Inc had been inspected by OSHA 10 times since 2000, resulting in citations and significant proposed penalties on five occasions. Those citations encompassed a total of 17 willful, 44 serious, five repeat and 10 other-than-serious violations, many of which related to failing to monitor and limit employees' exposure to hazardous dust.

The workers' compensation carrier insuring All-Feed Processing & Packaging Inc is Benchmark Insurance Co. in Shawnee Mission, Kan. Workers' compensation is a form of insurance that provides wage replacement and medical benefits for an employee who has a job-related injury or disease, in exchange for relinquishment of the employee's right to sue his or her employer for negligence. Each state has its own workers' compensation law. Illinois' law first took effect in 1912 and requires employers to provide workers' compensation insurance for almost every person who is hired, injured or whose employment is localized in Illinois.

The company has been placed in OSHA's Severe Violator Enforcement Program, which focuses enforcement resources on employers with a history of safety violations that endanger workers by demonstrating indifference to their responsibilities under the law. The program includes mandatory OSHA follow-up inspections, and inspections of other work sites of the same employer where similar hazards and deficiencies may be present. All-Feed Processing & Packaging Inc was placed in the program due to its previous violations as well as the per-instance violations cited during both the current and a January 2011 inspection. For more information on SVEP, visit <http://s.dol.gov/J3>.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 3 News Release: 11-1540-PHI (osha 11-148)

Nov. 3, 2011

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US Labor Department's OSHA proposes more than \$62,000 in fines to Elm Grove, W.Va., company for exposing workers to safety and health hazards

ELM GROVE, W.Va. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Elm Grove-based Uwanta Linen Supply Inc. for 21 safety and health violations that exposed workers to a variety of hazards. Proposed penalties total \$62,400.

Eighteen serious safety and health violations, with penalties of \$61,200, include **failing to evaluate the facility to determine if any areas were permit-required confined spaces**; properly guard floor holes; develop written energy control procedures for machines with multiple energy sources; mount portable fire extinguishers, perform annual maintenance checks on them and train employees on their use; examine forklifts before placing them in service; conduct an exposure determination for workers with exposure to bloodborne pathogens; provide fall protection for employees working on an elevated platform using forklifts; provide personal protective equipment; provide a suitable facility for quick drenching or flushing of the eyes and/or body for workers exposed to injurious corrosive materials; provide a hand-washing facility readily accessible to employees; provide appropriate safety and machine guarding; provide hepatitis B vaccines to employees potentially exposed to bloodborne pathogens; ensure that all work areas were clean and in an orderly and sanitary condition; ensure that an emergency exit door was unlocked and unimpeded; ensure that electrical equipment was free from recognized hazards; keep the area around a circuit breaker panel free from materials; attach grounded conductors to terminals or leads so as to reverse polarity; effectively close knockouts; properly illuminate work areas for employees; properly illuminate each exit sign; establish a written exposure control plan to eliminate or minimize employee exposure to bloodborne pathogens; and institute an effective hearing conservation program. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Three other-than-serious safety and health violations, with penalties of \$1,200, were cited for failing to properly record work-related injuries and illnesses on OSHA's 300A log for 2008 and 2010 and failing to train employees on the hazardous chemicals in their work areas. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: 11-1479-DAL

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US Department of Labor's OSHA cites Sneed Shipbuilding in Channelview, Texas, for exposing workers to safety hazards

CHANNELVIEW, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Sneed Shipbuilding Inc. for 14 serious, seven repeat and four other-than-serious violations for exposing workers to multiple safety hazards at the company's facility in Channelview. Proposed penalties total \$150,700.

OSHA's Houston North Area Office began its investigation on June 7 at the Market Street shipyard where workers perform electrical, plumbing, welding and maintenance work.

Some of the serious violations include failing to repair a defective hook latch on a crane, ensure the appropriate use of lockout equipment for energy sources, **provide training on confined spaces**, repair damaged welding cables and provide the required fall protection for employees working on scaffolds. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Repeat violations include failing to conduct crane inspections on a periodic basis, properly maintain flexible cords and cables, repair damaged electrical outlets and welding cables, and provide fire extinguishers. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. Similar violations were cited in June 2010.

The other-than-serious violations involve **failing to provide the required testing in confined spaces for safe atmospheric conditions** and failing to provide lavatory hand soap. An other-than-serious violation is one that has a direct relationship to job safety and health but probably would not cause death or serious physical harm.

"This company has once again put the safety of its workers at risk by not adhering to OSHA standards," said David Doucet, director of OSHA's Houston North Area Office. "Employers will be held accountable for repeatedly jeopardizing the safety of employees."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 2 News Release: 11-1606-NEW/BOS 2011-375

Nov. 15, 2011

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US Labor Department's OSHA cites Utica, NY, animal feed processor following worker's fatal engulfment in storage silo Harbor Point Mineral Products ignored required silo safety procedures

SYRACUSE, N.Y. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Harbor Point Mineral Products, a processor of animal feed in Utica, for 21 violations of workplace safety standards following the May 11 **death of an employee who was fatally engulfed by cotton seed stored in a silo.**

An inspection by OSHA's Syracuse Area Office found that **employees had not been trained on the hazards associated with entering a silo and were not equipped with an approved lifeline. In addition, the atmosphere inside the silo had not been sampled for oxygen deficiency and the energy source of the silo's augur had not been locked out prior to entry.** Due to the employer's knowledge of and failure to address these hazards, OSHA issued citations for four willful violations. A willful violation exists when an employer has demonstrated either an intentional disregard for the requirements of the law or plain indifference to employee safety and health.

"This employer is well aware of the hazards and safeguards associated with silo entry yet chose to send untrained and improperly equipped employees into a dangerous work situation," said Christopher Adams, OSHA's area director in Syracuse. "This worker's death shows the irreparable consequences and severe human cost that can result from an employer's failure to use common-sense and legally required safeguards."

OSHA also cited the company for 17 serious violations for a variety of additional safety and health hazards. These included **allowing an employee to "walk down" the grain; the lack of rescue equipment and training;** employees overexposed to grain dust and the lack of controls to reduce the exposure level; respiratory and hazard communication deficiencies; and fall hazards from unguarded ladder, floor and wall openings. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"Storage silo entry is very dangerous. It only takes a few seconds for a worker to sink into and be buried by stored feed or grain," said Robert Kulick, OSHA's regional director in New York.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 2 News Release: 11-1617-NEW/BOS 2011-381

Nov. 21, 2011

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US Labor Department's OSHA cites Remington Arms Co. for 35 serious safety and health violations at Ilion, NY, plant Firearms manufacturer faces \$170,000 in fines

SYRACUSE, N.Y. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Remington Arms Co. Inc. for 35 alleged serious violations of workplace safety and health standards at its Ilion, N.Y., manufacturing plant. The firearms manufacturer faces a total of \$170,000 in proposed penalties for a variety of mechanical, electrical and chemical hazards identified during inspections by OSHA's Syracuse Area Office.

"Left uncorrected, these conditions expose the plant's workers to electrocution, falls, burns, lacerations, amputation, crushing and "struck-by" injuries, as well as exposure to hazardous substances and being caught in operating or unintentionally energized machinery," said Christopher Adams, OSHA's area director for central New York. "For the safety and health of these workers, this employer must ensure that these hazards are corrected and take effective steps to prevent their recurrence."

Specifically, OSHA found violations involving a lack of personal protective equipment; accumulations of toxic substances lead and cadmium on surfaces in the plant; food and beverages stored and consumed at cadmium-contaminated work stations; failing to provide workers with training and information on lead and cadmium; and not determining cadmium exposure levels. The inspection also identified numerous electrical hazards and instances of unguarded moving machine parts; improper storage and transfer of flammable liquids; a lack of procedures to lock out machines' power sources to prevent their unintended startup during maintenance; unguarded openings and defective ladders; defective powered industrial trucks and untrained drivers; inadequate fire extinguisher training and availability; **unlabeled permit-required confined spaces**; no continuous, effective extermination program for vermin; unlabeled containers of hazardous chemicals; and several exit deficiencies including a locked exit door, obstructed exit routes, unmarked exits, and non-functioning emergency and exit lighting. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"An effective illness and injury prevention program in which employers and employees work together to identify and eliminate hazards is one way of preventing initial and recurring workplace hazards such as these," said Robert Kulick, OSHA's regional director in New York.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 4 News Release: 11-1598-ATL (564)

Dec. 5, 2011

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Miami, Fla., contractor cited by US Department of Labor's OSHA for willful and serious violations following carbon monoxide incident

MIAMI – The U.S. Department of Labor's Occupational Safety and Health Administration has cited general contractor Trans Florida Development Corp. of Miami for one willful health and one serious safety violation with total proposed penalties of \$66,990. The citations follow an incident that occurred in June at a work site at Ocean Drive and First Street where **workers were installing a new drain system. A worker using a powered saw to cut a hole in a storm drain box was overexposed to carbon monoxide from the saw and had to be taken to a hospital for treatment.**

The willful health violation, with a \$61,600 penalty, was cited for failing to evaluate the job site and **implement procedures to ensure workers were not exposed to toxic substances while working in a confined space.** A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The serious safety violation, with a \$5,390 penalty, was cited for **failing to provide training on confined space hazards.** A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"This employer knew the proper safety precautions and procedures associated with working in confined spaces, yet chose to ignore those requirements and ultimately failed to protect the workers," said Darlene Fossum, OSHA's area director in Fort Lauderdale.

Trans Florida Development Corp. has 15 business days from receipt of the citations and proposed penalties to comply, request an informal conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 11-1702-CHI

Dec. 6, 2011

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US Department of Labor settles litigation against grain bin operator in July 2010 deaths of 2 teens in Mount Carroll, Ill.

CHICAGO – The U.S. Department of Labor has reached an agreement with Haasbach LLC in Mount Carroll, resolving 25 citations issued by the department's Occupational Safety and Health Administration and child labor civil money penalties assessed by its Wage and Hour Division. The resolution follows the deaths of Wyatt Whitebread, 14, and Alex Pacas, 19, at the company's Mt. Carroll grain bin facility in July 2010. A 20-year-old worker also was seriously injured in the incident.

"This tragedy has had a profound effect on the community of Mt. Carroll and the grain industry nationwide," said Assistant Secretary of Labor for OSHA Dr. David Michaels. "We hope that the deaths of these two young men send a profound and unmistakable message throughout the grain industry that loss of life can and must be prevented."

At the time of the incident, the workers were "walking down the corn" to make it flow while machinery used to convey the grain was running. All three became trapped in corn more than 30 feet deep, and Whitebread and Pacas suffocated.

OSHA cited Haasbach for 12 willful, 12 serious and one other-than-serious violation of the agency's grain standards. Following the agreement reached in this case, which was approved by an administrative law judge of the independent Occupational Safety and Health Review Commission, the company must pay \$200,000 in penalties, an amount amended from the original fines assessed. Haasbach is no longer in business.

Since 2009, OSHA has fined grain operators in Illinois, Colorado, South Dakota and Wisconsin following similar preventable fatalities and injuries. In addition to enforcement actions, Michaels sent a notification letter to grain elevator operators warning them not to allow workers to enter grain storage facilities without proper equipment, precautions and training. "OSHA will not tolerate noncompliance with the Grain Handling Facilities standard," said Michaels in the letter. "We will continue to use our enforcement authority to the fullest extent possible."

OSHA's Region V, which includes Illinois, Ohio and Wisconsin, initiated a Grain Safety Local Emphasis Program in August 2010. This program focuses on hazards associated with grain engulfment, machine guarding,

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Courtesy of Burgess and Associates-Hot Zone USA
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lockout/tagout of dangerous equipment to prevent accidental start up, electricity, falls, employee training and combustible dust hazards.

A separate investigation by the Labor Department's Wage and Hour Division found that Haasbach violated the Fair Labor Standards Act's child labor provisions by employing workers under age 18 to perform hazardous jobs that are prohibited by the FLSA. Under the agreement, Haasbach will pay \$68,125, the full civil money penalty originally assessed as a result of those violations.

"It is against the law to put the health and well-being of minors at risk by requiring them to perform prohibited hazardous jobs," said Nancy Leppink, deputy administrator of the Wage and Hour Division. "It is the employer's responsibility to know and adhere to child labor laws and regulations. If violators decide not to follow the law, they should know that the Wage and Hour Division will not hesitate to use all available tools, including litigation, to pursue those who put young workers in harm's way."

Under the FLSA's child labor provisions, the secretary of labor has declared certain jobs too hazardous for anyone younger than 18 to perform and other jobs too dangerous for anyone younger than 16. For example, employing and requiring anyone younger than 16 to work in occupations involving warehousing or transportation, including in a grain bin operation, is a violation. Similarly, employing a worker younger than 18 to climb on top of a high grain bin violates a hazardous order, as does having a minor work in a hazardous occupation involving the operation of a power-driven hoisting device. These rules must be followed unless a specific exemption applies. More information on child labor rules can be found at <http://www.dol.gov/elaws/youth.html>, and information about hazardous occupations orders is available at <http://www.dol.gov/elaws/esa/flsa/docs/haznonag.asp>.

The Labor Department has proposed a regulation that would, among other changes, create a new hazardous occupations order involving the nonagricultural employment of individuals under age 18. The regulation would prohibit them from being employed in the storing, marketing and transporting of farm-product raw materials. Prohibited places of employment would include country grain elevators, grain bins, silos, feed lots, stockyards, livestock exchanges and livestock auctions. For more information on the proposed rule, visit http://www.dol.gov/whd/CL/AG_NPRM.htm.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 7 News Release: 11-1698-KAN

Dec. 1, 2011

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US Labor Department's OSHA cites C.O. Grain in Nebraska for exposing workers to safety hazards during grain bin entry; proposed fines total \$132,000

OMAHA, Neb. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited C.O. Grain Inc., a grain storage facility in Atkinson, with 16 safety violations for **exposing workers to a variety of hazards during grain bin entry**. OSHA initiated its inspection under a local emphasis program targeting grain handling establishments. Proposed penalties total \$132,000.

"Hazards associated with grain handling are well-recognized within the grain industry and must be addressed," said Charles E. Adkins, OSHA's regional administrator in Kansas City, Mo. "C.O. Grain failed to provide its employees with a safe and healthful environment."

Three willful violations, with \$84,000 in penalties, address hazards associated with a **failure to lock out the energy sources of mechanical equipment during bin entry; a failure to test air quality prior to bin entry; and a lack of rescue equipment for employees making bin entries**. A willful violation is one committed with intentional knowledge or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

Twelve serious violations, with \$48,000 in penalties, involve additional **hazards associated with bin entry**, fixed ladder use and design, the use of respiratory protection, unguarded pulleys and belts, and hazard communications. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

One other-than-serious violation with no monetary penalty involves the company's failure to maintain certification records on maintenance inspections. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: 11-1700-DAL

Dec. 21, 2011

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**US Labor Department's OSHA cites excavation and utilities company following fatality at
Gordon, Texas, facility**

GORDON, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Granbury Contracting and Utilities Inc. for two willful and two serious safety and health violations following the death of a worker at the company's Gordon facility.

OSHA's Fort Worth Area Office initiated an inspection on June 28 in response to a report that **employees working on a new sewer line were exposed to inhalation of a hazardous chemical. One employee who entered a manhole to remove a plug in order to flush out accumulated debris became overwhelmed by toxic fumes and died. Another employee was hospitalized after attempting to rescue his co-worker.**

The willful violations are for **failing to test for atmospheric conditions and provide adequate ventilation and emergency retrieval equipment prior to entry into a manhole.** A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The serious violations are **failing to provide or require the use of respirators as well as conduct an assessment to determine the potential for a hazardous atmosphere where oxygen deficiency, methane and/or hydrogen sulfide were present or likely to be present.** A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"The company **failed to ensure that proper confined space entry procedures were followed,**" said Jack Rector, OSHA's area director in Fort Worth. "If it had followed OSHA's safety standards, it is possible that this tragic incident could have been prevented."

The citations can be viewed at <http://www.osha.gov/ooc/citations/Granbury-Contracting-Utilities-inc-314279431-1220-12.pdf>.

Proposed penalties total \$118,580.

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Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: 11-1607-DAL

Dec. 21, 2011

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US Department of Labor's OSHA cites Houston, Texas, recycling plant for exposing workers to multiple safety and health hazards

HOUSTON – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Petag Corp. for 31 safety and health violations at the company's recycling plant on Lyons Avenue in Houston. OSHA began its investigation in August in response to a complaint, and found workers exposed to sulfuric acid and caustic soda while recovering silver from X-ray film and processing plastics for recycling. Proposed penalties total \$144,760.

OSHA's Houston North Area Office cited Petag for 15 serious violations, including failing to follow manufacturers' safety requirements for operating a furnace; provide handrails on industrial stairways; provide personal protective equipment, such as safety glasses and gloves; **provide warning signs for permit-required confined spaces**; provide hazard communication training; ensure the use of seatbelts while operating a forklift; and provide machine guarding for chains, sprockets, pulleys and shaft ends. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Seven repeat violations include failing to provide sanitary washing facilities as well as access to eyewash and shower stations; provide fall protection, such as standard guardrails or fall arrest devices, when employees are working on platforms; provide training on lockout/tagout procedures for machines' energy sources; and provide the required machine guarding. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. OSHA cited the company for similar violations in 2006.

Eight other-than-serious violations include failing to provide required information for voluntary respirator use, and injury and illness record-keeping deficiencies. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"This employer has repeatedly exposed its workers to possible injuries and illnesses," said David Doucet, OSHA's area director for the Houston North office. "Such disregard for workers' safety and health will not be tolerated."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 4 News Release: 11-1764-ATL (598)

Dec. 22, 2011

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Tennessee manufacturer cited by US Labor Department's OSHA for safety and health violations following worker fatality Second worker injured in explosion on pontoon dredge

MILLERSVILLE, Tenn. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Millersville-headquartered Dredge & Marine Co. LLC for 12 safety and health violations. OSHA opened an inspection following a July incident in which **one worker died and another was severely burned when a spark from a light ignited paint vapors inside the compartment of a pontoon dredge, which was being painted to reduce corrosion.**

Two serious safety violations related to the fatality include exposing employees to explosion and fire hazards when exhaust ventilation was inadequate and failing to use explosion-proof lighting. Five additional serious safety violations are for using an extension cord with a missing ground prong; exposing employees to explosion and fire hazards from a nonexplosion proof fan with nonferrous blades; failing to ensure paint buckets, spray guns and cell phones were properly stored to prevent sparking; failing to permit the bonding of spray guns and metallic parts; and failing to provide fall protection to employees working from the barge deck.

Five serious health violations are for exposing employees to **a potentially hazardous atmosphere inside a confined space without first testing the atmosphere's oxygen content, exposing workers to hazards in a confined space who did not receive training on how to perform all required duties safely, exposing employees to hazardous atmospheres in a confined space without providing a qualified shipyard rescue team or notifying an outside rescue service, failing to stop work to verify the confined space was safe for entry after spray painting and failing to continuously monitor the enclosed space to ensure the atmosphere was safe.** A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"Tragic incidents can be avoided by following OSHA's standards and safety requirements," said William Cochran, OSHA's area director in Nashville. "It is the employer's responsibility to ensure that workers are trained and provided with appropriate equipment so they can perform their duties safely."

Dredge & Marine Co. LLC, which is owned by John W. McDougall Co., specializes in new dredges, reconditioning used dredges, equipment and parts sales, and brokerage services. Proposed penalties for the citations total \$46,600.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 8 News Release: 11-1802-DEN (11-283)

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US Department of Labor's OSHA fines LaBolt, SD, Farmers grain company more than \$95,000 for exposing workers to unsafe working conditions

BISMARCK, N.D. – The U.S. Department of Labor's Occupational Safety and Health Administration has issued LaBolt Farmers Grain Company, Inc. in LaBolt, S.D., 13 citations for exposing workers to unsafe conditions at its grain handling facility where a worker was caught in a moving bin sweep auger and suffered severe injuries to his leg and arm. Proposed penalties total \$95,920.

"Despite awareness of the hazardous nature of grain bin entries and of the means and methods to prevent such hazards, the employer failed to develop and enforce recognized safe work practices," said Tom Deutscher, OSHA's area director in Bismarck.

OSHA issued LaBolt four willful, six repeat and three serious citations. The willful citations address the alleged **failure of the employer to develop and implement a written confined space program, ensure all equipment that presents a danger is neutralized, complete confined space and grain bin entry permits, and provide a competent person as an entrance observer**. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The six repeat citations address the alleged failure to effectively guard floor openings, pulleys and vertical belts; control fugitive grain dust accumulations; develop a written housekeeping program; and utilize approved electrical equipment. A repeat violation is when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. Similar violations were cited in February 2008.

The alleged serious violations address the **failure to provide effective training for workers entering confined spaces and grain bins**, provide training for employees assigned special tasks and perform atmospheric testing. A serious violation is when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 2 News Release: 11-1804-NEW (osha 12-003)

Jan. 10, 2012

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US Labor Department's OSHA proposes more than \$125,000 in fines to

Palmyra, NJ, linen rental company for workplace safety and health hazards

PALMYRA, N.J. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Gemtex Inc., doing business as Gemini Linen Rental, for 37 serious and 11 other-than-serious safety and health violations at its Palmyra facility. OSHA initiated an inspection in response to a referral from New Jersey's Public Employees Occupational Safety and Health Program. Proposed fines total \$126,875.

"These safety and health hazards pose serious risks to Gemini employees and must be addressed immediately," said Paula Dixon Roderick, OSHA's area director in Marlton. "Employers are legally responsible for ensuring safe and healthful workplaces."

The serious violations, which carry \$124,775 in penalties, involve failing to provide protection from electrical hazards; develop and implement written respiratory protection, hazard communication and **confined space entry programs**; provide machine guarding; provide guardrails for stairways and working platforms; conduct a personal protective equipment hazard assessment; ensure the safe use of ladders and forklifts; provide lockout/tagout, respirator, hazard communication and fire extinguisher training; provide an eyewash station; provide mounted fire extinguishers; and ensure aisles and passageways were clear. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The other-than-serious violations, with \$2,100 in penalties, involve various electrical hazards as well as incomplete record keeping for the OSHA 300 injury and illness logs. An other-than-serious violation is one that has a direct relationship to job safety and health but probably would not cause death or serious physical harm."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 1 News Release: 12-16-BOS/BOS 2012-008

Jan. 11, 2012

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**US Labor Department's OSHA proposes \$70,000 in fines against Everett,
Mass., recycling company after workers injured by rotating equipment**

ANDOVER, Mass. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Prolerized New England Co. LLC, doing business as Schnitzer Northeast, for 10 alleged serious violations of workplace safety standards at its Everett recycling facility, where two workers were injured. Proposed penalties total \$70,000.

The employees were performing maintenance work inside a large rotating drum used to sort scrap material for recycling when the drum activated, injuring them. OSHA's Andover Area Office conducted an inspection in response to the September incident and identified several serious deficiencies in the facility's hazardous energy control procedures, which should ensure machines are deactivated and their power sources locked out before employees perform maintenance work. In this case, the procedures were incomplete and not clearly communicated, training was inadequate, and the procedures were not reviewed to ensure that they were effective and understood by the employees.

The inspection also found that the employees were not trained to work in confined spaces, such as the drum, and were not provided a hot work permit for welding performed in the drum.

Finally, the employees were exposed to the hazard of falling into the drum through an unguarded chute opening. OSHA assessed the maximum fine of \$7,000 for each of the violations, for a total of \$70,000 in fines. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"The unexpected startup of machinery during maintenance can injure or kill workers in seconds," said Jeffrey Erskine, OSHA's area director for Essex and Middlesex counties. "Preventing this hazard requires a combination of effective hazard control procedures, training and diligence to ensure that the proper safeguards are in place, in use and understood by workers."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 5 News Release: 11-1813-CHI

Jan. 12, 2012

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**US Department of Labor's OSHA proposes nearly \$148,000 in fines
to Basic Marine Inc. in Escanaba, Mich., for 32 safety and health violations**

ESCANABA, Mich. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Basic Marine Inc., a shipyard and boat fabricating facility in Escanaba, for 32 – including five repeat – violations of safety and health standards. Proposed fines total \$147,840.

OSHA began health and safety inspections in July as a follow-up to inspections conducted in March 2008. The 2008 inspections were initiated based on a referral from the Michigan Occupational Safety and Health Administration, after a worker sustained an amputation injury.

"Basic Marine has demonstrated a total lack of commitment to employee safety and health by repeatedly failing to protect its workers. This situation is particularly egregious as the initial citations were issued after a worker was severely injured on the job," said Robert Bonack, director of OSHA's Lansing Area Office. "Whenever workers are injured, we expect that employers should be receptive to re-evaluating their safety and health programs to reduce the likelihood of more injuries, but this has not been the case with Basic Marine."

A single repeat safety violation represents failing to provide machine guarding to prevent inadvertent contact with an operating vertical band saw. Four repeat health violations are failing to have a written hazard communications program and to train workers in hazard communications; **train workers in safety procedures for testing and entering enclosed, confined and other spaces that may have dangerous atmospheric conditions**; and annually fit test workers who wore respirators. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. Similar violations were cited during the 2008 inspections.

Twenty-one serious safety violations include failing to provide fall protection, provide training and evaluation in the safe operation of forklifts, inspect forklifts and other equipment as required, repair damaged equipment before operating cranes, correct unsafe conditions before resuming crane operations, ensure workers wore head protection when hazards existed and provide an effective fire

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safety plan. Four serious health violations are **failing to provide an air-line respirator for workers spray painting in a confined space, evaluate confined spaces for environmental hazards, conduct training drills for the designated confined space rescue team and post confined space air monitoring results.** A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Two other-than-serious health and safety violations involve failing to maintain monthly inspection records for cranes, brakes and other machinery, as well as to medically evaluate workers when required. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 4 News Release: 11-1826-ATL (011)

Jan. 12, 2012

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**US Department of Labor's OSHA cites Newnan, Ga., manufacturer
for 20 safety and health violations, proposes more than \$55,000 in penalties**

NEWNAN, Ga. – NuTech Powder Coaters LLC has been cited by the U.S. Department of Labor's Occupational Safety and Health Administration with 20 violations for exposing workers to a variety of safety and health hazards, including combustible dust accumulations, at the company's Newnan facility. Proposed penalties total \$55,200.

After receiving a referral that alleged safety hazards, OSHA began an inspection in August. Eighteen serious violations found involve failing to ensure that employees used eye, face and hand protection while working with cleaners and products containing phosphoric acid, calcium carbonate and carbon black; not training workers in the use of proper personal protective equipment; not providing an eyewash/shower unit for workers exposed to corrosive materials; **failing to develop and implement a confined space program; not posting permit-required confined space signage on equipment such as dryers, ovens and wash tanks where employees could be exposed to oxygen-deficient atmospheres;** allowing powder coating material to accumulate on the floor and equipment due to poor housekeeping; and exposing workers to fall, electrical and other combustible dust hazards. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Two other-than-serious violations involve failing to develop and implement a written respiratory protection program for employees required to wear half- and full-face respirators while performing powder coating operations. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"Fire and explosion dangers associated with combustible dust do not exist solely at large establishments. Companies of all sizes must take their responsibilities seriously when it comes to workers' safety and health, and implement controls that ensure all employees are protected from hazards," said Andre Richards, director of OSHA's Atlanta-West Area Office.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: 12-31-DAL

Jan. 13, 2012

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**US Department of Labor's OSHA cites American Marazzi Tile for exposing
workers to excessive noise levels, lack of machine guarding and other hazards
Sunnyvale, Texas-based tile manufacturer faces proposed fines of \$318,000**

SUNNYVALE, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited American Marazzi Tile Inc. with 25 safety and health violations for exposing workers to excessive noise levels, machine guarding hazards and other dangerous conditions at its facility in Sunnyvale. Proposed penalties total \$318,000.

OSHA's Dallas Area Office initiated an investigation on July 13 at the company's Clay Road facility as part of the agency's Site-Specific Targeting Program, which directs enforcement resources to workplaces with higher-than-average injury and illness rates.

"This company knowingly failed to implement necessary safety and health programs to protect employees from coming into contact with moving parts of machinery and prevent hearing loss," said John Hermanson, OSHA's regional administrator in Dallas. "It's the employer's responsibility to know the hazards and safeguard workers from these hazards in order to provide a working environment free of injuries and illnesses."

Three willful violations involve failing to establish and maintain a hearing conservation program for workers exposed to noise levels exceeding 85 decibels; provide the required machine guards for exposed belts, pulleys, chains and sprockets; and establish a lockout/tagout program for energy sources to protect workers from the unexpected start up of machinery. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to employee safety and health.

Twenty-one serious violations involve failing to provide personal protective equipment, **provide confined space training**, provide machine guarding to prevent workers from coming into contact with rotating parts, develop energy control procedures for machines with more than one energy source, provide fire extinguisher training, properly store oxygen and acetylene cylinders, develop a bloodborne pathogens program and train employees on hazardous chemicals used in the facility. A serious

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violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

One other-than-serious violation is for failing to post a copy of the hearing conservation standard in the workplace. An other-than-serious violation is one that has a direct relationship to job safety and health but probably would not cause death or serious physical harm.

OSHA has placed American Marazzi Tile in its Severe Violator Enforcement Program, which mandates targeted follow-up inspections to ensure compliance with the law. Initiated in June 2010, the program focuses on recalcitrant employers that endanger workers by committing willful, repeat or failure-to-abate violations. For more information on SVEP, visit <http://s.dol.gov/J3>.

The citations can be viewed at:

http://www.osha.gov/ooc/citations/AmericanMarazziTile_314183450_0112_12.pdf*

http://www.osha.gov/ooc/citations/AmericanMarazziTile_314183492_0112_12.pdf*

American Marazzi Tile employs about 254 workers who produce ceramic wall and floor tile products at the Sunnyvale location. The company has 15 business days from receipt of the citations to comply, request an informal conference with OSHA's Dallas area director or contest the citations and penalties before the independent Occupational Safety and Health Review Commission.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 5 News Release: 11-1784-CHI

Jan. 18, 2012

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**US Department of Labor's OSHA issues notices to veterans health care
system of 19 safety and health violations found at St. Cloud, Minn., facility**

ST. CLOUD, Minn. – The U.S. Department of Labor's Occupational Safety and Health Administration has issued 19 notices of unsafe and unhealthful working conditions found at the St. Cloud Veterans Affairs Health Care System facility in St. Cloud, following a combined health and safety inspection conducted in July as part of OSHA's Federal Agency Targeting Inspection Program.

"The St. Cloud Veterans Affairs Health Care System failed to properly ensure the facility was in compliance with established safety and health procedures," said Mark Hysell, director of OSHA's Eau Claire Area Office in Wisconsin. "All employers, including federal employers, are responsible for knowing what hazards exist in their facilities and must take appropriate precautions by following OSHA standards so workers are not exposed to such risks."

Eight repeat safety violations involve failing to provide guardrails on open-sided platforms, keep exit routes free and unobstructed, **evaluate the workplace to determine if permit-required confined spaces were present**, implement and train workers in lockout procedures to control hazardous energy, provide training on specific powered industrial trucks, and provide workers with the necessary personal protective equipment for exposure to electrical shock and arc flash hazards.

Additionally, two repeat health violations involve failing to include the type or brand of sharps that were the cause of employees' exposure to blood or bodily fluids in the sharps log, and failing to train housekeeping staff on the specific location of asbestos in their assigned work areas.

To issue notices for repeat violations, an OSHA agency wide inspection history must list a previous notice issued within the past five years to an establishment within the same standard industrial classification code, commonly known as the SIC code. U.S. Department of Veterans Affairs facilities in Minneapolis, Minn.; Chicago, Ill.; and Dayton, Ohio, previously have been cited for the same safety and health violations.

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Six serious safety violations involve failing to provide personal protective equipment during chainsaw use; provide mats where wet processes were used; **develop, document and implement safe permit space entry operations for hydraulic elevator pits**; verify machines were de-energized prior to performing maintenance; use eye protection when required; and use lockout devices to control energy sources. A serious notice is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Three other-than-serious violations involve failing to place a warning sign at the entrance of a mechanical room containing energized electrical parts, have a written schedule for cleaning and decontamination for surfaces routinely contaminated with blood and conduct an initial exposure assessment of vinyl tile removal activities. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

As required by the Occupational Safety and Health Act, federal agencies must comply with the same safety standards as private sector employers. The federal agency equivalent to a private sector citation is the notice of unsafe and unhealthful working conditions. A notice is used to inform establishment officials of violations of OSHA standards, alternate standards and 29 Code of Federal Regulations citable program elements. OSHA cannot propose monetary penalties against another federal agency for failure to comply with OSHA standards.

The health care system has 15 business days from receipt of the notices to comply, request an informal conference with OSHA's area director or appeal the notices by submitting a summary of the agency's position on the unresolved issues to OSHA's regional administrator

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 5 News Release: 12-42-CHI

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US Department of Labor's OSHA cites Jennie-O Turkey Store for 11 safety violations after amputation of worker's arm at Barron, Wis., processing facility

BARRON, Wis. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Jennie-O Turkey Store Inc. for **11 safety violations at its Barron facility after a worker's arm was amputated below the shoulder while the individual was conducting cleaning activities in a confined space**. Jennie-O Turkey Store, based in Willmar, Minn., is a division of Austin, Minn.-headquartered Hormel Foods Corp.

"Jennie-O Turkey Store has a legal responsibility to follow established permit-required confined space regulations to ensure that its employees are properly protected from known workplace hazards," said Mark Hysell, director of OSHA's Eau Claire Area Office. **"Failing to ensure protection through appropriate training and adherence to OSHA regulations led to a worker losing an arm."**

OSHA initiated an inspection after the July 20, 2011, incident, in which the employee's arm allegedly became caught in an energized turkey shackle line while the **employee was working alone in a confined space. Afterward, the employee had to walk down a flight of 25 stairs and 200 feet across the production floor to get the attention of a co-worker for assistance.**

Four willful violations involve **not following OSHA's permit-required confined space regulations in the carbon dioxide tunnel room, including failing to ensure that workers isolated the carbon dioxide gas supply line and locked out power to the shackle line prior to entering the room to conduct cleaning activities, verify that electro-mechanical and atmospheric hazards within the room were eliminated prior to workers entering the space, test atmospheric conditions prior to allowing entry and provide an attendant during entries to the room.** A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirements, or plain indifference to employee safety and health.

Seven serious violations involve **failing to provide fall protection, provide rescue and emergency services equipment, develop procedures to summon rescue and emergency services, provide confined space entry procedures, prepare entry permits for the confined space, train employees**

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and supervisors in entry permit procedures, and ensure that the entry supervisor performed required duties. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

In many instances, employees who work in confined spaces face risk of exposure to serious physical injury from hazards such as entrapment, engulfment and hazardous atmospheric conditions. Confinement may also pose entrapment hazards and require employees to work in closer proximity to hazardous machinery components than they would otherwise. Additional information on confined space hazards is available online at <http://www.osha.gov/SLTC/confinedspaces/index.html>.

Based on the violations cited during this latest inspection, OSHA has proposed \$318,000 in fines. Jennie-O Turkey Store operates turkey growing and processing facilities in Minnesota and Wisconsin as well as national and international distribution systems. The company employs 1,200 workers at the Barron facility and 5,000 corporatewide. Prior to this inspection, OSHA had inspected the Barron facility four times since 2004, resulting in citations for 12 violations.

The citations can be viewed at
<http://www.osha.gov/ooc/citations/JennieOTurkeyStoreIncCitationInspection92562.pdf>*

Jennie-O Turkey Store has 15 business days from receipt of its citations and penalties to comply, request an informal conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 12-59-CHI

Jan. 24, 2012

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US Labor Department's OSHA cites Illinois-based Growmark with 5 safety violations for failing to protect grain bin workers at Ixonia, Wis., facility

IXONIA, Wis. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Growmark, which operates Frontier FS, a grain handling facility in Ixonia, with five safety violations, including one willful violation **for failing to de-energize and lock out sweep augers before workers entered grain bins.** OSHA initiated an investigation in August under its local emphasis program for grain handling facilities. Proposed fines total \$84,000.

"Failing to de-energize and lock out sweep augers puts workers entering grain bins at an unnecessary risk for amputation injuries, engulfment and suffocation," said Kim Stille, OSHA's area director in Madison. "In order to educate the industry, OSHA has conducted extensive outreach on the hazards associated with grain bins. But ultimately it is the employer's responsibility to recognize the hazards that exist and take the necessary precautions to protect workers' safety and health."

In addition to the willful violation, two serious violations involve **failing to provide body harnesses or alternative protection as well as rescue equipment for work inside grain bins where engulfment hazards are present.** Two other-than-serious violations involve failing to complete a certification for a personal protective equipment hazard assessment and to identify tag out devices used for servicing and maintenance activities.

A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirements, or plain indifference to employee safety and health. A serious violation occurs when there is a substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

Growmark is a cooperative agricultural organization based in Bloomington, Ill., with operations spanning 30 states and Ontario, Canada. The company has been inspected by OSHA more than 50 times since 1980 and has received more than 100 citations.

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: 12-198-DAL

Feb. 3, 2012

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**US Department of Labor's OSHA cites grain company after
2 teenage workers suffer leg amputations at Kremlin, Okla., facility**

KREMLIN, Okla. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Zaloudek Grain Co. with four serious safety violations following an incident involving two 17-year-olds. Both suffered leg amputations when they became caught in an inadequately guarded conveyor auger while cleaning out a grain flat storage structure at the company's facility in Kremlin.

"Employers who endanger the lives and limbs of their workers will be held accountable for putting them at risk," said John Hermanson, OSHA's regional administrator in Dallas. "In this case, the lives of two teenagers will never be the same."

The incident occurred last August. Violations from the investigation that resulted include failing to affix or secure the machine guard over the moving conveyor auger, ensure the storage structure's exit was free and unobstructed, provide exit signs from the storage structure **and provide training for workers assigned to enter grain structures**. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. Proposed penalties total \$21,500.

Zaloudek Grain, which employs about six workers at the Kremlin facility, has 15 business days from receipt of these citations to comply, request an informal conference with OSHA's area director in Oklahoma City or contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission.

In September, OSHA's Oklahoma City Area Office opened a separate, comprehensive safety inspection of the Kremlin facility under the agency's Regional Emphasis Program for Grain Handling Facilities that uncovered five additional serious violations. They include failing to provide training on the use of a forklift; develop and implement an emergency action plan and hazard communication program; develop and implement a housekeeping program to reduce the accumulation of combustible dust in grain structures; **and ensure precautions were taken prior to employees entering grain bins**. Citations, with fines totaling \$12,500, were issued on Dec. 20 and contested by the employer.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 2 News Release: 12-106-NEW/BOS 2012-022

Feb. 7, 2012

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US Labor Department's OSHA proposes \$365,500 in fines to Wal-Mart

for repeat and serious safety and health hazards at Rochester, NY, store

Violations similar to those cited at 9 other Wal-Mart locations across the nation

BUFFALO, N.Y. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Wal-Mart Stores Inc. for a total of 24 alleged repeat and serious violations of workplace safety and health standards at its supercenter store No. 2859 in Rochester. The Bentonville, Ark.-based retailer faces a total of \$365,500 in proposed fines following inspections conducted by OSHA's Buffalo Area Office initiated in response to a complaint.

"The sizable fines proposed here reflect not only the seriousness of these conditions but the fact that several of them are substantially similar to hazards identified at nine other Wal-Mart locations in New York and eight other states," said Arthur Dube, OSHA's area director in Buffalo. "This situation is unacceptable. A corporate employer must take effective and proactive steps to assess, correct and prevent the recurrence of hazards at all of its locations."

The Rochester inspections led OSHA to identify fall hazards, obstructed exit routes, an absence of lockout/tagout procedures for energy sources that would allow employees to safely perform maintenance on a compactor, an unguarded grinder, no training for employees using personal protective equipment, a lack of eye and face protection, and a lack of information and training on hazardous chemicals in the workplace. These conditions resulted in citations for 10 repeat violations with \$288,000 in fines.

A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. In this case, OSHA had cited Wal-Mart for similar hazards between 2008 and 2010 at workplaces in South Mobile, Ala.; Jonesboro, Ark.; Plant City, Fla.; Rincon, Ga.; Jerseyville, Ill.; Festus, Mo.; Queensbury, N.Y.; Fargo, N.D.; and Tulsa, Okla.

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In addition, the Rochester inspections revealed **workers exposed to confined space hazards due to management's failure to conduct evaluations in locations such as compactors, develop a confined space entry program, provide employees with confined space training and share confined space information with contractors performing work in the store. Other hazards were a bypassed interlock switch that allowed a compactor to be operated with its door open**, additional lockout/tagout deficiencies, an illegible emergency exit sign, and an incomplete bloodborne pathogen program and training for employees whose duties involve exposure to blood or body fluids. These conditions resulted in citations for 14 serious violations with \$77,500 in proposed fines. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"One method by which employers can prevent recurring hazards is developing and maintaining an effective illness and injury prevention program in which management and employees work together to proactively identify and prevent hazardous conditions," said Robert Kulick, OSHA's regional administrator in New York.

The citations can be viewed at <http://www.osha.gov/ooc/citations/Walmart315502476-315502880-01-27-12.pdf>.*

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: 12-120-DAL

Feb. 9, 2012

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US Department of Labor's OSHA cites Nixon, Texas-based

Vann Energy Services for exposing workers to confined space hazards

NIXON, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Vann Energy Services LLC for 17 serious violations following a safety and health inspection at the company's maintenance facility on East Avenue in Nixon. Proposed penalties total \$70,200.

OSHA began its inspection on Aug. 19, 2011, after receiving a **complaint about employees who were required to enter oil field hydraulic fracturing tanks for cleaning without receiving precautions about confined space atmospheric hazards.** Vann Energy provides trucking and oil field support services, including cleaning fracturing tanks, at the Nixon location.

Serious health violations include **failing to implement a permit-required confined space entry program;** provide proper respiratory protection; provide personal protective equipment, such as chemical-impervious gloves and footwear; and provide first-aid services and chemical hazard training. Serious safety violations include failing to provide approved electrical systems for lighting at night; ensure electrical equipment, such as fans, were approved for hazardous locations; **provide covers over open pits;** and maintain electrical conductors and cords in a safe operating condition. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"Vann Energy Services required workers to enter a fracturing tank for cleaning without testing the atmospheric hazards first and without training the workers on confined space hazards," said Casey Perkins, director of OSHA's Austin Area Office. "Confined space and electrical hazards like the ones found at this site can kill workers. It is fortunate these hazards were identified before anyone was seriously injured."

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Courtesy of Burgess and Associates-Hot Zone USA
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Region 4 News Release: 12-292-ATL (074)

Feb. 29, 2012

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**Georgia's AGrowStar cited by US Department of Labor's OSHA for
combustible dust and other hazards; more than \$74,000 in fines proposed**

FORT VALLEY, Ga. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited AGrowStar LLC for 22 safety and health violations, including combustible dust accumulations, following an inspection that began in September after the agency received a complaint about the company's grain handling facility in Fort Valley. Proposed penalties for serious violations total \$74,375.

The company has been cited with 20 serious violations for allowing combustible dust to accumulate, and failing to develop and implement lockout/tagout procedures for energy sources; develop a housekeeping program for areas where wheat, corn and soybean were stored; train industrial truck operators; prevent amputation hazards by guarding machinery; develop an emergency action plan; train on an annual basis employees who are exposed to fire or explosion hazards; **secure a permit prior to entering a confined space to perform maintenance; conduct atmospheric testing before entering silos;** list chemicals in the hazard communication program; provide fall protection; and properly install and repair electrical equipment. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Two other-than-serious violations with no monetary penalties include failing to develop and implement a respiratory program for workers required to wear respirators, and to maintain inspection certification of storage and grain moving equipment at the facility. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"This employer put workers at risk of serious injury or death by failing to implement proper safety and health protections," said Bill Fulcher, director of OSHA's Atlanta-East Area Office. "Employers are responsible for ensuring that their employees have a safe and healthy work environment."

OSHA News Releases-Confined Spaces 2010-2012
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Region 2 News Release: 12-385-NEW /BOS 2012-039

March 14, 2012

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**US Labor Department's OSHA cites Agro Farma for 34 violations of
workplace safety and health standards; proposes \$178,000 in fines**

SYRACUSE, N.Y. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Agro Farma Inc. for 34 alleged violations of workplace safety and health standards at its New Berlin facility. The manufacturer of Chobani Greek Yogurt faces a total of \$178,000 in proposed penalties following inspections by OSHA's Syracuse Area Office that were prompted by a complaint.

"Our inspections identified a wide range of mechanical, chemical, electrical and health hazards that, left uncorrected, expose the plant's employees to being caught in moving machine parts or unexpectedly energized machinery, electrocution, falls, **being overcome in toxic or oxygen-deficient atmospheres**, and hearing loss," said Christopher Adams, OSHA's area director in Syracuse.

OSHA found numerous instances of unguarded moving machine parts; electrical hazards, including failing to train employees in electric safety-related work practices; a lack of personal protective equipment for employees working on live electrical equipment; a lack of fall protection for employees accessing the top of milk trucks; **missing or inadequate energy control procedures and training for employees cleaning a trash compactor; failing to label all confined space work areas and provide confined space training**; wet floors; unguarded floor holes; railings not provided over dangerous equipment; and stairway and exit deficiencies.

The inspection also identified deficiencies in the plant's process safety management program, which prevents the unexpected release of toxic, reactive or flammable liquids and gases in processes involving highly hazardous chemicals, including unlabeled containers of hazardous chemicals; failing to provide audiometric testing for employees exposed to excess noise levels; and failing to refit and retrain employees who experienced a hearing loss. These conditions resulted in the issuance of 33 serious citations, with \$177,000 in proposed fines. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

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Agro Farma Inc. also has been issued one other-than-serious citation, with a \$1,000 fine, for failing to record hearing losses in its OSHA 300 injury and illness log.

Region 4 News Release: 12-395-ATL (090)

March 14, 2012

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US Department of Labor's OSHA cites Olde Atlanta Recycling

with 23 safety and health violations, proposes more than \$69,000 in fines

CUMMING, Ga. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Olde Atlanta Recycling LLC with 23 safety and health violations for exposing workers to a variety of hazards at the company's Cumming facility. An inspection was initiated in November based on a complaint. Proposed penalties total \$69,200.

Fifteen serious safety violations with penalties of \$55,800 involve failing to provide an energy control program for workers who maintain and service equipment to keep machines from accidentally starting up, require workers who operate powered industrial trucks to wear seat belts, properly use PVC piping to transport compressed air, provide signage to mark exits, formally train powered industrial truck operators, install a chip guard on the end of an air nozzle, guard a conveyor belt, correct electrical deficiencies and ensure that the ceiling height of an exit route was a minimum of 84 inches.

Four serious health violations with penalties of \$10,800 include failing to develop and implement a noise monitoring program, implement a training program for workers exposed to noise, perform a hazard assessment for workers exposed to laceration hazards to determine necessary personal protective equipment and **identify a baler that workers entered to remove jams as a permit-required confined space**. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Two other-than-serious health violations include failing to provide workers using respirators with information on the related OSHA standard, and to develop and implement a written hazard communication program. Two other-than-serious safety violations have been cited for failing to maintain the OSHA 300, 301 and 300-A logs as required, and to provide an emergency action plan for employee accountability in the event of an emergency.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 6 News Release: 12-391-DAL

March 19, 2012

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**US Labor Department's OSHA fines Bradken Inc. for exposing workers
to numerous safety and health hazards at Amite, La., foundry**

AMITE, La. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Bradken Inc. with 27 serious and seven other-than-serious violations for exposing workers to safety and health violations at the company's steel alloy casting facility in Amite. Proposed penalties total \$146,000.

OSHA's Baton Rouge Area Office began its inspection at the Foulkes Lane facility as part of two national emphasis programs, one on amputations and the other on primary metals. Inspectors found that workers melting and pouring casts were exposed to mechanical, welding, electrical and **confined space hazards**, as well as a lack of machine guarding.

The serious violations include failing to repair damaged and unguarded electrical equipment, such as safety switches and control panels; ensure that electrical shut-off devices were accessible; ground electrical equipment; properly splice electrical cords; regularly inspect electrical equipment; properly store compressed gas cylinders and ensure that shut-off valves were accessible; provide adequate hazardous energy control equipment; provide required machine guarding; properly maintain cranes; provide fall protection such as guardrails or personal fall arrest systems; properly label containers; and provide training on the use of forklifts. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

The other-than-serious violations include failing to ensure that exits were clear of materials, fire extinguishers were easily accessible, and breaker panels were accessible and properly labeled. An other-than-serious violation is one that has a direct relationship to job safety and health but probably would not cause death or serious physical harm.

"Employers are responsible for recognizing the hazards that exist in their facilities and fixing them," said Dorinda Folse, OSHA's area director in Baton Rouge. "Failing to take precautions against safety and health hazards unnecessarily puts workers at risk of serious injuries and illnesses."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 12-559-CHI

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US Labor Department's OSHA proposes \$151,300 in fines to Ohio-based

American Showa for lack of personal protective gear, electrical hazards training

BLANCHESTER, Ohio – The U.S. Department of Labor's Occupational Safety and Health Administration has cited American Showa Inc. with 13 safety and health violations – including two willful violations for assigning maintenance personnel to work on energized equipment without personal protective gear and failing to train workers to recognize unsafe electrical work practices. Proposed fines total \$151,300.

OSHA initially opened an inspection of the company's automotive parts manufacturing facility in Blanchester on Nov. 6, 2011, under the agency's National Emphasis Program for Amputations, and then expanded it to a joint safety and health inspection to examine the facility's aluminum die-casting operations.

"American Showa is responsible for ensuring that its employees wear personal protective equipment and receive proper training on electrical safety hazards to prevent injuries in its manufacturing plant," said Bill Wilkerson, OSHA's area director in Cincinnati. "OSHA is committed to protecting workers, especially when employers fail to do so."

Specifically, the willful safety violations are failing to train workers on safe electrical working practices for voltage testing and the use of required personal protective equipment. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

Seven serious safety violations involve failing to provide adequate machine guarding, ensure that workers locked out all energy sources while making repairs inside robot enclosures, de-energize a robot trim press to perform repairs, replace missing grounding prongs on conductive metal-framed pedestal fans that could have become energized and close unused openings on electrical boxes. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

One other-than-serious safety violation is **failing to develop adequate and understandable confined space permits.**

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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Region 4 News Release: 12-561-ATL (123)

April 5, 2012

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**US Department of Labor's OSHA cites truck wash in Jackson, Ga., with 14
safety and health violations; proposed penalties total more than \$57,000**

JACKSON, Ga. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Eagle United Truck Wash LLC for 14 safety and health violations at its facility within the Flying J Truck Stop in Jackson. Proposed penalties total \$57,600 following a February inspection that was initiated based on a complaint.

Two repeat health violations, similar to violations cited in 2007, include failing to provide eye protection for workers using aluminum brightener and other corrosives, and provide access to an emergency eyewash station. One repeat safety violation, similar to a 2009 violation, is allowing workers to conduct maintenance on equipment containing electrical and water sources without an energy control program. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

Seven serious safety violations involve exposing workers to slipping hazards from a ceiling leak in the chemical mixing room, tripping hazards from large holes in the truck wash bay grates, fall hazards from failing to provide guardrails for employees working at heights in excess of 13 feet, lacking proper machine guards on equipment, having a damaged electrical outlet box in the chemical room, using a flexible cord instead of permanent wiring and not having strain relief for an extension cord. Two serious health violations include **failing to identify permit-required confined spaces when employees clean the inside of tanks** and provide hazard communication training to employees on exposure to corrosive chemicals. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

One other-than-serious safety violation is failing to cover low-voltage wiring for the switch control on the boiler and the wall heater, and one other-than-serious health violation is failing to develop a written respirator protection program. Neither violation carries any monetary penalties.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

April 24, 2012

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**US Labor Department's OSHA cites Rochester, NY, milk products manufacturer,
proposes more than \$200,000 in fines, for repeat and serious hazards**

BUFFALO, N.Y. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Upstate Niagara Cooperative Inc. for 12 alleged violations of workplace safety standards at its Rochester production facility. The milk products manufacturer faces a total of \$200,300 in proposed fines.

An inspection by OSHA's Buffalo Area Office identified several deficiencies in the company's process safety management program, a detailed set of requirements and procedures employers must follow to proactively address hazards associated with processes and equipment that involve large amounts of hazardous chemicals. In this case, the chemical was anhydrous ammonia used in the plant's refrigeration system.

"The requirements of OSHA's PSM standard are stringent and comprehensive because failure to effectively evaluate, anticipate, address and prevent hazardous conditions associated with a process can lead to a catastrophic incident," said Arthur Dube, OSHA's area director for western New York.

Specifically, OSHA found that the plant's process hazard analysis did not address all hazards; the plant lacked a system to ensure the recommendations by the process analysis team are resolved and documented in a timely manner; operating procedures were not reviewed as often as necessary; and the PSM program lacked written procedures to maintain the mechanical integrity of refrigeration equipment. These conditions resulted in the issuance of four repeat citations, with \$154,000 in proposed penalties. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. In this case, OSHA cited Upstate Niagara in 2009 for similar hazards at its Cheektowaga, N.Y., plant.

Eight serious citations, with \$46,300 in proposed fines, were issued for obstructed exit routes; an **inadequate confined space entry program, procedures and training**; electric equipment, wiring methods and installations that were not safe or approved for a hazardous location; and incomplete PSM procedures, tests and documentation. The citations can be viewed at http://www.osha.gov/ooc/citations/UpstateNiagaraCooperative_316029693_0418_12.pdf.*

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 12-704-CHI

April 24, 2012

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US Department of Labor's OSHA issues 15 safety violations for workplace hazards to Midwest Biofuel in Clinton, Wis., following complaint inspection

CLINTON, Wis. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Midwest Biofuel LLC with 15 safety and health violations, including a repeat violation for failing to provide an eye wash station. A complaint prompted an Oct. 26 inspection at the organic chemical manufacturer's facility in Clinton. Proposed fines total \$46,200.

"Midwest Biofuel has a responsibility to provide training and safety equipment such as respirators to workers in a manufacturing environment," said Kim Stille, director of OSHA's Madison office. "Repeat violations demonstrate a lack of commitment to worker safety and health. OSHA is committed to protecting workers on the job."

OSHA issues repeat violations if an employer previously was cited for the same or a similar violation of any standard, regulation, rule or order at any other facility in federal enforcement states with the last five years. A similar violation involving failure to provide an eye wash station was cited in 2007, among a total of 18 violations.

The company has been cited with 12 serious violations for failing to use proper electrical equipment in the control room; correct deficiencies of its hazard analysis and operating procedures; investigate chemical releases; train workers engaged in chemical hazard clean-up operations; provide material safety data sheets for process chemicals; **develop, implement and train workers on the permit required confined space program**; evaluate fork lift operators; develop and implement a respiratory protection program, including fit testing; and provide medical evaluations for workers required to wear respirators. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Two other-than-serious violations have been cited for failing to record injuries and illnesses on the OSHA 300 log and post floor loading limits on a mezzanine used for storage. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 12-753-CHI

April 25, 2012

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US Department of Labor's OSHA cites Ohio-based Garland Welding
for failing to protect workers from safety and health hazards

LOWELLVILLE, Ohio – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Garland Welding with 30 violations at its Lowellville metal fabrication shop. A complaint prompted a health inspection on Oct. 26, 2011, which triggered a subsequent safety inspection. Proposed fines total \$94,500.

"Failing to have proper machine guards increases the risk of amputation, among others," said Howard Eberts, OSHA's area director in Cleveland. "OSHA is committed to protecting workers, especially when employers fail to do so."

Fourteen serious health violations involve **failing to provide adequate ventilation within confined spaces during welding operations; evaluate sites as permit-required confined spaces**; develop an effective hearing conservation program; develop a written respiratory protection program to evaluate hazards and train workers; train workers to use and periodically inspect fire extinguishers; develop a written hazard communication program to teach chemical awareness; maintain material safety data sheets for hazardous chemicals; assess whether existing hazards necessitate personal protective equipment; and maintain and provide reliable welding helmets. Another health citation involves failing to keep flammable and combustible liquids stored around spray operations to a less than needed per-shift level and in amounts less than 120 gallons outside of storage cabinets.

Additionally, 12 serious safety violations involve failing to establish a hazardous energy control program for equipment maintenance, properly inspect powered industrial trucks, inspect cranes annually, remove defective web slings from service and provide point-of-operation guards for foot treadles, mechanical presses and flywheels. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Four other-than-serious violations involve failing to record injuries and illness on the OSHA Form 300 for 2010 and 2011, ensure competent industrial vehicles operation via a training and evaluation program, and provide guarding of a flywheel on a mechanical press brake.

Region 4 News Release: 12-1014-ATL (194)

June 4, 2012

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US Department of Labor's OSHA cites AZZ Galvanizing Services in

Mississippi for 22 safety and health violations; proposes \$78,500 in fines

RICHLAND, Miss. – AZZ Inc., doing business as AZZ Galvanizing Services in Richland, has been cited by the U.S. Department of Labor's Occupational Safety and Health Administration for 22 safety and health violations following an inspection that began in December 2011 after OSHA received a complaint alleging hazards.

Seventeen serious safety and health violations include failing to conduct inspections of lockout/tagout procedures; protect workers from trip and fall hazards; ensure the use of seatbelts while operating a powered industrial truck; **provide adequate signage for permit-required confined spaces**; mark the maximum load capacity for cranes; protect employees from live electrical parts and hot surfaces; and provide a hearing conservation program. Additional violations involve damaged and unmarked hook lifting devices, a defective powered industrial truck, an emergency eye wash station with pressure exceeding the maximum allowable pounds per square inch, flexible cords used as permanent wiring and unapproved electrical cords in wet locations. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. Proposed penalties for these citations total \$78,500.

Citations carrying no monetary penalties have been issued for five other-than-serious safety and health violations, including failing to provide appropriate warning labels on hazardous chemicals, use electrical equipment properly and provide adequate exit signage, as well as allowing electrical cords to run through a hole in a ceiling, windows and doorways. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical har.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: 12-1166-DAL

June 28, 2012

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**US Department of Labor's OSHA proposes \$45,000 in fines to
Southwest Feed Mills for safety hazards at Dallas grain handling facility**

DALLAS – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Southwest Feed Mills Inc. with 12 serious safety violations for exposing workers to combustible dust, falls, unguarded machines and other hazards at the company's Dallas facility. A December 2011 inspection was initiated as part of OSHA's Regional Emphasis Program on Grain Handling Facilities. Proposed penalties total \$45,000.

The violations include failing to provide fall protection equipment, train workers on the use of powered industrial trucks, ensure that moving machinery parts are guarded, **ensure receiving-pit feed openings are covered by grates to prevent workers from falling into the pit**, ensure that the bucket elevator is not jogged to prevent igniting combustible materials, ensure that electrical equipment is approved for locations containing combustible dust, implement a housekeeping program to control combustible dust and develop confined space procedures. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"Excessive amounts of fugitive grain dust at this grain handling facility expose workers to possible fires and explosions," said Stephen Boyd, director of OSHA's Dallas Area Office. "These violations demonstrate the company's lax attitude toward protecting its workers from serious injuries at this facility. Employers must provide a safe and healthy work environment for their employees."

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 2 News Release: 12-1340-NEW (osha 12-087)

July 5, 2012

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**US Labor Department's OSHA proposes \$124,000 in fines to Earth Friendly
Products in Norwood, NJ, for workplace safety and health hazards**

NORWOOD, N.J. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Earth Friendly Products for 23 serious safety and health violations at its Norwood facility. OSHA initiated an inspection in response to a complaint and found workers being exposed to machine guarding, **confined space**, and flammable liquid storage and handling hazards, among other violations. Proposed penalties total \$124,000.

"The large number and extensive range of safety and health hazards found at this establishment are of great concern to the Occupational Safety and Health Administration," said Lisa Levy, OSHA's area director in Hasbrouck Heights. "This employer needs to address the hazards to prevent injuries from occurring at its facility."

The violations reflect **hazards related to confined space entry, deficient** "lockout/tagout" procedures to prevent machinery from accidentally starting up, failing to train powered industrial trucks operators and make sure that truck modifications are performed with the manufacturer's prior written approval, insufficient machine guarding equipment, junction boxes connected with flexible cords instead of being mounted on the wall, unlabeled breakers on the panel, unsafe flammable liquid storage and handling, personal protective equipment and respirator deficiencies, a lack of eye wash stations, and a lack of fire extinguisher training and hazard communications. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"A first step toward a safer, more healthful workplace is to develop and implement an injury and illness prevention program in which management and workers proactively identify and eliminate hazardous conditions," said Robert Kulick, OSHA's regional administrator in New York.

The citations can be viewed at

http://www.osha.gov/ooc/citations/earthfriendlyproducts314681693_314681628.pdf*

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 12-1389-CHI
July 16, 2012

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**US Labor Department's OSHA cites Raani Corp. for
14 safety and health violations at Bedford Park, Ill., plant**

BEDFORD PARK, Ill. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Raani Corp. in Bedford Park for 14 safety and health violations, such as failing to protect workers from improperly guarded power saws and hazardous chemicals, among others. OSHA initiated a safety inspection on Feb. 14 and a health inspection on Feb. 24. Proposed penalties from both inspections total \$60,300.

"Employers have a responsibility to protect their workers from workplace hazards and dangerous chemicals," said Gary Anderson, director of OSHA's Calumet City Area Office. "It is imperative that employers make the commitment to safety and health to ensure that employees are not continually exposed to hazards such as these."

Six serious safety violations involve failing to perform inspections of the electrical "lockout" program for machines' energy sources; guard saws, sanders and grinders; and conduct daily forklift inspections. Six serious health violations involve **failing to evaluate and label permit-required confined spaces**, repair welding cables, properly enclose electrical receptacles located in a wet area and determine workers' 8-hour time-weighted averages for exposures to chromium, benzene and formaldehyde. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

One other-than-serious health violation is failing to properly maintain OSHA 300 logs to record injuries and illnesses and one other-than-serious safety violation is failing to ensure that proper electrical wiring is used in a hazardous location. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

In December 2011, a worker died from chemical burns sustained at the plant. OSHA conducted an investigation and issued citations in May, carrying proposed penalties of \$473,000, for 14 violations. OSHA also placed Raani Corp. in the agency's Severe Violator Enforcement Program, which focuses on recalcitrant employers that endanger workers by committing willful, repeat or failure-to-abate violations and mandates targeted follow-up inspections to ensure compliance with the law.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 7 News Release: 12-1465-KAN

July 25, 2012

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**US Labor Department's OSHA cites Schuld/Bushnell with repeat safety
violations after follow-up inspection at Valley, Neb., tank manufacturing plant**

VALLEY, Neb. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Bushnell Illinois Tank Co., which operates as Schuld/Bushnell in Valley, with eight safety and health violations based on a follow-up inspection for **hazards associated with workers who enter and work in permit-required confined spaces.** Proposed penalties total \$116,270.

Bushnell Illinois Tank Co. is located in Bushnell, Ill., and manufactures tanks for agriculture and commercial applications such as grain and feed storage.

OSHA initiated the follow-up inspection at Schuld/Bushnell in January 2012 to determine if hazardous conditions continued to exist after a January 2011 inspection resulted in citations of OSHA's permit-required confined space standard. The standard establishes procedures to protect workers who must enter, work in or exit spaces with configurations that hinder their activities. In addition, the configurations of such spaces may increase workers' exposure to hazards such as entrapment, engulfment and/or hazardous atmospheric conditions, which can lead to serious physical injury, illness or death.

A willful violation has been cited for the **presence of these hazards without an employer permit-required confined space program. Workers entered tanks to weld the bottom to the cylinder, attach ladders and aeration fans, and apply sealant in the finishing area.** A willful violation is one committed with intentional knowledge or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

Four repeat violations involve **failing to provide a permit-required confined space hazard evaluation prior to employee entry, provide appropriate equipment for making permit-required confined space entries, test and monitor permit-required confined space conditions prior to entry and train workers on entering permit-required confined spaces.** These violations previously were cited during the 2011 inspection. A repeat violation exists when an employer previously has been

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
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cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years.

Two serious violations relate to a **lack of worker training to establish proficiency in permit-required confined space procedures** and a lack of determination regarding exposure of employees to the chemical hexavalent chromium. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

One other-than-serious violation addresses hazards associated with failing to implement a respirator program relative to proper storage of respirators. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"Employers have a responsibility to protect the safety of their workers on the job and to know the unique hazards that exist in their work environments," said Charles E. Adkins, OSHA's regional administrator in Kansas City, Mo. "Employers who are cited for repeat violations or in follow-up inspections have failed to demonstrate a commitment to workers' safety and health."

The citations in this case can be viewed at http://www.osha.gov/ooc/citations/Cits_Insp316019215.pdf*

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 12-1434-CHI

July 30, 2012

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US Labor Department's OSHA cites Dukane Precast for failing to call emergency services after worker seriously injured when engulfed in sand
Proposed fines total \$70,000 for Naperville, Ill., company

NAPERVILLE, III. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Dukane Precast Inc. in Naperville with four safety violations, including one willful violation for **failing to immediately call emergency services when a worker became engulfed in a sand bin and suffered serious crushing injuries. Plant employees allegedly attempted to rescue the worker for more than an hour before the company summoned emergency assistance.** Proposed fines total \$70,000.

"Dukane Precast failed to enforce rules in place to protect workers. Employers have a responsibility to immediately seek emergency assistance when a worker is injured on the job and to prevent others from putting themselves at risk in a rescue operation," said Kathy Webb, area director for OSHA in North Aurora.

The willful violation is for **failing to immediately call rescue services when the worker became engulfed in sand after he had walked into the bin and onto the sand to level it.** A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

Three serious safety violations have been cited for failing to maintain a railing to protect workers from dangerous equipment, **prevent unauthorized workers from entering a permit-required confined space and prepare entry permits prior to entering a confined space.** A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Dukane Precast Inc. is a concrete manufacturer that employs 90 workers. The company has been inspected by OSHA 14 times since 1981, and has been issued a total of 25 violations.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 8 News Release: 12-1536-MON (SF-165)

Aug. 7, 2012

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US Department of Labor's OSHA cites American Pulses for multiple safety violations after follow-up inspection at Hingham, Mont., facility

BILLINGS, Mont. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited American Pulses Ltd. with 13 safety – including six repeat – violations for exposing workers to multiple hazards at the company's facility in Hingham. OSHA has proposed \$82,500 in penalties based on a February inspection that was conducted as a follow-up to an April 2011 inspection.

American Pulses is a crop processor and exporter of peas and lentils. The 2011 inspection resulted in citations for 12 violations, and the findings were resolved under a settlement agreement. However, OSHA found during the most recent inspection that the company had failed to abate some of the violations.

"This employer's failure to follow through with correcting safety violations identified in 2011 left employees exposed to grave hazards that could result in serious injury or even death," said Jeff Funke, director of OSHA's Billings Area Office. "It is unacceptable for an employer to renege on its legal responsibility to provide workers with a safe and healthful work environment."

Six repeat violations include failing to provide lighting in elevators, guardrails on platforms, handrails on stairs, and guarding on horizontal shafts, pulleys and shaft ends. The citations carry \$51,480 in penalties. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. Similar violations were cited based on the April 2011 inspection.

Seven serious violations include failing to use a readable compressed gas regulator, ensure that floor holes around boot pits are guarded, **provide a confined space program**, implement housekeeping to ensure that combustible dust does not accumulate, implement a fall protection program to prevent fall hazards, use approved electrical components and have an effective respiratory protection program. The citations carry \$31,020 in penalties. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 8 News Release: 12-1564-DAK

Aug. 7, 2012

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**US Department of Labor's OSHA cites Adams Thermal Systems in Canton, S.D.,
with 51 violations for exposing workers to variety of safety and health hazards
Company placed in OSHA's severe violator program; proposed fines total \$225,000**

CANTON, S.D. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Adams Thermal Systems Inc. in Canton with 51 safety and health violations following a February inspection prompted by a complaint alleging multiple concerns at the coolant core manufacturing facility. Proposed penalties total \$225,000.

"The multitude of violations found during this inspection demonstrates this employer's serious shortcomings toward a commitment to providing a safe and healthful workplace," said Eric Brooks, OSHA's acting area director in Bismarck, N.D. "OSHA is committed to protecting workers on the job, especially when employers fail to do so."

A total of 44 serious safety violations cited include failing to provide proper housekeeping, mark emergency exits and keep pathways free and unobstructed; ensure that lockout devices prevented unintended equipment startup; provide fall protection on open-sided platforms, machine guard pulleys, belts and saws; conduct and document forklift and crane inspections; remove defective rigging equipment from services; properly store gas cylinders; provide safety training and label hazardous gas piping. One serious health violation cited is for failing to use personal protective equipment identified on a hazard assessment and ensure that the equipment fits affected workers. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard an employer knew or should have known exists.

Three other-than-serious safety violations cited involve the labeling of overhead storage areas, **confined space evaluation** and sprinkler head clearance distance. Three other-than-serious health violations include a lack of record keeping and noise monitoring programs, and chemical exposures. An other-than-serious violation is one that has a relationship to job safety and health but would not directly cause death or serious physical harm.

Prior to this inspection, Adams Thermal Systems had been inspected by OSHA five times since 2004, including a fatality investigation opened in November 2011

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 12-1619-CHI

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US Labor Department's OSHA cites H. Nagel and Son Co. flour mill in Brookville, Ohio, with 23 violations for exposing workers to hazards

BROOKVILLE, Ohio – The U.S. Department of Labor's Occupational Safety and Health Administration has cited H. Nagel and Sons Co. for a total of 23 safety and health, including two repeat, violations related to OSHA's respirator and machine guarding standards. The company faces total proposed penalties of \$62,090 following an inspection of its Brookville flour mill and mix facility, which was initiated by OSHA in May under the agency's local emphasis program on grain handling operations.

"Employers cited with repeat violations have demonstrated a lack of commitment to worker safety and health, and contempt for OSHA's standards," said Bill Wilkerson, OSHA's area director in Cincinnati. "OSHA is committed to protecting workers on the job, especially when employers fail to do so."

One repeat health violation is failing to provide workers with information on respirator standards, and one repeat safety violation is failing to properly guard vertical and inclined belts. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. Similar violations were cited in 2011 at the company's Cincinnati facility.

Fifteen serious safety violations include failing to guard floor openings, provide fall protection for employees working on top of a roof, provide specific lockout/tagout energy control procedures, guard machines and **provide a confined space entry permit to workers who enter bins for cleaning purposes**. Other safety violations involve electrical safety standards such as using damaged extension cords. One serious health violation is failing to train workers on the hazards of pesticides used in the facility. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Five other-than-serious safety violations involve failing to identify and place hazard warnings on containers, have a competent person inspect the belt manlift every 30 days, provide portable fire extinguisher training and mark an exit with a sign. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 1 News Release: 12-2145-BOS/BOS 2012-187

Oct. 24, 2012

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**Craft brewer cited by US Labor Department's OSHA for safety hazards
at New Hampshire brewery following fatality caused by April keg explosion**

CONCORD, N.H. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Portland, Ore.-based Craft Brew Alliance Inc. with 14 alleged serious violations of workplace safety standards following the April 24 death of an employee at the company's Redhook Brewery in Portsmouth. The employee was using a compressed air line to purge liquid from the interior of a plastic keg when the keg exploded and fatally struck him.

An investigation by OSHA's Concord Area Office determined that the explosion resulted from excess air pressure introduced into the keg from the keg cleanout line. The line lacked an air regulator that would have limited its air pressure to less than 60 PSI, or pounds per square inch, which is the maximum air pressure limit recommended by keg manufacturers. In this case, OSHA also found that other employees who used the cleanout line were exposed to the same hazard while cleaning out steel kegs.

One serious violation related to the fatality is exposing employees to struck-by hazards by exceeding manufacturers' recommended air pressure maximum while cleaning out kegs. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"The inability to regulate air pressure when cleaning out kegs exposed employees to a recognized hazard of being struck by debris should the kegs explode due to being overpressurized," said Rosemarie Ohar, OSHA's New Hampshire area director. "One means of correcting this hazard, among others, and preventing future deaths or injuries is to install an air pressure regulator on the keg cleanout line so that the air pressure does not exceed manufacturers' recommended maximum."

OSHA's inspection of the brewery identified numerous additional hazards unrelated to the explosion. These include **deficiencies in procedures for work in a confined space**, incomplete procedures for locking out machines' power sources before performing maintenance, unguarded machinery, the improper storage of oxygen and acetylene tanks, and failing to inform welders of chromium hazards. Thirteen additional serious violations have been cited for these conditions.

Craft Brew Alliance Inc. faces a total of \$63,500 in proposed fines, and has 15 business days from receipt of its citations and proposed penalties to comply, meet informally with the OSHA area director or contest the findings before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 3 News Release: 12-2148-PHI (osha 12-118)

Nov. 1, 2012

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**US Department of Labor's OSHA proposes \$58,000 in fines to
New Castle, Pa., recycling company for 27 workplace safety, health hazards**

NEW CASTLE, Pa. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Donald R. Klein, doing business as Vortex Recycling Inc., for one repeat, 25 serious, and one other-than-serious violation of safety and health standards. OSHA initiated an inspection of the company's New Castle facility in response to a complaint. Proposed penalties total \$58,000.

The repeat violation involves failing to remove defective or unsafe powered industrial trucks from service. The citation carries a \$5,600 fine. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. A similar violation was cited in 2008.

The serious violations include a variety of fall, electrical and struck-by hazards; using equipment that is improperly installed, identified and located; improperly maintaining emergency eyewash stations, shower facilities and portable fire extinguishers; having unguarded machinery; crane deficiencies; a lack of proper housekeeping procedures for areas around plant equipment; and failing to develop programs for energy control, hearing conservation, **permit-required confined spaces** and hazard communication. The citations carry \$51,700 in penalties. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer know or should have known.

The other-than-serious violation is having unsanitary eating areas. The citation carries a \$700 penalty. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"These violations pose serious risks to Vortex Recycling workers and must be addressed immediately," said Theresa A. Naim, director of OSHA's Erie Area Office. "Employers are responsible for ensuring safe and healthful workplaces, and will be held legally accountable when they fail to do so."

The oil filter recycler employs 20 workers at its New Castle facility and has 15 business days from receipt of the citations and penalties to comply, request an informal conference with the OSHA area director, or contest the findings before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 5 News Release: 12-2183-CHI

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US Labor Department's OSHA cites tank cleaning service for confined space hazards at Lansing, Ill., facility; proposed fines exceed \$142,000

LANSING, Ill. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Dedicated TCS LLC with 11 safety and health, including two willful, violations, primarily for **failing to protect workers in confined spaces.** OSHA opened an inspection of the company's Lansing facility, which cleans tank trailers, upon receiving a complaint alleging hazards. Proposed penalties total \$142,100.

OSHA's permit-required confined space standard establishes procedures to protect workers who must enter, work in or exit spaces with configurations that hinder their activities. In addition, the configurations of such spaces may increase workers' exposure to hazards such as entrapment, engulfment and/or hazardous atmospheric conditions, which can lead to serious physical injury, illness or death.

"A confined space has limited or restricted means for entry or exit, and it is not designed for continuous employee occupancy, which makes monitoring workers' activities in these spaces vital to their safety and health," said Gary Anderson, OSHA's area director in Calumet City. "OSHA is committed to protecting workers on the job, especially when employers fail to do so."

The willful violations, both safety, **involve failing to provide a mechanical lifting device that could help rescue workers from confined spaces as well as an attendant to monitor the safety of workers operating within permit-required spaces.** A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

Most of nine serious safety and health violations relate to the confined space standard. These include **failing to test conditions; provide appropriate explosion-proof lighting; review entry operations; verify permit entries, such as required tests and procedures; sign permits to authorize entry; provide training for the safe performance of duties in confined spaces; and certify that training has been accomplished.** The violations also include failing to provide hazard communication and personal protective equipment training for workers exposed to contact with corrosive chemicals. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 6 News Release: 12-2235-DAL

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US Department of Labor's OSHA cites Williams & Davis Boilers in Hutchins, Texas, with repeat, willful and serious violations during follow-up inspection

HUTCHINS, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Williams & Davis Boilers Inc. with nine safety violations - including one willful, four repeat and four serious - for continuing to expose workers to fall and other hazards at the company's facility in Hutchins. Proposed penalties total \$131,670.

A May inspection was conducted as a follow-up to another in July 2011.

The willful violation involves operating a 10-ton overhead crane without bridge brakes and failing to ensure that the crane had sufficient clearance to prevent the bridge from striking the building. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The repeat violations include failing to protect workers from fall hazards while jacketing boilers 4-10 feet above the floor, ensure that workers are trained to safely operate powered industrial trucks, ensure that workroom floors are kept clean and dry, and keep pendant controls on overhead cranes clean so that the function labels are legible. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. Similar violations were cited during the 2011 inspection.

The serious violations include failing to ensure that personal protective equipment is designed and constructed for the work performed, **implement confined space entry procedures for workers who perform welding duties inside de-aerators and boilers**, establish energy control procedures for machinery with more than one energy source and ensure that powered industrial trucks are taken out of service when in need of repair. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

"This employer is well aware of the hazards to workers and has had several opportunities to come into compliance with OSHA's safety standards. Instead, the employer has continued to allow the conditions to exist while putting workers at risk of injury or much worse," said Stephen Boyd, OSHA's area director in Dallas.

The citations can be viewed

at http://www.osha.gov/oc/citations/Williams_and_Davis_Boilers_432852_1114_12.pdf.*

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 7 News Release: 12-2348-KAN

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US Labor Department's OSHA cites CPI-Lansing LLC for exposing workers to grain bin hazards at Red Cloud, Neb., facility; proposes fines of \$144,400

RED CLOUD, Neb. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited CPI-Lansing LLC, a grain storage facility in Red Cloud, with three safety violations-including two willful-for **allowing workers to enter grain bins while sweep augers were operating.** OSHA initiated the complaint inspection in May under the agency's grain handling local emphasis program. Proposed penalties total \$144,400.

"CPI-Lansing allowed workers to enter grain bins to loosen or sweep grain into the operating sweep auger. This is a dangerous practice that has been associated with serious injury and death," said Charles E. Adkins, OSHA's regional administrator in Kansas City, Mo. "Hazards associated with grain handling are well-recognized within the grain industry, and OSHA regulations must be followed to keep workers safe."

Two willful violations address hazards associated with **failing to lock out the energy sources of mechanical equipment during bin entry and to ensure workers are using a body harness and lanyard while working in grain bins and provide rescue equipment for workers entering bins.** A willful violation is one committed with intentional knowledge or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health.

The serious violation involves hazards associated with the use of a deficient handrail on a stairway. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

OSHA's grain bin local emphasis program addresses specific recognized hazards in grain handling, such as falls, electrocution, engulfment, auger entanglement, "struck by" dangers and combustible dust explosions. For more safety and health information on grain handling facilities, visit <http://www.osha.gov/SLTC/grainhandling/index.html>.

The CPI-Lansing facility provides storage and drying of grains, such as corn, beans and milo, and is a subsidiary of Cooperative Producers Inc., which is based in Hastings. The company operates 40 grain-handling facilities around the state. Citations can be viewed at:http://www.osha.gov/ooc/citations/CPIlansing_474038_1129_12.pdf.

OSHA News Releases-Confined Spaces 2010-2012
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www.hzburgess.com

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**US Labor Department's OSHA cites Honeywell Electronic Chemicals for
multiple process safety management violations in Mansfield, Texas**

MANSFIELD, Texas – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Honeywell Electronic Chemicals LLC with 10 serious safety and health violations at the company's facility in Mansfield. Proposed penalties total \$53,000.

OSHA's Fort Worth Area Office personnel opened an investigation at the company's facility at U.S. Highway 287 North as a part of the agency's national emphasis program on process safety management, known as PSM, for covered chemical facilities. Employees were found to be exposed to catastrophic releases of highly hazardous chemicals while conducting operations at the plant.

"This company jeopardized the safety of its employees by failing to implement OSHA's process safety management regulations effectively," said Jack Rector, OSHA's area director in Fort Worth, Texas. "OSHA requires employers to provide safe and healthful working conditions to prevent accidents and illnesses."

Six serious violations all relate to PSM, and include failing to ensure process equipment complies with recognized and generally accepted good engineering practices; ensure standard operating procedures were annually certified; conduct an incident investigation within 48 hours and ensure piping and instrumentation diagrams were up-to-date.

Four additional serious violations involve **failing to ensure** emergency exits were properly marked, **confined spaces were identified by signage**, the location of fire extinguishers were properly labeled and that hazardous containers were properly labeled. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Honeywell Electronic Chemicals, a subsidiary of Chandler, Ariz.-based Honeywell International Inc., employs about 30 workers in Mansfield. The company has 15 business days from receipt of its citations to comply, request an informal conference with OSHA's Fort Worth area director or contest the citations and proposed penalties before the independent Occupational Safety and Health Review Commission.

OSHA News Releases-Confined Spaces 2010-2012
Courtesy of Burgess and Associates-Hot Zone USA
www.hzburgess.com

Region 7 News Release: 12-2424-MON (SF-247)

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US Labor Department's OSHA cites Fiberglass Structures Inc.

with 12 safety violations for exposing Laurel, Mont., workers to hazards

BILLINGS, Mont. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Fiberglass Structures Inc., a subsidiary of Texas-based L.F. Manufacturing Inc., with 12 serious safety violations for exposing workers to multiple hazards at the company facility in Laurel. OSHA conducted an inspection in August and has proposed \$75,600 in penalties.

Fiberglass Structures received one repeat violation for not containing energized wires with covers in a flammable area, which carries a \$12,600 penalty. A repeat violation exists when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. A similar violation was cited at the Waycross, Ga., facility in 2009.

"Something is seriously wrong when an employer repeatedly disregards specific safety standards required to protect workers from serious injuries or death," said Jeff Funke, director of OSHA's Billings Area Office. "Neglecting the safety of workers is simply unacceptable."

Inspectors found 11 serious violations, with a \$63,000 penalty, which involve exposing workers to fire and explosion hazards in spray booths; various electrical hazards; improper storage of chemicals; **confined space deficiencies**; inadequate eyewash facilities; **failure to use and require personal protective equipment; and provide adequate training for confined space and personal protective equipment**. A serious violation occurs when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known.

Fiberglass Structures is a manufacturer of molded composite and Fiberglass-reinforced plastic products. The company has 15 business days from receipt of the citations and penalties to comply, request an informal conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission.