

SafetyAlert

FOR SUPERVISORS

The No. 1 source of actionable information to help supervisors keep their people safe

Including:
Supervisor's
Safety Toolbox

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A woman suffered fatal injuries when her shirt got caught in a machine.

Worker drank whiskey, then operated hazardous machine

Crew leader was unsteady on his feet and staggering around

Incident summary

The leader of a two-person work crew thought it would be OK to drink nearly two bottles of whiskey and then operate a wood chipper.

The damage

Even though it wasn't yet noontime, the leader of a two-person work crew was consuming whiskey in the truck on the way to a job site.

The men had been charged with removing trees that had already been felled by a different crew. For nearly ten hours, the two employees fed trees and branches into a wood chipper. All the while, the crew leader continued to

drink whiskey.

It was near the end of the day and there was only one tree remaining. By this time, however, the crew leader was unsteady on his feet and staggering around.

Nevertheless, the coworker allowed his boss to feed the last tree into the chipper.

The crew leader was using his hands to push branches into the chipper. Suddenly, his arm became entangled in the in-feed mechanism, and he was pulled into the unit's rotating blades.

When the coworker heard a strange sound from the chipper, he walked over to see what was going on. The man observed his boss

halfway inside the machine. He dialed 9-1-1, but by the time paramedics arrived, the crew leader was already dead.

Findings

The police found an empty fifth of whiskey and another half-empty fifth of whiskey in the vehicle the crew had used to get to the work site.

A toxicology report prepared by the coroner showed the victim's blood alcohol level to be 0.331%.

The employer should've developed procedures for allowing employees to flag drunk coworkers, even when the inebriated individual happened to be the boss.

Was staffer killed because supervisor didn't analyze the hazards of the job?

Victim's family sues, claiming a pre-job review would've identified a deadly danger

"We didn't even know that light pole was still energized," said Maria, the supervisor. "How could we have anticipated that Jay would contact the pole and suffer an electrocution?"

"That's a fair question, of course," said Barbara, the plant manager. "However, Jay's family is arguing that we should've known that the pole was still energized. And to prove their point, they've

filed a lawsuit against us."

"Aren't they getting workers' comp survivor benefits?" asked Maria.

Gross negligence

"Yes, they are," said Barbara. "But the family says our gross negligence led to Jay's death, so they're suing for a bigger payout. Let's talk about how Jay got hurt."

"Jay was helping his boss remove some bolts from the

base of a light pole," said Maria. "One of the bolts was really stuck, and both men were pulling on a wrench to loosen it. When Jay switched his position and started pushing on the wrench, he lost his balance and contacted the light pole, which was still energized. He suffered a fatal injury."

"The family claims that we should've conducted a job hazard analysis before

the work started," said Barbara. "If we'd done so, we would've discovered that the pole was powered up. Why did the light pole still have an electrical current?"

Slipshod repairs

"We're not entirely sure," replied Maria. "As best we can figure, the pole wasn't properly installed to begin with, and then someone

(Please see *Hazards of the job ...* on p. 2)

Hazards of the job ...

(continued from p. 1)

made slipshod repairs to it and left it energized.”

“The family claims that it’s not unreasonable to expect that a light pole might still have an electrical current running through it,” said Barbara. “They allege that we should’ve assumed the pole was energized and taken steps to protect Jay by, for instance, shutting down electricity to the circuit that powered the pole.”

No electrical work

“That sounds good after the fact,” said Maria. “However, the job wasn’t supposed to involve any electrical work. Plus, there was no reason to think that Jay would contact the pole.”

“According to the family,” said Barbara, “a well-done job hazard analysis would’ve identified the pole as a potential hazard and ensured that power to it was shut off, as required by OSHA regulations.”

Every single hazard

“We can’t possibly anticipate every single hazard for every single job,” said Maria. “We should fight this lawsuit.”

Result: The company won. The court dismissed the case.

The judge ruled that there was no evidence that the company knew the pole was energized and deliberately exposed the worker to the hazard,

which is the legal standard the family had to meet in or order to proceed with its lawsuit.

Good idea

Yes, said the court, a job hazard analysis would’ve been a good idea. Nevertheless, there was no reason to have expected the pole to be energized. And the task wasn’t supposed to involve any electrical work.

While the employer probably could’ve done a better job of protecting its crew member, there wasn’t enough proof that managers knowingly exposed the victim to an obvious electrical hazard.

Based on Moreno v. K-Bar Texas Electric, Inc.

What it means to you

Don’t forget the importance of routinely conducting job hazard analyses before your crew performs potentially dangerous assignments.

Try to make the analysis as comprehensive as possible. Yes, of course, you should consider potential dangers that could happen during the performance of the task.

But what if something goes wrong? What if alternative measures have to be used in order to accomplish the work? Is it possible that the alternative measures could create a new hazard?

In this case, a job hazard analysis might have shown the pole to be a potential hazard if there was a problem removing the bolts. If so, it would have made sense to de-energize the power to the pole.

You make the call

Man took hard hat off for ‘just a few minutes’

“We couldn’t have expected Martin to be where he was,” said George, the supervisor. “He was supposed to be cleaning up in a different area, but for some unknown reason, he decided to sweep up right below where a crew was laboring at an elevated location.”

“Yes,” replied Tammy, the compliance officer, “and despite the overhead hazard, your crew member wasn’t wearing a hard hat.”

“We weren’t even aware of the potential danger,” said George. “Martin was trained on

the importance of head protection, yet he ignored his training.”

Blame the worker

“You can’t blame the worker,” said Tammy. “If there was even a slight possibility that he could’ve been exposed to overhead hazards, you had to ensure that he wore a hard hat.”

“Martin said he wasn’t using the head protection because he’d just returned from a break and forgot to put the safety gear back on,” said George.

“That’s lame,” said Tammy. “The hard hat

would’ve protected him from a head injury if someone laboring overhead dropped a tool or something else.”

“I don’t disagree,” said George. “However, Martin had his hard hat off for just a few minutes. We didn’t even get a chance to observe the violation, let alone fix it.”

“He was working without safety gear in front of everyone,” said Tammy. “I’m citing you.”

“We didn’t even know the rules were being violated,” said George. “We’ll fight your fine.”

Did the company win?

■ *Make your call, then please turn to page 4 for the court’s ruling.*

SafetyAlert

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quick ideas

Cover pipes, cables to reduce dust buildups

You can decrease the likelihood of a combustible dust explosion by putting covers around pipes or cables in order to reduce the number of surfaces on which hazardous dust can build up.

Bonus: It's even better if pipes and cables can be positioned behind walls to help shield them from dust accumulations.

How to quickly lower staffers' temperatures

Should a crew member begin to suffer heat stress while laboring in high temperatures, you want to reduce his or her body temperature as quickly as possible.

Here's one way to do that: Place cold, wet clothes or ice all over the victim's body. You could also soak the person's clothing with cold water.

Why welders should often change positions

In order to reduce the chances of suffering musculoskeletal injuries while performing welding tasks, staffers should know to avoid working in one position for a long time.

They should also keep the work at a comfortable height, use a footrest when standing for long periods of time, store tools and materials in easily accessible locations, and take steps to minimize tool vibration during the job.

Safe storage of drums containing flammables

You might already know that drums containing flammable or combustible liquids shouldn't be stored in the direct sunlight or near heat sources, but do you know why?

Here's the deal: The storage of full drums in direct sunlight or near heat sources can increase pressure and could, in extreme cases, cause the drum to rupture.

A pressure buildup could also cause vapor to spray onto the face or the clothing of someone opening the drum. **Key:** You can use a pressure release vent to prevent the pressure increase.

Mistakes that hurt

Respirator cartridges weren't swapped out

Consider the development of a spreadsheet to track when respirator cartridges have been changed out based on exposure data.

Company: Interstate Commodities, Fremont, NE.

Business: Commodity storage.

Agency: OSHA.

Fine: \$228,592 (proposed).

Reason for fine: The employer failed to implement a respirator cartridge change schedule based on exposure data for full-facepiece, tight-fitting respirators.

Note: The company also neglected to issue entry permits prior to confined-space work. OSHA knocked on the door after learning that an employee had been fatally engulfed inside a grain storage silo.

Unopened ladder propped against wall

At your next tailgate talk on ladder safety, remind staffers that ladders need to be set up properly. For instance, A-frame ladders can't be propped against walls unopened and then used in that position to reach elevated locations.

Company: Jaime Martinez Hernandez, Phenix City, AL.

Business: Contractor.

Agency: OSHA.

Fine: \$240,880 (proposed).

Reason for fine: Employees were allowed to lean an unopened A-frame ladder against a wall in order to elevate themselves to a height of nine feet.

Note: Also, workers using nail guns weren't wearing safety goggles. The company has been cited for safety violations following six inspections over the past five years.



safety news for supervisors

OSHA: Discourage workers from sharing their tools, equipment

To reduce the chances that the coronavirus will spread among your crew members, discourage workers from using other staffers' tools and equipment. Instead, provide each employee with his or her own tools, if possible.

That's one suggestion provided in a recent OSHA alert outlining steps that employers can take now to reduce the spread of the coronavirus.

The alert also recommends that managers encourage workers to stay home if they're sick. And the alert advises employers to offer flexible work hours.

Other suggestions in

the alert include

- providing refresher training on how to properly put on, take off, use and maintain safety equipment and clothing, especially respirators
- adopting innovative approaches for creating distance between workers, e.g., repositioning workstations or installing plexiglass shields between workstations
- allowing employees to wear masks
- encouraging crew members to report their safety or health concerns

Watch for scammers posing as inspectors for safety agencies

With all the balls you're juggling to keep working through the coronavirus

pandemic, you now have one more thing to worry about: scammers posing as safety compliance officers.

Consider a newly issued warning from Oregon OSHA about fraudsters taking advantage of the confusion caused by the coronavirus. According to the safety agency, people are showing up at work sites pretending to be safety compliance officers, then issuing thousands of dollars in fines and demanding immediate cash payments.

Oregon OSHA said employers should always ask for an inspector's credentials. It's also important to know that legitimate compliance officers never request cash payment at the time of the inspection.



legal developments

Manager ignores safety risk, tells crew to get back to work

Safety insight: Don't turn a blind eye to potential hazards faced by contract employees. Even if a written agreement states that you're not responsible for contractor safety, it's usually in your best interests to eliminate obvious dangers.

What happened: A contract crew was laboring inside a trench when the contract supervisor noticed soil spilling into the hole. He notified the company that had hired the contract firm and requested a trench box. A company representative arrived at the job site, examined the hole, and told the contract supervisor that

a trench box wasn't needed and that his crew needed to get back to work.

What people did: Later that day, a contract worker was injured when the walls of the trench collapsed and partially buried him.

Legal challenge: The injured contract staffer sued the company that had engaged his employer. He said the hiring organization was responsible for his injuries because it failed to take action after learning that the trench was unsafe.

The hiring company argued that the written contract between itself and the contractor stated that

the contract firm had exclusive responsibility for safety at the job site.

Result: The company won. The court dismissed the lawsuit.

The judge ruled that it might not have been wise for the company to have ignored the excavation's hazards, but the agreement between the two firms was clear: The contractor bore all responsibility for safety.

The skinny: Judges are usually reluctant to allow written contracts to be scuttled, no matter the reason. Doing so could reduce the integrity of signed agreements.

Citation: *Young v. Hard Rock Construction*, Court of Appeals of Louisiana, No. 19-CA-484, 3/17/20.

You make the call: The decision

(See case on page 2)

No. The OSHA Review Commission refused to dismiss the citation.

The commission ruled that the company should've insisted that the staffer wear a hard hat while laboring in an area with overhead risks.

The commission dismissed the employer's argument that managers weren't aware of the safety violation. The worker was disobeying the rules right in front of everyone. With the exercise of reasonable diligence, supervisors should've seen the man and made him put on the gear.

With regard to the company's argument that the staffer wasn't supposed to be where he was, the commission said managers could've reasonably anticipated that the worker might expand the job and clean the area underneath the overhead work.

What it means: Always expect the unexpected

In order to best protect your crew, you sometimes have to anticipate that workers could expand their duties and expose themselves to unexpected hazards. That's why it's important to account for possible job expansions.

In this case, the employer could've put up a sign stating that hard hats were mandatory in certain areas, and backed up the warning with progressive discipline for anyone who failed to wear a hard hat within the designated danger zone.

Based on Secretary of Labor v. Houran USA Construction.



horror stories

'She was a single mom trying to make a living for her kids'

Summary

Three children were left motherless after a woman's loose-fitting shirt became fatally entangled in moving machine parts.

The incident

For the second straight growing season, Yaneth Lopez Valladares, an employee of Blessed Harvest, a farm labor contractor, was assigned to work as an equipment operator at a raisin-processing plant operated by Del Ray Packing Co. in Sanger, CA.

Valladares was happy to have the job because, as a single mother, she needed the income to support her

three children.

Valladares had become comfortable with running the machine, so she wasn't too worried about her own safety when she reached into the equipment to remove some debris.

However, the task took a turn for the worse when her loose-fitting shirt became entangled on a cylinder shaft and she was pulled into the device. As Valladares was being ensnared by the moving parts, her head smashed into the machine.

The response

When a nearby coworker noticed Valladares in distress, she let out a blood-

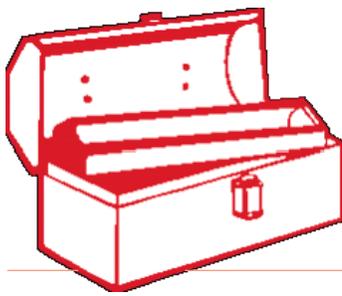
curdling scream. Coworkers shut down the equipment and raced over to assist Valladares. Someone dialed 9-1-1.

By the time emergency responders arrived, however, Valladares was already dead from her severe crushing injuries.

The aftermath

Valladares, 33, left behind three children. A GoFundMe page was set up by friends to help pay for her funeral expenses.

"Our beloved Yaneth Valladares was a caring mother of three wonderful kids who will no longer have the privilege to see her," read the GoFundMe page. "She was a single mom trying to make a living for her kids."



Supervisor's safety toolbox

Safety meeting blueprint

✓ **Meeting Topic:** Poisonous plants

✓ **Today's Date:** _____

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____

You probably already know that plants such as poison ivy, poison oak and poison sumac can cause a severe allergic reaction in many people, but do you know why these plants are so hazardous?

It turns out that all three plants contain a substance called urushiol oil, which is the active ingredient that binds to the skin and causes itching, redness, burning, swelling, blistering, skin bumps, skin patches, streaking and blisters.

When you consider that 85% of the U.S. population is allergic to poison ivy, you know it's important to take steps to prevent contact with these poisonous plants.

Cover your skin

If you know you'll be working near poisonous plants, wear protective gear that covers your skin. Put on a pair of boots and leather or cloth gloves. Plus, wear a long-sleeved shirt and a pair of long pants, and tie your pants around your ankles or tuck them into your boots.

And to provide extra

protection, use barrier skin creams such as lotion with bentoquatam. Apply the barrier cream at least 15 minutes before potential exposure to poisonous plants, then reapply it every four hours.

Active for five years

Be aware that urushiol oil can stay active on any surface for up to five years. And because urushiol oil can transfer from objects to your skin, you should clean your tools, clothes and shoes with rubbing alcohol, i.e., isopropanol or isopropyl alcohol, as well as with soap and water after each use. Wear disposable gloves while cleaning.

(What should you do if you're exposed to a poisonous plant?)

After contact with urushiol oil, a rash can develop anywhere from 12 to 48 hours later, and it can take between 10 days and several weeks to heal.

So if you're exposed to poisonous plants, wash your skin right away. The urushiol oil has to be cleaned off quickly because

it binds to the skin after just 10 minutes.

Rinse frequently with rubbing alcohol, degreasing soap such as dishwashing soap or detergent, and lots of water. Then scrub underneath your fingernails with a brush.

Next, take a shower with soap and warm water. Apply a wet and cold compress, calamine lotion, hydrocortisone cream, or an antihistamine to reduce the chances of a rash, itching, or blistering. You can also take a bath with either oatmeal or baking soda in order to relieve itching or to soothe discomfort.

And if you do have an allergic reaction, don't scratch it – doing that will just spread the urushiol oil.

Severe reaction

Get emergency medical help or call 9-1-1 if you have a severe reaction such as severe swelling or difficulty breathing, or if you've had a severe reaction in the past.

Thanks for your attention. And remember, let's stay safe out there!

(See next page for test)

Tailgate talk

Today's Subject:

Hand washing

Date: _____

We've all been hearing quite a lot lately about the importance of washing our hands in order to avoid the coronavirus. Keep in mind, however, that there's more to hand washing than just splashing some water on your palms.

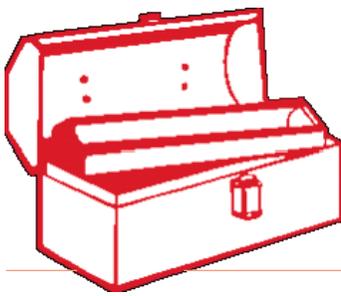
What to focus on

Here are three things to keep in mind in order to wash your hands as effectively as possible.

1. Know when to wash your hands. You should routinely wash your hands before switching to a different job. Also, scrub them down after you handle chemical substances, before touching your eyes, before leaving work and after contacting any surface that could be contaminated.

2. Scrub thoroughly. Use warm running water and soap to scrub your hands – including between your fingers – and your wrists and forearms for about 15 seconds. Don't forget to scrub underneath your nails and on the backs of your hands.

3. Rinse completely. Use a single-use towel or an air dryer to thoroughly dry your hands. Bonus: You can lower the chances of contracting the coronavirus by using a paper towel to turn off the faucet and open the door when you leave the restroom.



Supervisor's safety toolbox

Safety meeting blueprint: Test your knowledge

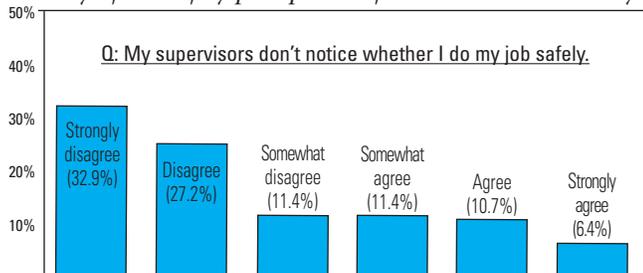
Meeting Topic: Poisonous plants

- | | | | |
|---|---|---|--|
| <p>1. How long does urushiol oil stay active on a surface?</p> <p>a. Five hours
b. Five weeks
c. Five years
d. None of the above</p> | <p>4. What percentage of the U.S. population is allergic to poison ivy?</p> <p>a. 5
b. 18
c. 58
d. 85</p> | <p>plants, it's best to use</p> <p>a. A wet and cold compress
b. Your fingernails
c. A barrier cream
d. None of the above</p> | <p>a. Latex
b. Rubber
c. Leather
d. None of the above</p> |
| <p>2. After they're used in an area with poisonous plants, tools should be cleaned with soap, water and</p> <p>a. Rubbing alcohol
b. Oatmeal
c. An antihistamine
d. All of the above</p> | <p>5. How long does it take for a reaction from urushiol oil to heal?</p> <p>a. 10 hours to several days
b. 10 days to several weeks
c. 10 weeks to several years
d. It heals right away</p> | <p>8. A rash develops anywhere from four to eight hours after contact with urushiol oil. True or False?</p> | <p>11. You should reapply a barrier skin cream every</p> <p>a. Two hours
b. Four hours
c. Eight hours
d. 24 hours</p> |
| <p>3. How many minutes does it take for urushiol oil to bind to the skin?</p> <p>a. Five minutes
b. 10 minutes
c. 30 minutes
d. 45 minutes</p> | <p>6. Urushiol oil can cause symptoms such as</p> <p>a. Blistering
b. Redness
c. Itching
d. All of the above</p> | <p>9. If you're exposed to a poisonous plant, you should rinse your skin with degreasing soap, lots of water and</p> <p>a. Calamine lotion
b. Hydrocortisone cream
c. Baking soda
d. Rubbing alcohol</p> | <p>12. While working near poisonous plants, it's best to wear</p> <p>a. A long-sleeved shirt
b. Shorts
c. Sneakers
d. None of the above</p> |
| | <p>7. To relieve itching from a reaction to poisonous</p> | <p>10. Which of the following is the best type of glove to wear while working near poisonous plants?</p> | <p>13. You should put on a barrier cream 15 minutes before going near poisonous plants. True or False?</p> |

Did you know?

Unsafe behavior will be noticed

Survey of the safety perceptions of workers in one industry



A word to the wise: Supervisors notice unsafe behavior. For instance, a recent survey showed that 71.5% of 2,683 miners in 17 states said they disagree with the statement that their supervisors don't notice whether they do their jobs safely.

Source: National Institute for Occupational Safety and Health

Test your knowledge: The answers

1. c. to treat it. Rinse the oil off as soon as you're exposed to it, because even if a rash doesn't show up right away, you could still be at risk.
2. a. off as soon as you're exposed to it, because even if a rash doesn't show up right away, you could still be at risk.
3. b. even if a rash doesn't show up right away, you could still be at risk.
4. d. could still be at risk.
5. b. to treat it. Rinse the oil off as soon as you're exposed to it, because even if a rash doesn't show up right away, you could still be at risk.
6. d. off as soon as you're exposed to it, because even if a rash doesn't show up right away, you could still be at risk.
7. a. off as soon as you're exposed to it, because even if a rash doesn't show up right away, you could still be at risk.
8. a. False. After contact with urushiol oil, a rash usually develops anywhere from 12 to 48 hours later. This means that you shouldn't wait an extra layer of skin protection.
9. d. Rubbing alcohol
10. c. Baking soda
11. b. Shorts
12. a. Two hours
13. True. The barrier cream will provide you with an extra layer of skin protection.