

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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Crew member stuck in the cab of vehicle as it sinks into manure pit.

Scope of job changed, but safety plan wasn't revised

Worker injured because new hazards weren't accounted for

Incident summary

When a work crew handling a potentially hazardous job realized that it would need to deviate from the original work plan, the work wasn't stopped so a new job safety analysis (JSA) could be performed.

The damage

Before removing a heater tube from a heat exchanger, a supervisor performed a JSA to make sure his crew members understood the sequence of planned steps and the hazards involved in each part of the removal process.

After the job started, however, the crew decided

that a handrail would have to be removed in order to create enough space to access the heater tube.

Even though the workers knew that the removal of the handrail wasn't included in the original JSA, they proceeded with the task anyway.

To remove the last leg of the handrail from its socket, a crane equipped with a nylon sling attachment was deployed to apply tension while the crew used a 5-foot prybar to create leverage underneath the kick plate.

But when the handrail suddenly broke free, the force of the tension caused it to strike a crew member

and knock him to the ground. The man was taken to a hospital, where he underwent surgery to repair his broken nose and fractured orbital socket.

Findings

As soon as the crew members realized that they'd need to deviate from the original JSA, the supervisor should've insisted that the work be stopped so the JSA could be revised to account for the additional work steps, and to determine the control measures that would be used to identify and reduce the new potential hazards of the revised task.

Worker dead after hair-brained scheme for handling dangerous job backfires

Family of dead contract boss sues host employer, claiming it controlled the work

"You remember that contract supervisor, Alex, who suffered fatal injuries while working for us?" asked Mary Jo, the plant manager.

"Yes, I do," replied Laura, the supervisor. "His death was a tragedy."

"Well, Alex's family is suing us, claiming that we're responsible for his untimely demise," said Mary Jo.

"That's absurd," said

Laura. "We hired Alex's employer to handle a job for us, but we didn't direct or control the work."

"Can you remind me about the circumstances that led to Alex's death?" asked Mary Jo.

Stuck excavator

"Sure," said Laura. "Alex was the supervisor of a contract crew that was working on our property. An

excavator they were using got stuck in the mud."

"How did they free the stuck excavator?" asked Mary Jo.

"They strung a bunch of straps together and connected one strap to the stuck machine and another strap to an excavator that wasn't stuck," said Laura.

"Where did the straps come from?" asked Mary Jo.

"We supplied the straps to

the contract crew," said Laura.

Different approach

"Anyway," continued Laura, "they were having trouble affixing the straps to the stuck machine when one of our supervisors recommended a different approach for tying the straps to the device. After both machines were attached to

(Please see *Hair-brained ...* on p. 2)

Hair-brained ...

(continued from p. 1)

the straps, Alex sat in the cab of the excavator that wasn't stuck and started to lift the load, but one of the straps broke and a fastener slammed through the rear window of the cab and struck Alex in the back of the head. He died at the scene."

"The family claims that one of the straps we supplied was defective," said Mary Jo, "and that's why things went wrong."

Defective strap

"It's possible that a defective strap caused the incident," said Laura. "However, the whole setup was Alex's idea. We didn't devise the approach that was used and we didn't otherwise

control the work."

"The family claims that we did control the work," said Mary Jo. "They point out that our supervisor recommended the method that was used to attach the straps to the stuck excavator."

"The contract crew didn't have to follow our recommendation," said Laura. "We should fight this lawsuit."

Result: The company won. The court said the host employer wasn't liable for the fatal incident.

Work not controlled

The judge said the host employer didn't control the work. Even though the company supplied the straps that were attached

to the stuck excavator – including the strap that failed – that didn't prove control. And the suggestion made by the host supervisor for attaching the straps to the excavator was a small part of the overall job.

Jerry-rigged approach

The contract supervisor designed the jerry-rigged approach that led to his death. Even though the host employer didn't stop the contract crew from proceeding with the job, it wasn't responsible for the incident because it didn't devise the job plan or control the manner in which it was executed.

Based on Jolly v. Dynegy Miami Fort, LLC.

What it means to you

While the host employer in this case wasn't held liable for the fatal injury suffered by the contract supervisor, it still wound up with a dead man and some stiff legal bills.

That's why it's important to periodically double-check with contract crews to make sure they're working in a safe manner. If you see them engaging in a hair-brained, unsafe scheme to get something done, put a stop to it. In this case, the plan to jerry-rig straps to the stuck excavator was doomed from the start.

The host supervisor shouldn't have allowed the scheme to be executed, and he shouldn't have given a faulty strap to the contract crew and then provided ideas on how to implement a poorly developed, dangerous plan.

You make the call

Workers who didn't use safety tool not punished

"Our machine operators don't need to put their hands anywhere near that in-running nip point," said George, the supervisor. "You can't cite us for a machine-guarding violation when there's no risk of an injury."

"Your operators are manipulating metal sheets inside a clamp mechanism," said Tammy. "They could suffer an injury should the clamps close with their hands still in there."

"You don't seem to fully understand how that machine operates," said George. "We

supply workers with a 12-inch magnetic tool that they're supposed to use to maneuver the metal sheets. Their hands don't need to get anywhere near the clamping mechanism."

Security video

"I know you provide operators with a magnetic tool," said Tammy. "However, I also know that your workers aren't using the tool because I observed security video that shows staffers putting their hands inside the clamps. I also saw them doing it myself while I

was inspecting your operation."

"It's not our fault that staffers aren't following the proper procedures that would keep them safe," said George. "We can't prevent employee misconduct."

"Have you ever disciplined someone for putting his or her hands inside the clamps?" asked Tammy.

"Well, no," said George. "However we've never had any injuries involving that machine, so we'll challenge your citation."

Did the company win?

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

SafetyAlert

FOR SUPERVISORS

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quick ideas

How to check the air circulation in a room

If you're not sure whether air is circulating within a workspace well enough to significantly reduce the concentration of the coronavirus in the atmosphere, you can use a meter to determine the amount of carbon monoxide in the work area. If the reading is above normal, the airflow in the room isn't adequate.

Bonus: Experts recommend at least six air changes per hour in a room in order to effectively reduce coronavirus concentrations.

Target injuries related to the use of sharps

Now might be a good time to remind your crew

members of several safety practices they should follow in order to reduce the chances of injuries from sharp tools.

For instance, they should retract the blade right after using the tool. And they shouldn't engage in a conversation with a coworker while using a sharp tool. Plus, they need to stop cutting if they have to look up or pay attention to something else.

Make sure chemicals are stored properly

You can lower the chances of injuries during chemical handling by reminding staffers that when they're done working with a substance, they should store it in its

original container in a cool, dry location. They should also make sure that the container is kept closed, and they should avoid mixing chemicals unless they know what will happen when they do so.

Why darker sunglasses aren't more effective

Let your crew members know that when they're buying sunglasses, they shouldn't assume that darker glasses provide more protection against the sun's damaging ultraviolet (UV) rays.

Reason: The level of UV protection is determined by a chemical applied to the lens, not by the darkness of the lens.



safety news for supervisors

Study points to the benefits of protecting workers from the sun

A new study has revealed several significant long-term benefits when you insist that your crew members wear protective clothing while laboring outside in the sun.

According to a cost-benefit analysis conducted by the Institute for Work and Health, Toronto, ON, Canada, 6,034 cases of skin cancer in Ontario could be averted over 30 years if all construction workers in the province wore long sleeves, long pants and neck coverings while laboring outside in the sun.

The reduction in skin cancer cases would lead to \$47 million in cost savings

over 30 years, or 61 cents for every dollar spent on protective measures.

The analysis also pointed to the benefits of shade structures such as portable canopies or pop-up tents positioned near outdoor job sites so crew members can take a break from the sun.

The use of shade structures would lead to 2,945 fewer cases of skin cancer in Ontario over 30 years, resulting in a cost reduction of \$26 million during that time.

New requirements for ensuring the safety of temporary employees

Brace for new scrutiny of your efforts to protect temporary workers from job-related hazards.

That's because a new law in Washington state requires host employers to document and inform staffing agencies about the hazards temporary workers could face. Host employers must also review the training provided by the staffing agency to determine whether it addresses specific industry hazards.

In addition, employers are required to provide hazard-specific training to temporary workers and to maintain site-specific training records. And if the job duties of a temporary staffer are changed, the staffing agency and the worker must be told about any new hazards.

Note: The law takes effect on July 25, 2021.

Mistakes that hurt



Available rescue gear wasn't used

Remind your staffers of the importance of using the safety gear that's been made available to them. Unused gear is of no value to anyone.

Company: Didion Milling, Inc., Cambria, WI.

Business: Grain storage and handling.

Agency: Occupational Safety and Health Administration.

Fine: \$676,808 (proposed).

Reason for fine: A device designed for confined space rescues was available but wasn't used.

Note: The employer jumped onto OSHA's radar screen after a 52-year-old manager became fatally engulfed in a grain bin. There was no one positioned outside the bin as the man entered it, and an available rescue device wasn't deployed prior to bin entry.



Safety interlocks weren't functional

Now might be a good time to confirm that all safety interlocks on hazardous machines are functional. Damaged interlocks can lead to costly fines as well as worker injuries and fatalities.

Company: Clarke Products, Inc., Waco, TX.

Business: Bath and shower manufacturer.

Agency: Occupational Safety and Health Administration.

Fine: \$558,821 (proposed).

Reason for fine: The employer failed to ensure that safety interlocks on the doors used to access robotic equipment were functional.

Note: The company also allowed an unguarded band saw to remain in use. The size of the fine was increased because many of the citations involved repeat violations.



legal developments

Woman hurt because her boss wouldn't change the schedule

Safety insight: Proceed cautiously before turning down a crew member who wants his or her schedule changed in order to reduce the chances of an injury.

What happened: A woman who suffered from diabetes was concerned about her new work schedule because it delayed her lunch break. She needed to eat by a certain time of day in order to maintain her blood sugar level. She asked her supervisor to change the schedule, but he refused to do so.

What people did: Just before her lunch break, the female crew member suffered

a hypoglycemic attack when her blood sugar level suddenly dropped. She lost consciousness, fell and hit her head on a table and then on the floor. She suffered severe injuries, including tingling in her fingers and neck, and shoulder pain.

She was approved for workers' comp benefits.

Legal challenge: The woman sued for disability discrimination, contending that she was injured because her supervisor refused to accommodate her diabetes.

The employer argued that the female staffer received workers' comp, so she wasn't able to sue because

she'd be "double dipping."

Result: The employer lost. The court said the staffer's disability bias lawsuit could proceed. The judge determined that the woman wasn't barred from pursuing her lawsuit because she'd already been approved for workers' comp. In this case, noted the judge, the employer's behavior was so egregious that a jury should decide whether she was discriminated against.

The skinny: Managers who thumb their noses at legitimate safety requests made by their crew members rarely get a sympathetic ear in court.

Citation: *Richter v. Oakland Board of Education*, Supreme Court of New Jersey, No. 083273, 6/15/21.

You make the call: The decision

(See case on page 2)

No. The company lost. An administrative law judge upheld the citation.

The judge ruled that the employer should've guarded the clamping mechanism. The approach used by the company – providing operators with a 12-inch magnetic tool to manipulate the metal sheets – wasn't effective.

If the employer had made sure staffers were actually using the tool, it might have been able to beat the penalty. However, the lack of discipline of operators for putting their hands inside the clamps, combined with video footage and the inspector's own observations, proved that staffers weren't using the tool, so the nip point needed to be guarded.

What it means: Guards are generally preferred

Yes, machine guards can sometimes be a hassle and it can be tempting to try to find other ways to get the work done. In this case, the employer used a magnetic tool in lieu of machine guards.

However, alternative approaches are never a better option than safety guards. If a guard isn't feasible, at least make sure workers do what they're supposed to do, and keep a record of when you discipline staffers who fail to do the right thing, so you can later prove that the alternative approach was actually used.

Based on California Occupational Safety and Health Administration v. McElroy Metal Mill, Inc.



horror stories

Worker trapped in cab as his vehicle sinks in a manure pit

Summary

A staffer being trained to operate a vehicle was killed when the truck lurched forward into a manure pit and sunk in the muck with him still in the cab.

The incident

About six weeks after he started working at Shelton Dairy, La Salle, CO, Juan Panzo Temoxtle, an undocumented worker from Mexico, was being trained to operate a manure vacuum truck.

A coworker positioned himself outside the cab of the truck while Temoxtle sat in the cab and drove the vehicle, which was used to

help maintain the manure pits on the dairy farm.

The coworker told Temoxtle to move the truck closer to one of the pits. But Temoxtle wasn't sure how to operate the vehicle and, without warning, the truck lurched forward into the pit. The trainer jumped from the side of the cab and watched as the truck sank in the manure.

The response

Coworkers used a forklift to pull the cab from the pit. By the time they reached Temoxtle, who'd been submerged for 30 minutes, he was still alive, so he was rushed to a nearby hospital.

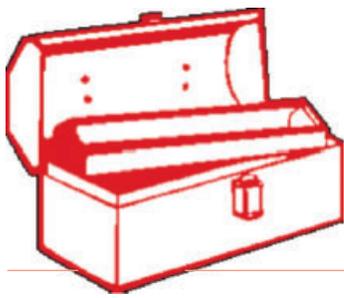
His family was contacted, and they raced to the hospital to see him.

But Temoxtle's injuries were too severe and he died from a lack of oxygen in his blood cells. His wife and three children were at his side when he passed away.

The aftermath

Temoxtle, 44, was known for his love of sports, especially soccer and basketball. He was also remembered for his positive spirit and sense of humor.

"Juan wanted his kids to have a career and have a better future," said his wife, Serafina Caliuahua Gonzalez. "He worked so hard for us. We depended on Juan, and now we have no one to depend on and no one to support us."



Supervisor's safety toolbox

Safety meeting blueprint

✓ **Meeting Topic:** Fall protection

✓ **Today's Date:** _____

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____

While few of us would argue that it can be dangerous to work at an elevated location, some of us might not realize just how risky it can be.

Consider, for instance, that 843 U.S. workers died in 2019 when they fell to a lower level, from a collapsing structure, or through a surface or opening, according to the Census of Fatal Occupational Injuries. In fact, these types of falls accounted for 16% of all fatal incidents that year.

Safety program

To reduce the chances that anyone here could get hurt or killed while laboring at an elevated location, we've developed a comprehensive fall protection safety program. As much as possible, we've tried to reduce the chances that anyone could fall and get hurt by setting up guardrail systems and safety nets wherever we can.

But it's not always possible to provide failsafe protection. That's why it's important to understand when you should use a

personal fall arrest system and how to do so properly.

The Occupational Safety and Health Administration requires that fall protection be worn at minimum elevations of 4 feet in general industry workplaces, 5 feet in shipyards, 6 feet in the construction industry and 8 feet in longshoring.

(When would we typically need to use fall protection equipment in our operation?)

You should use safety gear whenever you'll be working

- from ladders or scaffolds
- on roofs or near roof openings
- near open-sided floors or floor openings
- from aerial lifts
- near leading edges
- above dangerous equipment

Adjust the harness

Whenever you could be exposed to a fall hazard, put on a personal fall arrest system, which consists of an anchor, a harness, and a lifeline or a lanyard. Adjust the harness to ensure it fits snugly. The D-ring attachment for the harness

should be centered between your shoulder blades, and the leg straps should be adjusted so they fit snugly.

Visual inspection

Also keep in mind that equipment components, including harnesses, lanyards and other connectors, should be visually inspected before each use. Look for cuts, tears, rips, snags, punctures, abrasions, or mold.

Examine the gear for distorted hooks or faulty hook springs; cracked, broken, or deformed D rings; and color fading that could indicate damage from ultraviolet rays.

Remove broken equipment from service right away, and let your supervisor know about the problem.

Be sure to connect the equipment to an anchorage point that's capable of supporting 5,000 pounds per worker or two times the intended impact load.

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

(See next page for test)

Tailgate talk

Today's Subject:

Formaldehyde

Date: _____

Some of us might be exposed to formaldehyde, a toxic chemical, and not even know it, while others could inhale the substance and start coughing and wheezing right away.

But everyone working with formaldehyde is at risk for long-term illnesses such as blood and brain cancer.

What to focus on

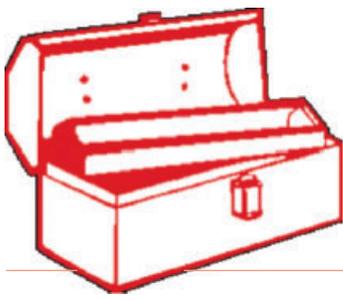
Here are four things to keep in mind in order to reduce the likelihood of formaldehyde exposure.

1. Consult the safety data sheet. Before working with a substance, check its safety data sheet to see whether it contains formaldehyde, which is commonly found in glues, resins, dyes, textiles, disinfectants and auto parts.

2. Ensure adequate ventilation. Make sure the work area is adequately ventilated before handling the substance. If possible, use local exhaust ventilation.

3. Put on safety gear. Most folks are exposed to formaldehyde via airborne transmission. That's why it's important to put on a respirator before working with the toxic substance.

4. Clean up spills right away. For small spills, use a cloth; for larger spills, contact your supervisor, because a spill-cleanup specialist might be needed.



Supervisor's safety toolbox

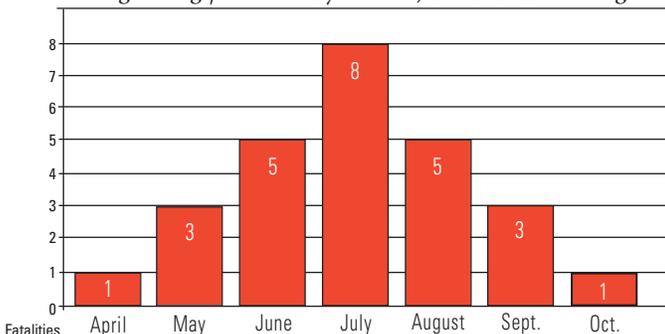
Safety meeting blueprint: Test your knowledge

Meeting Topic: Fall protection

1. What's the minimum height at which general-industry employers must protect workers from falls, according to regulations from the Occupational Safety and Health Administration (OSHA)?
 - a. 0 feet
 - b. 4 feet
 - c. 40 feet
 - d. 400 feet
2. Whenever you could be exposed to a fall hazard, you should put on a personal fall arrest system that includes
 - a. An anchor
 - b. A harness
 - c. A lanyard
 - d. All of the above
3. How many U.S. workers died in 2019 when they fell to a lower level, from a collapsing structure, or through a surface or an opening, according to the Census of Fatal Occupational Injuries?
 - a. 8
 - b. 84
 - c. 843
 - d. 8,430
4. If a pre-use inspection of fall protection safety gear reveals a problem with the equipment, you should remove the gear from service right away. True or False?
 - a. That the gear has been damaged by ultraviolet rays
 - b. That no one likes to use the gear
 - c. That a prior user spilled coffee on the gear
 - d. None of the above
5. Faded colors on fall protection safety gear could indicate
 - a. With electrical equipment
 - b. On roofs or near roof openings
 - c. On a production line
 - d. None of the above
6. You should wear fall protection safety gear whenever you'll be working
 - a. 50
 - b. 500
 - c. 5,000
 - d. 50,000
7. You should connect fall protection safety gear to an anchorage point that's capable of supporting how many pounds for each worker attached to the point?
 - a. 50
 - b. 500
 - c. 5,000
 - d. 50,000
8. All employers with a comprehensive fall protection safety program are providing their employees with failsafe protection from fall-related injuries. True or False?
 - a. General industry
 - b. Shipyards
 - c. Construction
 - d. Longshoring
9. OSHA regulations mandate that workers in what industry must be protected from falls when they're laboring at heights of 8 feet and above?
 - a. General industry
 - b. Shipyards
 - c. Construction
 - d. Longshoring

Did you know?

Now's the time to be aware of lightning risks
U.S. lightning fatalities by month, 2011-2020 average



When you see lightning nearby, get to a shelter as soon as possible. Otherwise, you're risking your life. Consider that July is the most dangerous month for lightning, with an average of eight deaths every year over the past ten years.

Source: National Weather Service

Test your knowledge: The answers

1. b
2. d. Be sure to inspect each component for damage before putting on the gear.
3. c. In fact, these types of falls accounted for 16% of all fatalities in 2019.
4. True. Also be sure to mark the equipment as "out of service" so no one else uses it.
5. a. Gear damaged by ultraviolet rays should be removed from service because it might not work when it's needed most.
6. b
7. c
8. False. It's impossible to structure a safety program that eliminates all potential hazards. That's why you have to maintain your safety focus.
9. d