

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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Man didn't know the risks posed by a confined space

Employer failed to properly designate dangerous equipment

Incident summary

A worker was overcome by a toxic gas inside a hopper that should've been designated as a permit-required confined space but wasn't.

What happened

Even though the hopper for a boiler that burned wood chips should've been classified as a permit-required confined space, it wasn't. Worse, the employer failed to train staffers on the hazards of the equipment.

When a crew member noticed that the boiler wasn't operating properly, he positioned a ladder against the structure and climbed into the hopper,

which was seven feet, nine inches tall. The staffer began to remove wood chips that were stuck. Suddenly, he felt sick and fell unconscious on a pile of wood chips.

When the employee didn't show up at the end of his shift, coworkers began to search for him. Eventually, they found his lifeless body at the bottom of the hopper.

Findings

Investigators determined that the crew member died from exposure to carbon monoxide (CO), which is a byproduct of wood burning. Officials learned that the man had been exposed to a CO concentration of 5,000

parts per million (ppm). The permissible exposure limit set by safety regulators for CO is 500 ppm.

Neither the manufacturer nor the installer of the equipment had designated the hopper as a permit-required confined space even though it met all the criteria for that classification.

Had the victim been trained to recognize the risks posed by the hopper, he would've known to not enter it without a buddy positioned outside. The employer also should've installed a CO monitor near the hopper or at least provided personal CO monitors to everyone who had to work on the boiler.

Contractor tumbles from improperly secured basket, sues host employer

Company argues that it didn't control the manner in which the job was performed

"Hey, you got a second?" asked Ralph, the plant manager. "I wanted to let you know that we just got slapped with a lawsuit."

"Oh, no," replied Janet, the supervisor. "Who's suing us?"

"You remember that incident a few months ago, when that contractor was performing maintenance work for us?" Ralph asked.

"Oh, yeah," Janet said. "I remember that. The guy fell out of a man basket that had been elevated by a forklift."

Not attached

"That's right," Ralph said. "The contractor didn't check to make sure the man basket was attached to the forklift with a metal cable before his supervisor elevated him and the basket."

"It was an unfortunate

situation," Janet said. "He got hurt pretty badly. But I just don't see how we can be held legally responsible for the contractor's mistake. We didn't do anything wrong."

"Unfortunately, we can be held responsible if he can show that we controlled his work," Ralph said.

"I don't think he can do that," Janet said.

"Well, he's contending that we conducted a safety

orientation for contract workers, so we controlled his work," Ralph said.

Straightforward

"It hardly seems to me that something as straightforward and routine as a site orientation could be considered controlling the work," Janet said.

"Oh, and he says we had a supervisor walking through (Please see *Improperly secured ...* on p. 2)

Improperly secured ...

(continued from p. 1)

the work area looking for hazards, so we exercised some level of control over his work,” Ralph said.

Not much

“Geez, that hardly seems like much to me,” Janet said.

“But we did supervise him,” Ralph said.

“Yeah, it’s our plant,” Janet said. “Of course we’re going to supervise things. But we didn’t require that the contractor work in the manner that caused his injury, and we didn’t prevent him from using a safer approach. It seems like a real stretch to claim that site orientation and safety walk-throughs are adequate evidence that we

created the conditions that led to his injury.”

Sounds reasonable

“That sounds reasonable,” Ralph said.

“It is reasonable,” Janet said. “We should challenge this lawsuit.”

“I agree,” Ralph said.

Result: The company won. The court ruled that the host employer didn’t exercise sufficient control over the activity that caused the contractor to be injured. And the host employer didn’t prevent the worker from using a safer approach to the task.

As a result, the judge determined, the host employer wasn’t liable for the injury incident.

The court also said the

contractor couldn’t prove the host employer controlled the work just because it provided a site orientation to contract crew members. These orientations were fairly routine and hardly amounted to control of the contractor’s work.

Safety walk-throughs

In addition, the occasional safety walk-through conducted by the host employer didn’t constitute anywhere near the level of control needed to show that the company was responsible for the injury to the contract employee, ruled the judge.

Based on Gibson v. The Selinsky Force, LLC.

What it means to you

When you hire a contract firm, you of course expect that its workers have enough knowledge of the risks posed by the job to act smartly and to take steps to avoid injuries. That’s why you don’t always face legal liabilities when contract staffers get hurt.

That said, however, you shouldn’t turn a blind eye to what contractors are doing because injuries are always a bad thing, whether they’re suffered by full-time employees or by contractors.

That’s why it makes sense to regularly meet with contract supervisors to verify that safety procedures are being followed. Also confirm that contract employees are aware of your operation’s safety hazards, especially those that aren’t immediately obvious.

You make the call

Employee hurt when rag gets pulled into machine

“Your crew member suffered serious injuries while she was cleaning a conveyor that was still running,” said Tammy, the compliance officer. “That’s a clear violation of our lockout/tagout standard, so I’m citing you.”

“Ashley was careless,” replied George, the supervisor. “She wouldn’t have gotten hurt if she hadn’t reached around a guard while cleaning the conveyor.”

“The issue isn’t whether your worker was careless,” said Tammy. “The issue is

that you allowed a conveyor belt to remain functional while your staffer was cleaning it with a rag. She was injured when the rag got caught in moving parts and her arm was trapped.”

Unfortunate injury

“Ashley’s injury was unfortunate,” said George. “However, she was trained to keep the rag out of harm’s way.”

“I’ve looked through your training materials,” said Tammy, “and they specifically state that the conveyor must be shut down before

cleaning takes place.”

“Those training materials were written years ago,” said George. “We’ve since learned that you have to keep the conveyor running at a slow speed to clean it properly. We have to trust that our people will do the right thing. In this case, Ashley ignored her training.”

“You can’t blame the worker for your poor procedures,” said Tammy.

“We can blame the staffer for bungling the job,” said George. “We’ll challenge your fine.”

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

Workers can't get used to high levels of noise

Be wary when a crew member tells you that he or she has gotten used to high levels of noise and doesn't need hearing protection.

The reality is that the human eardrum can't get used to excessive noise, so someone claiming that earplugs aren't needed has probably already suffered some level of noise-induced hearing loss and should have his or her hearing checked.

Mushroomed heads on tools can be dangerous

Employees who use impact tools such as chisels, wedges, or drift pins might know that they

shouldn't use a tool with a mushroomed head, but do they know why?

It's because the head might shatter on impact and send fragments flying toward the tool user or someone else in the area.

Mix metalworking fluids just before use

Let your workers know that they should mix metalworking fluids just before using them, and they shouldn't store large amounts of the fluid for a long time because of the potential for deterioration of the fluids.

In addition, in order to maintain proper fluid concentrations, staffers shouldn't top off with fluid or concentrate. Rather, they

should prepare the emulsion by first adding the concentrate to the clean water and then adding the emulsion to the solution in the coolant tank.

Don't use soap to wash off poisonous urushiol

A heads-up to staffers who sometimes labor outdoors: If they think they've contacted a poisonous plant, they shouldn't use soap to wash off the substance. Instead, they should clean off the hazardous urushiol with water, but they must do so within five minutes of contacting the urushiol-contaminated plant.

That's because the use of soap can actually spread the urushiol.



safety news for supervisors

Study reveals another benefit from focusing on safety: retention

Take note: Your efforts to keep your crew members safe not only help prevent costly injuries, but they can also help you retain employees.

So suggests a recent study by AlertMedia. The survey of 2,002 U.S. workers revealed that 47% of respondents said they're more likely to stay with an employer that genuinely cares about safety. In fact, safety was the second-most important retention consideration expressed by workers, behind only competitive compensation.

The bad news: Most U.S. employees don't think organizations pay enough attention to safety. Even

though 89% of employees reported that a safe workplace is more important than ever before, only 54% said that safety is extremely important to their employers.

And 60% of workers believe their employer's safety efforts are falling short, with only 40% stating that these efforts exceed expectations.

In addition, 90% of respondents reported that their employer has a moral and legal obligation to provide a safe workplace.

New evidence of the significant dangers posed by illegal drugs

If you need more proof of the dangers posed by crew member drug use, consider a recent report

from Quest Diagnostics that showed a significant upswing in the number of U.S. employees testing positive for illegal drugs.

The analysis of 11 million urine, hair and oral fluid drug tests administered during 2021 revealed an overall drug-testing positivity rate of 4.6% compared with 4.4% in 2020. The 2021 positivity rate represents a whopping 31.4% jump from the all-time low rate of 3.5% reported 10 years ago.

Most disturbing: The positive post-accident testing rate jumped to 9.7% in 2021 compared with 7.7% as recently as 2017, providing new proof that the use of illegal drugs is leading to more workplace incidents and injuries.

Mistakes that hurt



Machine amputates crew member's arm

Don't forget the importance of making sure that crew members have the personal locks needed to implement lockout/tagout procedures before trying to clear jams.

Company: U.S. Postal Service, Greensboro, NC.

Business: Mail delivery.

Agency: Occupational Safety and Health Administration.

Fine: \$170,918 (proposed).

Reason for fine: Workers responsible for clearing jams on equipment weren't provided with the locks needed to properly deenergize the machines.

Note: Safety regulators knocked on the door after they learned that an employee had suffered an arm amputation while removing a jam on a machine that didn't have a safety guard.



Combustible dust allowed to build up

To reduce the chances of a catastrophic explosion, make sure dust generated during production operations isn't allowed to accumulate to hazardous levels on surfaces.

Company: PGA, Inc., Freeland, PA.

Business: Recycling.

Agency: OSHA.

Fine: \$88,423 (proposed).

Reason for fine: Combustible dust was allowed to accumulate on walls, floors, ceilings and other surfaces.

Note: The dust was produced during grinding operations, but the employer failed to remove the accumulations. Safety officials also pointed out that electrical equipment located in areas where dust had accumulated wasn't intrinsically safe.



legal developments

Man taking opioids for pain wanted to operate a forklift

Safety insight: Before denying a job to a disabled worker due to safety concerns, make sure you can show how the disability would create a hazard.

What happened: A man was offered a job as a forklift operator, pending completion of a mandatory drug test. When the test revealed that the worker was taking opioids in order to treat persistent pain, he was asked to provide a doctor’s note stating that he could safely operate dangerous equipment.

What people did: The note from the doctor failed to explicitly state that the

man would be safe while operating a forklift truck, so the applicant was turned down for the position.

Legal challenge: The jilted staffer sued for disability discrimination, contending that he’d safely operated forklifts for many years in a previous job.

Result: The company lost. The court refused to dismiss the lawsuit. The judge said the employer might have discriminated against the worker because it regarded him as disabled.

The court pointed out that the company failed to undertake an individualized assessment to determine

whether the applicant could safely operate forklifts. If managers thought the note from the doctor didn’t provide the amount of information needed to assess the man’s ability to safely perform the work, they should’ve contacted the doctor directly to find out whether the staffer would’ve been a safety risk. The judge also noted that the man had driven forklifts in a previous job without incident.

The skinny: Employers that can’t adequately explain why they’re denying a job to a disabled individual rarely fare well in a court of law.

Citation: *Hartmann v. Graham Packaging Co.*, U.S. District Court, S.D. Ohio, No. 1:19-cv-488, 1/25/22.

You make the call: The decision

(See case on page 2)

No. The company lost. The Occupational Safety and Health (OSHA) Review Commission refused to toss out the citation.

The commission said the employer couldn’t blame the worker for her injury. Rather, it was the poor cleaning procedures that led to the incident. The judge pointed out that the employer’s own training materials called for the conveyor belt to be locked out during cleaning, but those training documents were routinely ignored.

The commission also said the worker got hurt because she was using a rag to clean the machine. She should’ve been provided with a brush or some other tool for the potentially hazardous task.

What it means: Be sure to deenergize equipment

Could your staffers be exposed to moving machine parts whenever they set up, break down, or clean hazardous equipment? If so, make sure that the machine is properly locked out before the work starts.

If it’s difficult to handle a job with the equipment deenergized – as was the case here – consider other ways to get the work done without exposing people to danger. In this case, it would’ve made sense for the employer to provide the worker with a brush or other cleaning device rather than mandating that she use a rag around moving machine parts.

Based on Secretary of Labor v. Anthony Marano.



horror stories

Employee using port-a-potty fatally crushed by bulldozer

Summary

A contract employee was fatally crushed when a bulldozer ran over the port-a-potty he was using.

The incident

It was near the end of a long workday when Aaron Henderson and John Johnson, employees of CertiTemp, a staffing agency, were finishing their work at the Polk County North Central Landfill in Winter Haven, FL. Johnson had been assigned to operate a bulldozer while Henderson had been designated as his spotter.

As Johnson was maneuvering the bulldozer

to its staging area for the night, Henderson decided to use a port-a-potty at the site.

The front blade of the bulldozer was elevated three to four feet off the ground, which limited Johnson’s visibility, so just as the bulldozer crested the ridge of an embankment and Johnson began to turn the machine, he heard a loud noise and realized that he’d run over the port-a-potty being used by Henderson.

The response

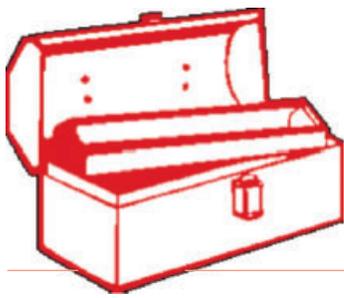
Johnson jumped from the cab of the bulldozer and raced to the port-a-potty. However, by the time

Johnson got to the structure, the port-a-potty was completely crushed and Henderson was dead.

The aftermath

A few days after the incident, Henderson’s family and representatives of Black Lives Matter (BLM) Restoration Polk gathered outside the Polk County Courthouse and demanded that Johnson be criminally indicted over the fatal incident, even though the Polk County Sheriff’s Office had found no evidence of criminal conduct.

“We understand this could have been an accident,” said Pastor Carol Soto of BLM, “but multiple steps should have been taken that would have avoided this tragedy.”



Supervisor's safety toolbox

Safety meeting blueprint

✓ **Meeting Topic:** Back safety

✓ **Today's Date:** _____

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____

Remember: One of the best ways we can reduce the chances of getting hurt on the job is to pay attention to our backs.

Here's why: Back injuries account for one out of every five workplace injuries in the U.S.

In fact, according to the Bureau of Labor Statistics, more than 1 million American workers suffer back injuries every year.

Three key causes

To reduce the likelihood of hurting your back, it pays to know that back injuries are most often caused by one of three things:

- force
- repetition
- inactivity

Force is the most common cause of workplace back injuries. It happens when you strain your back from lifting something that's too heavy.

Repetition is when you hurt yourself from lifting and carrying even light objects over and over again.

Injuries from inactivity – an often overlooked cause

of back injuries – occurs when you lift after sitting for a long period of time, especially with poor posture.

Size up the load

One of the best ways to protect yourself from a back injury is to make sure you're lifting objects properly. Before you move anything, assess the load and ask yourself: Can I handle this myself? Do I need help from a coworker? Should I use a mechanical lifting device? Next, make sure the carrying path is clear of obstacles.

(Does anyone know the best way to lift an object?)

Then it's time to assess your lifting posture. To properly lift an object, you should face it directly, with your feet about shoulder-width apart and your weight evenly distributed on both feet.

Bend with your legs, not your back. Use your legs and tighten your core muscles to lift straight up.

Two things to remember: Before you lift something, make sure the

object is as close to you as possible, and while you're carrying the load, always try to maintain the natural curve of your back. Don't twist or lean.

Lift-assist tools

If you're handling a lot of repetitive tasks, it's a good idea to modify them to make them more comfortable for you. For example, if you lift items repetitively, consider lift-assist tools.

Whether you face the task of carrying a heavy load, moving something over and over again, or lifting after a prolonged period of inactivity, a critical thing you should do to protect your back is to stretch regularly.

Muscle tightness is a major contributor to back pain and injuries. Thus, you should be stretching your back – as well as your legs, arms and core muscles – regularly during the course of your shift.

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

(See next page for test)

Tailgate talk

Today's Subject:

Hazard recognition

Date: _____

Keep in mind that you're less likely to suffer an on-the-job injury if you spend a few minutes before each task identifying the hazards you could encounter during the work.

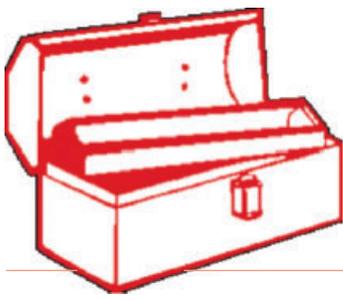
What to focus on

Here are three things to keep in mind in order to identify potential hazards for each job assignment.

1. Review instruction manuals. Before using a machine for the first time, review its instruction manual, which should identify most of the key hazards associated with the equipment. Similarly, read the safety data sheets to learn the risks of the chemicals you're using.

2. Survey the work area. Don't just jump into a job right away. Instead, take a look at the work area to identify potential risks. Look for slip-and-fall hazards, electrical dangers, machinery risks and fire hazards. Don't forget about environmental conditions – such as light, noise and weather – that could increase the level of danger.

3. Take steps to reduce the risks. Once you've identified the key hazards, take action to lower the risks. For instance, put on a pair of safety goggles if you could be exposed to danger from flying metal particles while using a grinder.



Supervisor's safety toolbox

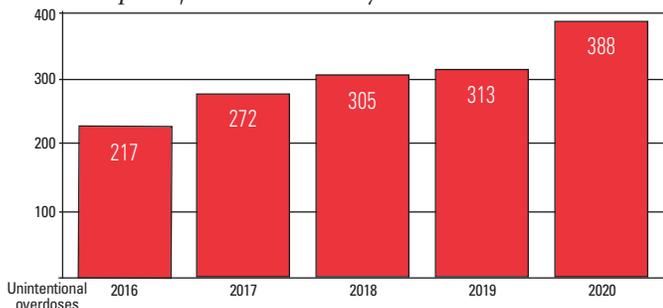
Safety meeting blueprint: Test your knowledge

Meeting Topic: Back safety

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| <p>1. What can you do to protect your back whenever you have to move a heavy load, carry something over and over again, or haul a heavy object after you've been inactive for a long time?</p> <p>a. Wear heavy shoes
b. Stretch regularly
c. Put on a safety harness and lanyard
d. None of the above</p> <p>2. In order to reduce the chances of suffering a back injury, which of the following things should you do before lifting an object?</p> <p>a. Make sure the object is as close to you as possible
b. Make sure the object is as far away from you as possible, so you have to</p> | <p>reach out with your hands
c. Lift with your back, not your legs
d. None of the above</p> <p>3. Before transporting a heavy load, you should examine the planned path of travel and confirm that it's</p> <p>a. Rocky and uneven
b. Lacking directional markings on the floor
c. Clear of obstacles
d. Slippery and wet</p> <p>4. In addition to lifting with your legs, what else should you do when attempting to raise a load?</p> <p>a. Tighten your core muscles and lift straight up</p> | <p>b. Bend at the waist
c. Keep your feet close together
d. Flex your triceps</p> <p>5. While you're carrying a heavy load, you should maintain the natural curve of your back. True or False?</p> <p>6. About how many American workers suffer back injuries every year?</p> <p>a. 100,000
b. 1 million
c. 10 million
d. 100 million</p> <p>7. Which of the following is a major cause of back injuries?</p> <p>a. Force
b. Repetition
c. Inactivity</p> | <p>d. All of the above</p> <p>8. Back injuries account for about how many U.S. workplace injuries?</p> <p>a. One out of three
b. One out of four
c. One out of five
d. One out of six</p> <p>9. The use of lift-assist tools doesn't usually help to prevent back injuries. True or False?</p> <p>10. If you decide that you can't carry a heavy load by yourself, what should you do?</p> <p>a. Leave the load where it is
b. Get a teammate to help you lift the load
c. Tough it out and carry the load anyway
d. None of the above</p> |
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Did you know?

Beware of coworkers abusing illegal drugs
Workplace fatalities caused by unintentional overdoses



Notify your supervisor if you suspect that a coworker could be abusing illegal drugs. New data have shown a big jump in the number of unintentional overdoses suffered by U.S. workers using illegal substances – to 388 in 2020 from 217 in 2016.

Source: Bureau of Labor Statistics

Test your knowledge: The answers

- | | |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <p>1. b</p> <p>2. a. Also be sure to face the object and confirm that your feet are shoulder-width apart.</p> <p>3. c</p> <p>4. a</p> <p>5. True. When you're transporting a heavy load, make sure you maintain the natural, comfortable curve of your back. Don't twist or lean.</p> <p>6. b</p> <p>7. d. All three things can lead to back injuries, but the majority of injuries are the result of force – lifting a load that's too heavy.</p> <p>8. c</p> <p>9. False. Lift-assist tools are an excellent option, especially when you're repeatedly moving heavy loads.</p> <p>10. b</p> | <p>1. b</p> <p>2. a. Also be sure to face the object and confirm that your feet are shoulder-width apart.</p> <p>3. c</p> <p>4. a</p> <p>5. True. When you're transporting a heavy load, make sure you maintain the natural, comfortable curve of your back. Don't twist or lean.</p> <p>6. b</p> <p>7. d. All three things can lead to back injuries, but the majority of injuries are the result of force – lifting a load that's too heavy.</p> <p>8. c</p> <p>9. False. Lift-assist tools are an excellent option, especially when you're repeatedly moving heavy loads.</p> <p>10. b</p> |
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