

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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Did poor lockout/tagout procedures cause men to be horribly burned?

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Crew member rushed into danger zone to help a coworker in distress.

Safety component removed from equipment; man dead

Worker fatally crushed between two heavy, awkward loads

Incident summary

The removal of a critical safety component from hazardous equipment caused a crew member to be fatally crushed between two heavy, awkward loads.

What happened

An employer arranged for a special lifting device to be fabricated so that workers could transport and handle heavy loads that were specific to its operation. The device included an A-frame rack with safety posts designed to prevent items from falling off the rack.

However, crew members routinely removed the safety posts because the posts

made it more difficult to work with the A-frame rack.

A staffer was told to help a forklift operator reposition an awkward load that had been placed on the A-frame rack. The load measured 114 inches long by 69 inches high by 1.125 inches thick. Once the rack and the load had been lowered to the ground, however, the forklift driver had trouble detaching the lifting mechanism because it was caught on the load, which weighed 719 pounds.

The man on the ground stood next to the load and tried to detach the mechanism. Without warning, the load fell and crushed the employee against

another heavy load that was positioned nearby.

Despite the best efforts of the forklift operator and his coworkers, the victim was later declared dead from blunt force chest trauma.

Findings

The employer should've prevented crew members from removing the safety posts from the A-frame rack, according to investigators. If the posts had been in place, there would've been no way for the load to tip over and fatally crush the man.

Plus, the victim should've been trained to stand outside the fall shadow of the raised load at all times.

Supervisor for host employer ignores safety concerns raised by contractor

Manager told worried crew member to just get the work done, then walked away

“You’re not going to believe this,” said Ralph, the plant manager, “but we just got hit with a lawsuit from that contract employee who got hurt while working here.”

“I assume you’re talking about Matt,” replied Alice, the supervisor.

“That’s right,” said Ralph. “Matt contends that we’re responsible for the injury he suffered when the ladder he

was using on ice slipped out from under him and caused him to fall.”

Specifically stated

“Matt must be desperate,” said Alice. “Our agreement with Matt’s employer specifically stated that contract staffers were responsible for their own safety. I don’t understand how Matt can blame us for what happened to him.”

“Matt argues that we had a supervisor on-site the day of his injury,” said Ralph. “He says he alerted our supervisor to the hazardous ice, but our guy just told him to get the work done, then walked away. A short time later, Matt was standing on a ladder that he’d positioned on the ice when the ladder slipped and he fell.”

“Our supervisor might have told Matt to get the

work done,” said Alice, “but he sure as heck didn’t instruct him to set up a ladder on a sheet of ice and start working from the ladder. There was nothing to stop Matt or his managers from removing the ice.”

Safe work site

“Matt contends that we had a responsibility to provide him with a safe work (Please see *Safety concerns ...* on p. 2)

Safety concerns ...

(continued from p. 1)

site,” said Ralph. “He alleges that we shirked our duty because we didn’t have the ice removed before he started the job.”

“Of course we have to provide a safe work environment,” said Alice, “but I don’t think we should be expected to remove hazards that are obvious. In this case, it was impossible to miss the sheet of ice.”

Created the condition

“According to Matt,” said Ralph, “we’re also on the hook for his injury because we created the condition that caused the ice to form. What does he mean by that?”

“He’s referring to the fact that we ran heaters in

the building all night,” said Alice. “The heat caused water to run off the roof to the ground where it later froze and formed the ice sheet.”

Didn’t prevent

“That might have been the case,” said Ralph, “but we didn’t prevent Matt or his supervisors from removing the ice. We’ll fight this lawsuit.”

Result: The company won. The court said the host employer wasn’t legally liable for the contractor’s injury because it was the duty of the contract company to ensure work-site safety.

Even though a supervisor for the host employer was aware of the

ice sheet but still directed the contractor to proceed with the job, he didn’t instruct the staffer to set up his ladder on ice.

Yes, the host employer had a duty to provide a safe work environment, said the judge, but the danger from the ice was obvious.

Not responsible

And while the actions of the host employer caused the ice to form, it still wasn’t responsible for the incident because the contract employer was charged with maintaining safety on the work site, including the removal of the ice sheet.

Based on McCullar v. SMC Contracting, Inc.

What it means to you

If a contract employee approaches you with legitimate concerns about a potential workplace hazard, don’t turn a blind eye to what the person is saying.

Sure, the company here won the court case, but it had to spend big bucks defending itself in a court of law.

A better option is to take steps to prevent injuries to contract workers as best you can, even if the contract company is responsible for the safety of its own staffers. No one benefits when someone gets hurt, no matter who they’re working for.

Action step: If a contract staffer alerts you to a hazard, stop the job right away and then work with the contractor’s managers to figure out a way to have the danger mitigated.

You make the call

Men badly burned when steam sprays on them

“We were absolutely devastated when three of our crew members were killed after hot steam sprayed all over them,” said George, the supervisor, “but there’s no way the deadly incident was caused by our failure to adhere to safety regulations.”

“The incident was the direct result of a safety violation,” said Tammy, the compliance officer.

“That’s wrong,” said George. “The crew was deenergized and locked out the machine. Then they carefully followed our lockout procedures for clearing jams.”

“It’s true that your crew followed safety procedures for the task,” said Tammy. “However, the procedures themselves were faulty. I’m citing you for failing to have clear lockout/tagout procedures.”

“How were our procedures insufficient?” asked George.

Let it cool down

“The procedures failed to instruct employees to let the equipment cool down before removing any bolts,” said Tammy. “As a result, one of your workers took off the

bolts too quickly, and 15 minutes later, high-pressure steam spewed on your three staffers, who were all horribly and fatally burned.”

“It’s common sense to let hot equipment cool down before working on it,” said George. “There was no need to put such detail in our procedures.”

“I suspect the widows of the three staffers who were killed would disagree,” said Tammy.

“Our procedures were adequate,” 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

FOR SUPERVISORS

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quick ideas

Safely position vehicles in the high, hard wind

Crew members laboring outdoors in high, hard wind should know to park their work vehicles so the wind is blowing on the opposite side of where the operator exits the vehicle.

Doing so will reduce the chances of a worker injury as a result of high wind causing a staffer to lose his or her balance and fall.

When forklift controls must be put in neutral

A heads-up to your forklift operators: They should never leave a vehicle unattended without first putting the controls in neutral. That way, if an unauthorized person were to turn the

key or start the motor, the truck wouldn't move.

Bonus: Drivers should also apply the parking brake in order to prevent the vehicle from rolling.

Staffers should know when to not use gloves

Of course you want crew members to wear safety gloves when their hands could be exposed to hazards, but don't forget that there are certain situations in which gloves shouldn't be worn because they actually increase the chances of an injury.

For instance, gloves should be avoided when they're likely to get caught in machinery such as powered rollers, belts, pulleys and chain drives,

and rotating or moving parts like motor shafts.

How tired workers can try to stay awake, alert

When staffers begin to feel tired on the job, they can get a quick pick-me-up by splashing cold water on their face and neck. They can also stay alert by drinking cold water throughout their shifts.

And staffers should make sure their work area is well lit, because light sends a signal to the body that it's time to be awake.

Bonus: When their energy levels are especially low, workers can take a brisk walk during their break – it'll get oxygen pumping throughout the body.



safety news for supervisors

Why more operations will be designated as severe safety violators

Your efforts to make sure crew members adhere to safety regulations are now worth even more to your employer.

That's because the Occupational Safety and Health Administration (OSHA) recently rolled out significant modifications to its Severe Violator Enforcement Program (SVEP) that could increase employers' chances of being placed in the program.

The SVEP, which was launched by OSHA in 2010, is designed to penalize operations that repeatedly violate safety rules. Companies placed in the program are included on a public list of bad

actors. They're also subject to unannounced follow-up inspections and higher penalty amounts when problems are identified.

Under the recent revisions, employers will be placed in the SVEP if they're cited for at least two willful or repeat violations or receive a failure-to-abate notice for any serious violation.

Previously, companies were assigned to the SVEP only for violations of certain regulations. With the revisions, however, employers will be classified as severe violators after repeat violations of any OSHA regulation.

In addition, the changes will make it more difficult for companies to exit the SVEP.

Retired trade workers experience high levels of hearing impairment

Take note: Workers in jobs with high levels of noise exposure are 40% more likely to suffer from hearing impairment than are those not exposed to excessive noise on the job.

That's according to a recent analysis conducted by The Center for Construction Research and Training. Researchers examined health data for 21,000 participants in the Building Trades Medical Screening Program, which is comprised of former U.S. Department of Energy employees.

The data also revealed that 95% of trade workers older than 85 now suffer from hearing loss.

Mistakes that hurt

Combustible dust allowed to build up

By making sure that dust doesn't accumulate on work surfaces, you not only reduce the chances of a deadly combustible-dust explosion, but you also make it less likely that your employer will be slammed with a stiff fine.

Company: M&H Crates, Inc., Jacksonville, TX.

Business: Wood crate and pallet manufacturing.

Agency: Occupational Safety and Health Administration.

Fine: \$248,866 (proposed).

Reason for fine: Several areas of the facility had significant dust accumulations.

Note: The inspection was initiated in response to a complaint. The employer was also cited because crew members potentially exposed to flying particles weren't wearing safety goggles.

Static electricity causes burn injury

Don't forget the importance of making sure employees use spark-resistant tools when they're laboring in work areas with potentially hazardous atmospheres.

Company: International Cushioning Co., Fremont, OH.

Business: Packaging manufacturing.

Agency: OSHA.

Fine: \$177,950 (proposed).

Reason for fine: Employees failed to use spark-resistant tools while working near flammable chemicals.

Note: Safety regulators knocked on the door after they found out that a crew member had suffered second-degree burns to his hands while he was removing production materials from a machine and static electricity ignited a flammable gas.



legal developments

Woman violates procedures, has part of her finger cut off

Safety insight: Now might be a good time to remind crew members of the importance of always following safety procedures while operating hazardous machines. Anyone who fails to adhere to procedures could be risking a severe injury.

What happened: A woman assigned to run a hazardous piece of equipment was trained to always keep her hands away from its points of operation.

What people did: The female equipment operator pressed the two-handed controls to activate the unit. However, nothing happened, so she reached

into the point of operation while turning on the device, which caused the equipment to cycle and amputate part of one of her fingers. She was ruled eligible for workers' comp.

Legal challenge: The woman sued for damages beyond comp, arguing that her employer knew she would get hurt operating the unit. She pointed to a similar amputation injury suffered by a different staffer running the same device four years beforehand.

The company argued that the woman had safely operated the machine for one month prior to her injury.

Result: The employer won. The court dismissed the lawsuit, saying the woman failed to prove the company knew for sure that she'd get hurt while operating the equipment.

The judge said the woman violated her employer's safety procedures and that no one had been injured running the machine after the initial amputation injury four years beforehand, so the company had no reason to believe the woman would get hurt using the device.

The skinny: It's usually hard for injured workers to prove their employers knew they'd suffer an injury.

Citation: *Jones v. Dayco Products, LLC*, Court of Appeals of Michigan, No. 357428, 9/15/22.

You make the call: The decision

(See case on page 2)

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

The commission said the company's lockout/tagout procedures didn't include a clear statement that workers must allow the equipment to cool before removing any bolts. The commission noted that the incomplete procedures ran afoul of OSHA's lockout/tagout rule, which says procedures must clearly and specifically detail the scope of the job.

While it might have been common sense to let the equipment cool, the procedures needed to include a specific directive to allow for a cooldown.

What it means: Review your lockout procedures

You might want to take a look at the procedures your crew members are currently using whenever they have to deenergize and lock out hazardous machines.

During your examination of the procedures, consider communicating with equipment operators and asking them to verify whether the existing written procedures include all the steps actually needed to deenergize the device.

If you notice any problems with the procedures, talk to your safety manager about revising the procedures to ensure that they're accurate and specific.

Based on Secretary of Labor v. Darling Ingredients.



horror stories

Man didn't hesitate to go into danger zone to help his friend

Summary

With his friend sprawled unconscious on the floor inside a tanker truck, a staff member didn't hesitate to rush into the danger zone to help his colleague. Neither man came out alive.

The incident

Roberto Longoria, an employee of Danny's Truck Wash, Avondale, AZ, knew something wasn't right when his friend and coworker Jose Perez didn't emerge from the tanker truck he'd just entered.

Perez had been instructed to clean the inside of the tanker. But the employee didn't know that the tanker

still contained hazardous chemical vapors. Perez was inside the danger zone for just a few minutes before he was overcome by the fumes.

As soon as Longoria saw that Perez was unconscious inside the tanker, he called 9-1-1, then rushed into the confined space to rescue his friend. Unfortunately, however, Longoria was soon overcome by the hazardous vapors too.

The response

Firefighters who responded to Longoria's 9-1-1 call arrived at the work site a short time later. They put on supplied-air respirators and went into the

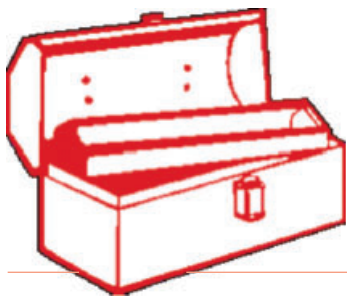
tanker. They found the two workers already dead from the inhalation of hazardous fumes. Four of the firefighters involved in the rescue had to be transported to nearby hospitals for treatment of heat illness. All four firefighters survived.

The aftermath

Friends and family members weren't surprised that Longoria, 42, had rushed into the confined space to assist his friend.

"Roberto always helped people," said Jennifer Jones, his fiancée. "If he were here today, he probably would do it again."

"Thank you for trying to rescue Jose," said one of Perez's cousins, referring to Longoria. "You definitely earned your wings."



Supervisor's safety toolbox

Safety meeting blueprint

✓ **Meeting Topic:** Slips, trips and falls

✓ **Today's Date:** _____

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____

Sure, just about everyone recognizes that it can be dangerous to slip, trip, or fall in the workplace, but few folks might realize just how significant the risks really are.

In 2020, for instance, 805 U.S. workers suffered fatal injuries when they slipped, tripped, or fell, according to the Census of Fatal Occupational Injuries.

And there were 211,640 injuries caused by slips, trips and falls during the same year. The bottom line is that slips, trips and falls are the No. 2 cause of workplace fatalities and the No. 3 cause of job-related injuries.

Fatality, injury reports

Because we don't want anyone here to wind up on the government's fatality or injury reports, let's talk about how to avoid slips, trips and falls.

You're less likely to slip, trip, or fall if you're aware of the work areas in our operation where there is a higher risk of these types of injuries. Locations with lots of foot traffic, such as

lunchrooms, break rooms and entranceways, are especially hazardous.

Other high-risk areas include those where liquids can accumulate on the floor, such as rooms with machines that could leak, restrooms and maintenance areas.

Leading causes

Studies have shown that the leading causes of slip injuries are wet spills, dry product spills, weather hazards such as ice and snow, loose rugs, and uneven walking surfaces.

(What are the leading reasons for trip injuries?)

Trips are usually caused by clutter, poor lighting, obstructed views, wrinkled carpets or mats, and damaged or irregular steps.

Weak or broken ladders are one of the top reasons for fall injuries. Others include the carrying of heavy objects, the failure to use guardrails and the misuse of fall protection equipment.

Keep in mind that all of us have a responsibility to reduce slips, trips and falls. So if you see any of these

potential hazards, remove the source of the danger, if you can, or at least put up a warning sign or a cone to let others know the risks.

For your own safety, avoid behavior that can lead to slips, trips and falls. For instance, remain focused while you're on the job and avoid distractions such as a cellphone that could limit your awareness of your surroundings.

Dangerous shortcuts

Also avoid dangerous shortcuts and walk only in designated aisles and pathways. Don't run on the job. When you're moving across a wet surface, walk carefully, slow your speed and shorten your stride.

Always look in the direction you're traveling. Keep an eye out for uneven surfaces, clutter, extension cords, debris and wet floors. Be careful around sharp turns – a wide angle can help you navigate turns more safely.

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

(See next page for test)

Tailgate talk

Today's Subject:

Hazwaste disposal

Date: _____

Remember: You can't just dump hazardous substance down a drain or into a regular trash receptacle after you're done using it. It's not only a potential violation of environmental laws, but it also could expose you and your coworkers to significant danger.

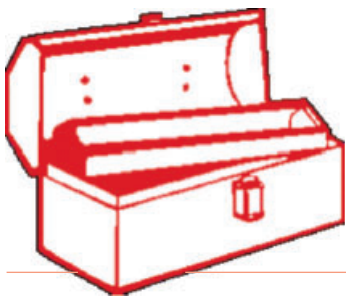
What to focus on

Here are two things to keep in mind in order to ensure the safe disposal of hazardous waste.

1. Use the proper container. Before handling a hazardous material, make sure you know where to dispose of its waste when you're done. There should be a clearly marked container for that specific substance or for that class of chemicals.

If you're not sure where to put the waste, talk to your supervisor. Also, remember that you shouldn't fill the container to the brim; you should allow enough head space at the top of the container to ensure the waste can expand safely.

2. Keep the container closed. Containers used to store hazardous waste must be kept closed at all times. As soon as you add waste to a container, shut the lid. If you see a container with an open lid, close it. And confirm that the container is securely positioned so there's no chance it'll tip over.



Supervisor's safety toolbox

Safety meeting blueprint: Test your knowledge

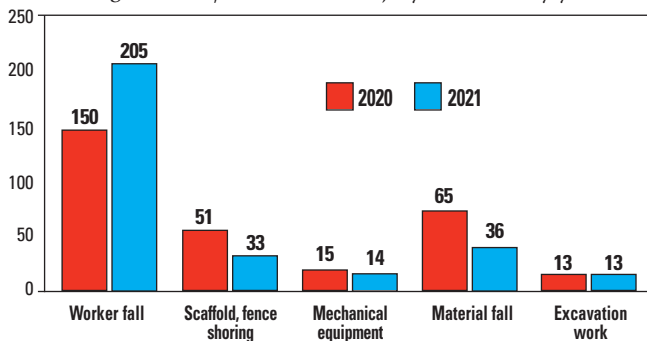
Meeting Topic: Slips, trips and falls

- | | | | |
|--|---|---|--|
| <p>1. Trips are often caused by</p> <p>a. Poor lighting
b. Good housekeeping
c. Slip-resistant footwear
d. None of the above</p> <p>2. When it comes to avoiding slips, trips and falls, everyone is fully responsible for his or her own safety. True or False?</p> <p>3. How many U.S. workers died in 2020 when they slipped, tripped, or fell?</p> <p>a. None
b. 8
c. 80
d. 805</p> <p>4. You can more safely navigate turns by</p> <p>a. Running as fast as you can around the turn</p> | <p>b. Taking a wide angle
c. Walking quickly in case someone is coming the other way
d. None of the above</p> <p>5. Areas with a high risk of slips, trips and falls include</p> <p>a. Rooms with machines that could leak
b. Restrooms
c. Maintenance areas
d. All of the above</p> <p>6. How many slip, trip and fall injuries happened in U.S. workplaces in 2020?</p> <p>a. 211,640
b. 21,164
c. 2,116
d. 211</p> <p>7. It's OK to take a shortcut as long as you remain</p> | <p>aware of your surroundings while using the alternative route. True or False?</p> <p>8. Slips, trips and falls are</p> <p>a. The leading cause of workplace fatalities
b. The No. 2 cause of work-related deaths
c. The No. 3 cause of job-related fatalities
d. None of the above</p> <p>9. One of the top reasons for fall injuries is the use of weak or broken ladders. True or False?</p> <p>10. If you see a potential tripping hazard, you should</p> <p>a. Put up a warning sign
b. Call 9-1-1
c. Leave the job site as</p> | <p>quickly as you can
d. None of the above</p> <p>11. In what direction should you look when you're traveling through the workplace?</p> <p>a. At the ceiling
b. In your direction of travel
c. Behind you
d. None of the above</p> <p>12. When you're moving across a wet surface, you should lengthen your stride. True or False?</p> <p>13. Which of the following is one of the leading causes of slip injuries?</p> <p>a. Dry floors
b. Level walking surfaces
c. Weather hazards
d. None of the above</p> |
|--|---|---|--|

Did you know?

The use of fall protection can prevent injuries, deaths

Leading causes of construction injury incidents by year



Keep in mind that construction employees are most likely to suffer injuries or deaths when they fall from an elevated location. A recent analysis shows that worker falls were the top cause of incidents in New York City in both 2020 and 2021.

Source: New York City Department of Buildings

Test your knowledge: The answers

- | | |
|---|---|
| <p>1. a
2. False. Because all of us should always use designated aisles and walkways.
3. d
4. b
5. d
6. a
7. False. Shortcuts are rarely a good idea. You should always use designated aisles and walkways.
8. b
9. True. Another top cause is failure to use guardrails.
10. a
11. b
12. False. Shorten your stride on wet surfaces.
13. c</p> | <p>1. a
2. False. Because all of us should always use designated aisles and walkways.
3. d
4. b
5. d
6. a
7. False. Shortcuts are rarely a good idea. You should always use designated aisles and walkways.
8. b
9. True. Another top cause is failure to use guardrails.
10. a
11. b
12. False. Shorten your stride on wet surfaces.
13. c</p> |
|---|---|