

In this issue

- 2 You Make The Call**
Did warning sign need to have exact wording to comply with regulation?
- 3 Quick Ideas**
One thing staffers need to check before they work with flammables.
- 3 Mistakes That Hurt**
Man laboring in the high heat falls ill, dies while being taken to a hospital.
- 4 Legal Developments**
Injured contract worker claims host employer didn't alert him to hazard.
- 4 Horror Stories**
Unaware of the danger, man unhooked his safety harness for just a minute.

Pressure cooker explodes; two workers badly burned

Relief valve for the hazardous device wasn't properly specified

Incident summary

Two workers had a false sense of security about the safety of a hazardous device because they didn't realize that the pressure relief valve on the unit was the wrong type for the equipment.

What happened

A two-person work crew fired up a pressure cooker that was 12 feet, 4 inches tall and made of heavy-duty treated steel. The device was positioned atop a base that was covered with a piece of sheet metal and had four circular openings to allow propane-powered burners to heat the cooker.

Once the unit was fully

operational, the two men stood about five feet from the 300-gallon device with their backs to it.

Suddenly, there was a sound like a car backfiring. As the men were turning around, they were thrown to the ground and covered in hot mash heated to a temperature of about 200°F.

Although the two workers were still alive, they were severely injured. Emergency responders arrived a short time later. The staffers were transported by helicopter to a burn center.

One of the victims suffered third-degree burns to 80% of his body, but he survived. The second man,

however, had third-degree burns covering 86% of his body, and he died 17 days after the incident.

Findings

The pressure relief valve on the cooker didn't match the specifications for the device. The valve needed to have a lower pressure rating and a lower temperature point to ensure the integrity of the cooker during an overpressurization incident.

As a result, the victims had a false sense of security about the safety of the device because they assumed the relief valve would activate if the pressure inside the unit began to rapidly increase.

Staffer who ignored prejob warning about hazard gets hurt, files lawsuit

Injured contractor says host employer should've eliminated the dangerous condition

“Eric was warned about potentially slippery surfaces during a prejob safety talk,” said Alice, the supervisor. “He should've been more careful.”

“Eric contends that a verbal warning wasn't enough to prevent his slip-and-fall injury,” replied Ralph, the plant manager. “To prove his point, he's suing us for negligence.”

“He must be desperate,”

said Alice. “First off, Eric was working for a contractor, not directly for us. We didn't control the manner in which the job was handled, so I'm not sure how he can possibly argue that we're on the hook for his injury.”

Legal obligation

“Eric contends that as the host employer, we had a legal obligation to make sure ice had been removed from

all floor surfaces,” said Ralph. “He says our failure to get rid of the ice caused the floor to become slippery. As you know, he tumbled on a patch of ice and suffered an injury to his shoulder.”

“Icy surfaces are common in our workplace due to the nature of our operation,” said Alice. “Eric should've known that he might slip on ice.”

“Eric says he was on the

lookout for ice,” said Ralph, “but that he didn't see the slippery surface that felled him because it was dark.”

Was trained

“That's nonsense,” said Alice. “Eric was trained to avoid icy areas, but he wasn't paying attention to what he was doing and that's why he slipped and fell. No one else on his contract crew had a

(Please see *Prejob warning ...* on p. 2)

Prejob warning ...

(continued from p. 1)

problem with icy floors.”

“So Eric’s coworkers didn’t even notice the icy patch?” asked Ralph.

“That’s correct,” said Alice. “And Eric never said a word about a slippery surface, even though his crew boss had advised staffers to report patches of ice if they saw them.”

“Of course, Eric couldn’t disclose a slippery surface that he didn’t see,” said Ralph.

High as a kite

“Eric didn’t see the icy patch because he was high as a kite,” said Alice. “As you know, Eric tested positive for marijuana after the injury incident. We immediately advised the contract company to

permanently remove Eric from our job site.”

Some responsibility

“It sounds like Eric has to take some responsibility for what happened to him,” said Ralph. “We’ll challenge this lawsuit.”

Result: The company won. The court dismissed the case. The judge ruled that the contract staffer couldn’t successfully blame the host employer for his injury, noting that the organization didn’t control the means or methods of the work.

Plus, the injured contract employee was advised during a prejob safety meeting to be on the lookout for icy patches, but he ignored

the warning. In addition, slippery surfaces weren’t unusual in the workplace, so the contract employee should’ve been aware that he might encounter an icy patch.

Didn’t report it

And the contract staff member never reported the slippery surface, even though he’d been told during the prejob safety talk to alert his supervisor to icy conditions.

Furthermore, the man tested positive for marijuana following the incident, making it likely that he didn’t notice the slippery surface because he was high on weed.

Based on Nystrom v. Khana Marine, Ltd.

What it means to you

Remember: Prejob safety discussions can not only help prevent injuries to your crew members, but they can also help your employer beat back a negligence lawsuit should a worker suffer an injury.

In this case, the contract supervisor conducted a safety talk prior to the start of the job. The conversation included a warning about the exact hazard that led to the staffer’s injuries. The fact that the victim was alerted to the potential danger helped the host employer prevail in court.

Try this: As much as possible, involve your staff members in prejob safety talks by asking them targeted questions. Several recent studies have shown that employees who participate in prejob safety discussions are less likely to get hurt.

You make the call

Staffer removes plywood cover, falls through hole

“It’s unfortunate that one of our workers fell through a floor opening and suffered severe injuries,” said George, the supervisor. “But your proposed safety citation is bogus. The opening was covered and the cover was adequately secured.”

“I agree that the plywood placed over the opening was well secured,” said Tammy, the compliance officer. “However, the cover wasn’t properly marked.”

“What do you mean?” asked George.

“Our regulation mandates that covers

for floor openings be legibly labeled with the specific phrase ‘Opening – Do Not Remove,’” said Tammy.

Primary language

“The plywood cover was stamped with the word ‘Cuidado,’ which is Spanish for ‘Be careful,’” said George. “The primary language of most of the workers on this job site is Spanish.”

“I applaud you for using a language that your people would understand,” said Tammy. “However, our rule specifically states that the warning also

include the phrase ‘Do Not Remove.’ In this case, the staff member took off the cover before he fell through the hole, probably because your warning was too vague.”

“We don’t know why the victim removed the cover,” said George.

“That doesn’t matter because our regulation mandates specific language,” said Tammy. “The citation sticks.”

“The floor opening was properly marked,” 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

EDITORIAL DIRECTOR: JIM MCCANNEY
EDITOR-IN-CHIEF: FIONA O’LOUGHLIN
OFFICE MANAGER: SHARON CONNELL

Safety Alert for Supervisors (ISSN 1541-7379) is published 24 times per year by Institute of Business Publications, P.O. Box 1340, Havertown, PA 19083; PHONE: 484-472-8227; FAX: 484-472-8708.

[Click Here to Subscribe Now](#)

Phone: 866-572-1352

Web: iobp.com

Subscription Rate (for 24 issues):

Users	Annual price	Users	Annual price
1-5	\$265 flat	25-29	\$44/user
6-9	\$53/user	30-34	\$43/user
10-14	\$49/user	35-40	\$42/user
15-19	\$47/user	41+	Call
20-24	\$45/user		866-572-1352

FOLLOW & LIKE US ON:



Copyright © 2024 Institute of Business Publications. Reproduction of this material is prohibited without prior permission. All rights reserved in all countries.

**INSTITUTE OF
BUSINESS
PUBLICATIONS**



quick ideas

What to inspect before handling flammables

Your crew members probably already know that before working with a flammable substance, they should inspect the work area for any potential ignition sources, such as sparking tools, pilot lights, hot metal surfaces, or static electricity. But there's another thing they need to check for: the location of the nearest fire extinguisher.

Staffers should always know where the closest extinguisher is positioned before handling a flammable substance. If something goes wrong, they probably won't have time to search for a fire extinguisher, especially if

smoke starts to envelope the work area.

Examine safety gloves before putting them on

At your next talk on hand protection, remind your crew members to regularly inspect their safety gloves before putting them on. They should examine the gloves for signs of damage, including wear between the fingers, seam failure, cracking, bubbling and pinholes. Flawed gloves should be removed from service right away.

Bonus: Staffers should also inspect their gloves after use. Gloves that shrank or swelled while being worn might be compromised and shouldn't be used again.

Covers can help head off sharp-tool injuries

Consider providing your workers with covers for the sharp tools they use.

Here's why: The cover helps keep the blade of the tool sharp, which decreases the chances of an ergonomic injury because workers won't have to apply excessive force when using the tool.

Hard hat crowns should be clear of users' heads

When they're inspecting their hard hats prior to using them, crew members should verify that the suspension system keeps the crown of the hard hat at least 1 inch to 1.25 inches away from the top of the user's head.

Mistakes that hurt

High temperatures led to man's death

Keep in mind the importance of providing staffers laboring in high temperatures with regular rest breaks and access to potable water. Doing so will reduce the chances that a crew member will suffer a fatal injury while toiling in extreme heat.

Company: SJ&L General Contractor, LLC, Madison, AL.

Business: Contractor.

Agency: Occupational Safety and Health Administration.

Fine: \$16,131 (proposed).

Reason for fine: Workers performing manual labor weren't protected from the risks posed by extreme heat.

Note: The employer earned unwanted scrutiny after a crew member who'd been laboring in high temperatures died from heatstroke while he was being taken to a hospital.

Ingoing pinch points lacked safety guards

Double-check that there are no dangerous pinch points on the machines used in your work area. Reason: Not only could your crew members suffer a severe injury if a finger or some other body part gets stuck in a nip point, but also safety regulators won't hesitate to write up citations for machine guarding lapses.

Company: Case Farms Processing, Winesburg, OH.

Business: Poultry processing.

Agency: OSHA.

Fine: \$393,449 (proposed).

Reason for fine: An ingoing nip point between a conveyor belt and an end roller wasn't adequately guarded.

Note: Over the past 36 years, according to OSHA, the company has been hit with 450 citations at facilities in Ohio and North Carolina.



safety news for supervisors

Study: Employees are at risk for deadly falls – even at low heights

Now might be a good time to remind your crew members that they need to protect themselves from potentially deadly falls to a lower level, even when they're laboring at fairly low heights.

So suggests a recent report from CPWR – The Center for Construction Research and Training. Analyzing data from the Census of Fatal Occupational Injuries, researchers identified 2,593 fatal falls to a lower level among construction employees in the U.S. between 2011 and 2018.

Key point: Fully one-third (33.6%) of the deadly tumbles occurred

when the victims were laboring at heights of 15 feet or less. And falls from heights between 16 feet and 25 feet accounted for 26.5% of the incidents.

The CPWR analysis also revealed that the number of workers suffering deadly falls is on the upswing. In 2022, for instance, there were 397 fatal falls to a lower level among construction crew members, which was a whopping 52.7% increase from the number of deadly falls to a lower level among construction staffers in 2011.

New report shows that U.S. workers value a strong safety culture

If you're not sure whether your crew members care about their own safety on the job,

consider the results of a recent survey conducted by DuraPlas, Inc.

According to the company's 2024 Workplace Safety Culture Report, 83% of 1,000 U.S. employees who participated in a recent survey strongly agree (40%) or agree (43%) that a solid safety culture contributes to overall job satisfaction.

And a surprisingly high percentage of respondents said they'd be willing to take a pay cut in exchange for a job with a better safety culture, with 17% reporting that they'd accept lower pay for improved safety, 31% indicating that they might agree to a pay cut for better safety and 9% unsure whether they'd accept lower pay for improved safety.



legal developments

After frayed rope splits apart, crew member tumbles 15 feet

Safety insight: Yes, you are legally obligated to alert contract employees to all hidden job site dangers, but you aren't responsible for letting them know about hazards that are obvious.

What happened: Before he began laboring at an elevated location, a contract staffer put on a safety harness and a lanyard. He then attached two ropes – a main rope and a safety rope – to overhead anchor points.

What people did: While the man was working, the main rope severed and the crew member tumbled about 15 feet to a stable surface just below him. The

contract laborer wasn't seriously injured. A post-incident investigation revealed that the main rope split apart because it had been rubbing back and forth against a steel panel.

Legal challenge: The contract staffer sued the host employer, arguing that it was liable for his injury because the company didn't alert him to the danger posed by the steel panel.

Result: The host employer won. The court dismissed the lawsuit. The judge first pointed out that the company didn't control the means or methods of the contract staffer's work.

Furthermore, the host employer wasn't responsible for the incident because the alleged danger from the steel panel that caused the rope to fray was obvious. In addition, there had been no prior injury incidents involving the steel panel, so the host employer couldn't have known that a contract laborer could get hurt because of the panel.

The skinny: Contract staffers usually face an uphill battle convincing a judge that a host employer is liable for their injuries when the organization didn't control their work methods.

Citation: *Barreto v. The Board of Managers of 545 West 110th Street Condominium*, Supreme Court of New York, No. 160421/2017, 2/14/24.

You make the call: The decision

(See case on page 2)

No. The company lost. The California Occupational Safety and Health Appeals Board upheld the citation.

The board ruled that the employer violated the regulation because the warning on the plywood cover didn't include the required language. The word "Cuidado" didn't exactly match the phrase "Opening – Do Not Remove."

While the employer had the option of adding the word "Cuidado" to the warning, noted the board, it was required to also use the specific wording spelled out in the standard. Without the mandatory language, the regulation was violated, and the penalty was justified.

What it means: Signs must include a directive

Take note: Warning signs can be important tools to help keep staffers safe. A timely heads-up at the location of a hazard can significantly reduce the chances that people will make a mistake that leads to an injury.

However, to be effective, warning signs must also include a directive, that is, tell people exactly what to do. In this case, the warning to be careful (in Spanish) didn't stop the worker from removing the cover and tumbling through the hole. The inclusion of the phrase "Do Not Remove," even in Spanish, would've provided the specific warning he needed in order to head off an injury.

Based on Cal/OSHA v. Lennar Corp.



horror stories

Fatal error: Worker unhooked his harness for 'just a minute'

Summary

A man who'd unfastened his safety harness for just a minute suffered deadly injuries when he fell 20 feet off a stack of barrels.

The incident

Shortly after he arrived at the Hail & Cotton tobacco warehouse in Springfield, TN, Chad Siver, an employee of Crown Services working for McGee Pest Control Services, was assigned to cover with plastic the multiple barrels of tobacco located throughout the facility before he and his crew could begin spraying aluminum phosphide to fumigate the building.

So Siver put on a safety harness and lanyard, climbed atop of stack of tobacco barrels, affixed his safety harness and began wrapping the barrels in plastic. After Siver finished covering one stack of barrels, he needed to reposition himself so he could access another stack.

Siver unhooked his harness from an anchor point for just a minute and moved toward the other stack, which was about four feet beneath the stack he was standing on. Because the plastic wrap was opaque, however, Siver didn't realize that there was a 61-inch gap between the two stacks.

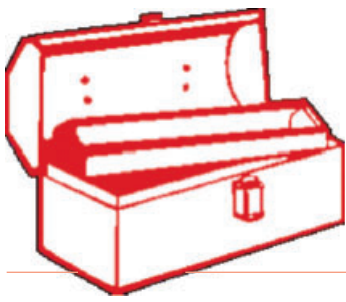
As soon as Siver stepped off the first stack of barrels, he fell 20 feet through the gap. His head slammed onto the concrete floor.

The response

Emergency responders quickly realized that Siver was badly injured. Despite their best efforts, he was declared dead at the scene.

The aftermath

Siver, 34, was remembered for his love of motorcycles and his deep religious beliefs. He often rode with the Catholic Cross Bearers Motorcycle Ministry. Said one ministry member after Siver's death, "I had the privilege and honor to ride alongside my brother Chad. Love you, brother. Rest in peace – until we ride again."



Supervisor's safety toolbox

Safety meeting blueprint

- ✓ Meeting Topic: Conveyor safety
- ✓ Today's Date: _____
- ✓ Attendee Signatures:

When you consider that conveyor systems are large pieces of equipment that incorporate thousands of moving parts being powered by high-speed motors, you know the potential for a conveyor-related injury is quite high.

In fact, about 9,000 employees get hurt and about 40 workers are killed while laboring near conveyor systems every year in the U.S.

(What type of injury is most often associated with conveyors?)

The most common type of workplace injury linked to conveyors is entanglement. To avoid an entanglement incident, try to keep your hair, clothing, jewelry and other loose items away from moving parts.

Inspect guards

You'll also want to ensure that rotating components are adequately guarded at all times. To do so, inspect all the safety guards for the system before activating a conveyor. Also confirm that there's sufficient

clearance between moving parts and other objects.

We're also at risk for conveyor-related mishaps when our fingers, hands, or other body parts get jammed or stuck in pinch points. Oftentimes, pinch-point injuries happen when we're cleaning or maintaining a conveyor and our fingers, clothing, or cleaning rags get caught in rotating components. We can also get hurt when we reach into an ingoing nip point to remove debris or a jammed item.

Keep hands away

One of the best ways to avoid conveyor-related pinch-point injuries is to always keep your hands away from moving belts and drive mechanisms. And don't reach into a conveyor system while it's still running. Adequate guarding – such as barriers, fences and physical guards – can also help lower the likelihood of a pinch-point injury.

Furthermore, we can suffer severe injuries when rotating components are

misaligned, which can cause the entire system to jam. To avoid this problem, always confirm that components are properly aligned before starting a system. Important: As much as possible, use visual inspections, rather than physical probing, for equipment inspections.

Overloaded conveyors

We can also suffer injuries when objects fall off an overloaded belt. For that reason, you should shut down conveyor systems as quickly as possible when too many items are clogging the belt. If you know you'll be laboring underneath a conveyor system, put on a hard hat and maintain a sharp lookout for items that could tumble off the belt and land on you.

You're also less likely to suffer a conveyor-related injury if you never climb over, step on, or sit on a conveyor belt.

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

(See next page for test)

Tailgate talk

Today's Subject:

Horseplay

Date: _____

In an effort to lighten the mood in the workplace, we might sometimes be tempted to engage in horseplay. After all, what harm can there be in trying to get a few laughs?

Plenty, it turns out. In fact, horseplay can go horribly wrong and lead to severe injuries and even death.

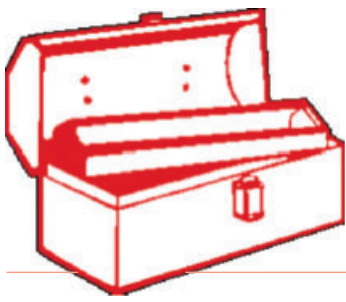
What to focus on

Here are three things to keep in mind in order to avoid the risks posed by horseplay.

1. Recognize the danger. An individual engaging in horseplay isn't paying attention to his or her work and the risks of the task. And horseplay directed at someone else who isn't expecting a distraction can cause the person to lose concentration at exactly the wrong time.

2. Don't initiate horseplay. In pursuit of a brief laugh, horseplay can have severe consequences for you and your coworkers. It's never worth it. And if you see someone else initiating horseplay, don't join in.

3. Report pranksters. Sure, no one wants to be a rat who spoils the fun. But when you report horseplay to your supervisor, you're not a rat. You're a person who cares about your own safety and the safety of everyone around you.



Supervisor's safety toolbox

Safety meeting blueprint: Test your knowledge

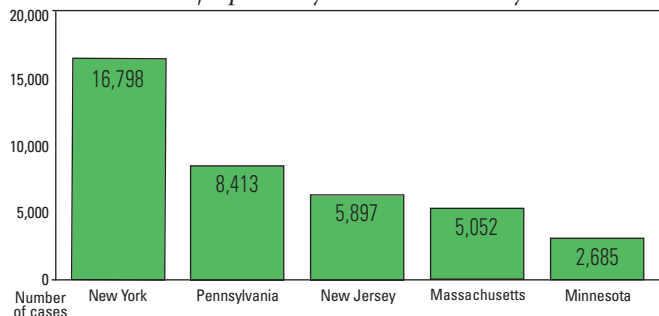
Meeting Topic: Conveyor safety

- | | | | |
|--|---|--|---|
| <p>1. To reduce the chances of a conveyor-related injury, it's best to inspect all the safety guards for the system</p> <p>a. Every week
b. After the conveyor starts running
c. Before activating the system
d. There's no need to inspect the safety guards on conveyor systems</p> <p>2. Oftentimes, pinch-point injuries happen when we're maintaining a conveyor system. True or False?</p> <p>3. About how many workers die in conveyor-related incidents every year in the U.S.?</p> <p>a. 4</p> | <p>b. 40
c. 400
d. 4,000</p> <p>4. When too many items are clogging a conveyor belt, you should</p> <p>a. Ignore the problem because you can't do anything about it anyway
b. Shut down the system as quickly as possible
c. Leave the work area right away so you won't get hurt when something falls off the conveyor
d. None of the above</p> <p>5. It's best to use physical probing to confirm that conveyor components are properly aligned. True or False?</p> <p>6. The most common type</p> | <p>of workplace injury linked to conveyors is</p> <p>a. Entanglement
b. Asphyxiation
c. Electrocution
d. None of the above</p> <p>7. Which of the following items can get caught in rotating conveyor parts and cause a pinch-point injury?</p> <p>a. Fingers
b. Clothing
c. Cleaning rags
d. All of the above</p> <p>8. With modern conveyor systems, it's usually OK to reach into a conveyor while it's still running. True or False?</p> <p>9. When you know you'll be laboring underneath</p> | <p>a conveyor system, you should</p> <p>a. Put on a hard hat
b. Insert earplugs
c. Wear a respirator
d. None of the above</p> <p>10. One of the best ways to avoid conveyor-related pinch-point injuries is to keep your hands away from moving belts and drive mechanisms. True or False?</p> <p>11. About how many employees get hurt in conveyor-related mishaps every year in the U.S.?</p> <p>a. 90
b. 900
c. 9,000
d. 90,000</p> |
|--|---|--|---|

Did you know?

Apply insect repellent before working outdoors

Number of reported Lyme disease cases by state



Remember the importance of applying insect repellent before laboring outdoors, especially in the mid-Atlantic states, which were the three states with the highest number of reported cases of Lyme disease – which is caused by tick bites – in 2022.

Source: Centers for Disease Control and Prevention

Test your knowledge: The answers

- | | |
|--|--|
| <p>1. c</p> <p>2. True. Pinch-point injuries often happen when the conveyor system is being maintained or cleaned.</p> <p>3. b</p> <p>4. b</p> <p>5. False. It's best to use visual inspections because there's less chance a body part could get caught in moving machine parts.</p> <p>6. a</p> <p>7. d</p> <p>8. False. It's never a good idea to reach into a conveyor system that's still running.</p> <p>9. a</p> <p>10. True. Always pay attention to the location of your hands when you're near a conveyor.</p> <p>11. c</p> | <p>1. c</p> <p>2. True. Pinch-point injuries often happen when the conveyor system is being maintained or cleaned.</p> <p>3. b</p> <p>4. b</p> <p>5. False. It's best to use visual inspections because there's less chance a body part could get caught in moving machine parts.</p> <p>6. a</p> <p>7. d</p> <p>8. False. It's never a good idea to reach into a conveyor system that's still running.</p> <p>9. a</p> <p>10. True. Always pay attention to the location of your hands when you're near a conveyor.</p> <p>11. c</p> |
|--|--|