

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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English-only hazard analysis didn't help Spanish speaker

Language barrier prevented crew from recognizing risks of job

Incident summary

An employer's job hazard analysis was of little value to a crew member who suffered fatal head injuries during a dangerous job because the analysis was written in English but the worker spoke only Spanish.

What happened

In order to raise a wooden beam that was 22 feet long by 22.5 inches wide by 3.5 inches thick, two crew members positioned two aerial lifts about 10 feet apart and placed the beam broadside on top of the guardrails for each of the lifts. They didn't secure the beam to the guardrails.

The beam was located about 6.5 feet above the ground when one of the workers began to climb into the basket for one of the aerial lifts. As he was ascending to the basket, he lost his balance and fell to the floor. The unsecured wooden beam tumbled off the guardrails and landed on the head of the man who'd fallen to the ground.

The other employee called to his supervisor, who dialed 9-1-1, and rushed over to administer CPR to the stricken crew member. By the time emergency responders arrived, however, the man was already dead from his severe head injuries.

Findings

Neither one of the workers had been trained on the proper operation of aerial lifts. Although the employer had conducted a job hazard analysis prior to the task, neither the victim nor his coworker had read the analysis because it was written in English and they spoke only Spanish. Plus, the employer's accident prevention program, which included a checklist on aerial lift safety, was available only in English.

Had the workers been aware of the hazards of the task, they would've used a forklift, a crane, or some other device to raise the wooden beam.

Man's hand crushed because crew was unaware of lockout/tagout procedures

Host employer failed to ensure contract workers knew how to perform job safely

"It was horrible when that 5,000 pound suspended load fell and crushed Charles' hand," said Alice, the supervisor. "His hand had to be amputated."

"Unfortunately, yeah, Charles lost his right hand in that incident," replied Ralph, the plant manager. "To make things even worse, Charles blames us for what happened to him, and he just sued us."

"I'm surprised to hear that," said Alice. "After all, Charles was a contract employee. We didn't control the means and methods of the work he was performing when he got hurt."

Retained control

"Charles argues that we were responsible for the safety performance of contract workers like him," said Ralph. "He says we

retained control of workplace safety, so we're on the hook for his injury. And he argues that we failed to make sure his contract crew followed our own lockout/tagout procedures during the hazardous task."

"There's no doubt that the contractors should've locked out the hydraulic power to the equipment before the unit was elevated for repairs," said Alice. "As

soon as Charles removed the braces that had kept the equipment raised, the device dropped and crushed Charles' hand."

No training

"Charles contends that we didn't even train the contract crew on our lockout procedures, even though we were responsible for ensuring contractors stayed (Please see *Lockout/tagout ...* on p. 2)

Lockout/tagout ...

(continued from p. 1)

safe,” said Ralph. “Because the crew wasn’t even aware of the procedures, the equipment wasn’t adequately deenergized and Charles got hurt.”

“It was an unusual task,” said Alice. “Contract crews don’t normally repair that type of equipment, so they don’t usually need to be aware of our lockout/tagout procedures.”

Didn’t have a clue

“According to Charles,” said Ralph, “we’re also liable for his injury because the contract crew didn’t have a clue as to how to handle the job. He contends that we had a legal duty to make sure he and his coworkers had been adequately trained.

Otherwise, the crew shouldn’t have been allowed to perform the work.”

Not that complicated

“The task wasn’t so complicated that it required extensive training,” said Alice. “We trusted the contractors to do the job safely. Their failure to do so was on them, not us. We should challenge this lawsuit.”

Result: The company lost. The court refused to dismiss the case. The judge said the host employer was responsible for the safety performance of the contract workers.

Even though the host employer didn’t control the means and methods of

the work, it was still required to ensure that contract staffers were trained on its lockout/tagout procedures. Had the crew known to deenergize the unit’s hydraulic power, the incident wouldn’t have happened.

What they were doing

And the host employer was responsible for making sure that the contract crew knew how to perform the job safely. Even though it wasn’t a task regularly performed by the contract workers, the host employer still had to make sure the contractors knew what they were doing.

Based on Colomb v. National Railroad Passenger Corp., d/b/a Amtrak.

What it means to you

Chances are, you don’t want to expend a lot of energy micromanaging the work of contract crews. After all, what’s the point of hiring a contractor if you’ll have to devote considerable time and resources to managing them?

However, as this lawsuit demonstrates, you still have to make sure that contract crews are aware of your operation’s safety policies and procedures, and that they know how to perform potentially hazardous jobs safely.

Action step: Communicate with contract supervisors before their crews start working in order to ensure that their people have been trained in your organization’s safety policies and procedures. And never allow contractors to tackle a job they have no clue how to handle.

You make the call

After he ignores training, man pinned against wall

“What happened to Ricardo was tragic,” said George, the supervisor. “However, you can’t blame the employer when a crew member completely disregards his safety training.”

“How did Ricardo supposedly ignore his safety training?” asked Tammy, the compliance officer.

“Ricardo was running a large machine when he foolishly climbed over the fence that guarded the device in order to clean a sensor,” said George. “While he was still in the danger zone, the equipment

cycled and fatally pinned him against a wall. Ricardo had been trained to never climb over the fence. Had he entered the danger zone using the interlocked gate, the unit would’ve shut down before he could’ve been injured.”

Solid safety program

“It sounds like you’re claiming unpreventable employee misconduct as a potential defense for the citation I’m going to write up,” said Tammy. “To do so, however, you have to prove that you have a solid safety program.”

“Our safety program is outstanding,” said George. “We provide extensive safety training as well as refresher safety talks. And we have a written lockout/tagout program.”

“Let’s focus on your lockout/tagout program,” said Tammy. “Your lockout procedures are generic; they aren’t specific for each different type of machinery.”

“Yes, but had Ricardo abided by the generic procedures,” said George, “he wouldn’t have been killed. 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

Know the risk factors for ergonomic injuries

In order to lower the chances that a crew member will suffer an ergonomic injury, it pays to be aware of the key risk factors for musculoskeletal disorders:

- Fixed or constrained body positions.
- Continuous repetitive motions.
- Concentrated forces on small parts of the body such as the hands or the wrists.
- A pace of work that doesn't allow sufficient recovery time between movements.

Key: Try to reduce the effects of these factors by, for instance, allowing workers to take frequent,

short breaks whenever they're handling repetitive tasks.

How employees should inspect safety lanyards

When crew members inspect safety lanyards before using them, they should begin at one end of the lanyard and work toward the opposite end. They should slowly rotate the lanyard so that the entire circumference is checked, keeping in mind that spliced ends require extra attention.

Workers shouldn't try to remove insect nests

Make sure your crew members who sometimes labor outdoors are aware that they shouldn't try to

remove a nest or hive of stinging insects by themselves. Because each situation requires a different method of removal, workers should know to alert a supervisor who can call a pest control specialist.

How much caffeine is safe for consumption?

It's fine for staffers to consume caffeine when they're feeling tired, but they shouldn't overdo it.

Research has shown that caffeine helps maintain alertness and performance and that it's a safe drug if taken in small doses – one to three cups of coffee or tea a day, or one to three soft drinks per day.



safety news for supervisors

Law offers additional legal protections for safety whistleblowers

Proceed cautiously before disciplining a member of your crew shortly after the person has reported a potentially unsafe working condition.

Reason: A new law provides expanded legal protections for workers who are retaliated against after they alert their employers to possible safety problems. Recently signed by Illinois Gov. J.B. Pritzker (D), the law broadens the types of conduct covered under the Illinois Whistleblower Protection Act to include individuals who report potential safety violations directly to their employers.

Under the law, which takes effect Jan. 1, 2025,

workers who think they've been retaliated against for reporting potential safety problems can bring civil lawsuits against their employers. And the Illinois attorney general can pursue legal action against organizations for alleged whistleblower retaliation.

The law also expands the types of activities considered to be retaliatory to include blacklisting a staffer from future job opportunities and contacting the federal government to report a potential immigration violation.

Report: Workers said production was more important than safety

A recently released report reinforces the importance of making sure

production pressures don't take priority over safety.

The report from the U.S. Chemical Safety Board (CSB) on the September 2022 chemical release and fire at the BP-Husky Toledo refinery in Oregon, OH, that killed two crew members and caused \$597 million in property damage found that hourly employees at the plant widely believed that production was a higher priority than was process safety.

Partly as a result of the focus on production, said the CSB, the company neglected the warning signs of a production failure that caused the release of 23,000 pounds of a hazardous chemical and led to a deadly fire.

Mistakes that hurt

Improper storage of oxygen, gas cylinders

Now might be a good time to remind your crew members of the importance of making sure that compressed gas cylinders that contain oxygen are stored at least 20 feet from fuel-gas cylinders and other combustible materials.

Company: HK Cooperative Inc., d/b/a J.H. Routh Packing Co., Sandusky, OH.

Business: Food processing.

Agency: Occupational Safety and Health Administration (OSHA).

Fine: \$528,441 (proposed).

Reason for fine: Multiple compressed gas cylinders containing oxygen were stored within 20 feet of cylinders containing fuel.

Note: The inspection was initiated under an OSHA regional emphasis program for the food industry.

Employee doused by leaking molten metal

At your next training session on overhead hazards, remind your staff members that they're risking a severe injury every time they stand underneath a raised load.

Company: Ellwood Engineered Castings Co., Hubbard, OH.

Business: Castings manufacturing.

Agency: OSHA.

Fine: \$145,184 (proposed).

Reason for fine: A staffer was allowed to work directly underneath a raised load.

Note: A 30-year-old worker suffered fatal injuries when molten metal heated to 2,000°F spilled all over him while he was laboring directly underneath a ladle suspended by a crane. The molten metal was leaking from the overhead ladle.



legal developments

Man slips on greasy surface, suffers severe spinal injuries

Safety insight: Regularly remind your crew members of the importance of making sure that walking and working surfaces are kept dry and free of debris. You don't want someone to trip and fall on a slippery surface, suffer a severe injury and file a lawsuit.

What happened: A crew member was traversing a walkway that was in disrepair and hadn't been resurfaced for more than 18 years.

What people did: As the staff member began to climb the metal steps at the end of the walkway, he slipped on the wet surface

and fell under the handrail. He tumbled eight feet to the ground and landed on his back. As a result of his severe spinal injuries, he must now use a wheelchair.

Legal challenge: The worker sued his former employer, arguing that it had a legal duty to provide him with a safe workplace.

Result: The company lost. The court said the man offered sufficient evidence that the walkway and stairs were in disrepair and that he slipped on grease and oil that had been allowed to accumulate on the surfaces.

The judge pointed out that the walkway hadn't

been resurfaced in more than 18 years, and that workers didn't routinely remove oil and grease spills from the walkway or the stairs. While the worker probably could've been more careful, said the court, that didn't change the fact that the employer was required to ensure walking and working surfaces were kept clean and dry.

The skinny: Companies that turn a blind eye to potential workplace hazards such as slippery walkways and stairs rarely wind up on the winning side in court should a staff member suffer a severe injury and sue.

Citation: *Jaeger v. BNSF Railway Co.*, U.S. District Court, W.D. Washington, No. 23-cv-00930, 7/24/24.

You make the call: The decision

(See case on page 2)

No. The company lost. An appeals board refused to overturn the citation.

The board noted that the employer tried to evade the citation by claiming unpreventable employee misconduct. For that defense to be successful, however, the employer had to demonstrate that it had a comprehensive safety program that was effectively enforced.

While the organization had elements of a strong safety program, said the appeals board, it didn't have a comprehensive program. In particular, noted the board, the employer's lockout/tagout procedures weren't machine specific. Rather, they were generic. For the company to prove that it had an effective safety program, its lockout procedures had to be specifically developed for each different type of machinery.

What it means: Lockout steps must be specific

Are the procedures being used by your staffers to deenergize hazardous machines specifically written for each different type of equipment?

If not, you might want to talk to your safety manager about developing equipment-specific procedures. While the lockout steps don't have to be specifically written for each individual machine, they do have to apply to each different equipment model used by your people.

Based on Cal/OSHA v. Angelus Block Co. Inc.



horror stories

Staffer's skull fatally crushed by branch that fell from tree

Summary

As a worker lay prone on the ground after tumbling from a tree, a broken branch landed on his head and fatally crushed his skull.

The incident

For more than eight years, Cody Trask of Cheney, KS, worked as a tree trimmer. He liked the job so much that he often sent videos and photos to his family members and friends showing them his unique perspective from the trees.

So the experienced tree trimmer wasn't too worried about safety while working on a tree at a private residence in Park City, KS.

Trask affixed his safety lanyard to a branch about 20 feet from the ground. But as Trask began to cut some branches, the limb to which his lanyard was attached suddenly snapped.

Trask fell, and his body hit the ground. The force of the impact blew out both his lungs and caused his heart to stop beating. The broken branch landed on his head and crushed his skull.

The response

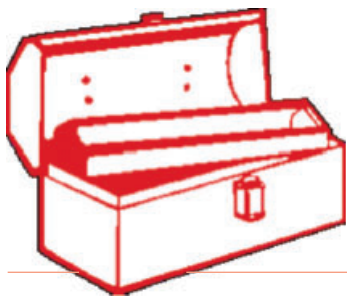
Coworkers removed the debris from around Trask and began to administer CPR. He was still breathing when he arrived at the hospital, but he was brain-dead.

His family made the agonizing decision to remove Trask from life support. They also agreed to have his organs donated, so Trask's kidneys, liver and eyes were removed and given to others in need.

The aftermath

Trask, 31, was remembered as a hardworking, selfless man who did things for people and never said anything about it or asked for a thank-you.

"If there's a message I could give, it would be to never leave your loved ones without saying goodbye and that you love them," said his sister, Nicole Trask, "because you never know when your time is gonna be here. Sometimes, it's very, very unexpected."



Supervisor's safety toolbox

Safety meeting blueprint

✓ **Meeting Topic:** Material handling

✓ **Today's Date:** _____

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____

Some of us might be surprised to learn that material handling tasks cause more workplace injuries than any other type of job-related activity, according to the Injury Impact Report from The Travelers Cos.

The Travelers' analysis of workers' comp claims in the U.S. has revealed that material handling jobs often lead to injuries such as sprains and fractures, musculoskeletal disorders, shoulder and back injuries, and cuts and bruises.

Physical exertion

Keep in mind that you're at risk for injuries both when moving materials manually and when transporting loads using mechanical devices. Manual material handling can lead to strains, sprains and repetitive motion disorders because of the physical exertion required. These injuries are rarely fatal, but they can have a long-term, life-changing impact on victims.

Mechanical material handling involves greater

forces and speeds and can cause people to get caught in equipment or struck by machinery. The heavy forces and loads can cause severe injuries that are sometimes fatal.

When you're performing manual material handling job duties, it's important to follow safe lifting practices. Recent research has shown that workers who regularly carry loads between the knees and the shoulders – the power zone – have a lower risk of severe injuries.

When you're lifting and carrying an item, keep the load as close as possible to your body. Horizontal reach – how far the object is away from the spine – should be minimized.

Increased weight

Also remember that the likelihood of an injury increases as the weight of the load goes up. According to one analysis, the maximum safe lifting weight is 70 pounds under ideal conditions. For loads heavier than that, a mechanical device should be used.

(What are some safety considerations when using mechanical devices to transport materials?)

One key consideration is to select the correct equipment for the task. Choose devices that are appropriate for the specific weight and size of the load as well as the distance the item will be moved.

Inspect accessories

Before using a mechanical device, inspect its load-securement accessories such as chains, straps and binders. Remove damaged or defective devices or accessories from service right away.

Don't try to move a load until you're sure it has been tied down with at least four tie-downs. The total working load limit of all the tie-downs should equal at least 50% of the weight of the load.

And use wheel chocks, wedges, or other tools to prevent devices from rolling during transport.

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

(See next page for test)

Tailgate talk

Today's Subject:

Drum safety

Date: _____

When you consider that a full 55-gallon drum can weigh as much as 800 pounds, you know it's important to keep safety in mind when you're working with drums, especially when you're transporting them.

What to focus on

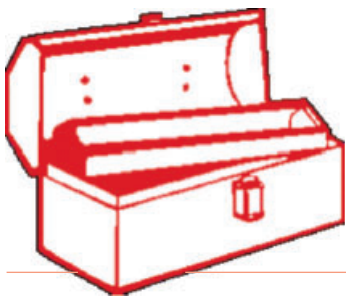
Here are four things to keep in mind to stay safe when using drums.

1. Find out what you're dealing with. Because you don't want to be surprised by a specific drum's hazards, always read the label to find out whether the contents of the drum are combustible, flammable, or otherwise reactive. Be sure to confirm that the contents match the description on the label.

2. Inspect the drum. Don't try to move a drum until you've examined it. Look for warping, burrs, or leaks. Let your supervisor know when a drum is in poor shape and needs to be taken out of service.

3. Follow safe techniques for transport. Don't roll a drum or set up a makeshift ramp. Instead, use a drum truck, a forklift attachment, or a drum lifter.

4. Wear safety gloves. Put on thick safety gloves for better grip and to lower the chances of a laceration or a contamination injury from a leaking chemical.



Supervisor's safety toolbox

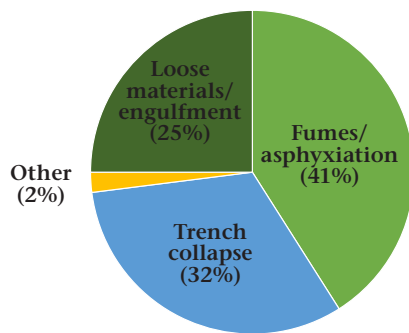
Safety meeting blueprint: Test your knowledge

Meeting Topic: Material handling

- | | | | |
|---|---|---|--|
| <p>1. When you're lifting and carrying an item, you should keep the load</p> <ul style="list-style-type: none"> a. As close as possible to your body b. As far as possible away from your body c. As close as possible to the ground d. None of the above <p>2. You shouldn't try to move a load until you're sure it has been tied down with at least how many tie-downs?</p> <ul style="list-style-type: none"> a. 2 b. 4 c. 6 d. 8 <p>3. Material handling jobs can lead to injuries such as</p> <ul style="list-style-type: none"> a. Sprains | <ul style="list-style-type: none"> b. Skin cancer c. Lung disease d. None of the above <p>4. The likelihood of an injury increases as the weight of the load goes up. True or False?</p> <p>5. Before using a mechanical device, you should inspect its load-securement accessories such as</p> <ul style="list-style-type: none"> a. Chains b. Straps c. Binders d. All of the above <p>6. When you're selecting a mechanical device for transporting materials, you should pick one that's appropriate for the specific size and weight</p> | <p>of the load, as well as</p> <ul style="list-style-type: none"> a. The number of workers in the building that day b. The time of day you plan to move the load c. The distance the item will be transported d. None of the above <p>7. The total working load limit of all the tie-downs should equal at least 25% of the weight of the load. True or False?</p> <p>8. Damaged or defective devices or accessories should be removed from service</p> <ul style="list-style-type: none"> a. Right away b. At the end of the shift c. At the end of the week d. None of the above <p>9. According to one</p> | <p>analysis, the maximum safe lifting weight under ideal conditions is</p> <ul style="list-style-type: none"> a. 30 pounds b. 50 pounds c. 70 pounds d. None of the above <p>10. Recent research has shown that workers have a lower risk of severe injuries when they carry loads between the knees and the shoulders, the area of the body known as</p> <ul style="list-style-type: none"> a. The end zone b. The power zone c. The danger zone d. None of the above <p>11. Injuries incurred during manual material handling tasks are usually fatal. True or False?</p> |
|---|---|---|--|

Did you know?

Always test the air inside a confined space
Percentage of workers killed by type of hazardous condition



Remember: It's never a good idea to enter a confined space without first testing the air inside the danger zone. Fully 41% of workers who died inside a confined space in one state over a 25-year time frame were asphyxiated by hazardous fumes.

Source: Kentucky Fatality Assessment and Control Evaluation database

Test your knowledge: The answers

- 1. a stand-up forklift.
- 2. b 7. False. The total working load limit of all tie-downs should equal 50% of the weight of the load.
- 3. a 4. True. Injuries are more likely because heavier loads require more physical exertion than do lighter loads.
- 4. a 5. d 6. c. A longer distance, for instance, might mandate the use of a powered industrial truck rather than a term, life-altering impacts on victims.
- 5. d 10. b 11. False. These injuries are rarely fatal, but they can have long-term, life-altering impacts on victims.