

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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Teen staffer suffers fatal head injury after go-kart slams into truck's forks.

Boss ignored reports about broken machine; man dead

Victim didn't know safety interlock had previously failed twice

Incident summary

A 36-year-old worker paid a steep price after his boss failed to investigate two separate reports that a safety component on a hazardous machine had failed.

What happened

An employee was operating a large baling machine. Access to the hazardous baling chamber inside the large piece of equipment was controlled by a door equipped with a safety interlock that shut down power to the device whenever the door was open.

The operator was unaware, however, that his coworkers had reported to the shift supervisor that the

safety interlock had failed in two separate incidents. In both cases, no one was injured. However, the shift supervisor took no action in response to the two reports.

While observing the operation of the machine, the staff member noticed that an item had jammed. He opened the access door and entered the operating chamber. He thought he'd be safe because the safety interlock should've turned off the device's power.

As the staffer entered the chamber to try to clear the jam, a sensor indicated that the chamber was full, so the equipment, which was in automatic mode, activated.

A compacting ram pinned the worker against the frame of the machine.

A few minutes later, a coworker discovered the victim fatally crushed inside the chamber.

Findings

After operators on two separate occasions reported to the shift supervisor that the safety interlock on the equipment had failed, the supervisor should've taken the machine out of service for repairs.

Doing so would've ensured that no one would later suffer a deadly injury while using the hazardous equipment.

After safety component is bypassed, man suffers severe amputation injury

Supervisor allowed switch to be disabled because it frequently had to be replaced

"Have you heard from Timothy?" asked Alice, the supervisor. "Has he recovered from the severe injuries he suffered while he was working here?"

"We have heard from Timothy," said Ralph, the plant manager. "He's still adjusting to life without two fingers. He also let us know that he just filed a lawsuit against us, claiming that our negligence led to the

incident in which two of the fingers on his right hand were sliced off."

"I thought Timothy was eligible for workers' comp," said Alice.

Beyond comp

"He's already getting comp," said Ralph. "However, if he can show that our actions were certain to lead to his injury, he can get damages beyond comp."

"What actions did we take that were certain to cause Timothy's injury?" asked Alice.

"Timothy contends that our decision to bypass a critical safety feature on the machine he was repairing when he got hurt made his injury incident substantially certain," said Ralph.

"We had to bypass the disconnect switch on that device," said Alice. "The

switch often failed and it was time-consuming and expensive to keep replacing it. Eventually, we decided to bypass the switch. However, we still had safety protocols in place for the machine."

Safety protocols

"What safety protocols did we have?" asked Ralph.

"We set things up so the equipment could be de-

(Please see *Bypassed ...* on p. 2)

Bypassed ...

(continued from p. 1)

energized using a computer located inside the building,” said Alice.

“So what went wrong on the day Timothy got hurt?” asked Ralph.

Equipment leak

“Timothy had been assigned to repair a leak on the equipment, which is located on the roof,” said Alice. “A coworker used the computer to lock out the machine from inside the building and Timothy went to the roof. He verified that the device wasn’t running, then began searching for the leak. While he was still in the danger zone, the equipment unexpectedly activated and Timothy’s hand was pulled into moving machine parts.”

“Timothy says several staffers had complained that the machine was less safe after we bypassed the disconnect switch,” said Ralph.

No injuries

“I know there were some complaints,” said Alice, “but no one had been injured while working on that machine before Timothy got hurt.”

“That’s a good point,” said Ralph. “We’ll fight this lawsuit.”

Result: The company won. The court said the injured staffer failed to show that the employer knew his injury was sure to happen.

While acknowledging that several workers had

complained about the safety of the unit after the disconnect switch was bypassed, the judge noted that there had been no previous injuries involving the equipment, so the employer couldn’t have known that the man would get hurt.

Backup method

Plus, the company had a backup method of protecting people working on the device: the use of the computer system to remotely lock out the unit. It was reasonable for the employer to expect that the backup method would adequately protect its workers, said the court.

Based on Paracha v. Darling Ingredients Inc.

What it means to you

Here’s a good rule of thumb for ensuring your staffers stay safe: Never permit a safety feature on a hazardous piece of equipment to be bypassed or otherwise disabled.

In this case, the employer allowed a disconnect switch to be bypassed, and as a result, a worker suffered a severe amputation injury.

What to do: If a safety feature on a piece of equipment is slowing down production or costing a lot to fix, talk to the equipment manufacturer about possible methods of addressing the reasons the component is having issues.

Here, for instance, the manufacturer might have been able to figure out why the disconnect switch was repeatedly failing.

You make the call

Can company be cited if victim was intoxicated?

“You can’t be serious,” said George, the supervisor. “Marco was dead drunk when he fell through that floor opening. Now you’re citing us for failing to properly guard the opening? That doesn’t make sense.”

“It’s unfortunate that your crew member was intoxicated when he tumbled through the opening and landed 31 feet below,” replied Tammy, the compliance officer. “He survived the incident, but he was really banged up.”

“Yeah, it’ll be a while before Marco works

again,” said George. “But you’re completely disregarding the fact that he was drunk on the job. We can’t be held responsible for injuries suffered by inebriated workers.”

Two metal sheets

“I disagree,” said Tammy. “Our rules require that openings be secured with coverings that are capable of supporting at least 400 pounds. Your crew had placed two thin metal sheets over the opening, which wasn’t enough to hold that much weight.”

“Perhaps we could’ve done a better job of securing the hole,” said George, “but you can’t cite us for a violation we didn’t know about.”

“I can penalize you if you should’ve known about the violation,” said Tammy. “In this case, the opening was in plain view and had been inadequately covered for two weeks.”

“That might be true,” said George. “But it’s also true that Marco wouldn’t have fallen through the hole if he hadn’t been drunk. 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

Why employees need to put on safety footwear

If any of your crew members doubt the importance of wearing safety shoes or boots, let them know this fact: Every year in the U.S., there are more than 53,000 work-related foot injuries, according to the Bureau of Labor Statistics.

That's more than 1,000 foot injuries every week!

Staffers shouldn't rush into confined spaces

At your next training session on confined space safety, remind your crew members that they should never rush into a danger zone to rescue a crewmate who's in distress – unless they've already taken

adequate measures to protect themselves.

Here's why: About 60% of confined-space fatalities involve would-be rescuers, according to recently released government data.

Don't use the cord to turn off power tools

To reduce the chances of an electrical short circuit, workers should make sure the switch for all electrically powered tools is in the off position before connecting the tool to the power supply.

And staffers should use only the switch to turn the tool on and off. They shouldn't activate or disable the tool by connecting or disconnecting the power cord.

Recognize the warning signs of welder's flash

Are crew members who perform welding and hot work aware of the warning signs of welder's flash, an eye injury caused by exposure to the ultraviolet light emitted during welding work?

If not, they should be on the lookout for tearing eyes, light sensitivity, dry eyes, or intense burning, any of which could indicate welder's flash.

Remember: Arc radiation produced during hot work can penetrate the retina and cause permanent eye damage, including cataracts, reduced vision and increased sensitivity to light.

Mistakes that hurt

Lockout lock used to secure entrance gate

Consider a timely reminder to crew members who've been issued locks to de-energize hazardous machines: They shouldn't use their locks for anything other than the intended purpose of equipment lockout.

Company: Kumho Tire Georgia Inc., Macon, GA.

Business: Tire manufacturing.

Agency: Occupational Safety and Health Administration.

Fine: \$271,930 (proposed).

Reason for fine: Employees were using locks intended for equipment de-energization for other purposes.

Note: Inspectors said one staffer used his lockout lock to secure an entrance gate. Officials knocked on the door after they found out that a 57-year-old man had been fatally crushed inside a machine.

Space heaters too close to sawdust

Don't forget that space heaters and other portable electrically powered devices should be positioned as far away as possible from combustible materials.

Company: Fox Lumber Sales, Spokane Valley, WA.

Business: Sawmill.

Agency: Washington State Department of Labor & Industries.

Fine: \$126,000 (proposed).

Reason for fine: Potential ignition sources were located too close to combustible materials.

Note: According to safety officials, a space heater was positioned on top of a thick layer of sawdust, which created a significant fire hazard. Over the past year, the company has experienced two nonfatal fire incidents.



safety news for supervisors

Report: Foreign-born workers are more likely to suffer fatal injuries

A recently released report reinforces the importance of making sure your staffers are provided with safety training in a language they understand.

The report from The Center for Construction Research and Training (CPWR) showed that fatal injuries among foreign-born Hispanic construction crew members jumped a whopping 103.9% between 2011 and 2022, from 155 fatalities in 2011 to 316 deaths in 2022.

During the same period, the fatal injury rate for non-Hispanic construction workers decreased by 1.1%.

In 2011, according to the

data, Hispanic workers accounted for 25.3% of all fatal injuries among construction laborers. In 2022, Hispanic staffers accounted for 37.5% of all construction fatalities.

The CPWR suggested that the increase in fatal injuries among foreign-born Hispanic construction workers could be linked to many factors, including language barriers, cultural differences and concerns about immigration status. They also pointed out that not all safety training materials are typically available in Spanish.

Why you should verify safety gear fits and is comfortable to wear

Now might be a good time to confirm with your

crew members that their safety gear is comfortable and that it fits properly.

That's your takeaway from a new report issued by the National Institute for Occupational Safety and Health (NIOSH). Researchers analyzed employee safety practices at an Ohio hazardous materials recycling plant.

During their health hazard evaluation, NIOSH researchers observed that workers used their safety equipment inconsistently. Staff members often took off their gear. In fact, one crew member was wearing an N95 respirator that had one strap cut off. When pressed, the employees linked their inconsistent use of the gear to poor fit and lack of comfort.



legal developments

Man who ignored safety rule now has half a right thumb

Safety insight: You're almost always on solid legal ground when you terminate a staffer for a safety violation.

What happened: When he first began working for an employer, a crew member agreed to abide by the company's critical safety rules. One of the rules forbade staff members from touching in-running nip points. The man understood that any violation of the rules could result in immediate dismissal.

What people did: The worker was repairing a piece of equipment that hadn't been properly de-energized when he positioned his hand

in a nip point. The machine unexpectedly cycled, and the man's hand became trapped in the equipment. He suffered the partial amputation of his right thumb. The HR manager helped the injured staffer file a workers' comp claim. Meanwhile, the company investigated the injury incident, then fired the staff member for violating a critical safety rule.

Legal challenge: The injured crew member sued for retaliation, claiming that he was let go because he applied for workers' comp.

Result: The company won. The court dismissed the lawsuit. The judge said

the injured man failed to prove that he was fired for seeking workers' comp. The evidence showed that he was dismissed for violating a critical safety rule. The judge pointed out that the company's HR manager helped the staffer submit his worker's comp claim. It's unlikely the manager would've done so if the company planned to fire the man for seeking comp.

The skinny: Workers who suffer injuries after they violate a safety rule are rarely able to convince a judge that their employer should be held responsible for what happened to them.

Citation: *Sanchez-Rolon v. Pactiv LLC*, Court of Appeals of Texas, No. 03-23-00031-CV, 12/31/24.

You make the call: The decision

(See case on page 2)

No. The company lost. An appeals board upheld the citation. The board ruled that the employer couldn't dodge the fine by claiming that the injured worker was drunk when he fell through the opening.

Sure, the crew member shouldn't have been intoxicated while he was working. However, the staffer's inebriation didn't change the fact that the cover didn't meet regulatory requirements. The rules mandated that the cover be secured and capable of supporting at least 400 pounds. Here, the two metal sheets placed on top of the hole weren't secured and couldn't support that much weight, so the rule was violated, whether or not the victim was intoxicated.

The board also noted that the opening was inadequately covered for more than two weeks, so the supervisor could've and should've seen it.

What it means: Look for potential safety problems

Consider regular walk-throughs of your work area during which you look for safety problems. In this case, a safety violation was in plain view for more than two weeks, but the supervisor didn't see it.

Also keep in mind the importance of ensuring that openings are adequately covered and that covers are properly secured. You don't want to find out the hard way – after a crew member has gotten hurt – that an opening was unsafe.

Based on Cal/OSHA v. S.C. Anderson Inc.



horror stories

Teen suffers fatal head injury when go-kart strikes forklift

Summary

A teenager was killed when the go-kart he was driving slammed into the forks of a forklift truck.

The incident

Kamel "Sevein" Sewell of Simpsonville, SC, was so in love with cars that he'd taken on two jobs in order to earn enough money to buy a sports car.

One of Sewell's two jobs was at Frankie's Fun Park in Greenville, SC. Sewell loved the job at Frankie's because one of his primary duties was to inspect go-karts and drive them around a fixed track.

Just before the park opened one day, Sewell was

operating a go-kart to make sure everything would be working correctly when park guests arrived later that day.

Unbeknownst to Sewell, however, a coworker was operating a forklift truck in the area of the go-kart track. The forklift operator had positioned the vehicle so its forks were about four feet off the ground. The forks were also protruding onto the go-kart track.

Sewell didn't see the forks because it was a cloudy day and the forks blended into the track's gray background. As Sewell maneuvered the go-kart around the track, he unexpectedly slammed into the protruding forks and

was thrown from the go-kart.

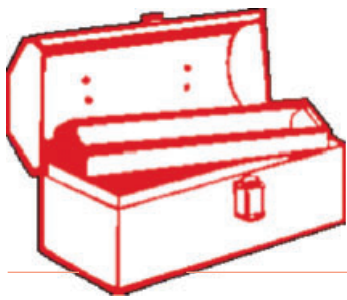
The response

A coworker dialed 9-1-1. But by the time emergency responders arrived a short time later, Sewell was dead from his severe head injuries.

The aftermath

Sewell, 17, was a junior at Fountain Inn High School. He was remembered as a hospitable, friendly person.

"He was loved by everybody," said his mother, Deldras Sewell. "Little kids loved him. People in the neighborhood loved him. This is something I didn't even know about my child. I feel very honored to have been his mother. I wish I had just one more time to hug him."



Supervisor's safety toolbox

Safety meeting blueprint

✓ **Meeting Topic:** Medication safety

✓ **Today's Date:** _____

✓ **Attendee Signatures:**

_____	_____
_____	_____
_____	_____

Chances are that just about everyone here regularly takes a prescription medication or an over-the-counter (OTC) drug. In fact, according to one study, nine out of every 10 Americans routinely consumes an OTC medication. And about 66% of U.S. adults regularly use a prescription drug.

So it's not a big deal if you're taking a medication right now. But it could be a big deal if you suffer an injury because you weren't prepared for the side effects of the substance.

Increased injury risk

To reduce the chances of an injury caused by the use of legal medications, it's important to know how these substances can increase your injury risk. Certain drugs can cause impaired performance due to drowsiness, dizziness, or decreased coordination.

Of course, we're more likely to get hurt when we're tired, dizzy, or less coordinated, and that can be a big deal whenever we're operating hazardous machinery.

Also keep in mind that the dangerous side effects of a medication usually appear without warning. You could, for instance, suddenly become so tired that you can't safely handle your job duties.

(What are some steps we can take to reduce the risk of an injury while we're taking a medication?)

One of the most helpful things you can do to lower the chances of a drug-related injury is to read the label before ingesting the substance. Be especially cautious if the label advises that it's not safe to operate hazardous machinery while you're on the medication.

Check the dosage level

Pay extra attention to the dosage level indicated on the label. Don't exceed the recommended dosage; doing so won't make your symptoms go away twice as fast. Instead, the incorrect dosage could make you feel twice as tired or twice as impaired.

When you start taking a new medication, consider a

trial run outside the workplace. Here's why: You don't want to find out that a drug causes a dangerous side effect while you're performing a hazardous task at work. Figure it'll take about one week to get used to a new substance.

Workplace conditions

It's also important to recognize that certain environmental or workplace conditions can play a role in how a drug affects you. These conditions include heat, humidity, cold and chemical exposure. Example: You'll probably sweat a lot when you're laboring in a hot environment, which could lead to a change in your body chemistry and the way in which a medication affects you.

What to do: Alert your doctor to the conditions you typically face at work, so he or she can let you know how the substance could impact you under those conditions.

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

(See next page for test)

Tailgate talk

Today's Subject:

Pressure washing

Date: _____

When you consider that pressure washers can spray water with enough force to cut through concrete, you know it's important to pay attention to safety when you're using a pressure washer.

What to focus on

Here are three things to keep in mind to stay safe while operating a pressure washer.

1. Protect your colleagues.

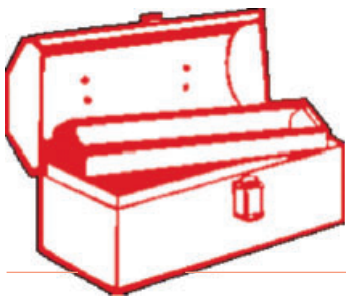
Set up the work area so your coworkers are out of the line of fire of the spray hose and any debris produced during the job. Never point the nozzle at a coworker or use the washer to clean clothing.

2. Inspect the equipment.

Before using the pressure washer, inspect it. Ensure that the hose fittings are securely connected. Confirm that the hose and nozzle are in good shape. Remove damaged equipment from service right away.

3. Follow safe operating procedures.

Read the owner's manual, and be sure to follow its instructions for maintaining a safe distance between the water spray and the surface being cleaned. Never leave the equipment unattended with the engine running. Set the safety lock when the pressure washer isn't being used. And turn off the water pressure at the source before disconnecting the hose.



Supervisor's safety toolbox

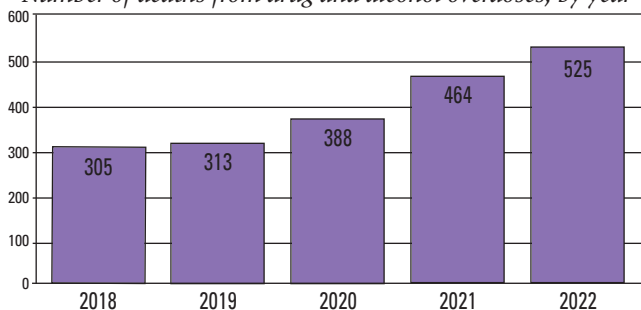
Safety meeting blueprint: Test your knowledge

Meeting Topic: Medication safety

- | | | | |
|--|--|--|--|
| <p>1. The dangerous side effects of a medication usually appear</p> <ul style="list-style-type: none"> a. Without warning b. With a notice of about two hours c. With a notice of about four hours d. None of the above | <p>c. Nine out of 10</p> <p>d. None of the above</p> <p>4. When you first start taking a new medication, you should</p> <ul style="list-style-type: none"> a. Consume the drug just before going to work b. Consider a trial run outside the workplace c. Take the substance during your first break d. None of the above | <p>can cause</p> <ul style="list-style-type: none"> a. Drowsiness b. Increased awareness c. Heightened coordination d. All of the above <p>7. Excessive sweating in a hot environment could change your body chemistry and the way in which a medication affects you. True or False?</p> | <p>drugs and prescription medications right now</p> <p>d. None of the above</p> <p>9. How long does it usually take to get used to a new medication?</p> <ul style="list-style-type: none"> a. One hour b. One day c. One week d. None of the above |
| <p>2. You should alert your doctor to the conditions you typically face at work so he or she can let you know how a drug could impact you under those conditions. True or False?</p> | <p>5. Which of the following environmental conditions could play a role in how a drug affects you?</p> <ul style="list-style-type: none"> a. Heat b. Humidity c. Cold d. All of the above | <p>8. One of the most helpful things you can do to lower the chances of an injury from a medication is to</p> <ul style="list-style-type: none"> a. Ask your spouse how much of the medication you should consume b. Read the label before ingesting the substance c. Stop ingesting all OTC | <p>10. It's always best to take twice as much of a medication than what's recommended. True or False?</p> |
| <p>3. How many Americans routinely consume an over-the-counter (OTC) medication?</p> <ul style="list-style-type: none"> a. Three out of 10 b. Six out of 10 | <p>6. Certain OTC drugs and prescription medications</p> | <p>11. About what percentage of U.S. adults regularly use a prescription drug?</p> <ul style="list-style-type: none"> a. 26% b. 46% c. 66% d. 86% | |

Did you know?

More workers are dying from substance abuse
Number of deaths from drug and alcohol overdoses, by year



Keep an eye out for the signs of substance abuse among your coworkers. It turns out that an increasing number of U.S. employees are dying from drug or alcohol overdoses, with the number jumping to 525 in 2022 from 305 in 2018.

Source: Bureau of Labor Statistics

Test your knowledge: The answers

- | | |
|---|---|
| <p>1. a</p> | <p>7. True. Some substances can have different - and potentially more dangerous - side effects as a result of changes in your body chemistry.</p> |
| <p>2. True. A medical professional can let you know about the potentially dangerous side effects of the drug.</p> | <p>8. b</p> |
| <p>3. c</p> | <p>9. c</p> |
| <p>4. b. The trial run will give you a chance to become accustomed to the side effects of the new drug.</p> | <p>10. False. Twice as much won't cause your symptoms to go away twice as quickly.</p> |
| <p>5. d</p> | <p>11. c</p> |