Fatality File: JSA / Audits/ Inspections

INCIDENT

The relatives of the Danbury man **killed in an industrial accident** at New Milford factory filed a wrongful death suit against the company.

Daniel Kendrick died June 7, after becoming entangled in a conveyor belt system at New Milford Block & Supply on Danbury Road.

The 29-year-old Florida native had worked at the concrete block and brick manufacturing company as a production operator for less than a year.

His sisters and the administrators of his estate, Leah Kendrick and Leslie Stieber, **filed a lawsuit** against New Milford Block & Supply and The Montfort Group in state Superior Court in Danbury – alleging that "carelessness and negligence" resulted in their brother's death.

Kendrick died from blunt and compressive injuries to his head and torso after falling onto a conveyor belt at New Milford Block & Supply – a business owned by The Monfort Group, which also has locations in Fishkill and New Windsor, N.Y.

The lawsuit claims that New Milford Block & Supply and The Montfort Group had a duty to "exercise care to maintain the premises in a reasonably safe condition" and failed to do so.

Kendrick's sisters are accusing the company of creating dangerous workplace conditions by failing to have adequate and/or appropriate safeguards, such as emergency stop devices, side rails and stair protection.

Upon notification of the workplace fatality, the Occupational Safety and Health Administration launched an investigation into

possible workplace safety standard violations at New Milford Block & Supply.

The OSHA cited 21 serious, one repeat and three "other" violations in its **inspection of the company** – ranging from ladders, powered industrial trucks, stairways and training to fall protection systems, permit-required confined spaces, hazardous energy controls and machine requirements – and imposed nearly $150,000 in fines.

"The employer did not furnish employment and a place of employment which were free from recognized hazards that were causing or likely to cause death or serious physical harm to employees," states one of the violations noted in the inspection.

New Milford Block & Supply was previously cited for several OSHA violations in 2018 and 2013, according to the U.S. Department of Labor.

Kendrick's **loved ones remembered him** as a funny, caring and charismatic person.

"He would have done anything for anyone," said Shelby Pritchard, who met Kendrick five years ago through her son's father and Kendrick's cousin, Dwight Johnson.

"Daniel made friends with everyone," she said. "He was a loving uncle, cousin, nephew, son, brother and friend. He was taken from us way to young."

Kendrick's sisters are seeking at least $15,000 in monetary damages and "such other and further relief as the court deems fair and equitable," according to the lawsuit.

NEED TO KNOW

A simple risk analysis can help you determine where – and what – personal protective equipment should be used.

A job safety analysis (**JSA**) is a procedure which helps integrate accepted safety and health principles and practices into a particular task or job operation. In a **JSA**, each basic step of the

job is to identify potential hazards and to recommend the safest way to do the job. Other terms used to describe this procedure are job hazard analysis (**JHA**) and job hazard breakdown.

Inspection of work areas and audits of safety programs are tools that can be used to identify problems and hazards before these conditions result in accidents or injuries. Audits also help to identify the effectiveness of safety program management and can be used as a guide to assure regulatory compliance and a safe workplace.

A job safety analysis (**JSA**), also called a job hazard analysis or job task analysis, is a systematic analysis of a specific job in a specific location to identify the hazards and determine the controls. By completing a **JSA**, you ensure that you have properly planned the work and that workers can do it safely. As a written document, it can serve as evidence of due diligence.

Factors to be considered in setting a priority for analysis of jobs include:

- Accident frequency and severity: jobs where accidents occur frequently or where they occur infrequently but result in serious injuries.
- Potential for severe injuries or illnesses: the consequences of an accident, hazardous condition, or exposure to harmful products are potentially severe.
- Newly established jobs: due to lack of experience in these jobs, hazards may not be evident or anticipated.
- Modified jobs: new hazards may be associated with changes in job procedures.
- Infrequently performed jobs: workers may be at greater risk when undertaking non-routine jobs, and a **JSA** provides a means of reviewing hazards.
- Inspections are a key part of good health and safety management. They allow you to check that your workplace and work activities are healthy and safe. Workplace inspections help prevent incidents, injuries and illnesses.

BUSINESS / REGULATION

Responsibilities of Management

- Design and schedule audit and inspection procedures for all work areas, processes and procedures.
- Conduct routine audits and inspections
- Ensure audits are conducted by employees who understand the various safety programs and policies

Responsibilities of Supervisors

- Conduct informal daily safety inspections and ensure all unsafe conditions are corrected
- Conduct documented weekly inspections and ensure all unsafe conditions are corrected

Corrections

All safety deficiencies found during audits and inspections should be corrected as soon as possible. Documentation of corrections should be made on the audit or inspection sheet. And conditions that present hazards are to be corrected or controlled immediately.

Hazard assessments are required under OSHA regulations for deciding what personal protective equipment controls may be needed for hazards on the job. A literal reading would even suggest that they be completed for work tasks that may not require the use of personal protective equipment. This would be necessary simply to make the determination that personal protective equipment is not needed.

STATISTICS

There were over 10 million workers in the U.S. construction industry as of 2016.

The Engineering & Construction (E&C) industry is one of the world’s largest sectors of the economy with $10 trillion spent on construction-related goods and services each year.

Construction Supervisors: #9 most dangerous job of 2018.

- 18 fatal injuries per 100,000 workers
- 134 fatalities

According to fatal work injury rates reported by the Bureau of Labors Statistics.

43% of construction workers plan to work past age 65, according to a health and retirement study by the Center for Construction Research & Training.

60% of OSHA inspections were in the construction industry as of 2016.

Projected growth of the industry and the number of construction worker deaths are on the rise.

991 deaths out of 4,693 (21%) were in construction.

The Fatal Four

OSHA identifies the leading causes of fatalities in the construction industry as the "Fatal Four." In 2017, the Fatal Four claimed seven spots on OSHA's Top 10 list of most-cited violations.

OSHA estimates that eliminating these four hazards in construction would save 631 workers' lives per year in America.

PREVENTION

The final stage in a JSA is to determine ways to eliminate or control the hazards identified. The generally accepted measures, in order of preference, are:

1. **Eliminate the hazard**

Elimination is the most effective measure. These techniques should be used to eliminate the hazards:

- Choose a different process
- Modify an existing process

- Substitute with less hazardous product
- Improve environment (e.g., ventilation)
- Modify or change equipment or tools

OSHA Regulations

The requirements for personal protective equipment for General Industry are contained in 29 CFR Part 1910.132. In this context, personal protective equipment refers to head, eye and face, respiratory, body, hand and foot protection. Personal protective equipment for construction, shipbuilding, longshoring and other distinctly regulated sectors are covered in those sector regulations. Hearing protection, fall protection and other special types of personal protective equipment are covered under other sections of OSHA standards. The General Industry section of the OSHA regulation states, in part:

“The employer shall assess the workplace to determine if hazards are present, or are likely to be present, which necessitate the use of personal protective equipment (PPE).”

“The employer shall verify that the required workplace hazard assessment has been performed through a written certification that identifies the workplace evaluated; the person certifying that the evaluation has been performed; the dates(s) of the hazard assessment; and which identifies the document as a certification of hazard assessment.”

The hazard assessment requirement (contained under paragraph d) and a paragraph on training requirements (paragraph f) apply to sections 1910.133 (Eye & Face Protection), 1910.135 (Head Protection), 1910.136 (Foot Protection), and 1910.138 (Hand Protection) While not explicitly stated, it would also apply to protection of the body (e.g., protective clothing). The hazard assessment and training requirements in this part of the OSHA standards do not apply to sections 1910.134 (Respiratory Protection) and 1910.137 (Electrical Protective Equipment), because each of these has its own selection scheme.

OSHA requires a written certification that the hazard assessment

has been performed. However, there is no requirement that the hazard assessment itself be in writing. Most professionals would suggest that written documentation of the actual assessment, although not literally required, would be a best practice.

2. **Contain the hazard**

If the hazard cannot be eliminated, contact might be prevented by using enclosures, machine guards, worker booths or similar devices.

3. **Revise work procedures**

Consideration might be given to modifying steps which are hazardous, changing the sequence of steps, or adding additional steps (such as locking out energy sources).

4. **Reduce the exposure**

These measures are the least effective and should only be used if no other solutions are possible. One way of minimizing exposure is to reduce the number of times the hazard is encountered. An example would be modifying machinery so that less maintenance is necessary. The use of appropriate personal protective equipment may be required. To reduce the severity of an incident, emergency facilities, such as eyewash stations, may need to be provided.