

Employer Charged After Worker Dies in Fall Through Skylight

A worker suffered fatal injuries when he fell through a skylight located on a roof undergoing maintenance. As a result, the employer was charged with four OHS violations that generally allege that it failed to provide a safe workplace; ensure workers and supervisors were made familiar with the hazards; ensure fall protection was used; and ensure that work areas were arranged to allow the safe movement of workers.

[Southern Construction (1981) Ltd., Govt. News Release, Nov. 4, 2016]

Employer Fined \$3,000 for Failing to Report Crushing Hand Injury

A worker using a log saw machine had his hand crushed between the log and the stopper arm. His employer pleaded guilty to failing to immediately report to WorkSafeNB an injury that requires or may require hospitalization and was fined \$3,000.

[Les Cèdres Balmoral Ltée, Govt. News Release, Nov. 17, 2016]

Enamel Bottling and Packaging Company Cited For 37 Alleged Safety and Health Violations

An OSHA inspection resulted in \$61,000 in proposed fines. Alleged violations include blocked exit doors and routes; a blocked and restricted fire suppression system; an inadequate flammable storage room; improper storage of flammables; inadequate electrical equipment; inadequate PPE; lack of hazard communication training and various machine guarding hazards.

[*Concept Packaging Inc., Newburgh, NY*. Release number 09-393-NEW/BOS 2009-100, April 13, 2009]

Company Fined for Lockout Violation

Workers are frequently injured while trying to retrieve objects or trying to clear blockages in machinery that is still running. An Ontario mill has been fined \$60,000 after such an incident caused serious hand injuries to a worker.

The Elk Lake Planing Mill Ltd. employee was trying to remove a broken board from a planer when the worker's hand became caught by a moving roller. Ontario Ministry of Labour investigators determined that the company failed to ensure that repair work was done on a machine only when motion that could endanger a worker was stopped.

In addition to the fine, the mill must pay a \$15,000 victim fine surcharge.

Company with History of Trenching Violations Cited

An OSHA inspection of a water main installation project in Newport, RI, found an employee working in a straight-walled, six-foot-deep trench that lacked any cave-in protection. Excavations of five feet or deeper must be protected against collapse. OSHA says the company had been cited three times previously for the same offence. The company is facing the maximum proposed penalty of \$70,000 for this sort of safety violation.

[*East Coast Construction, Portsmouth, RI*. Release Number 07-683-BOS/BOS 2007-126, May 10, 2007]

Composite Train Seat Manufacturer Cited for Seven Alleged Repeat, Serious Violations Issued \$109,000 in Proposed Fines

OSHA opened a follow-up inspection in January 2009 to verify correction of conditions cited during a 2008 inspection. OSHA found the recurrence of several hazards, including improper storage, transfer and handling of flammable liquids and failure to provide workers with chemical resistant protective gloves and hazard communication training. Five repeat citations were issued, along with a failure-to-abate notice and two serious citations

alleging the lack of machine guarding on a router and excessive air pressure for a compressed air hose.

[Multina USA Inc., Plattsburgh, NY]

Concrete Products Manufacturer Cited for 31 Alleged Safety and Health Violations

OSHA inspectors cited 16 serious safety violations, 12 serious health violations and three other-than-serious violations carrying \$51,000 in proposed fines. The violations pertain to amputation hazards, electrical shock hazards, fall hazards, explosion/fire hazards, respiratory protection, hearing conservation and bloodborne pathogens issues.

[ConArt Inc., Cobb, GA. Release Number 07-1819-ATL-361, Nov. 30, 2007]

Concrete Products Manufacturer Cited for 35 Serious, Repeat and Other Violations

Twenty-five serious citations were issued for alleged hazards including bridge cranes with defective components; production and common areas littered with oil tanks, concrete rubble, combustible trash, rubbish and other debris; blocked or obstructed emergency

exits and a lack of eye, head and foot protection. Other serious violations allege no eyewash facilities; a defective forklift and no forklift training; defective slings; an unguarded table saw and grinder; ungrounded or unprotected electrical equipment or wiring; unlabeled containers of hazardous chemicals and no hazard communication training. Nine repeat citations were issued for unguarded open-sided floors, confined space hazards, lockout/tagout issues, no written hazard communication program and electrical hazards. The company was also cited for incomplete or incorrect logging of occupational injuries.

[*Flagg-Palmer Precast Inc., Oxford, MA*. Release number 09-12-BOS/BOS 2009-006, Jan. 13, 2009].

Construction Company and Supervisor Found Guilty for OHS Violations

While removing temporary piping on a mezzanine of a partially-built car dealership, a worker fell 3.35 metres to the ground. He suffered a broken wrist and permanent loss of mobility and couldn't work for five months. Investigators discovered that a temporary guardrail was removed from the area three weeks earlier. Although permanent guardrails were expected to be installed within a few days, nothing protected workers in the interim. The construction company was fined \$60,000 for failing to ensure that the worker was adequately protected by a guardrail system. The supervisor was fined \$5,000 for the same offence.

[MB Ford Construction Ltd., MOL News Release].

Construction Company Charged with OHS Violations

A welder was seriously injured in an explosion while repairing a hole in the top of a cargo tank, which had an explosive atmosphere. The company faces fines of up to \$500,000 plus jail for OHS charges including failing to test the tank to ensure that hot work could be performed safely.

[Dan Bailey Oilfield & Road Construction Ltd., Govt. News Release]

Construction Company Cited for Alleged Willful Violation Issued \$70,000 in Proposed Fines

An OSHA inspection found that a worker was exposed to a potential fall of 50 feet from a roof as a result of working without fall protection. OSHA requires that an effective form of fall protection be used whenever work is being conducted at heights of six feet or more.

[Shawnlee Construction Inc., Plainville, MA. Release number 09-213-BOS/BOS 2009-053, March 4, 2009]

Construction Company Cited for Willful Violations After Worker Dies

OSHA opened an inspection at a Richardson, TX. worksite in late November 2008 after a worker fell 36 feet to his death from an elevated platform. The worker had been unloading materials from a box being elevated on a lift truck when the box became unstable. The company was cited for two willful violations, namely failure to follow applicable manufacturer's recommendations for loading equipment on a lift truck and failure to provide fall protection to prevent employees from falling off scaffolding more than 10 feet above a lower level. A repeat violation for failure to provide employees with required training to operate industrial powered equipment was also issued. Penalties totaling \$60,000 have been proposed.

[*Sills-Swindell Inc. Cedar Hill, TX.* Release number 09-555-DAL (126), May 26, 2009]

Construction Company Fined for Alleged Repeat Violations

OSHA conducted an investigation at a Covington, LA, worksite in March 2008 and issued three repeat citations concerning alleged failure to protect employees from fall hazards. OSHA says the company failed to provide employees with fall hazard equipment while performing steel erection activities and did not provide training and instruction to employees exposed to fall hazards. Additionally, OSHA alleges that the company failed to ensure that a scaffold platform used to lift workers was attached to the forks

of a rough terrain forklift. Proposed penalties total \$72,000.

[R.K. Wallace Construction Inc., doing business as Wallace Steel Erectors, Jayess, MS. Release number OSHA-08-635-DAL, June 6, 2008.]

Continual Failure to Improve Performance Justified Worker's Firing

A worker at a tire manufacturing plant got a 24-hour suspension for violating LOTO procedures. On two subsequent occasions, he failed to complete required paperwork. As a result, he was given a "last chance" warning. But a few months later, he again didn't fill out required forms and was fired. He filed a wrongful termination complaint. The Labour Board noted that the suspension was justified for his LOTO infraction. In addition, the worker knew the rules, had been warned about his performance, including the need to complete safety documents, and of the consequences for failing to consistently comply. The Board found that the employer had reasonably concluded from the worker's continuing failure to improve his performance that it couldn't rely on him to consistently apply its safety and quality standards. Thus, his firing was justified.

[\[Young v. Michelin North America \(Canada\) Inc., \[2016\] NSLB 263 \(CanLII\), Nov. 17, 2016\]](#)

Contractor Charged With OHS Violations

Two workers were standing on a temporary floor covering when it collapsed, causing them to fall about five metres into the basement. One worker broke his leg. The contractor faces fines of up to \$500,000 plus jail for OHS charges, including failing to properly secure the temporary covering and disturbing the scene of an accident.

[Cavan Contractors Ltd., Govt. News Release]

Contractor Cited for Alleged Willful/Serious Violations

Following an inspection, OSHA has proposed \$115,000 in penalties against a contractor for two alleged willful and one alleged serious violations of OSHA standards. Three employees contracted from a temporary help company were injured after they were instructed to clean the inside of a tank that contained concrete slurry. Two of the workers were admitted to hospital with second-degree chemical burns. The company was cited for willful failure to identify and correct any possible hazards before instructing employees to enter a confined space; along with willful failure to instruct employees on the hazards associated with confined spaces and failure to train employees on the use of protective and emergency equipment. A serious citation was also issued, alleging that the company failed to require employees to wear protective equipment, including eye and face protection, while working with a hazardous material.

[John Moriarty & Associates of Florida Inc., Hollywood, FL. Release number 08-522-ATL (106), May 2, 2008].

Contractor Cited for Repeat, Serious Safety Violations Issued \$146,000 in Proposed Penalties

OSHA has cited 11 repeat violations for alleged infractions including a lack of a safety program, a lack of PPE, electrical hazards, scaffold hazards and the employer's failure to develop, implement or maintain a written hazard communications program for employees working with mortar or cement. Five serious citations were also issued for alleged machine guarding, electrical and fall hazards relating to scaffolding.

[T&C Construction, Hoover, AL, Oct. 20, 2009]

Contractor Issued \$484,000 in Proposed Fines For 11 Alleged Willful Violations

The citations allege the company's failure to train and protect workers against asbestos exposure at a Buffalo, NY, jobsite. OSHA says it found that several workers, including inexperienced college students who were cleaning up debris at a former department store warehouse, had not been trained in asbestos hazards and how to protect themselves. The workers allegedly also lacked proper respirators and protective clothing and had not been informed of the presence of asbestos on the site. Also, the

employer allegedly failed to determine the asbestos exposure level and to establish a regulated work area for asbestos removal and handling and did not ensure that vacuums with HEPA filters were used to collect debris. Instead, OSHA claims methods were employed that could cause asbestos to be released into the air.

[Cambria Contracting Inc., Lockport, NY, Nov. 30, 2009]

Contractor Liable for Asbestos Violations?

An asbestos removal contractor was hired to remove wall panels full of asbestos from multiple levels of a ship in North Carolina. The panels were in such bad shape that they fell apart at the touch. Before work even began, the place was covered with asbestos dust. A field technician monitored the air quality and told the contractor to shut down the project. But the project's supervisor said that the monitoring results were wrong and went ahead with the work anyway, without conducting additional monitoring. Worse, he covered the area with plastic sheets that were full of "tears, holes, and gaps." One area wasn't covered at all. After an anonymous complaint, the state's Department of Health and Human Services told the contractor to shut the job down. OSHA fined the contractor \$108,500 for multiple asbestos removal violations. The contractor appealed the fine, arguing that there was no proof that asbestos fibers migrated to other areas of the ship. But the federal appeals court disagreed, explaining that the contractor had a duty to cover all open areas, regardless of whether there was proof that asbestos migrated to other areas.

[Arcon, Inc. v. OSHRC, U.S. App. LEXIS 12249, 4th Cir.].

Contractor Sentenced to 60 Days in Jail After 2013 Work Site Death

A foreman was installing roofing at a four-story building when he fell. Although he was wearing a safety harness, it wasn't secured to the roof. He was pronounced dead at the hospital. The contractor had provided three people working on the roof with safety harnesses and fall arrest equipment, but some of the equipment failed inspection. In addition, the contractor didn't train workers on how to use or maintain the safety harnesses; the crew didn't install the roof anchors properly; and they weren't using jacks and planks that were required to do the work. The contractor pleaded guilty to an OHS violation and was sentenced to 60 days in jail, which he'll be allowed to serve on weekends. At sentencing, Judge Patrick Curran said workers die far too often as the result of falls. "The people who operate the businesses on work sites not only have to be aware of the potential risk of life from falls but surely are aware," he said. "Incidents are frighteningly common."

[David Busk, CBC, Nov. 14, 2016]

County Fined \$5,000 for Waste Disposal Violation

An operator on a landscape project experienced sneezing, shortness of breath and watery eyes immediately after burying a drum containing residue of a hazardous herbicide called 2,4-d. The

court ruled that the county that ran the site had exposed the operator to hazardous chemicals but limited the fine to \$5,000 given the county's good safety record and its expression of remorse for the incident. [Govt. of Alberta News Release]

Demolition Company Liable for Lead Violations

While watching a local news program, several OSHA employees noticed that none of the workers involved with the demolition of Pittsburgh's Three Rivers Stadium were wearing respirators, despite the potential for lead exposure. After two OSHA inspectors showed up at the stadium, the demolition contractor finally implemented a lead protection program, which basically required workers to wear half respirators. OSHA then conducted a full inspection and issued three willful citations for 45 health and safety violations, including failure to protect workers from lead hazards. The contractor appealed the citations, arguing that it didn't realize the potential for lead exposure and was entitled to use "historical data" from another project as its initial exposure assessment. The court disagreed. The contractor couldn't rely on the "historical data method," which allows employers to use monitoring results from a recent project that closely resembles the current project. The two projects were "so dissimilar that they couldn't be considered to 'closely resemble' one another under any meaningful construction of that phrase," the court said.

[*Bianchi Trison Corp. v. Secretary of Labor*, U.S. App. LEXIS 9976, 3rd Cir.,]

Department Store Chain Cited for Alleged Repeat Violations Issued \$79,000 in Proposed Fines

As a result of a complaint, OSHA initiated an inspection of a department store and issued three repeat citations for the alleged violations of failure to train employees on the use of fire extinguishers; failure to maintain free and unobstructed exit routes and improper materials storage, which inhibited employees from freely exiting the facility. A second company store location was issued a repeat violation for failure to maintain free and unobstructed exit routes.

[Kohl's Department Stores, Yardley, PA and Whitehall, PA. Release number 09-365-PHI (OSHA 09-35), April 14, 2009]

Developer Cited for Alleged Willful, Serious Health and Safety Violations Facing \$48,100 in Proposed Fines

A New York building developer was inspected in response to employee complaints. The citations address a variety of hazards involving the removal of insulation and floor tiles containing asbestos, chemical hazard communication, flammable chemicals, fire protection, electrical safety and a lack of PPE for employees.

[State Assets LLC, Brooklyn, NY. Release number 08-1756-BOS/BOS]

Drainage Products Company Cited for Willful, Serious Violations Issued \$41,000 in Proposed Penalties

A willful citation was issued for alleged failure to fully implement an energy control program. Serious citations include alleged failure to provide PPE training, insufficient power truck operator training and failure to provide machine guards on equipment.

[J.D.R. Enterprises, Madison, GA. Release Number 07-1934-ATL (006), Jan. 7, 2008].