



# SAFETY ALERT!

July 22, 2005

This service is provided by the Building Industry Association of Tulare/Kings Counties Safety Committee. Alerts are designed to provide our members with quick safety information that shows a link between the lack of safe practices, injuries or fatalities that resulted, and penalties affirmed. This information is taken from the California Occupational Safety & Health Appeals Board (COSHAB) decisions, and affects all BIA member construction activities. Also included are safety regulatory items of interest, causes of fatalities and how they can be prevented.

## **Decisions –**

### § 342(a) Failure to Report Work-Related Serious Injury

The employer failed to report a serious work-related injury within the required 8 hours (**NOTE:** Cal/OSHA officers are on call 7/24, 365 days per year). The existence of exigent circumstances was not proven.

**Penalty:** regulatory violation and \$5,000.00 penalty affirmed.

### § 1509(c)(2005) Code of Safe Practices

The employer did not have a code of safe practices at the construction site, as required.

**Penalty:** general violation and \$50.00 penalty affirmed.

### § 1512(c)(1) First Aid Kit

The employer did not have a first aid kit at the construction site, as required.

**Penalty:** general violation affirmed; penalty of \$150.00 reduced to \$75.00.

### § 1512(b) and (c)(1) First Aid Kit & Trained Person

The employer did not have a first aid kit or a person appropriately trained in first aid at the construction site, as required.

**Penalty:** general violation and \$50.00 penalty affirmed.

### § 1541(c)(2) & 1541.1(a)(1) Excavations & Trenches – Egress and Protection from Cave-Ins

Two employees were observed in a trench more than 7 feet deep lacking safe egress and protective system. The trench walls were not of stable rock, thus a protective system was expected of the employer.

**Penalty:** serious violation affirmed; penalty of \$4,950.00 reduced to \$3,035.00.

### § 1621(a) Scaffolds & Elevated Work Areas

The employer failed to provide guardrails on top of a scaffold frame that constituted an elevated walkway, or, failed to enforce use of alternative fall protection (editors note: alternate fall protection is to be used in the event guardrails are not used).

**Penalty:** serious violation affirmed; penalty of \$4,050.00 reduced to \$1,700.00.

### § 1632(j)(1) Wall Openings – Guarding

Employees were found working near unguarded wall openings that were less than 3 feet from the floor, exposing them to falls of 14 – 16 feet.

**Penalty:** serious violation and \$900.00 penalty affirmed.

## **Accident Investigations –**

Excavation – Fatality - A worker was killed while scavenging for antique bottles inside a 7 ½ foot excavation, when the walls gave way and trapped him.

**Safety Technique to Avoid:** all excavations 5 feet or deeper require a protective system be used to prevent collapse on persons inside the excavation. Protective systems include appropriate sloping for the soil type, shoring and / or shielding.

Excavation – Fatality - A worker was killed in a 17 foot trench for a new sewer line after being buried alive.

**Safety Technique to Avoid:** all excavations 5 feet or deeper require a protective system be used to prevent collapse on persons inside the excavation. Protective systems include appropriate sloping for the soil type, shoring and / or shielding. Also, excavations must be checked and cleared of personnel before back-filling.

Excavation – Serious Injury - A worker broke both of his legs when he was buried up to his waist.

**Safety Technique to Avoid:** all excavations 5 feet or deeper require a protective system be used to prevent collapse on persons inside the excavation. Protective systems include appropriate sloping for the soil type, shoring and / or shielding.