



SAFETY ALERT!

July 7, 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.

NOTE: If you operate a crane or have cranes working on your sites, heads up! As of June 1, the Department of Occupational Safety & Health (DOSH) is enforcing § 5006.1, Crane Operator Certification. Certification applies to tower or mobile cranes that have a boom length of at least 25 feet or a capacity of at least 15,000 pounds.

§ 3203(a) Injury & Illness Prevention Program

The employer had no written safety program in place, as required. A general violation was established.

Penalty: general violation and \$300.00 penalty affirmed.

§ 3366(e) Sanitation – Handwashing Facilities

The employer allowed the individual hand towels in its lavatory to run out. A general violation was established.

Penalty: general violation and \$300.00 penalty affirmed.

§ 3314(d) The Control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout – Repair Work & Set-Up Operations

Employer asserted the penalty should be reduced or set aside because of safety program improvements following the accident; rejected. Employee was injured following activation of equipment that was not properly locked out.

Penalty: serious violation and \$12,600.00 penalty affirmed.

Financial Hardship – Cited for Serious and Other Violations

The employer did not provide sufficient evidence to show it was entitled to penalty reductions for admitted violations or that it qualified for penalty relief because of increased workers' compensation premiums after the injury incident.

Penalty: \$17,000.00 in penalties affirmed.

Financial Hardship – Cited for 4 Serious, 1 Regulatory, & 18 General Violations

The employer failed to provide sufficient evidence that the proposed penalty would place its business in jeopardy and denied financial hardship relief.

Penalty: \$16,755.00 in penalties affirmed.

Financial Hardship – Cited for 4 Repeat/Serious, 1 Repeat/Willful, & 2 Willful Violations

Company claimed severe financial losses leading to the closure of the business; ALJ denied petition for financial hardship given the seriousness of the violations.

Penalty: \$108,500.00 in penalties affirmed.

Fall – Fatality - A laborer died after falling 6 feet from a stepladder to the ground; he was sanding a wall in preparation for painting.

Safety Technique to Avoid: do not allow employees to stand on the top two rungs of a stepladder (safety violation); provide longer ladders for higher reaches.

For more Information contact James Boretti, CSP, Boretti, Inc. at james@borettiinc.com