

# The Dell Group, Inc. *Creative* Solutions for your compliance burdens

## THE ADVISOR

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Your Free Newsletter of  
Management Information

*Specializing in Safety, Environmental and  
Human Resources Topics*

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**\* Management Training: Supervisory Skills, Modern Safety**

**Management Skills, Behavior Based Safety**

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## THE MOST DEADLY POISONS, INGESTED OR INHALED

- 1. Botulinum (Ingested):** It's hard to rank the lethality of toxins, but experts agree that botulinum—several orders of magnitude deadlier than sarin—is the gold standard. Your nervous system fails and you die in extreme pain. Works miracles on wrinkles though.
- 2. Ricin (ingested or inhaled):** Made from the lowly castor bean, ricin causes respiratory and organ failure, followed by death within hours. Even chewing a few beans can kill you.
- 3. Anthrax (inhaled):** Continuous exposure can kill, but the most deadly, panic-inspiring form of anthrax is inhaled. It starts with the flu and it doesn't get better— then your respiratory system collapses.
- 4. Sarin (inhaled):** Sarin is one of the deadliest nerve gases, hundreds of times more toxic than cyanide. Just one whiff and you'll foam at the mouth, fall into a coma, and die. Originally synthesized for use as a pesticide, it was outlawed as a warfare agent in 1997.
- 5. Tetrodotoxin (ingested):** Found in the organs of puffer fish (the famous Japanese delicacy fugu), tetrodotoxin persists even after the fish is cooked. If the toxin is consumed, paralysis and death can strike within six hours. Up to five Japanese die from badly prepared fugu every year.
- 6. Cyanide (ingested or inhaled):** Cyanide exists in a number of lethal forms, present in nature or easily manufactured. Exposure leads to seizures, cardiac arrest, and death within minutes.
- 7. Mercury (inhaled):** Low levels of mercury are not especially toxic to adults. However, inhaled mercury vapor (the metal starts turning to a gas at room temp) attacks the brain and lungs, shutting down the central nervous system.
- 8. Strychnine (ingested or inhaled):** A common pesticide, strychnine isn't as toxic as other poisons on our list, but it gets style points for causing one of the most horrific deaths of all: Every muscle in your body spasms violently until you die from exhaustion.
- 9. Amatoxin (Ingested):** Derived from the death cap family of mushrooms, amatoxin destroys your liver and kidneys over several days. You remain conscious—and in excruciating pain—until you slip into a coma and expire.
- 10. Compound 1080 (ingested or inhaled):** As an animal poison, compound 1080 proved a little too effective: bodies of creatures killed with 1080 remain poisonous for up to a year. Odorless, tasteless, water soluble, and without antidote, 1080 blocks cellular metabolism, leading to a quick yet painful death.

## HOW GREEN IS THAT CANDLE?

Getting ready special occasion? Don't spoil it by using paraffin wax candles. Made from the by-products of crude oil, paraffin wax releases harmful toxins and soot when burned. Setting the mood gets a whole lot greener with these eco-friendly candle options:

**Soy:** These candles are soot-free and can burn 50% longer than paraffin varieties. Choosing organic and GMO-free will boost your candles' green factor.

**Downsides:** They do not carry scent as well as other types and the wax is so soft they have to come in a container...so no birthday or menorah soy candles.

**Beeswax:** 100% beeswax candles last long, smell great and release air-cleaning negative ions. Beeswax candles are also allergy-free and come in a variety of natural colors. And when your candle has reached its end use the leftovers to make lip balm, hand-cream or add it to another candle!

**Palm Wax:** Palm oil comes from the inside of coconuts so it can be extracted without harming the trees. Palm wax is also fully biodegradable, but as with soy candles, look for GMO-Free.

**LED "Candles":** If you're looking for a candle that surely won't release any toxins or trigger allergic reactions, try the LED flameless candle. They're particularly great for outdoor lighting in windy weather, for luminaries and around children. LED candles can be rechargeable and even remote-controlled!

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### *At A Glance*

Richard Lederer, a popular authority on the uses of language, tells interesting tales. Here's one about school photographs...

The children had all been photographed, and the teacher was trying to persuade them to buy a copy of the group picture. "Just think how nice it will be to look at it when you are all grown up and say, 'There's Jennifer, she's a lawyer, 'or' That's Michael. He's a doctor.'" A small voice at the back of the room rang out, "And there's the teacher, she's dead."

# EYE INJURY FACTS AND SOLUTIONS

Each day, about 2,000 U.S. workers suffer a job-related eye injury requiring medical treatment, according to the National Institute for Occupational Safety and Health (NIOSH). In addition, roughly one-third of these injuries require treatment in the hospital emergency rooms, with 100 injuries resulting in one or more days of lost work.

Every employer must assess eye safety hazards in the workplace and take measures to ensure injury prevention, and comply with OSHA rules for eyewear and emergency eyewash stations. Managers and employees need the know-how and resources to act in accordance with industry safety standards.

The Bureau of Labor Statistics (BLS) reports the nearly three of every five workers injured were not wearing eye protection at the time of the accident or were wearing the wrong kind of eye protection for the job.

BLS has found that most eye injury accidents result from flying or falling objects or sparks striking the eye. These are some common workplace eye injuries or concerns and their causes:

- ***Flying material:*** Particles such as grit, plastic bits, or metal flakes can fly into the eye.
- ***Impact:*** Falling or misdirected objects or collisions with objects swinging from a fixed position, such as hoist-hooks, ropes, chains, lumber, or tools- can damage eyes.
- ***Chemicals:*** Hazardous chemicals can splash into eyes.
- ***Welding:*** Ultraviolet light from welding torches can cause radiation burns to the eyes surrounding tissue of welders, helpers, and bystanders.
- ***Infection:*** Fertilizers, waste, body fluids, human remains, and bacteria can cause eye infections
- ***Eye Strain:*** Glare, poor lighting, and inadequate rest can cause eye fatigue, soreness, and headaches.

## Engineering and Work Practice Controls

- Remove or reduce eye hazards where possible.
- Use guards and barriers between the worker and the hazard.
- Keep bystanders out of work areas and/or behind protective barriers.
- Use caution flags to identify hanging or protruding objects.
- Put safety features, such as shields, in place on machines and tools.
- Be sure workers use tools properly and that tools are in proper working order.
- Ensure computer users have property designed workstations.
- Provide emergency sterile eyewash solutions/stations near hazardous areas.
- Post first aid instructions and information on how to get emergency aid.

One BLS survey showed 94 percent of the injuries to workers wearing eye protection resulted from objects or chemicals going around or under the protector. Eye protection must be chosen for specific work situations, depending on the:

- Nature and extent of the hazard,
- Circumstances of exposure,
- Other protective equipment used, and
- Personal vision needs.

## HAZARD ASSESSMENT

Hazard type	Examples	Common related tasks
<i>Impact</i>	Flying objects such as large chips, fragments, particles, sand, and dirt	Chipping, grinding, machining, masonry work, woodworking, sawing, drilling, chiseling, powered fastening, riveting, and sanding
<i>Heat</i>	Anything emitting extreme heat	Furnace operations, pouring, casting, hot dripping, and welding
<i>Chemicals (corrosive or toxic)</i>	Liquid splash, fumes, vapors, mists, fibers, gases	Acid and caustic chemical handling, compressed gases, degreasing, plating, and working with blood
<i>Physical Irritants</i>	Harmful dust, mists, spores	Woodworking, buffing, construction, and general work
<i>Optical radiation</i>	Radiant energy, glare, and intense light	Welding, torch-cutting, brazing, soldering, and laser work

Non-compliance with protective eyewear and, emergency eyewash safety standards are serious issue in today's workplace, that result in 37,000 missed days of work and more than \$300 million per year in related costs. Legal fees, judgments, and the cost of training replacement workers bring that number to more than \$900 million.

The ANSI Z87.1-2003 standard contains a selections chart to help companies choose recommended eye and face protection is generally of three different types: safety spectacles are the most common form of protection. Safety eyewear is designed with side protection and can resist an impact up to 150 feet per second.

Second, there are goggles which form a protective seal around both eyes. There are two basic types of goggles: impact and chemical. Chemical goggles have hooded or indirect ventilation paths to protect the worker from chemical splashes. Impact goggles have direct ventilation holes and protect against direct impact or large particles. Face shields are used in welding, grinding or sanding applications. However, face shields are considered secondary protection and must be worn in conjunction with protective eyewear or goggles.

Where workers are exposed to harmful glare or ultraviolet or infrared radiation, tinted lenses or special filters are essential for protection. Tinted lenses also enhance visual perception by counteracting light distortion and preventing eye fatigue.

The eyewear chosen must meet the ANSI Z87. It should provide the appropriate amount of coverage and should fit each individual worker properly and comfortably. By selecting adjustable eyewear, employers can ensure greater on-the-job comfort for workers, who in turn are more likely to wear comfortable eyewear longer.

### **Glare Protection**

Control glare with special-purpose spectacles that include filter or special-purpose lenses to provide protection against eyestrain; make changes in the work area or lighting; or use tinted eyeglass lenses or visor-type shade.

### **PPE Markings**

Eye and face protection must clearly identify the manufacturer. OSHA requires that any new eye and face protective devices comply.

### **Emergency Eyewash Stations**

When an accident does occur, the difference between a very serious and a very minor injury often comes down to a matter of seconds. Companies must have eyewash stations if it uses corrosives, paint, solvents, battery charging stations, hazardous chemical-resistant gloves, respirators, chemical-resistant goggles, or flammable storage containers.

Although OSHA sets the overall requirement that employers provide eyewash stations, it refers to ANSI to guide employers in establishing and maintaining work practices relating to eye safety.

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## ***Undignified Deaths***

A 24-year-old woman in Lawrenceville, Georgia (In July) and a 59-year-old woman in Lincolnton, North Carolina (In August) were killed after failing to negotiate driver's side devices allowing them entrance to, respectively, a gated parking lot and an automatic car wash. The Georgia woman had leaned out her window to insert a card into the gate-opening machine when her car lurched forward and pinned her head between the car and the door. The North Carolina woman had reached out her open car door to punch in a code for the wash when her car lurched forward, similarly pinning her head



# EMERGENCY SHOWER AND EYEWASH REQUIREMENTS

The risk of chemical splash injuries is best controlled by safe distance, work station design, safe work practices and in the event these fail, protective equipment and clothing. But, if all these fail the need for emergency eyewash and shower equipment becomes crucial.

There are a lot of questions regarding where emergency eyewash/shower equipment is needed. Unfortunately, OSHA's requirements are minimal but guidance is available in their Letters of Interpretation. Lack of first aid eyewash or emergency shower facilities ranked fifth among OSHA's 25 most-cited general industry violations.

OSHA requires emergency eyewash/shower stations in several rules for dipping and coating operations; medical services and first aid; pulp, paper, and paperboard mills; formaldehyde and carcinogens. There are no clear specifications so a thorough hazard assessment is necessary to determine whether eyewashes and/or showers are needed.

The general OSHA requirements for emergency eyewashes and showers in 1910.151(c) specifies that "where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use." OSHA expects the employer to determine the level of potential risk and provide protection based on MSDS or other relevant literature. OSHA issued 774 violations in 2008, totaling more than \$300,000 for emergency eyewash/shower facilities not being in proximity to employees.

OSHA does not provide a specification for eyewashes/showers. OSHA refers to the American National Standards Institute (ANSI) standard Z358.1 *Emergency Eyewash and Shower Equipment* for specific requirements.

Although not enforceable, the current ANSI standard (ANSI Z358.1-2004) requires eyewash and shower equipment in appropriate situations when employees are exposed to hazardous materials. ANSI standard Z358.1 requires that eyewash stations:

- Be located in areas where caustic, acidic, or hazardous substances are present
- Be placed in accessible locations that require no more than 10 seconds to reach
- Be located on the same level as the hazard
- Be free of obstructions that might inhibit immediate access
- Be in a visible area identified with a sign
- Be positioned with the flushing fluid nozzles between 33 inches and 45 inches from the surface on which the user stands
- Flush both eyes simultaneously
- Deliver a 15-minute continuous flow of tepid flushing fluid
- Have an on-off valve, pull strap, or door that is capable of activation in one single motion

Since the first seconds after an exposure are critical the location of eyewash equipment is crucial

as eyes can be damaged very quickly, eyewashes should be located as close as possible to hazard. The more hazardous the material, the closer the unit should be. ANSI suggests that an eyewash and shower be no farther than a 10-second travel time from the hazard. When corrosives present high risk of splash, the eyewash unit should be adjacent to the hazard.

In an Appendix to the ANSI standard, it states the average person covers a distance of about 55 feet in 10 seconds when walking at a normal pace. A person in need of an eyewash will likely be temporarily blind. How will they find the safety equipment when they can't see?

Eyewashes should supply 0.4 gallons per minute of water for at least 15 minutes. Many self-contained/portable eyewash stations have a capacity of only 5 to 10 gallons, limiting the maximum usefulness of five minutes. Squeeze bottles and other personal eyewashes have even lower water capacities.

ANSI Z358.1 states that personal wash units (such as bottles) do not meet the criteria of plumbed or self-contained eyewash equipment. Personal wash units may be used to provide immediate flushing to *support* plumbed and self-contained equipment but not *replace* them.

### **Tepid Water**

A continuous flow of clean, tepid water is important for providing effective first aid treatment for an eye injury, no warmer than 100 degrees, and no colder than 60 degrees.

According to ANSI, all emergency eyewash equipment should be installed, inspected, and maintained according to the manufacturer's instructions. Self-contained units should be visually checked weekly to determine whether the fluid needs to be changed or more should be inspected to manufacturer specifications annually.

Eyewashes are usually considered necessary in a forklift battery changing/charging area. A risk of electrolyte exposure exists in battery servicing areas. It is considered a best practice to have an eyewash station in the charging area and your local regulations or insurance may require you to have one. If employees do any service to a battery beyond routine charging, then an eyewash station is required.

Most OSHA Letters of Interpretation on eyewash stations refer to a "battery servicing area," which OSHA defines as an area where battery caps are removed and electrolyte added. In February 2002, an administrative law judge tossed out an OSHA citation in which OSHA wrote up a company for not having an eyewash station next to its forklift charging area. In that case, the company did not perform maintenance on the batteries, only plugging them in at night to charge them for the next day. The potential hazard of exposure to electrolyte did not exist in this instance. OSHA addresses the issue of eyewash requirements in battery charging and maintenance areas in directive STD 1-8.2. Reference this document when determining whether you need to supply an eyewash and/or shower station.

OSHA expects employers to determine the level of potential risk to employees and provide

protection accordingly. What is appropriate in all instances is not clear. Hazard assessments and MSDSs are two ways to determine the need for emergency eyewash and/or shower equipment.

*Plumbed eyewash systems* are permanently connected to a source of tap water. Their greatest attribute is the ability to deliver plentiful amounts of flushing fluid. Of course, it is better to flush with tap water than not to flush at all, but medically it is not the optimal solution. Not only does tap water not match pH of the eye, but also it could also contain contaminants and microorganisms-both of which could further irritate and injure the eye and require **weekly** flushing. Additionally, untempered tap water may be too cold or too hot, making it uncomfortable to rinse the eyes continuously for the required 15 minutes.

Portable stations can be further classified as tank-style or sealed –fluid cartridge devices. Portable, tank-style eyewash units contain their own flushing fluid and do not require fixed plumbing. The solution in the tank-style unit can be either a mixture of water and preservatives or water with a buffered saline to help ensure safe flushing. They must be cleaned and refilled in accordance with the manufacturer’s instructions, usually *six months*.

Portable, sealed-fluid cartridge devices represent a major step forward in workplace eye injury treatment. Sealed cartridges overcome most of the shortcomings of the self-contained portable systems. They feature factory-sealed cartridges containing a purified, buffered saline solution that remains free of bacteria or contamination for 24 months.

For specifics on OSHA and ASNI requirements, companies should refer to OSHA Standard 1910.151, Medical Services and First Aid, and the ANSI Z358.1 *Standard for Emergency Shower and Emergency Eyewash Equipment*.

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### ***Recurring Themes***

Some Americans continue to prefer to “do it themselves” to get rid of pests on their property, with tragic results. In June, Mike Harstad of Jamestown, California, attempting to eliminate a wasps’ nest with a can of pledge and a cigarette lighter, ultimately burned down his mobile home and contents and destroyed an outbuilding, a truck, a boat and trailer. In August, a Whitehall, Pennsylvania man, William Sekol, 82, attempting to destroy a yellow jackets nest beneath a storm sewer grate in his front yard, put a dried tree over the grate, doused it with gasoline, and lit it (supposedly to suffocate the yellow jackets underneath). However, some gasoline ran into the sewer, where its fumes combusted. In the resulting explosion, Sekol’s mustache and eyebrows were singed.

# OSHA UPDATE

## **OSHA's Focus on Training Compliance**

There is no single OSHA rule for training - employee training is a requirement in several different OSHA standards. In a recent speech, Secretary of Labor Hilda Solis announced a number of new worker training initiatives that will be implemented by OSHA.

According to Solis, OSHA currently requires that training provisions under its standards be provided in a language or a form that the workers can understand. The agency further requires that OSHA compliance officers verify that workers have received the training required by OSHA standards AND that the workers being trained understood the training.

This new effort stems from an incident in which a worker was crushed to death in a machine she was cleaning. She had not been trained on how to clean the machinery safely and had not been given the manual to read because the employer stated she could not speak or read English.

"This defies logic and is reprehensible!" stated Solis. In CPL 2-2.38(D)(1998) OSHA says "If the employees receive job instructions in a language other than English, then training and information . . . will also need to be conducted in a foreign language." In a 1999 letter of interpretation OSHA states "instruction . . . must be tailored to the employees' language and education . . ." For example, if an employee does not speak or comprehend English, instruction must be provided in a language the employee can understand. Similarly, if the employee's vocabulary is limited, the training must account for that limitation.

These new training record initiatives will help to protect workers from hazards, Solis says. She is also calling on all workers to speak up about workplace violations.

## **Michaels shares vision for transforming OSHA to meet future challenges**

OSHA Assistant Secretary David Michaels sent a letter to all OSHA personnel outlining the progress being made in transforming the way the agency addresses workplace hazards and communicates with employers and workers.

"Successfully transforming OSHA will require the efforts of more than just the staff at OSHA -- we will need the help of the entire occupational safety and health community," said Michaels. "We must all work together to prevent job-related injuries, illnesses and deaths." Michaels discussed the need to transform OSHA, focusing on nine key areas. These areas are stronger enforcement, ensuring workers have a voice, refocusing and strengthening compliance assistance programs, changing workplace culture, developing innovative approaches to addressing hazards, improving and modernizing workplace injury and illness tracking, strengthening OSHA's use of science, strengthening State OSHA Plans and keeping the public informed about OSHA activities.

## **Historic New Cranes and Derricks Rule Will Help Save Construction Workers' Lives**

OSHA's new standard addressing the use of cranes and derricks in construction replaces a decades-old version. The rule published July 28 will affect approximately 267,000 construction, crane rental and crane certification establishments with about 4.8 million workers.

"The significant number of fatalities associated with the use of cranes in construction led the Labor Department to undertake this rule-making. After years of extensive research, consultation and negotiation with industry experts, this long overdue rule will address the leading causes of fatalities related to cranes and derricks, including electrocution, boom collapse and overturning," said Secretary of Labor Hilda L. Solis in a news release.

The previous rule, which dated back to 1971, was based on 40-year-old standards. Stakeholders from the construction industry recognized the need to update the safety requirements, methods and practices for cranes and derricks and to incorporate technological advances to provide improved protection for those who work on and around cranes and derricks.

### **OSHA Inspection Plan to Protect Workers in High-Hazard Workplaces**

The U.S. Department of Labor's Occupational Safety and Health Administration issued its annual inspection plan under the Site-Specific Targeting 2011 (SST-11) program to help the agency direct enforcement resources to high-hazard workplaces where the highest rates of injuries and illnesses occur.

The SST program is OSHA's main programmed inspection plan for non-construction workplaces that have 20 or more workers. High-hazard workplaces identified in the SST program reported above-average work-related injury and illness rates, based on data collected from a 2010 OSHA Data Initiative survey of 80,000 larger establishments in selected high-hazard industries. Establishments are randomly selected for inspection from a primary list of 3,700 manufacturing, non-manufacturing, and nursing and personal care facilities.

In 2010, only those establishments in the selected industries with 40 or more employees were subject to inspections under the SST plan; this year, that number has been reduced to 20 or more. An evaluation study measuring the program's impact on future compliance with OSHA standards has also been introduced for the 2011 program.

Additionally, OSHA implements both national and local emphasis inspection programs to target high-risk hazards and industries. OSHA currently has 14 National Emphasis Programs that intensify inspections related to amputations, lead, crystalline silica, shipbreaking, trenching/excavations, petroleum refinery process safety management, process safety management covered chemical facilities, hexavalent chromium, diacetyl, recordkeeping, federal agencies, air traffic control tower monitoring, primary metals and combustible dust. For more information, visit <http://www.osha.gov>

# EPA UPDATE

## Ohio EPA Releases 2011 Fish Consumption Advisory

Fish can be part of a healthy, balanced diet. Fish are generally low in fat and high in protein. Fish contain a number of vitamins and minerals, and are the primary food source of omega-3 fatty acids. Omega-3 fatty acids are important during fetal brain and eye development. Omega-3 fatty acids also help to prevent heart disease in adults. Health experts recommend that regular consumption of fish be included as part of a healthy diet.

Ohio EPA has revised state fish consumption advice for major water bodies, including Lake Erie, and the Scioto, Great Miami and Ohio Rivers.

Fish consumption advisories are updated annually. For this advisory, Ohio EPA and the Ohio Department of Natural Resources evaluated 476 samples collected in 14 lakes and reservoirs and 29 streams in 2009. The information helps Ohio's fishing community make informed decisions about consuming their catch.

Ohio EPA fish consumption advisories are available online or by calling (614)-644-2160 for a hard copy. Fish consumption advisories are provided to anglers in the Ohio Fishing Regulations issued with a fishing license. For details, read our feature story or go directly to the [Ohio sport fish consumption advisory page](#).

## EPA Releases Strategy to Advance Environmental Justice

The U.S. Environmental Protection Agency (EPA) announced the release of Plan EJ 2014, a three-year, comprehensive plan to advance environmental justice efforts in nine areas, including rulemaking, permitting, enforcement, and science. The plan aims to protect people's health in communities overburdened by pollution, to empower communities to take action to improve their health and environment, and to establish partnerships with local, state, tribal and federal governments and organizations to promote sustainable communities where a clean environment and healthy economy can thrive.

“Far too often, and for far too long, low-income, minority and tribal communities have lived in the shadows of some of the worst pollution, holding back progress in the places where they raise their families and grow their businesses,” said Lisa F. Garcia, senior advisor to the EPA Administrator for Environmental Justice.

EPA released the draft plan for public comment in fall 2010 and spring 2011 and held forums and listening sessions in communities across the country. EPA will issue annual reports documenting the progress toward meeting the commitments outlined in Plan EJ 2014. The annual reports will be made available to the public through EPA's website.

# CITATIONS AND PENALTIES

## **Company Fined after Worker's Hand is Partially Amputated**

OSHA inspectors found that a motorized saw at the Yonkers, N.Y., plant of H&H Woodworking Inc. cut off part of a worker's hand because the machine was not equipped with required safety features. Additional safety and health violations found during the inspection included accumulated combustible wood dust; improperly stored flammable liquids; a locked exit door; and workers allowed to eat food in areas where hazardous chemicals are used. OSHA cited the company \$130,800 for intentionally disregarding worker safety and health and for exposing workers to potentially known hazards that could cause death or serious physical harm. "One means of preventing recurring hazards is for employers to establish effective comprehensive workplace safety and health programs that involve their workers in proactively evaluating, identifying and eliminating those hazards," said Robert Kulick, OSHA's regional administrator in New York.

## **Company for Exposing Workers to Hazards**

OSHA fined Gaby Iron and Metal Co. \$135,850 for violating 17 workplace health and safety standards at its Chicago Heights, Ill., metal recycling facility. Inspectors found that the company knowingly exposed its workers to hazards from lead, which can cause brain damage, paralysis, kidney disease and even death. The company was cited for failing to implement a respiratory protection program or provide a written lead compliance or training plan. The company also failed to monitor air for lead during periods of potentially increased exposure and allowed workers to be exposed to lead in excess of allowable limits. Inspectors cited the company for additional serious violations that included failing to evaluate employees' exposure to arsenic or provide arsenic training, place lead-contaminated clothing in closed and labeled containers and provide a medical surveillance program for lead exposure.

## **SeaWorld after Killer Whale Fatally Injures Trainer**

OSHA cited SeaWorld of Florida LLC for three safety violations\* following the Feb. 24 death of an animal trainer at the company's Orlando theme park who was grabbed and pulled into the water by a 22 foot long, six-ton killer whale. Video footage shows the killer whale repeatedly striking and thrashing the trainer, and pulling her under water even as she attempted to escape. The autopsy report describes the cause of death as drowning and traumatic injuries. The incident occurred during what SeaWorld describes as a "relationship session" between the trainer and whale, which was observed by park guests. The \$75,000 penalty includes \$70,000 for the willful disregard SeaWorld showed for the safety of its workers by failing to provide trainers with adequate protection when interacting with dangerous animals. SeaWorld was aware that the whale in this incident was also one of three killer whales involved in the 1991 death of an animal trainer at Sea Land of the Pacific in Vancouver. In addition, OSHA's investigation revealed an extensive history of unexpected and potentially dangerous encounters between killer whales and trainers at various SeaWorld facilities, including the one in Orlando.

## **Air Conditioning Company Recordkeeping Violations**

OSHA issued 83 willful citations\* to Goodman Manufacturing Co. LP and fined the company \$1,215,000 for failing to record and improperly recording work-related injuries and illnesses at its Houston air conditioning cooling facility. OSHA began its investigation March 2 in response to a complaint that the company was violating OSHA regulations. Despite being extremely knowledgeable about OSHA recordkeeping requirements, Goodman had willfully either not recorded or improperly recorded nearly three quarters of employee injuries and illnesses for more than two years before the investigation.

### **Lumber Company after Worker Is Killed**

OSHA fined Phenix Lumber Co. \$439,400 for willfully disregarding safety and health requirements that contributed to the death of one worker and the critical injury of a second at its Phenix City, Ala., facility. The incidents occurred while inspectors were conducting a follow-up safety and health inspection to verify that the company had corrected hazards for which it had previously been cited. Before OSHA could conclude its review, one worker was killed when his head was crushed between a motor being hoisted with a forklift and other equipment. Another worker who was performing maintenance on a sawmill machine that removes bark from logs was seriously injured after he fell approximately 10 feet, breaking his neck. OSHA issued 53 citations to the company for violations such as allowing a worker to stand under the elevated portion of a forklift and failing to provide guardrails and fall protection. The company also exposed workers to shock and electrocution hazards, possible injury from machines that could be unintentionally activated, and accumulations of ignitable or combustible dust.

### **Grain Handling Facility after Worker Is Engulfed**

OSHA fined Cooperative Plus Inc. \$721,000 after a near tragedy in February, when a worker in a storage bin was trapped in soybeans up to his chest in 25 degree weather. The worker was ultimately rescued after a four-hour ordeal. OSHA issued 10 citations against the Burlington, Wis., farmer-owned cooperative after inspectors concluded that the employer had willfully disregarded safety requirements by exposing workers to the risk of being engulfed and suffocated in grain storage bins. Two of the citations were for multiple egregious violations for failing to provide workers entering grain storage bins with body harnesses and lifelines and failing to provide an observer while other workers entered the grain bins.

Unfortunately, this type of incident happens with disturbing frequency in the grain handling industry. In the last 10 months, OSHA fined two grain handling facilities more than \$3 million after separate incidents in which a 17-year-old who had just graduated high school and a 52-year-old husband and father were engulfed and suffocated in grain storage containers. Last month, two Illinois teenagers (ages 14 and 19) were suffocated after being engulfed in a grain bin they had entered. A third young worker was hospitalized after being trapped in the bin for 12 hours.