

U.S. Department of Labor – Occupational Safety and Health Administration

Inspection Report

April 1, 2022 11:06 AM

RID	CSHO ID	Supervisor ID	Inspection Number	Optional Report Number	Case Closed Date
0523400	(b)(7)(C)	F3130	1572400		

Establishment Name		S.J. Louis Construction, Inc.		Doing Business As (DBA)			
Ownership Type	Private Sector	Type of Business	Corporation	Primary NAICS	237110 - Water and Sewer Line and Related Structures Construction		
Site Address	Hwy. 59 Between East and West Avenue Waukesha, WI 53186	Site Phone	(320) 428-5567	Extn		Site FAX	
Business Address	1351 Broadway Street West Rockville, MN 56369	Business Phone	(320) 253-9291	Business FAX			
Mailing Address	1351 Broadway Street West Rockville, MN 56369	E-mail	joelm@sjlouis.com	Mobile Phone		USA	
Site Activity	Trenching Work	Site NAICS	237110			Days on Site	2
Federal EIN	411440589	DUNS	147584296	Temporary or Fixed Site?	Y		
State Estab Id	4H-351	DUNS plus4		CAGE Code			
Construction Type	Highways/Streets/Bridges						

Parent Company Legal Name			Parent Company Trade Name/DBA				
Parent Company Address	Phone Number			Extn			

TIN / EIN		DUNS	
CAGE Code		DUNS plus4	

Entry	01/13/2022		First Closing Conference	01/13/2022	
Opening Conference	01/13/2022		Second Closing Conference	03/16/2022	
Walkaround	01/13/2022		Exit	01/13/2022	

Inspection Initiating Type	Referral-Employer Reported	Secondary Type	
Other Initiating Type		Inspection Category	Safety
Scope of Inspection	Partial	Reason No Inspection	
Migrant Farm Worker	N	Expln. for No Insp.	
State Strategic Initiatives			
National Emphasis	TRENCH		
State/Local Emphasis			
Primary Emphasis			

Additional Codes			
Type	ID	Value	Description
N	20	MN Corporate History Found.	COMMENTS

Employed in Establishment	117	Walkaround?	Y	Advance Notice?	N
Covered By Inspection	3	Interviewed?	Y	Flag for Follow-up	N
Controlled By Employer	117	Union?	N	Reason for Follow-up	
Is this Company a current federal contractor?	Unknown				

Related UPA		
Activity Number	Activity Type	Establishment Name
1852267	Referral	SJ Louis Construction, Inc.

Related Inspections		
Inspection Number	Related Inspection Type	Establishment Name

SVEP Information					
SVEP Case?	Post Citation SVEP Action	Post Citation SVEP Action Date	Is this inspection related to a previous SVEP inspection?	Is an Imminent Danger Notice included in this case?	Date Imminent Danger Notice was issued
N			N	N	

Employer Representatives Contacted					
Name	Jake Dilworth	Job Title	Superintendent	Occupation	
Address	1351 Broadway Street West ROCKVILLE, MN 56369			Interviewed?	Y
Home		Mobile	(320) 428-5567	Fax	
Email	JakeD@sjlouis.com		Participation		Credentials, Opening Conference, Closing Conference, Walk Around

Employer Representatives Contacted					
Name	Joel Martin	Job Title	Dir. of Safety	Occupation	
Address	1351 Broadway Street West ROCKVILLE, MN 56369			Interviewed?	N
Home		Mobile	(320) 292-9457	Fax	
Email		Participation			Opening Conference

Employees Contacted					
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(b)(7)(C)

(b)(7)(C)

Penalty Adjustment Factors			
Size Reduction	10%	Size Justification	System set it to 10% based on the number of employees controlled.
Good Faith Reduction	15%	Good Faith Justification	Company has safety and health programs established.
History Reduction	0 %	History Justification	Company has had OSHA inspections within the last 5 years with citations.

Denial of Entry			
Denial Date/Time	Stage	Reason	Re-entry Date/Time

CSHO Signature		Date	
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U.S. Department of Labor – Occupational Safety and Health Administration

Investigation Summary

Reporting ID	Investigation#	UPA Number	Event Date	Event Time	Construction
0523400	142714		01/10/2022	11:30 AM	Yes

Establishment Info

Establishment/DBA Name	S.J. Louis Construction, Inc.
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Site Information

Street Address 1	Hwy. 59 Between East and West Avenue				
Street Address 2					
County	WAUKESHA				
City	Waukesha	State	WI	Zip Code	53186

Event

Type of Event	Hand Crushed			
Number of Employees				
Fatalities	Hospitalized	Non-Hospitalized	Unaccounted	
0	1	0	0	

Abstract

What was employee doing just before incident occurred?	Staging Poly Pipe
What happened?	Hand Crushed Between Pipe
What was the injury or illness?	Hand Crushed
What was the object or substance that directly harmed the employee?	Material Handling

Victim	
Injured/Deceased Name	(b)(7)(C)
Gender	Male
Age	(b)(7)(C)
Victim Injury	Hospitalized
Cause	Caught in or between
Nature of Injury	Bruise/contusion/abrasion
IMMLang?	N

Construction Related Details

Basic Information

Construction?	Yes
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Construction Information

Is this a Building Site?	No		
Number of Stories (if building site):		Type of Construction:	Other
Height in Feet (if not building site):		Description if Type of Construction is "Other":	Installation of water line for water treatment plant
Construction End Use:	Sewer/water treatment plant		

Incident Information

Operation Performed At Event:	Trenching and installing pipe	Distance of the Fall (in feet):	
Worker height above ground/floor) before fall (in feet):			
Cause of Accident:	Unloading-loading equipment/material (except by crane)	Description if Cause of Accident is "Other":	

SAFETY NARRATIVE

Inspection Number	1572400
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COVERAGE INFORMATION

This company is a underground utility contractor and is headquartered in MN and doing work in Waukesha, WI.

NATURE AND SCOPE

Check Applicable Boxes and Explain Findings:

- Complaint Items
- Referral Items
- Accident Investigation Summary & Findings
- LEP
- Planned Inspection
- Follow-up Inspection

NATURE AND SCOPE – UNUSUAL CIRCUMSTANCES (Mark X and explain all the apply:)

- None
- Denial of entry (see denial memo)
- Delays in conducting the inspection
- Strikes
- Jurisdictional Issues
- Trade Secrets
- Other

Comments:

This inspection was conducted due to an employer reported referral in which an employee's hand was crushed while unloading Poly Pipe from a semi-trailer.

OPENING CONFERENCE NOTES:

CSHO (b)(7)(C) entered the job site and made contact with the employees on-site. The employees stated they were not the crew involved in the accident but they knew about the accident and knew it happened somewhere close by. The crew did contact the Project Superintendent who agreed to meet with the CSHO at the jobsite office, located down the road. Once at the jobsite office an opening conference was held with the employer. The nature, scope, and purpose of the inspection were explained and additional info. (Fed ID number, OSHA Logs, S&H Programs, etc.) were requested at this time. Other appropriate opening conference items were discussed as well.

Following the opening conference the Project Superintendent explained that he had assigned an operator and two laborers to unload a trailer full of Poly Pipe and place it adjacent to the road so it could be ready to be buried when the time came. The operator was picking the pipe off the trailer with an excavator and a nylon sling and the two laborers were on the ground directing the operator and getting the pipe placed in the proper area. At the time of the accident the injured employee had his hand on the pipe being lowered and was trying to guide it up against the pipe they had just set on the ground when his hand was crushed between the two pipes.

Poly Pipe Dim. – 50’ Long, 3’ Dia. & Approx. 1600lbs.

The Superintendent explained that after the accident they had a stand down to discuss the importance of standing in an area to ensure the operator can see you, the possible use of taglines while moving the pipe and the importance of good communication between the crew. The CSHO then asked about interviewing the employees involved and the Superintendent stated the injured employee was out due to his injury and the operator was terminated following the accident (Superintendent did provide phone numbers for both employee) the Superintendent did setup a meeting with the uninjured laborer who the CSHO interviewed after leaving the jobsite office. Before leaving the Superintendent the CSHO explained he would need to talk with the injured employee and the operator before being able to close out the inspection, the Superintendent stated he understood and the CSHO left.

After leaving the jobsite office the CSHO drove to the area of the accident, no work was being performed, and took a few photos of the jobsite and the Poly Pipe.

The CSHO interviewed the uninjured employee the day of the opening, the injured employee and operator were interviewed at different times via phone.

Following the walk around phase of the inspection, a closing conference was held with all employees and the owner on site. The alleged violations were reviewed and the appropriate abatement dates were agreed upon. The company’s rights and responsibilities were discussed and an informal conference was encouraged. The CSHOs then exited the site.

RECORDKEEPING PROGRAMS

(Other than 29 CFR 1904 requirements)

Does the employer have a record keeping program relating to any occupational health issues (monitoring, medical, training, respirator fit tests, ventilation measurements, etc.)?

Yes No

Are any programs required by OSHA health standards?

Yes No

EVALUATION OF EMPLOYER'S OVERALL SAFETY AND HEALTH PROGRAM

Construction Industry:

Yes No Accident Prevention Program

Yes No Written

Yes No Copy Attached

Evaluation of Safety and Health Program

(0=Nonexistent 1=Inadequate 2=Average 3=Above average)

2 - Written S&H Program

2 - Communication to Employees

2 - Enforcement

2 - Safety Training Program

2 - Health Training Program

2 - Accident Investigation Performed

2 - Preventive Action Taken

Comments:

CLOSING CONFERENCE NOTES:

Were any unusual circumstances encountered such as, but not limited to, abatement problems, expected contest and/or negative employer attitude? If yes, explain below:

Yes No

19. Closing Conference Checklist ("x" as appropriate)

No Violations Observed

Gave Copy Employer Rights

- Reviewed Hazards and Standards
- Discuss Employer Rights/Obligations
- Encouraged Informal Conference
- Offered Abatement Assistance
- Discussed Consultation Programs
- Employer/Employee Questionnaires

Closing Conference held with Employee Representative

- Jointly Separately

**U.S. Department of Labor
Occupational Safety and Health Administration**

Violation Worksheet

Print Date: 03/18/2022

		Inspection Number		1572400	
		Opt. Insp. Number			
Establishment Name	S.J. Louis Construction, Inc.				
DBA Name					
Type Of Violation	HAL	Citation Number		Item/Group	
Standard					
Alleged Violation Description	<p>S.J. Louis Construction, Inc. 1351 Broadway Street West Rockville, MN, 56369</p> <p>Dear Joel Martin</p> <p>An inspection of your workplace at: Hwy. 59 Between East and West Avenue, Waukesha, WI, 53186 on 01/13/2022 disclosed the following hazards:</p> <p>1. It was determined that employees working at the jobsite were tasked with unloading 50' sections of Poly Pipe from a trailer onto the shoulder along Hwy. 59. It appears at the time of the inspection the employees unloading the Poly Pipe were not adequately trained on how to pick and place the Poly Pipe.</p> <p>Since no OSHA standard applies and it is not considered appropriate at this time to invoke Section 5(a)(1), the general duty clause of the Occupational Safety and Health Act, no citation will be issued for these hazards.</p> <p>In the interest of workplace safety and health, however, I recommend that you take the following steps voluntarily to eliminate or reduce your employees' exposure to the hazards described above:</p> <p>1. Develop specific procedures for rigging, picking and placing Poly Pipe from a semi-trailer to the ground. This could include the use of taglines to ensure employees do not have to place themselves or their hands into hazards areas.</p> <p>2. Train all affected employees on the above developed procedures to ensure knowledge and reduce the risk of a hazard.</p> <p>OSHA welcomes any report of your efforts to reduce the above-mentioned exposures. If you have any questions concerning this matter, please feel free to contact this office.</p> <p>Sincerely,</p> <p>Christine Zortman</p>				

	Area Director		
Recommended Abatement Action			
# Instances		# Exposed	
Special Enforcement Type		Related Event Code (REC)	
General Duty Key Words		Employer's Relation to Hazard	
Photo/Video Number		Substance Codes	

Penalty

Severity			
Severity Justification			
Probability			
Probability Justification			
Gravity		Size	0%
Gravity based Penalty	\$0.00	Good Faith	0%
# Times Repeated		History	0%
Multiplier		Quick Fix	0%
Calculated Penalty	\$0.00	Proposed Penalty	\$0.00
Proposed Penalty Justification			

Abatement Details

# Days to Abate		Abatement Status	HAL, Abatement not Requested
Abatement Due Date		Date Abated	
Abatement Documentation Required?	No	Date Verified	
Abatement Completed Description			

Multi-Step Abatement

Type/Other Type	# Days to Abate	Abatement Due Date	Completed (Status)	Verify Date
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Employee Exposure

Violation Instance	# Exposed to Instance	Employer	Name and Address Telephone Numbers	Duration	Frequency	Proximity
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Worksheet Details

A) Hazards-Operation/Condition-Accident:

B) Equipment:

C) Location:

D) Injury/Illness (and Justifications for Severity and Probability):

E) Measurements:

F) Employer Knowledge:

G) Comments:

H) Other Employer Information:

U.S. Department of Labor Occupational Safety and Health Administration
Milwaukee Area Office
310 W. Wisconsin Avenue, Suite 1180
Milwaukee, WI 53203



Mr. Joel Martin
S.J. Louis Construction, Inc.
1351 Broadway Street West
Rockville, MN 56369

Dear Mr. Martin:

An inspection of your workplace at Hwy 59 between East and West Avenue, Waukesha, WI 53186 on 01/13/2022 disclosed the following hazards:

Employees were working at the jobsite were tasked with unloading 50' sections of poly pipe from a trailer onto the shoulder along Hwy 59 between East and West Avenue, Waukesha, WI. At the time of the inspection the employees unloading the poly pipe were not adequately trained on how to pick and place the poly pipe exposing them to struck-by hazards.

Since no OSHA standard applies and it is not considered appropriate at this time to invoke Section 5(a)(1), the general duty clause of the Occupational Safety and Health Act, no citation will be issued for these hazards.

In the interest of workplace safety and health, however, I recommend that you take the following steps voluntarily to eliminate or reduce your employees' exposure to the hazards described above:

1. Develop specific procedures for rigging, picking and placing poly pipe from a semi-trailer to the ground. This could include the use of taglines to ensure employees do not have to place themselves or their hands into the hazardous areas.
2. Train all affected employees on the above developed procedures to ensure knowledge and reduce the risk of a hazard.

OSHA welcomes any report of your efforts to reduce the above-mentioned exposures. If you have any questions concerning this matter, please feel free to contact this office.

Sincerely,

CHRISTINE ZORTMAN
Digitally signed by
CHRISTINE ZORTMAN
Date: 2022.04.01
13:21:46 -05'00'

Christine Zortman
Area Director