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## Construction Safety

### OSHA watch

Posted on April 8, 2019March 19, 2019 by dauidrleng



#### **“Good-faith” employers get grace period to comply on crane operator documentation requirements**

The requirement that employers must evaluate their operators before allowing them to operate cranes independently is being enforced, but employers making good-faith efforts to comply have a 60-day grace period, according to the enforcement guidance ([https://www.osha.gov/doc/documents/temp\\_enforcement\\_policy\\_02072019.html](https://www.osha.gov/doc/documents/temp_enforcement_policy_02072019.html)) effective on Feb. 7. Employers who have evaluated operators in accordance with the final rule, and are making good-faith efforts to comply with the new documentation requirement are offered compliance assistance, in lieu of enforcement. The grace period ends April 15.

#### **New bulletin for workers wearing devices containing lithium batteries**

## A new Safety and Health Information Bulletin

(<https://www.osha.gov/dts/shib/shib011819.html>) warns employers and workers of potential fire and explosion hazards stemming from lithium batteries used to power small or wearable electronic devices.

## **New video on ammonium nitrate emphasis program**

A new YouTube video ([https://www.youtube.com/watch?v=a\\_6jx2Nwm68&feature=youtu.be](https://www.youtube.com/watch?v=a_6jx2Nwm68&feature=youtu.be)) deals with inspections under the ammonium nitrate emphasis program.

## **Employers urged to prevent worker exposure to carbon monoxide**

Employers are reminded to take necessary precautions to protect workers from the potentially fatal effects of carbon monoxide exposure. To reduce the risk of exposure, employers should install an effective ventilation system, use carbon monoxide detectors, and take other precautions as described in the Carbon Monoxide Fact Sheet

([https://www.osha.gov/OshDoc/data\\_General\\_Facts/carbonmonoxide-factsheet.pdf](https://www.osha.gov/OshDoc/data_General_Facts/carbonmonoxide-factsheet.pdf)).

Other resources include videos (in English and Spanish).

([https://www.osha.gov/dts/vtools/construction/carbonmonoxide\\_fnl\\_eng\\_web.html](https://www.osha.gov/dts/vtools/construction/carbonmonoxide_fnl_eng_web.html)),

QuickCards (English).

([https://www.osha.gov/OshDoc/data\\_Hurricane\\_Facts/carbon\\_monoxide.pdf](https://www.osha.gov/OshDoc/data_Hurricane_Facts/carbon_monoxide.pdf)) (Spanish).

([https://www.osha.gov/OshDoc/data\\_Hurricane\\_Facts/carbon\\_monoxide\\_sp.pdf](https://www.osha.gov/OshDoc/data_Hurricane_Facts/carbon_monoxide_sp.pdf)) and a fact sheet on portable generator safety.

([https://www.osha.gov/OshDoc/data\\_Hurricane\\_Facts/portable\\_generator\\_safety.pdf](https://www.osha.gov/OshDoc/data_Hurricane_Facts/portable_generator_safety.pdf)).

## **Alert to Nebraska employers: Increase in amputation injuries**

A review of Nebraska workers' compensation claims found 42 employees suffered amputation injuries in 2018, and employers failed to report more than 65 percent of those injuries within 24-hours, as required. The National Emphasis Program for Amputations targets inspections at workplaces with machinery and equipment that cause, or are capable of causing, amputations. Information and resources are available to help employers identify and eliminate workplace hazard.

## **Enforcement notes**

### **California**

- Solus Industrial Innovations, a plastics manufacturing plant in Rancho Santa Margarita was cited for willfully, knowingly and intentionally maintaining an unsafe and hazardous work environment after two workers were killed in an explosion caused by a water heater that was never intended for commercial use. The case was referred to the local district attorney's office and a \$1.6 million judgment was obtained in a civil case.
- Platinum Pipeline Inc., based in Livermore, received a \$242,600 fine after a worker died when a trench built for a storm drain project collapsed.
- A joint venture of Shimmick Construction Co. Inc., of Oakland and San Francisco-based Con-Quest Contractors Inc. faces a \$65,300 fine after a worker was fatally struck by a steel beam in 2018 while working on a light rail tunnel project in San Francisco.

### **Connecticut**

- The U.S. District Court for the District of Connecticut ordered Eastern Awning Systems Inc., a manufacturer of retractable fabric patio awnings based in Watertown, and its owner Stephen P. Lukos to pay a total of \$160,000 to two discharged employees who filed safety and health complaints. The judgment also requires the employer to provide neutral letters of reference for the two discharged employees, and to post the judgment and notice of employees' rights prominently at the workplace.

## Florida

- Inspected under the Regional Emphasis Program for Falls in Construction, Crown Roofing LLC was cited for exposing employees to fall hazards at two separate residential worksites in Port St. Lucie and Naples. The Sarasota-based contractor faces penalties of \$265,196. It has been inspected 17 times in the past five years and 11 inspections have resulted in repeat violations.
- OSHRC affirmed two serious violations, and reinstated one stemming from an inspection of gas line work – overturning an administrative law judge's decision – and increased the fine from \$5,500 to \$9,000 against Dade City-based Florida Gas Contractors Inc.

## Georgia

- Hilti Inc., a hardware merchant wholesaler, was cited for exposing employees to struck-by hazards after an employee was injured while operating a forklift at a distribution center in Atlanta. The Plano, Texas-based company faces penalties of \$164,802.
- Eye Productions Inc., a motion picture company, was cited for failing to provide adequate head protection during stunts while filming the "MacGyver" show in Chattahoochee Hills. Proposed penalties total \$9,472.

## Massachusetts

- In *Secretary of Labor v. HRI Hospital Inc. d/b/a Arbour-HRI Hospital*, an administrative law judge vacated a citation that HRI Hospital Inc., based in Brookline, failed to adequately protect its employees from being physically assaulted by patients.

## Minnesota

- In *Secretary of Labor v. SJ Louis Construction of Texas Ltd.* (a division of SJ Louis Construction Inc., of Rockville, Minnesota), the ALJ determined that SJ Louis, an underground utilities contractor, failed to construct a trench in Cypress, Texas, in compliance with regulations and failed to provide employees proper egress. A penalty of \$36,000 was assessed.

## Pennsylvania

- U.S. District Court for the Eastern District has entered a consent judgment ordering Blown Away Dry Bar and Salon, based in Kennett Square, to pay a \$40,000 settlement to a fired hair stylist. Investigators determined the defendants retaliated against the employee when her husband reported workplace safety and health hazards to OSHA, a violation of the (OSH) Act.
- An administrative law judge of the OSHRC affirmed a general duty clause citation against Brooke Glen Behavioral Hospital's facility in Fort Washington for exposing its employees to workplace violence, as well as a \$12,471 penalty.
- KidsPeace Inc. was cited for exposing employees to workplace violence hazards at two behavioral and mental health facilities in Orefield. The company faces proposed penalties totaling \$29,010.

## Tennessee

- Hankook Tire Company received 11 citations and faces \$85,200 in penalties for failure to conduct periodic crane inspections, provide adequate personal protective equipment for workers handling hazardous chemicals, ensure that proper lockout/tagout procedures were followed, and guard machinery.

For additional information (<https://www.osha.gov/news/newsreleases/infodate-y/2019>).

*For Cutting-Edge Strategies on Managing Risks and Slashing Insurance Costs visit [www.StopBeingFrustrated.com](http://www.stopbeingfrustrated.com) (<http://www.stopbeingfrustrated.com/>).*

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### **Compliance date for parts of general industry beryllium standard delayed**

The compliance date for certain ancillary provisions in the beryllium standard for general industry is extended to December 12, 2018. The [final rule](#) ([https://www.federalregister.gov/documents/2018/08/09/2018-17106/limited-extension-of-select-compliance-dates-for-occupational-exposure-to-beryllium-in-general?utm\\_campaign=subscription%20mailing%20list&utm\\_source=federalregister.gov&utm\\_medium=email](https://www.federalregister.gov/documents/2018/08/09/2018-17106/limited-extension-of-select-compliance-dates-for-occupational-exposure-to-beryllium-in-general?utm_campaign=subscription%20mailing%20list&utm_source=federalregister.gov&utm_medium=email)) published in the Aug. 9 *Federal Register*, states that the compliance date applies to requirements for