

# **OSHA QuickTakes**

Occupational Safety and Health Administration



A twice monthly newsletter with information about workplace safety and health.

## Top Stories

### **OSHA, Ashley Furniture reach comprehensive settlement to protect workers**

Ashley Furniture, the nation's largest retailer of home furnishings, has entered into a [corporate-wide settlement agreement](#) with OSHA designed to protect workers from machine hazards.

Under the settlement, Ashley will implement a number of safety measures to protect its employees and will submit status reports to OSHA annually during the two-year term of the agreement. The company will conduct periodic audits of facilities to identify machine hazards, as well as an annual review of the effectiveness of the program; develop internal corporate monitoring provisions; and identify a corporate officer or senior managers who will act as a designated official responsible for implementation and oversight of the agreement.



"With this settlement, Ashley Furniture is taking important steps to change its culture, invest in its employees and work with OSHA to make significant changes to protect the safety and health of workers," said U.S. Secretary of Labor Thomas E. Perez. "This settlement is an important reminder that every worker has the right to a safe workplace, and we will continue to use all available tools to protect that right."

The agreement also resolves numerous violations that OSHA issued after inspecting several Ashley workplaces in Wisconsin and Mississippi. The company has agreed to correct all cited violations and will pay penalties of \$1.75 million. For more information, read the [news release](#).

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### **Construction company owner indicted for manslaughter after failure to heed multiple safety warnings leads to worker's death**

Salvatore Schirripa, a Bensonhurst, N.Y., construction company owner, has been indicted on manslaughter and other charges following the April 2015 death of Vidal Sanchez-Ramon, his employee at a Coney Island work site. If convicted, he faces up to 15 years in prison.

Sanchez-Ramon was smoothing concrete on the sixth floor of the work site when he reached the edge and fell to his death. He was not wearing a harness, nor was fall protection installed as required by OSHA and the New York City Building Code. This fatal incident followed multiple warnings and citations to Schirripa since 2011 from OSHA and the New York City Department of Buildings for failing to provide effective fall protection.

**"A hardworking man died tragically and unnecessarily because proper safety measures were not taken to protect his life."**

**– Brooklyn District Attorney Ken Thompson**

It is alleged that several days prior to Sanchez-Ramon's death, Schirripa visited the worksite and saw that the wire cable fence was positioned several feet in from the edge, along one side of the floor. Nevertheless, Schirripa directed that his workers pour and smooth the concrete outside the wire cable fence without harnesses, ultimately leading to Sanchez-Ramon's death.

"The deaths of Mr. Sanchez and the seven other New York City construction workers in falls in 2015 were all needless and preventable," said OSHA Regional Administrator Robert Kulick. "This indictment sends a strong message to those employers who would neglect their legal responsibility to provide their employees with safe workplaces and working conditions."

For more, see the Brooklyn District Attorney Office's [news release](#).

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## Enforcement

### **Roofing contractor faces \$108K in penalties after repeatedly putting workers at risk of deadly falls and other hazards**



OSHA inspectors cited Coastal Building Systems Inc. with willful and repeat safety violations after observing employees working more than 6 feet above ground without fall protection. The inspection was conducted under the agency's Regional Emphasis Program on Falls in Construction. The Fernandina Beach, Fla., roofing and siding company was issued \$108,500 in penalties. OSHA also cited Coastal Building for allowing workers to use powered nail guns without eye protection, a violation the company was cited for at another work site in 2012. Read the

[news brief](#) for more information.

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## Two Florida excavation contractors cited for exposing workers to trench cave-in hazards

Allen's Excavation Inc. and Capital City Contracting LLC were cited a combined six safety violations after OSHA inspectors saw workers in a 9-foot deep trench without cave-in protection. Inspectors initiated an inspection of the work site in Tallahassee, Fla., under the agency's National Emphasis Program on Trenching and Excavation. The companies were proposed a combined \$108,500 in penalties for lack of cave-in protection; exposing workers to electrical hazards; failing to ensure workers wore protective helmets; and not providing a safe means to enter and exit the excavation. For more information, read the [news brief](#).

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## New Jersey scrap recycler faces \$121K in fines for 16 safety, health violations



OSHA opened an inspection of Park Stein Inc., a commercial scrap and metal recycler in Clifton, N.J., after city officials reported potential hazards at the facility. Inspectors found that the company failed to: maintain a front-end loader, exposing workers to struck-by hazards; properly store compressed gas cylinders; and have adequate respiratory and hearing conservation programs. Park Stein was cited with 16 safety and health violations and proposed penalties totaling \$121,660. Read the [news brief](#) for more information.

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## New York rail equipment manufacturer fined \$105K for exposing workers to cancer-causing chemicals, other hazards



A safety and health complaint filed against rail equipment manufacturer and repairer Alstom Transportation Inc. resulted in OSHA inspecting the company's Syracuse, N.Y., service facility. Inspectors found workers were exposed to serious levels of cancer-causing chemicals including silica, lead, nickel and cadmium. Other violations included not providing shower and changing areas for employees who worked with cadmium and lead; exposing workers performing sandblasting and welding operations to chromium, copper fume, iron oxide and silica; and failing to train painters to correctly use and store respirators. The company was cited with 17 violations and proposed \$105,000 in penalties. For more information, read the [news release](#).

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## Iowa postal facility fined nearly \$120K for hazards that put workers' lives at risk



OSHA cited the U.S. Postal Service sorting facility in Des Moines, Iowa, for two repeated and two serious safety violations for hazards that could have cost workers their lives in the event of a fire or other emergency. The citations follow a December 2015 investigation of a complaint alleging various safety concerns at the facility. The investigation found that emergency exit routes were blocked, a mechanical fire door was inoperable, and workers

were exposed to slip, trip and fall hazards and not trained on an emergency action plan.

OSHA cited the USPS for similar hazards in 2011, 2012, 2014 and 2015 at locations in Alabama, Colorado, Iowa, Illinois and Texas. Proposed penalties are \$119,900. For more information, see the [news brief](#).

### State Plan enforcement cases

The following are recent examples of enforcement cases from [State Plan states](#). For more examples of state and federal enforcement cases, visit OSHA's online [enforcement penalties map](#).

The [North Carolina Occupational Safety and Health Division](#) issued \$39,200 in penalties to Crawford Tree Service and Stump Grinding Company of Belmont following the death of a 19-year-old worker who was pulled into a wood chipper during his first day on the job. NC OSH inspectors issued one willful and four serious violations after determining that a stop bar on the machine had been disabled and that the worker had not been properly trained or provided adequate personal protective equipment.

The [California Division of Occupational Safety and Health](#) issued \$40,250 in fines to Big & Deep Agricultural Development Company of Bakersfield following an explosion that killed a bulldozer operator and damaged a nearby home in November 2015. Cal/OSHA inspectors determined that the company failed to train the bulldozer operator on the hazards of underground utilities and warn him about the location of a natural gas pipeline in the area he was working. During soil site preparation, the bulldozer penetrated the pipeline, igniting the gas inside. For more information, read the [Cal/OSHA news release](#).

Enforcement cases with Initial Penalties Above \$40,000



**Please visit the [enforcement news releases page](#) for more on OSHA enforcement activity.**

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## Whistleblower Protection

**Trucking company ordered to reinstate, pay \$276K to driver fired for refusing to violate safety regulations**

OSHA found that NFI Interactive Logistics Inc. of Cherry Hill, N.J., violated the anti-retaliation provisions of the [Surface Transportation Assistance Act](#) when it fired a truck driver for voicing concern that he couldn't complete his delivery without violating federal safety regulations and putting himself and others at risk. Due to circumstances beyond his control, the driver believed that completing the trip from Massachusetts to New Jersey and back would violate the Federal Motor Carrier Safety Administration's [hours of service](#) regulations. Despite making arrangements to have the delivery completed by another NFI driver, the company fired the worker the next day for insubordination.



"The law is clear: Drivers have the right to raise legitimate safety concerns to their employer – including refusing to violate safety regulations – without fear of termination or other retaliation," said Kim Stille, OSHA's New England regional administrator.

OSHA ordered that NFI reinstate the driver, pay him more than \$276,000 in back wages and damages and take other corrective actions, which include expunging from all of its files any reference to the discharge, or the driver's exercise of his rights under STAA. For more information, see the [news release](#).

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## **Two Houston companies sued by Dept. of Labor for illegally firing employees who reported workplace safety concerns**

The U.S. Department of Labor filed separate federal lawsuits against a communication systems construction company and a behavioral health care provider operating in Houston alleging that the two employers illegally fired workers for making safety complaints to OSHA.

The first filing alleges that Eustis Cable Enterprises and its vice president, Michael Palmer, violated the whistleblower provisions of the [Occupational Safety and Health Act](#). An employee was fired after complaining to OSHA that Eustis ignored his concerns about his lack of forklift operator certification and that propane tanks were not secured properly. The lawsuit alleges that – less than an hour after learning of the OSHA complaint – Eustis fired the employee.



A suit filed against Continuum Integrated Health Services Inc. and its CEO, Dr. Barbara Candley, alleges that the employer fired an employee who told OSHA about a locked exit door that blocked emergency access. After OSHA informed Candley of the complaint, she called the employee into her office and asked if she could expect any more complaints or investigations. Three days later, Candley fired the employee when she saw her attempting to document the events that occurred at the meeting and the employee admitted to contacting OSHA.

In both cases, the department is asking the judge to issue a permanent injunction prohibiting the defendants from taking any further retaliation action against employees

who raise safety or health concerns. The lawsuits also seek back pay, reinstatement and other damages suffered by the employees due to the illegal terminations. For more information, see the [news release](#).

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## OSHA launches Whistleblower-Severe Violator pilot program

OSHA has launched a pilot enforcement program focused on employers who repeatedly and willfully disregard the [rights of whistleblowers](#). OSHA's Whistleblower-Severe Violator Enforcement Program became effective on May 27, covering employers in Kansas, Missouri and Nebraska, and those companies under federal enforcement in Iowa.



"W-SVEP will focus on employers that engage in egregious behavior and blatant retaliation against workers who report unsafe working conditions and violations of the law," said Karena Lorek, OSHA's acting regional administrator in Kansas City. "Employers that act in that manner deserve greater public scrutiny and a powerful response from OSHA."

OSHA will place employers on the W-SVEP log if it is determined they have met the criteria for inclusion in the program. After three years, a company may petition the regional administrator for a follow-up visit and removal from the program. At that time, OSHA will complete a comprehensive review of the company's policies and practices to determine if they have addressed and remedied the retaliation and its effects sufficiently. For more information, read the [news release](#).

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## On-site Consultation

### Heavy equipment manufacturer receives safety and health achievement award

Komatsu Equipment Company facilities in Salt Lake City, Utah, and Elko, Nev., recently received certification in OSHA's [Safety and Health Achievement Recognition Program](#). The manufacturer of construction,



utility and mining equipment earned SHARP status for its commitment to the TRACK program the company follows to insure that each job is performed safely. TRACK encourages workers and managers to: Think through the task, Recognize the hazard, Assess the risks, Control the hazards, and Keep safety first. Komatsu is the first company in northeastern Nevada to become a SHARP worksite.

SHARP recognizes employers who have used OSHA's On-site Consultation Program services and operate an exemplary [safety and health program](#). The [On-site Consultation Program](#) provides free and confidential safety and occupational health advice to small and medium-sized businesses across the country. On-site Consultation services are separate from enforcement and do not result in penalties or citations. Visit OSHA's website to find

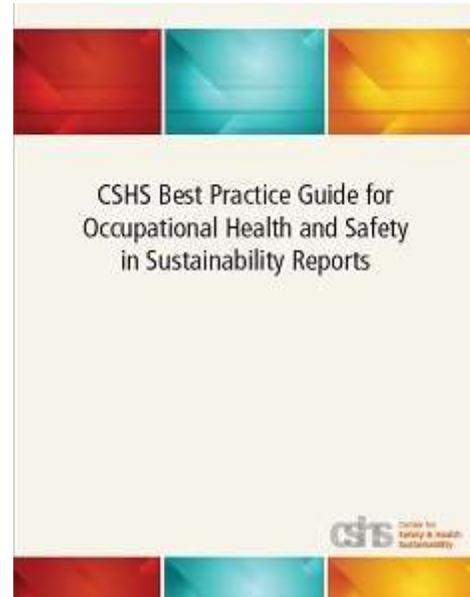
the local [On-site Consultation Program office](#) in your state or territory.

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## Educational Resources

### **New resource for OSH professionals helps advance worker safety and health through sustainability**

Over the last several years, businesses have made sustainability a key part of their growth strategy. While most of the focus has been on environmental issues, attention is now turning to other aspects of sustainability, including occupational safety and health. This shift presents new opportunities for OSH professionals to advance the protection of workers. The Center for Safety and Health Sustainability has released a [Best Practice Guide for Occupational Health and Safety in Sustainability Reports](#), which outlines a framework that can be used to incorporate occupational health and safety metrics into sustainability reporting practices. The guide was developed through a collaborative process that included some of the world's largest OSH professional organizations and represents standards of performance which are already accepted, understood, and operationalized by those managing safety and health at work. By using this guide to engage with business leaders OSH professionals can take a critical step in improving occupational safety and health performance and, ultimately, preventing worker injuries, illnesses and fatalities. For more information, read CSHS's [news release](#).



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- [Changing Safety Culture at America's Leading Furniture Manufacturer](#) by OSHA Assistant Secretary Dr. David Michaels
- [When Thunder Roars, Go Indoors](#) by Mandy Edens, director of OSHA's Directorate of Technical Support and Emergency Management
- [Cutting Corners in Construction Costs Lives](#) by Melanie Stratton and Dane Steffenson, attorneys in the Department of Labor's Office of the Solicitor in Atlanta



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## Job openings

Are you interested in a career with the Department of Labor? DOL has [job opportunities](#) throughout the country, including [openings](#) in OSHA.



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**Assistance**

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