

OSHA's Top 10 violations

Citations are up, but the hazards haven't changed

By Karen Gaspers, associate editor

Once again little has changed from the previous year in *Safety+Health's* annual Top 10 listing of OSHA's most frequently cited standards. Construction scaffolding violations still have the dubious honor of leading the way, followed once again by Hazard Communication violations. Electrical – Wiring and Machine Guarding switched rank this year, but that isn't much of a change — they've traded the sixth and seventh spots for the past two years.

However, Bloodborne Pathogens, after making its top 10 debut last year in ninth place, slipped back off the list in 2004, and Mechanical Power violations resurfaced in 10th place, its typical spot before 2003.

In FY04, OSHA continued a trend toward more citations issued for hazard violations. On average, this year saw more violations per standard than the previous year, and the overall number of violations was again higher — 44,718 total violations in the top 10 in FY04 compared with 43,466 total violations in FY03.

OSHA is proud of its record of aggressively citing violators, according to Richard Fairfax, director of OSHA's directorate of enforcement programs. "I'm really pleased that we are finding violations associated with serious hazards because that's hopefully getting things corrected," he said. (For more "Top 10" analysis from Fairfax, see page 46).

The list covers fiscal year 2004, which ran from Oct. 1, 2003, through Sept. 30, 2004.



SCAFFOLDING

Standard
1926.451

Total violations
8,682

Fiscal 2003 ranking: 1 (8,804)

This standard covers the general safety requirements for the construction, maintenance and use of scaffolding. Basically, employers must protect construction workers from falls and from falling objects while working on or near scaffolding at heights of 10 feet or more.

Top 5 sections cited

- 1926.451 (g)(1) — Failure to provide fall protection (1,409)
- 1926.451 (e)(1) — Failure to provide proper access (1,152)
- 1926.451 (b)(1) — Failure to ensure adequate platform construction (1,031)
- 1926.451 (g)(1)(vii) — Lack of personal fall arrest or guardrail systems (551)
- 1926.451 (c)(2) — Failure to properly support scaffolding (545)

1



HAZARD COMMUNICATION

Standard
1910.1200

Total violations
7,318

Fiscal 2003 ranking: 2 (6,800)

This standard addresses the hazards of chemicals, both chemicals produced in the workplace and those imported into the workplace. It also governs the communication of those hazards to workers.

Top 5 sections cited

- 1910.1200 (e)(1) — Failure to develop and maintain a written program (2,319)
- 1910.1200 (h)(1) — Failure to maintain training (1,044)
- 1910.1200 (h) — Lack of employee training (768)
- 1910.1200 (g)(1) — Failure to have a Material Safety Data Sheet for each hazardous chemical (707)
- 1910.1200 (f)(5)(i) — Failure to label each container with the identity of the hazardous chemical within (590)

2



FALL PROTECTION

Standard
1926.501

Total violations
5,680

Fiscal 2003 ranking: 3 (5,544)

This standard tells workers and employers where fall protection is required, which fall protection systems are appropriate for given situations, the proper construction and installation of safety systems, and the proper supervision of employees to prevent falls. The standard is designed to protect construction personnel working above 6 feet.

Top 5 sections cited

- 1926.501 (b)(1) — Failure to use a guardrail, safety net or personal fall arrest system (1,949)
- 1926.501 (b)(13) — Failure to provide protection/residential construction (1,534)
- 1926.501 (b)(10) — Failure to provide protection/low-slope roofs (581)
- 1926.501 (b)(11) — Failure to provide protection/steep roofs (324)
- 1926.501 (b)(4)(i) — Failure to provide protection/falling through holes (256)

3



LOCKOUT/TAGOUT

Standard
1910.147

Total violations
4,304

Fiscal 2003 ranking: 4 (4,506)

This standard lays out the minimum performance requirements for the control of hazardous energy during the maintenance and servicing of machinery. The standard requires that lockout be used for equipment designed with lockout capability. Lockout/tagout procedures should be followed during maintenance or repair operations to ensure that power sources are locked in the “off” position and clearly marked with a tag so other workers do not turn on a machine by mistake. The standard also contains criteria for establishing an effective program for locking out devices.

Top 5 sections cited

- 1910.147 (c)(1) — Failure to establish a program (817)
- 1910.147 (c)(4)(i) — Failure to develop procedures for energy control (752)
- 1910.147 (c)(7)(i) — Lack of employee training (603)
- 1910.147 (c)(6)(i) — Failure to conduct periodic inspections (538)
- 1910.147 (c)(4)(ii) — Inadequate procedures (313)

4



RESPIRATORY PROTECTION

Standard
1910.134

Total violations
4,302

Fiscal 2003 ranking: 5 (3,939)

The standard directs employers to establish or maintain a respiratory protection program to protect employees. The standard contains requirements for program administration; worksite-specific procedures; respirator selection; employee training; fit testing; medical evaluation; respirator use; and respirator cleaning, maintenance and repair.

Top 5 sections cited

- 1910.134 (c)(1) — Failure to establish and implement a written program (696)
- 1910.134 (e)(1) — Failure to conduct a medical evaluation (627)
- 1910.134 (c)(2)(i) — Failure to provide Appendix D when voluntary use deemed permissible (375)
- 1910.134 (f)(2) — Failure to fit test (319)
- 1910.134 (d)(1)(iii) — Failure to select and provide an appropriate respirator (211)

5



ELECTRICAL — WIRING

Standard
1910.305

Total violations
3,337

Fiscal 2003 ranking: 7 (3,112)

This standard covers the grounding of electrical equipment, wiring and insulation. It includes temporary wiring and splicing, components such as lighting fixtures and switches, and equipment such as flexible cords and cables.

Top 5 sections cited

- 1910.305 (b)(1) — Failure to protect conductors, entering boxes, cabinets or fittings (741)
- 1910.305 (b)(2) — Lack of covers (607)
- 1910.305 (g)(2)(iii) — Failure to connect flexible cords to fittings or other devices (449)
- 1910.305 (g)(1)(iii) — Using flexible cords in a prohibited situation (429)
- 1910.305 (g)(1)(iii)(A) — Substituting flexible cords for the fixed wiring of a structure (183)

6



MACHINE GUARDING

Standard
1910.212

Total violations
3,245

Fiscal 2003 ranking: 6 (3,400)

This standard covers the general safety requirements for how and when to use machine guards. Basically, employers must place guards over or in front of a machine's moving parts.

Top 5 sections cited

- 1910.212 (a)(1) — Failure to provide machine guarding (1,841)
- 1910.212 (a)(3)(ii) — Failure to guard point-of-operation (958)
- 1910.212 (b) — Failure to anchor fixed machinery (178)
- 1910.212 (a)(5) — Failure to guard exposed blades (171)
- 1910.212 (a)(2) — Failure to affix guards (63)

7



POWERED INDUSTRIAL TRUCKS

Standard
1910.178

Total violations
3,130

Fiscal 2003 ranking: 8 (2,774)

This standard covers the design, maintenance and operation of all kinds of powered industrial trucks, from forklifts to motorized hand trucks.

Top 5 sections cited

- 1910.178 (l)(1)(i) — Failure to ensure operator competency (569)
- 1910.178 (l)(6) — Lack of operator certification (431)
- 1910.178 (p)(1) — Failure to remove unsafe trucks from operation (347)
- 1910.178 (q)(7) — Failure to inspect trucks (243)
- 1910.178 (l)(4)(iii) — Failure to evaluate operator performance (223)

8



ELECTRICAL SYSTEMS

Standard
1910.303

Total violations
2,399

Fiscal 2003 ranking: 10 (2,233)

This standard covers the general safety requirements for designing electrical systems.

Top 5 sections cited

- 1910.303 (b)(2) — Failure to install and use electrical equipment according to factory instructions (483)
- 1910.303 (g)(2)(i) — Failure to guard electrical equipment (460)
- 1910.303 (f) — Failure to identify disconnecting means and circuits (432)
- 1910.303 (g)(1)(ii) — Failure to keep work spaces clear (238)
- 1910.303 (b)(1) — Use of electrical equipment containing recognized hazards (219)

9



MECHANICAL POWER

Standard
1910.219

Total violations
2,321

Fiscal 2003 ranking: Not in the Top 10

This standard calls for the proper guarding of components such as gear, chains, belts, pulleys and drive shafts so that workers do not become caught in transmission devices.

Top 5 sections cited

- 1910.219 (d)(1) — Failure to guard pulleys (641)
- 1910.219 (e)(3)(i) — Failure to guard vertical and inclined belts (415)
- 1910.219 (f)(3) — Failure to enclose sprockets and chains (341)
- 1910.219 (e)(1)(i) — Failure to guard horizontal belts and ropes (266)
- 1910.219 (c)(2)(i) — Failure to guard horizontal shafting (171)

10

Top 10 Willful violations

OSHA defines a willful violation as one “committed with an intentional disregard of or plain indifference to the requirements of the Occupational Safety and Health Act and regulations.”

Standard	Total violations
1. 1926.652 Protection Systems – Excavation	69
2. 1926.451 Scaffolding	59
3. 1926.501 Fall Protection	48
4. 1910.147 Lockout/Tagout	25
5. 1910.146 Permit Required Confined Spaces	22
6. 1926.760 Fall Protection – Steel Erection	21
7. 1910.95 Noise Exposure	20
8. 1926.651 Excavation 1926.1101 Asbestos	19
9. 1910.134 Respiratory Protection 1910.212 Machine Guarding 1910.217 Mechanical Power Presses	16
10. 1910.1200 Hazard Communication	14

Top 10 Serious violations

OSHA defines a serious violation as “one in which there is substantial probability that death or serious physical harm could result, and the employer knew or should have known of the hazard.”

Standard	Total violations
1. 1926.451 Scaffolding	7,696
2. 1926.501 Fall Protection	4,961
3. 1910.1200 Hazard Communication	3,707
4. 1910.147 Lockout/Tagout	3,379
5. 1910.212 Machine Guarding	2,889
6. 1910.305 Electrical Wiring	2,476
7. 1910.134 Respiratory Protection	2,382
8. 1910.178 Powered Industrial Trucks	2,171
9. 1910.219 Mechanical Power Transmission	2,138
10. 1926.1053 Ladders	1,804

PenaltyBox

Companies making the list of Top 10 monetary penalties issued in fiscal 2004 all were cited for failure to adhere to safe workplace practices. They were cited for failure to report amputations, failure to follow manufacturer instructions for equipment and failure to use safety practices — all of which put workers at risk. The list includes two cases where a fatality occurred; others are repeat violators.

For example, Midwest Racking Manufacturing appears on the list because OSHA was conducting follow-up regarding violations found during a previous inspection. European Craft Construction is on the list for the second year in a row, again in the No. 5 spot.

The dollar figures cited by OSHA are initial fines levied. Final settlements reached by press time are noted.

1 Modern Continental Construction Co.
Penalties: \$653,500
Location: Four sites in Middlesex County, MA (OSHA Region 1)
Business type: Water and sewer line construction
Inspection trigger: Accident in which worker fell and was injured (first site), anonymous complaints at three other sites.
Major citations: Failure to provide fall protection; failure to provide safe means of egress from an excavation; failure to protect workers from cave-in hazards; failure to set crane on stable ground; failure to protect workers from drowning hazards. Citation included four willful, seven serious and five repeat.
Note: Penalty reduced to \$371,000 in final settlement agreement.

2 Plastech Exterior Systems Inc.
Penalties: \$540,000
Location: Newton Falls, OH (OSHA Region 5)
Business type: Automotive metal stamping manufacturer
Inspection trigger: Employee complaint after company fails to report amputation.
Major citations: Failure to protect and train workers about hazards associated with mechanical power presses, failure to secure in place the two-hand control stations of mechanical power presses. Citation included seven willful, five serious and two repeat.

3 Midwest Racking Manufacturing Inc.
Penalties: \$462,600
Location: Madison, IL (OSHA Region 5)
Business type: Manufacturer of metal storage rack systems
Inspection trigger: Follow-up inspection
Major citations: Continued failure to correct workplaces hazards, including lack of personal protective equipment, machine guarding, fire prevention measures, safety training, fall protection and lockout/tagout procedures. Citation included 17 serious and 23 willful.

4 Tyson Foods Inc., dba River Valley Animal Foods
Penalties: \$436,000
Location: Texarkana, AR (OSHA Region 6)
Business type: Rendering and meat byproduct processing
Inspection trigger: Fatality — worker asphyxiated after inhaling hydrogen sulfide during repair work.
Major citations: Failure to protect employees from exposure to excessive amounts of hydrogen; failure to develop, maintain and implement a proper hazard communication program; failure to properly identify hazardous chemicals; failure to properly train employees in the detection and hazards of exposure to hydrogen sulfide. Citation included 12 serious and five willful.

5 Ioan (John) Tampa, dba European Craft Construction
Penalties: \$420,000
Location: Worksite in Troy, OH (Region 5)
Business type: Drywall and insulation contractor
Inspection trigger: Anonymous complaint regarding fall protection.
Major citations: Failure to follow various sections of scaffolding/construction standard, including failure to fully plank scaffolding and failure to frequently inspect the jobsite. Citation included 10 willful.

6 Ab-Tex Beverage Ltd.
Penalties: \$410,400
Location: Abilene, TX (OSHA Region 6)
Business type: Beverage manufacturer and bottler
Inspection trigger: Employee complaint
Major citations: Failure to implement and post the required procedures for entering a confined space, failure to train employees about the hazards of entering a confined space, failure to monitor workers while they were in the confined space, failure to provide guardrails on a platform, failure to provide a guard between a worker and machine, failure to protect employees against contact with electrical wiring, failure to train employees on the hazards of chemicals with which they work. Citation included 25 serious and five willful.
Note: Penalty reduced to \$205,200 in final settlement.

7 Progressive Processing Inc.
Penalties: \$288,250
Location: Elyria, OH (OSHA Region 5)
Business type: Rolled steel shape manufacturing
Inspection trigger: Fatality
Major citations: Lack of machine guarding, failure to properly operate and maintain industrial trucks, failure to properly protect against hearing loss, failure to properly record work-related injuries and illnesses that could have initiated an OSHA inspection.

8 Fru-Con Construction Corp.
Penalties: \$280,000
Location: Bridge construction site in Toledo, OH (OSHA Region 5)
Business type: Highway, street and bridge construction
Inspection trigger: Crane collapse that killed four workers
Major citations: Failure to sufficiently anchor the crane to the concrete pier segments and pier caps, failure to use any anchoring bars for the rear legs of the crane, using an insufficient number of anchoring bars for the front legs, failure to comply with the manufacturer's instructions for the safe operation of cranes. Citation included four willful.

9 Goodyear Tire and Rubber Co.
Penalties: \$274,050
Location: Power plant in Akron, OH (OSHA Region 5)
Business type: Tire manufacturer
Inspection trigger: Accident that trapped employee in coal bunker.
Major citations: Failure to protect workers from hazards encountered in confined spaces, lack of personal protective equipment, lack of lockout/tagout. Citation included six serious and four willful.

10 Aldrich Chemical Co., dba Isotec
Penalties: \$256,500
Location: Facility in Miamisburg, OH (OSHA Region 5)
Business type: Chemical manufacturing
Inspection trigger: Explosion, injuring one.
Major citations: Failure to follow various sections of the Process Safety Management of Highly Hazardous Chemicals standard. **S+H**