

Employers fined nearly \$1.4 million □

MOUNT CARROLL, Ill. – The U.S. Department of Labor has fined Haasbach LLC in Mount Carroll and Hillsdale Elevator Co. in Geneseo and Annawan, Ill., following the deaths of three workers, including two teenagers. □ The workers were killed when they suffocated after being engulfed by grain.

“The tragic deaths of three people could have been prevented had the grain bin owners and operators followed the occupational safety standards and child labor laws,” said Secretary of Labor Hilda L. Solis. “It is unconscionable to allow a minor to work in any high-hazard area. Haasbach’s and Hillsdale’s disregard for the law and commonsense safety practices has led to devastation for three families.”

At least 25 U.S. workers were killed in grain entrapments last year, and the numbers of entrapments are increasing, according to researchers at Purdue University. There were more grain entrapments in 2010 than in any year since they started collecting data on entrapments in 1978.

“Grain entrapments kill workers. All employers, especially those in high-hazard industries, must prevent workers from being hurt or killed as a result of recognized hazards,” said Assistant Secretary of Labor for Occupational Safety and Health Dr. David Michaels. “There is absolutely no excuse for any worker to be killed in this type of incident.”

The fines to both companies total \$1,352,125. Haasbach was issued 24 citations from the department’s Occupational Safety and Health Administration with a penalty of \$555,000 following an investigation into the deaths of the two young workers, Wyatt Whitebread and Alex Pacas (ages 14 and 19 years old, respectively), at the company’s grain elevator in Mount Carroll. A 20-year-old man also was seriously injured in the July 2010 incident when all three became entrapped in corn more than 30 feet deep. At the time of the incident, the workers were “walking down the corn” to make it flow while machinery used for evacuating the grain was

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running.

The department's Wage and Hour Division's separate investigation found that Haasbach violated the Fair Labor Standards Act's Child Labor standards for employing anyone less than 18 years of age to perform hazardous jobs prohibited by the act. As a result, the division issued Haasbach \$68,125 in civil money penalties. More information on child labor rules and hazardous occupations can be found at <http://www.dol.gov/elaws>.

Hillsdale Elevator was issued 22 citations by OSHA following the death of a 49-year-old worker, Raymond Nowland, who was engulfed by corn in a storage bin at the company's facility in Geneseo. OSHA discovered additional violations during a later inspection of the company's Annawan facility. Consequently, OSHA issued the company \$729,000 in fines.

Since 2009, OSHA has fined grain operators in Illinois, Colorado, South Dakota and Wisconsin following similar preventable fatalities and injuries. In addition to enforcement actions, OSHA sent a notification letter to grain elevator operators warning them not to allow workers to enter grain storage facilities without proper equipment, precautions and training. "OSHA will not tolerate non-compliance with the Grain Handling Facilities standard," said Michaels in the letter. "We will continue to use our enforcement authority to the fullest extent possible."

OSHA's Region V, which includes Illinois, Ohio and Wisconsin, initiated a Grain Safety Local Emphasis Program in August 2010, and has since conducted 61 inspections and issued 163 violations to grain operators/facilities. The violations cover hazards associated with grain engulfment, machine guarding, lockout/tagout of dangerous equipment to prevent accidental energization start-up, electricity, falls, employee training and combustible dust hazards.

These investigations also fall under the requirements of OSHA's Severe Violators Enforcement Program. Initiated in the spring of 2010, SVEP is intended to focus on recalcitrant employers

US Labor Department cites 2 Illinois grain elevator operators for willful safety, child labor violations follow

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that endanger workers by committing willful, repeat or failure-to-abate violations in one or more of the following circumstances: a fatality or catastrophe, industry operations or processes that expose workers to severe occupational hazards, employee exposure to hazards related to the potential releases of highly hazardous chemicals and all per-instance citation (egregious) enforcement actions. For more information on SVEP, visit <http://www.osha.gov/dep/svep-directive.pdf>

For a copy of the warning letter OSHA sent to grain elevator operators, visit http://www.osha/a-sst-sec/Grain_letter.html

A copy of the Haasbach and the Hillsdale citations are available at <http://osha.gov/ooc/citations/haasbach-hillsdale-citations.html>

The company has 15 business days from receipt of its OSHA citations and penalties to comply, request an informal conference with OSHA's area director or contest the findings before the independent Occupational Safety and Health Review Commission. Employers and employees with questions regarding workplace safety and health standards can call OSHA's North Aurora Office at 630-896-8700. To report workplace incidents, fatalities or situations posing imminent danger to workers, call OSHA's toll-free hotline at 800-321-OSHA (6742).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance.

Editor's Note: A fact sheet about the two cases follows this news release.

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Fact Sheet on Haasbach LLC and Hillsdale Elevator Co.

Haasbach Violation Description

- The U.S. Department of Labor's Occupational Safety and Health Administration has issued Haasbach 11 willful citations with penalties totaling \$504,000. The employer failed to provide body harnesses and lifelines to prevent engulfment above the waist to each of four young workers and their supervisor. It also failed to train the workers on the hazards of moving grain, and to ensure that all mechanical equipment was shut down before the workers entered the bin on the two days that they worked there. Also alleged is a willful violation for directing workers to walk on the grain to make it flow. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements or plain indifference to worker safety and health. The grain industry has long recognized these hazards and how to prevent workers from being engulfed.

- Haasbach also has received 12 serious citations with penalties totaling \$50,400 for additional violations of the Grain Handling, Lockout and Tagout and other standards, and one other-than serious citation with a \$600 penalty for failing to provide a hazard communication program. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. OSHA penalties for Haasbach total \$555,000.

- The Department of Labor's Wage and Hour Division has assessed Haasbach LLC \$68,125 in civil money penalties for violating the Child Labor standards of the Fair Labor Standards Act. The company employed two 14-year-olds and one 15-year-old in occupations involving warehousing and transportation. It employed two of these children in a hazardous occupation requiring them to climb 48 feet to enter a grain bin and one child in a hazardous occupation involving the operation of a power-driven hoisting device. The company also required all of the children to work more than the allowed number of work hours for minors.

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- The workers' compensation carrier insuring Haasbach is Grinnell Mutual Reinsurance Co.

Hillsdale Violation Description

- Hillsdale Elevator Co. has received 17 willful citations with penalties of \$714,000. The citations allege eight instances of directing workers to enter bins, silos or tanks where a buildup of grain on the sides could fall and bury them. The citations also allege nine instances of failing to shut down and to lock out or take other measures to prevent mechanical equipment in the bin from endangering employees. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements or with plain indifference to worker safety and health.

- Hillsdale Elevator Co. also has received five serious citations alleging violations of the Grain Handling and Lockout standards with penalties totaling \$15,000. OSHA discovered the violations during its investigation into the death of a 49-year-old worker who was engulfed by corn in a storage bin at the company's facility in Geneseo, Ill. OSHA discovered additional violations during a later inspection of the company's Annawan, Ill., facility. A serious citation is issued when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. OSHA penalties for Hillsdale total \$729,000.

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- The workers' compensation carrier insuring Hillsdale Elevator. is Westfield Insurance Co.

Additional OSHA Information

OSHA maintains safety and health topics pages for grain handling at <https://www.osha.gov/SLTC/grainhandling/index.html> and agricultural operations at <https://www.osha.gov/SLTC/agriculturaloperations/index.html>

OSHA's grain handling facilities standard includes a requirement that employers provide workers entering bins or tanks with appropriate personal protective equipment such as full body harnesses for easier removal in the event of an emergency. Providing proper protection and not allowing workers to walk or stand in products piled higher than the waist reduces the risk of workers sinking and suffocating. The standard is available at https://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=STANDARDS&p_id=9874

U.S. Department of Labor news materials are accessible at <http://www.dol.gov> . The information above is available in large print, Braille, audio tape or disc from the COAST office upon request by calling 202-693-7828 or TTY 202-693-7755.

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