

## **Employer Hit With Nearly \$90,000 in Proposed Penalties in Forklift Fatality**

Failure to train some of its employees on the safe operation of a heavy-duty forklift could net a Southern California construction supplier a sizable Cal/OSHA penalty in the wake of an April 13 incident that killed one of its workers. The employee was killed while delivering roofing tiles when he apparently lost control of the high-reach forklift he was operating on a steep grade at a residence.

According to Cal/OSHA he was one of four employees hired by the supply company who had not been trained under requirements of General Industry Safety Orders §3668, which requires employers to ensure that workers are trained before they are allowed to operate industrial trucks.

Cal/OSHA has alleged a serious/willful/accident-related violation of the §3668 training standard, a serious/accident-related violation of §3650 because the operator failed to descend the grade in a safe manner, and a general violation of the §3203 Injury and Illness Prevention Program (IIPP) standard. Total proposed penalties are \$89,685.

According to the investigative summary of the incident, the employee had raised a pallet of roofing tiles to the roof edge while other members of the crew unloaded them. He was attempting to unload an empty pallet and retrieve another one when the operation took its deadly turn.

He was observed driving the forklift in reverse down the driveway and stomping on the brake. Apparently the wheels were not turning, but the forklift was still moving backwards down the steep driveway. The forklift then reportedly flipped over and landed on its side many feet down the driveway, which is about 68 feet long. It is unclear whether he was wearing a seat belt.

The serious/willful citation alleges violation of §3668(a)(1), which requires that employees ensure that operators are competent to operate forklifts safely. The Company knowingly assigned four employees to a worksite where it would be necessary for them to operate a Rough Terrain Fork Lift with a 21-ft mast. The employer did not ensure that the employees had successfully completed a combination of formal instruction, practical training and evaluation of the operator's performance, as required. Cal/OSHA has proposed a "jumbo" \$70,000 penalty for this alleged violation.

The serious, accident-related citation alleges violation of §3650(s)(14)(B), which states that industrial trucks must be operated in a safe manner, specifically that grades shall be ascended and descended slowly. The incident occurred because the lift toppled while descending a grade with the forks in the fully elevated position according to the citation. The load and forks were higher than was necessary to clear the road surface.

Cal/OSHA'S also cited the company for an ineffective IIPP. It said the program did not identify the person or persons responsible for the IIPP, contained no provisions for encouraging employees to report hazards without fear of reprisal; had no procedures for identifying hazards when new processes, substances, procedures and equipment are introduced; and had no specific methods for timely correcting unsafe conditions.

### **Yet Another Forklift-Related Death**

The Cal/OSHA district office in Fresno is investigating the Oct. 4 death of a worker who was killed when his work platform toppled after a forklift tipped over.

The 52-year-old worker was making cosmetic repairs to the company's building during a reconstruction project. Reportedly the four-ton Yale (electric) forklift to which the platform was attached tipped over sideways when the operator backed onto an uneven surface with the platform attached, according to a Cal/OSHA spokesperson.