

**Comments during a recent OSHA 10 Hour Construction Safety course:** *"I can't make the cuts I need to make with the saw guard on. Besides, they are dangerous". "I've always done it that way". How can I get my work done with the guard on?* The subject was power tools and machine guarding. Before I could answer the question, another student with a very short thumb related his run in with an unguarded table saw blade. And then a similar episode from another student. While watching the interaction going on between twelve men from various trades I was reminded of an incident I had with a worm drive saw years ago. Damn thing knocked me down and taught me a thing or two! All I had to say, after handing out the following article, was "I rest my case".

**Three amputations in five months - on the same machine - results in three sets of citations, \$200,000+ in penalties**

A cabinet-making facility has been cited following three separate investigations into amputations *on the same machine within five months.*

One of the amputations had not even been reported to Cal/ OSHA, triggering a willful/regulatory violation of reporting requirements and a proposed \$25,000 penalty. In all, the three sets of citations carry proposed penalties of \$211,600.

An investigation was initiated this February after a worker lost part of a finger while operating a shaper at manufacturer of kitchen cabinets.

In August, 10 citations were issued including allegations of nine serious violations and one general violation and \$53,550 in penalties. Cal/OSHA alleged that the employer did not train the injured employee on the safe operation of the shaper and that the cutting heads of the machine were not enclosed with a cage or adjustable guard.

However, during the February investigation, an employee revealed that another worker had suffered a partially amputated thumb on the same machine in December 2003. That incident was allegedly never reported to Cal/OSHA.

In April Cal/OSHA started another investigation of the earlier incident and issued four more citations alleging a general violation, two serious accident-related violations and a willful violation of reporting requirements, with proposed penalties of \$61,500. The alleged willful/regulatory violation of Title 8, §342 carries a proposed penalty of \$25,000. In addition, the employer had previously been cited for not reporting an accident in 1999.

Incredibly, within a week or so of the April investigation of the 2003 incident, another amputation occurred on the same shaper. Earlier this month, three more citations for serious violations were issued in that incident, including a serious/willful accident-related violation and "jumbo" penalty of \$70,000. Total proposed penalties in this case were \$96,550.

In this case, the employee lost parts of four fingers while reworking wood pieces. The operation required the worker, who had been employed at the facility for only three weeks, to remove an automatic feeder which guarded the knife blades. The employee held a piece of wood with one hand and with the other hand used a wood block to help shape the piece which came apart. Distracted, his left hand inadvertently moved into the path of the knives.

Cal/OSHA alleged that the accident occurred because the employee was not properly trained on shaper guarding requirements and because the shaper was not guarded at the time of the accident. In addition, all three amputations occurred within a five-month period on the same machine because the operators were not trained in its safe use and

because they had been told it was permissible to remove the guards when operating the shaper. *From the Cal/OSHA Reporter*

### The Citations

#### *Dec. 15, 2003 Incident.*

<b>§Cited</b>	<b>Violation Type</b>	<b>Allegation</b>	<b>Proposed Penalty</b>
§342	Willful/Regulatory.	Did not report amputation	\$25,000
§4318.1(a)	Serious/ Accident	No machine guards	\$18,000
§3203(a)(7)	Serious/ Accident	Operator not trained	\$18,000
<b>Total Proposed Penalties</b>			<b>\$61,500</b>

#### *Feb. 6, 2004 Incident.*

§3203(a)(7)	Serious/Accident	Operator not trained	\$18,000
§4318.1(a)	Serious	Cutting heads not enclosed or guarded	\$6,075
§4186(a)	Serious	No spacer on shaper	\$4,050
§4310(a)(1)	Serious	Saw blades unguarded	\$4,050
§2530.43(b)	Serious	Band saw restarting	\$4,050
§2530.23	Serious	Electrical box guarding	\$4,050
§2340.22(a)	Serious	Circuit breakers unmarked	\$4,050
§3659(a)	Serious	Platform guarding	\$4,050
§4184(b)	Serious	Point of operation guarding	\$4,050
<b>Total Proposed Penalties</b>			<b>\$53,550</b>

#### *April 22, 2004 Incident.*

§4318.1(a)	Serious/Willful Accident-Related	Cutting heads not enclosed or guarded	\$70,000
§3203(a)(7)	Serious/ Accident	Operator not trained	\$22,500
§4186(a)	Serious	Improper machine setup	\$4,050
<b>Total Proposed Penalties</b>			<b>\$96,550</b>

**Overall Proposed Penalties**

**\$211,600**

