

TerranearPMC Safety Share

Week of May 18, 2015 – Safety Number 1?

It seems that every organization in the United States proudly proclaims their commitment to employee safety and health. “Safety is Number One!” is the common slogan. I personally have never heard any company chime in and boast that “safety is number two,” or even suggest that profits or economic goals are the most important motive and therefore must be the primary objective...at any cost.

No one can really criticize any company for pursuing economic goals; after all, that is why corporations and small businesses exist. Yet, people who work for any business should have confidence in their employers that their safety and health is important and that pursuing economic achievements should not interfere with their well being. Nevertheless, it seems that many companies have slogans that insist they are committed to worker safety and health while their actions say something quite differently.

“Safety has always been and will always be a top priority”....so says Bumble Bee Foods even after a devastating accident at their Santa Fe Springs facility in California. It was in October 2012 when a maintenance worker, Jose Melena, age 62, entered a 35-foot long oven to perform routine repair activities. Unfortunately, a fellow worker thought Melena was in the rest room while filling the oven (a pressure cooker) with 12,000 pounds of canned tuna and turned the oven on where temperatures reached 270 degrees (Fahrenheit).

During the cooking process, a supervisor noticed that Melena was missing. No one could locate him so an announcement was made over the intercom while employees searched throughout the plant as well as the parking lot. His body was eventually found two hours later after the pressure cooker was turned off and opened, with his body at the exit side of the oven.

What happened?! How could such a tragedy occur in our modern times in such a progressive country as the United States where strong S&H regulations exist? This specific incident occurred in California, where the State OSHA Program, Cal-OSHA is known for establishing very stringent regulations that in many instances, far exceed federal OSHA requirements. The specifics of what happened at the Bumble Bee facility are not readily available (although I performed substantial *google* searches, but to no avail). What regulations were violated, or what procedures were not followed, or even, what appropriate procedures were missing or never established? Should the oven have been thoroughly checked before starting the cooking process? How about an emergency release bar from inside (similar to restaurant freezers so personnel are not trapped in an extreme cold environment)? Or how about a lockout/tagout process that would have ensured that the oven could not have been turned on during maintenance operations?

According to the Associated Press, the plant manager and safety manager have each been charged with three counts of violating OSHA rules resulting in death. Such penalties can result in three years in prison as well as fines up to \$250,000. Meanwhile Bumble Bee Foods faces a maximum fine of \$1.5 million. The charges facing the plant manager and safety manager specify that these individuals willfully violated rules that require implementing a safety plan, including rules for entering a confined space, as well as a procedure to keep machine turned off if someone is



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performing maintenance operations. As it turns out, Bumble Bee Foods (a San Diego based company) had been previously cited for failing to properly assess the danger to employees working in large ovens and were subject to fines of \$74,000.

Yet Bumble Bee Foods has appealed the penalties, insisting that it has improved its safety program (after the tragedy) touting, “Safety has always been and will be a top priority at our facilities.”

The death of Jose Melena could have easily been easily prevented, as the charges filed by Cal-OSHA specify that the company did not implement a procedure for persons entering into a confined space. Maybe Bumble Bee Foods does not consider their pressure cooker oven to be confined spaces. OSHA defines a confined space as: 1) a space being large enough and so configured that an employee can bodily enter and perform assigned work; and 2) has limited or restricted means for entry or exit; and 3) is not designed for continuous employee occupancy (29 CFR 1910.146). When such a space has a recognized safety and health hazard, the confined space becomes a permit-required confined space. Working within this scenario requires trained personnel to enter a confined space and for someone to monitor the activities and atmosphere in which a person or persons are working. The space also needs to be properly assessed *prior* to entry, while having an entry permit where all entrants and support personnel sign in prior to entry.

One might argue that the oven in Bumble Bee’s facility does not fit the definition of a permit-required confined space (as one may be able to enter/exit without any restricted access point). However there seems that there should be no dispute with regards to the appropriateness of a Lockout/Tagout (LO/TO) process for which maintenance work should be performed. Under OSHA’s LOTO regulation (29 CFR 1910.147) specific protections must be applied when “servicing and maintenance of machines and equipment in which the *unexpected* energization or start up of the machines or equipment, or release of stored energy could cause injury to employees.” Basically this standard requires that when maintenance is being performed on an energized piece of equipment the equipment must be turned off while safeguards are put into place that ensure the equipment cannot be activated. If this process would have been followed, Mr. Melena’s life would not have been placed in danger and therefore, would still be alive today. No jail time given to the plant manager or safety manager or hefty fine levied against a company can undo the tragedy that could have so easily been prevented.

It has been said that actions speak louder than words. Such tragedies are not indicative of any one company (i.e. Bumble Bee Foods), as similar accidents occur at other locations and organizations. For instance, California cited nearly 15,000 workplace violations in 2013, of which 189 were fatalities.

Regardless of what regulation was violated or was not properly implemented, if the oven operator would have performed a check before turning the oven on, Melena would have been seen and the process would have waited until he completed his maintenance. This is the main reason why I always pass on, what I believe to be a very meaningful closing in my weekly Safetyshare e-mails with:

Watch Out for Each Other

