

Compliance Alert

Regulatory Fines and Enforcement Seems to be Increasing

This Issue

Regulatory Fines and Enforcement Seems to be Increasing

Please Circulate To:

Automotive Pages 1 & 2

Dealer/Principal
General Manager
Fixed Operations Director
Service Manager
Paint & Body Manager
Parts Manager
Parts & Service Director

Industrial/Public Utility

Pages 1 & 2

Director
Plant Manager
Department Managers
Superintendents
Supervisors

Crandall
*Integrated Compliance
Management*

800.248.2801

The Massachusetts Department of Environmental Protection has assessed a \$50,000 penalty to a tire and auto service center. Various hazardous waste violations were identified at the company's facilities, including the failure to be properly registered or licensed as generators and transporters of hazardous waste and waste oil. The facilities were also cited for failure to properly keep and maintain records of, manage, contain, label, inspect, and store hazardous waste and waste oil. In addition, employees were not properly trained regarding the handling of hazardous waste and waste oil or with emergency procedures. The facilities also failed to notify local agencies of their waste generator status and to arrange for potential emergency response services. [Source: Massachusetts DEP]

The U.S. Department of Labor's Occupational Safety and Health Administration has issued four repeat and one serious citation to the Pep Boys auto service company following a recent inspection at its facility in Hamden, Conn. The Philadelphia-based chain faces a total of \$75,000 in proposed fines. OSHA alleges that workers in the Hamden store's service area were exposed to electric shock hazards from damaged power cords, as well as to cuts and lacerations from a grinder that lacked a safety guard, a tongue guard and guarding of its spindle end. OSHA cited Pep Boys in September 2009 for similar hazards at its Orange store. As a result of this latest inspection, OSHA has issued the repeat citations with \$70,000 in proposed fines. A repeat citation is issued when an employer previously has been cited for the same or a similar violation of a standard, regulation, rule or order at any other facility in federal enforcement states within the last five years. Pep Boys was issued the serious citation with a fine of \$5,000 for missing face plates on an electrical outlet box and a snap switch box. 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. [Source: OSHA]

A Massachusetts car dealer has been ordered to pay \$18,000 in fines after state environmental officials found a series of violations. DEP staff inspected the property in January 2010, they found the company had failed to obtain air pollution approval for its repair operations, had failed to comply with hazardous waste requirements and was improperly discharging wastewater to an unapproved well and septic system. In a consent order, the company agreed to correct the violations and pay an \$18,000 penalty. [Source: telegram.com]

Regulatory Fines and Enforcement Seems to be Increasing

The U.S. Department of Transportation's Pipeline and Hazardous Materials Safety Administration (PHMSA) recently announced that Department inspectors will now have greater authority when it comes to ensuring the safety of hazardous materials in the stream of transportation. The new rule, which implements authority granted by Congress, allows inspectors to investigate shipments of hazardous materials during transport and take tougher enforcement action against companies shipping in an unsafe manner. "This rulemaking is another step in ensuring the safe transportation of hazardous materials by providing our inspectors the authority to conduct thorough investigations, to remove non-compliant packages from transportation, and to recall packages that could pose a significant threat to the public and the environment," said PHMSA Administrator Cynthia Quarterman. The new authority allows Department inspectors to close down shipping companies with poor safety records. It also specifically authorizes inspectors to take immediate action when there is a significant safety problem with a package in transit. [Source: PHMSA]

US Department of Labor's OSHA conducting inspections focused on powered industrial truck hazards: "Powered industrial trucks are a significant source of serious and fatal injuries to workers," said Cindy Coe, OSHA's regional administrator in Atlanta. "Employers are responsible for ensuring that workers follow the proper safety procedures and for eliminating hazards from the workplace." The inspections primarily will focus on the training operators receive, maintenance and repair, and the pathways the trucks travel to ensure clear visibility and determine any possible struck-by hazards. [Source: OSHA]

The U.S. Department of Labor's Occupational Safety and Health Administration has cited Quality Graphics Inc. with 13 safety and health violations following an inspection that began in January. Proposed penalties total \$45,000. "OSHA found numerous serious hazards, some of which involve risk of possible amputations by unguarded equipment and dangers related to improperly maintained forklifts," said Andre Richards, director of OSHA's Atlanta-West Area Office. "No business should allow these types of hazards in its workplace." Twelve serious violations include hazards related to fire, tripping and electrical deficiencies, as well as several identified in OSHA's local emphasis program on forklifts, such as allowing employees to operate a forklift truck that had missing and damaged parts, not providing training on safe operation of forklift trucks and not conducting daily inspections of the forklift truck. [Source: OSHA]

The U.S. Department of Labor's Occupational Safety and Health Administration has cited Levent Industries in Atlanta for 18 safety and health violations following a February health inspection that began as part of a national emphasis program on silica hazards. It was later expanded to include a safety inspection after investigators identified alleged safety hazards. Proposed penalties total \$49,000. The company was cited for 13 serious safety violations, including exposing workers to explosive hazards by improperly using polyvinyl chloride, or PVC, pipe to transport compressed air; using compressed air at greater than 30 pounds per square inch to clean equipment; having an emergency door that could not open quickly enough in case of fire; and having a lockout/tagout program for energy sources that lacked machine-specific procedures. Four of the violations relate to a lack of machine guards, as guards were missing on production equipment, a power press, a bench grinder and a bench grinder with an abrasive wheel. Additionally, electrical hazards include using two outlet boxes as extension cords, blocking electrical breaker boxes, using an extension cord that was missing its ground pin, using an electrical breaker box with missing blanks and using extension cords as fixed wiring. Two serious health violations were cited for failing to provide welding curtains for the protection of adjacent employees and to provide a hazard communication program for employees. [Source: OSHA]

Crandall

*Integrated Compliance
Management*

www.crandallusa.com

800-248-4801