

# AWARD WINNING Cal-OSHA Reporter®

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September 2, 2016 Vol. 43 No. 33 www.cal-osh.com Since 1973

## J.F. Shea Ahead of the Safety Curve on Remote Highway Project

A half-mile highway project in a sparsely populated area doesn't sound particularly challenging. But the hazards on the Collins Curve project along state Highway 299, near the town of Burnt Ranch out in Trinity County, make this a very long half mile, indeed.



Photos courtesy J.F. Shea

*A "spider" excavator clears material from a landslide at the Collins Curve project.*

For its efforts and exemplary safety performance, the contractor, J.F. Shea Construction, based in Walnut, is one of two finalists in the "Safety on a High Hazard Job" category in the Associated General Contractors of California's construction safety excellence awards.

The other finalist is Flatiron Construction for the South Fork Smith River Road project, also in the north state. AGC will announce the winners at its annual meeting in Monterey this October.

"The project presented a multitude of hazards that when combined, created a very dangerous and challenging project," says J.F. Shea Safety Manager Tim Holt. "Every project has hazards that are unique to that particular project. I have worked on projects on a much larger scale, but always in a more controlled environment. The remoteness of the project and the terrain by itself made it a very challenging project."

**Safety Curve** continued on page 11552

## Indoor Heat Illness Bill Goes to Governor; IIPP Legislation Dies

The legislature in its so-called infinite wisdom has acted on two more safety bills. One was killed and one sent to the governor for signature or veto. Both are considered by some to be job killer bills and more encouragement for employers to leave California.

The one that passed will, if not vetoed, require Cal/OSHA to begin work on a standard covering indoor workers who could be subject to heat illness.

**AB 1167** now awaits a decision by Gov. Jerry Brown, and the bill's opponents are asking him for a veto. "We were not even able to slow it down," says a source in the Capitol who is opposed to the measure.

The group said the standard is "unnecessary" and usurps the Cal/OSHA advisory committee process, which considers stakeholder input.

The coalition also objects to language in the bill limiting the application of high-heat provisions to certain industries, because by doing that it is "implicitly mandating" a high-heat provision. That also limits Cal/OSHA's discretion in setting the scope and application of the regulation, employers say.

## IIPP Bill Killed

**AB 2895**, which would have expanded requirements for employers about making their IIPPs available, did not make it through the legislative process. And since the current legislative session is ending, it cannot be a two-year bill. It could be reintroduced next year, but its author, Assemblyman Roger Hernandez, will no longer be the chair of the Labor and Employment Committee.

It would have required employers to keep a complete, updated copy of their program at each worksite with at

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It is 5,633 days since our last lost-time accident.

at least three employees and make it available upon request. Failure to do so promptly would have subjected employers to Cal/OSHA enforcement or injunctive relief.

Employer groups called this a “pathway to harassment.”

## Farmworker Dies – Heart or Heat?

A Sacramento Valley farm laborer died in late August in moderately high temperatures. Cal/OSHA notes that the high temperature that day was 88°F and says preliminary indications are the cause was a “possible heart attack.”

The employee of Gonzales Farm Labor LLC was operating a sweeper in an orchard in Maxwell when he succumbed.

## Letters to the Editor

### Dear Editor:

The latest *Cal-OSHA Reporter* (“Cal/OSHA: Adopt Fed Silica Rules,” p. 11543), an article that has a heading advocating that Cal/OSHA maintain its current standards rather than adopting the federal OSHA regulations.

Cal/OSHA updates its regulations more frequently than Fed-OSHA does, mainly because of the federal bureaucracy and all the hoops Fed-OSHA has to jump through.

But while Cal/OSHA has been more pro-active than Fed-OSHA, there are numerous areas where it needs to improve,

including:

Training compliance officers and consultants better. Rather than using special interest groups to train the CO-SHOs it should develop in-house trainers who know other safety and health standards that are more stringent than Title 8, such as ANSI, ASME, ASTM and NEC. [American National Standards Institute; American Society of Mechanical Engineers; American Society of Testing Materials; National Electrical Code].

Be consistent in its development of regulations. Examples include the Construction Safety Orders allowing individuals to ride on narrow-width [rolling] scaffolds, even though the manufacturers who designed, engineered and tested these products recommend not riding on the scaffolds; and allowing workers in certain trades to work above 7-1/2 feet without fall protection. There are other regulations which are not actively enforced.

Yes, Cal/OSHA is more stringent than Fed OSHA in certain areas, but it is less stringent in other areas.

Employers, insurance companies and trade associations also need to get on board and ensure that there are reasonable safety rules and establish effective safety programs that are more stringent than the minimum safety regulations promulgated by Cal/OSHA or Fed-OSHA.

*Bob Harrell*

*President, Safety Management Services  
San Diego*

**Editor’s note:** Comments in letters to the editor are the opinions of the authors and not necessarily those of the editor or publisher. *Cal-OSHA Reporter* welcomes comments from the community.



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| Subscription and Fulfillment | Stephanie Jakubowski |

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## Cal/OSHA to Target Manure-Pits

While there hasn't been an agricultural manure-pit fatality in California since 2008 Cal/OSHA has asked the Standards Board to begin work on a revised standard to strengthen existing requirements for such facilities.

The move comes to light as a recent fatality in another state underscores the danger of working around such pits and tanks, which contain a stew of toxic gasses.

"Manure ponds represent a drowning hazard to agricultural employees in dairy and other livestock farms," Cal/OSHA Chief Juliann Sum said in requesting revisions to General Industry Safety Orders §3448. Cal/OSHA wants to require warning signs, fences, and other protections to keep workers and vehicles from plunging into the potentially lethal confines.

Manure ponds often appear to be solid, so the drowning hazard is not as apparent as it would be with water. They also often have "steep and slippery slopes" that can be difficult to escape. Workers falling into ponds can quickly become incapacitated. Ponds release gases including hydrogen sulfide, ammonia, methane, and carbon dioxide.

Cal/OSHA notes two existing national consensus standards require protections greater than current California regulations. The U.S. Department of Agriculture's National Resources Conservation Service calls for agricultural waste storage facilities to include warning signs, fences, ladders, ropes, rails and other devices, plus safety stops and gates at push-off ramps and load-out areas.

American Society of Agricultural and Biological Engineers has similar requirements. Cal/OSHA has determined that "existing Title 8 section 3448 does not provide protection against drowning at agricultural manure ponds," Sum said.

A Cal/OSHA advisory committee considering new requirements to protect workers during night operations raised the issue. Committee members saw manure pits as a hazard during night work, but the full committee decided that the hazard includes both night and day operations and should be addressed in separate rulemaking. That prompted the formal request to the Standards Board.

### Incidents

The latest incident was in Wisconsin where a 29-year-old man was overcome by gases while cleaning out a tank on his family's farm. More than a dozen cows died in the incident as well.

The previous decade saw a handful of fatal manure-pond incidents in California. In April 2008 48-year-old Randy Beaty, employed by J&J Spreading in Pixley, was operating an articulated wheel loader to deliver manure to spreading trucks. While driving in reverse along the unguarded edge of a 20,000-square-foot, 10-foot-deep pit, the loader plunged in, and he was overcome.

The Division cited the employer for failing to guard the pit.

In 2006, 26-year-old Luis Gutierrez and his eight-year-old son were killed at Contente Dairy in Hanford after one fell into a pit (probably the son) and the other is believed to have gone in after him.




University of Wisconsin Photo

Cal/OSHA ruled the incident accidental and cited the dairy for only minor violations. Gutierrez's truck was found with the hood up, so the Division believes the two started to walk home after the truck broke down. They had been working on a part of the farm where the pit is fenced off, so the investigators never determined why they were walking along the edge of the pit.

In August 2002, Sergio Ortiz, 42, was killed by hydrogen sulfide exposure while attempting to install a gate at Rego Dairy in Gustine. Ortiz was employed by Turlock Irrigation Construction. Ortiz was overcome by fumes and fell into a pit and a co-worker attempted to save him, but climbed out after he started feeling the effects of the fumes.

Cal/OSHA cited Turlock Irrigation for eight serious violations and more than \$116,000 in penalties. DOSH forwarded the case to the Merced County District Attorney for possible prosecution, but the D.A. declined to file charges.

A year earlier, a neighboring dairy suffered a double fatality when a worker was overcome while attempting to fix a gate inside a pit. A would-be rescuer had the same fate.

The same D.A. prosecuted the dairy owner, 

**Here is the regulatory language DOSH seeks (new language in bold):**

GISO §3448, Water Hazards and **Open Manure Storage**

**(b)(1) Fences shall be installed around the perimeter of open air manure storages and access gates shall be secured to keep unauthorized persons from entering the area.**

**(2) Warning signs that prohibit entry to the storage shall be posed on the fence near entry gate.**

**NOTE: A sign reading "DANGER – MANURE STORAGE, DO NOT ENTER" or using other similar language would satisfy the requirement for a sign.**

**(3) All push-off platforms or ramps for open, below ground manure storage shall have a barrier strong enough to stop a slow moving tractor or skid loader.**

Patrick J. Faria, but a Merced County jury acquitted the employer. One of the defense attorney's successful arguments was that Cal/OSHA was partly to blame because it didn't start enforcement efforts on dairies until the incident.

The jury foreman said the absence of a Cal/OSHA requirement for warning signs on manure pits was "patently callous." And the jury did not believe that Faria intentionally disregarded safety at the dairy.

More than 12 years after the foreman made his comment, Cal/OSHA still does not require warning signs on manure pits.

That is likely to change, but not this year. Standards Board Executive Officer Marley Hart says work won't begin on the revised standard until 2017. She was unsure if the board will convene an advisory committee on the issue.

## Safety Curve

*continued from page 11549*

The project, which is nearing completion, includes construction of two viaducts on a half-mile stretch of the highway. Complicating matters were two landslides during the project. The project area is on the side of a steep slope above the Trinity River, and the hill had to be logged before work could begin. Fall protection was an ever-present challenge, as well as the need to use heavy equipment on the slopes.

Further complicating matters was having to deal with traffic along the highway, which is the major artery in the area, sparsely populated as it is.

Collins Curve has experienced no recordable injuries and only three first-aid incidents. The project featured 12 employees (with some contractor employees as well) and has taken about 18,000 worker-hours to date. It is about 90% complete – there is still some excavation, paving and grading to be done. "With all of the hazards and changes of scope associated with the project, the project team never dropped the ball and kept safety at the forefront of construction activities," Holt says, crediting foreman John Matteucci for the safety effort. "We have excellent supervisors and employees," he remarks.

## The Spider Solution

Before the project could get underway, Shea had to clear approximately 10 acres of the Trinity National Forest. The site

*The Collins project was scheduled for completion this year (pictured right)*



*The early stages of the project, which started in 2014. (pictured left)*



is essentially a sheer cliff. At times, the trained loggers had to rappel down the hillside to remove trees.

As for the construction workers, they needed special lifeline systems designed and approved by a professional engineer to essentially defy gravity. "The common lifelines that you purchase from fall protection manufacturers don't specify things like how to properly anchor them into concrete," Holt says. "We had the engineer that we use design a system that would allow up to four people to tie off at once, and also one that provided an added safety protection factor when anchored into the concrete."

Shea also constructed a guardrail system at the top of the cliff's edge to build the viaducts.

The project originally was to build the twin roadways and a barrier wall to widen the road and add a shoulder along the mountainside. But then Mother Nature intervened – with a landslide between the viaducts. It was a "major change order that added additional hazards and congestion," Holt says. It also contributed confusion and delays, as Caltrans, the project owner, decided how to respond.

Shea crews monitored the hillside for several weeks in 24-hour shifts to detect movement in the slide. Meanwhile, Shea needed to continue work on the project. "Crews had to work underneath the sliding landslide in order to set up k-rails to stop the debris from



*Landslides were among the many hazards the project had to deal with.*



*Columns for the viaducts had to be constructed on a steep slope.*

entering the road,” Holt says. Shea used an air-horn alert system if monitors detected movement in the landslide and trained employees rappelled down the mountain to mitigate overhanging hazards. “During the activity one employee would be monitoring the slide for movement and blow an air horn if any movement occurred,” he says.



*Workers faced severe fall hazards on the Collins Curve project.*

Later, it used “spider” excavators to remove the “looming material.” Excavating operations were subject to severe roll-over dangers. Shea anchored the spider excavators, featuring extended outriggers, to trees for greater protection. “Spider” is the nickname for the walking mobile excavators that allow work on steep hillsides that other equipment can’t reach. The spiders were secured to a large tree with a wire cable at the steepest part of the work.

Finally, the contractor installed netting on the mountainside – flown in by helicopter. Helicopters also flew in the material at portions of the project where the terrain was inaccessible.

As luck would have it, the project was subjected to another landslide, this one dumping some 40,000 cubic yards of engineered backfill down the hill in early winter. “Crews had to work at an accelerated schedule to move the material as it had slid down the hill alongside the Trinity River and created a possible environmental hazard,” according to Holt.

Finally, different crews with their particular hazards worked in proximity to each other, potentially exposing them all to the same hazards. Employees also had to deal with vehicular traffic during routine activities – not to mention protecting the public in the event of another slide.



*Trained loggers had to fell huge trees on a 10-acre parcel to clear the way for the viaducts.*

Shea mitigated this risk by using a dedicated employee who coordinated activities between the crews and handled traffic control.

Overall, J.F. Shea had an excellent safety record in 2015. It had exactly one lost-time injury, for an incidence rate of 0.90 and four recordable injuries/illnesses, for a recordable incidence rate of 3.59. The company had 107 employees for the year and more than 223,000 worker-hours.

Was there ever a time when Holt said to himself, “whoa, I hope we can pull this off safely?” He tells *Cal-OSHA Reporter*, “The landslide which had partially come down was always concerning. But as always, with adequate planning, you are able to get the job done safely.”

## Classifieds

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- Interpret and apply CCR Title 8 Construction Safety Orders (CSO) and Mining and Tunnel Safety Orders (TSO).
- Conducts daily inspections of the site(s) to ensure work is being performed safely.
- Review job hazards analyses to identify hazards and potential risks.
- Makes recommendations on safety improvements.
- Enforce incident prevention plans and activity hazard analysis, and ensure subcontractor compliance with all safety and health requirements.
- Conducts incident investigations for near misses, first aid, and other incidents.
- Provide safety indoctrination to all construction site visitors and new employees.

#### REQUIRED SKILLS & QUALIFICATIONS

- A minimum of 5 years safety experience on commercial construction projects (prefer heavy civil projects).
- First-aid/CPR Certified
- OSHA 30 Hour Certificate required or ability to acquire within thirty days of hire.
- Ability to follow directions and to report unsafe conditions in a timely manner.

#### Knowledge, Skills & Abilities

- Demonstrated knowledge of CalOSHA title 8 as applied to the construction industry.
- Ability to understand, interpret and apply regulatory requirements applicable to the project scope of work.
- Ability to work with all levels of staff including the general public.
- Construction Health and Safety Technician (CHST) certification a plus

Salary range (\$65,000 to \$85,000)

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This candidate must have a Bachelor's Degree in Biological Science, Chemistry or Industrial Hygiene and Safety or other related science, minimum of five (5) years of relevant experience as a Biosafety Officer or Lab Safety manager with working knowledge of regulatory requirements and guidelines from OSHA, EPA, CDC, FDA, etc., as well as the ability of review research application, knowledge of laboratory safety practices and equipment including use of hoods and laboratory ventilation, personal protective equipment and chemical/rad/bio safety and storage with extensive knowledge of recombinant DNA and biohazardous agent technologies. Master's Degree and Certified Biological Safety Professional (CBSP) or Certified Industrial Hygienist (CIH) are preferred.

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