



An offer that's always refused

Whenever I am called into a company to perform a safety survey, or when I am investigating an accident as an expert witness, I interview personnel about their safety-based training programs. I focus heavily on Lockout/Tagout because I consider it one of the most important, most often ignored, and most misunderstood part of the OSHA 1910 regulations. Easily 90% of the accidents I investigate involving service and maintenance arise from a failure in a company's LO/TO program.

When insurance companies visit their clients for risk analysis, they focus on fire protection and fire risk. They almost never look at product safety issues, workers' compensation, OSHA 300 log activity, or OSHA citation history. As far as I know, all of the issues noted above are never discussed. If they were, there would seldom be a need for workers'-compensation insurance and product-liability insurance.

Throughout my consulting history, I have made a standing offer. I will act as my customer's safety consultant for five years and not charge a dime. All I want is 25% of their savings in workers'-compensation premiums for the next 10 years. In other words, I am asking for 25% of the savings for which I am directly responsible.

Of course, my offer has strings attached. The company must follow my recommendations, and this would carry costs. It would have to fully meet all OSHA requirements and my own additional requirements that, at times, exceed OSHA requirements. In 37 years, I have not had a single taker.

I developed this concept of safety from a former employer. The firm made a conscious decision to fill in the gaps in the 1910 OSHA regulations, and developed its own safety manual, dubbed Manual 80. The firm is so safety conscious that when it needs to get variances from OSHA because of its specialized manufacturing processes, it shows at least six months safety data to demonstrate the modified safety procedures are at least equal to the requirements of OSHA and usually

exceed them. Yet this company is one of the most-profitable firms in the U.S. and is self-insured for workers' compensation.

I am particularly sensitive to the lack of safety training and LO/TO today, because I am involved in a case where a maintenance person had their arm crushed while setting up a machine resembling a pneumatic punch press. As the employee was adjusting the travel of the ram, he had to remove a guard and place his arm in the area between the traveling ram and the cross bar of the machine. As he was making the adjustment a coworker accidentally hit an emergency stop button and the ram traveled from being down at its lowest point of travel to being up against the machine cross bar.

Yes, they had not performed LO/TO as required by OSHA. Why? Because they were not properly trained in LO/TO. ALL of their training regarding this machine was "mouth to ear." Over time, the owners/maintenance manual had been lost and a new one had never been requested from the machine manufacturer. All the employer had to do was make a phone call and order a new one. The employer had never developed a documented LO/TO program for this machine. The injured employee had never been trained in LO/TO for this or any other machine in the plant.

What was the employer's response to this accident? The machine was improperly designed and if the emergency button was pushed the ram should have stayed in place. This is ignoring the fact that if LO/TO had been in place as required by OSHA, the ram could not have moved. **MD**

Lanny Berke is a registered professional engineer and Certified Safety Professional involved in forensic engineering since 1972. Got a question about safety? You can reach Lanny at lannyburke@comcast.net.

Edited by Leland Teschler

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