

# Safety Violations Led to Worker's Wrongful Death at Metals Firm

On behalf of Johnston, Moore & Thompson

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In April of this year, a worker at the AP Specialty Metals plant in Alpharetta, Georgia, was crushed to death in a machine that polishes heavy-gauge steel. OSHA was called in to investigate the industrial accident and has now released its findings. The agency has cited AP Specialty Metals for willful safety violations that directly led to the [wrongful death](#) of the worker.

OSHA cited the manufacturer with 13 safety violations in all. The willful violation was the company's failure to install basic machine guards around machinery like the steel polisher to keep employees from becoming caught up or trapped in the machinery.

OSHA's regulations define a willful safety violation as one committed intentionally by the company or one committed with voluntary disregard for the requirements of the law or plain indifference to the safety and health of employees.

"Company management had the experience and knowledge to recognize and correct these hazards before the fatality, but they placed production ahead of worker safety, resulting in this tragedy," said OSHA's Atlanta-East Area office director Bill Fulcher.

## Steel Fabricator Cited for 13 Violations After Worker's Fatal Accident

OSHA is called in whenever there is a serious workplace injury or death. Although their findings have little impact on employee's workers' compensation claims, in certain cases they can serve as the basis for personal injury claims and they are intended to prevent workplace safety violations from endangering other employees.

In addition to its willful citation for failing to install machine guards, OSHA cited AP Specialty Metals for a serious violation for having failed to develop or implement an energy control program. Such a program would have protected workers from any unexpected release of energy or the unanticipated start-up of heavy machinery.

Nine other serious safety violations were discovered, including:

- Fall hazards
- Inadequate training on the use of industrial trucks
- Workers exposed to flying debris (two citations)
- Workers exposed to unguarded chains and sprockets
- Misuse of compressed air for cleaning

- Damaged parts on electrical equipment still in use
- Substituting flexible cords for fixed wiring
- Dispensing flammable liquid from an ungrounded drum

OSHA defines a serious safety violation as one where the company knew or should have known about a hazard that had a substantial probability of causing [worker injury](#) or wrongful death.

The company was also cited for failing to post its required annual summary of workplace injuries and illnesses and for failing to retain its 2006 and 2007 OSHA logs.

AP Specialty Metals has been fined a total of \$65,900 by OSHA and has 15 business days from the receipt of the citations and proposed penalties to either comply, request an informal conference or contest the findings.

**Source:** Occupational Health & Safety magazine, "[Metals Firm Faces \\$65,900 in Fines Following Fatal Crushing](#)," October 26, 2010