

OSHA Fines Phenix Lumber \$439,400 After Injury & Wrongful Death

On behalf of Johnston, Moore & Thompson

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In March of this year, OSHA inspectors were following up on whether violations they had found earlier at Phenix Lumber Company had been fixed -- violations they had already cited but hadn't been fixed at the time of an earlier inspection.

Before the team could finish its review, a worker was killed -- crushed to death between pieces of industrial equipment -- and another had broken his neck after falling 10 feet from a debarker he maintained every day.

OSHA's criticism was harsh.

"Phenix Lumber failed to protect its workers from death and serious injury," said Dr. David Michaels, Assistant Secretary of Labor for OSHA. "Employers are legally bound to provide a safe work environment for their employees. This company has repeatedly failed to do so, costing one worker his life and grievously injuring another. This must stop."

After finding a total of 53 safety and health violations after the critical injury and [wrongful death](#), OSHA fined MDLG (doing business as Phenix Lumber Company) a total of \$439,400, which does not include the cost of [workers' compensation](#) claims by the accident victims.

It issued a "willful" citation -- the most serious type -- and five "serious" citations in connection with the [fatal accident](#). The six citations were because the worker had been permitted to stand beneath an elevated portion of a powered industrial truck, which ultimately led to his head being crushed between a motor being hoisted by a forklift and other equipment.

In relation to the critical injury of the worker who fell from the debarker, OSHA issued one "willful," one "serious" and one "repeat" safety citation -- because the company did not provide guardrails or fall protection and because there was no way to disconnect a rotor motor involved in the industrial accident.

Company Had Failed to Abate Known Safety Violations; New Violations Found

In addition to the citations OSHA had returned to follow up on, the inspectors found 44 new violations at the plant. Two were for failure to abate previously discovered issues, and 11 were repeat violations. 21 citations were categorized as "serious."

The violations included failure to provide energy control procedures for equipment or machinery requiring more than one lockout device; failure to provide proper electrical enclosures around live conductors; and allowing combustible dust to accumulate in the area.

The company has 15 business days from the date of the citations to respond. It can request an informal conference with OSHA's area director or contest the findings before the Occupational Safety and Health Review Commission.

"Phenix Lumber has a history of saying it will correct its safety deficiencies, yet continues to allow a hazardous environment for its workers," said Cindy Coe, OSHA's regional administrator.

"This horrendous situation cannot continue and will not be tolerated."

Source:

["Alabama wood products plant cited after worker crushed to death"](#) (Reliable Plant magazine, September 7, 2010)