



Recent OSHA Focus on Beer, Wine and Spirits Distributors

Insights

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This is the first post of a several part series which will deal with OSHA concerns for distributors, including OSHA ergonomic citation efforts. The distributor's biggest OSHA compliance challenges are routine items. Once the distributor is cited for one of these common violations, this violation may serve as the basis for a "Repeat" OSHA citation of up to \$70,000 for five years at any of the employer's locations in any other Fed-OSHA state. If the distributor has multiple locations, there is a substantial risk that a common error may occur in this five year period. That's why many relatively safe retailer chains have recently been receiving six-figure OSHA citations. These routine or low-hanging fruit items include:

- Missing even one forklift operator for retraining every three years or after an employee had an accident and demonstrated a need for retraining;
- Blocked exits, electric cabinets or extinguishers;
- Missing labels on electric cabinet switches, holes or missing switches in a cabinet, damaged extension cords or missing ground plugs, or using temporary wiring where permanent wiring is required;
- Failure to document Hazard Communication training or failure to retrain employees when introducing a new category of chemical hazard or failure to have eye protection for battery charging activities or truck cleaning, etc.
- Damaged racks, pallet jacks and docks;
- Temporary employees or contractors on site did not receive the same training as full time employees;

Let's examine a recent OSHA National Press release about a \$162,500 beer distribution Citation.

A distribution warehouse for beverage manufacturer Anheuser-Busch InBev SA, makers of Budweiser, Bud Light and Corona beer, willfully put workers at risk of serious injury. The company exposed permanent and temporary workers to hazards that involved powered industrial trucks and other dangers at its Jersey City facility, an investigation on June 4, 2014, by the U.S. Department of Labor's Occupational Safety and Health Administration found. Penalties totaled \$162,500.

Initiated as part of the agency's Site-Specific Targeting Program* that directs enforcement resources to workplaces with the highest injury and illness rates, the OSHA investigation found two

willful and eight serious violations.

"These employees faced the risk of serious injuries due to Anheuser-Busch's failure to provide appropriate training, properly working equipment, and safe exit routes, which is unacceptable," said Kris Hoffman, director of OSHA's Parsippany Area Office. "This company is fully aware of the safety hazards in its Jersey City facility and should immediately take corrective action."

OSHA investigators determined that powered industrial truck operators were not trained by Anheuser-Busch, and defective trucks were not removed from service. These willful violations have a \$121,000 penalty. A willful violation is one committed with intentional, knowing or voluntary disregard for the law's requirement, or with plain indifference to the law.

The Anheuser-Busch warehouse also had obstructed exit routes, damaged storage racks and additional powered industrial truck hazards. The company also failed to provide both chemical hazard communication and powered industrial truck training. These violations carry a \$41,500 penalty.

View the citations at http://www.osha.gov/ooc/citations/Anheuser-Busch_978459_1203_14.pdf*

Before one judges this distributor, these violations could happen to any distributor of wine, spirits and beer. One problem is that because such distributors present relatively few serious hazards, the employer may not be as sensitive to OSHA compliance as a foundry or construction employer. Absent focused and repetitive efforts, these violations can easily occur ... and then you have the risk of Repeat classification for five years So please review the citations at http://www.osha.gov/ooc/citations/Anheuser-Busch_978459_1203_14.pdf. Could they occur at your site?

Take Aways

Make a list of the violations set out in the Anheuser-Busch citations and similar items, and regularly audit for these areas ... or even better, use employees for regular self-audits and walk arounds. Not only will you improve safety, but you'll engage employees through such efforts and avoid a plethora of employee issues. Engaged employees don't sue you or seek union representation.

1. Thoughtfully examine your merchandisers and drivers for potential ergonomic concerns. Review 300 logs and first aid records in order to determine potential areas to improve for merchandisers.
2. Do the same for warehouse employees. Because OSHA does not maintain an Ergonomic standard, you, in essence create the "standard." In other words, OSHA will look to your hazard determinations and preventive efforts as the industry standard for responding to these types of injury concerns.
3. Recognize that an increasingly savvy workforce knows how to harm employers by complaining to OSHA or filing retaliation claims with OSHA or the NLRB.

4. Determine if your Workplace Injury Rates place you in the **OSHA Site-Specific Selection Program**, like the employer above. Many distributors do not know that they fall on this programmed OSHA inspection list.
5. Do your sites know what to do if OSHA shows up?

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