



OSHA Might Just Be a Grocery Store's Biggest Employment Exposure

Insights

2.08.14

Most retail employers, even large companies with hundreds of branches, do not much worry about being inspected by OSHA; let alone cited. It's not that these employers are disinterested in their employees' safety, it's just that they have rarely experienced an OSHA visit, and with the exception of ergonomic issues at grocery stores, retail stores don't show up on many of OSHA's various target lists. While understandable, this is an increasingly dangerous attitude. Let's review a few facts which show that retailers are more at risk for big dollar OSHA penalties than more seemingly "dangerous" industries such as construction. Why?

- Most big dollar OSHA penalties aren't directly related to an employee death or serious injury.
- The biggest dollar exposure comes from "Repeat" citations of up to \$70,000 for each violation.
- Once an employer is cited for a violation, the next violation within FIVE YEARS at ANY company location will be a repeat. And each repeat citation during that five years drives up the penalties.
- Common sense dictates that the most likely repeat items will be "routine" safety violations because of the sheer number of opportunities to occur, such as a damaged extension cord, a briefly blocked fire extinguisher or electric cabinet, one employee not given Hazard Communication training, a power strip used instead of a permanent electric fixture, or failure to provide annual fire extinguisher training.
- Most retailers do not have site safety professionals and personnel don't have the same safety awareness developed at a foundry or manufacturer.
- And retailers have lots and lots of locations, and with span of control issues, the retailer has lots and lots of opportunities for violations!

Grocery Stores

I'm not going to talk in this article about developing a safety program and culture or how to handle an OSHA inspection. We're going to review common exposure areas.

The list below shows the most common OSHA standards violated in the grocery store setting:

Standard Description

All Standards cited for Supermarkets and Other Grocery (except Convenience) Stores

Copyright © 2024 Fisher Phillips LLP. All Rights Reserved.

All standards cited for Supermarkets and other Grocery (except Convenience) Stores

- 19101200 Hazard Communication.
- 19100303 General electric fixture requirements.
- 19100037 Maintenance, safeguards, and operational features for exit routes.
- 19100305 Wiring methods, components, and equipment for general use.
- 19100178 Powered industrial trucks.
- 19100212 General requirements for all machines.
- 19100157 Portable fire extinguishers.
- 19100132 General PPE requirements.
- 19040032 Annual injury summary.
- 19100036 Design and construction requirements for exit routes.
- 19100133 Eye and face protection.
- 19100304 Wiring design and protection.
- 19100022 Housekeeping requirements.
- 19100147 The control of hazardous energy (lockout/tagout).
- 19100023 Guarding floor and wall openings and holes.
- 19100176 Handling materials - general.
- 19040029 Injury Forms.
- 19100134 Respiratory Protection.
- 19100151 Medical services and first aid.
- 19100138 Hand Protection.
- 19100024 Fixed industrial stairs.
- 19100026 Portable metal ladders.
- 19100027 Fixed ladders.
- 19100038 Emergency action plans.
- 19100110 Storage and handling of liquefied petroleum gases.
- 19040030 Multiple business establishments.
- 19100029 Manually propelled mobile ladder stands and scaffolds (towers).
- 19100101 Compressed gases (general requirements).
- 19100136 Occupational foot protection.
- 19100141 Sanitation.
- 19100159 Automatic sprinkler systems.
- 19100219 Mechanical power-transmission apparatus.
- 19100242 Hand and portable powered tools and equipment, general.
- 19100332 Electrical Training
- 19100334 Use of equipment – portable cords.
- 19100335 Safeguards for personnel protection.

Stock Rooms

If you review the numerous six-figure OSHA citations against retailers over the last five years, you will see that the overwhelming majority of citations were for violations in the stockroom or warehouse. Retailers operate in a “just in time” mode where they regularly receive deliveries and for a period of time, the unloading may resemble the proverbial “fire drill.” There may be no conveyors

or you may use temporary conveyors which may block exits. Likewise, what are the likelihood that something may lean against an electric cabinet or block a fire extinguisher. How often does someone “temporarily” store something in an electric room or closet?

Most stockrooms were not designed for their current use, so look for extension cords run over joists or tacked to a wall for dock spotlights, shrink wrappers, or PC’s. Use permanent wiring. Look for holes in odd electrical places, such as emergency light boxes. If there is a microwave or coffee maker, make sure it’s properly connected.

Compactors are a regular source of OSHA citations and deaths. Make sure the interlocks on doors are working!

Meat Department

Washington State OSHA maintains a good Meat Department checklist on its site. The biggest problem is that guards are removed or wrongly adjusted on anything with a blade. Don’t forget age requirements on some equipment. Do you have lock out procedures for maintenance? What about slip and fall avoidance?

All Employees

Many must receive OSHA Hazard Communication training for chemicals to which they may be exposed, including cleaning materials or for the dishwashers and related equipment in the deli. Did you meet the December 2013 deadline to provide employees the Hazard Identification Training required by OSHA’s new Global Harmonization Program modifications of the Hazard Communication Standard. Do you know what an SDS is and when you must have this document?

We’ll talk another time about basic procedures to catch violations before they occur.

Howard

Related People



Howard A. Mavity

.....
Partner
404.240.4204
Email