

*Case #3: Haste Makes . . .*

*The facts ...*

Dave Prior was fit to be tied when, 10 minutes before his shift ended, a piece of stock tipped off a shelf and bounced under his stamping machine.

“Just what I needed when I'm trying to get this job done,” he muttered to himself.

He couldn't leave the stock under there, so he hit the emergency shut-off switch and looked around for the rod he was supposed to use for fishing stuff out from under the machine.

In his haste, he accidentally hit the switch again, and the stamp smashed down, crushing his arm.

“He should have locked the machine out before he did anything else,” the OSHA compliance officer investigating the accident insisted.

“A lockout wasn't called for,” the company argued. “The law says we have to lock out when we're adjusting, cleaning or unjamming.

“Dave wasn't doing any of those things. He was just trying to get some loose stock out from underneath the machine.”

Did the citation stick?

*See decision on next page.*

*Case #3: Haste Makes ...*

*The decision ...*

Yes. Removing scrap from under or around a machine is just like any other maintenance procedure, the administrative law judge who heard this case ruled.

So, the judge continued, Dave should have locked out the machine before he did anything else.

This case, like so many others, well illustrates the fact that OSHA and the courts do not let the letter of the law get in the way of the law's spirit, which is protecting the safety and health of workers.

The standards may specify lockout for "adjusting, cleaning and unjamming."

They don't specifically require lockout for getting something out from under a machine.

But what, after all, is cleaning? Wouldn't that include removing loose materials from around or under a machine?

This is a rules issue, but, more than that, it's a training issue.

During initial training, and with frequent reminders at your safety meetings, you have to make your employees realize this crucial point: if any operation or action is potentially dangerous, then the most stringent rules should apply.

And they should apply at any time – even when they're rushing to get assignments done at the end of a shift.

*Secy. of Labor v. Lenco.*