

Safety

SOLUTIONS



MAY 2007
Copyright © 2007

Should You Demand a Search Warrant from OSHA?

An Occupational Safety and Health Administration (OSHA) inspector shows up on your property. He tells you he is there for a “random” inspection, and wants to see various documents – plus, do a “walk through” of your operation NOW.

You panic, because you are certain you have a number of OSHA violations. You request a delay, but the inspector denies the request. What do you do?

Some green industry employers will tell the OSHA inspector that he needs to get a search warrant. While demanding a search warrant is an option, there are both pros and cons.

Among the pros are these:

- The length of time it will take the inspector to get the search warrant will give you time to clean up any known or probable violations.
- You will also have time to contact an attorney or other professional with OSHA-related expertise for advice.

The cons, however, generally outweigh the pros. These include:

- The inspector will likely not be pleased about the extra time and trouble this will cost him, and may come back ready to cite your company for every possible violation he spots.
- You will be sending the message that you are not interested in cooperating with OSHA.
- A refusal to allow the inspection without a search warrant is likely to land you on OSHA’s target list for additional future inspections.

If, when, and under what circumstances to demand a search warrant are issues you should discuss with an attorney versed in OSHA matters. **Note:** Know that if an OSHA inspector believes there is an “imminent danger” situation, he does not need a search warrant. Imminent danger situations are those that could immediately cause death or serious physical harm to your employees.

Remember that the best defense against OSHA citations is to have a proactive, implemented safety program.

Are You in Compliance with OSHA's Forklift Training Rules?

*Editor's note: A renewed emphasis by OSHA on compliance with the federal agency's forklift training rules makes it critical that you have properly trained all forklift operators. OSHA is reminding employers that it is **against the law for employees under the age of 18 to operate a forklift**. Employers must keep records showing that each forklift operator has been trained and evaluated. These records must include the name of the operator, date of the training, date of the evaluation, and name of the qualified trainer/evaluator. Below are the topics in which you must train your forklift operators.*

Forklift Topics

- Operating instructions, warnings, and precautions for the specific type(s) of forklift(s) the person will operate
- Maneuvering and steering
- The location and operation of instruments and controls
- Engine or motor operation
- Differences between operating a forklift and operating an automobile
- Visibility issues, including loading restrictions
- Adaptation, operation, and use limitations of forks and attachments
- The forklift's capacity and stability
- Refueling and/or battery charging and recharging
- Any operator-required inspection and maintenance
- Limitations of operating a forklift
- Other instructions, warnings, and precautions listed in the operator's manual

Workplace Topics

- Narrow aisles and other restricted places
- Hazardous areas where the forklift will be operated
- Surface conditions
- Pedestrian traffic
- Ramps/sloped surfaces that could affect stability
- Load stacking, unstacking, and manipulation
- Load stability, and composition of loads that will be carried
- Any areas where poor ventilation or poor forklift maintenance could cause a build-up of diesel exhaust or carbon monoxide
- Any other potentially hazardous environmental conditions

Requirements of OSHA Standard 1910.178

(Visit this Web site for information on OSHA's Powered Industrial Trucks (forklift) standard: www.osha.gov/SLTC/index.html.)

Guidelines for Effective Safety Committee Members

Editor's note: Many PLANET members have struggled with how to keep their company safety committees from dying out. In some cases, companies are just getting started in establishing such a committee. Erin Maurer, a manager at Lied's in Sussex, Wisconsin, who chairs the landscape company's safety committee, offers the following tips that you can pass onto your employees. We will include the rest of her suggestions in our June 2007 issue of Safety SOLUTIONS.

MAKE-UP OF SAFETY COMMITTEE

- The committee should be made up of persons from various areas and all levels of your company.

WHY HAVE YOU BEEN SELECTED FOR THE SAFETY COMMITTEE?

- You have shown an interest in health and safety that may benefit your co-workers.
- You are a safety-conscious employee who sets an example for others.

WHAT ARE THE REWARDS FOR BEING AN ACTIVE SAFETY COMMITTEE MEMBER?

- An increase in your knowledge of our entire operation.
- A better understanding of the policies, functions, and problems of management.
- A greater awareness of the importance of relationships with outside organizations. Among

these organizations are PLANET, OSHA, and insurers.

- An ability to have an influence on our company's frequency and severity of workplace injuries and illnesses.

WHAT ARE YOUR DUTIES AS A SAFETY COMMITTEE MEMBER?

- Regularly attend all meetings and actively participate in discussion and committee activities.
- Report all unsafe conditions and acts.
- Report all injuries and near miss incidents involving yourself or other employees – especially from within your respective department.
- Contribute ideas and suggestions for the improvement of health and safety.
- Encourage safety-related input from employees.
- Follow safety procedures and rules. Wear your personal protective equipment!
- Influence others to work safely.
- Investigate accidents when requested.
- Conduct safety audits when requested.
- Share information and suggestions with other departments.

Reminder: If you're looking for helpful information on safety and OSHA compliance, visit our PLANET-OSHA Alliance Web page at: www.osha.gov/SLTC/landscaping/index.html.

Effective Safety Training for Zero-Turn Mower Operators

The continuing number of incidents in which workers in our industry are killed after overturning zero-turn mowers (Z mowers) is a reminder of the need for effective safety training.

Sam Steel, senior research associate in agricultural safety and health at Pennsylvania State University, offers the following information to assist you in implementing effective safety training for your Z mower operators.

What are the hazards that impact the safe operation of a Z mower?

- Steep and slippery slopes
- Water retention ponds, lakes, streams, and other bodies of water
- Retaining walls and drop-offs
- Lack of rollover protective structure (ROPS) with seat belt
- Lack of knowledge and training among operators
- Missing or damaged safety shields and guarding
- Failure to follow manufacturer's operating guidelines
- Machinery loading conditions

What resources are available to improve safe operating procedures for Z mowers?

- Machine operator's manual
- Manufacturer's safety recommendations and guidelines
- Machinery distributors' representatives

- Insurance companies that provide assistance with training programs
- Trade association safety training initiatives
- University/college and Cooperative Extension Service educational initiatives

How should you evaluate the effectiveness of your Z mower safety training?

- Develop clear and concise objectives on an annual basis.
- Use "close call" incidents to develop proactive program elements.
- Seek out external collaborators who can assist with the evaluation.
- Work closely with insurance representatives on documentation.
- Don't be afraid of what the training outcomes tell you.
- Seek input from all employees.

Note: Also see the February 2007 issue of Safety SOLUTIONS for English-Spanish training on zero-turn mower safety.

Barbara Mulhern, Safety Specialist
Ph: (608) 848-3758 e-mail: barbmulhern@landcarenetwork.org

Professional Landcare Network
950 Herndon Parkway, Suite 450
Herndon, VA 20170
(800) 395-2522 Fax: (703) 736-9668
LandcareNetwork.org

The association of members who create and maintain the QUALITY OF LIFE in communities across America.