



## CITATION AND NOTIFICATION OF PENALTY

**To:**

Goodwill Industries of Sacramento Valley &  
Northern Nevada, Inc.

and its successors  
8001 Folsom Blvd.  
Sacramento, CA 95826

**Inspection Site:**

6648 Franklin Blvd.  
Sacramento, CA 95823

Inspection #: 1181199  
Inspection Date (s): 09/30/2016 - 03/30/2017  
Issuance Date: 03/30/2017  
CSHO ID: L5223  
Optional Report #: 009-17  
Reporting ID: 0950621

*The violation(s) described in this Citation and Notification of Penalty is (are) alleged to have occurred on or about the day(s) the inspection was made unless otherwise indicated within the description given below.*

**This Citation and Notification of Penalty** (hereinafter Citation) is being issued in accordance with California Labor Code Sections 6317 and 6320 for violations that were found during the inspection/ investigation. **This Citation or a copy must be prominently posted upon receipt by the employer at or near the location of each violation until the violative condition is corrected or for three working days, whichever is longer.** Violations of Title 8 of the California Code of Regulations or of the California Labor Code may result in some instances in prosecution for a misdemeanor.

**YOU HAVE A RIGHT** to contest this Citation and Notification of Penalty by filing an appeal with the Occupational Safety and Health Appeals Board. To initiate your appeal, you **must** contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of this Citation. If you miss the 15 working day deadline to appeal, the Citation and Notification of Penalty becomes a final order of the Appeals Board, not subject to review by any court or agency.

**Informal Conference** - You may request an informal conference with the manager of the district office which issued the Citation within 10 working days after receipt of the Citation. However, if the citation is appealed, you may request an informal conference at any time prior to the day of the hearing. Employers are encouraged to schedule a conference at the earliest possible time to assure an expeditious resolution of any issues. At the informal conference, you may discuss the existence of the alleged violation, classification of the violation, abatement date or proposed penalty.

Be sure to bring to the conference any and all supporting documentation of existing conditions as well as any abatement steps taken thus far. If conditions warrant, we can enter into an agreement which resolves this matter without litigation or contest.

## APPEAL RIGHTS

The Occupational Safety and Health Appeals Board (Appeals Board) consists of three members appointed by the Governor. The Appeals Board is a separate entity from the Division of Occupational Safety and Health (Division) and employs experienced attorneys as administrative law judges to hear appeals fairly and impartially. To initiate an appeal from a Citation and Notification of Penalty, you must contact the Appeals Board, in writing or by telephone, within 15 working days from the date of receipt of a Citation. After you have initiated your appeal, you must then file a completed appeal form with the Appeals Board, at the address listed below, for each contested citation. Failure to file a completed appeal form with the Appeals Board may result in dismissal of the appeal. Appeal forms are available from district offices of the Division, or from the Appeals Board:

Occupational Safety and Health Appeals Board  
2520 Venture Oaks Way, Suite 300  
Sacramento, CA 95833  
Telephone: (916) 274-5751 or (877) 252-1987  
Fax: (916) 274-5785

If the Citation you are appealing alleges more than one item, you must specify on the appeal form which items you are appealing. You must also attach to the appeal form a legible copy of the Citation you are appealing. In addition, please send a copy of Page 1 of this Citation and Notification of Penalty, the cover sheet.

Among the specific grounds for an appeal are the following: the safety order was not violated, the classification of the alleged violation (e.g., serious, repeat, willful) is incorrect, the abatement requirements are unreasonable or the proposed penalty is unreasonable.

**Important:** You must notify the Appeals Board, not the Division, of your intent to appeal within 15 working days from the date of receipt of the Citation. Otherwise, the Citation and Notification of Penalty becomes a final order of the Appeals Board not subject to review by any court or agency. An informal conference with the Division does not constitute an appeal and does not stay the 15 working day appeal period. If you have any questions concerning your appeal rights, call the Appeals Board, at (916) 274-5751 or (877) 252-1987.

## PENALTY PAYMENT OPTIONS

For general/regulatory violations, and for serious violations that have been abated, penalties are due within 15 working days of receipt of this Citation and Notification of Penalty unless contested. If you are appealing any item of the citation, remittance is still due on all items described above that are not appealed. Enclosed for your use is a Penalty Remittance Form for payment.

For serious violations that are not abated, if a signed statement of abatement (as described under "Notification of Corrective Action", below) is not timely received or if the statement does not demonstrate acceptable abatement, penalties will be due within 15 working days after the date the signed statement was due, unless contested.

For serious violations for which a signed statement of abatement demonstrating acceptable abatement is timely received, the payment due date will be described in a Modified Citation and Notification of Penalty that you will receive reflecting a 50% abatement credit.

If you are paying electronically, please have the Penalty Remittance Form on-hand when you are ready to make your payment. The company name, inspection number, and Citation number(s) will be required in order to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh/CalOSHA\\_PaymentOption.html](http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html) to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check, return one copy of the Citation, along with the Notice of Proposed Penalties Sheet and the Penalty Remittance Form and mail to:

Department of Industrial Relations  
Cashier, Accounting Office  
P. O. Box 420603  
San Francisco, CA 94142-0603

CAL/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions, or endorsements do not exist.

## NOTIFICATION OF CORRECTIVE ACTION

For general/regulatory violations which you do not contest, you should notify the Division of Occupational Safety and Health promptly by letter that you have taken appropriate corrective action within the time frame set forth on this Citation and Notification of Penalty. Please inform the district office listed on the Citation by submitting the Cal/OSHA 160 form with the abatement steps you have taken and the date the violation was abated, together with adequate supporting documentation, e.g., drawings or photographs of corrected conditions, purchase/work orders related to abatement actions, air sampling results, etc. The adjusted penalty for general violations has already been reduced by 50% on the presumption that the employer will correct the violations by the abatement date. The adjusted penalty for serious violations that have been abated, if any, has already been reduced by 50% because abatement of those violations has been completed.

The adjusted penalty for serious violations that have not been abated will be reduced by 50% if the Division of Occupational Safety and Health receives from you within 10 working days following the abatement date a signed statement under penalty of perjury (Cal/OSHA form 161) and sufficient supporting evidence, when necessary to prove abatement, demonstrating abatement acceptable to the Division. If the Division does not receive the statement of abatement within 10 working days after the abatement date, the adjusted penalty will not be reduced by 50% - regardless of whether you appeal the serious citations.

**Note:** Return the Cal/OSHA 160/161 forms to the district office listed on the Citation and as shown below:

Division of Occupational Safety and Health  
Sacramento District Office  
2424 Arden Way, Suite 165  
Sacramento, CA 95825  
Telephone: (916) 263-2800  
Fax: (916) 263-2798

## EMPLOYEE RIGHTS

**Employer Discrimination Unlawful** - The law prohibits discrimination by an employer against an employee for filing a complaint or for exercising any rights under Labor Code Section 6310 or 6311. An employee who believes that he/she has been discriminated against may file a complaint no later than six (6) months after the discrimination occurred with the Division of Labor Standards Enforcement.

**Employee Appeals** - An employee or authorized employee's representative may, within 15 working days of the issuance of a citation, special order, or order to take special action, appeal to the Occupational Safety and Health Appeals Board the reasonableness of the period of time fixed by the Division of Occupational Safety and Health (Division) for abatement. An employee appeal may be filed with the Appeals Board or with the Division. No particular format is necessary to initiate the appeal, but the notice of appeal must be in writing.

If an Employee Appeal is filed with the Division, the Division shall note on the face of the document the date of receipt, include any envelope or other proof of the date of mailing, and promptly transmit the document to the Appeals Board. The Division shall, no later than 10 working days from receipt of the Employee Appeal, file with the Appeals Board and serve on each party a clear and concise statement of the reasons why the abatement period prescribed by it is reasonable.

Employee Appeal Forms are available from the Appeals Board, or from a district office of the Division.

**Employees Participation in Informal Conference** - Affected employees or their representatives may notify the District Manager that they wish to attend the informal conference. If the employer objects, a separate informal conference will be held.

## DISABILITY ACCOMMODATION

Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district office or the Statewide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The Statewide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY - Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing or conference.

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Sacramento District Office  
2424 Arden Way, Suite 165  
Sacramento, CA 95825  
Phone: (916) 263-2800 Fax: (916) 263-2798

**Inspection #:** 1181199  
**Inspection Dates:** 09/30/2016 - 03/29/2017  
**Issuance Date:** 03/30/2017  
**CSHO ID:** L5223  
**Optional Report #:** 009-17



**Citation and Notification of Penalty**

**Company Name:** Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.  
**Establishment DBA:**

and its successors

**Inspection Site:** 6648 Franklin Blvd.  
Sacramento, CA 95823

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**Citation 1 Item 1** Type of Violation: **General**

T8 CCR 3272(c): Aisles, Walkways, and Crawlways.

(c) Permanent aisles, ladders, stairways, and walkways shall be kept reasonably clear and in good repair. Where, due to lack of proper definition, such aisles or walkways become hazardous, they shall be clearly defined by painted lines, curbing, or other method of markings.

Prior to and during the course of the investigation including but not limited to, on 09/30/16, the employer did not clearly define by painted lines walkways or aisles for use by employees to protect them from hazards from industrial trucks traveling inside the warehouse.

**Date By Which Violation Must be Abated:**

**April 12, 2017**

**Proposed Penalty:**

**\$225.00**

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
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Sacramento, CA 95823

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**Citation 1 Item 2** Type of Violation: **General**

T8 CCR 4355(a)(1): Operating Rules for Compaction Equipment.

(a) General

(1) The employer shall develop a written set of operating procedures. These operating procedures shall include at least the applicable operating rules contained in this section.

Prior to and during the course of the investigation including but not limited to, on 09/30/16, the employer did not develop a written set of operating procedure to include the safe operation of compaction equipment and mobile collection equipment.

**Date By Which Violation Must be Abated:**

**April 12, 2017**

**Proposed Penalty:**

**\$450.00**

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Sacramento District Office  
2424 Arden Way, Suite 165  
Sacramento, CA 95825  
Phone: (916) 263-2800 Fax: (916) 263-2798

Inspection #: 1181199  
Inspection Dates: 09/30/2016 - 03/29/2017  
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**Citation and Notification of Penalty**

**Company Name:** Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.

**Establishment DBA:**

and its successors

**Inspection Site:** 6648 Franklin Blvd.  
Sacramento, CA 95823

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**Citation 2 Item 1** Type of Violation: **Willful-Serious Accident-Related**

T8 CCR 3203(a): Injury and Illness Prevention Program.

Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

- (1) Identify the person or persons with authority and responsibility for implementing the Program.
- (2) Include a system for ensuring that employees comply with safe and healthy work practices. Substantial compliance with this provision includes recognition of employees who follow safe and healthful work practices, training and retraining programs, disciplinary actions, or any other such means that ensures employee compliance with safe and healthful work practices.
- (3) Include a system for communicating with employees in a form readily understandable by all affected employees on matters relating to occupational safety and health, including provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisal. Substantial compliance with this provision includes meetings, training programs, posting, written communications, a system of anonymous notification by employees about hazards, labor/management safety and health committees, or any other means that ensures communication with employees.
  - A) When the Program is first established;  
Exception: Those employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with previously existing section 3203.
  - (B) Whenever new substances, processes, procedures, or equipment are introduced to the workplace that represent a new occupational safety and health hazard; and
  - (C) Whenever the employer is made aware of a new or previously unrecognized hazard.
- (5) Include a procedure to investigate occupational injury or occupational illness.
- (6) Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:
  - (A) When observed or discovered; and,
  - (B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be



provided the necessary safeguards.

(7) Provide training and instruction:

(A) When the program is first established;

Exception: Employers having in place on July 1, 1991, a written Injury and Illness Prevention Program complying with the previously existing Accident Prevention Program in Section 3203.

(B) To all new employees;

(C) To all employees given new job assignments for which training has not previously been received;

(D) Whenever new substances, processes, procedures or equipment are introduced to the workplace and represent a new hazard;

(E) Whenever the employer is made aware of a new or previously unrecognized hazard; and,

(F) For supervisors to familiarize themselves with the safety and health hazards to which employees under their immediate direction and control may be exposed.

T8 CCR 3203(a)(6)

Prior to and during the course of the investigation, including but not limited to, on 09/30/16, the employer did not develop methods and or procedures for correcting the unsafe or unhealthy conditions, in a timely manner or preventing employees from operating the Compaction Equipment and Tilt-Frame Refuse and Trash Collection Equipment until the required procedures has been developed.

T8 CCR 3203(a)(7)(C)

Also, prior to and during the course of the investigation, including but not limited to, on 09/30/16, the employer did not provide training to all employees in the safe operation of its Hoist and Tilt-Frame Refuse and Trash Collection Equipment and Compaction Equipment.

The employer had been made aware that no procedures had been developed for operating Compaction Equipment and Tilt-Frame Refuse and Trash Collection Equipment and that untrained employees were allowed to operate the equipment which could result in serious injuries.

**Date By Which Violation Must be Abated:**

**April 12, 2017**

**Proposed Penalty:**

**\$70000.00**

**State of California**

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Sacramento District Office  
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Sacramento, CA 95825  
Phone: (916) 263-2800 Fax: (916) 263-2798

**Inspection #:** 1181199  
**Inspection Dates:** 09/30/2016 - 03/29/2017  
**Issuance Date:** 03/30/2017  
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**Optional Report #:** 009-17

**Citation and Notification of Penalty**

**Company Name:** Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.  
**Establishment DBA:**

and its successors

**Inspection Site:** 6648 Franklin Blvd.  
Sacramento, CA 95823

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**Citation 3 Item 1** Type of Violation: **Serious**

T8 CCR 4002(a): Moving Parts of Machinery or Equipment.

(a) All machines, parts of machines, or component parts of machines which create hazardous revolving, reciprocating, running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear points, not guarded by the frame of the machine(s) or by location, shall be guarded.

Prior to and during the course of the investigation including but not limited to, on 09/30/16, the moving parts and components of a baler machine that creates hazardous revolving, reciprocating running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear point was not guarded by the frame of the machine(s) or by location.

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**Corrected During Inspection**  
**\$4500.00**

**State of California**

Department of Industrial Relations  
Division of Occupational Safety and Health  
Sacramento District Office  
2424 Arden Way, Suite 165  
Sacramento, CA 95825  
Phone: (916) 263-2800 Fax: (916) 263-2798

**Inspection #:** 1181199  
**Inspection Dates:** 09/30/2016 - 03/29/2017  
**Issuance Date:** 03/30/2017  
**CSHO ID:** L5223  
**Optional Report #:** 009-17

**Citation and Notification of Penalty**

**Company Name:** Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.  
**Establishment DBA:**

and its successors

**Inspection Site:** 6648 Franklin Blvd.  
Sacramento, CA 95823

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Citation 4 Item 1    Type of Violation: **Serious Accident-Related**

T8 CCR 4345(e): Hoist and Tilt-Frame Refuse and Trash Collection Equipment.

(e) The controls of hoist or tilt-frame equipment shall not be actuated if any employee is in a position to be endangered by the movement resulting from that actuation.

Prior to and during the course of the investigation including but not limited to, on 09/30/16, the employer did not ensure that controls of hoist or tilt-frame equipment shall not be actuated if any employee is in a position to be endangered by the movement resulting from the actuation. As a result, on 09/30/16, an employee was fatally injured when his head was pinned between the stationary compactor and the trash bin when the operator actuated and released the cable holding the trash bin from a roll-off truck.

**Date By Which Violation Must be Abated:**

**Proposed Penalty:**

**April 12, 2017**

**\$18000.00**

**State of California**

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Optional Report #: 009-17



**Citation and Notification of Penalty**

**Company Name:** Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.  
**Establishment DBA:**  
and its successors  
**Inspection Site:** 6648 Franklin Blvd.  
Sacramento, CA 95823

**Citation 5 Item 1** Type of Violation: **Serious**

T8 CCR 4355(a)(2): Operating Rules for Compaction Equipment.

(a) General.

(2) Employees shall not be assigned or permitted to operate compaction equipment unless they have been trained and instructed in safe methods for such operation. Such training shall include the operating instructions provided by the manufacturer for each machine.

Prior to and during the course of the investigation including but not limited to, on 09/30/16, the employer did not provide training to its employees the safe methods and operating instructions provided by the manufacturer prior to assigning its employees to operate its stationary compactors.

**Date By Which Violation Must be Abated:**  
**Proposed Penalty:**

**April 12, 2017**  
**\$13,500.00**

  
\_\_\_\_\_  
Marie Blake  
Compliance Officer / District Manager

State of California  
Department of Industrial Relations  
Division of Occupational Safety and Health  
Sacramento District Office  
2424 Arden Way, Suite 165  
Sacramento, CA 95825  
Phone: (916) 263-2800 Fax: (916) 263-2798



## NOTICE OF PROPOSED PENALTIES

**Company Name:** Goodwill Industries of Sacramento Valley & Northern Nevada, Inc.  
**Establishment DBA:**

and its successors

**Inspection Site:** 6648 Franklin Blvd., Sacramento, CA 95823  
**Mailing Address:** 8001 Folsom Blvd., Sacramento, CA 95826  
**Issuance Date:** 03/30/2017  
**Reporting ID:** 0950621  
**CSHO ID:** L5223

### Summary of Penalties for Inspection Number 1181199

Citation 1 Item 1, General	\$225.00
Citation 1 Item 2, General	\$450.00
Citation 2 Item 1, Willful-Serious Accident-Related	\$70000.00
Citation 3 Item 1, Serious	\$4500.00
Citation 4 Item 1, Serious Accident-Related	\$18000.00
Citation 5 Item 1, Serious	\$13500.00
<b>TOTAL PROPOSED PENALTIES:</b>	<b>\$106675.00</b>

Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh/CalOSHA\\_PaymentOption.html](http://www.dir.ca.gov/dosh/CalOSHA_PaymentOption.html) to access the secure payment processing site. **Additionally, you must also mail the Penalty Remittance Form to the address below.**

If you are paying by check: Mail this Notice of Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

DEPARTMENT OF INDUSTRIAL RELATIONS  
CASHIER, ACCOUNTING OFFICE  
P. O. BOX 420603  
SAN FRANCISCO, CA 94142-0603

Cal/OSHA does not agree to any restrictions, conditions or endorsements put on any check or money order for less than the full amount due, and will cash the check or money order as if these restrictions, conditions or endorsements do not exist.

### NARRATIVE SUMMARY

Establishment Name: <b>Goodwill Industries of Sacramento Valley &amp; Northern Nevada, Inc.</b>	Inspection Number:  1181199
Management Contacted: Lori Dearwester	Title: Director of Risk Management

Information on Injured Covered by Workers' Compensation Yes ☒ No ☐

Name, Address and Phone Number	Occupation
Employee #1 ██████████ Sacramento, CA 95820 Tel. No. ██████████	Dock Worker

Use additional form(s) as needed

Witness Name(s) and Title

\*Check box preceding name if confidentiality is given

x	Names and Title(s)	Address	Phone No.	Signed Statement?
	David Gaudie	██████████ Sacramento, CA 95814	██████████	Yes: X No:
	David Singh	██████████ Sacramento, CA 95828	██████████	Yes: X No:
	Tredon Lindsey	██████████ Sacramento, CA 95823	██████████	Yes: X No:

Use additional form(s) as needed

### Summary

NOTE: **DO NOT USE** employees' name in the narrative summary. Rather, assign a number to the employees or nonemployees refer in the report. Compliance personnel shall complete all items on the Cal/OSHA 170A and shall not rewrite or abstract the information already entered on the OSHA 170. Cal/OSHA 170A is designed to provide a concise summary of the accident investigation in narrative form.

### INTRODUCTION

On 09/30/16 at a jobsite located at 6648 Franklin Blvd., Sacramento, CA, 95623, an employee, EE1 was checking if a dumpster/bin being unloaded is aligned to a stationary compactor machine when EE1's head got crushed between the frame of the dumpster/bin and the compactor. As a result, EE1 sustained a fatal injury

The Employer is a non-profit organization engaged in collecting and selling donations to generate revenues for its programs.

### REPORTING REQUIREMENTS:

The Sacramento Cal/OSHA District Office received the report of the fatal injury that occurred at a jobsite located at 6648 Franklin Blvd., Sacramento, CA, 95623 from the Sacramento Fire Department on 09/30/16 at approximately 1400 Hrs. It was reported that on 09/30/16, an employee (EE1) was checking the alignment of a dumpster/bin being unloaded from a Tilt-Frame Refuse and Trash Collection Equipment (roll-off truck) when EE1's head got crushed between the frame of the bin and the stationary compactor.

### CONDITIONS AND FACTORS LEADING TO ACCIDENT

## NARRATIVE SUMMARY

On 09/30/16, CHSO W2167 and CHSO M311 conducted an opening conference with the Director of Risk Management, Safety Manager, and the Transportation Manager. A site investigation ensued after the brief meeting.

The Captain of the Sacramento Metro Fire Dept. who responded to the fatal accident was also interviewed during the investigation.

On 10/10/16, CSHO L5223 took over the fatal investigation and returned to the job site after making arrangement with the Director of Risk Management.

During the investigation, the Director of Risk Management informed the Division that the fatally injured employee (EE1) worked at the loading dock as a loading dock employee. EE1's responsibility included operating the front loading dock compactor, model 9860-2PC, S/N 0407 8510. EE1 was employed only one month in this facility prior to his accident.

Prior to the accident, EE1 operated the compactor machine. Once the bin attached to the compactor was full, EE1 called and informed his supervisor that the bin attached to the compactor was full. An employee, EE3 drove to the loading dock with his roll-off truck loaded with an empty bin. EE3 unloaded the empty bin in another area near the loading dock then drove to the compactor and pulled out the loaded bin. EE3 then unloaded the full bin and reloaded the empty bin and backed towards the compactor to unload and attach the empty bin to the compactor. While backing up, EE3 saw from his truck side mirror the relief driver, EE2 and another employee, EE4 standing at the side of the compactor. EE3 also initially saw from the passenger side mirror EE1 standing near the compactor.

After determining that both the empty bin and the compactor were aligned, EE3 actuated the joy stick to release the cable hooked to the empty bin. After releasing the cable, EE3 saw EE2 in his side mirror signaling him frantically to move the roll-off truck forward. EE3 then dismounted to check what the problem was. EE3 saw EE1 on the ground bleeding from the head. EE2 informed EE3 that EE1 put his head in between the empty bin and compactor while checking the alignment and got crushed when the empty bin rolled to the compactor.

EE1 was transported to the hospital but expired later due to his head injuries.

## FINDINGS, CAUSES AND CONCLUSION

1. None of the authorized employees including EE1 were provided training in the safe operation of the compactors at the front and back loading dock areas.
2. The employer did not have a written procedure to load and unload bins including removing and attaching bins to the compactors.
3. EE2 and EE4 were standing between the compactor and the railing wall while EE3 was unloading the empty bin. The railing wall to the side of the compactor was measured to have a clearance of approximately 3 feet 2 inches. From photo #1, EE2 was standing inside the danger zone (approximately a foot away) during the unloading of the empty bin. On previous occasions, employees were standing near the back of the compactor during loading and unloading of bins per EE4.
4. EE3 was not aware that he is responsible for ensuring that no employee should be in the proximity of the roll-off truck during the loading and unloading of bins.
5. Prior to the accident, the employer was made aware through a letter from EE2 about compactor

### NARRATIVE SUMMARY

- operators not provided with training and compactors were overloaded.
6. The employer discussed the complaint letter with EE2 but did not diligently assess the hazard exposure of untrained compactor operators. Employer however requested from the manufacturer of the compactor the operating manual which the employer intends to use in developing procedures and to use it for training purposes.
  7. The employer continued to assigned untrained employees to operate the compactor equipment and did not remove the compactor operators until it has completed a written procedure and employees were provided the required training.

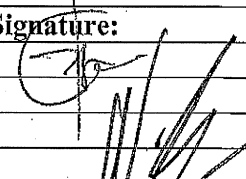
### OTHER FINDINGS:

1. Auto tie baler inside the warehouse was observed with exposed rollers and baler wires. Tail pulley also not guarded.
2. No distinctive walkway for use by employees inside the warehouse. At least three forklifts were observed operating inside the warehouse

### PROPOSED CITATIONS TO BE ISSUED:

**T8 CCR 3272(c) - (General)** - The employer did not clearly define by painted lines walkways or aisles for use by employees to protect them from hazards from industrial trucks travelling inside the warehouse; **T8 CCR 4355(a)(1) - (General)** - The employer did not develop a written set of operating procedure to include the safe operation of compaction equipment and mobile collection equipment; **T8 CCR 3203(a) - (Willful Serious)** - The employer did not develop methods and procedures for correcting unsafe or unhealthy conditions in an untimely manner and did not prevent untrained employee from operating compaction equipment and roll-off truck until a written procedure was developed and also did not provide training to its Tilt-Frame Refuse and Trash Collecting Equipment and Compaction Equipment; **T8 CCR 4002(a) - (Serious)** - The moving parts and components of a baler machine that creates hazardous revolving, reciprocating running, shearing, punching, pressing, squeezing, drawing, cutting, rolling, mixing or similar action, including pinch points and shear point was not guarded by the frame of the machine(s) or by location; **T8 CCR 4345(e) - (Serious Accident Related)** - The employer did not ensure that controls of hoist and tilt-frame equipment shall not be actuated if any employee is in a position to be endangered by the movement resulting from the actuation and **T8 CCR 4355(a)(2) - (Serious)** - The employer did not provide training to its employees the safe methods and operating instructions provided by the manufacturer prior to assigning its employees to operate its stationary compactors.

Use additional sheet(s) as  
needed

	<b>Signature:</b>	<b>Date:</b>
<b>Prepared by:</b> CSE, IH		3/30/17
<b>Reviewed By: District Manager</b>		
<b>Reviewed By: Sr. SE/IH</b>		
<b>Regional Manager</b>		