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OSHA News Release

2005 - 03/04/2005 - OSHA Fines Flooring Contractor \$70,000 Following Fire that Killed Two Workers at a Somerville, Mass., Worksite

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OSHA Regional News Release

U.S. Department of Labor
Office of Public Affairs

Region 1

Region 1 News Release: 05-298-BOS/BOS 2005-034
Friday, March 4, 2005
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OSHA Fines Flooring Contractor \$70,000 Following Fire that Killed Two Workers at a Somerville, Mass., Worksite

METHUEN, Mass. -- A Somerville, Mass., flooring contractor faces \$70,000 in proposed fines from the U.S. Labor Department's Occupational Safety and Health Administration (OSHA) following a fire at a Somerville jobsite that killed two workers and seriously burned two others.

On Sept. 2, 2004, employees of David's Floor Service Inc. were working in a house at 4 Foskett St. when the flammable floor primer they were applying ignited, starting a fire. The primer was a lacquer sealant containing hazardous chemicals.

OSHA's inspection identified several hazards involving flammable chemicals, respiratory protection, fire protection and employee training. Specifically, the flammable sealant was used within 50 feet of an ignition source; the jobsite lacked fire extinguishers; employees were not trained in fire protection; the work area lacked adequate ventilation; and the jobsite had not been inspected for hazards by a competent person with both the knowledge to spot hazards and the authority to correct them.

In addition, the employer did not evaluate respiratory, physical and health hazards posed to the workers by the chemicals with which they worked and by floor sanding operations at the site; respirator training was not provided; workers were not medically evaluated to determine if they were able to wear respirators; workers were not trained to recognize and address unsafe conditions associated with their work; and the worksite lacked a hazard communication program and material safety data sheets containing information about the chemicals used.

OSHA cited David's Floor Service for ten alleged serious violations of the Occupational Safety and Health Act. Each citation carries a proposed fine of \$7,000, the maximum penalty for a serious citation. OSHA defines a serious violation as a condition for which there is a substantial possibility that death or serious physical harm can result to an employee.

"This case underscores why it is so important to effectively train and equip workers with the knowledge and tools to identify, understand and protect themselves against the hazards associated with their work," said Richard Fazio, OSHA's area director for Middlesex and Essex counties. "Adherence to health and safety standards might have prevented this accident or, at the very least,

minimized the respiratory, chemical, fire and other hazards to which these workers were exposed."

The company has 15 business days from receipt of its citations and proposed penalties to comply with them, to request and participate in an informal conference with the OSHA area director, or to contest them before the independent Occupational Safety and Health Review Commission. OSHA's Methuen area office conducted the inspection. Its telephone number is (617) 565-8110.

Employers are responsible for providing a safe and healthful workplace for their employees. OSHA's role is to assure the safety and health of America's workers by setting and enforcing standards; providing training, outreach and education; establishing partnerships; and encouraging continual improvement in workplace safety and health. For more information, visit www.osha.gov.

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