

To: Winery Distribution Center
From: martha@heillsafety.com
Topic: Martha's Corner: Winery Receives \$10,000+ in Fines

The following is sent to you as a service to assist you in reducing losses. Please feel free to forward on to members of your team or business associates in an effort to help us reduce losses industry wide.

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Winery Receives \$10,000+ Fines After OSHA Inspection

On October 1, 2018 a California Winery was inspected and received over \$10,000 in fines from OSHA.

A general overview of the Citations issued includes:

- Not complying with ‘...Manufacturer’s specifications and limitations applicable to the operation, training, use, installation, inspection, testing, repair and maintenance of all machinery, vehicles, tools, materials and equipment...’ (16VAC25-60.120)
- ‘...stepladder equipped with a metal spreader or locking device that securely holds the front and back sections in an open position while the ladder is in use...’ (1910.23(c)(2))
- Portable ladders used to gain access to an upper landing surface have side rails that extend at least 3 feet (0.9 m) above the upper landing surface 1910.23(c)(11)
- ‘... the employer shall inform exposed employees, by posting danger signs of the existence and location of and the danger posed by the permit spaces (1910.146(c)(2))
- Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use. (1910.151(c))
- Unused openings in cabinets, boxes, and fittings shall be effectively closed (electrical). (1910.305(b)(1)(ii))
- *Services, feeders, and branch circuits.* Each service, feeder, and branch circuit, at its disconnecting means or overcurrent device, shall be legibly marked to indicate its purpose, unless located and arranged so the purpose is evident. 1910.303(f)(2)
- ‘...Unless specifically permitted otherwise, flexible cords and cables may not be used: Where run through doorways, windows, or similar openings...’; (1910.305(g)(1)(iv)(C))
- Flexible cords and cables shall be connected to devices and fittings so that strain relief is provided that will prevent pull from being directly transmitted to joints or terminal screws. 1910.305(g)(2)(iii)



A detailed list of the citations, fines and details of the inspection can be found on the OSHA web site under “establishment search”; then by typing in the employer’s name (every citation issued to any employer can be found on this site).

Under the Occupational Safety and Health Act, OSHA generally has regulatory authority where an “employer and employee” relationship exists. In recent years OSHA has expanded this definition and thus its regulatory authority, to include contractors who work on your property/facilities (i.e. maintenance, labor, events staff) using the theory of “Host Employer”. If you have questions on how this can affect your operations, please contact us.

Many mistakes can be made by employers during (and after) a regulatory inspection (i.e. providing too much information, answering questions not asked by the compliance officer, not preparing employees if interviews are requested, not asking for an informal hearing post issuance of citations, etc.). HEILL Safety Solution’s staff has represented employers during OSHA inspections (as Employer Representative) as well as testified on behalf of employers as technical matter experts.

Our Safety, Human Resources and Claims Management services span all areas of loss potential for wineries and vineyards; from food and public safety to fire, equipment and crop loss prevention and employment law. Our services are provided through various annual retainers’ options (which allows clients access to the Members only section of the HEILL website) or hourly project rates. Please contact us if we can be of assistance.

If you have any questions, please call/email me:

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