

ENERGY CONTROL PROGRAM

- 5.3.6 When work being performed will not be completed because of the end of the day or shift, employees are moved to a higher priority job, waiting on parts, or job is unattended for a long period of time, the maintenance or contract employee shall place a incomplete tag on the project lock box. The incomplete tag shall be placed at the location of his/her personal lock when it is removed. The incomplete tag shall communicate the job status, employee's name, craft, and company (if contractor), and the date the tag was placed on the project lock box. When the employee returns to complete the job assignment he/she shall place his/her personal lock on the project lock box and remove the incomplete tag.

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RECKLESS ENDANGERMENT CHARGES are reinstated by the New York Court of Appeals against a company and its officials for the death of a worker killed when petroleum vapors inside a tank trailer ignited during a cleaning operation. The court, however, refuses to reinstate charges of manslaughter and criminally negligent homicide against the defendants (p. 1147).

CRIMINAL NEGLIGENT HOMICIDE is charged against a Wisconsin construction company after a front-end loader rolls backwards and kills the driver (p. 1186).

FEDERAL REFORM LEGISLATION addressing the Occupational Safety and Health Act is one of the four top priority bills in the next Congress and is likely to be acted on in 1993. A Republican aide to the House Education and Labor Committee tells a California State Bar labor and employment law conference (p. 1188).

A SIX-MONTH JAIL SENTENCE and a \$1,000 fine is handed down Nov. 23 by an Ohio trial judge to the president of a chemical firm for his role in the death of a worker in a 1991 explosion that was caused by the use of an unapproved process to treat waste materials created by the production of the chemical glycidol (p. 1233).

MORE THAN \$100 MILLION IN FINES were imposed in fiscal 1992 by OSHA for violations of job safety and health standards as the agency completed its first full year using increased maximum penalties mandated by Congress in October 1990, according to data provided to BNA (p. 1434; text of data, p. 1453).

BONDS OF \$250,000 EACH release three officials of Imperial Food Products of Hamlet, N.C. The company's owner, his son, and the plant manager each are charged with 25 counts of involuntary manslaughter for the deaths of 25 workers in a fire at the poultry processing plant in September 1991 (p. 1388).

CRIMINAL CHARGES are brought against a West Virginia mine operator in connection with a 1989 blasting incident that broke a coal miner's arm, the Mine Safety and Health Administration announces (p. 1602).

A NO CONTEST PLEA is entered by the former president of a lead company charged with five criminal misdemeanors. The former head of Federated Weiner Metals Inc. was sentenced to three years' probation for violating California workplace lead standards, on the condition that he pay \$40,000 and reimburse the district attorney's office in Los Angeles \$10,000 (p. 1387).

MANSLAUGHTER CHARGES are brought against three men in connection with a fire that killed 25 workers at a North Carolina poultry processing plant in September 1991. Indicted with 25 counts each of involuntary manslaughter are the owner, director of operations, and manager of the Imperial Food Products Inc. plant in Hamlet, N.C. (p. 1361).

A WISCONSIN CONTRACTOR for a residential sewer trench that caved in and killed one worker in 1989 pleads no contest and pays a \$4,000 fine in exchange for the state dropping a criminal charge of reckless homicide (p. 1573).

INVESTIGATING CRIMINAL CASES is not OSHA's focus, the agency's Deputy Administrator Alan C. McMillan tells an American Bar Association meeting. His comments come in response to concern about a pilot inspection program the agency instituted to determine whether the facts surrounding some workplace fatalities support criminal charges (p. 1388).

A NO CONTEST PLEA to involuntary manslaughter is entered by General Dynamics Land Systems Inc. in a case involving the 1983 death of a worker exposed to Freon fumes while test driving a battle tank at the company's Warren, Mich., plant (p. 1670).

PROSECUTION OF COMPANY MANAGERS and supervisors under the Occupational Safety and Health Act is sought by Rep. William Ford (D-Mich). He says he wants to reverse a 1991 federal court ruling that banned criminal prosecution of business officials through an amendment to his pending legislation that would overhaul the OSH Act (p. 1515).

A YEAR'S PROBATION AND A \$2,000 FINE are handed to the foreman of a New York asbestos abatement firm for making false statements to OSHA during a 1990 inspection by the agency. The false statements concerned several "staged" photographs taken by the foreman in attempt to show the company was using appropriate abatement methods (p. 1514).

CRIMINAL CHARGES are filed against the president of a Cleveland smelting firm and a safety consultant accused of making false statements to OSHA about elevated employee blood-lead levels after a federal probe of allegations that employees of the company were exposed to dangerous levels of lead is completed (p. 1235).

A \$4.3 MILLION SETTLEMENT is reached in a lawsuit against British Petroleum America Co. brought by the family of a BP employee killed in a 1991 oil refinery explosion (p. 1435).

**NPRA DISTINGUISHED SAFETY AWARD APPLICATION FOR 1992 PERFORMANCE
SHELL OIL COMPANY MARTINEZ MANUFACTURING COMPLEX**

The Martinez Manufacturing Complex of Shell Oil Company is an outstanding candidate for the NPRA Distinguished Safety Award for 1992 performance as evidenced by the following information.

Screening Criteria:

1,732,756 Hours worked in 1992 which is the total evaluation period:
Recordable incidents - 4 in 1992 = 4 for evaluation period
Recordable incidence rate - 0.46 for evaluation period
(Combined employee and contractor rate also qualifies at 0.77)

No fatalities in past six+ years.

Selection Criteria:

Freedom from cases with Days Away From Work:

No Shell employee lost workday cases with days away from work since May 29, 1987 for a period over eight million safe hours worked.

Freedom from Recordable injuries:

- * 1992 Recordable rate = 0.46
- * Three year average recordable rate satisfies the DSA screening criterion at 0.99 with continuous improvement
-- 1992 = 0.46; 1991 = 0.87; 1990 = 1.73; 1989 = 2.59.

Number of years/hours without a "days away" injury:

No "Days Away From Work" injuries since 5-29-1987 (5+ years) for a total of 8.753 million safe hours worked (12-31-92). Martinez Refinery (major portion of the Complex without the Chemical Plant) on Oct 19, 1992 passed all-time US Refinery record of 9,054,015 hours and has extended this to 9,408,334 hours from 9-29-86 and ongoing.

Prior Award History

Winner of NPRA Distinguished Safety Award for 1984.
Perennial recipient of numerous NPRA (e.g. all possible non-DSA awards in 1990, 1991 & 1992) plus NSC and local area Safety awards.

Contractor Performance:

Performance is monitored for all contractors (Maintenance, Construction and Service) working at this facility. During 1992 contractors achieved improved performance with Recordable rate of 1.05 for 1992 versus 2.04 for 1991 and 2.45 in 1990. This has been achieved during periods of high turnaround and construction activity. Passed 2,000,000 hours without days away on 11-30-92 since 9-25-91.

Performance History:

Continued **excellence** indicated by over eight million safe hours worked in over five years without a Days Away From Work case.

Outside Recognition:

Winner of National Safety Council Petroleum Section, Group 2 contest for 1990 and 1991 and winner of Group 1 in 1988 and 1989.

OVERALL SAFETY PERFORMANCE:

Combined Contractor and Shell employee Total Recordable Rate for 1992 meets DSA Criterion at 0.77 (14 cases for 3.636 million hours)

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