



NGFA

Newsletter

OSHA Issues Stern Reminder on Required Grain Bin-Entry Procedures

The Occupational Safety and Health Administration (OSHA) on Aug. 4 issued a stern reminder to the grain handling industry concerning proper and required grain bin-entry procedures following the recent increase in engulfment incidents.

In doing so, the agency also announced a proposed \$721,000 civil penalty against a Wisconsin grain handling facility for 10 alleged willful violations of OSHA standards, including an incident in which an employee was trapped in a bin of soybeans in February for four hours before being rescued successfully.

OSHA said researchers at Purdue University had documented 38 grain entrapment incidents in 2009 alone, but failed to indicate that 63 percent of those (19) involved farm bins, while 37 percent (11) occurred in commercial grain operations and the location of the other eight cases was undetermined. Historically, nearly 70 percent of engulfment incidents have occurred in farm bins.

“OSHA has investigated several cases involving worker entry into grain storage bins where we have found that the employer was aware of the hazards and of OSHA’s standards, but failed to train or protect the workers entering the bin,” wrote OSHA Administrator David Michaels in a letter to all U.S. grain storage facility managers that included a copy of the agency’s grain handling facility safety standard. “OSHA has aggressively pursued these cases and we will continue to use our enforcement authority to the fullest extent possible,” he said. “If any employee dies in a grain storage facility, in addition to any civil penalties proposed, OSHA will consider referring the incident to the (U.S.) Department of Justice for criminal prosecution....” Further, during an Aug. 4 press briefing, Michaels said he was “appalled at the outrageously reckless behavior of some grain facility operators....We are putting the industry on notice that we will not tolerate noncompliance with the grain handling standard.”

In addition, OSHA Chief of Staff Deborah Berkowitz, a former union official who was involved extensively in the AFL-CIO’s efforts to develop the grain handling facility safety standard in the 1980s, contacted the NGFA and several media outlets expressing her personal “passion” for the engulfment issue.

In the letter to grain handling facility managers, OSHA reminded employers of the grain handling facility standard’s regulations governing bin-entry procedures, including the following: 1) Turn off and lock out all powered equipment associated with the bin, including augers used to help move grain; 2) prohibit employees from “walking down” grain and similar practices in an effort to make it flow; 3) provide employees entering bins with a body harness and lifeline, or boatswain’s chair, and ensure it is secured prior to bin entry; 4) station an observer outside the bin or silo being entered, and ensure that the observer is equipped to provide assistance and contact others for help if needed; 5) prohibit workers from entering bins or silos underneath a grain-bridging condition or other situations in which a build-up of grain products on the sides could fall and bury them; 6) test the air within a bin or silo prior to entry for the presence of combustible and toxic gases – if the manager has reason to believe such a condition may exist – to determine sufficient oxygen exists in the structure being entered; and 7) issue a permit for each bin-entry occurrence before an employee enters the structure, certifying that the required precautions have been taken.

Members receiving the *NGFA Newsletter* electronically may [click here](#) to access the OSHA letter. [Click here](#) to access the OSHA press release issued in conjunction with the letter.

OSHA Expanding Special Emphasis on Grain Handling Industry: During the news conference, OSHA Administrator Michaels also noted that the agency was expanding local special emphasis programs focused on grain handling facilities in several regions. As reported in the June 3 edition of the *NGFA Newsletter* (page 9), the initiative involves OSHA area offices in three regions – specifically Region V (encompassing Minnesota, Michigan, Illinois, Indiana and Ohio), which officially issued its notice on Aug. 2; Region VII (covering Nebraska, Kansas, Missouri and Iowa); and Region VIII (including Colorado, Montana, North and South Dakota, and Utah). Region VII previously had a grain handling facility emphasis program that covered each area office. The special emphasis programs are implemented on a fiscal-year basis; thus, the current inspection emphasis in these regions is scheduled to expire Sept. 30, 2011, although they can and frequently are renewed.

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Each area office is empowered to compile a list of facilities to be inspected. Importantly, since employers at facilities with less than 10 or fewer employees are exempt from OSHA recordkeeping requirements, they are not covered under the special inspection emphasis program. Inspections of facilities with 10 or more employees that are conducted will focus on what OSHA considers to be six major hazard areas: 1) Engulfment; 2) falls; 3) entanglement in augers; 4) struck by equipment or machinery or debris; 5) combustible dust explosions; and 6) electrical hazards. The special emphasis directive indicates that inspections will be expanded if other "serious hazards" are observed at a given facility.

Bin-Entry Training Materials Available from NGFA: To provide education and training on this important safety matter, Purdue University under a contract with the National Grain and Feed Foundation in May 1998 produced the "*Don't Go with the*

Flow" engulfment-prevention training program. The program reviews the hazards associated with flowing grain and the most common types of grain entrapments at commercial facilities. In addition the program provides information on effective procedures for rescuing partially and fully entrapped workers from various locations, including from the base of a silo, top of a silo and flat storage structures.

Cost of the training package is \$90 for NGFA members and \$180 for non-members, with reduced pricing for larger-quantity orders. It includes a 28-minute video on CD; written lesson plan; pre- and post-video test to administer to employees; warning poster; and engulfment fact sheet. To order, see the edition of *NGFA Plant Operations Bulletin* accompanying this *Newsletter*. For more information, contact NGFA Director of Regulatory Affairs Jess McCluer at jmccluer@ngfa.org, or at 202-289-0873, extension 23.