

Region 6 News Release: OSHA-06-223-DAL
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OSHA Fines Fort Worth Construction Company \$118,800 for Safety Violations at Allen, Texas, Worksite

DALLAS -- A Fort Worth, Texas-based, construction company's alleged failure to protect employees from falls and other hazardous conditions at an Allen, Texas, construction site has resulted in proposed penalties of \$118,800 from the U.S. Labor Department's Occupational Safety and Health Administration (OSHA).

OSHA citations against Timberline Commercial Ventures Inc., a wood framing company employing about 22 workers, alleged two willful, two serious and seven repeat violations. The citations followed an inspection by the agency's Dallas area office that began August 25, 2005 at the company's worksite on N. Central Expressway in Allen. At the time of the inspection, about 12 workers were framing a new commercial restaurant.

"This employer has a history of repeat violations that expose workers to unsafe working conditions" said Kathryn Delaney, OSHA area director in Dallas. "Employers must follow safety and health standards to prevent injuries."

The willful citations were issued for supporting scaffold platforms with a forklift truck not designed by the manufacturer for such use and for allowing employees to work at elevations six feet or more above lower levels without fall protection. A willful violation is defined as an intentional disregard of or plain indifference to the requirements of the Occupational Safety and Health Act and regulations.

The serious citations covered failure to train forklift operators in the safe operation of the lift truck; allowing employees to walk and work underneath loads supported by a forklift truck; and leaving the cab of the forklift truck while loads were being supported. A serious violation is one in which there is a substantial probability that death or serious physical harm could result, and the employer knew or should have known of the hazard.

Alleged repeat violations included not implementing and maintaining an accident prevention program; employees working underneath overhead operations without hard hats; employees operating powered hand tools without safety glasses, and not training employees who were working from scaffolding. In addition, employees exposed to fall hazards were neither trained in the recognition of the hazards nor methods to eliminate or control them. A repeat violation is one in which an employer has previously been cited for the same or a substantially similar violation that has become a final order.

Timberline Commercial Ventures, formerly known as Nussbaum Builders Inc., has been cited by OSHA nine times for similar violations since 2000, resulting in fines totaling \$122,600. The company has 15 working days from receipt of the citations to comply, request an informal conference with the Dallas area director or contest the citations and penalties before the independent Occupational Safety and Health Review Commission.

Employers and employees with questions about workplace safety and health can contact OSHA's Dallas area office at (281) 286-0583. A toll-free hotline - 1-800-321-6742 - may be used to report workplace accidents, fatalities or situations posing imminent danger to workers.

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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