

STATE OF CALIFORNIA  
DEPARTMENT OF INDUSTRIAL RELATIONS  
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

\*  Fatality\* W.C. Carrier Self-Insured

## NARRATIVE SUMMARY

Establishment Name	VISTA PAINT CORPORATION	Inspection Number	315526707
Management Contacted	Graham Swann	Title	Plant Manager

Information on Injured		Covered by Workers' Compensation	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>
Name, Address and Phone Number	Occupation		
#1 Roberto Ramirez	[REDACTED]		
#2 Gary De La Pena			

Witness Name(s) and Title		*Check box preceding name if confidentiality is given.		
*	Names and Title(s)	Address	Phone No.	Signed Statement?
	#3 Librado Becerra, paint maker	[REDACTED]		
	#4 Isaias Magdariaga, paint maker			
	#5 Marcelo Guzman, receiving clerk			

Summary: The Division was notified at 1459 hours on 11/15/2011 by the Fullerton Fire Department that two employees had suffered injuries at 1424 the same day while working at 2020 E. Orangethorpe Ave in Fullerton, CA. CSHO T. R. Johns arrived at the site at 1600 hours on 11/15/2011 and an opening conference was conducted with the Plant Manager. Fire Dept. personnel were still on site, clearing the hazardous atmosphere to allow entrance into the area.

Employer is a large paint manufacturer and retailing company. Employee #1 had the title "Filler I", but acted as a utility worker, assigned to perform various tasks throughout the manufacturing facility. Employee #2 was a maintenance mechanic who was also periodically assigned to clean paint mixing tanks (Let Down Tanks) with employee #1. Both employees had been employed by employer for over 8 years.

On the day of the incident, employee #1 was assigned to clean Let Down Tank #25, a job started by employees #3 and #4 a few days earlier. Employee #2 was usually part of a two-man team with #1 to clean Let Down Tanks, but was not cleaning the tank this date. The tank is a 3000 gallon tank, 9 ft deep and 7 ft x 7 ft in dimension. Employee #2 stated he saw #1 in tank #25, apparently unconscious, and entered to perform a rescue. He did not remember calling any other employees over for assistance. Employee #3 stated he had observed employee #2 entering tank #25 at around 1315, but that employee #2 did not call to him, wave him to come over, or seem to be in any urgent situation. At 1340-1350, employee #3 walked by tank #25 on his way to perform a mixing task at tank #29. He stated he observed employees #1 and #2 sitting/lying down in

the tank and presumed they were taking a break. Ten minutes later he noticed that employees #1 and #2 were still in the same positions, but thought they were asleep. He called employee #4 to come over because he was a cousin of employee #1 and he wanted him to wake his cousin up to keep him from getting in trouble with the supervisor. Employee #4 went to tank #25, looked at employees #1 and #2 in the tank, but did not call out to them. #4 went back to #3 and they then called the manufacturing supervisor to come to tank #25. The supervisor arrived, told them to call 911 and went to get the Plant Manager. When the Plant Manager arrived he entered the tank with three other workers to pull employees #1 and #2 out. CPR was performed on both stricken employees until EMT's arrived, at which time the Fire Department personnel took over. Employee #1 was deceased due to chemical asphyxiation, employee #2 was resuscitated and taken to UCI Medical Center where he was hospitalized for four days and treated for chemical asphyxiation.

The process of cleaning Let Down Tanks at the facility involved the use of JASCO Premium Paint and Epoxy Remover, which contains 60-100% Methylene Chloride by volume according to its published MSDS. In the bottom of tank #25 was a five gallon container into which up to a gallon of the paint remover had been poured. A 3M model 7513 half-face air purifying respirator was found in the tank, although not being worn by either employee #1 or #2. An exhaust hose was found in use at the tank, although tied off at the 4 foot level of the 9 foot deep tank. No specific instructions had been given the tank cleaning teams in regards to the JASCO product in use.

**SUPERVISOR:** The Manufacturing Supervisor, Raul Ramos was the direct supervisor. Plant Manager Graham Swann was the overall manager.

**CITATIONS:**

Three accident-related SERIOUS violations were issued, as follows: T8CCR 5157(d)(3) for failure to implement the means, procedures, and practices for safe permit entry operations, T8CCR 5202(d)(1)(A) for failure to determine the extent of employee exposure to methylene chloride and T8CCR 5202(g)(3)(A) failure of employer to provide full-face, atmosphere supplying respirators to employees using methylene chloride in a work space.

Ten additional Serious citations were issued relating to respiratory protection, confined space entry, and methylene chloride violations, as well as a GENERAL and two REGULATORY violations.



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