

**State of California**

Division of Occupational Safety and Health  
West Covina District Office (0950636; 4036)  
1906 West Garvey Avenue South, Suite 200  
West Covina, CA 91790

**Inspection Number:** 312663628  
**Inspection Dates:** 05/12/2010 - 11/09/2010  
**Issuance Date:** 11/09/2010  
**CSHO ID:** O7765  
**Optional Inspection Nbr:** 036-010



**Citation and Notification of Penalty**

**Company Name:** RELIABLE CONTAINER CORP  
**Inspection Site:** 9206 SANTA FE SPRINGS RD, SANTA FE SPRINGS, CA 90670

**Citation 1 Item 1 Type of Violation: **General****

T8CCR Standard 3314. The control of Hazardous Energy for the Cleaning, Repairing, Servicing, Setting-Up, and Adjusting Operations of Prime Movers, Machinery and Equipment, Including Lockout/Tagout.

(h) Periodic inspection.

The employer shall conduct a periodic inspection of the energy control procedure(s) at least annually to evaluate their continued effectiveness and determine necessity for updating the written procedure(s).

(1) The periodic inspection shall be performed by an authorized employee or person other than the one(s) utilizing the hazardous energy control procedures being inspected.

(2) Where lockout and/or tagout is used for hazardous energy control, the periodic inspection shall include a review between the inspector and authorized employees of their responsibilities under the hazardous energy control procedure being inspected.

(3) The employer shall certify that the periodic inspections have been performed. The certification shall identify the machine or equipment on which the hazardous energy control procedure was being utilized, the date of the inspection, the employees included in the inspection, and the person performing the inspection.

On May 12, 2010 Cal/OSHA requested in writing records of the employer's annual review of their energy control procedure(s) for their McKinley printing press machine (130) to evaluate their continued effectiveness and determine necessity for updating the written procedure(s). The employer stated that they only conducted one review of the McKinley printing press machine. The employer on June 3, 2010 provided to Cal/OSHA a lockout/tagout hazard assessment survey worksheet of the McKinley printing press machine.

The document provided to Cal/OSHA did not identify and evaluate their continued effectiveness and determine the necessity for updating their lockout/tagout procedures with their McKinley printing press (130) machine. In addition, the document provided did not include a review between the inspector and authorized employees of their responsibilities under the hazardous energy control procedure being inspected. Finally, the employer did not certify the inspection by identifying the employees included in the inspection, the person performing the inspection, nor the date of the inspection.

**Date By Which Violation Must be Abated:** 12/24/2010  
**Proposed Penalty:** \$ 1050.00

See pages 1 through 4 of this Citation and Notification of Penalty for information on employer and employee rights and responsibilities.

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**Citation 2 Item 1 Type of Violation: Serious Willful**

T8CCR Standard 3203(a)(6) Injury and Illness Prevention Program

Effective July 1, 1991, every employer shall establish, implement and maintain an effective Injury and Illness Prevention Program (Program). The Program shall be in writing and, shall, at a minimum:

Include methods and/or procedures for correcting unsafe or unhealthy conditions, work practices and work procedures in a timely manner based on the severity of the hazard:

(A) When observed or discovered; and,

(B) When an imminent hazard exists which cannot be immediately abated without endangering employee(s) and/or property, remove all exposed personnel from the area except those necessary to correct the existing condition. Employees necessary to correct the hazardous condition shall be provided the necessary safeguards.

The employer had established a written Injury and Illness Prevention Program that covered all seven subsections (a)(1) through (7) of Title 8 3203(a). However, the employer did not effectively implement subsection (a)(6) as set forth in writing in their Injury and Illness Prevention Program provided to the Division June 8, 2010.

On May 12, 2010 an employee of Reliable Container Corporation, sustained fatal injuries when cleaning printing plates located in the printing section of the McKinley printing press (Printing Press 130, Serial Number 6987) when a forklift driver (who was present to open and close the printing section) backed into the feed section of the printing press with the forklift, closing the printing section of the machine crushing the employee.

The day before the accident, May 11, 2010, the mechanism that controls the opening/closing of the feed, printing, and die cut sections had been disengaged and part of the motor unit was in the employer's maintenance shop being repaired.

The employer was aware that the separation of press sections could endanger an employee located between them if they were to close. On January 14, 2009, 2:20 p.m. at a safety committee meeting, management in attendance, an employee stated that he saw a forklift hit the feed section of Printing Press 142 that was open

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and it closed a little. The employee was concerned that, if someone was inside the area it could have closed on the employee crushing him.

In contrast to Press 142, on May 12, 2010, there was no physical constraint (pins) requirement with regards to securing the separated sections of Printing Press 130.

It was common practice for employees to use a forklift to open and close the printing section of the Press to clean the print plates, when the mechanism that controls the opening/closing of the feed, printing, and die cut sections was out of service. Management was aware of this practice as early as 2006. Management directed employees to use a forklift to open and close printing press 130 and on some occasion operated the forklift themselves. These supervisors were aware of and trained on the lockout/tagout procedures established by the company. In a period of four (4) years, the mechanism that controls the opening/closing of the Printing Press 130 had malfunctioned/broken down more than 20 times.

Accordingly, the employer did not implement and maintain procedures to correct the practice of using a forklift to open and close the printing section of the Printing Press 130 (Manufacturer: McKinley - Serial Number: 6987), when the mechanism that controls the opening/closing of the feed, printing, and die cut sections of the Press was out of service, thus exposing employee to a crushing hazard in the event the forklift was activated.

Date By Which Violation Must be Abated: 11/23/2010  
Proposed Penalty: \$ 70000.00

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### Citation and Notification of Penalty

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#### Citation 3 Item 1 Type of Violation: **Serious Willful**

T8CCR Standard 3314(g) Hazardous Control Procedures.

A hazardous energy control procedure shall be developed and utilized by the employer when employees are engaged in the cleaning, repairing, servicing, setting-up or adjusting of prime movers, machinery and equipment.

On and before May 12, 2010, the employer did not have employees utilize the company's existing written Lockout/Tagout Program established to (1) protect employees from injury as a result of unexpected release of energy during the operation, cleaning, servicing, adjusting or repair of equipment and machinery and (2) comply with California Safety Regulations listed under Title 8 CCR 3203; 8 CCR 3314, etc. when the mechanism that controls the opening/closing of the feed, printing, and die cut sections of the Printing Press 130 (Manufacturer: McKinley - Serial Number: 6987) was out of service.

The McKinley Print Press 130 is comprised of one feed section, one to several printing sections, and a die cut section. The print plates are located in the print section of the press. The print plates are required to be cleaned by employees anywhere from 1 to 10 times per shift.

On May 12, 2010 an employee of Reliable Container Corporation, sustained fatal injuries when cleaning printing plates located in the printing section of the McKinley printing press (Printing Press 130 Serial Number 6987) when a forklift driver (who was present to open and close the printing section) backed into the feed section of the printing press with the forklift, closing the machine and crushing the employee.

The employer had established, implemented, and utilized a written lockout/tagout program, including specific lockout/tagout procedures for employees engaged in cleaning printing plates on the McKinley printing press 130, which did not include the use of a forklift to open and close sections of the press.

The written lockout/tagout program for the company states:

"The Safety Coordinator is the only person authorized to approve variances from this Lockout/Tagout Program." There was never a request to deviate from these written lockout/tagout procedures, per the Safety Coordinator.

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The day before the accident, May 11, 2010, the mechanism that controls the opening/closing of the feed, printing, and die cut sections had been disengaged and part of the motor unit was in the employer's maintenance shop being repaired.

It was common practice for employees to use a forklift to open and close the printing section of the Press to clean the print plates, when the mechanism that controls the opening/closing of the feed, printing, and die cut sections was out of service. Management was aware of this practice as early as 2006. Management directed employees to use a forklift to open and close printing press 130 and on some occasions operated the forklift themselves. These supervisors were aware of and trained on the lockout/tagout procedures established by the company. In a period of four (4) years, the mechanism that controls the opening/closing of the Printing Press 130 had malfunctioned/broken down more than 20 times.

Date By Which Violation Must be Abated: 11/23/2010  
Proposed Penalty: \$ 70000.00



Compliance Officer/District Manager

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State of California  
Division of Occupational Safety and Health  
1906 West Garvey Avenue South, Suite 200  
West Covina, CA 91790  
Telephone: (626) 472-0046 Fax: (626) 472-7708

## NOTICE OF PROPOSED PENALTIES

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**Company Name:** RELIABLE CONTAINER CORP  
**Inspection Site:** 9206 SANTA FE SPRINGS RD, SANTA FE SPRINGS, CA 90670  
**Mailing Address:** 9206 SANTA FE SPRINGS RD, SANTA FE SPRINGS, CA 90670  
**Issuance Date:** 11/09/2010  
**Index Code:** 4036

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### Summary of Penalties for Inspection Number 312663628

Citation 1, General	= \$	1050.00
Citation 2, Serious	= \$	70000.00
Citation 3, Serious	= \$	70000.00
<b>TOTAL PROPOSED PENALTIES</b>	<b>= \$</b>	<b>141050.00</b>

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Penalties are due within 15 working days of receipt of this notification unless contested. If you are appealing any item of this citation, remittance is still due on all items that are not appealed. Enclosed for your use is a Penalty Remittance Form.

If you are paying electronically: Please have this form on-hand when you are ready to make your payment. The company name, index code, reporting ID and Citation number(s) will be required to ensure that the payment is accurately posted to your account. Please go to [www.dir.ca.gov/dosh](http://www.dir.ca.gov/dosh) to access the secure payment processing site.

If you are paying by check: Mail this Notice to Proposed Penalties, the Penalty Remittance Form, along with a copy of the Citation and Notification of Penalty to:

**DIVISION OF OCCUPATIONAL SAFETY AND HEALTH-CAL/OSHA**  
**CASHIER, ACCOUNTING OFFICE**  
**P. O. BOX 420603**  
**SAN FRANCISCO, CA 94142-0603**  
**Phone (415) 703-4291 or (415) 703-4295 Fax (415) 703-3037**

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**EMPLOYER'S SIGNED STATEMENT OF ABATEMENT OF SERIOUS VIOLATIONS**

**EMPLOYER:** RELIABLE CONTAINER CORP  
**ADDRESS:** 9206 SANTA FE SPRINGS RD  
 SANTA FE SPRINGS, CA 90670

The law requires that violations observed during the inspection/investigation completed on 11/09/2010 of the place of employment located at 9206 SANTA FE SPRINGS RD, SANTA FE SPRINGS, CA be corrected within the time limit specified. Labor Code 6320(b), requires that you submit this signed statement under penalty of perjury which describes the measures for abating each citation which alleges a serious violation. **If the signed statement is not received within 10 working days after the end of the period fixed for abatement, the Division will be required to revoke any adjustments to the civil penalty based upon the assumption that you will abate the violation.** This action will result in a doubling of the civil penalty for serious violations. If you have filed a timely appeal with reference to a particular citation, the abatement date is stayed during the appeal process and the Signed Statement need not be submitted at this time. In addition, if there are problems beyond your control that prevent meeting a specified abatement date, contact the Division early so that a request for extension can be considered.

This signed statement shall be posted for three (3) working days at or near each place the serious violation referred to in the citation occurred.

**THIS FORM MUST BE RECEIVED AT THE ABOVE ADDRESS ON OR BEFORE 11/23/2010**

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**DESCRIBE AND LIST THE SPECIFIC MEASURES & EQUIPMENT TAKEN TO ABATE EACH SERIOUS VIOLATION**

Citation Number	Number of Instances	Measures Taken to Abate Serious Violations	Abatement Date

All affected employees and their representatives have been informed about abatement activities referenced in this document in conformance with 8CCR Section 340.4(g).  Yes  No

I have reviewed the foregoing statement and declare under penalty of perjury that it is true and correct to the best of my knowledge and all submitted abatement information is accurate.

Executed at \_\_\_\_\_, California by

Signature: \_\_\_\_\_ Date: \_\_\_\_\_

Name: \_\_\_\_\_ Title: \_\_\_\_\_

**OFFICIAL USE ONLY**

Division Engineer/Industrial Hygienist: \_\_\_\_\_ Date: \_\_\_\_\_

District Manager: \_\_\_\_\_ Date: \_\_\_\_\_

Close/Comments:

Region 3 District 6 Inspection No. 312663628 Identification No. 07765 Cal/OSHA Rpt. No. & Fiscal Year 036-010