

State of California

*

Fatality
DEPARTMENT OF INDUSTRIAL RELATIONS
DIVISION OF OCCUPATIONAL SAFETY AND HEALTH

*W.C. Carrier St. Fund

NARRATIVE SUMMARY

Establishment Name: Maplegrove Gluten Free Foods Inc.	Inspection No.: 314758715
Management Contacted: <u>Tom Blumhoefer</u>	Title: Consultant

Information on Injured Covered by Worker's Compensation Yes No

Name, Address and Phone Number	Occupation
EE 1 Ernesto (Juan) Rocha [REDACTED]	General Laborer

Witnesses Name(s) and Title

*Check box preceding name if confidentiality is given.

*	Names and Titles	Address	Phone No.	Signed Statement?	
				Yes	No
	[REDACTED]	[REDACTED]	[REDACTED]		X
	[REDACTED]	[REDACTED]	[REDACTED]		X

INTRODUCTION:

On 12/23/11 at approximately 8 P. M., an employee (EE#1) of Maplegrove Gluten Free Foods, Inc. was seriously injured. EE#1 foot was crushed in an Industrial Truck accident (Hyster Standing Fork Lift S/N C138D01821J). The injuries were serious by T8 330(h). Maplegrove Gluten Free Foods, Inc. is commercial bakery primarily manufacturing pasta. They are located at 13112 Santa Ana Ave. Fontana CA 92337.

REPORTING REQUIREMENTS:

The San Bernardino Fire Department was first to report the accident to the San Bernardino District Office on (12/24/11 at 12:19 A. M.) The employer reported the accident on 12/26/11 at 9:26 A. M. It was transferred to the High Hazard Unit South District Office (HHU) on 12/28/11. The Fontana Police Department reported the accident to the San Bernardino District Office via mail on 1/13/12. This Inspection was opened January 5, 2012 about 9 A. M. The employer did not meet the reporting requirement.

CONDITIONS AND FACTORS LEADING TO ACCIDENT:

EE#2, the Supervisor at Maplegrove Gluten Free Foods Inc. and supervisor of EE#1, did not observe the accident. EE#1 was dumping scrap pasta into a roll-off container on a steep ramp. He was at the end of his shift. He first drove the Crown sit down (Forklift Model 50FCTT-188 and S/N 1a154913) Industrial Truck out to the outside incline ramp with a collection bin to dump the scrap. The brakes failed. The Crown bounced backwards into an adjacent roll off and then into a concrete wall. EE#1 then got the stand-up Hyster Industrial Truck (Model N45ER and S/N C138DO1821J) to dump scrap into the roll off. The brakes failed on the Hyster. The Hyster bounced into the adjacent roll-off and then into a concrete retaining wall where EE#1's foot extended outside the line of the Hyster and his foot and ankle were crushed. There were no witness'. EE's #2 and 3 called an ambulance. EE#1 was transported to Arrowhead Hospital. EE#1's right foot and ankle were crushed and later amputated.

CAUSES AND CONCLUSIONS:

The accident related causes were (1) the failure to maintain the Industrial Trucks and (2) EE#1's foot extending outside the line of the Hyster. Also the employer's Injury and Illness Program was ineffective in elements (2) a system for ensuring that employees comply with safe and healthy work practices, (4) procedures for identifying and evaluating work place hazards and (6) 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.

CITATIONS ISSUED:

The following Serious Accident Related and Repeat Regulatory citations were issued:

Repeat Regulatory Failure to Report

§342(a). Reporting Work-Connected Fatalities and Serious Injuries.

"Every employer shall report immediately by telephone or telegraph to the nearest District Office of the Division of Occupational Safety and Health any serious injury or illness, or death, of an employee occurring in a place of employment or in connection with any employment. Immediately means as soon as practically possible but not longer than 8 hours after the employer knows or with diligent inquiry would have known of the death or serious injury or illness. If the employer can demonstrate that exigent circumstances exist, the time frame for the report may be made no longer than 24 hours after the incident. Serious injury or illness is defined in section 330(h), Title 8, California Administrative Code."

On December 23, 2011, an employee of Maplegrove Gluten Free Foods, Inc. sustained a serious injury. This occurred when the employee's right foot was crushed between a Hyster Industrial Truck (Model N45ER and S/N C138DO1821J) and a concrete retaining wall. The employer did not report the accident immediately or as soon as practical.

Serious Accident Related

§3328(g). Machinery and Equipment.

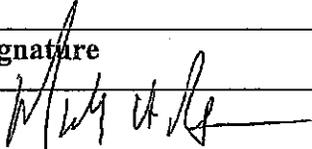
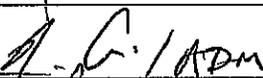
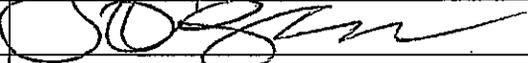
"Machinery and equipment in service shall be maintained in a safe operating condition."

On December 23, 2011, an employee sustained a serious injury to his right foot when the brakes failed on the Hyster Industrial Truck (Model N45ER and S/N C138DO1821J) and the Crown Industrial Truck (Model 50FCTT-188 S/N 1A154913). The employee's foot was crushed between the Hyster Industrial Truck and a concrete ramp wall. The industrial trucks were not maintained in safe operating conditions.

§3650(t) (5). Industrial Trucks. General.

"Industrial trucks and tow tractors shall be operated in a safe manner in accordance with the following operating rules: Employees shall not place any part of their bodies outside the running lines of an industrial truck or between mast uprights or other parts of the truck where shear or crushing hazards exist."

A Maplegrove Gluten Free Foods employee was seriously injured operating an industrial truck (Standing Hyster Model N45ER and S/N C138DO1821J). The employee's right foot was crushed between the industrial truck and a concrete ramp wall. The employees foot extended outside the running line of the industrial truck. The industrial truck was operated in an unsafe manner.

	Signature	Date
Prepared by: CSE, IH		4/11/12
Reviewed by DM/SR. IH		04/11/12
Regional Manager		4/16/12
Deputy Chief		