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US Department of Labor's OSHA proposes \$220,000 in fines to Syracuse, NY, manufacturer for willful, serious and uncorrected violations

Oberdorfer LLC cited for exposing workers to silica, mechanical and electrical hazards

SYRACUSE, N.Y. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Oberdorfer LLC for 28 alleged violations of workplace health and safety standards, including failing to correct hazards cited during a previous OSHA inspection. The Syracuse manufacturer of aluminum castings faces a total of \$220,000 in proposed fines following an OSHA inspection opened July 30, 2010, to verify correction of previously cited hazards.

OSHA previously cited the company for a variety of violations involving employee overexposure to airborne concentrations of silica, which has been classified as a human lung carcinogen. This newest inspection found the company failed to implement engineering controls to reduce workers' exposure to silica. In addition, the inspection found that an employee who was overexposed to silica lacked a respirator.

"This company was given the time and opportunity to take effective corrective action, yet our latest inspections identified silica-related hazards that either went uncorrected or were allowed to recur. This is unacceptable," said Christopher Adams, OSHA's area director in Syracuse. "The sizable fines levied here reflect the severity and recurring nature of these conditions. They must be corrected - once and for all - to help ensure the health and safety of the workers at this plant.

As a result of its latest inspections, OSHA issued the company two failure-to-abate notices carrying \$75,000 in fines for the uncorrected conditions and one willful citation with a \$70,000 fine for the lack of respiratory protection. A failure-to-abate notice is issued, and additional fines proposed, when an employer fails to correct previously cited hazards. A willful violation exists when an employer has demonstrated either an intentional disregard for the requirements of the law or plain indifference to employee safety and health.



The company also was issued 21 serious citations with \$72,000 in fines for fall, electrical and machine guarding hazards; a locked exit door; lack of a permit-required confined space program and training; failure to develop specific lockout/tagout procedures to prevent the unintended startup of machinery; lack of an eyewash station; and failing to provide training on silica. Finally, the company was issued four other-than-serious citations with \$3,000 in fines for inadequate recording of workplace injuries and illnesses. OSHA issues a serious citation when there is substantial probability that death or serious physical harm could result from a hazard about which the employer knew or should have known. An other-than-serious violation is one that has a direct relationship to job safety and health, but probably would not cause death or serious physical harm.

"One means of addressing workplace hazards such as these is for employers to establish and maintain an illness and injury prevention program, in which workers and management work together continuously to identify and eliminate hazardous conditions," said Robert Kulick, OSHA's regional administrator in New York.

Breathing crystalline silica dust can cause silicosis, which in severe cases can be disabling or even fatal. The respirable silica dust enters the lungs and causes the formation of scar tissue, thus reducing the lungs' ability to take in oxygen. Detailed information on silica hazards and safeguards, including an interactive eTool, is available online at <http://www.osha.gov/SLTC/silicacrystalline/index.html>.

Oberdorfer LLC has 15 business days from receipt of its citations and proposed penalties to comply, meet with the OSHA area director or contest the findings before the independent Occupational Safety and Health Review Commission. The inspection was conducted by OSHA's Syracuse Area Office; telephone 315-451-0808. To report workplace incidents, fatalities or situations posing imminent danger to workers, call OSHA's toll-free hotline at 800-321-OSHA (6742).

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to assure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.