



OSHA Regional News Release

**U.S. Department of Labor
Office of Public Affairs**

Region 5

Region 5 News Release: 11-1047 -CHI
July 25, 2011
Contact: Scott Allen Rhonda Burke
Phone: 312-353-6976 312-353-4807
Email: allen.scott@dol.gov burke.rhonda@dol.gov

**US Labor Department's OSHA cites Brenner Tank Services of Wisconsin for
lack of machine guards and protection from respirable dust, other hazards
*Company faces proposed penalties of \$114,000***

MAUSTON, Wis. – The U.S. Department of Labor's Occupational Safety and Health Administration has cited Brenner Tank Services in Mauston for 11 safety and health violations, including one willful violation. The company faces proposed penalties of \$114,000 as a result of health and safety inspections conducted in January.

"Failing to take basic precautions, such as installing guards on machines and monitoring employees' exposure to respirable dust, is irresponsible and illegal," said Kim Stille, OSHA's area director in Madison. "Workers' safety and health should be paramount on any job site."

The willful violation, with a proposed penalty of \$70,000, was cited for failing to guard the point of operation on the shear so that operators were prevented from reaching the danger zone while the shear was being used. A willful violation is one committed with intentional knowing or voluntary disregard for the law's requirements or with plain indifference to worker safety and health.

Nine serious violations include failing to have a point-of-operation guard on a press brake; overexposing employees to respirable crystalline silica while sandblasting; lack of engineering controls to reduce silica exposures below the permissible exposure limit; not running exhaust through a dust collection system; allowing dust to accumulate outside of the blast enclosure; failing to evaluate respiratory hazards; failing to conduct medical evaluations for workers using respirators; respirator couplings not being compatible with air hose couplings; failing to ensure surfaces were kept as free as possible of hexavalent chromium; and lack of hazard communication training. A serious violation occurs 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.



One other-than-serious violation was cited for failing to sample employees expected to have the highest hexavalent chromium exposure levels. 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.

Brenner Tank Services has 15 business days from receipt of the citations to comply, request an informal conference with OSHA's area director, or contest the citations and penalties before the independent Occupational Safety and Health Review Commission. Employers and employees with questions regarding workplace safety and health standards can call OSHA's Madison Area Office at 608-441-5388. To report workplace incidents, fatalities or situations posing imminent danger to workers, call the agency'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 ensure 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>.