



Multi Employer OSHA Citation (February 2009)



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Project Overview

- Final Phase of Transmission Construction project installing approximately 48 miles of 345kV double circuit transmission to power plant substation (Pueblo, Colorado).
- Approximately 315 single pole steel structures and 16 two pole steel angle/DE structures. All single pole & two pole structures anchor bolt foundations.
- Approximately two (2) miles of the existing were rerouted.
- Approximately 26 wood H-frames and two 3-pole wood angle structures were removed.
- Reroute lines to the new centerline with approximately 26 wood H-Frames and six 3-pole wood DE structures installed.
- Lines were re-routed one at a time to keep at least one line in service at all times.
- The new transmission line 105 feet (centerline to centerline) from the existing parallel 230 kV line (53 feet phase to phase). Did not anticipate requiring any outages during construction.
- XE had one individual assigned for quality assurance (approve final project, not supervise).

Complaint

- Contractor employee complaint:
 - ◆ Approximately 19 employees are exposed to electrical hazards on the 345,000 volt line being constructed, in that, it parallels an active 230,000 volt line but no grounding procedures are implemented. Contrary to 29 CFR 1910.269(n).
 - ◆ Approximately 19 employees are exposed to fall hazards from 135 foot man baskets when working in the baskets during conditions of high wind. Contrary to 5(a)(1) of the OSH Act.

Closing Conference

- Citations expected on the controlling employer theory.
- Compliance Officer, recommending two "serious" citations, each with two items.
- No exposure to PSCO-XE employees.
- With respect to the man basket issue, not recommending a citation because it is a General Duty Clause violation and controlling employers can't be cited under the General Duty Clause. However, a "Section 21" letter expected to be issued.
- Discussed the basis for the controlling employer theory of liability. The most that he would say was that PSCO-XE had the authority to correct these issues and did not "exercise reasonable care."

Citations

- Construction Standard (1926) as a 'controlling employer'. **Serious** citation with proposed penalties totaling \$5000.00 for the following alleged violations:
 - ◆ Citation 1 Item 1A: 1926.955(c)(2). Failure to hold job briefing prior to stringing operations. As controlling employer, did not ensure that 'contractor' conducted briefing with employees prior to this work to discuss safe work practices. Proposed penalty: \$2500.00
 - ◆ Citation 1 Item 1B: 1926.955(d)(1). Failure to make a competent determination of induction buildups prior to stringing parallel to an existing energized line. As controlling employer, did not ensure that 'contractor' protected their employees from induced voltage hazards during stringing operations in that no competent determination was made to ascertain whether dangerous induced voltage build-ups would occur and how to prevent exposure to this. Proposed penalty: none

Citations

- ◆ Citation 1 Item 2A: 1926.955(c)(10). Failure to work between grounds when working on bare conductors, clipping and tying. As controlling employer, did not ensure 'contractor' protected their employees from hazards associated with induced voltages while performing work on bare conductors including but not limited to clipping operations where this work was not performed between grounds at all times. Proposed penalty: \$2500.00
- ◆ Citation 1 Item 2B: 1926.955(d)(5). Failure to ground conductors so that no point was more than 2 miles from a ground. As controlling employer, Xcel Energy did not ensure that 'contractor' protected their employees from hazards associated with induced voltages during stringing operations parallel to an energized line while performing work on conductors in that overhead lines were not grounded at increments so that no point was more than 2 miles from a ground. Proposed penalty: none

Informal Hearing Results

- OSHA proposed a settlement that included maintaining the *Serious* designation/type, withdrawing Items 2A and 2B, rolling Item 1B into Item 1A, and would remove 'controlling employer' language from the citation. We proposed reducing the severity to "*Other than Serious*" and OSHA accepted.
- Final outcome (accepted by review commission):
 - ◆ Citation 1 Item 1: *Other than Serious*, 1926.955(c)(2) and (d)(1). Failure to hold job briefing prior to stringing operations and failure to make a competent determination of induction buildups prior to stringing parallel to an existing energized line. Penalty: \$5000.00
- In addition, there was a Section 21 letter attached to this citation. The issues pertained to crane-mounted man-baskets in high wind conditions and grounding.



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