

NJ FACE
INVESTIGATION
REPORT



INTRODUCTION

On October 22, 2001, a federal OSHA compliance officer notified FACE staff of a youth who was killed in a machine-related incident. A FACE investigator conferred with the compliance officer and arranged to conduct a concurrent investigation that was done on October 25, 2001. During the visit, FACE investigators were permitted to watch OSHA interview witnesses and to examine the pizza dough mixer. The area was photographed and a FACE investigator privately interviewed the restaurant owner. Additional information was obtained from the police report, the medical examiner's report, and the OSHA investigation file.

The victim's employer was a family-owned pizza restaurant that had been purchased by the owner about 18 months before the incident. The restaurant employed five people at the time of the incident. Most of the workers spoke Spanish as their primary language, with the owner being bilingual in Spanish and English. Employee training was entirely on-the-job. The victim was a 15-year-old male youth who had recently emigrated from Guatemala. He had reportedly crossed the border illegally in California and had been detained by Customs before being released to relatives in New Jersey. After arriving in the state, he went to work for his uncle, the owner of the pizza restaurant. He had worked at the restaurant for two weeks.

INVESTIGATION

The incident occurred at a pizza restaurant located in a suburban strip mall. The recently constructed restaurant was part of a local chain and had been purchased by the present owner about 18 months prior to the incident. The clean and orderly establishment was well equipped with newer ovens and kitchen appliances. One of these appliances was an Italian-made fork mixer used to mix the pizza dough. This mixer had a rotating 32-inch-diameter stainless steel bowl and was equipped with a large,

on, manually resetting the emergency stop button (which the employees used to stop the machine), and pressing one of the two start buttons that determined the machine's speed. Extra material could be added to the bowl through a grated section of the cover. The mixer was operated only by the

restaurant owner, and occasionally the cook if the owner was away.

Photo 1 **Photo 2**
Photos of dough mixing machine, cover lowered (1) and raised (2)

The incident occurred on Sunday, October 21, 2001. The victim arrived for work at 11:00 a.m. to help clean the restaurant. The owner explained that the 15-year-old youth had been hanging around the

On October 25, 2001, FACE staff accompanied federal OSHA investigators in an examination of the fork mixer. OSHA found that the mixer cover was equipped with a safety interlock activated by a pin pressed by the hinge of the cover. In normal operation, this interlock would activate when the cover was lifted, shutting off the machine. The cover would need to be closed before the machine could be reactivated. On this mixer, the weight of the open cover flexed the hinge enough to disengage the interlock, allowing the machine to activate with the cover open. In this incident, the youth first opened the cover, which disengaged the interlock. He then started the machine and was crushed while cleaning it.

RECOMMENDATIONS/DISCUSSIONS

Recommendation #1: Employers should ensure that all equipment, including manufacturer's

Recommendation #3: Employers should evaluate each job for hazards with the participation of the workers.

Discussion: To prevent incidents such as this, we recommend that employers evaluate all work areas and job tasks with the employees. This hazard analysis should begin by reviewing the work activities that the employee is responsible for and the equipment that is needed. Each task is further examined for mechanical, electrical, chemical, or any other hazard the worker may encounter. Additional information on conducting a job hazard analysis is included in the appendix.

Recommendation #4: Employers should know and comply with all state and national laws dealing with child labor.

Discussion: Although the victim was a relative working in a family restaurant, the employer was still responsible for following the child labor standards for minors under 18 years of age, and additional regulations for workers under 16 years of age. A brief summary of these rules is included in the appendix. They include:

- Completing an Employment Certificate (working papers) showing the hours the minor will be working and the wage that he/she will be earning.
- Prohibiting minors from working in specified dangerous occupations. Federal and NJ State regulations specifically prohibit minors less than 18 years of age from working with bakery dough mixing machines, even if the machine is turned off.
- Ensuring that the minor works the appropriate amount of hours as per their age and status in school (if school is in session). It should be noted that minors are never allowed to work before 7:00 a.m. or after 9:00 p.m.

Recommendation #5: Employers should become familiar with available resources on safety standards and safe work practices.

Discussion: It is extremely important that employers obtain accurate information on safety and applicable OSHA standards. The following sources of information may be helpful:

U.S. Department of Labor, OSHA

Federal OSHA will provide information on safety and health standards on request. OSHA has several offices in New Jersey that cover the following counties:

- Hunterdon, Middlesex, Somerset, Union, and Warren counties.....(732) 750-3270
 - Essex, Hudson, Morris, and Sussex counties.....(973) 263-1003
 - Bergen and Passaic counties.....(201) 288-1700
 - Atlantic, Burlington, Cape May, Camden, Cumberland, Gloucester,
Mercer, Monmouth, Ocean, and Salem counties.....(856) 757-5181
- Federal OSHA Website: www.osha.gov

NJ Public Employees Occupational Safety and Health (PEOSH) Program

The PEOSH act covers all NJ state, county, and municipal employees. Two state departments administer the act; the NJ Department of Labor (NJDOL) which investigates safety hazards, and the NJ Department of Health and Senior Services (NJDHSS) which investigates health hazards. PEOSH has information that may also benefit private employers. Their telephone numbers are:

- NJDOL, Office of Public Employees Safety(609) 633-3896
Website: www.state.nj.us/labor/wps/psosh/peosh/peosha.htm
- NJDHSS, Public Employees Occupational Safety & Health Program.....(609) 984-1863
Website: www.state.nj.us/health/eoh/peoshweb

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NJDOL Occupational Safety and Health On-Site Consultation Program

Located in the NJ Department of Labor, this program provides free advice to private businesses on

improving safety and health in the workplace and complying with OSHA standards. For information on how to get a safety consultation, call

DISTRIBUTION LIST

Immediate Distribution

NIOSH

Employer

NJ State Medical Examiner

County Medical Examiner

Local Health Officer

NJDHSS Occupational Health Service Webmaster

NJDHSS Census of Fatal Occupational Injuries (CFOI) Project

General Distribution

USDOL-OSHA New Jersey Area Offices (4)

NJDOL Office of Public Employees Safety

NJDHSS Public Employees OSHA

NJDOL OSHA Consultative Service

NJ Institute of Technology

University of Medicine & Dentistry of NJ

Rutgers University

Stevens Institute of Technology

NJ Shade Tree Federation

NJ Utilities Association

NJ School Boards Association

Public Service Electric and Gas Company

Liberty Mutual Insurance Company Research Center

Private Consultants (2)

Private Employers (3)

Public Employers (4)

Other Government Agencies (2)

Fatality Assessment and Control Evaluation (FACE) Project
Investigation # 01-NJ-118-01

Staff members of the New Jersey Department of Health and Senior Services, Occupational Health Service, perform FACE investigations when there is a report of a targeted work-related fatal injury. The goal of the FACE Program is to prevent future injuries by studying and identifying the risk factors that contribute to workplace fatalities, by recommending intervention strategies, and by disseminating information to employers and employees. NJ FACE data is reported to NIOSH for trend analysis. All identifiers are removed from the FACE reports and other data to protect the confidentiality of those who participate in the program.

NIOSH funded state-based FACE Programs include: Alaska, California, Iowa, Kentucky, Massachusetts, Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Oklahoma, Texas, Washington, West Virginia, and Wisconsin.

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