

OSHA, Grain Industry, and Families Work to End Injuries and Deaths

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In the last ten years Nebraska's Occupational Safety and Health Administration office has investigated 21 grain industry accidents. Fourteen of them were deadly.

The death toll has OSHA, grain groups, and Nebraska families searching for ways to make the industry safer.

Cousins Tonya Ford and Jessica Johnson remember Johnson's father as a caring and family first kind of man.

"My father was our number one fan, I have a younger brother and he was someone who always went to our sports, to our school activities, just always there for us and our cheerleader," says Johnson.

Bobby Fitch, Johnson's father, was 51 years old when he fell more than 80 feet to his death in a Lincoln grain mill. His family blames an unsafe, open-style elevator known as a "manlift."

"He went to work, he was supposed to come home, that's how it had been for 32 years," says Ford, who has since become an advocate for families and worker safety through a group called United Support Memorial for Workplace Fatalities.

Ford says they didn't know where to turn for answers after her uncle's death, and says they were stunned when they learned the company, Archer Daniels Midland, would not be fined by OSHA in exchange for removing that one lift.

"There should not be any question, going to work should not be a grave mistake. There should be somebody accountable for taking the life of somebody." says Ford.

Bonita Winingham, OSHA Area Director for Nebraska, says they make citations after each incident investigation, but they can lower those fines if the employer gets rid of the hazard or makes extra safety improvements.

"When we talk to them about these cases we're looking for abatement of the hazard, correction of the violation so that employees are no longer exposed to those hazards," says Winingham. "That's the main thing, we want to make sure that no one else is exposed to those hazards so everyone goes home safe."

Winingham says they can, and have, made recommendations to the Department of Justice if they find a company has willingly disregarded safety. Two companies, Crossroads Cooperative in 2009 and Farmers Union Coop of Stanton in 2012, have pled guilty to criminal sanctions for Nebraska grain-related deaths.

"Our penalties do not reflect what someone's life is worth at all," says Winingham,

Grain incidents account for one third of all the worker deaths OSHA has looked into in the last decade. That's why OSHA is using education and training efforts to get the message out about grain bin hazards.

"We have a goal here in Nebraska, to be the safest state in the country," she says. "We actually would like to get zero fatalities here in Nebraska."

Some companies like Cooperative Producers Incorporated (CPI), which CPI Safety Director Mark Hueftle says has 26 grain elevators across the state and locations in at least 40 communities, implement their own safety requirements and standards in addition to those of OSHA, the State Fire Marshal, and the EPA.

"We need to understand that we're not in the old four-inch, six-inch auger phase anymore, we're moving grain at 20 to 40-50,000 bushels and hour, so grain moves a lot faster," says Hueftle.

Bobby Fitch's family says each milestone, like weddings and graduations, are bittersweet without him.

"We can't bring Uncle Bobby back, but it's time to prevent it, let's make sure this doesn't happen again," says Ford.

"If you have to leave this earth, why not leave a legacy and make positive changes in the world?" says Johnson.

Ford's work with USMWF has taken her to Washington DC to speak with members of Congress. She says talks about worker safety has helped make changes to how OSHA communicates with families when a loved one dies.

Fitch's family still wants companies to be more accountable, and says they'll keep pushing for change.

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