OSHA's Most Interesting Cases in WI

Charles Palmer

Wisconsin Safety Council – April 16, 2025

1

123 Engineering Corporation

OSHA Inspection 1737084

2

OSHA fines company in Blair following employee's death

BLAIR, Wis. (WEAU) - 123 Engineering Corporation is fined by the Occupational Safety and Health Administration following the death of an employee.

According to a summary of the incident from OSHA, on March 23, 2024, an employee was utilizing surface supplied air diving equipment to clean sediment from the inside of an enclosed standpipe water tank with a 24-foot water depth. Due to fatigue, the employee fell to the bottom of the tank.

After a couple of employees attempted to rescue the employee in the incident, they called 911.

It took four people to pull the employee from the water and up through the hatchway opening, OSHA's summary says.

After attempting life-saving measures, the employee was pronounced dead at the scene.

According to OSHA's summary, it was determined that drowning was the primary cause of the employee's death.

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Investigation Summary

An employee was utilizing surface supplied air diving equipment to clean sediment from the inside of an enclosed standpipe water tank with a 24-foot water depth. The estimated water temperature was 53.42 degrees Fahrenheit. Sediment cleaning was performed using a hand-held vacuum/scrubber attached to a 3-inch by 90-foot section of flexible vacuum pipe used inside of the tank. Employee #1 reported to the tender and team lead via helmet radio comms that he thought there may be a leak in the drysuit. The team lead advised Employee #1 to exit the water if he thought there was a leak, however, Employee #1 decided that everything was okay, and the dive was continued. Employee #1 later reported that he felt cold but continued working. At approximately 4:50 p.m., less than one hour into the dive, Employee #1 again reported that he was cold, and the decision was made to have Employee #1 egress the tank so they could switch divers as Employee #1 was too cold to continue working. Employee #1 ascended from the tank bottom by climbing the umbilical. After reaching the surface, Employee #1 was unable to hold onto the egress ladder and due to fatigue, the weight of the diving gear and soft pipe, which became entangled in the umbilical, Employee #1 descended back to the tank bottom. The team lead and tender attempted to rescue Employee #1. The team leader then made the decision to call 911 to report a diver in the water and assistance was needed. It took four people (team leader and three EMS personnel) to pull Employee #1 from the water and up through the hatchway opening. After attempting on-scene life-saving measures, Employee #1 was pronounced dead at the scene. It was later determined that drowning was the primary cause of death.

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4

Violation Items

#	Citation ID	Citaton Type	Standard Cited	Issuance Date	Abatement Due Date	Current Penalty	Initial Penalty
1.	01001A	Serious	19100421 D02	09/09/2024	10/29/2024	$11,292	$16,131
2.	01001B	Serious	19100425 C01	09/09/2024	10/29/2024	$0	$0
3.	01002	Serious	19100421 D04	09/09/2024	10/29/2024	$11,292	$16,131
4.	01003	Serious	19100421 D09	09/09/2024	10/29/2024	$11,292	$16,131
5.	01004	Serious	19100421 F01 III	09/09/2024	10/29/2024	$11,292	$16,131
6.	01005	Serious	19100422 B03	09/09/2024	10/29/2024	$11,292	$16,131
7.	01006	Serious	19100430 C02 III	09/09/2024	10/07/2024	$3,227	$4,610

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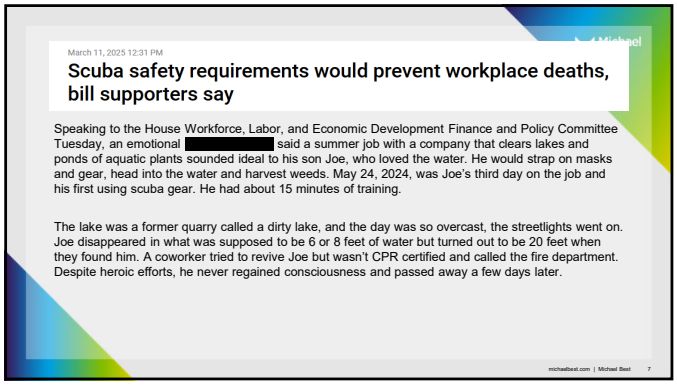
March 11, 2025 12:31 PM
Scuba safety requirements would prevent workplace deaths, bill supporters say
Speaking to the House Workforce, Labor, and Economic Development Finance and Policy Committee Tuesday, an emotional [redacted] said a summer job with a company that clears lakes and ponds of aquatic plants sounded ideal to his son Joe, who loved the water. He would strap on masks and gear, head into the water and harvest weeds. May 24, 2024, was Joe's third day on the job and his first using scuba gear. He had about 15 minutes of training.
The lake was a former quarry called a dirty lake, and the day was so overcast, the streetlights went on. Joe disappeared in what was supposed to be 6 or 8 feet of water but turned out to be 20 feet when they found him. A coworker tried to revive Joe but wasn't CPR certified and called the fire department. Despite heroic efforts, he never regained consciousness and passed away a few days later.
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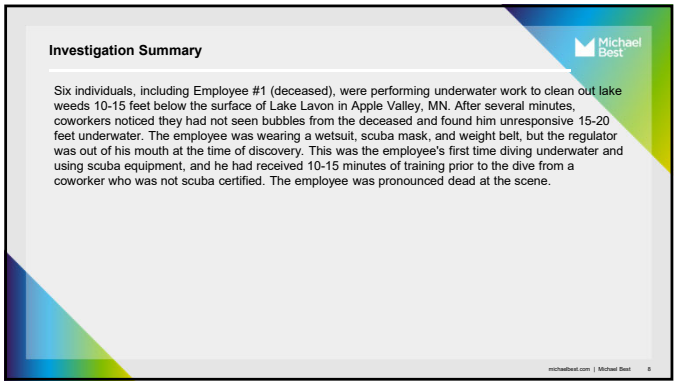
Investigation Summary
Six individuals, including Employee #1 (deceased), were performing underwater work to clean out lake weeds 10-15 feet below the surface of Lake Lavon in Apple Valley, MN. After several minutes, coworkers noticed they had not seen bubbles from the deceased and found him unresponsive 15-20 feet underwater. The employee was wearing a wetsuit, scuba mask, and weight belt, but the regulator was out of his mouth at the time of discovery. This was the employee's first time diving underwater and using scuba equipment, and he had received 10-15 minutes of training prior to the dive from a coworker who was not scuba certified. The employee was pronounced dead at the scene.
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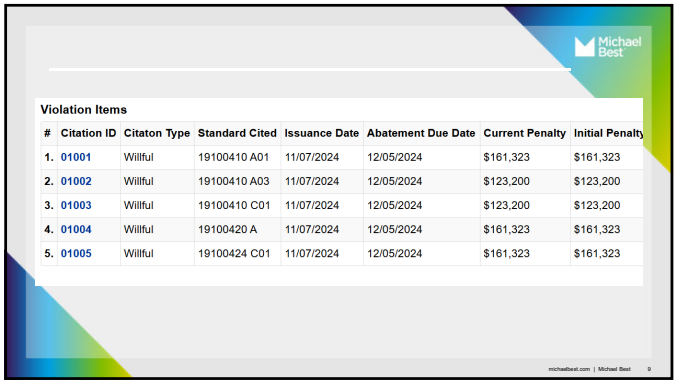
Violation Items
Citation ID Citaton Type Standard Cited Issuance Date Abatement Due Date Current Penalty Initial Penalty
1. 01001 Willful 19100410 A01 11/07/2024 12/05/2024 $161,323 $161,323
2. 01002 Willful 19100410 A03 11/07/2024 12/05/2024 $123,200 $123,200
3. 01003 Willful 19100410 C01 11/07/2024 12/05/2024 $123,200 $123,200
4. 01004 Willful 19100420 A 11/07/2024 12/05/2024 $161,323 $161,323
5. 01005 Willful 19100424 C01 11/07/2024 12/05/2024 $161,323 $161,323
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789 Energy Corporation
OSHA Inspection 1782735

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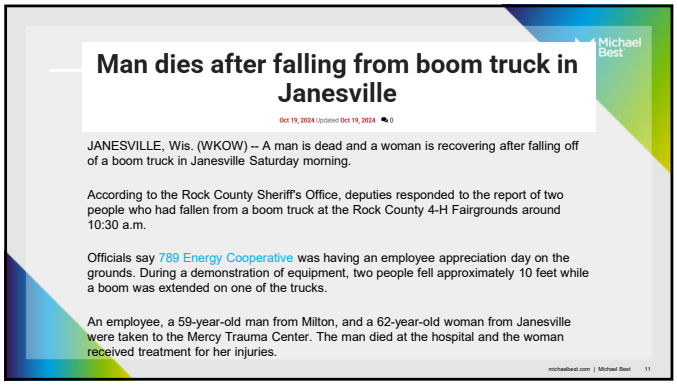
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Man dies after falling from boom truck in Janesville
Oct 19, 2024 Updated Oct 19, 2024 0
JANESVILLE, Wis. (WKOW) -- A man is dead and a woman is recovering after falling off of a boom truck in Janesville Saturday morning.
According to the Rock County Sheriff's Office, deputies responded to the report of two people who had fallen from a boom truck at the Rock County 4-H Fairgrounds around 10:30 a.m.
Officials say 789 Energy Cooperative was having an employee appreciation day on the grounds. During a demonstration of equipment, two people fell approximately 10 feet while a boom was extended on one of the trucks.
An employee, a 59-year-old man from Milton, and a 62-year-old woman from Janesville were taken to the Mercy Trauma Center. The man died at the hospital and the woman received treatment for her injuries.
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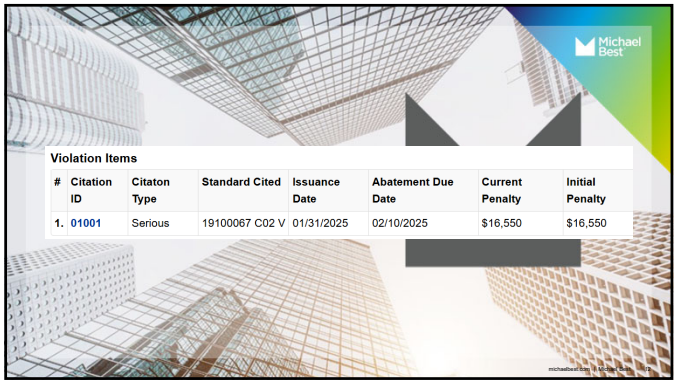
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Violation Items
Citation ID Citaton Type Standard Cited Issuance Date Abatement Due Date Current Penalty Initial Penalty
1. 01001 Serious 19100067 C02 V 01/31/2025 02/10/2025 $16,550 $16,550

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ABC Corp
OSHA Inspection 1688692

13

ABC Corp employees drowned in Aug. 3 accident
Two men disappeared in Wisconsin River during company outing
Aug 9, 2023 0
Two men who drowned in the Wisconsin River last week were on a company outing for the Fitchburg-based biotech firm ABC Corp.
According to a Wisconsin State Journal Aug. 7 story, the first body was retrieved by a dive team on the night of Thursday, Aug. 3, hours after officials were dispatched to the river for reports of two men – a 24-year-old and a 25-year-old – disappearing beneath the water. The body of the second man was recovered on Friday.
Both men were found in about 17 feet of water, just north of where the river meets Lake Wisconsin. The initial call about the incident came in at 3:48 p.m. Thursday. Witnesses reported that a group of adults had gathered on a sandbar when one of the men was overcome by the water. When several members of the group tried to assist him, another man was also overcome.

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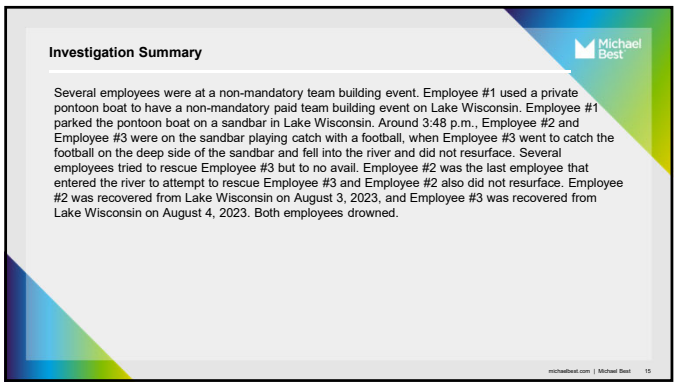
Investigation Summary
Several employees were at a non-mandatory team building event. Employee #1 used a private pontoon boat to have a non-mandatory paid team building event on Lake Wisconsin. Employee #1 parked the pontoon boat on a sandbar in Lake Wisconsin. Around 3:48 p.m., Employee #2 and Employee #3 were on the sandbar playing catch with a football, when Employee #3 went to catch the football on the deep side of the sandbar and fell into the river and did not resurface. Several employees tried to rescue Employee #3 but to no avail. Employee #2 was the last employee that entered the river to attempt to rescue Employee #3 and Employee #2 also did not resurface. Employee #2 was recovered from Lake Wisconsin on August 3, 2023, and Employee #3 was recovered from Lake Wisconsin on August 4, 2023. Both employees drowned.

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Elkhorn man killed at construction site was fixing water main pipe when it erupted

On Wednesday, a spokesperson for the Occupational Safety and Health Administration (OSHA), said preliminary information states [redacted] was working on a new section of water main pipe near the 9400 block of Sheridan Road.

OSHA states that [redacted] was working on a pipe that had been capped off eight weeks prior. However, when he went to remove the cap to continue working on the pipe, the pressure of the water blew the cap off, hitting and killing [redacted].

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Investigation Summary

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An employee working as a pipefitter for a water and sewer line installer was preparing to remove a 24-inch steel cap off of the end of a 24-inch water main. The employee was loosening the bolts that held it the cap in place when the cap flew off propelled by water pressure. The cap struck the employee causing blunt force trauma to his head and body, killing him.

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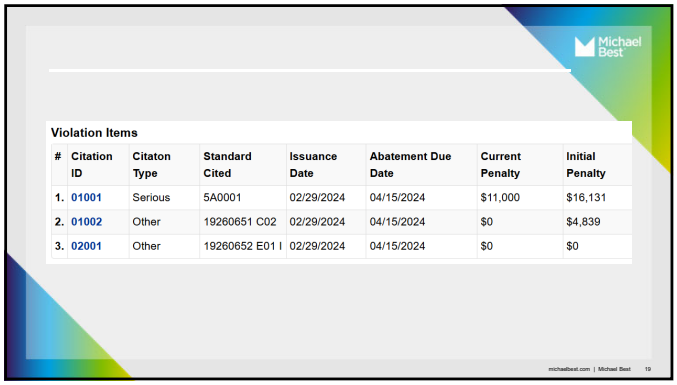
Violation Items
Citation ID Citaton Type Standard Cited Issuance Date Abatement Due Date Current Penalty Initial Penalty
1. 01001 Serious 5A0001 02/29/2024 04/15/2024 $11,000 $16,131
2. 01002 Other 19260651 C02 02/29/2024 04/15/2024 $0 $4,839
3. 02001 Other 19260652 E01 I 02/29/2024 04/15/2024 $0 $0

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Supreme Court Decisions Impacting OSHA

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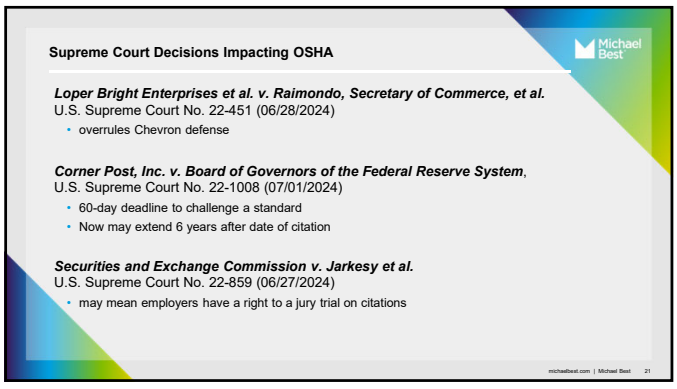
Supreme Court Decisions Impacting OSHA
Loper Bright Enterprises et al. v. Raimondo, Secretary of Commerce, et al.
U.S. Supreme Court No. 22-451 (06/28/2024)
overrules Chevron defense
Corner Post, Inc. v. Board of Governors of the Federal Reserve System,
U.S. Supreme Court No. 22-1008 (07/01/2024)
60-day deadline to challenge a standard
Now may extend 6 years after date of citation
Securities and Exchange Commission v. Jarkesy et al.
U.S. Supreme Court No. 22-859 (06/27/2024)
may mean employers have a right to a jury trial on citations

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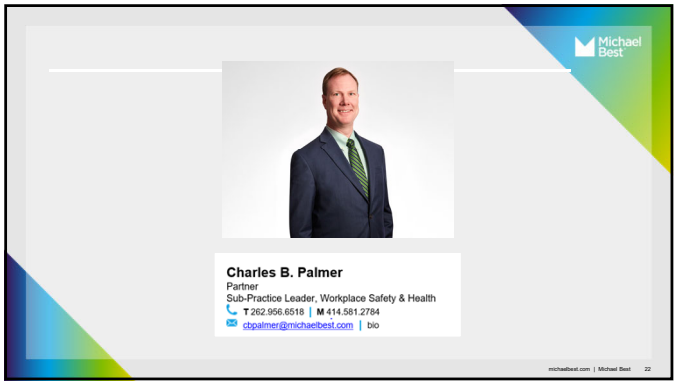
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