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## **Oregon OSHA fines companies \$90,000 for fatal incident** *ConAgra Foods, NW Metal Fabricators Inc. cited in state investigation*

(Salem) - The Oregon Department of Consumer and Business Services, Occupational Safety and Health Division (Oregon OSHA) has fined ConAgra Foods a total of \$65,000 and NW Metal Fabricators Inc. \$25,000 for safety and health violations related to a Feb. 16, 2009 explosion that killed a worker in Boardman.

“The investigation found this tragedy could have easily been prevented if the employers had paid attention to several basic precautions and had considered the information that was available to them,” said Michael Wood, Oregon OSHA administrator. “Kevin Gregerson’s death was the result of work moving forward without an understanding of the hazards that were present and how to address them.”

The explosion took place at the ConAgra Foods potato processing plant in Boardman, where welder Kevin Gregerson was attempting to repair a leak in a steel tank used for potato washing. Gregerson, a worker employed by NW Metal Fabricators Inc. of Hermiston, died inside the tank when the explosion occurred. Gases had built up under the tank, which ignited, causing the explosion. NW Metal Fabricators worked as a contractor on the site.

“Although Mr. Gregerson worked directly for NW Metal Fabricators, our investigation concluded that ConAgra also violated a number of safety and health rules during the events that led up to the explosion,” Wood said.

Oregon OSHA found that the companies violated several rules related to protecting employees who enter “permit spaces.” Permit spaces are confined spaces that may contain life-threatening hazards. These spaces, such as tanks, wells, or tunnels, have limited ability to exit, may contain potentially harmful material, and are not intended for human habitation. Oregon rules require employers take proper cautions when their employees work in such spaces.

Here are some of the key violations Oregon OSHA found during the investigation:

- ConAgra Foods did not re-evaluate the tank, which was previously determined to be a non-permit space, when new hazards arose.

- When ConAgra Foods arranged to have employees of NW Metal Fabricators perform work that involved permit space entry, ConAgra Foods did not identify and communicate the hazards to NW Metal Fabricators employees.
- The welder who entered the tank was not properly supervised by NW Metal Fabricators and safety plans were not reviewed prior to entry, nor was a field supervisor present.
- Welding and cutting operations in confined spaces were not adequately ventilated by NW Metal Fabricators.
- NW Metal Fabricators did not properly prepare or make sure the tank was cleaned prior to the welder entering.

Both companies have 30 days to appeal the citations.

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Oregon OSHA, a division of the Department of Consumer and Business Services, enforces the state's workplace safety and health rules and works to improve workplace safety and health for all Oregon workers. The Department of Consumer and Business Services is Oregon's largest business regulatory and consumer protection agency. For more information, visit [www.orosha.org](http://www.orosha.org).