

Wind Power Operators Beware: OSHA Is Focused on You

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For over a year now, the [Occupational Safety & Health Administration](#) has had on the front page of its website the prominent heading which states “Green Jobs Are Good Jobs When They Are Safe Jobs.”

While the current administration has been advancing a green agenda, it has also been aggressively looking for safety violations in order to advance a safety agenda within the renewable energy world. In recent years, the **Occupational Safety & Health Administration** has been “getting tough” on safety violations, regularly issuing six figure citations and sometimes seven or eight figure citations. So, it was only a matter of time before a renewable energy company made headlines for big **OSHA** fines.

On April 19, 2011, a wind energy employer made headlines when it was issued \$378,000 in penalties after a worker suffered burns from an electrical incident.

On the day of the incident, the injured worker suffered 3rd degree burns to his neck, chest and arms and 2nd degree burns to the face, as a result of an arc flash that occurred when a transformer was unexpectedly energized by another worker. OSHA has alleged that the worker was injured as the result of a deficient lockout/tagout procedure.

Specifically, OSHA has alleged that each employee was not issued his own lock, in order to lockout electrical equipment, so as to prevent other employees from re-energizing the equipment. OSHA has alleged that this created a hazard to employees working 350 feet above the ground, when the switch gear on the tower turbine was re-engaged at the ground level, without the knowledge of technicians working at the top of the wind turbine.

OSHA has applied its **severe violator enforcement program (SVEP)** to the wind farm operator. Under this program, any settlement agreement will likely contain requirements for multiple follow-up inspections, the employment of outside safety consultants and/or the hiring of a safety professional, and the implementation of numerous other safety procedures.

The wind farm operator is headquartered in Minnesota. The fact that the citations were issued to a wind farm in Illinois, suggests that the operator may have multiple facilities in other states. It is likely OSHA will attempt to extract a settlement agreement from this operator that requires compliance at

all of its other facilities under the severe violator enforcement program.

Wind farm operators and other renewable energy companies should be aware that OSHA is looking to make headlines by issuing large fines. The wind energy industry should be aware of the specific standards that will be the focus of an OSHA inspection, which include standards addressing:

- falls;
- confined spaces;
- fires;
- lockout/tagout;
- medical and first aid;
- crane, derrick and hoist safety;
- electrical hazards;
- machine guarding; and
- respiratory protection.

Further information regarding OSHA requirements for the wind industry can be found at:<https://www.osha.gov/dep/greenjobs/windenergy.html>.

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