

4 Receive Updates 

U.S. Department of Labor
E-mail Subscription Service

Railcar was unsafe for entry before deadly blast killed two workers, injured a third at Omaha cleaning facility

United States Department of Labor sent this bulletin at 10/14/2015 12:26 PM EDT

News Release from OSHA

Having trouble viewing this email? [View it as a Web page.](#)



News Release

U.S. Department of Labor | Oct. 14, 2015

Railcar was unsafe for entry before deadly blast killed two workers, injured a third at Omaha cleaning facility

Nebraska Railcar Cleaning Services cited for more than 30 violations after tragedy

OMAHA, Neb. – Moments before a blast ripped through a railcar on April 14, 2015, a check of the air quality inside indicated a serious risk of an explosion. Despite the warning, Nebraska Railcar Cleaning Services sent two employees, aged 41 and 45, into the railcar to work without monitoring the air continuously for explosive hazards as required, nor providing the employees with emergency retrieval equipment or properly fitted respirators.

The explosion that resulted blew the railcar's escape ladder off and killed the two men, trapping one inside and hurling the other off the top of the railcar. A third employee was injured.

After its investigation at the company's Hickory Street, Pierce Street and South 30th Street sites following the explosion, the U.S. Department of Labor's Occupational Safety and Health Administration cited Nebraska Railcar Cleaning Services for seven egregious [willful](#), three willful, two repeated, 20 serious,

and one other than serious safety and health violations on Oct. 13, 2015. The company faces penalties of \$963,000. OSHA also placed the company in the agency's [Severe Violator Enforcement Program](#). View current citations [here](#).

"Our hearts go out to the families of these workers, whose deaths were so senseless and preventable," said Dr. David Michaels, assistant secretary of labor for occupational safety and health. "This isn't the first time this employer put its workers' lives at risk – but OSHA will do everything in our power to ensure it is the last."

The egregious willful violations involve multiple instances of failing to monitor air quality properly in [confined spaces](#) as required and for not [fit-testing](#) employees required to use respirators in railcars. Most railcars are confined spaces, which are large enough for workers to enter and perform certain jobs, such as cleaning and maintenance, but are not designed for continuous occupancy. Safety regulations require that employers evaluate confined spaces for air quality and other hazards prior to allowing workers to enter and then monitor conditions while employees are inside.

"This company has regularly failed to use appropriate equipment and procedures to keep their employees safe; and in this case it had tragic consequences," said Jeff Funke, OSHA's area director in Omaha. "The company needs to immediately reevaluate its procedures for entering and cleaning railcars."

In the most recent citations, Nebraska Rail Car Services also failed to:

- Train workers on [hazard materials](#) in use.
- Establish a [hazardous waste program](#) to include training, proper handling and removal.
- Label containers for [chemical hazards](#).
- Guard floor openings to prevent [fall](#) hazards.
- Establish a [hearing conservation](#) program.
- Provide [first aid](#) and [fire extinguisher](#) training.
- Remove damaged powered industrial vehicles.
- Numerous [electrical safety](#) violations.
- Train workers on safely operating powered industrial vehicles, a violation the company was cited for in 2013.

The U.S. Environmental Protection Agency is currently investigating allegations that the company improperly disposed of hazardous waste.

Nebraska Railcar Cleaning Services and Omaha Transloading LLC, which share a majority owner, Steven Braithwaite, have had several previous OSHA inspections. In 2013, Nebraska Railcar Cleaning was cited for hearing conservation, respiratory protection, permit required confined space, and powered industrial truck hazards. View the [health](#) and [safety](#) citations. In 2012, Omaha Transloading was issued serious citations for [respiratory protection deficiencies](#) and [electrical hazards](#). OSHA cited another company owned by Braithwaite, Demolition Contractors Inc., in 2005 for similar hazards including a willful

violation for inadequate respiratory protection.

Nebraska Railcar has had five whistleblower complaints filed with OSHA since 2013. Two are under investigation.

The company specializes in cleaning railcars that contained food grade products, herbicides, pesticides, fertilizers, used oil, asphalt, gasoline, and ethanol. At the time of the 2015 inspection, it employed 35 workers at three locations in Omaha. Its workers' compensation provider is Travelers Indemnity Company of Overland Park, Kansas.

The company has 15 business days from receipt of its citations and penalties to comply, request an informal conference with OSHA's area director, or contest the findings before the independent [Occupational Safety and Health Review Commission](#).

To ask questions, obtain compliance assistance, file a complaint, or report workplace hospitalizations, fatalities or situations posing imminent danger to workers, the public should call OSHA's toll-free hotline at 800-321-OSHA (6742) or the Omaha Area Office at 402-553-0171.

Under the [Occupational Safety and Health Act of 1970](#), employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>.

###

Media Contacts:

Scott Allen, 312-353-6976, allen.scott@dol.gov

Rhonda Burke, 312-353-6976, burke.rhonda@dol.gov

Release Number: 15-1982-KAN

U.S. Department of Labor news materials are accessible at <http://www.dol.gov>. The department's [Reasonable Accommodation Resource Center](#) converts departmental information and documents into alternative formats, which include Braille and large print. For alternative format requests, please contact the department at (202) 693-7828 (voice) or (800) 877-8339 (federal relay).