The Occupational Safety and Health Administration (OSHA) cited tank railcar cleaning and repair provider Dana Rail Care for workplace safety and health violations at its facility in Wilmington, Delaware. The company faces $371,276 in penalties.

Last year, OSHA cited Dana Rail Care and proposed more than $550,000 in penalties for safety and health violations following a May 2019 employee fatality at the company’s facility in Pittston, Pennsylvania. Also last year, the agency placed Dana Rail Care into the agency’s Severe Violators Enforcement Program (SVEP). The company is contesting the citations and proposed penalties stemming from the May 2019 incident.

OSHA issued new citations following a pair of inspections conducted after receiving a complaint of numerous safety and health hazards at the Wilmington facility.

On February 20, OSHA issued citations for 23 violations overall. Agency inspectors cited the company for electrical and explosion hazards, improper use of respirators and inadequate secondary air supply, insufficient means of egress, lack of medical clearance for respiratory protection use, lack of signage in a silica-regulated area, and use of defective powered industrial trucks.

On November 25, 2019, OSHA cited Dana Rail Care for 13 violations related to the May 2019 worker fatality. An employee was asphyxiated while servicing a railcar containing crude oil sludge. OSHA cited the company for 4 willful and 3 serious violations for failing to protect employees from the hazards of entering permit-required confined spaces and for inadequate respiratory protection procedures.

In the latest set of citations, OSHA cited Dana Rail Care for 1 willful, 2 repeat, 19 serious, and 1 other-than-serious violations. The agency issued a willful citation for 19 separate instances of employees entering tank cars for cleaning and maintenance without an auxiliary air supply.

“Failure to comply with OSHA standards leaves employees vulnerable to dangers that can cause serious and potentially fatal injuries,” OSHA Area Director Erin Gilmore said in an agency statement.

The agency also issued citations for repeat violations of the respiratory protection and wiring methods, components, and equipment standards. Dana Rail Care previously was cited on July 25, 2016, for lack of medical clearance for respiratory protection use at its Nitro, West Virginia, facility. The company previously was cited on February 8, 2017, for using flexible cables and/or cords as a substitute for fixed wiring at the Wilmington facility.
Citations for serious violations included:

- Failing to conduct annual respirator fit testing;
- Failing to cover a junction box that housed the connection for a ceiling fan;
- Failing to ensure electrical equipment feeding a distribution panel was approved by a Nationally Recognized Testing Laboratory and marked with the manufacturer’s name, trademark, and other information;
- Failing to ensure a flexible cord was of a continuous length without splicing;
- Hazardous chemicals present along an exit route and obstructed exit routes, as well as emergency exits lacking “Exit” signs;
- Use of powered industrial trucks with damaged tires and failing to inspect powered industrial trucks; and
- Several violations related to the company’s paint booth and sandblasting operations.

Severe violators are subject to mandatory follow-up inspections. Other steps the agency takes with severe violators include issuing regional or national news releases and sending letters to corporate officers about the company’s obligations under the Occupational Safety and Health Act (OSH Act).

The SVEP replaced an earlier Enhanced Enforcement Program (EEP) deemed ineffective by the Department of Labor’s Office of Inspector General because OSHA personnel failed to consistently conduct follow-up inspections.