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Federal Mine Safety and Health Review Commission
Office of Administrative Law Judges

SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA),
PETITIONER

v.

A. B. WHITLEY, INC.,
RESPONDENT

Civil Penalty Proceeding

Docket No: SE 81-26-M
A.O. No: 00212-05001-IP 9

Lee Creek Mine

A. B. WHITLEY, INC.,
CONTESTANT

v.

SECRETARY OF LABOR, ET AL,
RESPONDENT

Notice of Contest

Docket No: SE 81-11-RM
Citation No. 109908 11/18/80

Lee Creek Mine

DECISION

Appearances: Ken S. Welsch, Esq., Office of the Solicitor, U.S.
Department of Labor, Atlanta, Georgia, for Petitioner
James W. Stephens, Safety Associates, Inc., P.O.
Box 4113, Charlotte, North Carolina, for Respondent

Before: Judge Moore

The Respondent is accused of violating 30 C.F.R. 55.13-21
which provides:

"Except where automatic shut-off valves are used,
safety chains or other suitable locking devices shall
be used at connections to machines of high pressure
hose lines of 3/4" inside diameter or larger, and
between high pressure hose lines of 3/4" inside
diameter or larger, where a connection failure would
create a hazard."

It was admitted that the hose connection which lead to the
citation issued in this case was between a high pressure hose
line of a diameter 3/4" or greater and a sand box or grit pot,
and that there was no separate safety chain or other locking
device used except the device which initially couples the two
parts of the connector hose together. The purpose of the
regulation is to prevent injuries that can occur and have
occurred when high pressure hoses have parted. The whipping
action of the hose is what creates the hazard.

Petitioner exhibit 3 is a report prepared by Roy L. Jameson
of the Department of the Interior's Denver Technical Support
Center on December 18, 1975. The title of the exhibit is "Report
on Air Hose Couplings,

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Clamps and Restraining Devices." The third paragraph in the report was referred to on several occasions. It states:

"the whipping action of an unsecured or burst compressed air hose or pipe has resulted in many severe injuries and uncounted and unrecorded near-miss accidents. Confined working areas in underground mines causes this hazard to be particularly acute; the victim(s) often has few, if any, avenues of escape from the lashing and whipping action of an unsecured hose."

It is the position of the respondent and two of his witnesses that because of the above quoted paragraph the report is concerned only with underground mining. I reject that contention even though it is plain that the hazard could be greater in a confined area. The second accident described in Appendix E attached to petitioner's exhibit 3 describes an accident at "the Columbia Quarry and Mill, an open pit granite operation, 3)4B"B"3)4B

Respondent's exhibits 1 and 2 are photographs of the type of high pressure hose coupling that Respondent was using at the time the citation was issued. Respondent's exhibit 2 shows the mechanism when it is disconnected and Respondent's exhibit 1 is a picture of the connected hose. The exhibit should be held with the red or orange pipe at the bottom. The flange at the bottom of the upper connector on Respondent's exhibit 2 is placed over the threads on the orange pipe and turned approximately 4 revolutions before it is fully connected as shown in Respondent's exhibit 1. The flange is not circular but has lugs which are hit with a sledge hammer to tighten the connection. The unrefuted testimony was that if this flange should become loose and untightened by one turn, sufficient air would be lost so that the machinery could not be operated. The chance that this connection could suddenly part and whip around injuring unwary miners is almost negligible. The warning would be when the machine stopped its function of sand blasting and also the noise that would escape when the flange had unscrewed one turn. As stated it takes 4 turns to disconnect the flange and hose from the machine to which the pipe is attached.

Douglas K. Wortham, is assistant director of the mine and quarry division of the North Carolina Department of Labor. He testified that he had observed numerous sand-blasting operations and that in about 90% of those operations the type of connector involved in the instant case, was used. He testified that a separate locking device was not used in those operations, that it was not required by the state of North Carolina and that it was not necessary because the connector was safe.

Andrew B. Williams, a manufacturer's agent has had wide experience with compressed air equipment. He testified that the type of connector used by the Respondent in this case was the safest compressed air connector available and that it did not need a separate chain or other securing device.

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There are a number of different types of high pressure hose connectors. (See Petitioner's exhibit 3). The two types referred to most in the testimony in the instant case were the type used by Respondent and a quick disconnect Chicago type connector. In the quick disconnect type one end of the hose is inserted into the other and a quarter turn (90) is made to secure the connection. MSHA accepts a pin through the connector in such a way as to block rotation as a suitable locking device. There is no requirement that the hose itself, as distinguished from the connector fixed at its end be connected to the other hose or machine if there is no other hose involved. As to the type of connector used by Respondent, Inspector Darryl Brennan stated that he would require that the chain or cable be affixed to the flexible hose itself and that the other end be affixed to the grit pot end of the connector. It appears to be a double standard. In the case of the quick disconnect type MSHA is concerned only with the metallic coupling separating, whereas with the type Respondent uses MSHA, or at least Inspector Brennan, is concerned not only that the metallic parts of the connection might separate, but that the hose itself might separate from the metallic connector. The mechanism that holds the connector or more properly, half of the connector to the hose is shown on Respondent's exhibits 1 and 2. It is above the rotating flange and has what appears to be H-37 stamped on it. It is held by 4 bolts but the actual means by which it is attached to the hose was not explained. I do not know whether there is any danger of the hose separating from the "clamp" which contains the H-37. I am construing the standard as MSHA does with respect to the quick disconnect type, as requiring the metal connectors to be secured by an extra locking device. The hose itself could break anywhere and the only way whipping could be prevented would be to attach a safety chain to each 3 or 4 foot section of the hose and the standard certainly does not require that.

I would like to dismiss this case, because I think the connector is safe but I can not overlook the fact that the standard requires safety chains or suitable locking devices in addition to the normal attaching mechanism of the connectors if a connection failure would create a hazard. Since there were men within 2 or 3 feet of the hose (Tr. 21) a sudden disconnection would create a hazard. I find the negligence and gravity low but that the violation did occur. A nominal penalty of \$1 is assessed and Respondent is Ordered to Pay that amount to MSHA within 30 days of the issuance of this decision. The citation is affirmed.

Charles C. Moore, Jr.
Administrative Law Judge