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MSHA V. CLEVELAND CLIFFS IRON
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FEDERAL MINE SAFETY & HEALTH REVIEW COMMISSION
WASHINGTON, D.C.
December 17, 1982
SECRETARY OF LABOR,
MINE SAFETY AND HEALTH
ADMINISTRATION (MSHA)

v. Docket No. LAKE 80-129-M

CLEVELAND CLIFFS IRON
COMPANY

UNITED STEELWORKERS OF AMERICA,
DISTRICT NO. 33
Intervenor

DECISION

This penalty case arises under the Federal Mine Safety and Health Act of 1977, 30 U.S.C. § 801 et seq. (1976 & Supp. IV 1980), and involves the interpretation and application of 30 C.F.R. § 55.12-16. The standard provides in pertinent part: Mandatory. Electrically powered equipment shall be deenergized before mechanical work is done on such equipment....

The administrative law judge concluded that the operator, Cleveland Cliffs Iron Company ("CCI"), violated the standard. 1/ We granted CCI's petition for discretionary review and heard oral argument. For the reasons that follow, we affirm.

The facts are undisputed. On May 19, 1979, an electrical apprentice was electrocuted while he and two other apprentices were rehangng high-pressure sodium light fixtures in the high bay of CCI's Empire Mill. After an investigation of the accident, MSHA issued a citation which stated:

Apprentice electricians were assigned to relocate 1000 watt, High Pressure Sodium "Halophane Prismpack" lights, powered by 480 volts Alternating Current, on the ceiling above the primary grinding section in the concentrator. The lighting equipment was energized during installation....

1/ The judge's decision is reported at 3 FMSHRC 2324 (October 1981) (ALJ).

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The light fixtures were hung on ceiling I-beams located approximately 80 to 100 feet above the floor of the mill. The operator had assigned the apprentices to move the light fixtures from one I-beam to another. The employees used an overhead crane and trolley assembly as a work platform. They placed an aluminum ladder on the crane trolley so they could reach the fixtures and electrical outlets during relocation.

The employees relocated the first light in the following manner: They moved the crane into position under the electrical outlet, put the ladder up against an I-beam to reach the plug, and unplugged the light. They took the ladder down, turned it 180 degrees and moved the crane trolley to a position where the ladder could reach the light fixture. They took the light fixture down, replaced its electrical cord with a longer cord, and wired the three-prong twist lock plug from the old cord onto the new. They then rehung the light fixture on another I-beam 8 to 10 feet away from its original location. Once more they turned the ladder 180 degrees, moved the crane trolley back underneath the electrical outlet, put the ladder back up, and plugged the light fixture with its new longer cord back into the electrical outlet.

In relocating the second light fixture, the employees changed the procedure to eliminate one of the 180-degree rotations of the ladder, because they believed these rotations on the elevated trolley were the most dangerous part of the operation. Under the new procedure, the fixture remained energized at several points during the process. When the employees took the fixture down from its hanger, they did not unplug it. After the light fixture was down, they unplugged it, replaced the cord with a longer one, reattached the plug, and plugged the fixture back into the energized 480 volt outlet. The employees then rehung the energized fixture in its new location. The relocation of the second fixture was accomplished without incident.

The fatal accident occurred as the employees were relocating the third light fixture, using the same procedure they had already used for the second. They removed the fixture from its hanger while energized, then unplugged it. They replaced the cord with a longer one, and wired the three-prong plug from the old cord onto the new. Before rehung the fixture they replugged it into the energized 480 volt electrical outlet. As one of the employees climbed the ladder to rehang the energized fixture, he grasped the conduit of the fixture (a pipe-shaped stem) and received a fatal electric shock. 2/ The parties did not dispute before the judge that the second and third fixtures were energized at times during their relocation. In concluding that CCI violated the standard in connection with the

2/ The shock occurred because the three-prong plug had been miswired. Once the miswired plug was inserted into the outlet, the conduit had become energized.

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relocation of the lights, the judge determined that the light fixtures were "electrically powered equipment" and that the employees' handling, hoisting, and hanging the fixtures constituted "mechanical work." Before us, CCI makes two major arguments. First, it argues that the words "electrically powered equipment" and "mechanical work" indicate that the standard does not apply to the light fixtures involved in this case, but rather only to electrical equipment with moving parts. Second, the operator contends that the employees' relocation of the lights was not "mechanical work." 3/ We do not agree.

CCI's first argument amounts to a rewriting of the standard to apply to "electrically powered mechanical equipment." We must construe the standard as it is written; it uses the broad term "electrically powered equipment." "Mechanical" modifies "work," not "equipment." We accordingly reject CCI's narrow reading of this phrase. As to the light fixtures involved in this case, the judge correctly determined that they are "equipment" within the ordinary meaning of that word. The phrase "electrically powered" clearly includes equipment, such as the fixtures here, whose source of power is electricity. Therefore, we conclude that these 1000-watt highpressure sodium light fixtures, powered by electricity rated at 480 volts, are "electrically powered equipment" within the meaning of the standard.

Finally, we consider whether the work involved in the relocation and installation of the fixtures was "mechanical work." The lights involved in this case were fixed, carried high voltage, and were located 80-100 feet above the floor. The light fixtures were large. The screw fittings and conduit assemblies were about five feet long. Taking the fixtures down, handling them, and rehanging them was relatively difficult and complex work given the nature of the job and the way it was necessary to accomplish the job. We conclude this work comes within the ordinary meaning of the words "mechanical work." We do not accept CCI's argument that if these activities constitute mechanical work, the standard would apply to the ordinary use or handling of energized portable electric equipment. Neither ordinary use, nor mere touching alone, nor portable equipment is involved here. Therefore, we conclude that under the facts of this case, mechanical work was being done on the light fixtures.

3/ CCI also argues that this standard does not protect against shock hazards, but only against mechanical hazards caused by equipment with

moving parts. The plain language of the standard, however, imposes no such limitation. Where specific hazards are mentioned in other parts of section 55.12, they are shock or burn hazards. Such hazards are among the most common associated with equipment using electricity.

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In sum, CCI's employees performed mechanical work on electrically powered equipment while the equipment was energized. Accordingly, we affirm the judge's conclusion that the operator violated 30 C.F.R. § 55.12-16. 4/

4/ At one point in his decision, the judge stated: "The violation coupled with the accidental miswiring of the plugs, resulted in the ... fatal electrical accident...." 3 FMSHRC at 2337. We note that the miswiring did not constitute the violation. The violation occurred when the employees worked on the light fixtures while they were energized. The miswiring and the energizing of the conduit illustrate why mechanical work on energized electrical equipment is prohibited by the standard.

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