

State Approved OSHA Plans

Many states still do not have Occupational Health and Safety Programs for employees and employers in the public sector, state, local, municipal governments and educational systems. In fact only 26 states have some sort of system in place.

What does this mean to anyone not in these states? It means *no* investigation, *no* fines, *no* accountability, *no* tracking, *no* one gives a hoot. There will be little or no answers when someone is killed at work in your state! If your state is not in this list than you are not covered. One such account was Terry Poole, 42, a Byron city employee who died in a trench.

Investigative findings cited other areas of concern involving the ditch work, including:

1. Lack of safety training in trench and backhoe work.
2. No escape ladder.
3. No trench shield.
4. No personal protection equipment.
5. No designated safety spotter.
6. Workers in the trench during the digging operation.
7. Lack of adequate two-way communications equipment.
8. Failure to slope trench.
9. Dirt removed from trench piled too close to trench opening.
10. Failure to call emergency services in a timely manner.
11. Lack of adequate supervision on job site.
12. No research on the approach to going under or around a nearby drainage culvert.
13. Backhoe operator/supervisor with alcohol in his system.
14. Failure to report or learn from prior incidents - four small cave-ins - at the job site.
15. Depth of the trench.

In speaking with Tony Poole's Baby sister, Anissa D. Poole or Buffy as she prefers to be called I found as in many cases she has been left grieving and discouraged. Buffy stated, "His death (Tony) has put a damper on my entire life. I love him so much, and I miss him more and more every day. We still don't know what happen in that trench, but I promised Tony, and myself that I would find out something, or die trying. There are so many unanswered questions and no one to answer them. Where do I need to go?"

Buffy has gained little assistance, comfort, or answers stating, "I have not heard from anyone except the autopsy report. Tony died from the crush of dirt to his chest. The workers wont talk, they say in the papers that OSHA was to investigate but didn't. Why because he was a public employee they don't get OSHA investigations, they don't give a damn about my brother nor what happened to him. The guy that was in the trench is not able to talk supposedly because (his) mind has been affected having nightmares or whatever. They told us we would have information in 3 to 4 weeks, now they tell us they are still investigating. The backhoe catching the phone line was to be the cause of the collapse. Now the backhoe operator is out of a job, but why? I want to know, were the employees give drug and alcohol test, the results, the backhoe operators training and how much training he had! I am going to do anything in my power to find out what happened in that trench, not for me but for my brother. If there was wrong doing I want to know." *

For some it is hard to start grieving without answers let alone have any kind closer. USMWF can help console, give direction and gain awareness however we can't make convictions and we can't convict.

There are still cases where the OSHA act of 1970 still does not apply. Workers still do not have the right to safe and healthful workplace free from recognized hazards. Our congress passed this law 36 years ago and it has been in effect for 35 yet many state officials are not aware of this critical oversight. As always we need to educate our Officials as to what repercussions this may have.

I later sent a letter to the Bryon County police department with a request. This is a good sample request made simple.

Wesley H. Cannon,

I am writing in connection with Terry Poole, 42, of Byron and the trench incident investigation. Anissa Poole, Terry's sister, would like to request his investigation. She is entitles to the full report via FOIA. Please send this report to:

Anissa D. Poole
P.O. Box [REDACTED]
Byron,GA 31008

478-[REDACTED] or 478-[REDACTED] (cell)

If she needs to request this investigation from a different facility please inform us as to which one she needs to request this from.

Thank you for your time and patience.

She did receive the report and has contacted a Lawyer that we have located in our Wrongful Death Attorneys (<http://www.usmwf.org/useful/attorneys.htm>)

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California
Connecticut
Hawaii
Indiana
Iowa
Kentucky
Maryland
Michigan
Minnesota
Nevada
New Jersey

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New York
North Carolina
Oregon
Puerto Rico
South Carolina
Tennessee
Utah
Vermont
Virgin Islands
Virginia
Washington
Wyoming