# Winery Confined Spaces Fatality File



A worker at Corus Estates & Vineyards LLC, also known as 12th & Maple Wine Co., was found unresponsive Feb. 1 in an empty 30,000-gallon wine tank. The 39-year-old man's task was to enter through the bottom of the tank and pump out about 500 gallons of wine remnants into another tank. Low-pressure nitrogen gas was pumped in from the top of the tank to prevent oxidation of the remnants; the man was asphyxiated as a result of the displacement of oxygen due to the nitrogen gas in the tank, according to the investigation.

A "confined space" means it is not designed for continuous human occupancy, has limited means for entry and/or exit, and is large enough that a person can fully enter the space and work.

"At this time this is still an open case subject to an appeal process.  Any specific comments regarding the citation, the alleged violations, and the fines would be premature as the process is still ongoing," Paul D. Lukas, manager of Corus Estates & Vineyards, said in an email. "We have a robust confined space entry safety program that is designed to ensure the safety and wellbeing of all of our employees."

The alleged violation carrying the largest fine, $7,500, said Corus Estates & Vineyards did not conduct initial testing for atmospheric hazards before the employee entered the tank. The agency also cited but did not fine the winery for allegedly not having someone supervise the employee as he worked in the tank, and for allegedly not developing procedures to make sure employees are following the rules for alternate entry to confined spaces.

**Three other groups of alleged violations are:**

- $1,200 for allegedly not reviewing old, confined space permits and not filling them out completely. OSHA also cited, but did not fine, the winery for allegedly not including information about rescue services on the permits.
- $1,200 for allegedly not developing permit entry rescue procedures for when employees enter confined spaces with physical and atmospheric hazards. The agency also cited, without a fine, the winery for allegedly not completing practice entry rescues.
- $1,200 for allegedly not training employees on how to safely enter confined spaces when their duties changed. The employee who died had originally been assigned to work in the barreled wine area and had not been adequately trained on safe confined space entry, according to the citation. OSHA also

cited but did not fine the winery for allegedly not providing training materials on confined spaces in languages employees easily understand.

- The OSHA investigation said the employer conducted an initial investigation within 24 hours of the employee’s death and took corrective action that included re-evaluating practices to improve entry procedures and presenting employees with more training on confined space entry procedures.