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OSHA News Release

2006 - 06/29/2006 - Sears Settles Case with OSHA; Adopts Corporate Wide Safety and Health Program for Powered Industrial Trucks

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OSHA National News Release

U.S. Department of Labor
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National News Release

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Contact: Suzy Bohnert

Phone: (202) 693-1898

Sears Settles Case with OSHA; Adopts Corporate Wide Safety and Health Program for Powered Industrial Trucks

WASHINGTON -- Sears, one of the nation's largest retailers, will adopt a safety and health program to ensure that all powered industrial trucks are operated in a safe manner, as part of a settlement agreement announced today by the U.S. Department of Labor's Occupational Safety and Health Administration (OSHA). The settlement applies to all Sears stores within federal OSHA jurisdiction.

"We are pleased to resolve this matter and avoid the time and expense of litigation," said Edwin G. Foulke, Jr., assistant secretary of labor for OSHA. "We can quickly move forward with steps to ensure safe practices when operating powered industrial trucks and better protect Sears' employees."

The agreement settles citations issued by OSHA Sept. 29, 2005, to a Sears store in Monaca, Pa., following an accident investigation in which the company was cited for exposing employees to fall hazards from powered industrial trucks. The agency found that employees were allowed to ride on unsecured platforms, without guardrails on the forks of the trucks. OSHA also found that fork truck operators were not trained and the company failed to provide personal fall arrest systems to employees or equip trucks with overhead guards to protect employees from falling objects.

"This agreement represents a major commitment to ensure safety and provide the employees the needed training and protection," added Foulke. "Sears has agreed to implement changes not only at the Pennsylvania store but also at all locations within federal OSHA jurisdiction."

Under terms of the agreement, Sears' safety and health program will include formal instruction, practical training, and the evaluation of each truck operator's performance at least once every three years. The company has also committed to maintaining all powered industrial trucks in safe operating condition, and implementing and enforcing a corporate-

wide policy that allows only properly trained employees to be elevated and operate the trucks. The company also agreed to pay a penalty of \$70,000.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing a safe and healthful workplace for their employees. OSHA's role is to assure the safety and health of America's working men and women by setting and enforcing standards; providing training, outreach, and education; establishing partnerships; and encouraging continual process improvement in workplace safety and health. For more information, visit www.osha.gov.

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Occupational Safety & Health Administration
200 Constitution Avenue, NW
Washington, DC 20210