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# The Intelligencer

## OSHA fine linked to Q-Mart worker's death

By: **CHRISTOPHER RUVO**  
The Intelligencer

TEXT SIZE

Quakertown Farmers Market had to pay more than \$4,500.

The Quakertown Farmers Market was fined \$4,650 for workplace safety violations discovered during an investigation into the death of Earl Yerkes, a longtime employee who was electrocuted in June while working on a heating and air conditioning unit on the roof.

The penalties were imposed after the U.S. Department of Labor's Occupational Safety and Health Administration determined the Q-Mart did not have safety practices in place for working on electrical equipment and that employees had not been trained how to work safely on such equipment, among other findings.

OSHA initially fined the Q-Mart \$9,300, but the market contested the ruling, an OSHA official said. A settlement was reached, and penalties totaling \$4,650 were imposed, according to records.

Market owner Richard Woldow said the fines were paid and necessary changes have been made following discussions with OSHA.

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Still, he believes the fines were unfair and disrespectful to Yerkes, an 85-year-old who worked at the Q-Mart for nearly 50 years.

"It really mars the memory of a fine man (Yerkes) when OSHA levies fines, no matter how small, for things he was responsible for as our director of maintenance," said Woldow. "We objected to OSHA levying any fines because obviously he didn't have a chance to respond to their determinations."

Woldow characterized the fines as "technical" matters, rather than workplace hazards. "These are things we never knew we needed to do because in more than 70 years of business we never had contact with OSHA," he said.

The market was fined for failing to report Yerkes' death to OSHA within eight hours of the incident. Yerkes died on June 27; OSHA was notified on June 29, according to the citation.

"Employers are obligated to contact us when there is a workplace fatality," said Jean Kulp, area director for OSHA. "We determine what caused the fatality, whether anything could have been done to prevent it and whether or not there were violations of OSHA standards."

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While investigating at the market, OSHA discovered there were not railings on the roof to protect employees.

Investigators also found that employees doing maintenance and janitorial work were not given information or training regarding hazardous chemicals in their work area, documents revealed.

OSHA issued a citation because the Q-Mart failed to "maintain a copy of the written procedure describing the methods and techniques to utilize in the lockout and tagging of electrical equipment."

Yerkes, who lived in Richland, was working alone on a heating and air conditioning unit on the roof of the market building when he was electrocuted.

When Yerkes did not respond to several pages, a concerned co-worker went up to the roof to check on him.

Yerkes was found, unconscious, with his hand clasped on an electrical wire that connected to the rooftop HVAC unit, officials said at the time.

After the Quakertown Fire Co. removed Yerkes from the roof, paramedics transported him to St. Luke's Hospital Quakertown, where he was pronounced dead.

The 85-year-old was the heartbeat of the market, keeping things running and recording announcements on specials and sales that were broadcast for shoppers, said Woldow.

"The entire situation was just incredibly sad," Woldow said.

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**January 28, 2010 02:30 AM**

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