

## 'Dirty Dozen' Corporations Put Workers at Risk

April 28, 2006

### America's Most Dangerous Employers Threaten Workplace Health and Safety

*The National Council on Occupational Safety and Health (National COSH) is releasing a report today listing 12 companies with poor health & safety records and severe violations. The report details examples of the tragic consequences of workplace deaths, injuries, and illnesses for both workers and their families.*

*The release of the report coincides the Workers Memorial Day on April 28, which remembers those workers killed, hurt, or made ill on the job.*

*"This list a disgrace to all working Americans who risk their lives every day to make a living for their families," said Emmanuel Blackwell, National COSH Chairperson.*

### INTRODUCTION

This report describes 12 companies whose reckless disregard for their employees' safety and health has had tragic consequences. These companies have been able to act with such negligence due to a lack of adequate sanctions from governmental regulations or public oversight.

With the goal of preventing future tragedies, this report announces a new National COSH campaign, "Stop Corporate Killers," which will call for an overhaul of the regulatory system to ensure that workers realize the right to a safe and healthy workplace, as the Occupational Safety and Health Act promised.

Each year workers in the U.S. suffer tragic consequences from workplace injuries and illnesses. Current data from federal agencies that track workplace injury and illness tell a grim tale:

- **An average of 16 worker deaths occur every day in the US [1]**
- **Four million workers are seriously injured every year on the job [2]**
- **60,000 workers die each year as a result of exposure to hazardous materials in the workplace**

Most of this toll of death and injury and illness is preventable. Particularly alarming is the data related to the most vulnerable people in the workplace—youth and immigrant workers.

The National Institute of Occupational Safety and Health (NIOSH) estimates that 70 young people (less than 18 years old) are killed each year at work, while the rate of workplace fatalities for workers of foreign descent has increased steadily for the last five years.[3]

Each case of workplace death or injury needs its own analysis to determine the exact causes and prevention methods. But we do know some companies that have particularly bad track records in health and safety.

This list is meant to create public accountability for worker health and safety. Unfortunately, there are more offenders than space can provide on this list; but these cases can serve as examples for the need to make companies more accountable. Often companies with bad health and safety records also have poor records on environmental issues, labor relations, discrimination, and quality standards.

*(continued on p. 4)*



*A new civil rights movement... page 3*

## No More Sagos

# Protect Mine Worker Safety Now!

Every year on April 28, Workers Memorial Day, we honor fellow workers who have been hurt or killed on the job and renew our struggle for safe workplaces.

This year began with a terrible workplace tragedy, the explosion at the Sago Mine in West Virginia that claimed the lives of 12 miners. A total of 24 coal miners have died in workplace accidents already in 2006, making it crystal clear that we need strong protection for our miners.

***Our coal miners are dying at an alarming rate, and it has got to stop.***

As oil prices soar, pressure is on to produce more coal. As the coal mines kick into high gear, we have to protect the workers who are working for us.

Let's make sure there are no more Sagos.

Contact your U.S. senators and representative today and ask them to support real reform to our mine safety laws.

It's no coincidence that we've seen a rash of mining fatalities this year. The Bush administration has put our nation's coal miners in danger by killing 17 Mine Safety and Health Administration (MSHA) safety rules, including measures on mine rescue teams and emergency oxygen.

These very rules might have helped the miners at Sago. The administration also weakened mine ventilation standards and allowed coal conveyor belt shafts to be used as a source of air, a dangerous practice prohibited by the Mine Act.

What's more, President George W. Bush has consistently put mine bosses and industry executives in charge of MSHA. His administration has failed to punish mining companies for safety violations, levying insignificant fines when companies put their workers in danger.

Our coal miners are dying at an alarming rate, and it has got to stop.

Take action today and tell your senators and representative to pass protections for miners.

Two bills proposed in Congress (H.R. 4695/S. 2231 and S. 2308) would take immediate steps to protect the nation's coal miners, including:

- Require immediate notification of accidents and rapid emergency response.
- Require new, stronger standards on mine rescue teams, communications, tracking devices and oxygen availability for mine emergencies.
- Set mandatory minimum penalties for egregious and repeated violations.
- Prohibit the use of conveyor belts to ventilate work areas.

This Workers Memorial Day, let's make a difference for workers who face unsafe conditions every single day. Help pass these important reforms and help save miners' lives.

<http://www.unionvoice.org/campaign/minesafety/6xngs2j7wmwdj>

In solidarity,

Working Families e-Activist Network,  
AFL-CIO

### Links to other organizations

United Support and Memorial for Workplace Fatalities (UMSWF) is an organization of families members of people killed on the job, dedicated to preventing future workplace tragedies.

<http://www.usmf.org/index.html>

## **WisCOSH** **Health and Safety News**

Published by  
**Wisconsin Committee on  
Occupational Safety and Health**

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**Circulation**  
1200

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WisCOSH is available to answer questions about health and safety problems on the job.

*WisCOSH is a nonprofit 501(c)(3) organization, and donations are tax deductible.*

A New Civil Rights Movement...

# Join Campaign to Defend Rights of Immigrant Workers



*A new civil rights movement is sweeping the nation. Immigrant workers and their allies in the labor and social justice movements have staged rallies from one end of the country to the other, numbering in the hundreds of thousands. (Photos: Sue Ruggles)*

**I**mmigrants are demanding an end to a campaign of intimidation and harassment by the government that turns workers and their families into lawbreakers and fugitives. They are demanding an end to draconian laws that seek to criminalize immigrant workers and block their way to legal status.

Immigrant workers share the same needs and desires as all workers: a decent wage, safe working conditions, education, and the hope of a better life for their children.

Immigrant workers contribute enormously to our economy but too often are exploited due to their undocumented status. The National COSH together with allies in the labor movement and immigrants' rights

organizations, is developing a national campaign to protect the health and safety of immigrants on the job.

### **We are calling for the following:**

- 1. All workers, whether they have legal work documents or not, who file complaints to OSHA should be protected from retaliation.**
- 2. State and federal OSHA programs should develop policies prohibiting agency staff from referring undocumented workers to immigration authorities.**
- 3. State and federal OSHA programs should ensure that all employers train their non-English speaking**
- 4. OSHA programs should increase outreach and educational efforts to immigrant workers with limited English.**
- 5. OSHA programs should ensure that they have adequate linguistic capacity to meet the needs of limited-English workers.**
- 6. OSHA programs should maintain adequate enforcement in low-wage, high-hazard industries in which most immigrants work.**



# 'Dirty Dozen' Corporations Threaten Lives of Workers

*(continued from page 1)*

This report was compiled from a survey conducted among member groups. There is no single source of objective data to identify and rank employers with the worst health and safety records. The case studies presented here portray some of the stories behind the epidemic of workplace injury, illness, and death.

*[Arranged in alphabetical order]*

## 1) BRITISH PETROLEUM

On March 23, 2005, an explosion ripped through the BP Amoco refinery in Texas City, Texas. Fifteen workers lost their lives in that explosion; another 170 were injured in the incident. In mid-September, OSHA announced it would fine BP North America \$21.4 million for more than 300 violations (296 were "egregious") that were identified in an investigation following the explosion.

BP Amoco leads the U.S. refining industry in deaths over the past decade, with 22 fatalities since 1995 [4]. This represents more than a quarter of those killed in refineries nationwide. BP also leads the nation in refinery industry accidents; between 1990 and 2003, 3,565 accidents were reported, the highest among all American Chemistry Council member facilities [5].

In response to the Chemical Safety Board's recommendation that it set up a committee to review its safety and health practices, BP named James Baker, the well-connected Texas corporate lawyer, to head up the committee, even though he has absolutely no safety and health expertise [6].

## 2) CINTAS CORPORATION

Since January 1, 2003 alone, the national workplace uniform supplier Cintas has racked up an abysmal record of workplace safety lawlessness:

- 170 violations of OSHA Standards
- 70 violations that could cause "death or serious physical harm"
- total initial penalties of almost \$190,000

- \$30,000 in penalties for "repeated" violations of the same identical standards in multiple locations.

As a result, OSHA inspectors have found multiple hazards or violations in 31 of the 42 inspections that they have conducted in this period (75% rate of failure).

## 3) DUPONT CORPORATION

DuPont, a worldwide manufacturer of chemicals, has carefully crafted a public relations image as being the "benchmark" for safety in industry. They sell their trademark STOP safety program to other companies, reaping over \$100 million in revenues from their misdirected program. STOP is a behavior-based program founded on the theory that injuries are caused by worker unsafe acts. This contradicts the current approach of health and safety professionals that identifies hazards and unsafe conditions as the principal causes of workplace injuries and illnesses.

In fact, DuPont has achieved such record-breaking numbers in safety by a coordinated program of intimidation and underreporting of injuries and illnesses. A long history of citations by OSHA and EPA has dogged the company reputation. OSHA cited DuPont for recordkeeping violations in a landmark case in 1998 for not reporting 117 occupational injuries and illnesses at their Delaware facility. They have continued to build this legacy by getting cited by OSHA again for recordkeeping violations (July 2004) and violation of federal law for not providing health and safety information to the union under the National Labor Relations Act (June 2004).

## 4) HAYES LEMMERZ INTERNATIONAL

Like thousands of other manufacturing plants in America, this company's plant in Huntington, Indiana, suffered a fatal workplace incident in 2003. The story serves as a reminder of the tragic consequences of each one of these workplace fatalities.

An aluminum dust explosion killed one worker, 33-year old Shawn Boone, and injured six others. The subsequent investigations identified many safety violations, including the fact that fires and other smaller explosions were happening routinely at the facility. Workers were instructed to let the fires burn out or to put them out, in spite of the lack of training to perform this duty; they were instructed NOT to notify the local Fire Department. Potentially explosive dusts, such as aluminum dust, grain dust, and wood dust, are common to many workplaces.

## 5) HONDA MOTOR COMPANY OF AMERICA

Although they are highly regarded in the environmental world, the automotive supplier has become the wrong type of model in the health and safety world. Their drive for lean production has resulted in an abominable record for worker safety and health. Ergonomic injuries were so high at this company, one year's tally of reported OSHA log entries (2000) accounted for 1.25% of the reported ergonomic injuries in the entire country! The rate for repeated trauma injuries at the assembly plants was 21% and 35%, compared to 7% for the average in the auto assembly industry.

## 6) INTERNATIONAL COAL GROUP (SAGO MINE)

On January 2, 2006, at 6:30 a.m., a methane gas explosion ripped through the Sago Mine in Tallmansville, West Virginia. Thirteen miners were trapped 280 feet underground, equipped with canisters that only provided 10 hours of life-saving oxygen. After an inaccurate report of survival numbers, the death of 12 miners made this the biggest West Virginia mine disaster in 40 years.

At the heart of this tragedy is the question of why the number of safety violations at the mine nearly tripled since the firm ICG bought the Sago mine and reopened it in 2004. Under IGC, the accident rate has climbed from 15.90 in 2004 to 17.04 in 2005, with 16 miners and contractors

# ... And Get Away with Murder

injured on the job. That compares with a national average injury rate of around 6 for the mining industry as a whole. A fairer comparison is with other small mines, since Sago has a workforce of 145. For example, the West Virginia Kingston No. 1 Mine had a rate of 1.21 in 2005.

## 7) MC WANE INC.\*

The *New York Times* ran a three-part series by David Barstow and Lowell Bergman that exposed the egregious safety record of McWane Inc., a large, privately held Alabama-based sewer and water pipe manufacturer. Nine McWane employees have lost their lives in workplace accidents since 1995. More than 4,600 injuries were recorded among the company's 5,000 employees.

According to the series, one man died when an industrial oven exploded after he was directed to use it to incinerate highly combustible paint. A conveyor belt that lacked a required protective guard crushed another worker. Three of McWane's nine deaths were the result of deliberate violations of safety standards. In five others, safety lapses were a contributing factor.

According to the *Times*, McWane pulled the wool over the eyes of investigators by stalling them at the factory gates, and then hiding defective equipment. Accident sites were altered before investigators could inspect them, in violation of federal rules. When government enforcement officials did find serious violations, "the punishment meted out by the federal government was so minimal that McWane could treat it as simply a cost of doing business."

After a worker was crushed to death by a forklift with faulty brakes, an OSHA investigation found defects in all of the plant's forklifts, including the one involved in the death, the *Times* reported. "The fine was just \$10,500. Employers are further protected by the workers' compensation system, which can make it hard for victims to sue." [7]

\* Public and union pressure since the *Times* series has resulted in safety improvements at McWane. The United Steelworkers (USW) reports that the company is working with the union to improve conditions.

## 8) SAFETY BINGO INC.

This California firm is the inventor of the "original" Safety Bingo. Their promotional materials claim "a company can reduce accident rates by 64% and improve worker morale by 86%" with the use of their product." Not bad for a mere investment in snake oil and trickery!

This seemingly innocuous safety game sold by consultants can have devastating results for unsuspecting workplaces. Sold to companies as a way to reduce worker compensation in workplaces, the game discourages the reporting of injuries and reinforces a "blame the worker" approach to safety.

Typically groups of workers earn a bingo number for each week without any lost-time injury reports. Workers match their numbers to a bingo card to win prizes. The system encourages peer pressure not to report injuries, and makes injured workers rather than unsafe conditions the problem.

The company lists satisfied customers such as Amazon.com, JW Marriott Hotel, Toyota Industrial Equipment, and Pitney Bowes Management Services. But if you thought you heard the end of this, the company just came out with a new gimmick — SAFETY POKER!

## 9) SUNESIS

is a medium-sized construction company (100 employees) that was responsible for the death of a worker, 28-year-old Timothy Roark, when a 30-foot trench collapsed on July 31, 2005, near Cincinnati, Ohio.

Worker fatalities from trench cave-ins are well recognized in the industry and totally preventable. Past records from OSHA indicate that each year an estimated 40 workers are killed in trench cave-ins.

In 2003, 15 of the country's 48 trench cave-in fatalities, or 31%, were Hispanic workers, according to BLS data. OSHA's analysis of internal investigations puts the number even higher, at 44%. OSHA has specific regulations to safeguard workers during these operations.

The follow-up story after the fatality found that the company was "rushing to make a deadline." In a very common follow-up media report on the fatality, Cincinnati News 5 reported that this was a "freak accident." However, the hazards of unshored trenches have been well documented for decades and the numbers of workers killed each year tell the real story.

Subsequently, another Sunesis worker fatality occurred: Gregory Miller was killed on the job on October 17, 2005.

"This is the second death at this company is three months. I am at a complete loss," said Robyn Miller, sister of the victim.

## 10) UNICCO

Two immigrant employees were killed while performing window-cleaning operations in Boston in 2003. OSHA investigated the incident and found the company in violation of several standards, including a faulty fall-arrest program. The company agreed to abate the violations and prevent problems by instituting a program to inspect and correct hazards in future operations.

In spite of this, on June 8, 2005, one window washer lost his life and another was seriously injured, after falling from a four-story office building. OSHA then cited UNICCO for willful violations. Some of the same hazards found in the 2003 fatality incident were cited yet again.

The *Miami Herald* recently reported health and safety problems at the University of Miami campus with UNICCO. Workers have complained of getting sick from chemicals used in janitorial jobs.

# 'Dirty Dozen' Campaign Highlights Corporate Crimes

(continued from page 5)

## 11) WAL-MART STORES, INC.

Wal-Mart is the country's largest and most profitable corporation, employing 1.3 million workers and making \$9.1 billion in profits in 2003. The retailer is also recognized as one of the nation's most frequent violators of labor laws and minimum labor standards, including: failing to pay workers for overtime; locking workers into stores overnight; discriminating against women employees; exploiting workers overseas; and offering substandard wages and benefits.

According to the House Committee on Education and the Workforce, "Wal-Mart's power and reach mean that its unacceptable labor standards have vast implications for workers in the United States and around the world."

One work practice scandal is a company "lock-in" policy. Wal-Mart locks the doors at night so that no one can enter or leave the building, leaving workers trapped inside. Many employees have reported serious incidents—an Indiana worker suffering a heart attack; workers' wives going into labor; being unable to evacuate during a hurricane in Florida; and sustaining serious injuries without being able to get immediate medical care.

The fire exits at Wal-Mart are generally not locked; however, workers are threatened that if they use the fire exit to leave, they will be fired. Managers are supposed to have a key to allow employees to escape in an emergency; however, many employees are locked in without a manager present who has a key.

According to a report by Representative George Miller on Wal-Mart's labor record, "Locked-in workers have had to wait for hours off-the-clock for a manager to show up to let them go home after they completed their shift. One worker claims to have broken his foot on the job and had to wait for hours for someone to open the door. Another worker alleges she cut her hand with box cutters one night and

was forced to wait until morning to go to the hospital, where she received thirteen stitches." [8]

After a 5-year investigation, the U.S. Department of Labor found that Wal-Mart violated child labor laws by allowing minors to operate hazardous equipment at stores in three states. Though the law prohibits it, Wal-Mart had its young employees operating cardboard balers and chainsaws, the most dangerous equipment in the industry. [9]

## 12) W. R. GRACE

When the company bought the Asbestos and Vermiculite Mine in Montana in 1960, medical science had already established that asbestos dust caused sickness and death. Perhaps that's why Grace chose to drop the word "asbestos" from the mine's name. Until 1995, Grace ignored the fact that the vermiculite was contaminated with asbestos. Even when workers in the mine and mill became sick, Grace denied that asbestos was the cause.

When one doctor realized his patients had asbestos-related disease, the company ran him out of town in order to keep its secret. Grace shipped hundreds of thousands of tons of asbestos-contaminated vermiculite to distribution points all over the U.S. and Canada, where it was treated and packaged for sale.

At least 30,000 Grace workers were heavily exposed to asbestos dust. The EPA estimates that another 13 million people are at risk because they lived near the plants.

### ***Dishonorable Mention:*** **BUFFALO BITUMINOUS**

On June 11, 1998, Patrick Randel, a 19-year old college student nine days into his summer job as a laborer, was sent down into a manhole to clear debris. He started to falter, made it to almost the top while trying to escape, and then fell backward; Patrick died from the incident. The fine issued by OSHA was just \$3,600 for this tragic workplace fatality.

## PERSONAL TESTIMONY

*No one knows and feels the consequences of these preventable injuries and deaths more than the victims and their loved ones.*

"We need to act now to save others from the pain and suffering these preventable tragedies bring," said Tammy Miser of United Support and Memorial for Workplace Fatalities (USMWF) and sister of workplace fatality victim Shawn Boone at the Hays Lemmerz plant.

Donald Coit Smith, whose son was killed last year in a meatpacking fatality, states, "Another death incident was posted at OSHA. A company in North Tonawanda, New York, was cited \$60,000 for 20 violations as a result of corporate America not caring. No lockout procedures, no employee training, no lockout inspections, just to name three of the citations given. OSHA does not have the power to stop these killings.

"Our legislature and lawmaking entities must take charge and quit covering up for companies killing people. Violations of the law, especially where death is concerned, must carry stiff penalties to include long jail terms. There's no difference in what happened in New York and someone getting run over by a drunk driver...except the laws protect companies. They are, in effect, getting away with murder."

**We must continue to name the names of the offenders, remember and memorialize the injured and killed, and fight to prevent injury and illness to the living.**

## ABOUT THE NATIONAL COSH

The National Council for Occupational Safety and Health is a federation of 21 local and statewide COSH groups, which are private, non-profit coalitions of health and technical professionals, labor unions, and others that work to promote worker health and safety through education, training, and policy advocacy.

# ...and Outlines a Bold Strategy to Protect Workers

## CONCLUSIONS AND RECOMMENDATIONS

*We have highlighted these 12 companies, because we believe they are important cases that illustrate the problems of worker health and safety in American workplaces. Had these companies invested in safety instead of just the bottom line, over 40 workers who recently died in these workplaces would still be alive today.*

The “**Stop Corporate Killers**” Campaign calls on the government to:

- 1. Strongly enforce current standards and regulations.** This should include higher penalties and increased criminal prosecution of corporate irresponsibility in cases of willful and egregious actions by employers that result in fatalities and serious workplace injuries. A minor \$3600 fine for the company responsible for the loss of 19-year old Patrick Randel, or the death of a second worker at Sunesis, shows how poorly the current system is working.
- 2. Promulgate new and revised standards to address known hazards.** Most standards were adopted by OSHA in 1970 and have not been revised since then. The OSHA and MSHA standard-setting process is slow and ineffective. Explosive aluminum dust caused the fatality of Shawn Boone at Hays-Lemmerz and many other workplace fatalities, yet a comprehensive standard does not exist to protect workers against explosive dust. MSHA officials had withdrawn a proposed standard that would have required mine owners to install flame resistant conveyer-belt ventilation systems, which probably would have prevented the mine fire that recently killed two West Virginia miners. Similarly, MSHA withdrew a rule proposal that would have required underground mine operators to provide caches of self-rescue breathing devices, allowing miners to escape to the surface or a safe location

[10]. It was a similar Canadian standard that recently allowed 70 trapped miners to survive an oxygen-deprived environment. A worker safety impact statement, which would mandate health and safety programs, should be implemented in the construction industry—especially when public monies are involved.

- 3. Revise policies to increase the participation of unions in the OSHA process after the inspection and investigation occurs.** In the BP case, the United Steelworkers Union (USW) was excluded, which resulted in OSHA settling with BP before any citations were issued. Had the citation process not been sidetracked, and had the Union been given the right to participate in settlement discussions, it might have ensured a more far-reaching agreement for worker health and safety.
- 4. Revise OSHA policies to include families of victims, including access to information and increased rights to compensation.**
- 5. Preserve the right of workers and citizens to bring suits in the civil courts and have their claims presented before a jury of their peers,** when corporations have wantonly violated their rights to safe workplaces and communities.
- 6. Appoint individuals to key safety and health positions on the basis of knowledge and competence,** not ideology and political connections. Recent developments at OSHA, including the nomination of an appointee with little experience in professional safety for the head of OSHA, serves as a continued reminder of the neglect of this issue by politicians. Rep. George Miller’s report on the recent mining disasters notes that the Bush administration has filled the top five positions at MSHA with officials from the industry it is charged with regulating.

- 7. Pass a criminal prosecution law authorizing OSHA to indict corporations for felony manslaughter** when they cause the death of workers by willfully violating safety and health laws.

## Endnotes

1. During the period from 1980 through 2004, at least 151,542 workers in the U.S. were killed on the job. NIOSH, Marsh S. and Layne L., “Fatal Injuries to Civilian Workers in United States, 1980-1995,” National Profiles; and Bureau of Labor Statistics, Census of Fatal Occupational Injuries (CFOI).
2. The Bureau of Labor Statistics, Census of Fatal Occupational Injuries (CFOI), counted 5,703 workplace deaths from traumatic injury in 2004. BLS also estimates that workers were injured 4.4 million times in 2003 alone; while NIOSH estimates that about 3.9 million occupational injuries were serious enough to be treated in hospital emergency rooms in 1999.
3. Loh, K., Richardson S. Foreign-born workers: Trends in fatal occupational injuries, 1996-2001. Monthly Labor Review, 2004, 127: 42-53.
4. Houston Chronicle, 5/17/05, “BP Says Staff’s Mistakes Led to Deadly Blast”.
5. US PIRG Education Fund, 4/24/03, “Irresponsible Care: The Failure of the Chemical Industry to Protect the Public from Chemical Accidents”.
6. The U.S. Chemical Safety Board is an independent federal agency responsible for investigating the causes of accidents due to hazardous materials in commerce and industry.
7. Mokhiber, R. and Weissman, R., “The 10 Worst Corporations of 2004,” Alternet, posted January 26, 2005.
8. Rep. Henry Miller staff, “Everyday low Wages—The Hidden Price We All Pay for Wal-Mart,” 2/16/04,
9. See more info at [http://www.ufcw.org/issues\\_and\\_actions/walmart\\_workers\\_campaign\\_info/facts-and\\_figures/walmartonsafety.cfm](http://www.ufcw.org/issues_and_actions/walmart_workers_campaign_info/facts-and_figures/walmartonsafety.cfm).
10. Borenstein S., Knight-Ridder Washington Bureau, “MSHA Flip-Flops on Breathing Devices; WV Mine Safety Chief Stepping Down,” February 8, 2006.

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