

# Worker killed at Tonawanda Coke near Buffalo, NY

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A 60-year-old worker was killed while working alone on or near a bucket elevator that was part of a coal conveyor at the Tonawanda Coke plant just north of Buffalo, New York on the morning of January 6. The worker was a 10-year veteran at the plant who was well respected by his co-workers.

The federal Occupational Safety and Health Administration (OSHA) is launching an investigation into the death of the worker. OSHA officials say they will be looking into whether proper guards were in place to prevent people from being injured by the machine and that power to the machine was disconnected during maintenance, a necessary step to prevent the machine from accidentally being turned on.

OSHA has up to six months to finish their investigation of the incident, but indicated that they could release the results sooner. Such reports are often simply relegated to the archives, with OSHA admitting it is lacking resources to properly address the crisis of workplace injury and illness.

In January 2014, an explosion at the coke plant was caused by the improper venting of combustible coke oven gases that ignited. The resulting blast injured three workers: two full time and one temporary. The temporary worker was employed by Kirchner LLC, according to OSHA.

Reports by the local press on the 2014 explosion indicated that the company initially restricted access to the injured workers by first responders. The outcome after a months-long investigation revealed negligence. The penalty for the facility's life-threatening safety violations was assessed by OSHA in late July and initially consisted of a \$161,000 fine, which, after negotiations between OSHA and the company was eventually reduced to \$115,370.

A search of OSHA records also uncovered another

incident from 1999 where a worker was crushed to death between the door of a coke oven and a steel beam, called a buckstay, while patching the oven. It is worth noting that the fine assessed then by OSHA was a paltry \$3,500, which was later trimmed to \$2,450. Since 1970, there have been only 88 criminal prosecutions by OSHA in the US related to worker deaths.

In 2014 OSHA reported that 4,679 US workers were killed on the job. The number of serious injuries annually is estimated at over 3 million. The real death toll is significantly higher when including those killed by diseases caused by exposure to toxic chemicals. A Department of Labor report, "Adding inequality to injury," noted, "approximately 50,000 annual U.S. deaths are attributable to past workplace exposure to hazardous agents, such as asbestos, silica and benzene."

Tonawanda Coke operations were started by Allied Chemical in 1917, supplying the once thriving steel mills of the now deindustrialized Buffalo area. The plant was sold to JD Crane in 1978. Crane's holdings also include Erie Coke of Erie, Pennsylvania and Vanocur Refractories LLC, also in Tonawanda.

The worker killed in January 2016 was represented by the United Steel Workers (USW) trade union. James Briggs, USW New York's sub-district 4 director told the *Buffalo News* "Right now, for us, for the union, it's just a tragedy, a guy got up to go to work and planned on going home at the end of the day, and his family planned on seeing him. That didn't happen."

In an effort to deflect blame and attention for their lack of oversight, the USW has announced that it is undertaking its own investigation into the death. "We will get to the bottom of what happened and we will make sure that this worker—what happened to him—is addressed in the proper way to make sure it doesn't

happen to another worker at that site or any other site we represent.”

In fact, the USW has worked with the company to cut jobs and employ contract workers while allowing steel companies to reduce safety standards.

In 2014, Tonawanda Coke was found guilty in federal court of responsibility for dumping toxic waste near Tonawanda. The federal government responded, after years of complaints by residents, with the criminal prosecution and conviction of Tonawanda Coke Corp. and its environmental manager, who received a light sentence of one year and one day, and a \$20,000 fine.

The company initially faced a fine of \$295 million—which was reduced to \$12.5 million—for the dumping of coal tar and allowing the widespread illegal release of hundreds of tons of carcinogens like benzene gas. Health studies revealed increased incidences of cancer and other serious ailments in people living in the vicinity of the coke plant. Soil tests have also revealed that the land in this mostly working class town is widely contaminated, and many homes are now considered worthless.

At the time, local radio station WBFO quoted a former Tonawanda Coke worker, David Velazquez, who said, “at Tonawanda Coke, 20 minutes before your shift was over, you were allowed to go take a shower, paid for. First time ever, a company tells you leave that uniform there, [leave] your stuff there, and go take a shower ... Now, looking back I could see why, with the benzene and a lot of the chemicals.” Local residents speaking at a public meeting described being unable to sell their homes after the soil tests revealed toxic contamination.



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