

US construction companies cited for serious federal workplace safety violations

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The US Federal Occupational Safety and Health Administration (OSHA) issued its highest fines to a series of construction companies and contractors during the first quarter of 2021, according to a report by the industry website Construction Dive.

Federal OSHA issues penalties to employers found in violation of its workplace safety standards, which include violations that cause injury and death to workers. In states that operate their own Occupational Safety and Health agencies, they are required to adopt maximum penalty levels at least as high as the federal level.

The construction industry report found that OSHA fined contractors for “fall protection, excavation and trenching violations but also for fatalities involving the use of aerial lifts.” Of the three fatal injuries that OSHA cited, all involved aerial lifts, which require training and inspections before operating, by OSHA’s standards.

According to OSHA’s fact sheet, an “aerial lift is any vehicle-mounted device used to elevate personnel, including: extendable boom platforms, aerial ladders, articulating (jointed) boom platforms” and “vertical towers” or any combination of these. They are dangerous to work with, and workers who work with them regularly face the risks of “fall from elevated level, objects falling from lifts, tip-overs, ejections from the lift platform, structural failures (collapses), electric shock (electrocutions), entanglement hazards,” and more.

The top seven fines cited in the report went to construction contractors around the US:

- **Carework Construction in Newark, New Jersey , was fined \$404,811.** Carework was cited for one willful and two repeat violations related to violations of fall protection standards. The contractor came under scrutiny by OSHA in March 2020 for eight serious and two repeat violations related to fall protection, scaffolds, and protective equipment for workers.

- **Arrow Plumbing in Blue Springs, Missouri , was fined \$299,950.** The fines were issued for two serious and two repeat violations. The company repeatedly violated

excavation and trenching standards, even after supposedly committing to a trench safety program after a worker died at one of its sites in 2016 in an unprotected trench collapse.

- **Boak & Sons in Youngstown, Ohio , was fined \$218,197.** The contractor violated ladder safety and scaffolding and fall protection standards. It has repeatedly been found by OSHA to have violated fall protection standards in the past.

- **Cunyas Roofing in Bismarck, North Dakota , was fined \$207,802.** OSHA found that the company failed to provide workers with “guardrails, safety net systems or personal fall arrest systems” and failed to pay for personal protective equipment (PPE).

- **Lifetime Contractor Corp. in Trenton, New Jersey , was fined \$201,090** after OSHA completed two inspections, one of which was triggered by a worker’s injury after a multi-car garage collapsed at a project site in Elmwood Park, New Jersey. The contractor violated OSHA’s standards for fall protection, hard hat and eye safety, and ladder use standards.

- **Eastern Constructors in Geismar, Louisiana , was fined \$170,534.** Two workers were killed on the job while performing structural steel work for the contractor at a new Amazon fulfillment center being built in Suffolk, Virginia. According to the report, Eastern Constructors was cited for one willful and three serious violations after “both workers fell approximately 54 feet after falling materials from the collapse struck the aerial lifts” they were working on.

- **Marfi Contracting Corp. in Staten Island, New York , has been fined \$148,643** in total. OSHA issued five citations to Marfi, two serious, one willful, one repeat, and one other after a worker climbed from an aerial lift onto a roof to work, which collapsed, leading the worker to fall 25 feet to their death.

The maximum penalties for serious violations are only \$13,653 per violation, and \$136,532 per violation for willful and repeat violations, according to an agency memo released January 8, 2021. These fines are pitifully low, given the terrible toll workers and their families suffer, and are often

challenged and reduced.

Construction workers are particularly at risk for suffering death on the job. The US Bureau of Labor Statistics (BLS) publishes data on recorded workplace fatalities annually in its Census of Fatal Occupational Injuries report. Data for 2020 has not been released. For 2019, the year for which the most current data is available, the BLS reported a total of 1,061 construction workers died on the job in the US in 2019, the highest of any sector of industry. Construction workers are the fourth-highest group at risk for dying at work, according to the 2019 report, which found a fatality rate of 9.7 per 100,000 full-time workers in the industry.

These dangerous conditions are by no means limited to the US. Globally, construction work is one of the deadliest industries. The United Nations International Labour Organization (ILO) reported that in 2019, Moldova reported a fatality rate of 44.7 per 100,000 construction workers, Sri Lanka had a rate of 41.7, Ukraine had a rate of 31 and Israel a rate of 12.7. According to the UN ILO, falls were found to be the most common cause of fatality for construction workers worldwide during that year.

The COVID-19 pandemic took a toll on global markets in March 2020. As state governments in the US moved to implement limited lockdown measures that halted some business activities, in response to independent actions by workers to stop production worldwide, this coupled with economic factors led construction projects in the US to grind to a halt. Governments offered little to no assistance to workers and small business owners who were unable to work during the lockdowns.

Demand for new non-residential building starts declined 24 percent and non-building infrastructure projects declined 13 percent in the following months, and the US saw a loss of 220,000 construction jobs, or 2.9 percent, in 2020 compared to 2019, according to BLS reports.

No strangers to dangerous working conditions before the pandemic took hold, construction workers faced even more dangerous conditions upon returning to work. As states rushed to reopen in mid-2020, some demand was regained, mainly in the residential building sector. Overall fewer starts compelled contractors to shore up lost profits, meaning cuts to jobs and safety measures, forcing workers to perform more dangerous tasks with sparser crews.

Construction workers themselves are at a high risk of contracting COVID-19 on the job. Last August, the CDC reported results of a study from Utah that showed that construction work had the second-highest rate of workplace outbreaks next to the manufacturing industry. Another study by the University of Texas at Austin COVID-19 Modeling Consortium found that Austin-area construction workers with COVID-19 were five times more likely to be

hospitalized than those in other occupations. The study cited the inability to stay home, lack of ability to social distance, and employer practices as top contributors.

Rather than protecting the interests of the working class whose lives are put at risk for the profits of the financial oligarchy, OSHA has worked in favor of businesses and state governments that have demanded the reopening of the economy during the pandemic. On its federal website, OSHA has reported only 468 known workplace-related fatalities from COVID-19 since the start of the pandemic, a grotesque underestimation. Its data on COVID-19-related workplace deaths is more than six months out of date, with the most recent recorded for October 16, 2020.

OSHA, along with the trade unions, corporations and state governments, is working consciously to cover up the true spread of the disease throughout workplaces in the US. In one example uncovered by the *World Socialist Web Site*, OSHA turned a blind eye toward the blatant falsification by Stellantis of COVID-19-related deaths at its Warren Truck Assembly Plant north of Detroit throughout 2020.

As a regulating agency, OSHA has little power to enforce its own regulations. It allows businesses found in violation of safety standards to appeal or contest the violations, often resulting in a lowering of penalties, even for those that result in a worker's death. This often comes as a slap in the face to the loved ones and co-workers of workers who suffer untimely and tragic deaths for the sake of profits.

The Obama administration cut funding for inspection staff at federal OSHA, further crippling its ability to issue citations for violations, paving the way for even deeper cuts to the agency under the Trump administration. The Biden administration has made no mention of improvements, either. Biden's "American Jobs Plan," aimed primarily at aggressively undermining China's economic position on the world scale for the benefit of US imperialist interests, makes no mention of workplace safety.

The incentive for businesses to place profit interests above worker health and safety is abetted by the policies of the administration. Five of the seven construction companies being fined the highest by OSHA are currently pending abatement of the penalties or contesting the violations issued.



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