

OSHA will not investigate death of independent contractor in Iowa farm tank dive

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The federal Occupational Safety and Health Administration (OSHA) will not investigate the death of independent contractor Bob Baenziger Jr., 54, of East Moline, Illinois after he died June 8 while performing a dive to repair a broken cable at the bottom of a million-gallon anaerobic digester tank at Sievers Family Farm in Stockton, Iowa.

Anaerobic digesters, or biodigesters, are enclosed structures used on farms worldwide to break down manure and other organic matter with bacteria in the absence of oxygen. The digester captures methane gas released by the bacteria in the process, which can then be burned for heating and electrical power.

OSHA's rejection of an investigation was first reported in the press on Thursday. Iowa OSHA, the state-level regulator, will not investigate either, as it falls under the same limitations as the federal agency. As an independent contractor, Baenziger was exempt from OSHA inspections. Because the farm where he worked at the time of his death officially had fewer than 10 employees, it was not subject to Iowa OSHA regulations, according to administrator Russell Perry, who spoke to *The Gazette* of Cedar Rapids, Iowa.

Baenziger was an experienced diver who had been trained in the US Army, according to his mother, who was interviewed by *The Gazette*. He worked for many years diving to repair offshore oil wells. He spent his entire adult life working, according to his son Quinton, who spoke to the *Dispatch - Argus*. Baenziger owned a small construction business where he worked installing insulation and later in life became a handyman. "Some of those memories of working with him instilled a work ethic in me of being an extremely hard worker and enjoying life," he said of his father.

The refusal of OSHA to investigate Baenziger's death came as potentially serious safety violations on the part of Sievers Family Farm came to light. Before he died in the tank, Baenziger's fiancée, Eliza Bisbee, who accompanied him, attempted to pull him up after he relayed to her through radio communications that he was removing his helmet, according to Scott County Sheriff's Captain Joe Caffery. According to Caffery, only Baenziger's helmet surfaced after Bisbee tried to pull him up through the waste with a rope.

New Liberty Fire Chief Chad Peterson raised concerns about the temperature of the tank. He stated to *The Gazette* that the surface temperature of the water was 120 degrees Fahrenheit when emergency responders arrived. This was too hot for the Northern Divers USA commercial diving team to safely enter, who had been called in from Chicago to rescue Baenziger. This temperature was also far above the 99 to 105 degrees that farm owner Bryan Sievers claimed the tank maintained to support the breakdown of waste into gas.

Peterson called in outside crews to haul in 100,000 gallons of water from a quarry in the area in order to cool the tank so rescuers could safely enter. It took rescuers 22 hours in total to retrieve Baenziger's body from the tank.

Baenziger did not appear to have the right equipment to dive into a highly contaminated environment safely, based on the observations of Northern Divers USA owner Frank Frosolone. He told the *Gazette* that a contaminated dive required his team to use "specialized suits with double seals and triple backup air supply and communications" along with other protective equipment, such as a harness or a backup air source,

and “[Baenziger] didn’t have any of that stuff.” As an independent contractor, Baenziger likely would have had to shoulder the costs of the expensive gear himself.

Baenziger’s death highlights the dangerous situations that many freelance, contract, and “gig” economy workers face in the United States. They are largely unprotected by any government safety and health regulating agencies like OSHA, which themselves have been starved of funding over decades of both Democratic and Republican administrations in order to give businesses a free hand to strip safety protocols in order to protect their profit interests.

Over the course of the coronavirus pandemic, OSHA itself has been exposed as an agency that works first and foremost in the interests of US big businesses and not in the interests of workers that it was supposedly created to protect. Along with the trade unions, corporations and state governments, the agency has worked consciously to cover up the true spread of COVID-19 throughout workplaces in the US. The *World Socialist Web Site* revealed in March that 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.

Baenziger’s tragic, and likely preventable, death came on the same day that Iowa Republican Governor Kim Reynolds signed into law a bill that encourages the use of digesters at large-scale animal feeding operations, rather than only open-air manure pits. Anaerobic digesters are attractive to large farms because they reduce the amount of greenhouse gases that are released into the environment. This can help farms earn carbon credits, which they can sell to generate extra revenue in some cases, and can offset the costs of a business or farm that is required to pay a carbon levy for carbon dioxide emissions.

The US Environmental Protection Agency (EPA) identifies 20 safety risks associated with operating anaerobic digesters, including those specifically associated with confined space entry and hazards associated with biogas.

The EPA’s “Common Safety Practices for On-Farm Anaerobic Digestion Systems” states that “Constituents of biogas, including carbon dioxide, methane, and hydrogen sulfide, present the potential for both asphyxiation and fire or explosion in confined spaces. It

is important to remember that even a few gallons of manure or other organic material in a tank or confined space can pose a serious health risk under the right conditions. A recent example of confined space entry fatality occurred in July of 2010 when two farm employees died while cleaning a storage tank.”

Responsibility for Baenziger’s death lies primarily in the hands of the American ruling class and its politicians in both big business parties, which have systematically passed laws to ensure the greater expansion of unprotected work in the US and stripped away safety regulations in order to satisfy their relentless drive for profits.

OSHA’s regulations on commercial diving safety for general industry do not list any specific regulations for farming and agriculture, anaerobic digesters, or exposure to contaminants such as biogas and hazardous gases like methane.

Responding to the *Gazette*, University of Iowa professor of Occupational and Environmental Health T. Renee Anthony said that, “any time farmers make repairs in a confined space, such as a digester or a grain bin, they should test the air to determine potential contaminants, check to see if the repair person has the proper gear and figure out how they will get the person out if there’s an emergency. ... Every farmer that has a digester or manure storage needs to know there are life-and-death consequences of going into those spaces.”

According to the Centers for Disease Control and Prevention, agriculture is one of the most dangerous industries for workers in the US. In 2017, 416 farmers and farm workers died from work-related injuries, a fatality rate of 20.4 deaths per 100,000 workers.



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