

No fines against Amazon for warehouse collapse during tornado that killed 6 people

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On Tuesday, the Occupational Safety and Health Administration (OSHA) announced that Amazon would not be held liable for the deaths of six employees in the collapse of an Illinois warehouse which was struck on December 10 by an EF-3 tornado.

According to OSHA, the DLI4 facility in Edwardsville, Illinois, “met minimal safety guidelines for storm sheltering” when it was leveled by the weather system. The warehouse was among several workplaces that were struck by the storm, which caused nearly 100 fatalities across the lower Midwest United States in the month of December 2021. The Mayfield Consumer Products candle factory near Louisville, Kentucky, was hit on the same night, leading to 8 fatalities.

Although declining to fine the corporation for the catastrophe, a letter published by OSHA pointed to several “risk factors” that it noted in conducting its investigation which was started following the disaster.

Of top concern was that a megaphone, which is cited by the facility’s Emergency Action Plan (EAP), was “locked in a cage and not accessible.” In addition, “some employees did not recall the location of the DLI4 designated severe weather shelter-in-place.”

According to the letter, “Amazon managers began directing employees to go to the restroom in response to local weather alerts and tornado warnings approximately 10 minutes prior to the tornado’s touch down.” The restroom which the six victims were directed to collapsed soon after they took up shelter in it. “I recommend that you voluntarily take the necessary steps to eliminate or materially reduce your employees’ exposure to the risk factors described above,” the letter concludes.

A CNBC report from December cites comments from Debbie Berkowitz, a former OSHA official currently

working with the National Employment Law Project. “They [OSHA] will try to figure out what happened, but mostly their job is to see if there was a violation of any standard,” she said. OSHA’s investigation was a “formality” and likely to be “narrowly focused on things such as whether exits are accessible or if emergency action plans were in place.”

OSHA, according to comments cited in a *Business Insider* article last September, is “woefully understaffed” and has “always been very limited in the size of penalties that the agency can levy on employers they catch violating the law.” As of 2021, the agency has issued less than 300 health violations throughout the pandemic for violations of health and safety practices.

On the evening of December 10, 2021, employees at the DLI4 facility were told to shelter-in-place at the Amazon facility, which is listed as a “delivery station” by the company and employs 190 people. In texts exchanged with friends and loved ones, some workers who did not survive the storm said management wouldn’t let them leave or cancel their shifts, despite the many severe weather warnings that had been issued in the previous days.

CNBC cites the experience of Craig Yost, a delivery contract worker who also took up shelter inside the unsafe restroom. According to the report, Yost and co-worker Larry Viriden, 46, “ran into the men’s bathroom closest to the garage where the delivery vans are parked.” They had been made to believe that the room was built to withstand the storm. “Suddenly, the lights began to flicker. ‘Then the hit came,’” it states, citing comments from another worker.

Yost was buried under rubble and suffered multiple fractures and a concussion. Viriden was not so lucky and was one of the six that lost their lives that night.

According to *CNBC*, “All the victims were delivery employees for Amazon, with the exception of [Clayton] Cope, who was a maintenance mechanic at the warehouse.” Confirming this, the *New York Times* wrote at the time that “[o]nly seven people at Amazon’s [DLI4] site were full-time employees.”

The DLI4 delivery station is one of many such facilities run by Amazon throughout the country. To meet its requirements during the busy holiday season, Amazon will outsource its delivery services to any one of its more than 3,000 third-party contractors. Even while many of these workers “often wear Amazon uniforms and drive Amazon-branded vans,” states *CNBC*, they are not entitled to many of the benefits and protections of an Amazon associate.

According to the *Times*, this system “complicated the rescue effort in Edwardsville.” The newspaper said that authorities had “challenges” identifying who was actually present at the facility on the evening of December 10. A *Bloomberg* investigation last year notes “working conditions are so tough and unforgiving... that [Amazon delivery contractors] have been known to abandon their package-laden vans on the first day of work and disappear.”

OSHA’s decision to let Amazon off scot-free follows a \$60,000 wrist-slap fine by the state of Washington for “willful and serious” health and safety violations. According to the state’s government, the work processes at Amazon’s warehouse in Kent, the closest fulfillment center to the corporation’s Seattle headquarters, “create a serious hazard for work-related back, shoulder, wrist, and knee injuries.”

In early April, members of the United States House Oversight Committee announced an investigation into Amazon due to concern over “recent reports that Amazon may be putting the health and safety of its workers at risk, including by requiring them to work in dangerous conditions during tornadoes, hurricanes, and other extreme weather.”

The Democratic committee members co-signing the letter of inquiry, which include chairperson Carolyn Maloney of New York as well as Alexandria Ocasio-Cortez (New York) and Cori Bush (Missouri), called on Amazon CEO Andy Jassy to respond by April 14. While not publicly responding to the committee, Jassy falsely claimed in a letter to shareholders published April 14 that “[Amazon’s] injury rates are sometimes

misunderstood” and that they were “about average relative to peers.”

In fact, regular studies have shown Amazon’s injury rates exceed the national average in the warehouse industry. A worldwide company incident report in January showed that even after minimizing incidents among its online retailing units, Amazon still had a higher injury rate than its competitors (6.4 injuries for every 200,000 working hours compared with a 5.5 injury average). This did not include figures among its numerous contractors.



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