

The Contractors Critic

Reporting on Safety, Productivity and Honesty in the Construction Industry

HOLDRIDGE MECHANICAL, INC. AND AFFILIATED COMPANIES

Safety troubles, OSHA violations & litigation

Holdridge lies about asbestos danger exposing workers, and customers

Some “serious” violations of the Occupational Safety and Health Administration (OSHA) laws are more “serious” than other “serious” violations, as anyone tracking the growing elasticity of federal safety rules of late knows.

But even setting that elasticity factor aside, current OSHA officials now appear to be more



or less winking at dangers the public most fears: known cancer-causing health hazards on jobsites.

One example is the recent instance in which Holdridge Mechanical, Inc was found lying to OSHA about proven asbestos dangers.

OSHA inspection #307888719, conducted in March 2005 at a Holdridge

Mechanical work site in the 2500 block of Stafford Place in Columbus, Ohio resulted in a \$900 fine for a

Asbestos cont'd, pg 7

Falls a problem at Stover “family” of companies

In the Stover “family” of companies, a worker’s chances of falling off things and hurting him- or -herself look pretty good.

Over at Howard Sheet Metal, Inc., federal Occupational Safety and Hazard Administrator inspectors cited the company for a “serious” violation of safety standards by exposing workers to dangerous falls ranging in heights from six

to 20 feet.

The citation came from an inspection of the Licking County Domestic Court facility in Newark, Ohio.

The OSHA inspector issued the citation in May 1999 after seeing – among other things – workers laboring at an altitude without proper guard rails. A “worker observed climbing

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NEWS FLASH

Holdridge violates state prevailing wage laws on numerous projects throughout the state. Most of the convictions and fines occurred since March 2006. Fines and wages total close to \$100,000.

COMPREHENSIVE DETAILS IN NEXT ISSUE.

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Stover safety violations are regular, serious

OSHA inspection reports have shown over time that violations discovered at Stover Industries are nested inside in other violations that have been reported and

investigated.

In a March 10, 2000 sweep of the company's facility at Stover Drive in Delaware, U.S. Occupational Safety and Health Adminis-

tration authorities found and cited Stover for \$3,500 worth of violations.

Hard copies of the inspection reports, and results of the subsequent hearings, show Stover Industries was fined \$3,500 for safety violations, including one "serious" citation calling for a \$2,500 fine and one "other" violation that was serious enough to merit a penalty of \$1,000.

Inspection #122045750 revealed that at certain points in the production area Stover had failed to erect sufficient safeguards to protect machinery operators from serious injuries.

"In the Production Area, the Fischer Press Brake (Machine #A61150) had no point of operation guarding exposing the operator to (be) caught between the hazard," OSHA reported.

This hazard was apparently made worse because Stover Industries' "Employee training did not include details of the hazard communication program developed by the employer, including the explanation of the labeling system and the material safety data sheet and how employees can obtain and use appropriate hazard information."

In other words, the safety marshals were concerned about the situation because Stover Industries had apparently failed to tell workers of how to read the safety signs and what to do about it if they were to find a safety hazard.

Stover Industries and subsidiaries' scorecards:

Stover Industries, Inc.

222 Stover Dr., Delaware, OH 43015

Phone: 740 363-5251

Est: 1989

President: Carl L. Stover

Employees in 2005: 40

Sales: \$3.7 million

Holdridge Mechanical Inc.

1271 Edgehill Rd., Columbus, OH 43212

Phone: 614 299-6299

Est: 2000

Employees: 41

President: George Holdridge

Last reported sales: \$3.9 million

Howard's Sheet Metal, Inc.

9424 Lancaster Kirkersville, Baltimore, OH 43105

Phone: 740 862-6675

Est: 1983

Employees in 2003: 40

President: Howard Hatmaker

Last reported sales: \$11.3 million

All-American Air

A registered "service mark"
of Howard's Sheet Metal, Inc.
(See above information)

OSHA's enforcement of safety laws — or lack thereof

In a tacit deal with industry, the Occupational Safety and Health Administration has practically granted employers immunity from prosecution no matter how many times their willful actions result in worker deaths, a major newspaper study has shown.

A *New York Times* reporter and a team of researchers investigated 20 years of OSHA enforcement of workplace deaths in which, 93 times out of 100, employers received little or no punishment, even if they had a known past history of acting just as negligently.

The study by reporter David Barstow, aided by Remy Gerstein, Robin Stein and analyst Tom Torok, was published Dec. 22, 2003. The study showed that, "Over a span of two decades, from 1982 to 2002, OSHA investigated 1,242 of these horror stories — instances in which the agency itself concluded that workers had died because of their employer's 'willful' safety violations. Yet in 93 percent of those cases, OSHA declined to seek prosecution."

The newspaper also found that at least 70 employers who had violated safety rules were repeat offenders. These repeat, willful violations of safety laws caused additional deaths that were rarely prosecuted.

"OSHA's reluctance to seek prosecution... persisted even when employers had been cited before for the very same safety violation. It persisted even when the violations caused multiple deaths, or when the victims were teenagers. And it persisted even where reviews by administrative judges found abundant

proof of willful wrongdoing," the newspaper reported.

OSHA officials claim that the problem is, "a bureaucracy that works at every level to thwart crimi-

nal referrals. They described a bureaucracy that fails to reward, and sometimes penalizes, those who push too hard for prosecu-

OSHA enforcement cont'd, pg 4

Falls

Cont'd from pg 1

support structure for access."

An evidentiary video was made of the event.

It may not have helped Howard Sheet Metal's case that the inspector "Had to wait 45 minutes for consultant (and) G.C. out of office for 30 minutes.

Noticed some workers leave site."

at least 2 high. The cylinders were not secured."

The inspector originally reported the violation as both "serious" and repeat because the employer had "knowledge" that the stacking was improper and should have corrected it without being told.

After some negotiations,

The OSHA inspector reported a serious and repeat violation because the employer had "knowledge" that the stacking of the propane tanks was unsafe.

A suspicious inspector might think that with all that waiting and departing the scene going on the company being inspected was trying to jiggle things to hide violations.

But that's only what a suspicious inspector might think and no one likes a conspiracy nut.

When the inspector was finally escorted on his safety tour on which he did find "16 (8 full and 8 empty) 20 pound propane tanks stacked (improperly). Employees were exposed to a struck by hazard. The tanks were stacked

apparently OSHA issued a cover letter (in all senses of the word) to Howard Sheet Metal stating in the first paragraph that:

"The recent inspection of your workplace revealed no instances of Repeated, Willful, or Failure-To-Abate violations, nor were there a significant High Gravity Serious violations."

This would be a statement that could be construed by future customers that no violations had been found, which raises some questions about the true purpose of the letter.

'Amputation' fears cited in OSHA fines

Fines and penalties totaling \$3,500 were imposed when an OSHA inspector found workplace dangers at one Stover Industries, Inc. jobsite, the federal agency reported.

The Occupational Safety and Health Administration inspector cited Stover for one serious and two "other" violations after responding to complaints of unsafe practices by Stover at its own place of business in Delaware, Ohio.

The most serious of the violations the inspector found in a March 10, 2000 inspection was a hazard that presented an immediate danger of amputation of hand or fingers.

"There was a Amada M3060 Shear, used for general purpose that was not provided with complete point of operation guarding," the inspector said in inspection report #307882753.

The inspector said he found the machine operator "shearing cardboard (box dividers) and his fingers were at times six inches from the shear blade."

Moreover, the "unused portion (one foot) of a bandsaw blade used in the production was not provided with guarding."

OSHA enforcement

Cont'd from pg 3

tion, where aggressive enforcement is suffocated by endless layers of review, where victims' families are frozen out but companies adeptly work the rules in their favor."

In a comprehensive survey of recorded cases of willfully negligent deaths and interviews with hundreds of victims, witnesses, investigators and reluctant employers, *The New York Times* looked into 2,197 deaths between 1982 and 2002 that resulted from situations in which employers were "deliberately violating workplace safety laws."

The offenders ranged from giant transnational corporations to small

inasmuch as they allegedly never bothered to keep track of such trend.

Federal safety laws and their enforcers have never truly been harsh on employers.

As reporter Barstow points out, the maximum penalties allowed by law for employers who intentionally abuse workplace standards virtually guaranteed to result in worker deaths have always been trivial.

When OSHA was started over three decades ago, "it made it a misdemeanor to cause the death of a worker by willfully violating safety laws. The maximum sentence, six months in jail, is half the maximum for harassing a wild burro on



Out of 2,197 deaths, "employers faced \$106 million in civil OSHA fines and jail sentences totaling less than 30 years... twenty of those years were from one case."

privately-held companies in towns across America.

Many cases involved the deaths of individual workers. Others included multiple death tragedies that resulted from corporations flouting safety rules so as to plump their bottom line profits.

Out of those 2,197 deaths, *The New York Times* reported, "employers faced \$106 million in civil OSHA fines and jail sentences totaling less than 30 years... twenty of those years were from one case."

OSHA officials said they were surprised to learn of these statistics,

federal lands."

Many safety experts and members of Congress believe that lives could be spared if there was a true threat of employer prosecution.

Some have pushed for years to raise penalties for willful workplace deaths from a misdemeanor to a felony.

"But strong opposition from [politicians] doomed every effort," the newspaper reported.

Penalties were increased in a token way, insufficient to put a meaningful bite in the law.

OSHA enforcement cont'd, pg 5

OSHA enforcement

Cont'd from pg 4

“Congress did ... agree in 1984 as part of a broader sentencing reform package to raise the maximum criminal fine to \$500,000 from \$10,000. And in 1991, it raised civil fines. But the added deterrent appears modest.”

It continued, “From 1982 until 1991, the median fine for a willful violation that killed a worker was \$5,800, according to the *Times* examination. Since 1991, the median has been \$30,240.”

But whatever OSHA may have toughened on one front for public relations reasons, it mollified the industry with more than compensa-

tory gifts elsewhere, the journalistic investigation showed.

Beginning in 1990, OSHA started to give in to demands from companies to substitute the word “unclassified” in places where a willful citation would be used involving deaths.

The term was created by corporate lawyers and listed no where in the law, “But the agency’s field manual permits the ‘unclassified’ designation when an employer is willing to correct unsafe conditions but wishes to purge himself or herself of the adverse public perception attached to a willful violation.”

Workers should not hold out any

hope that state OSHAs will fill in the gap left by unwilling federal regulators.

The New York Times also investigated the states’ records for prosecuting willful workplace deaths. Prosecutors there were by and large no more willing to hassle corporations and employers.

“In at least one region of the country, OSHA inspectors have been instructed in writing not to initiate contact with state law enforcement authorities, whose local laws often offer stronger and more flexible criminal sanctions,” the article stated.

“Until presented with results of the *Times* examination, the agency had never done a comprehensive study of

OSHA enforcement cont'd, pg 6

OSHA violations

In past years, Holdridge Mechanical and its related and affiliated companies have been cited and fined for numerous violations of federal safety rules by OSHA (Occupational Safety and Health Administration) officials.

<u>Inspection #</u>	<u>Date</u>	<u>Location</u>	<u>Violation(s)</u>	<u>Fine</u>
Holdridge Mechanical, Inc.				
307238527	6/24/05	Cardington High School, Cardington, OH	1 serious, 1 repeat	\$1575
<i>This was cited as a repeat of citation #1125631348, (see next), both of which involved failure to provide workers with safety equipment, including eye goggles and proper respiratory devices. The second offense came even after the company safety coordinator was warned of violation and the proper OSHA standards. The violations were reported through complaints.</i>				
307888719	3/2/05	2548 Stafford Pl., Columbus, OH	1 serious	\$900
307889212	2/18/05	3863 Conway Dr., Columbus, OH	1 serious, 1 other	\$825
Stover Industries, Inc.				
307882753	7/28/04	222 Stover Dr., Delaware, OH	4 serious	\$2,800
122045750	3/10/00	222 Stover Dr., Delaware, OH	1 serious, 2 other	\$3,500
112539168	12/1/99	222 Stover Dr., Delaware, OH	1 serious	\$525
Howard's Sheet Metal, Inc.				
121909485	5/4/99	75 E. Main St., Newark, OH	1 serious	\$675

The total fine and citation amounts noted reflect initial citations and fines; the amounts may have been reduced or bargained down a later date. For more detailed information on Holdridge Mechanical and its related companies and affiliates' OSHA history, please visit the OSHA website at <http://www.osha.gov>.

OSHA enforcement

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how often workers were killed by willful safety violations," it continued.

The publication took steps to find every willful workplace death in the past two decades. It tracked and counted the fines, prosecutions, corrections and sentences that were handed out to negligent employers.

The study found that, "The deaths were the subject of 1,798 investigations, 1,242 of them by OSHA. The rest were done by the 21 states and one territory with their own versions of OSHA. But with a handful of exceptions these state agencies have been just as hesitant to seek prosecution as the federal OSHA."

"In all, the *Times* found 196 cases that were referred to state or federal prosecutors, resulting in 81 convictions and 16 jail sentences," the article continued.

In September 2005, the federal Bureau of Labor Statistics released statistics on workplace deaths by industry for the year 2004, which showed construction-related industries to be among the 10 most dangerous occupations.

The construction trades that show up here are the structural metal workers, roofers and electrical power installers. According to a special report by *CNN Money*, the report found that in 2004, "Construction workers had 9 percent more fatalities" than the year before.

America's 10 riskiest jobs

According to the latest statistics from the Bureau of Labor Statistics, the most dangerous jobs ranked by fatalities per 100,000 workers, included:

Logging workers	92.4
Aircraft pilots	92.4
Fishers and fishing workers	86.4
Structural iron and steel workers	47.0
Refuse and recyclable material collectors	43.2
Farmers and ranchers	37.5
Roofers	34.9
Electrical power line installers/repairers	30.0
Driver/sales workers and truck drivers	27.6
Taxi drivers and chauffeurs	24.2

Source: "America's most dangerous jobs", *CNN Money*, published Sept. 25, 2005

From the docket

The following lawsuits are just a sampling of the Stover family companies varied legal problems.

- *Cincinnati Steel Products v. Stover Industries*; Case #A0306262; Hamilton County (Ohio) Court of Common Pleas; Filed 8/20/03; Amount: \$68,453
- *Allied Abrasives and Tools v. Stover Industries*; Case #01CV5214; Hamilton County (Ohio) Municipal Court; Filed 2/26/01; Dismissed 9/25/01; Amount: \$5,522
- *Key Blue Prints Inc. v. Stover Industries*; Case #99CVF34044; Franklin County (Ohio) Municipal Court; Filed 10/15/99; Dismissed 1/22/01; Amount: \$787
- *Holdridge Mechanical v. Franklin Abstracting & Title Agency*; Case #9803CVF09650; Franklin County (Ohio) Court of Common Pleas; Filed 3/27/98; Amount: \$3,407

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Asbestos

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“serious” offense.

The initial report showed that – “Employees were assigned work with a jackhammer to remove tile and concrete as part of a backwater valve installation project.”

“Tiles were tested by the employer and employees were told the test for asbestos was negative.”

“These results were not given to the employee or the homeowner.”

“Independent testing was positive for asbestos in the floor tile.”

In other words Holdridge Mechanical bosses lied to its workers and to the property owner/customer that they might be breathing in asbestos particles which could lead to lung cancer and their deaths.

“Independent testing was positive for asbestos in the floor tile.”

That period of danger lasted from February 18 – February 25, the OSHA official reported.

This was not an isolated example of Holdridge Mechanical’s casual disregard of the health of its employees and its customers.

Elsewhere in the very same March 14, 2005 report, Holdridge Mechanical was allegedly found to have exposed employees to contaminated soil in a project in the 600 block of Eastmoor Boulevard, in Columbus, Ohio.

From the docket

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- *Muirloch Realty Inc. v. Holdridge Mechanical*; Case #98CVH00309; Franklin County (Ohio) Court of Common Pleas; Amount: \$3,407; Satisfied 3/24/98
- *Holdridge Mechanical v. Norse Air Inc.*; Case #96CVH191; Franklin County (Ohio) Court of Common Pleas; Filed 1/9/96; Dismissed 1/29/97
- *Wm. Thornton Builders Inc. v. Holdridge Mechanical*; Case #9201CVI00108; Columbus (Ohio) Municipal Court; Amount: \$156; Judgement entered 2/8/96
- *Holdridge Mechanical v. Remax Muirlock Realty*; Case #95096CVI18847; Franklin County (Ohio) Municipal Court; Filed 6/30/95; Dismissed 8/23/95; Amount: \$610
- *Ohio Bell Telephone v. Holdridge Mechanical, et al*; Case #95CVF2980; Franklin County (Ohio) Municipal Court; Filed 1/31/95; Dismissed 3/3/95 Amount: \$1,880
- *Electric Motor & Control Corp. v. Stover Industries*; Case #95CVH224; Franklin County (Ohio) Court of Common Pleas; Filed 1/12/95; Dismissed 2/9/95
- *Americlean Quick Mobile Power Wash v. Holdridge Mechanical, et al*; Case #94CVE2089; Franklin County (Ohio) Court of Common Pleas; Filed 3/25/94; Dismissed 7/29/94.
- *Fayette Fire & Safety Equipment Co. v. Holdridge Mechanical, et al*; Case #94CVE1959; Franklin County (Ohio) Court of Common Pleas; Filed 3/21/94; Dismissed 5/2/94.
- *Holdridge Mechanical v. The Adams Barre Co.*; Case #9308CVF26160; Franklin County (Ohio) Municipal Court; Filed 8/19/93; Dismissed 1/7/94; Amount: \$4,215
- *Holdridge Mechanical v. Maghie & Savage*; Case #9306CVI17888; Franklin County (Ohio) Municipal Court; Filed 6/14/93; Dismissed 7/20/93; Amount: \$341
- *Ohio Fire & Safety v. Holdridge Mechanical*; Case #9011CVI40007; Columbus (Ohio) Municipal Court; Amount \$125; Satisfied 2/12/91.

Source Notes

LITIGATION:

Cincinnati Steel Products v. Stover Industries; Case #A0306262; Filed 8/20/03, Hamilton County (Ohio) Court of Common Pleas.

Allied Abrasives and Tools v. Stover Industries; Case #01CV5214; Filed 2/26/01; Hamilton County (Ohio) Municipal Court.

Key Blue Prints Inc. v. Stover Industries; Case #99CVF34044; Filed 10/15/99; Franklin County (Ohio) Municipal Court.

Holdridge Mechanical v. Franklin Abstracting & Title Agency; Case #9803CVF09650; Filed 3/27/98; Franklin County (Ohio) Court of Common Pleas.

Muirloch Realty Inc. v. Holdridge Mechanical; Case #98CVH00309; Franklin County (Ohio) Court of Common Pleas.

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Holdridge Mechanical v. Remax Muirlock Realty; Case #95096CVI18847; Filed 6/30/95; Franklin County (Ohio) Municipal Court.

Ohio Bell Telephone v. Holdridge Mechanical, et al; Case #95CVF2980; Filed 1/31/95; Franklin County (Ohio) Municipal Court.

Electric Motor & Control Corp. v. Stover Industries; Case #95CVH224; Filed 1/12/95; Franklin County (Ohio) Court of Common Pleas.

Americlean Quick Mobile Power Wash v. Holdridge Mechanical, et al; Case #94CVE2089; Filed 3/25/94; Franklin County (Ohio) Court of Common Pleas.

Fayette Fire & Safety Equipment Co. v. Holdridge Mechanical, et al; Case #94CVE1959; Filed 3/21/94;

Franklin County (Ohio) Court of Common Pleas.

Holdridge Mechanical v. The Adams Barre Co.; Case #9308CVF26160; Filed 8/19/93; Franklin County (Ohio) Municipal Court.

Holdridge Mechanical v. Maghie & Savage; Case #9306CVI17888; Filed 6/14/93; Franklin County (Ohio) Municipal Court.

Ohio Fire & Safety v. Holdridge Mechanical; Case #9011CVI40007; Columbus (Ohio) Municipal Court; Amount \$125.

ARTICLES:

“America’s most dangerous jobs”, CNN Money; 9-25-05.

“U.S. Rarely Seeks Charges For Deaths in Workplace,” *David Barstow*; New York Times; 12-22-03

OSHA:

All information obtained through OSHA web site.

Violation details can be found at: <http://www.osha.gov>.

www.osha.gov.

Inspection # 122045750

Inspection # 307888719

Inspection # 307882753

CORPORATE:

Stover Industries. Dun & Bradstreet. <http://www.dnb.com/>

Holdridge Mechanical, Inc. Dun & Bradstreet. <http://www.dnb.com/>

Howards Sheet Metal, Inc. Dun & Bradstreet. <http://www.dnb.com/>

All-American Air. Dun & Bradstreet. <http://www.dnb.com/>



LASER, INC.

LEGAL AND SAFETY EMPLOYER RESEARCH

654 Kentucky St., Gridley, California 95948 Ph. 530-846-6352

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Holdridge Mechanical, Inc. and/or its related companies have been given the opportunity to review this material for errors and inaccuracies. As of publication, Holdridge Mechanical, Inc. and/or its related companies have not made any specific suggestions or refuted any specific information in this publication.

LASER, Inc. will continue to seek and publish additional data. For more information, please contact James Wilson at (530) 846-6352 or online at laserinc@laser-inc.com. Visit LASER's website at www.laser-inc.com