

LOSING LIFE AND LIMB ON THE JOB

BY CHRISTOPHER D. COOK

The doctors “had to go down to the second knuckle,” says Terry Feeny. They cut off the tops of three of his fingers, leaving quarter-inch stubs with nerves so tender they react as if they are twenty degrees colder than the actual temperature. Even with special Neosporin gloves, “I can’t go outside in the cold for more than five minutes or my hands turn blue,” he says. “I can’t really hold nothing or grip nothing.”

Feeny was maimed while working in a wheel factory owned by Titan International. Until the accident, Feeny, a mechanic from Saltville, a tiny industrial town tucked into the southeastern slopes of Virginia’s Blue Ridge Mountains, was pulling in \$10.43 an hour as a machine maintenance worker at Titan Wheel of Virginia, a subsidiary of Illinois-based Titan International. “It was the most money I’ve ever made,” says the twenty-nine-year-old father of two. Then, last year on March 1, a wheel rim-molding machine with no safety guard and a broken emergency stop button grabbed his fingers and “mashed them up and tore them off,” he says.

Christopher D. Cook is an award-winning investigative journalist who reports widely on labor, welfare, and agribusiness. He has written for Harper’s Magazine, The Nation, The Christian Science Monitor, and In These Times. Cook wrote “Hog-Tied” in the September issue. He can be reached at: cdcook@igc.org. Research for his article this month was supported by a grant from the Fund for Investigative Journalism, Inc.

Feeny’s accident is exactly the kind of thing government health and safety agencies are supposed to prevent. But when Virginia’s Occupational Safety and Health Department finally visited Titan—three months later—its inspectors were denied access. Following Titan’s written corporate policy, officials of the company ordered the agency to get a search warrant from the district court, giving Titan an extra couple of weeks to clean up its dilapidated machinery.

In late July, Virginia Occupational Safety and Health inspectors confirmed the faulty safety guard and emergency stop button were the culprits in Feeny’s accident. But the state gave Titan a break and fined it only \$2,250. (The department credited Titan with a good safety history, though inspectors hadn’t visited the facility in more than five years.) The agency also gave the company another month to repair the offending machine’s safety guard.

Feeny was laid off. In July, Titan ended his workers’ compensation, and Feeny was on the verge of losing his home. With a

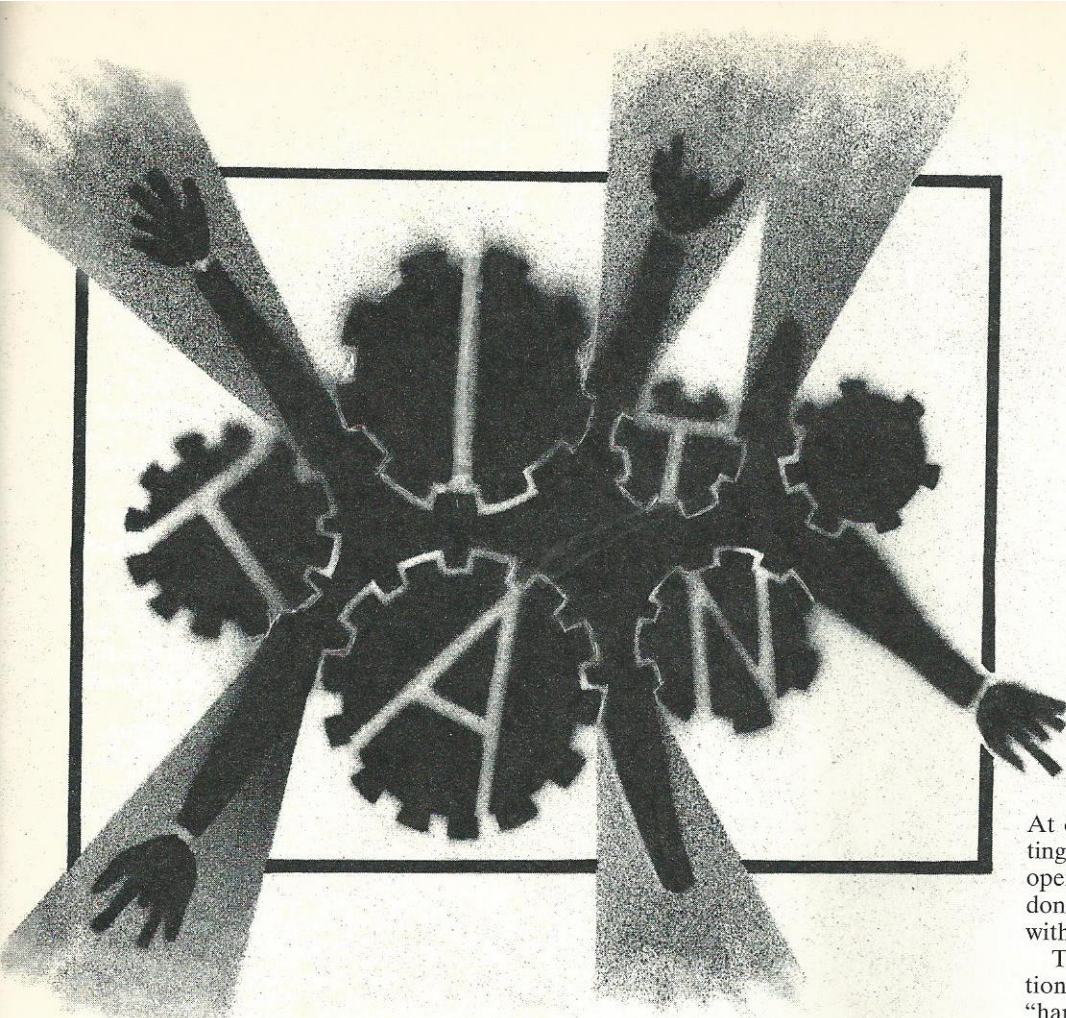
lawyer’s help, Feeny got the workers’ comp temporarily restored. Despite his crippling injury, Feeny says his doctor authorized him to return to his old job at Titan, but he says that job is no longer available. Taking his doctor’s lead, Titan’s insurer has once again discontinued Feeny’s workers’ comp.

Terry Feeny tones down his frustrations, but his older brother Charles is bitter. Terry, he says, “was an A-one mechanic—he could do anything with a car.” But Terry had no training for the circle machine that molds sheets of metal into rims. March 1 was his first and last time on the circle. “If he had been trained on the machine, he would probably still have his fingers,” says Charles.

Charles says he, too, was wounded at Titan. He pulled his back out and developed chronic tendinitis from lifting 135-pound bulldozer rims 200 times a day, he says. He was laid off and denied workers’ compensation by insurers who said his back injury was a preexisting condition and that tendinitis and carpal tunnel syndrome were not covered by the policy.

Charles recalls at least six co-workers losing fingers in machines during his nearly three years in the plant. “The place is one big safety hazard,” he says. “The machines leaked oil all the time . . . machines would break down all the time.”

Local hospital nurse Sandra Chapman confirms that there have been several amputations involving Titan workers. “Most of them we see have been crushed,” she says. “It’s one of the worst kinds of injuries we see.”



ILLUSTRATIONS BY JOSH MACPHEE

"You could tell them something was wrong, and they would say let the third shift worry about it," says Terry Feeny. "They never would really fix anything. Oil would be dripping, and they would tie a five-gallon bucket on the line up and underneath it. It would drip the bucket full and they would dump it out."

The company refused to comment in response to numerous phone requests.

But Titan CEO Morry Taylor, reached at his home in Grosse Pointe, Michigan, says Titan's accidents are largely the result of "just a handful of people" who "have accidents all the time. They are like accident prone." Taylor insists these workers don't follow safety precautions, put tape over emergency stop buttons, or are on drugs. "We're trying. We try to put [safety] guards on everything we can. You try to make it so simple that nobody will get injured. . . . There are some rare, rare accidents that you just can't fathom how it happened." He adds, though, that "there are more accidents in homes than any place else." Taylor spent nearly \$6.5 million of his own money to seek the Republican nomination for President in 1996.

Each year, about 6,000 workers die on the job from accidents, and the Occupational Safety and Health Administration (OSHA) is not up to the task of overseeing workplaces (see sidebar, page 30). The sad,

long trail of workers brutalized at factories owned by Titan International is a disturbing case in point.

Feeny's misery has lots of company: Injuries and delays to OSHA investigations are practically routine at Titan plants across the country. In just nine months, Des Moines Fire and Rescue responded to thirty-seven emergency ambulance calls to Titan's tire plant there—"including amputations," according to Iowa Labor Commissioner Byron Orton. One of those calls couldn't have come at a worse time for Titan's public relations. In front of local television crews, Orton and his team of inspectors were denied entry to the plant, even though they had a court warrant insisting the plant be opened for inspection. Then, with news cameras still rolling, "an ambulance showed up," says Orton. A woman's arm had been crushed in a machine.

Despite a lengthy recent record of safety violations and injuries—including two deaths—Titan's Des Moines plant has stymied five attempts by Iowa OSHA to inspect some twenty-three complaints lodged by workers. The bottom line, says Orton: "Titan Tire refused us entry with an inspection warrant. That is a violation of law. It is a direct assault on the integrity of the Occupational Safety and Health Act."

At one point, Orton even considered getting a sheriff's deputy to force Titan to open its doors. "Perhaps we should have done that. . . . We've never been confronted with an employer so defiant of the law."

Taylor contends Iowa OSHA's inspection attempts were nothing more than "harassment, a political setup for someone who wanted to get some TV time."

In April, the Polk County District Court in Des Moines found Titan in contempt and slapped the company with Iowa's maximum civil-contempt penalty—just \$500 (which Titan is appealing).

The court battles made for bad press but gave the company access to all the complaints, which "they otherwise would not have received until we opened our inspection," says Orton. So when inspectors finally got in on the sixth try, they found freshly painted machines and safety guards that had been recently put back in place. The inspection was "undermined and compromised by Titan's illegal behavior," says Orton.

The inspection also gave Orton an unexpected introduction to Taylor. It was a brief meeting Orton says he won't forget. Taylor, he says, "began in an angry fashion, saying, 'Mr. Orton, I want you to know we are at war, and when I am at war I do not lose. Just like in Kosovo, when I'm at war innocent victims get killed.' That's what Morry told me, and I testified to this under oath in Polk County District Court."

One innocent victim was forty-seven-year-old Don Baysinger.

On the morning of March 20, 1997, Baysinger, a tire builder and twenty-seven-year veteran at the Des Moines plant, was pinned between two tire-tread machines for more than twenty

A Drop in the OSHA

Needed by labor and despised by business, the Occupational Safety and Health Administration (OSHA) may be workers' best friend in government—but critics say it's never been weaker or less worker-friendly.

A stinging report by Public Citizen released in September indicts President Clinton's OSHA as the most anemic ever.

Upon examining OSHA data, Public Citizen found Clinton's OSHA has the lowest-ever number of annual workplace inspections and has dismissed or reduced the highest percentage of fines for serious, willful, and repeat violations. "During every year of the Clinton Administration, the number of inspections has been lower than in any year during any prior Administration since the act was in place," says the report.

While about 6,000 workers die each year in accidents on the job, an estimated 50,000 to 70,000 die annually from "occupationally acquired diseases," the report said, citing a study by Mount Sinai Medical School. Public Citizen charges the Clinton Administration has been slow to propose health standards to address serious work-related illnesses such as cancer and heart disease.

Peter Lurie, who co-authored the report, points to Vice President Al Gore's 1993 Reinventing Government program as "the driving force behind the often dramatic reductions in enforcement." Gore promoted a "more cooperative approach towards regulated industries," Lurie says. "Regulatory agencies are there to advocate for consumers rather than acting as the friends of industry."

The Public Citizen report was biting enough to draw a written response from OSHA's top official, Assistant Secretary of Labor Charles Jeffress. "America's workplaces have never been safer," Jeffress said, pointing to declines in worker injury, illness, and fatality rates. Jeffress defended OSHA's efforts to target work

sites with especially high injury and illness rates and highlighted its partnerships with business, which are "helping employers identify and correct almost a million hazards."

Labor union officials criticized Public Citizen for heaping all the blame on the Clinton Administration. "The Republicans don't want regulations. You can't appease them. You can't do enough to make them OK with enforcement," says Jackie Nowell, head of health and safety for the United Food and Commercial Workers.

But Nowell says the Clinton-Gore "cooperation" efforts were misguided. At one point OSHA officials in Georgia "were inviting the poultry companies in because they had never gotten down to inspect them. . . . They said, 'Come on in, let's talk. We will form a steering committee, and you guys tell us what's wrong and go out and fix it and show us your numbers once a month, and in return we will not inspect you.'"

Peg Seminario, the AFL-CIO's director of safety and health, says the OSHA approach created "very significant problems," such as "diminishing OSHA enforcement with a more cooperative approach." But, she adds, "the enforcement program has come back," and initiatives such as cooperative compliance—in which businesses received penalty reductions and dismissals when they agreed to voluntary inspections—have been nixed. Seminario says that OSHA remains "seriously underfunded" due to Republican attacks over the past five years, which have been greater than on any other federal agency.

Regardless of who's to blame, OSHA is woefully ill-equipped to monitor the workplaces of America, where more than six million injuries and illnesses occur each year. The entire federal and state worker health and safety apparatus involves just 2,300 inspectors, who must cover America's 102 million workers in 6.7 million workplaces, according to OSHA information officer Frank Kane. That's one inspector for every 44,348 workers. According to an AFL-CIO report, with this crew it would take OSHA 110 years to inspect each workplace under its jurisdiction just once. ■

—C.C.

minutes before co-workers discovered him and called an ambulance. He died two days later of asphyxia-related symptoms caused by "dramatic compression to the chest," according to Des Moines medical examiner Dr. Francis Garrity.

Iowa OSHA documents show Baysinger's death was caused, at least in part, by yet another Titan safety hazard. The machine "was not equipped with an emergency stop," "was not adequately guarded," and "safety devices were not arranged to operate in a fail-safe manner." Yet it wasn't until April 1999, more than two years after Baysinger's death, that Titan finally agreed to pay \$10,000 for two serious violations—half of the original penalty. At \$5,000 each, the penalties were still lower than Iowa OSHA's maximum of \$7,000 for serious violations.

"I'm appalled that the machine they had my brother working on had safety defects," says Baysinger's brother LaVerne, who lives with his mother in a house right next to the factory. Based on his conversations with Titan workers, LaVerne says workers had warned the company several days earlier that Baysinger's machine safety guard wasn't working properly.

"He didn't deserve to die the way he did," says Baysinger's widow, Pamela, who says she was "devastated" when her husband of twelve years was killed. "There have been too many accidents happening in that plant."

Another death occurred at the Des Moines plant on Nov. 24 after "nearly 2,000 gallons of highly flammable heptane poured unnoticed onto the ground" and headed into the street, the *Des Moines Register* reported. "The catalytic converter on a passing car ignited the chemicals and set off a massive fire that killed Donald Oswald, twenty-five, a driver for the Bulk-matic Transport Co. of Indiana."

Across the country, Titan workers are being maimed—usually the result of decrepit machines, minimal training, and punishing hours, employees say.

Since May 1998, the United Steelworkers of America has been challenging Titan with a slew of unfair labor practice charges. They include: illegally moving jobs and equipment to avoid a union contract, canceling health insurance, refusing to bargain in good faith, discriminating against union members, and trying to permanently replace striking workers. The union is also embroiled in several organizing battles with Titan: Of Titan's 3,500 U.S. workers, 1,000 are Steelworkers at plants in Des Moines and Natchez, Mississippi. The union is trying to organize plants in Virginia, Tennessee, and Texas.

The union is fighting Titan's extremely heavy work load, which increases the hazards on the job. "One of the leading factors is fatigue," says John Peno, president of Steelworkers Local 164 in Des Moines. Since 1995, Titan workers in many plants have been on a "twenty-six and two" program. They

work twenty-six days in a row, then take off two. At Titan's Natchez plant, replacement workers are being pushed up to sixty days in a row, leading to a 25 percent injury rate, according to Tom Johnson, spokesman for the Steelworkers' Titan campaign. "One of our outrageous contract demands is to get every other weekend off. We are fighting for a fifty-six-hour standard week."

At Titan's Brownsville plant, tire production workers are doing intricate construction on a factory expansion without any construction training, says former Titan employee Mario Saldana, who is now helping the Steelworkers organize the plant. "They've got just anybody off the street, not certified, welding high-pressure pipe for their steam line." Early in September, two of these workers were struck in the head by metal beams they were trying to weld together. "These guys were on the floor bleeding for forty-five minutes before the ambulance showed up," recalls Saldana. "It took them twenty minutes to call the ambulance."

Saldana says one of the men in the welding accident needed fifty stitches in his head. But he says the man won't complain to OSHA because he wants to keep his job. "Many of the workers want to do something about it, but they are afraid." Saldana says he alerted local newspapers and television stations about the accident, but none of them reported on it.

"I spoke to one of the nurses [at Brownsville's Valley Day and Night Clinic] and she said they had thirty or forty injuries in the past two months," says Saldana. "I'm surprised that OSHA hasn't been out there."

This reporter's attempt to confirm Saldana's injury figures was rebuffed by L.C. Anderson, a doctor at the clinic who insisted the information is "confidential." Moments later, Titan's health and safety manager called me, saying he "was referred by the Day and Night Clinic. Dr. Anderson said you had some questions about injuries at Titan." He conceded there had been "a few minor accidents . . . a couple were fairly serious. I don't know if I have to give you that information . . . in construction, accidents are expected." The manager refused to give his name but was later identified by Titan's office as Dan Cedars. He said, "We are getting a black eye we don't deserve from a union that's trying to make us look bad."

Dr. Anderson's concern about bad publicity for Titan illustrates how close the ties are between the city of Brownsville and the company. To lure Titan and its promise of 500 new jobs in 1997, the Greater Brownsville Incentives Corp. developed a sweetheart deal offering the firm \$6.5 million in free land, site improvements, and utility and wage subsidies, according to a contract obtained under a public records act request. The state of Texas added its own enticements, including a \$2 million grant from its "Smart Jobs Fund" to train

615 workers, citing Titan's "interest in training a skilled work force" and its contribution to the Texas economy, records show. The grant was later scaled back to just \$448,900 to train 140 new workers. A report by *The Texas Observer* cites a Brownsville Economic Development Corp. document promising Titan incentives totaling more than \$30 million from state and local agencies.

The company received similar subsidies from the state of Virginia to the tune of \$500,000.

After showing soaring profits in 1995, Titan has been spiraling, its net income plunging from \$4.8 million in the second quarter of 1998 to just \$300,000 for the same period last year. Titan's pre-tax profits plummeted by an amazing 98 percent between 1997 and 1999. In August, Titan attempted to merge with Carlisle Companies for about \$600 million but, according to a report by *Rubber and Plastics News*, Carlisle has delayed the move, in part because of Titan's labor troubles.

A company memorandum shows top officials at Titan International headquarters are concerned about the mounting financial toll caused by OSHA violations. In a November 15, 1997, memo to "all operations managers," CEO Taylor complains of "numerous OSHA violations which have become very costly to the company." It says company videotapes on safety procedures and personal protective equipment "are not being utilized" and warns the local managers that "safety issues such as OSHA violations will be taken into consideration regarding your bonuses."

The memo also confirms numerous worker complaints about the lack of safety guards on machines: "Numerous guards have been removed from machines or are not put on by maintenance. . . . Lockout/tagout violations in two locations were assessed at \$75,000 this year, and there is no excuse for this happening."

But as costly as Titan's violations have been, the company could have lost far more had OSHA forced it to pay what it originally owed. OSHA records show a distressingly long list of Titan violations and penalties but also reveal massive reductions in the financial punishment eventually meted out against the company.

Since 1994, when Titan took over the Pirelli-Armstrong plant in Des Moines, Iowa OSHA has slapped the company with \$54,019 for safety violations, less than half of the original total of \$140,899. In 1997, Titan's Quincy, Illinois, plant was fined \$114,500 for forty-four violations—including improper use of flammable materials and several serious electrical and mechanical problems. It ended up paying \$75,000. OSHA officials say penalty reductions are often used to get companies to voluntarily fix hazards more quickly.

But many union officials say the fines are too low to begin with, and that companies are getting off with just a slap on the wrist. Recalling the Baysinger death, Peno of the Des Moines Steelworkers says, "They paid \$5,000 to kill a guy, that's ridiculous. The government has taken a lot of teeth out of OSHA. They need more inspectors and tougher penalties."

"It's difficult to get an OSHA inspector's attention," adds the union's Tom Johnson. Instead of addressing complaints early on, he says, inspectors usually respond "only when there is a death or serious injury. . . . They only come in afterwards." ■

FEMINIST EXPO 2000

FOR WOMEN'S
EMPOWERMENT

MARCH 31 -

APRIL 2, 2000

AT THE STATE-OF-THE-ART

BALTIMORE

CONVENTION
CENTER

Join thousands of feminists from the United States and around the world, more than 250 speakers, celebrities and performers, an interactive exhibit hall, book signings by your favorite feminist authors and a special Equal Rights Amendment reunion to envision our unlimited potential for the 21st century.

Co-sponsored by more than 280 organizations and growing.

Contact the Feminist Majority Foundation by phone (703-522-2214) or email (expo2000@feminist.org) for hotel and registration information. Or check out Feminist Expo 2000 on the web at www.feminist.org

Sponsored by the

**FEMINIST MAJORITY
FOUNDATION**

1600 Wilson Blvd., Suite 801
Arlington VA, 22209