

OSHA finds 20 'serious' violations at plant where worker died



SCOTT EISEN FOR THE BOSTON GLOBE

Fire officials inspected the scene of a deadly March ammonia leak at a South Boston fish warehouse, that killed a worker.

By [John R. Ellement](#) and [Travis Andersen](#)

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A Boston seafood company where an employee died when he was overcome by ammonia fumes was cited Friday by the Occupational Safety and Health Administration for 20 [“serious” safety violations](#) that exposed employees to the risk of falls, electrical shocks, and hazardous chemicals.

OSHA said it was issuing preliminary fines totaling about \$173,000 against Stavis Seafoods, which is headquartered in the Seaport District.

The agency said it found that the company must dramatically improve its safety practices to ensure that another employee does not face a “catastrophic release of ammonia.”

“The company’s failure to follow industry and OSHA standards exposed its employees to the hazards of an ammonia release as well as falls, electric shock, hazardous chemicals, and delayed or obstructed exit from the facility during a leak or other emergency,” James Mulligan, the OSHA acting area director for Boston and Southeastern Massachusetts, said in a statement.

OSHA launched its investigation after the March 23 accident at the company’s South Boston cold-storage warehouse — which the company has since closed — where a pipe burst in the machine room, [spewing ammonia into the air and fatally injuring Brian Caron](#) , a 43-year-old father of two from Peabody.

Caron was one of five people inside the facility when the pipe burst. Four other workers escaped the deadly fumes. The volume of ammonia was so large that Boston firefighters had to withdraw as a safety measure, [the Globe reported in March](#).

In its report, OSHA found that a “deficient design and lack of proper operation and maintenance for the machine shop’s ammonia refrigeration system and equipment exposed Caron and other Stavis employees to a catastrophic release of ammonia.”

Richard Stavis, the company’s chief executive, said in a statement that Stavis closed the warehouse after Caron’s death, cooperated with OSHA, and hired independent safety experts.

“We continue to mourn the loss of Brian Caron, our co-worker and friend,” Stavis said.

Among the steps the company has taken to ensure employee and public safety, he said, were hiring a third-party safety and compliance consultant, and working closely with OSHA to ensure that Stavis facilities and equipment meet the highest safety standards.

The seafood distributor was founded in 1929 as the Stavis Ipswich Clam Co. and changed its name in 1967, its website says. It still has operations in the Seaport, and it also has a Miami location, according to the site.

Douglas K. Sheff, a personal injury lawyer who chairs the Massachusetts Bar Association's Workplace Safety Task Force, said the financial penalty is significant, calling it "huge for OSHA. . . . That's a big fine."

Since January 2015, OSHA has levied initial fines of more than \$100,000 against at least seven Massachusetts companies, according to the agency's website. Initial penalties can be reduced as an investigation moves forward.

In the Stavis case, OSHA found the company did not have a door in place to separate the machine room where the leaking pipe was located from an adjacent room. Moreover, there were "large holes in the floor" that allowed the poisonous gas to seep into other parts of the building.

The company must now test ammonia sensors in accordance with the manufacturer's recommendations, create an inspection schedule for pressure vessels at the plant, label ammonia piping properly, and provide a venting system to prevent the buildup of explosive ammonia vapors in the event of another leak.

OSHA also found the company had defective ladders, an unmarked door that could lead to a 17-foot drop, lack of roof guardrails, and "insufficiently guarded door openings."

Exit routes were blocked or impeded by improperly stored equipment, along with electrical hazards created by the use of extension cords.

In addition, OSHA found, the company did not have a complete inventory of hazardous chemicals inside the plant, had unmarked containers with hazardous chemicals inside, and did not provide appropriate training for workers.

In a statement, the Massachusetts Coalition for Occupational Safety and Health, a group that advocates for workplace safety, noted that OSHA has previously fined Stavis for safety violations.

“OSHA’s fine won’t bring back Mr. Caron, nor compensate the family and co-workers for their suffering,” the coalition said. “It is but a small penance for the damage Stavis has done, repeatedly. But we hope it will give pause to them and other companies that expose their workers to ammonia or other hazardous chemicals.”

In 2009, OSHA cited Stavis for 15 serious workplace safety violations, including the company’s safety program for handling of “anhydrous ammonia” in the facility’s refrigeration system.

OSHA inspectors later determined that because the plant used less than 10,000 pounds of ammonia, it was not required to comply with that safety program. Ultimately, OSHA withdrew nine citations related to ammonia but kept the other findings intact, reducing the fine from \$47,250 to \$15,750, records show.

Kathy McCabe of the Globe staff contributed to this report. John R. Ellement can be reached at john.ellement@globe.com. Travis Andersen can be reached at travis.andersen@globe.com.