

News Releases / OSHA cites Martin Foundry Co. for workplace lead exposure



## OSHA News Release - Region 7

U.S. Department of Labor

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Sept. 22, 2015

### **OSHA cites Martin Foundry Co. for workplace lead exposure *Owner refused inspection until judge issued contempt order***

**KANSAS CITY, Mo.** - After a judge issued a contempt order forcing a Kansas City foundry owner to allow an Occupational Safety and Health Administration inspection, the agency has cited Martin Foundry Co. for exposing workers to lead hazards.

The U.S. Department of Labor's OSHA cited the company for five repeated and seven serious violations on Sept. 22, with proposed penalties of \$119,000. OSHA initiated the inspection after the Missouri Department of Health reported a foundry employee with an elevated blood lead level.

Exposure to high lead levels may cause kidney and brain damage, anemia and weakness. Each year more than 50,000 American workers die from occupational exposure to lead, asbestos and other substances.

"Employers must provide a safe, healthy workplace for their employees without court intervention," said Barbara Theriot, OSHA's area director in Kansas City. "Lead exposure can have lifelong consequences, but it's easily preventable. The company needs to make immediate changes to its safety and health programs."

The agency found Martin Foundry failed to provide respirators, adequate protective clothing and training to safeguard workers. OSHA also cited the company for not providing respiratory protection, using compressed air to blow lead dust off clothing and failing to notify a company laundering workers' clothing of the potential for lead exposure. Martin Foundry also allowed workers to eat and drink where lead was present, and failed to provide shower facilities for employees to remove lead dust and particulates before leaving.

Inspectors found five repeated violations, including the following:

- Employee lead overexposure.
- Lack of clean changing rooms.
- Not providing clean, dry protective clothing at least weekly.
- Failing to train workers on lead hazards.
- Absence of separate lunch facilities to prevent lead ingestion.

OSHA cited Martin Foundry for these violations previously in February 2014.

Agency investigators first attempted to inspect the foundry March 27, 2015. Owner Darrell Stone refused to allow inspectors into the foundry, leading agency officials to obtain a warrant and return April 7 to complete the inspection. At that time, Stone and representatives of Compliance Professionals Inc., the foundry's safety

consultant, again refused entry, in violation of the warrant. Inspectors returned later that day with U.S. Marshals. Martin Foundry and Compliance Professionals persisted in obstructing OSHA's investigators after the Marshals left. OSHA completed the inspection after attorneys for the department and the U.S. Department of Justice initiated contempt proceedings.

U.S. District Judge Beth Phillips found Martin Foundry's Stone and three members of Compliance Professionals in criminal contempt\* for disobeying the court order. She ordered them on May 20 to cooperate with the OSHA inspection.

The U.S. District Court in Kansas City ordered the defendants to pay \$10,778 each for departmental costs. Martin Foundry and Stone are also liable for \$1,000 in fines for their failure to cooperate. The court fined third-party consultants Robert Lockett, Williams Alpert and Ann Fox \$2,000 each for willfully impeding OSHA's investigation and refusal to comply with the warrant.

View current citations here\*.

The defendants have 15 business days from receipt of their citations and proposed penalties to comply, request a conference with OSHA's area director, or contest the findings before the Occupational Safety and Health Review Commission.

To ask questions, obtain compliance assistance, file a complaint, or report amputations, eye loss, workplace hospitalizations, fatalities or situations posing imminent danger to workers, the public should call OSHA's toll-free hotline at 800-321-OSHA (6742) or the Kansas City Area Office at 816-483-9531.

Under the Occupational Safety and Health Act of 1970, employers are responsible for providing safe and healthful workplaces for their employees. OSHA's role is to ensure these conditions for America's working men and women by setting and enforcing standards, and providing training, education and assistance. For more information, visit <http://www.osha.gov>

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