

Bumble Bee Foods to Pay California's Largest-Ever Workplace Violations Settlement

Largest-Ever Workplace Violations Settlement

The Los Angeles County District Attorney's office has reached a settlement agreement with Bumble Bee Foods LLC that will cost the company \$6 million—the largest known payout in a California criminal prosecution of workplace safety violations involving a single victim—with regard to the death of a worker in an industrial oven in October 2012.

Worker Jose Melena, 62, entered a 35-foot-long cylindrical industrial oven in the company's Santa Fe Springs, CA, plant and co-workers who were not aware that Melena had done so loaded 12,000 pounds of tuna into the oven and turned it on, trapping and killing the worker.

Los Angeles Attorney has made \$6 million settlement with Bumble Bee Foods LLC. This will be the largest known payout in a California criminal prosecution for a workplace safety violation.

The settlement will be applied as follows:

- The company will pay \$3 million to replace all of its outdated tuna ovens with new ovens that are automated and will not ever require workers to set foot inside the super-heated, pressurized steam cookers.
- Bumble Bee will pay \$1.5 million in restitution to the family of victim Jose Melena of Wilmington, CA.
- The District Attorney's Environmental Enforcement Fund will receive \$750,000 from Bumble Bee for the investigation and prosecution of Occupational Safety and Health Administration criminal cases and for improving enforcement of workplace safety and compliance rules.
- The company also will pay \$750,000 in combined fines, penalties and court costs.

Under the terms of the agreement, Bumble Bee must additionally implement enhanced safety measures such as installing video cameras at its ovens to ensure safety compliance; providing training to managers and workers about safety rules; and conducting safety audits of plant equipment.

While the terms of the agreement were announced at a hearing Aug. 12, 2015, the sentence will not be formally imposed for 18 months.

If at that time Bumble Bee has complied with all of the terms detailed above, the company will be allowed to plead guilty to willful failure to implement and maintain an effective safety program, a misdemeanor. The plea additionally requires the company to make a public statement conceding guilt.

Bumble Bee's Director of Plant Operations, Angel Rodriguez of Riverside, also charged in the case, has agreed to perform 320 hours of community service, pay approximately \$11,400 in fines and penalty assessments, and take classes on lockout tagout and confined space rules. If Rodriguez complies with the agreed-upon conditions, in 18 months he will be allowed to plead guilty to a misdemeanor at sentencing.

Co-defendant Saul Florez of Whittier, Bumble Bee's former safety manager, pleaded guilty to a felony count of willfully violating lockout tagout rules and proximately causing the victim's death. He was immediately sentenced to three years of formal probation. Florez was ordered to complete 30 days of community labor and take classes on lock out tagout and confined spaces.

Florez must additionally pay about \$19,000 in fines and penalty assessments. In 18 months, if Florez complies with the terms and conditions of the plea agreement, he may be eligible to have his felony conviction reduced to a misdemeanor.

Both men are required to make public statements conceding guilt for their respective roles in the victim's death, under the terms of the plea.

The case was investigated by the Cal/OSHA Bureau of Criminal Investigations.