# Toxic Fumes Kills Worker During Cleanup

**INCIDENT**

Firefighters responded to a call from the location, which reported a chemical reaction in the kitchen area and evacuated the establishment after declaring a Tier 1 (lowest response level) hazmat incident. Investigators from the Occupational Safety and Health Administration (OSHA) arrived later and through a joint investigation with the fire department revealed the cause of the chemical reaction to be the interaction between two cleaning agents, Super 8 and Scale Kleen, used together to clean the kitchen floor.

A 32-year-old worker died after inhaling cleaning chemical fumes at a Buffalo Wild Wings restaurant and sports bar in Burlington, Massachusetts. The worker was identified as Ryan Baldera by interim Burlington Fire Department Chief Michael Patterson. Baldera was the restaurant’s general manager.

Baldera instructed his fellow workers to leave the area and tried to clean up the chemicals himself. He became nauseated after inhaling the toxic fumes and died after being rushed to the hospital. Eight workers and two patrons were also taken to hospitals after feeling ill, but none are known to have been seriously injured by the fumes.

**NEED TO KNOW**

Proper ventilation, access or knowledge of Safety Data Sheet for cleaning chemicals, proper training, lax regulation enforcement are all factors in the tragedy that unfolded in a Buffalo Wild Wings restaurant.

**BUSINESS / REGULATIONS**

It is not clear whether the area was properly ventilated, if workers at the Buffalo Wild Wings location had access or knowledge

of Safety Data Sheets (SDS) for the cleaning chemicals used at the restaurant, if they had the proper safety training to deal with these chemicals, or if they had safety equipment available in the establishment to protect themselves from injury. If so, did they have enough time or staff levels to access needed safety equipment?

These standards for employers are not laws, however, and are hardly enforceable. Furthermore, the standards themselves allow the chemical corporations themselves, to create the SDS for the chemicals they make and sell.

SDS put out by manufacturer Auto-Chlor for Super 8 (which contains sodium hypochlorite, a highly concentrated form of chlorine) warn against reactions with strong acids, of which Scale Kleen, also made by Auto-Chlor, is composed. However, nowhere in the SDS put out by Auto-Chlor does the manufacturer name specific products it manufactures that should not be used together without the risk of serious harm.

Workers at Buffalo Wild Wings across the US have reported stressful working conditions including short staffing during busy times of day, being forced to work far longer hours than originally scheduled, and complain of being insufficiently trained. All of these conditions are faced by workers across all industries and have contributed to increasing numbers of workplace deaths and injuries over the past decade.

The Buffalo Wild Wings restaurant chain is owned by private holding company Inspire Brands, formerly Arby’s Restaurant Group, which owns Buffalo Wild Wings, Arby’s, Jimmy John’s, Sonic, and Rusty Taco fast food restaurants.

Inspire is not required to publicly report its annual profits, but its global operations bring in billions of dollars of revenue each year off the backs of low wage earner workforce. Its CEO Paul J. Brown is most recently estimated to have a net worth of nearly $2 million as of 2017, exponentially higher than any of the employees at Inspire’s restaurants, who toil at minimal wages for long hours in part-time jobs.

There is more than enough wealth held by this global corporation to ensure that workers have access to a safe workplace with adequate safety training and staff levels.

Baldera was a new father. Friends and family showed an out pouring of support on social media following the news of his death.

Massachusetts Democratic State Representative Kenneth Gordon wrote on Facebook of Balderas's death: "RIP Ryan Baldera. Who died cleaning up a toxic chemical incident himself while ushering his employees away from the dangerous area. Such a tragedy."

**STATISTICS**

Workers in the service industry, such as retail and restaurant workers, are some of the lowest-paid workers in the US and in many other countries, with few benefits and job protections.

Service workers are part of a growing wave of workers fighting for better working and living conditions.

The Bureau of Labour Statistic (B. L. S.) data for 2002 – 2005 indicates that fatal workplace injuries were on the rise in bath wholesale and retail trades. From 2003 – 2005, fatalities resulting from traumatic injuries increased by 16.3 % in retail trade and 9,4 % in wholesale trade.

In 2005 WRT fatalities represented nearly 12% of all workers deaths from traumatic injury in private industry. Of these 609 deaths, 400 occurred in retail trade and 209 occurred in wholesale trade. Statistically, 3% of the 400 fatalities resulted from exposure to harmful substance / environments such as the tragedy with Mr. Baldera.

**PREVENTION**

It has been noted that the Trump administration has cut regulation significantly. This is applicable to OSHA regulation dealing with issues relevant to the death of Mr. Baldera. For every regulation added, two regulations must be discarded and removed. The Trump mantra. Cutting back workplace safety and health programs has been

done through decades of relaxing safety regulations.

The answer for prevention lays with Osha’s 2012 Safety Hazard Communication Standard.

OSHA’s 2012 Safety Hazard Communication standard requires that a chemical’s manufacturer, distributor or importer provide Safety Data Sheets (SDS) and that employers “must ensure that the SDSs are readily accessible to employees for all hazardous chemicals in their workplace. This may be done in many ways. For example, employers may keep the SDSs in a binder or on computers as long as the employees have immediate access to the information without leaving their work area when needed.”