

York Daily Record

New York Wire workplace death one of low number of such incidents in Pennsylvania

North York worker's death remains under investigation by federal agency

By Gordon Rago

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As new technology continues to be used in manufacturing plants and to push the industry into a more high-tech realm, experts say workplace injuries and deaths in the United States, including Pennsylvania, remain at successfully low numbers.

But, the jobs in that sector — described as inherently dangerous and full of risk — still require manufacturer employers, and their employees, to stay vigilant when it comes to workplace safety.

"They're micro-dirty jobs that are very hard and difficult that our economy needs someone to do," said Paula Branter, executive director of Workplace Fairness, a national nonprofit that provides legal information to workers about their rights. "You certainly don't consider it part of the bargain to die while you work."

Last month, 63-year-old Stanley Foller died on the job at New York Wire Company, a wire mesh manufacturer based in York County.

Foller, who worked at the company for more than 40 years, died of asphyxiation March 6 after, officials say, a several-thousand pound spool of wire fell on him.

The U.S. Department of Labor's Occupational Safety and Health Administration is investigating Foller's death and has not commented.

David N. Taylor, who is the executive director of the Pennsylvania Manufacturers' Association, said workplace injuries and deaths have been declining in Pennsylvania in past decades.

According to the Bureau of Labor Statistics, there has been an average of 210 worker fatalities from 2003 to 2013 in Pennsylvania. That's compared to an average of approximately 243 worker deaths between 1993 and 2002, the BLS data shows.

Still, Taylor added, employers need to be constantly vigilant and on top of their game when it comes to providing a safe workplace, even as the industry continues evolving.

"Manufacturing continues to re-invent itself," Taylor said. "The operating environment today versus what you saw 70 years ago, it's like night and day. It's so much better."

Walter Olson, who has written books about government regulation and is a senior fellow at the Cato Institute, a public policy think tank based in Washington, D.C., said the United States, along with countries like Japan and Germany, are at the forefront of high-tech manufacturing.

In effect, he said, those countries tend to have some of the lowest numbers for workplace-related injuries. Olson said that with more state-of-the-art machinery, companies can create a safer workplace in many ways, including the use of robotics to work with dangerous pieces of equipment, or work in harmful situations instead of having humans do that work.

Still, Olson added, workplace injuries are unpredictable and even a "generally safe workplace isn't immune."

"There are a lot of jobs that are dangerous that we can't do without," Olson said. "Someone needs to go to the sewers and the high places."

Even though injury and death numbers are low, Taylor, when told of Foller's death, said one is too many.

"The only acceptable number of workplace injuries is zero," Taylor said.

Manufacturing jobs come with inherent dangers — all the more reason for employers to follow their moral, and legal, obligations to make sure employees are safe, Taylor said. That responsibility also falls on workers, he said, describing how employees need to be "acting in good conscience" and using safe practices.

"We want this industrial activity and we want the value that comes from it," Taylor said. At the same time, he added, "we have to take care of each other."

Prior OSHA visits to New York Wire

In 2010, the New York Wire plant in Hanover was fined \$1,500 after federal investigators found workers using "homemade" hooks for lifting material and finished products.

Stanley Foller works at a dye machine at New York Wire Company where he worked for more than 40 years. Foller died March 6 after a several thousand pound

Stanley Foller works at a dye machine at New York Wire Company where he worked for more than 40 years. Foller died March 6 after a several thousand pound roll of wire fell on top of him,

the York County Coroner's Office said. Foller was remember by his only daughter as a caring father and loving husband to his wife Rosalie. (Submitted)

The company, the oldest wire weaver in the country and the first to design a loom capable of weaving metal wire, according to a book published for the Manufacturers' Association of Southcentral Pennsylvania's 100th anniversary, is also known for its whistle show at midnight each Christmas. The company is one of the largest producers of insect screening in the world, according to the book.

It was cited in 2010 under OSHA's general duty clause. "Employees were exposed to potential crush injuries from a falling load with an inadequately engineered lifting device," the citation reads in part.

New York Wire and OSHA settled the case and the company paid \$1,050. David Olah, an assistant area director with OSHA's Harrisburg office, said the hooks were taken out of service and new slings with proper identification were put in place.

The violation was one of eight serious citations OSHA has levied against New York Wire Company since 2003, according to OSHA's website. When OSHA determines an employer has violated one of its standards, the violation is classified as serious when there is a "substantial probability that death or serious physical harm could result from a condition," said Joanna Hawkins, a deputy regional director with the U.S. Labor Department's Office of Public Affairs.

New York Wire did not respond to several requests for comment.

Workplace deaths in Pennsylvania

Foller's manner of death is one of the least common ways that Pennsylvania workers die in the workplace.

In 2013, for instance, 176 workers in the state died on the job — 14 of those, about 8 percent, were struck by a falling object, according to the Bureau of Labor Statistics. The previous year, there were 194 deaths. Fifteen of them, about 8 percent, were struck by falling loads, the BLS data shows.

Foller worked at the company's plant in Spring Garden Township, most recently as a die cutting technician, his family said. A total of 65 people work at that plant, OSHA said, adding that a combined 270 people work between there and the Hanover plant.

OSHA has up to six months to determine how the spool of wire fell on Foller, and whether the company should face a citation. But Olah said a decision might come sooner.

"The purpose of what we do is to provide a safe workplace," Olah said. "Very rarely do we go up to six months."

The "homemade" hooks in the 2010 case, according to the citation, did not display rated capacity, manufacturer, serial number or lifting device weight.

Olah said the reason for the 2010 visit to Hanover was because of a local emphasis program, which OSHA uses to focus on companies that hadn't been inspected in the previous 10 years.

"Those were comprehensive inspections," Olah said, adding the companies are randomly chosen. "We conducted interviews and walked through the plants."

When a company faces a citation from OSHA, it has three options. It can pay the penalty and prove the issue has been corrected. It can enter into an informal conference where the company's managers or higher-ups bring to the table any additional information or facts the company wants OSHA to consider. That option can take the form of a reduction or elimination of the penalty, Olah said. Or, the company can take OSHA to court.

"All workplace deaths are preventable," he said. "Our goal is to find causal factors and hopefully prevent anything like this happening in the future."

Pa. workers' compensation act

The Cato Institute's Walter Olson said, "It's essential to understand workers' compensation as part of the background that shapes how employers handle safety issues."

But not every workplace safety issue that comes up, he said, requires changing the system.

In Pennsylvania, companies can't be sued by workers or families for negligence, said Tom Lang, an attorney with Dale E. Anstine's office. Lang specializes in workers' compensation.

The widow of a worker or their beneficiaries like children would be paid benefits based on the worker's earnings, but families can't receive non-economic coverage for pain and suffering, Lang said.

"To me, it's unfair," Lang said. "I think there is a disincentive there (for companies). They do know they can't be sued so you may not be 100 percent safety conscious."

Olson said that although the workers' compensation system entails automatic no-fault coverage in exchange for employers not getting sued, it has become more complicated. He said lawyers can get around the system by suing third parties, like the manufacturers of machinery or property owners, even if the property owner is also the employer.

Taylor, of the Pennsylvania Manufacturers' Association, said the purpose of the act is for "people who are hurt on the job through no fault of their own to return to the dignity of work."

Although the system is meant to serve those functions, the challenge, Taylor said, becomes policing the system and making sure it doesn't get abused. One example he brought up is the price of certain medications being marked up by doctors.

"It's about rendering the system more efficient and more affordable," Taylor said. "Anytime you have a spigot of money going, people are going to want to open the spigot wider."

Risk premium in wages

Here's what Walter Olson of the Cato Institute had to say about risk premium in wages:

"When economists talk of the risk premium in wages, they have in mind the ample evidence that jobs with high injury risk pay more than otherwise similar jobs (similar in qualifications and working conditions) with lower injury risk. One effect of the wage premium is that if a company or a whole industry figures out a lasting way to cut its injury rate, once word gets around that the jobs there are safer it will be able to attract an equally qualified applicant pool at a lower wage scale (or keep the same wage scale while attracting a bigger applicant pool with more desirable workers). Cutting the injury rate might involve adding workplace protections, or even changing supplies and inputs (for a restaurant, it might make sense to order pre-cut vegetables from an outside supplier if the risk of knife injuries is reflected in a risk premium for kitchen workers with knife skills)."

Workers' comp insurance rates drop

Workers' compensation insurance rates on Wednesday decreased 5.99 percent for Pennsylvania employers, Gov. Tom Wolf said.

That is the fourth consecutive workers' comp insurance cut in as many years, a news release from the Wolf administration stated.

The rate reduction follows an approval of the state Compensation Rating Bureau's annual loss cost filing, the release states.

Workers' comp insurance covers the cost of medical care and rehabilitation for injured workers, lost wages and death benefits for the dependents of those killed in work-related accidents.

"A constant concern for business owners is reducing costs while supporting employees' health and livelihood," Wolf said. "These rate reductions will go a long way towards ensuring business owners can continue to create and support jobs that pay in Pennsylvania."

According to the release, more than 10,000 workplace safety committees have been established since 1994, helping to save employers with those committees about \$520 million in workers' comp premiums.