

Raise maximum fine to deter unsafe working conditions

Justus Booze, a 23-year-old resident of Schenectady, began work May 4, 2016, at Countryside Tree Care. Tragically, Booze died on the job that same day, when he was pulled into a wood chipper while helping to clear large trees and limbs from a residential lot.

Any reasonable person would expect Booze's employer to have trained him on how to safely operate a wood chipper and the dangers of getting caught in it, considering that the machine involved pulverizes tree branches comparable in size to an average adult. In fact, the Occupational Safety and Health Administration requires just such training, along with other safety measures.

More Information

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Yet according to OSHA's investigation, the owner of Countryside, Tony Watson, offered no training, exposing Booze and his co-workers to hazards the employer knew or should have known could cause death or serious injury.

In response, OSHA cited Countryside for four violations and proposed a \$141,811 fine. Rather than accept responsibility, Watson

has contested the OSHA citations, meaning that he may only have to pay a portion of the initial fine in the end. Whatever the final dollar figure, it will pale in comparison to the harm suffered by Booze and his family.

Watson's egregious behavior could qualify as criminal under the New York state penal code. Advocates have called for Albany District Attorney David Soares to pursue charges against Watson and Countryside.

When a worker dies because an employer cuts corners on safety, it's wrong to chalk it up to bad luck and leave it to OSHA. Each year, 250 New Yorkers die on the job. Most worker fatalities are preventable, not fluke accidents. Some are crimes. Companies owe a duty to the public, including to their workers, to operate safely and responsibly. When a company or supervisor commits a crime, charges shouldn't be off the table simply because the victim was working when the crime occurred. Companies that follow the law shouldn't have to compete with those that shirk their responsibilities.

The good news is that many state prosecutors see that killing workers can be a crime and that workers, families, responsible businesses, and all New Yorkers deserve justice.

Just last year, Manhattan District Attorney Cyrus Vance's office secured convictions against the companies and individuals responsible for Carlos Moncayo being buried alive in an unsecured trench collapse at a construction site in the Meatpacking District in 2015. All four defendants in the case either pleaded guilty or were convicted, but the two companies were sentenced to pay a mere \$10,000 fine for their felony offenses — the maximum allowed under state law. Vance called the fine "pocket change."

State legislation could correct this gross injustice by raising the maximum criminal fine to an amount that would meaningfully deter companies from putting profits ahead of people's safety, whether workers or bystanders.

Such a bill would send an unmistakable message to businesses and executives that New Yorkers won't stand by when illegal cost-cutting takes human lives. It would also be a signal to prosecutors that the communities they represent demand justice for all victims of potentially criminal acts — including those killed on the job.

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