

# United Electrical, Radio and Machine Workers of America

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November 13, 2021

Joseph Czapik, Supervisor  
OSHA  
6 Upper Pond Rd., Second Floor  
Parsippany, NJ 07054

Dear Mr. Czapik:

I write out of concern over what appear to be a number of health and safety violations at the Refresco factory located at 92 N Main St, Wharton, NJ 07885. The approximately 250 workers at the factory have reported numerous issues that present real risks to good occupational safety and health, and which have resulted in needless injuries. OSHA should conduct an inspection of the plant and investigate the multiple hazards with a view to prompt correction.

I spoke with OSHA representative Jennifer Consalazio by phone about some of these concerns on 11-5-21. The workers recently organized into United Electrical, Radio and Machine Workers of America (UE) Local 115, and we anticipate certification from Region 22 of the NLRB in the near future.

Attorney David Tykulska has recently raised issues to this office over the employer's failure to post the required notice regarding the failure to turn over timely the OSHA 300 log and omissions from that log.

The health and safety issues reported by the Refresco employees include:

## Excessive Noise - Inadequate Protection

The workers report that the entire plant is extremely noisy, but it is especially loud near Lines 1-6 and the palletizer machine. According to the OSHA 300 log, a number of workers have suffered hearing loss (examples include H [REDACTED] on 9/8/2020, L [REDACTED] on 9/10/2020 and G [REDACTED] on 9/14/2020). The hearing protection provided by the company is inadequate, particularly given that management has special headphones to protect their hearing, which are apparently effective. If these headphones are available to workers, few of them are aware of that. I am given to understand that the predecessor employer at this location, Whitlock Packaging, was found by OSHA to have violated noise rules.

## Water on Floor – Slip Hazard

Workers report that water is often all over the floor in the factory, especially near Line 3. There is not adequate floor drainage - the drains are too small. This causes a slip hazard, is unsanitary, workers have to work with wet feet, and workers are inhaling chemicals in the water from the Clean-In-Place (CIP) process. The water regularly rises above workers' shoes. Employees work in wet shoes and are not provided proper footwear to stay dry.

The water on the floor is often dirty and contains chemicals from cleaning out the equipment (CIP). The smell from the cleaning fluid is also strong. Veronica Abanca Ramirez recently lost her voice for 48 hours from inhaling the fumes.



There is no training on the hazards involved with the chemicals or how to handle them safely.

The water also makes the floors slippery and many workers have fallen and gotten injured.

Refresco has been previously cited by OSHA for slip hazards caused by water on the floor.

#### Unguarded Areas without Lock-Out/Tag-Out

The label machine drum on Lines 5 and 6 allows workers to put their hands in at times (which they do to operate it) in close proximity to a slicer. There is no guard or lock-out of which the workers are aware. Workers have cut their hands (for example, [REDACTED]).

There are also several rollers in the label machine drum which form an unguarded nip point where workers have gotten their fingers caught (for example, [REDACTED] was injured when his finger got caught on 2/14/2020, and [REDACTED] was injured 12/23/2020 the same way).

#### Unsafe Floor Surface

Workers operating the palletizer machine report that they have to stand on a metallic grate that shakes during the whole shift. They are getting foot injuries (for example, [REDACTED]'s feet are both currently injured on the bottom and it is hard for him to stand).

#### Sewage on Floor

The workers report that the bathrooms regularly backup and sewage gets all over the floor in the factory, including in production areas. The workers have to stand in the sewage until it drains and gets cleaned up. There are not a lot of sanitation workers on staff, so they have trouble keeping up with all of the plant's cleaning/sanitation needs.

#### Fires - Not Maintaining Machines Correctly

There have recently been two fires at the Refresco plant. The fire department was not called, and no fire alarms went off. The workers put out the fires themselves. There are no fire drills conducted at the plant, and the workers are not trained on how to put out fires. The workers report that alarms go off regularly, and they are told by supervisors to ignore them. Yet no alarms went off when the fires occurred.

The first fire occurred on 9/27/21 at the case packer machine on Line 3. The workers report that the fire was caused because the machine is not maintained properly.

The second fire occurred on 10/11/21 in a case packer machine on a different line. The workers believe that the machine overheated from constant running and lack of maintenance.

The line 6 case packer also caught on fire approximately six years ago.

#### Lack of Training, Operating Machines Unsafely

The facility is understaffed and workers are running multiple machines at a time. This causes safety hazards and has caused worker injuries to increase. The machines are large, industrial equipment designed to be operated by one operator each, as far as we know. Some of the workers that have been recently injured by rushing to operate multiple machines include: [REDACTED] (left ankle sprain), and [REDACTED] (hand/arm injury). In the case of [REDACTED], his arm was caught in a machine that did not have a guard on it. It is only since his injury last month that the company put a guard on the machine.

The company further puts workers in danger by not providing adequate training on machine operation. Workers are left alone operating machines with little to no training. For example, Veronica Abanca Ramirez, a newly-hired machine operator, has reported being left alone operating machines with little training on safe operation.

Another example of lack of training is that there is a bar with a hook that is supposed to help workers safely operate the Line 4 Rinser machine, but few workers know about the bar and there are not enough of these bars available for all of the machines that use them. Beverage bottles regularly get stuck in the rinser machine and workers can and do injure their hands on a metal area when pulling the bottles out by hand.

Another example of lack of training which leads to potential safety risks is that some workers are operating forklifts without a license. For example, [REDACTED] is currently operating a forklift without a proper license or training. Additionally, on 9/30/2020 Forklift Operator [REDACTED] was injured in Warehouse C when he hit a stack of pallets and they fell on his arm. Refresco has been cited by OSHA for inadequate training on forklifts in the past.

A further example of an unsafe condition is that workers on Line 3 have to step on a conveyor belt to clean the machine's tubes. This is a slip hazard, since the conveyor belt moves.

#### Injuries not Treated

Workers are not receiving proper medical attention when they get injured at work. They are regularly told to wait until their shifts end and keep working with injuries (for example, [REDACTED] injured his foot in September 2021, and was told to wait until four hours after the end of his shift for medical care).

There is also a lack of adequate first aid kits available in the plant.

Workers are also brought back to work before their injuries have healed. There was recently a worker who was forced to work in crutches ([REDACTED]).

If workers do get sent for medical treatment, the company doctor regularly under-treats injuries and sends workers back to work while still injured. Additionally, during the pandemic these doctor consultations have been virtual, and the company's safety manager, [REDACTED], has been attending the doctor appointments (for example, [REDACTED] attended a recent virtual doctor appointment for [REDACTED]). The workers feel this is intimidation and a violation of their privacy.

#### Extreme Temperatures

## Repetitive Injuries

- Line 6, Hicone machine - Causes back injuries
- Blend Room, Line 1 – Lifting heavy boxes causes back injuries (for example, Al [REDACTED] injured his back and had to miss work for some time to recover. [REDACTED] pulled a muscle in his forearm on 8/26/2020 from lifting 50 pound bags of blending product.)
- Line 6 Case Packer – This is a tall machine that the workers have to lean over to operate. The area where workers stand should be elevated. The leaning causes back injuries, and V [REDACTED] [REDACTED] Ramirez recently fell from leaning over.
- Line 5 – Lifting heavy boxes causes back injuries.
- Filler Line M - Aseptic - Workers have to reach over and over to operate the machine. Maria Isabel [REDACTED] is having arm and shoulder pain from the repetition.

## Physical Problems from Long Shifts

## Company Awareness

## Conclusion

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Please let me know if I can provide additional information about any of these complaints. I have attached the OSHA 300 logs from 2020 and 2021 that the company provided.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tara McCauley".

Tara McCauley