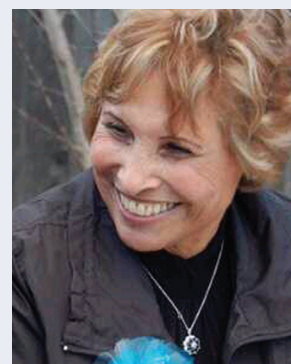


EVA MACIAS

Recycling Industry Giant Appeals Fines After Woman's Death



Evangelina Macias loved to work. In fact, the 66-year-old known as Eva needed to work, says her elder daughter, Maria. A native of La Palma Michoacan, Mexico, she arrived in the United States in 1969. Eva worked most of the time after that, as she and her husband, Victor, raised three children.

For about 30 years, Eva worked in an East Bay plant making wood for number 2 lead pencils. When it closed, she was hired at Waste Management's Davis St. material recycling and transfer plant in San Leandro. It is North America's largest recycling company. Eva thrived there for 13 years, working as traffic director (a flagger), directing the public to drop-off areas.

It all ended on June 18, 2012. At about 3:00 p.m., she was hit and run over by a front-end loader driven by a co-worker. The man was a 22-year employee in the small department where everyone knows one another.

The 5-foot-three-inch woman was wearing a reflective sweater, hardhat, and glasses. But the bucket on the loader was off the ground high enough so that the operator couldn't see people walking in front of him. Six members of the public were on the site, emptying trucks of recycling materials. Two saw the loader hit Eva, snagging her shirt and lifting her in the air before she fell to the ground and was run over.

Eva died that night in hospital. She left behind her husband, children, five grandchildren and nine siblings.

"We miss her very, very much," Maria says. "I miss everything—our dinners together, the family being together. It's different now. Everything's different."

Eva needed to keep busy. "That was one of the reasons we couldn't get her to retire," Maria says. The independent-minded woman loved to work. She was loving, had lots of friends, and loved her family very much. "She was perfect," Maria says.

After an investigation, Cal/OSHA issued four citations on December 7, 2012. The inspector found that Eva died as a result of company failures that involved:

- ▶ overly informal driving rules in the public area of

the site, about which employees weren't trained and which the employer didn't enforce; and

- ▶ a lack of a traffic control system with devices to protect employees who are on foot from moving equipment.

The company's verbal rules said front-end loader operators could travel forward with buckets a maximum of 24 inches in the air, to ensure operators can see where they're going. Cal/OSHA issued a citation for a general violation about this, saying the employer did not instruct front-end loader operators every year about legal requirements and the informal rule. Nor did they document giving these instructions. The proposed penalty was \$750.

The inspector also issued two serious violations. He found that Waste Management:

- ▶ did not have and maintain an effective Injury Illness and Prevention Plan (IIPP), specifically about enforcing the verbal rule about how high the bucket could be as the loader moved forward; and
- ▶ did not have a traffic control system to deal with the hazard of moving front-end loaders, and broke other rules about how equipment was operated.

For each one, he proposed a fine of \$25,000. The total proposed penalty for Eva's death was \$50,750. The company is appealing. The process can take years.

Meanwhile, International Longshore & Warehouse Union (ILWU) Local 6, which represents these workers, has initiated a safety certification program for recycling workers, hoping to focus on the dangerous conditions in waste processing operations. As Fred Pecker, Secretary-Treasurer of Local 6, notes: "It is unconscionable for a corporation as large and dominant in the garbage industry to try and avoid responsibility for making sure their employees return to their families at the end of each workday."