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AK Steel to Contest Citation, Proposed Penalty

By Ed Richter, Staff Writer

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Middletown, OH -- AK Steel Corp. says it will challenge a citation in the May death of a replacement worker at Middletown Works.

The Occupational Safety and Health Administration on June 27 issued the alleged violation and proposed penalty against AK Steel following a 71/2-week investigation of the May 4 death of replacement worker Curtis E. Johnson, 54, of Newark, Ohio.

Alan McCoy, AK Steel's vice president of government and public relations, confirmed late Thursday the steelmaker on July 24 notified OSHA it would be contesting the alleged violation and proposed penalty.

Johnson was working for Strom Engineering of Minnetonka, Minn., a company that provided replacement workers for AK Steel. He was working at Middletown Works while AK's largest union, the Armco Employees Independent Federation was locked out. The lockout, which started March 1 when a collective bargaining agreement expired, now is in its 157th day.

In a letter to Johnson's son, Arthur Johnson of St. Clairsville, Richard T. Gilgrist, OSHA's Cincinnati area director, said the "investigation revealed that on May 4, 2006, Curtis was working as a door cleaner on the pusher side of the coke ovens at AK Steel Corp. A door cleaner's job is to clean tar, carbon and foreign material from the bottom two-thirds of the doorjamb on the ovens, as well as to clean up the bench (walkway) after the ovens are 'pushed,' by a large piece of equipment called a Pusher Machine.

"Curtis was sweeping the bench (walkway) when the Pusher Machine reversed course and came up behind him, catching him between the Pusher Machine's heat shield and bench railing. Curtis traveled the entire 18-foot length of the heat shield and came out the other side. He died shortly after the accident.

"Based upon our investigation, one serious violation is being issued to AK Steel Corp. The alleged violation is for exposing employees to pinch points created by the Pusher Machine heat shield and the guardrail that ran along the batter bench."

The OSHA citation issued to AK Steel on June 27 identified the alleged violation as "serious." According to an OSHA fact sheet, "violations are identified as serious if there is substantial probability that death or serious physical harm could result and that the employer knew, or should have known, of the hazard." A proposed penalty for a serious violation may range as high as \$7,000.

It stated "Machine guarding was not provided to protect operator(s) and other employees from hazard(s) created by pinch points and moving parts: (a) On or about May 4, 2006, door cleaners were exposed to pinch points created by the Pusher Machine heat shield, and the guard rail that ran along the coke battery bench."

The citation stated the violation was to be abated by July 24 and proposed a penalty of \$5,000 for the alleged violation.

Barb Marcum, OSHA's assistant area director in Cincinnati, said Thursday AK Steel notified OSHA on July 24 that it would contest the alleged violation and proposed penalty.

Marcum said contested violations proceed through an administrative review process at the Occupational Safety and Health Review Commission, which is separate from OSHA and the U.S. Department of Labor.

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