The hazards of toxins in the workplace Valenite Modco Ltd., as a case study.

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THE HAZARDS OF TOXINS IN THE WORKPLACE:
VALENITE MODCO LTD., AS A CASE STUDY

by

ANTONIA LIGORI

A Thesis
Presented to the
Faculty of Graduate Studies and Research
Through the Department of
Sociology and Anthropology in Partial Fulfillment
of the Requirements for the Degree
of Masters of Arts at the
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ABSTRACT

The case study presented in this research concerns Valenite-Modco, a local tool and die company that reportedly exposed their workers to dangerous levels of cobalt dust. Two methods were used in the data gathering process: document analysis of company documents and government inspectors' reports, as well as interviews with current and past Valenite employees. Names of potential respondents were compiled with the assistance of Larry Girard, an ex-employee of Valenite-Modco who currently is employed with The Windsor Occupational Health and Safety Office. Mr. Girard was also instrumental in providing government and company documents, newspaper articles, and names of contacts from other Valenite plants.

The information gathered on Valenite-Modco suggests that Valenite-Modco may have engaged in negligent work practices and as a result, exposed some of their workers to dangerous levels of cobalt dust. Based on the documents reviewed, it appears as though some company officials were aware that exposure was taking place on the shop floors of Valenite plants in New York, Michigan, California and Windsor, Ontar-
io. These same documents suggest that at least some of the company executives were aware of the dangers posed by excessive exposure to cobalt dust. All of the workers interviewed support the newspaper reports which claimed that they were not made aware of the dangers posed by the dust in the air on the shop floor. The only information received about the job upon being hired was that it was a "dirty job."

This micro-level study was conducted with the intention of understanding the circumstances of the Valenite case in order to understand why companies may choose to engage in questionable work practices. Since little research exists in this field, it is an attempt to bring together some of the literature pertaining to the issue of exposure to workplace toxins. The general impression is that corporate crime involves the loss of money. By using worker exposure to toxins in the workplace as an example of corporate crime, this study will hopefully be a start in changing this impression.
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CONTENTS

Abstract .................................................. iii

ACKNOWLEDGEMENTS ........................................ v

CHAPTER I: INTRODUCTION ................................. 1
Statement of Purpose ....................................... 2
Statement of Methodology .................................. 3

CHAPTER II: THEORETICAL FRAMEWORK ............... 7
White-Collar Crime: A Brief Overview ................. 7
A Definition ................................................... 9
Corporate Crime from an Organizational Perspective . 10

CHAPTER III: REVIEW OF THE LITERATURE ........... 13
The Reality of the Modern Industrial Process ........ 13
Can Toxic Exposure in the Workplace be considered a Class Issue? .................. 16
Industrial Disease: Problems in Determining the Rate of Occurrence ............. 17
Government and Big Business: What Is Their Relationship? ......................... 21
The Perception of the Corporate Criminal and The Law ................................ 23

CHAPTER IV: VALENITE MODCO LTD. A CASE STUDY: AN INTRODUCTION .......... 28

CHAPTER V: FINDINGS ...................................... 32
Valenite Carbide Sintering Division, Syracuse, New York ............................. 33
The California Plant .......................................... 42
Valenite Metals Division, Madison Heights, Michigan ................................. 44
CHAPTER I

INTRODUCTION

If it takes an hour to read this chapter, by the time you reach the last page, two of your fellow citizens will have been murdered. During this time, 11 Americans will die from disease due to unhealthy conditions in the workplace (Reiman, 1979:45-46).

Concerning industrial health and safety in Canada, with respect to safety standards and practices within the workplace, Charles E. Reasons, Lois L. Ross and Craig Paterson (1981:56), write that,

While Canadians often pride themselves on the fact that they are less violent and more civilized than people in the United States and other countries, international statistics suggest otherwise. Canada's fatality rate compared to that of five other industrialized societies suggests that in Canada more workers are killed by their jobs.

The problem of inadequate health and safety standards and practices within modern industry is an alarming one, especially in a civilization which possesses the technical knowledge to prevent industrial disease.

Although health hazards pose a serious threat to workers, traumatic injuries have been given more attention since they are easier to recognize and categorize (Reasons et al., 1981:38). Thus, in order to understand the difference
between a health issue and a safety issue. Nicolas A. Ashford (1979:9) separates the two terms which are often used interchangeably.

Safety professionals insist that the term "safety" is all-encompassing and includes health—but it is fair to say that their concern is more with the explosive nature of chemicals than with their toxicology. While an ungraded blade in a rotary saw may present a severe and imminent danger it is often difficult to perceive the severity or imminent danger contained in a brief exposure to a potential carcinogen that can take years to cause a tumor or death.

Obviously there are varying types of health and safety issues: worker exposure to toxins in the workplace is merely one facet of the ever growing problem of poor health and safety standards within the workplace. It is a facet that cannot be ignored since it has such devastating effects on the quality of human life.

1.1 Statement of Purpose

"Metal Disease linked to Workers' Deaths." "Windsor Plant told to clean up Cobalt." "Firm told 29 times to clean up Danger Dust." "Workers didn't know of danger, doctor claims."

These headlines are from 1985 newspaper reports of a local company that allegedly knowingly exposed their workers to cobalt dust, a substance which is known to cause hard metals disease.
This research, based on the case study analysis of Valenite-Modco, shows that for a period of time Valenite-Modco operated in a negligent fashion causing some of their workers to be exposed to dangerous levels of cobalt dust. This issue of worker exposure to health-threatening substances in the workplace (more specifically the Valenite case) is presented in this paper as an example of corporate crime.

1.2 Statement of Methodology

This qualitative study employs two methods of research. The first method used is document analysis of company letters, such as letters from the company to government agencies and vice versa, letters from doctors of Valenite workers who contracted hard metals disease (in the Syracuse, New York plant) as well as a letter from the plant manager at the Syracuse, New York plant addressed to a Valeron official (Valeron being Valenite-Modco's parent company). Inspection reports from the Ontario Ministry of Labour as well as from the states of New York and California are also analysed. Interdepartmental memos from the Windsor plant were used as well.

The second data gathering technique used in this study is that of interviews.
For this type of study, the focused interview was best suited, since open-ended questions allowed for the flexibility needed to deal with unanticipated responses (Bailey, 1978:175). The interview guide, used for the interviews with all respondents, was prepared in advance and explored the following:

a) Were workers ever informed of the risks involved in working with cobalt?

b) Were workers aware that a hazard existed on the shop floor?

c) Was management aware of dust conditions that existed on the shop floor?

d) Was management aware of the dangers posed by excessive exposure to cobalt?

e) What was the relationship between government inspectors and Valenite?

f) As far as detecting a chemical hazard in a workplace, are government inspectors properly trained and knowledgeable about chemical substances and their toxicity?

g) Why was a union unable to organize at Valenite?

An interview following the above-stated interview schedule was conducted with a present and two past Valenite employees. The first interview was conducted with Larry Girard (an ex-Valenite employee and the one confirmed case of hard metals disease at the Windsor Valenite-Modco plant). In addition there
were three 'off the record' telephone interviews conducted in the form of informal conversation. During these conversations, the researcher was able to ask some of the questions outlined in the interview schedule. The 'off the record' interviews include an ex-employee who was in a management position with Valenite for many years, the wife of Vince Bavetta the ex-general manager of Valenite-Modco Ltd., Windsor, and an ex-employee from a Michigan plant.

In each case the initial contact with all possible respondents was made through the telephone. Although strict confidentiality was assured, all of the first six possible respondents declined to grant an interview. The main reason given for not wanting to grant an interview was that "they just did not want to get involved."

Mr. Girard provided a second list of possible respondents. All six respondents again were contacted by telephone. Of the six respondents, two were willing to grant a telephone interview. The researcher was granted permission to tape the telephone interviews by the respondents. The respondents were assured that absolutely no one have access to the taped version of the interview.

This study also includes information from Frank Johnson, an ex-employee of the Syracuse, New York plant, who worked for Valenite for 17 years. Mr. Johnson was sent a copy of the interview
guide which Mr. Johnson used in putting together an in-depth information package. This information package consisted of written answers to the questions outlined in the interview guide. Mr. Johnson included documents to support each of his answers.

Information pertaining to the Michigan Valenite-Modco plant was obtained through the Southeastern Michigan Coalition for Safety and Health office. Newspaper and magazine articles, as well as a video-recording of the NBC Today Show, were used in establishing Valenite-Modco's history.
CHAPTER II
THEORETICAL FRAMEWORK

Since this study looks at the issue of employee exposure to toxins in the workplace as an example of corporate crime, it is necessary to offer an understanding of what corporate crime is. This chapter begins by giving an introduction to the concept of white collar crime (since corporate crime is viewed as an aspect of white collar crime) followed by a review of literature which looks at corporate crime from an organizational perspective. An organizational perspective is useful for providing the basis necessary in understanding the process involved in a corporation's daily operations, which enables questionable operating behaviors to exist as a routine part of business.

2.1 White-Collar-Crime: A Brief Overview

The extent of corporate crime in Canada is unknown since little research has been conducted in this area. The research that does exist is mostly in the area of white collar crime, concentrating on "occupational crimes" (crimes committed by upper-level executives for personal gain). The
major work in this area is still Edwin Sutherland's study on what he termed "white collar crime" in the United States. Marshall B. Clinard (1983:11) claims that criminologists began to develop an interest in white collar crime, and particularly corporate crime, only after Sutherland gave his presidential address to the American Sociological Society in 1939. Until this time, corporate crime had not become a serious consideration for research, and even present day research tends to concentrate on occupational crime rather than organizational crime. Even then, the types of organizational crime researched are those that are perceived to involve economic losses rather than the loss of lives.

Sutherland defined white collar crime as being crime committed by a person of respectability and high social status in the course of his occupation. Due to the broad nature of the definition, many criminologists have since struggled with the concept. For example, according to Laura Schill Schrage and James F. Short (1978:407) the concept of white collar crime has "two great weaknesses":

1) [The] focus [is] on offenses whose impact is economic and tended to gloss over a group of offenses with serious physical if often unintentional effects, and 2) [they] also fail to deal with the particular characteristics of illegal behavior in organizational settings. They view the individual as criminal agent, whether actions are undertaken on behalf of, outside of, or against organizations.
2.1.1 A Definition

This study focuses on the concept of corporate or organizational crime, that is those crimes committed by individuals or groups of individuals for the benefit of a corporation. For the purpose of this study the definition of organizational crime as stated by Laura Shill Schraer and James F. Short will be used. According to Schraer and Short (1978:411-412),

Organizational crimes are illegal acts of omission or of commission of an individual or a group of individuals in a legitimate formal organization in accordance with the operative goals of the organization which have serious physical or economic impact on employees, consumers or the general public.

This research puts emphasis on those activities that have serious physical impact on employees, where the victim is the employee, and the nature of the offense is violent. The result of the illegal acts are injury and death due to workplace accidents or illness and death due to industrial disease caused by exposure to workplace pollutants. The two important characteristics of this type of offense are: 1) the acts occur to facilitate the legitimate goal of maximizing profits, and 2) the acts take place within legitimate business practices (Michalowski, 1985:325).
2.2 Corporate Crime from an Organizational Perspective

The specific goal of "maximizing profits" is cited by some corporate crime literature as being the major factor in determining whether corporate illegalities will occur, when the focus should be on the "co-ordinated effort toward the attainment of organizational goals" (Michalowski, 1985:324). It is important to recognize the "complexity of the process" of achieving the goals and subgoals within a corporation, especially a corporation that engages in illegal work practices.

In an attempt to offer an explanation, Coleman (1985:14) states that individuals of the organization generally become linked to the internal structure (such as the organization's successes and future goals) to the point where criminal activities used to carry out organizational goals are rooted in a subculture and a set of attitudes that have developed over many years.

With respect to Valenite-Modco, media reports as well as this research suggest that employees on the front-line level, as well as some front-line managers, were not made aware of the situation concerning employee health in relation to working with cobalt dust. Beyond merely ignoring the responsibility to inform employees, corporations which choose questionable means of operation use varying methods in order to make unethical or illegal activities appear to
be a normal part of the daily routine. One of these methods is to provide employees with broadly stated goals and objectives (Coleman, 1985:216). The outcome of these "broadly stated goals" often is for the organizational machinery in a corporation to be set in motion and for each subgroup to contribute a small impetus, perhaps without any awareness of the illegal and potentially dangerous final result (Clinard and Yeagor, 1980:45). Illegal acts may be detected by employees, but in order to protect their jobs, they may choose to ignore or justify the illegal behaviors. This is mainly influenced by today's competitive job market. Since finding other employment is often difficult, if not impossible. Coleman (1985:14) claims that refusing to carry out the illegal directives demanded by their organization, and thus not accepting criminal means in order to achieve organizational goals, may ultimately result in dismissal.

Beyond the employee subculture, another internal factor is the size and diffuse nature of a corporation. The employee subculture and the diffuse nature of the corporation are in turn influenced by the relationship with government and the state of the current economy. An example of economic reality is that if the competitors are cutting costs by violating pollution, health, and safety standards, it may be impossible to maintain the price competitiveness
of products without engaging in similar activities (Coleman, 1985:222-223). The size and diffuse nature of a corporation, as well as the nature of the laws regulating corporations, enable these types of activities to occur with little risk of getting caught or prosecuted. Clinard (1983:17) states that "the immensity, the diffusion of responsibility and the hierarchical structure of large corporations foster conditions conducive to organizational deviance." Involvement in illegal corporate activities is not risky for top corporate executives for the very reason that it is difficult to trace the decision back to one particular person.

An internal as well as an external structure conducive to illegal behavior must exist and, like street crimes, organizational crimes require a motive and as well as the opportunity. The ultimate motive behind adopting illegal practices is to maximize profits. Unfortunately, the methods employed to achieve this ultimate goal of profit maximization are dictated by what other companies within the same industry accept as the standard. Also, by having a government and a legal system that does not perceive the wrongdoings of corporate criminals as illegal or wrong, corporations are provided with the external structure and attitude necessary to continue engaging in illegal work practices.
CHAPTER III
REVIEW_OF_THE_LITERATURE

This chapter is presented in five sections. Each section deals with a specific issue relating to the problem of worker exposure to health-threatening substances in the workplace. The information in these sections provides some insight and understanding of why worker exposure to toxins in the workplace, or any corporate behaviors having serious affects on society, are allowed to occur.

3.1 The Reality_of_the_Modern_Industrial_Process

The growth of capitalism has caused industry to develop at an astonishing rate, which in turn has resulted in a large concentration of wealth being controlled by few corporations. It is reported that in the United States, the nation's wealth is centralized with the richest 1 percent of the population owning about 25 percent of the entire population's net worth (Simon and Eitzen, 1986:11). The rapid growth of industry has in part been blamed for the apparent lack of social responsibility displayed by companies in various industries. Staying ahead of the competition and show-
ing an increase in profits often means reducing expenditures that are perceived as not being profitable. This often affects such things as pollution abatement programs designed to reduce the amount of environmental pollution, the proper maintenance of machinery in order to keep worker injury to a minimum, and providing effective protective equipment to those workers exposed to workplace toxins.

Intense competition and the desire to show an increase in profits are contributing factors to the reason corporations engage in illegal behaviors. As established in the previous section, the internal factors are equally as important as the external factors in motivating illegal corporate behaviors.

The desire to gain access to the great concentration of power and wealth usually means that corporations are constantly trying to keep up and outdo their competitors. Jackson et al. (1982:21) write that "the intense competition and desire to make a profit have caused many corporations to put new products, chemical compounds, etc. on the market before testing can be done so they can beat their competition." They continue by stating that "the ability to produce new chemicals has far outstripped our society's scientific ability to test them." Thus, over the years there has been a tendency to give chemicals the benefit of the
doubt and not classify them as hazardous unless substantial proof exists (Jackson et al., 1982:22). The prevailing wisdom suggests a desire not to interrupt the production processes, which has led to an insistence on demonstrating "conclusive scientific evidence" of a hazard (Leiss, 1976:32). Having to have demonstrated proof that a danger exists before restricting the use of an offending substance has caused many tragedies, such as the devastation experienced by the fluorspar workers in Newfoundland. For years miners were exposed to silica and radiation, resulting in silicosis and lung cancer, which literally killed generations of men in families of two surrounding communities. Dying Hard, a book written by Elliott Leyton (1975) gives accounts of the tragedies that took place in the fluorspar mines of Newfoundland. As a result of this study, Leyton concludes that "at present, politico-economic forces dictate that resources be exploited and goods produced at minimum expense and without serious regard for the hazards encountered by labour." Leiss (1976:33) sums this point up nicely in the following:

The complexity of modern industrial process and the rapidity with which new chemical compounds are put into use means that considerable time may elapse before scientific knowledge is possible about the potential hazards resulting therefrom.
Can Toxic Exposure in the Workplace be Considered a Class Issue?

Corporate crime is indicative of the power possessed by the economic elite.

Daniel Berman (1978:189) writes that like wages, the issue of job health and safety is a class issue. Clean working conditions cost money. Transferring the costs of hazardous conditions from the working class to the capitalists by enforcing preventative measures or by driving up compensation payments cuts into profits unless those costs can be successfully resisted or hoisted onto the public.

Serious illnesses due to exposure to toxins in the workplace cannot be blamed on "worker carelessness," as some have attempted to do, since workers, especially in a non-union company, do not have control over working conditions on the shop floor. Disease is generally a function of conditions outside of workers' control, such as the level of coal dust in the air (Reiman, 1979:68).

Since the real issue appears to be money and who controls the money, the problem of exposure in the workplace becomes "more than fighting exposure to toxic substances--it is fundamentally a reflection of the workers' lack of power to control their work environment" (Brophy and Keith, 1985:6).

Due to the immense power and wealth that lie within the corporate structure, some theorists have even gone as far as to view occupational diseases resulting from deviant corpo-
rate activities as a "social disease" where the causes and controls are deeply rooted in the technology and economy of our society (Tatar, 1979:2). Clinard and Yeager (1980:11) for instance, view deviant capitalistic activities as having "had serious effects on the moral fabric of society", claiming that the prevailing attitude of competition and of profit accumulation at any cost has permeated the rest of society.

3.3 Industrial Disease: Problems in Determining the Rate of Occurrence

According to Larry Girard, one of the most difficult things to contend with during his illness was the reluctance of the Workers' Compensation Board (WCB) to accept his claim for Hard Metals Disease. The problem experienced by Larry Girard in relation to the WCB is not uncommon. Canadian workers suffering from industrial diseases have all encountered similar difficulties. Many work-related illnesses go unreported since either the connection is difficult to make and/or the WCB does not recognize many of these illnesses as being compensable.

This could be one explanation to why existing literature alludes to health hazards being rampant in industry, yet statistics relating to hazardous situations in the workplace
concentrate on time lost or death due to a traumatic injury rather than industrial disease. For instance, if the numbers of industrial cancers, etc., are separated from the reported number of traumatic injuries, the actual number of people suffering from industrial disease would appear to be insignificant.

The fact that the Workers' Compensation Board refuses to recognize and thus accept claims of those workers suffering from various forms of industrial disease does not mean that the problem does not exist. It seems as though the government can avoid taking strict action against negligent corporations and negligent corporations can in turn escape the cost of workplace abatement programs since the rate of industrial disease appears to be low. The biggest problem in determining the rate of industrial disease is that one must rely on the statistics provided by government reports. Attempting to establish the rate of industrial disease from government sources is extremely problematic since statistics in these reports are derived from Worker Compensation claims which are only representative of traumatic injury and not of industrial disease. According to Daniel M. Berman (1978:45),

> Attempting to estimate the occupational disease death rate based on workers' compensating reports is like trying to measure the Mississippi with a bucket as it flows past.
Since an accurate and honest data-gathering system has not yet been implemented, it is difficult to determine the exact number of occupation-related deaths since medical reports and compensation system are unreliable (Berman, 1978:45-47).

Berman (1978:45) writes that: according to Dr. Thomas Mancuso,

The chances of recognizing and winning compensation for an occupational respiratory disease are very slim...since individual workers usually have different personal physicians untrained in job-related hazards, who merely perceive the exposed workers' diseases as due to a common cause. The only health specialists who view the plant as a unit, are the plant nurse and physicians (if they exist) who are responsible to the company.

One reason for compensation being so rare in cases involving industrial disease is that industrial disease is "insidious" in nature. For a disease to be insidious means that the links between its causes and manifest symptoms are obscure (Calhoun and Miller, 1988:162). One reason that the causes and manifest symptoms are obscure is that diseases suffered due to occupational exposure to toxic substances in the workplace are also found in the surrounding community.

Jeffery Reiman (1979:78) writes that

The incidence of lung cancer is high in women as well as in the men of the community with a smelting industry--men are exposed to arsenic on their jobs and the women to the inorganic arsenic in the air of the surrounding community.
Ralph Nader, the esteemed American consumer advocate, further accentuates the idea that diseases suffered by workers in the plant often resemble those suffered by the surrounding community in the following excerpt taken from the introduction to Joseph A. Pago's and Mary-win O'Brien's book Bitter Wages (1973:xiii-xiv).

There is a more graphic similarity between worker diseases and pollution—often they are different manifestations of the same industrial process...contamination of the air, land and water outside is often worse inside the plant of mine; on-the-job exposure to pollutants is very often many times more dense or intense than in the general environment.

Another reason the magnitude of workers' ailments in Canada remains unknown is that "health officials have little knowledge of occupational and environmental matters," also, there are only "three occupational health and safety professionals for every hundred thousand workers in Canada" (Tataryn, 1979:4). (More recent sources do not show any significant improvements in the ratio of health official to worker in Canada). Tataryn (1979:5-6) cites Terence Ison, a law professor at Queen's University and former chairman of the Workers' Compensation Board of British Columbia, as stating the following reasons for the magnitude of workers' ailments in Canada as being unknown.

1) A complete occupational history is rarely taken to establish an industrial basis for the disease.
2) No systematic or national program of monitoring new chemicals in production exists.

3) No systematic or national program of research into causes of industrial diseases exists.

4) Often the disease occurs twenty years after exposure, thus the time-lag postpones community knowledge of the origins of the disease.

5) Finally, occupational medicine in Canada has yet to be recognized.

In order for workers to be compensated for disease suffered in the workplace, industrial disease must be recognized by the Workers' Compensation Boards of Canada. As long as the WCBs continues to make it difficult to gain compensation for industrial disease, they will continue to make it easy for companies to avoid taking responsibility for workplace illnesses.

3.4 Government and Big Business: What Is Their Relationship?

According to the pluralist ideology, the relationship between government and big business is one of opposition, where industry works to keep a check on government and government keeps a check on corporate excesses. This adversarial relationship is the ideal and does not exist. Instead, it appears as though government and big business work to assist one another. According to Wallace Clement (1975:262)
there is no evidence that shows that the state elite and economic elite overlap extensively, although there is evidence to suggest that these groups operate in very similar sets of social circles. One reason given for this adversarial relationship not existing is that the "political elite do not want and cannot afford to jeopardize relations with the people who provide the bulk of the campaign funds" (Snider and West, 1985:164). Beyond the theory that government is concerned about campaign support, exists a theory that government and big business have chosen to conspire against the public interest and that is the reason for the apparent lack of concern regarding illegal corporate behaviors. Although government and big business operate in a fashion that is mutually convenient, it is not necessarily a conspiracy, as has been suggested. The government is economically dependent on the corporate elite and thus appears to be caught between maintaining a strong economy, meeting the demands of industry and protecting the public against negligent corporate behaviors. Apparently, negative corporate response to imposed regulations is a major factor influencing the Canadian Government's apparent "lack of will to adopt measures which prevent occupational and environmental cancers" (Tataryn, 1979:2). As long as governments such as the Canadian Government are afraid of losing these companies
to countries that do not regulate them, this attitude will continue to dominate. At present, as long as a corporation cited for health and/or safety violations on the shop floor gives the impression that the appropriate steps are being taken in order to correct the existing problems, then harsh action is not viewed as necessary by government inspectors. The motivational direction of companies is not to invest in new equipment and procedures, as long as it continues to cost less to permit casualties than to prevent them (Page and O'Brien, 1973:xiii).

3.5 The Perception of the Corporate Criminal and The Law

Historically, those who owned or managed capital have enjoyed greater ability to shape the law in comparison to other social groups (Michalowski, 1985:315). Controlling immense wealth also has enabled corporations to escape responsibility since they possess the power necessary to reduce their chances of getting caught by preventing questionable corporate acts from being defined as illegal in the first place. Thus, having the power to control the enforcement of the law, to keep illegal corporate behaviors out of the courts, and to have these behaviors fall under under the jurisdiction of regulatory agencies, has proven beneficial to the corporate elite. Coleman (1985:236) writes that "the social and political power of corporate criminals puts them
in an entirely different position vis-a-vis the justice system than other offenders." The following paragraph elaborates this point by giving an example. Coleman (1985:236) writes that:

Corporate criminals often have the strength to fend off, wear down, or even overpower the enforcement effort. Delaying tactics have proven to be one of the corporate criminal's most effective strategies. In some cases, powerful corporate criminals use direct intimidation, threatening to close a large plant or to move overseas if enforcement agencies don't adopt a more 'reasonable' attitude. In others, they attempt to corrupt individual officials with the lures of high-paying outright bribes.

The corporate crime literature states that corporate crime represents illegal and socially injurious acts within the corporate world which touch every American in their various roles as workers, consumers and citizens (Michalowski, 1985:325). This analysis of corporate crime is also applicable to Canada and yet, according to Reasons et al. (1981) the Law Reform Commission of Canada has not to date recommended criminalizing corporate action. Even though the social consequences and cost of "industrial carnage" are great—definitely greater than the social gains; laws continue to be concerned with those crimes believed to be associated with the poor and powerless (Michalowski, 1985:314).

In dealing with corporate law breakers the usual procedure is to warn by issuing directives citing the violation
of regulatory laws. As long as the company gives the impression that corrections have been made, the ministry views the problem as having been dealt with.

By dealing with negligent corporations in a lenient fashion, government officials are perceived by the public as displaying a lack of concern in relation to the corporate offender. This lenient attitude stems from the fact that the corporate offender is not perceived by governments as a serious threat to society. An example of how corporate criminals are viewed is cited by Reasons et al. (1981:208) in the following statement made by a Provincial Head of Inspection:

We are not dealing with criminals when we take people to court. A guy who breaks into your house knows what he is doing and knows the consequences and probably has been through the process before. To be dragged before a judge and sentenced to twelve months in jail is not unexpected. When we are talking about individuals or entities being prosecuted for infractions of occupational health and safety legislation, we are talking about an entirely different animal. We are talking about a person who basically is honest and an upright citizen. We are talking basically of a person who finds this process of being prosecuted and having that process publicized extremely distasteful.

This attitude is also displayed by the Reform Commission of Canada (1976) which refers to crimes such as murder, robbery, rape, etc., as "real crimes" and to illegal corporate or organizational activities as "regulatory offences" (Reasons et al., 1991:208).
Real crimes, wrong in themselves are those which affront the basic fundamental values of society and need to be condemned. Taking another persons' life and seriously harming another person violates our value for life. "Regulatory offences" are deemed necessary for efficiency and convenient for the "public good", but do not violate basic values...they merely are wrong because they intrude upon others' rights (Reasons et al., 1981:208).

Does exposing workers to toxins that result in sometimes fatal diseases not "affront the basic values of society"? Is this not a "real crime" in that it takes another person's life? Why does this outright disregard for life not "violate our value for life"?

Beyond the lax governmental attitude that seems to prevail, there appears to be a lack of opposing public opinion against corporate illegalities. This apparent lack of public response has in part been responsible for corporations not being penalized for committing crimes in the course of daily operations. John E. Conklin (1977:33) gives a realistic perspective on public attitudes with regards to business crime in general in the following:

It may be stated with some assurance that the public itself is not well organized to fight business crime. When asked about business crime in a survey, people may condemn such violations. However, they are rarely indignant or militant in the expression of their condemnation of business crime. They take their own exploitation for granted and feel that they are helpless to rectify matters.
The lack of public opinion is indicative of the amount of influence possessed by a small group of the economic elite. Owning and controlling the mass media is one means by which they have been able to control the public's perception and definition of crime. Wallace Clement (1975:291) writes that "most corporations employ public relations men and even have entire departments devoted exclusively to the task of news management" in order to "ensure that the 'right' information is released and that it will carry the 'proper' connotations."
CHAPTER IV

VALENITE_MODCO_LTD: A CASE STUDY; AN

INTRODUCTION

Jim Brophy and Marq Keith of Windsor Occupational Health and Safety Information Service (WOHIS) state that Valenite workers in Windsor first became aware of the serious danger of cobalt exposure in October of 1984, while viewing a five part NBC Today Show report on Valenite in the United States. According to the same report, Arlette King, spouse of a Windsor Valenite worker was shocked as she watched interviews with former Valenite workers from Syracuse, New York; Caro, Michigan; and Riverside, California. In each case a pattern emerged: the workers claimed that they were not properly informed about the potential dangers of breathing cobalt dust (Brophy and Keith, 1985:5). According to the article "Workers' Affidavits Detail 'Deception at Valenite". The affidavits (which were publicly released) showed that 14 workers claimed that a) their supervisors assured them that the dusts would not cause serious illness, b) workers who became ill were instructed not to talk about their health complaints with others and c) when injuries or
illnesses would flare at the plant, officials would hold what one worker called "reassurance meetings" in which workers were repeatedly told that the dust was a nuisance dust and would not hurt them (Cappon, 1985:A-2).

Larry Girard's was the first confirmed case of Hard Metals Disease in Windsor. Girard had worked with cobalt dust since 1976, "when he began employment with the number 3 Plant, Valenite-Modco Ltd."—an industry which uses cobalt in the process of making cutting tools for industry (Schiller, 1985:A1). Despite repeated warnings to clean up and install ventilation equipment, Valenite was not forced by government inspectors to do so. According to Vince Bavetta, general manager of Valenite-Modco Ltd., Windsor, which employs 250 people in four plants, "We have tried to meet all requirements," pointing out that the company installed a $250,000 dust treatment system in 1977 in the area where Girard worked (Beneteau, 1985:A1). Regardless of this fact, "as of 1982 it did not seem that they succeeded in reducing the levels of cobalt dust in the plant" (Beneteau, 1985:A11). In spite of this, Valenite management continues to deny responsibility.

GTE Valeron Corporation, known as Valeron Manufacturing before 1984, is Valenite-Modco's parent company based in Troy, Michigan. Valeron was absorbed into GTE, the massive
international telecommunications conglomerate, in March of 1984. According to the Metro Times,

At GTE-Valeron and Valenite-Modco Plants, a powdered tungsten carbide mixture, containing 3-25% concentration of cobalt, is mixed and pre-hardened, then sawed, drilled or ground into various tool shapes. Industrial experts believe that cobalt, one of the powdered metals used to make tungsten carbide, is the primary component of the substance that causes hard metals disease (Cross, 1985:11).

Hard Metals Disease is a progressive disease caused by exposure to cobalt; scarring of the lungs results in fatigue, chest pains and shortness of breath. Patricia Cappon (1985:12), a reporter for the Syracuse Post states that

The cobalt-laden dust can cause two lung conditions. A reversible form is known as occupational asthma and can be alleviated if the victim is removed from exposure to the dust. Exposure to the metal powder can also cause massive lung scarring and permanently reduce lung capacity—of hard metals disease.

Marty Beneteau and Paul McKeague (1985:A3), labor reporters with the Windsor Star, write that "the development of hard metals disease begins after cobalt dust in the air enters the lungs of exposed workers; troublesome coughing eventually leads to a shortness of breath, which progressively worsens." The appearance on X-rays of scars on the lungs is the key to diagnosing the disease, but by the time the scars show up on the X-ray the scarring is advanced (Beneteau and McKeague, 1985:A3). Cobalt rarely shows up in the lungs due to the much greater solubility of cobalt in protein solu-
tions. This could explain the absence of measureable cobalt in the lung tissue of affected workers (Forrest et al. 1978:612).

Health problems caused by cobalt dust have previously been found at a number of Valenite plants in the U.S. Several cases of Hard Metals Disease among U.S. Valenite workers have been confirmed (Beneteau, January 25, 1985:A1/F/1). In the California plant, for instance,

Mary Mastquiley, a former employee, developed Hard Metals Disease and was replaced by Cathey Galearretta. Cathey was never told about Mary’s health problems and was never instructed on safe procedures. Within two years, Cathey, only 21 years old, developed Hard Metals Disease and is now permanently disabled (Canadian Dimension, 1986:13).

According to Jon Alpert from the NBC Today Show, July 1, 1987, Valenite has had a history of shutting down dirty operations in order to pass inspections. Valenite closed down three U.S. plants and reopened in Mexicali, Mexico, where the Mexican workers are working in the same dust-ridden conditions for $5.00 per day. A 1984 inspection, for instance, showed that cobalt dust levels in air samples taken from the Mexico plant were 30 times higher than what is permitted by American law.
CHAPTER V

FINDINGS

Tungsten carbide was widely used and manufactured since its development in the 1920's in Germany (Forrest et al., 1978:610). According to C.G. McKenzie (1987:66.2) in his report submitted to the Ontario Ministry of Labour, "the cobalt content of tungsten carbide has been associated with fibrosis of the lungs (known as hard metal disease) and asthma in humans since the 1940's." Thus, the dangers involved in working with cobalt, a component of tungsten carbide, were determined approximately four decades ago. A document taken from a Valeron Catalog published in April, 1980, which is only made available to Valeron customers, warns against the possible health hazards that may develop as a result of exposure to dusts formed in the grinding operations. The caution provided to their customers (other industry) is stated as follows:

When brazed carbide tools are resharpened, the usual safety precautions (including applicable OSHA regulations) for grinding should be observed. But in addition, the dusts and coolant mists formed in the grinding operation must be removed and collected since a few individuals may develop pulmonary problems from inhaling even small amounts of these substances. (Valenite Mining Products. Pinery Flats. Tennessee)

- 32 -
There are numerous documents pertaining to four different Valenite plants which support the allegation that Valenite officials knew that cobalt could be hazardous to those workers exposed. There are documents that also show that exposure to dangerous levels of cobalt dust did occur in these four plants. This chapter will present these documents according to the plants to which they pertain. Thus the chapter will be presented in five sections. In the following order: 1) Information Pertaining to the Syracuse Plant, 2) Information Pertaining to the California Plant, 3) Information Pertaining to the Michigan Plant, 4) Information Pertaining to the Windsor Plant, and 5) a summary.

5.1 Valenite Carbide Sintering Division, Syracuse, New York

Apparently the problems encountered by Larry Girard at Windsor Valenite Plant number 3 were not unique to the Windsor Valenite-Modco plant. The documents presented in the following section show that problems of exposure to dangerous levels of cobalt were encountered by workers in the Syracuse Valenite-Modco plant as well.

Although Valenite officials consistently denied exposing their workers to excessive levels of cobalt dust, there are documents that show that not only did exposure take place,
but that some company executives knew about the hazards posed by cobalt.

According to newspaper reports, Valenite-Modco misinformed and misled their workers as well as government officials. Subtle threats of job loss and plant closure have also been common strategies used by management of Valenite-Modco in order to pacify workers (Brophy and Keith, 1985:6).

There exists documented proof pertaining to the Syracuse, Riverside, and Windsor plants that Valenite management did in fact try to mislead government officials. The information from the plant located in Syracuse, New York, reveals that Valenite officials not only used the threat of plant closure in order to pacify their workers, but also reveal that the company worked hard to maintain a "family" attitude which works towards keeping the workers from questioning the apparent dust conditions existing on the shop floor.

Much of the information pertaining to the Syracuse plant, supporting the preceding statements, was received from Mr. Frank Johnson. Mr. Johnson was employed with Valenite Carbide Sintering Division located in Syracuse New York, where he worked as a skilled furnace operator as well as a skilled and semi-skilled forming machinist operating lathes, bridgeport mills, surface and related grinders. (This information was taken from a letter provided to Frank Johnson by the personnel department at Valeron Corporation on May 6, 1932.
as the result of the plant closing permanently on April 23, 1982. Permission to use this information was granted to the researcher by Frank Johnson.)

Mr. Frank Johnson was contacted by the researcher on December 7, 1988. This telephone conversation was followed by a letter dated December 8, 1988, which included a copy of the interview schedule used in the interviews with the Windsor Valenite workers. In response Mr. Johnson sent an information package which consisted of written responses to those questions. The package also included documents supporting the allegations that some company officials knew of the hazards posed by cobalt but that they did not inform Valenite workers.

The first document is a letter dated December 11, 1979, addressed to Greg Humphries, Valeron Division Manager, from John F. Coughlin, Plant Manager. This letter supports the allegations that some company officials knew of the dust conditions existing at the Syracuse plant. The letter was written as follows:

This letter just confirms our earlier conversation of Oct. 79 about the health hazard caused by the dust condition in Syr. Mfg. I feel that if we were ever inspected by O.S.H.A. for air quality they would either shut us down or limit us to the use of the 1960 state approved system which would eliminate about 40% of our manufacturing capacity.

As you stated in the conversation, that the company was taking action to correct this problem by designating & building a new plant. I am sure the problem will be solved at that time. However
I will not feel safe about an inspection until then.

I would like to mention at this time Carl McPetrie is aware of the dust condition in Syracuse Mfg.

Carl McPetrie was the Valeron Safety Director at the time, and according to a newspaper report, Carl McPetrie was found guilty of lying to an inspector from OSHA. Frank Johnson, in his information package, included a copy of the judgement made in the District Court of the United States for the Northern District of New York, which confirms this. The document stated that

THE UNITED STATES ATTORNEY CHARGES: On or about September 24, 1981, in Syracuse, New York, Carl McPetrie, Safety Director of the Valeron Corporation, did knowingly make a false statement to an inspector of the Occupational Safety and Health Administration (OSHA) for inclusion in her inspection report on the Valenite Metals Division of the Valeron Corporation, in that: CARL McPetrie told the OSHA inspector that a machine referred to as the "rough cut saw" was down for repairs when in truth and fact, and as he well knew, the rough cut saw had been disabled at his direction for the sole purpose of preventing the OSHA inspector from performing cobalt and other analysis on the dust created by this machine.

For this, Carl McPetrie received a $10,000 fine and a six month prison term. According to Frank Johnson, John F. Coughlin (plant manager), also named in the above stated letter, did not know of the hazards posed by cobalt since he too has hard metals disease. As part of his answer to the question pertaining to whether management knew of the hazards, Frank Johnson wrote that
The plant manager John Coughlin wrote a letter to his boss in Dec. 1979 regarding health hazards, but he was not aware of the real serious hazards (John "Jack" Coughlin himself has hard metals disease, as diagnosed by Mount Sinai).

Mr. Johnson enclosed the article "Hard Metal Disease: A multidisciplinary evaluation of two cases," which cites John Coughlin's case as "Case 2". It was Mr. Johnson's impression that middle managers (at least at the Syracuse Plant) were not aware of the dangers posed by cobalt exposure. Obviously some Valeron officials knew about the hazards involved in working with cobalt, but did the workers know? In response to the question of whether workers were aware of the hazards on the shop floor, Frank Johnson had the following to say. He stated that

I worked for Valenite for 11 years and had absolutely no knowledge of the serious hazards and dangers of tungsten carbide and cobalt, until late 1981 and 1982. I requested information from (Valeron Corp.) under the New York State Workers Right To Know Law in March 1981 and August-September 1981.

In a letter dated August 31, 1981, Frank Johnson did in fact write to Carl McPetrie requesting information about the materials used in production as well as the possible harm these materials could cause. In the letter, Frank states that "also I want to know what diseases, illnesses, lung problems, pulmonary ailments and any physical problems I can get from breathing carbide powders and the fumes from the
fires when it burns." All that was stated about the hazards posed by cobalt in the response to Frank Johnson from Carl McPetrie was that

Cobalt comprises between 3%-8% of the powder matrix. The ACGIH says that cobalt dust is associated with involvement of chronic interstitial pneumonitis. Lung changes may not be progressive and often improve upon removal from exposure. If you personally feel that dust exposure may be a problem or are hypersensitive we encourage you to take advantage of the respiratory protection available (ACGIH is the abbreviation for the American Conference of Governmental Industrial Hygienists.)

With regards to the section which refers to the "respiratory protection available", Frank Johnson had the following to say about the ventilation and the personal protection made available by Valenite.

The Valenite Syracuse plant had local exhaust systems (blowers), a secondary system to assist the blowers and a type of ventilation system in the Form Room. However, this system was approved by New York State Department of Labor for 1960 to 1972 manufacturing capacity (see John Coughlin letter Dec. 11, 1979). The plant was apparently 40% over the state allowed limits. Paper masks or painter type masks were available in the mid-late 1970's and rubber type masks were available in 1980-82. Most workers did not wear face masks because it was so hard to breathe through them. I had a very difficult time wearing any type of mask. These masks (both types) were totally useless for these types of fine dusts, especially cobalt.

Frank Johnson wrote letters to the Department of Labor as well, requesting information on the situation at the Syracuse plant. Keeping in mind the information revealed in
the above-stated letter, dated December 11, 1979, as well as in the document from the District Court charging that Carl McPetrice lied in September of 1981, the following reply was received by Frank Johnson from the U.S. Department of Labor. The letter, dated February 5, 1982, stated that the conditions in the Syracuse plant were not health-threatening. A paragraph taken from the letter is stated as follows:

After our phone conversation with you of February 1, 1982 we contacted our Syracuse Area Office the same day so as to apprise the Area Director of a possible serious health hazard at the Valenite Metals Company, the firm at which you stated you had worked. Mr. Whiteside, the Area Director informed us of and furnished us with copies of samplings that his Industrial Hygienists had made during an inspection of the above facilities from September 17 to October 15, 1981. In no case were the results for cobalt above the 0.1mg/M3 TLV (Threshold Limit Value) therefore no citations were forthcoming.

In response to whether the workers were informed of the hazards involved working with cobalt, Frank Johnson wrote the following response.

I tried to warn the workers of potential harm from the carbide in late 1981 after I had left (Sept. 15, 1981) on disability. The workers were told of the hazards and dangers by lawyers in meetings (May-June 1982) after the plant had been shut down (April 1982). Valeron Corp. officials held meetings with workers in Sept. 1981 and Jan. 1982 and told them the powders (dust) was harmless and would not hurt them.
In response to whether or not management was aware of the hazards posed by cobalt, Frank had the following to say:

Local management was unaware of the serious hazards and dangers of cobalt and tungsten carbide....Valeron Corp. management was aware or should have been aware of the serious dangers and hazards of cobalt and tungsten carbide, but told us repeatedly that the powders-(dusts) were harmless, nuisance dusts and would not hurt us. Management in Detroit, Michigan and their corporate lawyers knew of the dangers, but kept silent and/or lied to use workers.

In response to the question dealing with the issue of Valenite being non-union, Frank Johnson stated that "The company's motto was 'welcome to the Company that cares about people,' and the 'Valenite Family' was management's way of gaining our trust and loyalty." Mr. Johnson commented further by stating that

It was this family and trust that kept most workers from forming a union. I tried to form a union in 1980. The company responded with new company handbooks, a general meeting in April 1980; followed by a lay-off. In Aug. 1981 we met (2 meetings) to discuss a union. Workers were afraid of the company closing or another lay-off. In Sept. 1981 another general meeting was held with management from Detroit (Greg Humphries and Bill Kyle) to quell the "union talk." We were told through the grapevine that Valeron would never tolerate a union shop and would probably shut the plant down. We workers decided to wait until the new plant was built (we were promised a new plant since 1973). Greg Humphries told everyone at the Sept. 9, 1981 meeting that the powders were harmless and wouldn't hurt us; that we would be in a brand new plant next spring (1982); and that there really was no need for a union. Another lay-off followed this meeting.
It is important to note that the Syracuse plant was shut down in April of 1982.

The following two letters lend further support to the proposition that exposure to cobalt dust did indeed occur in the Syracuse plant.

The first letter, dated December 15, 1969, addressed to Mr. James N. Lutz, Attorney and Counsellor at Law, by George C. Heitzman, M.D., regarding Donald G. Burdick, employee of Valenite Metals, Syracuse New York, shows that exposure did in fact take place. Dr. Heitzman states the following about Mr. Burdick's condition:

...Mr Burdick has been exposed to tungsten carbide dust for the past three years. A chest X-ray of 3-28-66 at the County Health Department, Syracuse, was reported as normal. X-rays of the chest taken 8-10-69 at St. Joseph's Hospital revealed disseminated, interstitial lung disease. Tests were carried out to determine the cause of this...It is my feeling that Mr. Burdick has a pneumoconiosis secondary to inhalation of tungsten carbide. I feel there is a causal relationship between his work the past three years and the abnormal pulmonary findings.

In a second letter, dated January 10, 1984, Jerrold L. Abraham, M.D., Associate Professor, State University of New York, Pathology Department, reports on the results of the analysis of the lung tissues from Mrs. Mary Chimalewski's autopsy. This letter reveals that Mrs. Mary Chimalewski was also exposed to cobalt. He writes that

...the types of metals found in this case were quite unusual and document considerable retention of materials from her work place. The most prevai-
lent metal was tungsten...In summary, the pathology examination shows that there had been some damage to the small airways resulting in scarring and attempts at repair of the lining cells. There is retention in the tissue of dust, documenting her exposure to unusual materials from the work place. The most prevalent kind of dust found was tungsten...Although no cobalt was detected in the particles in the tissue, this does not exclude exposure, since cobalt is quite soluble in the tissue and is much less likely to be found in the particles retained in the tissue.

It appears as though workers mentioned in the above-stated letters, were exposed to cobalt dust in the Syracuse plant. These letters also suggest that some company officials from the Syracuse plant were aware of workers getting sick from cobalt exposure.

5.2 The California Plant

Government inspection reports from the State of California, Department of Industrial Relations Occupational Health and Safety, show that the Riverside, California plant also encountered the problem of worker exposure to cobalt dust. A government report completed on June 16, 1981, revealed the following about the Riverside California plant, which shows certain areas of the plant to exceed the allowable limit of acceptable exposure.

Sample results indicate that only one of four machines were overexposed to cobalt. The band saw operator was exposed to 2.6 times the allowable level. The plant manager indicated that this machine has only been in operation for 9 months. Mgt was alerted on 3/19/81 to have workers wear a respirator until ventilation is improved.
This report documented a conversation with the plant manager, who indicated that "a man works on band saw an average of 2-3 hours per day" although the band saw operator told the inspector that he had been boring bars all day. It is important to note that if a worker bores bars 2-hours per day and has no other exposure to cobalt dust, that this would be a satisfactory administrative control. The fact that management attempted to give the inspector the impression that they were adhering to the 2 hour exposure limit when in fact the worker was exposed to cobalt all day, shows that not only were officials at the Riverside, California, plant aware of the effects of cobalt but that they attempted to misinform government inspectors. A summary of Cobalt TWA Levels (Actual Level) showed that eight out of thirteen areas and positions tested were above the allowable level of exposure set for cobalt dust at 0.1 mg/M3. (The allowable level is set by OSHA.) The dose is calculated by dividing the TWA (Actual Level) by 0.1 mg/M3 (Allowable level). As a result of this inspection, the exhaust system was cited for not providing adequate ventilation. The alleged violations against Valenite Metals in Riverside, California were cited.

The exhaust system for the band saw operation in the green forming room was not designed and maintained to prevent harmful exposure to cobalt dust. On 2/5/81 the band saw operator was exposed to cobalt dust in excess of the allowable level by a factor of 2.6.
Exposure to cobalt in the pelletizing operation was not controlled by engineering controls. Pelletizing operator was exposed to cobalt dust in excess of allowable levels by a factor of 1.3 on 2/5/81.

Respiratory protection equipment in accordance with 8CIC 5144, shall be used to prevent exposure to cobalt dust by the band saw operator during the time period necessary to implement feasible engineering controls.

There were no reports or documents made available to the researcher that indicated whether Valenite made the appropriate corrections in order to comply with the State of California, although the fact Valenite shut down operations may indicate that, rather than spend the money on improving conditions on the shop floor, the company chose to relocate and resume operations in Mexico. It is important to note that the reason given by the company for shutting down operations in New York, California, and Michigan apparently had nothing to do with the allegations of worker exposure to cobalt dust.

5.3 Valenite Metals Division, Madison Heights, Michigan

The Valenite-McDco plant located in Madison Heights, Michigan experienced problems regarding ventilation and cobalt exposure for years, as well. There are three letters dated May 16, 1962, November 27, 1967, and September 30, 1975, which indicate that dangerous exposure to cobalt dust
was taking place at the Madison Heights plant. In a letter dated May 16, 1962, addressed to Mr. Walter Cort, Plant Superintendent, the Pontiac Health Department included a Study Data Sheet which indicated that the dust produced during the "sawing operation" was above the recommended level. Although a letter dated July 5, 1962, regarding the sawing operation indicated that "two dust collectors" were provided in order to control the dust during sawing, another letter dated November 27, 1967, from Fredrick T. McDermott, District Engineer, again addressed to Mr. Walter Cort, Plant Superintendent at Valenite Metals, indicated that six of the twenty samples taken during a study conducted on July 13, 1967, were in excess of the allowable exposure to cobalt. In September of 1975, Carl McPetrie received a letter from the Bureau of Industrial Health which again showed the Madison Heights plant operating under dangerous conditions. Part of this letter stated that "employees are exposed to concentrations of air-borne cobalt dust in excess of the maximum allowable concentration of 0.10 mg/m3 for an eight-hour average."
5.4 Valenite-Modco-Windsor: The Interviews

Management at the Windsor Valenite-Modco plant refused to grant the researcher a tour and declined an interview. According to Mr. Brian Knight, the Human Resources Manager, an interview could not be granted since the case is presently in litigation.

Vince Bavetta, who was identified in The Windsor Star as the General Manager of Valenite-Modco, was one of the individuals who declined an interview. According to Mrs. Bavetta, during a telephone conversation, "Vince signed documents stating that he would not speak with anyone about Valenite--the company just wants all of the publicity to die." Mrs. Bavetta continued to say that as far as she was concerned, the company gave them 18 years of a livelihood, and she doesn't blame the company for anything. As far as she was concerned, it was unfortunate about Larry but her question is: Why did he remain at a job that he knew was hazardous to his health?

One of the respondents gave an 'off-the-record' interview which revealed information that supports the findings from the documents. This particular respondent, who is presently an ex-employee of Valenite-Modco, was in a middle-management position for many years.
Interview number one was conducted with Larry Girard, an ex-employee of Valenite-Modco who worked in the soft grind operations of the plant. Larry stated that he would take what was called a billet and drill, cut and saw it according to the specifications on the blue print. Larry also stated that his particular job was considered very dirty. Interview number two was with a Valenite employee who is currently employed with Valenite. He labelled his job as press operator and claimed that his job was not a dirty job. This respondent has been with Valenite for over ten years. Interview number three was with an ex-employee who worked at Valenite over ten years ago and who was only with the company for approximately a one-year period. Interviewee number three worked in the powder room, where he mixed the different powders together. He quit his job after about a year due to the "dirty nature of the job." At that time the fact that he left had nothing to do with the cobalt because no one really knew of the hazards.

When asked about whether workers at plant number 3 were aware that a danger existed in working with cobalt, Larry Girard stated that the tubs that the powders came in had no warning labels nor did management ever indicate that these powders may be hazardous to the workers' health. Larry stated the following in response to whether the workers were aware of the hazards that existed in working with cobalt.
Not at all...in fact afterwards, when the media attention was brought about, Dr. Jeff Cohen in Windsor talked to a number of them. (workers) because they went in with health complaints and he was the doctor because he examined me and was educating himself in this field. The first question he asked these people was "Were you aware of the hazard?" Everyone of them said, "No."

Respondent number two had the following to say:

Yes and no, because we were not fully aware, but how can we define "fully aware"? Then you could always say that ignorance is no excuse.

When respondent number two was asked if workers were aware that cobalt could cause an ailment of any kind in the long run, his response was, "I think not because there was never any literature put out out on it at that time." Respondent number three stated that "to a certain degree they knew."

I knew that it contained cobalt because it said right there on the thing. I don't know about guys like Larry in the form room, if they actually knew what was in it, because it was all mixed together.

When asked whether he was aware of the hazard posed by working with cobalt his response was, "Not to that degree, not. Let's face it, the dust is going to get in there. I knew it wasn't going to be good for me." The 'off the record' responses confirmed that the workers were not made aware of the hazards of working with cobalt dust.

Larry was asked whether workers were ever informed of the risks involved in working with cobalt. To this he stated that
we were just told. "Just do your job and don't worry about it—everything is fine."

When respondent number two was asked about whether workers were informed of the risks involved in working with cobalt, his response was, "No, not unless you asked. I would say." In order to clarify, the researcher asked respondent number two to comment on the following statement: "It has been suggested by newspaper reports that workers were never told that they should take precautions, and that management would try to smooth things over." Respondent number two confirmed this statement by stating that "You're pretty close I would say." Respondent number three believed that workers were not properly informed of the risks involved in working with cobalt and, upon being hired, the only thing he was ever told was that it would be a dirty job.

The next question dealt with the issue of whether management knew that a danger existed on the shop floor. To this question Larry had the following to say:

My immediate plant superintendent was definitely aware because when I first started there, my plant superintendent was almost like the shop foreman, then moved up to be plant manager. His name is Don Walker—His name is all over the government orders—"Mr. Don Walker if you do not comply people will get sick." My former plant manager before Don Walker (when Don Walker was superintendent) was Tom Shoecraft...he came from the Syra-
cuse, New York plant. I have documented proof that he knew of cobalt and hard metals disease back in 1969 when he was working as superintendent in Syracuse, where people were off on compensation due to hard metals disease, and he came to our plant with that knowledge and never said anything to anybody.

Larry presented a document signed by Mr. Shoecraft, "stating that this person is off for breathing problems due to cobalt related disease." According to Larry Girard, Tom Shoecraft was a big player in all of this; he was one of the ones involved in the decision-making process. Respondent number two could not give a definite answer, claiming that the managers were former workers...they only were as aware as they were when they were workers. But now, I'm not management. I can't say that if I were a manager that I would be more aware as a manager than I was as a worker.

Respondent number three had the following to say about whether management was aware.

I would be speculating...I don't know how high up. It was probably just the leader (foreman) for sure. He definitely would know what was in it, but I don't know if he would know the hazards of it.

According to respondent number three, "The company was well aware of this because they had had problems in the plants in New York." By the "company" respondent number three referred to Valeron officials.

The issue of respirators not being worn by Valenite employees was also dealt with. According to newspaper
reports, Valenite provided inadequate paper masks that were only to be used on a temporary basis. When asked about the masks and whether they were adequate in protecting workers against the dust conditions at Valenite's plant number 3, the ex-employee who had been in a management position for several years had the following to say:

...every two or three years, a doctor from the environmental office would come in and do some air tests. These air tests proved to be quite harmful for ten years—paper masks were used but were only to be temporary measures.

Larry Girard had the following to say about the dust conditions and the paper masks.

...paper masks were only a stop-gap situation. They were not forced on us. They were there and like if you worked on the saw where you would actually get it in your mouth, then you would actually wear a mask. They were never forced...they never said "Wear this mask or you will get sick." They don't do any good anyhow, because they don't seal. For example, when we did wear them on the dirtier jobs like on the saw, the inside of the masks were dirtier than the outside.

They were forced on us in 1984 about September, but not knowing what was going on the media was after them now. Of course this was all kept from the employees. Then in August and September they started forcing the masks on us—and we asked "Why? Why do we have to wear these masks?" "Shut up and wear them." That's all they told us.

On the issue of whether the masks provided were adequate, respondent number three stated:

No because they didn't form a complete seal. Even when you took your mask off around the nose and mouth area where the creases are, there would be black in there so you knew that a certain amount of dust was getting in.
Respondent number two agreed that these masks were not adequate, but went on to comment on how Larry Girard never wore his mask. Larry Girard was asked about this allegation, and he stated that it became extremely difficult for him to breathe with these paper masks, since there would be just as much dust on the inside of the mask as there was on the outside. Initially the masks were never forced on workers—a sore throat and coughing was common with those workers in the production areas. Larry also stated that although the masks were NIOSH approved, they were only to be a temporary solution and that by the time the masks were forced on the workers he [Larry] was already experiencing breathing problems. (NIOSH is the abbreviation for National Institute of Safety and Health). It was not until Larry was at home sick that he was able to connect his illness with his work. The connection was made after viewing a special about Valenite which aired on the NBC.

Since government inspectors played such an important role in the Valenite case, respondents were asked to comment on whether they perceived inspectors to be qualified. The 'off the record' response given by the ex-employee previously in management was that "Government inspectors--most were unqualified and untrained--not knowledgeable in analysing products used because inspectors are skilled at detecting hazards in the workings of machinery." Larry Girard stated
the following on government inspectors and whether they were qualified in detecting a health hazard on the shop floor.

I would say no, they don't have enough training to know what they are looking for. I think they'll come in and again just see if there's ladders laying around—where people could trip on them, little things like that—just general safety things.

When asked about whether the government inspectors were knowledgeable in detecting a chemical hazard, respondent number two stated that

I think that the major practice was to do physical health. In doing the long-range internal health they weren't that concerned. Things they could see were not correct... Late 1970's early 1980's— the ministers were more concerned with the guys not losing an arm or a foot or something. As to breathing in chemical dust, I don't think they were aware.

When respondent number three was asked to comment on whether he perceived government inspectors were qualified in detecting a chemical hazard, he could not comment since he worked evenings and never saw an inspector in the plant. He also could not comment on the relationship that existed between management and government inspectors.

When Larry was asked about the relationship that appeared to exist between the Ministry of Labour inspectors and management, he had the following to say.

They knew ahead of time when they are coming. There was one time that the guy just showed up. But he didn't come into the plant and inspect. What he did was he went into the office and waited for the company to take him out for lunch. They took him out to lunch then came back after—now
during this time people are running around like crazy cleaning up and stuff. The secretary was especially notorious for that: "Inspector! Inspector! Clean-up! Put your safety glasses on!" I think the relationship between the inspectors and the company—they were just arm in arm. They just did everything together; it was talked about before what they were going to inspect and like I said the whole thing of going out to lunch all the time—that was the big thing. They'd come in and the company would wine and dine them.

The response from respondent number two was very similar to Larry's response, stating that it seemed that we knew in advance when the ministry was coming, so we'd have a wipe-down. There was dust that would settle—if you wiped everything off that looked kind of dusty, you would have better results.

When asked if "better results" meant better air test readings, he stated that "the readings would be a little better." Respondent number two did not comment on whether inspectors were taken out for lunch before conducting an inspection.

In order to clarify further, the researcher spoke with a manager from the Ministry of Labour's Industrial Health Branch, who stated that inspections were never announced in advance, although often the inspector and the health and safety representatives would meet before the actual inspection took place in order to discuss any concerns. This usually gave workers about a half hour or so to clean up a bit, but this sort of surface cleaning would do little to affect
the air test readings. It was in his opinion that this was what some workers mistook to be the time used for the company taking inspectors "out to lunch." According to Larry even as little as a two minute lapse between stopping those operations that created a lot of dust, and the inspectors coming into the plant to do their inspection, would make a difference since the dust was very dense and would settle very quickly. The air tests that were completed showed high readings of dust in the air even after a time-lapse and a surface clean-up. Larry also stated that the workers did not get the impression that certain inspectors were being taken out to lunch based on the time lapse between when the inspector walked through door and when the inspection actually took place. The information about certain inspectors being taken out to lunch before the actual inspection took place, was received by Larry through a conversation with an ex-manager of Valenite's plant number 3.

In relation to Ministry of Labour inspectors, it was Larry Girard's opinion that as long as the company gave the impression that they were making corrections, Ministry inspectors would not take any action against them. This was confirmed by the manager of the Industrial Branch who stated that Ministry of Labour inspectors can only do what the laws allow them to do. If a directive pertaining to a specific machine is issued in one order and the company makes the
necessary changes, even though in the meantime other machines are being cited for not being in compliance, the company is viewed as having corrected the problem. The 'off the record' respondent also confirmed this by stating that as long as the company made it look like the corrections were being made, then the ministry inspectors did not see it necessary to come down hard—cosmetic surgery, that's all that was necessary. I think that the company went along and hoped that nobody got sick.

The last question dealt with the issue of a union not being able to form. Respondent number two stated that a union was unable to form because "workers didn't feel it was necessary. No one wants the union in plant number three."

When asked for his reasons why this was so, his response was that "workers in plant three worked together like a family" and they did not see a union as being a good thing. Respondent number three stated the same thing about why a union has been unable to form. He claimed that "leaders were decent guys" and that the "company treated workers pretty good." "They give you the impression that if you are a decent worker we'll treat you well."

According to Larry, only about 5% of the workers were affected by the dirty dust conditions. The rest were in nice clean areas. Larry's opinion was that the company had good control of its employees. He stated that they would entice workers with pizza and beer parties. As long as you weren't a trouble maker, and stuff you'd have a good wage increase and stuff
like that. So it was kind of a game that they were playing, I realize now.

### 5.5 Valenite-Modco Windsor: The Documentary Information

The government inspection reports dealing with Valenite in Windsor show a number of important facts in establishing whether or not company officials in Windsor knew of the exposure to cobalt dust. These same documents also reflect government's attitude toward a company such as Valenite, since the ministry's policy appears to be to reissue directives for the same violation rather than to prosecute the company.


> All measures necessary to prevent exposure to any toxic substance by inhalation, ingestion, or skin contact shall be taken 1) adequate ventilation shall be provided and 2) personal protective equipment or clothing shall be used.

The report also states the following:

This directive applies to the exhaust provided the dust productive operations. A ventilation system shall be arranged so that the exhausted contaminants cannot enter another area or enter the area from which they were exhausted. This directive applies to the air exhausted from the grinding operations where a person is exposed to a concentration of tungsten carbide cobalt.
A letter from Mr. Nelson, Chief Occupational Engineering, Ministry of Labour, to Don Otero, General Manager, Valenite, dated April 26, 1977, shows that Valenite ignored the directives of the 1974 report. In a field report dated April 6, 1977, it states that

This visit was made to review the dust exposure and ventilation system in the above mentioned plant. Significant changes have not been made since the last visit (August 7, 1974); the exposure and the directions previously suggested still exist.

Even after this report showed that Valenite did not improve conditions in plant number 3, the government still did not take action. As a result, Valenite was once again shown to be in violation of regulation 79. The report dated July 11, 1978, issues the same directives issued approximately four years previously.

Valenite-Modco has been accused by the media of misleading ministry officials. One example of Windsor Valenite-Modco giving misleading information to a ministry official is displayed in a letter from Cliff Reaume, Purchasing Manager and Safety Co-ordinator, to Tom Shoecraft. This letter, dated May 4, 1973, stated that Valenite had received a proposal for ventilation in plant number 3 from Marshall Blow Pipe, the company contracted to install the ventilation. Although Valenite had received the proposal by May 1978, Cliff Reaume sent a letter to Fred Burton, Ministry of
Labour, dated July 17, 1978, stating that they were presently awaiting the Marshall Blow Pipe proposal. A second letter from Marshall Blow Pipe Company, May 14, 1981, stated that the proposed ventilation was still not attached when it was to be operational as of mid-November, 1979. The government found Valenite to be in violation of the Occupational Safety and Health Act for not providing adequate ventilation for a number of years, and yet merely issued directives (directives already issued in 1974 and 1977).

In a report dated December 3, 1983, the only directives stated concerning cobalt were cited for the Lathe and Grinding areas. The hazard, according to this report, was caused by the two workers since they had beards and their beards prevented an adequate seal while wearing the respirators. This report gives the impression that cobalt exposure was no longer taking place due to respiratory equipment provided to Valenite workers when in fact the only respirators provided were paper masks. Also, the report mentions that it was due to the workers' beards that exposure was taking place, apparently putting the blame on the worker rather than on Valenite. A Ministry of Labour Inspection Report as recent as February 5, 1985, shows that Valenite still did not provide certain areas with adequate ventilation.
Since the issue of respirators not being worn by Valenite employees comes up on a regular basis, it is important to note the information given in the interviews as well as in the government inspection reports, about the respirators provided. Respirators being provided to Valenite workers being exposed to cobalt dust were merely paper masks. And, although these masks were NIOSH approved, the key factor here is that these masks were not to be used as a long term solution to the inadequate ventilation in the Valenite plant.

5.6 Summary

After analyzing all of the available information, it appears as though some Valenite officials at Windsor's plant number three may have operated negligently. It has been suggested that the Ministry of Labour may also have been negligent by allowing Valenite to continue operating while exposing their workers to excessive levels of cobalt dust. There is no hard evidence which states that profit was the motivating factor behind Valenite's decision to operate in a negligent fashion. Although two of the interviews indicate that this may have been the case. The respondent who gave the 'off the record' interview (an ex-manager) revealed the following when asked about whether Valenite was motivated by profit maximization.
health and safety for any company is a non-profit expenditure. Valenite tried to get away with as much as it could. For example, as long as inspectors saw some signs of improvement, whether the proper standards were met did not matter. The company only did things to suffice—"cosmetic surgery"—and went along and hoped that no one got sick. To correct the problem, it would take a lot of money.

Larry Girard was also asked about what he thought motivated Valenite, and whether or not their decision came down to the issue of cost. Larry had the following to say.

In 1979 they put air conditioning in our plant and we thought well this is great. But the reason why they put the air conditioning in was so that the powder wouldn't sweat. It had nothing to do with us!...they could have spent the money and tied ventilation along with the air conditioning but they didn't. What they did instead, is they ran the vents from the back room that did get ventilation in '79. Okay—they ran the vents up to the outside of our area called the form room and never went any further...which it was right there. All they had to do was spend a few more thousands of dollars and it would have been in.

Larry Girard went as far as to inquire about why the company did not install the ventilation. by asking a health and safety committee member by the name of Cliff Beaume. According to Larry, Mr. Beaume stated two reasons. One was that the government did not force them to do it and the second was that there was no return on their investment.

According to the information from the documents as well as the interviews, each Valenite plant experienced problems of exposure to excessive levels of cobalt dust, which
resulted in workers getting sick. In relation to the ques-
tion pertaining to whether workers were aware of the hazard
that existed on the shop floor, all of the respondents from
the Windsor plant as well as Frank Johnson from the Syracuse
plant stated that workers were not aware. The respondents
seemed to say the same thing about whether workers were
informed of the dangers involved in working with cobalt.
Again, in each case, the answer was no, they were never
informed of the risks.

The third question dealt with the issue of whether man-
agement was aware. Valeron officials are cited as knowing
the hazards of working with cobalt. This appears to be sup-
ported by the information in the documents, too.

With regards to ministry inspectors, Larry Girard and one
other respondent from the Windsor plant believed that
inspectors announced their inspections in advance, and three
out of the four respondents from the Windsor plant were
under the impression that ministry inspectors were not qual-
ified in detecting a chemical hazard. Regarding the issue
of Valenite being a non-union plant, all of the respondents
from the Windsor plant, as well as Frank Johnson from the
Syracuse plant and an individual from the Madison Heights
plant that declined an interview since the case is still
pending, stated that Valenite tried to instill the attitude
that all workers were "family". For instance, the company would stress production by rewarding employees with overtime and increases in pay, treating their workers well on the surface, in order to gain their trust and loyalty.

The concern over the face masks provided by Valente for the dust conditions that existed in their plants appears to be real. All of the information gathered on the paper-type masks that were provided, states that even though the masks were NIOSH approved, they were ineffective in preventing the workers from breathing the dusts. As a matter of fact, Larry Girard and Frank Johnson both stated that the mask made it more difficult to breathe while working.

It is especially interesting to note the information which shows that Valente tried to mislead government inspectors. In the Syracuse plant there existed the situation where Carl McPete, Valeron's Health and Safety Director, was found guilty of lying to an inspector about one of the machines. In the California plant, a manager attempted to mislead the inspector on the number of hours that a worker worked at a particular job, since a two-hour limit was viewed as an administrative control. In the Windsor plant, a letter written to the Ministry of Labour by Mr. Reaume, Purchasing Manager, also shows an attempt to mislead government officials. The letter states that Valente had
not received the estimate from the company contracted to install the ventilation system, when in fact the date on the actual estimate shows that Valenite had received the estimate two months previously.

All of the information gathered seems to support the allegations against Valenite. Thus it appears as though some Valenite officials did act in a negligent fashion. Based on the Occupational Health and Safety Act of Ontario, it is an employer's responsibility to properly inform and train a worker with regard to chemicals and their potential hazards. According to the information gathered for the purpose of this research, this statutory responsibility was not met.
CHAPTER VI

DISCUSSION

Although two workers from the Windsor plant suggested that Valenite was motivated by profits, there is not enough evidence to fully support this allegation. Valenite officials may have acted in a negligent fashion with regards to correcting the dust conditions at the Valenite plants, although it is difficult to establish whether this behavior was motivated by the need to maximize profits.

At present the Ontario Government's policy with regards to dealing with corporations repeatedly cited for workplace violations is not to prosecute. For instance, the average fine for such violations as not providing proper ventilation, thus causing workers to be exposed to dangerous levels of a hazardous substance, is $150 to $500. This lenient response to such violators has given Valenite and similar companies the opportunity to operate in a negligent fashion for years without fear of consequence. The Ontario government has provided Valenite and companies like Valenite the external structure necessary in order to continue operating while exposing their workers to dangerous levels of cobalt dust.

- 65 -
It is difficult to accurately assess Valenite's internal structure based on the information gained from the documents as well as the interviews, although it is interesting to note the anti-union attitude that was advocated by the officials of the parent company Valeron. In every case, it was mentioned that Valenite tried to maintain a "family" attitude with all of their workers. This was cited by the respondents as the reason why workers thought that they did not have any justification for questioning the conditions at their plants.
CHAPTER VII

CONCLUDING REMARKS

A report on workers' injuries, published by Statistics Canada (1988:intro) shows that

Approximately one million Canadians are injured every year in work-related accidents. About half of these injuries are sufficiently severe that employees need to take time off work to recover.

As already established in a previous section, it is important to remember that this number is not representative of industrial disease. Whether resulting in injury or illness, violence appears to be prevalent in the workplace; injury and illness from the workplace has reached epidemic proportions (Reasons et al., 1981:6). For instance, there are an estimated 10,000 workers in Canada who suffer from job-related diseases such as cancer, silicosis and asbestosis (McQuaid, 1980:45).

An overwhelming amount of health and safety literature and corporate crime literature suggests that corporations may choose profit at the expense of the environment and of the health and safety of their employees. It appears as though companies such as Valente-Modco may operate under
dangerous conditions because they are unwilling to spend the money on improving unsafe and unhealthy work conditions. In response, governments have done little in order to force negligent corporations to remove hazardous conditions on the shop floor. But the issue of worker exposure to toxins in the workplace goes beyond the worker and his struggle to maintain a livelihood. Government has a major role in this struggle as well. It is obvious that some of the problems stem from the fact that the government has not been willing to take strict action against negligent corporations. Is it possible that the Ontario Government has also fallen victim to the threat of shut down and the loss of jobs that may result? The Ontario Government has responded to companies such as Valenite-Modco in a lenient fashion, thus has allowed government inspectors to accept "band-aid" techniques as acceptable methods put forth by corporations as a means to eliminating the hazards that exist.

Regulatory legislation controlling illegal corporate behavior requires some serious reform. It has been suggested by individuals such as Osgoode Law Professor Harry Glasbeek that corporate law breakers be dealt with through criminal rather than civil law. Elie Martel (1986:4) cites Harry Glasbeek as stating that "injuries and deaths in the workplace may be viewed as assaults and killings of the kind
usually under jurisdiction of criminal law rather than civil or administrative powers." But beyond needing to reform the present legislation, government needs to commit to enforcing the legislation against corporations found to be in violation.

Under the present system in Canada, a person who commits murder is prosecuted under the criminal code and, if found guilty, usually faces a prison term and a stigmatizing label. A corporation, on the other hand, found to be in violation of Health and Safety procedures, even if there have been deaths as a result, is faced with a fine, and there is rarely a negative label associated with the crimes committed. It is for this reason that corporations continue to make whatever profits they can from violating certain laws. Under the current Occupational Health and Safety legislation, a corporation can be fined up to $25,000 for being in violation of the stated regulations. A recently-introduced bill proposes to increase the current maximum fine of $25,000 to $500,000, but unless the Ontario Government is willing to enforce the legislation, the amount of the fine will remain insignificant. Thus it is recommended that not only should the maximum amount of fines be increased, but company officials should be held liable and sentenced accordingly under the criminal code. The subsidi-
ary as well as the parent company should suffer a negative reputation and should be made to work at changing that negative label by becoming responsible corporate citizens.

...Man has modified his environment and has been affected in turn by those modifications...the cumulative impact eventually results in qualitative change; the modern industrial, chemical, medical and nuclear physics "revolutions", together with the increase of human numbers and the creation of a social "world system", which send perturbations originating in any sector rippling through the totality, make every new step more fateful and more uncertain. The stakes in this game have bid up almost beyond calculation; if we think of something like the radioactive waste from a large-scale nuclear generation program, it is increasingly uncertain whether the winners will have anything worthwhile to take home, or any home worth having (Leiss, 1978:x).

If Canadians do not begin lobbying for the reforms necessary to control future corporate illegalities, there will be no winners in this increasingly uncertain game of increased profits. The public will continue to remain "helpless to rectify matters" as long as we believe that nothing can be done.
BIBLIOGRAPHY


VITA_AUCToris

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