

*** NEWS RELEASE ***

SETTLEMENT OF WORKER FATALITY ACTION AGAINST SALINAS-BASED GROWERS STREET COOLING, LLC

IMMEDIATE RELEASE

October 16, 2017

**CONTACT: Amy Anderson, Deputy District Attorney
(831) 647-7728**

Monterey County District Attorney Dean D. Flippo announced today that his office resolved a worker fatality action against Salinas-based Growers Street Cooling, LLC (“Growers Street”), related to systemic violations of worker safety laws by the company that resulted in the death of one of its employees, 30-year-old Jose Juan Serrano.

Jose Juan Serrano began working for Growers Street as a machine operator on April 10, 2013, where he was assigned to operate a TransFresh Tectrol machine (“Tectrol machine”). The Tectrol machine is a piece of heavy machinery that wraps pallets of strawberries in plastic wrap and uses hydraulics to squeeze the strawberry containers in on the pallet for easier shipping and handling. As the compression occurs, a large counterweight on the opposite end balances the machine.

On April 26, 2013, Mr. Serrano was operating the Tectrol machine alone when a wooden pallet became lodged inside the machine and caused it to jam. Mr. Serrano climbed behind the machine and used a crowbar to release the wood. However, he did not turn off the machine or perform any lock-out/tag-out procedures. As a result, the large counterweight was activated as soon as the wood jam was cleared. The counterweight crushed Mr. Serrano against the wall, killing him.

State law requires businesses using heavy machinery, such as the Tectrol Machine, to train workers in proper lock-out/tag-out procedures to minimize accidental injury and/or death. Lock-out/tag-out procedures outline the mandatory steps that any worker attempting to maintain, repair, or clean machinery must follow to ensure worker safety: (1) stop the machinery, (2) de-energize the power source, and (3) place accident prevention tags on the controls of the machine. Growers Street never trained Mr. Serrano on proper lock-out/tag-out procedures before assigning him to operate the Tectrol machine, and did not maintain a written lock-out/tag-out policy and training program for employees.

The court-ordered injunction requires Growers Street to maintain and implement written hazardous energy control procedures, including lock-out/tag-out procedures for all heavy machinery; maintain and implement written training programs for lock-out/tag-out procedures; conduct annual inspections of its lock-out/tag-out procedures; and assign no employees to operate any machinery unless those employees are specifically training in the hazards of that machine. At the time of settlement, Growers Street provided proof that it is now implementing written lock-out/tag-out procedures and training for its employees working on heavy machinery. Under the terms of the judgment, Growers Street also paid \$310,000.00 in costs and civil penalties.