

# Criminal Charges in Gruesome California Fatality End in \$6 Million Settlement



A gruesome fatality at a Bumble Bee tuna processing plant in California resulted in the indictment on criminal charges of the company and two employees. The Los Angeles County District Attorney recently announced the settlement of these charges in the largest known payout in a California criminal prosecution of workplace safety violations involving a single victim's \$6 million (USD).

Jose Melena entered a cylindrical oven as part of his duties. Co-workers, who were unaware that Melena was inside the oven, loaded multiple carts of tuna into the oven and started it. Melena's severely burned remains were later discovered by a co-worker.

Prosecutors charged Bumble Bee, former Safety Manager Saul Florez and Director of Plant Operations Angel Rodriguez with the felony of an OSHA violation causing death.

On Aug. 12, 2015, the Los Angeles County District Attorney's Office announced a settlement agreement that will require Bumble Bee Foods LLC to pay \$6 million for willfully violating worker safety rules as follows:

- \$3 million to replace all of their outdated tuna ovens with new ovens that are automated and won't ever require workers to set foot inside the super-heated, pressurized

- steam cookers;
- \$1.5 million in restitution to Melena's family;
- \$750,000 to the District Attorney's Environmental Enforcement Fund for the investigation and prosecution of OSHA criminal cases and improvement of enforcement of workplace safety and compliance rules; and
- \$750,000 in combined fines, penalties and court costs.

In addition, the company must implement enhanced safety measures, such as:

- Installing video cameras at their ovens to ensure safety compliance;
- Providing training to managers and workers about safety rules; and
- Conducting safety audits of their plant equipment.

Florez pleaded guilty to the felony of willfully violating LOTO rules and proximately causing the victim's death. He was sentenced to three years' probation, fined \$19,000 and ordered to complete 30 days of community labor. And Rodriguez agreed to do 320 hours of community service and pay about \$11,400 in fines and penalty assessments.

Both men must take classes on [LOTO](#) and [confined space rules](#) and make public statements conceding guilt for their respective roles in the victim's death.

In Canada, safety professionals such as safety managers may also be held [personally liable](#) under the OHS laws and even criminal law. For a look at the history of criminal cases in Canada since Bill C-45 was enacted.