

# Burned:

## A Journal Sentinel Watchdog Report

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A JOURNAL SENTINEL WATCHDOG REPORT



BURNED

Chemicals left in barrels leave workers and neighborhoods at risk

RAQUEL RUTLEDGE AND RICK BARRETT  
MILWAUKEE JOURNAL SENTINEL

First of four parts

Nothing on the outside of the industrial building on Cornell St. offers any clue about what's going on inside. The sign that says "Mid America IBC" doesn't suggest "hazard."

Residents living in the modest homes across the street would have no way to know that the facility — which recycles and refurbishes large chemical containers — was endangering workers in the plant and exposing the neighborhood to harm.

They had no way to hear what the man inside was saying.

It was Oct. 6, 2015, and the man — whose name is Steele Johns — was escort-

ing a team of safety consultants through the plant in a small industrial stretch on Milwaukee's north side.

The advisers were brought in for a confidential

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KEY FINDINGS

A group of industrial drum reconditioning plants, owned in part by Greif Inc., has disregarded safe practices for handling hazardous materials, harming workers and endangering those who live nearby, as well as the environment. A Milwaukee Journal Sentinel investigation found:

■ Practices at the six facilities have resulted in workers suffering chemical and heat-related burns, injuries from exploding barrels, breathing difficulties and other health issues.

■ The operations have caused at least one big fire — heavily damaging an Indianapolis facility, endangering nearby residents and firefighters.

■ Plants have been cited repeatedly by regulators for dumping too much mercury in the wastewater and toxic emissions into the neighborhood air. At the Milwaukee plant, the safety manager and workers said chemical residue was washed down a floor drain.

■ Greif's executives knew of environmental risks in the industry and structured the drum-reconditioning venture, CLCM, in a way that could shield the publicly-traded Greif from civil liabilities. Executives told financial analysts in 2010 that "those risks were very real," and the company was protected in part by "contractual arrangements."

■ Agencies entrusted with protecting workers and the public have been ineffective, significantly reducing fines and failing to address egregious hazards. Such has been the case for decades.

DESCENT INTO DISORDER A JOURNAL SENTINEL WATCHDOG UPDATE

Sacked Lincoln Hills guards get cash

State pays staffers found to have used excessive force

PATRICK MARLEY  
MILWAUKEE JOURNAL SENTINEL

MADISON — For the second and third times, Gov. Scott Walker's administration has given cash settlements to guards who it determined had used excessive force on juvenile inmates, state records show.

The payoffs — including one totaling \$9,000 — were reached as the FBI continues a criminal investigation of Lincoln Hills School for Boys and Copper Lake School for Girls, which share a campus 30 miles north of Wausau. The Milwaukee Journal Sentinel last year reported that officials at the prison complex trained staff improperly, failed to preserve video evidence, didn't document serious incidents and often shirked their duty to report matters to parents, police and social service agencies.

See LINCOLN, Page 8A

Johnson backs Russia probes

But senator sees 'no need for speed' in investigations

CRAIG GILBERT  
MILWAUKEE JOURNAL SENTINEL

WASHINGTON — Homeland Security chairman Ron Johnson of Wisconsin says Congress should investigate a broad range of issues raised by Russia: its efforts to interfere in the 2016 election, its communications with President Donald Trump's campaign and U.S. government leaks about those matters.

"It all has to be looked at," said Johnson.

But the second-term GOP senator downplayed the urgency of those issues in an interview.

He said the investigations should be handled by the intelligence panels in Congress, not by new committees or commissions, as some Democrats have proposed.

And while he said the issues involving Russia "are all concerning to me," Johnson said he didn't "see the need for speed" in investigating them, or the need to

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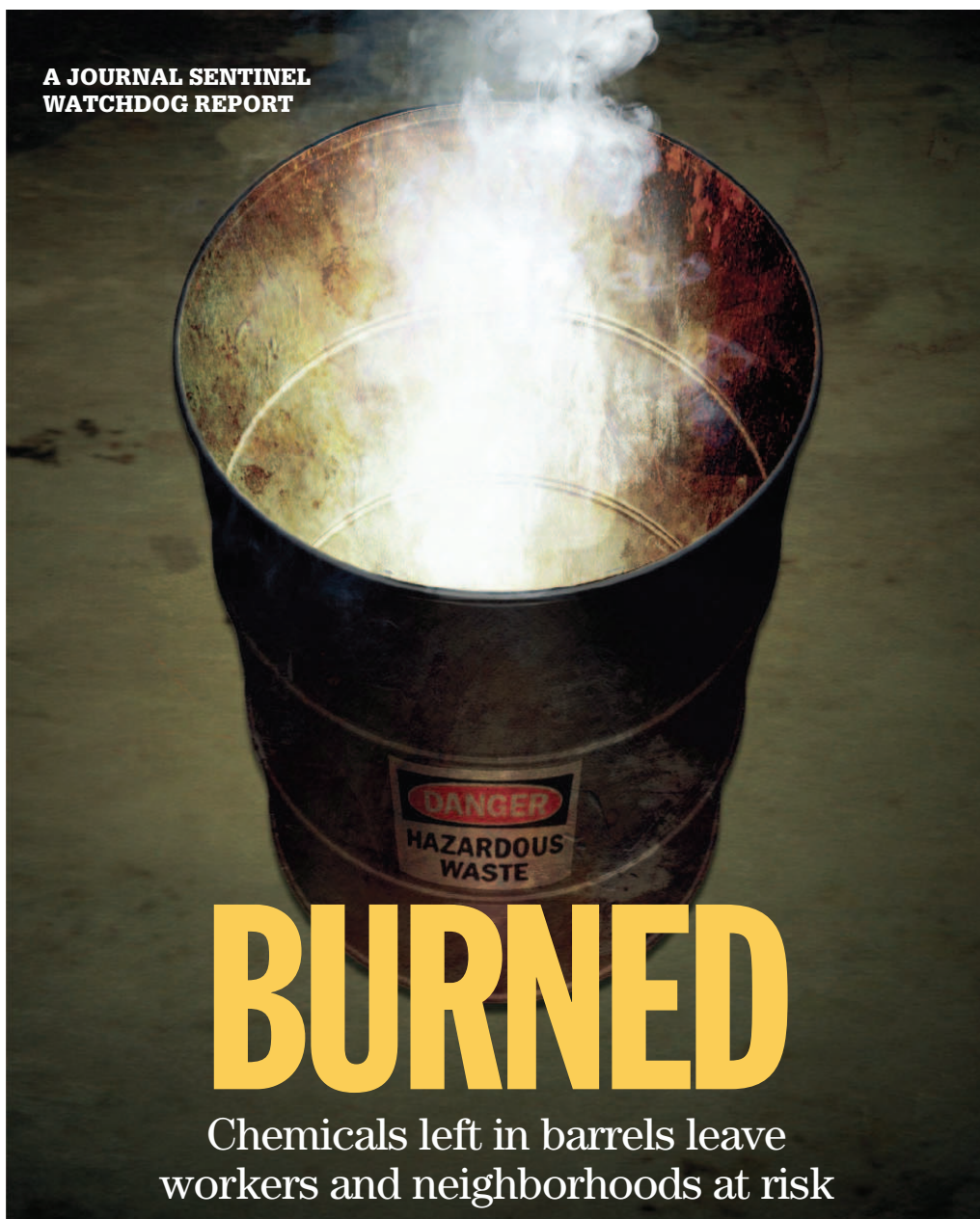
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## Burned



**By Raquel Rutledge and Rick Barrett,**  
Milwaukee Journal Sentinel

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Residents living in the modest homes across the street would have no way to know that the facility — which recycles and refurbishes large chemical containers — was endangering workers in the plant and exposing the





SAFETY MANAGEMENT SERVICES COMPANY AUDIT  
Flames burst from a burner at the Container Life Cycle Management plant in Arkansas where steel drums are refurbished. Chemicals in the bottom of the drums have caused fires that have injured workers. The photo is from a 2013 audit of the plant.

neighborhood to harm.

They had no way to hear what the man inside was saying.

It was Oct. 6, 2015, and the man — whose name is Steele Johns — was escorting a team of safety consultants through the plant in a small industrial stretch on Milwaukee’s north side.

The advisers were brought in for a confidential consultation to help the company comply with federal safety regulations and minimize insurance liabilities.

Johns is a safety manager for a division of Greif Inc., a \$3.3 billion industrial packaging company that entered the business of reconditioning plastic

containers and 55-gallon steel drums in 2010. He was telling the consultants he was worried — extremely worried — about several things, especially the unknown nature of the chemicals in the drums.

“When you look at the hazard potential here, they could blow up and kill eight people in a heartbeat,” Johns said.

It wasn’t a hypothetical threat. A drum exploded in the face of a worker at another Milwaukee area plant, now a sister facility of the Cornell St. operation. The worker, Charles Duggan, was doing what he did most every day: Capping a drum



Will Kramer is a former risk-management and safety consultant who was involved with safety audits of six Container Life Cycle Management drum reconditioning plants in four states during 2015-'16. Kramer decided to blow the whistle on the company after seeing practices that he said endangered workers, the environment and surrounding neighborhoods.



MIKE DE SISTI / MILWAUKEE JOURNAL SENTINEL

full of unknown chemicals. He was killed almost instantly. He was 23.

Yes, that was a long time ago — 1984. What's unsettling, Johns told the consultants, is that the dangerous procedures haven't changed. And workers are still getting injured.

"You'd think that this would be a big priority to never, ever, ever, ever, ever do that again," he said. "But it's not. And that's the frightening part."

As for the federal agency responsible for workplace safety, Johns said, "Nobody knows this place is on the map."

The Milwaukee plant was among six drum reconditioning facilities Johns and the consultants were examining: three Mid-America Steel Drum plants in the Milwaukee area, plus others in Indianapolis, Memphis, Tenn., and Arkadelphia, Ark.

All are operated by a joint venture called Container

Life Cycle Management — or "Click'm." Greif is the majority owner of CLCM, which employs about 270, and has also assembled a network of independent reconditioners spanning more than two dozen cities across the United States, Canada and Europe.

Johns told the consultants that he had been trying to make safety improvements at the CLCM facilities for several years, but that corporate executives and plant managers did not take him seriously.

They know the procedures are a "travesty waiting to happen," he said, but their attitude remained: "I don't want anybody to see this. I don't want anybody to know."

At 61, having spent much of his career as a paramedic in San Diego, Johns understood the safety business. Before joining Greif in 2011, he was an environmental, health and safety

manager at Goodrich Corp. for about 10 years.

Johns confided in the consultants his fear of what could easily happen as employees commingled random chemicals from containers brought in for scrapping or reconditioning.

“One of these days ... that mother is going to blow up,” he said of a collection container. “And when that happens, everybody is going to be sorry.

“But we knew it from the beginning.”

What Johns didn’t know was that one of the safety consultants was recording the conversation.

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Greif Inc. is headquartered on a parklike campus in Delaware, Ohio, just north of Columbus.

For most of its history, the company focused on barrel and drum manufacturing. In 2010, it expanded into the drum recycling and reconditioning business, offering its customers the ability to “cut their environmental impact.” For Greif, it opened the door to additional revenue.

Greif established a majority ownership in CLCM, a limited liability company formed through joint ventures with the six facilities.

And it launched Earth-Minded Life Cycle Services, a network of independent drum reconditioning companies across the world.

As new reconditioning facilities joined the network, Greif praised the additions, announcing: “Each leader in the network was chosen based on expertise, environmentally responsible practices, reputation and commitment to satisfying the customer.”

But an investigation by the Milwaukee Journal Sentinel has uncovered another side to Greif’s CLCM operations. The findings back up what Johns told the consultants and reveal other troubling details about the business:

- Practices at the six facilities have resulted in workers suffering chemical and heat-related burns, injuries from exploding barrels, breathing difficulties and other health problems.

- The operations have caused at least one big fire — heavily damaging the Indianapolis facility while endangering nearby residents and firefighters.

- Plants have been cited repeatedly by regulators for dumping too much mercury in the wastewater and toxic emissions into neighborhood air. At the Milwaukee plant, the safety manager and workers said chemical residue was washed down a floor drain.

- Greif’s executives knew of environmental risks in the industry and structured CLCM in a way that could shield the publicly traded Greif from

civil liabilities. Executives told financial analysts in 2010 that “those risks were very real,” and that the company was protected in part by “contractual arrangements.”

- Government agencies entrusted with protecting workers and the public have been ineffective, significantly reducing fines and failing to address egregious hazards. Such has been the case for decades, long before Greif entered the drum recycling business.

In the final months of 2016, for example, workers at several CLCM facilities were wearing dust masks, if any respiratory protection at all. Such masks do not filter out dangerous gases. The U.S. Occupational Safety and Health Administration had ordered the Oak Creek plant where Duggan was killed to implement a respirator program back in 1978.

The Journal Sentinel findings are based on 16 hours of audio recordings of managers and workers inside the plants; hundreds of pages of documents, including safety audits from private consultants, injury reports, federal and state regulatory records, lawsuits and fire investigations; and interviews with recent workers and industry experts.

Greif executives told the Journal Sentinel they recognized the CLCM facilities had “lacked compliance with Greif’s

global safety standards.” But they said the company had since ordered “significant changes” to address operational and safety issues, spending \$1 million on improvements last year. The company also said it fired a manager at the Milwaukee plant for “repeated policy violations.”

OSHA opened an inspection at that plant in October. It has not been completed.

A company spokesman declined requests for interviews. In response to written questions, a spokesman wrote that the Journal Sentinel’s findings were outdated and that many improvements to the plants were made in 2016. The company declined to allow reporters inside the plants to see any safety improvements in action. The audio recordings of plant managers occurred between October 2015 and September 2016.

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Greif provided the Journal Sentinel with a statement from Johns, who said he was unaware he was being recorded and that the information he provided to the safety consultants was “open” and “factual” so they could identify opportunities for improvement.

“A look back at the facility from September of 2015 to today shows a vastly different picture,” the statement from Johns



says. “While there continues to be room for improvement in our programs, our employees work in safe conditions with good training and proper equipment to perform their tasks. ... Far from being a story of failure, this is a story of success.”

Over months of recordings, including a final one five months ago, Johns repeatedly said that improvements weren’t being made fast enough.

The company did finally adopt a monthly training program, Johns said in September. But the plant managers were still “not listening to me,” he said. He reiterated how he had informed them three years earlier that the situation was “scary” and that they were sending out hazardous waste they said wasn’t regulated. Johns said it was still going on and he “guarantees” that the materials actually are regulated as hazardous.

He said he planned to crack down on safety meetings.

“I’m just tired of it,” he said.

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Will Kramer didn’t set out to be a safety consultant.

He initially wanted to go to the U.S. Naval Academy or work in intelligence for the U.S State Department.

Growing up in Madison, Kramer said, his parents instilled in him early on the importance of doing what’s

## More about Greif

Greif Inc., a manufacturer of industrial packaging and containers based in Ohio, began as a barrel-maker in 1877. In fiscal year 2016, Greif had \$3.3 billion in sales and more than 13,000 employees worldwide.

### Greif and the reconditioning business

In 2010, Greif entered the business of recycling and reconditioning steel drums and other containers, launching a joint venture LLC called Container Life Cycle Management. The venture operates six facilities, three in Milwaukee County.

### Company seeks safety audits

Greif hired a consulting firm to assess the CLCM facilities. In 2016, one of the consultants became a whistle-blower, reporting safety concerns at all the CLCM plants. The plants in Milwaukee are also known as Mid-America Steel Drum Co.

### Investigation finds problems

- **2300 W. Cornell St., Milwaukee:** Employees have complained about chemical burns and breathing noxious fumes from processing containers with leftover chemicals. 2015 safety audit score: **32%**.
- **3950 S. Pennsylvania Ave., St. Francis:** Serious clean water violations, including repeated mercury discharges. Violations noted by regulators past three years. 2015 safety audit score: **39%**.
- **8570 S. Chicago Road, Oak Creek:** Worker Charles Duggan was killed in February 1984 while capping a 55-gallon steel drum filled with waste chemicals. 2015 safety audit score: **35%**.
- **Indianapolis:** Indy Drum, located across the street from a day care center, was heavily damaged by a fire in May 2014 caused by spontaneous combustion. In 2010, employees told an inspector they mixed “every type of chemical known to man” and often see reactions. 2015 safety audit score: **65%**.
- **Memphis, Tenn.:** Drumco of Tennessee was in “significant noncompliance” for continuous wastewater discharge issues, according to a 2014 state report. 2015 safety audit score: **56%**.
- **Arkadelphia, Ark.:** Drumco of Arkansas. Employees complain of burns and injuries while processing steel drums in furnace. 2015 safety audit score: **57%**.

Source: Journal Sentinel research

Journal Sentinel

right over worrying about what others think of you.

When it came to politics — with one parent a Rush Limbaugh Republican and the other a Michael Moore Democrat — Kramer was raised to think for himself.

At 17, he insisted on wearing

an American flag headband in a high school cross country race, despite rules prohibiting multi-colored headwear. It was 2001, a few days after the Sept. 11 terrorist attacks, and he wanted to show his patriotism.

He was disqualified.

Kramer went to college at the University of Wisconsin-Stevens Point, where he double majored in political science and public administration.

Soon after graduation, he landed an internship with the U.S. Senate Special Committee on Aging, then-headed by Herb Kohl, a Wisconsin Democrat. Later he was hired as an associate investigator for the panel. His assignments included nursing home safety, prescription drug costs and problems with medical devices.

Kramer worked under chief investigator Jack Mitchell, best known for his role investigating the tobacco industry with help from whistle-blower Jeffrey Wigand. From Mitchell, Kramer heard about the toll whistle-blowing can take on those who feel compelled to do it: Health problems, stress, emotional and sometimes financial ruin.

He never imagined that 10 years later, at 32 years old with a wife and three young boys to support, he'd feel obligated to blow a whistle himself.

But as he listened to what Johns was saying about Greif's facilities, and saw on his visits

what appeared to be violations of environmental laws and serious threats to workers and nearby residents, he decided he had to do something.

He secretly hit "record" on his iPhone.

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The birth of the 55-gallon steel drum — U.S. Patent No. 808,327 — coincided with the increase in demand for oil in the early 1900s.

It was the work of Henry Wehrhahn, a Brooklyn native who aimed to perfect earlier iterations, from the clay vessels used by early civilizations to wooden barrels commonly used for centuries.

Wehrhahn worked for Iron Clad Manufacturing. His boss was a trailblazing investigative journalist-turned-inventor, best known for her work exposing abuses in mental hospitals in the late 1800s.

Elizabeth Jane Cochran Seaman — pen named Nellie Bly — had married into the steel business and turned to Wehrhahn to design a large container with a longer lifespan than wood, one that wouldn't leak.

After several attempts, Wehrhahn succeeded and in 1905, Bly acquired the patent for the steel drum. Wehrhahn moved to Milwaukee to take a top position at a steel tank company.

More than 110 years later, the blueprint for the 55-gallon steel

drum remains largely the same.

Plastic drums have since entered the market and are growing in popularity, as are larger 275-gallon square containers.

Companies across the globe use the containers to move everything from antifreeze to aftershave. About half the materials transported are considered hazardous.

More than 20 million new plastic and steel barrels were manufactured in 2015; even more — about 27 million — were processed for reuse or scrapping.

The trade group that represents the drum reconditioning industry, the Reusable Industrial Packaging Association, says it's impossible to say for certain exactly how many companies are in the business. As of December, the organization had 64 members managing about 117 facilities in the U.S.

All pledge to adhere to guiding principles that include making “health, safety, and environmental considerations a priority” in all processes.

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The trouble starts before used drums arrive at the refurbishing plants.

Instead of shipping empty drums to be refurbished or scrapped, companies of all kinds sometimes send containers with potentially dangerous chemical waste left sloshing in

the bottoms.

By federal regulation, drums are considered “empty” if they contain an inch or less of hazardous residue that cannot be removed by pouring, pumping or other normal means, such as being turned upside down. The 1-inch rule is aimed at accommodating gooey, viscous substances that are difficult to remove.

Why would a company send out drums for reconditioning or recycling when unused chemicals remain?

Sometimes it's just a matter of hurried workers not taking the time to get that last few gallons from the drums or containers. An electric pump can drain a 55-gallon drum in a matter of minutes, but insiders say the flow of chemicals sometimes slows as the pump gets close to the bottom, and workers don't always want to wait to finish the job.

So much is wasted, industry insiders have called the remaining chemicals the “\$1 billion inch.”

Some companies knowingly ship containers with an inch of liquid — unloading their waste an inch at a time — to avoid hazardous waste disposal costs, industry insiders say.

Chaime Schmeier, a plant manager at the north side Milwaukee facility, told Kramer and other safety consultants that he had asked for Brenntag — one of CLCM's largest





SAFETY MANAGEMENT SERVICES COMPANY AUDIT

Workers at the Mid-America Steel Drum plant in Milwaukee process large chemical containers for scrap or reuse. They drain any remaining chemicals into a collection drum.

customers and the world's largest chemical distributor — to be told to rinse the residue from drums containing acids, peroxides and other hazardous substances before sending them to his plant.

"I want those f\*\*\*\*\* rinsed," he said in one of the recorded conversations. "But they won't do it. They ain't rinsing nothing. ... Those things are wicked."

Federal regulations require companies shipping hazardous chemicals to clean containers before they send them as empties.

At times, companies disregard the rules altogether and send refurbishing plants what

industry insiders refer to as "heavies." These are barrels that contain more than an inch of liquid or residue. Sometimes much more.

Reconditioning plants are supposed to refuse heavies and have them sent back to the companies that shipped them — and Greif officials maintain this is what they do. Most reconditioning plants are not permitted or equipped to handle hazardous waste.

But the Journal Sentinel found CLCM plants haven't always returned the barrels. When trucks roll up to the docks with a few heavies mixed in the load, workers have typically

gone ahead and processed them, according to interviews with workers, OSHA reports and audio recordings from Kramer.

A supervisor at a plant in Memphis — recorded in September — said the only time his team rejects a drum is if it's too heavy for anybody to pick up and move.

"We get some that are, you know, more than an inch that we just, you know, pick up together and dump it up in a tote, let it drain ... whatever," the supervisor said.

Former employees who recently worked at plants in Milwaukee and Arkansas told the Journal Sentinel they did the same.

And OSHA documents from 2010 confirmed the practice at the plant in Indianapolis.

Federal inspectors who visited the facility "observed multiple totes" with as much as 3 inches of liquid. Inspectors found that a "large percentage" of the chemicals in the plant were toxic liquids such as hydrofluoric and hydrochloric acids, sodium hydroxide, ammonia, diacetyl, acetone, benzene, nickel and formaldehyde.

Once the heavies hit the dock — whether they contain hazardous material or not — the threat escalates.

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John Mateljan worked at the north side Milwaukee plant in

2015. His primary job was to cut up plastic containers for scraping. Before he could cut one, he poured off whatever chemicals were left into a 275-gallon collection container.

The process was the same no matter what was in the containers, Mateljan said. Workers didn't separate corrosives from flammables, acids from bases, or take proper precautions to prevent volatile chemical reactions. Most of the time, Mateljan said, workers had no idea what chemicals they were handling and mixing.

Often the labels were old or illegible. In some cases, the drums weren't labeled at all.

The U.S. Department of Transportation division responsible for overseeing the shipping of hazardous materials rarely tests chemicals to ensure drums and other containers are properly labeled.

The division doesn't have a budget for chemical testing. The average fine paid for violations in 2015 was \$7,822, according to department data.

Greif officials say their employees are well-trained and know the proper procedures for dealing with unlabeled and mislabeled drums.

Safety experts familiar with the industry say unlabeled drums with unknown chemicals should always be treated as hazardous.

Tony Rieck, a 25-year





**A police investigator looks over the scene where Charles Duggan, 23, was killed in 1984 at Mid-America Steel Drum in Oak Creek. Duggan was capping a drum of chemical waste when incompatible chemicals in the drum reacted violently, triggering an explosion that blew the lid off the drum.**

veteran of the workplace safety industry, put it this way:

“It’s OK to assume that something is dangerous,” said Rieck, president and CEO of T.R. Consulting Group in Colorado Springs, Colo. “It’s never OK to assume that something is safe.”

But that wasn’t the approach at the Cornell St. plant in Milwaukee, according to Mateljan and others.

Mateljan, 29, recalled one instance when he poured liquid from a drum into the collection container and a horrible smelling orange cloud filled the plant.

“I was like, ‘What the hell is going on in here?’” he told the Journal Sentinel.

The workers went outside

for about a half an hour while the air cleared, he said.

Another time, he was using a shop vac to suck the contents out of a drum, a common practice at the plant. He stepped away to use the restroom and when he returned, the vacuum was smoking. The mixture inside was boiling.

He said workers would regularly set smelly drums outside to let the chemicals evaporate into the air or simmer down before pouring them into a collection container. The plant manager called those containers “stinkers.”

Mateljan left his job after he broke his arm in a forklift accident at the plant. He said



a good friend of his who still works there is having serious and worsening breathing problems that he suspects are from chemical fumes. Mateljan said he has taken his friend to the hospital several times.

“I tell him ‘What’s more important, your health or the money?’ He wants to get out of there but he wants to still get paid.”

Workers at the Milwaukee plant said they typically earn about \$12 per hour.

Luis Hernandez worked at the same Milwaukee plant for more than a year. He left in July after an injury when a saw fell on his knee and medical tests showed that something was wrong with his liver.

“I felt really bad, really lethargic all the time,” said Hernandez, 23, adding that he’s never been a smoker or drinker.

Hernandez graduated from the University of Wisconsin-Madison in 2015 and said he worked at the plant, close to where his family lives, to save money to go to graduate school.

He complained to OSHA last year about the commingling of chemicals and the lack of an eyewash station. He said the company put in the eyewash station only after he formally complained. But, he said, OSHA didn’t do anything about the mixing of chemicals.

Hernandez, like Schmeier, said that Brenntag shipped the



This photo of a barrel is from the scene where Charles Duggan, a worker at Mid-America Steel Drum in Oak Creek, was killed in February 1984. Duggan died from head injuries.

“most disgusting things” rather than empty barrels to the refurbishing plants.

“And since they were a really loyal customer ... (CLCM) would take everything from them,” he said.

A Brenntag representative said nobody from Mid-America has contacted the company about any problem with the drums sent for recycling and/or refurbishing.

“IT IS THE POLICY OF Brenntag Great Lakes to adhere to the U.S. Environmental Protection Agency’s definition of an empty drum/container within our operations,” Chad Royer, vice president of operations, wrote in an email to the Journal Sentinel.

“However, in the interest of

safety, we will be reaching-out to Mid-America to discuss this allegation.”

Employees at the plant in Indianapolis, which Greif’s joint venture had just acquired, told an OSHA inspector in 2010 that they mixed together “every type of chemical known to man” and had seen all kinds of reactions, such as smoke, crackling, spattering and bubbling of liquids.

While there, the inspector witnessed a smoking chemical reaction and saw fumes from hazardous substances being blown in an employee’s face.

The inspector himself reported suffering “severe headaches, nausea and dizziness” that “did not subside for several hours” after he left the area. In addition he experienced “what appeared to be a chlorine burn to the forehead” and had eye, nasal and respiratory irritation that lasted for days.

Paul Gantt is a California-based hazardous materials specialist who trains corporate safety managers, government regulators and others on the proper handling of chemicals.

Gantt said the drum recycling business is immensely dangerous given the number of chemical variables in the hands of people who often don’t understand the full spectrum of chemistry.

“That’s nuts,” he said. “You’re creating a chemical brew, you really don’t know the

full potential.”

Mix a couple wrong things together and you’ve got a lethal gas chamber, he said.

“The incompatibility aspects can be off the scale, in some cases indescribable.”

Capping a container of various unknown chemicals can essentially create a bomb, he explained.

Two key laws of chemistry kick in, both involving pressure.

Typically it starts with an exothermic reaction. That’s the heat generated from mixing incompatible substances. The heat causes the temperature to rise, and according to Gay-Lussac’s law, the pressure of gas is directly proportional to its temperature. As the temperature rises, so does the pressure.

Then comes Boyle’s law, ramping up the risk. This states that the pressure of gas is inversely proportional to volume. So when the space that the gas can occupy decreases — such as by putting a lid on a container — the pressure rises.

It can happen over hours or within fractions of a second.

Even a tiny amount of pressure on a typical drum lid can explode with a force equal to 800 pounds or more, experts say.

At least 41 people in the United States have been killed, and dozens more injured, in incidents involving drums with chemicals or residue over the last

15 years, according to an analysis of OSHA reports by the Journal Sentinel. The figures include all workplaces, not just drum reconditioning plants. Some of the explosions were caused by sparks from cutting torches coming in contact with vapors that remained in the drums.

“We’re lucky more than we are safe,” said Gantt, the chemical safety expert. “You might have 1,000 reactions that didn’t blow up a drum, but that was luck. What are we doing to ensure we are safe?”

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Raymond Chojnacki was standing beside Charles Duggan on the day the drum exploded at the Oak Creek plant in 1984. He had just stepped away as Duggan leaned over to make sure the drum’s lid was fastened.

There were no warning signs of a chemical reaction, Chojnacki recalled in an interview with the Journal Sentinel. No crackling, popping or strong vapors.

“Whatever was in that drum reacted somehow and just exploded under pressure,” Chojnacki said. “Maybe he shook the barrel a little when he put the cap on, and that was it.”

The force sent Duggan high into the air. Chojnacki was covered with chemicals that spewed from the drum — like opening a giant shaken soda can.

“They heard it on the other side of the plant,” he said. It



SUBMITTED BY DOUGLAS ROBINSON

Douglas Robinson is treated for chemical burns that he received while working at Container Life Cycle Management’s Arkansas plant.

sounded like several sticks of dynamite going off.

A co-worker grabbed Chojnacki and pulled him into a nearby shower to wash off the chemicals. Others frantically searched for Duggan. They found him wedged in a stack of drums, upside down, a few feet away.

Duggan died from head injuries.

“He didn’t know what the hell hit him,” Chojnacki said. “It was over in a second.”

A co-worker found Duggan’s torn hat, 50 yards away, on the roof of the plant.



“We do not even fully cooperate with OSHA when it investigates our workplaces because our very job descriptions state it is our responsibility to protect the company from OSHA and other regulators.”

**WILL KRAMER,**  
WHISTLE-BLOWER WHO WAS SECRETLY RECORDING CONVERSATIONS  
AND DOCUMENTING SAFETY AND ENVIRONMENTAL HAZARDS



Investigators later determined the violent reaction in the drum was caused by the mixture of two common industrial chemicals: Hydrochloric acid and sodium hypochlorite, undiluted industrial bleach.

Workers told investigators that they had been worried about chemical reactions and had warned supervisors that, “someone is going to get his head blown off,” according to the Milwaukee County medical examiner’s death report.

Plant managers, including Scott Swosinski, denied knowing about any potential for drums to explode.

Swosinski told investigators from the medical examiner’s office that labels on drums weren’t always accurate and that customers trying to dispose of hazardous waste would commonly leave small amounts of chemicals in the bottom of the barrels. It was standard practice at the plant to commingle the chemicals, the report said.

Swosinski remained part of Mid-America Steel Drum’s management team until mid-2016. He could not be reached for comment.

Chojnacki escaped with dime-sized acid burns from the chemical spray. Emotionally, he was shaken.

“I was off work for maybe a month or so, and then I came back for a while,” he said. “Then I just quit and got another job. I was tired of the whole ordeal.”

Mid-America wasn’t the only company at fault for putting workers in danger, Chojnacki said. The companies that shipped the containers with leftover chemicals shared the blame. They shouldn’t have sent hazardous material to a drum reconditioning plant in the first place, he said.

“If they are using that chemical, they should have a way of disposing it (safely) there,” he said.

Duggan’s mother, Patricia Duggan, received a \$40,000 settlement from Milport Chemical, the company that shipped one of the volatile chemicals. The agreement included a clause prohibiting her from discussing details of her son’s death.

More than 30 years later, Patricia Duggan said even if she hadn’t agreed to keep quiet, she wouldn’t want to talk about it.

It remains too painful.

But she did say she hoped nobody else would be harmed in the same way.

“If they’re still doing the same thing, I do hope you’ll pursue the story,” she said.

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Documents and interviews show that Mid-America Steel Drum and others in the chemical container recycling industry have been operating the same way for decades, despite the dangers.

In August 2010, a month after Greif’s CLCM group acquired Indianapolis Drum Service, a supervisor in the facility narrowly escaped injury after chemicals were commingled in a capped barrel.

Workers described the container as looking “like it was pregnant” before the lid shot off, landing 6 to 7 feet from the supervisor, Jerry Spegal. As with the drum that killed Dugan, this one spewed chemicals several feet in the air and drenched Spegal.

Spegal failed to mention the incident to OSHA inspectors who had been investigating the plant for several months following worker complaints about coughing and breathing problems from chemical exposure.

OSHA inspectors cited the company for 23 violations, the majority classified as serious. The company negotiated the

fine from a proposed \$308,000 down to \$110,000.

Thomas McGarity, a University of Texas law school professor who has consulted for OSHA, said the agency’s ability to hold employers accountable has been “woefully inadequate” for decades.

McGarity co-authored a study last year entitled, “When OSHA Gives Discounts on Danger, Workers Are Put At Risk.”

The report noted that the agency inspects only 1% of workplaces each year, and often agrees to substantially reduced fines in exchange for a company’s promise to fix the hazard promptly.

Employers often treat the fines as a cost of doing business, McGarity said.

In 2013, before Kramer joined Safety Management Services, the Iowa-based consulting firm conducted safety audits at CLCM plants in Indianapolis, Memphis and Arkadelphia.

The consultants rated each operation on compliance with corporate policies and procedures as well as government regulations. The facilities performance scores ranged from 48% to 61%.

One worker told the consultants that “no one follows any safety rules.” Another pleaded: “Just continue to have prayer.”

Consultants encouraged Greif to hire industrial hygienists to come in and evaluate worker

exposure to chemical fumes.

In 2014, OSHA inspectors cited the Oak Creek plant with a “serious” violation for not having proper protections in place for “release of hazardous energy,” known in industrial terms as “lockout/tagout.” It includes such practices as ensuring equipment is disabled during maintenance.

The agency fined CLCM,

\$7,000. The company negotiated it down to \$4,900.

One of the Arkadelphia employees, Billy Joe Patrick, said he heard talk over the years from managers about making his workplace safer. But not much was actually done.

“They would say ‘We’re gonna do this, we’re gonna do that, we’re gonna do this,’” he said in an interview. “Well, I

### Key Findings

- A group of industrial drum reconditioning plants, owned in part by Greif Inc., has disregarded safe practices for handling hazardous materials, harming workers and endangering those who live nearby, as well as the environment.

- Practices at the six facilities have resulted in workers suffering chemical and heat-related burns, injuries from exploding barrels, breathing difficulties and other health problems.

- The operations have caused at least one big fire — heavily damaging an Indianapolis facility, endangering nearby residents and firefighters.

- Plants have been cited repeatedly by regulators for dumping too much mercury

in the wastewater and toxic emissions into the neighborhood air. At the Milwaukee plant, the safety manager and workers said chemical residue was washed down a floor drain.

- Greif’s executives knew of environmental risks in the industry and structured CLCM in a way that could shield the publicly-traded Greif from civil liabilities. Executives told financial analysts in 2010 that “those risks were very real,” and that the company was protected in part by “contractual arrangements.”

- Agencies entrusted with protecting workers and the public have been ineffective, significantly reducing fines and failing to address egregious hazards. Such has been the case for decades.



didn't see anything happening regarding bettering it."

Patrick worked on a burner at the Arkadelphia plant in 2013, pouring chemical residue into a furnace and then pushing the drums through for cleaning.

He said barrels came in with all sorts of unknown chemicals.

"As soon as you dumped it, if it was real flammable, it was going to let you know real quick," he said.

Flames would shoot out of the furnace, he said, and it didn't matter whether you had on a face shield. The fire would flare up under it. There was not much Patrick could do but lean back as far as he could while holding onto the barrel. If he let go, fire would engulf the whole area.

"You can only step back so far. It shoots out that little opening, you don't have nowhere to go," he said. "There's fire all around you but you can't let go."

Patrick held on. His hair, mustache and beard were singed.

Greif told the Journal Sentinel the company is "examining investments in automation to increase safety" in its burner operations.

An incident in March 2013 prompted Patrick, 52 at the time, to quit.

He had just dumped something in the burner.

Right at that moment, he happened to be taking a deep breath.

"I went to my knees," he said. "It felt like it just burnt my lungs. ... I started sweating golf balls."

He went to see a doctor the next morning.

"They said, 'Mr. Patrick, do you know you have COPD?'"

Patrick said he had never had breathing problems, or suspected he had chronic obstructive pulmonary disease, an incurable condition, until breathing in those fumes.

"They told me if I wanted to live, I better move to a different department or quit the job."

Eric McClure spent his shifts at the Arkansas plant the same way Patrick did, shoving steel drums into a blazing furnace.

Every day he prayed.

"Lord, please don't let anything happen to me."

McClure, 36, had been burned. Chemicals from the bottom of a drum had splashed the back of his leg, causing painful swelling and blistering. He had seen flames scorch the faces and arms of co-workers. For close to a year, he watched as, day after day, someone at the plant was hurt, sometimes seriously.

One of his co-workers, Douglas Robinson, suffered a chemical burn on his leg that bubbled up and ate through layers of his skin, from his ankle to his knee. He spent more than a month on crutches.

"A lot of people are amazed that I still have my leg," he said.

Another co-worker sustained a gash above his eye from the lid blowing off a drum.

In the fall of 2015, McClure left.

“I’m a man,” he said. “I done worked a lot of hard jobs, hard jobs, but this was the most unsafe job I’ve ever done in my life.”

In October 2015, the team from Safety Management Services, which now included Kramer, did a round of scheduled safety audits. They identified concerns at all the CLCM plants in four states.

None of the Milwaukee-area plants scored higher than 39% overall.

Ratings for management support and leadership were lower than 16% at all the plants. None scored higher than 42% on regulatory compliance.

In Oak Creek, “employees uniformly indicated that they felt safety had improved at the facility in recent years since the company joined Greif.”

At the same time, workers told the consultants they were not encouraged to report risky conditions or behaviors. The plant did not have a safety committee, or regular safety training program. In the category of accident investigations and prevention, the plant scored 18 out of a possible 85 points.

Workers were seen stepping into burners to wipe away ash; they were observed dumping and burning chemicals outside

the burners — all highly hazardous behaviors. In all, consultants noted 46 needed improvements.

The plants in other states scored slightly better — the highest was Indianapolis at 65% — but still fell short of the company’s stated goal of 90%.

Results of the safety audits were sent to Greif’s leadership team.

“Chemical safety needs to be addressed urgently at your facility,” consultant Dale Sabers, who was part of the team, wrote in a Nov. 6, 2015, email to a group of Greif executives regarding the north side Milwaukee plant.

“The practice whereby employees mix many different chemicals together without regard to their chemical characteristics is inherently unsafe and could result in extremely dangerous reactions.”

Sabers also warned the company about using acetone to clean containers and storing it in an uncovered plastic bucket. Even traces of fumes from acetone — after barrels have been washed — have been known to blow up drums and kill workers in other industrial settings.

An Oak Creek plant manager said during the audit that he and others had expected they would receive support from Greif to make safety improvements.

“We were told we were going to have people on the shop floor with us going through safety

procedures, hand in hand with employees,” he told consultants on their visit. “We got zero.”

Throughout the audio recordings, Johns repeatedly told Kramer that Greif executives and plant managers were ignoring his warnings about the practice of mixing incompatible chemicals.

Johns said he’d been nagging them for years and had requested money, \$60,000 per plant, for an industrial hygienist to survey the situation. He encouraged Greif leaders to come out and see the conditions for themselves.

“I will make their hair stand on end,” he said.

In a March 2016 phone conversation, recorded by Kramer, Johns said there had been a shake-up in Greif management. One of the safety executives he had hoped would push for improvements was gone. On his way out, that executive told Johns: “We don’t have any money (for the industrial hygienist).”

Two months later, Kramer asked Johns what had happened.

“We haven’t changed a thing,” Johns said. “We are doing it all exactly the same.”

He said the chemicals were still “all just going into a toxic soup, particularly there at Cornell (the north side Milwaukee plant).”

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Greif executives spent two years studying the drum

recycling and reconditioning industry before establishing CLCM and have told investors they were aware of environmental risks.

In a September 2010 conference call with financial analysts, Greif CEO Michael Gasser said the two companies they initially acquired — in Arkansas and Tennessee — had “by far the best practices from a risk mitigation standpoint.”

“We know that — we’re very comfortable that we’ve mitigated those risks through contractual arrangements, and also through the processes they have,” Gasser said.

Gasser didn’t elaborate on the contractual arrangements.

CLCM was created as a limited liability company, formed as a joint venture with local owners of the individual facilities.

LLCs, as they’re called, can shelter investors from lawsuits, and there are also tax advantages.

“All companies want liability protection,” said Joe Boucher, a Madison attorney who specializes in that area of law.

Those protections exist primarily on the civil side, he said, but don’t shield executives from criminal prosecution.

By 2013, Gasser was no longer Greif’s CEO. His successor, David Fischer, remained bullish on the drum reconditioning industry, despite problems at the CLCM plants.



“There are a growing number of very large customers — our largest, in fact, group of customers and some smaller ones — that require us to offer recycling/recondition capabilities as an imperative of doing business with them,” Fischer said in a Feb. 23, 2013, conference call with analysts.

“And that is something that we have recognized, and we are moving ahead with, in a very aggressive way.”

\*\*\*

Will Kramer didn’t decide to become a whistle-blower overnight.

For more than six years as a safety consultant, he heard executives make jokes when people were hurt. He saw others falsify safety plans. He overheard one say, “I don’t give a crap about OSHA,” when it came to the federal agency’s regulation of formaldehyde. Others stressed the importance of “making f\*\*\*\*\* money” over keeping workers safe or protecting the environment, he said.

“I couldn’t leave it at the office,” Kramer said. “It invaded my whole life.”

He spoke up about workplace safety when “right to work” legislation surfaced in Wisconsin in 2015. He was arrested during a protest aimed at convincing lawmakers that the bill would result in more injuries to workers.

He wrote an opinion piece in a Madison newspaper about the safety problems he’d witnessed over the years and conflicts of interest facing safety consultants. Risk-management consultants cannot uphold their ethical oath to place worker safety above all else when the companies’ clients are writing their paychecks, he wrote, noting cases where he should have spoken up sooner.

Kramer had hoped his public confession exposing the conflicts would lead to industrywide solutions. Instead, the federal Board of Certified Safety Professionals stripped him of his professional certification, citing his violation of ethical standards.

In his April 2015 hearing before the board, Kramer defended himself.

“Show me a CSP (Certified Safety Professional) who is not actively violating our ethical standards ... and I will show you a CSP that is either a liar or unemployed,” he said. “We do not even fully cooperate with OSHA when it investigates our workplaces because our very job descriptions state it is our responsibility to protect the company from OSHA and other regulators.”

Moreover, consultants usually have to sign nondisclosure agreements forbidding them to discuss publicly the internal workings of the companies

they're auditing — a deal that allows misdeeds to continue, he said.

Kramer said he couldn't ignore what he saw at Greif's CLCM plants. He wasn't going to let a nondisclosure contract keep him from doing what he thought was right.

On June 27, 2016, he filed a whistle-blower complaint with the U.S. Securities and Exchange Commission, detailing his findings and alleging that Greif was misleading investors by not disclosing their environmental risks.

It was the best way to get the company's attention, his attorneys advised him.

\*\*\*

Sept. 16, 2016 was Kramer's last day on the job for Safety Management Services. He visited the Arkadelphia plant and invited Johns to lunch at a Chinese

buffet. Kramer was leaving the risk-management business and had enrolled in law school.

He asked Johns for an update.

"I just don't want us coming out again and seeing them mixing 1,000 different things into a drum," Kramer said.

"You will never change that process," Johns replied, noting he was still frustrated with what was going on: "You can't take and mix flammables and caustics, bases, acids, everything into the same dang 275-gallon tote."

Kramer had hoped to hear that the company had finally addressed the dangers of mixing unknown chemicals.

It hadn't.

"They don't care," Johns said. "This is the way we've always done it."

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John Diedrich of the Journal Sentinel staff contributed to this report.

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Online February 15, 2017

TUESDAY: FEBRUARY 21, 2017

PULITZER PRIZE WINNER: 2008, 2010, 2011

JSOnline.com

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JOURNAL SENTINEL

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WEATHER



65 / 44  
Mostly sunny  
Map, details  
back of Sports



Packers free agents  
Another test  
awaits long  
snapper Goode  
Sports



Brewers by position: Second base  
Villar is versatile  
both on offense  
and defense  
Sports

Trump names new  
U.S. security adviser

McMaster considered  
top military strategist

ASSOCIATED PRESS

PALM BEACH, Fla. - President Donald Trump has tapped Army Lt. Gen. H.R. McMaster, a prominent military strategist known as a creative thinker, as his new national security adviser, replacing the ousted Michael Flynn.

Trump announced the pick Monday at his Palm Beach club and said

McMaster is "a man of tremendous talent and tremendous experience." Sitting next to Trump for the announcement, McMaster said he was honored to take on the role and added that he looks forward to "doing everything that I can to advance and protect the interests of the American people."

The president's choice further elevates the influence of military officers in the new administration. Trump, who has no military or for-

See ADVISER, Page 8A



ASSOCIATED PRESS  
Army Lt. Gen. H.R. McMaster (left) shakes hands with President Donald Trump in Palm Beach, Fla., on Monday.

Walker plan  
would shrink  
parole agency  
to one worker

Cut could be costly  
to taxpayers, critic says

JASON STEIN

MILWAUKEE JOURNAL SENTINEL

MADISON - The state's parole system for roughly 3,000 longtime state inmates would drop from eight employees to just one, under Gov. Scott Walker's budget proposal.

As a lawmaker in the late 1990s, Walker championed the state's truth in sentencing law to ensure tough sentences on convicted criminals.

Now as governor, Walker wants to sharply downsize the system for handling the potential release of state inmates who are still subject to the rules that were in effect prior to the debut of truth in sentencing in 2000. The move is in keeping with other actions of the governor, such as his decision not to issue pardons.

If the state loses some of its staff experienced in judging the risk of paroling inmates, the effect

will likely be more people remaining in prison for longer, Madison attorney Lester Pines said.

"The default position is going to be it's too dangerous to release this person," said Pines, who has worked on pardon issues. Pines, a Democrat, has sued the Walker administration a number of times over constitutional concerns, but in this case a legal challenge would be difficult to carry off unless a plaintiff could first show that the proposal was actually resulting in delays for parolees, he said.

At least 2,000 state inmates have served enough of their sentences that they can ask to be paroled — a process that requires a hearing for the inmate and for his or her victims. The great majority have served long sentences for violent crimes. Some have been denied parole 10 times or more.

See PAROLE, Page 6A

BURNED A JOURNAL SENTINEL WATCHDOG REPORT



SCRANTON TIMES-TRIBUNE

A fire burns out of control at Scranton Cooperage Inc. in Jessup, Pa. The 2014 fire started when a forklift punctured a drum of sodium chlorite. Residents were evacuated and firefighters had to stand down due to exploding drums.

Dramatic blazes have erupted at drum reconditioning facilities across the country, endangering neighborhoods and firefighters

FIRE RISK

RAQUEL RUTLEDGE AND RICK BARRETT  
MILWAUKEE JOURNAL SENTINEL

Third of four parts

Firefighters knew immediately it wasn't a routine assignment the night of Sept. 20, 2005, when they were called to Kitzinger Cooperage.

"When you get the call that flames are coming through the roof and that it's Kitzinger Cooperage, it takes you up a few notches," said Frank Lockwood, who recently retired as chief of the St. Francis Fire Department.

Kitzinger was in the business of refurbishing and recycling steel drums. Many of its customers were companies with flammable products such as paint, chemicals and oil. Lockwood was the officer in charge that night. He recalled the difficulty his crew had getting at the blaze. Heavy flames, thick black smoke, barrels and company equipment blocked their path.

The plant entrances were locked and firefighters had to cut their way into the building through an overhead door.

The fire escalated to a third alarm. The roof of the 23,000-square-foot building collapsed and firefighters deployed a "surround and drown" strategy to keep the fire from spreading to Kitzinger's offices and the rest of the plant.

The cause of the fire was never determined.

"There were a lot of flammables in there," Lockwood said.

Kitzinger was bought by Mid-America Steel Drum in 2011 and is now part of Greif Inc.'s Container Life Cycle Management group.

"The conduct of this individual put hundreds of people in grave danger."

PENNSYLVANIA AUTHORITIES SAID OF ERIC SPATT, OWNER OF SCRANTON COOPERAGE

Dramatic fires have erupted over the years at drum reconditioning facilities across the country, endangering neighborhoods, as well as firefighters, and shooting pollutants into the air.

Spontaneous combustion of chemicals sparked a fire at CLCM's Indianapolis plant in May 2014 that destroyed much of the 30,000-square-foot metal building.

At about 5:30 a.m., an employee discovered the flames while opening the plant for the day. He pulled the fire alarm and ran.

It took 80 firefighters to get the three-alarm blaze under control. Local news reports said nearby residents were told to stay inside while fire crews determined what was burning.

The next month, a massive fire broke out at a drum reconditioning facility in Pennsylvania.

See BURNED, Page 5A

Mexico targets  
corn market

Legislator  
calls for end  
to U.S. purchases

PAUL DAVIDSON  
USA TODAY

Mexico is upping the ante in its escalating war of words with President Donald Trump over trade policy by aiming squarely at the nation's midsection: the corn belt.

And that's making U.S. corn farmers nervous.

In response to Trump's threats of a border tax, Mexican Sen. Armando Rios Piter said last week he plans to introduce a bill requiring the country to stop buying corn from the U.S. and shift those purchases to Brazil and Argentina.

Citing Trump's "anti-Mexican position," Rios Piter said in an interview, "It's time to think about how to shift the place where we are putting our money. If we

See CORN, Page 8A

NEWSWATCH

NO BUSINESS  
SECTION TODAY

Because U.S. financial markets were closed Monday for Presidents Day, there is no Business section in today's newspaper.

LOCAL

» **Primary elections:** Statewide voter turnout for primary elections Tuesday is expected to be light, with only one statewide race on the ballot. **3A**

NATION

» **VA investigations:**

Federal authorities step up investigations at Department of Veterans Affairs medical centers because of a jump in opioid theft, missing prescriptions or unauthorized drug use by VA employees. **6A**

» **Slender Man case:** One of two girls charged in the Slender Man stabbing case will stand trial starting Sept. 11, and her bids to have her statements to police thrown out and a jury to be called from outside of Waukesha County are denied. **2A**

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## Burned



# Fire risk

Dramatic blazes have erupted at drum reconditioning facilities across the country, endangering neighborhoods and firefighters

**By Raquel Rutledge and Rick Barrett,**  
Milwaukee Journal Sentinel

Firefighters knew immediately it wasn't a routine assignment the night of Sept. 20, 2005, when they were called to Kitzinger Cooperage.

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day. He pulled the fire alarm and ran.

It took 80 firefighters to get the three-alarm blaze under control. Local news reports said nearby residents were told to stay inside while fire crews determined what was burning.

The next month, a massive fire broke out at a drum reconditioning facility in Pennsylvania.

A forklift operator at Scranton Cooperage — not part of Greif’s CLCM venture — reportedly punctured a 55-gallon drum of sodium chlorite, which ignited the fire.

The blaze caused other drums to rupture, one shooting like a cannon 120 feet in the air and landing more than 150 yards away.

Residents in a nearby low-income housing development were evacuated and firefighters had to stand down due to exploding drums.

Emergency responders came from four counties and were called back to the scene several times in the following days as fires continued to break out in the barrels.

Eric Spatt, owner of Scranton Cooperage, was arrested on multiple charges of mishandling hazardous chemicals.

Spatt, 52, allegedly stored sodium chlorite waste over a period of approximately 13 years, allowing the drums of material to deteriorate during that time, according to investigators.

Scranton Cooperage had charged \$80 per barrel to accept and dispose “spent drums” of sodium chlorite, according to the criminal complaint.

Spatt had never applied for a permit to store, process, treat or dispose of solid waste at the business, according to the Pennsylvania attorney general’s office.

“The conduct of this individual put hundreds of people in grave danger,” the agency said in a statement last summer.

A fire chief described Scranton Cooperage as a troubled facility, saying that it generated more department responses than any other business in the area.

Authorities also said the plant had been discharging the chemical into the public sewer system.

Spatt was released on \$100,000 bail. He’s due back in

court in April.

The criminal complaint against Spatt names him as vice president of sales for Kearny Steel Container, a New Jersey drum reconditioner that took over Scranton Cooperage after the fire. Kearny Steel and Greif’s CLCM facilities are part of the EarthMinded network, an affiliation of independent reconditioners in North America and Europe that Greif launched in 2011. Greif has no ownership in Kearny Steel.

Spatt’s attorney did not return Milwaukee Journal Sentinel calls seeking comment.

Last July, Kearny Steel, too, went up in flames.

More than 100 firefighters fought the four-alarm blaze that tore through one building and spread to another, according to the Newark Fire Department.

The cause of the fire remains under investigation.



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PULITZER PRIZE WINNER: 2008, 2010, 2011

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# JOURNAL SENTINEL

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**WEATHER**

69 / 44  
Mostly sunny  
Map, details  
Back of Sports

**Cultural connections**  
League of Kitchens, immigrants share recipes, unite people  
**Food**

**Gary D'Amato: Ex-Packers kicker Marcol finds peace, purpose**  
**Sports**



MIKE DE SISTI / MILWAUKEE JOURNAL SENTINEL  
A state air management engineer with the Wisconsin Department of Natural Resources said in November 2015 he experienced "significant, obnoxious and objectionable" odors from the Mid-America Steel Drum plant in St. Francis, shown here in 2016.

Environmental issues plague reconditioning industry

## BARRELS OF WOE

RAQUEL RUTLEDGE AND RICK BARRETT  
MILWAUKEE JOURNAL SENTINEL  
LAST OF FOUR PARTS

Michael Griffin was 200 yards from the steel drum company in St. Francis and knew something was wrong. He could smell it.

It was November 2015 and the state air management engineer was on his way to a drum refurbishing plant south of Milwaukee that had been around for decades.

Griffin was following up on an odor complaint. "The intensity (of the smell) increased to the point I felt a burning sensation in the back of my throat and sinuses," Griffin later wrote in a letter to the plant manager. "The odors were significant, obnoxious and objectionable."

Griffin suspected the smells violated state environmental laws forbidding "malodorous emissions." When Griffin returned later that day, he found

blue smoke wafting from the drum oven. He also spotted rust-colored discharge on the roof of the building indicating the smoke stack "may be discharging particulate matter to a degree that is excessive."

Three more complaints would be filed the following month.

The company, Mid-America Steel Drum, had been acquired a couple years earlier by a joint venture — a group of similar operations spanning four states — majority-owned by industrial packaging giant Greif Inc.

See BURNED, Page 7A

## Agency steps up deporting efforts

Plan puts 11 million immigrants at risk

ALAN GOMEZ  
USA TODAY

The Department of Homeland Security issued a sweeping set of orders Tuesday that implement President Donald Trump's plan to increase immigration enforcement, placing the vast majority of the nation's 11 million undocumented immigrants at risk of deportation.

The memos instruct all agents — including Customs and Border Protection and Immigration and Customs Enforcement — to identify, capture and quickly deport every undocumented immigrant they encounter.

The memos require undocumented immigrants caught entering the country to be placed in detention until their cases are resolved, increase the ability of local police to help in immigration enforcement, call for the hiring of 10,000 more immigration agents and allow planning to begin on an expansion of the border wall between the United States and Mexico.

The memos make undocumented immigrants who have been convicted of a crime the highest priority for enforcement operations. But they make clear that ICE agents should also arrest and initiate deportation proceedings against any other undocumented

See DEPORT, Page 9A



JOHN KLEIN / FOR THE MILWAUKEE JOURNAL SENTINEL  
Lilly Goren, a Carroll University professor, and Rick Esenberg, founder of Wisconsin Institute for Law & Liberty, discuss political polarization on Tuesday night during "Across the Divide." See more photos at [jsonline.com/news](http://jsonline.com/news).

## Ethan Allen prison closing questioned

Waukesha Co. facility shut down in 2011

PATRICK MARLEY  
MILWAUKEE JOURNAL SENTINEL

MADISON - Key lawmakers on Tuesday questioned the state's 2011 decision to close a juvenile prison in Waukesha County and transfer its inmates to a Northwoods facility that is now under criminal investigation.

Republicans and Democrats on the Assembly Corrections Committee said juvenile inmates should be kept in southeastern

Wisconsin because nearly two-thirds of them come from there.

"Having these kids closer to home ... is much more beneficial than being thrown up north," said Rep. Jesse Kremer (R-Kewaukeum). "I do agree this needs to be much closer to home."

Rep. Joel Kleefisch (R-Oconomowoc) said he was "mystified" by the decision to close Ethan Allen School for Boys in Wales and move its inmates to Lincoln Hills School for Boys north of Wausau.

At Tuesday's committee hearing, Kleefisch told Corrections

See LINCOLN, Page 9A

### NEWSWATCH

#### LOCAL

» **New arena:** The new Bucks arena scoreboard will be about twice the size of the one in the BMO Harris Bradley Center and provide a state-of-the-art digital experience for fans, team executives say. **3A**

» **State superintendent's race:** Incumbent Tony Evers easily places first in Tuesday's primary election for state schools chief, earning the right to defend his seat in the April 4 election against voucher advocate Lowell Holtz. **4A**

#### SPORTS

» **American Birkebeiner:** Unseasonably warm temperatures and rain force organizers of the American Birkebeiner ski race this weekend to modify event schedules. **1B**



## 'Across the Divide' aims for political civility

BILL GLAUBER  
MILWAUKEE JOURNAL SENTINEL

On one side was Lilly Goren, a Carroll University professor whose specialties include politics, pop culture and all things "Mad Men."

On the other was Rick Esenberg, founder of the conservative public interest law firm Wisconsin Institute for Law & Liberty.

But Goren and Esenberg didn't come to Maxie's restaurant Tuesday night to do political battle. Instead, in front of a full house

See 'DIVIDE', Page 6A

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## Burned

**BURNED** A JOURNAL SENTINEL WATCHDOG REPORT



MIKE DE SISTI / MILWAUKEE JOURNAL SENTINEL

A state air management engineer with the Wisconsin Department of Natural Resources said in November 2015 he experienced “significant, obnoxious and objectionable” odors from the Mid-America Steel Drum plant in St. Francis, shown here in 2016.

## Environmental issues plague reconditioning industry **BARRELS OF WOE**

By Raquel Rutledge and Rick Barrett,  
Milwaukee Journal Sentinel

Michael Griffin was 200 yards from the steel drum company in St. Francis and knew something was wrong.

He could smell it.

It was November 2015 and the state air management

engineer was on his way to a drum refurbishing plant south of Milwaukee that had been around for decades.

Griffin was following up on an odor complaint.

“The intensity (of the smell)





Drums are stacked outside the IndyDrum plant in Indianapolis. The plant is part of the Container Life Cycle Management group of drum reconditioners.

increased to the point I felt a burning sensation in the back of my throat and sinuses,” Griffin later wrote in a letter to the plant manager. “The odors were significant, obnoxious and objectionable.”

Griffin suspected the smells violated state environmental laws forbidding “malodorous emissions.”

When Griffin returned later that day, he found blue smoke wafting from the drum oven. He also spotted rust-colored discharge on the roof of the building indicating the smoke stack “may be discharging particulate matter to a degree that is excessive.”

Three more complaints would be filed the following month.

The company, Mid-America Steel Drum, had been acquired a couple years earlier by a joint venture — a group of similar operations spanning four states — majority-owned by industrial packaging giant Greif Inc.

Called Container Life Cycle Management (CLCM), or “Click’m,” the venture operates six plants; three in the Milwaukee area and others in Indianapolis, Memphis, Tenn., and Arkadelphia, Ark.

Inspectors with the Wisconsin Department of Natural Resources had been to the St. Francis plant before. For years, the plant had been owned by Kitzinger Cooperage, and state regulators had repeatedly cited the company for failing to properly control and monitor air emissions.

Officials with the Milwaukee Metropolitan Sewerage District, which oversees wastewater, had been there — finding its own violations — as well.

An investigation by the Milwaukee Journal Sentinel uncovered problems with Greif’s CLCM facilities in four states and other drum reconditioning operations nationwide whose practices have posed risks to workers, neighborhoods and

the environment. In some cases, the problems have persisted for decades.

Dangerous chemicals have been washed down floor drains, plumes of smoke from unknown chemical reactions have been released into neighborhoods and fires have erupted at the plants, fouling the air and posing a danger to nearby homes, the investigation found.

Agencies entrusted to protect workers and the public have been ineffective at preventing problems, with federal, state and local authorities all reducing fines to nominal amounts and failing to address egregious hazards. In some cases, penalties can be steep, typically when clean up costs are involved.

The Journal Sentinel's findings are based on 16 hours of audio recordings from a whistle-blower, hundreds of pages of government reports and dozens of interviews with workers, experts and others.

Greif officials declined requests from the Journal Sentinel for interviews.

In a written response to a question about sites that have been cited for wastewater violations, Greif said it works with independent labs to test the water and "have made significant management process improvements at the reconditioning facilities to comply with all applicable regulations." The company said in



SAFETY MANAGEMENT SERVICES CO. AUDIT

Unknown chemicals burn on a conveyer belt as a drum moves into an oven line in October 2015 at Mid-America Steel Drum Co. in Oak Creek.

late 2016 it appointed an environmental officer to "facilitate and oversee continued process improvements."

\*\*\*

Residents of St. Francis, Cudahy and Milwaukee's Bay View neighborhood donned surgical masks and protective white suits in 2005 in a protest against odors from the Kitzinger drum reconditioning plant.

Carrying signs that read "Ask about the Stench," the pickets said they wanted to make prospective buyers of nearby condominiums aware of the problem.

Sometimes the odor was like "Lemon Pledge." Other times it was more like a urinal puck,



recalled St. Francis Ald. Donald Brickner. It depended on what type of drums were being processed.

“When the wind was right, it was offensive,” he told the Journal Sentinel.

In 2010, three years before Greif’s CLCM group acquired the plant, Kitzinger agreed to pay \$220,000 in state fines for emissions violations between 2004 and 2008.

In Milwaukee, the CLCM plant on the city’s north side is part of a small stretch of industrial operations along one side of Cornell St., near W. 24th St. just south of Hampton Ave. Modest homes line the other side of the street.

CLCM’s safety manager, Steele Johns, told safety consultants what happened at the plant when employees washed the chemical residue from large used containers:

“Whatever was left in there is going straight into the sewer,” Johns said, adding: “We have no permits.”

In late 2015 and throughout much of 2016, Johns spoke candidly to the consultants, not knowing that one of them was recording the conversations and would later become a whistleblower.

Johns described what had happened when workers drained an assortment of leftover chemicals into one 275-gallon container.

“We were shooting jet black smoke out of those big five-foot fans directly at the neighborhood, for 20 minutes,” Johns said.

Johns also said the plants shipped barrels full of the unknown mixed chemicals — a “witches brew,” he called them — to landfills, labeling them “non-hazardous” waste.

That’s not all. He said the plants that have furnaces for burning chemical residue from the steel drums weren’t reporting accurate emissions to regulators.

“These are the realities I’m dealing with,” he said in the recordings.

Will Kramer, a safety consultant with Iowa-based Safety Management Services Co., spent close to a year recording conversations with Johns and other managers and employees in Greif’s CLCM plants, and documenting their activities.

In June 2016, he filed a whistleblower complaint with the U.S. Securities and Exchange Commission, detailing his findings and alleging that Greif misled investors by not disclosing its environmental risks and liabilities.

A few months later, after concluding the company was not addressing the problems, Kramer shared the information and 16 hours of audio recordings with the Milwaukee Journal Sentinel.

\*\*\*

The drum reconditioning industry has a troubled legacy that dates back decades, reaching coast to coast.

Evidence can be found in court records — and also in rural and urban landscapes pocked with leaky barrels.

In 2013, U.S. Environmental Protection Agency officials found several thousand chemical containers abandoned at Superior Barrel and Drum Co., a drum reconditioning facility in rural New Jersey, which is not part of the CLCM group.

Many had holes, missing tops, were bulging and leaking their contents into the ground, according to the EPA.

Investigators sampled the contents of the drums and plastic containers at the 5-acre site, revealing hazardous materials and carcinogens including flammable chemicals, benzene, toluene, trichloroethylene, lead and polychlorinated biphenyls.

Pollution at the site and surrounding wetlands raised concerns about the water supply for nearby residents, who for years had complained about strong odors and leaking chemical drums.

“The owner of this facility ran away from his obligations and allowed conditions to deteriorate rapidly,” Bob Martin, with the New Jersey Department of Environmental



SAFETY MANAGEMENT SERVICES CO. AUDIT  
Flames wrap around a drum in a burner in September 2013 at Drumco in Arkadelphia, Ark. The photo was taken to illustrate a violation of OSHA's confined space regulations. Concerns also have been raised about the Arkansas plant's emissions.

Protection, said in a Jan. 30, 2014, news release.

“The abysmal storage conditions and poorly managed toxic chemicals found by EPA at this facility are unlawful, threaten the environment and are simply unacceptable,” Judith Enck, an EPA administrator, said in the release.

No criminal charges were filed against the company owner, although that's still a possibility, according to the agency.

The cleanup cost taxpayers more than \$1 million.

The largest penalty the EPA levied against a drum reconditioner still in business in the last five years was \$15,000. That's what a Kansas City company was fined in 2012 for pouring chemicals down a floor drain years earlier.

In 2007, a city building inspector in Memphis discovered a mess of leaking and damaged drums strewn about

American Drum and Pallet, a small company not part of CLCM. Many were labeled “flammable” and “corrosive,” and some were within 50 feet of a home where children played.

At least 144 containers were labeled as methyl parathion and had liquids remaining in the bottoms. Methyl parathion is a highly toxic insecticide that can be fatal if ingested or absorbed through the skin.

“Stained soils and pooled oily liquids were noted at several areas ... dead vegetation was noted along the drainage pathway leading off-site from the property,” the EPA said.

Company owner Johnnie Williams was later charged with criminal violations relating to receiving drums that weren’t empty and instructing employees to pour hazardous contents into containers that then remained on his property. Williams had no hazardous waste storage permit.

Williams was sentenced to

### KEY FINDINGS

A group of industrial drum reconditioning plants, owned in part by Greif Inc., has disregarded safe practices for handling hazardous materials, harming workers and endangering those who live nearby, as well as the environment. A Milwaukee Journal Sentinel investigation found:

- Practices at the six facilities have resulted in workers suffering chemical and heat-related burns, injuries from exploding barrels, breathing difficulties and other health problems.

- The operations have caused at least one big fire — heavily damaging an Indianapolis facility, endangering nearby residents and firefighters.

- Plants have been cited repeatedly by regulators for dumping too much mercury in the wastewater and toxic emissions into the neighborhood air. At the Milwaukee plant, the safety manager and workers said chemical residue was washed down a floor drain.

- Greif’s executives knew of environmental risks in the industry and structured CLCM in a way that could shield the publicly-traded Greif from civil liabilities. Executives told financial analysts in 2010 that “those risks were very real,” and that the company was protected in part by “contractual arrangements.”

- Agencies entrusted with protecting workers and the public have been ineffective, significantly reducing fines and failing to address egregious hazards. Such has been the case for decades.

three years in prison and ordered to pay \$322,749 to cover the costs of an emergency cleanup.

A major fire broke out at the closed site in 2014, injuring four firefighters.

The Ohio Department of Justice got involved in a 2009 case, after a drum reconditioner was found to have hazardous chemicals on the property and was spewing pollution from its incinerator.

Gray Container LLC was located in Cleveland, within a half of a block of residences, a park and a church, according to the Ohio EPA. Business owner Kenneth Gray and two of his companies were found guilty of criminal violations of the state’s hazardous waste laws.

The company was ordered to pay \$1.05 million in 2013 for the violations.

In December 2015, the EPA announced a \$22 million settlement for the cleanup of a former drum reconditioning site that in the 1980s had been next to an elementary

school in Los Angeles.

School employees had long complained of rashes, headaches and allergies, suspecting the neighboring Cooper Drum Co. was largely to blame.

EPA investigators found high levels of the commercial degreasing solvent perchloroethylene in the soil and volatile organic compounds such as trichloroethylene, which had spilled and leaked on the site, contaminating the soil and ground water.

Exposure to trichloroethylene has been linked to increased cancer risk and is also associated with diabetes, liver and urinary-tract problems.

\*\*\*

Wisconsin also has been beset with environmental problems from drum reconditioning plants, including one that covered 13 acres along the lake-shore in South Milwaukee.

The former Northwestern Barrel site, at the east end of Marina Road, was badly contaminated as the company refurbished steel drums in the 1940s through the mid-1960s, according to the EPA.

Northwestern Barrel dumped waste into two pits on the east side of the property, which later was named an EPA Superfund site.

Both pits contained an oily sludgelike material. One pit sample indicated PCBs. And

a ravine on the property had some of the highest lead levels in the state.

After an initial EPA decision to treat contaminated soil at the site, rather than remove it, nearby residents complained of health problems — including headaches, sore throats and nausea — all resulting, they said, from the release of toxic fumes during the soil treatment process.

The treatment was halted and the remaining contaminated soil was shipped away. In 1997, a group of 80 companies was ordered to pay an estimated \$3 million to remove more than 5,000 cubic yards of contaminated material.

More recently, the state has found problems at Mid-America Steel Drum operations, the facilities that have since been acquired by Greif's CLCM venture.

In September 2011, the Oak Creek facility agreed to pay \$81,000 in fines for violating state air pollution regulations, according to the Wisconsin Department of Justice.

The company violated state air pollution laws and operated without an air emissions permit in 2008, according to the complaint against the company. The company exceeded its permitted limits of volatile organic compounds by more than 500 pounds over several months, the attorney general's office said.



---

But the problems didn't stop.

The Wisconsin DNR issued a noncompliance notice in 2013 for violations regarding release of volatile organic compounds and records from the EPA show the company violated federal Clean Air Act requirements again in 2014.

As for the 2015 odor complaints that brought the air management inspector to the St. Francis facility: Mike Higgins, general manager of the plant, responded in a letter that the company had made costly upgrades to its operations and added "some of the finest fume/odor scrubbing equipment available."

"After spending considerable effort and expense to voluntarily upgrade our systems for the common good, we feel we are being wrongly singled out as a violator," Higgins wrote, blaming the complaints on one person who lived a half-mile away.

The St. Francis plant also has had serious clean water violations, repeatedly exceeding limits for mercury discharges in recent years.

The sewerage district, which oversees discharges from hazardous waste generators in 28 communities around Milwaukee, issued a notice of "continuing violation" in 2014 as well as notices of "significant noncompliance" in 2015 and 2016.

Yet little punitive action has

followed the warnings.

"While there have been repeated violations, we believe that there has been, to date, an active and sincere effort on their part to try to determine the source of their problem," said Sharon Mertens, director of water quality protection for the district.

"We do have the ability to levy fines. We don't do it very often. ... We're not here to fine people, we're here to make sure it gets done right."

Neither the state DNR nor local sewerage district was aware that CLCM is operating a facility on Milwaukee's north side, based on records requests from the Journal Sentinel.

In interviews with the Journal Sentinel, three recent employees from that plant confirmed what Johns — the safety manager — had been recorded as saying to consultants: The chemical residue they washed from the drums went right down the floor drain and into the sewers.

Greif officials deny that the plant flushes chemicals into the sewer system and say any residue is taken off site and disposed of properly.

CLCM facilities in other states have caused environmental problems as well.

In October 2014, the Memphis CLCM facility was in "significant noncompliance" for continuous pH violations related to

wastewater discharges as well as “nickel and copper exceedances,” according to the Tennessee Department of Environment and Conservation.

Douglas Robinson, who worked at the CLCM plant in Arkansas until October, said the company dodged emissions regulations in a number of ways. They burned materials that put off dark, black clouds before dawn so nobody would see, he said.

And when regulators would visit, managers would hide the dirty drums and only process empty or clean drums, he said. Drum reconditioners are only supposed to accept empty containers for recycling and refurbishing. Most don’t have permits

to handle hazardous waste.

Robinson suffered a severe chemical burn to his leg in 2015 and told the Journal Sentinel he was ultimately fired for complaining and being late.

Steele Johns, too, raised concerns about the Arkansas plant emissions, telling consultants the facility was throwing paint filters in the burner.

Arkansas state regulators had been to the facility many years earlier — in 2003 — before CLCM acquired it. They found the plant wasn’t properly recording and reporting emissions. Managers had failed to include accurate information on the paints and other chemicals handled at the plant.

The fine: \$3,000.

Burned

**MOTION GRAPHIC:**

# The dangers of the drum reconditioning industry



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Published December 10, 2017  
Online December 7, 2017

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BURNED | A JOURNAL SENTINEL WATCHDOG REPORT

Conditions were scary, dangerous in Wisconsin barrel plants, say employees hurt on the job



Phillip Leitze, who worked at Mid-America Drum in St. Francis, said he endured dangerous working conditions at the plant. RICK WOOD / MILWAUKEE JOURNAL SENTINEL

Workers expose depth of danger

John Diedrich and Raquel Rutledge  
Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

For most of three years, Phillip Leitze stripped used 55-gallon chemical barrels to get them down to bare metal and ready for a fresh coat of paint.

It was dirty, dangerous work, but Leitze was glad to have the job at Mid-America Steel Drum in St. Francis — at least at first.

Each day, Leitze put on two extra layers of clothes. The machine he operated blasted tiny metal balls of “shot” that would ricochet back as if he was facing a hail storm. He wore the extra clothing to protect himself even when temperatures soared into the 90s.

As he sandblasted the barrels, metal shavings would spray back up at him.

“I had on a long plastic mask,” he said, “but they were hitting everywhere, bouncing up under my shield.”

Into his eyes.

When his shift was over, Leitze would take a magnetized piece of

See CONDITIONS, Page 5A

“I knew what was going on there wasn't right. At the time I didn't know who to complain to. It was a terrible experience.”

Phillip Leitze  
Former Mid-America employee

ONLINE

Watch video of workers at [www.jsonline.com/watchdog](http://www.jsonline.com/watchdog).

Experts say hot market unlikely to repeat in 2018

But that doesn't mean you should abandon ship

Paul Gores Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

Investment strategists looking into their 2018 crystal ball have this advice: You shouldn't expect a repeat of 2017's stellar performance, but don't flee the market.

With the Dow Jones industrial average up more than 20% this year — nearly nine years into a bull market and with very few recent pullbacks — 401(k) retirement plans and other accounts have seen strong gains, helping to boost household wealth in the United States.

See MARKET, Page 18A

401(k) accounts: Technology stocks taking over. 4D

Driverless cars for Foxconn would tap into tech's potential

Plant's size, location pose logistics issues for traffic

Lee Bergquist Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

Foxconn Technology Group's plans for the use of driverless vehicles to move thousands of workers a day at its sprawling campus in Racine County highlights the growing attractiveness of a technology that could shape the future of transportation.

The Taiwan-based company, which is planning to construct a \$10 billion manufacturing plant in Mount Pleasant, has told Wisconsin officials that it wants roads with technological innova-

See CARS, Page 19A

Man gets prison for VA fraud  
A man gets 21 months in prison for defrauding the VA of disability benefits. 3A

Combining work and travel  
A Waukesha company arranges accommodations for remote workers in foreign countries. 1D

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High 35° ■ Low 20°  
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## Burned



Phillip Leitze, who worked at Mid-America Drum in St. Francis, said he endured dangerous working conditions at the plant.

# Workers expose depth of danger

Conditions were scary, dangerous in Wisconsin barrel plants, say employees hurt on the job

By John Diedrich and Raquel Rutledge,  
Milwaukee Journal Sentinel

For most of three years, Phillip Leitze stripped used 55-gallon chemical barrels to get them down to bare metal and ready for a fresh coat of paint.

It was dirty, dangerous work, but Leitze was glad to have the job at Mid-America Steel Drum

in St. Francis — at least at first.

Each day, Leitze put on two extra layers of clothes. The machine he operated blasted tiny metal balls of “shot” that would ricochet back as if he was facing a hail storm. He wore the extra clothing to protect



**Jeramy Dahl talks about the dangers he faced working at Mid-America Steel Drum at 2300 W. Cornell St. in Milwaukee, where they recycled plastic chemical totes.**

himself even when temperatures soared into the 90s.

As he sandblasted the barrels, metal shavings would spray back up at him.

“I had on a long plastic mask,” he said, “but they were hitting everywhere, bouncing up under my shield.”

Into his eyes.

When his shift was over, Leitze would take a magnetized piece of metal from his pocket and do what the guy who ran the machine before him advised: Stand in front of a mirror, pull down his eyelids one at a time and run a magnet along the edges, extracting the shavings, best he could.

He told his supervisors

many times about metal getting in his eyes and lashing his body.

They offered no solution, he said, just as they did nothing when he told them about chemical burns on his arms and frequent shortness of breath, which he attributed to inhaling an array of chemicals from metal barrels and large plastic totes the plant recycles.

A Milwaukee Journal Sentinel investigation, published in February, exposed workplace hazards and environmental violations at barrel plants here and around the country and prompted investigations from at least five state and federal agencies.

Since then, Leitze and other

former Mid-America employees have come forward to tell their own stories of dire working conditions in the plant — ones that echo what other employees had said and underline what inspectors have found.

“That’s the hardest work I ever did,” said Leitze, now 30, who was fired in 2015 because of missing too much work. He said they were sick days because of going to the doctor for work-related breathing problems, but he was fired anyway.

“What was happening to me was happening to people before me, and it’s going to keep happening. They’re messing people up.”

Since the Journal Sentinel investigation, the plants — operated by Container Life Cycle Management, a joint venture majority owned by Ohio-based Greif Inc. — have received more than 70 violations from four agencies and \$114,000 in fines.

The recent interviews with former workers reveal the depth of the dangers they — and others — faced on a daily basis as they dealt with the plastic totes and drums that came in on semitrucks.

The steel drums were rolled onto a conveyor belt and went into an intensely hot furnace to burn off chemicals before being sandblasted, painted and sent back out. The plastic tote containers were often cut apart, the

chemicals drained out of them and mixed with contents of other containers. Then the plastic was ground up for recycling.

The men all repeatedly suffered chemical burns. One worker was scorched so badly on his chest that he couldn’t button his shirt as the wounds oozed, yet said he was told to keep working.

They frequently felt sick — headaches, running eyes, trouble breathing.

One worker, 21, who left the St. Francis plant this past summer, lost his sense of smell. He’s found another line of work.

A worker at the Oak Creek plant said he slung partially full barrels of chemicals with no safety equipment except a pair of gloves.

All said they raised concerns with the company — and some with their union — but nothing was done.

Officials from the local Teamsters unit did not return calls for comment.

Greif spokeswoman Debbie Crow said the accounts provided by workers do not match the “standard processes and operations at CLCM facilities.”

“We train our employees to work in a safe manner, follow standard processes and operations, and we rely on these employees to make decisions consistent with the requirements. We encourage our employees to report any safety

issues, and those that have come to our attention have been addressed,” Crow said.

“Our highest priority has been — and will continue to be — the health and safety of our employees and the communities in which we operate.”

The workers said they knew, going in, it would be hard, but didn’t realize what they were walking into. Some were paid \$12 an hour, while others, such as Leitze, started at about \$1 above the state’s \$7.25 minimum wage.

“You never knew what you were dealing with. The smell that would come out of some of those totes was terrible,” said Jeramy Dahl, who worked at the plant on N. 23rd and W. Cornell streets in Milwaukee, near W. Hampton Ave., until he quit in late 2015. “It’s the worst job I ever had. It was just a nasty place to work.

“They didn’t care about safety. It was just, ‘Get the job done.’”

### **Needed the money**

Leitze grew up on Milwaukee’s north side and when he heard about the job at Mid-America paying \$8.50, he jumped at the chance for steady pay. The 25-year-old didn’t have a lot of options in 2012.

A 6-foot-1, 260-pound man who regularly lifted weights and played basketball, Leitze figured the physical job would be a good

fit. Once he stepped into the plant on S. Pennsylvania Ave. in St. Francis, he saw the dangers.

“I was putting up with a lot of stuff because I needed the money,” he said.

Barrels and totes at times came into the plants with several inches or more of chemicals sloshing around the bottom, the Journal Sentinel investigation found. Leitze said some were half or even three-quarters full.

Under federal law, the containers are supposed to be empty, with no more than an inch of residual material in the bottom.

The plants have been found in violation of federal and state law by the U.S. Environmental Protection Agency and the Wisconsin Department of Natural Resources for storing drums with hazardous waste in them without a permit. The company told the DNR it was not its fault that some vendors send drums that are too full.

Company officials said workers send back all the non-empty drums, called “heavies.”

“At no time are we aware that any ‘heavies’ have been processed at any CLCM facility. Any contents of containers received by CLCM have been disposed of in accordance with all regulatory requirements,” said Crow, the Greif spokeswoman.

Leitze and others told the Journal Sentinel that’s not how it worked.



Partially full steel drums went down a conveyor line at the St. Francis plant and into a furnace where the chemicals were burned off, Leitze said. Sometimes the drums literally came out of the furnace on fire,

pumping fumes into the air.

He recalled drums falling off the conveyer belt, pouring smoking hot chemicals onto the parking lot. The supervisors told workers to just let it burn out, he said.

## Investigation finds problems, prompts response

A Milwaukee Journal Sentinel investigation into Mid-America Steel Drum and related factories that are part of the steel drum and plastic tote refurbishing industry revealed dangers to plant workers and residents and sparked action from federal, state and local regulators. Among the findings:

- Hazardous chemicals were dangerously mixed together, causing reactions and fires and sending foul fumes into nearby neighborhoods.

- Plants accepted drums and totes with significant amounts of chemicals inside, in violation of federal law.

- Workers suffered burns, breathing problems and other injuries they attribute to working conditions in the plants.

- Company safety managers admitted they knew the working conditions were

unsafe, according to 16 hours of recordings secretly made by a whistleblower.

At least five government agencies have opened probes, and the company faces 76 violations and \$114,000 in fines so far from one agency to date. The investigations continue and have been extended nationwide.

Among the other fallout:

- Several members of Congress have demanded action from government agencies.

- A class-action lawsuit by residents in St. Francis has been filed against the company, saying the plant routinely sends powerful smells through the area, diminishing their quality of life.

- A recall of the mayor of St. Francis has been launched, in part, because of resident anger over putrid odors coming from the plant.

When chemicals spilled on the floor inside the plant, he said, they went right down the drain.

Earlier this year, the St. Francis plant was found to be in violation of local wastewater permits by discharging illegal amounts of mercury.

After four years of periodic violations found by the Milwaukee Metropolitan Sewerage District, the company agreed to clean up the plant and better screen shipments from customers.

A worker at the plant said testing showed workers' boots had mercury on them, meaning the heavy metal could have been tracked into homes and elsewhere. The company collected all the boots and issued new ones, according to EPA records.

### **Training, safety minimal**

Soon after he got the job, Leitze took over the "shot" machine, sandblasting the drums.

The machine wasn't calibrated properly, he said, so the pellets fired in a scatter-shot way, hitting his body and creating more spray of shavings. Without sufficient safety gear, it was a constant assault on his body and eyes, he said.

"That was one of the craziest things I ever had to deal with," he said.

On other assignments, he got burned.

Training was minimal, Leitze and others said. The workers once had to take a hazardous materials test. The company provided all of the roughly three dozen workers with the answers in advance, Leitze said.

Leitze dreaded certain chemicals. The one called "stripper" was the worst. It took off anything and "it would burn you raw," he said.

Other chemicals had an immediate effect on Leitze's lungs. He remembered a mint concentrate that sent a powerful freezing shiver through him. Another took his breath away.

"You feel like you were literally drowning," he said. "You'll be panicking for a minute or so before you calm down."

He started out at \$8.50 an hour and ended up at just over \$10 an hour. Leitze is now working as a bouncer at a bar.

"I knew what was going on there wasn't right," he said. "At the time I didn't know who to complain to. It was a terrible experience."

### **Chemical reactions common**

Jacob Hajek, 25, came to the Mid-America plant in Milwaukee in 2014, drawn by \$12 an hour — two bucks more than he was making at a car dealership doing oil changes.

Dahl followed Hajek from the dealership soon after for the same reasons. Dahl, now 36, had a son on the way and

needed the money.

The plastic containers almost always came in with chemicals in the bottom, they said. Workers would lift the totes onto a bandsaw, slice off the sides and carry the cut-off bottom with chemicals inside to a “drain table.”

The chemicals would be mixed together on the table, then left to drain into a steel drum, sometimes reacting with other chemicals to create a bubbly, smoking cauldron. They would pull those off to the side or drag them outside until they settled down.

Dahl recalled reactions where chemicals turned into a foam that was hard as a rock. They needed to use an ice scraper to get it off the table.

For Dahl, the worst smelling chemicals were the sulfurs that reeked of rotten eggs. When he opened those totes and got a whiff, he said his lungs burned, and he wound up with a cough that would last long after he got home.

When chemicals didn’t react, the workers said they would simply fasten a lid on the barrels and ship them out. The workers never knew where they went.

Asked if there was a chemist or someone with a chemistry background in the plant to avoid such reactions, Dahl laughed.

“No. God no,” he said.

One time, a tote spilled

outside on the parking lot near a hole cut in the fence. DNR regulators spotted the hole during inspections earlier this year and noted it could allow chemicals to run off the lot and into the adjoining area.

Hajek said that is exactly what happened.

After the spill, Hajek asked his boss what to do. “He said, ‘just leave it. The rain will wash it away.’”

### **Working while injured**

Steel totes also came into the Milwaukee plant and for those they used an ordinary Shop Vac, sucking up the contents, again mixing them together, this time inside the vacuum.

Hajek and Dahl both said they told supervisors: there has to be a safer way to do it.

They said all they got was a shrug from the boss and an order to get the job done.

One day in September 2014, Hajek was pushing a Shop Vac full of chemicals, headed for the drain table. Without warning, the vacuum hose blew off, spraying his chest with a concoction of burning liquid. His skin bubbled.

Hajek went to his supervisor, who told him to put cold water on it and get back to work. Hajek wanted to go to a doctor, but his supervisor said no.

“He said, ‘Not now. We’re busy right now. We gotta get production done,’” Hajek said.

Hajek went home and spent a painful night trying to make the swelling and itching go away. His boss suggested over-the-counter lotions. Nothing helped.

They finally cleared him to go to a company-hired doctor, Paul Mankus, who prescribed a medicated cream. Hajek said Mankus also gave him advice: Quit working at the plant; he had seen many workers come into the clinic from that facility, Hajek said.

Mankus, who is retired, was contacted by the Journal Sentinel but said he didn't remember Hajek's case or others from Mid-America. He declined further comment.

Hajek said he never saw a

union representative at the plant and he kept his mouth shut.

"I just needed the money," he said of the \$400-a-week he made.

Hajek said there were other burns he endured and a persistent breathing problem, one that continues today even though he is two and a half years out of the plant. The 25-year-old gasps for breath and blames the many chemicals he inhaled there.

The recovery from the chest burn was long and painful. He still can't go in the sun without his chest quickly turning dark red, becoming a hot, itchy rash.

"I should have never worked there," he said. "It wasn't worth it."



Published December 13, 2017

PULITZER PRIZE WINNER: 2008, 2010, 2011

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JOURNAL SENTINEL  
WEDNESDAY, DECEMBER 13, 2017 JSOnline.com PART OF THE USA TODAY NETWORK

Russian non-interference is Lie of the Year

Angie Drobnic Holan PolitiFact

A mountain of evidence points to a single fact: Russia meddled in the U.S. presidential election of 2016. In both classified and public reports, U.S. intelligence agencies have said Russian President Vladimir Putin ordered actions to interfere with the election. Those actions included the cyber-theft of private data, the placement of propaganda against particular candidates, and an overall effort to undermine public faith in the U.S. democratic process. Members of Congress, both Demo-

crats and Republicans, have held open and closed door hearings to probe Russia's actions. The congressional investigations are ongoing. Facebook, Google and Twitter have investigated their own networks, and their executives have concluded — in some cases after initial foot-dragging — that Russia used the online platforms in attempts to influence the election. After all this, one man keeps saying it didn't even happen. "This Russia thing with Trump and Russia is a made-up story. It's an excuse by the Democrats for having lost



an election that they should've won," said President Donald Trump in an interview with NBC's Lester Holt in May. On Twitter in September, Trump said, "The Russia hoax continues, now it's ads on Facebook. What about the totally biased and dishonest Media coverage in favor of Crooked Hillary?"

See POLITIFACT, Page 2A

Democrat Jones wins Ala. Senate seat

Kim Chandler and Steve Peoples Associated Press

MONTGOMERY, Ala. — In a stunning victory aided by scandal, Democrat Doug Jones won Alabama's special Senate election on Tuesday, beating back history, an embattled Republican opponent and President Donald Trump, who urgently endorsed GOP rebel Roy Moore

See SENATE, Page 2A

Court orders landlord Sherard to pay \$64,550

Judge says no to small payments on code fines

Cary Spivak Milwaukee Journal Sentinel USA TODAY NETWORK - WISCONSIN

Will Sherard, long known as one of the most notorious Milwaukee central city landlords, must pay \$64,550 in municipal court fines that he has been effectively dodging as far back as 2009, a state Court of Appeals judge ordered Tuesday. In a 16-page decision, Judge Timothy Dugan flatly rejected all of Sherard's arguments that he be allowed to continue making small payments on building code fines imposed in 19 separate cases.

See SHERARD, Page 6A

Ethics panel: John Doe report contained inaccuracies

Patrick Marley Milwaukee Journal Sentinel USA TODAY NETWORK - WISCONSIN

MADISON — The leaders of the state Ethics Commission from both parties asked Attorney General Brad Schimel on Tuesday to acknowledge they had fully cooperated with a leak investigation, but Schimel quickly declined to do so. Within hours, the Republican attorney general said a report he filed in court last week was accurate and criticisms of it were minor. He fired back by contending the head of the Ethics Commission had a potential conflict of interest and should stop participating in the case.

See JOHN DOE, Page 15A

**BURNED:**  
A JOURNAL SENTINEL WATCHDOG REPORT

## Peddling dangerous drums to the public

Empty containers that once held chemicals sold on Craigslist for little or no price — or regulation

**Rick Barrett** Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

Take an empty steel drum, one that once held a flammable chemical or even something as common as motor oil. Now seal it tight and let it sit. Let the fumes remain bottled up inside for days, months, even years. Do that, and you may have a virtual bomb — one that can be ignited by a spark from a cutting tool, even static electricity. Now sell that drum on the internet. Hundreds, if not thousands, of used and potentially dangerous industrial barrels are listed for sale on Craigslist and other sites where they are advertised as good for everything from rain barrels and trash cans to catfish traps and "smoker" backyard grills. Often they sell for about \$20. Sometimes they're even given away by businesses trying to unload their empties.

**Coming Thursday**  
Drum-related accidents in businesses often follow the same pattern.

See BURNED, Page 8A

PHOTOS FROM CRAIGSLIST ADS

**Sports**  
Aaron Rodgers says he's been cleared to return, **1B**

**Business**  
Foxconn could get \$140 million electricity project, **1D**

**Weather**  
High 33° ■ Low 16°  
Snow. Forecast, **4C**

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## Craig Zetley

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*Milwaukee Magazine’s guide to the best attorney*

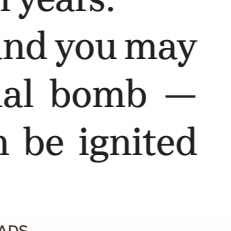
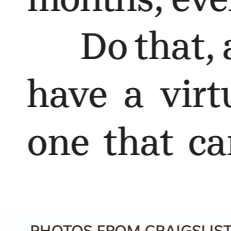
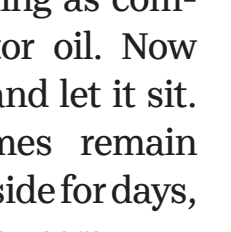
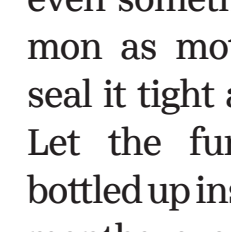
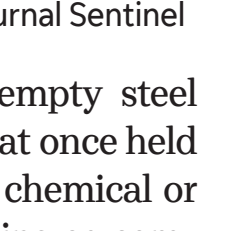
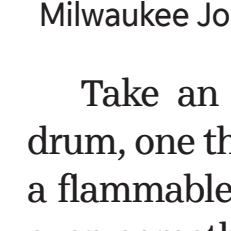
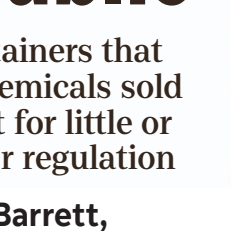
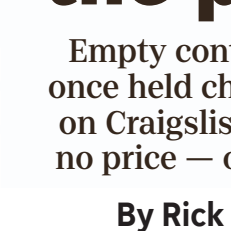
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## Burned



**BURNED:**  
A JOURNAL SENTINEL  
WATCHDOG REPORT

## Peddling dangerous drums to the public

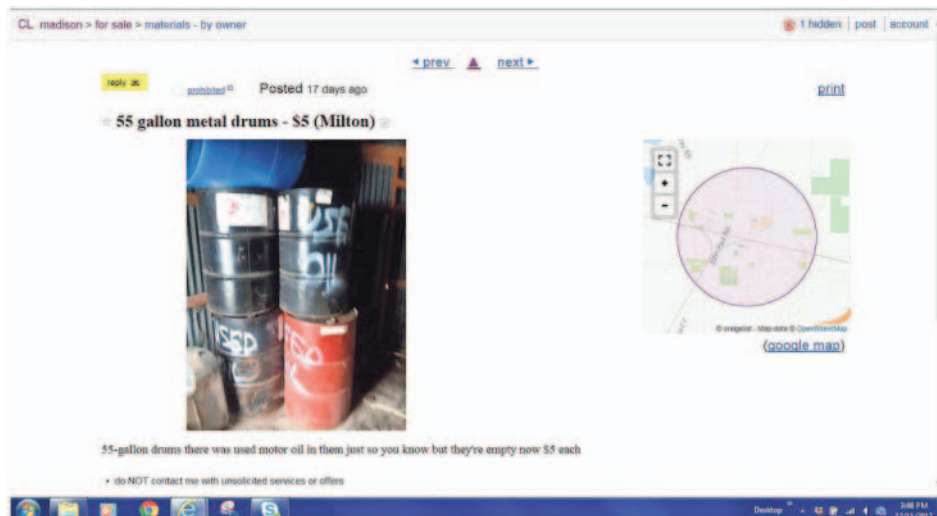
Empty containers that  
once held chemicals sold  
on Craigslist for little or  
no price — or regulation

**By Rick Barrett,**  
Milwaukee Journal Sentinel

Take an empty steel  
drum, one that once held  
a flammable chemical or  
even something as com-  
mon as motor oil. Now  
seal it tight and let it sit.  
Let the fumes remain  
bottled up inside for days,  
months, even years.

Do that, and you may  
have a virtual bomb —  
one that can be ignited

PHOTOS FROM CRAIGSLIST ADS



**Used 55-gallon steel drums previously containing old motor oil are available on Craigslist, and some still have oil in them.** SCREENGAB OF CRAIGSLIST ADVERTISEMENT

by a spark from a cutting tool, even static electricity.

Now sell that drum on the internet.

Hundreds, if not thousands, of used and potentially dangerous industrial barrels are listed for sale on Craigslist and other sites where they are advertised as good for everything from rain barrels and trash cans to catfish traps and “smoker” backyard grills.

Often they sell for about \$20. Sometimes they’re even given away by businesses trying to unload their empties.

A Milwaukee Journal Sentinel examination of accidents involving exploding drums and fires found that many occurred in backyards and garages across the country, where buyers weren’t aware of the danger lurking inside.

In all, the Journal Sentinel found at least 69 deaths and scores of injuries from drum fires and explosions at homes

and businesses in the last 15 years. Two dozen of those deaths occurred in the last five years.

Experts say the accidents at homes are especially troublesome since many people buying used drums for personal use aren’t aware of the risks.

Often, the containers come with a dangerous twist: Torn-off labels make it impossible to identify the previous contents, and some had once held toxic chemicals and hazardous, flammable commercial products.

Yet there is little oversight of this corner of the drum business, according to Paul Rankin, president of the Reusable Industrial Packaging Association, which represents drum refurbishing companies.

Asked if there are regulations that prohibit the sale of used chemical drums to consumers, including unlabeled drums that held dangerous materials, he said:



“You are asking, in effect, are there any laws that prohibit someone from letting his hungry pet lion loose in your house? The answer is, well, not specifically, but that sort of behavior is a really bad idea.”

A Journal Sentinel check of Craigslist ads in Wisconsin, Michigan, Illinois and other states found hundreds of used drums for sale to the public.

Many were billed as safe, as they previously held food products. Yet others had once contained flammable chemicals, old motor oil, insecticide, antifreeze and engine cleaning products.

A near-empty drum, safety experts say, can be more dangerous than a full one. As little as two tablespoons of a flammable chemical can create enough fumes in a 55-gallon barrel to explode when ignited by a single spark.

“If you got anything in there that’s flammable at all, what actually burns or explodes isn’t the liquid. It’s the vapor above the liquid,” said Michael Fox, president of Chemical Accident Reconstruction Services, a Tucson, Ariz., firm that has investigated drum accidents where people have been seriously injured or killed.

Some people have used Craigslist to try to offload old drums of insecticides with missing labels, said Garrett Thrasher, a nationally known

pest control expert from San Diego.

“Products containing EPA regulated chemicals have all been found on Craigslist,” he said. “These items are dangerous and all belong either in the hands of a trained and licensed professional or in a hazardous waste disposal.”

In 2012, one seller in Minnesota advertised 64 pounds of mercury, a highly toxic metal that’s subject to strict regulations. A state hazardous waste specialist put an end to that after receiving a tip from someone browsing Craigslist ads.

Craigslist, which attracts millions of buyers and sellers to its classified-ad website nationwide, says it doesn’t allow the sale of hazardous materials. Officials with the website did not return Journal Sentinel emails inquiring about chemical drums that contain or once contained them.

“I didn’t realize they were selling these things on Craigslist. Oh my God,” said Fox.

### **Accidents at home**

The Journal Sentinel examination of exploding drum accidents across the country found case after case involved injuries or deaths at homes.

Near Traverse City, Mich., Charles Lundy was working on a 55-gallon steel drum that he planned to use as a wheel for

### Handle with care: Empty drums may be dangerous

It only takes a small amount of liquid — less than a cupful of some chemicals — to fill a 55-gallon steel drum with an explosive mixture of air and flammable vapor. That makes drums that are nearly empty more dangerous than full ones, according to safety experts.

Rinsing an empty drum with water isn't a fail-safe method of purging any residue or vapor left inside. Some experts say an empty drum is dangerous enough that only a professional should perform a task such as removing the lid with a cutting torch.

For instance, a drum that has been empty for years may still contain hazardous, explosive fumes. Even a tiny amount of pressure on a typical drum lid can explode with a force equal to 800 pounds or more.

Here are some tips from safety experts for handling drums:

- Never apply heat to an empty drum when the caps and bungs aren't removed. A bung is like a stopper that is partially inserted into a container to act as a seal.
- Don't apply heat to a drum that has held chemicals such as pesticides, because the gas emitted may be very harmful.
- Never weld or use a grinding tool near empty drums; sparks from a cutting torch can travel as far as 35 feet.
- It is safer to cut or weld a drum when it is filled with water. It is safer to remove the lid with a hand chisel than a cutting torch.
- Empty drums should be stored in a well-ventilated place away from other work areas, with the caps and bungs removed. If the drums once contained a hazardous chemical, they must be disposed of in accordance with hazardous-waste regulations.
- If you have any doubts or questions about the safe handling of a drum, contact a local fire department or other safety expert for advice.

### Read the investigation

To read the Journal Sentinel's "Burned" investigation on safety hazards at drum reconditioning plants, go to [jsonline.com/burned](http://jsonline.com/burned).

moving his swimming raft.

It was July 20, 2015, and the 70-year-old retiree was brazing — a process similar to welding — an axle onto the old drum.

A former mechanic at a car dealership, and a teacher before that, Lundy was very familiar with metalwork.

But the drum contained a small amount of gasoline, maybe a few teaspoons, from a gas station his family had owned years earlier.

It was enough.

As the highly flammable vapor caught fire, it shot the

top of the drum directly into Lundy's chest, tearing his aorta loose from his heart.

"People up the road heard the explosion," said his cousin, Jim Lundy.

Charles Lundy tried to crawl for help. The torch, which had landed on his leg, was still burning him.

"Within a minute or so he was gone," his cousin said.

Something similar happened this summer in Lawton, Okla., to Gary Hatchett Jr. as he was making catfish traps to raise a little extra money for his family.

It was about 2 a.m. June 8, and Hatchett had just gotten home from work.

He was welding steel barrels together to make the fish traps, something he did under the carport next to his house.

As he started cutting the top off an empty black barrel, it exploded with a blast that punched a hole in the ceiling.

His wife, Karey, rushed outside and saw Gary stumbling around with blood on his face, trying to call 911 on his cellphone.

A neighbor, Richard Schmidt, heard the blast from three houses away and saw a flame coming out of the top of the barrel.

"I ran over there and dragged it away to keep the fire from spreading to the house," Schmidt said.

The empty drum had contained mineral spirits. It was labeled "highly flammable."

Hatchett suffered a deep cut to his forehead, a possible brain bleed, several fractured facial bones, two broken collarbones and burns to his arms and face. Both of his hands were broken.

A page tied to a GoFundMe campaign for Hatchett's medical expenses said he was out of a coma but still faced multiple surgeries and could be left blind in one eye.

A neighbor said Hatchett has since moved away. He could not be reached for comment.

And it's not just a problem in the United States.

A high school shop class project — making barbecue grills from steel drums — turned tragic in Ontario, Canada, when a drum exploded and killed a student in May 2011.

The drums once held peppermint oil, which is combustible, and the drum that exploded had been washed with flammable "engine cleaner," CBC News reported.

Eric Leighton, 18, died in the accident, and several of his classmates were injured. The explosion blew the lid of the drum through the ceiling.

Seven years earlier, a high school student in Australia was killed while cutting a drum in shop class to make an animal feed bin. The drum had once contained diesel fuel and hadn't been purged of fumes, the Queensland government said in a news release.

The school was fined \$80,000 for the death of the 16-year-old student.

### **For sale: Danger**

In November, near Appleton, Rene Grode listed for sale 55-gallon steel drums — for \$30 — that previously held a concrete sealant called Tri-Kote 26 made by TK Products of Minnetonka, Minn.

Those empty drums, Grode told the Journal Sentinel, might have come from a concrete resurfacing business in Milwaukee, but he said he wasn't sure.



“I might get a few from a guy that just has them, that used to work at a concrete company or something,” Grode said.

Even empty drums retain residue, liquid and vapor and may be dangerous, according to a Tri-Kote 26 product safety sheet that says:

“Do not cut, weld, pressurize, solder, drill, grind or expose such containers to heat, flame, sparks or other sources of ignition. They may explode and cause severe personal injury or death.”

John Parsinen, safety director for TK Products, said he wasn’t aware the company’s drums were up for sale on Craigslist.

“I am not happy about that, as a manufacturer,” he said, adding that if even a small amount of chemical solvent remains in an emptied drum, it poses risks.

“We only sell to distributors, and our distributors should only be selling to the professionals,” Parsinen said.

As for the company’s drums advertised on Craigslist, he said: “I have no idea how this would happen.”

Accidents from handling concrete sealant drums have included two deaths, according to Fox with Chemical Accident Reconstruction Services.

In one case, a concrete-resurfacing company worker died when an empty 55-gallon

drum exploded as he cut the lid.

The sealant — not Tri-Kote 26 — was about 80% by weight ethanol and methanol, a very flammable mixture. The worker was burned beyond recognition.

After the contents are used up, some businesses put their empty drums up for sale instead of sending them out to be scrapped or refurbished.

“Scrapping them out, you only get a few pennies,” said Roman Gulland of West Allis, who in November was selling drums on Craigslist that previously contained corn syrup and orange juice.

Prices vary widely, but a good steel drum can go for about \$30 online. Large plastic chemical containers, called totes, can fetch even more.

### **Unmarked containers**

More than 20 million new plastic and steel barrels were manufactured in 2015 alone; even more — about 27 million — were processed for reuse or scrapping.

Industry officials say they would prefer that used barrels be properly refurbished and reused, or be scrapped, rather than be sold to consumers — though an earlier Journal Sentinel investigation found numerous hazards in barrel recycling facilities.

Used drums that end up in the consumer marketplace could be from almost anywhere,

including businesses that stack them outside, waiting for a buyer.

One recent Craigslist ad, from St. Cloud, Minn., put it this way: “Selling all of these 55 gallon barrels, need them all gone asap, asking \$3 each.”

If a label has been torn off a drum offered for sale, there is no way to know for sure the risks involved.

In some cases, though, the danger is evident from the ad itself.

One recent Craigslist posting from the Chicago area was for hundreds of drums — priced between \$25 and \$35 each — that previously contained engine degreaser, wheel cleaner, engine oil and other automotive products.

“These drums have not been cleaned out,” the ad noted. The ones that had contained motor oil: “there is still a bit of oil in each drum.”

Another ad, from Appleton, was for 275-gallon totes that once held oil, antifreeze and water-soluble paper coating. The totes were “pretty close to empty” but weren’t completely clean.

“It’s nothing some DAWN dish soap or brake cleaner and water wouldn’t take care of,” the posting said, adding that the containers would be “great” for things like holding firewood, watering gardens or making a dog house.

A Chicago-area Craigslist seller advertised used Mobil-1 oil drums as “perfect to ... put in your man cave. Two styles \$40 each.”

Empty oil drums have been blamed for many explosions triggered by a welding or cutting torch.

“When the material is handled in bulk, an electrical spark could ignite any flammable vapors from liquids or residues that may be present,” Exxon-Mobil says.

### **From the factory to the garden**

Large plastic totes that once held toxic chemicals have ended up in gardens.

Bryce Ruddock, who spent nearly 32 years working at PPG Industries, a global chemical company with a factory in Oak Creek, has seen that firsthand.

“The fact that I bumped into three instances in six months tells me it’s more common than I would like,” Ruddock said.

Now a horticulture consultant, Ruddock said he spotted 275-gallon totes that previously contained engine primer paint, a toxic substance, in community gardens.

Totes are sometimes used to hold water in places where there’s no access to faucets. There’s nothing wrong with that if they haven’t previously held dangerous liquids that may have leached into the plastic.

However one of the totes Ruddock spotted still had “bio-cide” labels on it.

The container, he said, “found its way onto Craigslist, where somebody got it for a song” and then donated it to a gardening group.

Many of the Craigslist ads are for “food-grade” drums and totes, implying that they’re safe for edible products.

But experts say that designation doesn’t mean much after a drum has been emptied of its original contents and is peddled on the open market, where it could have been reused for anything.

Ads sometimes send a mixed message.

A Craigslist posting for 275-gallon totes in the Appleton area said: “some people have used these for maple syrup or other food uses after being rinsed out well, with no problems, but they are NOT being

sold as food-grade.”

Even some sellers agree it’s a risky marketplace.

In Manitowoc, a man who identified himself only as “Mike” advertised a 275-gallon tote that he got from a business he wouldn’t name.

“They’re available all over the place,” he said.

He agreed that some are dangerous, saying: “I mean some of them had hazardous chemicals in them or whatever.”

A label on the Manitowoc tote showed it had held a catalyst for Tyrfil, a product used in the tire industry.

A manufacturer of the chemical declined to discuss it.

“I know nothing about what’s in it, what’s good, not good,” said Al Restaino, vice president of marketing for Accella Corp. in Maryland Heights, Mo.

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John Diedrich of the Journal Sentinel staff contributed to this report.



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PULITZER PRIZE WINNER: 2008, 2010, 2011

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THURSDAY, DECEMBER 14, 2017 JSOnline.com PART OF THE USA TODAY NETWORK

BLACKOUT | A JOURNAL SENTINEL WATCHDOG UPDATE

Handling of deaths scrutinized

State Department  
faces inquiry over  
Mexico response

Raquel Rutledge Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

The U.S. Office of Inspector General has opened an inquiry into how the State Department has been handling injuries and deaths related to potentially tainted alcohol in Mexico.  
In a letter to Republican U.S. Sen. Ron Johnson, Inspector General Steve Lin-

ick said his office will examine the policies and procedures the department has been using in responding to these cases.  
"Once we have assessed that information we will determine whether additional work is warranted," Linick wrote in the letter dated Tuesday.  
Johnson, chairman of the Senate Committee on Homeland Security and Governmental Affairs, called on the Inspector General to investigate in October, after dozens of people told the Milwaukee Journal Sentinel they had been robbed, sexually assaulted and otherwise injured after consuming alcohol

while vacationing at all-inclusive resorts around Mexico.  
Some reported having just one or two drinks before blacking out and being victimized. Numerous people reported blacking out simultaneously with a friend or spouse.  
Family members also told of how loved ones drowned in resort pools.  
Of the action by the Inspector General, Ginny McGowan said, "That's wonderful, that's great. It's better than what we've been hearing and getting in terms of denial and nobody taking responsibility."  
McGowan is the mother of Abbey

Conner, the 20-year-old from Pewaukee who drowned at the Iberostar Paraiso del Mar pool while on a family vacation in January.  
Conner and her older brother, Austin, had been drinking tequila at the resort's swim-up bar for less than two hours before dinner with their mother and stepfather on the first night of their trip. They were found unconscious in the pool around 7 p.m.  
Austin survived but suffered a severe concussion and doesn't recall what happened. Abbey was brain dead and

See HANDLING, Page 2A

BURNED | A JOURNAL SENTINEL WATCHDOG REPORT

Outside embattled barrel-refurbishing plants,  
exploding drums have killed or maimed dozens



Jon Rygiel's cutting torch had barely pierced the top of a 55-gallon steel drum when it exploded with a blast that nearly killed him on March 12, 2015, at Greener Acres Transmissions in Cadott. RICK BARRETT/MILWAUKEE JOURNAL SENTINEL

‘Once you get an  
ignition source, boom’

Rick Barrett Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

On a blustery March afternoon, Jon Rygiel was outside his family's business in Cadott, cutting the lid off a 55-gallon steel drum to make a trash barrel.  
The 24-year-old mechanic was tidying up the shop, Greener Acres Transmissions, instead of heading out to collect maple syrup as he had planned.  
As his cutting torch flame punched a tiny hole in the sealed drum's lid, it ignited oil fumes trapped inside.  
An explosion sent the lid sailing across the street and the torch handle flying into Rygiel's head, tearing an 8-inch gash in the side of his head. The blast was heard across the town of about 1,500 people in Chippewa County.  
The heat from the flames melted his safety glasses.  
The March 12, 2015, accident left Rygiel in a coma for more than a month and living in medical care facilities for more than a year.  
It wasn't as uncommon as it might seem.  
Just weeks ago, on Nov. 17, it happened to a cheese plant employee in Rosendale while he was cutting a drum in the plant's vehicle shop. And it happened in March 2013 to a mechanic in Hudson, who had nearly every bone in his face broken.  
There was the construction company employee in Richmond, Texas. The farm worker in Woodburn, Ore. The welder, with 30 years of experience, in Elkhart, Ind.



A UPS driver found Wang on the shop floor in a pool of blood. Police found Wang's blood on the ceiling, his broken safety glasses, the bent cutting torch and the crumpled top of the 55-gallon steel drum.

Since his accident, Chad Wang has found work as a welder and spends much of his time with his wife, Jill, and children Ellie, 8, Calvin, 5, and Kennedy, 11. RICK WOOD/MILWAUKEE JOURNAL SENTINEL

See BURNED, Page 6A

Bucks will  
tap into  
world of  
online  
gaming

NBA 2K eSports league  
to have Milwaukee team

James B. Nelson Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

The Milwaukee Bucks are launching a new team, this one hoping to tap into the exploding world of online gaming.  
The Bucks on Thursday morning will announce the Bucks Gaming team as the NBA begins a big publicity push to support the new NBA 2K eSports league, which will begin play in spring.  
"The NBA 2K League provides a great opportunity for the Bucks to further engage the global basketball and gaming audience," said Wes Edens, Bucks co-owner and chairman of the NBA's e-Sports committee.  
"The way fans experience and interact with sports is rapidly evolving and eSports are at the forefront of innovation," Edens said. "We are excited to be one of the founding teams of the 2K League as we enhance our organization by adding another team."

See ESPORTS, Page 5A

GOP has tax  
overhaul deal

President expects to sign  
final version next week

Herb Jackson, Deirdre Shesgreen  
and Eliza Collins  
USA TODAY

WASHINGTON — Republicans in Congress announced Wednesday that House and Senate leaders have reached a deal on how to overhaul the tax code, but Democrats are already using Doug Jones' upset victory in Tuesday's Alabama Senate election to argue Congress needs to slow down the tax bill.  
Sen. Orrin Hatch, R-Utah, chairman of the Senate Finance Committee, confirmed the agreement ahead of a lunch meeting that Republican members of a House-Senate conference committee held at the White House with President Donald Trump.

See TAXES, Page 7A

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County Executive Chris Abele makes a last-minute appeal for a wheel tax. 3A

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Packers quarterback Aaron Rodgers is confident as he returns to the field. 1B

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## Burned

Outside embattled barrel-refurbishing plants,  
exploding drums have killed or maimed dozens



Jon Rygiel's cutting torch had barely pierced the top of a 55-gallon steel drum when it exploded with a blast that nearly killed him on March 12, 2015, at Greener Acres Transmissions in Cadott. RICK BARRETT/MILWAUKEE JOURNAL SENTINEL

# ‘Once you get an ignition source, boom’

By Rick Barrett, Milwaukee Journal Sentinel

On a blustery March afternoon, Jon Rygiel was outside his family's business in Cadott, cutting the lid off a 55-gallon steel drum to make a trash barrel.

The 24-year-old mechanic was tidying up the shop, Greener Acres Transmissions,

instead of heading out to collect maple syrup as he had planned.

As his cutting torch flame punched a tiny hole in the sealed drum's lid, it ignited oil fumes trapped inside.

An explosion sent the lid sailing across the street and the

torch handle flying into Rygiel's head, where it tore an eight-inch gash. The blast was heard across the town of about 1,500 people in Chippewa County.

The heat from the flames melted his safety glasses.

The March 12, 2015, accident left Rygiel in a coma for more than a month and living in medical care facilities for more than a year.

It wasn't as uncommon as it might seem.

Just weeks ago, on Nov. 17, it happened to a cheese plant employee in Rosendale while he was cutting a drum in the plant's vehicle shop. And it happened in March 2013 to a mechanic in Hudson, who had nearly every bone in his face broken.

There was the construction company employee in Richmond, Texas. The farm worker in Woodburn, Ore. The welder, with 30 years of experience, in Elkhart, Ind.

### Dozens more.

A Milwaukee Journal Sentinel investigation found at least 69 deaths and scores of injuries from drum fires and explosions at businesses and homes in the past 15 years.

The tally does not include incidents in plants that recycle or refurbish used chemical containers, the focus of an earlier Journal Sentinel examination that has prompted investigations from at least five state



A UPS driver found Wang on the shop floor in a pool of blood. Police found Wang's blood on the ceiling, his broken safety glasses, the bent cutting torch and the crumpled top of the 55-gallon steel drum.

Since his accident, Chad Wang has found work as a welder and spends much of his time with his wife, Jill, and children Ellie, 8, Calvin, 5, and Kennedy, 11. RICK WOOD/MILWAUKEE JOURNAL SENTINEL

and federal agencies.

It is difficult to establish the full number of exploding-drum incidents outside the workplace or at small businesses where there wasn't an official investigation.

In many cases, however, the Journal Sentinel found the injuries and deaths stem from strikingly similar circumstances that are repeated year after year.

A hot tool, such as a cutting torch, comes into contact with a mixture of air and a flammable vapor in an emptied drum. In a flash, the barrel becomes a bomb.

It's the vapor, not the liquid, that catches fire.

"Once you get an ignition



source, boom, there's the explosion," said Michael Fox, founder of Chemical Accident Reconstruction Services in Tucson, Ariz.

### **Unseen workplace hazard**

In Hudson, Chad Wang nearly died when a steel drum blew up in his face at the Hudson Golf Course maintenance shop where he worked as a mechanic.

Wang was alone in the shop that day, March 22, 2013.

He was cutting the lid off the drum, which had contained waste oil and gasoline, when it exploded with enough force to put a large dent in the metal ceiling.

A UPS driver making a delivery found him on the shop floor in a pool of blood with severe head injuries. Wang, 35, didn't know how long he was on the floor but said it could have been several hours.

When police arrived, they wondered if he had been the victim of an assault; it looked as if someone had beaten him with a fire extinguisher. But there was no sign of a struggle, no footprints leading away from the scene.

Then they found Wang's blood on the ceiling, his broken safety glasses, the bent cutting torch and the crumpled top of the 55-gallon steel drum.

Wang, a married father of three, was hospitalized for 78

days and underwent surgeries that included removing injured parts of his brain and putting metal plates in his face where every bone but one, his jawbone, was broken.

After months of physical therapy, he is now working as a welder in a shop that makes steel doors. The accident still weighs on his mind when he picks up a cutting torch, but he is getting his life back together.

"I am doing good now," he said. "As good as I am going to get, anyway."

The same thing happened this fall to Travis Klotzbach, 36, at Knaus Cheese Inc. in Rosendale. He was hospitalized with burns and broken bones when a 55-gallon steel drum he was working on blew up.

It was shortly after 7 a.m. Nov. 17; Klotzbach was cutting the empty drum with a torch when it exploded.

He suffered injuries to his legs, back and face, according to the Fond du Lac County Sheriff's Department.

### **Earlier problems**

Often, a serious accident wasn't a company's first brush with danger, according to reports from the U.S. Occupational Safety and Health Administration examined by the Journal Sentinel.

In 2013, SCR Construction Co. of Richmond, Texas, was placed in the agency's "severe



violator enforcement program” and was issued \$131,670 in penalties after employee Feliciano Ramirez-Puerta was killed in an explosion.

Ramirez-Puerta, 49, was cutting 55-gallon drums that safety officials said were marked as containing a cleanser. His cutting torch triggered an explosion that shook a building and left him dead at the scene.

“SCR was aware of a near miss involving ignition and over-pressurization of another drum just weeks before the fatal explosion and did nothing to address it, which could have prevented this tragedy,” Mark Briggs, an OSHA official in Houston, said in a news release.

The construction company was issued 17 safety violations, 12 of them classified serious, including a “willful” violation for failing to thoroughly clean drums containing flammables before welding or cutting.

The company did not respond to questions from the Journal Sentinel.

On Dec. 31, 2014, Larry Sanders should have been celebrating New Year’s Eve.

Instead, the 51-year-old welder was killed while cutting the bottom from a chemical drum at Green Stream Co., a pallet recycler in Elkhart, Ind.

Sanders, known as “Bird” to his family, suffered burns over nearly 85% of his body, according to an Indiana workplace

accident report.

The report revealed seven serious safety violations, including a 55-gallon drum containing a flammable liquid, believed to be lacquer thinner, that wasn’t labeled as a hazardous chemical.

Green Stream was fined \$17,000, and it wasn’t the first time the company was cited for workplace safety violations.

Earlier in 2014 it was fined \$3,300. And this June it faced \$12,000 in penalties for three serious safety violations.

The company did not respond to calls from the Journal Sentinel.

Thomas McGarity, a University of Texas law school professor who has consulted for OSHA, said the agency’s ability to hold employers accountable has been “woefully inadequate” for decades.

In 2016, McGarity co-authored a study titled “When OSHA Gives Discounts on Danger, Workers Are Put At Risk.”

The report noted that the agency often agrees to substantially reduced fines in exchange for a company’s promise to fix a hazard promptly. Thus, McGarity said, employers often treat the fines as a cost of doing business.

In Tennessee, regulators said a trucking company engaged in dangerous practices that apparently led to the death of Joseph Mack, a 43-year-old mechanic.

Mack suffered second- and third-degree burns over 90% of his body in an Oct. 17, 2016, explosion and fire at R&L Carriers of Knox County.

Before he died, Mack told a fire investigator he had been working on the brake lights of a trailer. He heard a hissing sound and several 55-gallon steel drums exploded in fire.

Fire investigators said one of the drums — containing diesel fuel additive — had an open valve, which spilled its contents on the ground. Also, employees had used a nail to punch a vent hole in some of the drums, allowing flammable vapor to escape.

Investigators said the blast could have been triggered by a spark from an electrical outlet coming into contact with the chemicals in the drum. They said it could have even been triggered by static electricity.

The fire was intense enough to warp the building's steel roof. Damages were estimated at \$500,000.

Safety officials sought \$25,600 in penalties for five serious violations and settled for \$16,200. The company did not respond to calls asking about the accident.

In March, an empty drum that had been around for years exploded at Iverson Family Farms in Woodburn, Ore., killing 46-year-old Ruben Andrade-Garcia.

It was 8:26 a.m. March 21, and the longtime farm employee was cutting the lid off a drum to make a trash container, something he had done many times before. Some of the drums on the farm had contained motor oil and antifreeze, among other things.

Andrade-Garcia was working alone in the maintenance shop when employees in another building heard a loud boom. They came running.

They found him, wearing welding gloves and safety glasses, lying on the ground. He was unconscious but breathing; the cutting torch was still operating in his hand.

The drum previously held brake-wash fluid, which is flammable, and it could have been on the farm more than a decade, said Barb Iverson of the family-owned business, which includes a tulip farm.

"It was an old barrel," she said.

Since Andrade-Garcia's death, Iverson said, farm employees are no longer allowed to cut steel drums even with safety precautions.

"We don't do that anymore, at all," she said.

Oregon safety officials cited the farm with three serious safety violations including not cleaning flammables from drums prior to cutting and welding. They issued \$3,800 in penalties.

The exploding-drum cases often fall into a regulatory gap.

## Investigation finds problems, prompts response

A Milwaukee Journal Sentinel investigation into Mid-America Steel Drum and related factories that are part of the steel drum and plastic tote refurbishing industry revealed dangers to plant workers and residents and sparked action from federal, state and local regulators. Among the findings:

- Hazardous chemicals were dangerously mixed together, causing reactions and fires and sending foul fumes into nearby neighborhoods.
- Plants accepted drums and totes with significant amounts of chemicals inside, in violation of federal law.
- Workers suffered burns, breathing problems and other injuries they attribute to working conditions in the plants.
- Company safety managers admitted they knew the working conditions were unsafe, according to 16 hours of recordings secretly made by a whistleblower.

At least five government agencies have opened probes, and the company faces 76 violations and \$114,000 in fines so far from one agency to date. The investigations continue and have been extended nationwide.

Among the other fallout:

- Several members of Congress have demanded action from government agencies.
- A class-action lawsuit by residents in St. Francis has been filed against the company, saying the plant routinely sends powerful smells through the area, diminishing their quality of life.
- A recall of the mayor of St. Francis has been launched, in part, because of resident anger over putrid odors coming from the plant.

## Read the investigation

To read the Journal Sentinel's "Burned" investigation on safety hazards at drum reconditioning plants, as well as a look at potentially hazardous drums and totes being sold on Craigslist, go to [jsonline.com/burned](http://jsonline.com/burned).

State and federal environmental agencies, and the U.S. Department of Transportation, are tasked with regulating the drum industry. Fire and police departments, along with OSHA, investigate accidents.

But while OSHA is responsible for overseeing workplace safety, the agency inspects only about 1% of workplaces a year. Often, it visits a business only after there's been an accident or a complaint filed.

The U.S. Environmental Protection Agency regulates hazardous chemicals and the disposal of drums, but it doesn't

get into many places unless there's been a large-scale incident such as a chemical spill.

Drums in the explosion cases examined by the Journal Sentinel were presumed to be safe because they were empty. Often, that was a fatal mistake.

"What I would like to see the industry add is additional warnings that 'an empty drum is not safe,'" said Fox, of Chemical Accident Reconstruction Services.

## 'As bad as it could get'

After the 2015 blast in Cadott, Jon Rygiel underwent

six hours of emergency surgery. One doctor told his family he would be surprised if Rygiel made it through the first night.

His injuries were something doctors said they would have expected from a bomb.

Part of his skull was missing. One of his ears was badly torn. He had teeth knocked out.

Doctors even found one missing tooth in his lungs.

“It was as bad as it could get,” said Susan Rygiel, his mother. “He barely made it to the hospital.”

Doctors gave Rygiel a 1-in-10 chance of coming out of a coma and said, even if he did, he would never be able to do much of anything.

He suffered a brain injury, lost sight in his right eye, and — like a stroke victim — had to learn how to walk and talk again.

The 55-gallon steel drum

that nearly killed him is still in his family’s transmission shop, a grim reminder of the accident. It’s badly bent, but the little hole where the cutting torch ignited the oil vapor is visible, smaller than a penny.

These days, Rygiel enjoys bow hunting and fishing. He sometimes helps out in the transmission shop but can’t do the work he did before the accident.

His family pushed doctors, hard, to not give up on Jon.

“I feel blessed,” he said.

His physical therapy could take several more years. Early on, at one of the sessions at the Rehabilitation Institute of Chicago, he was given a baseball cap.

It reads: “Farm Boy. Tough as Hell.”

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John Diedrich of the Journal Sentinel staff contributed to this report.



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## Burned



The welding mask that Andrew Nicholson wore while welding a handle on a 55-gallon steel drum was shattered when the drum exploded and killed him. The May 19 accident was at Holly Automotive, in Holly, Mich., but Nicholson was working on the drum for use at home.

# Repurposed steel drums hazardous at home, in the workplace

By Rick Barrett, Milwaukee Journal Sentinel

They're often presumed to be safe because they're empty, but steel drums with only a small amount of flammable residue or vapor inside have exploded, injuring and killing scores of people, a Milwaukee Journal Sentinel investigation found.

Here's a sampling of accidents, including ones at homes

and businesses, over the past 10 years.

**Nov. 21:** Two people in Georgetown, S.C., were injured when a 55-gallon drum they were working on exploded. Old oil residue sparked by a cutting tool was the cause, The Sun News in Myrtle Beach reported.

**Sept 28:** Three people in Rockland, Maine, were injured when the 55-gallon drum they were using for a work stand caught fire from the sparks of a grinding tool and exploded.

The drum had once contained acetone, but the workers thought it was vented enough to be safe, said Rockland Fire Chief Chris Whytock. One of the three suffered third-degree burns.

**May 19:** Andrew Nicholson was welding a handle on a 55-gallon drum that he may have gotten from a salvage business when it blew up and he was killed.

It was shortly after 5 p.m. at Holly Automotive Supply in Holly, Mich. Nicholson, a delivery driver, had just finished his shift.

He took the shop welding equipment into a back room used for storing parts and started working on the sealed drum, its previous contents unknown. Sparks ignited vapor in the drum, and it exploded in Nicholson's face, shattering his protective mask.

Shop employees said he had planned to use the container at home and no one knew he was working on it until the explosion shook the building.

**Sept. 17, 2016:** A Milton, N.H., man was seriously injured when a 55-gallon drum exploded at his rural home while he was using a grinder to cut the container. A second man suffered

minor injuries, the Rochester Times reported.

The explosion could be heard throughout the area, the newspaper reported.

**Aug. 24, 2014:** A Michigan man was hospitalized with burns to his face and arms when a steel drum he was welding on in his garage exploded — sending the drum through the wooden garage door.

He was making a lawn roller, the Grand Rapids Press reported.

**April 26, 2013:** A Kingman, Ind., tire shop employee was severely burned when a cutting torch he was using on scrap metal ignited fumes in a nearby chemical drum.

The explosion threw the man back 20 feet and the barrel 60 feet in the air, the Journal and Courier newspaper reported. He suffered burns over 70% of his body.

**Nov. 4, 2012:** A San Francisco Fire Department employee was welding a spigot on a 50-gallon drum used to store motor oil when it exploded. He suffered burns but was released from the hospital the same day.

**Aug. 30, 2012:** A Loraine, Ohio, man was seriously injured when a steel drum exploded as he was cutting it to make a barbecue grill.

The drum was labeled “denatured alcohol-flammable,”

according to the Loraine Morning Journal.

**March 23, 2011:** David Martinez of West Springfield, Mass., was killed when he accidentally ignited the flammable vapors inside a 55-gallon drum of cleaning fluid at the car detailing business where he worked.

Martinez, 33, was talking on his cellphone, placing an order with a chemical supplier, when he used his cigarette lighter to peer inside the drum, which contained a tire-shine product.

Investigators said the force of the explosion killed Martinez and sent the drum approximately 25 feet into the air, where it hit the ceiling.

Fuentes Enterprises, where Martinez worked, was cited for six serious workplace safety violations, according to the U.S. Occupational Safety and Health Administration.

The company, and the car dealership where the accident occurred, reached a settlement with OSHA for a combined \$20,000 in fines.

**July 24, 2009:** Frank Guzman was killed while pumping cleaning solution from a 55-gallon plastic drum into quart-sized containers at Brody Chemical Co. in West Valley City, Utah.

The chemical was thick, so the company kept it under pressure to get it out of the drum. Guzman was pressurizing the drum when

it burst, shooting the lid into his head and chest. He was dead before emergency crews arrived, Utah safety officials said.

Guzman, 63, was a Purple Heart recipient during the Vietnam War.

Brody Chemical, which manufactures cleaning products, was issued \$3,000 in penalties for two safety violations. The company did not return a Journal Sentinel call.

**Feb. 11, 2009:** Two Tucson, Ariz., men making a barbecue grill from an old 55-gallon kerosene drum were injured when it exploded as they were cutting it with an electric saw.

Vapor in the drum was ignited by sparks from the saw, the Arizona Daily Star reported.

**June 24, 2007:** A 55-gallon drum in a truck trailer exploded, triggering a large fire and a string of explosions at a Richmond, Mo., chemical plant.

The fire and explosions prompted the evacuation of a six-block radius of homes and businesses, the Kansas City Star reported.

The blaze spewed plumes of black smoke several hundred feet in the air. Five fire departments worked for about four hours to fight the fire.

The material in the barrels was an epoxy, a substance often associated with adhesives and coatings.



Published December 19, 2017

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JOURNAL SENTINEL  
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GOP tax plan lands with a thud in Trump Country

Voters puzzled, wary rather than enthusiastic

Craig Gilbert Milwaukee Journal Sentinel USA TODAY NETWORK - WISCONSIN

MAUSTON, Wis. — President Donald Trump calls the GOP tax plan a great gift to the middle class. But people in this part of “Trump Country” appear altogether underwhelmed.

“I haven’t had one person mention the tax bill to me,” said Lloyd Chase, the mayor of New Lisbon and the chairman of the Republican Party in small-town,



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blue-collar Ju-neau County, which saw the biggest vote shift in Wisconsin last fall from Obama to Trump. Many voters say they’ve paid little attention to the bill, which Congress is expected to pass this week. Others say its swift and twisting path toward passage has left them in the dark about its final shape and impact, fueling their skepticism about its benefits.

“We have no clue,” said Christopher Swan, part of a group of men in their 60s, 70s, and 80s who meet every weekday morning for coffee at Randall’s Up-town tavern in Mauston. His assumption?

See TAX PLAN, Page 9A

Fallout of the GOP tax plan: State corporations would get nearly half of federal tax cut. 6A

Probes of police shootings in Milwaukee remain in limbo

Prosecutors wait until officers make statements

Ashley Luthern Milwaukee Journal Sentinel USA TODAY NETWORK - WISCONSIN

Three Milwaukee police officers who had initially declined to speak to criminal investigators about a fatal police shooting have now given their accounts of what happened, prosecutors said.

The shooting of Jermaine Claybrooks, as well as three other police shootings this year, have been in limbo with officers and deputies involved invoking their constitutional right to remain silent in the criminal investiga-

See PROBES, Page 5A

BURNED | A JOURNAL SENTINEL WATCHDOG REPORT

“We just want to know what is coming out of that stack and if it’s dangerous.”

Deborah Kessel



Deborah Kessel, who lives next door and just north of Mid-America Steel Drum in St. Francis, gives her 9-month-old grandson, Sariel Vargas, a kiss as the smokestack puffs in the background. Kessel is concerned about the health effects the plant is having on her family and grandchild, who she takes care of while her daughter works. MIKE DE SISTI/MILWAUKEE JOURNAL SENTINEL

NOXIOUS NEIGHBOR

Barrel recycling factory spews foul odors and may be making people ill

John Diedrich Milwaukee Journal Sentinel | USA TODAY NETWORK - WISCONSIN

ST. FRANCIS — Deborah Kessel and Robert Kress hear the first barrels banging at 5 a.m. most weekdays.

An hour later, the smokestack atop Mid-America Steel Drum begins churning out chalky white, often putrid-smelling plumes of exhaust over their St. Francis home. Sometimes it hangs on the ground like clumps of cotton.

One day the smell may be like Super Glue, the next soap — or paint or magic markers or rotten eggs. Depending on the wind direction, it ranges from a faint odor to an overwhelming stench.

“Calm days are the worst. It’s almost like a fog machine. The smoke goes up 10 to 20 feet and then it just envelops the place,” Kress said. “You go outside, take a whiff, and your stomach turns.”

Kessel and Kress live a couple hundred feet from Mid-America’s smokestack, sharing a property line with the plant, which refurbishes and recycles

55-gallon steel drums and plastic containers that often arrive with chemicals inside.

The couple, along with dozens of other residents, say the plant ruins their quality of life and — they fear — is damaging their health.

See BURNED, Page 4A

COMING WEDNESDAY

Barrel recycling plants around the nation face similar issues.

KEY FINDINGS

Mid-America Steel Drum of St. Francis is emitting industrial pollutants that are creating nuisance odors.

The plant’s emissions may be leading to health ailments such as headaches, sinus irritation, and fatigue.

Wind direction and strength are key factors in determining what residents smell.

The plant, also known as Container Life Cycle Management, is under investigation by five government regulators and faces more than 70 violations.

Milwaukee priest comes out as gay  
Fr. Gregory Greiten tells congregation: “I am a Roman Catholic priest. And, yes, I am gay!” 3A

Owner is a no-show  
The owner of an embattled company does not attend a city hearing. 3A

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## Burned



Deborah Kessel, who lives next door and just north of Mid-America Steel Drum in St. Francis, gives her 9-month-old grandson, Sarel Vargas, a kiss as the smokestack puffs in the background. Kessel is concerned about the health effects the plant is having on her family and grandchild, who she takes care of while her daughter works. MIKE DE SISTI/MILWAUKEE JOURNAL SENTINEL

# Noxious neighbor

Barrel recycling factory spews foul odors  
and may be making people ill

By John Diedrich, Milwaukee Journal Sentinel

**ST. FRANCIS** - Deborah Kessel and Robert Kress hear the first barrels banging at 5 a.m. most weekdays.

An hour later, the smokestack atop Mid-America Steel Drum begins churning out

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One day the smell may be like Super Glue, the next soap





**Emissions from a stack near neighboring homes at Mid-America Steel Drum in St. Francis in December. Regulators have recorded dozens of violations at the facility.** MIKE DE SISTI/MILWAUKEE JOURNAL SENTINEL

— or paint or magic markers or rotten eggs. Depending on the wind direction, it ranges from a faint odor to an overwhelming stench.

“Calm days are the worst. It’s almost like a fog machine. The smoke goes up 10 to 20 feet and then it just envelops the place,” Kress said. “You go outside, take a whiff, and your stomach turns.”

Kessel and Kress live a couple hundred feet from Mid-America’s smokestack, sharing a property line with the plant, which refurbishes and recycles 55-gallon steel drums and plastic containers that often arrive with chemicals inside.

The couple, along with dozens of other residents, say the plant ruins their quality of life and — they fear — is damaging their health.

“We just want to know what

the hell is coming out of that stack and if it’s dangerous,” Kessel said.

In February, a Milwaukee Journal Sentinel investigation exposed workplace hazards and environmental violations at the plant and others here and around the country, prompting investigations by five state and federal agencies that so far have resulted in more than 70 violations and \$114,000 in fines.

With reports of the bad odors continuing, the Journal Sentinel tested the air and examined other testing documents that both show the St. Francis plant is emitting pollutants that constitute — at a minimum — a nuisance odor and which may be leading to residents’ health ailments.

The independent testing by a private company revealed the presence of industrial

chemicals used by the plant were being emitted over the neighborhood.

Prompted by the initial investigation, the U.S. Environmental Protection Agency did three rounds of its own testing over the summer and recently reported results that track with the Journal Sentinel's findings.

The EPA has asked the City of St. Francis Health Department to take air samples for them, starting in January, according to city officials. All odor complaints will go to the Health Department, and a city employee will go out and take a sample and return it to the EPA.

The St. Francis School District has hired a firm to also test the air around Willow Glen Primary, which is about a half-mile from the plant, said Superintendent Blake Peuse.

The local barrel recycling plants — in St. Francis, Oak Creek and Milwaukee — are operated by Container Life Cycle Management, a joint venture majority owned by Ohio-based Greif Inc.

Last month, the EPA issued 20 violations against the three Mid-America plants in Milwaukee County.

The agency did air testing outside the St. Francis plant in May, July and August and detected several volatile organic compounds, or VOC's, that can lead to headaches, dizziness, difficulty breathing,

#### KEY FINDINGS

- Mid-America Steel Drum of St. Francis is emitting industrial pollutants that are creating nuisance odors.
- The plant's emissions may be leading to health ailments such as headaches, sinus irritation, and fatigue.
- Wind direction and strength are key factors in determining what residents smell.
- The plant, also known as Container Life Cycle Management, is under investigation by five government regulators and faces more than 70 violations.

numbness or tingling in hands and feet and other ailments, according to EPA records.

Two EPA investigators experienced these type of symptoms when they spent a week in the St. Francis neighborhood in March talking to residents about the plant.

Working with another federal agency, the EPA has yet to complete and release a report on whether the emissions pose a risk to human health.

#### Testing shows nuisance

To investigate complaints of odors near the Mid-America plant, the Journal Sentinel hired RHP Risk Management of Chicago, which tested air around the facility over five days in mid-November.

The firm used the same type of air sample equipment as the EPA to measure the average



level of chemicals for each day.

The firm also captured minute-by-minute spikes in chemical concentrations. These are important, the testers said, to evaluate what may be creating certain odors at any given time.

Although hampered by unusually strong winds, the firm found a number of the same pollutants that had been detected by the EPA in its earlier samples.

The Journal Sentinel testing showed for the first time that the air is more than smelly — it crosses into what is considered a nuisance odor.

There is no federal definition, but nuisance odors are generally defined as interfering with people's enjoyment of their property or causing serious annoyance because of their repulsive smell, according to a review of Wisconsin and other state statutes.

Smell intensity can be subjective depending on the person, but the levels detected by RHP Risk Management crossed the threshold into being a nuisance, said Jacob Persky, an industrial hygienist and co-founder of the Chicago-based environmental consulting firm.

"Undisputed. There is an odor issue," Persky said. "The question is what it is and how high of a level is it?"

The testing found chemicals associated with industrial operations — painting, in particular.

What is not as clear is what health risks may be present.

The testing detected cancer-causing pollutants in the area, but without further testing, they could not be definitively associated with the plant.

In its testing, the EPA detected methylene chloride — which has been found to be a probable carcinogen — coming from the plant.

Persky cautioned that the testing results were affected by the wind and only reflect the plants' operations that particular week.

Kress and Kessel both said the week when the Journal Sentinel did testing they smelled little from the plant, which is unusual.

Wind is a key determiner of what they and others will smell near the plant, they said.

"The only thing that saves us is a high wind day," Kessel said.

### **Odor complaints for decades**

The smell and illegal emissions from the plant are a long-standing issue.

In 2005, when the plant was Kitzinger Cooperage, residents picketed the plant with signs that said, "Ask about the stench." In 2010, the plant paid \$220,000 in fines for emissions violations.

In 2015, a Department of Natural Resources inspector experienced a burning sensation in his sinus and throat from

what he described as “significant, obnoxious and objectionable” odors and issued a warning letter.

After the Journal Sentinel investigation, the DNR issued a series of violations against the Mid-America facilities, including St. Francis where “the department believes there are objectionable odors” based on inspector observations.

A Greif spokeswoman said the company is aware of the smell complaints in St. Francis and said it extended the height of the smokestack by 20 feet in the fall and “adjusted production” to try to fix the problem. She did not explain what “adjusted production” means.

“We are aware these measures have not fully resolved their concerns, and we are committed to continuing to work with neighbors and regulators,” said Greif spokeswoman Debbie Crow.

Some residents say the taller stack has made it worse. Because the plant sits at the bottom of two hills, the smoke now goes right in the bedroom windows of homes to the south.

For Bob Deck and his wife, Patricia, the plant has been a concern for years.

The couple, who have lived south of the facility for 32 years, both have nagging headaches and other ailments and they aren’t sure why. Bob Deck never thought it was the plant, figuring

the government wouldn’t allow a company to pollute the air for years, but now he’s not sure.

“You just assumed it was safe,” he said. “They wouldn’t do it to us, the government wouldn’t let that happen.”

### **Anonymous-looking building**

There is nothing on the outside of the Mid-America plant on S. Pennsylvania Ave. to indicate it is a barrel refurbishing business. The operation, which is just east of the airport, literally has no sign.

Leah Rodriguez did not know what the plant did. In January, she was hunting for her first house. The 28-year-old bought the side-by-side townhouse across from the building without realizing what the plant did.

“It’s like living right next to a chlorine pool some days,” Rodriguez said.

She bought an air filter for her home.

Trucks often rumble up and down two-lane Pennsylvania Ave. delivering steel barrels — ones that could contain any number of chemicals.

The drums are rolled onto a conveyor belt and go into a high-temperature furnace to burn off chemicals before being sandblasted, painted and sent back out.

Rodriguez thinks she misses the brunt of the smell by being at work. P.J. Early and Amy Szuta do not.

Early has a home-based business; Szuta home-schools her children.

Szuta and her husband rent a condominium located south and up the hill from the plant. In the two years they have lived there, she said, all of her family have had breathing-related health problems that are getting worse.

“Depending on the wind, it is just this burning Super Glue smell that just burns the back of your throat, your sinuses, your eyes. It’s a terrible feeling to live with,” she said.

Her family is moving after Jan. 1 because of the plant.

Early said changes are overdue.

“We want them to be compliant, but they have been repeatedly uncompliant, so if they need to be shut down, they need to be shut down,” she said.

Staff at Willow Glen Primary, to the south of the plant, have commented on the smells from the plant for years. In February, a secretary called the fire department to complain of a stench in the air, according to EPA records.

The firefighters reported a “strong odor” as they walked up to the school. They confirmed it was coming from the plant.

“We informed her about the plant and apologize for not being able to do anything about it,” the report said.

This fall, Facebook lit up

with odor complaints from parents dropping their children off at school, which has about 250 students.

Kim Knaak, who lives near the school, said the odor was overwhelming a month ago when she dropped off her 6-year-old daughter.

“We literally had to hold our breath as we ran into the school,” Knaak said.

A month ago, the school board decided to do its testing which concluded last week, said Peuse, the superintendent. Results are expected in coming weeks.

The Howard Village assisted-living home is about a quarter mile to the north of the plant. The firm that did the testing for the Journal Sentinel detected a strong odor standing outside the facility when a south wind blew on Nov. 17. However, a representative of the company that owns the facility said there have been no odor complaints.

In mid-November, Early and Szuta launched a new Facebook group, Saint Francis Citizens: Mid America Status, which has drawn 325 members.

A group of residents also have been pressuring the city to act.

For several months after the Journal Sentinel investigation published in February, the answer they say they got was “that it is not a city issue.”

That may be changing.

Mayor CoryAnn St. Marie-Carls is now facing a recall, in part, because residents say she has not been responsive to complaints about the barrel recycling plant. Based on what she has heard from residents, St. Marie-Carls said she wants city staff to study what options the city has under its ordinance.

The St. Francis City Council meets Tuesday night and is scheduled to talk about the Mid-America plant. Aldermen have voted to include an update on the plant on all meeting agendas going forward.

City attorney Paul Alexy said he has not been asked to research the issue, but noted the city does have ordinances against nuisance odors and air pollution and also could turn to state statutes against nuisances.

“We are not constrained by the language of our ordinance,” Alexy said. “We have more arrows in our quiver if the city council sees fit to move in that direction.”

### **Plant impacts family**

Kessel bought her 1800s-era home 13 years ago. Since then, the operations have gotten worse, she said.

Last month, Kress, Kessel and another resident filed a class-action lawsuit in Milwaukee County court that accuses the company of destroying their quality of life by making it difficult to enjoy their property.

The lawsuit does not address any health concerns.

For residents like Kessel, the smell is not the only problem. The plant emissions leave a fine grit on cars, house windows and anything else in the plume’s path.

“The ash, the smoke, it just seeps down into the neighborhood. It wasn’t like this when I originally bought my house,” Kessel said.

“I can’t have a pool. The trampoline is gone. I can’t take my grandchildren into the yard.”

Kessel’s daughter, Mary, lived with her at the house since she was 13. She’s 27 now.

“You can pretty much taste it,” Mary Kessel said in October. “It’s so bad you have to cover your mouth.”

Mary Kessel has a new concern: her 9-month-old son, Sariel. In his short life, he has developed unexplained health issues: persistent coughing and watery eyes.

“I want to find out what is coming out of there and what is happening to him and to me,” Mary Kessel said.

A month later she had had enough. She moved out. Her mother is heartbroken. And angry.

“Now that plant has taken my daughter and my grandson from me,” she said.

---

Raquel Rutledge of the Journal Sentinel staff contributed to this report.



## HOW WE DID THIS REPORT

The Milwaukee Journal Sentinel hired RHP Risk Management, a Chicago-based environmental consulting company, to do independent air testing around the Mid-America Steel Drum plant in St. Francis in mid-November.

Testing units were placed outside the homes of residents who live near the plant. Among those who hosted testing units were Deborah Kessel and Robert Kress, who work at the Journal Sentinel printing plant.

RHP tested for a variety of pollutants, picking parameters based on burning and other industrial operations, which are typically done inside Mid-America.

It used the same kind sampling equipment as the U.S. Environmental Protection Agency. In addition, the firm also used direct-read meters which measure pollutants on a minute-by-minute basis.

The testing detected several volatile organic compounds (VOCs) commonly associated with industrial painting operations like those at a barrel refurbishing plant.

Based on results processed by labs coupled with RHP's own metered test findings,

the firm's staff concluded the plant emitted "nuisance" odors, as defined by academic studies and government and industry standards.

The firm identified pollutants that the EPA said may be causing health difficulties such as headaches, dizziness, fatigue and numbness or tingling in hands and feet.

The testing results should be considered in light of wind, which was blowing in a strong west pattern for much of the week, away from the homes closest to the plant.

The firm's scientists said they would expect to detect pollutants in residential areas more frequently when the wind is out of the south, as it was on the last day of testing. Such winds are more common in spring and summer months.

The testing was done without influence by the Journal Sentinel. Results were provided to the news organization along with interpretation by the firm's staff.

In addition to testing, the Journal Sentinel reviewed more than 700 pages of testing results and other enforcement documents from the EPA and the DNR for this report.

Published December 20, 2017

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WEDNESDAY, DECEMBER 20, 2017K1JSONline.comPART OF THE USA TODAY NETWORK

House OKs overhaul of tax code

But last-minute glitch delays final passage

Deirdre Shesgreen  
USA TODAY

WASHINGTON — The House on Tuesday passed the most significant overhaul of the tax code in three decades, but the bill hit a late-afternoon glitch in the Senate when the parliamentarian ruled that three provisions in the GOP bill did not comply with strict budget rules and would have to be stripped out.

The means the House will likely have to

vote again on a tweaked bill Wednesday, before Republicans can claim their first major legislative win and deliver a \$1.5 trillion package to President Donald Trump before Christmas, as he requested.

Tuesday's 227-to-203 vote in the House split mostly along party lines and came after a brief but heated debate, which was interrupted several times by protesters chanting "Kill the bill! Kill the bill!" before they were escorted from the House gallery.

During the floor debate, Republicans touted the tax bill as an engine for economic growth and a boost for middle-class families, while Democrats blasted it as a sop to big corporations and wealthy donors. Twelve

House Republicans joined all the chamber's Democrats to oppose the bill.

The measure was expected to squeak through the Senate with a narrow GOP majority Tuesday evening. "This is a once in a generation opportunity," said Senate Majority Leader Mitch McConnell, R-Ky.

It was also a years-in-the-making moment for House Speaker Paul Ryan, R-Wis., who has spent nearly 20 years advocating for tax reform. Ryan took the rare opportunity to preside over the chamber for the vote, banging the gavel and joyfully reading the final vote total, as his Republican colleagues

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DESCENT INTO DISORDER:  
A JOURNAL SENTINEL WATCHDOG UPDATE

Teen prison official: Sex harassment similar to schools

Patrick Marley and Ashley Luthern  
Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

IRMA — Female guards at Wisconsin's teen prison say inmates regularly expose themselves and make crude sexual remarks, but their bosses don't consider the problem as pervasive as they do.

In interviews, workers at Lincoln Hills School for Boys said inmates every day yell comments about their bodies, brag about their sexual prowess or say they're going to rape them. The workers contended the prison's leaders do little to nothing about it.

John Paquin, who oversees the prison 30 miles north of Wausau, said the Department of Corrections investigates any claim of sexually inappropriate conduct but that such matters do not commonly get reported.

"I'm not aware of any situation that hasn't been addressed if it's been brought to our attention," he told reporters last week during a tour of the facility.

"I'm being told that happens in the public school system, too," he said of the crude comments.

Asked if he meant that the crass comments occur as frequently in schools around the state as they do at the teen prison, Paquin said he had no way of gauging that.

Asked if inappropriate comments are made daily at Lincoln Hills, Paquin said, "It's not being reported on a daily basis, I can tell you that."

Workers have expressed frustration over how their bosses have responded to their concerns. Two of them said Corrections Secretary Jon Litscher told a group of employees he didn't want his visit there to turn into a "bitch session"

See LINCOLN, Page 15A

BURNED: A JOURNAL SENTINEL WATCHDOG REPORT



Carlota Trevino, a Chicago resident, lives two blocks from Meyer Steel Drum, a barrel processing plant on Chicago's south side. She said she has endured smelly fumes from the plant and has called the fire department and police to report the odor. RICK WOOD/MILWAUKEE JOURNAL SENTINEL

NATIONAL HAZARDS

Industrial barrel recycling plants in several states rack up violations



Meyer Steel Drum, a barrel processing plant on Chicago's south side, is located near an industrial park and a train track that runs alongside the home of Carlota Trevino. Trevino says she keeps her windows and doors closed most summer days. RICK WOOD/MILWAUKEE JOURNAL SENTINEL

John Diedrich  
Milwaukee Journal Sentinel  
USA TODAY NETWORK - WISCONSIN

A group of workers poured leftover chemicals into a 250-gallon plastic container sitting on the floor of a Joliet, Ill., plant that recycles and refurbishes barrels and totes.

"Go feel that and tell me if it's warm," a supervisor said when they were finished.

It wasn't, so the men went to lunch. When they came back, the container was a hot cauldron sending smoke and liquid to the ceiling like a giant Roman candle.

The Joliet Fire Department was called, as was the hazardous materials crew. It took six hours to clear the scene at Tote Detailing. No one was injured, but the October 2014 incident was another alarm for the facility — and the barrel reconditioning industry.

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**BURNED:** A JOURNAL SENTINEL WATCHDOG REPORT



Carlota Trevino, a Chicago resident, lives two blocks from Meyer Steel Drum, a barrel processing plant on Chicago's south side. She said she has endured smelly fumes from the plant and has called the fire department and police to report the odor.

# National hazards

Industrial barrel recycling plants  
in several states rack up violations

By John Diedrich, Milwaukee Journal Sentinel

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"Go feel that and tell me if it's warm," a supervisor said when they were finished.

It wasn't, so the men went to lunch.

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**Meyer Steel Drum, a barrel processing plant on Chicago's south side, is located near an industrial park and a train track that runs alongside the home of Carlota Trevino. Trevino says she keeps her windows and doors closed most summer days. RICK WOOD/MILWAUKEE JOURNAL SENTINEL**

materials crew. It took six hours to clear the scene at Tote Detailing. No one was injured, but the October 2014 incident was another alarm for the facility — and the barrel reconditioning industry.

The industry, which presents itself as a friend of the environment, has a hidden record of chemical spills and deadly explosions, frequent fires, and pollution of the air, ground and water, a Milwaukee Journal Sentinel investigation found.

The Journal Sentinel reviewed a decade's worth of state and federal environmental and workplace records for 50 barrel recycling plants in six large states: Illinois, Ohio, Indiana, Florida, Texas and California.

The examination found that 35 of the plants had violations

and complaints — including several with repeat violations — but the companies rarely were fined by regulators, and when they were, the tallies were typically \$15,000 or less.

A plant in California was cited for storing hazardous waste without a permit. One in Indiana was keeping chemicals on site before a major fire. And a plant in Florida was cited for polluting the air through its sandblasting operation.

Multiple plants, from Ohio to Texas to Illinois, triggered complaints from nearby residents about the air being fouled.

The findings build on what the Journal Sentinel found in an earlier investigation into a string of barrel recycling plants that include three in the Milwaukee area. Those plants were endangering workers and residents when chemicals



were mixed together, causing reactions and sending noxious fumes into the air.

The Journal Sentinel's analysis examined records of plants belonging to the industry trade group Reusable Industrial Packaging Association, or RIPA, which represents about 90% of the nation's barrel recycling operations.

The problems are likely much deeper.

Some of the worst plants don't belong to RIPA and are virtually unknown to regulators — and those companies handle the dirtiest drums for companies that are eager to quietly get rid of hazardous waste illegally, according to both an industry executive and an outside consultant, who asked not to be named to protect their jobs.

"There are parts (of the industry) that are very dangerous and you really have to stay on top of it," said the executive, who has spent 20 years in the industry. "The problem is nobody does, because (the drums and containers) are like rabbits — they keep coming.

"You can't process them fast enough."

Each year, 27 million drums and totes are processed for reuse or scrapping at more than 100 facilities across the country. In many cases, they arrive with unidentified chemicals sloshing in the bottom, which — when mixed or mishandled — can

lead to injuries and deaths.

Paul Rankin, president of the trade association, noted the industry handles drums and containers that would otherwise end up in landfills.

"The reconditioning business has been around 100 years and it provides a service to industry in the U.S. and around the world in an environmentally sound way," he said. "It is a service that is valued and needed."

Colin O'Malley, an attorney who represented residents who successfully won a lawsuit over health problems linked to the Acme Barrel plant in Chicago, said the industry has cultivated an image of being green and helping the environment.

But under pressure from customers to get rid of the chemicals in the barrels, he said, the businesses are often the opposite.

"The narrative has always been this is a recycling company," O'Malley said. "It is not a recycling company. It is an unlicensed hazardous waste facility masquerading as a barrel company."

### **Years of problems**

The Joliet plant, once known as JOIL Cleaning, is in an industrial park, but about 1,000 feet from a neighborhood of homes. The plant's nearby neighbors — including at one time a youth baseball



**Meyer Steel Drum, a barrel processing plant on Chicago's south side, is located near an industrial park and a train track near Carlota Trevino's neighborhood.**

training facility — have repeatedly complained about noxious odors from the operation.

According to Illinois environmental and local fire and police records:

In May 2011, firefighters were summoned for black smoke coming from the building. They discovered a semi-truck on fire inside.

Six months later, firefighters were called again, this time for an odor complaint from the Troy Titans baseball facility. The firefighters quickly detected the odor, too.

“We found conditions to be very questionable,” the department’s report said. “There was

a ‘green’ liquid coming from the exterior dumpster.”

Green liquid also was coming from some of the plastic containers and going right down the drain.

A man who identified himself as “the boss” at the plant said he believed it was non-hazardous, according to the reports. He promised to clean it up.

Two weeks later, another odor complaint. This time, children at the baseball facility reported feeling ill and having headaches from the smell.

The plant manager was told “he must take care of the fumes,” the report said. It gave no indication of whether there

was additional enforcement action.

Three years later, the fire department was back — for the chemical mixture that shot smoke and liquids into the air.

The incident started when several totes arrived and the plant manager wasn't sure what chemicals were inside.

According to state environmental records:

The plant had been processing totes with lubricants used by the booming fracking industry, which extracts natural gas by drilling into the earth and directing a high-pressure water mixture at rock. The lubricants have explosive potential.

One supervisor said some newly arrived containers should be set aside, but another supervisor later ordered them to be emptied into a single container — even though he wasn't sure what chemicals they contained.

A short time later, a worker reported hearing what he thought was a steam pipe explosion and saw smoke and liquid spraying to the ceiling.

In a statement to state regulators, the company said the incident was not as bad as portrayed by the fire officials. Officials from Texas-based Tote Detailing, a firm with operations in two states, did not return calls from the Journal Sentinel.

The company promised officials it would improve its

operations with more training and better control on what comes into the plant.

"All employees have been instructed to ask questions and seek information," the company's statement to regulators said.

Joliet Fire Chief Joe Formhals toured the plant two months after the mishap.

He was shocked at what he saw: A collection of hazardous chemicals on site with no permits. In a report to state environmental regulators, Formhals wrote that plant officials had no way to say what chemicals there were on site at any given time or how dangerous they were. The training and safety equipment also were poor, he added.

"We have had a couple of other incidents at this property over the last few years and with its close proximity to a residential area, the next incident could be disastrous," Formhals wrote.

The chief called for inspections by state and federal regulators.

Records show no punitive action was taken by state environmental regulators after they visited the plant.

The U.S. Occupational Safety and Health Administration inspected the plant and found eight violations, ranging from how the plant handled hazardous materials to poor



### Investigation finds problems, prompts response

A Milwaukee Journal Sentinel investigation into Mid-America Steel Drum and related factories that are part of the steel drum and plastic tote refurbishing industry revealed dangers to plant workers and residents and sparked action from federal, state and local regulators. Among the findings:

- Hazardous chemicals were dangerously mixed together, causing reactions and fires and sending foul fumes into nearby neighborhoods.
- Plants accepted drums and totes with significant amounts of chemicals inside, in violation of federal law.
- Workers suffered burns, breathing problems and other injuries they attribute to working conditions in the plants.
- Company safety managers admitted they knew the working conditions were unsafe, according to 16 hours of recordings secretly made by a whistleblower.

At least five government agencies have opened probes, and the company faces 76 violations and \$114,000 in fines so far from one agency to date. The investigations continue and have been extended nationwide.

Among the other fallout:

- Several members of Congress have demanded action from government agencies.
- A class-action lawsuit by residents in St. Francis has been filed against the company, saying the plant routinely sends powerful smells through the area, diminishing their quality of life.
- A recall of the mayor of St. Francis has been launched, in part, because of resident anger over putrid odors coming from the plant.

### Read the investigation

To read the Milwaukee Journal Sentinel's investigation into the hazards to workers and nearby residents of barrel recycling plants, go to [jsonline.com/burned](https://jsonline.com/burned).

record keeping. The fine was \$10,400, but negotiated down to \$5,640.

OSHA was back last year and found two of the same violations related to failing to train workers on potential risks.

The penalty? \$2,000.

### Dirty by design

The barrel industry is built to have problems.

A provision of the federal hazardous waste law says that a container — plastic or metal — is considered “empty” if it has an inch or less of residue in the bottom that cannot be

poured out, even if the chemical is hazardous.

That definition has allowed drum reconditioning plants to operate without having to get hazardous waste permits for receiving, storing or shipping such waste. The lack of a permit means less scrutiny from regulators.

But workers, executives in the business and outside consultants say the industry routinely takes in barrels and totes that are well beyond one inch full.

Some come in carrying several inches of liquid — or even a



quarter or half full. While many have labels torn off, others still bear their original labels, which make clear they held hazardous waste and should not be allowed.

In the industry, they are known as “heavies,” and experts say those that hold hazardous chemicals pose the biggest problem.

Many of the drum reconditioning facilities have a stated policy to send such barrels and totes back to the customer, but workers say that doesn’t always happen.

Some operations will park them in a “heavies” section. But without a license, they cannot legally store the partially full drums of hazardous waste for any period of time, according to the EPA.

That leads to the mixing, in order to dispose of the chemicals.

And the mixing leads to the explosions and other reactions.

“You are playing Russian roulette when you don’t know what it is and you start mixing them,” said Tony Rieck, who runs a safety consulting business in Colorado that specializes in the container industry. “Am I surprised this still exists? No. Am I dismayed it still exists? Yes, I am.

“I am sure there are some good, responsible companies out there, but for each one of those there is another one not doing it right.”

The circular dynamic of the industry creates its own problems.

Consider how it works: Paint companies, for instance, use the drums to sell paint to their customers, who in turn ship the used barrels to recycling firms that refurbish them and sell them back to the paint companies. So each is dependent on the other.

O’Malley, the Chicago attorney, is among few outsiders who have a deep grasp of the little-known industry.

He spent three years on the case involving Acme, which was one of the largest reconditioning operation in the world, processing more than 10,000 drums a day. His partner, Michael Knobloch, spent five years on the case.

The two went through thousands of pages of internal documents and traced paint chip dust in people’s homes back to the plant, which was by then closed. In the end, 72 people received a multi-million-dollar settlement.

O’Malley said customers of the recycling plants knew when they sent in partially full drums they would not be returned as “heavies” — because the customer might take its business elsewhere.

“The (reconditioning company) has every possible motivation to deal with a heavy themselves,” O’Malley said. “You

can see the temptation: ‘We could deal with all that headache (of sending it back) or we could pour it out, burn it twice and deal with it ourselves.’

“And that’s what they do.”

If a company follows the one-inch rule and stores heavy containers — instead of dumping the chemicals or shipping the barrels back — it brings a new set of problems.

Some yards have thousands of so-called “empty” totes or drums in them, all with different chemicals — at least a gallon of liquid in each — that could spark an explosive chain reaction.

“I know a guy who has 30,000 in his yard, so you got 30,000 gallons, minimum, probably more, of various chemicals, all on the same pad, not segregated,” said the industry executive.

“Nobody knows exactly what’s in them. No one has a chart or graph or anything to give emergency personnel an idea of what’s in them. They just don’t know.”

The solution, according to some in the industry, is to require every reconditioning firm to get a hazardous waste disposal permit. That way, when they receive heavies, they could process them and charge the costs back to the customer.

That would mean stricter oversight by the EPA or state regulators, which raises the

risk of regular inspections and fines.

“All they see are the dollar signs,” said an industry consultant, who asked not to be named because of the risk to his company getting future contacts. “It is a very necessary industry, but it needs to be run right — and to run it right costs more money.

“More than they are spending now.”

### **Fire highlights years of problems**

Fires are an ongoing hazard of the drum reconditioning business.

In March, an employee was working on a drum when it exploded at DeWitt Barrels, in Wright Township, Mich., resulting in a multi-alarm fire.

In July 2016, Kearny Steel in New Jersey went up in flames. More than 100 firefighters fought the four-alarm blaze that tore through one building and spread to another, according to the Newark Fire Department.

In May 2014, a massive fire at Indianapolis Drum Service also demonstrated the risk such operations pose.

It took 80 firefighters to get the three-alarm blaze under control. Residents were forced to stay in their homes for hours. The fire destroyed much of the 30,000-square-foot metal building.



**Residential homes with a park and schools nearby are within a few blocks of Meyer Steel Drum, a barrel processing plant on Chicago's south side.**

The cause of the fire: Spontaneous combustion of chemicals.

Hayden Smith, who lives about 100 yards from the plant, remembers the mad scramble by firefighters, who donned hazardous material masks and other protective gear.

“Guys were going nuts trying to figure out what it was,” said Smith, 69, a retired truck driver who sometimes transported hazardous materials. “It was a hodgepodge of everything. Flammables. Acids. They didn’t know what they were dealing with.”

The plant, known as Indy Drum, was part of the Container Life Cycle Management (CLCM) chain, which is majority owned

by Greif Inc. of Ohio. A Greif spokeswoman said Tuesday the plant was closed last week as part of a restructuring.

Before the fire, the Indy Drum plant had been hit with a series of violations by state and federal workplace regulators, as well as environmental inspectors.

In 2010, federal and state workplace safety investigators found a host of violations, including containers that held hazardous chemicals and violated the one-inch rule. The plant was fined \$289,000, a tally that was negotiated down to \$110,000.

Between 2010 and 2012, there were numerous odor



complaints — including some called in by Smith. Each time regulators came out, they said they found no violations. Smith called to complain again in March 2014.

Two months later, the fire erupted. Smith, who has lived near the plant since 1981, said the smell had not as been as strong since the fire.

He also was worried about the plastic totes he sees stacked on the grounds, some of which he said are leaking. He doesn't know what is in them, but sees hazardous material stickers on some — stickers he recognizes from his truck driving days.

He reported that to state officials in September 2016.

When state environmental regulators arrived, the totes were all on asphalt and none was leaking, according to reports. The report was closed without action.

Smith said the plant has been a longtime source of frustration to him, but he hasn't called in a complaint for months.

"It just got to the point over the years. I figured, what's the point? I gave up."

### **Trying to get away from "that stink"**

Some 180 miles away in Chicago, Carlota Trevino has her own smelly neighbor.

Trevino, who lives in a neighborhood known as "Little Village" southwest of Chicago's

Loop, knew the Meyer Steel Drum plant was there but had no idea of how bad it smelled.

That changed in the spring of 2014 when she was laid off her job at a non-profit group that helps low-income children with asthma.

She was now at home during the plant's peak hours. The smell was overwhelming and she couldn't figure it out. She called the police non-emergency line. She called the fire department. She called the city and the county and the state and the feds.

Everyone gave her the run-around.

Then she called 911 when she smelled what she thought was a gas leak.

That brought police and fire — and it also brought out the whole neighborhood.

The officials couldn't do anything, but Trevino learned something about the family that lives across the street.

"My neighbors with little kids said, 'Yeah, after a certain time of day, we don't come outside. We don't let the kids outside,'" Trevino said. "They just kind of shut themselves in the house to get away from that stink."

Trevino, 56, finally spoke to a state regulator who did go into the plant, which she later learned had a history of regulatory violations.

The violations include:



In 2012, Meyer Steel admitted it had failed to record its pollution emission readings for five years and admitted it did not know if its furnace that burns chemicals out of drums was working properly. It agreed to pay \$50,000 and report its test results to the state.

In 2014, in response to the complaint by Trevino, inspectors found more problems.

Plant officials said the stench reported by Trevino was because of a shipment of what it called “stinker” drums from the Mid-America plant in Oak Creek. They were sent back. It’s unclear what was in the drums, or why one refurbishing plant would send drums to another. Industrial Container Services, which owns the Meyer Steel plant, did not return calls from the Journal Sentinel.

The Illinois Environmental Protection Agency issued violations against Meyer Steel saying the plant’s emissions were polluting the neighborhood. Testing showed they were emitting dozens of times their allowable level of carbon dioxide.

The company disputed the violations, especially the smell complaints, saying it was more like a “faint aroma.”

“These complaints may have no basis at all,” the company’s lawyer wrote in a May 2014 letter, arguing the complaints were contrived to get rid of an unpopular neighbor.

Eventually, the two sides settled, with the agreement calling for testing results to be filed with the state. Records covering the past two years, indicate the plant is not in violation.

Trevino is still bothered by the smell, so much that she and her husband never open their windows. They run the air conditioning or heat all the time.

The most stressful days are when Trevino is expecting company, like a mid-week birthday party, and the plant is running. She has a big yard and likes to entertain.

Trevino is still out of work and acknowledged the odors might not be as bad as before. But she has another theory:

“I hate to say it, but I might be getting used to it.”

Journal Sentinel reporter Raquel Rutledge contributed to this report.

### **History of fire, pollution**

The barrel reconditioning industry has a long record of pollution violation and explosive fires. Here are some key cases:

#### **Columbus Steel, Blacklick, Ohio**

Industrial Container Services, which owns barrel refurbishing plants across the country, has a plant northeast of Columbus, Ohio, that has faced regulatory violations going back four decades.

The plant, known as Columbus Steel, opened in 1971 and at one time was storing 450,000 barrels on a parcel of more than 38 acres, with each of the barrels purportedly containing the allowable one-inch or less of liquid. Records of later violations suggest there were more than an inch of chemicals in the barrels.

In 1989, the federal EPA found pollution emission violations.

In the meantime, there were more violations for failing to control pollution and not providing records to the state.

“Ohio EPA believes that the basic pollution prevention measures outlined here would also be prudent business practices for (the company) to undertake, which could minimize the risk of any potential ongoing release of hazardous waste constituents that are typically much more costly to clean up than to prevent,” a 2010 state letter said.

In 2012, a federal court ordered the plant to clean up. A year later, regulators were found to be transporting and storing hazardous waste without a license and other violations. Several were repeat infractions. The company was fined \$16,280.

Those in the business said such fines are not a deterrent. It costs less to pay the fine than to clean up the problem.

“It’s the garbage business. They have to get rid of it,” said a

longtime executive in the barrel recycling business, who asked not to be identified. “But there wouldn’t be a reconditioning business if it didn’t pay well.

“Everyone is making a lot of money.”

### **Scranton Cooperage, Pennsylvania**

In June 2014, a fire ripped through Scranton Cooperage, a drum reconditioning facility in Pennsylvania. A 55-gallon drum holding sodium chlorite was punctured and ignited a fire.

Eric Spatt, owner of the business, was charged with mishandling hazardous chemicals.

He is accused of storing dangerous waste over a period of approximately 13 years, allowing the drums to deteriorate during that time, according to the criminal complaint.

Scranton Cooperage had charged \$80 per barrel to accept and dispose of “spent drums” of sodium chlorite, according to the criminal complaint.

Spatt had never applied for a permit to store, process, treat or dispose of solid waste at the business, according to the Pennsylvania attorney general’s office.

“The conduct of this individual put hundreds of people in grave danger,” the agency said in a statement.

The fire chief in Scranton described the business as

a troubled facility, saying it generated more department responses than any other business in the area.

### **Acme Barrel, Chicago**

When Chicago's Acme Barrel was running, it was believed to be the biggest barrel refurbishing plant in the country and possibly the world.

It was located on Chicago's southwest side, a neighborhood that changed over time with medical facilities and a juvenile detention office coming in. Diseases were prevalent, especially cancers, according to the complaint.

The plant was closed by the city of Chicago about 15 years ago.

A lawsuit was filed on behalf of residents and people who worked near the plant a few years later. They sued the new company that had bought out Acme, but the heart of the case was going after the companies that paid Acme to recondition their barrels.

Because individuals had different health issues, it was not filed as a class-action lawsuit. The case wound through the court system from state to federal and back to state before it settled eight years ago, prior to trial.

### **Cooper Drum, Los Angeles**

Cooper Drum in Los Angeles was found to have contaminated

the ground, including adjacent school property, before it was closed in 1992.

It later became a U.S. Environmental Protection Agency Superfund site.

The site was long suspected of being a source of pollution in South Gate in Los Angeles.

In 1986, the principal of Tweedy Elementary School, adjacent to Cooper Drum, was transferred because of health issues attributed to the barrel company. However, the students and staff were forced to remain on the site, according to media accounts.

Two years later, the company was cited for violations after an orange ooze, traceable to the plant, came onto school property and groundwater was contaminated

In early 1992, the EPA announced a clean-up of the site. At the time, the LA Unified School District was using the building on a limited basis as offices and testing of challenged students. Even though 15 staffers complained of illness, the district resisted moving the workers but finally relented the following month in March 1992.

The EPA began an expensive clean-up, creating an extensive soil and groundwater treatment system. The chemicals found can cause cancer or attack the immune, reproductive, nervous and endocrine systems.

Ultimately, the EPA went after

customers of Cooper Drum to pay for the clean-up, which cost \$22 million. In documents, roughly 40 companies from across the country are named as contributors to the contamination.

Between 2011 and last year, the EPA removed more than 742 pounds of chemicals from affected soils and treated more than 17 million gallons of contaminated water.