

Lawmakers question fines in fatal industrial accident

[By Gary T. Kubota](#)

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The chairmen of the state Senate and House Labor committees have sent a letter asking why two contractors were each fined only \$750 for violating safety rules in a tower collapse that killed a demolition worker at Campbell Industrial Park.

"Ostensibly, such fines appear rather small," said state Sen. Dwight Takamine and Rep. Karl Rhoads in a joint May 11 letter to state Labor Director Darwin Ching.

AG Transport employee Juan Navarro, 54, of South El Monte, Calif., died after the 168-foot tower collapsed on him during preparation for the demolition of a cooling tower at Hawaiian Cement shortly after 8 a.m. May 16, 2009.

An AG Transport supervisor said he and Navarro were making cuts in the legs of the preheater tower when they heard a pop and ran out.

The supervisor said Navarro re-entered the tower base area when it collapsed.

Ching listed AG Transport's violation as "serious" for failing to have a written engineering survey and imposed a fine of \$750 on Nov. 13, 2009.

General contractor San Construction LLC of Hawaii, which was also fined \$750, was cited for failing to fulfill its prime contractor responsibility. Rhoads (D, Kakaako-Downtown) and Takamine (D, Hilo-Honokaa) said that according to the law, the department had the authority to fine each contractor up to \$7,000.

Rhoads and Takamine said the small fines fail to act as a deterrent to others that endanger worker safety.

The labor-committee chairmen asked Ching to respond to a number of questions, including ones asking for a description of the criteria used and justification for the amount of the fines and the permit requirements of contractors before, during and after a demolition.

State Labor Department spokesman Ryan Markham said Ching plans to respond to the letter.

Takamine and Rhoads also asked Ching how the department plans to increase safety awareness.

Ching was also asked to describe the role of the Hawaii Industrial Occupational Safety and Health personnel, the advisory board and director in the investigations.

"I'm really thankful for the state legislators taking the time to look into my dad's case," said Sandra Navarro, Navarro's daughter.

"I do think the \$750 fine was really ridiculous."

AG Transport and San Construction LLC officials declined to comment.

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