

Jackie Lacey

District Attorney

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NEWS RELEASE

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Bumble Bee Foods to Pay State's Largest Known Workplace Violations Settlement for Death of Employee Trapped Inside Industrial Oven

Los Angeles County District Attorney Jackie Lacey today announced a settlement agreement that will require Bumble Bee Foods LLC to pay \$6 million for willfully violating worker safety rules, causing the 2012 death of an employee who became trapped inside an industrial oven at the company's Santa Fe Springs plant.

The settlement is the largest known payout in a California criminal prosecution of workplace safety violations involving a single victim. The case was prosecuted by Consumer Protection Division Assistant Head Deputy Hoon Chun and Deputy District Attorney Christopher Curtis.

The payout will be applied as follows:

- The company will pay \$3 million to replace all of their outdated tuna ovens with new ovens that are automated and will not ever require workers to set foot inside the super-heated, pressurized steam cookers.
- Bumble Bee will pay \$1.5 million in restitution to the family of victim Jose Melena of Wilmington. On Oct. 11, 2012, the 62-year-old victim entered a 35-foot-long cylindrical oven as part of his job duties. Coworkers were unaware that Melena was inside the oven when they loaded 12,000 pounds of canned tuna, inadvertently trapping the victim in the back of the oven.
- The District Attorney's Environmental Enforcement Fund will receive \$750,000 from Bumble Bee for the investigation and prosecution of Occupational Safety and Health Administration criminal cases and for improving enforcement of workplace safety and compliance rules.
- The company also will pay \$750,000 in combined fines, penalties and court costs.

Under the terms of the agreement, Bumble Bee must additionally implement enhanced safety measures such as installing video cameras at their ovens to ensure safety compliance; providing training to managers and workers about safety rules; and conducting safety audits of their plant equipment.

While the terms of the agreement were announced at a hearing Aug. 12, the sentence will not be formally imposed for 18 months.

If at that time Bumble Bee has complied with all of the aforementioned terms, the company would be allowed to plead guilty to willful failure to implement and maintain an effective safety program, a misdemeanor. The plea additionally requires the company to make a public statement conceding guilt.

Bumble Bee's Director of Plant Operations Angel Rodriguez of Riverside, also charged in the case, has agreed to do 320 hours of community service, pay approximately \$11,400 in fines and penalty assessments, and take classes on lockout tagout and confined space rules. If Rodriguez complies with the agreed upon conditions, in 18 months he will be allowed to plead guilty to a misdemeanor at sentencing.

Co-defendant Saul Florez of Whittier, Bumble Bee's former safety manager, pleaded guilty today to a felony count of willfully violating lockout tagout rules and proximately causing the victim's death. He was immediately sentenced to three years of formal probation. Florez was ordered to complete 30 days of community labor and take classes on lock out tagout and confined spaces.

Florez must additionally pay about \$19,000 in fines and penalty assessments. In 18 months, if Florez complies with the terms and conditions of the plea agreement, he may be eligible to have his felony conviction reduced to a misdemeanor.

Both men are required to make public statements conceding guilt for their respective roles in the victim's death, under the terms of the plea.

The case was investigated by the Cal/OSHA Bureau of Criminal Investigations.

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About the Los Angeles County District Attorney's Office

Los Angeles County District Attorney Jackie Lacey leads the largest local prosecutorial office in the nation. Her staff of nearly 1,000 attorneys, 300 investigators and 800 support staff members is dedicated to seeking justice for victims of crime and enhancing public safety. Last year, the [Los Angeles County District Attorney's Office](#) prosecuted more than 71,000 felony defendants and nearly 112,000 misdemeanor defendants.