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Union: Tarrytown officials wrong to fault victims in manhole deaths

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TARRYTOWN — CSEA union officials Tuesday afternoon blasted the village for failing to supervise two men who died last week when they entered a manhole and for shifting responsibility for the tragedy onto the victims.

"Anthony Ruggiero left his family in the middle of the Labor Day holiday because he was needed at work," Billy Riccaldo, regional president of the state Civil Service Employees Association, said at a news conference at union headquarters in Beacon, N.Y. "If he had received proper training, he would not have entered the manhole."

Ruggiero, 47, was a Department of Public Works employee who climbed down the manhole behind the Consolidated Engine Company firehouse Sept. 6 to clear away a sewage backup. When he passed out, village firefighter John Kelly went in to rescue him and was also overcome. Both were pulled out a short time later and died at Westchester Medical Center.

Neither man put on protective breathing gear, and the air inside had not been tested before they entered the hole. There was sewer gas present in the manhole and the oxygen level was significantly depleted, but the exact cause of their deaths has not been determined pending further study by the Westchester Medical Examiner's Office.

Ruggiero, who was also a volunteer firefighter in the village, had gone to the scene with two other DPW workers, general foreman Scott Weaver and Bruce Conca. Kelly, 51, and some other firefighters happened to be there at the time.

The CSEA union officials said they had intended to refrain from commenting on the tragedy while an investigation by the state Department of Labor's Public Employee Safety and Health bureau was continuing. But they changed course after hearing Village Administrator Michael Blau's news conference Thursday. Blau suggested that both victims had taken it upon themselves to enter the hole and had not been told to do so.

"They were not stopped from going down there, either," Riccaldo said Tuesday.

Riccaldo said Blau's comments were "totally inappropriate, unconscionable," not just because of what he said but because they came as the victims' families were preparing for their funerals. The union called last week's news conference a "poorly timed attempt at shirking responsibility in the deaths of the two men."

Instead, Riccaldo said, the village should have accepted responsibility as the employer "for

failing to follow state and federal mandates regarding work in permit-required confined spaces."

He said the union is encouraging the safety and health bureau to issue a willful violation, its most serious citation, against the village.

Blau announced last week that village employees would not be doing work inside manholes until a review of the procedures is completed. He said Tuesday that his decision to hold the news conference Thursday came after reporters had been "camping out" at the firehouses and at employees' homes, looking for more details about what had happened.

"I thought it might be beneficial to all to share what information I had at the time," he said. "It surely was not my intent, or the village's intent, to place the blame anywhere, certainly not on the individuals who died Monday night."

CSEA representatives met with village officials and some DPW workers the morning after the men died. They said Tuesday that their initial review determined that the village did not identify and evaluate all confined spaces that might be entered by employees, and that it was routine for employees to enter such locations without first monitoring the air inside.

There was also no written program in place for confined spaces, they said.

"These deaths were 100 percent preventable," Riccaldo said. "Had the village provided proper and comprehensive confined-space training and implemented the required written plan, this horrible tragedy would have been prevented."

The union also maintained that the confined-space training the village provided in 2007 was insufficient; there was no permit completed before the manhole was entered; there was no signage posted at the manhole and no respiratory protection at the scene when the men climbed in; and rescue procedures and a rescue team were not in place.

Tarrytown Village Administrator Blau would not comment on CSEA's contentions, saying he has not yet reviewed them with his staff.