

Reveal

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MENU



## This tool cuts fingers and gashes faces, but shipbuilder still uses it

By *Jennifer Gollan* / February 16, 2017

**Martin Osborn had a job to do at the Alabama shipyard: Use a handheld power tool to slice a tiny piece of aluminum on a ship being constructed for the U.S. Navy.**

**As he pushed the saw blade through the metal one morning in February 2014, the tool shot back. It ripped through his left ring finger, tearing**

away flesh and bone. Osborn never saw it coming.

But shipyard managers did. For years, managers at Austal USA's shipyard in Mobile privately fretted about the danger of a tool they'd modified from its intended use. In an email three years earlier, Chris Blankenfeld, the company's top safety manager, called the machine a "**Widow Maker**."

"These millers are quite literally an accident waiting to happen," he **wrote** to company officials, referring to the tool by its shipyard nickname.

He was right. At least 53 Austal workers have been injured by the tool, losing fingers and suffering deep gashes on their faces, necks and arms, according to injury logs from January 2011 to March 2015 obtained by Reveal from The Center for Investigative Reporting.

Austal managers continue to put the modified grinder in workers' hands, employees say. Roughly one-quarter of the shipyard's more than 4,000 workers still might be using the tool, they say.

The tool was designed to be used with discs that slice through metal,



Martin Osborn still works for Austal after losing a finger to a handheld power tool in a workplace accident. He says co-workers give him a hard time. "They don't understand that that tool is the most dangerous tool that I've ever put in my hands," he said.

Credit: Julie Dermansky for Reveal

mainly in straight lines. But Austal officials attached saw blades with teeth, creating a tool that cuts more quickly and can carve rounded edges into metal.

The grinder's manufacturer, Metabo Corp., explicitly warns against attaching this kind of blade, typically used on a fixed machine, not a handheld tool. "Such blades create frequent kickback and loss of control," its operating manual states.



Officials at Austal modified this Metabo grinder by attaching a saw blade with teeth. Metabo Corp. explicitly warns against attaching this kind of blade because it can "create frequent kickback and loss of control."

Credit: Julie Dermansky for Reveal

That's exactly what happened to Osborn, who is 46 years old.

After three surgeries requiring pins, screws and potent painkillers, he still couldn't fully bend his finger. Nor could he grip the sanders he needed to use to return to work. Surgeons later amputated the finger near its base.

"I was pretty depressed," Osborn said. "I get it every day: 'You're the guy that cut your finger off.' They give you a hard time. They don't understand that that tool is the most dangerous tool that I've ever put in my hands."

Excruciating pain still radiates up his arm and around the stump of his finger. Osborn finally returned to work more than eight months after the accident. He worries for his safety at Austal.

“They preach safety, but yet, they don’t care,” he said.

Austal USA President Craig Perciavalle did not respond to repeated requests for comment. Nor did Blankenfeld, the safety manager.

Like the U.S. military’s other major shipbuilders, the company has faced few consequences for its history of safety lapses.

Since October 2008, the Navy and Coast Guard’s seven major private shipbuilders have received more than \$100 billion in contracts despite serious safety violations that endangered, injured and killed workers, [a Reveal investigation found](#).

Even as one arm of the federal government, the Occupational Safety and Health Administration, has cracked down on the shipbuilders, the Navy has paid little attention to companies’ safety problems.

Since 2009, OSHA has imposed fines totaling \$61,525 against Austal, including [a \\$4,125 penalty](#) – which the company has contested – for exposing workers “to amputations, severe lacerations, and other injuries” from the modified grinder. Over the same period, the U.S. Navy has awarded Austal at least \$6.2 billion in contracts.

“The government expects that contractors, such as Austal, should not only deliver a good product, but also conduct operations in a safe manner,” Joseph Roesler, OSHA’s area director in Mobile, [said](#) when he announced fines against the company in 2014.

The situation could worsen under President Donald Trump, who said during his campaign that he wanted to increase the Navy’s fleet from 274 to 350 ships. At the same time, the House of Representatives recently overturned Obama-era rules that would have required federal contractors to disclose workplace safety violations from the previous three years. The Senate is expected to vote on the measure soon.

Navy contracting officials work in an office building in Austal's shipyard. However, the Navy and OSHA have no formal system for sharing information on accidents. The Navy's Naval Sea Systems Command, often referred to as NAVSEA, says its main mission is to ensure shipbuilders deliver quality vessels within budget and on time.

“Any questions you have about something that happened at Austal need to be directed to them,” Colleen O'Rourke, a NAVSEA spokeswoman, wrote in an email. “We don't own the private yards and would not have anything to provide to you regarding operations or incidents.”

## Company was aware of danger



At least 53 workers at the Austal USA shipyard in Mobile, Alabama, have been injured by a miller, losing fingers and suffering deep gashes on their faces, necks and arms, according to injury logs from January 2011 to early March 2015.

Credit: Julie Dermansky for Reveal

Company officials grew alarmed about the grinders as far back as early 2011, internal records show.

In March of that year, two Austal safety officials received **an email** from their boss, Blankenfeld, with the subject line: “Widow Maker Safety Gram Lessons Learned.” He asked them to gather some safety documents on the tool.

Other employees and a top manager soon complained.

“We received a large order of new millers ... that are garnering significant complaints from the shop floor guys,” David Tomlin, an Austal manufacturing director, **wrote** in a May 3, 2011 email to Blankenfeld and other company officials. “They are stating that it is unsafe and that someone is going to get hurt.”

Two years later, Michael Keshock was cutting an aluminum support bracket on a Navy ship when his grinder careened into him.

It sliced through his glove, severing the bone near the tip of his left index finger. Doctors sewed it together, but the bone never healed. They ultimately amputated his fingertip.



Michael Keshock says he made six requests for a tool that was safer than the grinder that sliced his fingertip. But he says Austal officials keep having workers use the tool because “it’s fast, it’s cheap and it’s available.”

Credit: Julie Dermansky for Reveal

## The 53-year-old told

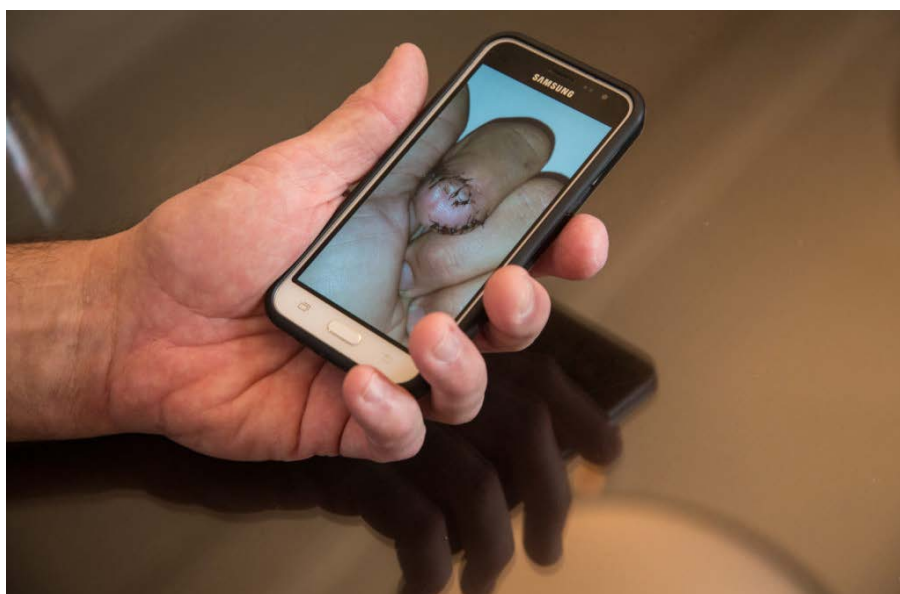
Reveal that before his accident, he had asked managers six times to substitute a safer tool for the grinder, to no avail. Keshock offered an explanation for why Austal managers have kept using the tool: “It’s fast, it’s cheap and it’s available,” he said. “They’re just about ‘get the boat out, get it done.’ ”

The company **described the tool** as “one of the most useful and versatile power tools” to cut and shape aluminum, according to internal company documents obtained **by** Reveal.

Privately, Blankenfeld acknowledged that the modified grinders could be dangerous. In an **email** to managers in January 2014, he lamented that the miller blades “were never designed to be put on an angle grinder. ... I wish we could find something different that works as well.”

“Another solution for this would be to find a cutting wheel that is not as lethal as the miller wheel,” Blankenfeld added.

But he also has blamed employees for their injuries. It’s “the employee who makes the tool unsafe not the tool (itself),” Blankenfeld **wrote** in an email to a group of company managers in 2011.



Michael Keshock shows a cellphone photo of his stitched finger after it was injured in 2013 by a power tool that Austal officials knew was dangerous. The bone never healed, and his fingertip eventually was amputated.

Credit: Julie Dermansky for Reveal

A **safety alert** titled, “Miller Tool Use and Dangers,” went out to workers in 2015. It declared: “**ALL injuries** involving Miller tools are caused by carelessness, improper use and complacency.”

The warning pictured two men who had been slashed by the grinder. Bloody gashes stretched across their faces and necks.

## Looking for accountability

Under the federal Longshore and Harbor Workers’ Compensation Act, shipyard workers generally can’t sue their employers. Workers **long ago** made that concession in return for **guaranteed workers’ compensation**.

But there’s an exception: Workers must prove their employers intended to injure them.

A trial court in Mobile has allowed a lawsuit by eight current and former Austal workers to move forward so they can try to make their case. Their lawsuit claims the company intentionally endangered them by requiring them to use the modified grinders that had injured dozens of workers.

Also named in the lawsuit are the grinder’s manufacturer, Metabowerke GmbH and Metabo, as well as Southern Gas and Supply Inc., which distributed the tools to Austal.

“How does any company in America sit there and say, ‘I’m going to have dozens and dozens of my employees injured **using** the same tool,’ and not get another tool?” said Brian **Duncan**, an attorney for the workers. “To me, it rises to the level of intentional misconduct.”

Austal appealed to the Alabama Supreme Court, arguing that the company was immune from liability under the federal longshore act. Austal’s immunity cannot be pierced, **its lawyers argue**, “even assuming that Austal acted intentionally with regard to each plaintiff’s workplace



accident.”

The appeal is pending.

The nation’s top shipbuilders jumped in to support Austal. The Shipbuilders Council of America, which represents companies that run more than 120 shipyards nationwide, warned that if the Alabama Supreme Court rules against Austal, it would undermine the nation’s shipbuilding and maritime industries.

Billy Bonner, another lawyer for the injured Austal workers, said the law has created “the perfect storm for a lack of accountability.”

On the Gulf Coast, the shipbuilding industry offers some of the highest-paying jobs – and a springboard to stability – for thousands of workers in areas where there are few other prospects.

“It’s a job that many, many people want, but very few people get on one hand,” Bonner said of employment with Austal. “On the other hand, they’re essentially immune from any accountability for injuries to their employees. When they do speak up, the employer says, ‘Tough luck, we’re immune.’ It’s just not right.”

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