

Department of Justice

U.S. Attorney's Office

Northern District of Ohio

FOR IMMEDIATE RELEASE

Thursday, October 25, 2018

Two supervisors at an aluminum manufacturing company in Mahoning County indicted for obstructing an investigation following a workplace death

Two men employed by an aluminum manufacturing company in Mahoning County were indicted for conspiracy to obstruct justice related to an investigation following the workplace death of an employee.

Named in the four-count indictment are Brian K. Carder, 62, of Stow, and Paul Love, 57, of Lake Milton. Both men are charged with one count each of conspiracy to obstruct justice, obstruction of justice and obstruction of proceedings. Love is also charged with one count of making false statements to law enforcement.

Carder was the general manager at Extrudex, an aluminum extrusion manufacturing company with a facility in North Jackson. Love was the safety coordinator and human resources director at Extrudex.

According to the indictment:

Extrudex processed aluminum. Part of this process included the conveyance of extruded aluminum pieces through a long, walk-in, tunnel-style oven. Employees routinely loaded and unloaded the oven manually by pushing racks of aluminum into and out of the oven on a roller conveyor system. This was known as the racks and rollers system.

Carder on Dec. 3, 2009 sent an email to an Extrudex employee, copying Love and other employees, regarding maintenance and safety issues with the racks and rollers system in the oven. Among other things, Carder wrote that the racks and rollers system was "in need of dire attention" and that issues with the system "must be a priority or someone is going to get seriously hurt."

Love sent an email to employees and copied Carder on Nov. 30, 2011, regarding oven racks falling off the rollers.

Carder sent an email to Love and other employees on June 12, 2012, about safety issues with the racks and rollers system. Carder stated that he witnessed racks fall off the rollers and maintenance was needed. He added regular monitoring and maintenance was needed and stated that "[w]e are going to wait until someone gets seriously injury or possibly killed when a rack falls on them."

Love forwarded this email from Carder to others stating that routine inspection of the racks and rollers "must be a top priority issue."

An employee sent an email to Love on June 26, 2012 stating a rack fell off the rollers and that racks were frequently "freezing up." The employee also stated: "I'm afraid someone is going to get hurt if we can't think of a better system to get these racks out of the oven safely." Love forwarded that email to others, including Carder.

The same employee sent another email to other employees on Oct. 26, 2012 stating the oven racks fell off the rollers twice that night and that “someone is going to (get) hurt if nothing else is done about it”.

On that same date another employee sent an email stating the oven racks fell off twice and “someone is seriously going to get hurt or even killed because of this.”

On Oct. 30, 2012, two metal racks stacked on top of each other with hot aluminum product weighing an estimated 4,000 to 5,000 pounds tipped over onto two employees who were pushing the racks on the roller conveyor system.

Both employees were pinned under the hot racks and hot aluminum. One employee, identified in the indictment as J.T., was pronounced dead the scene. Another employee, identified in the indictment as D.B., was rescued by other works and hospitalized with severe burns.

The next day, the Occupational Safety and Health Administration (OSHA) initiated an investigation.

OSHA requested Extrudex, Carder and Love produce emails from specific employees to management regarding racks and rollers. Carder, Love and Extrudex produced the two emails of Oct. 26, 2012, but not the June 26, 2012 email.

Carder and Love devised a plan to provide false statements to the OSHA investigator. They persuaded employees -- including by suggesting their jobs might be in jeopardy -- to draft statements recanting previous emails about safety issues with the racks and rollers system, according to the indictment.

Love and Carder also provided materially false statements regarding, among other things, the safety issues with the racks and rollers system, according to the indictment.

“These supervisors threatened employees and lied to investigators,” U.S. Attorney Justin Herdman said. “They will be held accountable.”

“An important mission of the Office of Inspector General is to investigate allegations of criminal misconduct related to U.S. Department of Labor (DOL) programs. We will continue to work DOL’s Occupational Safety and Health Administration and our law enforcement partners to hold those accountable who jeopardize workers’ safety,” *said* James Vanderberg, Special Agent-in-Charge, Chicago Region, U.S. Department of Labor Office of Inspector General.

The investigation is ongoing.

This case was investigated by the U.S. Department of Labor, Office of Inspector General. It is being prosecuted by Assistant U.S. Attorneys Carmen Henderson and Om Kakani.

If convicted, the defendants’ sentences will be determined by the Court after review of factors unique to this case, including the defendants’ prior criminal records, if any, the defendants’ role in the offense and the characteristics of the violation. In all cases, the sentence will not exceed the statutory maximum and in most cases it will be less than the maximum.

An indictment is only an accusation and is not evidence of guilt. A defendant is entitled to a fair trial in which it will be the government’s burden to prove guilt beyond a reasonable doubt.