

## DOW CHEMICAL OPERATOR DIES, PLANT MANAGER ALLEGEDLY DENIES EMPLOYEE EXPOSED TO CHEMICALS

A Dow Chemical employee in Texas reportedly received serious chemical burns in a plant explosion and died as a result of his injuries. According to the lawsuit filed in Harris County, Texas by his wife, the man was working as an operator at a Dow Chemical ammonia plant and was changing the cartridge filter on one of the ammonia recycling units when the filter unit suddenly and unexpectedly exploded, spraying chemicals all over the operator. The blast from the explosion sent him flying through the air. After the explosion, the man was transported to the emergency room of the University of Texas Medical Branch in Galveston where, according to the lawsuit, his doctors determined that he sustained third degree burns to approximately 65% of his body.

According to the lawsuit, on the day of his admission to the hospital, a plant manager from Dow Chemical visited UTMB Galveston and “falsely attempted to persuade [the burned operator’s] treating physicians that [he] had not been burned by caustic materials, but rather by hot water.” The lawsuit further states that his doctors “flatly rejected” the claims due to overwhelming evidence that he had been burned by caustic materials. The burned worker died one month later.

According to the lawsuit, Dow Chemical did not report the explosion to the U.S. Department of Labor, Occupational Safety and Health Administration (OSHA) for over a month after the accident. According to the lawsuit, Dow Chemical’s investigation “attempted to place full blame on [the burned worker] and distance themselves from fault.” However, a subsequent OSHA investigation identified five serious OSHA violations as a result of the explosion. According to OSHA, a “serious” OSHA violation occurs “when the workplace hazard could cause an accident or illness that would most likely result in death or serious physical harm, unless the employer did not know or could not have known of the violation.”

The burned operator’s family filed suit against Dow Chemical and Rohm and Haas in Harris County, Texas for negligence, gross negligence, and premises liability, seeking damages for wrongful death pursuant to Section 71 of the Texas Civil Practices and Remedies Code. The lawsuit reportedly settled.

Our attorneys provide experienced and personalized legal counsel for chemical plant operators, seamen, longshoremen and other workers who have suffered an on-the-job injury. With offices in southern Brazoria County and Galveston, we are located near some of the largest petrochemical plants on the Texas Gulf Coast. If necessary due to your injury, an attorney from our team will come to you. To contact our office and

schedule an appointment for a free consultation to speak with an attorney, please call our office directly at 979-236-8271.

**Sources:** Houston Press, "[Chemically Burned: Dow Chemical Tries to Avoid Hot Water in Worker's Death](#)", Dianna Wray, June 13, 2013; Original Petition in Cause No. 2014-47262, *Vicki Johns v. The Dow Chemical Company et al.*, in the 334<sup>th</sup> District Court of Harris County, Texas; <https://www.osha.gov/Publications/fedrites.html>.

© 2015 Costello Law Firm, PLLC

Disclaimer: The undersigned attorney may be retained only on the basis of a written contract, signed by the attorney and the potential client, together with the payment of fees and costs as provided within the contract, when applicable. Accordingly, no representation shall commence, nor shall the attorney-client relationship exist with the undersigned attorney or his office absent execution of a written contract between the attorney and the potential client, together with prepayment of any costs and fees as may be required by said contract.