

## Government levies \$510,000 in fines against NDK Crystal

Company president says it 'strongly disagrees' with OSHA's rulings.

By **Betsy Lopez Fritscher**

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BELVIDERE — The federal government has levied \$510,000 in fines against NDK Crystal for 12 workplace and safety violations related to a fatal Dec. 7 explosion at the company's Crystal Parkway manufacturing plant.

The U.S. Occupational Safety and Health Administration says that NDK knowingly put its employees in danger and holds the company responsible for seven willful and five serious violations — the two highest categories of violations assigned by the federal agency.

OSHA claims that NDK officials knew that the seven vessels at the plant used to manufacture quartz were susceptible to explosion and catastrophic failure as a result of defective design and fabrication.

OSHA also charges NDK with failing to “evaluate the building for a catastrophic event; failing to have an emergency evacuation program; failing to implement a hazard communication program; and a lack of personal protective equipment assessment and training certification.”

“We are aware of the citations issued by OSHA,” said NDK President Ken Hennessy. “NDK strongly disagrees with OSHA's initial determinations. The facts will show we responded in a responsible manner and will not support OSHA's initial findings. NDK is looking forward to presenting the pertinent facts and getting the citations rescinded.”

The company has 15 business days to respond to OSHA's claims.

“I'm not sure how it gets challenged, but we're going to challenge those findings,” Hennessy said. “I do feel we provide a safe place to work in.”

OSHA spokesman Scott Allen said the company has options if it decides to appeal the citations. It can request an informal conference locally or a formal appeal before the OSHA Review Commission, which could “take months if not longer” before a final ruling is made.

“The fact that it's an egregious willful citation is very serious,” he said. “If they appeal it, the board will have to make a decision on this. Willful is the most significant violation, and egregious goes over the top of willful.”

OSHA's ongoing investigation is separate from an ongoing probe conducted by the U.S. Chemical Safety and Hazard Investigation Board. The Chemical Safety Board expects to have a draft report of its investigation into the NDK explosion ready by fall, investigations supervisor John Vorderbrueggen said in an April 1 e-mail to the Register Star.

The explosion was prompted by the failure of one of seven 50-foot-tall, 75-ton vessels inside the factory. The synthetic quartz crystal grown inside those vessels was used to make frequency-control devices, which NDK sells to mobile-telephone makers and others for electronic devices.

An 8,600-pound chunk of the failed vessel knocked in a wall at the neighboring Grupo Antolin facility during the explosion.

Another debris fragment, a pipe, struck and killed Ronald Greenfield, 63, of Chesterton, Ind. The truck driver was walking in the parking lot of the Belvidere Oasis — about 400 feet from NDK — when the explosion occurred.

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ben

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If the violations are willful and egregious resulting in a death does someone get charged with manslaughter? Has anyone asked the states attorney what he plans to do?

B.L. Fritscher  
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Ben -- Boone County States Attorney Michelle Courier and Illinois Attorney General Lisa Madigan filed a joint lawsuit Dec. 31 against NDK. You can read up on our past coverage by clicking on the Special report: NDK plant explodes link on this page.

All the best,  
Betsy Lopez Fritscher | Rockford Register Star  
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Betsy - A lawsuit and criminal charges such as manslaughter are quite different things. The question is: will the company be charged criminally for the death of Mr. Greenfield.

I am not an expert, but if the charges by OSHA stand, I would think at the very least it would provide a legal foundation for the family to file a lawsuit seeking compensation for their loss.  
tbiondo  
8 hours ago  
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My only question is where was the explosion proof wall containing the high pressure vessels. Other companies in town have containment walls or something around possible explosive situations, not only to protect the workers but people that could be walking by?

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