

ASHLAND CHEMICAL MUST REHIRE WORKER 'WHISTLE-BLOWER' WAS DISMISSED FOR REPORTING HAZARDS

By **DENNIS KELLY, The Morning Call**

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The U.S. Department of Labor has ordered a Glendon chemical processing plant to reinstate a fired employee who reported illegal storage of hazardous chemicals. The department also found the firm guilty of harassment and discrimination.

The announcement was made yesterday in a prepared statement by attorney Stephen Kohn, chairman of the National Whistleblower Center, a Washington D.C.-based public interest organization which represented Lawrence J. Opthof, an employee fired two months ago from Ashland Chemical Co.

The Labor Department would not confirm any actions, citing confidentiality, but Michael J. Corcoran, district director of the Labor Department office in Wilkes-Barre, said yesterday that his office conducted an investigation and "did have an involvement with the company."

Ashland will appeal the decision, said Brent McGinnis, Ashland's public relations director, from his Columbus, Ohio, office.

He said Ashland would appeal both the finding of guilt and the reinstatement of Opthof. The Labor Department's decision was made Tuesday, and the company has five days to appeal.

Opthof said yesterday that he began his whistleblowing actions in October 1992 after seeing the drums at the plant's 400 Island Park Road location. A portion of the plant is in Williams Township. He said he was subsequently harassed at work and fired Oct. 7, 1993.

"Ashland was storing over 500 pounds of hazardous waste," Opthof said. "The waste was a danger to my co-workers, the community and the environment. It was my obligation to notify the proper authorities about it.

"I am very pleased with the outcome of the Labor Department's investigation," Opthof continued. "It vindicates me in the eyes of my co-workers and the community. Although it has been a very difficult time for me and my family, I can now look forward to going back to work knowing that Ashland must stay in compliance with the law."

Asked if he knew when he would be returning, Opthof said, "I'm waiting to find out the status of their appeal."

Kohn said law allows for on-site storage of such drums for up to 90 days, and Opthof had found some were stored for as long as eight years and that date codes had been erased.

Among the many solvents and other hazardous chemicals stored in leaking drums were xylenes, phenols, potassium ferricyanide; acetic, hydrochloric, hydrofluoric, nitric and sulfuric acids, and various toxic mixtures.

Many of the chemicals are known to cause cancer and other illnesses to humans when exposed to them directly or indirectly in drinking water, Kohn said.

Opthof, 46, of Lower Saucon Township is a former plant engineer and supervisor and 10-year veteran with Ashland. He filed the complaint under whistleblower protection provisions of six federal environmental statutes, Kohn said.

Not only is the Labor Department ordering a reinstatement, but Kohn said the company is being ordered to give back pay and compensatory damages from the date he was fired, to pay legal expenses and fees related to bringing this action and to clear his employment record with Ashland.

The National Whistleblower Center was created in 1980 to assist whistleblowers who could not otherwise find representation, according to Kohn.

The center provides legal advice and referrals to employee whistleblowers nationwide and educates the public about the rights of employees to make disclosures regarding corporate or government misconduct, environmental protection or health and safety violations.

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