



OFFICE OF THE
DISTRICT ATTORNEY
ORANGE COUNTY, CALIFORNIA

TODD SPITZER

FOR IMMEDIATE RELEASE

Case # 30-2012-00581868

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PRESS RELEASE

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**OCDA OBTAINS \$1.6 MILLION JUDGMENT IN CIVIL CASE AGAINST
PLASTICS MANUFACTURER FOR WILLFULLY ENDANGERING
EMPLOYEES BY MAINTAINING HAZARDOUS WORK ENVIRONMENT**

***Foreseeable and avoidable water heater explosion killed two employees and injured third**

SANTA ANA, Calif. – The Orange County District Attorney’s Office (OCDA) obtained a \$1.6 million judgment in the civil case against a plastics manufacturer for willfully endangering employees by maintaining hazardous work environment.

Beginning in 2007, Solus Industrial Innovations (Solus) operated a plastics manufacturing plant in Rancho Santa Margarita. Solus willfully, knowingly, and intentionally maintained an unsafe and hazardous work environment for their employees.

When the business relocated certain operations from Pennsylvania to Orange County in 2007, the defendants intentionally discarded a commercial boiler to avoid the cost and permitting requirements of proper installation. Solus instead purchased and installed an inexpensive residential water heater, knowing that it was not equipped to function at a commercial level. In March 2009, the water heater exploded, senselessly killing two employees.

The Division of Occupational Safety and Health investigated and “determined the explosion had been caused by a failed safety valve and the lack of ‘any other suitable safety features on the heater due to ‘manipulation and misuse’ because Solus used a residential water heater instead of a commercial one.”

In March 2012, the OCDA filed a criminal suit against Solus’s plant manager and its maintenance supervisor for felony violations of Labor Code section 6425 subdivision (a) for knowingly operating an unsafe work environment, which resulted in the death of two employees.

The OCDA also filed the present civil action against Solus and its successor corporations. The operative complaint raises two causes of action, “all based on the same worker health and safety standards placed at issue in the administrative proceedings.” Only two of the causes of action are at issue here. The first cause of action “allege[d] that Solus’s failure to comply with workplace safety standards amount[ed] to an unlawful, unfair and fraudulent business practice under Business and Professions Code section 17200, and the district attorney request[ed] imposition of civil penalties as a consequence of that practice, in the amount of up to \$2,500 per day, per employee, for the period from November 29, 2007, through March 19, 2009.” The second was a claim that Solus “made numerous false and misleading representations concerning its commitment to

workplace safety and its compliance with all applicable workplace safety standards, and as a result of those false and misleading statements, Solus was allegedly able to retain employees and customers in violation of Business and Professions Code section 17500.” The district attorney requested imposition of civil penalties in the same amount for the same period.

On Jan. 29, 2019, the defendants were ordered to pay \$1.6 million, \$1.5 million of which will go toward civil penalties and \$100,000 for additional victim restitution.

Deputy District Attorney Kelly Ernby of the OCDA’s Environmental Protection Unit is the assigned prosecutor on the case.

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