

THE SUN

Court turns \$500G workplace fine into a fund run by UMass-Lowell

By JOHN NOVACK
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LOWELL — A Somerville company convicted of hazardous waste violations that harmed its employees will pay an unprecedented \$500,000 fine into a special workplace safety fund to be administered by the University of Massachusetts at Lowell.

"This case is a 'wake-up call' to all businesses to ensure they are exercising reasonable care in providing for their employees' health and safety," Attorney General Scott Harshbarger said yesterday. "Working people should not be forced to choose between their lives and their liveli-

hoods."

Among the conditions of the probation for principals of Bay State Smelting Co. is to pay for the creation of the Work Environment Justice Fund. The payment is the largest ever ordered in a criminal environmental case in Massachusetts, the attorney general said.

The special fund resulting from the court fine is believed to be the first of its kind in the state and possibly the country, according to Martin Levin, an assistant attorney general.

The fund will be administered by the Work Environment Program at UMass-Lowell. It will target the working poor in promoting education, Please see FUND/4

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prevention and advocacy in the areas of workplace health and safety, Levin said.

According to Levin, the UMass-Lowell program officials will award grants to community-based organizations, labor advocacy groups, local health agencies and legal aid offices. The money could pay for neighborhood-based health and safety seminars, or foreign language public service broadcasts on local cable television outlets, or for legal costs of poor people trying to sue companies who may have exposed them to hazardous conditions.

Each grant will range from \$5,000 to \$25,000, according to Charles Levenstein, a UMass-Lowell professor who will oversee the fund.

The fine was made public yesterday in Middlesex Superior Court in Cambridge. The company paid the fine yesterday, and the first grants from the fund should be distributed in

six months, Levenstein said. No additional UMass-Lowell staff will be to administer the fund, he added.

The state Environmental Strike Force charged that in early to mid-1991, lead dust was released into the smelting plant because of inadequate and poorly maintained ventilation.

Exposure to certain forms of lead waste can cause serious health problems, such as nerve damage, high blood pressure, brain, and kidney damage.

Gerald R. Sack of Newton, and David A. Traister of Newton Centre, each pleaded guilty to one count of illegally storing hazardous waste in a manner potentially endangering human health, safety or welfare, and one count of illegally storing hazardous waste in violation of state regulations.

Besides the fine, the company was required to correct existing environmental violations.