

COURT BULLETIN

Construction Supervisor Fined \$70,000 After Workplace Fatality

August 23, 2023

[Labour, Immigration, Training and Skills Development](#)

Convicted: Tony Ventrone, former construction supervisor of Infrastructure Coatings (Ontario) Corporation, 53 Bass Pro Mills Drive, Suite 130, Concord, Ontario, L4K 5X2, a company that provides infrastructure protective coating services.

Location of Workplace: Highway 407 and Islington Avenue, Woodbridge, Ontario

Description of Offence: A worker died from injuries sustained in an explosion at a workplace. The construction supervisor of Infrastructure Coatings (Ontario) Corporation failed, as a supervisor, to ensure that a fire extinguisher was provided at a project where open-flame operations were carried out, as prescribed by [Ontario Regulation 213/91](#) and contrary to the [Occupational Health and Safety Act](#).

Date of Offence: August 5, 2020

Date of Conviction: August 17, 2023

Penalty Imposed:

- Following a guilty plea in the Ontario Court of Justice in Newmarket, Ontario, Tony Ventrone, former construction supervisor of Infrastructure Coatings (Ontario) Corporation, was fined \$70,000 by Justice Edward Prutschi. Crown Counsel was David McCaskill.
- The court also imposed a 25 per cent victim fine surcharge as required by the *Provincial Offences Act*. The surcharge is credited to a special provincial government fund to assist victims of crime.

Background:

- Infrastructure Coatings (Ontario) Corporation was contracted by a constructor under contract to the Regional Municipality of York to re-line an underground water chamber with a spray waterproofing as part of a watermain remediation project.

- Infrastructure Coatings (Ontario) Corporation applied the waterproof coating to the chamber in July 2020. A follow-up inspection revealed that a corner of the chamber was spongy and required re-spraying so the company returned and cut out the spongy area.
 - On August 5, 2020, workers again returned to the site to re-spray the waterproof coating. A worker and a waterstop supervisor acting as a “safety watch” completed the Confined Space Entry Permit and set up rescue and ventilation equipment prior to the worker entering the chamber to conduct repairs and cleaning. Access to the 17-foot deep, eight-foot by eight-foot chamber was through a manhole with a fixed vertical ladder.
 - After conducting the repairs, the worker used Methyl Ethyl Ketone (MEK) to clean the chamber. This product is extremely volatile and flammable.
 - A short time later, the worker was going to re-enter the chamber with a propane torch to speed up the drying process before applying the spray waterproofing. The waterstop supervisor indicated to the worker not to use the torch, before being distracted by their phone. At the same time the worker lit the torch near the manhole entrance. MEK fumes being purged from the chamber ignited, causing an explosion that critically injured the worker. There was no fire extinguisher at the scene. The worker died from their injuries several days later.
 - Tony Ventrone, the construction supervisor, was in his truck at the site but not present at the incident scene and failed, as a supervisor, to ensure that fire extinguishing equipment was provided and readily accessible at a project where open-flame operations were carried out, as required by section 52(2)(c) of [Ontario Regulation 213/91](#) and contrary to section 27(1)(a) of the [Occupational Health and Safety Act](#).
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