

Cal-OSHA recommends criminal charges for San Leandro company where 3 employees died

By Lisa Fernandez | Published July 16, 2025 12:45pm PDT | San Leandro | KTVU FOX 2 |

The Brief

- State workplace safety investigators referred the death of a worker at Alco Iron & Metal to the Alameda County District Attorney.
- The Jan. 8 death of Luis Guerrero of Castro Valley was the third employee death at this San Leandro company.
- The DA has not yet decided if prosecutors will charge the company; Alco did not respond for comment.

SAN LEANDRO, Calif. - The legal unit of Cal-OSHA – the state agency vested with workplace safety in California - is recommending that a San Leandro metal recycler be criminally charged after an employee was crushed by a forklift earlier this year – the third employee to die on the job in the last eight years.

Referral for prosecution

Peter Melton, a spokesman for the state Occupational Safety and Health Administration, told KTVU on Wednesday that the agency's Bureau of Investigations has referred this case to the Alameda County District Attorney for prosecution.

The DA has not yet announced a decision on whether anyone at Alco Iron & Metal will be charged following the Jan. 8 death of Luis Guerrero, 41, of Castro Valley, who died while trying to fix a broken forklift at the shop.

KTVU obtained [exclusive video showing what happened that day](#), which shows Guerrero walking to the back of the broken forklift, and the machine taking a swift nosedive to the ground, trapping him underneath. He is seen flat on his back, as employees rush to his aid.

Guerrero was the third employee at Alco to die since 2017.

Melton said that district attorneys can choose to prosecute employers under Labor Code section 6423 or 6425 for "knowingly, negligently, or willfully violating an occupational safety or health standard."

3 workers killed at San Leandro company; Cal-OSHA has no power to shut down

Three workers in the last eight years have died at a family-owned San Leandro metal recycling business, and the company has been fined for more than 60 safety violations as far back as the 1990s – possibly the worst safety record of any similar company in the last 10 years in California, a review of state records show.

Criminal sanctions can include fines as well as jail or prison time.

State records show that referrals from Cal-OSHA for criminal prosecution happen each year, but there aren't that many: From 2010 to 2022, the referrals from the Bureau of Investigations to local DAs ranged from 3 to 29 a year. District attorneys charged between seven and 18 cases a year during that same time frame, [records show](#).

What is Alco?

A spokesman for Alco did not respond for comment on Wednesday about the referral for criminal prosecution.

Alco has five facilities in San Leandro, two in Vallejo, Stockton and San Jose. The company has approximately 200 employees.

In an earlier statement provided to KTVU, the company said that they have "always been a safe and family-oriented place to work."

"Alco truly is a family, and all of us watch out and care for each other," the statement read. "Alco prides itself on a robust safety training program and a culture where all management and employees buy into its importance."

The company also said that "each of our employees is required to go through a rigorous training orientation when they are hired and that training is refreshed on a regular basis during their employment."

Fines, appeals

Last month, Cal-OSHA fined Alco [\\$95,000 in the wake of Guerrero's death](#).

Alco representatives have already appealed the fine.

KTVU requested to see the full report leading up to the fines, but was denied a California Public Records Request pending a "law enforcement proceeding."

The Source

Cal-OSHA, Alco, prior reporting.

San Leandro **News**

