

The Year in U.S. Occupational Health & Safety

Fall 2019 – Fall 2020

9th Edition

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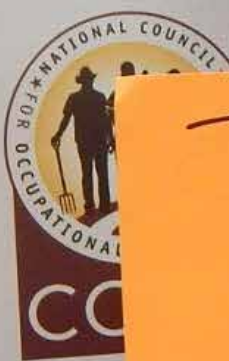
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COSH

COSH

CO



Trabajo seguro y
libre de peligro y acoso
Suelo Digno y Justo
Soy Hispana y merezco
Respeto

Lidia Elisa Cruz of Comité de Justicia Labora of El Paso, TX

2020: A Year Like No Other

This past year was unprecedented. In January, it began with the Speaker of the House, Nancy Pelosi, delivering to the U.S. Senate two articles of impeachment against President Donald J. Trump. The President was acquitted of both charges in the first week of February on a vote that broke down almost entirely along party lines.

Less than a week earlier, the Secretary of Health and Human Services, Alex Azar, officially designated the novel coronavirus a “public health emergency.” Four months later, more than 109,000 people in the U.S. were dead from COVID-19, including many health care, meat processing, transportation, and other workers. By then, it was the most significant occupational health crisis in our lifetimes and greatly exacerbated by a lack of N95 respirators for health care workers and inadequate regulatory protections.

Following the murder of George Floyd by the Minneapolis Police in May 2020, tens of millions of children, teens, and adults in cities across the U.S. (and the world) demonstrated (with precautions against COVID-19) to protest police violence and structural racism, and to affirm that “Black Lives Matter.” Public

demonstrations to protest racial injustice continued for the remainder of the year.

On top of all this, 2020 was a presidential election year. At the beginning of the year, 14 candidates continued their campaigns to be the Democratic Party’s nominee for President. Former Vice President Joe Biden became the presumptive nominee in mid-April, when he received the endorsement of his remaining competitor Bernie Sanders.

The 2020 election was remarkable as millions voted by mail in order to reduce exposure to the novel coronavirus. President Trump refused to concede even after it became clear that Biden had won both the popular vote and the electoral college. Worker health and safety advocates celebrated the victory of candidates who pledged to advance justice, equity, and public health while addressing the many challenges that confront our nation.

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National COSH

Attendees of COSHCON19 celebrate the conclusion of the only national worker health and safety gathering of its kind. The Dec. 3-5, 2019 event in Baltimore, MD brought together a diverse, inclusive and bilingual group of workers, occupational health and safety experts, unions, activists, and academics.

The president-elect named former OSHA chief David Michaels to the Transition COVID-19 Advisory Board.

We are pleased to present the 9th edition of *The Year in U.S. Occupational Health and Safety (OHS Yearbook 2020)*. As it has done since 2012 when we published the first edition, the yearbook highlights key legislative and regulatory activities at the federal, state, and local levels on worker health and safety topics, news, and research. COVID-19 protection for workers was a priority for some policymakers and we recap many of those actions. We also



(L-R) Caterin Posada, Veronica Lagunas, and Anabella Aguirre with SEIU-USWW at COSHCON19.

include a Chronology of COVID-19 through an OHS lens.



At COSHCON19, members of MassCOSH and Justice at Work take pride in their effective activism. (Back row, L-R): Mike Felsen, Jodi Sugerman-Brozan, Rick Rabin, Beverly Jones, Esther Loayza, and Al Vega. (Front row, L-R): Marcy Goldstein-Gelb, Ben Weilerstein, Nancy Saucedo, Mary Luz Barrera.

The Federal Government and Occupational Health and Safety

The year 2020 kicked off with the U.S. House of Representatives approving articles of impeachment against President Trump for abuse of power and obstruction of Congress. At the same time, a novel coronavirus was circulating in China, the 11 million residents of Wuhan City in the Wuhan Province were prohibited from movement within their city, and cases of COVID-19 were being diagnosed in France, Germany, Japan, South Korea, and Thailand. In mid-February, non-travel related COVID-19 cases were identified in California, New York, Oregon, and Washington, and six weeks later, deaths in New York City exceeded 1,000.

Long before many others, the worker health and safety (H&S) community recognized that COVID-19 would be the worst occupational health crisis in a century. Black and Latinx communities were affected unequally because Black and Latinx workers are disproportionately likely to work in essential services doing jobs that cannot be performed remotely—and often come with low pay and few benefits.

Despite well-meaning displays of appreciation from the public for health care and other “essential” workers, a meaningful response from the federal government was too little, too late. Thousands of workers died and many more contracted COVID-19 because they did not have the necessary personal protective equipment (PPE), staff, support, or regulatory protections to avoid exposure to the virus. Because of the pandemic, the consequences of disinvestment in our nation’s public health infrastructure and worker safety protections were exposed for all to see.

This section of the yearbook recaps some of the major legislation, congressional hearings, lawsuits, and other H&S activities at federal agencies over the past year. Beginning on page 49, we provide a chronology through an H&S lens of key COVID-19 activities in the U.S.

OSHA

The Trump administration will end its four-year term without ever having in place a Senate confirmed assistant secretary of labor for the Occupational Safety and Health Administration (OSHA). Loren Sweatt, principal deputy

assistant secretary, has served as the acting OSHA chief since July 2017.

Workplace violence

In November 2019, the U.S. House of Representatives passed the Workplace Violence Prevention for Health Care and Social Services Workers Act. The bill was introduced by Rep.



AFL-CIO Secretary-Treasurer Liz Shuler offers celebratory remarks in November 2019 after the House of Representatives passed the Workplace Violence Prevention for Health Care and Social Service Workers Act.



C-SPAN captures the recorded vote by the U.S. House of Representatives on a bill to protect health care workers from violence on the job.

Joe Courtney (D-CT) and those voting in favor of it included 219 Democrats and 32 Republicans. The legislation calls on OSHA to issue an interim workplace violence prevention standard within one year and a final standard within two years. U.S. Senator Tammy Baldwin (D-WI) introduced a companion bill, but the Senate took no legislative action on it.

ICE vs OSHA

In December 2019, National COSH, the Labor Sustainability Network, unions, and more than 800 individuals sent a letter to Labor Secretary Eugene Scalia urging him to intervene in the deportation of Delmer Joel Ramírez Palma. Palma, a native of Honduras who had lived in the U.S. for 18 years, was working at a New Orleans construction site when the entire building structure collapsed. Three workers were killed. Palma told investigators that on at least five occasions, he told a supervisor the building was unstable. As a key witness to the catastrophic incident, OSHA interviewed him numerous times. Despite his importance to OSHA's work, Palma was taken into custody by the Immigration and Customs Enforcement agency (ICE).



Delmer Joel Ramírez Palma and his son Anthony prior to his deportation to Honduras in late 2019.

"There is no reason to rip an injured worker who is an important witness to a workplace disaster away from his family," said Jessica Martinez, co-executive director of National COSH. "This aggressive and unnecessary action

by ICE undermines U.S. whistleblower protections, and only serves to intimidate workers from speaking out against the very employers who put their lives at risk."

COVID-19 Oversight

In May 2020, the Workforce Protections Subcommittee of the House Education and Labor Committee held a hearing about the "Federal Government's Actions to Protect Workers from COVID-19." Testifying before the subcommittee were acting OSHA chief Loren Sweatt and National Institute for Occupational Safety and Health (NIOSH) director John Howard.



Acting OSHA chief Loren Sweatt (L) and NIOSH director John Howard testify before the House Education and Labor Committee in May 2020 about COVID-19 protections for workers.

Ms. Sweatt reported the agency received 4,268 COVID-19-related complaints, including 1,328 whistleblower complaints. More than 70 percent (i.e., 2,995) of the complaints were closed. She testified, "Some have tried to argue that because OSHA is only issuing COVID-19 guidance, employers have no compliance obligations. ... While the guidance documents clarify they do not create new legal obligations, this does not mean employers do not have extant legal obligations."

Dr. Howard described NIOSH's efforts to increase the supply of respirators, assist state health departments with outbreak investigations, and coordinate with other CDC staff on guidance documents.

Rep. Alma Adams (D-NC), chair of the subcommittee, did not let the Department of Labor off the hook. She said, "Circumstances like this pandemic are the exact reason this authority exists, yet OSHA continues to sit on the sidelines. My question to the Secretary of Labor is how, after tens of thousands of workplace infections and hundreds of worker deaths, why is OSHA missing in action?"

AFL-CIO sues OSHA

In June 2020, a three judge panel of the U.S. Court of Appeals for the D.C. Circuit denied a petition by the AFL-CIO to order OSHA to adopt an emergency standard to protect workers from COVID-19. The Labor Department was pleased with the court's decision to give deference to the agency's opinion. The Department argued that OSHA's "existing statutory and regulatory tools are protecting America's workers and that an emergency temporary standard is not necessary at this time."

Demanded Resignations

In August 2020, National COSH and 25 other organizations sent a letter to Labor Secretary Eugene Scalia and principal deputy assistant secretary for OSHA Loren Sweatt, calling on them to "resign immediately because you have failed to perform your sworn duty to enforce the law."



National COSH's communication team members (Top row, L-R) Roger Kerson and Marianela Acuña Arreaza join (Bottom row, L-R) Susi Nord and Jessica Cruz strategize to uplift workers' narratives and COSH groups' efforts to demand safe workplaces.

The groups, which included the Farmworker Association of Florida, Food Chain Workers Alliance, Government Accountability Project, One Fair Wage, Union of Concerned Scientists, and Venceremos, wrote:

"As American workers have risen to the challenge during the COVID-19 pandemic, you have, instead, stooped to new lows to jeopardize workers, public health, and our country's economic recovery. ... When the history of this pandemic is written, your tenures will be remembered as chapters of callous corruption, racial discrimination, and deadly indifference."

Beryllium

In July 2020, OSHA issued a final rule amending its beryllium standard for general industry. The United Steelworkers and industry groups supported the changes as a means to clarify employers' responsibilities while still maintaining worker protection. The comment period and public hearings on the proposal occurred from October 2019 through January 2020.

In September 2020, the agency issued revisions to the beryllium standards that apply to the shipyard and the construction industries. Among other things, OSHA scaled back requirements designed to protect workers against dermal contact and to require medical surveillance following beryllium exposure emergencies. A month earlier, OSHA settled a legal challenge from the National Association of Home Builders, Associated Builders and Contractors, and the Mason Contractors Association of America about the agency's January 2017 beryllium standard. OSHA agreed to post on its website a clarification that during normal construction operations, exposures to common construction materials with trace amounts of beryllium will not be covered by the rule.

Audit Reports

The Department of Labor's Office of the Inspector General (OIG) investigated allegations that OSHA and the Department of Treasury failed to collect more than \$19 million in

debt stemming from monetary penalties. In its March 2020 report, the OIG attributed the problem to insufficient oversight, noting the failure to collect the debt reduced the effectiveness of OSHA penalties.

In August 2020, the OIG issued a report on OSHA's ability to respond to whistleblower complaints related to COVID-19. The OIG reported that these complaints increased significantly while the number of OSHA staff handling whistleblower program decreased. The number of complaints per OSHA region ranged from 61 to 325, and the complaints were not handled in a timely manner—not a new problem for OSHA. The agency agreed generally with the OIG's recommendations, including to fill five vacancies and evaluate a regional pilot program that expedites the screening process for whistleblower complaints.

MSHA

The number of surface and underground coal mining operations in the U.S. reached a record low. In 2019, there were 1,137 coal mines, a 40 percent decline since 2010. The number of employed coal miners had an equivalent decline. The fatal injury rates in 2011 and in 2019 were nearly the same; the non-fatal injury rate declined substantially during the 10-year period.

In March 2020, MSHA announced that none of the nation's 13,000 mining operations met the screening criteria for a "pattern of violation" (POV). A potential POV designation triggers enhanced enforcement. It was the sixth consecutive bi-annual assessment with no mines meeting the criteria.

Eula Bingham (1929 – 2020)

Dr. Eula Bingham, 90, a champion for workers' right to healthy and safe jobs, passed away in June 2020. Dr. Bingham served for four years as assistant secretary of labor for OSHA during President Jimmy Carter's administration. During her tenure, OSHA adopted many standards, including rules on benzene, DBCP, arsenic, cotton dust, lead, and access to medical records. Dr. Bingham recognized the importance of building the capacity of workers to learn about their rights, train others to do the same, and act collectively to demand healthy and safe jobs. She secured funding from Congress to begin the New Directions grants, now known as the Susan Harwood grants. Following her tenure at OSHA, she returned to the University of Cincinnati as a toxicology professor, but also remained an influential advocate for occupational health protections. Dr. Bingham never gave up the fight and challenged those in the OHS community to always be bringing new, younger, and representative people into the movement.



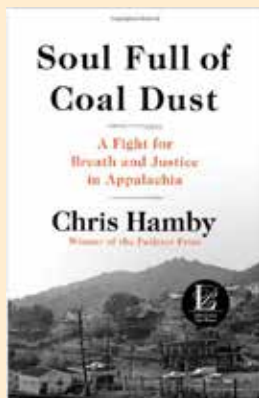
University of Cincinnati



Family photo

Left: Eula Bingham, PhD in 1970, several years prior to her appointment as assistant secretary of labor for OSHA. Above: Eula Bingham, PhD in 2019.

New York Times reporter Chris Hamby examines the 50 year struggle by U.S. coal miners to receive justice under the Federal Black Lung Benefits program in his book *Soul Full of Coal Dust: A Fight for Breath*



and *Justice in Appalachia*. Hamby revisits his Pulitzer Prize winning investigation of the current epidemic of severe black lung disease. He exposes the role of the coal industry's favorite law firm and its "hired gun" physician from Johns Hopkins University to appeal every miners' claims for medical care, lost wages, and widows' benefits. Hamby's book was published in August 2020 by Little, Brown and Company.

COVID-19

In July 2020, the U.S. Court of Appeals for the D.C. Circuit ruled in favor of the Labor Department in a case brought by the United Mine Workers and the United Steelworkers Union to compel MSHA to issue an emergency temporary standard to address COVID-19. MSHA chief David Zatezalo said he was pleased that the court determined a standard was not necessary "in light of the agency's existing mandatory safety and health standards and regulatory tools."

At the same time as the appeals court ruling, the Department of Labor's Office of the Inspector General (OIG) identified potential challenges created by COVID-19 that may affect MSHA's ability to protect miners and agency inspectors. The OIG recommended the agency develop a plan to manage a backlog of inspec-

tions should coronavirus outbreaks interfere with normal inspection activities.

CSB

Board Operations

For the fourth consecutive year, the Trump administration budget for FY 2021 eliminated all funding for the U.S. Chemical Safety and Hazard Investigation Board (CSB). The administration asserted that the CSB's programs "overlap with other agency investigative authorities [and] often generated friction."

The five-year terms of board members Rick Engler and Kristen Kulinowski, PhD expired in 2020, and they departed the agency in February and June, respectively. At his final CSB public meeting, Engler thanked "the many individuals and organizations that actively support CSB's work and sometimes, and appropriately, speak out when they believe we can do better." Engler especially acknowledged the "family organizations who rightly urge us to name their loved ones in our reports."

Following the departure of Engler and Kulinowski, board chair Katherine Lemos became the sole member of the CSB and the only one appointed by the Trump administration.



CSB members Kristen Kulinowski (left) and Rick Engler (far right) at a January 2020 public meeting.

Oversight

In January 2020, the Senate Committee on Environment and Public Works held a hearing entitled “Stakeholder Perspectives on the Importance of the U.S. Chemical Safety Board.” Steve Sallman, assistant director of the Health, Safety and Environment Department of the United Steelworkers Union, stressed the importance of filling vacancies on the five-person board, providing adequate funding, and increasing the investigation staff.



Steve Sallman with the United Steelworkers testifies before Congress in January 2020 about the Chemical Safety Board.

Reporting Rule

Beginning in March 2020, operators of buildings, installations, or other stationary sources are required to notify the CSB of any accidental release of a “regulated substance or other extremely hazardous substance into the ambient air” if it results in a fatality, serious injury, or substantial property damage. The reporting rule stemmed from a February 2019 decision by the U.S. District Court for the District of Columbia in favor of the Air Alliance of Houston, the Louisiana Bucket Brigade, and other groups.

Completed investigations

In December 2019, the CSB issued its final report on the May and June 2017 explosions at Midland Resource Recovery in Philippi, West Virginia. Three workers were killed and another severely injured. The agency concluded the

company did not have a system to identify and control reactive chemicals. The CSB reiterated its recommendation to OSHA to amend its Process Safety Management standard to cover reactive chemicals, and to the EPA to revise its Accidental Release Prevention requirements.

New investigations

The CSB deployed investigation teams to the following incidents: an October 2019 hydrogen sulfide release in Odessa, TX at a water flood station managed by Aghorn Operating that led to the asphyxiation of an employee and his wife; a November 2019 explosion and fire at the TPC Group chemical plant in Port Neches, TX, which forced 60,000 people from their homes and injured three workers; a January 2020 explosion and fire at Watson Grinding in Houston, TX that killed two workers and caused extensive damage to a neighborhood; and a January 2020 explosion at the Wendland 1H gas well in Burleson County, TX that fatally injured three workers.

In addition, the CSB also deployed investigation teams to the Bio-Lab chemical plant in Westlake, LA following an August 2020 fire and in September 2020 to the company’s Conyers, GA plant following a chemical release of a chlorine-containing product. In September 2020, an investigation team was deployed to the Evergreen Packaging Mill in Canton, NC following a fire that fatally injured two workers.

NIOSH

Budget

For the third consecutive year, the Trump administration called for a major funding cut for NIOSH. In the President’s FY 2021 budget, funds to NIOSH would be cut by 45 percent, from \$342 million to \$190 million. The administration proposed eliminating the agency’s 18 Education and Research Centers, falsely asserting that academic institutions already have a curriculum that addresses occupational health

and safety, which makes the NIOSH program duplicative and unnecessary.

Health hazard evaluations

From December 2019 through October 2020, NIOSH researchers published 10 health hazard evaluations of workplaces. The investigations included respirable silica exposure during road repair, exposure to illicit drugs during emergency medical services response, and noise and ergonomic hazards in dental procedures at a veterinary care clinic.

NIOSH Science Blog

Dozens of NIOSH researchers profiled their work throughout the year on the agency's Science Blog. Titles of the blog posts included "Understanding the use of imported non-NIOSH-approved respirators"; "Collecting occupation and industry data in public health surveillance systems for COVID-19"; "Physiological burden of prolonged PPE use on health care workers during long shifts"; "Partnering to prevent suicide in the construction industry"; "Hearing loss among construction workers: chemicals can make it worse"; and "Wildland firefighter health: some burning questions."



Debra Gonzales, executive director of the Greater Syracuse COSH, rocks a COVID-19 face covering.

EPA

Risk management rule

In November 2019, EPA issued a final rule to rescind provisions of its Risk Management Program (RMP) rule, including the requirements for a facility to conduct "root cause" investigations and to identify inherently safer technologies. EPA asserted that those provisions were burdensome, costly, and unnecessary. The changes, which were proposed in 2018, were opposed by the United Steelworkers, the International Chemical Workers Union Council, the BlueGreen Alliance, and others.



(Top row, L-R) Cyrus Adam Reed, 29; Perry Wayne Calvin, 37; Joseph F. Pustejovsky Jr., 29; (Bottom row, L-R) Jerry Dane Chapman, 26; Kenneth Harris, Jr. 52; and Morris W. Bridges, Jr. 41, were six of the 12 volunteer fire fighters who were killed in the explosion at West Fertilizer in April 2013.

EPA's RMP rule had been amended during the Obama administration in response to the 2013 disaster at a fertilizer plant in West, TX that killed 12 volunteer fire fighters and three members of the public. When the EPA issued the November 2019 regulatory rollback of the RMP rule, the Chemical Safety Board's interim executive Kristen Kulinowski said EPA's changes were "counter to the chemical safety changes wanted by the CSB."

COSH Groups and Unions Stand with Black Lives Matter

The May 25 murder of George Floyd, 46, by Minneapolis police compelled hundreds of millions across the world to demand action on systemic racism and police brutality. A week later as a sign of collective protest, individuals and businesses participated in Blackout Tuesday. They paused their activities for 8 minutes and 46 seconds, the period of time that police officer Derek Chauvin had his knee on George Floyd's neck and choked him to death. Joining the demand for racial justice were COSH groups and unions.

The **Communication Workers of America** said, "We commit to creating dedicated spaces for open dialogue on race for our members and leaders to determine outcomes and clear steps the union must take to fight racism in the union, within the industries we represent and the community at-large. ...The only real way to dismantle racism and build the working-class power we seek is for every worker to take on the struggle for justice for Black people in this country as their own and to embrace the actions that 'an injury to one is an injury to all' demands of us."

MassCOSH said, "We believe that anti-worker and White Supremacy forces are deeply intertwined. The labor movement, however, is not immune from the forces of White Supremacy and we must always be vigilant in preventing systems of Black oppression from being replicated within our ranks."

NYCOSH said, "We will not turn our heads. We have seen the police brutality and some of us have witnessed it firsthand. We encourage our supporters to join the Movement for Black Lives, to join us as we denounce racism and police brutality. We also recognize that our work at NYCOSH is ongoing. We will continue to work towards including anti-racist language and information in our worker health and safety training programs."

PhilaPOSH said, "Racism causes pain to people of color every day in America. As we have throughout history, we will continue to stand together with the workers of the Philadelphia region and beyond against racism, inequality, and injustice. You need to look no further than the treatment of workers to see examples of the existence of structural racism."

Worksafe said it "stands with the Movement for Black Lives and all those who are rising up to protest state violence against Black people and communities. ... As labor movement advocates, we must acknowledge that there will never be workplace justice without racial justice. ...We envision a world where all workers, families, and communities are safe and healthy. That means returning home safe from work. That also means returning home safe from a jog, or a drive, or a trip to the park. Black lives matter."



UFW, Facebook



Asbestos

In November 2019, the House Energy and Commerce Committee voted 47-1 to approve the Alan Reinstein Ban Asbestos Now Act. The bill would prohibit the import, manufacture, sale, and export of asbestos-containing products, create a right-to-know program to inform the public about the presence of asbestos in products, and require a national assessment of the prevalence of asbestos in homes, schools, and workplaces.

In June 2020, EPA's Science Advisory Committee on Chemicals (SACC) expressed concerns during public hearings about the agency's risk evaluation on asbestos. SACC members questioned EPA's decision to limit its evaluation to chrysotile asbestos and only two types of cancer, and to conduct no assessment of exposure in schools, workplaces, homes, or other buildings. The SACC issued its final report in August 2020 and concluded that EPA's "environmental

and human health risk evaluations for asbestos was not considered adequate and resulted in low confidence in the conclusions."



Earl Dotter

Mike Mattmuller (L) and Rep. Paul Tonko (D-NY) discuss legislative strategy to pass a bill to ban asbestos. Mattmuller, 38, was diagnosed with mesothelioma in 2011. He became a powerful voice for the millions of people who continue to be exposed to the deadly carcinogen. Mattmuller died from mesothelioma in April 2020 and is survived by his wife and young daughter.



(L-R) Teamsters Daniel Bonavitz, CD Jones, and Chad Yokoyama at COSHCON19.

Addressing Occupational Health and Safety at the State and Local Levels

The COVID-19 crisis means governors, mayors, and state and local officials are witnessing health care workers stretched to their limit. Workers have appealed to them for PPE, sufficient staffing, and recognition of the severity of the disease. In states with meatpacking plants and agricultural operations, public officials could not ignore the way COVID-19 outbreaks in workplaces drove soaring infection rates in communities. Responsible lawmakers acknowledged slowing transmission of the coronavirus would require protecting people who cannot do their jobs from home.

In response, the states of Michigan, Oregon, Virginia, and California adopted emergency temporary standards requiring employers to institute COVID-19 protections for all workers. In several other states, including Illinois and Massachusetts, the governors issued executive orders to mandate worker protections, and some states modified their workers' compensation rules to create a presumption that COVID-19 illnesses and deaths are work-related.

The coronavirus dominated the occupational health and safety (OHS) activities of states and localities over the past year. We describe many of them below, along with other notable OHS happenings from the last 12 months.

Arkansas

In June 2020, Gov. Asa Hutchison signed an executive order to extend workers' compensation (WC) protections for individuals who contracted COVID-19 at work. "Ordinary diseases of life" are typically excluded from the state's WC law. In a separate executive order, the governor granted immunity to businesses from civil liability for harm caused by the coronavirus provided the business complied with public health directives.

California

Lead poisoning

Beginning in January 2020, the Department of Health was required to notify Cal/OSHA within five days of a laboratory report of blood-lead level from a worker that is at or above 20 ug/dL. The notification will result in a Cal/OSHA investigation, with the elevated blood lead level constituting a serious worker safety violation.

Injury and illness prevention rule

In January 2020, the Cal/OSHA Standards Board issued a final rule amending the injury and illness prevention program rule. The



Allies with the Instituto de Educacion Popular del Sur de California show their support for the Health and Safety for All Workers Act (SB 1257) to extend protections to household workers in the state.

amendment gives employees, their attorneys, and union representatives an explicit right to access the employer's written program.

Workers' compensation

In May 2020, Gov. Gavin Newsom signed an executive order to establish a presumption under workers' compensation (WC) that COVID-19 is work-related for individuals who were required to work outside of their homes during the springtime "stay at home" order.

In September 2020, the governor signed a bill to create a presumption under WC for first responders, health care workers, and people who test positive due to a work-related COVID-19 outbreak. He also signed a bill to require employers to report an outbreak to local public health officials and to give additional authority to Cal/OSHA to shut down a worksite due to COVID-19.

Home care workers

In September 2020, the governor vetoed a bill (SB 1257) that would have expanded the jurisdiction of Cal/OSHA to household do-

mestic workers. In his veto message he stated that placing "employer obligations to private homeowners and renters is unworkable and raises significant policy concerns."

"We are hearing reports from workers on public construction sites that the guidelines the state set out to protect its workers from COVID-19 are not being met. If these simple steps, which may not even be adequate to ensure worker safety, cannot be implemented at public worksites, how can we be sure they are being implemented by the private sector? The best course of action is to stop all non-essential work and ensure workers are being compensated for hours they would have been on the job."

—Jodi Sugerman-Brozen,
MassCOSH, March 2020

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Valley Fever

Beginning May 2020, construction employers who operate in 11 counties where Valley Fever is endemic are required to provide workers with training to prevent the fungal infection. The new Cal/OSHA requirement was mandated by an October 2019 law signed by Gov. Jerry Brown.

COVID-19

In May 2020, the National Lawyers Guild and Worksafe filed a petition with the Cal/OSHA Standard Board for an emergency standard to address COVID-19. The petition called for a rule that would extend protections to workers who are not already covered by the state's aerosol transmissible disease standard. In November, the Board voted unanimously to adopt an emergency standard.

In July 2020, the Los Angeles Board of Supervisors passed a motion to consider establishing worker-led public health councils. The councils would expand the capacity of the county health department by using community



Karín Umfrey, a staff attorney with Worksafe, holds a postcard addressed to California Gov. Gavin Newsom. Umfrey urges him to sign a bill to extend Cal/OSHA protections to domestic workers and day laborers.



Los Angeles Alliance for a New Economy, Facebook

Illinois

COVID-19

In June 2020, the state issued COVID-19 guidelines for workplaces with assembly lines, such as in meatpacking and food processing. The guidelines encourage employers to maintain physical distancing, develop and implement an infection control plan, conduct screening and contact tracing, and convene a labor-management health and safety committee to support the infection control procedures.

organizations with specially trained workers to monitor employers' compliance with the county's COVID-control protocols.

Colorado

In July 2020, Gov. Jared Polis signed a law providing whistleblower protections to workers who raise safety concerns related to a public health emergency such as COVID-19.

Connecticut

In July 2020, Gov. Ned Lamont signed an executive order to create a presumption under workers' compensation that certain COVID-19 cases contracted before mid-May are considered work-related.



Univision

Julia Garcia speaks to Univision in April 2020 outside Raymundo's, a food production plant in Bedford Park, IL. Workers organized a demonstration to demand paid leave for those who were exposed to co-workers who tested positive for COVID-19.

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Arise Chicago

With the support of Arise Chicago, workers from LSL Healthcare in Chicago demonstrate outside the company headquarters on May 1, 2020. They demand better COVID-19 protections following the death of a co-worker from the coronavirus.

In August 2020, the Illinois governor signed a bill that established a penalty for individuals who assault a retail worker who is conveying public health guidelines about face coverings and social distancing.

Workers' compensation

In June 2020, Gov. J.B. Pritzker signed a law that creates a presumption under workers' compensation (WC) that COVID-19 is an occupational disease for first responders and workers employed in essential industries.

In August 2020, the state's WC law was expanded to provide paid disability leave for an additional 60 days for firefighters and law enforcement personnel who are recovering from COVID-19.

Maryland

In March 2020, lawmakers passed with overwhelming support the Heat Stress Prevention Act, which requires Maryland OSHA to issue a regulation to protect workers from heat-related illnesses. Groups lobbying for the bill included the Maryland/DC AFL-CIO, National COSH, UNITE-HERE, and the American Industrial Hygiene Association. The law took effect in October 2020 and Maryland OSHA has until October 1, 2022 to adopt the regulation.



Elissa Cadillac shows how to rock MassCOSH's COVID-19 street fashion.

"RWDSU members are scared to go to work because of COVID-19; yet they do it because they need to provide for their families. But they shouldn't be expected to be putting their lives on the line. They never signed up for that."

— Stuart Applebaum, Retail, Wholesale and Department Store Union, April 2020

Massachusetts

In May 2020, Gov. Charlie Baker mandated workplace safety rules to address COVID-19, including requirements for face coverings, employee training, prohibiting employees with symptoms from reporting to work, and encouraging physical distancing.

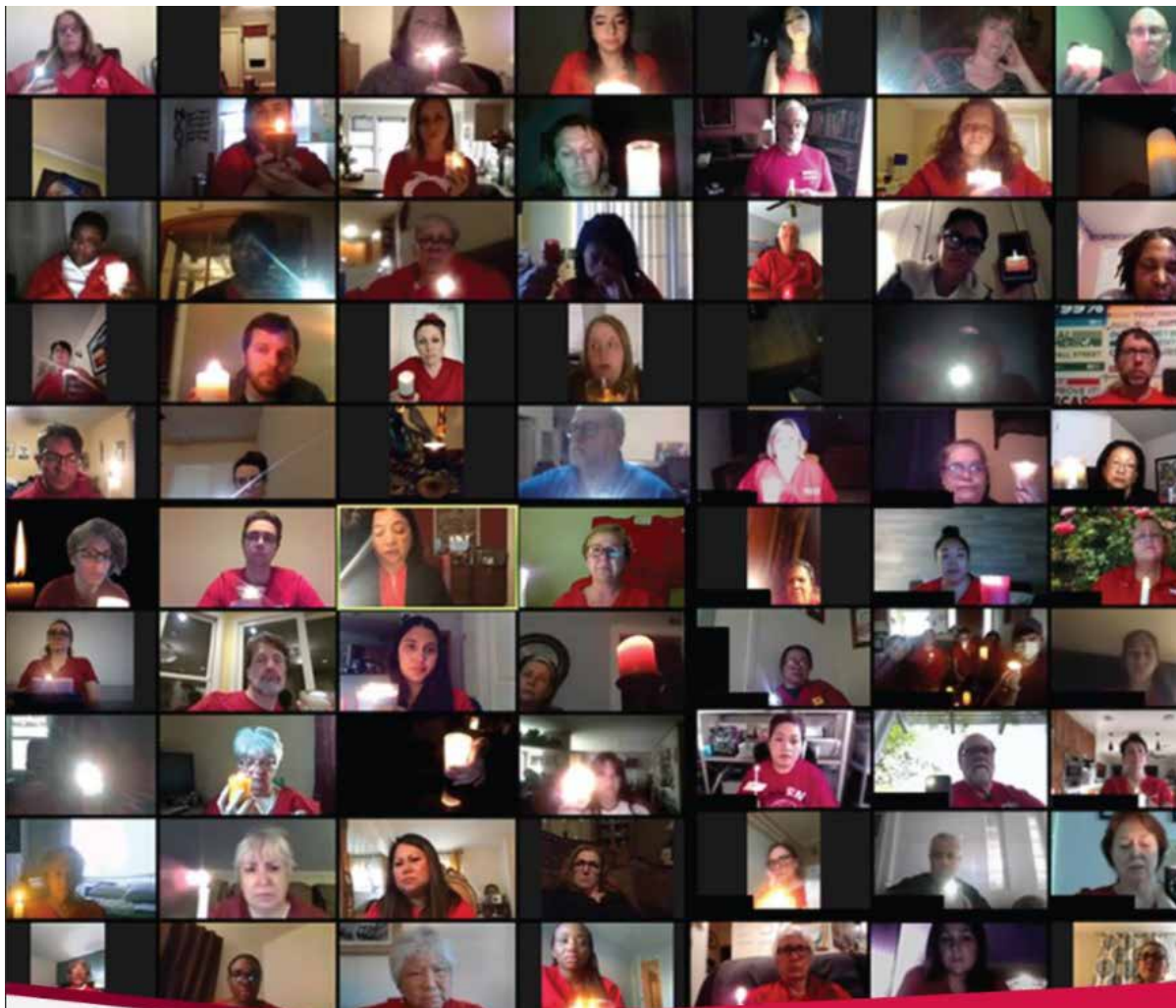
"Companies are willing to sacrifice their workers' health and safety in order to keep processing meat quickly and cheaply during the pandemic... We hope Governor Cooper will reconsider his decision and value the people who risk their lives on a daily basis to feed our families and fuel our economy—and not bow to the companies and agencies which seem more interested in protecting profits than our people."

—Western North Carolina Workers' Center, Sept. 2020

Michigan

In July 2020, Gov. Gretchen Whitmer issued an executive order requiring all businesses to implement a COVID-19 preparedness and response plan consistent with the guidelines issued by federal OSHA. The executive order listed additional measures, including requirements specific to construction, health care, meatpacking, and other industries.

In August 2020, the state's Department of Health and Human Services issued an emer-



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National Nurses United holds a virtual candlelight vigil on May 12 to honor all the nurses who died from COVID-19.

agency order that requires employers in agriculture and food processing to conduct baseline and ongoing coronavirus testing. The requirements distinguish between seasonal workers, workers with employer-provided housing, and workers with COVID-19 symptoms.

In October 2020, Michigan OSHA began implementing an emergency rule requiring all employers that mandate in-person work to have a written COVID-19 preparedness and response plan. In addition, the rule requires

"This silent enemy rapidly spawned a global pandemic and UAW members were among thousands of victims."

—Rory L. Gamble, United Auto Workers,
April 2020

employers to provide employee training on infection control measures and how to report unsafe conditions. The emergency rule will be in effect for six months.

Minnesota

In May 2020, Gov. Tim Walz issued an executive order explicitly stating that employers must not discriminate or retaliate against an employee who raises safety concerns or makes other communications about COVID-19. The order reiterates workers' right to refuse work that they believe presents an imminent danger of death or serious physical harm, and maintains their eligibility for unemployment insurance if the employer fails to address the hazard.

Nevada

In July 2020, NV-OSHA updated its COVID-19 guidance to employers, including requirements to conduct a job hazard analysis when physical distancing is not feasible. The guidance notes that engineering, administrative controls, and PPE should be implemented.

New Hampshire

In July 2020, the legislature passed bills to provide H&S protections to public sector workers, extend pension and death benefits for public employees' beneficiaries when they are killed on the job, and begin the process of establishing an OSHA State Plan. The bill was part of an omnibus bill presented to Gov. Chris Sununu at the very end of the legislative session, and he vetoed the bill.



Georgia Gov. Brian Kemp lifts coronavirus restrictions on businesses in April 2020 the exact same day that the *Atlanta Journal-Constitution* publishes an investigation of COVID-19 infections and deaths in the state's poultry industry.



New Labor

Rafael Chavez with New Labor protests in June 2020 to press the point that federal and state COVID-19 relief laws exclude many immigrants.

New Jersey

In April 2020, Gov. Phil Murphy signed an executive order that outlines COVID-19 protections for workers in essential jobs in the retail, manufacturing, warehouse, and construction industries. The mandate includes staggered work start and stop times, limited sharing of tools and equipment, 50 percent customer capacity in retail stores, and physical distancing as much as possible.

In November 2020, the governor signed an enhanced executive order that requires private and public sector employers to implement COVID-19 protections. The requirements include six feet of distance between individuals to the maximum extent possible, cleaning and sanitizing in accordance with state's department of health guidelines, prohibiting symptomatic employees from the workplace, and notifying employees of known COVID-19 exposure.

In addition, the state's Department of Labor (NJDOL) will create an online system to receive worker complaints about COVID-19 hazards and a process for responding to them. NJDOL is also required to coordinate with community organizations to ensure employers and employees receive training about their rights and responsibilities under the executive order.

In Memoriam

Jim Moran, the long-time labor organizer and executive director of PhilaPosh, passed away on November 21, 2020 at age 81. Jim is a legend in the U.S. grass-roots health and safety (H&S) movement. He tore into the ass of any politician or employer who symbolized anti-worker policies. He organized workers to fight back with a “take no prisoner” approach. His campaigns were fearless, Jim was fearless, and he inspired others to be fearless.

Jim Moran was a gift to the emerging COSH and broader H&S movement of the 1970s, 1980s, 1990s and right up to his death. He navigated PhilaPosh during historic victories and established the country’s premiere Worker Memorial Day event.

One of the highpoints of my long friendship with brother Jim was inviting him up to the UAW Black Lake Health and Safety Conference in 2003. Jim had risen through the ranks in the union movement as a UAW member in the heyday of shop floor worker power. It was a great tribute to have him there to share his passion for H&S with the UAW safety crowd.



National COSH

Jim Moran at COSHCON17.

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PhilaPosh

Jim Moran at the 2011 Worker Memorial Day commemoration in Philadelphia.

My last honor was to invite him to the 2017 COSH conference in Baltimore. Along with Barbara Rahke and other friends, we figured out the logistics for him to make the journey. He was there with his baseball cap on, a union bug tattoo on his hand, and ready to shoot the shit in the evening at the bar with a union beer. His fighting spirit will be in the room for a long time to come.

—Peter Dooley

“The very people holding up the economy in this time of coronavirus must not die because their workplaces have compromised health and safety.”

—New Labor, April 2020

New York

Workers’ compensation

In May 2020, Gov. Andrew Cuomo signed an amendment to the workers’ compensation law to provide death benefits to the families of state and local government employees who died from COVID-19. A family would be eligible if the public sector employee contracted COVID-19 after March 1, 2020 and died on or before December 31, 2020.



NYC bus driver Anthony Reid shows injuries following a July 5 assault by a passenger who refused to wear a face covering.

Public employee injuries

In December 2019, the New York City Council passed legislation that requires the administration to better track work-related injuries and illnesses of city employees, and to annually report on the city’s efforts to reduce workplace hazards.

“These statements insinuate that workers are dirty or irresponsible at home, a dangerous resurfacing of a racist and classist trope in order to disavow responsibility to provide workplace safety during this pandemic.”

—Amy Liebman, Migrant Clinicians Network, May 2020. (This was in response to remarks by Wisconsin Supreme Court Chief Justice Patience Roggensack, who said meatpacking workers, and not “regular folks” were responsible for COVID-19 outbreaks in Brown County.)

Oregon

Manganese

In January 2020, Oregon OSHA proposed improvements to reduce workers’ exposure to the neurotoxicant manganese. The proposed rule would make the permissible exposure limit substantially more protective, from a ceiling-only limit of 5 mg/m³ to an 8-hour time weighted average limit of 0.1 mg/m³. It also includes provisions for PPE and specific work practices.

Worker health and climate change

In March 2020, as part of a comprehensive executive order addressing climate change, Gov. Kate Brown directed the state’s Health Authority and Oregon OSHA to develop a proposed standard to protect workers from exposure to excessive heat and wildfire smoke. The agencies are directed to propose rules by no later than June 30, 2021.

COVID-19

In May 2020, Oregon OSHA adopted a temporary rule to address COVID-19 transmission in agricultural employment, which includes provisions related to employer-provided housing and transportation. The rule mandates social distancing while performing work tasks and during meal breaks; additional cleaning and sanitizing of toilet facilities and handwash-



Alejandro Zuniga with Fe y Justicia Worker Center distributes face coverings in May 2020 to day laborers in Houston.

ing stations; and requirements for six feet of distance or plastic barriers between beds in employer provided housing. The temporary rules were scheduled to expire in October, but were extended by Gov. Kate Brown through April 2021.

In November 2020, Oregon OSHA implemented a temporary rule to address COVID-19 in all workplaces, with additional protections for workers in direct patient care jobs. The rule, which was proposed in August, requires employers to conduct a risk assessment, develop an infection control plan, meet ventilation specifications, conduct employee training, and provide employee notification of jobsite cases and medical removal. The temporary rule was proposed in August and will remain in effect until May 2021.

Virginia

In April 2020, the Legal Aid Justice Center, Virginia Organizing, and Community Solidarity with Poultry Workers petitioned the state to adopt an emergency temporary standard (ETS) to protect poultry and meatpacking workers from COVID-19. Gov. Ralph Northam responded favorably to the petition and in June 2020, the Commonwealth became the first in the nation to adopt such a rule.

The ETS requires all employers in the state to provide face coverings and easy access to

handwashing stations and sanitizer, bar employees with known or suspected COVID-19 from returning to work, and notify workers within 24 hours when a co-worker tests positive for the virus. Additional requirements are mandated for jobs with higher risk of exposure, such as workers in health care, emergency services, meatpacking, and farming. The ETS expires in late January 2021.

Washington

Gov. Jay Inslee announced that the state workers' compensation (WC) program will provide lost-time benefits to health care workers and emergency responders while they are in quarantine for COVID-19. The cost of workers' medical treatment for COVID-19 will also be covered through WC.



A worker demonstrates outside a Tyson Foods poultry plant in Springdale, AR.

Albious Latior, Facebook

Worker Memorial Week 2020

By April 28, 2020, more than 62,000 people in the U.S. had died from COVID-19, including thousands who were exposed at work to the coronavirus. The traditional Worker Memorial Day vigils, marches, die-ins, and other social gatherings were replaced by Zoom events and video messages. Candle lightings, musical performances, and worker testimonials were as moving as in-person events. Each of the Worker Memorial Day commemorations this past year also acknowledged all workers who were not able to work from home. They risked their lives during the pandemic to provide the goods and services we expect. The term “essential” did not—and does not—go far enough to recognize them.

We recap below some of the Worker Memorial Week events organized by COSH groups and their community allies:



The Greater Syracuse Council on Occupational Safety and Health, the Workers' Center of Central New York, the Occupational Health Clinical Center, and other partners hosted the UNITY Online Event. In addition to the tradition of reading the names of individuals from the region who succumb to work-related injuries and illnesses—22 over the past year—the participants honored the accomplishments of Greg Siwinski, Caroline Kim Tihanyi, and Nancy Chappell.



**Massachusetts Coalition
For Occupational Safety And Health**

The Massachusetts Coalition for Occupational Safety and Health joined with the state AFL-CIO, the Greater Boston Labor Council, Jobs with Justice, and Community Labor United to host a Facebook Live event on April 28. They paid tribute to

workers who were fatally injured or made ill by work in the previous 12 months, including five essential workers who died from COVID-19. The groups also released a toolkit to help workers know their rights with respect to COVID-19, understand what health and safety protections should be provided, and suggest ways for workers to take collective action.



The National Council for Occupational Safety and Health held a press call on April 23 to release a special Coronavirus Edition of its annual “Dirty Dozen” report. Speakers on the call were Horacio Ruiz, a member of ROC United who is active in the campaign for paid sick

leave, and Pedro Mendez, a worker on an interstate highway project in Florida where five workers have been fatally injured since 2016.



The Northeast New York Coalition for Occupational Safety and Health, the Capital District Area Labor Federation AFL-CIO, Albany County Labor Council, Saratoga County Labor Council, and other partners produced a memorial video to remember workers

in the region who died on the job the previous year and honor workers who are on the frontlines of the COVID-19 pandemic.



New Labor and the New Jersey Work Environment Council held a virtual march and rally on April 26. The WebEx event featured testimony from families who lost loved ones on the job, climate justice fighters who connect their campaigns to labor rights, and workers impacted by COVID-19. The call to action for the event included a demand to lawmakers to ensure all work-

ers—no matter immigration status or type of job—are included in any future COVID-19 response and recovery legislation.



The Western New York Coalition for Occupational Safety and Health, the Western New York Area Labor Federation, and the Buffalo Central Labor Council held an online event on April 28 featuring front-line workers Sarah Buckley (CWA 1168), Jeffrey Richardson (ATU 1342), and gas station attendant Meghan Van Alstine. U.S. Rep. Brian Higgins as well as NY State Sen-

ators Timothy Kennedy and Patrick Gallivan joined in to discuss legislative initiatives on COVID-19, including protections for essential workers.

“The COVID-19 pandemic has demonstrated, more clearly than ever, that worker health cannot be separated from public health. Life-threatening hazards don’t stay put in a single building or worksite, but spread to family members, neighbors, and the public at large. Every worker is essential to their family—and deserves to come home safely at the end of their shift.”

—Marcy Goldstein-Gelb, National COSH, April 2020



Debra Gonzales, executive director, Greater Syracuse COSH with her annual artwork to commemorate Worker Memorial Day 2020.



UFCW sisters and brothers at COSHCON19. (Standing, L-R) Blanca Hernandez, Ella Ellerbe, Sheronda Parks, Terrell Owens, and (in front) Corey Hicks.

News Coverage of Worker Health and Safety Topics

In an unprecedented way, national, regional, and local reporters directed their attention to worker health and safety because of COVID-19. The pandemic illustrated the profound connection between working conditions, families, communities, and health. Thanks to journalists, the voices of workers who were on the front lines of the pandemic were featured in hundreds of news stories in print, television, radio, and social media.

Health care workers describe overwhelmed ICUs and morgues. They demand the federal government intervene to order the manufacture of N95 respirators, medical equipment, and supplies. By interviewing health care workers, reporters brought to life the physical and mental hazards experienced by those who work in hospitals and nursing facilities.

Journalists' reporting about the extraordinary outbreaks of COVID-19 in counties with meat-packing plants forced conversations about the essential work of immigrants, hazardous conditions, and jobs without paid sick leave. Grocery and drug store clerks, delivery drivers, and public transportation crews told reporters about their desire to serve the public, while also explaining that their employers failed to provide adequate protections and left them feeling disposable rather than respected.

With an emphasis on potent quotes recorded by the journalists and excerpts from their



Jessica Martinez, co-director of National COSH, was featured in May 2020 on MSNBC's The Rachel Maddow Show. Martinez discussed the disproportionate impact of COVID-19 on Latinx and Black workers who are less likely to have jobs that can be done from home. She provided insight on the Trump administration's failure to protect essential workers.



NNU nurses at Stroger Hospital in Chicago, IL participate in the "sticker-up action" Respect RNs. Their Twitter message said "Frontline health care workers ALWAYS deserve respect on the job... especially during a pandemic!"

NNU

25

stories, we highlight some of the best OHS reporting this past year. We present them in chronological order to illustrate the changing nature of the COVID-19 pandemic and its effect on workers.

"It's frustrating and frightening. If we can't have things implemented properly in the hospital, then it's a danger for us and to the patients," Marie Spaner, a Los Angeles hospital nurse, told Business Insider. "We're just grossly unprepared."

In: "Nurses are understaffed and frustrated as they battle coronavirus," by A. Akhtar. Business Insider, March 17, 2020.

"At Beth Israel Lahey Health in the Boston area, workers were told this week of 'extreme shortages' and asked to wear only single-use protective equipment 'for as long as they can tolerate during their shift.' They were also asked not to discard any surgical masks, N95 respirators or eye protection but to place the used ones in special bins to be saved.

"...The American Medical Association said that this situation of workers wearing a single mask for a full day and cleaning them or sewing their own protective gear is not sustainable, and called on the Trump administration to 'pull every lever' to secure supplies. 'Anything less is unacceptable at this critical juncture.'"

In: "Front-line health workers push back against CDC mask guidelines for coronavirus," by A. Eunjung Cha and M. Miller. *Washington Post*, March 20, 2020.

"Supermarket employees have long toiled behind the scenes of the most mundane of weekly errands: grocery shopping. But since the outbreak of the novel coronavirus, grocery employees are working long hours—and putting their lives on the line—to provide food and basic household essentials to worried consumers increasingly staying at home during the pandemic.

"...Anshul Varma, 48, who went shopping for groceries and cleaning supplies, admitted he didn't think a lot about the grocery workers who help get food to his dining table. But 'It's been an eye-opener,' Varma said. 'I didn't realize just how important they are. I just

hope they all stay safe because these guys are all bearing the brunt of it.'"

In: "The unsung heroes of coronavirus: Grocery workers," by P. Takahashi. *Houston Chronicle*, March 26, 2020.

"The coronavirus pandemic, which has infected more than 30,000 people in New York City, is beginning to take a toll on those who are most needed to combat it: the doctors, nurses and other workers at hospitals and clinics. 'I feel like we're all just being sent to slaughter,' said Thomas Riley, a nurse at Jacobi Medical Center in the Bronx, who has contracted the virus, along with his husband.

"...Last week, two nurses in New York, including Kious Kelly, a 48-year-old assistant nurse manager at Mount Sinai West, died from the disease; they are believed to be the first known victims among the city's medical workers. Health care workers across the city said they feared many more would follow."

In: "Nurses die, doctors fall sick and panic rises on virus front lines," by M. Schwartz. *The New York Times*, March 30, 2020.

"As everyone from the president to Snoop Dogg are urging people to stay home and



National Nurses United

Members of National Nurses United at a March 2020 news conference about a nationwide survey of the hospital industry's lack of preparation for COVID-19.

avoid groups of more than 10 people, meat and poultry workers are required to do the opposite.”

ProPublica reported what some of the industry’s largest firms were doing to respond to the coronavirus, such as temperature screening, extra pay, paid sick time, and elimination of disciplinary “points” for absences. “Many of the nation’s meatpackers declined to respond to specific questions about how they’ve dealt with infected workers or that they’ve done to try to mitigate the spread of COVID-19 in their plants. Or they offered vague assurances that workers are being protected.”

Workers, some in the U.S. without authorization, “noted with irony that they have recently been labeled ‘essential’ by an administration now facing down a pandemic. Yet the rules of their workplaces—and the need to keep food moving—pressure them to work in close quarters, even when sick.”

In: “What happens if workers cutting up the nation’s meat get sick?” by M. Grabell. ProPublica, March 28, 2020.

“[P]regnant doctors and nurses told us that their employers have chosen to interpret the absence of information and guidance as a reason to let them continue working as normal—even when they raise concerns.” About



Kylynn, 11, from Grand Island, NE, participates with the group Solidarity with Packing Plant Workers at a protest in May 2020.



Grant family

Annie Grant, 55, (front row, center) in a family photo. Grant worked at the Tyson poultry plant in Camilla, GA until she died from COVID-19 in April 2020.

90 percent of the health care workforce in the U.S. is female, but the CDC recommendations for protecting pregnant women exposed to the coronavirus are scant.

In: “‘I’m terrified’: Pregnant health care workers at risk of coronavirus are being forced to keep working,” by N. Martin and B. Yeung. ProPublica, April 1, 2020.

“Next to health-care providers, no workforce has proved more essential during the novel coronavirus pandemic than the 3 million U.S. grocery store employees who restock shelves and freezers, fill online orders and keep checkout lines moving. ... Some liken their job to working in a war zone, knowing that the simple act of showing up to work could ultimately kill them. At least 41 grocery workers have died so far.

“‘The language of job postings has become more desperate,’ said Julia Pollack, a labor economist. ‘Grocery companies are saying there’s an urgent need or that they need workers to start immediately. It’s becoming more difficult to convince workers to put themselves at risk.’”

In: “ ‘It feels like a war zone’: As more of them die, grocery workers increasingly fear showing up at work,” by A. Bhattacharai. Washington Post, April 12, 2020.

"The company 'had very little material that was translated into the different languages. There are 30 languages spoke at that plant,' said Kim Cordova, president of UFCW local 7. The union went to Governor Jared Polis to demand paid leave for the workers, and is still fighting for sick pay and hazard pay. A bonus offered by the company is only available to workers if they work through the entire pandemic ... Cordova said."

In: "Latinos' coronavirus deaths at meat processing plant raise alarms about worker safety," by S. Gamboa. NBC News, April 14, 2020.

"The [OSHA] complaints offer a snapshot of the fear experienced by working Americans compelled to work even as the majority have been urged to stay at home, and they come from an array of workplaces: hospitals, construction companies, grocery stores, pharmacies and shipping companies. Collectively, the [OSHA complaint] records depict the desperation of the employees and their frustrations with employers, who in the view of workers were at best simply unprepared for a pandemic and at worst callously unconcerned with worker safety."

In: "Thousands of OSHA complaints filed against companies for virus workplace safety concerns, records show," by P. Whoriskey, J. Stein, and N. Jones. Washington Post, April 16, 2020.

Hospitals in Grand Island, NE were raising alarms to the regional health department in late March about COVID-19 infections among workers from the local JBS beef plant. Emails obtained through the state's open records law provide "an alarming case study of what may come now that President Donald Trump has used the Defense Production Act to try to ensure meat processing plants remain open, severely weakening public health officials' leverage to stop the spread of the virus in their communities."

In: "What happened when health officials wanted to close a meatpacking plant, but the



Credit: House Judiciary Committee

Vicente Reyes, 20, testifies in September 2020 before the House Judiciary Subcommittee on Immigration and Citizenship about the impact of COVID-19 on farm workers. Reyes and his family work in agricultural fields in California.

Governor said no," by M. Grabell. ProPublica, May 7, 2020.

"On April 10, Tony Thompson, the sheriff of Black Hawk County in Iowa, visited the giant Tyson Foods pork plant in Waterloo. What he saw, he said, 'shook me to the core.'"

The company was "less than cooperative" when he urged Tyson to temporarily close the plant. Despite requests from local officials, Governor Kim Reynolds said she was the only one who could mandate a shutdown, and she refused. [And] "with meat supplies disrupted nationwide, the White House has pushed Tyson and other meat companies to continue operating. ... 'You're going to have to push them,' President Trump told the USDA secretary, 'push them more.'"

In: "Pork chops vs. people: Battling coronavirus in an Iowa meat plant," by A. Swanson, D. Yaffe-Bellany, and M. Corkery. The New York Times, May 10, 2020.

"Against a backdrop of scarcity and chaos, hospitals, public health departments and lawmakers pushed back. They wanted the CDC guidelines [requiring N95s for healthcare workers] rolled back to protect against droplet, [but] not airborne exposure."

The reporters relied upon internal documents from lawmakers and CDC officials to explain the lobbying that influenced the government's recommendations on personal protective equipment for health care workers.

In: "31,000 and counting," by J. Gollan and E. Shogren. *Reveal from the Center for Investigative Reporting*, May 11, 2020.

Using records obtained through the Colorado Public Records Act, the reporters reveal the tension between Weld County, CO health officials and management of the JBS beef plant in Greeley. Emails from Dr. Mark Wallace, director of the county health department, "chronicle the fraught struggle to contain one of America's most severe industrial coronavirus hot spots, and provide a case study into the country's approach to the crisis, in which much of the responsibility for setting policy with regard to the pandemic and dealing with the fallout has landed on relatively low-level local officials..."

In: "Health official quits after push to reopen Colorado meat plant," by M. Smith. *MarketWatch*, May 12, 2020.



Saul Sanchez, 78, was the first employee from the JBS meatpacking plant in Greeley, CO to die from COVID-19. By mid-July, five other workers succumbed to the disease.

"By the end of April, employees at a Walmart in Quincy, MA, were panicking: Sick colleagues kept showing up at work. Other employees disappeared without explanation. The store's longtime greeter was in the hospital and on a ventilator, dying from COVID-19. Local health officials grew alarmed as employees and their relatives reported sick co-workers. Shoppers called to complain about crowded conditions."

The reporters interviewed current and former employees from more than 30 supermarkets who "alleged that the companies had not disclosed cases of infected or dead workers, retaliated against employees who raised safety concerns, and used faulty equipment to implement coronavirus mitigation measures."

In: "On the front lines of the pandemic, grocery workers are in the dark about risks," by N. Dungca, J. Abelson, A. Bhattarai, and M. Kornfield. *Washington Post*, May 24, 2020.

"Images of healthcare workers during the pandemic often show them cheering as a patient is wheeled out of the hospital, arms pumping, with the theme from 'Rocky' or 'Don't Stop Believin' playing in the background. The daily reality has been grimmer. In some medical centers, the ratio of deaths to discharges was as high as 9 to 1 among the critically ill on ventilators.

"Signs of burnout, anxiety and frustration are widespread, especially as colleagues, friends and family members have gotten sick or died. That has provoked quiet despair in some medical workers and angry confrontations from others." The reporters profile five healthcare workers, including a paramedic who said 'it's a complete war out here.'

In: "'I have never felt so helpless': Front-line workers confront loss" by A. Eunjung Cha, B. Guarino, and W. Wan. *Washington Post*, June 7, 2020.

"'I hoped that the federal government would have stepped in to demand an increase in production and accountability so that we could deal with this,' said Deborah Burger, co-president of the National Nurses United



Rosanna Coto Batres with NENYCOSH appears on Univision Channel 41 in September 2020. Batres provided information about COVID-19 safety protections, including the difference between face coverings and N95 respirators.

and president of the California Nurses Association. 'But five months in, it's really immoral that they haven't stepped up to the plate.'

... 'The unfortunate part of this epidemic is that it is showing the really ugly side of the American health care system and that is we don't have a health care system. We have markets and it is based on what we can afford to buy.'

In: "Few N95 masks, reused gowns: Dire PPE shortages reveal COVID-19's racial divide," by L. Dunn and S. Fitzpatrick. NBC News, June 12, 2020.

"Stephanie Morales was weighing her coronavirus symptoms against an 8-pound hunk of fancy steak. That Saturday in April, her bosses at the JBS meatpacking plant in Cactus, Texas, had promised their 3,000 employees that anyone who worked that day would receive half of an Angus rib-eye. At the typical \$9 a pound or more, this bonus equaled at least half a day's wages.

"...The CDC warned JBS on April 20 to stop offering inducements for workers to come in, but JBS ultimately didn't follow the agency's advice."

In: "How meat plants were allowed to become coronavirus hot spots," by P. Mosendz, P. Waldman, and L. Mulvany. Bloomberg Business, June 18, 2020.

"More than four months into the pandemic, nursing home caregivers say they have been largely left to fend for themselves even as the coronavirus outbreaks continue to overwhelm facilities across the country. ... Tens of thousands of nursing home workers have contracted the coronavirus and at least 200 have died, according to a *Washington Post* analysis of state data. ... In late April, FEMA announced it would coordinate shipments of gowns, masks, gloves and googles, providing facilities with enough to last two weeks and prioritizing homes in cities with major outbreaks. But some homes received expired masks, cloth masks possible made from t-shirts, ill-fitting plastic gowns ... the shipments came in unmarked boxes with no return address."

In: "Caregivers on the front lines in nursing homes risk health, safety during pandemic" S. Mulcahy, A. Shah, and J. Jacobs. *The Washington Post*, June 29, 2020.

"... Over the course of two terrifying months, at least 2,215 Delmarva poultry plant workers became sick with the coronavirus, according to data from the three states. At least 17 died. ... [One worker] was so worried about infecting her seven relatives that she quarantined in the only place she could think of: her bathroom. ... Mountaire paid her \$660—60 percent of her normal wages—during that time, she said, and nothing over the next month as she recuperated."

In: "'Are you ready to go back?' After COVID-19, a poultry worker fears a return to work," by M.E. Miller. *Washington Post*, July 6, 2020.

"As the COVID toll climbs, sick workers and families of the dead face another daunting burden: fighting for benefits from workers' compensation systems that, in some states, are stacked against them. In interviews with lawyers and families across the nation, KHN

found that health care workers—including nurses' aides, physician assistants and maintenance workers—have faced denials or long-shot odds of getting benefits paid.

In: "Families of health workers killed by COVID fight for denied workers' comp benefits," by M. Bailey and C. Jewett. Kaiser Health News, July 13, 2020.



UPW, Facebook

The United Farm Workers hosts a vigil in September 2020 to remember the nine workers from the Foster Farms poultry plant in Livingston who died from COVID-19. More than 350 workers at the plant tested positive for the coronavirus.

"'It is relentless,' said nurse LaTonya Rafe. June was worse than May, July worse than June. The 50-year-old veteran nurse wept last week for the first time for the patient she lost the week before, finally allowing herself to grieve. 'I'm just so, so tired.'

"... Nearly five months into this health crisis, another, more hidden toll is emerging as those on its front line are becoming exhausted, overworked and overwhelmed both physically and emotionally."

In: "'I'm just so, so tired.' COVID taking emotional, physical toll on Houston health care workers," by J. Dean. Houston Chronicle, July 30, 2020.

Maira Mendez's parents work at the Smithfield pork plant in Crete, NE. She helped to form the group Children of Smithfield.

"'We were hearing from our parents. ... The one that resonated with me the most was the hairnets [being used] in place of a mask. ... And then I saw that same reference in this article about Sioux Falls, where a daughter of plant workers also mentions their parents describing that as the PPE that Smithfield was providing.

"'That's when it just—it felt really wrong. And I was, like, it's not just in one plant. This is happening across the nation.'"

In: "The children of Smithfield." Latino USA, National Public Radio, Aug. 11, 2020.

"More than 4,100 COVID-related complaints regarding health care facilities have poured into the nation's network of federal and state OSHA offices. ... A KHN investigation found that at least 35 health care workers died after OSHA received safety complaints about their workplaces. Yet by June 21, the agency had



Facebook

Maira Mendez, whose parents are meatpacking workers, speaks outside the Nebraska State Capitol in May 2020.

quietly closed almost all of those complaints, and none of them led to a citation or a fine.”

In: “Workers filed more than 4,100 complaints about protective gear, some still died,” by C. Jewett, S. Luthra, and M. Bailey. Kaiser Health News, June 30, 2020.

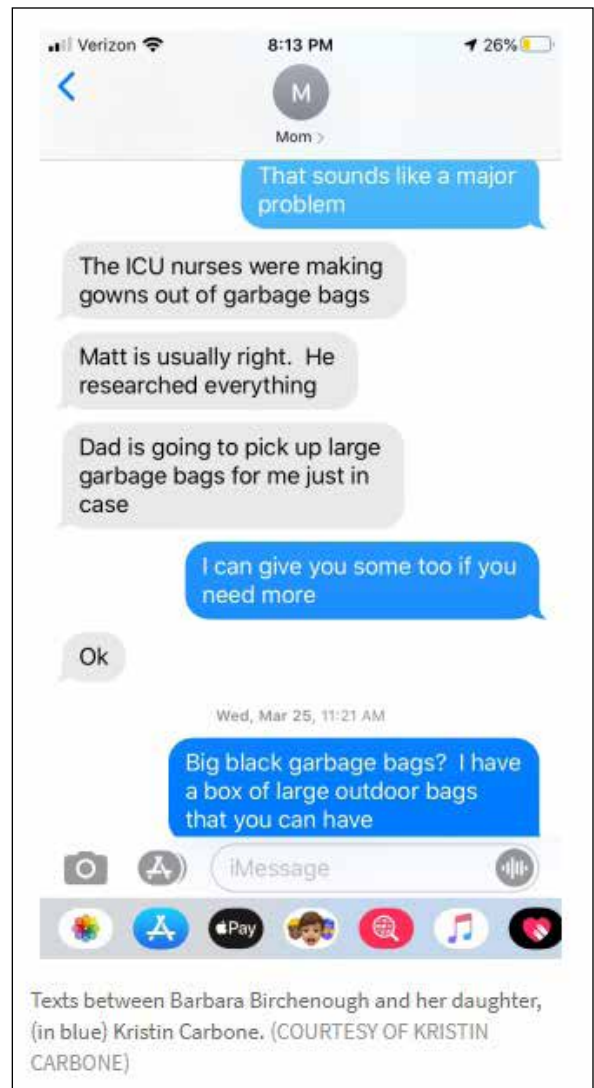
“I’ve heard it a thousand times in the last six months: ‘My, this has taken us all by surprise,’” one expert told ProPublica. [But] ‘I’ve written for the last 20 years about exactly what’s happening today.’”

Following the H5N1 outbreak in 2004, federal agencies developed pandemic preparedness plans to stave off disruptions in critical services, including agriculture and food production. Guidelines were drafted and firms were urged to collaborate with the local health departments to plan for a widespread infectious disease outbreak. ProPublica explains the meatpacking industry’s decisions over more than a decade to prepare for a pandemic, yet ignore recommendations to stockpile PPE and plan for a production process that requires physical distancing of the workforce.

In: “Meatpacking companies dismissed years of warnings but now say nobody could have prepared for COVID-19,” by M. Grabell and B. Yeung. ProPublica, Aug. 20, 2020.

“From Oregon to North Carolina, counties with the highest per capita rates of coronavirus are some of the top producers of crops like lettuce, sweet potatoes, and apples. In California, six out of seven of the state’s most COVID-ridden counties, per capita, are in the Central Valley, which produces the lion’s share of America’s fruits and vegetables. Further south, Imperial County, CA, which borders Mexico and Arizona, has by far the highest per-capita rate of cases in the state—5,930 cases per 100,000 people and 296 deaths, according to CDC data. The county is home to a fertile valley that grows vast quantities of vegetables as well as melons and chili peppers.”

In: “Harvest of shame: Farmworkers face coronavirus disaster,” by H. Bottemiller Evich,



Kristin Carbone

Text messages exchanged between Barbara Birchenough, 65, a nurse at Clara Maass Medical Center in Belleville, NJ and her daughter Kristin Carbone, concerning the hospital's lack of PPE. Birchenough was exposed to the coronavirus and died three weeks later.

X. Bustillo, and L. Crampton. Politico, Sept. 8, 2020.

The day before the first positive case of COVID-19 among pork processing workers at Triumph Foods, the company’s CEO shared on Facebook a conspiracy theory video that blamed the virus on 5G cell towers. Just a few weeks later, one-fifth the 2,800 employees at its St. Joseph, MO plant tested positive for the virus.

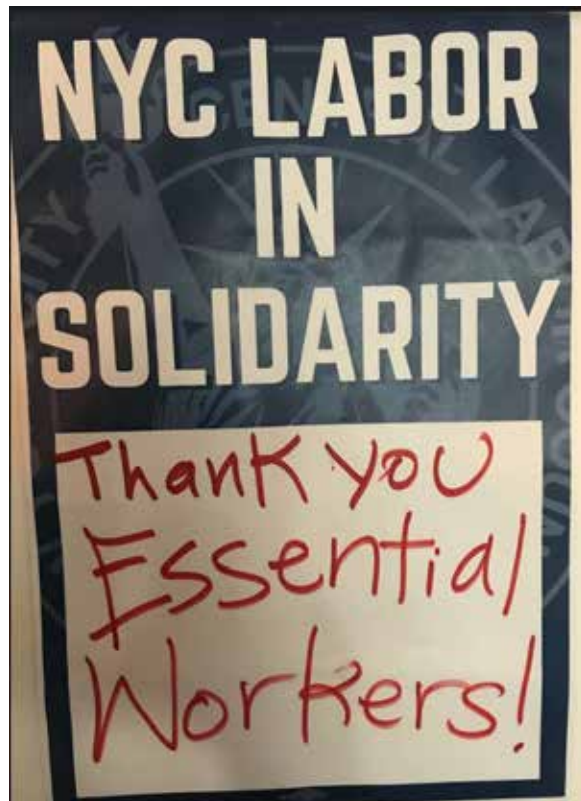
Reporters from the Midwest Center for Investigative and *USA Today* dive deep into

the plant's COVID-19 outbreak using government records and company communications. They focus on six key dates in March, April, and May and the ways the firm's actions perpetuated harm, including the death of four workers. The reporters expose missed opportunities by the local health department, which believed the company's claims about the precautions it had in place. The company boasted, for example, of "its pre-emptive effort to test its entire workforce," the reporters write, but their investigation revealed that sick workers remained on the job while COVID-19 test results were pending. One worker, Bernardo Serpa, 65, told the reporters, "they brought me back to work, for what? For me to die there? ... They think workers are like dogs. If we don't work, they get rid of us, and in any case they get new workers." Serpa contracted the disease, spent four months in a coma, and died Oct. 16.

In: "‘They think workers are like dogs.’ How pork plant execs sacrificed safety for profits." R. Axon, K. Bagenstose, K. Crowe, and S. Chadde. *USA Today* and the Midwest Center for Investigative Reporting, Nov. 12, 2020.



Arturo Chavez Valencia, 44, with his three sons prior to his death from COVID-19. Valencia and his wife worked at the Triumph Foods pork plant in St. Joseph, MO.



Other Notable Reporting on Worker Health and Safety Topics

Although COVID-19 dominated reporters' work, several investigative journalists brought attention to other important H&S topics.

Workers' compensation in Texas

Flight attendant Stephanie Albers was injured on the job when severe turbulence shook the aircraft. Reporter Erin Douglas uses Albers's experience trying to receive proper medical care to describe the failure of Texas' workers' compensation (WC) system.

Among the obstacles, attorney fees are capped at 25 percent of the worker's weekly benefit, making it difficult for an injured worker to find a lawyer willing to take their case. Another hurdle is a Supreme Court of Texas ruling that made WC insurers immune from lawsuits for denial of treatment, even in cases where a denial resulted in further harm.

Workers instead are required to use the system's dispute resolution process. On top of these barriers, "You can't even help yourself," Albers told the *Houston Chronicle*. Once in the WC system, it's illegal for a worker to use health insurance or personal resources to obtain medical care.

E. Douglas. "In crippling pain from on-the-job injury, Houston flight attendant finds getting help 'impossible,'" *Houston Chronicle*, Feb. 21, 2020.

OSHA inspections decline during Trump administration

When Shawn Knowles, 44, was fatally injured at a countertop manufacturing plant in Orlando, FL, his partner Elizabeth Evju said his death "destroyed us." The mother of six said the event affected their family emotionally and financially. Then came anger. She was appalled at the meager \$12,199 OSHA penalty and learning Knowles' workplace had never been inspected by the agency.

Using OSHA inspection data, Fernández Campbell and Yerardi found OSHA conducted more than 6,800 inspections since 2013 following fatalities or multiple hospitalizations. More than 90 percent were in workplaces



Elizabeth Evju holds a small whiteboard with a message her partner Shawn Knowles wrote before he was fatally injured at work in 2018.



Kathy Fagan/LinkedIn

Kathy Fagan, MD, a former medical officer with federal OSHA, assisted Reveal's Will Evans with his reporting on Amazon's records of worker injuries. While at OSHA, Fagan investigated practices at the company's on-site clinics in which injured workers were sent back to their jobs without receiving proper medical care. "That's shameful," she told Evans. "This is a company that makes enormous profits."

that had not been inspected in at least the previous 10 years. They also reported that from 2017 through 2019, the U.S. labor force grew by 16 percent, but OSHA conducted fewer inspections compared to a similar period during the Obama administration. A hiring freeze instituted in the first year of the Trump administration may account for the decline in inspections.

A. Fernández Campbell and J. Yerardi. "Fewer inspectors, more deaths: The Trump administration rolls back workplace safety inspections." Center for Public Integrity, Aug. 18, 2020.



Members of New Labor in Lakewood, NJ, celebrate the completion in July 2020 of the on-line Domestic Workers Train-the-Trainer program.

Worker injuries at Amazon

Work-related injury rates at Amazon warehouses have increased each year from 2016 to 2019. The firm asserts that a multi-million dollar investment in robots is reducing musculoskeletal injuries, but records obtained by reporter Will Evans show the opposite. The robots had the task of picking the items and the workers did the packing, and at first the workers thought the robots were “so cool.” But workers quickly realized they couldn’t keep up with the robots’ pace and had even more muscle strain from doing the same packing task for 10 hours straight. Previously,

workers “had to grab and scan about 100 items an hour,” but the new quotas were “up to 400 an hour at robotic fulfillment centers.”

Evans’ analysis of the Amazon records reveals its weekly injury rates are the highest during the company’s biggest customer promotions: Prime Day and Cyber Monday. The company’s public pronouncements insist worker safety is a priority, but Amazon officials refused to be interviewed for Evans’ story.

W. Evans. “How Amazon hid its safety crisis.” *Reveal* at the Center for Investigative Reporting, Sept. 29, 2020.



(L-R) Ben Weilerstein and Al Vega of MassCOSH at COSHCON19.

New Research on Worker Health and Safety

The COVID-19 pandemic illuminated in a profound way the relationship between working conditions and community health. Epidemiologists, infectious disease specialists, and other researchers, many of whom had not previously examined occupational health issues, are analyzing data on work-related COVID-19 outbreaks. Researchers are reporting on significant disparities in novel coronavirus infections and deaths. Their work documents inequalities in risk by race, ethnicity, and low-wage jobs where at-home work is not an option.

We recap below some of the findings from the Centers for Disease Control and Prevention's publication *Morbidity and Mortality Weekly Reports* and also highlight reports from COSH groups and other non-profit organizations. On the final pages of the yearbook, we list some of the best articles in the peer-reviewed literature on occupational health and safety topics published this year.

Morbidity and Mortality Weekly Reports

COVID-19: Meat and poultry workers

From February through April 2020, more than 4,900 cases of COVID-19 and 20 deaths were reported among workers from 115 meat and poultry plants in 19 states. The authors describe structural, operational, sociocultural, and economic risk factors and potential interventions.

J.W. Dyal, M.P. Grant, et al. COVID-19 among workers in meat and poultry processing facilities, 19 states, April 2020. *Morb Mortal Wkly Rep*. 2020 May 8;69(18):557–561.



The Workers Justice Project in Brooklyn, NY holds a workshop in July 2020 to “educate and prepare our community to readapt to the new reality in their workplaces.” They discuss tips for physical distancing at work and mask coverings. “It is time to organize during COVID-19,” says executive director Ligia Guallpa.

More than 30 percent of the 1,200 workers at a Nebraska meatpacking plant tested positive for COVID-19 during a screening program conducted in April 2020. A survey of 241 of the workers who were COVID-19 positive found 46 percent were Hispanic and one-third had no symptoms. Among the risk factors reported, 29 percent of the workers indicated they worked closer than 4 feet away from a COVID-19 positive co-worker and 13 percent reported having close contact outside of work to a person diagnosed with COVID-19. Because of the potential for transmission from individuals who are asymptomatic, the authors urge caution about employers relying only on pre-shift symptom surveys and fever screenings.

M. Donahue, N. Sreenivasan, et al. Notes from the field: Characteristics of meat processing facility workers with confirmed SARS-CoV-2 infection, Nebraska, April-May 2020. *Morb Mortal Wkly Rep* 2020 Aug 7;69(31):1020–1022.

Between March 16 and April 25 at a meat processing plant in South Dakota, 929 employees (26 percent) tested positive for COVID-19, including 48 who were hospitalized and two who died. The greatest risk factor for contracting the infection was working less than six feet from another worker. Contact tracing identified more than 2,400 additional people in the community who tested positive for the virus.

Following a temporary shutdown of the plant for cleaning and sanitizing, the number of



Six workers from the JBS beef plant in Greeley, CO died from COVID-19 in April 2020. They are (Top row, L-R): Eduardo Conchas de la Cruz; Saul Longoria Sanchez; Daniel Avila Loma. (Bottom row, L-R): Tibursio Rivera Lopez; Tin Aye; and Way Ler.

COVID-19 cases in the workforce declined from an average of 67 per day to 10 per day.

J. Steinberg, E.D. Kennedy, et al. COVID-19 outbreak among employees at a meat processing facility, South Dakota, March-April 2020. *Morb Mortal Wkly Rep* 2020 Aug 7;69:1015-1019.

COVID-19: Racial and ethnic disparities

Data from 36 states identified 55 deaths and 8,978 cases of COVID-19 between March 1 and May 31, 2020 among food processing, food manufacturing, and agricultural workers. Of the 5,721 cases for which race and ethnicity data was available, more than 80 percent of cases were among racial and ethnic minority workers, with 73 percent Hispanic or Latinx.

M.A. Waltenburg, C.E. Rose, et al. Coronavirus disease among workers in food processing, food manufacturing, and agriculture workplaces in the U.S. *Emerg Infect Dis.* 2020 Oct 19;27(1).

The Utah Department of Health identified 1,389 COVID-19 cases related to 210 workplace outbreaks. The outbreaks accounting for the

Family photos

greatest share of cases occurred in the manufacturing sector (34 percent) and wholesale trade sector (14 percent). More than 70 percent of the workers were Hispanic/Latinx or another race or ethnicity.

D.P. Bui, K. McCaffrey, et al. Racial and ethnic disparities among COVID-19 cases in workplace outbreaks by industry sector, Utah, March 6-June 5, 2020. *Morb Mortal Wkly Rep* 2020 Aug 21;69(33):1133-1138.

From the beginning of the pandemic through June 2020, 79 counties were identified as hotspots and 76 of them had disparities in the number of cases among racial and ethnic groups. Hispanic and Black people were over-represented in the hotspots by 75 percent and 28 percent, respectively. A significant limitation in the data was that more than half of the



Jeronimo Anguiano, 75, was one of 300 employees at the Tyson meatpacking plant in Goodlettsville, TN who tested positive for the coronavirus. He died from COVID-19 in June 2020. Anguiano's co-workers raised money to send to his wife in Mexico.

counties did not have adequate data on race and ethnicity in their case reporting systems.

J.T. Moore, J.N. Ricaldi, et al. Disparities in incidence of COVID-19 among underrepresented racial/ethnic groups in counties identified as hotspots during June 5-18, 2020, 22 states, February-June 2020. *Morb Mortal Wkly Rep* 2020 Aug 21;69:1122-1126.

COVID-19: Health care workers

Of the 315,000 COVID-19 cases reported to CDC from mid-February 2020 through early April 2020, 19 percent were classified as health care personnel (HCP). More than 70 percent of the HCP were women and 21 percent were Black. Fifty-five percent reported their contact was not from their household or in their community, but in the health care setting.

S.L. Burrer, M.A. de Perio, et al. Characteristics of health care personnel with COVID-19, United States, February 12–April 9, 2020. *Morb Mortal Wkly Rep*. 2020 Apr 17;69(15):477-481.

Among 4,328 health care personnel in Minnesota who had high-risk of exposure to SARS-CoV-2 and tested positive, 32 percent had jobs involving interactions with patients in



NYCOSH, Facebook

Homecare workers demonstrate in New York City during March 2020 to demand COVID-19 protections.

acute or ambulatory care settings, 27 percent had interactions with residents in congregate living or long-term care facilities (CLLTF), and 18 percent reported exposure to a co-worker who was infected with the coronavirus. Ninety percent of the 913 health care workers from the ambulatory care settings reported wearing a “medical-grade face mask as a respirator,” while only 68 percent of the 905 HCP from CLLT facilities reported wearing this type of equipment.

A. Fell, A. Beaudoin, et al. SARS-CoV-2 exposure and infection among health care personnel, Minnesota, March 6-July 11, 2020. *Morb Mortal Wkly Rep*. 2020 Oct 30;69(43):1605-1610.

Among 6,760 adults hospitalized with COVID-19 in 14 states during March 1–May 31, 2020, about six percent could be identified through medical records as health care personnel (HCP). Nursing-related occupations represented the largest proportion of the hospitalized HCP, with more than 27 percent being admitted to an intensive care unit and 16 percent receiving invasive mechanical ventilation. Ninety percent had at least one underlying medical condition, including 73 percent with obesity, 40 percent with hypertension, and 31 percent with diabetes. Health care



Members of National Nurses United demonstrate outside of the U.S. Capitol in July 2020 holding photos of co-workers who died from COVID-19. Their demands include passage of the HEROES Act, which would require OSHA to adopt an infectious disease standard.

workers with direct patient contact had lower prevalence of the underlying medical conditions compared to those without direct patient contact.

COVID-19-associated hospitalizations among health care personnel, COVID-NET, 13 states, March 1-May 31, 2020. *Morb Mortal Wkly Rep.* 2020 Oct 30;69(43):1576–1583.

Reports from Non-Profit Organizations

Regulations as Social Justice: A Crowdsourced Blueprint for Building a Progressive Regulatory System. Center for Progressive Reform, September 2019. <https://bit.ly/2YPSP2F>

This report reflects the input of 60 progressive activists and academics that identified ways the U.S. regulatory system should be rebuilt to be inclusive and responsive in order to address economic inequality and racism. The solutions include new laws to hold agencies accountable for delays in regulatory action, mechanisms to obtain perspective of communities of color and those with low incomes in regulatory decisions, and expanded opportunities for citizen suits.

Workplace Safety & Health Enforcement Falls to Lowest Levels in Decades. National Employment Law Project, December 2019. <https://bit.ly/31ILHac>

During the first three years of the Trump administration, the average annual number of inspections conducted by federal OSHA was 32,610. In comparison, the authors report the first three-year average number of inspections was 38,092 during the Obama administration and 38,482 during the Bush administration. The authors indicate the number of federal OSHA inspectors declined from 952 in 2016 to 870 in March 2019.

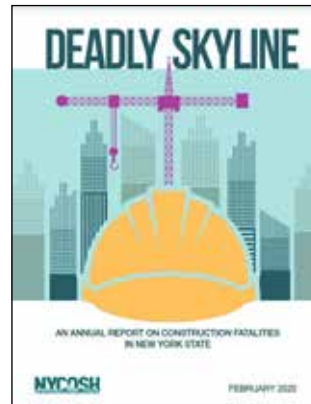
Race to the Bottom: Low Prices & Stolen Wages in NY's Nail Salon Industry. New York Nail Salon Workers Association, February 2020. <https://bit.ly/3hlpA9y>



A survey of 100 nail salon workers employed around New York City assessed the impact of a 2015 law designed to address wage theft and other labor abuses in the industry. Despite the new law, four out of five of

the respondents said they were not paid the legal wage. The authors reported a correlation between inexpensive manicures and wage theft. They recommend changes in business license rules to shift business advantage to salons that comply with the law.

Deadly Skyline: An Annual Report on Construction Fatalities in New York State. NYCOSH, February 2020. <https://bit.ly/2EPVlio>



In 2018, in the state of New York and in New York City, the rates of fatalities in the construction industry were 10.5 and 10.0 per 100,000 workers, respectively. The authors examined 23 fatal injury incidents

investigated by OSHA in 2017 and found 85 percent of them occurred on non-union job-sites. The report includes 10 recommendations, including that New York consider becoming an approved OSHA State Plan state.

COVID-19: Worker Benefit Guidebook. Western New York Council on Occupational Safety and Health, March 2020. <https://bit.ly/350JvwH>

The guidebook describes the criteria and process for workers to apply for unemployment insurance payments, federal stimulus checks, paid family and sick leave, and other safety net programs that are more essential than ever in the time of COVID-19. The authors also produced the guidebook for workers who speak Bengali, Burmese, and Spanish.

Dirty Dozen 2020: Special Coronavirus Edition. National COSH, April 2020. <https://bit.ly/3gRICdy>



Failing to provide coronavirus protections and opposing sick leave requirements were common characteristics of this year's list by National COSH of employers that disregard the health and safety of their employees.

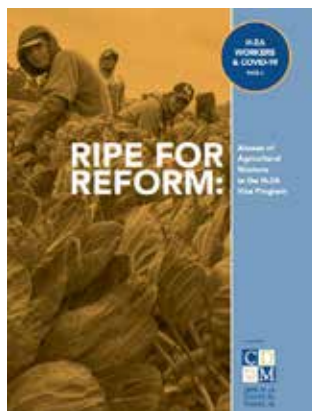
Two trade associations—the American Hospital Association and the National Restaurant Association—made the list for lobbying federal and state lawmakers to reject proposals for paid sick leave. Food industry employers, including Chipotle, Fieldale Farms, Sea Watch International, and Trader Joe's, are in the report for failing to provide adequate COVID-19 protections for workers. This year's "dirty dozen" also include Heaslip Engineering and Citadel Builders, which were involved in construction of the Hard Rock Hotel in New Orleans that collapsed in October 2019. Three workers were fatally injured in the incident.



Dying at Work in California. Worksafe, April 2020. <https://bit.ly/32XI8wU>

Worksafe notes how the COVID-19 crisis illustrates for the public the importance of occupational safety and health: "The once obscure workplace issues of aerosol transmission and PPE now dominate headlines." Worksafe's annual Worker Memorial Day report describes the challenges workers face in securing protections from COVID-19, including the consequence of inadequate regulations and enforcement. The authors also note a 12 percent increase in fatal work-related injuries in the most recent year and the disproportionate impact on Black and Latinx workers. The names of 145 California workers who died in 2019 are listed in the report, and more than a dozen are profiled.

Ripe for Reform: Abuses of Agricultural Workers in the H-2A Visa Program. Centro de Los Derechos del Migrante, April 2020. <https://bit.ly/2YRRI2y>



Interviews with 100 individuals in Mexico who had been employed through the U.S.'s H-2A visa program found 94 percent had experienced three or more serious labor law violations, in addition to coercion,

discrimination, and harassment. Forty-three percent were not paid the wages promised, 35 percent did not have the necessary safety equipment, and 27 percent did not receive adequate safety training. The report's description

of overcrowded housing and transportation that make H-2A workers vulnerable to infectious diseases is especially timely given the COVID-19 outbreaks seen among farmworkers in the U.S. The report recommends legislative changes to regulate recruitment of workers from abroad; robust enforcement by DOL, EEOC, the State Department, and others agencies with responsibility for temporary labor migration programs; and data transparency from these agencies.

COVID-19 Tool Kit for Essential Workers: Health and Safety Protections and How to Make them Happen. MassCOSH, April 2020 <https://bit.ly/2YQN4BO>

This resource is a collection of continually updated information prepared by MassCOSH's Health Tech Committee. The toolkit includes details on how COVID-19 spreads; current requirements for employers in Massachusetts, such as a written control plan; procedures for filing complaints with the state Board of Health or the Attorney General's Office; and recommendations for demands workers should make of their employers.

Worker Safety in Crisis: The Cost of a Weakened OSHA. National Employment Law Project, April 2020. <https://bit.ly/3kKExsf>

An analysis of federal OSHA data found the agency has the lowest number of on-board inspectors in 45 years. The average annual number of inspections by federal OSHA during the Bush and Obama administrations was about 38,000; the average to date for the Trump administration has been 32,600.

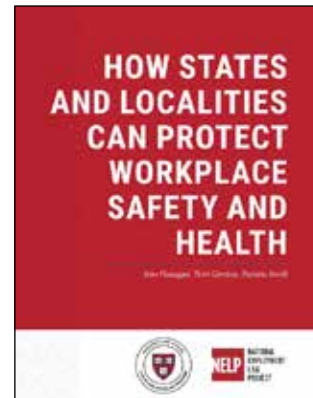


A Safe and Just Return to Work. National COSH, May 2020. <https://bit.ly/2Y-QOnRe>

With input from 50 labor and community advocates, and OHS experts, this report outlines five principles to bring

about a more inclusive and equitable economy during the COVID-19 pandemic and into the future. The principles cover topics on COVID-19 protections and screening protocols, as well as other avenues to address inequities. Links to dozens of resources developed by other organizations are provided.

Protecting Worker Safety & Health in the COVID Crisis: A State & Local Model Policy Response. NELP, April 2020. <https://bit.ly/32JEGFj>



The authors describe existing laws available to states and localities to protect workers from COVID-19, as well as the potential to implement new protections through executive orders and other mandates. In some

states, there may be applicable laws "hiding in plain sight," such as state level "general duty" obligations that require employers to keep workplaces safe. Accompanying the report is a policy brief with model language for state or local regulatory action to protect workers from COVID-19. It includes provisions for mandatory personal protective equipment, hygiene and disinfection practices, whistleblower protections, worker rights to refuse unsafe work, and unemployment benefits and workers' compensation for COVID-19 related hazards and impairment.

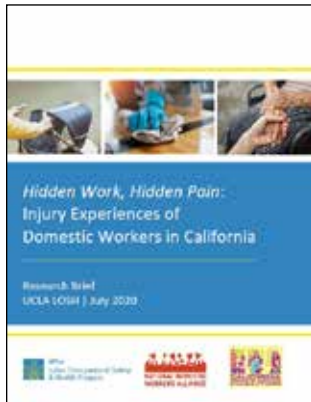
Protecting Workers in a Pandemic: What the Federal Government Should be Doing. Center for Progressive Reform, June 2020. <https://bit.ly/3bkgLA7>

The authors describe the regulatory authority available to the Federal Aviation Administration, Mine Safety and Health Administration, National Labor Relations Board, Occupational Safety and Health Administration, and U.S. Department of Agriculture to protect workers from the coronavirus and specific regulations for each to adopt. They also recommend changes in state workers' compensation laws

to create a presumption for essential workers that COVID-19 illness is work related.

Hidden Work, Hidden Pain: Injury Experiences of Domestic Workers in California. UCLA Labor Occupational Safety and Health, National Domestic Workers Alliance, and the California Domestic Workers Coalition, July 2020.

<https://bit.ly/3bs6fqQ>



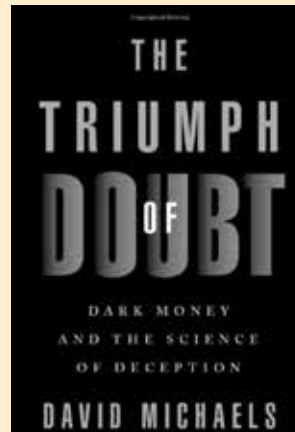
The authors report the findings from interviews with 84 housecleaners, caregivers, and childcare providers who were injured on the job. Eighty-five percent of the injuries were musculoskeletal, involving the back,

shoulders, or arms. More than 50 percent of the workers reported they continued to work despite the injury and nearly 70 percent spent their own money to pay medical bills. The authors describe legislative proposals in California to overturn exclusions of domestic workers from Cal/OSHA protections.

OSHA's Next 50 Years: Legislating a Private Right of Action to Empower Workers. Center for Progressive Reform, July 2020.

<https://bit.ly/353EdAR>

On the 50th anniversary of the OSH Act of 1970, the authors argue that some of its shortcomings should be addressed by guaranteeing all workers a private right of action to enforce worker health and safety laws, establishing stronger whistleblower protections, and expanding the OSH Act to cover agricultural, gig, and public sector workers. They describe the proposed private right of action as "a necessary and vital step in building strong, resilient families and communities." The report details the common features of a private right of action, such as the initial notice to an agency of the intent to sue; access to documents assembled by OSHA; and possible remedies and settlement options for workers.



David Michaels's book *The Triumph of Doubt: Dark Money and the Science of Deception* recounts the tactics used by corporations and product defense firms

to manufacture doubt about the science underlying public health protections. The chapter "Deadly Dust," for example, describes efforts by the American Chemistry Council and its consultant statistician to derail OSHA's rule on respirable silica. Another chapter explores the 12-year campaign by the mining industry to obstruct a rule to protect mine workers from cancer-causing diesel exhaust. Michaels also examines the "doubt science" used by makers of opioids, the synthetic chemical PFOA, alcoholic beverages, and sugary drinks. He ends with recommendations for a path forward where policy makers err on the side of health and safety instead of corporate financial interests.

On the Front Lines: Climate Change Threatens the Health of America's Workers. Natural Resources Defense Council, June 2020.

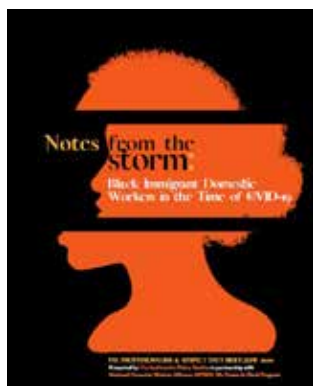
<https://on.nrdc.org/32YN0IJ>

The authors combine interviews with workers, media accounts, and other data to describe the impact that extreme weather events are having on workers now and will have in the future. Testimonials from laundry workers, fiber optic installers, school bus drivers, and health care workers bring to life the challenges of heat, flooding, and wildfires. The authors examine physical and mental health impacts, as well as wage and job losses. The authors offer 10 recommendations, including expand-

ed OHS protections and professionalization of disaster recovery jobs.

Notes from the Storm: Black Immigrant Domestic Workers in the Time of COVID-19. The Institute for Policy Studies and National Domestic Workers Alliance, June 2020.

<https://bit.ly/2Hic1AH>



The authors report findings from a survey in May 2020 of 800 Black immigrant domestic workers from Massachusetts, New York City, and the Miami-Dade region to assess the impact of COVID-19 on their

lives. More than 80 percent were caregivers for children or adults. About 45 percent had lost their jobs and 25 percent experienced reduced hours. The authors report differences across the cities with respect to respondents seeking safety net assistance, health insurance, and employer-provided protective equipment.

Less Exposure and More Protection: What We Can Do Now to Protect More Black and Brown Workers' Lives. BlueGreen Alliance, July 2020.

<https://bit.ly/332kBLz>



Long-standing health inequities that put some racial and ethnic groups at increased risk of disease and injury will take many years to address. The authors argue that the coronavirus pandemic should

compel emergency federal and state action to address one contributor to the disparities: unsafe workplaces. They describe the employment characteristics in some industries designated as "critical infrastructure" and the burden of COVID-19 disease among the work-

force. They call on Congress to mandate that OSHA adopt an emergency temporary standard for the coronavirus, and for more states to adopt COVID-19 protections for workers.

Disposable. Oxfam America, August 2020.

<https://bit.ly/3nEUmTk>

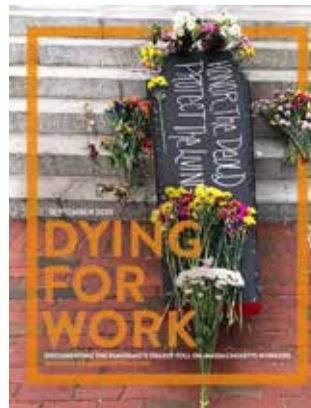


Researchers interviewed more than 40 poultry processing workers in various states to assess health and safety practices related to the coronavirus. The workers, who were primarily immigrants from Guatemala, Hai-

ti, Laos, and Mexico, reported limited paid sick leave; lack of physical distancing on the processing line; and safety information only available in English. The authors conclude that the "poultry industry seems willing to pay for cheap chicken with workers' lives."

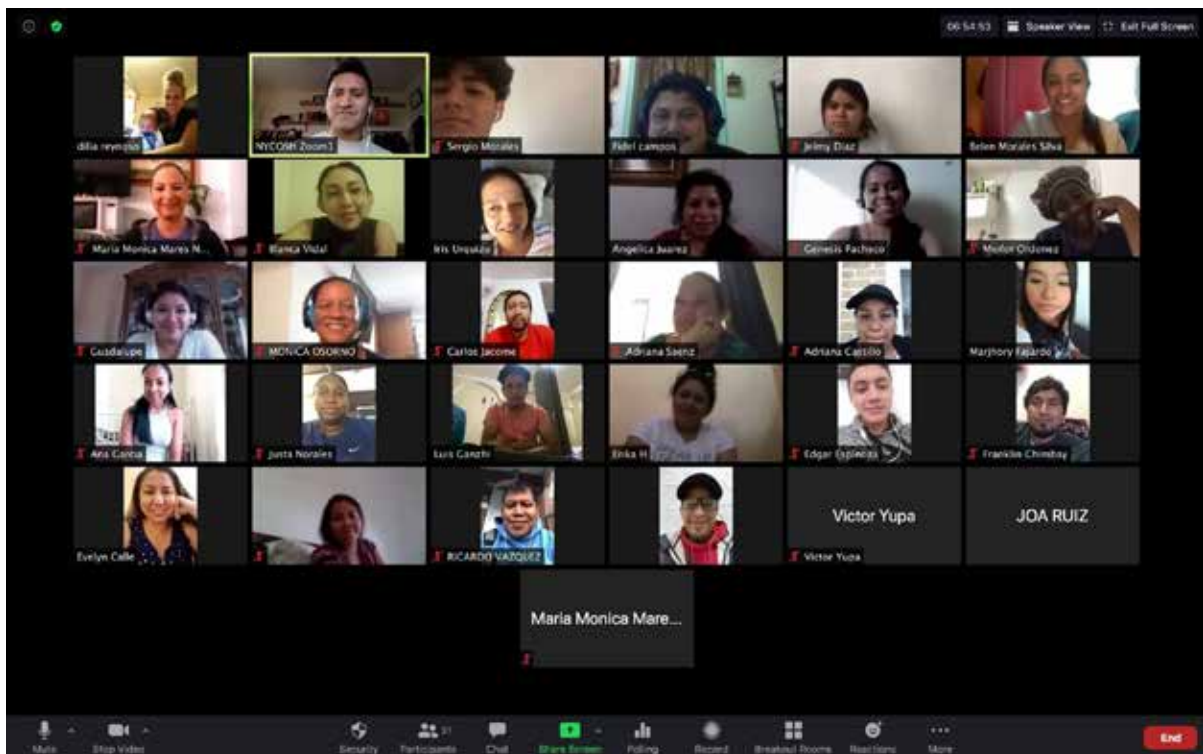
Dying for Work: Documenting the Pandemic's Deadly Toll on Massachusetts Workers. Mass-COSH and Massachusetts AFL-CIO, Sept. 2020.

<https://bit.ly/394rUGt>



The Massachusetts Department of Health identified more than 87,000 COVID-19 cases among working age residents through July 31, 2020. Only about 14,000 of the case reports had in-

formation on the individuals' occupations, but the data shed some light on segments of the workforce most adversely affected by the coronavirus. Nearly 50 percent of the cases with data on occupation were medical professionals and 13 percent were grocery and restaurant workers. The authors provide data on state agency activities involving workplace COVID-19 hazards, such as



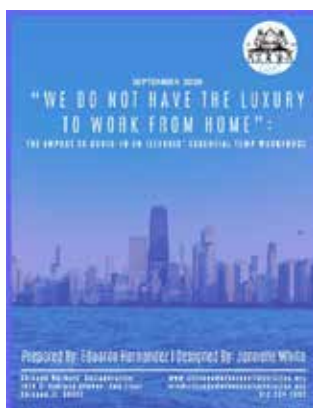
NYCOSH, Facebook

Workers wear masks and physically distance while participating in an October 2020 NYCOSH OSHA Site Specific Training class.

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910 inspections conducted by the state Department of Labor Standards, as well as the disproportionate number of cases among Hispanic and Black persons, who are over-represented in essential industries.

We Do Not Have the Luxury to Work from Home. E. Hernandez and the Chicago Workers' Collective, September 2020.
<https://bit.ly/3nC4IIU>



From May through mid-July, 130 temp workers responded to a survey to assess the COVID-19 safety practices implemented by temp staffing agencies. More than 50 percent of the workers said they felt "unsafe"

or "very unsafe" with respect to COVID-19 protections at work. The majority of workers reported not having any temperature checks,

inadequate face coverings and cleaning supplies, and uncertainty about their ability to return to work if diagnosed with COVID-19. The report includes powerful testimony from workers about their fear of contracting the disease while needing to earn a paycheck.

Breaking the Shell: How Maryland's Migrant Crab Pickers Continue to be "Picked Apart." Centro de Los Derechos Migrante, American University Washington College of Law, and Georgetown Law, September 2020.
<https://bit.ly/36Q88M2>



More than 400 workers travel each year from outside the U.S. to Maryland's Eastern Shore to work as crab pickers. In an update to their 2010 report, the authors interviewed 19 women

Occupational Health Internship Program

In summer 2019, 26 undergraduate and graduate students were engaged in internships in 12 different cities, collaborating with workers from 15 different organizations. The nine-week projects addressed a diverse array of health and safety topics and the collaborations included housekeepers in Philadelphia; transit workers in Hartford, CT; nuclear clean-up workers in Paducah, KY; fast food workers in Chicago; and motion picture lighting workers in Los Angeles. Due to COVID-19, the summer 2020 OHIP internships were cancelled.



(L-R) United Steelworkers District 8 members in Paducah, KY with interns Janelle Nystrom (center-left) and Inga Furuness (center-right) to celebrate the conclusion of their project.



OHIP interns Julia Doncaster (L) and Nina Franzen (R), with ATU Local 425 representative Maria Maldonado, at the conclusion of a project that examined violence against transit workers.



(L-R) Liana Dixon and Yared Melesse assessed occupational opioid exposure at the VA Medical Center in Cincinnati, OH.



(L-R) Savannah Hunter and Ricardo Ramirez examined efforts to prevent Valley Fever among construction workers in the San Francisco Bay area.



OHIP

In November 2019, eight students from the year's Occupational Health Internship Program (OHIP) presented their research in Philadelphia at the annual meeting of the American Public Health Association. (L-R) Robert Harrison (OHIP Director), Josie Gauthier, Savannah Hunter, Sharee Lopez, Lillian Hunter, Chelsi Defoe, Rosario Majano, Janelle Nystrom, and Sarah Jacobs (OHIP National Coordinator).



(L-R) Jasmine Olivera and Gloria Perez at their final meeting with Latinx domestic cleaners in New York City.



(L-R) OHIP interns Sharee Lopez and Janet Herrera with retired *New York Times* reporter Steve Greenhouse. The interns conducted hazard assessments with casino hotel workers in Las Vegas.



(L-R) Intern Inez Dufrense with Nikki, a Fight for Fifteen organizer in Chicago. Dufrense and her OHIP partner Esther Bier investigated hazards in the city's fast food restaurants.

employed in the industry to understand their experiences and working conditions. As was the case a decade earlier, the women described work-related skin lacerations and infections and chronic respiratory illnesses. The authors report on the health and safety vulnerability for crab pickers who are pregnant. The interviews were conducted during the COVID-19 pandemic, and the authors place particular emphasis on the long-standing problems of crowded housing and obstacles to health care services for the workers.

Misled: The Impact of the Trump Administration's Agenda on Working Families and the Environment. BlueGreen Alliance, September 2020. <https://bit.ly/3IObDsh>

The authors recap 3 1/2 years of actions by the Trump administration that have negatively impacted working families, communities, and workplaces. They include a shrinking number of OSHA inspectors, failing to adopt a regulation to protect mine workers from silica dust, rolling back OSHA's injury and illnesses record-keeping rule, scaling back employer requirements under EPA's Risk Management Program,

and weakening the intent of amendments to the Toxic Substances Control Act.

National Academies of Sciences, Engineering, and Medicine. Framework for Equitable Allocation of COVID-19 Vaccine. October 2020.

<https://bit.ly/3lQowlV>

An 18-person expert panel describes the public health and ethical considerations for forthcoming distribution of a vaccine for the SARS-CoV-2. They emphasize the health inequities and occupational risk of contracting COVID-19. The experts describe four phases to distribute the vaccine, recognizing its availability will be limited initially. Priority is given to health care workers, first responders, followed by people with significant comorbidities, and phase two on workers in critical industries, such as food production and K-12 education.

Halting Workplace COVID-19 Transmission: An Urgent Proposal to Protect American Workers. The Century Foundation, October 2020.

<https://bit.ly/3pJ4nAu>



The authors examine the conditions that contributed to widespread occupational transmission of COVID-19, and the federal government's failure to tackle the problem early in the pandemic. They offer an eleven-point plan to address work-related spread of the coronavirus, including a requirement for all employers to implement an infection control plan and of using the Defense Production Act to increase the supply of personal protective equipment.

An Occupational Health and Safety Lens on the COVID-19 Pandemic (January through November 2020)

Jan. 9 World Health Organization (WHO) reports 59 cases of a mysterious coronavirus-related pneumonia in Wuhan, China.

Jan. 17 The Centers for Disease Control and Prevention (CDC) announces symptom screenings will take place at the Los Angeles, San Francisco, and JFK international airports for all for travelers from Wuhan, China.

Jan. 30 U.S. Reps. Bobby Scott (D-VA) and Alma Adams (D-NC) write to Labor Secretary Eugene Scalia, saying although “it is still too early to issue an emergency temporary standard for infectious diseases ... OSHA should be prepared” to do so should “a widespread epidemic of a virulent novel airborne virus” occur.



Artwork by Preeti Pathak, a worker safety activist in Philadelphia.

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Jessica Martinez of National COSH and her daughter Estela Loren.

Jan. 31 WHO classifies COVID-19 as a “global health emergency,” noting more than 9,800 cases and 200 deaths.

Feb. 3 Dept. of Health and Human Services (HHS) Secretary Alex Azar holds a briefing to declare a public health emergency for the entire U.S. “to aid the nation’s health care community in responding to the 2019 novel coronavirus.” He indicates it is “the latest in the series of steps the Trump administration has taken to protect our country.”

Feb. 12 National Nurses United calls on health care employers to apply the precautionary principle when adopting engineering, administrative, and personal protective equipment (PPE) controls to address SARS-CoV-2.

Feb. 25 CDC’s National Center for Immunization and Respiratory Diseases says COVID-19 is approaching pandemic status.



Milagros Barreto with MassCOSH delivers food to workers.

Mar. 1 The first person in New York City tests positive for COVID-19.

Mar. 2 CDC recommends health care employers prioritize the use of respirators for aerosol-generating procedures such as intubations. CDC announces that surgical masks are an “acceptable temporary alternative” for health care workers when N95s and other respirators are in short supply.

Mar. 5 A survey by National Nurses United of 6,500 nurses in 48 states reveals hospitals are unprepared to handle cases of COVID-19. Only 29 percent of nurses report their facilities have plans in place to isolate a patient with a possible novel coronavirus infection. Only 63 percent report having access to N95 respirators on their units.

Mar. 6 AFL-CIO and other unions petition the Occupational Safety and Health Administration (OSHA) for an emergency temporary standard to protect workers in 14 high-risk industries from infectious diseases. This same day, Pres. Trump signs a COVID-19 relief package that appropriates \$8.3 billion to federal agencies, including \$6.2 billion to HHS for vaccine and therapeutic research. The bill passed the House by a 415-2 vote and the Senate by a 96-1 vote.

Mar. 9 OSHA publishes a pamphlet entitled “Guidance on Preparing Workplaces for COVID-19.” It says, “This guidance is intended for planning purposes ... for employers and workers to help identify risk levels in workplace settings and to determine any appropriate control measures to implement.”

Mar. 10 Rep. Bobby Scott (D-VA) introduces the COVID-19 Health Care Worker Protection Act (H.R. 6139). It would require OSHA to issue an emergency temporary standard applicable to employees in health care, emergency response, and other industries with high risk of COVID-19. An OSHA final standard would be required within 24 months and the National Institute for Occupational Safety and Health (NIOSH) would be required to conduct more tracking and investigations.

Mar. 11 WHO declares COVID-19 a pandemic. This same day, National Nurses United and the California Nurses Association hold a national day of action. The group’s executive director says, “If nurses and health care workers aren’t protected, that means patients and the public are not protected. This is a major public health crisis of unknown proportions. Now is not the time to be weakening our standards and protections, or cutting corners. Now is the time we should be stepping up our efforts.”



Dark Work
Devalued
Unprotected

Protecting Black Workers in the Time of Covid-19.

Wednesday, 4/29/2020, 6pm CST/7pm EST.

Type in this Link to Register: <https://bit.ly/darkworkexp>

Mar. 13 Pres. Trump announces a ban on non-U.S. citizens from 25 countries entering the U.S.

Mar. 14 OSHA issues temporary enforcement guidance that allows health care employers to use qualitative fit testing for N95s instead of quantitative testing. Inspectors are also not required to cite an employer for not complying with annual fit testing requirements.

Mar. 17 Bus drivers in Detroit, MI refuse to work because of inadequate protections, leading to a shutdown of all bus routes. This same day, *The Washington Post* reports the 100th COVID-19 fatality in the U.S.

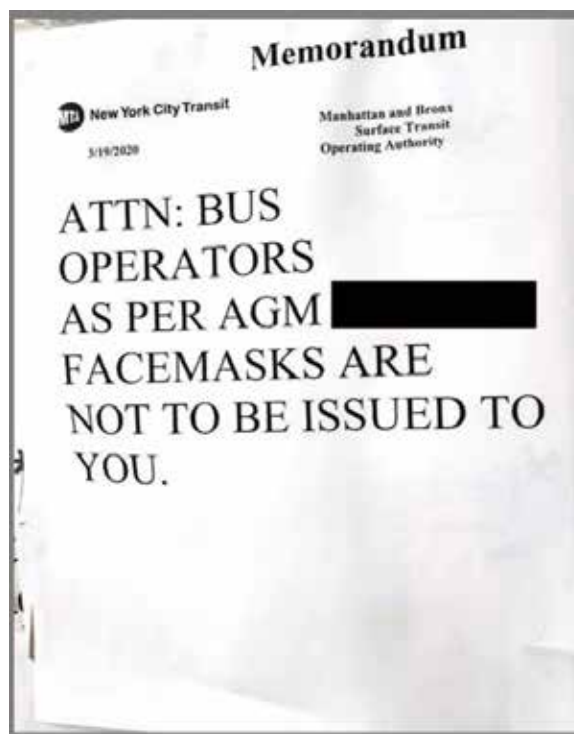
Mar. 18 Pres. Trump signs the Families First Coronavirus Response Act, which temporarily expands unemployment benefits and requires certain employers to extend sick leave and family leave. The bill passed the House by a 363-40 vote and the Senate by a 90-8 vote.

Mar. 19 California becomes the first state to issue a sweeping stay-at-home order applicable to all residents. The exceptions are for individuals to shop for essential needs and for essential workers to perform their jobs.

Mar. 20 Sanderson Farms, the fourth-largest poultry company in the U.S., sends a memo to employees that says, “if people like you and me stop coming to work, people will go hungry.”

Mar. 22 New York Gov. Andrew Cuomo, Illinois Gov. J.B. Pritzker, Democratic presidential candidates, and others call on Pres. Trump to invoke the Defense Production Act and order manufacturers to produce respiratory protection and ventilators.

Mar. 23 Fifty workers at a Perdue chicken processing plant in Kathleen, GA walk off the job, protesting the company’s failure to prevent the spread of COVID-19. “We’re up here risking our life for chicken,” an employee told local station WMAZ.



A March 2020 memorandum from New York's Metropolitan Transit Authority to bus drivers.

Mar. 25 More than 30 organizations send a letter to Labor Secretary Eugene Scalia, Secretary of State Mike Pompeo, and Homeland Security Secretary Chad Wolf urging the administration to enhance COVID-19 protections for agricultural workers covered by the H-2A visa program. The groups demand housing that will allow farmworkers to quarantine, social distancing at work, transportation that meets CDC COVID-19 guidelines, and free COVID-19 testing and treatment.

Mar. 27 Pres. Trump signs the Coronavirus Aid, Relief, and Economic Security Act (CARES Act), which appropriates \$2.2 trillion for one-time cash payments to individuals, grants to small and large businesses, and additional funding for state unemployment insurance programs. The bill passed the House by a 419-6 vote and the Senate by a 96-0 vote.

Mar. 30 New York City Mayor Bill de Blasio declares the city is the epicenter of the nation's COVID-19 crisis. This same day, workers who are Instacart “shoppers” participate

in a nationwide strike to demand hazard pay, protective gear, and paid sick leave.

Mar. 31 Employees of Whole Foods hold a day of action to demand free COVID-19 testing, paid leave for workers who need to quarantine, and closure of stores where workers test positive. National COSH encourages them, saying, “Job actions by workers at Whole Foods, Amazon, and Instacart will save lives. We strongly support front-line workers who are taking collective action to win protections



Greg Siwinski with the Occupational Health Clinical Center in Syracuse donning a face mask.

for themselves, their co-workers and their families—and for all of us who depend on safe distribution of the food we need to survive.”

Apr. 1 Oregon-OSHA says it received more workplace safety complaints in the previous two weeks than in a typical year.

Apr. 3 Health care staff at Mount Sinai Hospital in Manhattan protest outside their workplace by holding photos of colleagues who died from COVID-19. They demand better PPE and raise alarms about caseloads of more than 10 patients for each nurse.

Apr. 6 The family of a 51-year old deceased Walmart employee in Chicago files a lawsuit in state court alleging the company failed to provide employees with face masks, sanitizer, and other COVID-19 protections. And at Tyson Foods in Columbus Junction, IA, the pork plant suspends operations after more than two dozen workers test positive for COVID-19.

Apr. 7 Unions representing airline workers report 600 Southwest employees and 100 American Airlines flight attendants have tested positive for COVID-19. This same day, 35 food service employees at the Orlando airport file an OSHA complaint against their employer, HMSHost, for failing to put in place physical distancing protocols and to provide PPE training. One worker told a reporter, “We heard from the news that TSA agents were getting sick [and] we knew we were in danger.”

Apr. 8 The United Food and Commercial Workers Union (UFCW) writes to CDC director Robert Redfield urging the agency to issue mandatory COVID-19 guidelines for employers in the grocery, pharmacy, and food processing industries. The union describes the need for limiting the number of customers in stores to 30 percent capacity, providing disinfecting wipes for customers, and mandating that employers provide N95s and other PPE. This same day, CDC issues “Interim Guidance for Critical Infrastructure Workers.” It recommends to employers in essential industries that if a worker comes in contact with someone who is positive for COVID-19, the worker may continue to work as long as they are asymptomatic.

Apr. 9 CDC reports 9,282 U.S. health care workers have tested positive for COVID-19 and 27 have died, and acknowledges the figures are likely an undercount. This same day, the New York Metropolitan Transit Authority reports 41 employees have died from COVID-19 in the last 14 days.

Apr. 12 CDC revises its recommendations for contact tracing for health care workers, saying employers can forego it in favor of



Alejandro Zuniga with Fe y Justicia Worker Center distributes COVID-19 safety information to day laborers in Houston.

universal source control for health care workers and pre-shift symptom screenings.

Apr. 14 South Dakota Dept. of Health reports 644 COVID-19 cases among employees at the Smithfield pork plant in Sioux Falls, making it the largest outbreak in the U.S. and surpassing correctional facilities and nursing homes.

Apr. 15 Familias Unidas por la Justicia and the United Farm Workers of America file a lawsuit in the Superior Court of Washington to compel the state's Dept. of Labor and Industries to adopt an emergency rule to protect farmworkers from COVID-19. This same day, *The Guardian* and Kaiser Health News announce plans to identify every health care worker in the U.S. who died from COVID-19.

Apr. 16 *The Washington Post* reports that federal OSHA has received more than 3,000 worker complaints about COVID-19 hazards, and Cal/OSHA reports it has received as many as 1,500. This same day, OSHA issues a memorandum to staff indicating that inspectors should use discretion in issuing citations for certain violations if the employer is making a

good faith effort to comply. The list includes HAZWOPER training and certification of crane operators.

Apr. 20 More than 30 U.S. Senators send a letter to Vice President Mike Pence, who heads the White House Coronavirus Taskforce, concerning the need to protect workers in the food supply chain from COVID-19. This same day, the UFCW calls on the U.S. Department of Agriculture (USDA) to take immediate action to protect meat and poultry workers, including social distancing where possible, PPE, COVID-19 testing, pay during quarantine, and a halt to waivers that allow for production lines to operate at high speeds.

Apr. 21 JBS, the global meat-supply giant, shuts down its pork plant in Greeley, CO, following a COVID-19 outbreak and the resulting deaths of three workers.

Apr. 22 The National Governors Association and Association of State and Territorial Health Officials release a "Roadmap to Recovery: A Public Health Guide for Governors," with 10 recommendations to "build the public health infrastructure" and "reopen the economy."

Apr. 23 Nebraska Gov. Pete Ricketts defends his position to keep meatpacking plants open despite hundreds of cases of COVID-19 among workers. "Can you imagine what would happen," he said, "if people could not go to the store and get food? ... Trust me, this would cause civil unrest."

Apr. 23 The Association of Flight Attendants urges Secretary of Transportation Elaine Chao to mandate face masks for aviation employees and passengers, and to suspend all leisure airline travel. This same day, a worker from the Smithfield pork plant in Milan, MO, with support from the Rural Community Workers Alliance, Public Justice, and the Heartland Center for Jobs and Freedom, files suit in state court saying the company's failure to control the spread of COVID-19 is a public nuisance. (The judge dismisses the case a few weeks later.)

Apr. 24 The Legal Aid Justice Center, Virginia Organizing, and Community Solidarity with the Poultry Workers petition Virginia Gov. Ralph Northam to adopt an emergency standard to protect poultry and meatpacking workers from COVID-19. (Two months later, the rule is adopted and institutes protections for all at-risk workers.) This same day, CDC urges the public wear face coverings, a recommendation it had been reluctant to make because of the shortage of surgical masks and N95 respirators for health care workers.

Apr. 28 Pres. Trump signs an executive order and cites the Defense Production Act (DPA) to classify beef, poultry, and pork plants essential infrastructure that must remain open. He has not used the DPA to mandate manufacturers produce PPE. This same day, the Blue-Green Alliance hosts a Worker Memorial Day commemoration with U.S. Rep. Rosa DeLauro (D-CT) and former OSHA chief David Michaels. They call on the Trump administration to adopt emergency standards to protect workers from COVID-19.

Apr. 30 Labor Secretary Eugene Scalia writes to AFL-CIO president Richard Trumka to defend OSHA's response to COVID-19. Scalia asserts an emergency standard is unnecessary and a requirement for employers to report cases would be burdensome and overwhelm the agency.

May 1 Senator Richard Durbin (D-IL) sends a letter to USDA to place a temporary moratorium on waivers that allow poultry and meatpacking plants to increase line speeds and to direct plants to slow their line speeds to allow for social distancing.

May 5 University of California San Francisco reports results from a COVID-19 screening of 4,160 people in the city's Mission District. They found 90 percent of those who tested positive were people who could not work from home and 95 percent were Latinx.

May 6 The Midwest Center for Investigative Reporting and *USA Today* report more



Worksafe

than 45 COVID-19 deaths and 10,000 cases tied to outbreaks in meat and poultry plants.

May 7 HHS Secretary Alex Azar asserts that outbreaks in meatpacking plants are linked to "home and social" features of the workers rather than conditions in the plants.

May 11 A local health department in Nebraska reports 212 workers from a Tyson Foods pork plant in Madison tested positive for COVID-19. Nationwide, of the 30 counties with the highest per capita COVID-19 cases, one-third have major meatpacking plants; that list includes four Nebraska counties. This same day, Oregon OSHA issues citations to a frozen food manufacturer for failing to maintain six feet of physical distancing as required by the Governor's order for employers.

May 12 Attorneys general from 20 states write to Pres. Trump asking for an emergency standard to protect meat and poultry workers from COVID-19. This same day, workers at three apple and cherry packing facilities in Yakima County, WA walk off the job to demand PPE, hand sanitizer, COVID-19 testing, and premium pay.

May 13 UFCW reports that at least 30 meat and poultry workers have died from COVID-19. Four USDA meat inspectors have also died from the infection.

May 16 COVID-19 testing at meatpacking plants near Amarillo, TX identifies more than 700 cases.

May 18 AFL-CIO files a lawsuit in the U.S. Court of Appeals for the D.C. Circuit seeking to compel OSHA to adopt an emergency tempo-

rary standard for infectious diseases. This same day, OSHA revises its enforcement policy to inform employers that a confirmed COVID-19 case is recordable if it meets the agency's existing recordkeeping criteria for an illness being work-related.

May 19 Pres. Trump signs an executive order instructing agencies to rescind, modify, or waive regulations that may inhibit economic recovery.

May 20 Worksafe and the National Lawyers Guild file a petition with the Cal/OSHA Standards Board for an emergency standard to protect workers who are not already covered by the agency's aerosol transmissible disease standard. This same day, workers from McDonald's restaurants in 20 U.S. cities hold protests to demand paid sick leave and adequate PPE.

May 28 The number of U.S. deaths from COVID-19 passes 100,000 and nearly 1.7 million cases. CDC reports more than 62,000 infections among health care workers and at least 290 deaths. This same day, NIOSH director John Howard and acting OSHA chief Loren Sweatt testify before the Workforce Protections Subcommittee of the House Education and Labor Committee at the hearing "Examining the Federal Government's Actions to Protect Workers from COVID-19."

June 2 Tyson Foods reinstitutes its attendance policy that penalizes workers with "points" to discourage absenteeism. The company had suspended temporarily the policy in mid-March.

June 10 The House Committee on Oversight and Reform conducts a (virtual) hearing on the experiences of essential workers during the pandemic. Witnesses from the UFCW, National Nurses United, and the National Urban League discuss the lack of PPE and paid leave for workers.

June 11 A three judge panel of the U.S. Court of Appeals for the D.C. Circuit denies the AFL-CIO petition to order OSHA to adopt an emergency COVID-19 standard. This same



Artwork by Preeti Pathak, a worker leader with Philadelphia's Coalition for Restaurant Safety & Health.

day, the National Safety Council issues a policy statement urging OSHA to issue such a standard. Also on this day, the Maryland Dept. of Health reports more than 200 poultry workers in the state's eastern shore region have been infected with the coronavirus. They also note a total of five deaths among employees at Perdue and Amick Farms poultry plants.

June 24 Virginia adopts an emergency temporary standard to protect workers from COVID-19.

June 26 Tyson Foods reports 291 cases of COVID-19 among the 1,140 workers at its poultry plant in Noel, MO.

July 1 Smithfield Foods files a motion in state court to quash a subpoena from OSHA to obtain COVID-19 data from the South Dakota Dept. of Health for its Sioux Falls pork plant—one of the largest in the country.

July 21 The Los Angeles Board of Supervisors considers establishing worker-led public health councils to assist the county health department by monitoring employers' compliance with COVID-control protocols.

July 22 Three workers from Maid-Rite Specialty Foods in Scranton, PA, with the support of Justice at Work, file a lawsuit against the U.S. Dept. of Labor for failing to protect them from COVID-19.

July 24 Connecticut Gov. Ned Lamont signs an executive order to create a presumption that certain COVID-19 cases contracted before mid-May are work-related under workers' compensation law. This same day, Senators Cory Booker (D-NJ) and Elizabeth Warren (D-MA) release an investigation report that asserts Tyson, JBS, and other meat producers capitalized on the pandemic by charging more for their products and lobbying to continue operating despite significant COVID-19 outbreaks in their plants.

July 27 The National Academies of Sciences, Engineering, and Medicine holds its first public meeting on a framework to "ensure the equitable allocation of limited doses" of COVID-19 vaccines.

July 28 The NC Watchdog Reporting Network finds North Carolina OSHA received 75 complaints and referrals from March through July 2020 related to COVID-19 hazards in meatpacking and poultry plants, and none resulted in an inspection. Thirty-seven outbreaks in the industry resulted in 3,234 confirmed cases in the state.

July 30 Transport Workers Local Union 11 and the NYU School of Global Public Health launch a study to examine the impact of the COVID-19 pandemic on the physical and mental health of transit workers.

Aug. 6 The Mississippi Dept. of Health reports 27 COVID-19 outbreaks in poultry and meatpacking plants in the state. A union representative says at two Tyson plants at least 70 workers were sick and another 72 workers were in quarantine.

Aug. 14 Pres. Trump signs the Safeguarding America's First Responders Act, which establishes a presumption under workers'

compensation for fire fighters and police that COVID-19 cases are work-related.



Aug. 15 Kansas reports that more than 3,280 COVID-19 cases stem from meatpacking plants, accounting for 16 outbreaks and 17 deaths. The industry has more than double the number of outbreaks in the state compared to long-term care facilities.

Aug. 28 The Dept. of Health in Merced County, CA orders the closure of the Foster Farms poultry plant in Livingston for a week of "deep cleaning and employee testing." At the time of the order, eight employees had died from COVID-19 and nearly 400 employees had tested positive.

Sept. 16 The Cal/OSHA Standards Board votes unanimously for a standard on COVID-19. This same day, California Gov. Gavin Newsom signs a bill to create a presumption under workers' compensation that COVID-19 is work-related for first responders, health care workers, and people who test positive following an on-the-job exposure to the virus. The law also requires employers to report an outbreak to local public health officials and gives additional authority to Cal/OSHA to shut down a worksite due to inadequate protections to control the spread of COVID-19.

Sept. 17 National COSH, the National Day Labor Organizing Network, and other groups call on every governor to include all

people regardless of immigration status in emergency COVID-19 financial support.

Sept. 18 CDC's website announces that SARS-CoV-2 "can spread through aerosols that can remain in the air and travel beyond six feet after an infected person coughs, sneezes, sings, talks, or breathes. ... This is thought to be the main way the virus spreads." Three days later, however, CDC removes the information, saying it was posted in error and that respiratory droplets are responsible for transmission of the coronavirus.

Sept. 22 COVID-19 deaths in the U.S. exceed 200,000 and infections top 6.8 million.

Sept. 30: UFCW Local 700 announces the favorable result of five Cal/OSHA inspections following union member complaints about five Los Angeles area grocery stores. The citations include the employer's failure to maintain physical distancing and notify the state of two COVID-19 deaths and 23 cases.

Oct. 2 The National Academies releases a "Framework for Equitable Allocation of a COVID-19 Vaccine for Adoption by HHS, State, Tribal, Local, and Territorial Authorities." The recommendations include priority vaccination for individuals at higher risk of infection because of occupation and health disparities. This same day, Pres. Trump tests positive for COVID-19. Eleven people who attended a White House event also test positive.

Oct. 5 CDC posts on its website that the SARS-CoV-2 virus can remain suspended in the air over long distances and time. It reverses a

position from three weeks prior that droplets alone are responsible for transmission of the coronavirus.

Oct. 29 The American Federation of Teachers, AFSCME, Washington State Nurses Association, and United Nurses of California file a lawsuit in the U.S. Court of Appeals for the Ninth Circuit to compel OSHA to propose an infectious disease standard.



A 2020 Halloween sentiment designed by the Western North Carolina Worker Center about dangerous conditions in poultry and meat plants.

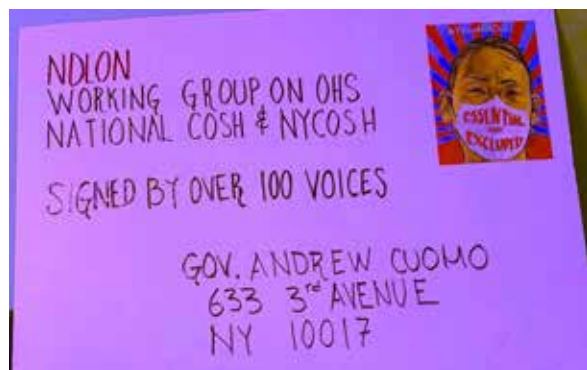
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Nov. 3 New Mexico Dept. of Health orders Stampede Meat in Sunland Park to close for 14 days because six employees tested positive for COVID-19 in a recent five-day period. The company files a lawsuit a week later in federal court challenging the state order.

Nov. 5 It is the third consecutive single-day record for COVID-19 infections, with a record 128,000 cases. Total confirmed cases in the U.S. are 9.7 million, with 236,000 deaths.

Nov. 6 OSHA reports it has conducted 179 inspections in which citations were issued for COVID-19 related hazards. Most inspections occurred in the health care industry, with violations for respiratory protection and reporting and recordkeeping requirements.

Nov. 7 Four days after Election Day, former Vice President Joe Biden and Senator Kamala Harris are declared the presumptive winners of the 2020 Presidential Election.





Peter Dooley of National COSH is ready for Election Day.

Nov. 13 More than 130 Secret Service agents who traveled with Pres. Trump on the eve of the election have tested positive for the coronavirus.

Nov. 16 Cal/OSHA issues citations to the Smithfield company pork processing plant in Vernon, CA. More than 150 of the 1,800 employees tested positive for COVID-19 between March and May.

Nov. 19 Tyson Foods suspends managers at a pork processing plant in Iowa for placing bets on the number of workers who would become ill with COVID-19.

Nov. 20 The Cal/OSHA Standards Board unanimously adopts an emergency standard for COVID-19. The requirements include a written prevention plan with site-specific control measures, medical removal and return-to-work criteria, and notification of workplace outbreaks to public health agencies.

Nov. 28 President-elect Biden names former OSHA chief David Michaels to the COVID-19 Advisory Board, along with Jill Jim of the Navajo Nation Department of Health, and Jane Hopkins, board member of the Washington State Labor Council.



Jill Miller, an ICU nurse in November 2020 with the N100 respirator provided by her employer Beaumont Hospital in Troy, MI. Miller, the goddaughter of Yearbook editor Celeste Monforton, began working on the COVID-19 unit in March 2020.

Peer-Reviewed Research on Occupational Health & Safety Topics

Epidemiologists, sociologists, industrial hygienists, and other researchers have published dozens of papers over the last year on a variety of worker health and safety topics. Their research examined hazards that are unique to particular occupations, as well as those conditions that affect workers in many different jobs. The following list represents some of the best peer-reviewed publications in the previous 12 months. Those marked with ♦ are profiled beginning on page 37.

Al-Tarawneh IS, Wurzelbacher SJ, et al. Comparative analyses of workers' compensation claims of injury among temporary and permanent employed workers in Ohio. *Am J Ind Med.* 2020 Jan;63(1):3-22.

Arnold TJ, Arcury TA, et al. Heat-related illness among Latinx child farmworkers in North Carolina: Mixed-methods study. *New Solutions.* 2020 Aug;30(2):111-126.

Barlet G, Sokas RK, Betit E. Operating engineers and OSHA silica standard: Survey of union trainers. *New Solut.* 2020 Feb;29(4):530-535.

Boden LI. OSHA at 50: Failure to improve workers' compensation. *Am J Public Health.* 2020 May;110(5):638-639.

Boggess B, Pompeii L. Uninvestigated fatal workplace injuries in the U.S. *Am J Ind Med.* 2020 Nov;63(11):1029-1037.

♦ Bui DP, McCaffrey K, et al. Racial and ethnic disparities among COVID-19 cases in workplace outbreaks by industry sector in Utah, March 6-June 5, 2020. *Morb Mortal Wkly Rep.* 2020 Aug 21;69(33):1133-1138.

♦ Burrer SL, de Perio MA, et al. Characteristics of health care personnel with COVID-19, U.S., Feb. 12-April 9, 2020. *Morb Mortal Wkly Rep.* 2020 Apr 17;69(15):477-481.

Choi BK. Opioid use disorder, job strain, and high physical job demands in U.S. workers. *Int Arch Occup Environ Health.* 2020 Jul;93(5):577-588.

♦ Donahue M, Sreenivasan N, et al. Notes from the field: Characteristics of meat processing facility workers with confirmed SARS-CoV-2

infection in Nebraska, April-May 2020. *Morb Mortal Wkly Rep.* 2020 Aug 7;69(31):1020-1022.

♦ Dyal JW, Grant MP, et al. COVID-19 among workers in meat and poultry processing facilities in 19 states, April 2020. *Morb Mortal Wkly Rep.* 2020 May 8;69(18):557-561.

♦ Fell A, Beaudoin A, et al. SARS-CoV-2 exposure and infection among health care personnel, Minnesota, March 6-July 11, 2020. *Morb Mortal Wkly Rep.* 2020 Oct 30;69(43):1605-1610.

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Forst L, Grant A, Hebert-Beirne J. Work as a social determinant of health: Landscape assessment of employers in two historically disinvested urban communities. *Am J Ind Med.* 2020 Nov;63(11):1038-1046.

Groenewold MR, Burrer SL, et al. Increases in health-related workplace absenteeism in essential critical infrastructure occupations during the COVID-19 pandemic, March-April 2020. *Morb Mortal Wkly Rep.* 2020 July 10;69(27):853-858.

Guerin RJ, Reichard AA, et al. Nonfatal occupational injuries to younger workers, 2012-2018. *Morb Mortal Wkly Rep.* 2020 Sep 4;69(35):1204-1209.

Haas EJ, Demich B, McGuire J. Learning from workers' near-miss reports to improve organizational management. *Min Metall Explor.* 2020 Jan 22;37(3):873-885.

- Haight JR, Sears JM, et al. Early high-risk opioid prescribing practices and long-term disability among injured workers in Washington State, 2002 to 2013. *J Occup Environ Med*. 2020 Jul;62(7):538-0.
- Hall NB, Halldin CN, et al. Assessment of pneumoconiosis in surface coal miners after implementation of a national radiographic surveillance program, 2014-2019. *Am J Ind Med*. 2020 Dec;63(12):1104-1108.
- Hanage WP, Testa C, et al. COVID-19: U.S. federal accountability for entry, spread, and inequities: Lessons for the future. *Europ J Epidemiol*. 2020;995-1006.
- Harris DA, Willis J, Tomann M. A new era of coal workers' pneumoconiosis: Decades in mines may not be required. *Lancet*. 2020 May 2;395(10234):e82.
- Hawkins D. Differential occupational risk for COVID-19 and other infection exposure according to race and ethnicity. *Am J Ind Med*. 2020 Sep;63(9):817-820.
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(L-R) Magdalena Pulla, Lou Kimmel, and Reina Axalco at COSHCON19.

