

The Year in U.S. Occupational Health & Safety

Fall 2014 – Summer 2015

By Kim Krisberg & Celeste Monforton, DrPH, MPH

September 7, 2015

Kim Krisberg is a freelance writer who specializes in public health. She was on the staff of the American Public Health Association and continues to write for the association's newspaper, *The Nation's Health*. She contributes several times a week to The Pump Handle blog.

Celeste Monforton, DrPH, MPH, is project director of Beyond OSHA and a professorial lecturer at the George Washington University Milken Institute School of Public Health. She contributes weekly to The Pump Handle blog.

The authors thank Liz Borkowski, MPH, for editorial assistance.

This report was produced with funding from the Public Welfare Foundation, but the views expressed in it are those of the authors alone.

Table of Contents

Introduction and Overview

I. The Federal Government and Occupational Health and Safety.....	1
Reporting Work-related Hospitalizations and Amputations	3
Protecting Construction Workers in Confined Spaces	3
Protecting Coal Miners from Crushing Injuries	4
CSB: Controversy, Congress, and Leadership Changes.....	4
OSHA	5
MSHA.....	9
NIOSH	13
CSB	15
Federal Chemical Safety Measures.....	15
II. Addressing Occupational Health and Safety at the State and Local Levels	19
New Laws for Temp Workers, Public-Sector Workers, and More.....	19
Local Reporters Draw Attention to Workplace Health and Safety Problems	25
III. New Research on Worker Health and Safety.....	31
Peer-Reviewed Literature.....	31
Reports from Non-Profit Organizations.....	37
IV. National News Coverage of Worker Health and Safety Topics	43
Victory for Nail Salon Workers	43
Dismantling Workers' Compensation	45
Other National Reporting	47
The Year Ahead.....	55
Appendix: Peer-Reviewed Research on Occupational Health & Safety Topics (August 2014 through July 2015)	56



Introduction and Overview

For the fourth year in a row, *The Year in U.S. Occupational Health & Safety* takes a look back at some of the most notable events impacting the lives of workers and their families during the past year. In the following pages, you'll read about regulatory progress and action at the federal, state, and local levels; new research reports and peer-reviewed science on worker health and safety; as well as some of the superb and eye-opening reporting happening at media outlets across the country. You can find previous editions of this report at www.defendingscience.org/news/new-yearbook-us-occupational-health-safety.

This year's report, which covers events that unfolded between August 2014 and August 2015, is intended as a resource for activists, regulators, researchers, and anyone else who values safe and healthy workplaces and wants to learn more about the tragic consequences of putting profits over the lives of workers. Of course, this report is not exhaustive — as in earlier versions, we had to make some tough choices about what to include and what to omit. However, we believe we've captured some of the most important, compelling, and noteworthy events of the previous 12 months. Our ultimate goal is to help inform, educate, and engage readers about the connections between safe workplaces, fair workplace policies, and healthy people and communities. And if there's one thread that weaves its way throughout our report, it's this: All workers deserve the dignity and respect that come with enforceable health and safety protections and the right to speak up without fear of retaliation.

The week of Labor Day 2015, we'll be publishing posts about this year's report on the public health blog The Pump Handle (www.scienceblogs.com/thepumphandle). During that week, we invite you to add your own stories about important worker health and safety happenings from the past year. Our report covers the following areas:

National News Coverage of Worker Health and Safety Topics: Perhaps the most noteworthy occupational health and safety events of the previous year were the superb reporting efforts among journalists to expose systemic disregard for workers' health and safety. Many of the investigative pieces prominently

featured the stories of workers who had been injured or sickened on the job and their uphill battles to gain fair and effective recourse. Among the many journalistic high points of the year was the "Insult to Injury" series from ProPublica and National Public Radio (NPR), which investigated widespread efforts to dismantle and weaken state workers' compensation systems. That series found that in the past decade or so, more than half of states have enacted "reforms" to workers' compensation laws that reduce benefits and make it significantly harder for workers to access the care they need. The result is that many workers who incur injury and illness on the job, as well as their families, are left to fall into poverty.

At the Center for Public Integrity (CPI), reporters dug into the petrochemical industry's coordinated efforts to manufacture scientific doubt on the dangers of benzene exposure and deny workers' compensation for work-related cancers. Also at CPI, reporters published the investigative series "Unequal Risk," which chronicled the "slow-motion tragedy" of toxic workplace exposures and used the long battle to effectively regulate silica exposure as an example of the government's failure to protect workers from known dangers. At NPR, reporters published an award-winning series on the lives of nurses, who experience more back and arm injuries than nearly every other occupation, and yet most hospitals have not taken aggressive action to prevent such injuries. Just a few months after the nursing series was published, OSHA announced it would start cracking down on hospitals that don't employ practices to prevent nurse injuries.

Other journalistic investigations were followed by regulatory action as well. For example, officials in New York took significant action to protect nail salon workers after a searing *New York Times* investigation on the industry exposed discrimination, wage theft, and an indifference to the health of workers who are regularly exposed to hazardous chemicals. After reporters at NPR and *Mine Safety and Health News* found that thousands of mining companies were failing to pay millions in overdue fines, US labor officials launched an audit into how the Mine Safety and Health Administration (MSHA) handles delinquent mine safety penalties. And after the eye-opening ProPublica/NPR investigation into attacks on the workers' compensation system, officials in California and Alabama took action to better protect workers who are injured on the job.

The Federal Government and Occupational Health and Safety: Some good news at the federal level includes a new rule requiring employers to report incidents that involve an amputation, eye loss, or hospitalization of a worker to the Occupational Safety and Health Administration (OSHA) within 24 hours of the event. Within the first six weeks of the rule going into effect in January 2015, OSHA received more than 1,400 reports of hospitalizations and amputations. Other bright spots include new standards for confined spaces within the construction industry and a new mine safety regulation to prevent crushing injuries from mining machines. OSHA also proposed a new health standard on beryllium, which would impact about 35,000 workers and prevent nearly 100 deaths each year. In the previous year, 42 companies were added to OSHA's Severe Violator Enforcement Program.

This section of the report includes notable activities at MSHA and the National Institute for Occupational Safety and Health, action on chemical safety measures, and a look at how the international Ebola outbreak galvanized health care workers to organize for protections against infectious diseases.

Occupational Health and Safety at the State and Local Levels: A number of victories unfold-

ed at the state and local levels this year. On the paid sick leave front, Massachusetts became the fourth state to require paid sick leave, while in California, a new sick leave law took effect that applies to nearly every employer in the state. California officials also took steps to address workplace violence, protect workers from heat-related illness, and collect data on chemical hazards. In San Francisco, local officials enacted a Retail Workers Bill of Rights — the first such measure of its kind in the nation.

Worker health and safety issues turned up on the pages of local media outlets as well, from reporting on diacetyl exposure among coffee roasting workers to a new method of counting occupational fatalities in North Carolina that significantly undercounts the true toll.

New Research on Worker Health and Safety: Among the new research advancing the science of occupational health and safety include investigations into work-related asthma, skull fractures, amputations, and carpal tunnel syndrome. Many researchers focused on work-related musculoskeletal disorders. Of particular note, researchers found significant cost-shifting for musculoskeletal injuries and disorders from workers' compensation to private health insurance. Scientists also published on fatalities in the oil and gas industry, farmworkers and pesticide illness, truckers and seat belt use, and cancer risk among firefighters.

Nonprofit organizations released a number of new reports in the previous year — subjects included temporary workers, conditions within recycling facilities, nursing injuries, trends in workers' compensation, corporate malfeasance, and the job crisis among black Americans.

Workers and advocates made great strides in the past year, but as many recent headlines attest, opponents and their allies in Congress and the state legislatures remain as formidable as ever. As we head into a new year and another presidential election, workers' voices will remain critical in elevating the connections between safe jobs, fair workplace policies, and the health of our nation.

The Federal Government and Occupational Health and Safety

At the federal level, advocates see the end of the Obama administration on the horizon and are reflecting on what has been accomplished. Employers are now required to report to the Occupational Safety and Health Administration (OSHA) within 24 hours of an incident involving an amputation or hospitalization of a worker. Employers in the construction industry must comply with new safety standards for confined spaces. Companies operating underground coal mines must install proximity detection devices on mining machines to prevent miners from suffering crushing injuries. OSHA and the Mine Safety and Health Administration (MSHA) continue to use their respective “severe violator” and “pattern of violation” labels to draw public attention to employers who show little regard for workers’ lives. The Chemical Safety Board (CSB) seeks to turn a page following the chair’s resignation and lingering vacancies.

Work-related Hospitalizations and Amputations

OSHA issued a new regulation in September 2014 that changed employers’ requirements for reporting hospitalizations and certain serious injuries. Effective January 1, 2015, employers are required to report to OSHA within 24 hours any in-patient hospitalization of an employee, as well as any amputation or loss of an eye. In the first six weeks under the new regulation, OSHA reported receiving more than 1,400 reports of hospitalizations and amputations. The rule also listed about 80 industries that are exempt from OSHA’s injury and illness recordkeeping requirements, and converted the industry-identified codes from the Standard Industrial Classification (SIC) system to the North American Industry Classification System (NAICS).

OSHA has been quick to use the newly required employer reports of hospitalization to promptly issue hazard alerts. For example, after receiving reports of four separate incidents in July 2015 of Houston workers being hospitalized for heat-related illnesses, the local OSHA offices used regional press to bring attention to the hazard. The hospitalizations involved a pipe fitter, a painter, a mechanic, and a warehouse worker. In addition, a construction worker was the first heat-related death in the region that same month.



Dmitry Kalinovsky

3

Protecting Construction Workers in Confined Spaces

It took two decades, but in May 2015, OSHA issued a final rule to protect construction workers from confined space hazards. Initial work on the regulation began in 1994 when the Advisory Committee for Construction Safety and Health prepared a draft proposed rule. OSHA proposed the rule during the George W. Bush administration, and the comment period on the proposal closed in 2008. The agency estimates the rule will prevent six fatalities and 812 serious injuries per year. The Texas Association of Builders filed suit with the US Court of Appeals for the 5th Circuit challenging the new rule. The rule took effect August 2015.

Protecting Coal Miners from Crushing Injuries

In January 2015, MSHA issued a final rule requiring coal mine operators to install proximity detection devices on underground continuous mining machines. The devices are designed to prevent mobile machines from striking workers in the machines' paths. The rule was proposed in 2011, and MSHA estimates it will prevent one fatality and five serious injuries every year among coal miners. The rule will take full effect in March 2018. MSHA has also developed a proposed rule to protect other mine workers, including those at metal and aggregate operations, with proximity detection devices on other types of mining equipment. The agency submitted the proposal in March 2015 to the White House's Office of Information and Regulatory Affairs (OIRA) for review. As of August 2015, it remains there.

the hearing. The committee focused largely on a survey finding of low staff morale, whistleblower complaints, and Inspector General evidence of the use of private emails by Chair Moure-Eraso and senior officials Daniel Horowitz and Richard Loeb to conduct CSB business.

Later that month, CSB Chair Moure-Eraso used the agency's Twitter account to announce his resignation. His five-year term was set to expire in June. His resignation came following a bi-partisan letter from members of the House Committee on Oversight and Government Reform to President Obama, asking him to remove Moure-Eraso, as well as Loeb and Horowitz. Committee Chair Jason Chaffetz (R-UT) and Ranking Member Elijah Cummings (D-MD) wrote: "It is clear that the CSB is in a state of turmoil. It is vital that you act to immediately remove the toxic leadership that is undermining the agency's critical safety mission."

4

CSB: Controversy, Congress, and Resignation

In March 2015, the House of Representatives Committee on Oversight and Government Reform held a hearing on "Rebuilding the Chemical Safety Board: Finding a solution to the CSB's governance and management challenges." All four of the confirmed board members (Rafael Moure-Eraso, Mark Griffon, Manny Ehrlich, and Rick Engler) testified at

Leadership Changes at Chemical Safety Board

Manuel "Manny" Ehrlich and Rick Engler were confirmed by the US Senate in December 2014 to serve five-year terms as members of the CSB. Both were nominated by President Obama nearly a year earlier. Ehrlich served most recently as a health, safety, and environmental consultant, and Engler was the founder and director of the New Jersey Work Environment



CSB chair Rafael Moure-Eraso is joined by board members Manny Ehrlich, Mark Griffon, and Rick Engler at a hearing of the US House Committee on Oversight and Government Reform.

Comm. on Oversight & Govt. Reform

Council. In June, the CSB adopted new rules to govern its operations, including a requirement for the chair to hold at least four public meetings per year and changes to address the Inspector General's concerns about "calendar-ing." Critics assert that "calendar-ing" has been used by board members to delay the release of investigation reports and shield controversial matters from the public.

President Obama nominated Kristen Kulinowski and Vanessa Sutherland to serve five-year terms at the CSB as member and chair, respectively. The Senate Environment and Public Works Committee held a confirmation hearing in April 2015 on Sutherland and one on Kulinowski in July. Sutherland testified: "I absolutely commit to being collaborative and understanding that what we do is as important as how we do it. Chairs do not have unilateral authority to make all decisions for the board." Sutherland was chief counsel for the Department of Transportation's Pipeline and Hazardous Materials Safety Administration, and Kulinowski was with the Science and Technology Policy Institute. The Senate confirmed Kulinowski and Sutherland in early August 2015.

OSHA

Crane safety

OSHA announced in October 2014 changes to requirements in its crane safety rule. When the rule was issued in August 2010, crane operators were to be certified within three years as competent to operate the equipment safely. OSHA extended the deadline for this requirement to November 2017, citing inadequacies in the existing crane operator certification programs.

Electrical hazards rule

OSHA reached an agreement in February 2015 with the Utility Line Clearance Coalition, Edison Electric Institute, and the Tree Care Industry Association to settle the groups' lawsuit challenging the agency's rule to pro-

tect construction and maintenance workers from electrical hazards. The new regulation on electric power generation, transmission, and distribution was issued in April 2014. It requires better coordination between host employers and contractors, fall protection for workers climbing poles and towers, and training for tree trimmers clearing electrical lines.

Eye and face protection

OSHA proposed in March 2015 changes to its eye and face protection requirements to make them consistent with current American National Standards Institute standards. The changes would apply to all industries covered by OSHA. The comment period ended in April 2015.

Protecting workers exposed to beryllium

In August 2015, OSHA proposed a new health standard on beryllium, a lightweight and extremely strong metal. Exposure to it can cause chronic beryllium disease (CBD) and lung cancer. The proposal comes more than three years after the United Steelworkers and Materion — the nation's leading producer of beryllium — sent OSHA a negotiated draft standard on the metal. The proposal announced by OSHA would reduce the permissible exposure limit from 2.0 $\mu\text{g}/\text{m}^3$ to 0.20 $\mu\text{g}/\text{m}^3$ and require employers to provide medical surveillance, among other protections. About 35,000 workers would be affected by the rule, and an estimated 96 deaths and 50 cases of CBD will be avoided each year if the proposal is adopted.

Clarifying employers' duty to maintain injury records

In late July 2015, OSHA issued a proposed rule to clarify employers' responsibility to maintain injury and illness records for five years after the calendar year in which the incident occurred. The proposal stems from an adverse decision in 2012 against OSHA by the US Court of Appeals for the DC Circuit (the "Volks decision"). The

court ruled that if OSHA wants to issue a citation for failing to record an injury, the agency must do so within six months from the injury date. OSHA's proposed rule makes the case that failing to maintain accurate injury records should be considered a continuing violation, for which an employer can be cited as long as the records remain incomplete.

OSHA standards on chemical hazards

In October 2014, OSHA issued a request for information (RFI) on its approach to managing workers' exposure to hazardous chemicals. Specifically, in order to streamline the process for evaluating the health risks of exposure to a chemical, OSHA is considering a three-stage process: a dose-response analysis in the observed range, a margin of exposure determination, and, if necessary, an exposure-response extrapolation. The RFI contained several dozen questions about which the agency was seeking comments. Following requests from numerous stakeholders, including the AFL-CIO and the American Industrial Hygiene Association, to allow additional time for public input, the comment period will close in October 2015.

Safety protection for communication tower workers

In October 2014, US Secretary of Labor Tom Perez and Tom Wheeler, chair of the Federal Communications Commission (FCC), established a working group to develop and implement recommended safety practices to protect workers in the telecommunications industry. Staff from OSHA and the FCC make up the working group. The agencies also hosted a workshop for stakeholders. It included Kathy Pierce, the mother of Chad Weller, 21, who suffered a fatal fall in March 2014 while repairing a communications signal on a water tower.

In April 2015, OSHA issued a request for information on ways to protect communication industry workers from serious injuries and deaths, including best practices already in use



Labor Secretary Tom Perez, FCC Chairman Tom Wheeler, and OSHA chief David Michaels sign a safety working group agreement related to tower workers.

by workers and employers. The comment period closed in June 2015.

High-profile and significant enforcement cases

Over the last year, OSHA issued nearly 500 news releases announcing citations and penalties against employers who violate safety and health regulations. A few of the high-profile cases that attracted our attention include:

Ashley Furniture received citations in January 2015 and July 2015 for willful violations related to machine guarding. Numerous workers at the company's facility in Arcadia, WI, have suffered amputations because of the employer's failure to protect its workers from moving machine parts. The July 2015 citations came about after OSHA learned of an amputation that Ashley Furniture failed to report as required by new reporting requirements that took effect in January 2015. OSHA proposed penalties totaling \$1.8 million against the firm.

The discount store **Dollar Tree** was the subject of at least 50 inspections over the last year, many of which stemmed from complaints. The company racked up more than \$1 million in penalties in a 12-month period. In April 2015,

for example, OSHA proposed \$116,200 in penalties against the firm for hazards at one of their Houston stores, followed by an additional \$121,000 for dangerous conditions at two of the firm's Chicago-area shops. Most of the violations involved boxes stacked to dangerous heights and blocked exit doors.

OSHA chief David Michaels called **Lloyd Industries** "a serial violator of OSHA safety standards" in a May 2015 announcement of \$822,000 in proposed penalties. The inspection commenced following an incident in which a worker's fingers were amputated. OSHA noted that following previous inspections, Lloyd

Industries agreed to correct similar hazards, but failed to do so. The citations included 10 classified as willful. The company manufactures ventilation, duct, and fire safety products.

Railroad giants **Union Pacific** and **BNSF** continue to be the subject of OSHA investigations for retaliating against workers who raise safety concerns. In March 2015, Union Pacific was ordered to pay \$350,000 in damages to a worker who was disciplined after reporting an injury and seeking medical attention for it. OSHA's regional administrator in Kansas City, Marcia Drumm, said Union Pacific has a "culture of retaliation," noting it was the third time in as

Supreme Court rules in favor of pregnant UPS worker

In March 2015, the US Supreme Court ruled that a former UPS worker must be given another chance to prove that the company discriminated against her because she was pregnant.

The case goes back to 2006, when worker Peggy Young became pregnant and her doctor restricted her to lifting no more than 20 pounds. In turn, Young asked her employer, UPS, to accommodate the doctor's recommendations. The company refused, forcing Young to take unpaid leave and lose her health insurance benefits. In 2007, Young sued UPS, claiming the company violated the federal Pregnancy Discrimination Act because it provided less-strenuous work to workers who needed it for other reasons. The March Supreme Court decision doesn't determine whether UPS did indeed violate the law; it kicks the case back down to the lower courts, which had previously thrown out the case before it got to trial.

In the majority ruling, Justice Stephen Breyer wrote: "Viewing the record in the light most favorable to Young, there is a genuine dispute as to whether UPS provided more favorable treatment to at least some employees whose situation cannot reasonably be distinguished from Young's."

In commenting on the court's ruling, Judith Lichtman, senior advisor at the National Partnership for Women and Families, said: "The decision also issues a clear and welcome message to employers that accommodating most non-pregnant workers with injuries or disabilities while refusing to accommodate most pregnant workers is against the law. All employers should now re-examine their policies to ensure that pregnant women will not face discrimination on the job."



many years that the company was found violating the whistleblower provisions of the Federal Railroad Safety Act. In June 2015, OSHA ordered BNSF to reinstate a train conductor and pay him more than \$535,000 in damages after finding the company retaliated against the worker for reporting an injury. OSHA's regional administrator in San Francisco, Ken Atha, warned other employers: "Disciplining an employee for reporting an injury is illegal."

Severe Violator Enforcement Program

During the previous year, 42 companies were added to OSHA's Severe Violator Enforcement Program (SVEP), making them subject to special follow-up inspections. The new entries include: Ashley Furniture; US Steel Corp.; Nabors Services, which serves the oil and gas industry; and building contractor Case Development. There are now approximately 450 firms on the SVEP's list of bad actors. The industries most represented on the list are construction as well as support services for oil and gas. OSHA launched the program in 2010 to focus attention on employers in high-hazard industries with significant willful or repeat violations.

Ergonomic-related citations to poultry plants

OSHA issued citations in October 2014 to Wayne Farms in Jack, AL, for hazards related to musculoskeletal disorders (MSDs). It was the first time in more than a decade that the agency used its general duty clause (GDC) to address ergonomic hazards faced by poultry workers. The GDC requires employers to provide workplaces free from recognized hazards, including hazards that are not addressed by a specific OSHA standard. OSHA scrutinized the company's medical management of MSDs and found that workers were seen dozens of times by company nurses, but rarely referred for appropriate medical care. The Southern Poverty Law Center filed the inspection complaints on behalf of poultry workers. The company contested the citations and the \$102,600 penalty.

Poultry workers represented by the United Food and Commercial Workers filed a complaint with OSHA for ergonomic and other hazards at Allen Harim Foods in Harbeson, DE. OSHA found workers were at risk of carpal tunnel syndrome, tendonitis, trigger thumb, and other conditions because of excessive force, exertion, and repetitive motion over extended periods of time. The agency used its GDC to cite the company in June 2015 for the ergonomic hazards and proposed a long list of ways Allen Harim could address them.

In another move directed at poultry workers, OSHA and the US Department of Agriculture (USDA) sent a special poster to all US poultry processing facilities. The poster tells workers to report early signs of MSDs, including locking or stiffness in their fingers as well as waking at night with hand numbness or tingling. Displaying the poster is a requirement under a new USDA inspection system, and the agencies sent it to more than 250 poultry plants across the country.

McDonald's workers file OSHA complaints

In March 2015, employees from 28 McDonald's restaurants in 19 cities filed complaints with OSHA about safety violations. The complaints were announced on the same day that the National Council for Occupational Safety and Health (National COSH) released results of a survey on working conditions for fast food



123RF Photo



Debbie Berkowitz addresses an audience at a NIEHS worker education and training event.

Scott McGraw/NIEHS

and hospitalizations, as well as improving OSHA's website, publications, and communication tools.

"Debbie influenced the agency's work in many positives ways," said the colleague. "The good we accomplished, the changes we made, both big and small, have her fingerprints."

MSHA

Industry challenges to MSHA rules

The US Court of Appeals for the 11th Circuit heard oral arguments in March 2015 in a challenge to an MSHA regulation to protect coal miners from exposure to respirable coal mine dust. Labor Secretary Tom Perez announced the new rules in April 2014. They were immediately challenged by the National Mining Association, the Alabama Coal Association, Murray Energy, and other mining interests. The rule remains in effect, and as of August 2015, the court has not issued an opinion.

The US Court of Appeals for the 6th Circuit rejected an industry lawsuit that challenged MSHA's policy of defining a "pattern of violations." The Mine Act gives the agency authority to use stepped-up enforcement against mine operators who have a "pattern of violations," but MSHA had not used the authority prior to November 2013. The court dismissed the lawsuit, which was brought by the National Mining Association; the National Stone, Sand and Gravel Association; and others, explaining that the court's jurisdiction to review extended to health and safety standards, not to policies for monitoring mine operators' compliance with them.

Upper Big Branch disaster follow-up

The House Education and the Workforce Committee marked the fifth anniversary of the Upper Big Branch (UBB) disaster with a hearing featuring MSHA chief Joe Main. The chair of the Subcommittee on Workforce Protections, Tim Walberg (R-MI), joined Reps. Bobby Scott (D-VA) and Federica Wilson (D-FL) in friendly remarks about MSHA's enforcement initiatives

continued on page 12

workers. The survey had more than 1,400 respondents and was conducted in February 2015. Key findings included: 79 percent of fast food workers had been burned on the job within the past year; 45 percent reported that they did not receive appropriate treatment for their burns; and 33 percent said their managers suggested using mustard, mayonnaise, or other condiments to treat the burns. As of mid-August, OSHA citations had not been issued in response to the complaints.

Farewell to OSHA's Debbie Berkowitz

"She's the hardest working person in the building," said a colleague about Debbie Berkowitz. OSHA's chief of staff and senior policy advisor departed the agency in September 2015 after nearly seven years of service. She was appointed to OSHA in the initial weeks of the Obama administration and played a vital role in the agency's policy and management decisions.

Berkowitz's roots and experience with the United Food and Commercial Workers union were reflected in some of OSHA's most high-impact activities, including the 2010 National Action Summit for Latino Worker Health and Safety, the Susan Harwood training grants' focus on temporary and immigrant workers, the new regulation on reporting amputations

Ebola outbreak prompts calls for health care worker training, protection

In August 2014, the World Health Organization declared the Ebola outbreak in West Africa a “public health emergency of international concern.” So far in the US, the only people to have contracted the virus domestically were two health care workers. The workers — two nurses at Texas Health Presbyterian Hospital in Dallas — were infected while caring for a patient who had recently traveled to Texas from Liberia and who became the first patient diagnosed with Ebola in the US. Fortunately, both nurses survived the infection and didn’t transmit the disease to others. But their experiences highlighted the critical importance of hospital preparedness plans that include robust measures to protect workers from dangerous diseases and prevent transmission into the community.

Reflecting on lessons learned in US hospitals caring for Ebola patients, the Centers for Disease Control and Prevention (CDC) in October 2014 released Ebola-specific guidance on personal protective equipment (PPE) use among health care workers. The key points: All health care workers should receive repeated training and have demonstrated competency in Ebola-related infection control and especially in putting on and taking off PPE; while working in PPE and caring for Ebola patients, workers should have no skin exposed; and the safe care of Ebola patients should be overseen by an onsite manager at all times, while each step in PPE procedures should be supervised by a trained supervisor. During an Oct. 20, 2014, press briefing on Ebola response and PPE, CDC Director Tom Frieden said: “The guidelines go through great detail and much more than CDC guidelines generally do in terms of what are the things that need to be done, but while a lot of attention has been paid to the equipment and while that’s critical and important, the greatest risk in Ebola care is in the taking off of whatever equipment (a) health care worker has on (and) whether there’s skin exposed or not.”

At OSHA, the agency’s only disease-specific requirement to protect health care workers refers to bloodborne pathogens and was developed decades ago in response to HIV and hepatitis; the agency has no standard to address occupational exposure to infectious agents transmitted by contact, droplets, and airborne routes. But OSHA did state on its Ebola Web page: “Under the bloodborne pathogens standard, and the PPE and other standards, OSHA has the ability to require employers to fully protect health care and other workers who may be exposed to Ebola virus.”



Nurses march outside the White House as part of a nationwide day of action (November 2014).

Reinhard/National Nurses United

In October 2014, National Nurses United (NNU) released the results of a survey of more than 700 registered nurses at more than 250 hospitals in which 80 percent said their hospitals had not communicated any policy regarding the potential admission of Ebola patients. In addition, 87 percent said their hospitals had not provided Ebola education, one-third reported insufficient supplies of eye protection and fluid-resistant gowns, and nearly 40 percent said their employers did not have plans to equip isolation rooms with plastic-covered mattresses and pillows and to discard all

continued on next page

continued from previous page

linens after use. With the support of NNU, on Nov. 12, 2014, nurses across the country, including nearly 20,000 in California, went on strike and picketed hospitals to demand better and enforceable protections against Ebola.

The actions paid off: In November, the California Department of Public Health and California Division of Occupational Safety and Health (Cal/OSHA) issued new requirements that hospitals must follow to protect workers from Ebola. The new measures, which were the first in the US and went far beyond the voluntary CDC standards, require California hospitals to provide full-body protective suits to all those caring for confirmed and suspected Ebola patients as well as to those who clean contaminated areas. Hospitals must also provide a powered air-purifying respirator with a full hood or cowl for any nurse in contact with suspected or confirmed Ebola patients. Other requirements include training on how to properly put on and take off PPE, involving nurses in developing exposure control plans, and protecting the rights of nurses to speak up about violations of the new requirements. If hospitals don't comply with the new guidelines, which build off of existing state standards, they can face penalties.

"With the hospital industry dismissing the concerns of the nurses, and the federal government failing to order the hospitals to implement the optimal level of Ebola protection, California, under the stewardship of Gov. (Jerry) Brown, has heard the voices of nurses and established a model that all should follow," said California Nurses Association Co-President Zenei Cortez in a NNU blog post.

Following Cal/OSHA's announcement, NNU called on federal OSHA to follow suit. Prior to Ebola reaching US shores and in a move unrelated to the Ebola outbreak, OSHA had announced in June 2014 that it would convene a Small Business Advocacy Review Panel to provide insight on a possible infectious diseases standard. In their review, which was released in January 2015, many panelists questioned the need for such a standard — one small entity representative said "market forces" would do a better job protecting workers than OSHA regulations. In May 2015, the agency's regulatory agenda indicated a regulation on infectious diseases would not be a priority and it was moved into the category for "long-term actions."

Cal/OSHA Ebola requirements: www.dir.ca.gov/dosh/EbolaVirusInformation.htm



Nurses in New York City hold a vigil for global Ebola awareness.



National Nurses United and the California Nurses Association host a meeting on workplace safety measures on Ebola (October 2014).

following the April 5, 2010, disaster that killed 29 coal miners at the Massey Energy mine. Without mentioning the company's former CEO Don Blankenship by name, Walberg said: "Upper Big Branch is a terrible reminder that bad actors will look for ways to cut corners and jeopardize the well-being of their workers, despite a moral and legal obligation." Assistant Secretary Main described changes needed to the Mine Act to make the agency more effective, many of which are addressed in the proposed Robert C. Byrd Mine Safety Act. Rep. Wilson urged Chairman Walberg to take up the legislation, but he did not commit to doing so.

The federal criminal trial of former Massey Energy CEO Don Blankenship is scheduled to begin in October 2015. In July, Blankenship's attorneys filed a motion asking that potential jurors be instructed that the case does not concern the UBB explosion or responsibility for it. His attorneys assert: "The cause of the UBB explosion is not relevant to any of the charges against Mr. Blankenship." The US Justice Department charged the former CEO with conspiring to thwart mine inspections and willfully violating mine safety regulations.

Protecting miners from respirable coal and silica dust

MSHA announced in April 2015 that 99 percent of air samples collected in underground and surface coal mines were in compliance with the agency's exposure limit based on a single, full-shift sample. The agency's findings follow a new regulation, issued in August 2014, intended to protect coal miners from black lung disease. Previously, compliance with respirable dust exposure limits was based on the average of five samples, which masked coal miners' typical exposures and absolved mine operators from reducing dust levels.

Despite calling it a priority, MSHA has yet to publish a proposed rule to address miners' exposure to respirable crystalline silica. Since early in the Obama administration, the agency indicated it would rely on OSHA's silica risk assessment to develop a rule to protect mine

workers. MSHA's Spring 2014 regulatory agenda projected it would propose a silica rule in April 2016.

The Labor Department's Office of Workers' Compensation Programs proposed changes to its regulations for coal miners who file claims for disability benefits for black lung disease. The proposed changes come in response to an investigation by the Center for Public Integrity and for which reporter Chris Hamby received a Pulitzer Prize in 2014. Hamby found that some coal companies withhold medical evidence that supports a miner's claim in an effort to fight the disabled worker's application for benefits. The comment period on the Labor Department's proposal ended in June 2015.

Supporting safety whistleblowers

A record number of mine workers were reinstated to their jobs after being retaliated against for raising safety complaints. The agency supported the complaints of 49 mine workers who had been discharged, suspended, or suffered other adverse action for exercising their rights under the Mine Act. In circumstances in which MSHA did not accept a miner's complaint, the worker has the right to file a private lawsuit against his employer. Such a right does not exist for workers covered



Retired coal miner Steve Day, 67, is tethered to an oxygen tank 24 hours a day.

F. Brian Ferguson/Center for Public Integrity

by OSHA. MSHA credits its outreach to mine workers about their whistleblower rights for the increased number of cases.

Website offers new data search tool

MSHA released a new online tool to allow users to compare a mining operation's violations of selected safety standards to the national average. For years, mine-specific violations, penalties, injury reports, exposure sampling results, and other data have been available on the agency's website. This new feature focuses on a subset of safety violations that most frequently cause or contribute to fatalities and serious injuries.

NIOSH

Silicosis mortality update

In a "Notes from the Field" update published June 15, 2015, in *Morbidity and Mortality Weekly Report*, National Institute for Occupational Safety and Health (NIOSH) scientists found that despite positive trends in eliminating the occupational lung disease silicosis, deaths from this condition continue. Of particular concern to researchers were silicosis deaths among young adults ages 15 to 44 — 12 such deaths happened between 2011 and 2013. The researchers wrote: "These young deaths likely reflect higher exposures than those causing chronic silicosis mortality in older persons, some of sufficient magnitude to cause severe disease and death after relatively short periods of exposure."

In a related NIOSH Science Blog post, NIOSH researchers Jacek Mazurek and David Weissman wrote that "continuing occurrence of silicosis deaths in young adults and reports of new occupations and tasks that place workers at risk for silicosis underscore the need for strengthening efforts to limit workplace exposure to respirable crystalline silica." They encouraged physicians to consider reporting cases of silicosis to local health departments. The occupational disease is a reportable condition in just 25 states.



David Isaacson/National COSH

Jay Herzmark and Alejandro Zuniga urge the Obama administration to issue a standard to protect workers exposed to silica dust (June 2015).

Assessing the health of metal, non-metal miners

In April 2015, the Centers for Disease Control and Prevention (CDC) issued a call for public comments on paperwork requirements related to its proposed collection of information on the health of metal and nonmetal (MNM) mining workers. (MNM mining refers to all other types of mining except for coal.) The effort is designed to pinpoint opportunities for reducing the prevalence and severity of occupational disease. The proposed NIOSH effort, known as the Metal and Nonmetal Miner Health Program, would gather health data pertaining to an estimated 66,000 workers and 81,000 contractors in the MNM, sand, stone, and gravel mining industry in the US. According to the *Federal Register* notice, the data collection would address a gap in knowledge on disease burden and health status among such miners, as no such surveillance system currently exists

in the non-coal mining sector. The notice reads: “Work in this industry exposes miners to recognized hazards including noise, heat, repetitive stress, sleep deprivation, fumes, diesel exhaust, silica and other mine dusts, and radon gas, but the extent to which modern mining practices have mitigated these hazards is unknown.”

NIOSH plans to administer a 25-page questionnaire to current and former MNM mine workers. The effort, which would initially focus on Western states, would also bring a mobile health clinic to mining sites to administer physical exams and collect blood samples from workers who volunteer to take part. The public comment period closed in June 2015.



Dmytro Tolmachov

NIOSH addresses electronic cigarette use

In April 2015, NIOSH issued Current Intelligence Bulletin 67, which builds on previous recommendations that workplaces institute tobacco-free policies and includes NIOSH’s first guidance on electronic cigarettes in the workplace. Due to limited data on the effects of secondhand exposure to electronic cigarette vapors, NIOSH recommended that the emerging tobacco products be included in indoor smoking bans. As of 2014, NIOSH reported that three states and 200 localities had included electronic cigarettes in their public smoking bans.

While the US has experienced dramatic declines in its adult smoking rate and public and workplace smoking bans are commonplace,

NIOSH reported that millions of workers still smoke — higher smoking rates are typically found among workers in the blue-collar sector — and millions more workers are still exposed to secondhand tobacco smoke on the job.

Among its recommendations, NIOSH urged employers to incorporate tobacco cessation support programs into their workplace wellness efforts and to maintain tobacco-free policies across entire workplace campuses.

Upward trend in workplace suicides

In analyzing federal health and labor statistics between 2003 and 2010, NIOSH researchers found that while workplace suicides had been decreasing, such deaths took a sharp upward turn in 2008. Between 2003 and 2007, workplace suicides ranged between 210 and 182 per year; in 2008, the number jumped to 247. The findings were published in March 2015 in the *American Journal of Preventive Medicine*.

The highest workplace suicide rate was found among those in the protective services (firefighters, law enforcement), at 5.3 per 1 million workers, followed by workers in farming, fishing, and forestry occupations, at 5.1 workplace suicides per 1 million workers. Workers in installation, maintenance, and repair occupations experienced a workplace suicide rate of 3.3 per 1 million. Within the installation, maintenance, and repair category, researchers uncovered a somewhat new and startling finding: workers in automotive maintenance and repair occupations had a workplace suicide rate of 7.1 per 1 million. Workplace suicides were 15 times higher for men than for women and about four times higher for workers ages 65 to 74 than for workers ages 16 to 24. Researchers hypothesized that one contributor to high suicide rates within certain occupations may be easier access to lethal means, such as firearms.



CSB investigators at the Chevron refinery in Richmond, CA.

Chemical Safety Board

Completed investigations

In January 2015, the CSB closed the investigation of three incidents. It issued its final report on the August 2012 release of flammable vapor and resulting fire at the **Chevron Refinery** in Richmond, CA. The CSB made recommendations to Chevron, the state of California, Contra Costa County, and the American Petroleum Institute, among others. It also released its final report on the October 2012 explosion and fire at **US Ink** in Rutherford, NJ. Seven workers were injured in the incident. The CSB made recommendations to US Ink, the state of New Jersey, and OSHA, and it was the fifth time the CSB recommended to OSHA that it develop a standard to address combustible dust. In addition, the CSB issued a safety bulletin concerning the August 2010 release of anhydrous ammonia at **Millard Refrigerated Services** in Theodore, AL. More than 130 individuals sought medical attention, including four people suffering severe injuries following the chemical release. The CSB's safety bulletin did not contain any recommendations.

In March 2015, the CSB issued a technical analysis of the July 2010 explosion and fire at the **Horsehead Holding** company. The zinc recycling facility is located in Monaca, PA. The incident killed two workers: James Taylor, 53, and Corey Kellerat, 41. The CSB's technical analysis did not contain any recommendations.

As of August 2015, the CSB had seven open investigations: Caribbean Petroleum Refining

tank explosion (San Juan, PR (October 2009)); Deepwater Horizon explosion (April 2010); West Fertilizer explosion (West, TX (April 2013)); Willam Olefins plant explosion (Geismar, LA (June 2013)); Freedom Industries chemical release (Charleston, WV (January 2014)); DuPont LaPorte chemical release (LaPorte, TX (November 2014)); and ExxonMobil refinery explosion (Torrance, CA (February 2015)).

Federal Chemical Safety Measures

Sens. Barbara Boxer (D-CA) and Edward Markey (D-MA) expressed strong displeasure during a December 2014 congressional hearing about the Obama administration's progress on improving safety at chemical facilities. Following the April 2013 explosion at West Fertilizer, at which 15 people died, including 12 emergency responders, the president issued an executive order (EO 13650) calling for inter-agency coordination and modernized policies and regulations. Boxer asserted that only four of the 15 actions outlined in the EO have been completed. When the senator pressed OSHA chief David Michaels for dates when key initiatives would be completed, Michaels replied: "Our regulatory system is broken."

In March 2015, hundreds of organizations and individuals, including the Communication Workers of America, the United Steelworkers, and Safer Chemicals, Healthy Families, wrote to President Obama urging prompt action to ad-



Explosion and fire at the Caribbean Petroleum Corporation near San Juan, Puerto Rico.

Workers Memorial Week: Remembering Lives Cut Short

Occupational health and safety (OHS) advocates used this year's Workers Memorial Week (April 26 - May 2, 2015) to convene vigils, rallies, cultural performances, and other public events to call for safer workplaces. More than 100 events took place across the country, from Lewiston, ME, and Toledo, OH, to Lincoln, NE, and Cerritos, CA. News coverage of the events included:

Casper (WY) Star Tribune reported on the state's fourth annual Workers Memorial Day (WMD) event. Wyoming Gov. Matt Mead spoke at the memorial service, noting his own personal experience losing a loved one from a work-related injury. In 1996, Mead's mother was thrown from a horse while working at the family's cattle ranch. Wyoming has one of the nation's highest work-related fatality rates, and the governor described efforts to address the problem, such as offering incentives to employers to make their workplaces safe. Family members attending the event offered their own ideas, including hiring more inspectors and paying them better salaries. Coverage at: <http://bit.ly/1DKS4de>



New Labor

Hundreds gather at Anshe Emeth Memorial Temple in New Brunswick, NJ, to urge support for workplace safety and dignity.

Jane Von Bergen of the *Philadelphia Inquirer* described that city's WMD commemoration in the context of four worker deaths that occurred in the two weeks preceding the event. One of those workers, Benjamin Hattendorf, 42, was killed at a construction site in view of PhilaPOSH's offices. PhilaPOSH is the key organizer of the area's annual WMD gathering and march. PhilaPOSH's Barbara Rahke told the reporter that she had seen Hattendorf at breakfast in her building's cafeteria the morning of the incident, and that his death was "really unbelievable." The Philadelphia ceremony, which features a bagpiper playing "Amazing Grace," is memorable for its other traditions. Von Bergen writes: "...the mourners, one by

continued on next page

dress chemical safety. They warned that "your Administration is running out of time." The groups called on Obama to take decisive action to prevent chemical explosions and releases.

The Obama administration released in June 2015 a factsheet outlining steps it has taken to improve chemical facility safety and security. It was a status report on the president's EO 13650. OSHA, for example, noted its progress on proposing changes to its process safety management regulation. The agency said it had initiated in June a Small Business Regulatory Flexibility Review Act panel to get

feedback from small businesses. By the end of August, the panel had not yet been convened.

TSCA Reform

The Toxic Substances Control Act (TSCA) is neither effective at protecting the public from chemicals already in use nor adequate in requiring manufacturers to demonstrate the safety of new toxic materials they produce. A poster child for TSCA's inadequacy is asbestos. EPA tried to ban the deadly mineral in 1989, but it could not meet the law's steep legal burden when challenged by the industry.

Workers Memorial Week

continued from previous page

one, cast a single red rose into the Delaware River ...the petals floated away, bright spots of red on dark water — 144 roses this year, one for each person killed in Pennsylvania, New Jersey, and Delaware from March 2014 to March 2015.”

Coverage at: <http://bit.ly/1ISDEYj>

Several OHS advocacy groups released reports during Workers Memorial Week, including:

- Dying for Work in California: The Hidden Stories Behind the Numbers 2015 (www.worksafe.org/2015_Dying_at_Work_in_California.pdf)
- Dying for Work in Massachusetts: Loss of Life & Limb in Massachusetts (www.mediafire.com/view/9bo11sreqkwzd08/Dying_for_Work_4-28-15_Updated_Version.pdf)
- Not an Accident: Preventable Deaths 2015, National COSH (www.coshnetwork.org/sites/default/files/Not-an-Accident-2015.pdf)
- Tennessee Workers: Dying for a Job (www.coshnetwork.org/sites/default/files/uploads/Tennessee_2015.pdf)
- The Price of Life: 2015 Report on Construction Fatalities in NYC (http://nycosh.org/wp-content/uploads/2015/05/NYCOSH_PriceofLife05112015.pdf)
- Worker Memorial Day Report 2015: Workplace Fatalities in the Houston Area (http://defendingscience.org/sites/default/files/WMD_Houston_Report_2015.pdf)
- Workplace Deaths in Southeast Florida 2015 (www.coshnetwork.org/sites/default/files/Florida_Fatalities.pdf)

Key features of each report are profiles of workers killed on the job, perspectives on deaths related to occupational illnesses, and commentary on the importance of remembering — by name — the victims of workplace hazards.



Worker Defense Project

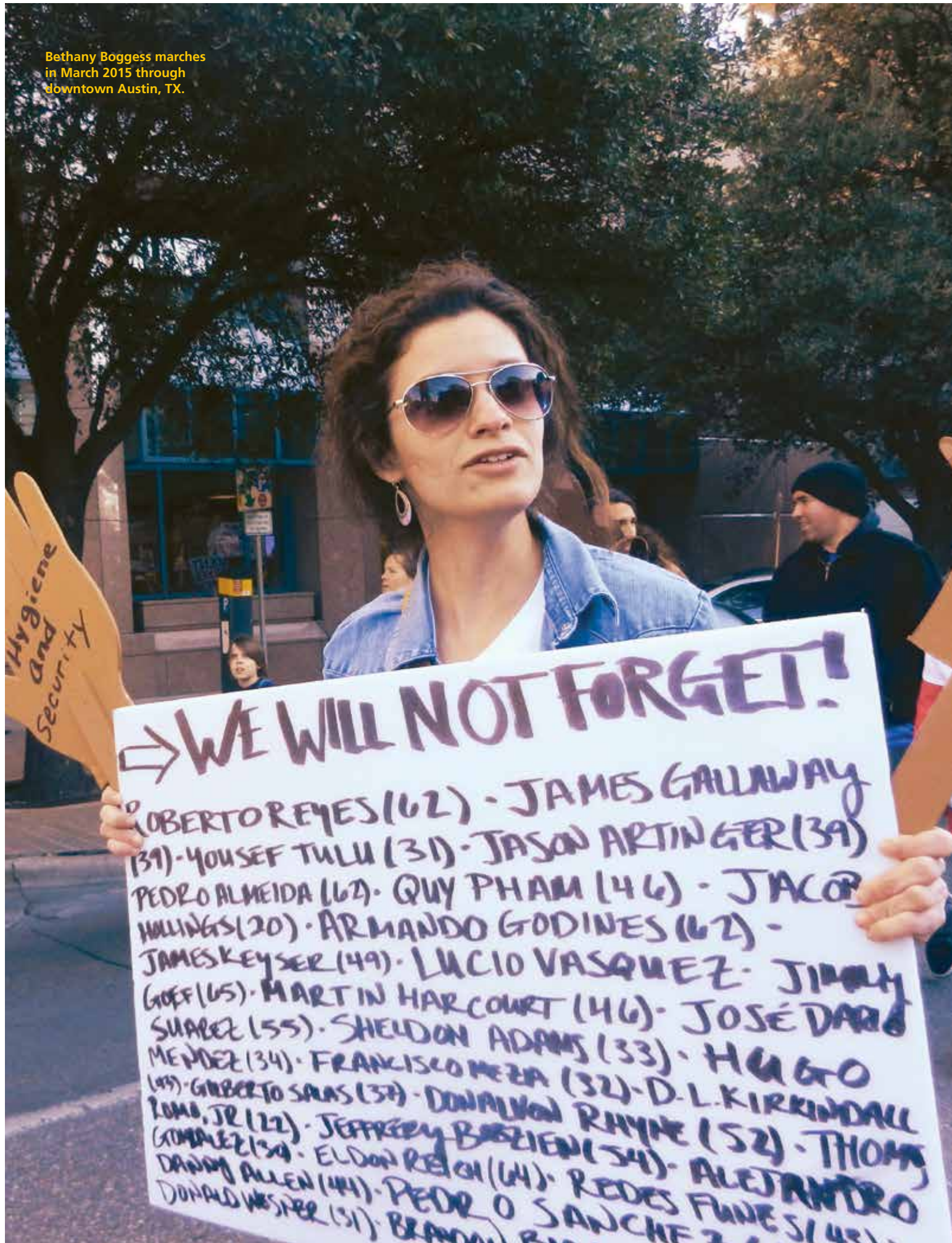
Ben Bradshaw of Plumbers and Pipefitters Local 100 speaks at the city hall in Dallas, TX, and describes the heavy toll of work-related injuries.

Congress is the closest it's been in years to amending the broken law. Committees in both the US House and Senate advanced bi-partisan legislation to amend TSCA. The TSCA Modernization Act (HR 2576) was unanimously approved in June 2015 by the House Committee on Energy and Commerce and passed the full House on June 23, 2015, by a 398-1 vote.

In the Senate, the TSCA reform bill proposed by Sens. David Vitter (R-LA) and Tom Udall (D-NM), S.697, is largely opposed by environmental, labor, and public health groups, but

avored by the chemical industry. Half of the bill's 40 co-sponsors are Democrats. Opponents note that S.697 fails to define the term "unreasonable risk," and warn that it will interfere in individual states' actions to address chemical hazards, as well as restrict the Environmental Protection Agency's (EPA) ability to address significant new uses of chemicals. An alternative bill, "The Alan Reinstein and Trevor Schaefer Toxic Chemical Protection Act," was introduced by Sens. Barbara Boxer (D-CA) and Ed Markey (D-MA), but did not get any traction.

Bethany Bogges marches
in March 2015 through
downtown Austin, TX.



⇒ WE WILL NOT FORGET!

ROBERTO REYES (62) · JAMES GALLAWAY (39) · YOUSEF TULU (31) · JASON ARTINGER (39) · PEDRO ALMEIDA (67) · QUY PHAM (46) · JACOB HOLLINGS (20) · ARMANDO GODINES (62) · JAMES KEYSER (49) · LUCIO VASQUEZ · JIMMY GLOFF (65) · MARTIN HARCOURT (46) · JOSÉ DARIO SUAREZ (55) · SHELDON ADAMS (33) · HUGO LOM · GILBERTO SAAS (37) · DONALD RHYNE (52) · THOMAS GOMEZ (34) · ELDON REICH (64) · ALEJANDRO DANNY ALLEN (44) · PEDRO O SANCHEZ (48) · DONALD WESPER (31) · BRANDY R...

Addressing Occupational Health and Safety at the State and Local Levels

This past year, worker safety advocates saw victories and accomplishments at the state and local levels. Maine received approval from federal OSHA for a program to extend health and safety protections to its state and local government employees. A California law took effect to better ensure temp workers are covered by workers' compensation insurance. The Washington Supreme Court ruled in favor of farmworkers who argued that they deserve to be on par with other workers with respect to being paid during short rest breaks. Massachusetts became the fourth state to require employers to provide paid sick leave. In addition, journalists with local news outlets focused readers' attention on deficiencies in state agency oversight of worker safety, as well as on unique chemical exposures for workers in particular industries. Reporters with the *Houston Chronicle* covered the deaths of four workers at a DuPont plant in Texas — the biggest single loss of worker lives in the last 12 months.

Providing rights to temp workers

A new **California** law took effect in January 2015 that holds companies responsible if a staffing agency or subcontractor they use engages in wage theft or fails to maintain workers' compensation insurance. The law covers workers in a full range of industries — from warehousing and farming to janitorial and manufacturing — but exempts some businesses from the law, such as trucking and cable companies as well as those that don't hire more than five temp workers at a time.

Protecting health care workers in Massachusetts and California

Efforts to promote safe patient handling and reduce injury risks among **Massachusetts** health care workers moved forward in the past year. In December 2014, the Massachusetts

Department of Public Health's Hospital Ergonomics Task Force released recommendations that provide a "solid blueprint for moving forward and recognize that advances in safe patient handling will take a collective effort of hospitals, hospital workers and government agencies." Among the report's many findings is this: More workers were injured in Massachusetts hospitals than in any other industry in the state, with musculoskeletal injuries among the most common. Among its many recommendations, the report encouraged hospitals to implement and sustain comprehensive safe patient handling programs and design injury surveillance programs to collect critical data on worker needs and safety gaps. The report, "Moving into the future: Promoting safe patient handling for worker and patient safety in Massachusetts hospitals," is available at www.mass.gov/eohhs/docs/dph/occupational-health/ergo-sph-hospitals-2014.pdf.

In October 2014, **California's** new regulation addressing safe patient handling in hospitals went into effect. The regulation was developed to implement a bill signed by Gov. Jerry Brown in 2011. It includes significant requirements for employee involvement, including the assessment of the need for equipment and staff, development of safety training programs, and review of the effectiveness of the plan in the employee's work area.



Nurses in Michigan participate in a national day of action for safety (November 2014).

Families of Arizona firefighters push for safety improvements

The June 2013 Yarnell Hill wildfire took the lives of 19 firefighters with the Granite Mountain Hotshots. Most of the victims' families agreed to a settlement in June 2015 related to a lawsuit they filed against the Arizona State Forestry Division. The families were less interested in money than in seeing the state implement safety improvements for future firefighters. The measures include better training for incident commanders and firefighters, testing of more advanced tracking equipment, and disseminating specific lessons about the effects of dry, warmer seasons on the wild lands. Each family received a very modest \$50,000 as part of the agreement. As reported in *The New York Times* on June 30, Roxanne Warneke was satisfied with the agreement. She was pregnant when her husband, Billy, was killed in the blaze. "Finally, it's over," she told *The New York Times*: "I wanted Billy's death to mean something, for some good to come out of it, and now I can actually start to see results."



KPHO, KTVK

Temporary memorial to 19 firefighters killed in the 2013 Yarnell Hill wildfire.

Ensuring paid sick leave

On November 4, 2014, nearly 60 percent of **Massachusetts** voters approved a measure to bring earned sick leave to the nearly 1 million workers who were previously unable to accrue time off to care for themselves or their families. The new law, which went into effect in July 2015, allows all workers to earn one hour of sick time for every 30 hours worked, up to 40 hours per year. Workers at companies with 11 or more employees will earn paid sick leave, while those at companies with 10 or fewer employees are eligible to earn unpaid sick leave. The law also states that employers are prohibited from interfering with or retaliating against workers for exercising their new sick leave rights. As of July 2015, Massachusetts was one of four states — along with California, Connecticut, and Oregon — to adopt a sick leave law. Localities that recently passed paid sick leave ordinances include Pittsburgh and Philadelphia, PA; Tacoma, WA; and Montgomery County, MD.

On June 23, 2015, the *Boston Globe's* Editorial Board wrote of the new sick leave law: "As a policy, this is both sensible and humane. For public health reasons, sick people should stay

home. And no one should be forced to choose between going to work while sick — or caring for a sick child — and losing a day's pay."

As of July 2015, more **California** workers could begin accruing and taking sick leave under a new state law that dramatically expands paid sick leave benefits. The year before, California had adopted the Healthy Workplaces, Healthy Families Act of 2014, making it the second state to mandate paid sick leave. In signing the law, which provides paid sick days to millions of workers who were previously unable to earn such a benefit, Gov. Jerry Brown said: "Whether you're a dishwasher in San Diego or a store clerk in Oakland, this bill frees you of having to choose between your family's health and your job. Make no mistake, California is putting its workers first."

The new law requires employers to provide paid sick leave to employees who work 30 or more days within a year from commencement of employment, and employees will earn a minimum of one hour of paid sick leave for every 30 hours worked. The law applies to nearly all employers in the state, with no exception for small businesses or employers with less than a particular number of workers. Excep-

tions to the law include employees covered by qualifying collective bargaining agreements and in-home supportive services providers.

Arizona OSHA and residential construction

Arizona is one of 25 states that operates its own occupational health and safety program. These programs are approved and evaluated by federal OSHA to ensure they are “at least as effective” as the federal OSHA program. In August 2014, OSHA proposed revoking the final approval status of the Arizona State Plan (ADOSH). The move came because the state legislature adopted a fall protection standard for residential construction that would apply at heights above 15 feet. The federal OSHA standard requires fall protection for workers when they are at six feet or higher. In February 2015, OSHA issued a formal notice rejecting ADOSH’s residential fall protection (RFP) standard, meaning Arizona employers are required to comply with federal OSHA’s RFP regulations.

California

Workplace violence

In late September 2014, Gov. Jerry Brown signed legislation requiring hospitals to develop comprehensive safety plans to address workplace violence. Among other things, the plans must evaluate staffing levels and availability of security personnel, as well as assess



Safe Workers Save Lives Rally in Cerritos, CA.



Convenience store workers Yasmin Colon and Misteke Fomby speak about workplace violence at the National OSH Summit (June 2015).

risks to specialty units. Cal/OSHA will be required to post annually information on violent incidents occurring at hospitals. The Service Employees International Union (Local 121RN) and Nurse Alliance of California filed a petition in February 2014 with the California Standards Board for a standard to protect health care workers from on-the-job violence. The California Nurses Association, which sponsored the bill, subsequently also filed a petition with the board. The Cal/OSHA regulations must be issued by June 2016.

Correcting workplace hazards

Under a new California law (AB 1165), employers who are cited by Cal/OSHA for health and safety violations will no longer be allowed to avoid fixing the problems the agency identified while they file endless appeals. In addition, employers will be required to certify that they have corrected a violation in order to get a reduction in the penalty.

Heat-related illnesses

Improvements to Cal/OSHA’s standard to protect workers from heat-related illnesses took effect in March 2015. Employers are now required to provide shade once the temperature reaches 80 degrees (down from 85 degrees previously), engage in enhanced monitoring of workers for heat-stress symptoms, and adhere to new emergency procedures. Additional precautions are provided for farmworkers.

David Isaacson/National OSH

Chemical hazards & Department of Public Health

The California Department of Public Health (CDPH) will have new authority to obtain hazard information from chemical manufacturers through a new law signed in September by the governor. Under the state's Hazard Evaluation System and Information Service, CDPH can require a company to provide the names and addresses of businesses that have purchased a particular compound when new scientific or medical evidence indicates the substance may pose serious and previously unrecognized harm. The law will take effect in January 2016.

\$6 million penalty for Bumble Bee worker death

In August 2015, the Los Angeles district attorney (DA) reached a settlement with Bumble Bee Foods for three counts of willfully violating worker safety laws related to the 2012 death of employee Jose Melena, 62, who was cooked alive in an industrial oven. The company agreed to pay a \$6 million penalty, half of which will be used to replace outdated ovens. His family, which includes six children, will receive \$1.5 million from the settlement. The DA's office also reached a plea agreement with the plant's director of operations and the company's safety manager — both were charged with felonies for their roles in Melena's death.

California labor officials rule Uber worker an employee, not a contractor

In the past year, a lot of newspaper ink has been devoted to the so-called sharing economy and the rise of the "1099 workforce" (named after the tax form that reports payments to workers classified as independent contractors). Probably the most cited example is Uber, a ride-hailing app that connects passengers and drivers. While Uber and many of its drivers say the business model provides a new level of freedom and flexibility, many other drivers claim that while Uber classifies its workers as independent contractors, it controls them like employees. By classifying workers as independent contractors, Uber is able to sidestep many traditional wage and labor laws.

However, in June 2015, the California Labor Commission ruled that a San Francisco Uber driver was an employee, not a contractor, and ordered the company to reimburse the driver more than \$4,000 in expenses. Uber appealed the decision, which applied to just the one driver. In its ruling, the commission wrote: "Defendants hold themselves out as nothing more than a neutral technology platform, designed simply to enable drivers and passengers to transact the business of transportation. The reality, however, is that Defendants are involved in every aspect of the operation." The ruling wasn't the first against Uber's worker classification, and it likely won't be the last.

Questions about worker classification are hounding other mobile app-based businesses as well. For example, Handy, a technology platform that connects house cleaners and clients, is also being sued by workers who say the company is unfairly denying them employee status.

California Labor Commission ruling:
<http://bit.ly/1lIK3aq>

Avi Asher-Schapiro. "Is Uber's Business Model Screwing Its Workers?" *In These Times*, Sept. 26, 2014.
<http://bit.ly/1t2wjJU>

San Francisco retail workers

The San Francisco Retail Workers Bill of Rights officially went into effect in July 2015. Unanimously approved by the San Francisco Board of Supervisors in December, the law is the first of its kind and consists of two pieces of legislation: one that addresses hours and retention protection and another that addresses fair scheduling.

The law's five major provisions will require corporate retailers to offer more hours to part-time employees before hiring additional part-time workers; to post schedules at least two weeks in advance; to provide two to four hours of pay at a worker's regular rate if the worker is required to be on-call, but the employer cancels the shift with less than a day's notice; to give equal treatment to part-time workers with respect to starting pay and access to unpaid time off and promotion opportunities; and to let workers keep their jobs for at least a 90-day pay period after a company is bought or sold. The new law applies to businesses with 20 or more locations globally and 20 or more employees in San Francisco.

Maine and public sector workers

Employees of state and local governments are excluded from OSHA protections pursuant to the OSH Act of 1970. In order to get such protections, their state must operate a program that is approved by federal OSHA and in turn, will receive partial funding from the federal government to operate the program. The state of Maine received approval in August 2015 from federal OSHA for its program to cover its public-sector employees. The state began developing its plan in 2012. Since that time, it has been collaborating with federal OSHA to ensure the program would be at least as effective as the federal OSHA program for private-sector employees. More than 81,000 state and local employees in Maine will now enjoy OHS rights and protections. Nationwide, 8 million public-sector workers still are not covered by OSHA.



damianpalus

Maryland on responsible contracting

A workgroup examining OHS requirements for contractors involved in public works projects delivered their recommendations to the Maryland General Assembly in December 2014. The tripartite workgroup's task stemmed from a law signed by Gov. Martin O'Malley and resulted in a 40-page report, including a draft questionnaire that could be used to assess a contractor's safety program. State lawmakers have yet to act on the recommendations.

Massachusetts

Protections for public-sector workers

A new law extending OSHA protections to more than 150,000 executive branch employees took effect in March 2015. Before the new law, which was signed in 2014, state employees weren't covered by the same worker protections as their peers in the private sector, with each state agency addressing workplace health and safety on its own. The OSHA expansion, however, centralizes the work of protecting executive employee health and safety and takes full advantage of OSHA's evidence-based practices and protocols. At the time of OSHA's inception in 1970, local officials could choose whether to extend OSHA protections to state employees, and Massachusetts, like most states, had taken a pass.

For years before the law's signing, a coalition of labor unions, employee organizations, and safety advocates had worked with state officials to study safety among state workers

and make preventive recommendations. That advisory committee of advocates was codified in the new law. It is now known as the Occupational Health and Safety Advisory Board and includes a representative from the Massachusetts Coalition for Occupational Safety and Health (MassCOSH), four labor representatives, a representative from the University of Massachusetts-Lowell, and representatives from the administration. However, in July, MassCOSH said the new law is leading to some confusion about the responsibility of municipalities and other public-sector employers regarding OSHA protections. The organization and its partners are calling on state policymakers to ensure the new OSHA expansion protects all public employees.

Washington and farmworkers

The Washington state Supreme Court ruled in July 2015 in favor of farmworkers with respect to rest breaks. The nine-judge panel agreed with Ana Lopez Demetrio and Francisco Eugenio Paz, who are farmworkers paid a piece rate, that state law requires their employers to pay them while they take short rest breaks. The court was swayed by existing law under which hourly employees are paid during rest breaks.

Wyoming on fatality citations and workers' compensation

Advocate Mary Jane Collins teamed up with Wyoming State Rep. Mary Throne (D-Cheyenne) and the Joint Labor, Health and Social Services Committee to draft legislation that would have required Wyoming OSHA to assess a non-negotiable \$50,000 fine against a firm when it "willfully and knowingly" violated safety laws and those violations caused a work-related fatality. Collins's grandson, Brett Samuel Collins, 20, was working for a construction company in August 2012 when he suffered fatal injuries. The committee approved the measure in January 2015, but the legislation was not considered by the full state Senate chamber before it adjourned in March.

The failure of employers to pay their workers' compensation (WC) insurance premiums was the subject of an investigation conducted by reporter Dustin Bleizeffer of WyoFile.com. Bleizeffer used data from the state's Department of Workforce Services to identify more than 1,800 employers who owed \$3.23 million for WC coverage.



Steelworkers get to the heart of the matter in their strike (February 2015).

Scott Weaver/USW

Local Reporters Draw Attention to Workplace Health and Safety Problems

Texas: Workers face higher risk of death, lack benefits of state oversight

Dallas Morning News reporter James Gordon investigated worker injury rates in the Lone Star state, where a worker is 12 percent more likely to be killed on the job than a worker performing the same task in another state. To put the Texas problem in context, the newspaper analyzed federal data between 2003 and 2012 to determine how many worker deaths would be expected in each industry based on the number of workers and the national fatality rate.

Among the findings, Texas had 500 more worker deaths than would be expected, while California had about 1,200 fewer worker deaths than expected. Texas had the highest rate of excess deaths among the 10 largest states, with most of the excess deaths in Texas happening within specialty construction trades. The analysis also found that states with weaker labor unions tended to have high worker fatality rates.

Texas has no state occupational safety inspection agency and so such oversight is left to federal OSHA.

James Gordon. "Death on the Job." *Dallas Morning News*, Aug. 16, 2014.
http://res.dallasnews.com/interactives/2014_workplace

New York City: High worker injury rate at World Trade Center site

Construction at New York City's World Trade Center site came with serious injuries and dangerous work conditions, according to a *New York Daily News* investigation. Reporter Greg B. Smith found 34 incidents in which workers were injured at World Trade Center sites and which were not reported to OSHA (at the time, there was no requirement to report them. See



new OSHA policy on p. 3). Between 2010 and 2012, worker injury rates at the sites exceeded both New York and national rates for construction injuries.

Overall, the investigation found at least 81 incidents that involved hazardous work conditions since construction began in 2003, with more than 40 such incidents involving workers falling from dangerous heights. One injured worker is Ethan Villalona, an apprentice ironworker who was trapped under a 79-foot steel beam that hadn't been properly secured. Both of Villalona's legs were crushed, his pelvis broken, and his lung partially collapsed, and he suffered several herniated discs. Two years after the incident, he's still undergoing rehabilitation and walks with a cane.

Smith reported that OSHA learned of most of the workplace injuries from sources other than contractors. No OSHA inspector was assigned to exclusively monitor construction at the World Trade Center sites.

Greg B. Smith. "Dozens of injuries at World Trade Center construction site went unreported." *New York Daily News*, Nov. 3, 2014.
<http://nydn.us/1DSXrRt>

Brothers, co-workers dead at DuPont plant

Before dawn on November 15, 2015, Crystal Wise was on the fourth floor of DuPont's pesticide processing unit in LaPorte, TX. She was overcome by a massive release of methyl mer-

US Worker Fatality Database

It started as a public health student's interest in following the chain of consumer goods connected to the 2013 Rana Plaza building collapse that killed more than 1,000 workers in Bangladesh. That student, Bethany Boggess, went on to create the Global Worker Watch website to assemble data in real-time on work-related fatalities. In the fall of 2014, Boggess joined forces with Katelyn Parady (Massachusetts Department of Public Health), Gavin West (Center for Construction Research and Training), Tammy Miser (United Support and Memorial for Workplace Fatalities), and other activists to create the US Worker Fatality Database. It is the largest open-access collection of US workplace fatality incidents.

The Bureau of Labor Statistics' (BLS) annual Census of Fatal Occupational Injuries is the primary source of information on work-related fatalities, but it has limitations. There is a two-year lag, for example, before the data is available to the public, and it does not offer case-specific information. In contrast, the US Worker Fatality Database is updated at least quarterly and includes as much information as available about the incident, including the victim's name, age, state, industry, and a description of the incident. All of the information is gathered from news accounts, family members, OSHA, MSHA, and other public sources.

At its launch in April 2015, the database contained nearly 1,800 cases, most with the name and age of the deceased worker. In July 2015, the developers and National COSH announced an easy-to-use online form that the public can use to add fatality incidents to the database. www.coshnetwork.org/fatality-database

captain and called for help. Co-workers came to her aid, but the plant was not prepared for the emergency. Ultimately, Wise, 53; Wade Baker, 60; Gilbert Tisnado, 48; and Robert Tisnado, 39, succumbed to the toxic gas.

Following OSHA's investigation, the agency issued citations, including one repeat violation, and proposed a \$99,000 penalty. A subsequent inspection at the plant resulted in willful, repeat, and serious violations, a \$273,000 proposed penalty, and the "severe violator" designation. DuPont is contesting both sets of citations. Frank Cyphers, the president of the International Chemical Workers Union Council (ICWUC), criticized DuPont's legal challenge, saying it "uses precious resources that would be better spent improving the safety of the LaPorte plant or assisting the families of the deceased."

The Chemical Safety Board (CSB) also launched an investigation of the disaster. At a July 2015 CSB public meeting, members of the Tisnado family spoke passionately about the loss of brothers Gilbert and Robert Tisnado. They

urged the CSB take swift action on issuing recommendations to DuPont.

The *Houston Chronicle's* Lise Olsen has kept the incident and investigations in the public's eye. Olsen and colleagues also used records from the Texas Commission on Environmental Quality to reveal the plant's history of unintentional releases of toxic air emissions.

Lise Olsen. "Up in the Tower," *Texas Monthly*, September 2015.
www.texasmonthly.com/articles/up-in-the-tower/

Despite being a known hazard, diacetyl continues to put workers at risk

Workers at a coffee roasting plant in Tyler, TX, had no idea they were risking their health as they worked with vats of the flavoring chemical known as diacetyl, which can cause a lung-destroying condition if inhaled. In fact, it took a year to pinpoint diacetyl as the cause of workers' chronic and worsening respira-

tory problems, according to reporter Raquel Rutledge of the *Milwaukee Journal Sentinel*. Diacetyl, which adds a buttery flavor to products, is the same chemical linked to occupational illnesses and deaths in popcorn factory workers.

The dangers of diacetyl exposure are well known, but OSHA has yet to issue exposure standards. The lack of action has dire consequences for workers such as Emanuel Diaz de Leon, who worked in Tyler, TX, at Distant Lands Coffee, a company headquartered in Washington state. In just 18 months of working at the coffee facility, de Leon's lungs were irreparably damaged; doctors predict the damage will shorten his life. Four other workers at the coffee plant were identified with the same life-threatening health problems as de Leon.

At one point in 2009, OSHA signaled it would develop a rule on workplace exposure to diacetyl, but backed away from the proposal in the face of industry opposition, Rutledge reported. The article also investigated the use of diacetyl in electronic cigarettes, citing a 2014 study that found as many as 70 percent of sweet-flavored e-cigarettes contain the chemical flavoring.

Raquel Rutledge. "Gasping for Action." *Milwaukee Journal Sentinel*, Feb. 14, 2015. <http://bit.ly/17BFgXN>

Dairy workers face dangerous conditions, win right to workers' compensation

The dairy industry often portrays itself as idyllic family farms raising happy, healthy animals. But New Mexico dairy farm workers know better. Reporter Joseph Sorrentino writes that three-quarters of the state's dairy workers are Mexican, and most of the milk comes from cows living in concentrated animal feeding operations (more commonly known as CAFOs). Dairy workers rarely receive proper training, which puts the workers as well as the animals at risk of injury. In 2012, the New Mexico Center on Law and Poverty interviewed about 60 dairy workers; almost 80 percent said they had

never received training, and more than half had been injured on the job.

Sorrentino interviewed a number of workers, including Matías Soto, who worked as a milker. A bull attacked Soto, lifting him into the air and dropping him to the ground, where he slammed his head on the concrete floor. His skull was fractured, but he said he wasn't taken to an emergency department for three hours. The dairy was not required under state law to have workers' compensation (WC) insurance, and Soto went into debt trying to pay for the helicopter ride that airlifted him to a hospital with the capacity to treat his injuries. Other workers reported that they never take time off work when they're sick or injured for fear of losing their jobs. One worker told Sorrentino: "If I do not work a day, I do not earn any money. The patron [boss] makes the rules. We know nothing of the law, nothing of the government. If I or another worker has something to do...or I am sick, I have to find the replacement and pay them." Other workers report not being paid overtime, and shoddy record-keeping by employers can make it difficult to calculate workers' true hourly pay.

In June, however, a New Mexico Court of Appeals ruled that excluding field and ranch workers from WC was unconstitutional. The court wrote: "Our review of the history of workers' compensation statutes back to 1929 has not revealed an articulable purpose for the exclusion" and stated that the exclusion



Farmworker Edulfo Vasquez leads discussion with worker leaders at a committee meeting in central New York.



DOE sign identifying the Hanford Nuclear Reservation in Washington state.

was “without purpose or reason and leads to absurd results.”

Joseph Sorrentino, “The One Thing Worse Than Big Dairy’s Abuse of Cows? Its Abuse of Workers.” *In These Times*, Dec. 1, 2014. <http://bit.ly/1STT45r>

“N.M. Field and Dairy Laborers Win Right To Workers’ Comp—Court Calls Exemption ‘Absurd.’” *In These Times*, July 20, 2015. <http://bit.ly/1Ov5met>

Washington: Nuclear waste workers report health issues, unsafe job conditions

Between March 2014 and February 2015, dozens of workers at the Hanford Nuclear Reservation in Washington state sought medical attention for serious health symptoms they believe are connected to on-the-job exposures to toxic waste vapors, reported Elizabeth Grossman in *In These Times*. Later that same year, a report from Savannah River National Laboratory — a lab of the US Department of Energy (DOE) —

cited regular toxic emissions from waste tanks, inadequate worker health and safety protocols, and evidence that “strongly suggests” a connection between chemical vapor exposures and worker health effects.

Grossman reported that union and other worker advocates, as well as Washington’s attorney general, filed notices in November 2014 of their intent to sue the DOE well as the Washington River Protection Services for violating work protection standards. A representative from United Steelworkers, which represents Hanford workers, told Grossman: “There is not adequate industrial hygiene on site to determine when respiratory protection is needed. It’s like ‘whack-a-mole.’ They’ve been chasing this stuff around for 20, 30 years, throwing SCBAs (self-contained breathing apparatus) on people after the fact, when the exposures took place yesterday.”

Elizabeth Grossman. “Union, Environmental Group Say Dozens of Nuclear Workers Suffering from Toxic Materials Exposure.” *In These Times*, Feb. 20, 2015. <http://bit.ly/1zxoQGG>

North Carolina: Worker deaths go unnoticed, uncounted

In 2013, Bill Goodson died on the job after a log slipped from a machine and struck him in the head. But because Goodson's employment arrangement was an informal one, his death wasn't counted in the state's official tally of occupational fatalities. Goodson's death is one example of how worker deaths go undocumented in North Carolina and why the state's worker fatality count may be artificially low, according to reporter Mandy Locke. In 2014, North Carolina Labor Commissioner Cherie Berry announced that workplace deaths had decreased significantly in the state, to 23 in 2013. However, a *News & Observer* investigation found that the state labor agency left 80 worker deaths out of that count.

A number of factors contribute to the inaccurate tally. One is a switch within the Department of Labor from reporting all work-related deaths to only reporting deaths in which inspectors can levy penalties. An agency spokesperson defended the practice, saying the numbers represent fatalities the safety agency can act on. However, the news investigation found that the agency isn't readily transparent about the fact that the worker fatality numbers are only a fraction of the real toll. The official state tally now leaves out self-employed workers, laborers at small farms, owners of unincorporated companies, and those who die in open waters surrounding the state, as well as workers who die due to a work-related injury that initially occurred months or years prior.

James Andrews, president of the state's AFL-CIO chapter, told Locke: "I thought we had something to celebrate. This, though, seems to paint a false picture of where we are."

Mandy Locke. "Many NC workers' deaths go uncounted." *The News & Observer*, April 11, 2015.
<http://bit.ly/1PzgaKB>

Oregon: Mill workers warned of safety hazards before roof collapse

In November 2014, a roof section larger than a football field collapsed at Woodgrain Millwork in Prineville, OR. Luckily, no one was harmed. However, mill workers, who spoke of a variety of workplace hazards, say they had alerted management to the leaky roof long before the collapse, reported Amanda Peacher for Oregon Public Broadcasting. After an anonymous complaint, Oregon OSHA investigated the roof collapse, but did not find the roof had any pre-existing signs that it would cave in.

A top Woodgrain Millwork official told Oregon Public Broadcasting that he had no reason to believe the building was unsafe. However, workers interviewed for the news story reported that whenever it rained or snowed, the roof throughout the mill facility would leak, dripping on workers and equipment. In addition, the news outlet obtained company documents from 2010 and 2011 that mentioned roof leaks as a safety concern, and workers said they regularly filed complaints about the roof. Workers recalled using buckets to catch leaking water as they worked — buckets that would fill up every few hours. They also reported working in cold temperatures with little heat. After the roof collapse, Woodgrain shut down most of the Prineville facility, laying off about 200 workers.

Oregon OSHA administrator Michael Wood acknowledged that the post-collapse inspection could have been more thorough. Former mill employee Peggy Murphy said of the company: "They're going to send you in there knowing that that roof was bad? That's crazy to me. To me, that's like, this business, that product, this money is bigger than you. Bigger than your life, than your kids and your family."

Amanda Peacher. "Workers Alerted Company To Problems With Prineville Mill Roof Before Collapse." Oregon Public Broadcasting, April 13, 2015.
<http://bit.ly/10ThjKO>



New Research on Worker Health and Safety

Researchers in academia as well as those working in policy organizations published a wide range of papers about the impact of working conditions on health. Studies in the peer-reviewed literature provide insight into the diversity and complexity of workplace hazards and their relationship to injuries and illnesses. Especially prominent in the literature over the last year were papers addressing work-related respiratory diseases and musculoskeletal disorders, as well as the advantage of using multiple datasets to assess the incidence, prevalence, and cost of work-related harm. We profile a few of them below and provide a longer list in the appendix of our top picks for the past year.

Peer-Reviewed Literature on Work-related Respiratory Diseases

Prevalence of work-related asthma, worker-physician communication

The Behavioral Risk Factor Surveillance System (BRFSS) and the Adult Asthma Call-back Survey (ACBS) have been enhanced in recent years to address declining response rates, including the addition of cell phone-only households. In the 22 states represented in the 2012 ACBS survey, an estimated 1.9 million adults (15.7 percent) have work-related asthma. By state, the proportion of work-related asthma ranged from 9 percent in Hawaii to more than 20 percent in Mississippi, Missouri, Ohio, and Wisconsin.

Mazurek JM, White GE. Work-related asthma—22 states, 2012. *MMWR Morb Mortal Wkly Rep.* 2015 Apr 10;64(13):343-6. www.cdc.gov/mmwr/preview/mmwrhtml/mm6413a2.htm

Using the same data, the researchers assessed the proportion of ever-employed adults with current asthma who talked with a health care provider about the possible work-relatedness of their asthma. Less than 15 percent of individuals had such conversations, and the communications were associated with factors such as age, ethnicity, employment, insurance, and urgent treatment for worsening asthma.

Mazurek JM, White GE, et al. Patient-physician communication about work-related asthma:

what we do and do not know. *Ann Allergy Asthma Immunol.* 2015 Feb;114(2):97-102. www.ncbi.nlm.nih.gov/pubmed/25492097

Washington state researchers used the 2006-2009 BRFSS and ACBS to estimate the prevalence of asthma. Fifty-five percent of the ACBS respondents believed exposures at work caused or worsened their asthma. Yet less than 11 percent reported speaking to a health care provider about their asthma being work related.

Anderson NJ, Fan ZJ, et al. Distribution of asthma by occupation: Washington State behavioral risk factor surveillance system data, 2006-2009. *J Asthma.* 2014 Dec;51(10):1035-42. www.ncbi.nlm.nih.gov/pubmed/24995660

Construction workers and lung disease

Researchers used data from the Building Trades National Medical Screening Program to estimate the lifetime risk of occupational lung disease for construction workers. The estimates were based on 14,400 construction-worker participants who received a medical exam between 1997 and 2010. Over a 45-year working life, the estimates indicate 16 percent of construction workers will develop chronic obstructive pulmonary disorder, 11 percent parenchymal radiological abnormality, and 74 percent hearing loss. The lifetime risk for a construction worker of developing a work-related disease is two to six times greater than the risk for non-construction workers.

Ringen K, Dement J, et al. Risks of a lifetime in construction. Part II: Chronic occupational diseases. *Am J Ind Med*. 2014 Nov;57(11):1235-45. www.ncbi.nlm.nih.gov/pubmed/25123579

Beginning in 1986, more than 20,000 sheet metal workers in the US and Canada participated in a union- and industry-supported health screening program. Causes of death were analyzed for workers with more than 20 years in the trade. Excess mortality was seen for mesothelioma and asbestosis, despite the workers having largely indirect exposure to asbestos. The researchers also found increased mortality trends for lung cancer, most notably with low ILO x-ray profusion scores.

Welch L, Dement J, West G. Mortality among sheet metal workers participating in a respiratory screening program. *Am J Ind Med*. 2015 Apr;58(4):378-91. www.ncbi.nlm.nih.gov/pubmed/25712482

Exposures and work-related asthma

Using data from the 2010 National Health Interview Survey, researchers estimated the proportion of employed adults with asthma who had frequent workplace exposures to potential asthma triggers. More than 28 percent were frequently exposed to vapors, gas, dust, or fumes; nearly 20 percent frequently worked outdoors; and more than 17 percent were exposed to secondhand smoke.

White GE, Mazurek JM, Storey E. Employed adults with asthma who have frequent workplace exposures. *J Asthma*. 2015 Feb;52(1):46-51. www.ncbi.nlm.nih.gov/pubmed/25029228

Occupational medicine specialists affiliated with the Association of Occupational and Environmental Clinics identified 327 agents associated with work-related asthma through a review of the literature. The researchers categorized 53 percent of the substances as sensitizers and 11 percent as known asthma-causing agents, with 35 percent yet to be classified.



Tracy Fox

The listing will be updated semi-annually and is available online.

Rosenman KD, Beckett WS. Web based listing of agents associated with new onset work-related asthma. *Respir Med*. 2015 May;109(5):625-31. www.ncbi.nlm.nih.gov/pubmed/25863522

Work-related dust diseases

Researchers examined the mortality of more than 31,000 miners who worked in any one of seven Minnesota taconite mines between 1960 and 2010. When compared to causes of death for all residents in the state, mortality from mesothelioma was 2.7 times higher for the miners, and lung cancer was 16 percent higher.

Allen EM, Alexander BH, et al. Mortality experience among Minnesota taconite mining industry workers. *Occup Environ Med*. 2014 Nov;71(11):744-9. www.ncbi.nlm.nih.gov/pubmed/24816518

During an inspection in 2010 of a coal slag processing plant, an OSHA inspector learned that four former workers had applied for workers' compensation for black lung disease. The inspector collected air monitoring samples for total dust and respirable silica, and the analysis found some exceeded OSHA's permissible exposure limit and the threshold limit value set for silica by the American Conference of Governmental Industrial Hygienists. The authors report the findings are the first known reported cases of lung disease among workers exposed to coal slag dust.

Fagan KM, Cropsey EB, Armstrong JL. Case cluster of pneumoconiosis at a coal slag processing facility. *Am J Ind Med*. 2015 May;58(5):568-76. www.ncbi.nlm.nih.gov/pubmed/25851166

Peer-Reviewed Literature using Multi-Source Surveillance Systems

Work-related skull fractures

Researchers in Michigan used data from three sources — hospitals, workers' compensation, and death certificates — to identify cases of work-related skull fractures. In 2012, they identified 316 skull and facial fractures in Michigan, compared to 170 for the state estimated by the Bureau of Labor Statistics (BLS) Survey of Occupational Injuries and Illnesses (SOII). When the researchers added facial fractures to skull fractures in the analysis, the percentage of injured workers who were women increased from 15 to 31 percent, and the most common industry involved shifted from construction to health care and social assistance. Surveillance using the state sources prompted inspections by Michigan OSHA.

Kica J, Rosenman KD. Surveillance for work-related skull fractures in Michigan. *J Safety Res*. 2014 Dec;51:49-56. www.ncbi.nlm.nih.gov/pubmed/25453176

Work-related amputations, carpal tunnel syndrome

Researchers in California used data from three sources — workers' compensation, health care facilities, and reports from physicians — to identify work-related amputations and carpal tunnel syndrome (CTS) in 2007 and 2008. They identified nearly 7,000 amputations and more than 39,000 CTS cases. BLS' SOII for the same

period estimated only 1,390 amputations and 3,720 CTS cases among California workers.

Joe L, Roisman R, et al. Using multiple data sets for public health tracking of work-related injuries and illnesses in California. *Am J Ind Med*. 2014 Oct;57(10):1110-9. www.ncbi.nlm.nih.gov/pubmed/25099607

Researchers in Michigan used data from hospitals, emergency departments, and workers' compensation to identify work-related amputations that occurred from 2006 through 2012. BLS's SOII estimated 1,170 cases for the period, while the multi-source surveillance system identified 4,140 — more than three times the number of cases. Michigan OSHA conducted 173 inspections as a result of referrals from the researchers.

Largo TW, Rosenman KD. Surveillance of work-related amputations in Michigan using multiple data sources: results for 2006-2012. *Occup Environ Med*. 2015 Mar;72(3):171-6. www.ncbi.nlm.nih.gov/pubmed/25391831

The authors matched workers' compensation data from Massachusetts for 2007 and 2008 to injury cases in BLS's SOII sample for the state to estimate the number of work-related amputations. They found amputation cases in one data set (e.g., workers' compensation) appeared as other injuries (i.e., not amputations) in the other data set (SOII), and vice versa. The total number of amputations varied markedly depending on how the cases were classified, leading to wide variation in estimates of the number of work-related amputations.

Tak S, Grattan K, et al. Impact of differential injury reporting on the estimation of the total number of work-related amputations. *Am J Ind Med*. 2014 Oct;57(10):1144-8. www.ncbi.nlm.nih.gov/pubmed/25223514

Peer-reviewed literature on work-related musculoskeletal disorders (MSDs)

Cost-shifting for work-related MSDs

The authors set out to examine whether declines in workers' compensation (WC) utilization rates, based on visits to a provider, reflect injury prevention or cost shifting to other payment systems. They used 20 years of data from a cohort of union carpenters to compare claims for disorders of the upper extremities (UE) and knees submitted to WC and to a union-provided health insurance fund. WC claims for UE and knee injuries declined by 250 percent and 300 percent, respectively, while health insurance claims for these disorders increased by 300 percent or more. The fact that WC usage for these injuries declined while insurance usage for these same injuries increased suggests that some injured carpenters may be relying on their health insurance to treat injuries for which they might have previously sought WC coverage — in effect, shifting costs from WC insurance to traditional health insurance.

Lipscomb HJ, Schoenfisch AL, et al. *Contrasting patterns of care for musculoskeletal disorders and injuries of the upper extremity and knee through workers' compensation and private health care insurance among union carpenters in Washington State, 1989 to 2008.* *Am J Ind Med.* 2015 Sep;58(9):955-63. <http://www.ncbi.nlm.nih.gov/pubmed/25939759>

The authors used data from the Carpenters Health and Welfare Trust Fund (CHWTF) to examine health insurance claims for musculoskeletal disorders (MSDs) among 1,475 union floor layers (FL) in Missouri. For the period 2006 through 2010, 51 percent of the FL filed claims for MSD injuries, compared to 39 percent in the general worker population. Claim rate ratios for knee and neck injuries were nearly double for FL when compared to the general worker population. Twenty-two percent of FL filed claims for MSD injuries in more than one body region, compared to 10 percent in the

general worker population. The results suggest a shift to personal health insurance for work-related MSDs.

Dale AM, Ryan D, et al. *Comparison of musculoskeletal disorder health claims between construction floor layers and a general working population.* *Occup Environ Med.* 2015 Jan;72(1):15-20. www.ncbi.nlm.nih.gov/pubmed/25224720

Risk factors for carpal tunnel syndrome

The authors examined the relationship between incidence of dominant-hand carpal tunnel syndrome (CTS) and workplace biomechanical factors among nearly 2,500 US workers employed in manufacturing, service, and agricultural jobs. Measures of force, repetition, duty cycle, and posture were assembled for each individual, and new cases of carpal tunnel syndrome were based on electrophysiological tests. The individuals were followed for up to more than six years. Higher estimated peak hand force, forceful repetition rate, and percent time spent in forceful hand exertions were associated with increased risk of new cases of CTS. No associations were observed between total hand repetition rate, percent duration of all hand exertions, or wrist posture and new cases of CTS.

Harris-Adamson C, Eisen EA, et al. *Biomechanical risk factors for carpal tunnel syndrome: a pooled study of 2474 workers.* *Occup Environ Med.* 2015 Jan;72(1):33-41. www.ncbi.nlm.nih.gov/pubmed/25324489

Collaborating with employees and managers of 12 manufacturing and service sector companies in Washington state, the authors examined whether the Moore-Garg Strain Index (SI) predicts the incidence of work-related epicondylitis (EPI), a type of tendon inflammation. About 600 workers were followed for up to three-and-a-half years. Tasks performed by each worker were assigned SI scores with SI ≤ 3 representing "almost surely safe" and an SI > 7 "almost surely hazardous." Eleven percent

of the workers developed lateral and/or medial EPI on the dominant side. The authors reported a significant positive relationship between higher scores of SI and lateral EPI (LEPI).

Fan ZJ, Bao S, et al. Predicting work-related incidence of lateral and medial epicondylitis using the strain index. *Am J Ind Med*. 2014 Dec;57(12):1319-30.
www.ncbi.nlm.nih.gov/pubmed/25242446

Reflections on OSHA's ergonomics standard

The authors examine the history, science, and politics of OSHA's ergonomics standard through interviews with key players from labor, academia, and government. The Q&A format allows readers to experience the experts' perspectives and recollections in their own words. The interviewees were: Charles Jeffress, Frank Mirer, Jackie Nowell, Laura Punnett, Randy Rabinowitz, Peg Seminario, Barbara Silverstein, and Michael Silverstein.

Delp L, Mojtahedi Z, et al. A legacy of struggle: the OSHA ergonomics standard and beyond, Part I & II. *New Solut*. November 2014 24(3):365-408.
www.ncbi.nlm.nih.gov/pubmed/25261028

Morbidity & Mortality Weekly Report

The Centers for Disease Control and Prevention's *Morbidity and Mortality Weekly Report* (MMWR) featured several investigations of work-related fatalities, injuries, and illnesses. The reports include the following:

Heat-related Illnesses

Federal OSHA staff reported 20 heat-related illnesses or deaths during 2012-2013 for which the agency used its "general duty clause" to cite the employer. Thirteen of the cases involved a fatality, and nine of the deaths

occurred among workers who had been on the job for three or fewer days.

Arbury S, Jacklitsch B, et al. Heat illness and death among workers - United States, 2012-2013. *MMWR Morb Mortal Wkly Rep*. 2014 Aug 8;63(31):661-5.
www.cdc.gov/mmwr/preview/mmwrhtml/mm6331a1.htm

Oil & gas workers

NIOSH researchers used data from BLS's Census of Fatal Occupational Injuries for the period 2003 to 2013 to identify 1,189 work-related fatalities in the oil and gas extraction industry. Forty percent of the fatalities involved transportation hazards, and 26 percent were related to contact with objects or equipment. More than 50 percent of the fatality victims were employed by well-servicing companies.

Mason KL, Retzer KD, et al. Occupational fatalities during the oil and gas boom - United States, 2003-2013. *MMWR Morb Mortal Wkly Rep*. 2015 May 29;64(20):551-4.
www.cdc.gov/mmwr/preview/mmwrhtml/mm6420a4.htm



Wavebreak Media Ltd (Follow)

Farmworkers and pesticide illnesses

Researchers with the Washington State Health Department and NIOSH investigated cases of pesticide poisoning among farmworkers at a cherry orchard. The workers were exposed in April 2014 to a mix of pesticides that drifted to their work area from a nearby pear orchard. Sixteen of the workers sought medical treatment for neurologic, gastrointestinal, ocular, and respiratory symptoms.

Calvert GM, Rodriguez L, Prado JB. Worker illness related to newly marketed pesticides—Douglas County, Washington, 2014. *MMWR Morb Mortal Wkly Rep.* 2015 Jan 23;64(2):42-4. www.cdc.gov/mmwr/preview/mmwrhtml/mm6402a2.htm



Claudia Schnepf

Long-haul truckers and seat belt use

NIOSH researchers examined seat belt use among long-haul truck drivers using survey data from a 2010 CDC-funded survey of such workers. An estimated 86 percent of drivers reported “often using” a seat belt. Six percent of respondents reported “never using” a seat belt — a response associated with driving ≥ 10 mph over the speed limit, working for a company with no written safety program, receiving two or more tickets in the preceding 12 months for moving violations, and being female.

Chen GX, Collins JW, et al. Vital signs: seat belt use among long-haul truck drivers—United

States, 2010. *MMWR Morb Mortal Wkly Rep.* 2015 Mar 6;64(8):217-21.

www.cdc.gov/mmwr/preview/mmwrhtml/mm6408a4.htm?s_cid=mmmm6408a4_w

Other papers of special interest

Using data from the Illinois Trauma Registry (2000-2009), the authors set out to determine whether injured workers cluster by geographic area. They mapped work-related injuries by residential ZIP code and found 79 percent of injuries occurred among workers living in 20 percent of the ZIP codes. In a companion analysis, the authors found the residences of injured workers were clustered in 10 locations with high concentrations of immigrant residents. Injury rates correlated inversely with urban poverty. The authors suggested that safety training at the community level could fill gaps in workplace safety training.

Forst L, Friedman L, et al. Spatial Clustering of Occupational Injuries in Communities. *Am J Public Health.* 2015 Jul;105 Suppl 3:S526-33. www.ncbi.nlm.nih.gov/pubmed/25905838

Researchers interviewed 110 individuals in Washington state who were responsible for maintaining their employers’ OSHA injury and illness log to ascertain their understanding of the recordkeeping requirements. They also compared data on the employers’ injury logs with records for workers’ compensation claims to determine the accuracy of their logs. The authors report that 90 percent failed to comply with one or more of the recordkeeping requirements because of a misunderstanding or a disregard for the regulation.

Wuellner SE, Bonauto DK. Exploring the relationship between employer recordkeeping and underreporting in the BLS Survey of Occupational Injuries and Illnesses. *Am J Ind Med.* 2014 Oct;57(10):1133-43. www.ncbi.nlm.nih.gov/pubmed/25099477

Using data from the California Cancer Registry, the authors evaluated the risk of cancer among firefighters. Based on data from 1988 through 2007 and involving 3,996 firefighters

with cancer, the firefighters had an elevated risk for developing melanoma, multiple myeloma, acute myeloid leukemia, and cancers of the esophagus, prostate, brain, and kidney. The authors suggested the excess risk may be associated with changes in building materials.

Tsai RJ, Luckhaupt SE, et al. Risk of cancer among firefighters in California, 1988-2007. *Am J Ind Med.* 2015 Jul;58(7):715-29. www.ncbi.nlm.nih.gov/pubmed/25943908

Reports from Non-Profit Organizations

Several non-profit organizations issued reports this year addressing the challenges faced by US workers and the institutions charged with protecting workers' rights. Special focus was given to day laborers, recycling workers, black workers, and those employed by temporary staffing agencies.

Temped Out: How the domestic outsourcing of blue-collar jobs harms America's workers. National Employment Law Project (NELP) and National Staffing Workers Alliance (NSWA), August 2014. <http://bit.ly/1LRrSQ>

NELP and NSWA released an in-depth report examining wage and safety conditions for the 2.8 million workers in the employment services industry. The authors describe the concentration of staffing agencies in California, Illinois, and New Jersey, and the industries in which temp labor is used in each state. They offer evidence showing temp workers face a higher risk of work-related injury and death than workers in traditional employment. A highlight of the report is profiles of four temp workers, including Marcela Gallegos, who was injured on the job and joined with a co-worker to file an OSHA complaint. The authors offer six recommendations for legislative changes and policy improvements.



Sarah Jacobs/ UCLA-LOSH

Laura Campbell, Carli Richie-Zavaleta, Regem Corpuz, Karen Calderon, and Jeff Vredenburg share their experience as OHIP interns at the American Public Health Association's annual meeting. The Occupational Health Internship Program (OHIP) matches students with workers to conduct OHS-related research.

National Trends and Developments in Workers' Compensation. National Economic & Social Rights Initiative (NESRI), October 2014. <http://bit.ly/1Klu6W3>

NESRI published an issue brief that examines seven leading roll-backs in workers' compensation benefits instituted over the last 25 years. These state-based "reforms" hinder the ability of injured workers to receive appropriate medical care and recover lost wages. The roll-backs include exclusions from coverage for pre-existing conditions that are aggravated by on-the-job exposures; bans on benefits for repetitive motion injuries, hearing loss, and back conditions; and prohibitions on suing insurers for bad faith handling of workers' comp claims.

Gaming the rules: How big business hijacks the small business review process to weaken public protections. Center for Effective Government, November 2014. www.foreffectivegov.org/files/regs/gaming-the-rules-small.pdf

Since 1996, OSHA has been required to convene groups of small business representatives (SBREFA panels) to review draft proposed regulations prior to the standard period for public notice and comment. The authors use agency documents obtained through Freedom of Information Act requests to examine the influence of trade associations in selecting the small business representatives, including those who do not own small businesses but instead

are lawyers and consultants to the trade groups. Among the authors' criticism is OSHA's apparent practice of allowing the panels to recommend proposal changes that go beyond small business impacts. The authors offer eight recommendations to improve agency practices.

Bending Toward Justice: How Latino immigrants became community and safety leaders.

New Labor & Rutgers Occupational Training and Education Consortium, Fall 2014.
<http://bit.ly/1f2D6Es>

This report, which is also available in Spanish, describes a collaboration between New Labor, a worker center based in New Brunswick, NJ, and OHS researchers with Rutgers University. What started in 2004 as peer-to-peer, hands-on participatory safety training evolved into a movement of organized day laborers who serve their community as "safety liaisons." Their expertise was put to the test in 2012 following Superstorm Sandy. In the months after the storm, the workers provided demonstrations, safety training, and protective equipment to workers involved in demolition, clean-up, and residential construction. A decade of leadership development, safety expertise, and mentoring has prepared New Labor members to organize workers in warehousing and manufacturing jobs through health and safety activism.

Barack Obama's Path to Progress in 2015-2016: Thirteen essential regulatory actions. Center for Progressive Reform, November 2014.
<http://bit.ly/1x9Htnn>

The authors describe 13 regulations on health and safety protections for workers, consumers, and the environment that the Obama administration should complete before the president leaves office. Among them are two OHS rules: workers' exposure to respirable silica exposure, and hazards faced by children working on farms. Each topic is organized to explain: what's at stake? what's the hold-up? what should the rules do? and what happens next?

Occupational Safety and Health in the Law Atlas. December 2014.

<http://lawatlas.org/topics>

The Law Atlas added a portal on occupational health and safety (OHS) standards to its collection. Public Citizen researched and assembled the data found in the new OHS portal. It contains OHS standards adopted in state-based OSHA plans that are not identical to federal OSHA standards on the same topic. The OHS information is the latest addition to the Law Atlas, which includes portals on dozens of state laws, including air quality, anti-bullying, and minimum wage. The Law Atlas is part of the Robert Wood Johnson Foundation's Public Health Law Research program.



José Avila, his son Martin, and Gabriela Campos lead a Workers Memorial Day march in New Brunswick, NJ.

New Labor

Danger in the Dark: How Gov. Christie helps oil, chemical, and railroad companies cover up potential catastrophes. New Jersey Work Environment Council, December 2014.
www.njwec.org/PDF/Reports/FINAL_DangerintheDark_Report.pdf

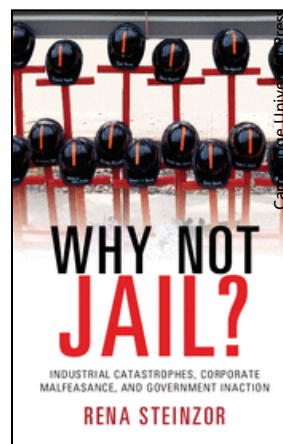
Ninety of the most potentially hazardous chemical facilities in New Jersey are located in 59 municipalities and 19 counties. The authors asked each of the jurisdictions to provide a copy of their emergency response plans. Sixty-eight percent denied the request, as did seven of 11 counties in which railroad cars transport flammable crude oil. The report lists 26 incidents in 2014 illustrating the need for public access to emergency response plans.



Why Not Jail?: Industrial Catastrophes, Corporate Malfeasance, and Government Inaction. Rena Steinzor, December 2014.
<http://amzn.to/1TaxW7z>

The Upper Big Branch coal mine explosion is the kick-off point for a book filled with hard-hitting arguments for holding corporate officers responsible for the deaths and harm their actions cause to workers, the public, and the environment. Steinzor drills into the BP Deepwater Horizon blowout, the BP Texas City

disaster, and salmonella-contaminated peanut butter sold by the Peanut Corporation of America, among others, to make her case. She examines the impotence of our regulatory agencies, including their “slaps on the wrist” to billion-dollar entities. Steinzor argues the time has come for local, state, and federal prosecutors to charge company executives under criminal statutes for creating conditions that lead to worker fatalities and serious injuries. She rebuts arguments that the criminal law does not cover the managerial behavior that makes such catastrophes foreseeable, inevitable, and, ultimately, preventable. Worker safety advocates will gain insight into the minds and motivations of prosecutors and advice on getting their attention.



The Small Business Charade: The chemical industry's stealth campaign against public health. Center for Progressive Reform, February 2015.
www.progressivereform.org/articles/Small_Biz_Charade_Silica_1501.pdf

The authors use OSHA's efforts to regulate respirable silica dust as a prime example of how the American Chemistry Council (ACC) and the Small Business Administration (SBA) team up to obstruct the rulemaking process. They provide a chronology of how the ACC, specifically its “Crystalline Silica Panel,” manipulated SBA and influenced who represented small businesses’ point of view and what they said about OSHA’s draft proposed rule. Many of the ACC’s criticisms of OSHA’s proposal were presented in SBA’s own comments about it. The authors offer recommendations to fix the problem.

Black Workers Matter. Sean Thomas-Breitfeld, Linda Burnham, et al., May 2015.
<http://bit.ly/1FqA9pf>

This in-depth report is an outgrowth of a 2013 gathering hosted by the Discount Foundation and Neighborhood Funders Group to examine the jobs crisis for blacks in the US and the need for black organizing. Essays by the five authors discuss structural barriers and discrimination as impediments to employment equity and the dominance of low-wage work for blacks. Two essays describe partnerships between organized labor and black workers to advance social change.

Nursing: A Profession in Peril. Public Citizen, June-July 2015.
<http://bit.ly/1FP8X0t>

This five-part series on health care workers injured on the job starts off with a report on the "Health Care Industry's Castoffs," which chronicles the stories of six nurses who were forced out of their jobs after experiencing work-related injuries. The second report, "Taking the Burden Off Their Backs," is an overview of technologies and policies that could reduce nursing injuries, though experts cited in the report estimated that fewer than one-fourth of hospitals have adopted comprehensive safe patient handling programs. However, when such comprehensive programs are enacted, they work. An example offered in the second report is a New York State Department of Health Veterans Home in Batavia, NY, where, on average, nine full-time employees would be absent each day due to injuries related to patient handling. After the facility implemented a program that minimized manual lifting, the daily average of workers who were absent due to injury decreased to less than one.

The third report, "Uplifting an Industry?" examined state-based effort to protect health care workers from musculoskeletal injuries, noting that OSHA has little authority in this arena. The report found that 11 states have enacted laws to address the issue; of the eight states for which good data are available on the laws' impacts, five reported significant declines in musculoskeletal injuries that require

time off of work. "Pay It Forward," the fourth report in the series, found that when health care facilities do invest in safety programs, the costs of implementation are quickly recouped through a reduction in injuries. For example, at Intermountain Healthcare, which runs 22 hospitals and nearly 200 clinics in Utah and Idaho, a comprehensive safe patient handling program that included new policies, training, and assistive devices reduced employee injury rates by 42 percent within one year. Intermountain Healthcare estimated that the reduction in such injuries saves \$500,000 annually. The last report in the series, "Little Support from Above," examined health care industry opposition to regulations that would protect workers from injury, finding that "this review did not find any meaningful systemic initiatives or proposals by health care industry representatives to address the problem."



Patibutkun Singsoot

Sustainable and Safe Recycling: Protecting Workers Who Protect the Planet. Global Alliance for Incinerator Alternatives, the Partnership for Working Families, and the National Council for Occupational Safety and Health, June 2015.
<http://bit.ly/1g22qe3>

Over the next 10 years, an estimated 1.5 million jobs will be created in the recycling industry. Recovering materials for re-use will conserve resources, but workers in the industry are exposed to many serious hazards. The authors identified 17 fatal injuries among recycling workers for the period 2011 to 2013.

They interviewed workers in the industry who described being stuck with needles, hit by flying objects, forced to work at a rapid pace, and exposed to thick dust that makes it difficult to breathe. The authors describe the industry's reliance on labor provided through staffing agencies and findings from OSHA inspections. They also offer more than a dozen recommendations for municipal governments to ensure jobs are safe for recycling workers.

Walmart at the Crossroads: The environmental and labor impact of its food supply chain.

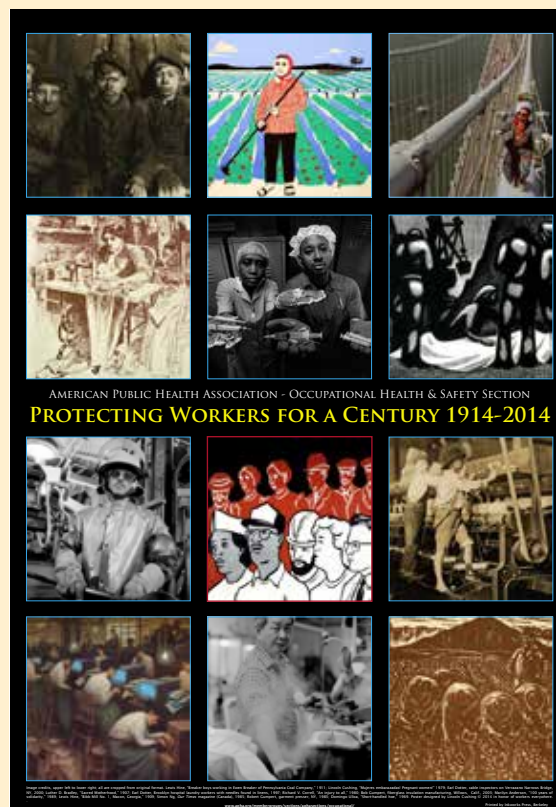
Food Chain Workers Alliance, June 2014.
<http://bit.ly/1RMgo16>

Walmart's dominance in the retail food industry gives the firm significant power to require

suppliers and distributors to conform to a high code of ethics on labor and environmental practices. The authors analyzed products sold in 17 Walmart locations across the US to identify key suppliers of typical produce, animal products, and packaged foods. The labor and environmental records of more than 20 firms — including Perdue Farms, Land O'Lakes, Del Monte, and Giorgio Foods — are profiled. The authors identified violations by the suppliers of Walmart's code of ethics, such as citations for health and safety hazards, use of child labor, and obstruction of workers' right to join a union. The 100-page report offers recommendations for Walmart, its suppliers, and policy makers.

Public health policy statements

The American Public Health Association (APHA) adopted several new policy statements related to worker health and safety. **"Breast cancer and occupation: the need for action"** urges government agencies to focus research on causes of cancer and toxic use reduction. **"Ensuring workplace protections for temporary workers"** calls on Congress to amend labor laws, as well as states and localities to adopt "bills of rights" for this vulnerable population. **"Preventing environmental and occupational health effects of diesel exhaust"** urges OSHA to propose a regulation, and government agencies to address diesel exposure with control technology or cleaner substitutes. The new policies, which are developed by APHA members, were adopted in November 2014 at the association's annual meeting.



Poster to celebrate the centennial of the American Public Health Association's OHS Section (November 2014).

Credit for each image available at <http://bit.ly/1h6j9h2>



National News Coverage of Worker Health and Safety Topics

One of the most promising developments over the last year was the attention that journalists devoted to worker health and safety topics. Investigative reporters with ProPublica, the Center for Public Integrity, and National Public Radio, among others, scrutinized issues of deep concern to workers and their advocates. For example, *The New York Times'* investigation of the prevalence of safety hazards and wage violations in nail salons brought national attention to issues faced by immigrant workers. Several of the reporters featured below were recognized with awards for their excellence in journalism.

A number of regional media outlets also invested in reporting on worker safety topics. Deaths on the job in Texas, and disabling injuries among construction workers at the former World Trade Center site in New York City, were some of the topics covered in the last year. These and other notable regional reporting are profiled in Section II of our report.

A Victory for Nail Salon Workers

In May 2015, state and local officials in New York took decisive action to protect nail salon workers after a *New York Times* investigation revealed an industry rife with occupational hazards, discrimination, and wage violations.

In "The Price of Nice Nails" and "Perfect Nails, Poisoned Workers," reporter Sarah Maslin Nir told the stories of nail salon workers who had experienced multiple miscarriages, breathing problems, lung diseases, painful skin disorders, and cancer. On the health problems among nail salon workers, Nir wrote: "Stories of illness and tragedy abound at nail salons across the country, of children born slow or 'special,' of miscarriages and cancers, of coughs that will not go away and painful skin afflictions. The stories have become so common that older manicurists warn women of child-bearing age away from the business, with its potent brew of polishes, solvents, hardeners and glues that nail workers handle daily."

Nir and her colleagues interviewed more than 150 nail salon workers and owners. They found that a majority are paid below minimum wage, while some don't get paid at all, and others report physical and verbal abuse as well as a caste system of ethnic discrimination.



Governor Cuomo's Office

Advocates join NY Gov. Andrew Cuomo as he signs a law to protect nail salon workers. NYCOSH's Charlene Obernauer stands behind the Governor and is joined by (from L-R): M. Pinto (NAPAWF), J. Yoo (Asian Am. Fed.), L. Ranjit-Adhikaar, S. McQuade (NYCOSH), S. Sim, P. Eng (NY Women's Foundation), C. Heastie (NY State Assembly) and N. Chhetri-Adhikaar (July 2015).

In June 2015, the investigative series was awarded a Sidney Award from the Sidney Hillman Foundation, which honors outstanding pieces of socially conscious journalism.

The *New York Times* series wasn't the first to bring the occupational conditions inside nail salons to the forefront — indeed, worker advocates have been calling attention to the problem for years — but Nir's investigation did prompt swift action from officials. Shortly after the *Times* articles appeared in May, New York City Mayor Bill de Blasio announced a series of measures, including sending out hundreds

of volunteers and city personnel to distribute information on workers' rights in nail salons and in neighborhoods where salon workers typically live. In addition, Nir reported that staff from the city's Department of Consumer Affairs began visiting salons to collect nail products and verify claims that the products were nontoxic. At the state level, New York Gov. Andrew Cuomo announced a multiagency task force to investigate wage theft at nail salons, implement new standards to protect workers from chemical hazards, and shut down unlicensed salons.

In particular, the task force was charged with implementing regulations that require the use of protective equipment (such as respiratory protection, gloves, and personal fans), as well as enforcing rules that give all nail salon workers the right to demand and wear personal protective equipment at any time. The governor's actions also require nail salons to post information in multiple languages that alert workers to their rights to legal wages and safe working conditions. In announcing the actions, Cuomo said: "We will not stand idly by as workers are deprived of their hard-earned wages and robbed of their most basic rights. This Task Force will crack down on these kinds of abuses in the nail salon industry, enforce all of New York's health and safety regulations, and help ensure that no one — regardless of their citizenship status or what language they speak — is illegally victimized by their employer."

Just days after the *Times* investigation published, New York City's Department of Consumer Affairs sent a letter to the US Occupational Safety and Health Administration (OSHA), urging the agency to provide health and safety consultations to nail salon owners as well as review and revise permissible exposure limits for toxics in the workplace. In addition to calling on OSHA to launch a large-scale compliance review of New York City nail salons, Julie Menin, the city's consumer affairs commissioner, asked OSHA to consider targeted salon inspections, "particularly since nail salon workers, who are among the most vulnerable and exploited in the City, are not likely to come forward, even in the face of serious hazards." (In the



Alexander Dubovitskiy

Times investigation, OSHA administrator David Michaels admitted that the agency's chemical exposure standards are outdated and current legal standards could still expose workers to health risks.)

At the federal level, also in response to the *Times* articles, Sens. Richard Blumenthal (D-CT) and Charles Schumer (D-NY) wrote to OSHA to demand a "swift investigation" into nail salons and an emergency update to existing chemical exposure limits. (In June 2015, OSHA and the Department of Labor Wage and Hour Division created two new educational documents informing nail salon workers about chemical safety and fair wages.) Just weeks before *The New York Times* published its investigation, Sens. Dianne Feinstein (D-CA) and Susan Collins (R-ME) introduced the Personal Care Products Safety Act, which would strengthen the US Food and Drug Administration's authority to regulate cosmetic ingredients.

In July 2015, Gov. Cuomo signed legislation that gave state officials the authority to shut

down nail salons acting illegally, allows unlicensed nail salon workers to register with the state as trainees, and issued new regulations for personal protective equipment. Lawmakers in New Jersey also introduced legislation that would institute random inspections annually of at least 5 percent of nail salons and require ventilation and other safety precautions.

Sarah Maslin Nir and colleagues. "The Price of Nice Nails" & "Perfect Nails, Poisoned Workers." *The New York Times*. May 7-8, 2015.

<http://nyti.ms/1IRqSJq>

<http://nyti.ms/1GTmUeJ>

The impact of toxic chemicals on salon workers and long-term policy solutions is explored in "Beauty and Its Beast: Unmasking of Impacts of Toxic Chemicals on Salon Workers," *Women's Voices for the Earth*, November 2014.

<http://bit.ly/1NcrcCK>

Investigative reporters uncover coordinated efforts to dismantle workers' compensation

"I lost a hand. I didn't lose a hook."

That quote is from Dennis Whedbee, a derrickman working in North Dakota who lost part

of his arm in 2012 after a well he was working on blew, releasing oil and sludge that had been pressurized at more than 700 pounds per square inch. The incident is exactly what workers' compensation (WC) was created to address, according to a joint investigation from ProPublica and National Public Radio (NPR), but over the past decade, states have begun dismantling their WC systems so thoroughly that many injured workers are simply left destitute.

Whedbee's story was featured in the groundbreaking WC series "Insult to Injury: America's Vanishing Worker Protections," in which reporters Michael Grabell (ProPublica) and Howard Berkes (NPR) examined reams of insurance data, state laws, and medical and court records to provide an "unprecedented" look into the unraveling of WC protections. Their investigation, which was published in March 2015, found that since 2003, legislators in 33 states have enacted laws that reduce WC benefits and make it more difficult for workers who've experienced certain occupational injuries and diseases to qualify for benefits. In addition, employers and insurers are taking increasing control over an injured worker's medical decisions — in 37 states, workers are now prohibited from choosing their own doctors and must pick from a list provided by employers. In California, the investigation found,



Bethany Boggess/Worker Defense Project

Young advocates in Austin, TX (March 2015).

insurers can reopen old cases and deny medical care on the opinion of physicians who've never even seen the injured worker. In other states, legislators have arbitrarily capped WC benefits. Today, workers with the same injury face wildly different coverage depending on where the injury occurred — for example, the maximum compensation for the loss of an eye in Pennsylvania is \$261,525; in Alabama, it's \$27,280.

Many changes to WC — a social contract between workers and employers made a century ago in which workers give up their right to sue in return for medical benefits and a modicum of financial security — have been led by big businesses with the help of Republican majorities in state legislatures, the investigation found. And while employers complain about premium costs, WC insurance rates are at a 25-year low. (The investigative series includes interactive features in which readers can view changes to WC by state.)

"The scope of the changes, and the extent to which taxpayers are paying the costs of workplace accidents, has attracted almost no national attention, in part because the federal government stopped monitoring state WC laws more than a decade ago," Grabell and Berkes wrote. "The cuts have gone so deep in some states that judges who hear WC cases, top defense attorneys for companies and even the father of the modern WC system say they are inhumane."

For former oil worker Whedbee, his doctor back home in Pennsylvania said he was an



Jeff Swensen/ProPublica

Dennis Whedbee got a tattoo of his lost hand after workers' comp offered him a prosthesis with a hook instead of the one with a hand his doctor recommended.

ideal candidate for a realistic hand prosthetic with moveable fingers, also known as a myoelectric prosthesis. However, the North Dakota Workforce Safety and Insurance agency decided to fly Whedbee to Minnesota to get a second opinion — that physician recommended a split-hook prosthesis, which costs \$50,000 less. Whedbee appealed the agency's decision to deny him the realistic hand prosthetic, but he lost. The investigation noted that in other states — even those with low WC benefits such as Alabama and Georgia — injured workers are regularly provided with myoelectric prostheses.

"What's the difference? You lose your leg, it doesn't matter where you lose it," Eric Bennett, whose insurer says he's only entitled to the Alabama max of \$44,000 for the leg he lost at a fertilizer mill, told Grabell and Berkes. "It should be the same. A leg is a leg." In the series' interactive feature "How Much is a Limb Worth?" average maximum compensation for the work-related loss of a leg ranges from more than \$457,000 in Nevada to less than \$50,000 in Minnesota, Massachusetts, and Alabama.

The investigative series prompted a number of actions. In California, labor officials said they would audit how Travelers Insurance handled the case of Joel Ramirez, a former warehouse manager who was featured in the series and was injured in 2009 when a 900-pound crate that had been unsafely stacked fell on him.



Worker Defense Project

Construction workers and allies in Dallas remember family members and coworkers killed on the job.

Travelers initially provided Ramirez, who uses a wheelchair and became incontinent due to his injuries, with a home health aide. However, the company cut off the home care after the enactment of a 2012 state law meant insurers could scrutinize old cases under new, more stringent medical reviews.

Also after the ProPublica/NPR series, California labor officials warned insurance companies not to use the 2012 law to reopen old cases and deny injured workers previously approved home health care. In fact, California legislators introduced a bill that would prohibit insurance companies from reviewing benefits that have already been agreed upon or approved by a judge unless there has been a change in the worker's condition or the treatment is deemed unsafe, reported Grabell, who noted that the California Chamber of Commerce described the bill as a "job killer." In Alabama, less than a month after the series debuted, legislators introduced a bill to significantly raise the maximum compensation for workers who suffer an amputation on the job.

On the same day that ProPublica/NPR first published its investigation, OSHA released its own report on the social and financial impacts of workplace injuries and illnesses as well as the increasing difficulties workers face in accessing the WC system. The report, entitled "Adding Inequality to Injury," states: "For many injured workers and their families, a workplace injury creates a trap which leaves them less able to save for the future or to make the investments in skills and education that provide the opportunity for advancement. These injuries and illnesses contribute to the pressing issue of income inequality: they force working families out of the middle class and into poverty, and keep the families of lower-wage workers from entering the middle class. Work injuries hamper the ability of many working families to realize the American Dream."

As of August 2015, the ProPublica/NPR series was named a finalist for the AI Neuharth Innovation in Investigative Journalism Award.

Michael Grabell, Howard Berkes, and colleagues. "Insult to Injury: America's Vanishing Worker Protections." ProPublica/NPR, March 4-5, 2015.

www.propublica.org/series/workers-compensation

"Adding Inequality to Injury: The Costs of Failing to Protect Workers on the Job." OSHA, March 2015.

www.dol.gov/osha/report/20150304-inequality.pdf

Nurses face career-ending workplace injuries

Despite high rates of occupational injuries among nurses, most hospitals have not taken aggressive action to protect their employees, wrote National Public Radio's (NPR) Daniel Zwerdling in a five-part investigative series on injured nurses. Zwerdling began the series in February 2015 with the story of Tove Schuster, a nurse at a medical center in Philadelphia who said she felt "something pop" as she helped her nursing colleagues lift a 300-pound patient. Later that same day, Schuster's husband found her crawling on the floor — she couldn't walk. Eventually, a surgeon repaired her damaged spinal disc with a metal cage and screws.

"I can finally walk and sit again without being in excruciating pain," Schuster told NPR. "But the career I had as a floor nurse is over."

The NPR investigation revealed that for decades, researchers have found that the tradi-



Katarzyna Bialasiewicz



Jorge Cabrera of SoCalCOSH kicks off a press conference at the city hall in Los Angeles (April 2015).

Sarah Smith/SEIU 121RN

tional way nurses are taught to move patients — with bent knees and straight backs — still exposes them to injury risks. Nursing employees experience more arm and back injuries than nearly every other occupation. Zwerdling also found that while some hospitals have reduced lifting injuries among nurses by up to 80 percent using special machinery and intensive training, most hospitals have yet to take similar actions to protect staff.

To illustrate hospitals' indifference toward nursing injuries, Zwerdling and his colleagues interviewed Terry Cawthorn, a nurse at Mission Hospital in Asheville, NC, who injured her back while helping a patient. Two more injuries followed, and eventually Cawthorn had to have spinal surgery. Zwerdling reported that even though court documents show that hospital staff acknowledged Cawthorn's injury happened at work, the hospital's lawyer argued that she partially injured her back while lifting a casserole out of the oven. The hospital terminated Cawthorn's employment while she was recovering from back surgery and later refused her workers' compensation benefits.

The NPR series also analyzed policy and regulatory efforts to reduce and prevent nursing injuries, finding that even when states do pass protective bills, there are few resources to actually enforce new requirements or conduct safety inspections inside hospitals. In March, OSHA administrator David Michaels told Zwerdling that while he would like to issue new standards to protect nurses, the agency had

no plans to do so. However, in June, Zwerdling reported on a new OSHA effort — the first of its kind — to crack down on hospitals and potentially fine those that do not implement safe practices for preventing nursing injuries.

"We've seen from the statistics how bad the problems are, but we haven't been to that many hospitals — and the NPR stories helped motivate us to say, 'What can we do?' " Michaels said in the NPR story. "It's time for us to start doing some enforcement to make sure fewer workers are hurt."

The "Injured Nurses" series won a March 2015 Sidney Award from the Sidney Hillman Foundation, which honors outstanding pieces of socially conscious journalism.

Daniel Zwerdling and colleagues. "Injured Nurses" series. NPR. February-March 2015. www.npr.org/series/385540559/injured-nurses

Safety hazards continue while mine owners ignore fines

Thousands of mine operators fail to pay fines for violating safety standards, and federal regulators are either unable or unwilling to enforce collection, according to a joint investigation by National Public Radio (NPR) and *Mine Safety and Health News*. The special investigative series, "Delinquent Mines," began in November 2014 with the story of Jack Blankenship, a miner who in 2010 was pinned under a 300-pound slab of rock in the Aracoma Alma coal mine in Logan County, WV. In the two years prior to the incident, the mine's owner, Massey Energy, had been cited by federal regulators more than 120 times for falling rock violations, wrote reporter Howard Berkes. In fact, at the time of Blankenship's injury, the mine owed \$200,000 in overdue mine safety fines.

The joint news investigation examined two decades-worth of federal mine data, finding that 2,700 mining companies failed to pay nearly \$70 million in overdue fines. Reporters also found that mines that fail to pay penalties

are more dangerous than mines that do, with injury rates 50 percent higher.

"To the people who continue to run an operation that puts people at risk on a daily basis, this is a bonanza," Davitt McAteer, a former assistant secretary of labor for mine safety and health and an independent investigator of three recent mine disasters, told NPR.

"This is to them, 'I can beat this system,' " McAteer added. "This is the kind of attitude that leads to mine disasters."

In response to the NPR and *Mine Safety and Health News* investigation, the Inspector General at the US Department of Labor launched an audit into how MSHA handles delinquent mine safety penalties. Also after the series was published, MSHA took action against a particular delinquent mine. The agency notified the company that it had two weeks to pay the overdue penalty or its mine would be shut down. Within less than a hour of being shut down, the mine owners agreed to a payment plan; however, experts aren't sure such an approach on MSHA's part would stand up if legally challenged.

Howard Berkes and colleagues. "Delinquent Mines" series. NPR & *Mine Safety and Health News*. November 2014.
www.npr.org/series/363761319/delinquent-mines

The toll of occupational illness and the challenges of chemical safety

Silica is the perfect example of the government's failure to properly regulate toxics in the workplace and protect worker health, according to an investigative series from the Center for Public Integrity on the tragedy of occupational illnesses. The series, which noted that OSHA has been working for 40 years to tighten its silica exposure rules, found that US rules for preventing worker illnesses and deaths due to chemicals, fumes, and dust are so outdated and broken that even OSHA warns employers not to rely on its exposure standards

to keep workers safe. In fact, the epidemic of occupational illness is a "predictable result of a bifurcated system of hazard regulation — one for the general public and another, far weaker, for workers. Risks of cancer and other illnesses considered acceptable at a workplace wouldn't be tolerated outside of it," according to the investigation.

OSHA chief David Michaels told reporters that the agency's standards for chemical exposures are either outdated or nonexistent. He cited the solvent hexane as an example: OSHA's exposure limit for hexane, which affects the nervous system, is 500 parts per million — that's 10 times the level that the National Institute for Occupational Safety and Health says is safe.

The series begins with Chris Johnson, a brick-layer who developed acute silicosis after a five-month job exposed him to massive amounts of dust. Johnson and his co-workers were given paper masks, which aren't effective in protecting against microscopic silica particles; they also had wet-cutting tools that suppress the dust with water, but they were prohibited from using them because they made too much of a mess. Johnson, just 40 years old, is expected to survive less than five years. Reporter Jim Morris and colleagues write: "Six weeks before Chris Johnson was born in 1974, the US government issued a warning about a substance that would nearly kill him 30 years later."

The Center for Public Integrity series, which was co-published with *Slate*, chronicles the stories of many families affected by occupa-



Peter Dooley of National COSH leads protesters at the US Chamber of Commerce (June 2015).



Yvette Flore and her son Mark are featured in the Center for Public Integrity's investigation "Unequal Risk."

tional illnesses, such as Yvette Flores, whose son was born with significant developmental disabilities after she was exposed to lead and the solvent methanol on the job. The series also explores how industry strategizes to delay meaningful regulations, describes the challenges of OSHA rulemaking, and offers a comprehensive explanation of the methodology used in the investigative articles.

Jim Morris and colleagues. "Unequal Risk." Center for Public Integrity, June-July 2015. www.publicintegrity.org/environment/unequal-risk

Worker health and safety in the oil and gas boom

In an investigative series examining worker safety amid the oil and gas boom, *EnergyWire* reporter Mike Soraghan found that the oil and gas industry is home to more deaths from fires and explosions than any other industry group. While less than one percent of the US workforce is employed in the sector, they've experienced more than 10 percent of workplace fatalities from fires and explosions in the last five years. In addition to putting workers at risk, carelessness at oil and gas worksites puts nearby residents in harm's way as well.

Industry spokespeople say there are few safety problems at oil and gas facilities, but OSHA records cited in the series suggest otherwise. For example, one OSHA investigation revealed that contract workers killed in a 2011 explosion

in Wyoming had no formal training before being charged with installing a fuel line; the explosion threw two 4,000-gallon metal tanks more than 120 feet and caused a 10-acre fire. Oil and gas producers are exempt from OSHA rules designed to prevent industrial explosions, though the 2013 fertilizer plant explosion in West, TX, prompted federal officials to re-examine the exemption, attracting the ire of oil and gas companies.

The *EnergyWire* series also investigated an emerging hazard within the shale boom: petroleum vapors. That story began with 21-year-old Dustin Bergsing, who was found dead near the hatch opening of a crude oil tank. An autopsy report stated that Bergsing, who was working in North Dakota's Bakken oil fields, died of "hydrocarbon poisoning due to inhalation of petroleum vapors."

"This is novel. This is new," Eric Brooks, director of the OSHA office covering North and South Dakota, told *EnergyWire*. "We're looking at the next generation of hazards, and these atmospheric hazards, I believe, are one of them."

On June 15, *Politico* published an investigation into worker deaths in the Bakken oil fields, finding that one person dies about every six weeks. The investigative analysis, produced by Reveal at the Center for Investigative Reporting, was the first accounting of such deaths, though authors estimated that actual deaths are probably higher than what's been documented. Reporter Jennifer Gollan found that big oil companies often shield themselves from any liability through a network of smaller subcontractors, which means the industry has few incentives to create safer working conditions. North Dakota legislators attempted to pass a bill that would limit the ability of oil companies to shield themselves from liability, but the effort died amid heavy lobbying from the oil industry.

Mike Soraghan. "Danger Zone: Examining Safety in the Oil & Gas Boom." *EnergyWire*, October-December 2014. www.eenews.net/special_reports/danger_zone

Maryam Jameel/Center for Public Integrity

Jennifer Gollan. "Workers Are Paying for Cheap Gas with Their Lives." *Politico Magazine and Reveal*, June 15, 2015.
<http://politi.co/1DwQxHq>

Manufacturing scientific doubt on benzene exposure and occupational illness

US oil and chemical companies spent millions to counteract growing evidence on the toxic effects of benzene, a known carcinogen. In analyzing reams of internal emails, memoranda, letters, and minutes from meetings, the Center for Public Integrity exposed a coordinated strategy to use science to manufacture doubt on the links between low doses of benzene exposure and often-fatal diseases — and, ultimately, to shield the industry from costly lawsuits and regulations.

At the center of the strategy was the Shanghai Health Study, which was underwritten by petrochemical giants such as ExxonMobil and Shell and supposedly designed to examine the

impact of benzene exposure on worker health, wrote reporter Kristen Lombardi. However, documents used in the Center for Public Integrity investigation suggest that study funders expected results that would downplay the dangers of benzene even before the research began.

Prior to the Shanghai study, the oil industry's trade association, the American Petroleum Institute, spent \$25,000 to review National Cancer Institute (NCI) research that found benzene exposure increased the risk of diseases other than leukemia and that such impacts were triggered at exposures lower than OSHA limits. Further NCI research suggested there was no safe threshold for benzene exposure. According to Lombardi, the industry-backed review of the NCI work cast enough doubt that federal officials did not rely on the NCI findings to estimate benzene's cancer-causing effects.

The industry-backed Shanghai study, which studied benzene exposure among Chinese workers, confirmed a link between benzene exposure and acute myeloid leukemia as well as myelodysplastic syndrome, a type of bone



marrow cancer. The petrochemical industry generally acknowledges these associations, but workers who were exposed to much lower concentrations of benzene have succumbed to other types of blood and bone marrow cancers. No matter what the health outcome, the Shanghai study results have been used in court to cast doubt on worker claims and deny industry liability for worker illnesses.

One such worker was John Thompson, who built scaffolding for refineries and chemical plants and would use pure benzene to clean his hands and tools at the end of the day. Thompson was eventually diagnosed with a subtype of acute myeloid leukemia known as “inversion 16.” In a related court case, a researcher involved in the industry-funded Shanghai study used its findings to raise doubts about the link between benzene exposure and Thompson’s illness and eventual death. In speaking to the Center for Public Integrity about the Shanghai study, Thompson’s nephew said: “There’s obvious vested interest here. If oil companies are willing to spend \$36 million to fund research, how much are they afraid of losing?”

Kristen Lombardi and colleagues. “Benzene and American Workers: ‘An American Tragedy.’” Center for Public Integrity, Dec. 4, 2014 in the series “Exposed: Decades of denial on poisons.”

<http://bit.ly/1MPtudL>

Why don’t consumers care about labor practices?

Americans are increasingly using their pocketbooks to support environmentally sustainable foods, but too little attention is given to whether the workers who pick, process, or serve our food are being treated fairly. Reporter Stephen Lurie explored this issue in an article in Vox, writing that “there isn’t a stand-alone certification out there that verifies good labor practices. Even as environmental, animal, and economic movements have started to compete for shelf space with conventional food, there is no widely available option for consumers who wish to shop and eat labor-friendly.”

Federal labor statistics find that nine out of the 10 lowest-paying jobs in America are in

Remember fatality victims beyond Workers Memorial Day

When Delfino Velazquez, 43, was killed on the job in November 2014, his community in Staten Island, NY, didn’t hide their outrage. Similarly, when Ramiro Loa, 28, suffered a fatal fall in June 2015 at a construction site in Austin, TX, his community hit the streets. Remembering workers who are killed on the job is not reserved for Workers Memorial Day. In the days immediately following Velazquez’s and Loa’s deaths, groups including the Worker Defense Project (WDP), National Day Laborer Organizing Network, and El Centro del Inmigrante organized protests and vigils in their honor. Speaking to a KXAN reporter, WDP’s Brigid Hall said: “These deaths keep happening over and over again and the appropriate oversight is not happening to make sure construction workers are safe.”



Vigil and march in Austin, TX for deceased construction worker Ramiro Loa (July 2015).

Bethany Boggess/ Worker Defense Project

the food and restaurant industry. And beyond wages, working conditions in the food manufacturing sector can be abysmal as well. Lurie notes a number of factors that likely contribute to insufficient concern for food laborers, including industry lobbying efforts that argue fair labor practices will only result in higher food prices. But another contributor may also be lack of consumer knowledge — while food labels advertising the human treatment of animals or lack of agricultural antibiotics have become common, consumers rarely see labels advertising fair or safe conditions for laborers.

However, the article did highlight some positive trends, such as a project at the B Lab, a nonprofit that uses the power of business to solve social and environmental problems. The project certifies participating companies as ethically sound, though that might not always mean a certified company upholds the highest labor standards. The article also cites the Diners Guide to Ethical Eating, an app from the Restaurant Opportunities Centers United that helps users find establishments that meet certain employment standards.

Stephen Lurie. “You care about where your food comes from. Shouldn’t you care about who grew and picked it?” Vox. April 2, 2015. www.vox.com/2015/4/2/8203301/food-movement-labor

Workplace surveillance endangering health and safety

“Management by stress” is pushing workers to the brink, reports Jessica Bruder, who investigated the impact of workplace surveillance on worker health and safety. For example, at UPS, drivers are monitored constantly, with metrics being collected on everything from when a driver buckles a seat belt to when the truck’s bulkhead door is opened. Known as telematics, the ability of management to gather real-time data on a worker’s every movement means workers are under constant pressure to work as quickly as possible and they must often justify the simplest acts, such as taking time



to use the bathroom. One worker told Bruder: “It’s like you’re fighting for your job every day. They harass you: ‘Why did it take you 10 minutes here? Why did it take you this long there?’... They want you to hate your job and quit so they can hire somebody at half the pay.”

Bruder interviewed Laura Graham, a seasonal worker at an Amazon warehouse. Her work tasks were constantly being timed — so much so, that when a mistake put her five minutes behind, her supervisor tracked her down to scold her. The constant pressure took a toll on Graham, who was eventually diagnosed with a painful foot condition. To compensate, she took ibuprofen for the pain and kept off her feet when she wasn’t at work. Bruder noted that decades ago, experts had predicted technology would transform productivity and be a boon for workers. But while technology has indeed increased productivity in dramatic fashion, almost all of the gains have been turned into corporate profits, with CEOs now making nearly 300 times as much as the typical worker.

Jessica Bruder. "These workers have a new demand: Stop watching us." *The Nation*, May 27, 2015.
<http://bit.ly/1JO83br>

H-2 visa workers describe working, living conditions as modern slavery

Every year, more than 100,000 people from countries such as Mexico and the Philippines come to the US through the H-2 visa program, which allows companies to legally import labor into the country to perform jobs they say Americans won't do. But a BuzzFeed News investigation based on thousands of court documents and government data found H-2 visa workers are often exploited and abused, while the government does little about it. In some cases, employers confiscate workers' passports, screen their mail, prevent them from having visitors or leaving their employer-provided housing, and sexually harass workers. One foreign worker told reporters: "We live where we work, and we can't leave. We are tied to the company. Our visas are in the company's name. If the pay and working conditions aren't as we wish, who can we complain to? We are like modern-day slaves."

So much employer control and such little government oversight leaves H-2 visa workers at risk of injury as well. The investigative article tells the story of Leonardo Espinabarro Telles, who came to the US on an H-2 visa to work for Crystal Rock Amusements, a company that stages county fairs. His clothing got caught in the giant spinning blades of a generator,



Payphoto

and Telles was ripped to death. The machine's protective guards were either broken or had been removed, and an OSHA investigation found that management knew of the safety risk but didn't tell workers. When an OSHA investigator asked the company's owner whether workers were given safety training, the owner said: "How can you train these guys? Do you train someone to eat a hot dog?"

A former investigator with the US Department of Labor's Wage and Hour Division said a substantial portion of companies involved in the H-2 visa program "maliciously" violate labor protection laws.

In August 2015, the BuzzFeed News investigation was awarded a Sidney Award from the Sidney Hillman Foundation, which honors outstanding pieces of socially conscious journalism.

Jessica Garrison, Ken Bensinger, and Jeremy Singer-Vine. "The New American Slavery: Invited to the U.S., Foreign Workers Find a Nightmare." *BuzzFeed News*, July 24, 2015.
<http://bzfd.it/1lo5jil>

The Year Ahead

Over the next 12 months, the presidential election will be in full swing. And by this time next year, the major party candidates will be selected. Workers and their occupational health and safety (H&S) allies will be examining the nominees' policy platforms for positions on labor rights, regulations, and other workplace protections. We expect labor unions, worker centers, and other workers' rights organizations to press those seeking political office to commit to improving wages and working conditions.

H&S advocates will continue to urge OSHA to issue a final rule on crystalline silica and for MSHA to propose one on the deadly dust as well. They will take advantage of opportunities in their states and localities to adopt much-needed worker protections, such as those addressing heat-related illnesses and safe patient-handling protocols. Workers and their allies will engage with labor rights, public health, and other groups to push for paid sick day laws, both locally and nationally.

New media outlets, such as ProPublica and the Center for Public Integrity, will continue to challenge traditional media for compelling stories. As journalists found this past year, there

Read more at The Pump Handle

Much of the occupational health research and activity described in this report is covered in more detail at the public health blog The Pump Handle, <http://scienceblogs.com/thepumphandle>. In particular, the twice-monthly "Occupational Health News Roundup" highlights local, national, and international news stories on worker health and safety. All past Roundups are available at: <http://scienceblogs.com/thepumphandle/category/occup-health-news-roundup>

is plenty to investigate on the effects — both physical and economic — of working conditions on people's health and the quality of life for their families and communities.

Although powerful interests in Washington, DC, and in state capitals will continue to drive an anti-regulatory agenda and attack labor rights, workers and advocates will build on recent victories to improve H&S and working conditions. Workers' voices will be more important than ever to secure improvements for safety, health, and dignity at work.

Appendix: Peer-Reviewed Research on Occupational Health & Safety Topics (August 2014 through July 2015)

This year Occupational Health and Safety researchers published papers addressing a wide range of hazards, involving unique worker populations, analyzing injury and illness trends, and reporting on interventions. The following list represents some of the best from the last 12 months. Those marked with * are profiled in Section III of this report.

*Arbury S, Jacklitsch B, et al. Heat illness and death among workers - United States, 2012-2013. *MMWR Morb Mortal Wkly Rep.* 2014 Aug 8;63(31):661-5.

Dembe AE, Yao X, et al. A novel method for estimating the effects of job conditions on asthma and chronic lung disease. *J Asthma.* 2014 Oct;51(8):799-807.

Foster CA, Dissanaik SD. Prevalence and consequences of positive blood alcohol levels among patients injured at work. *J Emerg Trauma Shock.* 2014 Oct;7(4):268-73.

Han K, Trinkoff AM, Geiger-Brown J. Factors associated with work-related fatigue and recovery in hospital nurses working 12-hour shifts. *Workplace Health Saf.* 2014 Oct;62(10):409-14.

*Joe L, Roisman R, et al. Using multiple data sets for public health tracking of work-related injuries and illnesses in California. *Am J Ind Med.* 2014 Oct;57(10):1110-9.

Seabury SA, Scherer E, O'Leary P, Ozonoff A, Boden L. Using linked federal and state data to study the adequacy of workers' compensation benefits. *Am J Ind Med.* 2014 Oct;57(10):1165-73.

Sears JM, Bowman SM, Hogg-Johnson S, Shorter ZA. Occupational injury trends derived from trauma registry and hospital discharge records: lessons for surveillance and research. *J Occup Environ Med.* 2014 Oct;56(10):1067-73.

*Tak S, Grattan K, et al. Impact of differential injury reporting on the estimation of the total number of work-related amputations. *Am J Ind Med.* 2014 Oct;57(10):1144-8.

*Wuellner SE, Bonauto DK. Exploring the relationship between employer recordkeeping and underreporting in the BLS Survey of Occupational Injuries and Illnesses. *Am J Ind Med.* 2014 Oct;57(10):1133-43.

*Allen EM, Alexander BH, et al. Mortality experience among Minnesota taconite mining industry workers. *Occup Environ Med.* 2014 Nov;71(11):744-9.

Kapellusch JM, Gerr FE, et al. Exposure-response relationships for the ACGIH threshold limit value for hand-activity level: results from a pooled data study of carpal tunnel syndrome. *Scand J Work Environ Health.* 2014 Nov;40(6):610-20.

Lee SJ, Nam B, et al. Acute symptoms associated with chemical exposures and safe work practices among hospital and campus cleaning workers: a pilot study. *Am J Ind Med.* 2014 Nov;57(11):1216-26.

*Ringen K, Dement J, et al. Risks of a lifetime in construction. Part II: Chronic occupational diseases. *Am J Ind Med.* 2014 Nov;57(11):1235-45.

*Anderson NJ, Fan ZJ, et al. Distribution of asthma by occupation: Washington State behavioral risk factor surveillance system data, 2006-2009. *J Asthma.* 2014 Dec;51(10):1035-42.

*Fan ZJ, Bao S, et al. Predicting work-related incidence of lateral and medial epicondylitis using the strain index. *Am J Ind Med.* 2014 Dec;57(12):1319-30.

*Kica J, Rosenman KD. Surveillance for work-related skull fractures in Michigan. *J Safety Res.* 2014 Dec;51:49-56.

- ✦ Calvert GM, Rodriguez L, Prado JB. Worker illness related to newly marketed pesticides—Douglas County, Washington, 2014. *MMWR Morb Mortal Wkly Rep*. 2015 Jan 23;64(2):42-4.
- ✦ Dale AM, Ryan D, et al. Comparison of musculoskeletal disorder health claims between construction floor layers and a general working population. *Occup Environ Med*. 2015 Jan;72(1):15-20.
- ✦ Delp L, Mojtahedi Z, et al. A legacy of struggle: the OSHA ergonomics standard and beyond, Part I & II. *New Solut*. 2014 Jan 1;24(3):365-408.
- Fernández-Esquer ME, Fernández-Espada N, et al. The influence of demographics and working conditions on self-reported injuries among Latino day laborers. *Int J Occup Environ Health*. 2015 Jan;21(1):5-13.
- Hanson GC, Perrin NA, et al. Workplace violence against homecare workers and its relationship with workers health outcomes: a cross-sectional study. *BMC Public Health*. 2015 Jan 17;15:11.
- Halldin CN, Reed WR, et al. Debilitating lung disease among surface coal miners with no underground mining tenure. *J Occup Environ Med*. 2015 Jan;57(1):62-7.
- ✦ Harris-Adamson C, Eisen EA, et al. Biomechanical risk factors for carpal tunnel syndrome: a pooled study of 2474 workers. *Occup Environ Med*. 2015 Jan;72(1):33-41.
- Tucker S, Turner N. Sometimes it hurts when supervisors don't listen: the antecedents and consequences of safety voice among young workers. *J Occup Health Psychol*. 2015 Jan;20(1):72-81.
- Arcury TA, Kearney GD, et al. Work safety culture of youth farmworkers in North Carolina: a pilot study. *Am J Public Health*. 2015 Feb;105(2):344-50.
- Delp L, Riley K. Worker engagement in the health and safety regulatory arena under changing models of worker representation. *Labor Studies Journal*. Feb 2015.
- ✦ Mazurek JM, White GE, et al. Patient-physician communication about work-related asthma: what we do and do not know. *Ann Allergy Asthma Immunol*. 2015 Feb;114(2):97-102.
- Nadimpalli M, Rinsky JL, et al. Persistence of livestock-associated antibiotic-resistant *Staphylococcus aureus* among industrial hog operation workers in North Carolina over 14 days. *Occup Environ Med*. 2015 Feb;72(2):90-9.
- ✦ White GE, Mazurek JM, Storey E. Employed adults with asthma who have frequent workplace exposures. *J Asthma*. 2015 Feb;52(1):46-51.
- Boden LI, Petrofsky YV, et al. Understanding the hospital sharps injury reporting pathway. *Am J Ind Med*. 2015 Mar;58(3):282-9.
- ✦ Chen GX, Collins JW, et al. Vital signs: seat belt use among long-haul truck drivers—United States, 2010. *MMWR Morb Mortal Wkly Rep*. 2015 Mar 6;64(8):217-21.
- Dong XS, Wang X, et al. Long-term health outcomes of work-related injuries among construction workers—findings from the National Longitudinal Survey of Youth. *Am J Ind Med*. 2015 Mar;58(3):308-18.
- Franklin GM, Wickizer TM, et al. Workers' compensation: poor quality health care and the growing disability problem in the United States. *Am J Ind Med*. 2015 Mar;58(3):245-51.
- Gu F, Han J, et al. Total and cause-specific mortality of US nurses working rotating night shifts. *Am J Prev Med*. 2015 Mar;48(3):241-52.
- Hohenadel K, Raj P, et al. The inclusion of women in studies of occupational cancer: a review of the epidemiologic literature from 1991-2009. *Am J Ind Med*. 2015 Mar;58(3):276-81.
- Hurtado DA, Nelson CC, et al. Supervisors' support for nurses' meal breaks and mental health. *Workplace Health Saf*. 2015 Mar;63(3):107-15.
- ✦ Largo TW, Rosenman KD. Surveillance of work-related amputations in Michigan using multiple data sources: results for 2006-2012. *Occup Environ Med*. 2015 Mar;72(3):171-6.
- Graves JM, Miller M. Reduced sleep duration and history of work-related injuries among Washington State adolescents with a history of working. *Am J Ind Med*. 2015 Apr;58(4):464-71.

- Lipscomb HJ, Nolan J, Patterson D. Musculoskeletal concerns do not justify failure to use safer sequential trigger to prevent acute nail gun injuries. *Am J Ind Med*. 2015 Apr;58(4):422-7.
- ✦Forst L, Friedman L, et al. Spatial clustering of occupational injuries in communities. *Am J Public Health*. 2015 Apr 23:e1-e8.
- Gomaa AE, Tapp LC, et al. Occupational traumatic injuries among workers in health care facilities - United States, 2012-2014. *MMWR Morb Mortal Wkly Rep*. 2015 Apr 24;64(15):405-10.
- Lipscomb HJ, Schoenfisch AL, et al. Workers' compensation claims for musculoskeletal disorders and injuries of the upper extremity and knee among union carpenters in Washington State, 1989-2008. *Am J Ind Med*. 2015 Apr;58(4):428-36.
- ✦Mazurek JM, White GE. Work-related asthma—22 states, 2012. *MMWR Morb Mortal Wkly Rep*. 2015 Apr 10;64(13):343-6.
- ✦Welch L, Dement J, West G. Mortality among sheet metal workers participating in a respiratory screening program. *Am J Ind Med*. 2015 Apr;58(4):378-91.
- ✦Rosenman KD, Beckett WS. Web based listing of agents associated with new onset work-related asthma. *Respir Med*. 2015 May;109(5):625-31.
- Kearney GD, Rodriguez G, et al. Work safety climate, safety behaviors, and occupational injuries of youth farmworkers in North Carolina. *Am J Public Health*. 2015 Jul;105(7):1336-43.
- Leigh JP, Markis CA, et al. California's nurse-to-patient ratio law and occupational injury. *Int Arch Occup Environ Health*. 2015 May;88(4):477-84.
- ✦Tsai RJ, Luckhaupt SE, et al. Risk of cancer among firefighters in California, 1988-2007. *Am J Ind Med*. 2015 Jul;58(7):715-29.
- Hsieh YC, Apostolopoulos Y, Sönmez S. Work conditions and health and well-being of Latina hotel housekeepers. *J Immigr Minor Health*. 2015 May 23. [Epub ahead of print]
- Lax M. Not quite a win-win: the corporate agenda of the stay at work/return to work project. *New Solut*. 2015 May;25(1):4-24.
- Bejan A, Parker DL, et al. Two-Year Follow-up of the Collision Auto Repair Safety Study (CARSS). *Ann Occup Hyg*. 2015 Jun;59(5):534-46.
- Bethancourt J, Cannon M. Fall protection: structural efficacy of residential structures for fall protection systems. *Professional Safety*. May 2015:58-64.
- ✦Fagan KM, Cropsey EB, Armstrong JL. Case cluster of pneumoconiosis at a coal slag processing facility. *Am J Ind Med*. 2015 May;58(5):568-76.
- ✦Lipscomb HJ, Schoenfisch AL, et al. Contrasting patterns of care for musculoskeletal disorders and injuries of the upper extremity and knee through workers' compensation and private health care insurance among union carpenters in Washington State, 1989 to 2008. *Am J Ind Med*. 2015 Sep;58(9):955-63.
- ✦Mason KL, Retzer KD, et al. Occupational fatalities during the oil and gas boom - United States, 2003-2013. *MMWR Morb Mortal Wkly Rep*. 2015 May 29;64(20):551-4.
- Newman KL, Leon JS, Newman LS. Estimating occupational illness, injury, and mortality in food production in the United States: A farm-to-table analysis. *J Occup Environ Med*. 2015 Jul;57(7):718-25.
- Perla ME, Iman E, et al. Agricultural occupational health and safety perspectives among Latino-American youth. *J Agromedicine*. 2015;20(2):167-77.
- Sears JM, Bowman SM, Hogg-Johnson S. Disparities in occupational injury hospitalization rates in five states (2003-2009). *Am J Ind Med*. 2015 May;58(5):528-40.
- Sparer EH, Herrick RF, Dennerlein JT. Development of a safety communication and recognition program for construction. *New Solut*. 2015 May;25(1):42-58.
- Teran S, Blecker H, et al. Promoting adoption of fall prevention measures among Latino workers and residential contractors: Formative research findings. *Am J Ind Med*. 2015 Aug;58(8):870-9.
- Zierold KM. Teen worker safety training: methods used, lessons taught, and time spent. *New Solut*. 2015 May;25(1):25-41.

