

# The Year in U.S. Occupational Health & Safety

Fall 2016 – Summer 2017

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Labor Day 2017

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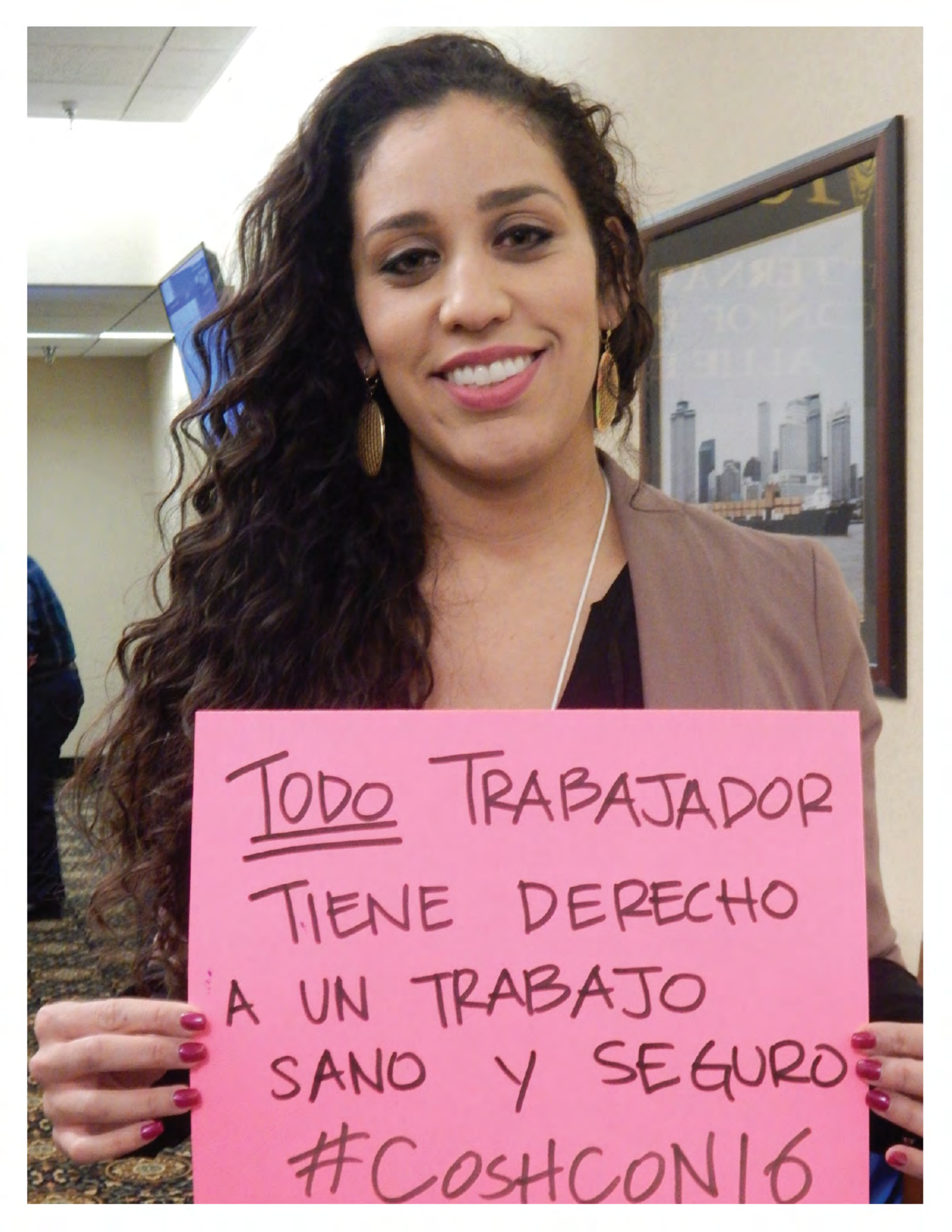
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## Introduction and Overview

Protecting worker health and safety is always a challenge, no matter the administration in charge. OSHA is and has always been the little agency that could — there is perhaps no other federal agency whose mission is more stacked against the odds. And yet OSHA has made huge gains in its more than four-decade history.

Today, after eight years of steady and hard-fought progress, advocates are watching in dismay as the Trump administration's anti-regulatory agenda goes to work inside OSHA. Just a couple of examples from the first eight months: elimination of the Fair Pay and Safe Workplaces rule, which required those bidding for federal contracts to disclose prior labor violations; proposed elimination of OSHA's new beryllium exposure standards for the maritime and construction industries; and moves to roll back an Obama-era rule expanding overtime eligibility to millions more workers.

Beyond the regulatory rollbacks, OSHA under Trump has quietly made itself less transparent, changing its everyday practices to make it harder for the advocates to access worker safety data and easier for negligent employers to break the law with little public notice. For instance, in the first four months of the Trump administration, OSHA issued just two enforcement-related news releases, even though the agency had issued more than 200 citations exceeding \$40,000. The shift was a big deal, as the resource-strapped agency has typically used public notices as a low-cost, but potentially persuasive, enforcement tool.

Most recently in late August, worker safety advocates noticed and quickly spread word about changes on OSHA's website, where a link to "Workplace Fatalities" had disappeared from the agency's home page. The fatality list had also been scaled back to only include workplace deaths in which a citation was issued. Both changes make it more burdensome to access health and safety data, which in turn makes it harder to protect workers and hold employers accountable. On top of all that, the Trump administration is proposing elimination of the Chemical Safety Board and big funding cuts to the Department of Labor and the

National Institute for Occupational Safety and Health.

At the end of the day, it's worrisome, but oddly familiar territory for safeguarding workers' rights, safety, and health. And it's in that vein that we present the sixth annual "The Year in U.S. Occupational Health & Safety," our attempt to document and preserve the previous year's successes, challenges, and losses into one easy-to-access package. While this report is not totally exhaustive and we had to make some tough choices on what to include and cut, our goal was to create a "yearbook" that activists, regulators, researchers, workers, and anyone else can use as a source for education, connection, motivation, and inspiration. While the future may be uncertain, this report shows that there's a nationwide community of advocates and organizers ready for the challenge.

Appropriately released on Labor Day, this year's report, which spans August 2016 through July 2017, documents some of the most notable events, legislation, news stories, and research of the last year. The week of Labor Day, we'll be publishing posts about this year's report on the public health blog *The Pump Handle* ([www.scienceblogs.com/thepumphandle](http://www.scienceblogs.com/thepumphandle)). During that week, we hope you'll chime in with your own stories on important worker health and safety happenings from the past year. In the following pages, you'll read about:

- **Action on the federal level**, including new OSHA rules on fall protections; delays in injury reporting and mine inspection rules; the Environmental Protection Agency's new chemical safety assessment process; and notable OSHA enforcement cases.
- **Action on the state and local levels**, including new overtime pay rules for California farm workers; strengthened safety rules for New York

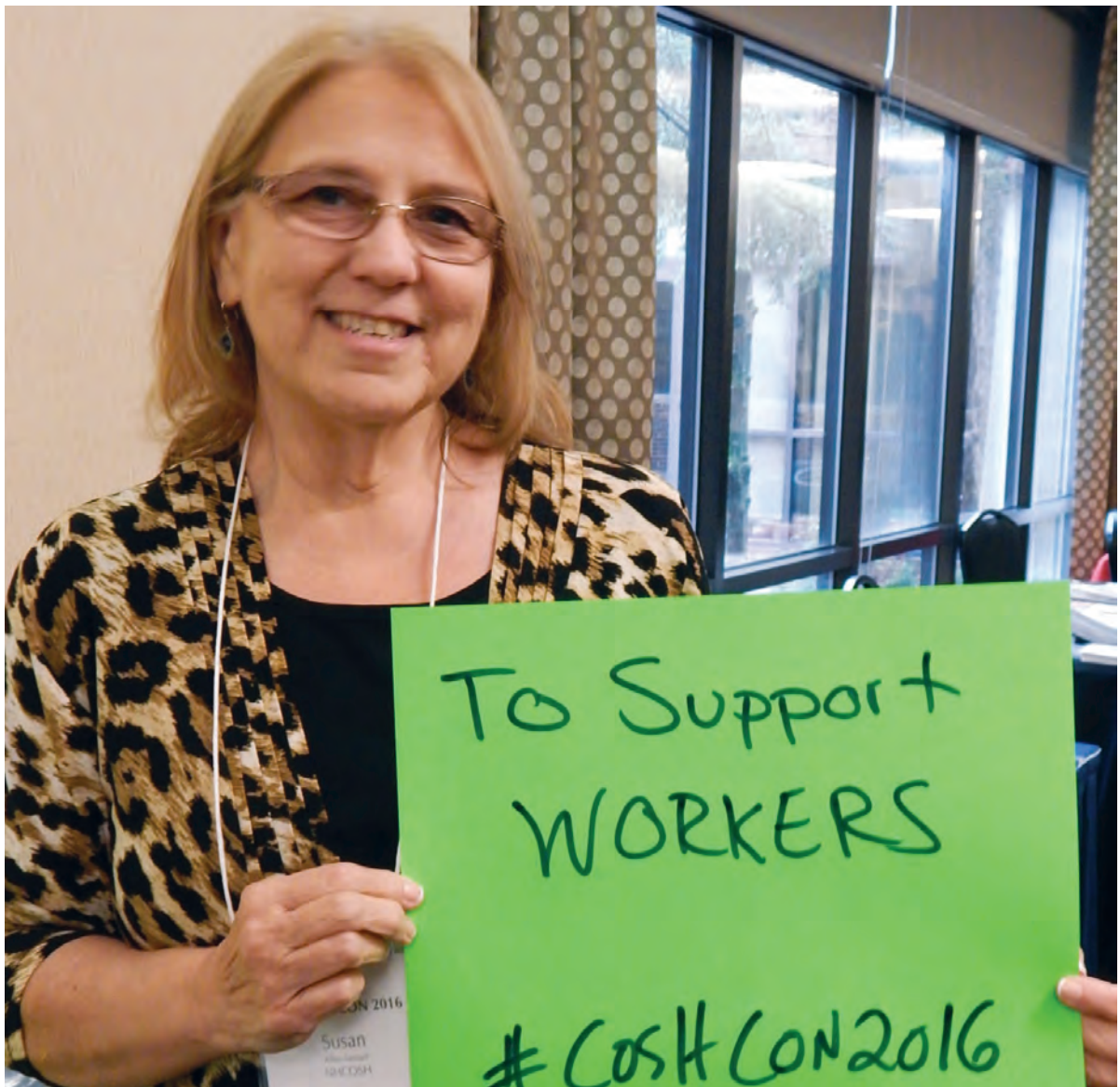


City construction workers; a failed legislative attempt to deny workers' compensation to undocumented immigrant workers in Ohio; a new epidemic of black lung disease in Appalachia; and the adoption of state and local paid leave laws.

- **Outstanding news reporting on worker health and safety**, including an investigation into the dangerous working conditions of Alabama's auto boom; the internal practices putting firefighter lives at unnecessary risk; the continued exploitation of immigrant workers within poultry processing companies; and stories of wage theft and abuse in the Los Angeles restaurant industry.

- **New worker safety research and reports**, including information on fall-related fatalities in the oil and gas sector; new NIOSH health hazard evaluations; injury rates inside auto-maker Tesla; and the conditions facing dairy farm workers in New York.

The following pages also include highlights from this year's Workers' Memorial Week and coverage of grassroots actions from state COSH groups nationwide — a particularly uplifting reminder that regardless of what's happening federally, local action can make a critical difference. To download this year's report as well as its previous editions, visit <http://bit.ly/2c7uKgs>.



# The Federal Government and Occupational Health and Safety

The past 12 months will be remembered for the Obama administration's final accomplishments, the election of President Donald J. Trump, and the resulting obstacles and challenges for workers' rights and safety. Before Trump's inauguration, the Occupational Safety and Health Administration (OSHA) had completed rulemakings on beryllium and clarified requirements for employers on maintaining injury records. However, an emboldened Republican Congress eventually revoked the latter, along with an executive order mandating that government contractors provide fair wages and safe workplaces. Under the Trump administration, OSHA announced implementation delays and proposed changes to its final rules on beryllium, and injury reporting. The Mine Safety and Health Administration (MSHA) put off the effective date of new requirements for mine operators on conducting pre-shift safety examinations, while the Environmental Protection Agency delayed implementation of rules to protect farmworkers from pesticide exposure, as well as those to improve safety at chemical plants. The Trump administration's budget proposed abolishing the U.S. Chemical Safety Board, a 40 percent cut to the budget of the National Institute for Occupational Safety and Health, and eliminating OSHA's Susan Harwood training grants program. In the following section, we describe these topics and other noteworthy federal activities on occupational health and safety in the past year.

## Farewells

Secretary of Labor Tom Perez closed out his three-and-half years at the Department of Labor with a 14-page Memorandum to the American People. He highlighted the Obama administration's priorities and accomplishments, including stepped-up enforcement following the Upper Big Branch mine disaster, OSHA's severe violator program, and new regulations on silica and coal dust from OSHA and MSHA, respectively. Perez challenged the Trump administration to address unfinished protections, such as improving workers' compensation, addressing chemical exposures, and strengthening protections for farmworkers.

MSHA chief Joe Main and OSHA chief David Michaels completed their tenures as assistant secretaries for their respective agencies. Both served as Obama political appointees for more than seven years — the longest in the agencies' histories. Highlights of Michaels' tenure include expanded outreach to vulnerable workers; improvements to the whistleblower protection program; requirements for employers to report amputations and hospitalizations;

follow-up inspections of severe violators; and new regulations on silica, beryllium, crane safety, and confined space. Highlights of Main's tenure include investigation of the Upper Big Branch mine disaster; creation of "impact inspections"; identifying repeat violators for "pattern of violation" enforcement; record-low numbers of fatal mine worker injuries; and new rules to protect miners from lung diseases related to coal mining dust.



(L-R) Cecelia Leto from New Jersey Work Environment Council, OSHA chief David Michaels, and Peter Dooley with National COSH at the United Steelworkers' HSE conference, Sept. 2016.



## New labor secretary

President Trump's first choice for labor secretary was Andrew Puzder, then-CEO of CKE Restaurants Holdings, the parent company to fast food chains Hardee's and Carl's Jr. The chains had histories of wage and safety violations, which worker advocates highlighted to mobilize opposition to Puzder's nomination. He also ran into trouble with the Office of Government Ethics for his plan to divest his considerable financial assets. Eight Republican senators opposed Puzder, which led him to withdraw from consideration for the post.

Trump then nominated Alexander Acosta, dean of Florida International University's law school and former U.S. attorney and member of the National Labor Relations Board, for labor secretary. During his confirmation hearing, Democrats asked Acosta about defending OSHA's silica rule and his enforcement philosophy. In response to a question from Sen. Maggie Hassan (D-NH), Acosta said: "My background is a law enforcement background. I would be concerned if the number of inspec-

tors in any one point fell to the point they couldn't do their job."

Acosta was confirmed on April 27, 2017, by a 60-38 vote that included the support of eight Democrats. He reported the next day to DOL and told staff: "Supporting the ability of all Americans to find good and safe jobs is a priority for President Trump and for me."

## New leadership at OSHA

In July 2017, the Trump administration appointed Loren Sweatt as OSHA's deputy assistant secretary. Since 2002, she has worked for Republican leadership on the House Committee on Education and the Workforce's Subcommittee on Workforce Protections.

Labor Secretary Alexander Acosta told senators his "personal goal was to have the vast majority of my subdepartment leadership identified and in clearance at [my] 60 day mark." By Labor Day 2017, nominees for the assistant secretaries to lead MSHA and OSHA had not been announced.

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U.S. Dept. of Labor

Labor Secretary Alexander Acosta poses with workers in June 2017 while at the Ford Motor Company truck plant in Dearborn, MI.



## Slashed budgets for worker safety

President Trump's proposed budget for fiscal year 2018 called for major funding cuts to public protection agencies. His plan, released in March 2017, recommended eliminating the Chemical Safety Board, cutting the Environmental Protection Agency's budget by 30 percent, and stripping 40 percent from NIOSH's budget. Under the president's plan, OSHA's Susan Harwood training grants program (about \$10 million) would be eliminated and the agency's enforcement budget reduced by 10 percent.

House and Senate appropriations committees, which are not bound by a president's budget, proceeded with their own plans on funding the government in the coming year. The House proposed more drastic cuts to OSHA than Trump and a 4 percent reduction in MSHA funding. Appropriators in the Senate did not introduce a spending bill before their August recess.

## Trump's anti-regulatory agenda

President Trump's first month in office was marked by a flurry of executive orders. One requires each federal agency to identify two existing regulations to revoke for every one new rule it proposes. Business groups and conservative lawmakers hailed Executive Order 13771, while Public Citizen, Natural Resources Defense Council, and the Communications Workers of America filed a lawsuit in February 2017 challenging the order.

In July 2017, the Trump administration released its regulatory agenda, which outlines its rule-making priorities for the year ahead. The document indicates that MSHA will not seek public input on any possible regulatory topics and it will not propose or finalize any rules, with the exception of one rule mandated by order of a U.S. court of appeals. The rule concerns training requirements for miners who might use an underground emergency refuge shelter.

The administration's plan for OSHA includes deregulatory actions on Obama-era beryllium and injury reporting rules. Withdrawn from the agenda were eight regulatory topics of interest during the previous administration, including combustible dust and chemical exposure limits. Ten topics were listed for long-term action, including rules to address violence in health care, infectious disease exposure, and process safety management to reduce risks in workplaces that handle hazardous chemicals. The agenda included several pre-rulemaking "requests for information" concerning forklifts, mechanical power presses, and medical removal for lead poisoning, among others.



WINYCOSH

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Ann Converso with CWA Local 1168 addresses the crowd at the Western NY COSH rally outside of U.S. Rep. Chris Collins' suburban Buffalo office.

## Congress repeals worker safety rules

Lawmakers used the Congressional Review Act to repeal more than a dozen environmental, consumer, and public health protections that were adopted in the latter part of the Obama administration. The list includes guidance adopted by the Department of Labor in August 2016 pursuant to Obama's 2014 Executive Order on Fair Pay and Safe Workplaces. Employers seeking government contracts valued at \$500,000 or greater would have been required to disclose previous labor law infractions, including health and safety violations. Republican lawmakers called the Obama order "blacklisting."



NH COSH

(L-R) Janyce Bouchard, State Rep. Mark MacKenzie, Al Bouchard, U.S. Rep. Carol Shea-Porter, Samantha Wooten, Brian Mitchell, Judy Stadtman, Susi Nord, and Rick Rothwell. The New Hampshire COSH delegation met in August 2017 with Rep. Shea-Porter in her Dover, NH office.

Congress also voted to repeal an OSHA rule that clarified employers' obligation to make and maintain injury records. OSHA issued the final rule in December 2016 in response to an adverse ruling from the U.S. Court of Appeals for the D.C. Circuit. In that ruling, referred to as *Volks II* and decided in 2012, the court held OSHA could not cite employers for recordkeeping violations that took place more than six months before the citation was issued. Over the decades, some of OSHA's most significant enforcement cases involved employers who failed to accurately record injuries and illnesses over the span of several years. With the rule having been revoked, OSHA is once again limited to citing employers for recordkeeping violations only when those violations occurred in the last six months.

## OSHA

### Walkaround rights

The National Federation of Independent Businesses (NFIB) filed a lawsuit in September 2016 against OSHA's policy allowing non-union workers to designate a representative of a community organization or union to partici-

pate on their behalf in an OSHA inspection. The policy stemmed from a 2013 OSHA response to a letter from the United Steelworkers union. The NFIB complained the policy was being used for union organizing. In April 2017, OSHA's director of enforcement programs issued a memorandum rescinding the policy interpretation.

### Fall protection

OSHA issued a final rule in November 2016 to protect workers in general industry from slips, trips, and falls on stairways, scaffolds, ladders, and near wall openings, pits, and platforms. The rule gives employers the flexibility to determine which protections to implement, such as guardrails, safety nets, or personal fall arrest systems. OSHA estimates that nearly 350 deaths and 200,000 lost-time injuries occur every year from unsafe walking and working surfaces. In December 2016, a high-rise window washing company filed a legal challenge to the rule with the 7th Circuit Court of Appeals.



## Walking and working surface safety

In November 2016, OSHA published a final rule on walking-working surfaces to prevent injuries related to slips, trips, and falls. The rule applies to workers in general industry and is consistent with existing requirements applicable to the construction industry as well as national consensus standards. The rule addresses safety protections such as personal fall protection systems, fixed ladders, and design performance. OSHA estimates the protections will prevent 29 fatalities and 5,842 injuries annually.

## Employers' obligation for injury records

In December 2016, OSHA issued a final rule clarifying an employer's obligation to maintain injury and illness records for five years. The rule was necessary because of an adverse decision by the D.C. Circuit Court in 2012 (the "Volks II" decision), which rejected an OSHA recordkeeping policy dating back to 1993. The court ruled that OSHA must cite an employer for failing to record an injury within six months of when the recording should have occurred. Because the new OSHA rule was issued late in the Obama administration, Republicans used the Congressional Review Act to void it and bar the agency from issuing a substantially similar rule in the future.

## Beryllium

OSHA published a final rule in January 2017 to protect workers who are exposed to the carcinogen beryllium. The rule reduced the permissible exposure limit for beryllium from 2  $\mu\text{g}/\text{m}^3$  to 0.2  $\mu\text{g}/\text{m}^3$  and requires employers to provide personal protective equipment, medical exams, and training. OSHA estimates 90 fewer beryllium-related deaths annually because of the rule. Several producers and users of beryllium, including Materion Brush, filed petitions with the U.S. Courts of Appeals for review of the OSHA rule. The United Steelworkers is an intervenor in the case.

In June 2017, OSHA indefinitely postponed the effective date of the final rule for the construction and shipyard industries. It also proposed a rule to eliminate many provisions of the rule, including an exposure control plan, respiratory protection, and medical surveillance. Comments on the proposed rule were due at the end of August 2017.



Jim Frederick of the United Steelworkers describes the union's fight for an OSHA beryllium standard.

## Petition on workplace violence

In one of his last acts as OSHA chief, David Michaels indicated the agency would grant a petition from health care workers for a standard to address workplace violence. His January 2017 announcement was a response to two petitions submitted to the agency in July 2016 — one from a coalition of unions (e.g., AFL-CIO, SEIU, USW) and the other from National Nurses United. Prior to Michaels' announcement, the agency published a request for information in December 2016 on the topic of workplace violence in the health care and social assistance sectors.

## Injury reporting rule

A new OSHA rule on injury reporting was scheduled to take effect in January 2017, but was delayed until December 2017 by the Trump administration. The rule requires workplaces that are already required to keep OSHA injury records to submit their injury logs annually to the agency. Employers with 250 or more employees would also submit the related OSHA incident reports (known as an OSHA



301). The rule also prohibits employers from using practices that discourage workers from reporting injuries.

Two lawsuits were filed in federal district courts against the injury reporting final rule, one in Oklahoma and one in Texas, by the U.S. Chamber of Commerce, the Nat. Assoc. of Manufacturers, and others. The AFL-CIO, the American Public Health Association, the Council of State and Territorial Epidemiologists, and others filed a petition to be named intervenors to defend the rule, but those requests were denied by the court. In June 2017, OSHA announced it would be proposing revisions to the rule. Following OSHA's announcement, the federal judge in Texas closed the industries' legal challenge to the rule, while the judge in Oklahoma ordered a stay on the case.

### War on regulatory protections

"The Trump administration, along with the Republican leadership in Congress and their allies, have launched a war on regulation. These efforts have been advanced with bogus claims that regulations cost jobs and impede economic growth. It is a concerted effort to roll back regulations and leave the public unprotected.

"This agenda should not come as a surprise, as we were warned during the Trump campaign that the real goal is 'the deconstruction of the administrative state' to fundamentally change the role of government in protecting the public, and leave corporations and employers unaccountable and unchecked. These attacks threaten more than 50 years of labor, health, safety, financial, consumer, environmental and other laws and safeguards that have protected working people on the job and made Americans safer, healthier and more secure."

— *AFL-CIO Executive Council Statement, July 27, 2017*

### Worker safety and sustainability

OSHA chief David Michaels and his predecessor John Henshaw wrote a commentary that urged employers to integrate workplace health and safety into their corporate and environmental sustainability programs. Their article complemented a December 2016 OSHA white paper, "Sustainability in the workplace: A new approach for advancing worker safety and health."

### Notable enforcement cases

Fraser Shipyards\* was cited by OSHA in August 2016 for 14 willful violations for exposing workers to lead at levels as high as 20 times the permissible exposure limit. Of 120 workers tested, 75 percent had elevated blood lead levels. OSHA proposed a \$1.4 million penalty to the Wisconsin-based firm. The employer settled the case in January 2017 and paid a \$700,000 penalty, but just a few weeks later, a worker at Fraser Shipyards was severely burned. He succumbed to his injuries in April 2017.

Atlantic Drain Services\* received citations for 11 willful and repeat violations related to the death of two workers in October 2016. Kelvin Mattocks, 53, and Robert Higgins, 47, drowned in a 12-foot deep trench that collapsed and filled with water. In April 2017, OSHA proposed a \$1.5 million penalty against the Boston firm, and the local district attorney charged the company owner with manslaughter.

OSHA proposed a \$2.5 million penalty in December 2016 against the automobile parts manufacturer Ajin USA\* for willful violations related to a worker fatality. Regina Elsea, 20, was crushed in a robotic machine at the firm's plant in Cusseta, AL. The victim was employed by one of the two staffing agencies used by Ajin USA.

OSHA proposed a \$535,000 penalty in January 2017 against an Oklahoma truck-bed fabricator for repeat and willful violations. CM Truck Beds violated standards related to respiratory protection for employees working in spray



Credit: MassCOSH

The family of Kelvin Mattocks, 53, at a Workers' Memorial Day event in Boston. In October 2016, Mattocks died with Robert Higgins, 47, while working for Atlantic Drain.

booths and those using chain slings and other hazardous equipment.

OSHA proposed a \$1.9 million penalty in July 2017 against Aluminum Shapes in Delair, NJ for willful and repeat violations related to confined space entry, fall hazards, and lockout/tagout (cutting power to machines before conducting maintenance on them). Since 2011, OSHA inspected the manufacturing plant eight times, citing the employer for 60 violations and assessing \$516,000 in penalties.

As of July 1, 2017, 511 employers were listed in OSHA's Severe Violator Program. Thirty-nine employers were added to the list since last year, including Arrow Plumbing, Birdsboro Kosher Farms, Cooperative Producers, Prinz Grain & Feed, Trinity Welding, and those above marked with an \* above.

**News releases on enforcement cases**

In the final year of the Obama administration, OSHA issued nearly 500 enforcement-related news releases. The agency saw the benefit to worker safety of publicizing the results of inspections, particularly in novel cases and those with \$40,000 or more in proposed penalties. During the first seven months of the Trump ad-

ministration, OSHA issued fewer than a dozen enforcement-related news releases. Sens. Patty Murray, Bernie Sanders, Elizabeth Warren, and others sent a letter in May 2017 to the Department of Labor's Inspector General asking him to review several policy changes by OSHA, including the one concerning news releases.

**Audits of OSHA activities**

The Department of Labor's Inspector General (IG) issued two reports over the last year concerning OSHA's enforcement practices. In September 2016, the IG reported that OSHA had not adequately implemented procedures to determine whether its special emphasis programs (SEPs) improve worker safety in the long run. The IG's criticism also extended to the 166 SEPs implemented by states that run their own OSHA agencies (instead of relying on federal OSHA). Moreover, the IG indicated that OSHA does not have clear risk-based guidelines for determining which industries or occupations should be the subject of a SEP. OSHA agreed to develop procedures for establishing such guidelines. The agency rebutted, however, the IG's criticism on assessing the effectiveness of its SEPs. OSHA said the IG's preferred outcome

(Cont'd p.14)



## Trump administration heightens fears among immigrant workers, emboldens unscrupulous employers

President Donald Trump's policies toward immigrants in the U.S. reverberated into the workplace over the last eight months, with immigrant workers now fearing greater risks for speaking up about unsafe conditions and for pursuing rightful compensation after being injured on the job.

At Bloomberg BNA, Stephen Lee talked to undocumented immigrant workers in Texas, including Claudia, a 45-year-old electrician in Dallas, who said: "There's always been a fear because deportations have always been happening. But now with Trump, there's added fear, because he's not a man of his word. We're afraid that anything we say can be used against us." In fact, Claudia said she had begun fixing hazardous work conditions on her own to protect herself and her co-workers.

Former OSHA chief David Michaels told Lee that OSHA didn't inquire into a worker's citizenship status under President Barack Obama, adding that OSHA's safety rules apply to all workers, regardless of immigration status. Lee reported: "Michaels said all workers must be protected because otherwise employers will use undocumented immigrants as stand-ins for their most dangerous jobs." Michaels went on to say: "Why should employers hire documented workers if protecting them requires an investment in safety, when they can hire undocumented workers?"

Lee reported that researchers say the Trump administration has closed off access to even the crudest data on deportation numbers.

Fear is spreading to America's farms, too. Tyler Pager at the *Boston Globe* reported that migrant workers in western New York, who've long been essential to keeping the area's dairy farms running, "are afraid to leave their employers' farms to shop because they fear being apprehended by authorities and deported. Reports of workers being picked off farms throughout the country have only added to the atmosphere of fear hanging over the idyllic farming commu-

nity." Unlike more seasonal farming, dairy farms produce all year long; however there's no year-round guest worker program that can facilitate the workforce numbers that farms need. The result, Pager reported, is that between half and 75 percent of workers on dairy farms may be undocumented.



Nixon Arias/NPR

Nixon Arias worked off and on for a Florida landscaping company for nine years before an injury at work resulted in his arrest, prosecution, and deportation to Honduras.

Pager wrote that more than a dozen farmers declined to talk with the newspaper for fear of becoming a target of deportation officials, adding that "farmers and experts maintain that these labor issues have persisted for years, but they say the new administration has exacerbated the problem." A 20-year-old farmworker from Guatemala told Pager: "I am scared because you hear and see on the news that immigration officers are taking people. In my country, there's no work and there's no money."

Advocates fear that the current policy climate could make it easier for employers to skirt their workers' compensation (WC) responsibilities as well. For example, at NPR and ProPublica, Howard Berkes and Michael Grabell exposed how insurance companies and employers in Florida use a provision of WC law to get undocumented workers deported after they're injured on the job. The businesses capitalize on one particular and unusual definition of WC fraud — using fake identification during the hiring process. The



reporters analyzed 14 years of state insurance data, finding nearly 800 cases in which employees were charged using that definition of WC fraud, with at least 130 having suffered a work-related injury. The injured workers were denied medical care and lost wages or were required to reimburse any benefits received. Florida law states that all workers, including undocumented immigrants, are entitled to WC benefits.

Grabell and Berkes write: "However people feel about immigration, judges and lawmakers nationwide have long acknowledged that the employment of unauthorized workers is a reality of the American economy. From nailing shingles on roofs to cleaning hotel rooms, some 8 million immigrants work with false or no papers nationwide, and studies show they're more likely to be hurt or killed on the job than other workers. So over the years, nearly all 50 states, including Florida, have given these workers the right to receive workers' comp."

In 2003 in Florida, however, state lawmakers made it a crime to file a WC claim using fake identification. Since then, Grabell and Berkes report, insurers have avoided covering immigrant workers who get hurt on the job by simply turning them over to the state. In fact, since 2013, nearly 75 percent of the injured immigrants arrested in Florida for false identification were turned in by one company, Command Investigations, and about half of the hurt workers worked for SouthEast Personnel. Of course, the problem isn't confined to Florida. For example, Republican state lawmakers in Ohio pushed a bill earlier this year that would have barred undocumented immigrants from receiving WC. As of August 2017, the bill hadn't made it to the governor's desk.

At *The Guardian*, Sam Levin interviewed multiple current and former Department of Labor staff, reporting that "Donald Trump's anti-immigrant policies and rhetoric have caused panic among exploited undocumented workers across industries, preventing labor officials from conducting investigations and enforcing employment laws." For example, two DOL sources said the agency's

Wage and Hour Division was struggling to reach undocumented workers, which only makes it easier for irresponsible employers to break wage law with impunity. An anonymous DOL employee said of workers: "They're not just refusing to talk to us. They're running away from us."

Indeed, DOL emails obtained by *The Guardian* confirmed that "staff in multiple regions of the agency have raised concerns about workers refusing to accept back wages."

The federal crackdown has some state labor officials speaking out, reiterating the government's role in ensuring U.S. workplaces are free from exploitation, abuse, and preventable hazards. In May on International Workers' Day, California Labor and Workforce Development Agency Secretary David M. Lanier issued this official statement: "Just because the federal administration has changed, our laws and policies have not. We will not tolerate the use of immigration status as a tool of retaliation against workers who are pursuing their rights under California law. The Labor and Workforce Development Agency will continue to work in partnership with community leaders, worker advocates and employers to make sure immigrant workers know they are covered by our state's workplace protections."

Stephen Lee. "Deportation fears keep undocumented workers from reporting hazards." *Bloomberg BNA*, March 8, 2017.

<https://tinyurl.com/ya4qmksy>

Tyler Pager. "Amid Trump's immigration crackdown, there's fear on farms." *Boston Globe*, March 14, 2017.

<https://tinyurl.com/kxmovsz>

Howard Berkes and Michael Grabell. "They got hurt at work, then they got deported." *NPR and ProPublica*, August 16, 2017.

<https://tinyurl.com/y85hngk>

Sam Levin. "Immigration crackdown enables worker exploitation, Labor Department staff say." *The Guardian*, March 30, 2017.

<https://tinyurl.com/ky26x99>

measures are not feasible and that research already demonstrates that OSHA inspections have a causal effect on reducing injuries.

The Government Accountability Office (GAO) issued a report in February 2017 that complimented OSHA's Outreach Training Program. The auditors said it met all the attributes of a well-designed training program, such as specific learning objectives and content requirements for trainers. About 30,000 authorized safety professionals have completed a train-the-trainer course at one of OSHA's Education Centers. An estimated 900,000 workers were trained in 2016 through the program.

In March 2017, the IG issued findings from an audit that examined OSHA's monitoring of hazard abatement by employers. The auditors concluded that for 16 percent of violations, OSHA did not ensure the employer corrected the hazard in a timely manner. In addition, the IG indicated that one-third of inspection case files lacked evidence to demonstrate that OSHA examined the employers' past histories to determine if citations for repeat or willful violations were warranted. OSHA strongly disagreed with the IG's conclusions.

## MSHA

### Diesel exhaust

In December 2016, MSHA and NIOSH announced the creation of a partnership with stakeholders to share information on the health risks of diesel exhaust and on control technologies. MSHA had published a request for information earlier in the year, following a policy statement adopted in 2014 by the American Public Health Association. In 2001, MSHA issued health standards to reduce underground miners' exposure to diesel particulate matter, but APHA indicated the standards may be outdated.

### Mine examination requirement

MSHA issued a final rule in January 2017 applicable to metal and aggregate mines that requires a competent person to conduct a pre-

shift safety examination. The final rule defines a "competent person" and requires a written record of the examination and any corrective action taken. A comparable requirement has been in place for decades at coal mining operations. The rule was scheduled to take effect in May 2017 but was postponed until October 2017 by the Trump administration.

### Chronic mine safety violators

Over the past year, MSHA conducted more than 100 "impact inspections" at mining operations with particularly poor compliance histories. Impact inspections involve several inspectors and often occur during atypical times of the day to catch mine management off guard. The program was implemented immediately after the 2010 Upper Big Branch mine disaster. Another reform implemented after the disaster was a rule to identify mines with a "pattern of violations" (POV). In July 2017, MSHA announced that no mines met the criteria for a POV designation. This continued a trend that began in June 2015.

### Inspections versus outreach

The United Mine Workers of America (UMWA) alleged in July 2017 that MSHA was requiring its inspectors to conduct compliance assistance visits, which aim to help employers comply with rules, rather than issuing citations, which punish rulebreakers. A letter from UMWA President Cecil Roberts to MSHA's acting chief



United Steelworkers

Joe Main wraps up his tenure as MSHA chief with a speech at the United Steelworkers (USW) annual HSE conference. (L-R) Dave LeGrande of the Communications Workers of America and Mike Wright of the USW listen to Main's remarks.

asserted the agency was taking away inspectors' credentials to circumvent the Mine Safety and Health Act's requirement to issue a violation for every hazard observed and to involve a miners' representative in each inspection.

### Inspectors not fit for duty

In August 2017, MSHA revealed that an estimated 20 percent of its inspectors do not meet the Office of Personnel Management's fitness for duty standards, including hearing and vision requirements. The agency called the matter a "longstanding issue" and stated that the "problem had been growing over the past several years." MSHA announced it would develop individualized medical plans for each affected employee and provide reasonable accommodations when necessary.

### Declining number of coal mines

The low cost of natural gas and its use for electric power generation has reduced the demand for coal as an energy source. Since 2008, the number of active underground and surface coal mines has declined from 2,400 to 1,600. As a result, the mining industry has called for a smaller inspection workforce. State lawmakers in Kentucky and West Virginia introduced plans to eliminate their mine safety agencies.

### Audits of MSHA activities

The Department of Labor's Inspector General (IG) conducted an audit of MSHA's procedures for handling safety complaints from miners. In a September 2016 report, the IG's office identified numerous inconsistencies in the way each of MSHA's district offices interpret the agency's procedures. MSHA agreed generally with the conclusions of the IG and responded favorably to its recommendations.

In March 2017, the IG's office released its audit findings of MSHA's oversight of mine operators' emergency response plans (ERPs). The ERP requirement was mandated following the 2006 Sago mine disaster. The IG's report indi-

cated that many of the ERPs had emergency contact phone numbers that were disconnected or otherwise inaccurate. MSHA took exception with the IG's criticism and noted that a different regulation requires mine operators keep emergency call lists, which are more up-to-date than their ERPs. The IG attributed the problem to MSHA failing to have a consistent process for conducting reviews of the ERPs.

### Chemical Safety Board

President Trump's budget for fiscal year 2018 calls for the elimination of the Chemical Safety Board (CSB). The agency has 40 employees and a budget of \$11 million. Trump's budget document, "A New Foundation for American Greatness," said the decision was "part of the administration's plans to move the nation towards fiscal responsibility and to redefine the proper role of the federal government." In a story for Metro newspapers, reporter Erin Tiernan pointed out that the agency's annual budget is less than the estimated \$15 million cost to taxpayers of the five trips to his Mar-a-Lago estate that Trump had taken by the time he released his budget. In June 2017, the House Appropriations Committee, chaired by Rep. Rodney Frelinghuysen (R-NJ), rejected the administration's proposal to eliminate the CSB.

Over the previous 12 months, the CSB held public business meetings in September and October 2016, and April and July 2017. In the open sessions, board members discussed open investigations, the status of inspector general audits, organizational updates, and the agency's action plan.

### Completed and ongoing investigations

In February 2017, the CSB released its final investigation report on the January 2014 event involving **Freedom Industries** in Charleston, WV. The firm was responsible for the release into the Elk River of 11,000 gallons of a chemical mixture used in coal processing. The river is the source of water for the local water utility,





The CSB board and staff receive comments during a 2017 public meeting. (L-R) Members Kristen Kulinowski and Manny Ehrlich, with general counsel Kara Wenzel and chair Vanessa Allen Sutherland. (Not pictured is Rick Engler.)

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which serves 300,000 residents. The CSB made recommendations to the American Water Works Association and others. An earlier version of the final report was approved by the CSB in September 2016, but the agency agreed to revise it in response to public input.

In April 2017, the CSB released its final report on the August 2016 nitrous oxide explosion at **Airgas** in Cantonment, FL. Jesse Folmar, 32, an Airgas employee, died from the blast. The CSB made safety recommendations to Airgas, the Compressed Gas Association, and others.

In May 2017, the CSB issued its final report on the explosion at the **ExxonMobil** refinery in Torrance, CA. The February 2015 incident caused major damage to the facility and nearly involved tanks containing hydrofluoric acid, which would have been catastrophic. Exxon-Mobil refused to provide information to the CSB for its investigation. The agency filed suit in federal district court to obtain records from the company and awaits a decision from the court. The CSB's report includes recommendations for ExxonMobil, the Torrance Refinery Company, and the American Fuel and Petrochemical Manufacturers.

Over the past year, the CSB deployed investigation teams to a October 2016 chemical release at MGPI Processing (Atchison, KS); a November 2016 fire at an ExxonMobil refinery (Baton Rouge, LA); a February 2017 explosion at the Packaging Corporation of America (Deridder, LA); an April 2017 incident at the Loy-Lange Box Company (St. Louis, MO) in which a hot water tank launched into a nearby business, killing four people; a May 2017 explosion and fire at Didion Milling (Cambria, WI), which fatally injured five workers; and explosions in May and June 2017 at Midland Resource Recovery (Philippi, WV) that killed three workers.

## NIOSH

### Hazardous drugs

In September 2016, NIOSH published a new edition of its "List of Antineoplastic and Other Hazardous Drugs in Healthcare Settings." The revision added 34 new pharmaceuticals to a list of more than 250 drugs that require special precautions for health care workers who handle them because they are carcinogenic, teratogenic, or have other organ-specific adverse health effects.

## Carcinogens policy

In December 2016, NIOSH published an updated Chemical Carcinogen Policy. The agency will no longer use the term “recommended exposure limit” for carcinogens and recognizes that there is no safe level of exposure to a carcinogen. The new policy document replaces one adopted by NIOSH in 1980. The revision began in 2010, and NIOSH provided several opportunities for public input on the new policy.

## Budget

President Trump’s budget for fiscal year 2018 recommended slashing NIOSH funding from \$338 million to \$200 million, a reduction of 40 percent. The budget cuts would eliminate grant funding to universities and other research institutions, including NIOSH’s 18 Education and Research Centers. The budget document asserts “the majority of schools of public health include coursework and many academic institutions have developed specializations in these areas.”

## Health hazard evaluations

Over the last 12 months, NIOSH researchers have published reports on more than 20 health hazard evaluations (HHEs). The workplace hazards addressed by the HHEs include chemical exposures at a forensic crime lab; disinfectant exposure at an indoor waterpark resort; diesel exhaust at two fire stations; and noise exposure during total knee replacement surgeries.

## EPA

### Toxic substances

In November 2016, EPA announced the first 10 chemicals selected by the agency for risk review pursuant to the significant amendments adopted by Congress in 2016 to improve the Toxic Substances Control Act (TSCA). The list includes 1-bromopropane, asbestos, methylene chloride, and perchloroethylene.

In June 2017, as required by the amended TSCA, EPA took several actions, such as issuing a final rule on industry reporting of chemicals manufactured or processed in the last 10 years and publishing a “scoping” document on the first 10 chemicals selected for risk evaluations. EPA also issued two companion final rules. One addressed the process and criteria for identifying high-priority chemicals for risk evaluations and low-priority ones for which an evaluation is not needed, and the other on procedures for evaluating high-priority chemicals to determine whether they present an “unreasonable risk to health or the environment.” In August 2017, public interest groups, including the Asbestos Disease Awareness Organization, the United Steelworkers, Earthjustice, and the Union of Concerned Scientists filed a lawsuit in the 9th Circuit Court of Appeals to challenge the two rules. The groups argue that EPA is contradicting what Congress intended when lawmakers passed TSCA reform in 2016.

### Risk management rule

In December 2016, EPA amended its risk management plan regulations to improve the processes by which chemical plants handle hazardous chemicals (process safety management). The rules also address emergency preparedness between facilities and local communities and enhance public access to information about chemical facilities. The agency’s action stemmed from President Obama’s directive fol-



(L-R) Richard Lemen, Christine Oliver, Brent Kynoch, Liz Hitchcock, Celeste Monforton, and Linda Reinstein at EPA headquarters in May 2017. The group urged EPA officials to use its new authority under TSCA to ban asbestos.

Asbestos Disease Awareness Organization

lowing the 2013 explosion at a fertilizer plant in West, TX, that killed 15 people.

EPA's risk management rule was scheduled to take effect in March 2017. EPA administrator Scott Pruitt announced the effective date would be delayed for 20 months while the agency received further public comment. In June 2017, the Environmental Integrity Project, Earth Justice, the Louisiana Bucket Brigade, and others filed a petition with the U.S. Court of Appeals for the D.C. Circuit challenging the delayed effective date.

### Farmworker protections

The United Farm Workers, Pesticide Action Network, and other groups filed a petition with the 9th Circuit Court of Appeals to challenge EPA's decision in late January 2017 to delay the effective date of a rule to protect the health of pesticide applicators. The rule, Certification of Pesticide Applicators, was scheduled to take effect in March 2017. But the Trump administration changed the effective date to May 2018. The protections include training for workers to learn about the hazards of specific pesticides, use of personal protective equipment, prevention of spills and drift, and ways to report pesticide safety violations.

### BSEE

The Department of Interior's Bureau of Safety and Environmental Enforcement (BSEE) issued a final rule in September 2016 to enhance protections for workers involved in oil and gas extraction on the Outer Continental Shelf. The rule updates requirements for equipment design, maintenance, and repair, and adds new requirements for firefighting and shutdown valves. BSEE estimates the rule will prevent more than 200 injuries per year and nearly 4,000 barrels of spilled oil. The rule takes full effect in March 2018.

## National Academy of Sciences

### Respirators

Both NIOSH and the Food and Drug Administration (FDA) have responsibilities for evaluating and regulating respirators used by health care workers. The National Academy of Sciences hosted a workshop in August 2016, entitled "Integration of FDA and NIOSH Processes Used to Evaluate Respiratory Protective Devices for Health Care Workers." Proceedings from the workshop were published in February 2017.

### Coal mine dust

At the request of the House Committee on Natural Resources' Subcommittee on Energy and Mineral Resources and the Committee on Education and the Workforce, the National Academy of Medicine (formerly the Institute of Medicine) commenced a study in February 2017 on mine worker exposure to respirable coal mine dust. The investigation was a response, in part, to industry concerns about the sampling devices and analytical methods required under new MSHA regulations. By September 2017, the committee had held five meetings and expanded the study to include topics related to the epidemic of progressive massive fibrosis – complicated "black lung" disease – among Appalachian coal miners.



Peter Dooley receives a COSH Special Recognition Award for decades of work devoted to building a strong, worker-centered safety movement. (Back row, L-R) Barbara Rahke, Jim Howe, Andy Comai, Darius Sivin, Luis Vazquez, and Mike Dooley. (December 2017.)



## National COSH: Fighting for and winning safer workplaces

The National Council for Occupational Safety and Health (National COSH) is a grassroots advocacy organization with a network of 22 local organizations in 15 different states. Over the last 12 months, COSH groups held worker training events, pressed local district attorneys to pursue criminal charges in worker fatality cases, and engaged lawmakers to strengthen worker protections. Highlights of this year's COSH activities include:

### **Taking on the temporary staffing industry.**

While the American Staffing Association was holding its annual conference in October 2016, National COSH briefed the media on safety hazards prevalent in temporary work. Speakers included Lina Hernandez, whose son Hugo Tapia died in 2013 on a temp assignment; Dave DeSario, the producer of the award-winning film "A Day's Work"; and Lou Kimmel, executive director of New Labor.

**Building the OHS community.** The National Conference on Worker Safety and Health (COSHCON16) drew 300 participants to Baltimore, MD, in December 2016. The workshop tracks, which were offered in both English and Spanish, included organizing for worker health and safety rights and protecting worker rights under the incoming Trump administration. Featured speakers included author and activist Bill Fletcher Jr. and Esther Lopez, international secretary-treasurer with United Food and Commercial Workers Union. The awards banquet recognized Jordan Barab, Lee Clarke, Randy Rodriguez, Nicole Marquez, and Jora Trang for their contributions to the OHS movement. Gustavo and Jasmine Granillo of Dallas, TX, received the Family Activist award.

**Promoting an OHS agenda.** COSH groups collaborated to develop the policy brief "Protecting Workers' Lives & Limbs: An Agenda for Action," which was released in March 2017. Nearly 100 worker, environmental, and civic groups endorsed the agenda, which advances a vision that all workers should be able to earn a living without suffering from work-related

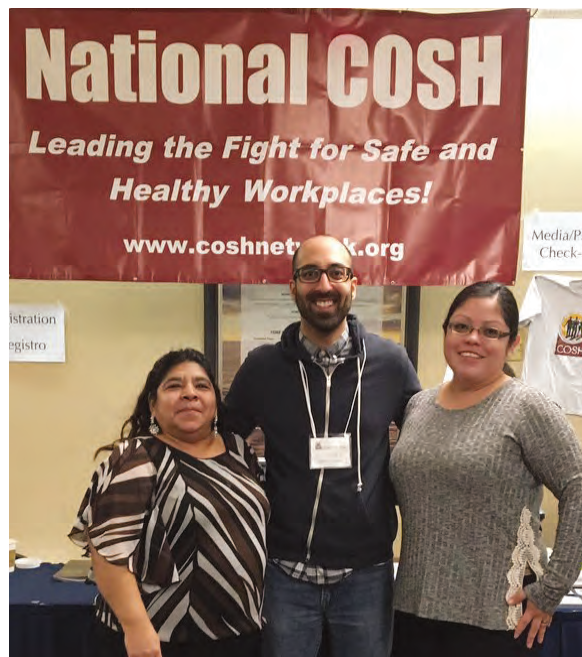


Gustavo Granillo and his daughter Jasmine speak at COSHCON16 about Roendy Granillo, 25, who died from heat stroke in 2015.

injuries and illnesses. Eight goals to accomplish that vision include increasing worker participation in decision-making, eliminating the widespread use of toxic chemicals, and implementing measures to adapt to climate change. The "Agenda for Action" is at <http://bit.ly/2nGj076>

**Meeting with lawmakers.** COSH groups held meetings with their members of Congress in March and April 2017 to present and discuss the network's "Agenda for Action."

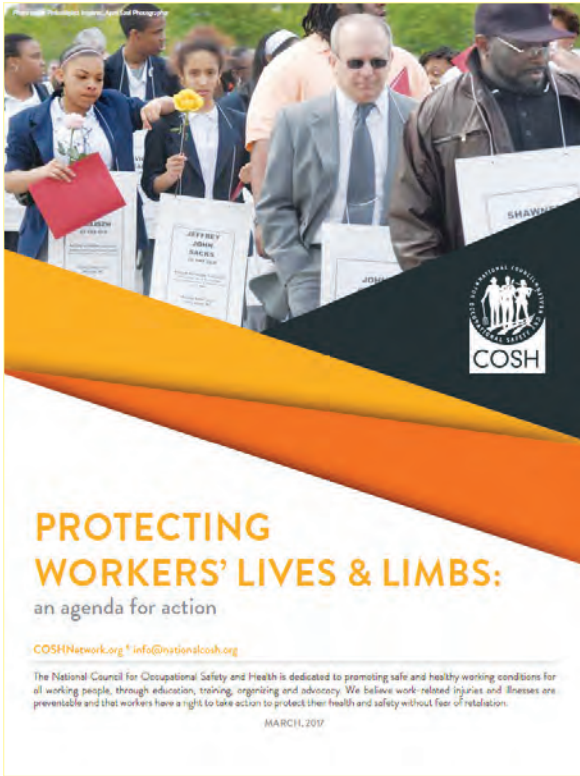
Western NY COSH (WNYCOSH) met in Buffalo with U.S. Rep. Brian Higgins (D-NY) to describe the adverse impact of the proposed budget cuts to OSHA. The delegation included WNYCOSH Director Germain Harnden; Greg Stoner



(L-R) Felicitas Rosales, Omaid Zabih, and Gladys Godinez at COSHCON16.

National COSH

National COSH



National COSH

group originate from the Bay Area Committee on Occupational Safety and Health and the Santa Clara Center on Occupational Safety and Health. The group's initial mission focused on empowering workers through safety training. Today, its work is complemented by providing OHS expertise to legal aid organizations and worker organizations, such as advice on workers' compensation cases. Worksafe's recent accomplishments on behalf of California workers include successful campaigns to secure a heat-illness prevention standard for indoor workers as well as new regulations for refinery safety.

**MassCOSH** and labor allies pressed lawmakers to adopt new permitting requirements for construction projects in Boston. Effective December 2016, the city has the authority to revoke permits or initiate special require-

with District #4 of the International Union of Painters & Allied Trades; and Denise Abbott, health and safety director of Communications Workers of America Local 1168.

Worksafe organized a meeting in March 2017 with Rep. Mark DeSaulnier (D-CA) in his Richmond district office. They discussed the Trump administration's proposal to eliminate the Susan Harwood training grants program and other attacks on worker protections. The congressman's assignment on the House Education and the Workforce Committee makes him a particularly important ally.

**Learning from each other.** National COSH hosted a series of webinars in the past year to help OHS activists enhance their understanding of OHS issues. Experts within the network presented information on several topics, such as advocacy on criminal prosecutions for worker fatalities, preparations for Workers' Memorial Week, and hazards for food production workers exposed to flavoring chemicals.

**Recognizing COSH accomplishments.** In May 2017, **Worksafe** celebrated its 35th anniversary. The roots of the Oakland, CA-based



WNYCOSH

(L-R) Germain Harnden, U.S. Rep. Brian Higgins, Greg Stoner, and Denise Abbott in March 2017 at the congressman's district office.



Worksafe

(L-R) Nicole Marquez of Worksafe, U.S. Rep. Mark DeSaulnier, Doug Parker of Worksafe, and Debra Bernstein of Monument Impact, in April 2017 at the congressman's office in Richmond, CA.





Dr. Bob Harrison spoke at Worksafe's 35th anniversary celebration after being recognized for his contribution to workers and the OHS community.

Worksafe

ments for any employer with a poor safety and health record. The successful advocacy by MassCOSH followed the October 2016 death of two Boston workers in a trench that flooded.

SoCalCOSH and other California advocates spearheaded advocacy to force state agencies to declare publicly that they would protect workers' rights no matter their immigration status. The effort intentionally put worker safety allies on the offensive against the Trump administration's immigration enforcement policies, which can inhibit workers from reporting dangerous working conditions, injuries, and wage theft.



The Campaign to End Sexual Assault on the Night Shift was recognized at Worksafe's 35th anniversary celebration. (L-R) David Huerta, SEIU-USWW President; Leticia Soto, janitorial worker and campaign leader; Sasha Khokha, KQED; and Daffodil Altan, co-producer of the Rape on the Night Shift documentary.

Worksafe

Western NY COSH launched a multilingual hotline to provide Buffalo area immigrants with quality health and safety information, and published a resource guide in 11 languages for family members of workplace fatality victims. In response to the March 2017 release of President Trump's proposed budget, WNYCOSH rallied outside the office of Rep. Chris Collins (R-NY). Participants told personal stories about the importance of government protections, from ensuring safe workplaces and clean air to mandating affordable health care and safe food.



WNYCOSH

Allies with Western New York COSH rallied outside the Buffalo-area office of U.S. Rep. Chris Collins (R-NY) on the proposed slashing of the OSHA budget, drawing attention to how such cuts would impact vulnerable workers employed in dangerous jobs. They created a giant Jenga game in which each block represented a different public protection for workers and families. Speakers described the consequences of eliminating each of the programs or regulations and then removed the block representing their topic. Ultimately, the structure weakened and crashed to the ground.



## Companies receive millions in federal contracts despite violations of safety, wage laws

Violating labor law isn't enough to get some contractors kicked out of consideration for lucrative public contracts.

Over the last year, news reporters have highlighted a number of employers with startling records of worker injury and wage theft that continue to receive profitable federal contracts and generous state tax breaks. For example, at Reveal, Jennifer Gollan began digging into the safety records of private shipbuilders who reap millions in contracts with the U.S. Navy and Coast Guard, noting that President Donald Trump announced plans for a significant expansion of the Navy's fleet in his first weeks in office. According to Gollan, OSHA and the Navy have no formal system for sharing data on workplace incidents, and it's not even clear if Navy officials are aware of worker safety violations. When asked about the issue, Dale Eng, a spokesperson for the Navy division that oversees shipbuilding, told Reveal: "We are not the overlords of private shipyards when it comes to workplace safety."

Because the Navy can only rely on a handful of U.S.-based shipbuilders, and because those shipbuilders rely so heavily on federal contracts to be profitable, worker safety often gets lost in the equation. Gollan began the story with Bram Ates, who worked for VT Halter Marine Inc.'s shipyard in Escatawpa, MS. In 2009, he told two fellow workers to get out of an enclosed tank, where they had been sent to wipe down the inside of the ship hull with paint thinner. Before the workers could escape, a "fireball erupted," creating a boom heard miles away. Ates experienced third-degree burns over half his body; the two men he tried to save lost their lives. An OSHA investigation revealed that the shipbuilder had "sent its workers into what it knew was a potential death trap." How-

ever, months before OSHA had completed its investigation — but after the fatal incident had occurred — the Navy granted VT Halter Marine an \$87 million contract.

At ProPublica, Sean Kevin Campbell wrote about worker safety violators in New York who continue to receive state subsidies. His story began with Craig Bernier, 24, who worked bagging grain for Harbor Point Minerals in Utica, NY. In May 2011, his employer sent him inside the silo to help "walk down" the grain — a task which is prohibited by OSHA. The feed gave way, swallowing and suffocating Bernier. An OSHA investigation ended with 21 violations against Harbor Point, including acting with indifference to worker safety. That same year, Harbor Point received more than \$110,000 in state tax breaks; it received an additional \$71,000 in tax breaks in the next two years.

Campbell and colleagues found that Harbor Point was one of 74 companies in just one industry sector that got more than \$100 million in state and local subsidies over 10 years despite violations of health, safety, and environmental regulations. According to the article: "Even with the significant sums of money involved, state economic development authorities and local industrial development agencies do not comprehensively vet companies applying for assistance. By contrast, the economic development agencies of neighboring New Jersey and Connecticut conduct more thorough inquiries. Also, New York law does not prohibit the awarding of subsidies to firms with a history of regulatory violations or provide a mechanism to suspend or claw back subsidies if companies are cited by regulators once the money has started flowing."

A number of well-known companies are benefiting from such subsidies despite their questionable safety records. Campbell reported that Wegmans Food Markets received \$4.8 million in New York state subsidies between 2009 and 2014. The company has also been hit with more than \$500,000 in fines, most related to worker safety violations.

Unfortunately, reaping the benefits of public dollars while skirting labor law is much too common. At the Center for Public Integrity, Talia Buford and Maryam Jameel reported that thousands of contractors who receive tax dollars also break labor laws, with Department of Labor data showing that upwards of 70 percent of all cases brought against federal contractors and investigated by DOL officials since 2012 resulted in “substantive” violations.

Buford and Jameel examined data on more than 1,100 egregious violators in DOL’s Wage and Hour Division enforcement database as well as more than 300,000 contract records from the Treasury Department. They found that between January 2015 and July 2016, federal agencies either granted or modified \$18 billion in contracts to 68 contractors with records of wage violations. The Department of Defense did business with the most violators, who collectively owed \$4.7 million in back pay to thousands of workers. Among the 68 contractors who had broken wage law, the violations impacted about 11,000 workers nationwide.

According to the article: “Last fiscal year, the (DOL Wage and Hour Division) found 32,487 violations of the Service Contract Act, which sets prevailing wages and benefits for workers on most service contracts, and 12,567 violations of the Davis-Bacon Act. The Contract Work Hours and Safety Standards Act, which applies to construction contracts, accounted for 4,044 violations in 389 cases. In all, the division found, nearly 32,000 federal contract



Julie Demansky (with permission)

**Bram Ates talks outside his Lucedale, MS, home about the shipyard explosion that killed two co-workers and burned half of his body.**

workers were owed slightly more than \$50 million in back pay due to wage-law violations.”

President Barack Obama attempted to stop violators from enriching themselves on the public dime with the Fair Pay and Safe Workplaces executive order, which would have required prospective federal contractors to disclose wage or safety violations from the prior three years when applying for contracts of \$500,000 or more. However, a few months after taking office, Trump signed a bill killing Labor Department rules that would have implemented the order.

**Jennifer Gollan. “The deadly danger of Trump’s naval buildup Plan.” Reveal from the Center for Investigative Reporting, Feb. 10, 2017.**

<https://tinyurl.com/yanqvlvy>

**Sean Kevin Campbell. “Firms cited for safety violations still reap state subsidies.” ProPublica, March 27, 2017.**

<https://tinyurl.com/yard9299>

**Talia Buford and Maryam Jameel. “Workers cheated as federal contractors prosper.” Center for Public Integrity, April 6, 2017.**

<https://tinyurl.com/m2goxsj>





NETWORK WITH  
OSH ACTIVISTS

#COSHCON16

COSHCON 2016  
Luis Vazquez  
ICWIA



# Addressing Occupational Health and Safety at the State and Local Levels

Over the past year, OHS advocates applauded local prosecutors for directing attention to work-related fatalities. Cases in New York and Massachusetts resulted in criminal convictions of employers who knowingly failed in their duties to provide a safe workplace. The deaths of two workers in Boston led to an historic change in the city's permitting requirements, while the state of California adopted the nation's most progressive refinery safety regulations. COSH groups, worker centers, and local allies organized a record number of Workers' Memorial Day events, including commemorations at which the governors of Pennsylvania and Washington were the keynote speakers. Reporters with local and regional news outlets examined a range of worker safety topics, which are profiled in the Section III starting on page 33.

## Prosecutions for worker fatalities

### New York State v. Luke Park

New York Attorney General Eric Schneiderman brought felony charges in December 2016 against the owner of the Park Family Farm in Homer, NY, related to the death Alex Smith, 14. The teen was operating a skidloader to move hay bales in July 2016 when he was fatally injured. Child labor rules prohibit children and young teens from operating certain dangerous equipment. Schneiderman's investigation determined that Park also violated hours of work restrictions for minors and was paying workers off the books.

### Brooklyn, NY v. Michael Weiss

Following an investigation into the work-related death of Fernando Vanegaz, 18, the Brooklyn, NY, district attorney's office charged the laborer's employer with manslaughter, reckless endangerment, and other infractions. The May 2017 indictment alleges that Michael Weiss, 47, ignored workers' complaints about needing proper equipment to shore up an unstable wall on a construction project and told them they were working too slowly. The wall collapsed, burying the Ecuadorian immigrant and injuring two other workers. Weiss pleaded not guilty to all the charges and was released on bail.

According to the indictment, on Sept. 3, 2015, Weiss ignored the workers' repeated requests for the equipment, which is also required by OSHA. Vanegaz, who had been in the U.S. for less than a year, died in the trench collapse two others were injured.

### Suffolk County, MA v. Atlantic Drain Services

The Suffolk County district attorney charged Kevin Otto, the CEO of Atlantic Drain Services, with manslaughter for the October 2016 deaths of Kelvin Mattocks, 53, and Robert Higgins, 47. The two men died in a trench that flooded at an excavation site in South Boston. The district attorney also alleges that Otto misled investigators and tampered with records.

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## California

### Heat-illness prevention

In September 2016, Gov. Jerry Brown signed into law a bill requiring Cal/OSHA to propose a standard to address heat-related illnesses among workers in indoor settings. The law requires the agency to propose a rule by January 2019 to the Standards Board. Cal/OSHA prepared discussion drafts in February and May 2017, and received public comment on them. The rule would require employers to integrate a heat illness prevention plan into their injury and illness prevention programs. Prevention steps would include acclimatization procedures, cool-down rest breaks, and worker training. California already has a heat-illness prevention rule that applies to outdoor workers.

### Labor law compliance in nail salons

In September 2016, Gov. Jerry Brown signed legislation that requires the Board of Barbering and Cosmetology give nail salons written information on basic labor law protections in English, Korean, Spanish, and Vietnamese. The materials were available in July 2017. The law also requires that every electronic application to renew a salon license include a signed acknowledgement that the employer understands his or her responsibility to comply with labor laws. Lawmakers cited the 2015 *New York Times* investigation that found widespread abuse and wage theft in the nail salon industry.



Mai Dang's Fashion Nails in Berkeley, CA has been certified as a healthy salon since 2013.

### Farmworkers win overtime pay victory

In September 2016, Gov. Jerry Brown signed legislation expanding overtime pay protections for farmworkers. At the federal level, farmworkers are specifically excluded from overtime and pay protections in the Fair Labor Standards Act. The new California measure requires time-and-a-half pay for working more than eight hours a day and 40 hours a week in agriculture, phasing in overtime pay over four years beginning in 2019. Employers with 25 or fewer workers will have three additional years for phasing in the overtime rules. By 2022, the law requires double-time pay for a 12-hour work day. Previously, California law required overtime pay for farmworkers if they worked more than 10 hours a day or 60 hours a week.

### Workplace violence prevention

Cal/OSHA's Workplace Violence Prevention in Health Care rule took effect in April 2017. The standard, which applies to private health care facilities, requires hospitals and other health professional employers to develop violence prevention protocols and engage workers in the process. In particular, the rule calls on employers to conduct risk factor assessments and correct any hazards in a timely manner. Under the rules, employers would not be liable for every act of violence against a worker, but they could receive Cal/OSHA citations for violating protocol. In a news release from the California Nurses Association/National Nurses United, Bonnie Castillo, director of health and safety, said: "This is a landmark day for the entire country, as California has now set the bar with the strongest workplace violence regulation in the nation."

### Refinery safety rule

In May 2017, California adopted new rules strengthening workplace safety and health at oil refineries, providing a framework for anticipating, preventing, and responding to refinery hazards. They go well beyond what is



CSB board member Rick Engler and Cecelia Leto with New Jersey Work Environment Council at the USW HSE conference. (September 2016.)

required in any other state or by federal OSHA. The rules require employers to conduct reviews for equipment degradation and adequacy of staffing, as well as ensuring that workers have a meaningful role in safety decisions. Most provisions will be in effect by May 2019. The rule-making stemmed from the 2012 fire at Chevron's Richmond refinery and was supported by a broad coalition of environmental organizations and labor unions, led by the BlueGreen Alliance and the United Steelworkers.

## New wood dust standard

In early 2017, Cal/OSHA announced it was considering a revised proposal on occupational wood dust exposure. The revised measure would reduce the current permissible exposure limit by 60 percent compared to current state standards, or a change from 5 mg/m<sup>3</sup> to 2 mg/m<sup>3</sup>. Cal/OSHA had previously considered an even stricter revision, but the agency's Standards Board rejected that version. NIOSH recommends a wood dust limit of 1 mg/m<sup>3</sup>. The revised standard went into effect in July 2017.

## Colorado

### Injured worker protections

Gov. John Hickenlooper signed a bill in June 2017 to create a fund for injured workers whose employers did not carry workers' compensation insurance. Previously, monetary penalties of \$250 per day were assessed to

uninsured employers and placed in the state's general fund. The new separate fund will assist injured workers in paying for medical expenses and recouping lost wages.

## Iowa

### Workers' compensation

Lawmakers in Iowa pushed legislation during the 2017 session to reduce workers' compensation benefits for injuries tied to pre-existing conditions, minimize late fees for employers who don't pay benefits on time, limit how much attorneys can charge, and let employers deny benefits to an injured worker who tests positive for drugs or alcohol. Drug and alcohol testing could take place whether the substances were involved in the workplace incident or not. Gov. Terry Branstad signed the measures into law in March 2017 — the same day he signed a law blocking minimum wage hikes.

## Massachusetts

### Boston demands responsible contractors

The city of Boston adopted an ordinance in December 2016 that authorizes it to deny or delay construction permits based on safety concerns. Firms will have to swear and affirm information about their safety history, including OSHA violations, when they apply for a permit. The city will require corrective action or deny the permit altogether. MassCOSH, the Massachusetts Bar Association, and organized labor pushed lawmakers for the new law.

## Nevada

### OHS legislation

Gov. Brian Sandoval signed legislation in May 2017 that requires supervisors at sites where TV and films are being produced to complete OSHA 10-hour or 30-hour training classes. He also signed a bill mandating longer jail time for assaulting emergency medical person-





NYCOSH

Workers United uses street theatre about worker safety to organize in October 2016.

nel, firefighters, and peace officers. Sandoval vetoed legislation, however, that would have required a minimum of two certified employees aboard every freight train in Nevada. The Brotherhood of Locomotive Engineers and Trainmen as well as the International Association of Sheet Metal, Air, Rail and Transportation Workers campaigned for that bill.

## New York

### Violence prevention

In August 2016, Gov. Andrew Cuomo signed legislation protecting certain workers from work-related violence. In particular, the new law elevates assault on utility workers, station and terminal cleaners, and process servers from a misdemeanor to a class D felony. Similar protections had already been enacted to cover Metro Transportation Authority employees and emergency medical technicians. In signing the bill, Cuomo said: "These workers perform tasks that are vital to the operation of New York institutions and have increasingly become the targets of aggression and assaults.

Signing these measures into law will help better protect these employees."

### Construction worker safety

In May 2017, New York City Mayor Bill de Blasio signed into law a host of new regulations designed to improve safety in the construction industry. The rules follow news reports that construction worker fatalities and injuries have



NYC CLC Michel Friang

Israel Miranda of Local 2507 places flowers in honor of fallen workers, including EMT Yadira Arroyo, 44. In March 2017, she was fatally struck by her ambulance when it was hijacked.

increased substantially during the city's recent building boom. Among the provisions, new measures will require: the city's Department of Buildings (DOB) to notify federal OSHA about construction code violations that could endanger workers; DOB to list online incidents that have occurred on a construction site; construction superintendents to be at all major building projects over three stories high; certain types of cranes to be equipped with data-logging equipment to record operations and work conditions; and certain hoisting machine operators to receive a license rating to use cranes with a long boom or jib configuration.

## Ohio

### Workers' compensation

The state's House of Representatives passed legislation in May 2017 that would have prohibited undocumented workers from receiving workers' compensation. It would have also given immunity to employers for injuries suffered by an undocumented worker, except in cases when the worker can prove the employer knew his or her immigration status. Labor, immigrant rights, and worker safety allies, including Cincinnati Interfaith Workers Center, Catholic Charities, HOLA Ohio, and the National Employment Law Project, mobilized to successfully defeat the bill when it was considered in the state Senate.

## South Carolina

### Highway workers' safety

Gov. Henry McMaster signed legislation in June 2017 to increase penalties for motorists who speed or drive recklessly near highway workers and emergency personnel. Action on the bill was sparked by the March 2017 deaths of Anthony Redmond, 54, and Robert Clark, 64, who worked for the state's Department of Transportation. For several years, a similar bill had been stuck in the legislature, but lawmakers acted swiftly and unanimously following the March incident.



Rob Thompson, SC DOT.

South Carolina Secretary of Transportation Christy A. Hall greets family members before the ceremony.

## New paid leave laws

Over the last several years, NIOSH researchers and others have examined the intersections between paid leave and occupational health. Their findings include benefits for workers with respect to infectious disease spread, injury prevention, health screenings, and childhood vaccinations. Over the past year, more workers in the U.S. won paid leave protections, meaning they can better care for themselves or a family member when sick, visit the doctor when needed, or attend to other personal emergencies.

In November 2016, Arizona voters passed a ballot proposal for one of the most generous leave laws in the nation to date. It took effect in July 2017. No matter the size of the business, workers will accrue one hour of leave for every 30 hours worked. The maximum number of hours that can be accrued will depend on the size of the organization, but there is no waiting period before the benefit kicks in and no exceptions for part-time or temporary workers. The law also allows employers to pay employees for their unused leave.

In June 2017, lawmakers in the state of Washington passed a paid leave law that takes effect in January 2018. Both employers and employees will pay into a system that provides one hour of paid leave for every 40 hours worked. Exceptions apply to newly hired employees and for employers that already provide paid leave.





Rochefeller Family Fund

Commissioners in Cook County, IL, adopted an ordinance in October 2016 to require employers to provide earned sick leave. It took effect in July 2017 and provides for one hour of leave for every 40 hours worked for employees who have worked at least 80 hours within a 120-day period. At the urging of local chambers of commerce, however, more than 80 percent of municipalities within the county “opted out” of the mandate. Cook County commissioners are examining legal options to challenge the municipalities’ authority to opt out.

The city of St. Paul became the second one in Minnesota to require employers to provide paid leave to workers. The bill passed the city council in August 2016 and took effect on July 1, 2017. Workers will accrue one hour of leave for each 30 hours worked, can accumulate up to 48 hours per year, and can roll over as much as 80 hours from year to year. The leave benefit applies to full-time, part-time, and temporary workers.

Restaurant owner Eric Foster served on the task force that advised the St. Paul City Council on the paid leave ordinance. He told the *Minneapolis Post*: “Obviously no one wants people preparing their food to be sick, and I don’t want workers to choose between coming to work sick and hiding that from me or losing their car or their homes or not being able to pay rent.”

These new paid leave laws join others already on the books in California, Connecticut, the District of Columbia, Massachusetts, and Oregon, and in other jurisdictions.

## Workers’ Memorial Week 2017

During the week of April 22-29, COSH groups, labor unions, worker centers, and allied organizations held events to commemorate International Workers’ Memorial Day. Vigils, rallies, and other events were held in 100 cities across the U.S.

For the 29th year, PhilaPOSH and the AFL-CIO hosted an observance that included a processional march to Penn’s Landing on the Delaware River. More than 300 marchers participated. The keynote speaker was Pennsylvania Gov. Tom Wolf, who called workplace safety a “primary civil right” and announced he would sign legislation to extend health and safety protections to the state’s public-sector workers.

In Washington state, Gov. Jay Inslee spoke at an event hosted by the state’s Department of Labor & Industries. Inslee noted that family members help to improve worker safety by advocating for better laws. The governor recognized Tina Meyer, the mother of 23-year-old Cody Meyer, who was struck by a vehicle while working on a roadway project. Earlier that year, Ms. Meyer testified in support of anti-distracted driving legislation. It was later approved by the state legislature and took effect in July 2017.

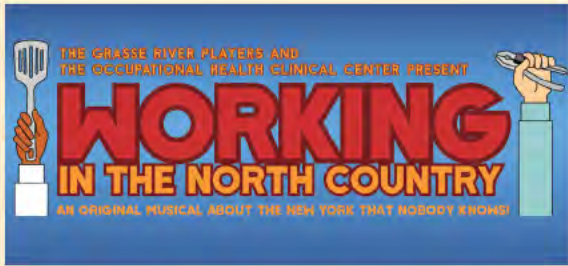
The diversity of speakers, locations, activities, and organizers was as broad as the workers who were remembered at the events. A small



New Labor

Members of New Labor march in New Brunswick, NJ on Sunday, April 23, 2017 to mark the beginning of Worker Memorial Week.





sample of the events included prayer services in Baltimore, MD, and Erie, PA; breakfast gatherings in Augusta, ME, Duluth, MN, and Linwood, PA; press conferences in Raleigh, NC, and Los Angeles and Oakland, CA; safety training workshops in Lincoln, NE, Providence, RI, and Garland, TX; labor history lectures in Iowa City, IA, Bisbee, AZ, and St. Paul, MN; and government proclamations in Lancaster, KY, Baton Rouge, LA, York, PA, El Paso, TX, and La Crosse, WI.

Particularly memorable was an original theatrical production written and performed specifically for Workers' Memorial Day. The Occupational Health Clinical Center (OHCC) of the North Country and the Canton-based Grasse River Players presented "Working in the North Country." The musical is based on interviews with 20 workers employed in construction, farming, social assistance, and other jobs in upstate New York. It was written and directed by Karen Wells and produced by the OHCC's outreach coordinator, Relani Prudhomme. The musical is "a celebration of work in the north country," Prudhomme told the *Watertown Daily Times*. "It is also an awareness-raising piece of art to help people realize some of the challenges these people go through. They are the people who really keep the community ticking."

The following groups issued reports as part of their Workers' Memorial Day commemorations:

**Central New York Occupational Health Clinic.** "At all costs: Workers' Memorial Day 2017."

<http://bit.ly/2tr46sy>

**MassCOSH.** "Dying for work in Massachusetts: Loss of life and limb in Massachusetts workplaces."

<http://bit.ly/2usADyj>

**National COSH.** "The dirty dozen: Employers who put workers & communities at risk."

<http://bit.ly/2gLvSdB>

**South Florida COSH.** "Dying for work in Florida, 2017."

<http://bit.ly/2tjYXCB>

**Worksafe.** "Dying for work in California: The hidden stories behind the numbers."

<http://bit.ly/2t8Qdex>

Noteworthy coverage of the Workers' Memorial Day events in 2017 included:

**Jane Von Bergen.** "A day to weep for those who died at work." *Philly.com*, April 28, 2017.

<http://bit.ly/2vk84U7>

**Nicole Estaphan.** "Calls for change at Workers' Memorial Day in Boston." *WCVB ABC Channel 5*, April 28, 2017.

<http://bit.ly/2w8rusm>

**Drew Mikkelsen.** "Worker Memorial Day honors those killed on the job." *King5.com*, April 28, 2017.

<http://kng5.tv/2w8uzJg>

**Josh Nguyen.** "34th annual Workers' Memorial Day held Friday." *NBC Channel 13-Des Moines*, April 28, 2017.

<http://bit.ly/2u6MkJ>


**Shandra Martinez.** "Why so many workers are falling to their deaths in Michigan." *MLive*, April 29, 2017.

<http://bit.ly/2ps7L47>



Loyda Alvarado with the National Day Laborer Organizing Network speaks at a Workers' Memorial Day press conference. (Behind L-R) Hector Saldivar with the California Federation of Labor and David Huerta with SEIU United Service Workers West.



A woman with curly brown hair, wearing glasses and a colorful patterned scarf, is smiling and holding a yellow sign. The sign contains handwritten text. The background shows a long, brightly lit hallway with other people and tables, suggesting a conference or event setting.

I Am here to Be  
inspired, educated &  
supported to keep doing  
this crucial work.

#COSTA CON 16

# News Coverage of Worker Health and Safety Topics

Investigative reporters were busy over the last year examining a wide range of occupational health and safety issues. Several teams of journalists from regional media outlets wrote multi-part series on dangerous conditions and limited oversight in the oil and gas industry. Others reported on unaddressed hazards for firefighters and dangers for workers and communities posed by tank cleaning businesses. Low penalty amounts for safety violations were the subject of stories by reporters in Arizona and Ohio. The Center for Public Integrity, National Public Radio, and ProPublica continued to support journalism on worker safety and labor rights topics, including investigations into the epidemic of black lung among U.S. coal miners and exploitation of immigrant workers in poultry slaughtering plants. Our picks for the best OHS reporting from the last 12 months are profiled below.

## Workers' comp failing California workers

In a three-part investigation into the California workers' compensation (WC) system, reporters at NBC Bay Area began their series with the story of injured firefighters denied WC benefits. According to Liz Wagner, Michael Bott, and Jeremy Carroll, since 2014, 68 firefighters in San Jose, CA, have filed complaints that they were denied medical benefits. More specifically, the complaints say that the private company contracted to handle the city's injured workers claims, Athens Administrators, improperly rejected medical requests. The city ultimately intervened, overturning 95 percent of the denials.

The second in the series interviewed workers and doctors who said the California WC system drags out medical care. Wagner, Bott, and Mark Villarreal write: "Anecdotally, injured workers and their doctors say denials of medical treatment are at an all-time high. But the fact is there is no way to evaluate how well the system is actually working." In the last story, reporters examine the barriers that injured workers face in trying to appeal denials through the WC system. As of 2013, injured workers in California can no longer make an appeal in front of a judge; instead, the state contracts with a private, for-profit company to handle the appeals.

Liz Wagner, Michael Bott, Jeremy Carroll, and Mark Villarreal. "Dozens of injured San Jose firefighters denied workers' comp treatment." NBC Bay Area, Aug. 13, 2016.

<https://tinyurl.com/hsksm2m>

"Workers' comp drags out medical care, injured workers and their doctors say." NBC Bay Area, Aug. 22, 2016.

<https://tinyurl.com/jyklud3>

"Injured workers face stacked deck during workers' comp appeals process, critics say." NBC Bay Area, Aug. 24, 2016.

<https://tinyurl.com/yd8u2tmn>

## Abuse in Los Angeles restaurants

Between January 2013 and May 2016, California officials awarded \$6.7 million to Los Angeles-area restaurant workers who had filed wage theft complaints against their employers, according to a KCRW investigative series on working conditions inside the Los Angeles restaurant industry. However, as of the story's publication, most had not yet received the wages they were owed. Beyond wage theft, the series also interviewed workers who experienced preventable injuries, sexual assault, and human trafficking. Karen Foshay interviewed workers forced to keep prepping food even with bloody knife cuts; workers suffer-



ing with painful varicose veins from standing for hours without breaks; and workers who experienced years of urinary tract infections after being discouraged from taking bathroom breaks.

Karen Foshay. "Burned: Abuse in LA's restaurant industry." KCRW, Aug. 2016.

<https://tinyurl.com/y7e46l83>

## Drilling through danger in Colorado

In their "Drilling through Danger" series, Monte Whaley and John Ingold investigated worker safety in Colorado's oil and gas sector, finding that, on average, one oil and gas worker died every three months over a 12-year span. The year-long investigation found a "regulatory vacuum" regarding the state's oil and gas industry, leading to small employer penalties for lapses in worker health and safety. In fact, they found that in the previous 15 years, only once did an oil and gas company pay a fine of more than \$50,000 for a safety violation; instead, oil and gas companies have been able to negotiate their way out of more than \$1 million in safety violation fines.

Part of the newspaper series also focused on the industry's subcontracting practices. Reporters found documentation for 38 worker deaths in Colorado's oil and gas industry between 2003 and 2014, with 34 of those deaths involving subcontractors. Such arrangements, they wrote, often serve to protect parent companies from any liability for worker safety violations. And, unfortunately, state regulators don't even have real authority to punish companies with repeated worker safety violations, with many worker deaths simply going undocumented. Colorado is one of a few states that does not participate in the Bureau of Labor Statistics' program to collect data on worker injuries. Whaley and Ingold write: "In Colorado, there is no commission devoted solely to worker safety, no agency that warns lawmakers about trends in worker deaths and no researchers who cull data on all workplace injuries."



Legacy.com/Shane Charles Hill

Shane Hill with his wife Sharon prior to his death on an oil rig in 2014. His fatality is featured in the *Denver Post*'s series "Drilling through Danger."

Monte Whaley and John Ingold. "Drilling through danger." *Denver Post*, Sept. 2016.

<https://tinyurl.com/zzy9hdv>

## Abuse rampant for New Jersey's temps

New Jersey's temporary staffing industry is growing so big the state is now home to one of the largest concentrations of temp workers in the country, according to reporter Kelly Heyboer. In her "Invisible Workforce" series, Heyboer writes that the demand for blue-collar temp workers has actually led to "temp towns" — New Jersey communities filled with dozens of small temp agencies and neighborhoods full of temp workers. However, "temp town" workers — similar to temp workers across the nation — often report abusive and illegal labor practices, from wage theft and discrimination to unsafe work conditions and exploitation.

In interviews with dozens of New Jersey temp workers, Heyboer, with help from Reveal at the Center for Investigative Reporting, found widespread racial discrimination; rampant gender discrimination in which women are often

paid less than men; little, if any, worker safety training; and several temp agencies operating without the proper license.

Kelly Heyboer. "The invisible workforce." NJ Advance Media, Sept. 2016.  
<https://tinyurl.com/yahqg4z4>

## Deplorable conditions for migrant farm workers

Despite their billion-dollar portfolios, agricultural giants DuPont and Monsanto routinely hire labor recruiters that pack migrant agricultural workers into unsafe and unsanitary housing conditions. In his investigative story, Robert Holly, with the Midwest Center for Investigative Reporting, found that state inspectors visiting migrant labor camps find violations more than half the time. The Midwest Center built a public database of inspection records containing more than 1,900 violations across nearly 500 facilities in Illinois, Indiana, Iowa, Missouri, Michigan, Ohio, Texas, and Wisconsin between 2012 and 2016. Among the housing conditions detailed in the new database: black mold, bug infestations, overflowing sewage, broken doors and showers, and inadequate laundry facilities.

Robert Holly. "Inside DuPont and Monsanto's migrant labor camps." Midwest Center for Investigative Reporting and *In These Times*, Sept. 20, 2016.

<https://tinyurl.com/hhyk7jq>



Migrant farmworker Baltazar Arvizu, 50, said some housing camps in the U.S. are like "barns for animals."



Fotolia

## Fatal echoes: firefighter deaths

In an in-depth investigative series into why and how firefighters die on the job, reporters at the *Kansas City Star* interviewed firefighters in Texas, Georgia, Alabama, New York, Maryland, and Washington, D.C.; analyzed hundreds of federal and state fatality reports; and pored over years' worth of federal workplace safety inspection records. The investigation found that hundreds of firefighters lost their lives and thousands were injured in incidents that bore striking similarities over and over again, leading reporters to write that "firefighters paid the price when fire departments didn't learn from others' mistakes." While it's hard to know exactly why many firefighting agencies neglect to follow recommended best practices, the investigation yielded some possible answers: no national training requirements, complacency within firefighting departments, little regulatory oversight, budget constraints that affect staffing levels, and poor judgment on the ground.

But because local fire departments are not subject to federal workplace safety regulations and states have done little to fill in that gap, there's not much recourse available for the families of firefighters who've died on the job. According to reporters Mike Hendricks and Matt Campbell: "That lack of accountability, especially on the regulatory front, officials inside and outside government say, hampers efforts to prevent injuries and line-of-duty deaths." Another factor underlying firefighter safety, the newspaper reported, is a work



culture that “too often celebrates heroism at the expense of safety.” The articles also demonstrate that efforts to improve safety are far from universally accepted in the field.

Mike Hendricks and Matt Campbell. “Fatal echoes.” *Kansas City Star*, Dec. 2016.

<https://tinyurl.com/yavowhol>

## Worker safety at Blue Apron

A BuzzFeed News investigation into Blue Apron, a billion-dollar food startup that boxes and ships all the ingredients people need to make a meal, finds that the desire to scale up as quickly as possible is resulting in injured workers, threats of workplace violence, and unsafe working conditions. In the 38 months since Blue Apron opened a fulfillment center in Richmond, CA, the local police department has received calls twice about weapons, three times for bomb threats, and seven times for assault. According to reporter Caroline O’Donovan, employees have reported being punched, choked, groped, pushed, and bitten. In 2015, inspection by Cal/OSHA resulted in nine violations and more than \$11,000 in penalties for conditions that put workers at risk of broken bones, chemical burns, and more. At the time, it meant Blue Apron had racked up the most OSHA violations in the meal-kit startup industry.

Caroline O’Donovan. “The not-so-wholesome reality behind the making of your meal kit.” *BuzzFeed News*, Oct. 2, 2016.

<https://tinyurl.com/y9shrp9c>

## Life of an injured worker

Heather Richards chronicled the risks of working in Wyoming’s oil and gas fields through the experiences of Malco Bielefeld, a 13-year veteran in the industry who was struck with blocks falling from a workover rig. The incident fractured parts of his spine; broke both shoulder blades, his collarbone, and his right arm; and caused painful nerve damage at the base of his neck. Richards writes: “A year ago, Bielefeld was a tough guy, pulling big paychecks. He had a nice home in Evansville,

where he lived with his wife’s son, whom Bielefeld had partially raised. Now, his life revolves around physical therapy and the boy’s school day. He moves slowly as if he’s afraid a sudden movement will hurt.”

Heather Richards. “After the oil fields, an injured worker faces the unknown.” *Casper Star Tribune*, Oct. 15, 2016.

<https://tinyurl.com/yd3mfhfa>

## Chemical safety series showcases risks to Houston

Our 2016 yearbook described a four-part *Houston Chronicle* series on chemical safety. This past year, the *Chronicle* continued its investigative “Chemical Breakdown” series with parts five through eight. The fifth article took a deeper look at the U.S. Chemical Safety Board (CSB) and the workers and families who live with the consequences of chemical safety failures. Susan Carroll wrote: “[Former CSB board member Beth] Rosenberg ... said it was clear to her that the agency would never have enough resources to investigate every serious accident. The CSB has only 20 investigators and a 2016 budget of \$11 million. Rosenberg... wanted the agency to take a scientific approach and analyze the causes of fatal accidents to see if patterns emerged. Other board members, she said, seemed more interested in investigating only the accidents that attracted the most publicity.”

The series went on to report that fire departments in Houston have little idea where most hazardous chemicals are, with less than a quarter of hazardous materials facilities with permits having been inspected. The lack of inspections is particularly worrisome because Houston zoning rules allow for hazardous materials next to houses. The seventh story in the series investigated hazardous chemical transportation routes through the city of Houston, noting that about 400 trucks per day loaded with dangerous chemicals — such as chlorine, butadiene, and formaldehyde — join the city’s bumper-to-bumper traffic, driving within a mile of popular public destinations. Houston





United Steelworkers

USW Local 12-591 staffs the Tesoro refinery in Anacortes, WA. The 2010 explosion at the plant was the subject of reporting by the Center for Public Integrity.

is one of many Texas cities with no designated routes for hazardous chemicals, which may explain why Texas leads the country in deaths, injuries, and evacuations related to hazardous chemical transportation.

The final story in the “Chemical Breakdown” series explores how the chemical industry fought back against additional safety regulations after President Obama called for sweeping overhauls in response to the 2013 West, TX, fertilizer plant explosion that killed 15 people. According to the story: “The prevention of chemical disasters remains governed by a tattered patchwork of regulations administered by agencies that have neither the staff nor political support to enforce or improve upon them. And the public has been left largely in the dark about what goes on at facilities that might endanger their lives.”

Susan Carroll, Matt Dempsey, and Mark Collette. “Deadly accidents, no answers.” *Houston Chronicle*, Aug. 28, 2016.

<https://tinyurl.com/yd98qyqc>

“A dangerous job made more dangerous.” *Houston Chronicle*, Sept. 18, 2016.

<https://tinyurl.com/h89rl3m>

“Bad Mix: Risky cargo in dense areas.” *Houston Chronicle*, Nov. 13, 2016.

<https://tinyurl.com/ycxeomh6>

“How an industry thwarted Obama, even after tragedy.” *Houston Chronicle*, Nov. 17, 2016.

<https://tinyurl.com/ycv2s9jq>

## Refinery incidents underscore safety gaps

As part of its “Carbon Wars” series, the Center for Public Integrity (CPI) delved into worker safety at the nation’s oil refineries, focusing on the 2010 explosion at a Tesoro Corporation refinery in Anacortes, WA, that killed seven workers. Washington state labor officials investigated and proposed a record fine against the company, noting it “disregarded a host of workplace safety regulations, continued to operate failing equipment for years, postponed maintenance [and] inadequately tested for potentially catastrophic damage.”

CPI’s Jim Morris reported that more than 500 refinery incidents have been documented by federal officials since 1994 — the Anacortes explosion happened five years after a BP refinery explosion in Texas that killed 15 workers, two years before a Chevron refinery fire in California sent a plume of smoke and ash over the neighboring community, and five years before an explosion at an ExxonMobil refinery in California “unleashed a ground-hugging cloud of deadly acid into a city of almost 150,000 people.”

Morris writes: “Steve Garey, who retired from the Anacortes refinery in 2015 after almost 25



Josh Rushing, Al Jazeera English/Center for Public Integrity

Paul and Shauna Gumbel at their home in Oak Harbor, WA. Their 34-year-old son Matt Gumbel succumb to injuries suffered at the Tesoro refinery explosion in 2010.

years and served as president of the United Steelworkers local, said that while some positive changes were made after the 2010 accident, upper management at Tesoro remains 'contemptuous' of its work force and is 'hiding behind incredibly permissive process safety regulations.'"

**Jim Morris.** "Get someone up here. We're all dying." Center for Public Integrity, Dec. 13, 2016.

<https://tinyurl.com/ydf8zjtp>

## Epidemic of black lung disease

The government's tally of the most severe form of black lung disease comes from a National Institute for Occupational Safety and Health (NIOSH) X-ray screening program for coal miners. Since 2010, the agency reports 99 cases of progressive massive fibrosis (PMF) diagnosed in the U.S. Appalachian region. An investigation by Howard Berkes at NPR, in collaboration with Jeff Young and Benny Becker of Ohio Valley ReSource, identified nearly 2,000 PMF cases during the same time period. They assembled data from 17 black lung clinics in Kentucky, Ohio, Pennsylvania, Virginia, and West Virginia. The patients included those who were newly retired or laid off due to reduced demand for coal, and workers not necessarily inclined to participate in the NIOSH screening program. An unusually high number of cases were detected among miners younger than 55, including Mackie Branham, 39, of Elkhorn Creek, KY. Becker produced an audio profile of Branham, who suffers from complicated black lung disease. Branham struggled to breathe throughout the interview. Clinic staff and former coal miners explain possible causes for the epidemic of PMF. NIOSH launched a special study of the problem after being contacted in June 2016 by a radiologist in Pike County, KY, who reported a sharp increase in the number of new PMF cases.

**Howard Berkes.** "Advanced black lung cases surge in Appalachia." NPR, Dec. 15, 2016.

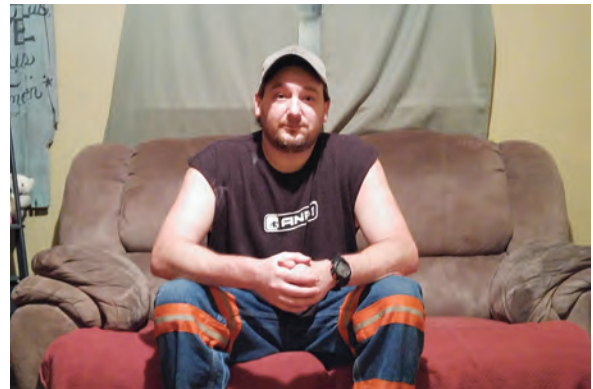
<http://n.pr/2hAxIT2>

**Benny Becker.** "Fighting for breath: black lung's deadliest form increases." Ohio Valley Resource, Dec. 16, 2016.

<http://bit.ly/2h9nksD>

**Howard Berkes.** "NPR continues to find hundreds of cases of advanced black lung." NPR, July 1, 2017.

<http://n.pr/2sxoCSQ>



Benny Becker/Ohio Valley ReSource

**Mackie Branham, Jr.,** was diagnosed with the complex form of black lung at age 38.

## Poultry workers injured and exploited

At ProPublica, Michael Grabell tells the story of how poultry processor Case Farms, one of the most dangerous workplaces in America, takes advantage of immigrant workers. In 2015, the company faced nearly \$2 million in worker safety fines and in the last seven years, it's been cited 240 times. Former OSHA administrator David Michaels called Case Farms "an outrageously dangerous place to work." Grabell writes: "While the president stirs up fears about Latino immigrants and refugees, he ignores the role that companies, particularly in the poultry and meatpacking industry, have played in bringing those immigrants to the Midwest and the Southeast."

Grabell toured the Case Farms plant in Canton, Ohio, taking readers through the entire process, from catching a live chicken to getting it ready for market. Case Farms officials say their line speed is about 35 birds a minute; workers say it's closer to 45. Because of the



high-speed repetitive tasks, meat and poultry workers experience a carpal tunnel rate nearly 20 times higher than workers in other sectors. On its history with immigrant workers, Grabell reports that a Case Farms official in 1989 had gotten a tip about Mayan refugees in Florida who had fled the brutal civil war in Guatemala; he eventually recruited many to work at the poultry plant. Grabell quoted that official, who died in 2014: “I didn’t want [Mexicans]. Mexicans will go back home at Christmastime. You’re going to lose them for six weeks. And in the poultry business you can’t afford that. You just can’t do it. But Guatemalans can’t go back home. They’re here as political refugees. If they go back home, they get shot.”

Michael Grabell. “Sold for parts.” *ProPublica*, May 1, 2017.

<https://tinyurl.com/kfw3uut>



Alisa Olvera participates in a demonstration at the Case Farms poultry plant in Morganton, NC in August 2017. Olvera is with Brazos Interfaith Immigration Network, Centro de Derechos Laborals in Bryan, TX.

## Arizona slashes safety penalties

An *Arizona Daily Star* investigation found that the state’s Industrial Commission routinely cuts penalties for worker safety violations — cuts that federal OSHA officials said “often appear to lack clear justification.” Emily Bregel reported that Industrial Commission officials voted to reduce proposed penalties in more than half the cases reviewed in 2016. In response to the newspaper’s inquiries, federal OSHA began monitoring the commission’s meetings. Bregel reported: “The average penalty for workplace

incidents in which someone was killed was \$2,759 — 70 percent lower than the national average of \$9,271.”

In a follow-up story, Bregel reported that a federal OSHA investigation found the Industrial Commission’s habit of “arbitrarily” cutting employer penalties is not allowed under existing policy. OSHA also found the commission “has been operating outside of its legal authority” when reclassifying the severity of worker safety violations.

Emily Bregel. “Penalties for workplace safety violations get extra cuts in Arizona.” *Arizona Daily Star*, Dec. 17, 2016.

<https://tinyurl.com/y9dwq8dq>

“Arizona commission improperly slashes workplace safety penalties, feds say.” *Arizona Daily Star*, May 16, 2017.

<https://tinyurl.com/ybwapz9m>

## Few hefty fines in Ohio

An investigation into workplace deaths in Ohio found that employers typically either contested OSHA citations or paid fines of less than \$40,000, which means such employers often faced fines less than those levied for nonfatal incidents. For the *Dayton Daily News*, Kara Driscoll reported that since October 2015, at least 44 Ohio workers lost their lives on the job and several of the companies involved were given initial fines of less than \$40,000. For example, a worker at Granger Plastics Company in Middletown, OH, was killed after being crushed between a molding machine and a forklift. The initial proposed penalty was around \$32,000. In comparison, the Cincinnati-based grocer Kroger Company faced penalties of more than \$45,000 after a worker’s fingertip was amputated in a butchering machine.

Kara Driscoll. “Workplace deaths don’t always lead to hefty fines.” *Dayton Daily News*, Feb. 10, 2017.

<https://tinyurl.com/y8kldwr6>



## Reporters uncover patterns of harassment, violence in male-dominated industries

From the federal government to the marijuana fields of northern California, reporters chronicled the working conditions that put women's lives and livelihoods at risk.

At *The Atlantic*, Lyndsey Gilpin investigated sexual harassment inside the National Park Service (NPS), beginning with the story of "Olivia." In 2010 at age 20, Olivia began an internship at Death Valley National Park in California. Three weeks into the job, a Park Service colleague attempted to flirt with her; after she rejected his advances, he pinned her down on the floor. Fortunately, she was not raped. However, stories like Olivia's aren't entirely uncommon inside NPS. According to Gilpin, more than 60 current and former NPS workers contacted *High Country News* in 2016 with stories of sexual harassment, highlighting the agency's failure to act to protect its women employees. Gilpin described a number of factors inside NPS that perpetuate the problem, including "a murky internal process for reporting and investigating complaints; a longstanding culture of machismo that dates to the agency's foundation; and a history of retaliation against those who speak out."

The story also highlighted the complexities of bringing a sexual harassment complaint within a federal agency. For example, the Equal Employment Opportunity Commission (EEOC) has a reporting deadline of 45 days after an incident occurs, even though "victims of sexual harassment, assault or rape commonly wait months or years to report their experiences," Gilpin wrote. In addition, victims of sexual harassment may not know how to report the incident, and those tasked with addressing such complaints often lack sufficient training. Gilpin noted that there are 47 equal employment opportunity counselors nationwide to help NPS's 23,000 employees.

And full equality with the NPS is actually fairly young, as Gilpin wrote: "When the Civil Rights Act forbade sex discrimination in 1964, the agency was forced to allow women to receive training and become park rangers. But even then, they were called ranger-historians or ranger-naturalists. Only in 1971 were female employees allowed to have law enforcement training, carry guns and be considered 'real' park rangers."

Sexual harassment in another traditionally male-dominated industry — trucking — was the focus of an investigative piece in *Mary Review*. Writer Mary Pilon began with the story of Cathy Sellars, who worked for trucking company CRST and had come forward with a number of disturbing harassment complaints, from putting up with sexualized comments from male drivers to another driver masturbating in front of her in the back of a truck cab.

Unfortunately, accountability for sexual harassment within the industry — which is overwhelming male — is sparse. Pilon reports that in the last 20 years, hundreds of women have brought gender discrimination complaints against trucking companies, with EEOC records showing 414 complaints between 2005 and 2015 — "a noteworthy number considering the low proportion of women in the industry." About two-thirds of those complaints included retaliation as a result of reporting workplace harassment. For CRST, in particular, about 270 women brought a suit against the company in 2007, with lawyers describing a "chronic pattern of sexual harassment and sexual assaults by male co-drivers and trainers against women drivers." A judge ultimately dismissed the case. But in an appeal, half of the 72 women who complained to CRST in 2005 said their male colleague propositioned them for sex and nearly two-thirds said male colleagues either raped them, threatened

to rape them, sexually assaulted them, or touched them inappropriately.

In an April 2017 update to the story, Pilon reported that a federal judge had certified two classes of female truck drivers in a case against CRST, which is based in Cedar Rapids, IA. Pilon wrote the decision was “rare in that it certified a hostile work environment in spite of the class members not sharing a workspace nor did the drivers in the case state they were harassed by the same individuals or share the same supervisors.”

From legitimate industry to one that often works in the shadows, Shoshana Walter at Reveal investigated abuse and trafficking in the northern California marijuana-growing industry — a region known as the Emerald Triangle. During months of reporting in the region, Walter found dozens of accounts of sexual exploitation, abuse, and trafficking, with victims’ advocates reporting that the problem is much larger than people realize and getting even bigger.

Walter reported that the number of “trim-migrants” — people who travel to the region during harvesting season — who go missing is becoming too much for local law enforcement to handle. In 2015, Humboldt County, CA, reported more than 350 missing people. For example, Walter wrote: “When an artist from San Francisco disappeared in the Humboldt County town of Garberville last harvest season, her mother and roommate filed a missing persons report. Months later, she resurfaced to tell her family she had been held against her will on a marijuana farm, drugged and sexually abused. She never formally reported her abuse.”

The risks of taking a job as a female trim-migrant are compounded by an unease of involving law enforcement. According to the story, in one survey of about 200 homeless people in the area, many were former trim-migrants forced to work on marijuana farms without pay and forced to perform sexual acts. In response to Reveal’s investigation, a state



National Park Service.

This female park ranger was not a subject in the reporting by Lyndsey Gilpin for *The Atlantic* on sexual harassment in the National Park Service.

legislator introduced a bill in 2017 that would require marijuana growers to train employees on worker safety and sexual harassment. California voters approved legalized recreational marijuana in 2016.

Lyndsey Gilpin. “The National Park Service has a big sexual harassment problem.” *The Atlantic*, Dec. 15, 2016.

<https://tinyurl.com/ya3x7w7k>

Mary Pilon. “Surviving the long haul.” *Mary Review*, July 2016.

<https://tinyurl.com/y7sv238w>

Mary Pilon. “A big win in court for female truck drivers in sexual harassment case.” *Investigative Fund*, April 11, 2017.

<https://tinyurl.com/yby3m66u>

Shoshana Walter. “In secretive marijuana industry, whispers of abuse and trafficking.” *Reveal from the Center for Investigative Reporting*, Sept. 8, 2016.

<https://tinyurl.com/jdzb8as>

Shoshana Walter. “New bill would require pot worker training in safety, sexual harassment.” *Reveal from the Center for Investigative Reporting*, April 24, 2017.

<https://tinyurl.com/y77pxzz>



## Reconditioning plants disregard worker safety

A *Milwaukee Journal Sentinel* investigation into a group of industrial drum reconditioning plants found the facilities often disregard common safety practices associated with handling hazardous materials, putting workers, the environment, and nearby residents at serious risk. Workers have experienced chemical-related burns and injuries due to exploding barrels, as well as various respiratory and health problems. The plants in question were all operated by Container Life Cycle Management, of which the company Greif Inc. is a majority owner. The newspaper investigation was based on hours of audio recordings with plant managers and workers, safety audits, injury reports, lawsuits, and federal and state regulatory records.

Among those interviewed in the article was safety consultant Will Kramer, who blew the whistle on conditions inside the plants after seeing what “appeared to be violations of environmental laws and serious threats to workers and nearby residents.” At the time, Kramer began secretly recording conversations from a Greif Inc. safety manager, who said his corporate supervisors refused to act on his warnings that the plant’s disregard for chemical safety practices could lead to disaster. At one point, the Greif safety manager spoke candidly about letting workers routinely mix together random chemicals from containers brought in for re-furbishing: “One of these days ... that mother is going to blow up. And when that happens, everybody is going to be sorry.”

Raquel Rutledge and Rick Barrett. “Burned.” *Milwaukee Journal Sentinel*, Feb. 15, 2017. <https://tinyurl.com/yaeo44dq>

## Dangers in Alabama’s auto parts boom

Alabama is experiencing an auto manufacturing boom, but its workers are facing the harsh consequences of competing against low-wage workers across the world. In a look inside the American South’s auto parts manufacturing

surge, *Bloomberg’s* Peter Waldman found that employees “work ungodly hours, six or seven days a week, for months on end. Pay is low, turnover is high, training is scant, and safety is an afterthought, usually after someone is badly hurt.” In 2010, workers in Alabama’s auto parts plants had a 50 percent higher illness and injury rate than in the U.S. auto parts industry in general. Korean-owned auto part plants in Alabama have the most worker safety violations — 36 percent of all infractions and 52 percent of total fines between 2012 and 2016.



Regina Elsea, 20, was fatally injured in 2016 at the Ajin USA plant in Cusseta, AL, just two weeks before her wedding day.

Among the worker stories was 20-year-old Regina Elsea, who worked for the South Korean auto parts company Ajin USA in Cusseta, AL. In summer 2016, Elsea attempted to fix a jammed assembly line machine herself after maintenance workers failed to show up. While Elsea was trying to fix the problem, the machine came back to life, fatally crushing Elsea against a steel dashboard frame and impaling her with welding tips. Rescue workers locked out the machine’s emergency power switch — a basic worker safety technique that OSHA later determined Ajin hadn’t trained its workers how to do.

Waldman reported: “Ajin had settled other OSHA violations a month before Elsea was killed. Eight workers had fingers crushed or fractured in recent years in welding machines. After the first seven injuries, Ajin’s safety manager recommended installation of a ma-

chine controller called Soft Touch, which slows welding electrodes and stops them from closing together if a finger is detected. Nothing happened. Then an eighth worker smashed his thumb. For the unsafe welding machines, OSHA fined Ajin a total of \$7,000.”

Peter Waldman. “Inside Alabama’s auto parts boom: Cheap wages, little training, crushed limbs.” *Bloomberg*, March 23, 2017.  
<https://tinyurl.com/kjmsgjj>

## “Rigged”: Exploitation of truck drivers

Truck drivers carrying goods from the ports of Los Angeles and Long Beach handle half of all imports sold in stores in the U.S. Interviews and labor commission records involving more than 300 drivers reveal a modern-day indentured servitude. The largely immigrant drivers are forced to work hundreds of hours per week in violation of DOT safety rules, and are often deep in debt because of “rent-to-own” arrangements on their trucks. The two-part series shares the experiences of ten drivers and the forms of retaliation endured for speaking up about wage theft and safety risks from excessive work hours. Target, Costco, Home Depot, and other retailers whose goods are transported through the ports contend they are not responsible for the labor practices of the trucking companies.

Brett Murphy. “Forced into debt. Worked past exhaustion. Left with nothing.” *USA Today*, June 16, 2017.  
<https://usat.ly/2ry2wnV>

“Retail giants enable trucker exploitation.” *USA Today*, June 29, 2017.  
<https://usat.ly/2ts4m9W>

## Chipmakers export reproductive toxins

Firms in the U.S. semi-conductor industry phased out the use of ethylene glycol ethers (EGEs) in the 1990’s after studies they funded showed a serious risk of miscarriage in their largely female workforce. Chemical companies, however, continued to sell their EGE formulations to chipmakers in Asia. Heroes in the story include U.S. epidemiologist Harris Pastides and Korean physician Kim Myoung-hee.

Cam Simpson. “American chipmakers had a toxic problem, then they outsourced it.” *Bloomberg Business Week*, June 15, 2017.  
<https://bloom.bg/2ruv55y>

## DOE’s nuclear negligence

A five-part series investigated 10 years of safety problems in the U.S. nuclear weapons laboratories. The Department of Energy facili-





ties are run by firms such as Bechtel, Northrup Grumman, and AECOM under lucrative government contracts. Journalists with the Center for Public Integrity (CPI) describe severe worker injury incidents involving explosions, radiation, and other hazards. The penalties assessed by DOE to the contracted firms are often waived and have not dented the \$2 billion in profit earned by the firms over the last 10 years. The critical safety deficiencies have been endemic for a decade, yet largely unknown to the public. CPI's reporting coincides with congressionally authorized funding of \$1 trillion to update the U.S. nuclear weapons program.

Patrick Malone, R. Jeffrey Smith, and Peter Cary. "Nuclear negligence." Center for Public Integrity, June 2017.

<http://bit.ly/2thSell>

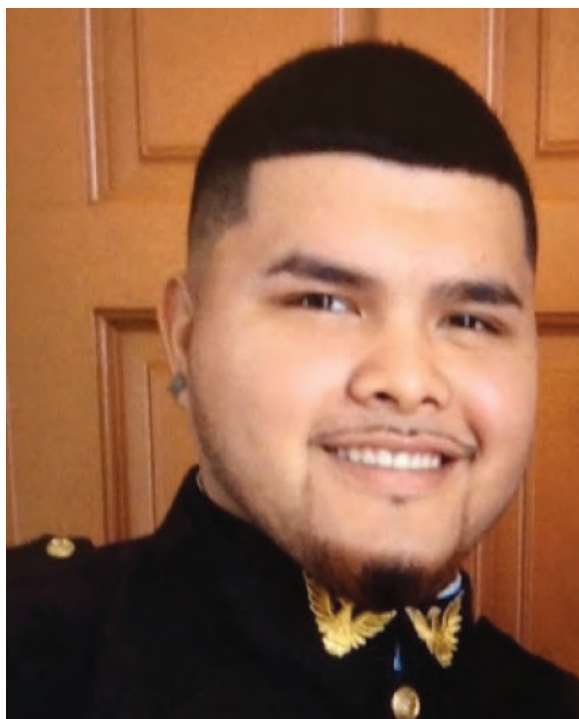
## Hellfire from above

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In 1997, three workers were seriously injured by molten ash at the Tampa Electric plant. New safety guidelines were put in place to "make sure it never happened again." But reporters with the *Tampa Bay Times* discovered that sometime after 2009, those guidelines were abandoned by the company. The consequences were deadly.

Their investigation came following the June 2017 incident in which six workers were severely burned. Five succumbed to their injuries. The molten ash was so hot that a forklift melted.

The reporters learned that Tampa Electric began deferring maintenance and putting off other preventative measures that would have required the boiler be shutdown. They wrote that "shutting down and restarting a boiler can cost utilities up to a quarter-million dollars." The *Tampa Bay Times'* team found that safety precautions also had been set aside, and the company resumed the risky procedure that caused the 1997 incident. A worker who survived it, Carlton Nelson, told the reporters: "Did they forget that I almost died?"



Facebook

Antonio Navarrete, 21, was one of the five workers who died from severe burn injuries from an incident involving molten slag at the Tampa Electric plant. The other victims were Christopher Irvin, 40; Frank Lee Jones, 55; Mike McCort, 60; and Armando J Perez, 56.

Prior to the June 2017 catastrophe, members of IBEW Local 108 who worked at Tampa Electric complained to management. They said employees were being asked to work on a slag tank while the boiler was running. The company ignored their safety complaints. Next, the union contacted OSHA. According to the reporters, the union heard from the agency that it "could not investigate because the alleged violation had occurred more than six months prior."

Among the deceased was Antonio Navarrete, 21, a contractor with BRACE Industrial Group. He was in the vicinity when the slag gushed from the boiler. He used his cell phone to call his mother. His message went to her voicemail. "Mom, help me...Mom, I'm burning." He died from his injuries a week later.

Neil Bedi, Jonathan Capriel, Anastasia Dawson, and Kathleen McGory. "Hellfire from above." *Tampa Bay Times*, Aug. 17, 2017.

<http://bit.ly/2i8NC37>

# New Research on Worker Health and Safety Topics

Researchers examining the impact of the work environment on health published dozens of informative papers and reports over the past 12 months. Studies in the peer-reviewed literature provide new findings on industry-specific hazards and injury prevention interventions, as well as on the unique features of particular occupations and groups of workers. Studies on heat-related illness and work hours were particularly prominent. Nearly a dozen articles in the Centers for Disease Control and Prevention's *Morbidity and Mortality Weekly Report* addressed occupational health topics. Several reports from non-profit organizations examined the poor working conditions in the food industry, while other groups published research findings on worker safety issues in specific localities in the U.S. We profile some of this new research below and provide a longer list of our top picks in the appendix.

## Peer-reviewed Literature on Health Care Workers

### Violence prevention plans

Forty-one clinical units at seven hospitals participated in a randomized study to test the effectiveness of a program to prevent patient violence against workers. Half of the units received unit-level violence data to develop their own unique action plans, while the other units kept the status quo. The rate of violent events was significantly lower in the units that implemented the action plans at both the six-month and 24-month marks.

Arnetz JE, Hamblin L, et al. Preventing patient-to-worker violence in hospitals: Outcome of a randomized controlled intervention. *J Occup Environ Med.* 2017 Jan;59(1):18-27.  
<https://www.ncbi.nlm.nih.gov/pubmed/28045793>

### Violence prevention training

The authors reviewed 12 commercial workplace violence prevention training programs to assess their conformance with criteria recommended by OSHA and other experts. None of the 12 addressed all of the criteria, with the most common gap being failure to have facility-specific risk assessments and policies.

Arbury S, Hodgson M, et al. Workplace violence training programs for health care workers: An analysis of program elements. *Workplace Health Saf.* 2017 Jun;65(6):266-272.  
<https://www.ncbi.nlm.nih.gov/pubmed/28557640>



"Safe workers save lives" rally in Cerritos, CA.

National Nurses United



## Exposure to antineoplastic drugs

A survey of 1,800 nurses who administer antineoplastic drugs revealed differences in the risk of exposure to the drugs depending on the presence of specific safe handling procedures and perceived management commitment to safety. The use of recommended engineering controls and personal protective equipment was quite variable. Fourteen percent of the nurses reported experiencing an adverse event involving an antineoplastic drug during the previous week.

DeJoy DM, Smith TD, et al. Effects of organizational safety practices and perceived safety climate on PPE usage, engineering controls, and adverse events involving liquid antineoplastic drugs among nurses. *J Occup Environ Hyg.* 2017 Jul;14(7):485-493.

<https://www.ncbi.nlm.nih.gov/pubmed/28326998>

## Peer-Reviewed Literature on Work Hours

### Live-in caregivers

Thirty-two live-in Filipino caregivers kept sleep logs that covered both days when they slept at their places of employment and days when they did not. The logs revealed fewer hours and lower quality of sleep during days when they slept at their workplaces. Despite having a live-in work arrangement, nearly half the caregivers reported that they were expected to sleep on couches or recliner chairs. More than 40 percent reported excessive daytime sleepiness.

Riley K, Nazareno J, et al. 24-hour care: Work and sleep conditions of migrant Filipino live-in caregivers in Los Angeles. *Am J Ind Med.* 2016 Dec;59(12):1120-1129.

<https://www.ncbi.nlm.nih.gov/pubmed/27747910>

### Truck drivers

The authors surveyed 260 long-haul truck drivers to assess the effects of workday and non-workday sleep quality and duration on driving

safety performance. More than 70 percent of the truckers worked at least 11 hours per day, and 44 percent reported “sometimes or always” violating federal hours-of-service rules. The truckers’ responses suggested that sleep quality rather than sleep duration was a better predictor of the drivers’ safety performance.

Lemke MK, Apostolopoulos Y, et al. Understanding the role of sleep quality and sleep duration in commercial driving safety. *Accid Anal Prev.* 2016 Dec;97:79-86.

<https://www.ncbi.nlm.nih.gov/pubmed/27591416>

### Number of hours

The authors used the Panel Study of Income Dynamics to define long work hours with respect to cardiovascular disease, cancer, and reported general health. The threshold they identified — 52 hours per week or more for a minimum of 10 years — is the first health risk-based definition of long work hours.

Conway SH, Pompeii LA, et al. The identification of a long work hours threshold for predicting elevated risks of adverse health outcomes. *Am J Epidemiol.* 2017 July;186(2):173-183.

<https://www.ncbi.nlm.nih.gov/pubmed/28459945>



MassCOSH

## Peer-Reviewed Literature on Heat Illness

### “Heat pill” technology

Researchers collaborated with the Farmworker Association of Florida to assess a variety of physiological metrics among fernery and nursery workers. Core body temperature was measured using a “heat pill,” which is a device that is swallowed and travels through the digestive system over 48-72 hours, transmitting real-time data to an external sensor. Workers wore other devices to measure heart rate and energy expenditure and completed symptom surveys. The authors report the workers’ experiences with the devices, as well as the feasibility and challenges of using biomonitors with a vulnerable worker population.

Mac VV, Tovar-Aguilar JA, et al. Heat exposure in central Florida fernery workers: Results of a feasibility study. *J Agromedicine*. 2017;22(2):89-99.

<https://www.ncbi.nlm.nih.gov/pubmed/28118110>

Hertzberg V, Mac V, et al. Novel analytic methods needed for real-time continuous core body temperature data. *West J Nurs Res*. 2017 Jan;39(1); 95-111.

<https://www.ncbi.nlm.nih.gov/pubmed/27756853>

### Prevalence of dehydration

Nearly 600 workers who were employed at 30 different farms participated in a study to assess their risk of heat-related illness. Core temperature readings, work pace, heart rate, and hydration status were collected over one workshift. More than 8 percent of workers experienced a core body temperature of more than 38.5°C (101.3°F), and nearly 12 percent experienced clinically significant dehydration.

Mitchell DC, Castro J, et al. Recruitment, methods, and descriptive results of a physiologic assessment of Latino farmworkers: The California Heat Illness Prevention Study. *J Occup Environ Med*. 2017 Jul;59(7):649-658.

<https://www.ncbi.nlm.nih.gov/pubmed/28414703>

### Prevention difference in two states

Researchers compared heat-illness prevention practices among 200 farmworkers in Oregon and Washington. Among their survey findings, 29 percent of the Oregon workers reported the presence of a shade structure compared to only 5 percent of Washington workers. Workers in Oregon were more likely than participants in Washington to consume soda (65 percent vs. 31 percent), sports drinks (69 percent vs. 23 percent), and juice (41 percent vs. 8 percent) for hydration. Fifty-four percent of the Oregon respondents reported receiving heat-illness prevention training, compared to 34 percent of the Washington workers.

Bethel JW, Spector JT, et al. Hydration and cooling practices among farmworkers in Oregon and Washington. *J Agromedicine*. 2017;22(3):222-228.

<https://www.ncbi.nlm.nih.gov/pubmed/28402203>



UCLA LOSH

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### Heat and injury risk

The authors used 13 years of Washington state workers’ compensation data and the daily humidity index to assess the risk of traumatic injuries for agricultural workers. They reported an increased risk of injury on days when the index exceeded a particular threshold. Risk of



injury was particularly pronounced during the cherry harvest in June and July.

Spector JT, Bonauto DK, et al. A case-crossover study of heat exposure and injury risk in outdoor agricultural workers. *PLoS One*. 2016 Oct 7;11(10):e0164498.

<https://www.ncbi.nlm.nih.gov/pubmed/27716794>

## Peer-reviewed Literature on Musculoskeletal Injuries

### App to measure ergo risks

Engineers tested the feasibility of using a smartphone app to measure ergonomic stressors experienced by construction workers. The device measured the trunk and shoulder flexions of a construction worker while he performed typical job tasks. The researchers reported that the smartphone data corresponded closely to data collected by an ergonomist who was observing the same worker.

Nath ND, Akhavian R, et al. Ergonomic analysis of construction worker's body postures using wearable mobile sensors. *Appl Ergon*. 2017 Jul;62:107-117.

<https://www.ncbi.nlm.nih.gov/pubmed/28411721>

### Impact of safe patient handling

Researchers examined injury incidents, self-reported pain, and surveys from two hospitals, one of which implemented a safe patient handling program. The authors reported a significant decrease in injuries and pain, including of the neck and shoulder, at the hospital with the program; no improvements were observed at the comparison hospital.

Dennerlein JT, O'Day ET, et al. Lifting and exertion injuries decrease after implementation of an integrated hospital-wide safe patient handling and mobilisation programme. *Occup Environ Med*. 2017 May;74(5):336-343.

<https://www.ncbi.nlm.nih.gov/pubmed/27919058>



New Jersey Work Environment Council

### Injury trends for construction workers

The rate of musculoskeletal disorders (MSDs) among construction workers declined significantly between 1992 and 2014. The rate for construction workers, however, continued to exceed the national average, and the proportion of MSDs among workers ages 55 to 64 nearly doubled over that time period.

Wang X, Dong XS, et al. Work-related musculoskeletal disorders among construction workers in the U.S. from 1992 to 2014. *Occup Environ Med*. 2017 May;74(5):374-380.

<https://www.ncbi.nlm.nih.gov/pubmed/28039200>

### Custodians' tasks and symptoms

The authors surveyed nearly 700 custodians to identify the frequency of particular cleaning tasks and to assess MSD symptoms. A high prevalence of symptoms were reported by participants, such as 43 percent with symptoms in their upper extremities and 35 percent in the lower extremities. The custodians performed different cleaning tasks assigned, such as buffing floors and handling trash containers. Significant differences were reported by gender on the distribution of symptoms.

Cavallari JM, Ahuja M, et al. Differences in the prevalence of musculoskeletal symptoms among female and male custodians. *Am J Ind Med*. 2016 Oct;59(10):841-52.

<https://www.ncbi.nlm.nih.gov/pubmed/27409071>

## Lifting hospital linen bags

Researchers used the NIOSH Lifting Equation to assess the injury risk of emptying soiled linens from hospital laundry bags. The recommended weight limits were exceeded for some applications, such as when 30-gallon containers were more than one-quarter full with wet linen. A loosely filled 40-gallon container of dry linen was within the recommended weight limit, but only when lifted close to the body.

Teeple E, Dennerlein JT, et al. An ergonomic assessment of hospital linen bag handling. *New Solut.* 2017 Aug;2(2):210–224. <https://www.ncbi.nlm.nih.gov/pubmed/28541160>

## Home care workers

Thirty-seven home care workers in Chicago, most of whom were Black, provided insight into the caregiving and housekeeping tasks that place them at risk of back injuries and MSDs. Through a series of focus groups, the women described the ways in which their behavioral insights, communications skills, and caring demeanor helped them to navigate injury risk.

Love M, Tendick-Matesanz F, et al. “Then they trust you”: Managing ergonomics in home care. *New Solut.* 2017 Aug;2(2): 225–245. <https://www.ncbi.nlm.nih.gov/pubmed/28554305>

## Morbidity and Mortality Weekly Reports

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

### Agricultural workers bear brunt of pesticide illness

Researchers analyzed data from the NIOSH on acute pesticide-related illnesses and injuries in 12 states between 2007 and 2011. They

found slightly more than 2,600 such cases, with pesticide-related incidents among agricultural workers 37 times greater than among nonagricultural workers. Insecticides or herbicides were the most common chemical exposures. Researchers cautioned that the numbers “are likely to be underestimates of the actual magnitude of acute occupational pesticide-related illness and injury.”

Calvert GM, Beckman J, et al. Acute occupational pesticide-related illness and injury, U.S., 2007–2011. *Morbidity Mortality Wkly Rep.* 2016;63:11–16. <http://bit.ly/2x9tosM>

## Adult blood lead levels

In 2013, according to data reported from 29 states, the prevalence of adult elevated blood lead levels (BLL) was 20.4 adults per 100,000 employed population, which marked a decline from 26.6 adults per 100,000 in 2010. Among the 29 states reporting data, 12 had prevalence rates of elevated adult BLLs at or above the national prevalence. Among the more than 4,500 adults with a known exposure history, nearly 94 percent had been exposed at work, with many of those exposed working in manufacturing, construction, and mining. The study is based on data from the Adult Blood Lead Epidemiology and Surveillance Program, the nation’s only program conducting nationwide surveillance on adult lead exposure.

Alarcon WA. Elevated blood lead levels among employed adults, U.S., 1994–2013. *Morbidity Mortality Wkly Rep.* 2016;63:59–65. <http://bit.ly/2uVifuV>

## Silicosis in Michigan and New Jersey

Between 2003 and 2011, silicosis surveillance programs in Michigan and New Jersey — the only two states that continue to provide silicosis data to the National Institute for Occupational Safety and Health — identified and confirmed 292 cases of the occupational lung disease. Nearly 10 percent, or 28, of those cases involved 10 years of potential exposure



to silica dust. The manufacturing, construction, and mining industries accounted for 92 percent of silicosis cases in the two states, with the greatest number of disease cases associated with manufacturing. Study authors noted: "As a sentinel event, a case of silicosis indicates a failure to prevent exposure to crystalline silica dust."

Schleiff PL, Mazurek JM, et al. Surveillance for silicosis, Michigan and New Jersey, 2003–2011. *Morbidity and Mortality Weekly Report*. 2016;63:73–78. <http://bit.ly/2vNspih>

## Measuring heart health risk by occupation

Using data from the 2013 Behavioral Risk Factor Surveillance System as well as the American Heart Association's seven cardiovascular health metrics (CHM), researchers examined cardiovascular health risk by occupation. The seven health metrics include: not smoking; being physically active; having normal blood pressure; and eating a healthy diet. Among all occupational groups, community and social services employees (14.6 percent), transportation and material moving employees (14.3 percent), and architecture and engineering employees (11.6 percent) had the highest prevalence of meeting two or fewer of the CHMs. Researchers suggested the findings could be used to more precisely target heart disease prevention efforts and improve workplace conditions.

Shockey TM, Sussell AL, et al. Cardiovascular health status by occupational group, 21 States, 2013. *Morbidity and Mortality Weekly Report*. 2016;65:793–798. <http://bit.ly/2wkVhRv>

## High asthma prevalence in health care

Researchers examining data from the 2013 Behavioral Risk Factor Surveillance System collected in 21 states found that 7.7 percent of an estimated 74 million adults who were either employed or unemployed for less than a year had current asthma. The data suggest that as many as 2.7 million U.S. workers might

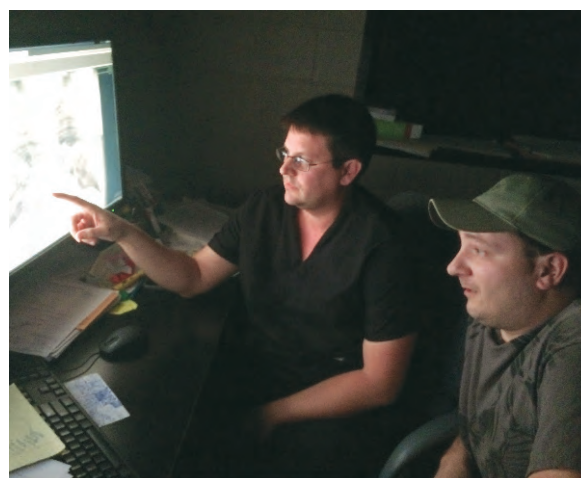
have asthma either caused by or exacerbated by on-the-job conditions. Prevalence of asthma among workers ranged from 5 percent in Mississippi to 10 percent in Michigan, with the most affected sectors being health care and social assistance work as well as health care support.

Dodd KE, Mazurek JM. Asthma among employed adults, by industry and occupation, 21 States, 2013. *Morbidity and Mortality Weekly Report*. 2016;65:1325–1331. <http://bit.ly/2fQdhNo>

## Spike in severe lung disease among coal miners

While the prevalence of progressive massive fibrosis, the most severe form of black lung disease, reached historic lows in the 1990s, a resurgence has since been documented, most notably in central Appalachia. Researchers analyzed a cluster of 60 cases among current and former coal miners at a single radiology practice in Kentucky in 2015–2016, noting that the cases had not been detected through routine surveillance.

Blackley DJ, Crum JB, et al. Resurgence of progressive massive fibrosis in coal miners, Eastern Kentucky, 2016. *Morbidity and Mortality Weekly Report*. 2016;65:1385–1389. <http://bit.ly/2vNARry>



Mackie Branham views a lung X-ray with Dr. James Brandon Crum, who was among the first physicians to note an uptick in black lung diagnoses.

Howard Berkes/NPR

## Fall-related fatalities in oil & gas

In examining fatal fall data in the oil and gas extraction industry from 2005 to 2014, researchers identified 63 fatal falls, which accounted for 15 percent of all fatal events in the sector. Fatal falls happened most frequently when drilling rigs were being assembled or disassembled at the well site or when workers were removing or inserting drill pipe into the wellbore. To prevent such incidents, researchers suggested measures that specifically target derrickmen and workers involved with putting together and taking apart drilling rigs, as well as annual updates to each company's fall protection plan.

Mason KL, Retzer KD, et al. Occupational fatalities resulting from falls in the oil and gas extraction industry, U.S., 2005–2014. *Morb Mortal Wkly Rep.* 2017;66(16):417-421. <http://bit.ly/2w7yicQ>

## Using the BRFSS to enhance worker health data

In an effort to enhance occupational health and safety surveillance and address injury undercounting, researchers analyzed data from the Washington State Behavioral Risk Factor Surveillance System (BRFSS) from 2011 to 2014. They found that 6.4 percent of Washington workers reported work-related injuries or illnesses during the previous year, with such incidents significantly associated with industry and occupation, male gender, lower socioeconomic status, chronic health conditions, and substance use. Researchers concluded that “because BRFSS does not rely on employer report and contains information on workers not available in traditional occupational health surveillance systems, it is a useful tool for identifying and examining work-related injury and illness.”

Marcum JL, Chin B, et al. Self-reported work-related injury or illness, Washington, 2011–2014. *Morb Mortal Wkly Rep.* 2017;66:302–306. <http://bit.ly/2vN7lmJ>

## Campylobacter and salmonella

More than 1 million cases of gastroenteritis related to campylobacter and salmonella occur annually in the U.S., but to date, little has been reported about work-related transmission. Researchers used data from three states to identify the occupation and industry of persons diagnosed with the infections. Workers in farming, fishing, and forestry occupations were at more than three times the risk for campylobacteriosis. A higher risk for salmonellosis was observed among workers in food preparation and serving jobs, as well as in personal care occupations. Notable in the data were 41 campylobacteriosis cases among poultry-processing workers in the three states studied: Maryland, Ohio and Virginia.

Occupational distribution of campylobacteriosis and salmonellosis cases, Maryland, Ohio, and Virginia, 2014. *Morb Mortal Wkly Rep.* 2017;66(32):850–853. <http://bit.ly/2vST7Gh>

## Reports from Non-Profit Organizations

**Women on the line: Review of workplace gender issues in the U.S. poultry industry.** Oxfam America, October 2016. <http://bit.ly/2s5c2L7>

Women fill a large portion of poultry processing jobs, yet the tools and work surfaces are not designed to accommodate a woman's body. The authors conducted focus groups and surveys to capture the experiences of women poultry workers. Many women struggle to fit themselves to the jobs with awkward positions and experience strained bladders because of restricted access to restrooms. One of the most common themes involved unwanted sexual attention and coercion.

**Does the workers' compensation system fulfill its obligations to injured workers?** Department of Labor, October 2016. <http://bit.ly/2dD5uQY>



State workers' compensation (WC) programs were designed to provide critical supports to workers who get sick and injured on the job, though recent actions at the state level have been slowly chipping away at that social contract. A number of states have taken action to reduce WC benefits; decrease the likelihood that an injured worker can successfully access WC; and discourage hurt workers from seeking benefits. Many of these moves have meant new restrictions on medical care for injured workers as well. The DOL report concluded that "all of these issues result in the transfer of the economic cost of occupationally-caused or aggravated injuries and illnesses to families, communities and other benefit programs, further burdening the federal Medicare and Social Security Disability Insurance programs."

**No piece of the pie: U.S. food workers in 2016.** Food Chain Alliance and the Solidarity Research Cooperative, November 2016.  
<http://bit.ly/2fFLZol>

One out of seven workers in the U.S. is employed in the food industry. They grow it, process it, transport it, and serve it. The report examines current working conditions along the food chain, such as low wages and high rates of injuries. The authors offer recommendations for consumers and policy makers.

**Dirty threads, dangerous factors: Health and safety in Los Angeles' fashion industry.** Garment Worker Center, UCLA Labor Center, and UCLA-LOSH, December 2016.  
<http://bit.ly/2s40kyD>

A thriving garment industry in Los Angeles specializes in small volume production of trendy casual sportswear. The authors report findings from a survey of more than 300 workers from the plants who describe factories brimming with dust, excessive heat, obstructed exits, and repetitive motion injuries. A short video featuring garment workers accompanies the report.

**Deadly skyline: Annual report on construction fatalities in New York State.** NYCOSH, January 2017.  
<http://bit.ly/2jKdBKS>

The authors dig deep into data on hazards, OSHA violations, and penalties in the state's construction industry. Falls are the leading cause of work-related deaths — 49 percent statewide and 59 percent in New York City. Latino construction workers are disproportionately exposed to violations classified by OSHA as willful. The authors offer 12 recommendations for new regulations, enforcement, and safety training and investment.

**Mapping the landscape of low-wage work and health in Syracuse.** Occupational Health Clinical Center's Low-Wage Workers' Health Project, January 2017.  
<http://bit.ly/2rV0H0d>

Stressors related to low-wage work — such as juggling two jobs, irregular schedules, cost of transportation, harassment, and violence — affect workers' health. The report provides results from focus groups and hazard-mapping activities with 559 low-wage workers with experiences in a variety of industries. Workers described the dilemma of tolerating work that adversely affects their health and the risks associated with speaking up about those conditions.

**Worker safety and health in the Obama years: An exemplary record.** National Employment Law Project, January 2017.  
<http://bit.ly/2rHSn78>

This policy brief provides highlights of OSHA programs during the eight-year Obama



Pastor Gregg Knepp of St. Peter's Lutheran Church participates in an April 2017 demonstration outside of a Perdue poultry processing plant in Salisbury, MD.



Migrant Justice and their allies relaunched their Milk with Dignity campaign in June 2017 against Ben & Jerry's.

administration, including the Severe Violator Enforcement Program, enhancements to the whistleblower protection program, and oversight of state OSHA programs. The authors make comparisons to OSHA's priorities during the George W. Bush administration.

**Take the high road: The case for requiring Maryland's taxpayer-funded construction contractors to demonstrate their adherence to safety standards.** Public Citizen, March 2017. <http://bit.ly/2t3Hqd5>

The authors examined the 10-year safety violation history of 158 firms that received significant contracts for construction projects from the Maryland Department of General Services. Thirty-five percent were cited by Maryland OSHA for serious violations, and 13 of the firms received five or more serious violations. The authors offer their analysis to support a legislative proposal in the state that would require disclosure of safety metrics as part of a bid for a state-funded project.

**Temporary work, permanent abuse: How big business destroys good jobs.** NESRI and National Staffing Workers Alliance, March 2017. <http://bit.ly/2r75dLQ>

Researchers used surveys and focus groups to capture the experiences of 86 temp workers from Boston, Chicago, New Jersey, and south-

Migrant Justice

ern California. Workers described the impact on family life of uncertain schedules, wage theft, and lack of safety training and equipment. The findings run counter to assertions by the employee staffing industry that temp jobs lead to permanent employment in quality jobs. The authors profile worker-led organizations in each location and their strategies to build power and demand fair wages and safe conditions.

**Public health, immigration reform, and food system change.** Johns Hopkins Center for a Livable Future, Spring 2017. <http://bit.ly/2o05jHV>

The authors review the health risks and consequences for U.S. workers employed across the industrial food production system. In particular, the report examines labor conditions for crop and dairy workers and those employed at meat and poultry slaughtering plants. The white paper describes disparities in labor laws, wages, and housing for the largely immigrant workforce.

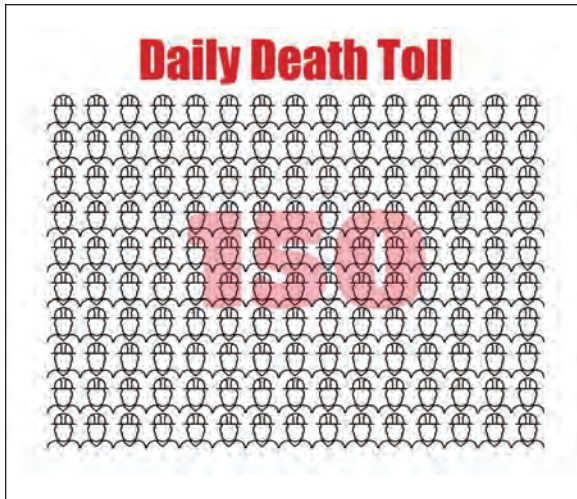
**Death on the job: The toll of neglect.** AFL-CIO, April 2017. <http://bit.ly/2q7CAxN>

The 26th edition of the AFL-CIO's report offers more than 75 charts and tables on injury and fatality rates, OSHA citations, penalties, budget numbers, and state-by-state OHS data. The report recaps key worker safety accomplishments by the Obama administration and warns of rollbacks in worker protections under the Trump administration.

**On-the-job injuries and workers' compensation eligibility among day laborers in residential worksites in California.** UCLA-LOSH and National Day Labor Organizing Network, April 2017. <http://bit.ly/2r1eN2H>

In certain circumstances, California requires homeowners to provide workers' compensation protection to individuals working on their properties. The research brief provides findings from interviews with 64 day laborers who





Daily death toll in U.S. from work-related illnesses and traumatic injuries.

suffered work-related injuries while working in a residential setting. One-third of the day laborers paid for their own medical bills and lost wages, suggesting that homeowners and workers may be unaware of the state's requirement.

**The "Dirty Dozen": Employers who put workers & communities at risk.** National COSH, April 2017.

<http://bit.ly/2gLvSdB>

Failing to fix hazards, directing employees to do unsafe tasks, and ignoring workers' safety concerns are common characteristics of reckless employers. The report profiles 12 firms, each of which illustrates employer indifference to safety and workers' rights. The companies include Dollar General, Fuyao Glass America, Nissan USA, and Pilgrim's Pride. Prominently featured in the report are faces and stories of workers who were killed or injured at one of the "Dirty Dozen" workplaces.

**Trump's new 'regulatory czar' poised to lead the assault on our safeguards.** Center for Progressive Reform, April 2017.

<http://bit.ly/2ouPZew>

The White House's Office of Information and Regulatory Affairs has an influential role in shaping worker and environmental protections. President Trump's choice to direct the

office is law professor Neomi Rao. The authors indicate that Rao's writing "reflects a deep aversion" to the authority granted by Congress to regulatory agencies.

**Analysis of Tesla injury rates, 2014 to 2017.**

Worksafe, May 2017.

<http://bit.ly/2qQs8dv>

Workers at Tesla's Fremont, CA, plant are concerned about safety problems and serious injuries. In press statements, the company asserts that injury rates had improved and were better than their competitors. Using injury logs provided by Tesla workers, a Worksafe analysis of the data countered Tesla's claims. The analysis also identified significant revisions to Tesla's injury logs, perhaps in response to the public scrutiny.

**Build a better South: Construction working conditions in the southern U.S.** Workers Defense Project, Partnership for Working Families, et al. May 2017.

<http://bit.ly/2qr7XzG>

A post-recession construction boom in the southern U.S. has not translated into better wages and working conditions for construction laborers. In a survey of 1,435 workers from Atlanta, Charlotte, Dallas, Houston, Miami, and Nashville describe low wages, misclassification as independent contractors, unsafe conditions, and a lack of potable water. The authors describe unique features of each city's construction labor force and make recommendations applicable across the industry.

**Pointing out: How Walmart unlawfully punishes workers for medical absences.** A Better Balance, June 2017.

<http://bit.ly/2sLLeAJ>

Walmart's "absence control program" is likely running afoul of state and federal laws, including the Family and Medical Leave Act (FMLA). Employees with illnesses, sick children, or other emergencies receive "points" for their absences, and employees can be punished for accumulating too many. Workers at the retailer are often not informed of their rights for leave,

## Occupational Health Internship Program

This past year marked the 13th anniversary of the Occupational Health Internship Program (OHIP). The one-of-a-kind program connects undergraduate and graduate students with unions and community-based organizations to learn about OHS from the perspective of workers. Since 2004, nearly 270 students have participated in OHIP on projects involving 89 community-based organizations and unions in 17 locations across the country. Projects during the summer of 2016 included collaborations with workers in Louisiana's seafood processing industry; transit workers in Washington, D.C.; meatpacking workers in Nebraska; hotel housekeepers in Boston; and hair stylists in Los Angeles.



Ingrid Denis/AOEC

(L-R) OHIP coordinator Sarah Jacobs with interns Michelle Hathaway, Brianna Singleton, Zahra Jabbarani, Roger Gonzales, and Rossana Coto-Batres.



Our Walmart

Evelin Cruz inspired Walmart workers to stand together for decent wages and respect on the job. She made history in 2012 when she led the first strike at Walmart. She passed away in August 2016.

as required by the FMLA. The report is based on input from more than 1,000 current and former Walmart employees.

**Milked: Immigrant dairy farmworkers in New York State.** Workers' Center of Central New York and the Worker Justice Center of New York, June 2017.

<https://milkedny.org/>

New York's \$14 billion dairy industry relies largely on immigrant workers from Mexico and Guatemala. Many are undocumented, speak little or no English, and feel trapped because of long hours, inability to obtain a driver's license, and fear of immigration enforcement. Interviews with 88 dairy workers describe hazardous working conditions, injuries, low wages, and substandard on-farm housing. The authors call for changes in state labor laws and codes of conduct for dairy companies.



Central NY Worker Center

The Central NY Worker Center and allies demonstrate in July 2017 in front of the NY Supreme Court. Inside the courthouse, the NY Civil Liberties Union argued that farmworkers have a right to form a union.



## The Year Ahead

Let's be frank, the year ahead does not look great. It looks hard and disappointing and upsetting. Beyond the politics and talking points and arguments, the cold, hard fact on the ground is that weakening key mechanisms that create safe and fair working conditions — like data collection, transparency, research and enforcement — emboldens unscrupulous employers and puts workers in harm's way. This is a fact.

Just as this yearbook was going to press in August, worker safety advocates noticed that OSHA has scrubbed its worker fatality list from its home page and buried the link on an internal page. Now, the list only contains incidents for which a citation was issued and removes the names of deceased workers. A Department of Labor spokesperson told reporters the change was meant to protect the privacy of workers' families. The truth is that OSHA leadership decided to weaken one its most useful enforcement tools. The truth is that removing workers' names only protects the privacy of employers who may have needlessly put them at mortal risk. A decision like this dehumanizes workplace fatalities, erasing from the raw data the real people and families behind the numbers.

Word of OSHA's website change began circulating around worker advocate listservs and on occupational safety and health sites. By that afternoon, the news had popped up in *Politico*. Just as quickly as advocates had spread word about the problem, they began discussing ways to ensure that the names and stories of fallen workers would not be washed from public view.

No one is surprised that the Trump administration is hostile toward OSHA, an agency whose mission is to hold employers accountable to the law. After all, it's also a fact that private citizen Trump had a sizeable history of flouting labor laws and practicing ethically questionable behaviors in his own business ventures. Still, watching those inclinations manifest into public policy is hard to stomach.

All that said, we know worker advocates in communities across the country won't be deterred. They'll just work harder. They face

anti-worker sentiment every day, working hand in hand with some of the most powerless people in the U.S. They know that the collective power of informed workers is greater than those who conspire to deny workers their rights and erase their names from view. Labor history is full of such stories. For example, just this year, farm workers in Washington state officially formed America's first new farm worker union in 25 years. The union is aptly named *Familias Unidas por la Justicia* — or Families United for Justice.

With the future so uncertain and federal commitment to worker safety so unclear, it seems like a critical moment to support organizers on the ground and stand with workers in the streets. Let next year's Workers' Memorial Week be a forceful reminder that all workers, regardless of immigration status, deserve safety, dignity, respect, and justice on the job. To borrow a phrase from another social justice movement, workers' lives matter. Keep telling their stories.

### 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, [www.scienceblogs.com/thepumphandle](http://www.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>

## Peer-Reviewed Research on Occupational Health & Safety Topics (August 2016 through July 2017)

Over the past 12 months, OHS researchers published dozens of papers on health and safety topics involving specific worker populations. Their studies addressed a wide range of workplace hazards, investigated injury and illness trends, and analyzed the effectiveness of interventions. The following list represents some of the best peer-reviewed publications in the previous year. Those marked with ✦ are profiled in Section IV of this report.

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Antonucci A, Barr A, et al. Effect of bit wear on hammer drill handle vibration and productivity. *J Occup Environ Hyg.* 2017;14(8):640-649.

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✦Bethel JW, Spector JT, et al. Hydration and cooling practices among farmworkers in Oregon and Washington. *J Agromedicine.* 2017;22(3):222-228.

Boggess B, Scott B, et al. Uninsured workers have more severe hospitalizations. *New Solut.* 2017 Aug;2(2):154-175.

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Butler C, Marsh S, et al. Wildland firefighter deaths in the United States: A comparison of existing surveillance systems. *J Occup Environ Hyg.* 2017 Apr;14(4):258-270.

Byler CG, Robinson WC. Differences in patterns of mortality between foreign-born and native-born workers due to fatal occupational injury in the U.S. from 2003 to 2010. *J Immigr Minor Health.* 2016 Oct 4 [online].

Carty P, Cooper MR, et al. The effects of bit wear on respirable silica dust, noise and productivity: Hammer drill bench study. *Ann Work Expo Health.* 2017 Jun 8 [online].

Casey ML, Hawley B, et al. Health problems and disinfectant product exposure among staff at a large multispecialty hospital. *Am J Infect Control.* 2017 May 23 [online].

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Chávez S, Altman CE. Gambling with life: Masculinity, risk, and danger in the lives of unauthorized migrant roofers. *Am J Ind Med.* 2017 Jun;60(6):537-547.

Chen CJ, Moore KJ, et al. Chemical and physical exposures in the emerging U.S. green-collar workforce. *J Occup Environ Med.* 2017 May;59(5):e91-e96.

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Cohen RA. Resurgent coal mine dust lung disease: Wave of the future or a relic of the past? *Occup Environ Med.* 2016 Nov;73(11):715-716.

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