

The Year in U.S. Occupational Health & Safety

Fall 2015 – Summer 2016

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Labor Day 2016

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

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

Layout: Ben Dacus

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Jessica Martinez of National COSH and APHA member protest in Chicago outside of Elite Staffing, Halloween 2015.

Introduction and Overview

The fight for safe and fair workplaces is long, slow, and frustrating, with workers and advocates nearly always facing off against much richer, much more powerful interests. Fortunately, as events over the last year have shown, the U.S. worker health and safety movement is not one to back down.

This tenacity was perhaps best illustrated in March when the U.S. Occupational Safety and Health Administration (OSHA) released its new and long-awaited silica standard — a rule that hadn't been updated for more than four decades. The new silica rules, which OSHA estimated will save more than 600 lives every year and which industry promptly filed suit against, were a hard-fought victory for worker health and safety and a highlight of this report, the fifth annual "The Year in U.S. Occupational Health & Safety." Appropriately released on Labor Day, this year's report, which spans August 2015 through July 2016, chronicles some of the most notable events, legislation, stories, and research of the last 12 months and offers a snapshot of recent progress, ongoing struggles, and possible future directions. While this report is not exhaustive and we had to make tough choices about what to include and omit, our goal was to create a "yearbook" that activists, regulators, researchers, and anyone else can use as a source for education, connection, and, hopefully, inspiration.

The week of Labor Day 2016, we'll be publishing posts about this year's report on the public health blog The Pump Handle (www.scienceblogs.com/thepumphandle). During that week, we invite you to add your own stories about important worker health and safety happenings from the past year. In the following pages, you'll read about:

- **Action on the federal level**, including OSHA's new respirable crystalline silica rules; updates from the first year of OSHA's new injury reporting rule; passage of long-awaited reform to the federal Toxic Substances and investigations into working conditions in the poultry-processing industry.
- **Action on the state & local levels**, including new protections for New York City

construction workers; a court ruling against Oklahoma's opt-out workers' compensation system; tougher protections for highway workers in Pennsylvania; and passage of a bill of rights for Illinois domestic workers.

- **Outstanding news reporting on worker health and safety**, including the *Detroit Free Press'* year-long investigation into Michigan's worker safety agency; the ongoing plight of uranium workers from McClatchy newspapers and the Center for Public Integrity; and a behind-the-scenes look at new opt-out workers' compensation systems from NPR and ProPublica.
- **New worker safety research and reports**, including research on shift work and health; the role of labor unions in promoting worker health; multiple reports on the experience of poultry processing workers; a look inside New York's commercial waste industry; a report on the cost of construction injuries in Texas; and a toolkit to help advocates advance the criminal prosecution of workplace fatalities.

Like most years in the field of occupational safety and health, this last one was a mix of victory, setback, and struggle. It was another year in which far too many U.S. workers faced preventable hazards on the job, experienced retaliation after standing up for their rights, ended up in hospital beds with serious injuries or lost limbs, or never returned home at all. But similar to this year's silica rule victory, the stories in this report also illustrate a commitment to worker justice that's defined by perseverance, steady resolve, and an unwavering belief that all workers deserve the dignity that comes along with safe and fair workplaces.

To download this report as well as previous editions, visit <http://bit.ly/2c7uKgs>



Poultry workers protest outside Gold'N Plump headquarters in St. Cloud, MN.

The Federal Government and Occupational Health and Safety

In the past year, the U.S. presidential campaign focused particular attention on the direction of the federal government and Congress, while the Obama administration concentrated on unfinished business and reflected on what it had accomplished. The Department of Labor's (DOL) most notable accomplishment over the past year was the Occupational Safety and Health Administration's (OSHA) new standard to protect workers who are exposed to silica dust. For mine workers, DOL prevailed in a lawsuit against a rule to protect coal miners from black lung disease. Many employers will now be required to submit worksite-specific injury and illness data to OSHA on a regular basis. The nine-week criminal trial of coal baron Don Blankenship led to renewed scrutiny of the role of corporate officials in workplace safety practices. Blankenship, the former CEO of Massey Energy, was convicted of conspiring to violate mine safety laws and sentenced to a one-year prison term.

Final Rule on Silica Dust

Secretary of Labor Tom Perez beamed with pride as he announced in March 2016 the release of two OSHA standards to protect workers who are exposed to respirable crystalline silica. One rule applies to general industry and maritime workplaces and the other to the construction industry. The announcement event was hosted by the International Union of Bricklayers and Allied Craftworkers at their training facility in Bowie, Maryland.

methods of compliance are offered for the construction industry to ease implementation of the rule. Some provisions of the rule are scheduled to take effect in June 2018, while others will be required by June 2020.

About 2.3 million workers will be protected by the rule, largely in the construction industry but also in foundries, dental laboratories, and hydraulic fracturing. OSHA estimated the rule will prevent 600 deaths annually from silicosis, lung cancer, and other diseases, as well as hundreds more non-fatal illnesses.

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U.S. Dept. of Labor



Foundry worker Alan White, who has silicosis, joins OSHA chief David Michaels and the Steelworkers' Mike Wright at the announcement of OSHA's final silica rule. (Left to right)

The rules include a permissible exposure limit of 50 $\mu\text{g}/\text{m}^3$ confidential medical exams for highly exposed workers, worker training, and an emphasis on engineering controls. Specific

Injury and Illness Records

In May 2016, OSHA issued a final rule requiring certain employers to submit injury records. Workplaces with more than 250 employees — about 34,000 worksites nationwide — will be required to submit their injury and illness incident reports and a summary log to OSHA on an annual basis. Worksites with 20-249 employees in certain high-hazard industries will also be required to submit their logs annually to OSHA. Notably, the rule prohibits employers from discouraging workers from reporting an injury or illness. All provisions of the rule will be effective by July 2018, and OSHA intends to post the data online. The National Association of Manufacturers filed a lawsuit in July 2016 to block the rule.

Court Upholds MSHA Coal Dust Rule

The National Mining Association, Murray Energy, and other coal companies lost their legal challenge against the Mine Safety and Health Administration's (MSHA) respirable coal dust rule, which was issued in April 2014. The U.S. Court of Appeals for the 11th Circuit issued their opinion in January 2016 and rejected all of the industry's arguments.

Several of the key and final provisions of the rule took effect in 2016, including the use of continuous personal dust monitors (CPDM), posting of the CPDM results for miners to review within 12 hours of the sampled shift, and compliance with a 1.5 mg/m³ respirable coal dust limit.

Leadership at OSHA and MSHA

Joe Main and David Michaels marked nearly seven years of leadership as the assistant secretaries of MSHA and OSHA, respectively. OSHA's deputy assistant secretary Jordan Barab began his tenure at the agency nine months prior to Michaels. Together with NIOSH director John Howard, they represent their longest serving group of leaders to direct the federal occupational health and safety agencies.



OSHA chief David Michaels



United Mine Workers president Cecil Roberts (right) marks seven years of Joe Main's leadership as asst. secretary of labor for MSHA.

OSHA

Congress mandates increase in penalties

As part of the Bipartisan Budget Act of 2015, OSHA raised its maximum monetary penalties to adjust for inflation. The agency's penalties had not been updated since 1991, and the new law directs OSHA to make inflation adjustments annually hereafter. The maximum penalty for a serious violation was increased from \$7,000 to \$12,471, and for repeat and willful violations from \$70,000 to \$124,709. The new amounts took effect on Aug. 1, 2016.



Jordan Barab has served as deputy assistant secretary for OSHA since April 2009.

Eye and face protections

In March 2016, OSHA revised its standards for eye and face protective equipment to align with the most current national consensus standards (ANSI/ISEA Z87.1-2010). The new

rules took effect in April 2016 and apply to all industries covered by OSHA, with the exception of agriculture.

Beryllium proposed rule

In March 2016, OSHA held a public hearing on a beryllium standard it proposed in August 2015. The agency received testimony from individuals representing the United Steelworkers (USW), Materion Brush, National Jewish Health, Non-Ferrous Founders' Society, and Public Citizen. The proposed rule was largely based on a draft that had been negotiated by the USW and Materion and submitted to OSHA in February 2012. The agency proposed a rule that would apply in general industry only, but some commenters urged OSHA to adopt a rule that would also protect construction and maritime workers.

OSHA sued over silica rule

As is typically the case with new OSHA regulations, a number of organizations have filed petitions for judicial review of the new silica rules. Petitioners include the American Foundry Society, Texas Masonry Council, the North America's Building Trades Union, and the United Steelworkers. The industry groups argued that the rule is not feasible and relies on outdated science. Labor groups urged that the rule be strengthened, for example, to include medical removal protection for workers with silica-related diseases. The lawsuits were consolidated in a case to be heard in the U.S. Court of Appeals for the District of Columbia Circuit. The legal challenges may take several years to be resolved.

OSHA chief David Michaels said he was confident the rule would withstand judicial scrutiny: "Five or 10 years from now, people will have forgotten that there weren't requirements to control silica. Everybody will be doing it."

Severe violators

This year marked the sixth year of OSHA's Severe Violator Enforcement Program (SVEP), which subjects certain employers to special

follow-up inspections. More than 460 employers were on the SVEP list as of 2010, including poultry processor Case Farms, chemical giant DuPont, and Wegman's Food Markets. The industries most represented on the list are small construction employers. The program was launched in 2010 to focus attention on employers in high-hazard industries with significant willful or repeat violations.

OSHA's Kansas City regional office launched a pilot program in May 2016 to target severe violators of whistleblower protections. OSHA is currently responsible for enforcing 22 whistleblower statutes. The criteria for being designated as a serial violator include three or more meritorious whistleblower cases in the past three years.



The White House

Ai-jen Poo, director of the National Domestic Workers Alliance, joins President Obama at the White House Summit on Worker Voice, October 2015.

Amputations and hospitalizations

In March 2016, OSHA published findings from its first year of receiving employer reports of severe injury incidents. It received more than 7,600 notifications from companies at which an injured employee required overnight hospitalization and nearly 2,650 notifications of amputations. The reports received by OSHA were limited to employers located in states under federal OSHA jurisdiction. OSHA sent an inspector to the relevant worksite in less than 40 percent of cases; for the remaining cases, the agency asked the employers to conduct their own investigations. OSHA noted that 6 percent of the incidents reported involved a worker employed by a staffing agency.

Evaluations of state OSHA programs

Federal OSHA issued its annual monitoring and evaluation reports (FAME) in July 2016 of the 28 state-run OSHA programs. A recurring theme in the evaluations was challenges in retaining experienced H&S inspectors and the related impact on meeting inspection targets. The states attribute the problem to their inability to compete with the salaries offered in the private sector to individuals with safety enforcement expertise. Some states, including Kentucky, were singled out for having a particularly high in-compliance rate for inspections. The evaluators made note of deficiencies by Wyoming-OSHA in collecting monetary penalties assessed, Nevada-OSHA's failure to adequately inform complainants of inspection results, and lapses by Iowa-OSHA and Maryland-OSHA in sending next-of-kin letters. The FAME report also provides a mechanism to highlight some of the unique features of the state-operated programs, such as temp-worker initiatives in North Carolina, and new oil and gas regulations in Wyoming. Most of the states prepared written responses, and in some cases rebuttals, to the OSHA evaluations.

Inspection weighting

In October 2015, OSHA chief David Michaels announced a new way of measuring the agency's inspection activities. Rather than merely counting the number of inspections, OSHA will also take into consideration their resource and time demands. The "Enforcement Weighting System" will count routine inspections as one "enforcement unit (EU)" while other inspections may have a value as high as eight EUs. For example, fatality inspections are valued at three EUs and process safety management inspections in workplaces that manufacture or store highly hazardous chemicals count as seven EUs.

Notable enforcement cases

An Ohio auto parts manufacturer received citations in June 2016 for 46 egregious willful violations related to lockout/tagout and mechanical power presses. OSHA proposed a \$3.42

million penalty to Sunfield Inc., a subsidiary of the Japanese firm Ikeda.

A major supplier of poultry to Kentucky Fried Chicken racked up more than \$1.5 million in penalties for violations at its plants in Ohio. Case Farms received citations for violations related to process safety management of ammonia as well as injury recordkeeping. In December 2015, the company was placed on OSHA's severe violator list.

Nearly 100 employees of Fraser Shipyards had elevated blood lead levels and exposure to asbestos while doing major renovation of a shipping vessel in Superior, Wisconsin. Safety complaints led to an OSHA inspection, which resulted in 14 willful egregious violations and a \$1.4 million proposed penalty.



Robyn Robbins of the UFCW (left) joined colleagues from the Southern Poverty Law Center and Nebraska Appleseed to press OSHA chief David Michaels for a special emphasis program in the poultry and meatpacking industries, October 2015.

The discount retailer Dollar Tree had racked up more than \$1 million in penalties between 2014 and 2015 for repeat and willful violations. Many of the violations involved blocked exits and boxes stacked to dangerous heights. In December 2015, OSHA reached a settlement in which the company agreed to implement a comprehensive health and safety program applicable to 2,400 of its stores and be subject to third-party monitoring for a 24-month period.

Despite the company's stated commitment to addressing health and safety hazards, OSHA

issued citations to Walmart in March 2016 for serious and repeat violations at a store in Pensacola, Florida. The retail giant had signed a formal settlement agreement with OSHA in August 2013 to improve health and safety at more than 2,800 Walmart and Sam's Club stores. The company had agreed specifically to address hazards related to trash compactors, cleaning chemicals, and hazard communication. In exchange, all of the company's outstanding monetary penalties were cut by 60 percent.

MSHA

Compliance with new coal dust rules

Despite complaints that a new Mine Safety and Health Administration (MSHA) rule was infeasible, the agency announced in July 2016 that the vast majority of coal mining operations were already in compliance with new coal dust regulations. The rules are designed to protect coal miners from the respirable dust that causes black lung disease. The new regulation was issued in 2014 and took full effect in August 2016; it includes a new permissible exposure limit of 1.5 mg/m³. Based on 87,000 respirable dust samples collected at coal mines, MSHA reported that 98 percent were already in compliance with the rule.

Proximity detectors

Mobile equipment used underground to haul coal is involved in many fatal and non-fatal injury incidents. Despite the commercial availability of proximity detection systems for mining equipment, MSHA estimates that only 5 percent of vehicles have them installed. In September 2015, MSHA proposed a regulation that would require mine operators to equip certain haulage machines with proximity detectors, which would automatically stop moving equipment before a miner is struck. The National Mining Association submitted comments urging MSHA to withdraw the proposal, arguing that the equipment has not been sufficiently tested and that the agency should wait for federal health researchers to complete research on the devices.

Chronic violators

Following the 2010 Upper Big Branch mine disaster, MSHA instituted a program to identify mine operators that are chronic violators of mine safety regulations. To date, 103 mines received notifications that they were likely to have a pattern of violations (POV) that would make them subject to additional enforcement action. The majority of the mines took corrective action to address safety hazards and violations, but seven mines received the POV designation. Patriot Coal's Brody Mine challenged their POV designation, but in October 2015, the Federal Mine Safety and Health Review Commission validated it. In June 2016, MSHA chief Joe Main announced that none of the nation's 13,000 mining operations met the agency's POV criteria. He attributed the results to "a cultural change in the mining industry where high numbers of serious violations at mines are no longer tolerated."

Mine examination requirement

MSHA proposed a rule in June 2016 that would require a competent person to conduct a safety examination before every shift at a metal or nonmetal mine (i.e., mines for materials other than coal). The proposal would define a "competent person" and provide for written records of the examination, including any corrective action taken. Similar requirements have been in place for decades at coal mining operations.

Criminal trial of Don Blankenship

The criminal trial against former Massey Energy CEO Don Blankenship commenced in October 2015 and continued for nine weeks. The company's Upper Big Branch mine in southern West Virginia was the site of a massive coal dust explosion that killed 29 miners in April 2010. The U.S. Department of Justice case against Blankenship involved charges of conspiring to violate mine safety regulations and making false statements to the Securities and Exchange Commission regarding the company's compliance with safety regulations. U.S. Attorney Booth Goodwin and Assistant U.S. Attorney Steve Ruby led the prosecution team, calling



Coal mine executive Don Blankenship began a one-year prison sentence in May 2016.

Criminal prosecutions

The U.S. Department of Justice (DOJ) announced a plan in December 2015 to consolidate authorities to prosecute worker endangerment violations within its Environmental Crimes Section. Under MSHA and OSHA statutes, criminal penalties are only misdemeanors. DOJ indicated it is encouraging all 93 U.S. attorneys across the country to consider using Title 18 and environmental offenses to enhance penalties for worker safety violations. DOJ and the Department of Labor (DOL) signed a memorandum of understanding to promote effective prosecution of OSHA, MSHA, and wage and hour violations.

27 witnesses to testify before a jury of eight women and four men. Blankenship's attorneys rested their case without calling a single witness.

In early December 2015, the jury found the CEO guilty of conspiracy — a misdemeanor under the Mine Safety and Health Act. On April 6, 2016, federal judge Irene Berger sentenced Blankenship to one year in jail and a \$250,000 penalty. CBS's "60 Minutes" interviewed some of the jurors for their feature "King of Coal." The jurors expressed frustration that the maximum penalty allowed by law was a misdemeanor. Blankenship is imprisoned at a federal correctional facility in Taft, California.

Chemical Safety Board

CSB leadership

The five-year terms of Kristen Kulinowski and Vanessa Sutherland commenced in September 2015 as board member and chair, respectively, on the Chemical Safety Board (CSB). Under the new leadership, the CSB has held seven public hearings and business meetings.



CSB board members: Kristen Kulinowski, Manny Ehrlich, Chair Vanessa Allen Sutherland, and Rick Engler.

Completed investigations

In October 2015, the CSB released its investigation report on the October 2009 incident at Caribbean Petroleum Refining. An overflow of a large above-ground storage tank formed a 107-acre vapor cloud that ignited over Bayamón, Puerto Rico. The CSB made nine recommendations targeting the American Petroleum Institute, U.S. Environmental Protection Agency (EPA), and National Fire Protection Association, among others.

In January 2016, the CSB issued its final report on the massive ammonium nitrate explosion at West Fertilizer in West, Texas, that killed 12 firefighters and two members of the public, and caused 260 injuries. The CSB made 19 recommendations to 10 entities, including OSHA, EPA, and the Texas Department of Insurance. Several months after the CSB's report, the Bureau of Alcohol, Tobacco, Firearms and Explosives (ATF) announced that it determined the fire was intentionally set because it had "hypothesized, tested and eliminated" all

Wanted: Workplace Violence Prevention

OSHA received back-to-back petitions in July 2016 for a workplace violence prevention standard. The first was submitted by a coalition of unions (i.e., AFGE, AFL-CIO, AFT, CWA, SEIU, Teamsters, and USW) for the benefit of health care and social assistance workers. Their petition lays out evidence justifying the standard and provides suggested text for key provisions of a standard. The second petition was submitted by National Nurses United (NNU) and would apply only to health care workers. NNU points to legislation in Massachusetts and Minnesota as models for an OSHA regulation, as well as new rules in California set to take effect in late 2016.

The petitions have support on Capitol Hill and among fellow health and safety allies. Sens. Patty Murray (D-WA) and Al Franken (D-MN) and Reps. Bobby Scott (D-VA), Frederica S. Wilson (D-FL), and Joe Courtney (D-CT) wrote to Labor Secretary Tom Perez and expressed their support for the rulemaking petitions. They wrote: "We urge the Department to accept the petition for rulemaking and expedite its efforts to promulgate a comprehensive standard." In addition, the National Council for Occupational Safety and Health (COSH) and 15 local COSH groups also wrote to Perez in support of the petitions. They wrote: "Voluntary efforts by employers are not sufficient to address the scope of this problem."



Members of National Nurses United rally to demand protections from workplace violence.

other possible causes. The ATF's conclusion was widely criticized for being a conclusion based on a lack of evidence.

In April 2016, the CSB issued its fourth and final investigation report on the 2010 Deepwater Horizon disaster that killed 11 workers, critically injured 17, and discharged 5 million barrels

of oil into the Gulf of Mexico. The bodies of the 11 workers, ages 22-56, were never recovered. Volume 1 of the report summarized the events leading up to the Macondo well blowout, explosions, and fire. Volume 2 focused on the failed blowout preventer, and Volume 3 addressed human and organizational factors, such as multi-party worksites. The final volume



An apartment building in West, Texas, destroyed by the explosion in 2013.

“Most Wanted” safety improvements

Emergency response and planning, as well as preventive maintenance, were topics added in July 2016 to the CSB’s list of “Most Wanted safety improvements.” The agency noted that over its short history, it has made nearly 50 recommendations to address deficiencies found in various chemical facility incident response plans. Likewise, delayed or deferred preventive maintenance and aging equipment at chemical plants has been a causative factor in many CSB investigations. Besides these two new topics, the agency’s “Most Wanted” list includes an OSHA standard for combustible dust and modernized regulations for process safety management.

Ongoing investigations

In September 2015, the CSB released interim recommendations related to the chemical release at DuPont’s LaPorte, Texas, plant. The November 2014 event killed four workers. Among others recommendations, the CSB urged DuPont to evaluate options for inherently safer design and conduct a more robust process hazard analysis. DuPont announced in March 2016 it was closing the LaPorte plant.

In January 2016, the CSB held a news conference to present preliminary findings from its investigation of the 2015 explosion at an ExxonMobil refinery in Torrance, California. The explosion injured two workers, dispersed large quantities of catalyst dust into the community, and nearly caused a massive release of hydrofluoric acid. CSB Chair Vanessa Sutherland added that ExxonMobil had not been cooperating with investigators, which led the agency to seek assistance from the Department of Justice.

As of August 2016, the CSB had these additional open investigations: Delaware City Refining Company (Delaware City, Delaware (November 2015)); Enterprise Product Partners gas plant explosion (Pascagoula, Mississippi (June 2016)); Freedom Industries chemical release (Charleston, West Virginia (January 2014)); Williams Olefins plant explosion and fire (Geismar, Louisiana (June 2013)).

NIOSH

Howard reappointed to lead NIOSH

John Howard was reappointed as director of the National Institute for Occupational Safety and Health (NIOSH) and as administrator for the World Trade Center Health Program in September 2015, making him the longest-serving director in NIOSH’s history. Howard first served as NIOSH director from 2002-2008 and was again appointed to the post in 2009. According to an agency news release announcing Howard’s reappointment, he will ensure NIOSH conducts innovative research on persistent and emerging worker health issues,

will support efforts to translate NIOSH research into practice, and will launch the National Occupational Research Agenda's third decade of work, which began this year.



AAOHN
NIOSH director John Howard addresses a meeting of the American Association of Occupational Health Nurses (AAOHN), March 2016.

Occupational Zika prevention

In preparation for the emergence of Zika virus in the U.S., NIOSH and OSHA issued interim guidance on preventing occupational exposures to the mosquito-borne disease. Released in April 2016, the guidance encourages employers to educate workers about Zika exposure risks and ways to protect themselves, with a particular emphasis on workers who are pregnant, may become pregnant, or whose sexual partners are or may become pregnant.



CD
The *Aedes aegypti* mosquito is one of the carriers of the Zika virus.

Updated heat illness criteria

In February 2016, NIOSH released an updated version of its "Criteria for a Recommended Standard: Occupational Exposure to Hot Environments," which was last updated in 1986. The update offers new information about physiological changes related to heat stress and new information on physiological monitoring and personal protective equipment that can help control heat stress. For example, since the document's last revision, research has offered new insights into factors that increase a worker's risk for heat-related illness, highlighted greater heat illness risks among overweight and obese workers, and pinpointed particularly vulnerable populations, such as workers older than 60.



Oil and gas workers

IPGGutenbergUKLtd
In September 2015, NIOSH released "NIOSH Oil and Gas Sector Program — Strategic Plan for Research and Prevention, 2016-2025" for public comment. The strategic plan aims to define and prioritize NIOSH's research and prevention activities in the oil and gas exploration and production industry through 2025. The plan's research goals are divided into four areas: epidemiology and surveillance; exposure assessment; control technologies; and communications. According to NIOSH, the recent oil and gas boom led to a 70 percent increase in drilling rigs and a two-fold increase in the number of workers employed in the industry.

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New research links higher minimum wages to improvements in health

More and more research is finding that raising the minimum wage could have effects that go far beyond people's wallets, underscoring the notion that victories in the fight for a living wage are also victories for the health of workers and their families.

In a study published in April 2016 in the *American Journal of Public Health (AJPH)*, researchers found that if \$15 had been New York City's minimum wage between 2008 and 2012, up to 5,500 premature deaths could have been prevented. Using a model of premature death that explored how a wage hike could have impacted death rates, researchers examined two scenarios: one in which higher wages did not result in employment losses (the optimistic scenario) and one in which a minimum wage boost resulted in a loss of employment (the pessimistic scenario). They found that under the optimistic scenario, a \$15 minimum wage may have reduced the city's premature death rates by as much as 15 per 100,000 people — or about 5,500 fewer premature deaths between 2008 and 2012. And even under the pessimistic scenario, the study found a higher minimum wage could have reduced the premature death rate by nearly 8 per 100,000 people — or 2,800 fewer deaths over the study period.

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A couple months later in June, also published in *AJPH*, researchers examined the relationship between minimum wages and infant health and mortality. To conduct the study, researchers examined state-level minimum wages across the country between 1980 and 2011 as well as health data from the National Vital Statistics System. In tracking hundreds of changes in state-level minimum wages, as well as controlling for a variety of factors that affect infant health, researchers found that a \$1 increase in the

state wage above the federal minimum wage was associated with a 1 to 2 percent decrease in low birth weight births as well as a 4 percent decrease in deaths during an infant's first year of life. The translation: if all states had increased their minimum wages by \$1 in 2014, they may have prevented nearly 2,800 low birth weight births and more than 500 infant deaths during that year alone.

In yet another study on wages and infant health, this one issued in June 2016 as a working paper by the National Bureau of Economic Research, researchers examined 25 years' worth



Purestock

of birth data and found that an increase in the minimum wage is associated with higher birth weights, increases in use of prenatal care, and a decline in smoking during pregnancy. More specifically, the study found a \$1 increase in the minimum wage to be associated with a 2 percent decrease in the probability of low birth weight. Also, among pregnant women with less than a high school degree, a 10 percent increase in the minimum wage was associated with a decrease in the probability of having less than five prenatal visits during pregnancy as well as a decrease in delaying prenatal care.

In an editorial published in the August 2016 issue of *AJPH*, health economist J. Paul Leigh, of the University of California-Davis, called on researchers to make health a bigger consideration in the study of wage effects. He wrote: "Omission of public health from the debates, I believe, results from a paucity of research. Whereas some studies address living wages, wage theft, and the Earned Income Tax Credit, few public health researchers or epidemiologists address minimum wages. Moreover, despite the colossal number of minimum wage studies by economists, a meager number consider health."

Tsao T, Konty KJ, et al. Estimating potential reductions in premature mortality in New York City from raising the minimum wage to \$15. *Am J Public Health*. 2016 Jun;106(6):1036-1041.

Komro KA, Livingston MD, et al. The effect of an increased minimum wage on infant mortality and birth weight. *Am J Public Health*. 2016 Aug;106(8):1514-1516.

Wehby G, Dave D, and Kaestner R. Effects of the minimum wage on infant health. National Bureau of Economic Research, 2016.

Leigh JP. Could raising the minimum wage improve the public's health? *Am J Public Health*. 2016 Aug;106(8):1355-1356.



Rainer Elstermann



Ingram Publishing

Tyson Workers Win at Supreme Court

In March 2016, the U.S. Supreme Court ruled 6-2 in *Tyson Foods Inc. v. Bouaphakeoi* that employees of Tyson Foods could come together in a class-action lawsuit to recover overtime pay, upholding \$5.8 million in damages a jury had previously awarded workers. The case began with workers at a Tyson Foods plant in Iowa who sued the company for lost overtime pay for time spent walking to their work stations and donning and doffing personal protective equipment. The case was originally brought before a jury, and evidence included an observational study of more than 700 workers putting on and taking off protective equipment; the jury sided with the more than 3,000 workers, awarding nearly \$6 million.

However, in March 2015, Tyson asked the Supreme Court to review the case, arguing that the sampling method used to calculate the overtime was unfair and that each worker should have brought his or her case individually, instead of being allowed to sue as a group. In a statement on the Supreme Court's ruling, Scott Michelman, an attorney with Public Citizen, which helped defend the initial pro-worker judgment, said: "Today's decision is a strong reaffirmation of workers' rights to join together in taking their employer to court for failing to pay wages due under state and federal laws. The Supreme Court rejected the corporate defense bar's strong push to eliminate the ability of workers and consumers to litigate common claims through class actions — which are critical to holding corporations accountable for systemic wrongdoing."



cmcderrm1

Public health workers murdered in San Bernardino

An employee training meeting and holiday party was the scene of horrific gun violence in San Bernardino, California on Dec. 2, 2015. Fourteen people, aged 26 to 60 years, were murdered by a co-worker and his spouse. Twelve of the victims worked for the county's division of environmental health services, and most of them were members of local 721 of the Service Employees International Union.

A December 2015 memorial service remembers the lives of 14 employees of San Bernardino County who were murdered by a fellow employee earlier that month.



SEIU Local 721

However, that success has come with steep costs for workers: between 2003 and 2013, nearly 1,200 oil and gas extraction and production workers lost their lives on the job, marking a yearly occupational fatality rate seven times higher than for workers in general. The public comment period for the strategic plan ended in October 2015.

National Academy of Sciences on OHS surveillance

In an effort to gain a clearer and more complete picture of workplace injuries and illnesses in the U.S., the National Academy of Sciences launched a new study on “Developing a Smarter National Surveillance System for Occupational Safety and Health in the 21st Century.” Sponsored by NIOSH, the U.S. Bureau of Labor Statistics, and OSHA, an expert committee will develop a vision for a “smarter” and cost-effective surveillance system and make recommendations for creating such a system. The committee held its first meeting in June 2016.

Worksite wellness

In December 2015, the National Institutes of Health sponsored a two-day workshop to consider the current evidence related to integrating worksite health promotion with occupational safety and health. Participants discussed findings from a commissioned systematic review of the literature on papers related to NIOSH’s Total Worker Health (TWH) program. The workshop participants made recommendations for future activities related to TWH. A recap of the workshop was published in the *Annals of Internal Medicine*.

Notable whistleblower cases

A janitor with the Dearborn Heights, Michigan, school district was labeled a troublemaker for raising safety complaints about dry sanding of asbestos floor tiles. Theresa Ely was retaliated against for more than three years. In June 2016, OSHA ordered her employer to pay \$193,000, which includes \$140,000 in compensatory damages. Prior to OSHA’s decision, Ely’s

experience was the subject of reporting by the *Detroit Free Press*.

A receptionist at Salon Zoe in the Bronx, New York, was illegally fired for telling her co-workers about the hazards of a formaldehyde-containing hair straightener. Valerie Connolly had distributed an OSHA factsheet about the chemical. In December 2015, a judge ordered her employer to pay Connolly \$65,000 in lost wages and \$100,000 in compensatory damages.

In March 2016, OSHA filed charges in federal court against Lloyd Industries for multiple cases of retaliation. One worker was fired after suffering the amputation of three fingers in an unguarded machine. The company owner fired a worker he suspected of being a “rat” because he took photos of safety hazards in the Montgomeryville, Pennsylvania, plant. After OSHA issued \$822,000 in penalties, the plant manager reported that the owner fired him for cooperating with OSHA.

Murray Energy is the largest U.S. firm operating underground coal mines. In November 2015, its CEO, Robert Murray, was personally sanctioned by an administrative law judge for interfering with miners’ rights to file anonymous safety complaints to MSHA. As part of mandatory training programs involving 3,500 employees, Murray used PowerPoint slides that said workers were required to notify management immediately of any complaints filed with MSHA. The judge ordered Murray Energy pay a \$150,000 penalty.

Happenings in Congress

9/11 health, compensation law reauthorized

Signed into law in December 2015 as part of the federal omnibus spending bill, the James Zadroga 9/11 Health and Compensation Reauthorization Act continues the World Trade Center Health Program through 2090 and extends the September 11th Victim Compensation Fund for an additional five years, adding \$4.6 billion to aid the victims of the terrorist attacks as well as first responders and other

workers who became sick after experiencing toxic exposures at the attack sites. The World Trade Center Health Program, administered by NIOSH, provides medical monitoring and treatment services for those who responded to the Sept. 11 attacks in New York City, Pennsylvania, and the Washington, D.C., area. As of July 2016, nearly 75,000 people were enrolled in the program, which delivered more than 30,000 monitoring or screening exams and provided medical treatment to more than 23,000 patients between April 2015 and March 2016. In addition, the health program awarded seven new cooperative agreements in fiscal year 2015 for research into topics such as cognitive health, World Trade Center-related sarcoidosis, and post-traumatic stress disorder.



Firefighter Ray Pfeifer (second from left) and comedian Jon Stewart celebrate the reauthorization of the Zadroga Act in New York City.

Oversight hearings on OSHA and MSHA

The Subcommittee on Worker Protections of the House of Representative's Education and the Workforce Committee conducted several hearings in the past year on OHS topics.

In October 2015, Assistant Secretary of Labor for Occupational Safety and Health David Michaels testified before the subcommittee on a range of issues, including actions to improve chemical facility safety and security, improvements in handling whistleblower cases, and its new severe injury reporting rule. Later that month, the subcommittee focused on mine safety policies. Industry witnesses complained that MSHA directs too few resources to compliance assistance activities and mandates the

use of unproven technology. In contrast, Mike Wright with the United Steelworkers and Steve Sanders with the Appalachian Citizens' Law Center urged the committee to impose more safety requirements on mine operators.

In April 2016, the subcommittee invited representatives of the U.S. Chamber of Commerce and the National Association of Home Builders to criticize OSHA's new silica standard. The new rule was issued just a few weeks earlier. Democratic members of the subcommittee invited Jim Melius of the Laborers' Health and Safety Fund of North America to testify in support of the rule. Melius called it a "major milestone" in worker health protection.



Dr. Jim Melius testifies in April 2016 before a congressional committee to support OSHA's new silica regulation. A representative of the Chamber of Commerce sits on his left.

In May 2016, the subcommittee received testimony from three witnesses who were critical of OSHA's new regulations on reporting injuries and illnesses, particularly the agency's plan to post certain establishment-specific data on its website. Testifying in support of the regulation and on behalf of the American Public Health Association was Rosemary Sokas, a professor and the chair of the Department of Human Science at the Georgetown University School of Nursing and Health Studies.

Attention on workers' compensation

Ten members of Congress, including Sens. Patty Murray (D-WA) and Bernie Sanders (I-VT), wrote to Labor Secretary Tom Perez about the erosion of workers' compensation (WC)

continued on page 22

TSCA Reform Finally Arrives

Forty years after it was initially signed into law, the federal Toxic Substances Control Act (TSCA) received a long-awaited and hard-fought overhaul with the passage of the Frank R. Lautenberg Chemical Safety for the 21st Century Act (LCSA), introduced by Rep. John Shimkus (R-IL) and Sen. Tom Udall (D-NM). Signed into law by President Obama in June 2016, the chemical safety reform law was hailed by many advocates as a significant step forward, though many said the final bill still falls short of sufficiently protecting the public and workers against harmful chemical exposures. There are currently tens of thousands of chemicals in the marketplace that have never been evaluated for their impact on human health. Previously, regulatory officials had to first have evidence of a chemical's risk to health before requiring new testing.

The new reform law strengthens EPA's authority to require safety testing of new and existing chemicals and eliminates previous rules that the agency first show evidence of a chemical's harm before requiring testing; replaces the previous cost-benefit safety standard with a health-based safety standard; requires EPA to quickly review and regulate "high priority" chemicals; and allows EPA to collect up to \$25 million per year in user fees from chemical manufacturers to help defray the cost of implementing reform. But while the new law does strengthen the nation's regulatory framework for chemical safety, many advocates worry that it's not enough to fully protect public health.

For example, in the past, states often took the lead on chemical safety issues, and many advocates feared that TSCA reform language would pre-empt states from continuing to take action to protect residents from harmful chemicals. The final TSCA reform law does grandfather in state chemical safety regulations already on the books; however, the law also mandates that once EPA begins a chemical safety review, states cannot take action on that particular chemical until the review is complete, though states can seek a waiver from that restriction. But because an EPA review could take years to complete, some advocates worry that the restriction on state laws could needlessly put people's health at risk. Health and safety advocates are also wary of the pace of safety reviews set forth in the reform law — while only a small fraction of the 85,000 chemicals on the market today have undergone EPA-required safety testing, TSCA reform only requires EPA have 20 ongoing risk evaluations underway in the next three-and-a-half years.

But in a big win for workers, LCSA clearly gives EPA the authority to ban asbestos, a known human carcinogen. (The agency previously attempted to ban asbestos, but it was blocked from doing so in a court decision.) In an interview with *EHS Today*, Linda Reinstein, president and co-founder of the Asbestos Disease Awareness Organization, said: "Asbestos has been the poster child for TSCA reform and will be the litmus test for the efficacy of this bill. The EPA must limit delay by including asbestos in the list of the first chemicals it evaluates and quickly exercising its authority under this legislation to ban asbestos."



(L-R) Linda Reinstein, founder of the Asbestos Disease Awareness Organization, celebrated with Sen. Barbara Boxer (D-CA), Emily Reinstein, and Bettina Poirier at the White House signing ceremony of the Frank R. Lautenberg Chemical Safety for the 21st Century Act, June 2016.

systems. Their October 2015 letter invited the secretary to work with them to improve oversight of the state-based systems. In response, the Labor Department commissioned a study to examine the impact of state “opt-out” laws, which permit employers to implement alternatives to WC insurance. As of August 2016, a department spokesman would not provide an update on the status of the report.

GAO Reports

Violence against health care workers

The Government Accountability Office (GAO) released a report in April 2016 on the alarming rate of violence-related injuries experienced by health care workers. Investigators assembled data from NIOSH, the Bureau of Labor Statistics (BLS), and the Bureau of Justice Statistics. GAO estimated the rate of injuries from workplace violence was at least five times higher for health care workers than private-sector workers overall. Investigators also examined workplace violence prevention standards adopted in nine states. GAO made recommendations to OSHA to provide more guidance to inspectors on the evidence needed to support a general duty clause violation (i.e., a sanction for failing to provide a workplace free of recognized hazards).

The GAO report was released at a press conference featuring health care workers who had been the victims of workplace violence, as well as Sen. Patty Murray (D-WA) and Reps. Bobby Scott (D-VA), Frederica Wilson (D-FL), and Joe Courtney (D-CT). The lawmakers called for a nationwide OSHA standard to address the problem.



Mark Catlin

California nurse Brandy Welch speaks to the press about the GAO report on health care workers and violence. Welch is joined by Helene Rogers, RN (American Federation of Teachers member), John Bryan, CNA (USW member), other members of National Nurses United, as well as Reps. Bobby Scott (D-VA), Joe Courtney (D-CT), and Frederica Wilson (D-FL).

Poultry and meatpacking workers

Reports from workers, civil rights groups, and academics describe the safety hazards and exploitation encountered by poultry and meatpacking workers. A May 2016 report from GAO validated those findings, including retaliation for reporting injuries and inappropriate medical treatment for musculoskeletal disorders (MSD).

GAO’s investigation, which was requested by Sens. Patty Murray (D-WA) and Robert Casey (D-PA) and Rep. Bobby Scott (D-VA), concluded that the Department of Labor, BLS, and NIOSH need to identify ways to obtain better data on MSDs. Oxfam America and the National Employment Law Project coordinated a press call with Sen. Murray and affected workers, including those who spoke Somali and Hmong.

Addressing Occupational Health and Safety at the State and Local Levels

Campaigns to improve working conditions and safety protections bore fruit over the past year in states and localities across the country. Public justice attorneys in New Mexico secured a victory at the state's highest court on workers' compensation (WC) safeguards for farmworkers. Oklahoma's WC "opt-out" provision was struck down as unconstitutional. The state of New York established rules requiring nail salons to install ventilation in order to protect technicians from chemical exposures and created a permanent task force to address wage and safety exploitation of vulnerable workers. Also in New York, tougher sanctions were put in place for drivers who injure sanitation workers, while a similar law was adopted in Pennsylvania to protect road and highway repair workers. These happenings and others are highlighted below.

Illinois enacts domestic worker bill of rights

The Illinois state Senate unanimously passed a Domestic Workers' Bill of Rights in May 2016 that amends state law to extend minimum wage and human right protections to house cleaners, nannies, and home care workers across the state. The bill guarantees rest and meal breaks, as well as protects domestic workers against sexual harassment. In August 2016, Gov. Bruce Rauner signed the bill into law. Illinois is the sixth state to adopt a bill of rights for domestic workers.

California

Violence in health care

In 2014, labor unions representing nurses formally petitioned Cal/OSHA to promulgate a workplace violence prevention standard aimed at protecting health care workers, who are at particular risk of experiencing violence on the job. The petition came just a few years after 54-year-old psychiatric technician Donna Gross was strangled to death by a patient at Napa State Hospital. The murder led to widespread outrage and protests calling for stronger safety and violence prevention measures at health facilities. State officials have been working on such a standard and gathering public input since fall of 2014. In early August 2016, Cal/OSHA released some additional revisions to

the proposed standard and announced a new public comment period through mid-August. Among the issues the proposed regulations address are staffing levels, response plans, alarm systems, and facility design. Advocates expect a final vote on the California standard by October 2016.



San Francisco Bay Area Independent Media

Workers remember violence victim Donna Gross, a technician at the Napa Valley State Hospital, during their calls for California to adopt a workplace violence prevention standard.

Workers get right to a seat

In April 2016, the California Supreme Court ruled that workers are entitled to have chairs at work. The ruling stems from suits brought against CVS Pharmacy and Chase Bank and clarifies existing state law that "all working employees shall be provided with suitable seats when the nature of the work reasonably

Workers' Memorial Week: Remembering Lives Cut Short

Family members of deceased workers, safety advocates, injured workers, labor organizers, and community leaders participated in rallies, vigils, and commemorations to remember individuals who died from work-related causes. More than 100 events took place in the U.S. during Workers' Memorial Week (April 24-April 30, 2016) with a common demand: safer workplaces. Several OHS advocacy groups also released, including:

Death on the Job: The Toll of Neglect. AFL-CIO, 2016.
<http://bit.ly/1XX71xQ>

This year's report was the 25th edition of the federation's compendium of federal and state OHS data. It provides an historical record of enforcement data, such as numbers of inspections conducted and amount of penalties assessed, as well as injury and fatality trends and state-by-state comparisons.

Dying for Work in Massachusetts. MassCOSH and Massachusetts AFL-CIO, 2016.
<http://bit.ly/29oN00s>

The report lists by name 63 Massachusetts workers who lost their lives in 2015 and early 2016. It also explores current topics in OHS including, workplace violence, climate change, and "workplace wellness" programs.

Workers' Memorial Day Report for Florida. South Florida COSH, 2016.
<http://bit.ly/2aABLFy>

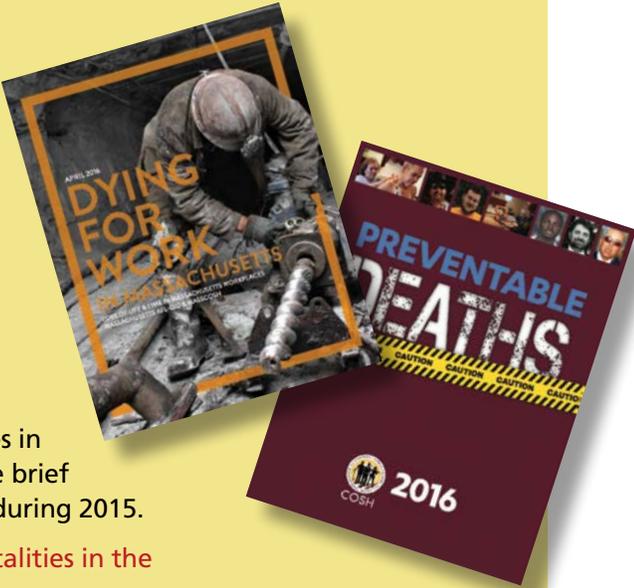
The authors use the most current data from the Bureau of Labor Statistics to examine the industries in which work-related fatalities occurred and provide brief recaps on some of the worker fatalities in Florida during 2015.

Worker Memorial Day Report 2016: Workplace Fatalities in the Houston Area. Houston COSH, 2016.
English: <http://bit.ly/29unXvX>
Español: <http://bit.ly/29uoA8B>

The report, available in both Spanish and English, features names and photos of 63 workers from the Houston area who were killed on the job in 2015. It includes an analysis of worker deaths in Houston, as well as Texas-wide.

Tennessee Workers: Dying for a Job. Knox Area Workers' Memorial Day Committee, 2016.
<http://bit.ly/29tmbJC>

The authors weave stories of deceased workers into their report of fatality trends in the state. They pay tribute to workers who were killed on the job in 2014 and 2015 by providing their names, ages, and occupations. The report includes numerous recommendations for federal, state, and local governments, as well as public and private employers.



permits the use of seats.” Specifically, the court considered whether each task that a worker performs must be evaluated to determine if it qualifies for a chair, among other questions. In the unanimous opinion, California Justice Carol Corrigan wrote: “There is no principled reason for denying an employee a seat when he spends a substantial part of his workday at a single location performing tasks that could reasonably be done while seated, merely because his job duties include other tasks that must be done standing.”



Health care workers in California rally to demand safety protections.

Oil refinery safety

The state’s OHS standards board proposed in July 2016 new process safety management regulations for petroleum refineries. Among other things, the rule calls for the adoption of inherently safer designs, regular assessments of safety versus production pressure dynamics, and requirements for root cause analysis. The proposal stems from recommendations made by a governor’s panel following the August 2012 chemical release at Chevron’s Richmond, California, refinery.

Florida Supreme Court rules for injured workers

Florida’s highest court ruled in April 2016 that limits on attorney fees under the state’s workers’ compensation (WC) statute were unconstitutional. In the 5-2 ruling on *Castellanos v. Next Door Company* the majority concluded

that the attorney fee limits violated an injured workers right “to seek redress of grievances.” Florida lawmakers had placed limits on the amount that injured workers’ can pay attorneys who handle WC cases. Worker advocates argued that restrictions on attorney fees made it exceedingly difficult for workers to find an attorney to take a WC case.

Massachusetts

State employee safety measures

The Commonwealth’s Department of Labor Standards conducted 93 investigations under a new law providing state employees better safety protections. Agencies that have been the subject of complaints are required to address the health and safety concerns raised. An evaluation by MassCOSH found a number of agencies, such as the Department of Public Utilities, taking steps voluntarily to improve employee safety. Due to resource constraints, a number of state agencies were not subject to inspections during the program’s first year.

Settlement agreement establishes safety training fund

Linemen Joseph Boyd III and John Loughran were killed on the job in April 2014 when they fell 140 feet while harnessed to a truck-mounted crane. OSHA cited Mass Bay Electrical in Massachusetts for serious and willful violations of crane safety standards and proposed a \$168,000 penalty. In a unique settlement agreement, the company agreed to make annual contributions for 20 years to a scholarship fund for workers to receive training in line construction and safety. It also agreed to conduct safety audits, establish a safety committee, require field managers to be journeymen linemen, and notify OSHA of utility work projects. The scholarship fund will be managed by IBEW Local 104 and called the Boyd/Loughran Fund.



IBEW Local 104 will manage a safety scholarship fund named in memory of deceased linemen Joseph Boyd III, 34, and John Loughran, 34.

New Mexico Supreme Court rules for injured farm workers

New Mexico's highest court ruled in June 2016 that excluding farm and ranch laborers from the state's workers' compensation (WC) law is unconstitutional. A similar conclusion in *Rodriguez v. Brand West Dairy* was made in 2015 by the New Mexico court of appeals. The case was litigated on behalf of the workers by the New Mexico Center for Law and Poverty. In a 4-1 ruling by the state's supreme court, the judges found that the exclusion of farm and ranch laborers from WC "is nothing more than arbitrary discrimination and, as such, it is forbidden by our Constitution."

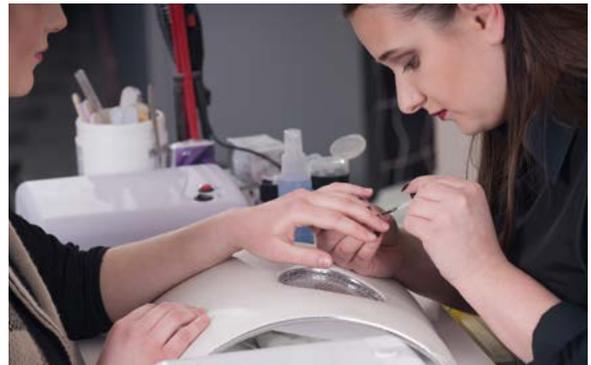
New York

Victories, protections for New York nail salon workers

In the aftermath of the 2015 *New York Times* exposé on exploitation, labor violations, and serious health and safety issues within the nail salon industry, state and local officials took sweeping actions to protect vulnerable workers. Among the recent developments: in May 2016, New York Gov. Andrew Cuomo announced that the state's Nail Salon Industry Enforcement Task Force directed 143 nail salons to pay \$2 million in unpaid wages and damages to more than 600 workers; in late 2015, New York City's public advocate office announced

a new pilot project to measure and monitor air quality inside nail salons; and in July 2016, Cuomo announced that all nail salons will be required to have ventilation systems that adequately protect employees from harmful chemical exposures. All salons will be required to have ventilation systems that meet the state's new standards by October 2021.

In a July 2016 report from the New York State Department of Health, "Review of Chemicals Used in Nail Salons," researchers wrote that "given the uncertainties associated with nail salon product information, developing a list of nail product chemical ingredients that will be comprehensive and remain accurate over time is not feasible." However, state health officials did find that commonly used nail salon chemicals are associated with both short- and long-term health effects, from headaches and dizziness to cancer and reproductive problems.



Andika

Building on the nail salon efforts, Cuomo in July 2015 created the Task Force to Combat Worker Exploitation to focus on more than a dozen industries across the state, including daycare, food service, construction, janitorial services, home health care, and agriculture. In summer 2016, Cuomo signed an executive order making the task force permanent. To support the task force, Cuomo created an Anti-Retaliation Unit and a Mediation Unit with the state's Department of Labor and launched a website with information on how workers can report workplace abuses.

The state's efforts seem to be paying off: In May 2016, Cuomo's office announced that during the first three months of 2016, more

than \$10 million in wages had been recouped on behalf of 17,000 victims of wage theft, putting the state on track to exceed the \$31.5 million in stolen wages recouped in 2015.

Organizing victory for farmworkers

In May 2016, New York farmworker Crispin Hernandez, the New York Civil Liberties Union, the Workers' Center of Central New York, and the Worker Justice Center of New York filed suit against the state of New York and Gov. Andrew Cuomo for failing to safeguard farmworkers' right to organize.

While New York's constitution protects the rights of workers to organize and collectively bargain, farmworkers are exempt from such labor protections. Plaintiff Hernandez was fired from his job at a dairy in Lowville, New York, and evicted from worker housing after employers saw him meeting with organizers. Just hours after the suit was announced, Cuomo said he would not defend the exemption in court. However, as of June 2016, the New York Farm Bureau said it will intervene to get the suit dismissed and uphold the farmworker exemption.



Lead plaintiff Crispin Hernandez filed suit in the New York Supreme Court to assert the rights of farmworkers to organize a union.

collecting trash on the side of the road, New York state legislators took up a bill to require all drivers to slow down and use caution around sanitation workers. Passed through the state Assembly and Senate in June 2016, the bill, often referred to as the "Slow Down Law," would classify sanitation or garbage trucks as "hazard vehicles" while engaged in collecting garbage on public roads and include such vehicles in existing law that requires drivers to change lanes or slow down when passing emergency vehicles parked on roadsides. Gov. Andrew Cuomo signed the bill into law in September 2016.

New York City issues tougher construction site penalties

In February 2016, New York City Mayor Bill de Blasio announced significantly higher penalties for serious lapses in construction safety. Penalties for serious safety infractions of rules enforced by the Department of Buildings (DOB) would increase from \$2,400 to \$10,000, and the penalty for lacking a construction superintendent would go from a maximum of \$5,000 to \$25,000. New York City has experienced a building boom in recent years, with construction surging more than 300 percent since 2009. However, that surge has come with a spike in construction-related injuries and fatalities, with 70 percent of construction-related incidents in 2015 occurring at job sites smaller than



Carly Fox of the Worker Justice Center of New York speaks at the state capitol in support of farmworkers' right to organize.

New protections for sanitation workers

Following the 2015 death of Sean Tilghman, a Tioga County, New York, sanitation worker who was struck and killed by a driver as he was

National COSH: Fighting For and Winning Safer Workplaces

The National Council for Occupational Safety and Health (National COSH) is a nationwide grassroots advocacy organization, focused on empowering workers to win safer conditions on the job. The COSH Network unites 20 local organizations from 14 different states.

Highlights from the last 12 months include:

- **Workers' Memorial Week took place from April 23 through April 30 in 2016.** To mark the event, National COSH released "Preventable Deaths 2016," documenting more than 100,000 fatalities in U.S. workplaces due to traumatic injuries and long-term exposure to occupational hazards. With increased awareness and activity, Workers' Memorial Week grows bigger every year. In 2016, local COSH groups, labor unions, and allied organizations sponsored more than 100 vigils, rallies, demonstrations, and other memorial events in cities across the United States.
- **Taking on the Temporary Staffing Industry.** In October 2015, National COSH partnered with the Chicago Workers Collaborative (CWC) to call for employer responsibility for safe working conditions at Elite Staffing, a temp agency on the south side of Chicago. This protest delegation was convened during the American Public Health Association (APHA) annual meeting. National COSH also sponsored a session on the history of the occupational safety and health movement and a screening of "A Day's Work," a landmark film about temp workers, during the APHA meeting.
- **A Thanksgiving Appeal to Poultry CEOs.** National COSH convened a press call with Oxfam America, the Southern Poverty Law Center, and several former turkey-processing workers to call attention to extremely dangerous conditions in the industry. Partnering with Interfaith Worker Justice and the Western North Carolina Workers Center, National COSH also launched an appeal to the nation's largest poultry companies – Tyson Foods, Pilgrim's Pride, Sanderson Farms, and Perdue – calling for higher wages and safer working conditions.
- **Clean Budget Coalition.** National COSH was an active participant in the Clean Budget Coalition, convened by Public Citizen. The group united scores of public health, environmental, civil rights, and labor organizations working to keep harmful amendments that cripple safety regulations out of the federal budget. The coalition achieved its goal in December 2015 when President Obama and Congress reached a "clean" budget deal with no harmful "riders" attached that would interfere with enforcement of federal safety regulations. For the first time in decades, the final budget deal also allowed an increase to match inflation for OSHA civil penalties.
- **Taking a Stand against Workplace Violence.** In July 2016, National COSH initiated a letter to the U.S. Department of Labor, signed by 15 local COSH groups, in support of two labor union petitions calling for an OSHA standard to prevent workplace violence in health care and social service settings. (See page 13.) The COSH Network letter noted that workplace violence is a problem throughout the U.S. economy, affecting more than 2 million workers annually, and "must be addressed anywhere and everywhere it occurs."



National COSH members protest at the headquarters of the U.S. Chamber of Commerce.

Local COSH Groups Lead Worker Safety Advocacy, Policy Advances

Local COSH groups are at the heart of regional campaigns to protect and advance workers' rights to safe workplaces. The following are just a few examples of their activities during the last 12 months:

- The Central/Northern New York Occupational Health Clinical Centers created an injured workers support and advocacy group, and responded with allies to Gov. Cuomo's task force on low-wage workers.
- ConnectiCOSH addressed workplace assault and violence through its "Shatter the Silence" conferences.
- The Maine Labor Group on Health advocated for responsible employer provisions in Augusta, Maine, city contracts, and for a more robust response to worker fatalities from the state attorney general's office.
- MassCOSH provided immigrant workers with "muck and gut" trainings to protect themselves while cleaning up storm damage caused by climate change, and led a coalition that successfully pushed the Massachusetts State Senate to approve a bill expanding eligibility and compensation for injured workers.
- New Jersey Work Environment Council partnered with the New Jersey State Industrial Council to organize 25 community, labor, and environmental groups to sign on to a "friend of the court" brief and help win a Supreme Court decision to uphold a landmark whistleblower law.
- PhilaPOSH's Criminal Prosecution Committee focused on a new initiative from the U.S. Departments of Justice and Labor to prosecute employers who lie to OSHA compliance officers conducting fatality investigations.
- Rhode Island COSH successfully advocated that the U.S. Green Building Council incorporate worker health and safety into its design protocols.
- SoCalCOSH advocated with Cal/OSHA on behalf of hotel housekeepers and worked with the Don't Waste LA coalition to ensure a good health and safety record for companies awarded hauling contracts with the city of Los Angeles.
- WorkSafe engaged in a grassroots campaign to build support for a workplace violence standard in California and successfully advocated that the California Department of Industrial Relations take the cases of workers who were retaliated against after being injured at work.



The Robert F. Kennedy Center for Justice and Human Rights

NYCOSH and allies demand justice from the district attorney for the death of construction worker Carlos Moncayo, 22.

10 stories. In addition to higher penalties, the DOB conducted a safety sweep of 1,500 job sites and will now require a construction superintendent for all major construction projects at buildings with fewer than 10 stories. The DOB was also expected to hire 100 new enforcement inspectors by summer 2016.



NYC Mayor Bill de Blasio announced initiatives to address a spike in construction fatalities and serious injury incidents.

Oklahoma commission strikes down opt-out law

The Oklahoma Workers' Compensation Commission in February 2016 ruled unanimously that a state law allowing employers to opt out of traditional, state-regulated workers' compensation (WC) systems is unconstitutional. Since 2013, Oklahoma employers have been allowed to opt out of traditional WC in favor of setting up their own workplace injury plans. An NPR and ProPublica investigation into such opt-out plans found that they typically offer workers fewer benefits, force workers into lump-sum settlements, and give employers substantial control over an injured worker's medical care. (For more on the news investigation, see page 34).

The commission's ruling stems from the case of a Dillard's department store employee who was injured while lifting boxes; Dillard's denied the worker's claim and a subsequent appeal. The worker's lawyer argued that such an injury would have been covered under the state WC system and thus the opt-out law leads to disparate treatment of injured workers. The

commission agreed, writing in its decision: "Although at first blush it appears that the Opt-Out Act requires that injured workers under an authorized benefit plan must be afforded benefits equal to or better than those under the Administrative Workers' Compensation Act, this is decidedly not so. ...The appearance of equal treatment under the dual system is like a water mirage on the highway that disappears upon closer inspection."

Attention on Oregon's forestry workers

The Oregon Senate's Interim Committee on Workforce held a legislative hearing in May 2016 to examine worker injuries, health and safety violations, and other labor abuses experienced by immigrant and guest workers who are employed in Oregon's forestry industry. Lawmakers heard testimony from workers, the director of the Northwest Forest Worker Center, chair of the Governor's Environmental Justice taskforce, the director of OR-OSHA, and others. The Senators asked agency officials about current enforcement authority and whether their statutes and rules are adequate to protect this particular group of vulnerable workers.

Attention to abuse of the workers was amplified by February 2016 news coverage, "Timber's fallen: The plight of immigrant forestry workers" in *Street Root News*. Reporter Emily Green described workers lugging 50-pound bags of saplings up steep hills, wielding chainsaws, and applying pesticides. Workers told her about inadequate safety training, extreme temperatures, the rarity of rest breaks, and rampant underreporting of injuries.

Tougher fines for highway worker injuries in Pennsylvania

In November 2015, Pennsylvania Gov. Tom Wolf signed legislation that toughened penalties for drivers who endanger or kill highway workers in construction zones. The new law broadens



Oregon reforestation worker Bravlio Cortez.

the definition of “highway workers” to include emergency personnel, local government and municipal workers, state police officers, and contractors or utility company workers. Violators can now face fines and penalties of more than \$1,000 for irresponsible driving in a work zone, while violations involving worker injuries could result in fines of up to \$5,000 and a six-month driver’s license suspension. The death of a highway worker can result in up to \$10,000 in fines and a one-year license suspension. According to the National Institute for Occupational Safety and Health, about 100 workers are killed and another 20,000 are injured every year in highway and street construction incidents.

Wyoming funds new H&S consultation program

In May 2016, the state’s Department of Workforce Services established the Workers’ Compensation Safety and Risk Unit (WCSRU) to provide health and safety technical assistance to private- and public-sector employers. The state transferred about \$1.2 million that previously

supplemented the OSHA consultation program to the new WCSRU. Wyoming officials indicated that operating outside of the OSHA consultation program requirements will give the staff more flexibility to serve a greater number of employers.

Paid leave for workers in Minneapolis and Chicago

Worker and family advocates in Minneapolis, Minnesota, celebrated the city council’s unanimous approval in May 2016 of a paid sick leave law. Employees at workplaces with six or more employees will be allowed to accrue one hour of leave for every 30 hours worked. The leave can be used to care for themselves or a family member for injuries, illnesses, and medical appointments, as well as needs related to domestic abuse, sexual assault, or stalking. The city’s mayor and other leaders characterized paid leave as a public health issue and noted its particular importance to low-wage workers.

In a 48-0 vote, Chicago’s City Council passed a paid sick leave ordinance in June 2016. The campaign for the new law included a non-binding referendum in 2015 in which 82 percent of city voters supported paid leave. The ordinance will allow workers to earn up to five days of leave per year. It will also prohibit an employer from disciplining a worker for using sick leave. Adam Kader with Arise Chicago told *In These Times* that “as fewer workers are eligible to or successful at joining unions, workers are influencing their workplaces through municipal governments, over which they have some degree of control.”

Over the last 12 months, paid leave laws were adopted in the state of Vermont as well as in Los Angeles, CA; Santa Monica, CA; and Spokane, WA. They join state-wide laws already on the books in California, Connecticut, Massachusetts, Oregon, and the District of Columbia, plus in specific localities in Maryland, New Jersey, Pennsylvania, and Washington.



Arise Chicago members celebrate the city's passage in June 2016 of a paid sick leave ordinance.

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Criminal Prosecutions

Over the last 12 months, a number of employers have faced criminal sanctions for failing to address safety hazards that contributed to a worker's death on the job. The cases include:

- The owner of a Philadelphia roofing company, James J. McCullagh, 60, pled guilty in December 2015 to four counts of making false statements, one count of obstruction of justice, and one count of willfully violating OSHA's fall protection standards. The U.S. Attorney for the Eastern District of Pennsylvania brought the case following the June 2013 death of Mark Smith, 52, who fell 45 feet from scaffolding while working at the Old Zion Lutheran Church in Philadelphia.
- Harco Construction, owned by Kenneth Hart, was found guilty in June 2016 by a Manhattan, New York judge of manslaughter and reckless endangerment for the death of Carlos Moncayo, 22. The case was brought by New York County district attorney Cyrus R. Vance following Moncayo's April 2015 death in an unshored trench. Despite the conviction, the prosecutor bemoaned the \$35,000 maximum penalty. The judge ordered Harco to produce English and Spanish public service announcements about workplace safety. The company is appealing the criminal conviction.
- In July 2016, the San Bernardino, California, district attorney charged RePlanet, one of the state's largest recycling companies, with two felony counts for willfully violating worker safety regulations. The charges stem from an investigation into the work-related death of Salvador Garcia, 61. The RePlanet employee was fatally injured in August 2013 when he was struck by a front-end loader.

News Coverage of Worker Health and Safety Topics

A notable trend over the past 12 months was the focus by investigative journalists on the workers' compensation (WC) system, as well as on particular chemical hazards that affect workers' health. The Center for Investigative Reporting's Reveal News featured a three-part podcast series on California's \$24 billion-per-year WC industry. The 50-minute episodes described the ways in which corrupt physicians profit by mismanaging treatment provided to injured workers. ProPublica and National Public Radio, in a continuation of their reporting on the WC system that began in 2015, examined the role of a Texas attorney to promote "opt-out" laws in Oklahoma and other states. The Center for Public Integrity, McClatchy newspapers, and others examined the significant obstacles faced by workers who suffer from illnesses related to chemical exposures. Other journalists brought attention to regional and local worker safety topics, including an examination of lax enforcement by Michigan-OSHA and the impact of understaffing on workplace violence incidents at a psychiatric hospital in Lakewood, Washington. These and other significant news reporting during the previous year are highlighted in this section of this report.

Workers' compensation: Illnesses left out

Jamie Smith Hopkins of the Center for Public Integrity documented the near-impossible challenges that victims of long-term occupational illnesses face when confronting state workers' compensation (WC) systems. "Disease victims often shut out of workers' comp system" reported on workers and surviving family members at Armstrong World Industries, which operates a flooring plant in Lancaster, Pennsylvania. According to the article, Gene Cooper, who worked at Armstrong, came home one day in 2003 with a severe cough after cleaning up a chemical spill. Within months, he showed signs of neurological damage, "going to work at the wrong time, getting dates mixed up."

By 2006, at age 51, Cooper was in a nursing home "not speaking, his family unable to tell whether he recognized them or not." Unable to swallow, he died in 2014, "choking on aspirated contents of his own stomach. It's an image his wife [Sandra] cannot get out of her head." Cooper's wife was left with mountains of medical bills. But even after testimony from two neurologists, a neuropsychologist, and a toxicologist linking Cooper's illness to solvent exposure on the job, she has won only partial

compensation and remains in a legal battle with Armstrong.

Several of Cooper's former co-workers, also grappling with severe illnesses, have also been unable to recover full compensation. The problem, Hopkins wrote, is not unique to Pennsylvania or Armstrong World Industries. As Hopkins described, the nation's WC system was developed, state by state, a century ago in response to the inefficiencies of tort law. While workers had great difficulty winning damages for workplace injuries, companies did sometimes lose in court, facing large and uncertain costs. WC, wrote Hopkins, was a grand bargain: "Injured employees would get medical and wage assistance without having to prove negligence, while employers would not have to pay for pain, suffering or punitive damages."

Over time, Hopkins explained, intense lobbying by employers has tilted the rules to the disadvantage of injured and sick workers. And for workers suffering from illnesses due to long-time occupational exposures, the barriers can be almost insurmountable. Frequently, workers are required to report an injury within strict time limits, but it can take years — even decades — before a worker realizes that he or she has an illness linked to workplace chemical exposures. In fact, according to research cited in the article, more than 95 percent of

ultimately-fatal occupational diseases are never covered by WC systems.

Jamie Smith Hopkins. "Disease victims often shut out of workers' comp system," Center for Public Integrity, Nov. 4, 2015. <http://bit.ly/1NZY2rQ>

Maryam Jameel, Center for Public Integrity



Don Roberts, using a walker as a balance aid, exercises in his neighborhood with wife Marilyn. They are featured in the Center for Public Integrity's reporting on the deficiencies in the workers' compensation system.

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Pushes to 'opt out' from workers' compensation

Dallas-based attorney Bill Minick has a solution to the slow payments and high costs that characterize many state workers' compensation (WC) systems: let employers opt out altogether. Minick has lobbied to allow firms in Texas and Oklahoma to opt out of state-based WC systems, replacing them with private schemes written and administered by employers. As reported by Howard Berkes of NPR and Michael Grabell of ProPublica, Minick claimed he can lower the cost of covering workplace injuries by as much as 90 percent. The resulting savings, he said, can be passed on to workers in the form of higher benefits. But Grabell and Berkes uncovered a different story. They conducted the first-ever outside review of the

private compensation plans set up by Minick and his corporate clients. Their findings: "The plans almost universally have lower benefits, more restrictions and virtually no independent oversight."

According to the investigation: "The plans in both Texas and Oklahoma give employers almost complete control over the medical and legal process after workers get injured. Employers pick the doctors and can have workers examined — and reexamined — as often as they want. And they can settle claims at any time. Workers must accept whatever is offered or lose all benefits. If they wish to appeal, they can — to a committee set up by their employers." In addition, the investigation found, workers' lawyers in Oklahoma noticed that many opt-out companies were turning to Dr. Melissa Tonn, a Dallas-based physician, for workers' care. Tonn is Minick's wife. The article noted: "As medical care is often the most expensive part of a claim, Tonn can greatly influence how much claims cost. And that ultimately affects how much money PartnerSource (Minick's company) saves employers, allowing it to keep clients happy and recruit more business."

Michael Grabell and Howard Berkes. "Inside Corporate America's Campaign to Ditch Workers' Comp," ProPublica and NPR, Oct. 15, 2015. <http://bit.ly/1OB533p>

Workers' compensation: Injured workers left behind while fraud runs rampant

Workers' compensation (WC) systems, introduced in the U.S. a century ago, are intended as no-fault insurance for on-the-job injuries. Injured workers give up their right to sue for large damages in exchange for a promise of no-hassle medical care and fixed compensation.

Unfortunately, it hasn't quite worked out that way. A multi-part investigation by Christina Jewett of the Center for Investigative Reporting revealed widespread WC fraud in California. Reviewing data from more than

one million court cases, Jewett and colleagues found “workers... swept into medical billing mills, prescribed unregulated medication, and advised to undergo sometimes unneeded or high-risk surgery by doctors who were taking in bribes.” According to the investigation, California’s \$24 billion-per-year WC system lacks the basic protections against fraud that are built into Medicare and Medicaid. For instance, a provision intended to protect injured workers — allowing them to receive medical care with payment determined later in WC courts — has created enormous opportunities for abuse.

In an example of WC abuse, Jewett reported on Kareem Ahmed, owner of Landmark Medical Management, who billed California employers and insurers for millions worth of “pain creams,” although he is not a pharmacist. There’s no proof his potions work, and in one case, a cream he prescribed killed an injured worker’s infant child, who ingested the “medicine” by mistake. Ahmed was captured on tape during a fraud investigation telling another businessman that when it comes to WC, “Nobody gives a f***... Nobody cares.”

Shady practices that harm workers who are supposed to receive medical treatment are by no means confined to California. Writing for ProPublica, Michael Grabell uncovered a web of WC lawyers, doctors, cost-containment specialists, and other consultants who work to keep costs down for employers and insurers — often at the expense of injured workers. “The middlemen offer an array of services from managing claims to negotiating medical bills,” Grabell reported, “all promising to reduce costs — although critics say some actually raise them, as well as the burden on those hurt on the job.”

One area in which costs are not contained, Grabell reported, is the luxurious events where WC consultants gather to trade tips and sell each other services. There are more than 150 WC conferences a year in Las Vegas and other locations, according to the article, featuring guests like Pete Rose, Arianna Huffington, and Joan Jett and the Blackhearts. At one conference Grabell found his way into a lavish

party sponsored by One Call Care Management and featuring an acrobat, go-go dancers, and glowing “aliens” dressed in spandex. “If I was an injured worker at home wondering how I would pay my bills,” confided one insurance manager, who declined to be named, “I would be sick to see this.”

Christina Jewett. “Profiteering masquerades as medical care for injured California workers,” *RevealNews.org*, March 31, 2016.

<http://bit.ly/2b0gdkW>

Christina Jewett. “How California’s health care system for workers forgot about fraud,” *RevealNews.org*, March 31, 2016.

<http://bit.ly/2b7vyl0>

Christina Jewett. “Holes in oversight leave California workers’ comp vulnerable to fraud,” *RevealNews.org*, April 4, 2016.

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

Michael Grabell. “All of this because somebody got hurt at work,” *ProPublica*, Dec. 29, 2015.

<http://bit.ly/1JenP0Q>



Cost of the Cold War

During the Cold War, the U.S. built a vast nuclear stockpile, exposing hundreds of thousands of workers to uranium and other hazards. According to investigations conducted in 2015 and 2016 by McClatchy, the Center for Public Integrity, and *In These Times*, such workers face ongoing health risks, retaliation for whistleblowing, and inadequate federal compensation programs.

“Irradiated: Hidden legacy of 70 years of atomic weaponry” is a four-part series published by McClatchy Company newspapers in December 2015. It focused on workers exposed to radioactive substances in nuclear weapons plants as

well as a federal program established in 2001 that was supposed to compensate workers for job-related diseases. According to the investigation, at least 33,480 former nuclear workers who received compensation are dead — more than four times the number of American casualties in Afghanistan and Iraq. One of those workers was George “Smitty” Anderson, who died at age 62; he was exposed to contaminated water at the U.S. Department of Energy’s Savannah River nuclear weapons plant in South Carolina. Smitty had “cancer in his brain, his bones, everywhere north of his knees,” McClatchy journalists reported. Less than half of sick and injured workers who have applied for compensation, however, have received any money. In a follow-up story, McClatchy journalists reported that whistleblowers reporting safety concerns at U.S. nuclear facilities have been unfairly disciplined and, in some cases, fired from their jobs.

The Center for Public Integrity also reported on the plight of former nuclear workers in 2015 and 2016. A Dec. 11, 2015, story, “Ailing, angry nuclear worker fight for compensation,” documented the difficulties many workers face in receiving payments under the federal Energy Employees Occupational Illness Compensation Program. Faulty records and disputes over exposures mean that many sick workers never received compensation or medical care.

A follow-up story posted on Jan. 7, 2016, “Report underlines worker hazards at old weapons plants,” details an investigation by the National Institute for Occupational Safety and Health (NIOSH) of current conditions at U.S. nuclear facilities. The NIOSH report found that workers still face exposure to high levels of toxic chemicals.

An investigation published in *In These Times*, “Uranium mine and mill workers are dying, and nobody will take responsibility,” published Feb. 15, 2016, documented the health hazards faced by workers who mined and processed raw materials used in nuclear weapons plants. For example, Linda Evers, who worked in a Kerr-McGee uranium mill in Grants, New Mexico, was diagnosed with degenerative

bone disease, and both her children were born with birth defects. But Evers is not eligible for benefits under the federal Radiation Exposure Compensation Act because she began working in the mill after Dec. 31, 1971, when the U.S. government stopped purchasing uranium.

Rob Hotakainen, Lindsay Wise, Frank Matt, and Samantha Ehlinger. “Irradiated” series, *McClatchy Newspapers*, December 2015. <http://media.mcclatchydc.com/static/features/irradiated/>

Lindsay Wise and Sammy Fretwell. “Nuclear workers say they were retaliated against for exposing wrongdoing,” *McClatchy Newspapers*, March 12, 2016. <http://bit.ly/1RYtJne>

Jim Morris and Jamie Smith Hopkins. “Ailing, angry nuclear worker fight for compensation,” *Center for Public Integrity*, Dec. 11, 2015. <http://bit.ly/1ZRRjm>

Jim Morris and Jamie Smith Hopkins. “Report underlines worker hazards at old weapons plants,” *Center for Public Integrity*, Jan. 7, 2016. <http://bit.ly/1PhFUys>

Joseph Sorrentino. “Uranium mine and mill workers are dying, and nobody will take responsibility,” *In These Times*, Feb. 15, 2016. <http://bit.ly/1Qhxbfo>



Jim Morris, Center for Public Integrity

Faye Stubbs, left, and Joy Stokes say they were exposed to radiation and toxic chemicals at the Energy Department’s Mound plant in Ohio but that managers never took their health concerns seriously. They are featured in reporting by the Center for Public Integrity.

Depositions: A burden for injured workers

Workers exposed to harmful chemicals on the job can suffer from painful, sometimes fatal, illnesses. And according to the Center for Public Integrity, those who try to receive compensation for their injuries can face an additional insult: endless questioning by attorneys trying to pick apart their claims.

As reported by Jie Jenny Zou in March 2016, federal rules limit depositions to seven hours. But many states, like California, have no limit. In one instance of excessive depositions, 75-year-old Nader Kordestani, who was gravely ill and claiming injury for exposure to asbestos, was questioned for 18 hours over 17 days in 2013, then brought back for more questioning in August of 2015. Defense attorneys contend they need all that time to uncover all the facts, but states like Illinois handle such litigation with a three-hour limit for witness depositions.

Jie Jenny Zou. "Plaintiffs in California asbestos cases feel like they're being questioned to death," Center for Public Integrity and ABA Journal, March 2016. <http://bit.ly/2b9qT3z>

Jie Jenny Zou. "Length of depositions not widely regulated," Center for Public Integrity, March 2016. <http://bit.ly/2b7vzWc>

America's third wave of asbestos disease deaths

Kris Penny was a vibrant 39 year old. His small business in Florida was taking off. He adored his four kids and wife. Overnight his life changed when he fell suddenly ill and was diagnosed with peritoneal mesothelioma.

Penny had worked for a decade installing fiber-optic cables for AT&T. What Penny didn't know was that the underground pipes housing the cables were made of asbestos cement. That job was most likely the cause of his deadly form of cancer.

Kris Penny's personal story is told with compassion by the Center for Public Integrity's (CPI) Jim Morris, Maryam Jameel, and Eleanor Bell

Fox. In a companion video, they follow Penny through his intense treatment at the University of Maryland Medical Center. They capture the highs and lows of his struggle to survive.

The backdrop of CPI's reporting is the recognition by scientists and union health and safety officials 25 years earlier of the looming "third wave" of asbestos-related diseases. Experts predicted a shift from the previous generation's casualties — insulators, shipbuilders, pipefitters — to the new victims: workers who unknowingly disturbed the deadly mineral in cement pipes, ceiling tiles, and automobile brakes. The takeaway from a conference they held in 1990 was that despite the reduction in asbestos use in the U.S., the millions of tons contained in infrastructure, buildings, and products mean that workers and their families remain at risk of developing asbestos-related cancers. Kris Penny was a victim of the tragic third wave.

Jim Morris, Maryam Jameel, and Eleanor Bell Fox. "Upended by America's 'third wave' of asbestos disease," Center for Public Integrity, Apr. 21, 2016. <http://bit.ly/1RT3W0Z>



Kris Penny; his wife, Lori McNamara; and his father-in-law, Frank McNamara, at the University of Maryland Medical Center.

Maryam Jameel, Center for Public Integrity

Chemical paint removal deaths

A Center for Public Integrity investigation examined the hazards of methylene chloride (MC), a common ingredient in paint strippers used by workers and consumers and a known carcinogen that can cause sudden death by

asphyxiation or heart failure. The investigation found 56 deaths linked to exposure to MC since 1980, including teenagers on the job, a mother of four, workers nearing retirement, and a Colorado resident who died his first day on the job at a furniture-stripping shop.

MC is a particular hazard for workers who use it to strip old paint or other finishes from residential bathtubs, as such work often takes place in settings with poor ventilation. A 2012 report from the Centers for Disease Control and Prevention identified 13 deaths among bathtub refinishers between 2001 and 2011. According to the article: "Industry is lobbying against a potential EPA rule, saying the chemical is well-regulated and the most effective way to remove paint."

Jamie Smith Hopkins. "Common solvent keeps killing workers, consumers," Center for Public Integrity and Slate.com, Sept. 21, 2015. <http://bit.ly/1JnwlUt>

Vicki Gans. "Toxic chemicals harming employees' health in black women's hair salons," *The Atlantic*, Nov. 13, 2015. <http://linkis.com/TNgNO>



Salon workers and hair product toxics

Writing in *The Atlantic*, Vicky Gans reported on efforts to protect the health of salon employees working in California beauty shops that cater to black women. According to the article, Teni Adewumi, a University of California-Los Angeles graduate student, surveyed salon workers and found "...the same health concerns over and over. Asthma. Dermatitis. Hair loss. Uterine fibroids. Miscarriage." Salon workers are at risk, Gans reported, due to toxic chemicals in hair glue, straighteners, and other personal care products. In Inglewood, Boston, and other cities — including in New York City where a 2015 *New York Times* exposé uncovered widespread health problems and labor abuses in nail salons — advocates are working to educate workers about chemical hazards and the availability of safe alternatives. "There's a great need for better training and warnings, and less [saying] 'This is just the cost of the job,'" said Alexandra Scranton of Women's Voices for Health in *The Atlantic* article.

Chemical breakdown

In May 2014, a catastrophic chemical leak at a DuPont pesticide plant in LaPorte, Texas, killed four workers. *The Houston Chronicle* followed up on the fatal incident with a year-long investigation examining more than 2,500 Houston-area plants that store hazardous chemicals. Since the LaPorte disaster, the *Chronicle* identified 12 more explosions, fires, and toxic releases in the Houston area. Nationally, "at least 17 people have died and 573 have been hospitalized in more than 93 incidents... in the last year and a half," the newspaper reported.

The four-part series used recent incidents to examine how legal protections and enforcement agencies fail to adequately protect workers and the public. Reporters investigated the impact of homeland security fears on the public's right to know about chemicals manufactured, stored, or used in their communities, as well as the shortcomings of local emergency planning committees. They also examined incidents investigated by the U.S. Chemical Safety Board that involved reactive chemicals, as well as failures of the U.S. Environmental Protection

Agency and OSHA to appropriately regulate the hazard. *The Chronicle's* series is complemented with video interviews and interactive maps, and encourages readers to send reporters information about chemical plants in their neighborhoods as a work-around to official refusals to provide data on local chemical inventories.

Susan Carroll, Mark Collette, and Matt Dempsey. "Chemical breakdown," *Houston Chronicle*, May-July 2016.

Part 1: Dangerous chemicals create hidden dangers. <http://bit.ly/1s43hky>

Part 2: An industry left to police itself. <http://bit.ly/2b1VbCR>

Part 3: EPA's fix on chemical safety is already broken. <http://bit.ly/1WLzmtX>

Part 4: Federal agencies are at odds over regulation of 'critical issue.' <http://bit.ly/2b8X9jh>

Life and death inside the recycling industry

At FairWarning, Brian Joseph reported on the serious, sometimes life-threatening hazards facing workers in the recycling industry. Recycling jobs often rank among the most dangerous occupations in the U.S., and the industry is rife with wage violations and often employs immigrants and temporary workers who are unaware of their labor rights. Joseph explained that unlike manufacturing, recycling cannot be "completely systematized"; the wide variety of recyclable materials that come through often require workers to personally handle items — a process that can expose them to dangerously sharp objects as well as toxics, carcinogens, and even explosives. According to the Bureau of Labor Statistics, at least 313 recycling workers at scrapyards and sorting plants were killed on the job between 2003 and 2014, though no one can say for sure how many workers die across the entire recycling industry. And a FairWarning analysis of OSHA inspection records from 2005 to 2014 found that scrapyards and sorting facilities get about 80 percent more

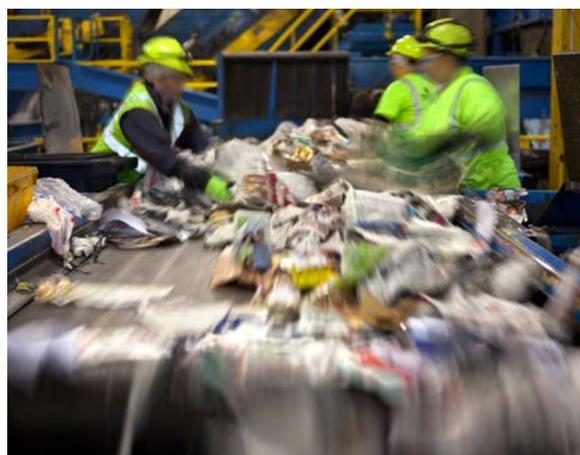
safety citations than the average inspected workplace.

Among the worker stories highlighted was the life and death of 32-year-old Christopher Webb, who worked at Southern Investments plastics recycling plant in North Carolina. Webb fell into an auger with 14 spinning blades while preparing a bale of compacted bottles and jugs for shredding, and his head was crushed. North Carolina OSHA investigated, finding that the auger did not have adequate guarding. The recycling plant received 35 safety violations and penalties totaling \$441,000.

Joseph also reported that recycling drop-off centers have become notorious for wage violations. For example, in Los Angeles, investigators found that such centers can pay as little as \$55 a day, with many employers even failing to provide workers with bathrooms. According to the article: "Recycling workers are 'tucked away in industrial parks, inside facilities where it's sort of opaque what's happening in there, and you've got a population of workers who, whether through their immigration status or because they're working for a temp agency, are really in a tough position to be able to speak up,' [said] Hays Witt, deputy director of the national Partnership for Working Families, a network of advocacy organizations."

Brian Joseph. "Recycling is a feel good activity, but not for workers hurt or killed on the job," *FairWarning*, April 12, 2016.

<http://bit.ly/1VsJ04s>



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Michigan's worker safety oversight system severely lacking

In a year-long investigation into more than 400 workplace fatalities across Michigan, *Detroit Free Press* reporters Jennifer Dixon and Kristi Tanner found an inadequate system of oversight, penalties so low that they failed to deter violations, and a legal framework that gives families few options in the aftermath of occupational deaths and injuries. Overall, the newspaper found that among the more than 400 occupational fatalities that the Michigan Occupational Safety and Health Administration (MI-OSHA) investigated since 2004, only a handful resulted in criminal prosecution. In addition, among 322 closed cases in which a worker died and MI-OSHA found safety violation, the median total penalty was just \$2,800.

Among the worker stories told in the investigation was the death of Mary Potter, who worked in a group home and died after being punched in the face by one of the home's residents. While MI-OSHA cited Macomb Family Services, which operates the home for people with developmental disabilities, for two record-keeping violations associated with Potter's death, it settled for just \$1,680 in penalties. In contrast, Dixon and Tanner reported that Alaska officials had proposed \$75,000 in penalties against an assisted-living facility where a worker was beaten and strangled by a resident. According to the investigation: "Michigan is one of 21 states that operate their own workplace safety agency for public and private sectors. Some of the other states are much tougher than Michigan in levying penalties when a worker is killed. Minnesota sets minimum penalties when a violation causes or contributes to a death: \$25,000 per serious violation and \$50,000 per willful violation. In contrast, Michigan has a \$200 minimum penalty for a serious violation and a \$5,000 minimum penalty for a willful."

Jennifer Dixon and Kristi Tanner. "Families say no justice for workers killed on the job," *Detroit Free Press*, June 25, 2016. <http://on.freep.com/2aNy5PI>

Jennifer Dixon and Kristi Tanner. "Deadly asbestos: Workers put in jeopardy, but state won't get tough," *Detroit Free Press*, May 2, 2016. <http://on.freep.com/1W0yFMO>

Deaths on "family farms"

In "Tragic Harvest," a four-part investigative series, Jeffrey Meitrodt of the *Minneapolis Star Tribune* documented an alarming increase in agricultural fatalities during the past decade, writing that "more than 210 work-related deaths occurred on Minnesota farms from 2003 to 2013, an increase of more than 30 percent when compared with a decade earlier."

In general, crop production, with 22.9 deaths per 100,000 workers, is more dangerous than mining or construction. Common causes of death on the farm include tractor rollovers, suffocation inside grain bins, and fatalities caused when farmers — often working alone — attempt to repair malfunctioning equipment. Most loss of life, according to the newspaper investigation, takes place on small family farms, which are exempt from federal safety regulations unless they employ more than 10 workers. Minnesota officials dispatched investigators to review just six of the 201 farming deaths in the state during the past decade. By contrast, wrote Meitrodt, "state and federal regulators typically review about 90 percent of construction fatalities across the United States."

The hazards of farming are exacerbated, Meitrodt found, by outmoded equipment. For instance, modern tractors include roll bars and other protections against potentially fatal rollovers. But many farmers — especially on small farms — use old, outdated models and can't afford new ones. Older farmers seem to face particularly high risk: More than half of those who died on Minnesota farms during the past 10 years were older than 65.

In the final segment of "Tragic Harvest," Meitrodt examined a state with a different approach to farm safety. In the state of Washington, small farms with fewer than 11 employees are subject to safety rules, and the state offers consulting services to help farmers

improve safety practices. The result: out of the 47 states that reported at least one farm death in the last decade, Washington had the lowest fatality rate.

Jeffrey Meitrodt. "Tragic harvest," *Minneapolis Star Tribune*, October 2015.

Deadliest workplace: the farm, Oct. 4, 2015.
<http://strib.mn/1WL7Mu6>

Unsafe tractors, rising risks, Oct. 5, 2015.
<http://strib.mn/1LoQP4T>

A job for life, and for death, Oct. 6, 2015.
<http://strib.mn/1P7lftH>

Rules enforced, lives saved, Oct. 7, 2015.
<http://strib.mn/2aTSxQg>

Interactive data, Oct. 2015.
<http://strib.mn/2aTSxQg>

Injury and pain in the meatpacking industry

In a series of stories from Harvest Public Media, reporters spent a year examining working conditions inside the meatpacking industry. They found that penalties for worker deaths and injuries are "embarrassingly low," with the average proposed fines at just over \$19,000 per case. The reporters interviewed a number of workers, who described the "punishing rates" of production that can leave workers with disabling musculoskeletal disorders and a "lifetime of pain." OSHA argues that it has no authority over line speeds. According to the investigation: "Many of the workers at beef, pork and poultry plants don't speak English but they know that when the boss talks about OSHA, it means the government is coming around and the plant better be running right. Meatpacking workers who talked to Harvest Public Media said guards at the front gates of the plants signal when OSHA inspectors are coming in, the chain often slows down and workers are added to the line."

Luke Runyon. "Fines for meatpackers' safety problems are 'embarrassingly low,'" *Harvest Public Media*, June 14, 2016.
<http://bit.ly/1rnwOEs>

Peggy Lowe. "Working the 'chain,' slaughterhouse workers face life-long injuries," *Harvest Public Media*, June 14, 2016.
<http://bit.ly/21mt7vg>

Grant Gerlock. "While new safety efforts are underway, injuries are still part of the job for meat and poultry workers," *Harvest Public Media*, June 14, 2016.
<http://bit.ly/237OEcz>

Amy Mayer. "What a slaughterhouse looks like from the inside," *Harvest Public Media*, June 27, 2016.
<http://bit.ly/237OEcz>

Understaffing puts patients, workers at risk

In a series of articles published in September and November 2015, *Tacoma News Tribune* reporter Jordan Schrader uncovered a severe staffing shortage at Western State Hospital in Lakewood, Washington. Schrader found that the 827-bed state mental hospital, which houses criminal and non-criminal patients, did not have enough nurses, psychiatrists, and other staff.

After a nurse complained about unsafe work conditions at the hospital, federal officials decided to investigate, according to the *News Tribune*. The inquiry documented a lack of security and proper care, including an incident in which one patient attacked another who was restrained in bed, beating him with a shoe and breaking his nose. The U.S. Centers for Medicare and Medicaid Services found that patients at the hospital were in "immediate jeopardy" and threatened to cut off \$64 million in annual funding unless improvements were made. Separately, Schrader reported, "state workplace safety regulators cited the hospital in January for not doing enough to protect employees from attacks." As of November 2015, the *News Tribune* reported that changes in training and staffing procedures had satisfied federal officials.

Understaffing, however, remained a severe problem. A top state official told lawmakers

that Western State Hospital “doesn’t have enough social workers, psychologists, nurses — and most critically — registered nurses and psychiatrists,” the newspaper reported. Over 300 positions were vacant as of September 2015. Workers who talked to state investigators, the newspaper explained, “linked unsafe levels of staffing to assaults, poor morale, high turnover, difficulty scheduling time off, frequent unscheduled absences, and reliance on overtime to the point of employee burnout.” In March 2016, however, Schrader reported that a new state budget deal included enough funds to add 51 nurses to Western State Hospital’s staff as well as give pay raises and bonuses to existing personnel. In addition, the newspaper reported in April on new leadership at the state-run mental health facility, including a new CEO and operations chief.

Jordan Schrader. “Feds threaten to pull funding from Western State Hospital after beating of restrained patient,” *Tacoma News Tribune*, Sept. 23, 2015. <http://bit.ly/2bk5v84>

“‘Immediate jeopardy’ seen at Western State Hospital,” Nov. 5, 2015. <http://bit.ly/2aMOVc4>

“Western State Hospital plan says restraining patients is last resort,” Nov. 17, 2015. <http://bit.ly/2bhPkuE>

“State: Feds lift ‘immediate jeopardy’ threat at Western State Hospital,” Nov. 17, 2015. <http://bit.ly/2bhPkuE>

“Legislature approve staffing boost at Western State Hospital,” March 29, 2016. <http://bit.ly/1qaEqL3>

Jordan Schrader and Melissa Santos. “New CEO to take over troubled Western State Hospital,” April 12, 2016. <http://bit.ly/2aNyS2x>

Workers at hospital hotel face serious biohazards

In June 2015, workers from Boston’s Wyndham Beacon Hill hotel filed into the streets to call for safer working conditions and draw attention to the many biohazards they face working in a hotel that specifically markets itself to

patients and families seeking treatment at nearby medical facilities. Writing in *In These Times*, S.E. Smith reported that the workers had filed a complaint with OSHA alleging that their hotel employer exposes them to biohazards on a daily basis, does not provide adequate protective equipment, and does not offer sufficient training in handling biowaste. According to the article, hotel workers reported occupational exposures to used needles, vomit, bloody sheets, and feces. Smith reported: “One of the most frustrating things about the hazardous situation at the Wyndham, [UNITE HERE Local 26] says, is how easily it can be prevented. ... other hotels in Boston serve patients and their families — an inevitable consequence of operating in a city with a very high concentration of medical facilities — and that they have effective protocols in place for handling medical waste.” Smith later reported that an OSHA investigation led to \$12,000 in citations against Wyndham.

S.E. Smith. “The ‘nightmarish’ Boston hotel where workers have to deal with vomit, blood-soaked carpets, needles,” *In These Times*, July 16, 2015. <http://bit.ly/2biXgZN>

Deaths amid New York City’s building boom

A *New York Times* review of construction fatalities in New York City over the past two years found increases in deaths and injuries at a far greater rate than the increase in construction permits over the same time period. David Chen reported that the rise in worker deaths and injuries is “stark evidence” of the position increasingly held by inspectors that safety measures at construction sites are far from adequate. According to the article: “The deaths make clear that the city is being built, or in some cases rebuilt, heavily on the backs of recent immigrants, particularly from Latin America, most of them not authorized to work in this country ... many were especially vulnerable because of their legal status. They were frequently poorly trained, paid in cash and afraid of speaking up about unsafe conditions,

according to records and interviews with friends and relatives.”

David Chen. “Safety lapses and deaths amid a building boom in New York,” *The New York Times*, Nov. 26, 2015. <http://nyti.ms/1ImHMfX>

Temp work and higher rates of safety violations

Temporary and contract work is growing faster in North Carolina than in the nation as a whole, leaving workers in insecure jobs with low pay and unsafe conditions, according to an October 2015 report from the North Carolina Justice Center. Richard Craver wrote about the findings for the *Winston-Salem Journal*, reporting that the number of temp workers grew by 52 percent in North Carolina between 2009 and 2013, compared to a 39 percent increase across the U.S. The report recommended limits on the use of temp workers, enforcement of wage and hour laws, and joint liability for host employers and contracting agencies in the case of safety violations or other workplace abuses.

Richard Craver. “Temp worker trend spreading faster in N.C. than US,” *Winston-Salem Journal*, Oct. 25, 2015. <http://bit.ly/2bhP7Yu>

Illness among coal ash cleanup workers

At the Center for Public Integrity, Kristen Lombardi reported on workers who became ill after cleaning up one of the nation’s largest industrial disasters: a 2008 dam collapse that dumped billions of gallons of coal ash from a Tennessee Valley Authority (TVA) power plant. In the aftermath of the spill, dozens of lawsuits have been filed accusing Jacobs Engineering Group, a contractor hired to manage hazards during the cleanup, of misinforming workers about safety, failing to provide protective gear, and not conducting adequate air monitoring, among other issues. One of the claimants is Craig Wilkinson, who spent a year as a backhoe operator at the coal ash spill and later began suffering from debilitating lung conditions.

Lombardi reported: “By the time Wilkinson heard that cleanup workers were getting sick, he had already been wondering about his time at the TVA spill in 2009 and 2010. It seemed to coincide with what he calls his ‘downhill slide.’ At the clinic, Wilkinson gave urine samples. Tests revealed the presence of 11 metals in his urine, including unusually high levels of lead, mercury, and uranium. A specialist suggested that two of the metals — cadmium and nickel — could have come from Wilkinson’s 30 years as a smoker, but not the rest.”

While the coal ash cleanup was conducted with oversight from the U.S. Environmental Protection Agency and under the regulatory framework of the agency’s Superfund program, many cleanup workers told Lombardi that safety measures were significantly lacking. For instance, many said they never received personal air monitors and were never fitted for or received respirators. Workers eventually began developing the same respiratory symptoms, tagging the condition as “fly ash flu.” However, Lombardi reported that “no one dared” complain to management for fear of losing “well-paid, steady jobs.”

In the spill’s aftermath, Tennessee health officials as well as the TVA began looking into possible health effects among local residents, but neither effort included cleanup workers, Lombardi wrote. In general, the article reported, most research on the risks of coal ash have focused on harms to the environment and local communities, not to workers.

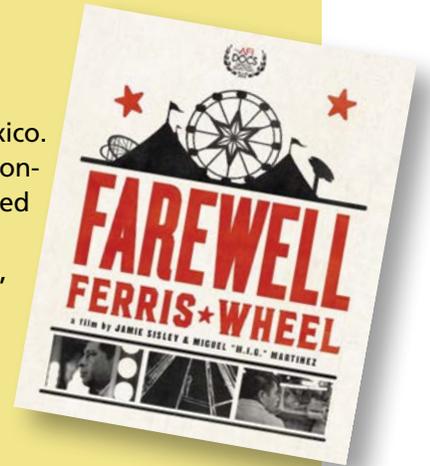
Kristen Lombardi. “Former cleanup workers blame illness on toxic coal ash exposure,” *Center for Public Integrity*, July 20, 2016. <http://bit.ly/2arXwb8>

Creative Arts Cover Worker Health and Safety

“Farewell Ferris Wheel”

In the U.S. carnival industry, 80 percent of all workers come from Mexico. In this documentary, filmmakers examine how the industry uses the controversial H-2B guest worker program to meet its labor needs. Featured in the documentary are carnival workers in Maryland and Virginia who earn meager wages, often live in squalor, and encounter serious, potentially life-ending hazards.

Produced by Jamie Sisley and M.i.G. Martinez. Released Winter 2015. <http://bit.ly/29ohiRd>



“A Day’s Work”

This one-hour documentary tells the story of Daquan “Day” Davis, who was crushed to death at age 21 on the first day of his first job at a Bacardi bottling plant in Jacksonville, Florida. Davis got the job through Remedy Intelligent Staffing, a temporary staffing agency. According to filmmakers, Davis began work after a 15-minute training session and was asked to clean out broken bottles from a stalled palletizer. The machine started up again while Davis was underneath it, burying him under a platform holding 60 cases of rum. Using Davis’s death as a starting point, “A Day’s Work” sheds light on a growing temp industry that puts workers at risk and allows employers to avoid responsibility for injuries, illnesses, and even death.

Produced by David M. Garcia and Dave Desario. Released Fall 2015. www.tempfilm.com

“Badges: A Memorial Tribute to Asbestos Workers”

In honor of the legacy of asbestos researcher and worker safety advocate Dr. Irving Selikoff, photojournalist Earl Dotter created a traveling exhibit of employee ID badges from the 1930s through 1950s, with many of the historical metal tags associated with companies involved in asbestos mining and manufacturing. Dotter told Linda Reinstein of the Asbestos Disease Awareness Organization (ADAO): “These badges appealed to me because personalizing my subjects who work in hazardous occupations has always been a primary goal for me. Quite naturally, it is easier to care about someone you are acquainted with.” In 2016, Dotter’s exhibit was shown at the Mt. Sinai Medical Center; AFL-CIO headquarters in Washington, D.C.; the National Council for Occupational Safety and Health conference; National Institute for Occupational Safety and Health offices in Cincinnati, Ohio, and Morgantown, West Virginia; the annual ADAO conference; and many other locations.

Photojournalist Earl Dotter and his exhibit *Badges: A Memorial Tribute to Asbestos Workers*, April 2016.



Tony Rich

New Research on Worker Health and Safety Topics

This past year, university-based researchers, as well as those in government agencies, published scores of peer-reviewed papers on the relationship between work and health. The authors looked at a wide variety of hazards, including shift work and violence, as well as at risks especially prevalent among workers in particular occupations, such as home health aides and day laborers. Work-related fatality and illness investigations were the subject of several investigations published in the Centers for Disease Control and Prevention's *Morbidity and Mortality Weekly Report*. Non-profit organizations released reports on other worker safety topics, including conditions faced by poultry workers and the deadly hazards encountered by waste-collection workers in New York City. We profile some of the best of this research below and provide a longer list in the appendix of our top picks from the past year.

Peer-Reviewed Literature on Day Laborers

Defining hazards

Researchers collaborated with a worker center in Baltimore to conduct focus groups with day laborers and key informants. The question — “What are potential dangers that Latino immigrants face at work?” — elicited responses by informants about physical hazards, while the laborers described psychosocial hazards caused by production pressure, job insecurity, and wage theft.

Martínez AD, Piedramartel A, and Agnew J. Going beyond the injury: Regulatory conditions contributing to Latina/o immigrants' occupational psychosocial stressors. *Front Public Health*. 2015 Oct 20;3:240.

www.ncbi.nlm.nih.gov/pubmed/26539426

Safety vs. economic security

Researchers collaborated with a community health center to conduct focus groups in New Orleans with 48 day laborers who worked in construction jobs. Workers indicated that peers were a common resource for safety information, that there was a trade-off between job security and raising safety complaints, and that they were concerned about respiratory and musculoskeletal symptoms.

Díaz Fuentes CM, Martinez Pantoga L, et al. Latino immigrant day laborer perceptions of occupational safety and health information

preferences. *Am J Ind Med*. 2016 Jun;59(6):476-85. www.ncbi.nlm.nih.gov/pubmed/26901777

Value of worker centers

Jayesh Rathod collaborated with community organizations in northern Virginia to conduct a qualitative research project involving 84 immigrant day laborers. He reported they “encounter significant occupational risk yet many comfortably asserted their rights, complicating standard narratives of immigrant worker's subordination and vulnerability.” Rathod credits the day laborers' involvement with worker centers as a partial defense against exploitation by employers.

Rathod JM. Danger and dignity: Immigrant day laborers and occupational risk. *Seton Hall Law Rev*. 2016;46(3):813-82.



Greg Mann of the Chicago Workers' Collaborative (CWC) gives a thumbs down to Elite Staffing. Protesters from National COSH and APHA's OHS Section joined CWC in the Halloween-themed event that called for safer conditions for temp workers.

Roger Kerson, National COSH

Peer-Reviewed Literature on Occupational Health Disparities

Life expectancy and job conditions

Researchers used data from the American Community Survey, General Social Survey, and other public datasets to examine the impact of 11 work-related economic and organizational conditions (e.g., layoffs, long working hours, low job control) on observed differences in life expectancy across demographic groups. They estimated that 10 percent to 38 percent of differences across demographic groups can be explained by job conditions.

Goh J, Pfeffer J, and Zenios S. Exposure to harmful workplace practices could account for inequality in life spans across different demographic groups. *Health Aff (Millwood)*. 2015 Oct;34(10):1761-8.

www.ncbi.nlm.nih.gov/pubmed/26438754

Latino workers and injury risk

Researchers conducted focus groups and interviews with 113 Latino/a immigrant workers in Santa Fe, New Mexico, and Cincinnati, Ohio, to explore their conceptions of occupational risk, injury, and safety in the U.S. and their countries of origin. Themes that emerged regarding actual or potential risk of injury included “killing yourself to make a living,” fear of deportation, and economic vulnerability.

Flynn MA, Eggerth DE, and Jacobson CJ Jr. Undocumented status as a social determinant of occupational safety and health: The workers' perspective. *Am J Ind Med*. 2015 Nov;58(11):1127-37.

www.ncbi.nlm.nih.gov/pubmed/26471878

Peer-Reviewed Literature on Work Hours and Illness

Chronic illness and long work hours

Researchers used data from the National Longitudinal Survey of Youth to analyze the relationship between average weekly work hours and the reported prevalence of eight chronic

conditions, including heart disease, diabetes, asthma, and chronic depression. Sixty percent of the respondents had worked for more than 20 years, with 72 percent typically working more than a conventional 40-hour work week. Regularly working long hours over the 32-year study period was significantly associated with elevated risks of certain chronic conditions, with such risk higher for women than for men.

Dembe AE and Yao X. Chronic disease risks from exposure to long-hour work schedules over a 32-year period. *J Occup Environ Med*. 2016 Jun 14. [Ahead of print]

www.ncbi.nlm.nih.gov/pubmed/27305843

Long work hours and cardiovascular disease

Researchers used the Panel Study of Income Dynamics to examine the relationship between average work week hours and cardiovascular disease (CVD). Those working 46 hours or more per week for at least 10 years had at least a 16 percent increased risk of CVD. The authors reported a dose-response relationship for each additional five hours of work per week, with two times the risk of CVD for those reporting an average of 75 hours.

Conway SH, Pompeii LA, et al. Dose-response relation between work hours and cardiovascular disease risk: Findings from the Panel Study of Income Dynamics. *J Occup Environ Med*. 2016 Mar;58(3):221-6.

www.ncbi.nlm.nih.gov/pubmed/26949870

Heart disease and shift work

Researchers used data from the Nurses' Health Study (NHS) to examine lifetime history of rotating night-shift work (RNSW) and incidence of coronary heart disease (CHD). They analyzed NHS cohorts 1 and 2, which were enrolled in 1976 and 1989, respectively. The authors reported a significantly higher risk of CHD with increasing years of RNSW in both cohorts, with an estimated 15 percent excess CHD risk with 10 or more years of RNSW.

Vetter C, Devore EE, et al. Association between rotating night shift work and risk of coronary heart disease among women. *JAMA*. 2016 Apr 26;315(16):1726-34.

www.ncbi.nlm.nih.gov/pubmed/27115377

Peer-Reviewed Literature on Injury Reporting by Employers

Comparing workers' compensation and federal labor data

Researchers linked Washington state workers' compensation (WC) data to the Bureau of Labor Statistics' (BLS) Survey of Occupational Injuries and Illnesses (SOII) to identify reporting differences by establishment characteristics. An estimated 70 percent of WC claims were reported in SOII, with discrepancies most common among small educational services and large construction establishments.

Wuellner SE, Adams DA, and Bonauto DK. Unreported workers' compensation claims to the BLS Survey of Occupational Injuries and Illnesses: Establishment factors. *Am J Ind Med*. 2016 Apr;59(4):274-89.

www.ncbi.nlm.nih.gov/pubmed/26792563

Researchers conducted interviews with 103 Washington state employers who were respondents to BLS's SOII. They also had workers' compensation claims for the same year, but had not included the incident(s) in their SOII response. Reasons included non-compliance with reporting requirements and opinions that the injury was not work-related despite workers' compensation eligibility.

Rappin CL, Wuellner SE, and Bonauto DK. Employer reasons for failing to report eligible workers' compensation claims in the BLS Survey of Occupational Injuries and Illnesses. *Am J Ind Med*. 2016 May;59(5):343-56.

www.ncbi.nlm.nih.gov/pubmed/26970051

Cost shifting from workers' compensation

Researchers used multiple datasets of hospitalizations in California, Colorado, and Washington to identify cost-shifting trends

from workers' compensation to other payers. They described differences in the types of work-related incidents billed to Medicare depending on the state.

Sears JM, Bowman SM, et al. Industrial injury hospitalizations billed to payers other than workers' compensation: Characteristics and trends by state. *Health Serv Res*. 2016 May 3. [Ahead of print]

www.ncbi.nlm.nih.gov/pubmed/27140591

Peer-Reviewed Literature on Labor Unions and Workplace Safety

Organized labor and public health

In a brief commentary, the author described the historical role of organized labor in advancing public health. He highlighted labor's front-line role in securing minimum wage and worker safety laws, health care delivery and insurance, and other community benefits. He described how sustained attacks on workers' rights to organize have weakened labor's power, and warned of the consequences for public health.

Wright MJ. The decline of American unions is a threat to public health. *Am J Public Health*. 2016 Jun;106(6):968-9.

www.ncbi.nlm.nih.gov/pubmed/27153008

Safety committees and community support

The authors described ongoing efforts by the Massachusetts Teachers Association (MTA) to address the proper management of asbestos in schools and other public buildings. Membership-run health and safety committees within the union locals have been integral in MTA's organizing strategy to demand action by regulators and build community support.

Sireci MP, Levenstein C, and Gibson S. Teachers union organizes members to enforce AHERA law - A work in progress. *New Solut*. 2016 May;26(1):72-82.

www.ncbi.nlm.nih.gov/pubmed/26715674

Legal, Organizing Victories for 'gig economy' Workers

During the past year, 'gig economy' workers continued to take steps to secure fairer working conditions and challenge worker classifications that allow on-demand employers to sidestep traditional wage and labor laws while still asserting significant control over workers.

In late 2015, Seattle became the first U.S. city to pass legislation giving drivers for ridesharing services such as Uber and Lyft the right to organize. In a unanimous vote, the Seattle City Council approved an ordinance that requires taxi, for-hire, and app-based ride services to provide the city with a list of drivers in Seattle; a nonprofit organization, such as a union, can then use the list to reach out to drivers. Perhaps not surprisingly, the Chamber of Commerce sued to challenge the ordinance. However, in August 2016, a judge ruled that the Chamber lacked the standing to pursue such a case.

Also on the union front, Uber agreed in spring 2016 to recognize the newly formed Independent Drivers Guild, which will represent 35,000 drivers in New York City and be affiliated with the International Association of Machinists. But there is a catch: Since Uber will financially support the new guild, it will not be able to collectively bargain on behalf of members.

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On the lawsuit front, a group of 5,000 New York City Uber drivers in June 2016 filed suit against the ride-hailing service for misclassifying them as independent contractors instead of as employees. The New York City lawsuit follows another class-action lawsuit filed by lawyers in Florida and Illinois in May 2016 that argues Uber violated the Fair Labor Standards Act and owes drivers unpaid overtime and other work-related expenses. Both those lawsuits closely followed news that Uber had agreed to a \$100 million settlement in a class-action lawsuit on behalf of drivers in California and Massachusetts. However, a number of drivers filed objections to that settlement, arguing that it denies them an opportunity to challenge Uber's employee classification practices before a jury.

Uber's penchant for sidestepping the rules led it to cease operations in Austin, Texas, this year. In May 2016, a majority of Austin residents voted against a proposition to turn back a city ordinance to require fingerprint background checks for ridesharing drivers — a requirement that taxi companies in Austin must abide by as well. Uber and fellow ridesharing service Lyft dumped millions of dollars into campaigning against the ordinance and asked voters to support a new proposition that would prohibit required fingerprinting and roll back other safety measures. Voters rejected the ridesharing-backed proposition, and both Uber and Lyft ended services in the Texas capital.

In June 2016, BuzzFeed News reported that Uber drivers may be earning less than what

Uber typically claims. Based on internal Uber data, they found that drivers in Denver earned about \$13.17 per hour after expenses, drivers in Houston earned about \$10.75 after expenses, and drivers in Detroit earned about \$8.77. All those estimates are less than hourly averages that Uber had previously touted. Also on the worker benefits front, the National Employment Law Project issued a policy brief in June 2016 arguing that on-demand workers should be covered by workers' compensation (WC), noting that on-demand companies operate within some of the most dangerous industries, such as transportation and domestic work.

For example, the brief reported, taxi drivers and chauffeurs are killed on the job at a rate five times higher than the average for workers as a whole. In a problematic and legally dubious maneuver, on-demand employers get around WC requirements by classifying workers as independent contractors. The policy brief concluded: "It is possible, and necessary, to cover on-demand workers under state workers' compensation systems, due to the hazardous nature of many on-demand jobs. Doing so fulfills the purpose of workers' compensation to ensure that the costs of doing business in a particular industry are paid by that industry, not workers or the general public."



New York City Uber driver Kahseem joins the Independent Drivers Guild, July 2016.

Int'l Assoc. Machinists & Aerospace Workers

Contract language advancing public health

Researchers collaborated with local unions affiliated with SEIU, UNITE HERE, UFCW, and others to analyze 16 of their collective bargaining agreements and interview members. To varying degrees, all of the contracts included provisions for wages with predictable and fair increases, with most including benefits such as paid leave, health care and retirement benefits, and safety rights. They concluded, “supporting progressive labor union contracts is public health work.”

Hagedorn J, Paras CA, et al. *The role of labor unions in creating working conditions that promote public health.* *Am J Public Health.* 2016 Jun;106(6):989-95.

www.ncbi.nlm.nih.gov/pubmed/27077343

Peer-Reviewed Literature on Home Care Workers

Experience with workplace violence

Researchers conducted a telephone survey of home health and hospice care providers in northern California, of which 66.5 percent reported receiving workplace violence prevention training. About half of those who identified as nurses reported receiving training compared to less than 7 percent for aides. Across all occupations, the overall rate of reported violent events was 17 per 1,000 visit-hours.

Vladutiu CJ, Casteel C, et al. *Characteristics of workplace violence prevention training and violent events among home health and hospice care providers.* *Am J Ind Med.* 2016 Jan;59(1):23-30.

www.ncbi.nlm.nih.gov/pubmed/26524091

Experience with sexual harassment

Researchers conducted focus groups and interviews with 55 staff members and administrators employed at six assisted-living facilities in Atlanta to ascertain how they defined and negotiated sexual comments and inappropriate touching by residents. Staff were unlikely to

report residents' sexualized behavior or harassment and often considered it part of the job.

Burgess EO, Barmon C, et al. "That is so common everyday . . . everywhere you go": Sexual harassment of workers in assisted living. *J Appl Gerontol.* 2016 [Ahead of print]

www.ncbi.nlm.nih.gov/pubmed/26912732

Factors related to injury reporting

Researchers used data from the 2007 National Home Health Aides Survey (n=3,377) to assess characteristics related to reporting a work-related injury. Home health aides (HHAs) with more than one employer were less likely to report suffering a work-related injury than those with a single employer. Perceptions about the quality of training received were not associated with risk, type, or severity of reported injuries. On average, the HHAs had more than six years of experience and earned less than \$30,000.

Hamadi H, Probst JC, et al. *Home-based direct care workers: Their reported injuries and perceived training knowledge.* *Workplace Health Saf.* 2016 Jun;64(6):249-61.

www.ncbi.nlm.nih.gov/pubmed/27026275



Alexander Rathis

Peer-Reviewed Literature on Worksite Health Promotion

Evaluating Total Worker Health®

The Agency for Healthcare Research and Quality funded a systematic review of the literature for research described as following NIOSH's Total Worker Health (TWH) model. TWH calls for the integration of employer programs to address work-related health and

safety hazards with worksite health promotion programs in order to advance worker well-being overall. The reviewers identified 15 studies, characterizing the collection as one with many methodological limitations. They concluded that “integrated TWH interventions might improve health behaviors of workers (e.g., reduce tobacco use), but their effects on injuries and overall quality of life are not known.”

Feltner C, Peterson K, et al. The effectiveness of Total Worker Health interventions: A systematic review for a National Institutes of Health Pathways to Prevention workshop. *Ann Intern Med.* 2016 May 31. [Ahead of print] www.ncbi.nlm.nih.gov/pubmed/27240022

Worksite wellness: Who benefits?

Michael Lax explored the political and economic forces that have led many in the public health community to embrace worksite health promotion. He provided a reality check on efforts by workers and their advocates to oppose typical worksite wellness programs, but offered tactics to re-focus attention on the work environment as a cause of ill health.

Lax M. The perils of integrating wellness and safety and health and the possibility of a worker-oriented alternative. *New Solut.* 2016 May;26(1):11-39. www.ncbi.nlm.nih.gov/pubmed/26864848

Recognizing Leaders

Tributes to Eula Bingham

“Tireless” and “courageous” are just two of the many terms used by colleagues to describe Eula Bingham. Dr. Bingham, 87, is a distinguished professor emerita of environmental health at the University of Cincinnati. Drs. Philip Landrigan and Knut Ringen paid tribute to her in the January 2016 edition of the *American Journal of Industrial Medicine*. Landrigan recapped her accomplishments as the assistant secretary for OSHA during the Jimmy Carter administration (1977-1981) and her subsequent collaborations with and on behalf of workers who had been employed during the Cold War

at U.S. Department of Energy nuclear weapons production sites. Ringen explained why and how Bingham has been so effective and touched so many lives: she listens to workers about their experiences, pays attention to details, and is persistent about advancing policies that will protect workers’ health and dignity. “She is an anchor that keeps us from drifting and a pilot that keeps us on course,” Ringen wrote.

Landrigan PJ. Eula Bingham, PhD: Former assistant secretary for occupational safety and health, US Department of Labor. *Am J Ind Med.* 2016 Jan;59(1):81-3.

Ringen K. Dr. Eula Bingham: Our colleague, mentor and friend, neither retiring nor retreat-ing. *Am J Ind Med.* 2016 Jan;59(1):84-6.



Dr. Eula Bingham, professor emerita at the University of Cincinnati, and former assistant secretary of OSHA.

100th anniversary of Selikoff's birth

Protégés and admirers of Dr. Irving J. Selikoff gathered in October 2015 at the Icahn School of Medicine at Mount Sinai to celebrate the late physician and researcher’s 100th birthday. Selikoff is renowned for his collaboration with the International Association of Heat and Frost Insulators and Asbestos Workers to study asbestos-related disease and mortality. The same month’s issue of the *American Journal of Industrial Medicine* featured commentaries by Henry Anderson, Morris Greenberg, Philip Landrigan, Albert Miller, and Sheldon Samuels, with personal recollections of Selikoff. Miller

summed up Selikoff's contribution this way: "His work continues to bear fruit two decades after his death [which] is testament to the significance of his efforts and to the vision of a great physician."

Other Papers of Special Interest

NIOSH researchers responded to more than 200 requests from the public between 2009 and 2013 about work-related reproductive health concerns. Nearly 60 percent of the inquiries involved occupations in health care and laboratory work. Solvents, anesthetic gases, infectious agents, and numerous other hazards were the subject of the inquiries, along with requests for guidelines to establish workplace reproductive hazard policies. The authors provided appendices with resources for workers and employers.

Grajewski B, Rocheleau CM, et al. "Will my work affect my pregnancy?" Resources for anticipating and answering patients' questions. *Am J Obstet Gynecol.* 2016 May;214(5):597-602. www.ncbi.nlm.nih.gov/pubmed/26976559

The author examined the work-related injury claims and costs of 15 large employers in Texas, a state where employers are permitted to use private plans in lieu of workers' compensation insurance. The number of claims for serious injury incidents and overall costs declined substantially between 1998 and 2010. The author attributed the findings to aggressive claims screening processes, exclusions on coverage of many occupational diseases and permanent partial disabilities, and a 24-hour window for reporting injuries.

Morantz AD. Rejecting the grand bargain: What happens when large companies opt out of workers' compensation? *Stanford Law and Economics Olin Working Paper No. 488*, March 2016.

Morbidity & Mortality Weekly Report

The Centers for Disease Control and Prevention's *Morbidity and Mortality Weekly*

Report (MMWR) featured several investigations of work-related fatalities, injuries, and illnesses. The reports include the following:

Tuberculosis among foreign tourism workers

Researchers described three cases of infectious tuberculosis among temporary visa holders working in the U.S. tourism industry between 2012 and 2014. The cases included a 25-year-old man from the Philippines who worked as a cafeteria attendant in a National Park Service lodge; a 49-year-old man from the Philippines who worked as a butcher at a resort on Michigan's Mackinac Island; and a 21-year-old woman from South Africa who worked as a housekeeper and laundry attendant on Mackinac Island. Researchers wrote: "Increased awareness concerning the potential for active TB among foreign-born temporary workers is needed. Public health authorities might consider providing TB education for employers and clinicians in the tourism sector."

Weinberg MP, Cherry C, Lipnitz J, et al. Tuberculosis Among Temporary Visa Holders Working in the Tourism Industry — United States, 2012–2014. *MMWR* 2016;65:279–281.

Silicosis in Michigan & New Jersey

Between 2003 and 2010, silicosis surveillance programs in Michigan and New Jersey identified and confirmed 273 silicosis cases, with about 9 percent of such cases involving less than 10 years of potential exposure to silica dust. Manufacturing, construction, and mining accounted for 92 percent of the cases, with the majority — 64 percent — associated with manufacturing work. The study noted that as of 2010, silicosis was a reportable condition in 25 states; however, only Michigan and New Jersey voluntarily submit case data to the National Institute for Occupational Safety and Health.

Filius M, Mazurek, J, et al. Surveillance for Silicosis — Michigan and New Jersey, 2003–2010. *MMWR* 2015; 62(54):81-85.

Deaths of oil and gas workers, hydrocarbon gases

In 2013, an occupational medicine physician contacted federal occupational health and safety officials about the death of two oil and gas extraction workers suspected of dying due to exposures to hydrocarbon gases and vapors and oxygen-deficient atmospheres while opening hydrocarbon storage tanks. In response, researchers from OSHA and the National Institute for Occupational Safety and Health combed through media reports and existing databases, eventually identifying seven additional deaths between January 2010 and March 2015 in which exposure to hydrocarbon gases and vapors was a confirmed or suspected factor. The study recommended: “Health and safety professionals need to recognize and act on nonfatal warning signs and symptoms, such as dizziness, confusion, immobility, and collapse in oil and gas workers who might have been exposed to high concentrations of [hydrocarbon bases and vapors] and to [oxygen]-deficient atmospheres.”

Harrison RJ, Retzer K, Kosnett MJ, et al. Sudden Deaths Among Oil and Gas Extraction Workers Resulting from Oxygen Deficiency and Inhalation of Hydrocarbon Gases and Vapors — United States, January 2010–March 2015. *MMWR* 2016;65(1);6–9.

Car wash hazards

Researchers identified the death of one truck wash worker due to hydrofluoric acid ingestion and summarized 48 occupational hydrofluoric burn cases associated with car and truck washing in Washington state between 2001 and 2013. Hydrofluoric acid is a strong inorganic acid often found in vehicle cleaning products, rust removers, and aluminum brighteners. Two of the seven workers hospitalized required surgery. Among 48 injured workers, job titles were primarily auto detailer, car wash worker, truck wash worker, and truck driver. The study noted that while immediate calcium gluconate administration can minimize the impact of hydrofluoric acid burns, none of the

injured workers received it at their workplaces. “Because exposure to [hydrofluoric acid] is toxic and can result in severe health outcomes,” researchers wrote, “efforts to identify less hazardous alternatives to [hydrofluoric acid]-based wash products are warranted.”

Reeb-Whitaker C, Eckert C, et al. Occupational Hydrofluoric Acid Injury from Car and Truck Washing — Washington State, 2001–2013. *MMWR* 2015; 64(32);874-877.

Reports from Non-Profit Organizations

A number of public interest, civil rights and other non-profit organizations issued reports this year focusing on worker injuries and calling for strong labor protections. Several of the reports addressed the harsh working conditions experienced by poultry-processing workers.

Lives on the Line: The Human Cost of Cheap Chicken. Oxfam America, October 2015.

www.oxfamamerica.org/livesontheline

The \$50 billion U.S. poultry industry employs 250,000 workers, many of whom are people of color, immigrants, or refugees. The authors interviewed more than 200 poultry workers to learn about safety hazards, injuries, wages, and discrimination. Workers described excessive line speeds, retaliation for reporting injuries, wage theft, and a lack of sick leave. The industry is dominated by four firms —Tyson Foods, Pilgrims, Perdue, and Sanderson Farms — which are the subject of corporate campaigns launched by Oxfam in conjunction with the report release.

Health and Hardship: Stories from 9/11’s Unsung Heroes. New York Committee for Occupational Safety and Health, October 2015.

<http://bit.ly/29jHzQJ>

Workers who assisted with the cleanup at the World Trade Center site were exposed to a toxic mix of compounds that resulted in a long list of serious ailments. The report is based on interviews with eight workers involved in the cleanup, including those who were told the environment was safe, and supplemented by

expert commentary from health professionals. The report emphasizes the importance of the World Trade Center Health Program, which provides ongoing monitoring and medical care for workers and community members who were in the disaster area after the Sept. 11, 2001, terrorist attacks.

Violation Tracker. Good Jobs First, October 2015. www.goodjobsfirst.org/violation-tracker

The Corporate Research Project launched a sophisticated online search tool to identify violations of health, safety, and environmental laws by 1,600 of the largest corporations in the U.S. The database matches company names to corporate parents, provides individual records and aggregate penalties dating back to 2010, and links back to case-specific data on agency websites. Records from 13 agencies are included in the database, including those from OSHA, MSHA, EPA, and the National Highway Traffic Safety Administration.

Wage and Working Conditions in Arkansas Poultry Plants. Food Labor Research Center at UC-Berkeley, Unitarian Universalists Service Committee, et al. February 2016.

<http://bit.ly/1NFI56U>

Tyson Foods is the largest poultry producer in the U.S., and a large share of the firm's employees work in Arkansas, where the firm has its headquarters. A unique collaborative team conducted a survey of a representative sample of 500 poultry-processing workers in Arkansas. Thirty-two percent reported suffering retaliation for speaking up about safety, 58 percent indicated they had inadequate training, 62 percent reported going to work while sick, and only 9 percent had access to earned sick leave.

Preventing Death and Injury on the Job: The Criminal Justice Alternative in State Law.

Center for Progressive Reform, March 2016.

<http://bit.ly/29ePwJe>

The connection between reckless business decisions and work-related injuries and deaths should garner attention from local and state law enforcement. This report offers a toolkit for worker and community coalitions on ways to encourage prosecutors to review egregious

workplace fatality and serious injury cases for possible criminal charges. The toolkit explains basic concepts and terms in criminal law, such as mens rea, in an easy-to-understand fashion. The toolkit also includes sample letters, talking points, and checklists to help local advocates advance a program for the prosecution of worker fatalities as crimes.

Keep the Job Safe and Healthy: A Worker's Toolkit to Understanding OSHA's Legal Process.

Occupational Safety & Health Law Project, March 2016.

<http://bit.ly/29oTTjv>

The manual provides a detailed guide on the ways that workers and their representatives can be involved in the legal process that commences after OSHA issues a citation to an employer. The toolkit walks the reader through the appeals process with different steps depending on whether the employer or a worker challenges OSHA's citation. Among other things, the guide explains how a worker can elect "party status," get the most out of settlement agreements, and respond to common employer defenses.

Striving for a Just and Safer Workplace: Central Minnesota's Poultry Industry and its Disposable Workers.

Greater Minnesota Worker Center Organizing Committee, April 2016.

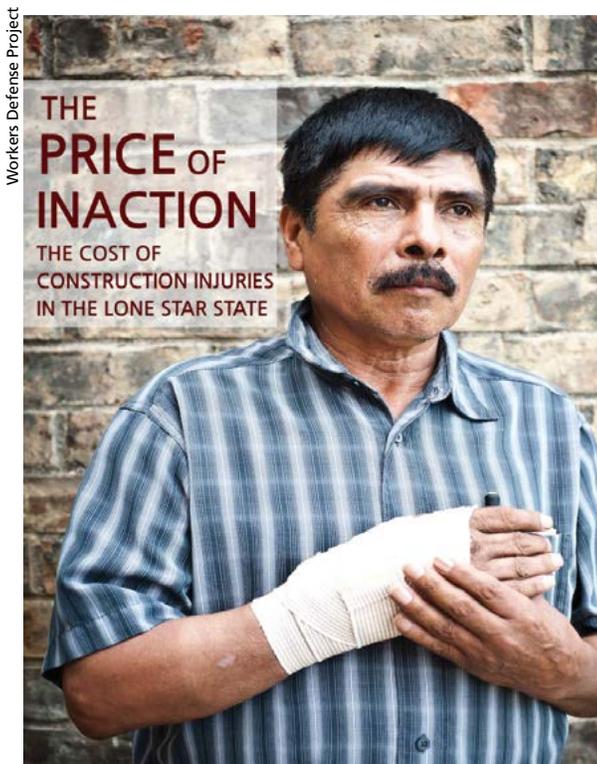
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More than 50 workers who process chicken and turkey in central Minnesota provided a first-hand account of the hazards and labor abuses in Gold'n Plump and Jennie-O plants. More than 80 percent expressed concerns about safety, including extreme line speeds as well as machinery and work overload, but saw no improvements. Carpal tunnel and other repetitive motion injuries were the most frequently mentioned conditions, and workers described retaliation for reporting injuries. They also described their employers' failure to provide prayer accommodation for Muslim workers and extreme restrictions on bathroom breaks (e.g., only two bathroom breaks per week.) The workers' recommendations include establishing a labor/management health and safety committee in which workers chose their

own representatives, and providing adequate staffing to minimize unsafe workloads.

The Price of Inaction: The Cost of Construction Injuries in the Lone Star State. Workers Defense Project and Public Citizen, April 2016.
<http://bit.ly/29kKfgN>

The construction industry in Texas is booming. One million workers in the state are employed in the industry, including at least 40 percent who are foreign born. The authors described the social and economic factors that contribute to higher injury and fatality rates for Texas' construction workers. They also assembled data to estimate the direct, indirect, and quality-of-life costs associated with construction-related injury, illness, and fatality incidents in Texas. In 2013, there were 116 construction worker fatalities and approximately 5,600 lost-time incidents in the state. The authors estimated \$896 million in costs associated with the incidents, which are borne largely by injured workers, their families, and taxpayers. Their recommendations include requiring all construction contractors on publicly funded projects to complete an occupational health and safety pre-qualification process.



No Relief: Denial of Bathroom Breaks in the Poultry Industry. Oxfam America, May 2016.
<http://bit.ly/1TeWXAB>

Interviews with 200 workers employed by Tyson Foods and other major U.S. poultry producers described the obstacles workers face accessing bathrooms when they need to use them. The barriers include having to explain to a supervisor why they need a bathroom break or needing to wait extended periods of time before someone can take over their tasks while they go to the restroom. Workers described the extreme measures they take to avoid urinating or defecating on themselves.

Dirty and Dangerous: Worker Safety and Health in New York City's Scofflaw Commercial Waste Industry. New York Committee for Occupational Safety and Health, May 2016.
<http://bit.ly/1PxKaJS>

Waste collection workers are 10 times more likely to be killed on the job than the average worker, and fatality rates are consistently higher among workers employed in the private sector compared to government sanitation agencies. The report explained the waste management process from dumpster to land-fill and provided informative descriptions of the hazards typically encountered by waste handlers. The authors punctuated the report with profiles of eight fatality and serious injury incidents that occurred in New York City. In every case, the employer failed to comply with fundamental safety precautions that could have prevented the incident. The report concluded with a hefty list of recommendations directed to city officials and to employers in the industry.

Unsafe Delays: An Empirical Analysis Shows that Federal Rulemakings to Protect the Public are Taking Longer than Ever. Public Citizen, June 2016.
<http://bit.ly/29qMotT>

Congress and the White House have instituted new administrative requirements on regulatory agencies, such as OSHA and MSHA, that delay new protections from health and safety hazards. The authors analyzed more than 20 years

of data from the executive branch's semi-annual regulatory agendas. They compared the lengths of time among agencies to complete rulemakings and reported the consequences of protracted regulatory delays. For example, rules in which agencies use an "advanced notice of proposed rulemaking" slow the process an average of four years, with Department of Labor rules taking 125 percent longer than the overall average. The authors particularly highlight OSHA rulemakings.

[OSHA's Discount on Danger. Center for Progressive Reform, June 2016.](http://bit.ly/29jXGSQ)
<http://bit.ly/29jXGSQ>

Why and how OSHA's proposed penalties are well below the allowable maximum is explained by long-time observers of the agency: Thomas McGarity of the University of Texas-Austin School of Law and Sidney Shapiro of Wake Forest University School of Labor. Along with two other authors, they examined OSHA data from much of the Obama administration's term to report on the magnitude of the penalty reductions. They offer ways within the OSH Act's existing authority to make it more expensive for employers who violate OSHA standards, including taking some penalty reductions completely off the table.

Katherine Zielke, Citadel Cabasag, Tessa Bonney, Dawn Surratt, Anika Larson, and Ornella Nzoutchoum share their experiences as participants in the Occupational Health Internship Program (OHIP). The OHIP interns presented their work in November 2015 at the American Public Health Association's annual meeting in Chicago. Their projects included collaborations with Filipino home health aides, immigrant shipyard workers in SE Louisiana, and temp workers in Chicago.



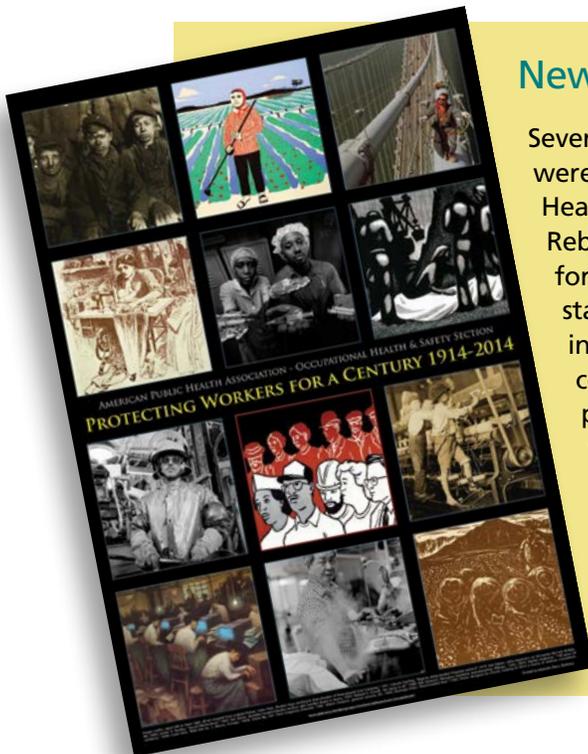
Ingrid Denis, AOEC

New Public Health Policies on Worker Safety

Several new occupational health and safety policy statements were adopted in November 2015 by the American Public Health Association (APHA). One, written by the AFL-CIO's Rebecca Reindel and Peter Dooley of the National Council for Occupational Safety and Health, calls on federal and state agencies to improve availability of and public access to individual worker fatality data. Another policy statement, coordinated by Gail Bateson at WorkSafe, urges building and product code developers and governments to set standards that reduce the use of harmful flame retardants. Other new work-related policy statements adopted by APHA in 2015 addressed tick-borne diseases and laws with pre-emption clauses.

Poster commemorating the 100th anniversary of the American Public Health Association's Occupational Health and Safety Section (1914-2014).

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



The Year Ahead

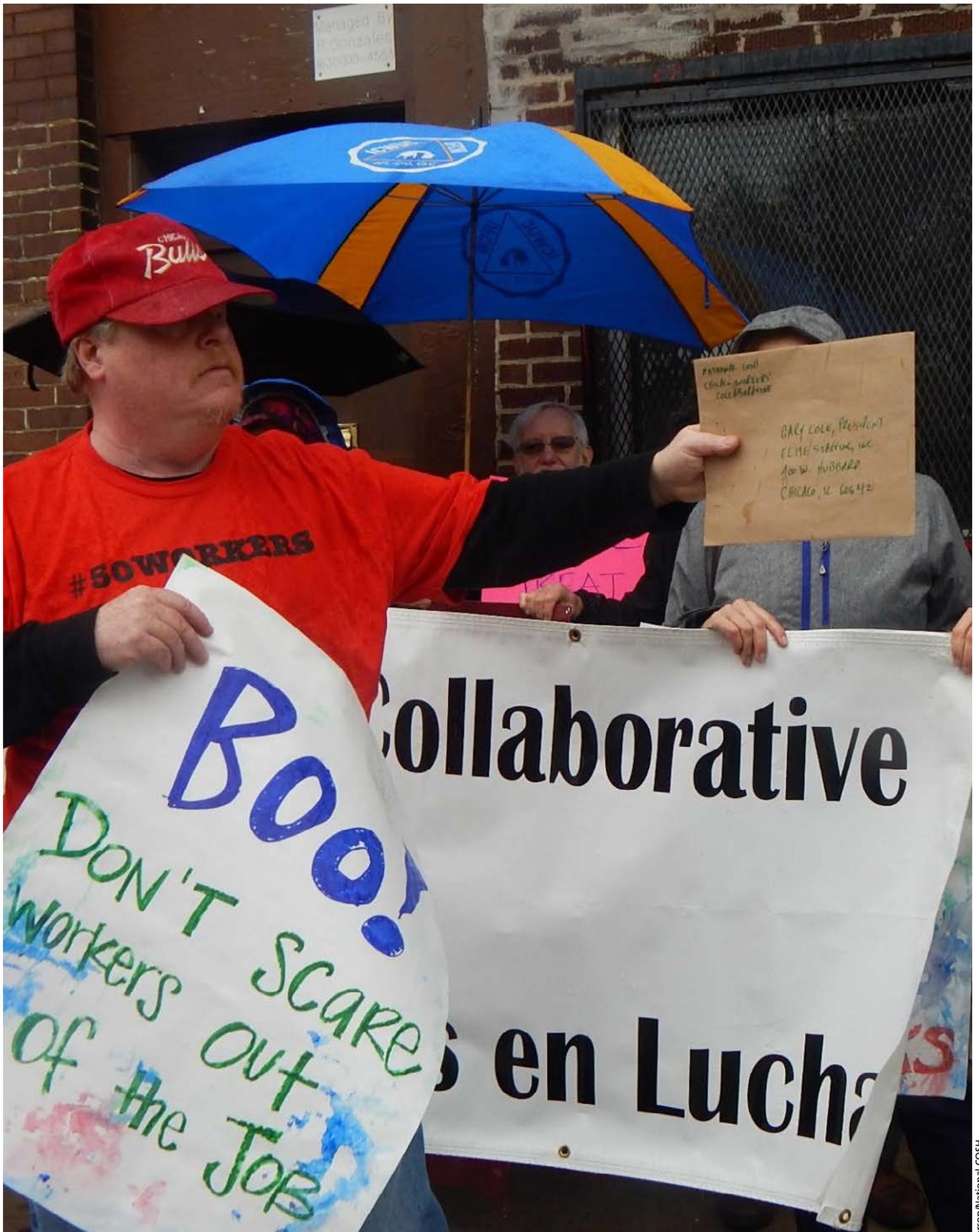
Just a couple months after the publication of this report, Americans will have elected a new president — and the consequences for workers could be considerable. While enacting laws and regulations to protect worker health and safety has never been an easy task under any administration, the current presidential choice before us is unusually stark: one candidate talks about raising the minimum wage and guaranteeing paid family and medical leave, while the other candidate threatens to gut worker protections and his businesses have racked up at least two dozen violations of the Fair Labor Standards Act.

Faced with such ideological divides as well as substantial declines in U.S. union membership, it's easy to feel pessimistic about the future. But in reality — and as the previous pages of this report illustrate — the worker justice movement is on a winning streak. After all, raising the federal minimum wage is now on the frontlines of national debate due, in no little part, to the actions of fast food and other low-wage workers who took the streets to demand fair pay. In 2016 alone, New York, Washington, D.C., and California passed legislation to eventually raise the minimum wage to \$15. After housecleaners, nannies, and home health workers spoke up about the abysmal conditions they faced on the job, Illinois joined a growing number of states to pass a Domestic Workers' Bill of Rights. And in upstate New York, brave farmworkers, along with worker center advocates, are on the cusp of finally gaining the legal right to organize. In all of these examples — and countless more — the stories and voices of workers and their families were critical to success. Today, across the country, workers are finding new and innovative ways to organize and fight for their rights — and they're winning.

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. 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>

So while the rhetoric of political campaigns and the outcomes of elections certainly do impact workers' health and lives, it's hard to imagine that any president could derail the determination and passion of today's growing worker justice movement. Sure, the fight may take years and the road forward is filled with obstacles and setbacks — as we saw with this year's silica victory — but there will always be workers willing to speak up, tell their stories, and stand for justice.



Tim Bell of the Chicago Workers' Collaborative delivers letter to Elite Staffing in October 2015.

Peer-Reviewed Research on Occupational Health & Safety Topics (August 2015 through July 2016)

Researchers published high-quality OHS papers that addressed a wide range of hazards and involved diverse groups of workers. Some reported on injury and illness trends, some relayed results of interventions, and others examined policy challenges and opportunities. The following list represents some of the best from the last 12 months. Those marked with ♦ are profiled in Section IV of this report.

Applebaum KM, Graham J, et al. An overview of occupational risks from climate change. *Curr Environ Health Rep.* 2016 Mar;3(1):13-22.

Asfaw A, Pana-Cryan R, et al. Musculoskeletal disorders and associated healthcare costs among family members of injured workers. *Am J Ind Med.* 2015 Nov;58(11):1205-16.

Bender A, Eynan R, et al. Best practice intervention for post-traumatic stress disorder among transit workers. *Work.* 2016 Mar 9;54(1):59-71.

Bradley CJ, Grossman DC, et al. Integrated interventions for improving Total Worker Health: A panel report from the National Institutes of Health Pathways to Prevention Workshop: Total Worker Health--What's work got to do with it? *Ann Intern Med.* 2016 May 31. [Ahead of print]

Brennan K, Economos J, and Salerno MM. Farmworkers make their voices heard in the call for stronger protections from pesticides. *New Solut.* 2015 Nov;25(3):362-76.

♦ Burgess EO, Barmon C, et al. "That is so common every day . . . everywhere you go": Sexual harassment of workers in assisted living. *J Appl Gerontol.* 2016 Feb 9. [Ahead of print]

♦ Conway SH, Pompeii LA, et al. Dose-response relation between work hours and cardiovascular disease risk: Findings from the Panel Study of Income Dynamics. *J Occup Environ Med.* 2016 Mar;58(3):221-6.

♦ Dembe AE, Yao X. Chronic disease risks from exposure to long-hour work schedules over a 32-year period. *J Occup Environ Med.* 2016 Jun 14. [Ahead of print]

DeRigne L, Stoddard-Dare P, and Quinn L. Workers without paid sick leave less likely to

take time off for illness or injury compared to those with paid sick leave. *Health Aff (Millwood).* 2016 Mar 1;35(3):520-7.

♦ Díaz Fuentes CM, Martinez Pantoga L, et al. Latino immigrant day laborer perceptions of occupational safety and health information preferences. *Am J Ind Med.* 2016 Jun;59(6):476-85.

Evanoff B, Gardner BT, et al. Long-term symptomatic, functional, and work outcomes of carpal tunnel syndrome among construction workers. *Am J Ind Med.* 2016 May;59(5):357-68.

♦ Feltner C, Peterson K, et al. The effectiveness of Total Worker Health interventions: A systematic review for a National Institutes of Health Pathways to Prevention workshop. *Ann Intern Med.* 2016 May 31. [Ahead of print]

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Garza JL, Cavallari JM, et al. Traditional and environmentally preferable cleaning product exposure and health symptoms in custodians. *Am J Ind Med.* 2015 Sep;58(9):988-95.

♦ Goh J, Pfeffer J, and Zenios S. Exposure to harmful workplace practices could account for inequality in life spans across different demographic groups. *Health Aff (Millwood).* 2015 Oct;34(10):1761-8.

♦ Grajewski B, Rocheleau CM, et al. "Will my work affect my pregnancy?" Resources for anticipating and answering patients' questions. *Am J Obstet Gynecol.* 2016 May;214(5):597-602.

- ❖ Hagedorn J, Paras CA, et al. The role of labor unions in creating working conditions that promote public health. *Am J Public Health*. 2016 Jun;106(6):989-95.
- ❖ Hamadi H, Probst JC, et al. Home-based direct care workers: Their reported injuries and perceived training knowledge. *Workplace Health Saf*. 2016 Jun;64(6):249-61.
- Jansky JH, Kowalski-Trakofler KM, et al. Factors influencing mine rescue team behaviors. *J Emerg Manag*. 2016 Jan-Feb;14(1):43-54.
- ❖ Landrigan PJ. Eula Bingham, PhD: Former assistant secretary for occupational safety and health, US Department of Labor. *Am J Ind Med*. 2016 Jan;59(1):81-3.
- ❖ Lax M. The perils of integrating wellness and safety and health and the possibility of a worker-oriented alternative. *New Solut*. 2016 May;26(1):11-39.
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- ❖ Rappin CL, Wuellner SE, Bonauto DK. Employer reasons for failing to report eligible workers' compensation claims in the BLS survey of occupational injuries and illnesses. *Am J Ind Med*. 2016 May;59(5):343-56.
- ❖ Rathod JM. Danger and dignity: Immigrant day laborers and occupational risk. *Seton Hall Law Rev*. 2016;46(3):813-82.
- Rauscher KJ and Myers DJ. Occupational fatalities among young workers in the United States: 2001-2012. *Am J Ind Med*. 2016 Jun;59(6):445-52.
- ❖ Ringen K. Dr. Eula Bingham: Our colleague, mentor and friend, neither retiring nor retreating. *Am J Ind Med*. 2016 Jan;59(1):84-6.
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Schulte PA, Bhattacharya A, et al. Advancing the framework for considering the effects of climate change on worker safety and health. *J Occup Environ Hyg.* 2016 Apr 26;1-60.

❖ Sears JM, Bowman SM, et al. Industrial injury hospitalizations billed to payers other than workers' compensation: Characteristics and trends by state. *Health Serv Res.* 2016 May 3. [Ahead of print]

❖ Sireci MP, Levenstein C, and Gibson S. Teachers union organizes members to enforce AHERA law - A work in progress. *New Solut.* 2016 May;26(1):72-82.

Tinney VA, Anenberg SC, et al. Eighteen years of recommendations to prevent industrial chemical incidents: results and lessons learned of the US Chemical Safety Board. *Public Health.* 2016 May 17. [Ahead of print]

Tompa E, Kalcevich C, et al. A systematic literature review of the effectiveness of occupational health and safety regulatory enforcement. *Am J Ind Med.* 2016 Jun 7. [Ahead of print]

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❖ Vladutiu CJ, Casteel C, et al. Characteristics of workplace violence prevention training and violent events among home health and hospice care providers. *Am J Ind Med.* 2016 Jan;59(1):23-30.

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Poultry workers from North Carolina protest outside the Ritz-Carlton Hotel in Washington, DC during the National Chicken Council's annual meeting, October 2015.



NYCOSH members and allies demand justice for deceased construction worker Carlos Moncayo, 22.

