

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

Fall 2012 – Summer 2013

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# Introduction and Overview

In this report we capture some noteworthy happenings in occupational health and safety during the past year (August 2012 through July 2013) in the United States. We want it to be a resource for activists, regulators, researchers, and anyone else who values safe and healthy workplaces. Much as the AFL-CIO's annual *Death on the Job* report focuses attention on workplace injury and illness statistics each April, this report documents successes, challenges, and areas ripe for improvement in occupational health and safety. This is the second annual edition of *The Year in U.S. Occupational Health & Safety*; the first is available at <http://bit.ly/THWsj7>.

Our report is not exhaustive. To keep it to a manageable length, we made some tough decisions about which activities and projects to include or omit. Blog posts published on the public health blog The Pump Handle (<http://scienceblogs.com/thepumphandle/>) during the week of Labor Day 2013 will invite readers to add their own stories about important worker health and safety happenings from the past year. Our report covers the following areas:

**New Research on Worker Health and Safety:** Several studies investigating occupational health and safety among women and young workers provide insights into hazards these populations face. Reports from nonprofit organizations address some of the most vulnerable worker populations, including those who work in meat and poultry processing and domestic employment, and those who are vulnerable due to their migrant, contingent, or low-wage status.

**The Federal Government:** Congress continues with its anti-regulatory rhetoric and its gridlock over budgetary issues. The Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) have advanced their work to crack down on some of the most dangerous workplaces, but have continued to find their efforts at new regulations delayed by the White House. This past year, activists called for the White House to release a silica rule that had been stalled for nearly three years.

**State and Local Activities:** Several state and local governments have passed worker-friendly laws, with Portland and New York City adding themselves to the growing list of U.S. jurisdictions that allow most workers to earn paid sick days. Several states and cities have also raised their minimum wages. With these and other victories, however, has come a backlash from employers and industry

groups, many of whom are now backing bills that would pre-empt worker-friendly legislation.

**Food Worker Activism:** Over the past year, the many workers behind our food – from farmworkers to employees of fast-food chains to restaurant cooks and servers – have made strides to improve their job conditions:

- As reporters highlighted the dangerous conditions many agricultural workers face, farmworkers came to Washington to demand improvements to pesticide-safety rules, and the Coalition of Immokalee Workers celebrated the addition of Chipotle Mexican Grill to the coalition's Fair Food Program.
- New evidence of occupational hazards in poultry processing lent additional force to activists' calls for the U.S. Department of Agriculture to rescind its proposal for changes that would allow increased line speeds in poultry processing.
- In cities across the country, fast-food workers used one-day strikes to demand livable wages and the ability to unionize.
- Immigrant workers – many of whom are employed in agriculture, meat processing, and food service – are among the advocates calling for immigration reform. The reforms would create options for legal status and freedom from the vulnerability that makes it so difficult for these workers who contribute so much to the U.S. economy to address employers' violations of wage or health and safety law.

Over the past year, food chain workers have been among the most visible and inspiring examples of workers demanding and progressing toward a safer and healthier future for workers nationwide. With so much activity stalled at the federal level, occupational health and safety improvements will continue to rely heavily on grassroots activism and victories at the state and local levels.







# New Research on Worker Health and Safety

The past year has been a fruitful one for occupational health and safety researchers. New studies on a range of topics have provided further insight into circumstances surrounding workplace injuries and illnesses and have highlighted solutions. Several studies focusing on the health and safety of women and young workers investigated hazards these populations face and how regulators and employers might address them.

## Peer-Reviewed Literature on Chemical Hazards and Female Workers

### Automotive plastics workers and breast cancer

Many plastics contain and release chemicals that mimic estrogens and/or are endocrine disrupting compounds. Plastics also contain substances that are known human carcinogens, such as vinyl chloride and butadiene. In a case-control study involving more than 2,100 women in southern Ontario, Canada, those who were employed in automotive plastics manufacturing had breast cancer rates that were two to five times higher than rates in the reference group. The workforce in these small manufacturing facilities is dominated by women. The researchers noted that 75 percent of plants have fewer than 20 employees and are not unionized. In a companion qualitative study, women employed in these small

plants talked extensively about their exposure to chemical mixtures and inadequate controls for the hazards they face. The results of these studies were reported first by the Center for Public Integrity's Jim Morris in the *Toronto Sun*.

Study citations:

Brophy JT, Keith MM, Watterson A, et al. Breast cancer risk in relation to occupations with exposure to carcinogens and endocrine disruptors: a Canadian case-control study. *Environ Health*. 2012 Nov 19;11:87. <http://www.ncbi.nlm.nih.gov/pubmed/23164221>

DeMatteo R, Keith MM, Brophy JT, et al. Chemical exposures of women workers in the plastics industry with particular reference to breast cancer and reproductive hazards. *New Solut*. 2012;22(4):427-48. <http://www.ncbi.nlm.nih.gov/pubmed/23207955>

Morris J. Study spotlights high breast cancer risk for plastics workers. Center for Public Integrity, November 19, 2012. <http://www.publicintegrity.org/2012/11/19/11806/study-spotlights-high-breast-cancer-risk-plastics-workers>

### Female workers' exposure to solvents and PAHs, and adverse birth outcomes

Researchers using surveillance data from eight large U.S. states reported associations between maternal occupational exposure to certain chemicals and specific birth defects. A case-control study by Gilboa and colleagues estimated the work-related exposure of nearly 5,000 women to chlorinated, aromatic, and/or Stoddard solvents during the period from one month before conception through the



Breast cancer patient Carol Bristow, 54, has worked in a plastic auto parts factory for 23 years.

Center for Public Integrity

first trimester of pregnancy. Depending on the exposure-classification approach used, positive associations were observed for maternal exposure to the solvents and several congenital heart defects, including d-transposition of the great arteries, perimembranous ventricular septal defects, aortic stenosis, right ventricular outflow tract obstruction defects, and pulmonary valve stenosis. Langlois and colleagues used the same dataset and gestational period to examine maternal exposure to polycyclic aromatic hydrocarbons (PAHs) and the odds of oral cleft defects in their offspring. PAHs are generated by the burning of organic substances such as coal and tobacco. A majority of the women in the study were employed in food preparation and service, and retail sales. After adjusting for other factors, the authors reported a positive association between maternal PAH exposure and an infant with cleft lip, with or without cleft palate.

In another study, researchers used urine samples collected during early pregnancy to measure concentrations of glycol ethers and chlorinated solvent metabolites in 659 women living in Brittany, France. The risk of major congenital malformations in their offspring increased with occupational exposure to the chemicals. Cordier and colleagues reported that women who were regularly exposed to solvents at work were four to 12 times more likely to bear a child with oral cleft. For urinary tract malformations and male genital malformations, the odds were two to three times higher for the women who were regularly exposed.

In a study from the Russian township of Mončegorsk, researchers examined the relationship between maternal exposure to solvents and birth weight. In this largely industrial municipality, the women with solvent exposure worked predominantly as painters. In their analysis of 26,415 singleton births, Vaktskjold and colleagues observed an elevated odds of having a low birth weight baby among the solvent-exposed women.

While these studies from the past year focused on women workers, it is important to remember that other research has found associations between fathers' occupational exposures and children's adverse health outcomes. The response to these hazards must be to improve workplace health and safety, not to limit women's employment.

#### Study citations:

Cordier S, Garlantézec R, Labat L, et al. Exposure during pregnancy to glycol ethers and chlorinated solvents and the risk of congenital malformations. *Epidemiology*. 2012 Nov;23(6):806-12.  
<http://www.ncbi.nlm.nih.gov/pubmed/23007043>

Gilboa SM, Desrosiers TA, Lawson C, et al. Association between maternal occupational exposure to organic solvents and congenital heart defects, National Birth Defects Prevention Study, 1997-2002. *Occup Environ Med*. 2012 Sep;69(9):628-35.  
<http://www.ncbi.nlm.nih.gov/pubmed/22811060>

Langlois PH, Hoyt AT, Lupo PJ, et al. Maternal occupational exposure to polycyclic aromatic hydrocarbons and risk of oral cleft-affected pregnancies. *Cleft Palate Craniofac J*. 2013 May;50(3):337-46.  
<http://www.ncbi.nlm.nih.gov/pubmed/23136939>

Vaktskjold A, Talykova LV, Nieboer E. Low birth weight in newborns to women employed in jobs with frequent exposure to organic solvents. *Int J Environ Health Res*. 2013 Apr 2. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23548113>

## Peer-Reviewed Research on Young Workers

### High school students' attitudes about workplace safety

Zierold and colleagues remind us that more than 70 percent of teenagers are employed before graduating high school. Teen workers



are particularly vulnerable to work-related harm. The researchers interviewed high school students in Kentucky to assess their attitudes toward workplace safety and safety training. More than 50 percent reported being injured at work, but many viewed injuries as just being part of the job. Most of the teens reported receiving safety training, but it was not geared to their developmental level or interests. The methods were, in the teens' view, boring, and from the researchers' view probably ineffective.

Zierold KM, Welsh EC, McGeeney TJ. Attitudes of teenagers towards workplace safety training. *J Community Health*. 2012 Dec;37(6):1289-95. <http://www.ncbi.nlm.nih.gov/pubmed/22614536>

## Young workers' reluctance to speak up about safety concerns

Researchers in Canada conducted focus groups with high school students to explore the effectiveness of two interventions targeted at young workers: a social marketing campaign and school-based safety curriculum, which is mandatory in the province of Ontario. Both programs promote the benefits of "speaking out" against dangerous work. Interviewing groups of teens in Manitoba and Ontario, the authors report that the vast majority take a "wait and see" attitude about safety hazards or concerns. The young workers' reluctance to speak up related to fear of being fired, newcomer status, supervisor indifference, and feelings of powerlessness. The study calls into question the effectiveness of safety interventions that fail to consider worker power, control, and other psychosocial realities.

Tucker S, Turner N. Waiting for safety: Responses by young Canadian workers to unsafe work. *J Safety Res*. 2013 Jun;45:103-10. <http://www.ncbi.nlm.nih.gov/pubmed/23708481>

## Assessment of high school students' OHS knowledge and training

Rauscher and Myers coined the phrase 'occupational health literacy' (OHL) to describe workers' knowledge, awareness, and training about occupational safety and health. They tested the metric using data from a survey of 2,262 U.S. high school students to determine any protective effect of OHL on work-related injuries. Their exploratory analysis suggests that receipt of safety training likely indicates actual or perceived hazardousness of the job.

Rauscher KJ, Myers DJ. Occupational health literacy and work-related injury among US adolescents. *Int J Inj Contr Saf Promot*. 2013 May 17. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/23679156>

## Injury risk for teenage agricultural workers in the U.S.

From a survey of 410 mostly Hispanic farmworkers aged 13-19 years, Shipp and colleagues examined dozens of factors to identify occupational injury risk for young agricultural workers. Some of the significant risk factors for acute injuries identified by the researchers were being younger than 17 years, getting fewer than eight hours of sleep, and feeling stressed or anxious sometimes or often. The injury rate for the most serious incidents was 27 per 100 full-time equivalents (FTE), a figure that greatly surpasses the 5.2 per 100 FTE reported in the U.S. Department of Labor's National Agricultural Workers Survey.

Shipp EM, Cooper SP, Del Junco DJ, et al. Acute occupational injury among adolescent farmworkers from South Texas. *Inj Prev*. 2012 Nov 9. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/23143346>

## Work-related traumatic brain injuries among young workers

Graves and colleagues used the Washington State Trauma Registry and workers' compensation claims data to examine the costs and characteristics of traumatic brain injuries (TBI) among 16-24 year olds. For the period 1998-2008, they identified 273 cases of work-related TBI among the adolescents. Forty-two percent of the incidents related to falls, and 61 percent involved other trauma beyond the TBI. The median medical cost for TBI cases with other trauma was \$41,167. The median combined medical and time-loss compensation cost was approximately \$45,000 per injured worker.

Graves JM, Sears JM, et al. The burden of traumatic brain injury among adolescent and young adult workers in Washington State. *J Safety Res.* 2013 Jun;45:133-139. <http://www.ncbi.nlm.nih.gov/pubmed/23710080>

## Factors affecting occupational injury risk among college students

The vast majority of U.S. university students are age 25 or younger, making them at particular risk for on-the-job injuries. Ou and Thygeron used the Youth Employment and School Study instrument to survey 466 students at a U.S. university to identify risk factors for work-related injuries. The average age of their respondents was 20.7 years. A positive relationship with their supervisor appeared to have a protective effect against injury, while physical hazards and heavy workload on the job increased the likelihood of injuries as much as three times.

Ou J, Thygeron SM. Risk factors for work-related injuries among university student employees. *Industrial Health.* 2012;50(5):445-9. <http://www.ncbi.nlm.nih.gov/pubmed/22878354>

## Additional Peer-Reviewed Studies

Other studies of interest from the past year include the following:

**Barriers to use of workers' compensation for patient care at Massachusetts community health centers.** Azaroff LS, Davis LK, Naparstek R, et al. *Health Serv Res.* 2013 Feb 28. [Epub ahead of print]

Researchers conducted in-depth interviews with administrators from eight community health centers (CHCs) in Massachusetts to explore their experiences using the workers' compensation (WC) system on behalf of their patients. Although the CHCs reported treating work-related injuries, they acknowledged underutilizing WC for reimbursement. Their unfamiliarity with the system and relying on patients to describe their condition as work-related were identified as barriers to using WC. <http://www.ncbi.nlm.nih.gov/pubmed/23445431>

**The proportion of work-related emergency department visits not expected to be paid by workers' compensation: Implications for occupational health surveillance, research, policy, and health equity.** Groenewold MR, Baron SL. *Health Serv Res.* 2013 May 13. [Epub ahead of print]

Researchers used data from a representative sample of U.S. emergency rooms (ERs) to identify the expected payer for work-related injuries, including fractures, lacerations, burns, and amputations. Twenty-five percent of the cases involved a patient reporting 'severe' pain, and nearly 15 percent arrived at the ER via ambulance. For work-related injury cases, an estimated 37 percent were not expected to be paid by workers' compensation, and for work-related illness cases, the estimate was 47 percent. Despite the work-related nature of the ER visits, 21 percent of the cases were expected to be paid by private health insurance, and 11 percent were identified as self-pay. <http://www.ncbi.nlm.nih.gov/pubmed/23662682>

**Trends in the disproportionate burden of work-related traumatic injuries sustained by Latinos.** Sears JM, Bowman SM, Silverstein BA. *J Occup Environ Med.* 2012 Oct;54(10):1239-45. <http://www.ncbi.nlm.nih.gov/pubmed/22975666>

Researchers used the Washington State Trauma Registry to measure trends in work-related injuries among Latino workers. In a study that controlled for several factors (including Latino representation in the labor force) and covered the years 1998 - 2008, they observed a five percent annual increase in the odds that a traumatic injury was sustained by a Latino. <http://www.ncbi.nlm.nih.gov/pubmed/22975666>

**Safety, incentives, and the reporting of work-related injuries among union carpenters: “you’re pretty much screwed if you get hurt at work.”** Lipscomb HJ, Nolan J, et al. *Am J Ind Med.* 2013 Apr;56(4):389-99.

Researchers conducted a survey of 1,200 apprentice carpenters to assess factors influencing injury reporting. Thirty percent said work-related injuries were almost never or rarely reported. Fear of reprisal for reporting injuries – even among workers who have the benefit of a trade union – was a dominant theme that emerged. <http://www.ncbi.nlm.nih.gov/pubmed/23109103>

**More than training: Community-based participatory research to reduce injuries among Hispanic construction workers.** Forst L, Aho-nen E, Zanoni J, et al. *Am J Ind Med.* 2013 Mar 26. doi: 10.1002/ajim.22187.

Researchers partnered with eight worker centers in seven U.S. cities to assess the capacity of worker leaders to deliver safety training to their peers. The participants were foreign-born, Hispanic, low-wage, low-literacy construction workers. Thirty-two served as the trainers and 446 individuals received the OSHA 10-hour curriculum from them. Overall improvements in knowledge, hazard identification, and self-efficacy were demonstrated. <http://www.ncbi.nlm.nih.gov/pubmed/23533016>

**Public health impact of heat-related illness among migrant farmworkers.** Fleischer NL, Tiesman HM, Sumitani J, et al. *Am J Prev Med.* 2013 Mar;44(3):199-206.

Researchers interviewed 405 migrant farmworkers in south Georgia to assess their knowledge of heat-related illness (HRI) and identify risk factors that hindered prevention. Seventy-seven percent lacked HRI-prevention training, 34 percent were not given regular breaks, and 27 percent did not have access to shade. One-third of participants had experienced three or more HRI symptoms in the preceding week. <http://www.ncbi.nlm.nih.gov/pubmed/23415115>

**Increased risk of parkinsonism associated with welding exposure.** Racette BA, Criswell SR, Lundin JI, et al. *Neurotoxicology.* 2012 Oct;33(5):1356-61.

Researchers evaluated the prevalence of parkinsonism observed among 811 shipyard and fabrication welders, and assessed their intensity adjusted, cumulative years of welding exposure. Parkinsonism was defined using the Unified Parkinson Disease Rating Scale. Nearly 16 percent of the welding-exposed workers were classified with parkinsonism compared to zero percent in the reference group. The authors observed a U-shaped dose-response relationship between years of exposure and the movement disorder. <http://www.ncbi.nlm.nih.gov/pubmed/22975422>

**Disability rates for cardiovascular and psychological disorders among autoworkers by job category, facility type, and facility overtime hours.** Landsbergis PA, Janevic T, Rothenberg L, et al. *Am J Ind Med.* 2013 Jul;56(7):755-64.

Researchers used insurance claims data from an automobile manufacturer to examine the association between long work hours, assembly line work, and stress-related diseases. Claims for hypertension, coronary heart disease, cardiovascular disease, and psychological disorders were associated with facility overtime hours. The authors estimated that a facility with 10 more overtime hours per week would have more than four times the claims per 1,000 employees for psychological disorder.

ders, and more than three times the claims for hypertension.  
<http://www.ncbi.nlm.nih.gov/pubmed/23585075>

**Musculoskeletal pain among critical-care nurses by availability and use of patient lifting equipment: An analysis of cross-sectional survey data.** Lee SJ, Faucett J, Gillen M, Krause N. *Int J Nurs Stud.* 2013 May 3. [Epub ahead of print]

Researchers surveyed 361 critical care nurses to examine the relationship between availability

and use of patient lifting equipment and musculoskeletal pain. Fewer than half of respondents reported that their employer provided lifts. Compared to nurses without lifts, nurses reporting high-level lift availability were half as likely to have work-related low-back pain. Work-related shoulder pain was three times less common among nurses reporting medium-level use of lifting equipment.  
<http://www.ncbi.nlm.nih.gov/pubmed/23648391>

## A Growing Community of Advocates for Workers' Safety and Rights

The network of worker safety advocates continues to grow, and 300 of them gathered in Baltimore, MD in December 2012 for the second annual National Worker Safety and Health Conference. The conference was sponsored by the National COSH Network along with allies in labor and community groups. Participants came from worker centers, labor union locals, human rights groups, COSH organizations, and elsewhere for dynamic workshops on advancing workers' rights, organizing workers around health and safety issues, and identifying successful safety strategies. A full slate of workshops was offered for Spanish speakers, highlighting the vital role of community-based worker leaders in health and safety action and policy making. An awards ceremony recognized the impressive contributions of Luzdary Giraldo of NYCOSH, Carmen Martino of New Labor, Tonya Ford of United Support and Memorial for Workplace Fatalities (USMWF), Chloe Osmer of the CLEAN Carwash Campaign, and the United Steelworkers Health, Safety, and Environment Department. Conference planners expect the next event – December 11-12, 2013 in Baltimore – to be even larger and to capture the expanding energy to defend worker health and safety rights.



Henry Plimack/National COSH

Alejandro Zuniga (Fe y Justicia Worker Center, Houston), Lorenzo Montalvo (temporary worker and volunteer with PhilaPOSH), Fredy Llanos (Hispanic Resource Center, Larchmont, NY), and Bacilio Castro (Western North Carolina Workers' Center) get ready for a workshop to begin.



Panelists Jessica Martinez (National COSH), Jim Savage (USW Local 10-1 President), and Katherine Rodriguez (USMWF) offer their personal insights on challenges facing workers and their families.



## Reports from Nonprofit Organizations

Several nonprofit advocacy organizations released reports in the past year. These address the working conditions of some of the most vulnerable worker populations, including those who work in industries with limited protections – including meat and poultry processing and household employment – and those who are vulnerable due to their migrant, contingent, or low-wage status.

**Always Working Beyond the Capacity of Our Bodies: Meat and Poultry Processing Work Conditions and Human Rights in the Midwest**, Midwest Coalition for Human Rights, October 2012.

<http://bit.ly/16kQ5u8>

The workers in meatpacking and poultry plants located in the U.S. Midwest are predominantly from Mexico, Central America, and Southeast Asia. Researchers conducted focus groups in rural Minnesota and Iowa with groups of workers to learn about conditions in the plants. Production line speed was a primary concern, with other complaints involving excessive noise, extreme temperatures, exposure to biological and chemical hazards, and exploitation by supervisors. The authors offer recommendations for federal and state actions to improve protection for meat and poultry workers.

**Home Economics: The Invisible and Unregulated World of Domestic Work**, National Domestic Workers Alliance, November 2012.

<http://www.domesticworkers.org/homeeconomics/>

A survey of nearly 2,100 privately employed nannies, caregivers, and housecleaners reveals the conditions for workers who do not have the benefit of labor, wage, and health protections. The respondents, who resided in 14 U.S. metropolitan areas, earned a median wage of \$6.15 per hour, described long hours of work without breaks, and reported work-related chronic pain in their wrists, shoulders, hips, and backs. The authors encourage policymakers to pay attention to the survey's findings

and support state legislative initiatives to improve conditions for domestic workers.

**Obesity/Overweight and the Role of Working Conditions: A Qualitative, Participatory Investigation**. UMass-Lowell, MassCOSH, Boston Workers' Alliance, November 2012.

<http://bit.ly/19ieMGt>

What are the potential links between working conditions and individuals' challenges in achieving and maintaining a healthy weight? That question was examined through focus groups conducted with 63 low-wage workers, primarily employed in food service, healthcare/human services, and construction. Workers describe work environment factors that influence their eating patterns and physical activity, including physically demanding work, time pressures and work schedules, and the lack of sanitary or practical places at work to eat. The authors note that merely looking at individuals' behavior with respect to food and exercise misses "a big piece of the puzzle."

**Numbers and Costs of Occupational Injury and Illness in Low-Wage Occupations**, J. Paul Leigh, PhD, December 2012.

<http://bit.ly/V91Muw>

**Mom's off Work 'Cause She Got Hurt**, L.

Borkowski and C. Monforton, December 2012.

<http://bit.ly/SVj12I>

Twenty-two percent of the U.S. workforce – 31 million people – are employed in occupations for which the median wage is below \$11.19 per hour. The janitors, housecleaners, restaurant workers, and others who work full-time and earn that (or a lower) wage subsist at the federal poverty line if they are providing for a family of four. University of California Davis economist J. Paul Leigh assembled data from a variety of sources to estimate the number and cost of work-related injuries and illnesses for U.S. workers in low-wage occupations. The annual impact involves more than 1.6 million injuries and 87,000 illnesses, with an estimated cost of \$39 billion. In a companion policy brief, Borkowski and Monforton put Leigh's analysis in context. They explain the inadequacy of workers' compensation insurance for cover-

ing all related costs, the burden it places on low-wage families, and the implications for communities of occupationally injured and ill low-wage workers.

**At the Company's Mercy: Protecting Contingent Workers from Unsafe Working Conditions**, Center for Progressive Reform, January 2013. <http://bit.ly/16PXzno>

Workers employed by temporary staffing agencies or in other "contingent work" arrangements are reshaping the field of occupational health and safety. The authors examine precarious employment relationships in the farming, construction, warehousing, and hotel industries, and make recommendations for new laws and policies to ensure these workers are better protected from workplace hazards and other abuses.

**Taken for a Ride: Migrant Workers in the U.S. Fair and Carnival Industry**, Washington College of Law's Immigrant Justice Center and Centro de los Derechos del Migrante, February 2013. <http://bit.ly/WabNrk>

Researchers interviewed migrant workers in Maryland, Virginia, and Mexico who were hired for the traveling carnival industry in the U.S. under H-2B visas. The migrants reported working nearly 100 hours per week, and with deductions taken by their employers for fees and housing, their hourly wage was as low as \$2 per hour. The substandard and overcrowded trailers in which they lived contribute to health problems, as does limited access to medical care. The workers faced risks of serious injuries when the employers fail to provide training and safety gear, including fall protection for work at heights. Personal accounts of the carnival workers' experiences punctuate the report.

**Unsafe at These Speeds**, Southern Poverty Law Center and Alabama Appleseed, March 2013. <http://bit.ly/YP6GNc>

Researchers interviewed 302 workers employed in Alabama's poultry industry and heard about fast-moving processing lines that have workers handling more than 100 birds

a minute. The grueling conditions left nearly three-fourths of them reporting significant work-related injuries or illnesses, especially debilitating musculoskeletal pain. The authors describe the implications of Alabama's extreme anti-immigrant law, adopted in 2011, on staffing in the plants. Many immigrant workers fled the state, but Alabamians did not line up to take poultry plant jobs. The resulting staffing shortages have led many plant managers to expect employees to work even harder and faster. The authors offer dozens of recommendations to address exploitation of poultry plant workers in Alabama and nationwide.

**Health Care Workers Unprotected: Insufficient Inspections and Standards Leave Safety Risks Unaddressed**, Public Citizen, July 2013. <http://bit.ly/14ngTcd>

More than 18 million people in the U.S. are employed in the health care and social assistance industry. For some types of work-related injuries, notably musculoskeletal injuries, nursing aides, orderlies, and personal attendants have the highest rate of all U.S. occupations. The authors describe the limited number of inspections by OSHA of healthcare facilities and the paucity of regulations addressing the most pressing types of hazards faced by healthcare workers. Recommendations to OSHA are made for standards that address safe patient handling and workplace violence.

## Legal Perspectives on Occupational Health and Safety

Over the past year, legal scholars have explored how laws, programs, and legal settlements are failing to protect workers from on-the-job hazards. They report on ways that employers, industries, and their political allies have eroded protections designed to protect workers from wage theft, black lung disease, and unsafe workplaces.

**Silent Workers, Disappearing Rights: Confidential Settlements and the Fair Labor Standards Act**, Wilkins, E. *Berkeley Journal of Employment and Labor Law*, 2013 (34 *Berkeley J. Emp. & Lab. L.* 109).

Elizabeth Wilkins examines the use of confidential settlements in cases involving employers who engage in wage theft in violation of the Fair Labor Standards Act (FLSA). She argues that prohibiting courts from approving sealed settlements would shed light on the wage theft epidemic and hold convicted employers accountable. Wilkins explains that a faithful reading of the FLSA actually bars secret settlements.

**Black Lung Benefits for Disabled Coal Miners and Their Families**, Sanders, S. *Journal of Poverty Law and Policy*, March - April, 2013 (46 *Clearinghouse Rev.* 476).

Stephen Sanders describes the history and importance of the federal black lung benefits program, which supports coal miners when they are totally disabled by the respiratory disease. He argues that the program has been plagued by attempts to eliminate it, and that these attempts reflect the power imbalance between coal miners and the mining industry.

**Disaster Law: The end game of deregulation: Myopic risk management and the next catastrophe**, McGarity, TO and Steinzor, R. *Duke Environmental Law & Policy Forum*, Fall 2012 (23 *Duke Env'tl. L. & Pol'y F.* 93).

Thomas McGarity and Rena Steinzor use the December 2008 massive release of coal ash slurry in Kingston, TN as an example of Congress' and regulatory agencies' bowing to powerful interests. They report that despite initial statements about tough regulatory action in the wake of disasters, the federal response was lackluster. They argue that lack of regulatory and legislative action has led to the public's perception of the ineffectiveness of regulatory agencies and distrust of them. McGarity and Steinzor suggest that failure to act by policy makers in response to disasters may

be part of a larger phenomenon that "does not bode well for the resuscitation of the U.S. health, safety and environmental regulatory system."

**Freedom to Harm: The Lasting Legacy of the Laissez Faire Revival**. Thomas O. McGarity. New Haven: Yale University Press, 2013.

University of Texas law professor Thomas McGarity's most recent book examines how the often touted principle of "economic freedom" harms achievement of better social protections. He describes the power of the business community and the think tanks it has created to obstruct health, safety, and environmental regulations for the last 25 years. So-called reforms to the civil justice system further impede the public's power to address harm caused by economic interests. McGarity devotes a chapter to worker safety protections. He provides a refresher on highlights (and low lights) of MSHA's and OSHA's regulatory efforts, and explains the continuing legacy of former House Speaker Newt Gingrich's "Contract with America" on the agencies' decision-making. McGarity was the author, along with Sidney Shapiro, of the 1993 book *Workers at Risk: The Failed Promise of the Occupational Safety and Health Administration*.

### Read more at The Pump Handle

Much of the occupational health research and activity described in this report is covered in more detail at the public health blog The Pump Handle, <http://scienceblogs.com/thepumphandle/>. In particular, twice-monthly "Occupational Health News Roundups" highlight 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/>.







# The Federal Government and Occupational Health and Safety

At the federal level, worker health and safety faces major challenges. We learned that 4,383 workers were killed on the job in 2012, and we watched in horror as a massive fire and explosion at the West Fertilizer plant in Texas claimed 15 lives, most of them volunteer firefighters. Rather than strengthening the regulatory system to address these and other problems, however, the U.S. Congress remained gridlocked and could not even agree on spending legislation that would avert “sequestration” budget cuts.

The White House Office of Information and Regulatory Affairs (OIRA) was a major roadblock to worker-protecting regulations, including a rule to protect construction workers and others from lung-damaging silica exposure. Advocates hope the recent OIRA leadership change will allow long-delayed regulations to proceed. With regulations held up by OIRA, the Occupational Safety and Health Administration (OSHA) and Mine Safety and Health Administration (MSHA) focused largely on enforcement, with efforts targeting some of the employers and industries with the most dangerous workplaces.

The following section highlights some of the occupational safety and health issues on which noteworthy activity occurred during the past year, and describes specific actions by various federal entities.

## Sequestration and Budget Issues

Beginning on March 1, 2013, federal agencies were subject to the automatic spending cuts known as sequestration. OSHA projected it would conduct 1,200 fewer inspections, and largely cut travel authorizations, except for inspections. MSHA chief Joe Main disclosed that the 49 State agencies that receive grants to conduct safety training would see a two-thirds cut in funding. Moreover, President Obama’s FY 2014 budget request zeroes out funding altogether for MSHA’s state grants program. Typically, about \$8 million was appropriated for the program. In other cost-cutting moves, OSHA chief David Michaels announced a pro-

posal to consolidate the agency’s 10 regional offices down to seven.

Because of sequestration, 40 states will no longer receive federal funding for the Adult Blood Lead Epidemiology and Surveillance (ABLES) program, a partnership between NIOSH and states. Elevated blood-lead levels among adults have declined, and cases that still occur tend to be work-related. Painters, construction workers, and those working in smelting and battery manufacturing have an elevated risk of lead exposure, which can result in cognitive dysfunction, adverse reproductive outcomes, and damage to kidneys and the cardiovascular system. State ABLES programs have identified adults with high blood-lead levels and followed up with individuals as well as with employers to help companies reduce occupational lead exposures. In some cases, they may alert OSHA if they see an unusual trend in a group of workers. “If you don’t have the program to follow these trends ... it can have a serious impact on public health,” James Logue, director of the Division of Environmental Health Epidemiology at the Pennsylvania Department of Health, told The Pump Handle’s Kim Krisberg.

## Farewells and New Faces

After serving President Obama as Labor Secretary during his first term, Hilda Solis resigned her position in January 2013. At her swearing-in ceremony four years earlier she announced, “To those who have for too long abused workers, put them in harm’s way, denied them fair pay, let me be clear: there is a new sheriff in town.” Labor and worker safety advocates

had high expectations for Solis, but witnessed the pro-worker initiatives of her enforcement agencies stymied by Congress and the White House. On March 18, 2013, the President nominated Thomas Perez as the 26th Secretary of Labor. The Senate HELP Committee approved his confirmation by a party-line vote in May 2013. After intense wrangling over filibuster rules on Presidential appointments, the U.S. Senate confirmed Perez on July 18, 2013.

Cass Sunstein, director of the White House's Office of Information and Regulatory Affairs (OIRA), resigned his position in August 2012 after three years as the President's "regulatory czar." OIRA is charged with reviewing the proposed and final regulations developed by federal agencies. During Sunstein's tenure, a number of worker safety regulations were "under review" for unprecedented long periods of time, such as OSHA's proposed rule on silica and MSHA's rule on proximity detectors on underground mobile equipment. President Obama nominated Howard Shelanski to replace Sunstein as his regulatory czar. He was confirmed for the post and began working in it in July 2013. During his confirmation hearing, Mr. Shelanski identified timely review of agency rules as a top priority. With three OSHA rules and two MSHA rules languishing in OIRA review for more than a year, his comment was welcome. Public advocates are watching closely to see if he will deliver on the promise.



U.S. Representative Lynn Woolsey meets with family members whose loved ones died from fatal work injuries. Gary Quarles, whose son died in the Upper Big Branch mine, shows Rep. Woolsey a memory book.

Congresswomen Lynn Woolsey (D-CA) did not seek reelection for her House seat, ending her 20-year career on Capitol Hill. For only six of those years did Woolsey serve in the majority. Woolsey made her voice and justice-seeking spirit known on the House Education and Labor Committee, and was lead sponsor of the Protecting America's Workers Act, Worker Protection Against Combustible Dust Explosions & Fires Act, the Ensuring Worker Safety Act (on OSHA State Plans), and the Robert C. Byrd Miner Safety and Health Act.

## Regulatory Delays

For much of 2013, OSHA's proposed rule to protect workers from respirable crystalline silica remained "under review" at the White House's Office of Information and Regulatory Affairs (OIRA). That review lasted 906 days, but finally the proposal was announced on August 23, 2013. The Executive Order that gives OIRA responsibility for reviewing agencies' significant regulatory initiatives directs OIRA to complete its review within 90 days. Several other OSHA and MSHA regulatory initiatives have languished at OIRA well past the 90-day deadline, including a proposal to modernize OSHA's injury and illness reporting system, an MSHA proposal to require proximity detection systems on mobile equipment in underground mines, and an OSHA final rule to update its protections for workers involved in electric power transmission and distribution.

The U.S. Senate Judiciary Committee created a new subcommittee on Oversight, Federal Rights and Agency Action. Senator Richard Blumenthal (D-CT), who was named chair of the subcommittee, said, "Overseeing federal agency rulemaking means working with advocates, activists, and every-day Americans to fulfill the promise of federal protection." The subcommittee's first hearing was held on August 1, 2013, entitled "Justice Delayed: The Human Cost of Regulatory Paralysis." Peg Seminario, Director of Health and Safety, AFL-CIO, testified on delays in rulemaking on worker safety protections. She used OSHA's proposed rule on crystalline silica as an example of interference by OIRA, which delayed the proposal by nearly three years.

Bryan Vana, American Friends Service Committee.

## Congressional Opposition to Strong Worker Protections

Although the Republican-controlled U.S. House of Representatives has failed for the last three years to pass an appropriations bill for worker protection agencies in the Department of Labor and Department of Health and Human Services, that has not stopped them from spending time to take up legislation to gut worker protections. On August 1, 2013, the House passed the “Regulation from the Executive in Need of Scrutiny Act” (REINS Act) along a party-line vote. The bill would require both houses of Congress to approve, within 70 days, every major rule developed by federal agencies. If they fail to act, the rule, such as those

issued by OSHA and MSHA, would be null and void. Speaking in strong opposition to the bill, Cong. Joe Courtney (D-CT) remarked: “The sad truth is that the underlying bill is nothing more than an effort to put the powerful above the lives and limbs of working families.” The Senate version of the REINS Act has 22 co-sponsor, with WV Senator Joe Manchin being the only Democrat to support it.

The House of Representatives also passed the “Working Families Flexibility Act of 2013” by a vote of 223 to 204. The legislation amends the Fair Labor Standards Act to allow employers to substitute overtime pay for time off of work. Groups opposed to the bill included Interfaith Worker Justice, National Employment Law Project, and National Partnership for Women

## The U.S. Response to Tragedy in Bangladesh

On April 24, 2013, the nine-story Rana Plaza complex in Dhaka, Bangladesh collapsed, killing hundreds of garment workers inside. A month later, the death toll stood at 1,129, after some of the thousands of rescued workers succumbed to their injuries. Cracks had been discovered in the building the day before it collapsed, but building owner Mohammed Sohel Rana allegedly told factory bosses it was safe to order their workers back to their stations. The disaster followed the November 2012 Tazreen Fashions factory fire, which killed 112 workers.

Anger and outrage at the tragedy spread around the world. Workers marched in the streets of Dhaka, and international pressure mounted on clothing brands that source products from Bangladesh. More than 70 major clothing retailers have signed on to the Accord on Fire and Building Safety in Bangladesh, which requires independent safety inspections of supplier factories and retailer contributions to a fund for safety improvements, but nearly all of these retailers are European brands, including Benetton, H&M, Marks & Spencer, Primark, and Tesco. PVH (parent company to Calvin Klein and Tommy Hilfiger) and Abercrombie & Fitch were the only U.S. companies to sign the accord by the initial May 15 deadline. Several other U.S. retail chains, including Walmart and the Gap, launched the Alliance for Bangladesh Worker Safety in July; its provisions are similar to those of the Accord, but, unlike the Accord, it is not legally binding.

In June 2013, President Obama announced a decision to suspend Bangladesh’s trade benefits with the U.S. General System of Preferences (GSP). The GSP does not cover garments and this suspension is therefore largely symbolic, but it makes evident strong U.S. concern about “insufficient progress by the Government of Bangladesh in affording Bangladeshi workers internationally recognized worker rights.” The Obama Administration urged Bangladesh’s government to take several specific steps to protect workers’ rights, including increased labor, fire, and building inspections and labor-law reforms. Implementation of this action plan “could provide a basis for the President to consider the reinstatement of GSP trade benefits.”

and Families, among many others. Congressman George Miller (D-CA) and his Democratic colleagues produced a two-minute animated video for YouTube called “More Work, Less Pay,” explaining how H.R. 1406 is a bad deal for working families.

## OSHA

**Accord on railway whistleblowers:** Burlington Northern Sante Fe (BNSF) Railway, and other railroad employers, have a history of retaliating against employees who complain about safety or report injuries. Between August 2007 and September 2012, OSHA received more than 1,200 whistleblower complaints from workers under the Federal Rail Safety Act. BNSF had personnel policies that OSHA alleged violated the whistleblower protections provided by the Federal Railroad Safety Act (FRSA). One practice, for example, assigned demerit points to workers who suffered an injury. In January 2013, OSHA and BNSF signed an accord concerning elimination of such practices and agreed to offer settlements to workers involved in 36 whistleblower cases.

**Focus on temp worker training and supervision:** OSHA announced in April 2013 that during inspections its compliance officers (CSHOs) would determine whether any workers at the site are employed by a staffing agency – i.e., whether they are temp workers. The CSHOs were instructed to assess whether the temp workers received training and whether it was in a language and vocabulary they could understand. The CSHOs will also record the staffing agency’s name, and information on who is responsible for supervising the temp workers. This announcement followed the December 2012 publication of Jim Morris’s article (by the Center for Public Integrity and *Mother Jones*) about the death of temporary worker Carlos Centeno, a temp worker fatally burned by an acid solution at the Raani Corp. factory in Illinois. Studies find that temp workers have higher injury rates and often receive inadequate training. Centeno’s managers refused to call 911 and made a co-worker wait to drive him to a clinic until they could fill out

paperwork. OSHA proposed a fine of \$473,000 and cited Raani for 14 alleged violations, six of them categorized as “willful.”

**Addressing Severe Violators:** OSHA’s list of severe violators in its Severe Violators Enforcement Program (SVEP), a program launched in June 2010, now includes 315 employers. Sixty-one percent of the firms on the current list are involved in the construction industry and another 28 percent in manufacturing. Additions in 2013 to the list include Bacardi Bottling in Jacksonville, FL and the U.S. Postal Service site in Independence, MO, both following worker fatalities. The criteria for being placed on the list include a willful or repeat citation related to a worker’s death, and two or more high-gravity willful, repeat, or failure to abate citations related to one of OSHA’s high-emphasis hazards. In January 2013 OSHA issued a white paper assessing SVEP’s progress. The agency reported that the SVEP’s requirement for mandatory follow-up inspections was being fulfilled, and about half of the enforcement cases resulted in enhanced settlement agreements (i.e., more than mere abatement of the hazard). Shortcomings identified in the report included difficulties doing follow-up inspections at construction sites, and conducting inspections at other worksites controlled by the same SVEP employer.

**Improving flight attendant protections:** The world’s largest labor organization for airline flight attendants – the Association of Flight Attendants (AFA-CWA) – scored a victory for health and safety. After four decades of effort, individuals who work inside airplane cabins will finally have rights and protections provided by federal OSHA. The Federal Aviation Administration had previously asserted that it was fully responsible for responding, in collaboration with the employing airline company, to the health and safety concerns of airline flight crews. The flight attendants’ experience, however, showed them that the FAA did not have adequate standards to address the hazards they encountered inside aircraft cabins. In November 2012, OSHA and the FAA jointly announced a new policy for flight attendant workplace safety. FAA solicited public com-



ment on it in January 2013, and the final policy was issued in August 2013.

**Refining the Voluntary Protection Program:** In May 2013, OSHA Assistant Secretary David Michaels announced changes in the agency's policies concerning worker fatalities at worksites in the Voluntary Protection Program (VPP). Worksites belonging to this program are supposed to be models of health and safety and are exempt from regular OSHA inspections. As a series of articles published in 2011 by the Center for Public Integrity reported, workers were dying and getting severely injured at some VPP sites, but those sites remained in the program. Under the changes Michaels announced in May, work-related death at a VPP site will now result in an immediate notice of termination from OSHA to the worksite. Moreover, citations issued to VPP sites that are classified as willful will place the company on OSHA's list of severe violators. The policy change is one of seven made by OSHA since August 2009 to ensure VPP sites are really "the best of the best."

**Hazard alerts on methylene chloride and 1-BP:** OSHA and NIOSH issued a hazard alert bulletin in January 2013 concerning the use of methylene chloride for workers doing bathtub refinishing. At least 14 deaths since 2000 were related to this type of work. In the confined space of a bathroom, without proper ventilation or appropriate respiratory protection, workers can be overcome by methylene chloride because it displaces oxygen. In the body, methylene chloride converts into carbon monoxide, and without intervention can lead to death.

OSHA and NIOSH issued a hazard alert bulletin in July 2013 on 1-bromopropane (1-BP), a solvent used in furniture manufacturing, degreasing, and dry cleaning. Nervous system disorders among workers exposed to 1-BP were profiled in a March 2013 investigation by the *New York Times* (see page 22). The chemical's use increased substantially because it served as a substitute for methylene chloride and other compounds, which became subject in the 1990's to EPA and OSHA regulations. The

OSHA/NIOSH hazard alert makes recommendations to employers on ways to control workers' exposure, such as ventilation and protection from dermal exposure, and reminds them of requirements under the hazard communication standard. OSHA does not have a health standard on 1-BP or a permissible exposure limit.

## Oversight of OSHA Programs

The Government Accountability Office (GAO) issued a report in January 2013 describing federal OSHA's monitoring of its enforcement programs and those of the State Plan states. GAO found that federal OSHA scrutinizes the inspection activities of its ten Regional Offices more closely and frequently than it does those of the State Plan programs. GAO noted, however, that OSHA relies on each Regional Office to audit its own office's compliance with policies and procedures, in contradiction to generally accepted auditing practices. There is little, if any, auditing by staff from OSHA's National Office or other Regions. GAO commented on the enhanced monitoring of State Plan programs by federal OSHA, which began in 2009, but noted that there is no written timetable for conducting the enhanced audits again. GAO also remarked on OSHA's slow-moving efforts to develop metrics to assess the effectiveness of its enforcement efforts and to define for the State Plans the criteria for meeting the OSH Act's "at least as effective" requirement.

During the 12-month period covered by this report, OSHA officials were not called to testify before oversight committees in the U.S. House or Senate. It was also the first time since at least 2006 that no Congressional committee held a hearing to mark Workers Memorial Day. Some Congress watchers speculated that the Democratic majority on the Senate Committee on Health, Education, Labor and Pensions did not want to create a forum for Members to badger Thomas Perez, who at the time had been nominated but not yet confirmed as Secretary of Labor.

## MSHA

### Steps to address recalcitrant mine operators

MSHA issued in January 2013 a final rule revising the manner in which the agency determines that a mine operator has a “pattern of violations.” In the 30 years of the Mine Act, not a single mine operator received the designation, which gives MSHA more rigorous enforcement authority. The April 2010 Upper Big Branch (UBB) disaster involved a mine operator, Massey Energy, with a long history of serious violations. The disaster compelled MSHA to revise its regulations so that the “pattern of violation” provision could be used as a deterrent against recalcitrant employers. The National Mining Association, Murray Energy, and others in the mining industry filed a lawsuit in March 2013 challenging the new MSHA rule. The industry filed their complaint with the U.S. Court of Appeals for the Sixth Circuit, and a decision in the case is not expected until 2014.

MSHA continued to conduct its impact inspections, an enforcement approach put in place after the UBB disaster. All types of mines – underground and surface, coal, metal and aggregates – can be identified for this special attention by MSHA, usually because of poor compliance history, frequent hazard complaints, or an operator’s inadequate workplace examinations. Teams of inspectors converge on the mining operation and attempt to catch recalcitrant employers off guard by arriving at a mine late in the afternoon, driving unmarked government vehicles, and seizing mine phones. As of August 1, 2013, MSHA has conducted 629 impact inspections, with some mines being the subject on multiple occasions. In addition to citing thousands of violations, 980 orders were written by inspectors to shut down operations until particularly grave hazards were corrected. MSHA’s Assistant Secretary Joe Main describes the program as a success. He notes a decrease in the total number of serious viola-

tions observed since the special enforcement program began, including in violations characterized as reckless disregard or intentional misconduct.

### Response to Upper Big Branch disaster continues

In February 2013, more news from the Department of Justice (DOJ) came down related to the criminal probe into the April 2010 Upper Big Branch (UBB) disaster, which killed 29 coal miners. A 20-year veteran of Massey Energy, David Hughart, 54, pled guilty to one felony count of conspiracy to defraud the government through maneuvers to hamper MSHA inspections. As Ken Ward, Jr. of the *Charleston Gazette* reported, federal judge Irene Berger “pressed Hughart to name his co-conspirators and Hughart responded ‘the chief executive officer,’” referring to Massey Energy’s CEO Don Blankenship. Hughart, who never worked at UBB but at other Massey operations, faces up to six years in prison and a fine of as much as \$350,000. He has been cooperating with DOJ in their broader criminal probe. Hughart will be sentenced in September 2013.

In other news related to UBB, the Labor Department’s Inspector General reported in March 2013 that MSHA is making progress to implement recommendations stemming from investigations of its policies and performance. The agency has not, however, set deadlines for action it deems “out of its control,” such as research and rulemaking. Some of the research topics identified because of the UBB disaster may be addressed by the \$48 million Alpha Foundation trust fund for mine safety research. The money was set aside as part of DOJ’s corporate settlement with Massey Energy/Alpha Natural Resources.

The Foundation received 159 concept papers in response to its first solicitation in January 2013. An initial \$10 million will be distributed from the fund in October 2013.

## Coal miners continue to wait for new regulations to prevent black lung disease

In October 2010, MSHA proposed new comprehensive rules to prevent coal miners from developing black lung disease. The Labor Department, and even Vice President Biden, called it a priority and a rule that was long overdue. Roger Cook, 57, a former Kentucky coal miner, knows about the impact of inadequate regulations on miners' health. In a July 2013 story in the *Lexington Herald-Leader*, Cook explains that he gets short of breath while just sitting, and relies 24 hours a day on an oxygen tank. He told reporter Bill Estep, "I won't last that long if I don't get a transplant." MSHA's public comment period and hearings on the proposed rule ended in June 2011. It received only a few dozen comments, but has yet to finalize the rule.



Roger Cook, 54, a former coal miner who now has black lung disease.

Charles Bertram, *Lexington Herald-Leader*

The Administration claimed the program "is not central to CDC's mission," and its activities are more aligned with efforts at USDA and the Labor Department. Supporters of the program disagreed with that assessment and noted that workers in these industries face some of the highest risks of injury and death. In past years, program supporters have convinced Congress to provide the funding despite the President's request.

NIOSH Director John Howard, MD announced in June 2013 his agency's new Center for Workers' Compensation Studies. Its goal is to maximize the use of workers' compensation (WC) data for injury and illness surveillance. The Center will encourage collaboration among researchers, insurers, and government agencies to use WC data to identify trends in work-related injuries, illnesses, and costs; integrate WC data with other health-related data; and promote it as a resource for prevention.

In September 2012, NIOSH's World Trade Center (WTC) Health Program published a final rule to add 50 types of cancers to the list of conditions for which WTC response and recovery workers can receive testing and medical care. The program, established by the James Zadroga 9/11 Health and Compensation Act of 2010, provides medical testing and care for specific symptoms and illnesses related to exposures at the World Trade Center, Pentagon, and Shanksville, PA sites. Other health conditions covered by the program include respiratory and mental health disorders.

## NIOSH

For the third year in a row, the budget President Obama submitted to Congress zeroed out funding for NIOSH's Agriculture, Forestry & Fishing Program. The program provides support to the National Children's Center for Rural and Agricultural Health and Safety, and seven regional Centers for Agricultural Disease and Injury Research, Education and Prevention.

## Chemical Safety Board

Over the past year, the U.S. Chemical Safety Board has released interim, draft, and final reports on investigations into several chemical explosions and incidents, as well as sending investigative teams to the sites of more recent workplace disasters. The Board also held public meetings about workplace hazards that require better control, including fatigue and combustible dust.

## Investigations and Reports

In January, CSB released its final report on the 2011 fire and explosion that killed five workers at a Hawaii fireworks disposal operation; the report found that unsafe disposal practices, insufficient safety requirements, and an absence of national standards and regulations for fireworks disposal allowed the incident to occur. In February, the agency released a draft final report on the 2011 Carbide Industries explosion that killed two workers in Louisville, Kentucky. There, investigators found that the fatal explosion resulted from years of deferring needed maintenance and failure to investigate smaller similar explosive incidents over many years.

In August 2012, a pipe failure at a Chevron refinery in Richmond, California caused the release of flammable hydrocarbon process fluid, which partially vaporized into a cloud that engulfed 19 workers; the workers managed to escape before the vapor cloud ignited. The fire caused a large plume of gas and particulates that traveled across the Richmond area, and approximately 15,000 people sought medical treatment for respiratory and other problems related to the release. CSB investigators found that the facility's pipe failed due to thinning caused by sulfidation corrosion. The agency's interim report, released at an April 2013 public meeting in Richmond, included recommendations to Chevron, the City of Richmond, Contra Costa County, Cal/OSHA, the State of California, and EPA, addressing the need for safer design, rigorous damage mechanism hazard reviews, and thorough analyses of process safeguards.

The West, Texas fertilizer plant explosion (see page 21) was the most high-profile disaster to which CSB investigators deployed this year. The agency also sent teams to investigate explosions and fires at the U.S. Ink facility in East Rutherford, New Jersey, where seven workers were injured, and the Williams Olefins Inc, Plant located in Geismar, Louisiana, where two workers were killed.

In July 2013, the EPA Office of Inspector General (which oversees CSB as well as EPA) issued a report criticizing CSB for having a backlog of open investigations without documented plans for resolution. CSB agreed with the majority of the report's recommendations, and the agency plans to complete several proposed corrective actions by December 31, 2013. Recommendations include the use of performance indicators related to strategic performance goals and developing plans to close out investigations open for three or more years.

## Highlighting Key Hazards

Over the past year, CSB has used public meetings to highlight workplace hazards that should be addressed more effectively. In April, it held a meeting to discuss CSB's draft evaluation of an ANSI Recommended Practice "Fatigue Risk Management Systems for Personnel in the Refining and Petrochemical Industries," which was developed by the American Petroleum Institute (API) in response to a CSB recommendation following the 2005 BP Texas City refinery explosion. That explosion killed 15 workers, and CSB identified worker fatigue from long shifts as a contributing factor. CSB criticized the API's document for not being the result of an effective consensus process, lacking sufficiently explicit requirements, and having insufficiently protective limits on hours and days at work.

In July 2013, CSB held a public meeting about seven recommendations to OSHA that, in CSB's judgment, the agency was not making sufficient progress in implementing. The recommendations addressed process safety management, fuel gas, and combustible dust. Board members made it clear that they see factors beyond OSHA's control as obstacles to OSHA progress, particularly when it comes to setting standards. These include an anti-regulatory climate and, as multiple public commenters noted, a limited budget. An OSHA presentation at the meeting described several steps the agency has taken on these hazards since receiving CSB's initial recommendations.



## Explosion at West Fertilizer Plant

The rural town of West, Texas had been known for its Czech heritage. Now, it's notorious for the April 17, 2013 explosion of ammonium nitrate fertilizer that killed 15 people and left 150 buildings damaged or destroyed. Many of the victims were volunteer fire-fighters.

Within days of the explosion, the public learned of the patchwork of federal and state laws and regulations covering operations like the West Fertilizer plant. Gaps in public protection include:

- The State of Texas prohibits county governments with fewer than 250,000 residents from adopting their own fire codes. In these locales, adopting more stringent fire protections are voluntary and Adair Grain, Inc., the owner of West Fertilizer, had not adopted any.
- EPA regulations require businesses that store threshold quantities of hazardous compounds to develop risk management plans, but ammonium nitrate is not a chemical covered by the rules. The CSB urged EPA in 2002 to revise its regulations to cover this substance and other explosive compounds.
- OSHA's regulations on explosives do not adequately address the storage of ammonium nitrate. Moreover, OSHA had not inspected the plant since 1986 to identify other worker safety hazards.

Senator Barbara Boxer (D-CA), chair of the Committee on Environment and Public Works, held a hearing in June 2013, probing agency and other experts on gaps in public protections from facilities using and storing highly volatile compounds.

Investigations by the Texas Fire Marshal, Texas Commission on Environmental Quality, Federal Bureau of Alcohol, Tobacco and Firearms (ATF), EPA, OSHA, and the CSB of the devastating blast are ongoing. If OSHA issues citations to West Fertilizer, it will do so before mid-October 2013.

A month after the blast, turf battles between the CSB and the ATF and State Fire Marshall were publicized. The CSB asserted that physical evidence was being destroyed and witnesses advised not to cooperate. Ian Urbina of the *New York Times* reported on the inter-agency dispute, which observers attributed to competing investigation goals.

On August 1, 2013, President Obama issued an Executive Order on chemical facility safety and security. It establishes a working group co-chaired by senior representatives of the Department of Homeland Security, EPA, and the Labor Department. Tasks for the interagency group include identifying ways to improve public access to information about chemical facility risks, and reviewing the adequacy of EPA's risk management plan rules and OSHA's process safety management standard. The Executive Order mandates deadlines for a number of the tasks, including a report to the President on their progress by May 1, 2014.



An apartment building in West, Texas destroyed by the April 17 explosion.

Mark Wingard, CSB

Another agenda item at that meeting was the designation of combustible dust as CSB's "Most Wanted Chemical Safety Improvement." The National Transportation Safety Board has been successful in using a "Most Wanted List" to increase awareness of, and support for, the most critical changes to improve transportation safety.

## Superstorm Sandy Clean-up

Superstorm Sandy, the largest Atlantic hurricane on record, formed in late October 2012 and eventually left a path of destruction from Cuba to Canada. In the U.S., the massive storm affected most of the eastern seaboard, destroying homes and business, flooding streets, knocking out power, disrupting water supplies, and closing down subway systems. The New Jersey shore, Long Island, and Lower Manhattan, NY were some of the hardest-hit areas. John Manuel's May 2013 *Environmental Health Perspectives* article detailed the public health impacts of the storm, including loss of heating and life-support systems when electricity failed, carbon monoxide poisoning from other sources of power, and contamination of air and water.

As the waters receded, workers' rights advocates, including NYCOSH and New Jersey Work Environment Council, were immediately concerned about the hazards clean-up workers would face. From structures that were no longer sound to electrocution, sewage-contaminated water, and chemicals, individuals looking for work were probably not prepared for the multitude of hazards they would encounter on the job. The National Institute of Environmental Health Sciences (NIEHS) funded organizations, including the International Chemical Workers Union (ICWU) and the United Steelworkers, re-budgeted their training grants to send staff and worker-leaders to conduct safety and health training. Both NIEHS and OSHA created web pages offering information for workers and employers on ways to control exposure to common hazards they would likely encounter.

In the two months following the storm, federal OSHA reported that it conducted 4,400 interventions in Sandy-impacted areas. "Many communities are still repairing damage from the storm as we approach its one year anniversary," noted ICWU's John Morawetz. "One bright spot is that thousands of workers received quality safety training through NIEHS-funded organizations, and what they learned will also prepare them for future disasters and hazards in any other job."

## Worker Health and Safety in National News

Ian Urbina at the *New York Times* wrote in March 2013 about workers harmed by exposure to n-propyl bromide (nPB). This is a solvent used in vapor degreasing, metal cleaning, and dry cleaning, and research has found exposure to be associated with neurological disorders and infertility. Urbina focused on a North Carolina company, Royale Comfort Seating, which uses nPB-containing glues in the manufacture of furniture cushions. The use of nPB glues expanded in the late 1990's after regulations on 1,1,1-trichloroethane and methylene chloride were adopted by EPA and OSHA. There are no specific worker safety rules governing exposure levels to nPB. Inspectors with North Carolina OSHA responded to complaints about conditions in the Royale plant and noted inadequate ventilation and respiratory protection. Urbina wrote of an ineffective enforcement system that reduces penalties with the goal of encouraging the employer's cooperation, but fails to ensure the problem is rectified. He highlighted the distinction between safety inspections and health inspections and noted that safety inspections take less time than health inspections. When lawmakers and advocates use total inspections as a metric of OSHA performance, that can encourage the agency to conduct more safety inspections and fewer focused on health.

Ian Urbina. "As OSHA emphasizes safety, long-term health risks fester." *New York Times*, March 30, 2013.  
<http://nyti.ms/XjFbRK>

The *Los Angeles Times*' Alana Semuels offered a six-part series, "The Tougher Workplace," on changes in employer-employee relationships in U.S. workplaces. In past decades, employee loyalty was rewarded with pensions, top pay, comprehensive health insurance, and other perks. Globalization and shareholder influence have convinced many firms to shed those benefit models, and, when possible, replace a permanent workforce with "flexible labor arrangements," such as temporary workers. Those with traditional full-time jobs are experiencing a "relentless drive for efficiency," and "rigorous performance quotas," Semuels wrote. She profiled workers who routinely log 12-hour days. Their companies, they say, would rather pay overtime than hire more employees, but the individuals feel stretched beyond their physical and mental limits. The stress is compounded by video cameras, GPS tags, and other software used by employers to "keep tabs on worker performance" and even monitor bathroom breaks, she explained. Semuels referred to a study in which telephone workers under surveillance reported more shoulder and back pain than those who weren't subject to monitoring. Her sources included delivery drivers, manufacturing and warehouse workers, nurses, and retail employees. Semuels' series includes insights from social scientists who attribute these employment realities to stress on families and declines in social and political engagement.

Alana Semuels. "The tougher workplace." *Los Angeles Times*, April 7-8, 2013. <http://lat.ms/14cwJaf>

Michael Grabell of ProPublica and Jeff Tyler of Marketplace examined one of the fastest growing industries in the U.S.: temporary staffing. Companies like Adecco, Manpower, and Kelly Services are now among the largest U.S. employers. For host companies, the reporters explained, the labor supplied by another firm insulates them from workers' compensation and union organizing, and gives them flexibility during upswings or downturns in business. Some firms, however, have stretched the definition of temporary work. Grabell and Tyler

interviewed temp workers who have been working in the same warehouse for years.

Grabell and Tyler investigated jointly the role of "raiteros" in supplying low-wage temporary workers for packing and warehouse jobs at brand-name companies. From Chicago's Little Village – the largest Mexican community in the Midwest – they followed workers in the early morning hours to storefronts and parking lots where they hoped to get picked for one of



Sally Ryan for ProPublica

Little Village on Chicago's west side in the early morning hours of Jan. 18, 2013. Workers board a yellow school bus owned by the raitero Rigo.

the available job slots. The raiteros function as labor brokers, recruiting, hiring, and supplying labor on behalf of major temp agencies. The reporters probed the precarious nature of the workers' situation, such as relying on the raiteros for their paychecks and having transportation and other fees deducted from those checks. Those deductions can bring their take-home pay well below the minimum wage. Workers described being "packed like sardines" in the vans without enough seats and drivers going too fast. "They drive very crazy. It is not safe," workers told the reporters. In all of this, the temp agencies stay an arm's length from their employees. The firms conveniently blame the raiteros, some of whom are former temp workers, for abuses in the system.

The positive side of the reporting was examples of temp workers organizing to improve their employment situation. Grabell and Tyler described campaigns by the Chicago Workers'

## 2013: A Year of Anniversaries for Worker-Protection Laws

This year, several pieces of U.S. worker-protection legislation reached milestone anniversaries. It's a good time to look at what these laws have accomplished – and how they still need strengthening to address the problems they target.

**Department of Labor Centennial:** Many of these laws are implemented by the Department of Labor (DOL), which was itself born when President William H. Taft signed the Organic Act on his last day in office, March 4, 1913. For its centennial celebration in 2013, DOL has created a video, historical posters capturing each decade's achievements, and an interactive online timeline, all accessible at <http://www.dol.gov/100/>. The timeline features steps the Department has taken to help a wide range of workers and job seekers, including immigrants, women, veterans, and workers with disabilities. It highlights the various offices and bureaus that carry out the Department's mission: "To foster, promote, and develop the welfare of the wage earners, job seekers, and retirees of the United States; improve working conditions; advance opportunities for profitable employment; and assure work-related rights and benefits."

**Fair Labor Standards Act's 75th anniversary:** On June 25, 1938, Franklin Delano Roosevelt signed the Fair Labor Standards Act (FLSA), which prohibits most forms of child labor and requires overtime pay for covered employees working more than 40 hours per week. It also establishes the federal minimum wage, which was last increased to \$7.25 in 2009 and is not indexed for inflation; most tipped restaurant workers earn only \$2.13 an hour before tips, an amount that hasn't increased in 22 years.

FLSA's wage and hour provisions exclude many workers, including those in agricultural and domestic employment. In recent years, DOL proposed rules to expand protections for children working in agriculture and home care workers, but the agency withdrew its proposal on child farm labor and has yet to issue a revised rule on home care workers (the public comment period for which closed on March 12, 2012). In his 2013 State of the Union address, President Obama called for the minimum wage to rise to \$9 per hour and be indexed to inflation. At an FLSA anniversary event at the White House, workers spoke about struggling to provide for their families while earning minimum wage, while Vice President Joe Biden called for the minimum-wage increase, saying, "Shouldn't someone working 40 hours a week be able to make a wage that's above the poverty level? It's about decency."

**Migrant and Seasonal Agricultural Workers Protection Act's 30th anniversary:** This Act, signed by President Ronald Reagan on January 14, 1983, establishes standards regarding wages, housing, and transportation for migrant and seasonal agricultural workers. Farm labor contractors must abide by these standards, as well as *(continued on next page)*

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Collaborative to address wage theft and unsafe working conditions for temp workers, and the Massachusetts Temporary Worker Right-to-Know law, which took effect in January 2013.

Michael Grabell. "Temp land: Working in the new economy." ProPublica, April 2013/June 2013.  
<http://www.propublica.org/series/temp-land>

Jeff Tyler. "Taken for a ride: Temp agencies and 'raiteros' in immigrant Chicago." American Public Media's Marketplace, April 29-30, 2013.  
<http://www.marketplace.org/raiteros>



*(continued from previous page)*

following disclosure and recordkeeping rules and registering with DOL. The agency can revoke farm labor contractors' authorization if they fail to comply with federal requirements.

In a piece posted on the Act's 30th anniversary (January 14, 2013), Dorry Samuels of the National Council for Occupational Safety and Health wrote, "These rules continue to protect farm workers from unethical businesses practices by mandating greater accountability and transparency from employers. But they don't go far enough." She noted that OSHA has failed to enact a standard to protect workers from heat stress, which can be a deadly hazard for farm workers, and EPA has stalled on issuing a new Worker Protection Standard (WPS) for farmworkers working with pesticides. (See page 40 for more on the WPS.)

**Family and Medical Leave Act's 20th anniversary:** The FMLA, which President Clinton signed into law on February 5, 1993, allows covered workers to take up to 12 weeks of unpaid leave when they need to recover from an ailment or to care for a new child or a family member with a serious health condition. While the Act has helped many workers keep their jobs and health benefits when faced with major illnesses or caregiving responsibilities, its protections are unavailable to around 40 percent of the U.S. workforce. This is because the FMLA only applies to employers with 50 or more employees, and leave is only available to those who've worked for the employer for at least 12 months and have worked at least 1,250 hours during the 12 months before the leave period. It also doesn't allow workers to take time off to care for domestic partners, in-laws, or other loved ones not falling under the law's definition of "immediate family member." And because the leave is unpaid, many eligible workers cannot afford to take it. National Partnership for Women & Families President Debra L. Ness said on the law's 20th anniversary, "The law has been a huge success but it's time — past time — to take the next step. We are asking Congress to expand the law so more workers can take leave for more reasons, and to adopt a national paid family and medical leave program."



123RF Stock Photo

The Fair Labor Standards Act's wage and hour provisions exclude agricultural workers.





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

With federal efforts hampered by Congressional gridlock and White House delays, workers' rights and public health advocates have been working at state and local levels for new worker protections. Portland, Oregon and New York City passed laws allowing workers to earn paid sick days, so they don't have to choose between their health (or their family members' health) and getting paid. The states of Connecticut, New York, and Rhode Island and the cities of Albuquerque, New Mexico and San Jose, California increased their minimum wages, and Long Beach, California improved pay and sick leave for hotel workers. At the same time that workers and advocates have achieved these victories, though, some states have moved to pre-empt or erect barriers to laws and regulations that would improve occupational health and safety. Workers and advocates have been battling such regressive laws while also pushing for improvements to wages and working conditions.

## New State and Municipal Laws

### Protecting public health with paid sick days

This year, Portland, Oregon and New York City joined the list of jurisdictions requiring many employers to offer paid sick days (PSDs). Portland's ordinance, passed in March 2013, requires businesses with at least six employees to allow workers to earn one hour of paid sick time for each 30 hours worked, up to 40 hours a year; the law will go into effect in 2014. When New York's law, passed in May 2013, takes effect, it will apply to non-manufacturing businesses with 20 or more employees, and then expand to cover those with at least 15 employees. Both Portland and New York City's laws (as well as Seattle's, which passed in 2011) allow workers to use accrued sick leave to care for a child whose school or place of care is closed due to a public health emergency.

"We have gone to work sick all the time – deli workers, bakery workers, cashiers," Portland grocery-store employee Susan Lund told *The Oregonian*. "My children have gone to school sick. I'm thrilled with this [new law]."

Portland and New York City join Connecticut, San Francisco, Seattle, and Washington, DC in requiring many employers to allow workers to earn paid sick leave. Philadelphia's legislature passed a paid-leave law in 2013 for the second

time, only to see it vetoed again by Mayor Michael Nutter; a veto override attempt fell one vote short.

In July, Rhode Island Governor Lincoln Chafee signed into law the Temporary Caregiver Insurance Act. Using the state's existing temporary disability insurance system, which is funded by payroll taxes, the system will pay workers up to 60% of their regular weekly wages for up to four weeks when they are out of work caring for a new child or sick relative. California and New Jersey also have family-leave programs. "In Rhode Island we value hard work and family. Temporary Caregiver Insurance lives up to those ideals," said Governor Chafee. "I am proud to sign this bill on behalf of Rhode Island's families and make our state a national leader in policies that support working families."

In contrast to the victories in Portland, New York, and Rhode Island, there is a troubling trend of state-level efforts to reverse or preempt cities' paid-sick-leave legislation. This first happened in Wisconsin in 2011, when Governor Scott Walker signed a law nullifying sick-leave legislation passed by Milwaukee voters. The American Legislative Exchange Council (ALEC), whose members include the National Restaurant Association and U.S. Chamber of Commerce, gave attendees at its 2011 conference copies of Wisconsin's bill as a model for state override, report PR Watch's Brendan



Fischer and Mary Bottari. This year, when a PSD measure made it onto an upcoming ballot in Florida's Orange County, Governor Rick Scott signed a bill blocking local governments from enacting such measures. The Huffington Post's Dave Jamieson reports that PSD pre-emption laws have also passed in Arizona, Kansas, Louisiana, Mississippi, and Tennessee and have been proposed in Alabama, Indiana, and Michigan. Republican lawmakers in Washington state have introduced a bill to overturn Seattle's PSD law.

The pre-emption bills seem to be an attempt by employers to maintain the status quo in the face of growing public support for paid sick days. A bipartisan poll, conducted by Lake Research Partners and The Tarrance Group for the National Partnership for Women and Families following the 2012 election, found 86 percent of voters agree it is important for Congress and the President to consider laws like paid sick days and paid family and medical leave insurance.

Read more about pre-emption efforts:

Brendan Fischer and Mary Bottari. "Efforts to deliver "kill shot" to paid sick leave tied to ALEC." PR Watch, April 3, 2013. <http://bit.ly/Z1JAnI>

Dave Jamieson. "Paid sick leave laws preemptively voided by Republican governors." Huffington Post, June 18, 2013. <http://huff.to/12HuVET>

## Raising the minimum wage

While serving as Acting Secretary of Labor, Seth Harris traveled the country speaking with workers about President Obama's proposal to raise the minimum wage to \$9 per hour. Harris wrote about workers he met for a series of blog posts on the Department of Labor's (Work in Progress) blog; you can read them at <http://social.dol.gov/blog/tag/minimum-wage-increase/>. One of the workers who spoke at a Las Vegas roundtable event was Kineta, who earns near the state minimum wage at a national retail chain. "Working is in my blood," she told Harris. "But every year I feel like I make less." She described being unable to afford her blood-pressure medication, and either going without it or trying to borrow similar medication from friends.

Several cities and states have minimum wages that are higher than the federal minimum. Over the past year, several jurisdictions raised minimum wages for workers:

- New York State passed a budget that raises the minimum wage from \$7.25 to \$8/hour by the end of 2013, \$8.75 by the end of 2014, and \$9 by the end of 2015.
- Connecticut passed a law increasing the minimum wage from \$8.25 to \$8.70 at the start of 2014, and to \$9 at the start of 2015.
- Rhode Island's minimum wage will rise from \$7.75/hour to \$8 on January 1, 2014.



Paid sick days coalition members gathered outside Portland City Hall on March 13, 2013, immediately after the unanimous vote to adopt a paid sick days ordinance

- Albuquerque, NM voters passed a minimum-wage increase, from \$7.50 to \$8.50/hour in 2013 and indexed to inflation thereafter.
- San Jose, CA voters approved a minimum-wage increase to \$10/hour, with built-in cost-of-living increases; this is a jump from the state's \$8/hour minimum.
- Long Beach, CA voters passed a ballot measure increasing hotel workers' wages to \$13/hour plus five days of paid sick leave per year.



The Raise Up Massachusetts Coalition is working to get measures onto the state's ballot to increase the minimum wage and assure workers' ability to earn sick time.

The Progressive States Network reports that in 2013, 19 states and the District of Columbia have minimum wages above the federal \$7.25/hour requirement. See their map of state minimum-wage laws at <http://bit.ly/1aLkssl>.

At the end of July 2013, some state and local governments are still considering minimum-

wage bills. The Massachusetts legislature is considering raising the state's minimum wage gradually from \$8 to \$11/hour by 2015 and indexing it to inflation thereafter. Governor Deval Patrick supports the bill. The coalition Raise Up Massachusetts has responded to legislative inaction on this bill, along with a proposal to assure minimum-wage workers the right to earn up to 40 hours of sick time each year, by launching an effort to get both questions on the ballot in 2014. In Washington, DC the City Council has passed a bill requiring large retailers (those with \$1 billion in corporate sales and operating in spaces of 75,000 square feet or more) to pay their workers \$12.50 an hour. Mayor Vincent Gray has yet to announce whether he will sign the bill, which the Council passed after Walmart announced plans to build up to six stores in the city. (Read about workers' efforts to win higher wages from fast-food and retail employers on page 42.)

## Hawaii passes protections for domestic workers

When Governor Neil Abercrombie signed the Domestic Workers Bill of Rights, Hawaii became the second state (after New York) to assure labor protections for nannies, housekeepers, and other domestic employees. The legislation extends coverage of the state's wage-and-hour law to domestic workers and establishes protections against discriminatory practices.

"Hawaii takes a big step forward for its lowest income workers with the domestic worker's bill of rights," said Rev. Alan Mark of FACE, Hawaii, one of the bill's primary supporters. "It extends the social contract to people who have too long been marginalized in our state."

Other state efforts to protect domestic workers have met with less success. Governor Jerry Brown vetoed a Domestic Workers Bill of Rights passed by California's legislature (where the bill has been re-introduced for the current term). Oregon's House passed the Domestic Workers' Protection Act, but the bill failed in the state Senate.

## Wyoming improves protections for oil & gas workers

In 2011, Wyoming's fatal work injury rate was 11.6 per 100,000 full-time equivalent workers – more than three times the national rate of 3.5. State officials have been working to improve safety in the state's oil and gas industry, which is growing quickly and can be hazardous for workers when safety procedures aren't followed. In late 2012, the Wyoming Occupational Safety and Health Commission adopted two new measures to protect workers at drilling sites.

One rule requires anyone working within 75 feet of a well bore to use flame-resistant clothing. The other requires diesel engines in the same area to have shut-off devices. The *Casper Star-Tribune's* Kyle Roerink reports that larger energy companies have required workers to wear flame-resistant gear for years, but the measures only passed after “three rounds of public debate and some industry pushback that lasted for 10 months.” Both took effect in July 2013.

These rules join others in Wyoming – on “hot work,” emergency communication lines, and fall protections – adopted in recent years to improve safety in the state's oil and gas industry. The rulemaking process began in 2009, when Governor Dave Freudenthal appointed a Workplace Prevention Taskforce, and a taskforce subcommittee identified ways to improve safety in this fast-growing sector.

## Minnesota and Vermont allow unionization for home care workers

Minnesota's Child Care Collective Bargaining Act, signed by Governor Mark Dayton in May 2013, authorizes unionization and collective bargaining rights for some home care providers. It applies to in-home childcare providers whose clients receive state subsidies and to home-care workers serving elderly and disabled clients. The American Federation of State, County and Municipal Employees (AFSCME) and the Service Employees Inter-

national Union are working to organize the covered home care workers.

Vermont's law, signed on the same day as Minnesota's, by Governor Peter Shumlin, applies to independent direct care support providers who are paid by the state to care for homebound elderly and disabled residents. It allows these home-care workers to bargain collectively for wages and benefits and to pursue grievances. Vermont's 7,500 eligible home-care workers will vote in September on whether to join an AFSCME union.

## Chicago battles wage theft

In January 2013, the Chicago City Council unanimously passed a law containing stiff penalties for employers who steal from workers by failing to pay them wages, tips, or overtime they've earned. Employers found guilty of wage theft can lose their business licenses. Arise Chicago, a labor-faith partnership that operates a worker center, spearheaded the campaign for the law.

The law comes in response to a large-scale problem. A study by the University of Illinois-Chicago's Center for Urban Economic Development estimated that in Cook County, where Chicago is located, employers steal \$7.3 million in employee wages every week. Alderman Ameya Pawar co-sponsored the legislation after hearing about the problem from Arise Chicago. “When you talk about building resilient communities, financial resiliency has to be a major part of that and part of what I saw in vulnerable communities ... they're working places where their employers were stealing from them,” he told the Lincoln Patch.

Houston's City Council is considering an ordinance that would prohibit the city from entering into contracts with employers convicted of wage theft, and would establish a wage-theft coordinator position to review complaints. Employers found guilty of wage theft would lose their licenses to operate in the city. The proposal follows a two-year campaign by the Fe y Justicia Worker Center to draw city officials' attention to the problem.





Shelly Ruzicka, Arise Chicago

Arise Chicago members and Alderman Ameya Pawar hold a \$378 million check, which represents the amount of wages stolen from Chicago workers each year. In January 2013, the Chicago City Council passed a law containing stiff penalties for employers who steal workers' pay.

Further evidence of wage theft's destructive impacts comes from Florida. In 2010, South Florida Interfaith Worker Justice and other organizations led a successful effort to pass wage-theft legislation in Miami-Dade County. Since then, hundreds of thousands of dollars in stolen wages have been recovered and workers are filing more wage theft complaints that can allow them to recover what they're owed. Even so, in South Florida wage theft remains a large-scale problem that harms the local economy, explains a report from the Research Institute on Social & Economic Policy at Florida International University. *Wage Theft: An Economic Drain on Florida* reports that federal officials recovered nearly \$16 million in stolen wages in Florida's six most populous counties alone – yet as of the end of 2011, the Florida Attorney General had not brought one single civil action to enforce the state's 2004 minimum-wage law.

## Other News from OSHA State Plans

Twenty-two states and jurisdictions run their own OSHA programs instead of having their workers covered by federal OSHA. (In addition, four states and the Virgin Islands run plans that cover only state and local government

employees.) Federal OSHA approves and monitors state plans, which must provide worker protection "at least as effective as" the protection provided by the federal program. To find out if your state operates its own OSHA plan, visit <https://www.osha.gov/dcsp/osp/>.

## Michigan Governor signs bills to "reform" state OSHA program

After pledging in his election campaign to reinvent many state agencies, Michigan Governor Rick Snyder targeted the State's OSHA program for "reform." In December 2012 he signed bills advanced by the Republican-controlled legislature to prohibit Michigan OSHA (MIOSHA) from adopting any safety regulation that exceeds federal OSHA standards. The only exception is if there is a broad consensus of employees, and employers with union and non-union workforces that unique circumstances in the state warrant a more protective standard. The Governor also signed a bill disbanding the three commissions with equal labor and management representation, which had been responsible for developing new regulations for MIOSHA on hazards in general industry and construction and on occupational health.

## Local Toll of Unsafe Workplaces Takes Center Stage for Workers' Memorial Week

The 2013 Workers' Memorial Week of Action (April 22-28) featured local events across the country that honored workers killed on the job and called for safer workplaces. Advocates, unions, worker centers, faith-based organizations, and family members whose loved ones were killed on the job gathered to call for occupational safety improvements. They organized events in Arkansas, California, Colorado, Florida, Idaho, Illinois, Iowa, Kansas, Massachusetts, Missouri, Nebraska, New Hampshire, New Jersey, New York, North Carolina, Ohio, Oklahoma, Oregon, Pennsylvania, Puerto Rico, Tennessee, Texas, Washington, and Wyoming.

National COSH collected photos and news stories from local events and posted them on their blog at <http://j.mp/13GaXtL>. News coverage of Workers Memorial Week (WMW) events included:

- In Nebraska, the *Lincoln Journal Star* shared the story of Rod Hitchler. He attended a vigil at the state capitol to remember his son Ryan, who died at age 25 when the portable lift he was working from collapsed. The article explains that event organizer Tonya Ford of United Support and Memorial for Workplace Fatalities (USMWF) became active in worker safety after her uncle was killed on the job. Robert Fitch, Tonya's uncle, was also killed by a fatal fall.
- In Texas, the *Houston Chronicle*, *Univision*, and *Telemundo* reported on the state-wide push for stronger worker-protection regulations as well as the stories family members shared at the event. Katherine Rodriguez, whose father (Ray Gonzalez) was fatally burned at a refinery, and Adriana Martinez, whose husband Orestes was crushed in a construction incident, both explained that they advocate for safer workplaces because they do not want other families to suffer the same grief they have.
- In Wyoming, the *Casper Star-Tribune* described remarks at the event by Kathy Morgan, whose husband David was killed under a storage tank two weeks before his retirement date, and Ed Simmons, whose 22-year-old son Anthony was killed in a 10-foot fall from a trailer. "Wyoming's workplace death rate dropped last year, but each of the 23 people killed on the job in 2012 has a face and a story," wrote the *Star-Tribune's* Susan Anderson.

On Workers Memorial Day, AFL-CIO released its annual report *Death on the Job: The Toll of Neglect*. The 2013 edition analyzes the 4,693 worker deaths – that's an average of 13 workers killed every day – that were reported in 2011 as well as the estimated 50,000 occupational-disease deaths. AFL-CIO also describes factors contributing to this high toll and calls for solutions, including more OSHA inspectors and stiffer penalties for law-breaking employers.

National COSH also released its report *Preventable Deaths: The Tragedy of Workplace Fatalities*, which pairs fatality statistics with the stories of individual workers who were killed. It also includes recommendations for improving occupational health and safety, including immigration reform. "Each worker killed is a tragic loss to the community of family, friends and co-workers – and the worst part is, these deaths were largely preventable," said Tom O'Connor, executive director of National COSH. "Simply by following proven safety practices and complying with OSHA standards, many of these more than 4,600 deaths could have been avoided."

Other groups that released reports during Workers' Memorial Week 2013 included Mass-COSH, WorkSafe, and students from Eastern Tennessee State University's College of Public Health.

## CAL/OSHA issues record penalty against Chevron refinery

Cal/OSHA issued a record \$963,200 penalty in January 2013 to Chevron USA for violations related to the August 2012 fire at its Richmond refinery. The amount was the highest allowed under California law and the highest in agency history. Workers at the refinery are represented by the United Steelworkers.

Cal/OSHA inspectors concluded that a severely corroded pipe ruptured and released flammable hydrocarbon fluids, which ignited and caused 15,000 residents to seek medical treatment. Nineteen workers escaped the immediate blast. Eleven of the Cal/OSHA citations were classified as willful, including Chevron's failure to act on repeated recommendations to replace corroded pipe, and to implement its own emergency procedures in the area where the leak occurred.

The disaster focused attention on deficiencies in Cal/OSHA inspection of refineries and other workplaces with highly volatile chemical processes. In response to calls from health and safety advocates and the labor community, Governor Jerry Brown's budget included funding for 15 new Cal/OSHA inspectors to conduct work related to process safety management. State and local prosecutors filed six criminal charges against the firm. In August 2013, Chevron USA pleaded no contest and agreed to pay a \$2 million penalty.

## Cal/OSHA considers new standards

The California Safety & Health Standards Board conducted public hearings on several proposed regulations. Standards adopted by the Board are enforced by Cal/OSHA. Some of the new regulations being considered were permissible exposure limits (PELs) for ethylbenzene and n-methylpyrrolidone (NMP). In July 2013, the Board approved lowering the PEL for ethylbenzene from 100 ppm to 5 ppm, and is still deliberating on the NMP proposal. The Board also is evaluating new rules to implement requirements under the Hospital Patient

and Health Care Worker Injury Protection Act, which became law in January 2012. A Board vote on the rules is scheduled for September 2013. If adopted, they will be the most comprehensive regulations of their kind for health-care workers in any state.

Cal/OSHA's advisory committee conducted public meetings in October 2012 and March 2013 to discuss occupational hazards faced by hotel housekeepers. The meetings were convened in response to a petition submitted by UNITE HERE urging Cal/OSHA to adopt a regulation to protect housekeepers from musculoskeletal injuries. The next step will be a meeting of the Standards Board.

## Indiana OSHA inspectors criticize quotas

The *Indianapolis Star* reported in April 2013 that Indiana OSHA's (IOSHA) leadership had set new, higher inspection quotas without hiring any additional compliance officers. Some inspectors criticized the move, saying it would compromise worker safety by discouraging complex inspections. IOSHA officials defended the policy changes. In fiscal year 2012, the agency conducted 1,205 inspections. Its inspection goal was 2,000 inspections. Federal OSHA's reviews of IOSHA consistently identify the State Plan's failure to meet benchmarks for the number of inspectors (i.e., 40 compliance officers on staff instead of the benchmark of 70) and ineffective targeting of worksites with serious violations. The *Indianapolis Star* indicated that since 2012 as many as eight official complaints against IOSHA were made to federal OSHA. As of August 1, 2013, OSHA's investigation of the complaints is not completed.

## GAO assesses OSHA's oversight of State Plans

The Government Accountability Office (GAO) issued a report in April 2013 critiquing federal OSHA's response to State OSHA programs that face budget and staffing challenges. GAO's assessment was based on a survey of the 22



## State Legislators Consider Responsible Contractor Laws

Billions of dollars are spent each year by state agencies on road, infrastructure, and other construction projects. There are, however, few robust requirements for the firms receiving the contracts to demonstrate their safety performance and injury-prevention policies. Public Citizen issued several reports (see below) highlighting this problem and making recommendations to rectify it. A few lawmakers in Maryland and North Carolina also recognize the problem and are trying to do something about it.

In February 2013, two Maryland delegates introduced legislation in the State House which would require state agencies to consider a construction company's safety record before awarding it a contract. HB 1486 would require firms bidding on state construction projects to prequalify based on their responses to a safety questionnaire and safety rating system. The evaluation tools would be developed by the State's Department of Labor, Licensing and Regulation, in consultation with safety and health experts. The legislation lists nearly two dozen factors that must be considered in the rating system, such as policies authorizing employees to stop work when uncontrolled hazards are encountered, information and training in a language and format understandable to each employee, and the firm's history of safety violations and penalties. The Maryland legislature meets for only 90 days each year, and HB 1486 was not taken up by the full legislative assembly. Worker safety advocates expect the bill to be reintroduced in early 2014.

In April 2013, House Bill 906 was introduced in the North Carolina General Assembly by four state representatives. If adopted, it would require the state to prequalify firms before they could bid on state-funded construction projects. The prequalification criteria would be developed in consultation with relevant stakeholders and experts, including safety and health researchers, labor unions, and others representing workers' rights. At a minimum, the criteria would include an assessment of the employer's safety and health planning, employee participation and training, and safety compliance record. The current biennial term of the North Carolina legislature lasts through July 2014.

states that operate their own OSHA programs. A number of states reported having difficulty recruiting and retaining qualified inspectors, and budget restrictions hamper their ability to offer specialized training to their staff at federal OSHA's training institute. As a result, a number of the State OSHA programs are unable to meet their performance goals. Federal OSHA responded to GAO by outlining the steps it had taken to assist the states, including shared enforcement responsibilities and alternative training arrangements. GAO criticized OSHA for not holding states accountable for deficiencies in their programs, but acknowledged that the OSH Act does not provide appropriate authority for OSHA to do so.

## Reports Relevant for State and Local Governments

**The Price of Inaction: A Comprehensive Look at the Costs of Injuries and Fatalities in Washington's Construction Industry**, Public Citizen, October 2012.  
<http://bit.ly/T3DCU0>

**The Price of Inaction: A Comprehensive Look at the Costs of Injuries and Fatalities in California's Construction Industry**, Public Citizen, November 2012.  
<http://bit.ly/UCYjUf>

In the three-year period of 2008 through 2010, 39 construction workers in the State of Washington were killed on the job, and tens of thousands were injured or made ill

by exposures at work. The authors assembled data on the direct, indirect, and quality-of-life costs associated with work-related incidents in Washington. For the three-year period, they calculated an economic burden of \$762 million for the incidents. The authors prepared a similar analysis for California, a state with more than five times the population of Washington State. They reported 177 construction-related fatalities in California for 2008 through 2010, and calculated an economic burden for these events of \$2.9 billion. The authors recommend the states pre-qualify firms for public contracts using a variety of safety criteria.

**Build a Better Texas: Construction Working Conditions in the Lone Star State**, Workers Defense Project and the Division of Diversity of Community Engagement at the University of Texas, January 2013.  
<http://www.workersdefense.org/build-a-better-texas-report/>

Texas Governor Rick Perry brags about the business-friendly climate in the Lone Star State, but for construction workers the situation is anything but friendly. A survey of nearly 1,200 construction workers in Dallas, San Antonio, Houston, Austin, and El Paso found 41 percent experienced payroll fraud, were misclassified as independent contractors, or were paid off the books. Workers reported inattention by employers to safety problems, from fall protection to proper training. Even the most basic safety requirements were unaddressed – 59 percent indicated that contractors failed to provide drinking water. The authors note that construction workers account for only six percent of the state's workforce, but they make up nearly 20 percent of work-related uncompensated care costs in Texas emergency rooms.

**Refinery Safety in California: Labor, Community and Fire Agency Views**, Center for Occupational and Environmental Health, Labor Occupational Health Program, March 2013.  
<http://bit.ly/178Y0XY>

Between August 2012 and January 2013, the California refinery industry reported to the U.S. Department of Energy approximately

30 incidents involving fires, hydrogen sulfide releases, and unexpected flares. The August 6, 2012 event at the Chevron refinery in Richmond, CA was one of them. Nineteen workers were enveloped in a hydrocarbon vapor cloud, and 15,000 residents sought medical attention because of their exposure to it. California Governor Jerry Brown convened an inter-agency task force to examine refinery safety. This report, prepared at the request of the task force, describes needed improvements in process safety management, worker involvement, safety metrics, and regulatory oversight.

**Below the Radar: How Sea-Tac Airport's Substandard Working Conditions Hurt our Region and How Other Major Airports Changed Course Toward Growth and Prosperity**, Puget Sound Sage, March 2013  
[http://pugetsoundsage.org/downloads/Below\\_the\\_Radar.pdf](http://pugetsoundsage.org/downloads/Below_the_Radar.pdf)

Baggage handlers, cabin cleaning crews, and wheelchair service assistants at Seattle-Tacoma (Sea-Tac) International airport earn poverty-level wages and face unsafe working conditions, especially in comparison to employees at other major U.S. West Coast airports. The safety complaints include exposure to chemicals and faulty fueling equipment, denial of bathroom breaks, and insufficient access to water. The major airline carrier at Sea-Tac, Alaska Airlines, and the Port of Seattle are at the heart of the problem. The authors examine how other West Coast airports have adopted living wages and other improvements in working conditions for contracted labor and temporary workers.

**Human Rights Alert: New Mexico's Invisible and Downtrodden Workers**, New Mexico Center for Law and Poverty, July 2013.  
<http://bit.ly/1bf3T93>

Researchers conducted a survey in 2012 of 60 dairy workers and 193 field workers employed in New Mexico to assess their living and working conditions. More than half of dairy workers reported being injured at work, typically by a cow or bull, and 77 percent said they never received any safety training. Field workers

reported insufficient access to drinking water, shade, rest breaks, and hand-washing stations. Nearly half of field laborers reported at least one pesticide-related health problem. Both the dairy and field workers put in long hours, often six days per week, but are excluded from overtime pay laws. Workers suffering from work-related injuries are profiled in the report.

## Local Reporters Draw Attention to Workplace Health and Safety Problems

### Boston: Workers caring for mentally ill clients need support

The New England Center for Investigative Reporting teamed up with Boston's WBUR to expose serious gaps in protection for workers caring for mentally ill clients in community-based residences. The state's Department of Mental Health has been the subject of oversight investigations following the 2011 murder of group-home worker Stephanie Moulton, 25, at the hands of a client. Despite some steps taken to address deficiencies, the reporters wrote of the consequences of chronic lack of funding to serve the 14,000 individuals in the state's Community Based Flexible Supports system. Notably, they lead to staffing shortages that put the lives of care providers and clients at risk. One worker described the stress of working solo, and his reliance on the local police to assist with violent clients. The Service Employees International Union, which represents 12,000 human service workers in Massachusetts, told the reporters that data on increased calls to the police from a particular group home should not be ignored. They are an important indicator of inadequate staffing or/and insufficient treatment interventions for the clients, and should be addressed in order to safeguard the lives of workers and clients.

**Deborah Becker, Maggie Mulvihill, and Rachel Stine.** "Gaps found in care, safety in Massachusetts group homes," WBUR and the New



Daniel Cramer, Houston Press

Frances Sowell mourns her son Brian Johns, who was killed after suffering severe chemical burns at work.

England Center for Investigative Reporting, December 18, 2012.  
<http://wbur.fm/UNTubB>

### Houston: A worker's death follows inadequate maintenance

The *Houston Press's* Dianna Wray reported on the 2012 death of Brian Johns from severe burns suffered while working at Dow Chemical's Rohm & Haas plant in Deer Park, Texas. In the June 2013 article, Wray described the conversations Johns had before succumbing to his injuries, with his family and attorneys about working conditions in the plant. He told them about old equipment with rigged-up repairs that should have been replaced, including the unit that exploded while Johns was changing a filter. Wray explained the limitations in the OSH Act, and the challenges for families in holding companies accountable for work-related deaths.



Dianna Wray. "Chemically burned: Dow Chemical tries to avoid hot water in worker's death." *Houston Press*, June 13, 2013. <http://www.houstonpress.com/2013-06-13/news/chemical-burn-dow/>

## North Carolina: Lawmakers revoke a bad workers' comp law

In a follow-up to her 2012 series on "Ghost Workers," Mandy Locke of the *News & Observer* reported on the creation and demise of a new North Carolina law making employers' workers compensation coverage information confidential. The law was passed after workers and others used the publicly available data to determine whether employers were skirting the workers' compensation system by claiming they didn't have any employees. Locke and colleagues used the data in their investigation for the 2012 "Ghost Workers" series, identifying at least 30,000 firms in North Carolina that should have had workers' compensation insurance, but didn't.

The new law that would make such investigative reporting almost impossible was slated to take effect in early 2013. Locke's reporting on the change raised the ire of the North Carolina Press Association and others. The lawmaker responsible for the measure, which was made at the request of the State's Industrial Commission, said he hadn't intended to shield employers' workers compensation coverage details from public disclosure. In December 2012, Locke reported on the legislature's move to undo the new law. A special task force has been identifying reforms to address some of the other employer abuses exposed by the *News & Observer's* investigation.

Mandy Locke. "Vital NC workers' compensation data becomes private." *News & Observer*, October 27, 2012. <http://bit.ly/SjdDYs>

Mandy Locke. "Legislators: Employers' insurance data will be public again." *News & Observer*, December 13, 2012. <http://bit.ly/STtZpB>





# Workers from Along the Food Chain Demand Better

Over the past year, the many workers behind our food – from farmworkers to fast-food chain employees to restaurant cooks and servers – have made strides to improve their job conditions. As more workers band together and stand up against unsafe conditions and poverty-level wages, some employers are recognizing that workers can be valuable partners in producing high-quality food and meals. More food consumers and community groups are stepping forward to show they care about the health and safety of the workers behind their meals. Reforming the U.S.'s dysfunctional food system will take years of sustained effort, and workers are showing they're up to the task.

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## Agricultural Hazards in the News

One of the first steps to addressing on-the-job hazards is to make them visible, and several excellent news investigations this year exposed the dangerous and sometimes deadly conditions in agricultural work:

**Child farm labor in Oregon:** With the help of a University of Missouri School of Journalism fellowship and Investigative Reporters and Editors, *The Oregonian's* Anthony Schick spent a summer investigating child labor in Oregon, where agriculture plays a major role in the economy. After visiting fields and interviewing farmworkers, he reports that child labor is "far more widespread than statistics show." While farmworker families often need the money children bring home by working, the heat, repetitive strain, and pesticide exposures common in agricultural work can be especially hazardous to young workers. *The Oregonian* submitted a Freedom of Information Act request for White House documents regarding the Obama administration's decision to withdraw a proposed rule strengthening protections for children working in agriculture, and was told that 637 of the 1,019 relevant document pages found were being withheld. The rest were released with redactions, and *The Oregonian* has posted the partial record on its website.

Anthony Schick. "Child farm labor in Oregon and the U.S.: big dangers, little change." *The Oregonian*, September 29, 2012. <http://bit.ly/SMpMWC>

**Deaths in grain bins:** Over the past year, *The New York Times*, NPR, the Center for Public Integrity, *Kansas City Star*, PBS, and WBEZ have covered one of agriculture's deadliest hazards: grain bins, or silos, where corn or other grains can act like quicksand and suffocate workers. Appropriate procedures and equipment – e.g., ensuring that grain isn't being emptied or moved out of the bin when workers are inside, and that workers entering bins are wearing properly secured body harnesses – can prevent these deaths, many of which occur among teenage workers. In an NPR and Center for Public Integrity special series, Howard Berkes and Jim Morris report that OSHA dramatically reduces penalties in most grain bin cases, even though OSHA penalties are already far lower than fines other agencies can impose. A Center-NPR analysis of OSHA data found that originally proposed fines following 179 grain entrapments from 1984 to 2012 totaled \$9.2 million, but were reduced 59 percent to \$3.8 million. Senators Tom Harkin (D-IA), Bob Casey (D-PA), and Patty Murray (D-WA) cited these findings in voicing their support for the Protecting America's Workers Act, which Senator Murray reintroduced in March 2013.



John M. Broder. "Silos Loom as Death Traps on American Farms." *New York Times*, October 28, 2012.  
<http://nyti.ms/VW4nwX>

"Buried in Grain" – NPR and Center for Public Integrity special series, March 2013  
<http://www.npr.org/series/174755100/buried-in-grain>

**Rape in the fields:** PBS's FRONTLINE and Univision partnered to bring TV viewers a look at the sexual assault many migrant women say they feel they must endure in order to provide for their families. PBS FRONTLINE correspondent Lowell Bergman, working with the Investigative Reporting Program at UC Berkeley, the Center for Investigative Reporting, and Univision, spent a year reporting the story, which includes the experiences of migrant women in agriculture and packing plants.

PBS Frontline and the Center for Investigative Reporting. "Rape in the Fields," June 2013  
<http://pbs.org/wgbh/pages/frontline/rape-in-the-fields>

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## Progress and Possibilities for Farmworkers

The farmworker-based human rights organization **Coalition of Immokalee Workers** (CIW) celebrated another victory in October 2012 when Chipotle Mexican Grill became the 11th company to join CIW's Fair Food Program. Under the agreement, Florida farmworkers who pick tomatoes purchased by Chipotle will earn higher payments, be included in health and safety efforts, and have access to a complaint resolution procedure they can use without fear of retaliation. Chipotle's signing of the agreement, said CIW's Gerardo Reyes, "marks a turning point in the sustainable food movement as a whole, whereby, thanks to Chipotle's leadership, farmworkers are finally recognized as true partners – every bit as vital as farmers, chefs, and restaurants – in bringing 'good food' to our tables."

Another project that makes farmworkers partners in bringing good food to our tables is the **Equitable Food Initiative** (EFI), which involves workers, growers, and retailers in the effort to produce better fruits and vegetables (United Farm Workers is among the founding members). Rather than paying workers by the volume picked, which can discourage spending time to address food safety or safe pesticide use, the EFI model gives workers higher pay and involves them in efforts to produce safe, high-quality food. EFI standards address labor conditions, pesticide use, and food safety, and the initiative aims to establish a certification system to assure participants meet these standards. The initiative is currently in a pilot phase, and involves California-based grower Andrew and Williamson and retailer Costco. From a retailer perspective, Costco Senior Vice President Jeffrey Lyons told *The Pump Handle's* Elizabeth Grossman, investing in workers results in a higher-quality product.

In addition to encouraging responsible growers to use pesticides responsibly, farmworker advocates are asking Congress and the Environmental Protection Agency (EPA) to **improve protections for agricultural workers exposed to pesticides**. EPA administers the Worker Protection Standard covering farmworkers and pesticide handlers, but the agency hasn't seriously updated these protections in 20 years. Dozens of farmworkers and their supporters traveled to Washington, DC in July 2013 to call for stronger requirements for pesticide safety precautions and worker training and safety information, as well as a national medical monitoring program for workers who handle pesticides. As these farmworkers gathered in the nation's capital, Farmworker Justice released their report *Exposed and Ignored: How Pesticides are Endangering Our Nation's Farmworkers*. The report documents the many ways the estimated 5.1 billion pounds of pesticides applied to crops each year can harm farmworkers, their families, and their communities, and calls for stronger regulations and further research.

The U.S. Senate's passage of an **immigration reform bill** offers hope to migrant workers and



Reviya Ismail, Earth Justice

Farmworkers converged on Capitol Hill to urge action on updating EPA's Worker Protection standard.

their advocates. Today, undocumented workers are vulnerable to exploitation by employers, who may threaten workers with deportation if they complain about violations of wage or health and safety laws. The Senate bill allows undocumented workers already in the country to apply for legal status and eventual citizenship. It also creates a new "W visa" program for immigrant workers to fill low-skill jobs, and employers can lose eligibility to hire immigrants through this program if they repeatedly or willfully violate wage and overtime rules or if repeated or willful violations of child-labor or health-and-safety regulations lead to a worker's injury or death. As of this writing, the U.S. House of Representatives has yet to vote on this or other immigration-reform legislation.

## Adding to Evidence on Poultry-Plant Hazards

The U.S. Department of Agriculture (USDA) continues to promote a proposed poultry rule that would allow poultry slaughterhouses to dramatically increase the speed of their production lines; meanwhile, reports confirm that poultry workers already face substantial on-the-job hazards, and that USDA's proposal would increase risks. A Health Hazard Evalu-

ation by National Institute for Occupational Safety and Health (NIOSH) researchers at one South Carolina poultry plant found most employees reported multiple musculoskeletal symptoms, and 42 percent had evidence of carpal tunnel syndrome. Based on job tasks, 41 percent of study participants worked in jobs exceeding the American Conference of Governmental Industrial Hygienists' threshold limit value for hand activity and force. With the faster line speeds allowed under the USDA's proposed changes, poultry workers' musculoskeletal problems would likely exceed the already alarming rates NIOSH and other researchers have found in poultry plants.

USDA poultry inspector Stan Painter, who has been inside several of the plants testing out the proposed system, told *The Pump Handle's* Kim Krisberg that it's difficult for inspectors to spot signs of feces or disease when carcasses whiz past at a rate of 175 per minute. Instead of relying so much on visual inspections, USDA encourages the spraying of all carcasses with antimicrobial agents. *The Washington Post's* Kimberly Kindy reported in April 2013 on the death of 37-year-old poultry inspector Jose Navarro, who died after his lungs began hemorrhaging. The plant where Navarro worked was treating carcasses with chlorine and peracetic acid at the time of his death. Plant employ-



Photo courtesy of Navarro family.

USDA poultry inspector Jose Navarro died at age 37 after his lungs began hemorrhaging. He voiced concerns about the plants where he was working, including the chemicals being used. He is shown here with his newborn and young son.

ees and USDA inspectors working there told OSHA inspectors of respiratory problems, skin diseases, and coughing up blood, and OSHA documents cited chemicals as the suspected cause. “In interviews, more than two dozen USDA inspectors and poultry-industry employees described a range of ailments they attributed to chemical exposure, including asthma and other severe respiratory problems, burns, rashes, irritated eyes, sinus ulcers and other sinus problems,” Kindy reported.

Worker and food-safety advocates, including National Council of La Raza, the Southern Poverty Law Center, National COSH, and the United Food and Commercial Workers International Union, continue to press USDA to withdraw its proposed rule. In July, 28 organizations signed on to a letter asking Howard Shelanski, the new Administrator of the Office of Information and Regulatory Affairs (OIRA), to notify USDA that health and safety concerns cannot be addressed without restarting the rulemaking process.

## Food-Service Workers Mobilize

Following a Black Friday strike by Walmart workers, 200 fast-food workers in New York City walked off the job in November as part of a campaign to win better wages and the

chance to organize a union without retaliation. Organizers from New York Communities for Change have been leading efforts to form a new union, Food Workers Committee, in an industry where unions are almost entirely absent. Another one-day strike in April 2013 involved a march and the support of more than 100 clergy members, some of whom described the march as continuing Martin Luther King’s movement for dignity and economic justice.

Also in April, hundreds of Chicago workers, organized by the Workers Organizing Committee of Chicago, staged a one-day walk-out to demand a living wage of \$15 an hour and the ability to unionize. Workers included employees of department stores as well as fast-food workers from Dunkin’ Donuts, McDonald’s, Subway, and Popeye’s Chicken. In early May, more than 100 St. Louis fast-food workers joined two days of action and strikes to call for a living wage as part of the “Can’t Survive on \$7.35” campaign. In both cities, community and faith leaders walked workers back to their jobs at the end of the strike, demonstrating that the workers had community support and that local leaders would be watching for signs of retaliation.

In July 2013, low-wage workers from seven cities – Chicago, Detroit, Flint, Kansas City, Milwaukee, New York City, and St. Louis – joined forces to walk off their jobs for one-day strikes during a week of action. Workers from McDonald’s, Burger King, Wendy’s, and KFC were among those participating in labor-community-clergy alliances including New York Communities for Change, Jobs with Justice, Action Now, 99 Pastors, and Citizen Action of Wisconsin. The Service Employees International Union (SEIU) provided financial and technical support and helped train organizers in each city. Workers are participating in city-specific campaigns for better wages and working conditions, including Fast Food Forward, Fight for 15, STL \$7.35, D-15, Raise up Milwaukee, Stand Up KC, and Flint15. Some of the campaigns are calling for raising the minimum wage to \$15 per hour.





Fast-food workers in Chicago and other cities have walked off the job on one-day strikes to demand better wages and working conditions

The financial struggles of workers in full-service restaurants are also gaining wider recognition, thanks to the Restaurant Opportunities Center (ROC)-United. Co-founder Saru Jayaraman released her book *Behind the Kitchen Door* (Cornell University Press) on February 13, or 2/13 – a date that has special significance in the restaurant world, where the hourly wage of most tipped restaurant workers has been stuck at \$2.13 per hour since 1991. Workers’ tips are supposed to be sufficient to bring their hourly wage up to the minimum wage; when they don’t, employers are supposed to make up the difference, but restaurant workers report that they’re often left with below-minimum-wage earnings. ROC affiliates in cities across the country help workers fight for better employment conditions while also highlighting “high road” restaurants that create “win-win-win” solutions for workers, diners, and employers alike.

## The Year Ahead

Low-wage workers are at the forefront of a national movement for safe and fair-paying jobs. With support from worker centers, COSH groups, faith-based institutions, and other organizations, workers are demanding better for themselves and their communities. Researchers, reporters, and nonprofit groups play essential roles in identifying and publicizing workplace hazards and ways to improve worker health and safety.

Advocates hope that the leadership change in the White House Office of Information and Regulatory Affairs (OIRA) will allow regulatory agencies to move forward with long-delayed rules to protect workers’ health and safety. This list includes OSHA’s proposed rule to reduce lung-damaging silica exposures, which was finally released for public comment on August 23, 2013. In Congress, it is unclear whether politics in the U.S. House of Representatives will prevent the passage of an immigration bill that allows workers a path to legal status and protections from employer exploitation.

Efforts to increase the minimum wage, assure paid sick leave for all workers, and improve conditions for home-care workers have seen more progress in cities and states than at the federal level, and this will likely remain the case in the next year. Over the coming year, workers and their advocates will need to battle industry-backed efforts to water down current protections and pre-empt future improvements, while at the same time fighting for better laws, regulations, and policies.





## Appendix: Peer-Reviewed Research on Occupational Health & Safety Topics (August 2012 through July 2013)

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Confined space emergency response: assessing employer and fire department practices. Wilson MP, Madison HN, Healy SB. *J Occup Environ Hyg.* 2012;9(2):120-8. <http://www.ncbi.nlm.nih.gov/pubmed/22300305>

In the arc of history: AIHA and the movement to reform the Toxic Substances Control Act. Wilson MP. *J Occup Environ Hyg.* 2012;9(5):D87-94. <http://www.ncbi.nlm.nih.gov/pubmed/22530686>

Medical expenditures associated with nonfatal occupational injuries among immigrant and U.S.-born workers. Xiang H, Shi J, et al. *BMC Public Health.* 2012 Aug 20;12:678. <http://www.ncbi.nlm.nih.gov/pubmed/22905938>

\*Association between maternal occupational exposure to organic solvents and congenital heart defects, National Birth Defects Prevention Study, 1997-2002. Gilboa SM, Desrosiers TA, et al. *Occup Environ Med.* 2012 Sep;69(9):628-35. <http://www.ncbi.nlm.nih.gov/pubmed/22811060>

Incidence and cost of depression after occupational injury. Asfaw A, Souza K. *J Occup Environ Med.* 2012 Sep;54(9):1086-91. <http://www.ncbi.nlm.nih.gov/pubmed/22929794>

Occupational health outcomes among self-identified immigrant workers living and working in Somerville, Massachusetts 2006-2009. Panikkar B, Woodin MA, et al. *J Immigr Minor Health.* 2012 Sep 14. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/22976795>

\*Risk factors for work-related injuries among university student employees. Ou J, Thygeson SM. *Industrial Health.* Sept-Oct 2012;50(5):445-9. <http://www.ncbi.nlm.nih.gov/pubmed/22878354>

\*This study is described in the Section I of this report.

Beyond the classroom: a case study of immigrant safety liaisons in residential construction. Ochsner M, Marshall EG, et al. *New Solut.* Oct. 2012;22(3):365-86. <http://www.ncbi.nlm.nih.gov/pubmed/22967368>

\*Increased risk of parkinsonism associated with welding exposure. Racette BA, Criswell SR, et al. *Neurotoxicology.* 2012 Oct;33(5):1356-61. <http://www.ncbi.nlm.nih.gov/pubmed/22975422>

Novel approaches to development, delivery and evaluation of a peer-led occupational safety training for Latino day laborers. De Souza RA, Hecker S, et al. *New Solut.* Oct. 2012 Fall;22(3):387-405. <http://www.ncbi.nlm.nih.gov/pubmed/22967369>

\*Trends in the disproportionate burden of work-related traumatic injuries sustained by Latinos. Sears JM, Bowman SM, Silverstein BA. *J Occup Environ Med.* 2012 Oct;54(10):1239-45. <http://www.ncbi.nlm.nih.gov/pubmed/22975666>

Workers' compensation experience-rating rules and the danger to workers' safety in the temporary work agency sector. MacEachen E, Lippel K, et al. *Policy and Practice in Health and Safety.* 2012; 10(1):77-95. <http://www.ingentaconnect.com/content/iosh/pphs/2012/00000010/00000001/art00006>

\*Acute occupational injury among adolescent farmworkers from South Texas. Shipp EM, Cooper SP, et al. *Inj Prev.* 2012 Nov 9. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/23143346>

A new estimate of the impact of OSHA inspections on manufacturing injury rates, 1998-2005. Haviland AM, Burns RM, et al. *Am J Ind Med.* 2012 Nov;55(11):964-75. <http://www.ncbi.nlm.nih.gov/pubmed/22566135>



✦Breast cancer risk in relation to occupations with exposure to carcinogens and endocrine disruptors: a Canadian case-control study. Brophy JT, Keith MM, et al. *Environ Health*. 2012 Nov 19;11:87.  
<http://www.ncbi.nlm.nih.gov/pubmed/23164221>

✦Exposure during pregnancy to glycol ethers and chlorinated solvents and the risk of congenital malformations. Cordier S, Garlantézec R, et al. *Epidemiology*. 2012 Nov;23(6):806-12.  
<http://www.ncbi.nlm.nih.gov/pubmed/23007043>

Long work hours and adiposity among police officers in a US northeast city. Gu JK, Charles LE, et al. *J Occup Environ Med*. 2012 Nov;54(11):1374-81.  
<http://www.ncbi.nlm.nih.gov/pubmed/23013913>

Are low wages risk factors for hypertension? Leigh JP, Du J. *Eur J Public Health*. 2012 Dec;22(6):854-9.  
<http://www.ncbi.nlm.nih.gov/pubmed/22262559>

Association between World Trade Center exposure and excess cancer risk. Li J, Cone JE, Kahn AR, et al. *JAMA*. 2012 Dec 19;308(23):2479-88.  
<http://www.ncbi.nlm.nih.gov/pubmed/23288447>

✦Attitudes of teenagers towards workplace safety training. Zierold KM, Welsh EC, McGeeney TJ. *J Community Health*. 2012 Dec;37(6):1289-95.  
<http://www.ncbi.nlm.nih.gov/pubmed/22614536>

Does employee safety influence customer satisfaction? Evidence from the electric utility industry. Willis PG, Brown KA, Prussia GE. *J Safety Res*. 2012 Dec;43(5-6):389-96.  
<http://www.ncbi.nlm.nih.gov/pubmed/23206512>

Migrant and seasonal crop worker injury and illness across the Northeast. Scribani M, Wyckoff S, et al. *Am J Ind Med*. 2012 Dec 27. doi: 10.1002/ajim.22150. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23280646>

Musculoskeletal health in South Georgia farmworkers: a mixed methods study. Brock M, Northcraft-Baxter L, et al. *Work*. 2012;43(2):223-36.  
<http://www.ncbi.nlm.nih.gov/pubmed/22927621>

✦Chemical exposures of women workers in the plastics industry with particular reference to breast cancer and reproductive hazards. DeMatteo R, Keith MM, Brophy JT, et al. *New Solut*. Jan. 2012; 22(4):427-48.  
<http://www.ncbi.nlm.nih.gov/pubmed/23207955>

Heat-related illness knowledge and practices among California hired farm workers in The MICASA Study. Stoecklin-Marois M, Hennessy-Burt T, et al. *Industrial Health*. Jan-Feb 2013;51(1):47-55.  
<http://www.ncbi.nlm.nih.gov/pubmed/23411756>

Risk perception of musculoskeletal injury among critical care nurses. Lee SJ, Faucett J, et al. *Nurs Res*. 2013 Jan-Feb;62(1):36-44.  
<http://www.ncbi.nlm.nih.gov/pubmed/23064312>

Safe lifting programs at long-term care facilities and their impact on workers' compensation costs. Restrepo TE, Schmid FA, Gucer PW, et al. *J Occup Environ Med*. 2013 Jan;55(1):27-35.  
<http://www.ncbi.nlm.nih.gov/pubmed/23222506>

Transitioning from traditional to green cleaners: an analysis of custodian and manager focus groups. Simcox N, Wakai S, et al. *New Solut*. Jan. 2013;22(4):449-71.  
<http://www.ncbi.nlm.nih.gov/pubmed/23380255>

Association between perceived union connection and upper body musculoskeletal pains among unionized construction apprentices. Kim SS, Perry MJ, Okechukwu CA. *Am J Ind Med*. 2013 Feb;56(2):189-96.  
<http://www.ncbi.nlm.nih.gov/pubmed/22544333>

✦This study is described in the Section I of this report.

✦Barriers to use of workers' compensation for patient care at Massachusetts community health centers. Azaroff LS, Davis LK, et al. *Health Serv Res.* 2013 Feb 28. doi: 10.1111/1475-6773.12045. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23445431>

Campylobacter infection in poultry-processing workers, Virginia, USA, 2008-2011. de Perio MA, Niemeier RT, et al. *Emerg Infect Dis.* 2013 Feb;19(2):286-8.  
<http://www.ncbi.nlm.nih.gov/pubmed/23347390>

Enhancing severe injury surveillance: the association between severe injury events and fatalities in U.S. coal mines. Poplin GS, Miller H, et al. *J Safety Res.* 2013 Feb;44:31-5.  
<http://www.ncbi.nlm.nih.gov/pubmed/23398702>

Fall prevention and safety communication training for foremen: report of a pilot project designed to improve residential construction safety. Kaskutas V, Dale AM, et al. *J Safety Res.* 2013 Feb;44:111-8.  
<http://www.ncbi.nlm.nih.gov/pubmed/23398712>

Fatal falls from roofs among U.S. construction workers. Dong XS, Choi SD, et al. *J Safety Res.* 2013 Feb;44:17-24.  
<http://www.ncbi.nlm.nih.gov/pubmed/23398700>

Prevalence of epicondylitis, rotator cuff syndrome, and low back pain in Latino poultry workers and manual laborers. Rosenbaum DA, Grzywacz JG, et al. *Am J Ind Med.* 2013 Feb;56(2):226-34.  
<http://www.ncbi.nlm.nih.gov/pubmed/23109055>

The relationship of positive work environments and workplace injury: Evidence from the National Nursing Assistant Survey. McCaughey D, McGhan G, et al. *Health Care Manage Rev.* 2013 Feb 14. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23416788>

Association between perceived inadequate staffing and musculoskeletal pain among hospital patient care workers. Kim SS, Okechukwu CA, et al. *Int Arch Occup Environ Health.* 2013 Mar 12. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23475312>

Cooking and eating facilities in migrant farm-worker housing in North Carolina. Quandt SA, Summers P, et al. *Am J Public Health.* 2013 Mar;103(3):e78-84.  
<http://www.ncbi.nlm.nih.gov/pubmed/23327274>

Healthy workplaces? A survey of Massachusetts employers. Tremblay PA, Nobrega S, et al. *Am J Health Promot.* 2013 Mar 7. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23470184>

Job insecurity and incident coronary heart disease: the Whitehall II prospective cohort study. Ferrie JE, Kivimäki M, et al. *Atherosclerosis.* 2013 Mar;227(1):178-81.  
<http://www.ncbi.nlm.nih.gov/pubmed/23332775>

Michigan work-related amputations, 2008. Largo TW, Rosenman KD. *J Occup Environ Med.* 2013 Mar;55(3):280-5.  
<http://www.ncbi.nlm.nih.gov/pubmed/23439271>

✦More than training: Community-based participatory research to reduce injuries among Hispanic construction workers. Forst L, Ahonen E, et al. *Am J Ind Med.* 2013 Mar 26. doi: 10.1002/ajim.22187  
<http://www.ncbi.nlm.nih.gov/pubmed/23533016>

Promoting integrated approaches to reducing health inequities among low-income workers: Applying a social ecological framework. Baron SL, Beard S, et al. *Am J Ind Med.* 2013 Mar 26. doi: 10.1002/ajim.22174. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23532780>

✦Public health impact of heat-related illness among migrant farmworkers. Fleischer NL, Tiesman HM, et al. *Am J Prev Med.* 2013 Mar;44(3):199-206.  
<http://www.ncbi.nlm.nih.gov/pubmed/23415115>

✦This study is described in the Section I of this report.

The work environment disability-adjusted life year for use with life cycle assessment: a methodological approach. Scanlon KA, Gray GM, et al. *Environ Health*. 2013 Mar 6;12:21. <http://www.ncbi.nlm.nih.gov/pubmed/23497039>

Are green building features safe for preventive maintenance workers? Examining the evidence. Omar MS, Quinn MM, Buchholz B, Geiser K. *Am J Ind Med*. 2013 Apr;56(4):410-23. <http://www.ncbi.nlm.nih.gov/pubmed/23390080>

Depression as a psychosocial consequence of occupational injury in the US working population: findings from the medical expenditure panel survey. Kim J. *BMC Public Health*. 2013 Apr 5;13:303. <http://www.biomedcentral.com/1471-2458/13/303>

Elevated occupational transportation fatalities among older workers in Oregon: an empirical investigation. Walters JK, Olson R, et al. *Accid Anal Prev*. 2013 Apr;53:28-38. <http://www.ncbi.nlm.nih.gov/pubmed/23357034>

Ischemic heart disease risk factors in lead exposed workers: research study. Ghiasvand M, Aghakhani K, et al. *J J Occup Med Toxicol*. 2013 Apr 22;8(1):11. <http://www.ncbi.nlm.nih.gov/pubmed/23607481>

\*Low birth weight in newborns to women employed in jobs with frequent exposure to organic solvents. Vaktskjold A, Talykova LV, Nieboer E. *Int J Environ Health Res*. 2013 Apr 2. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/23548113>

Mortality among 24,865 workers exposed to polychlorinated biphenyls (PCBs) in three electrical capacitor manufacturing plants: A ten-year update. Ruder AM, Hein MJ, et al. *Int J Hyg Environ Health*. 2013 Apr 30. pii: S1438-4639(13)00060-6. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/23707056>

Obliterative bronchiolitis in workers in a coffee-processing facility - Texas, 2008-2012. *MMWR Morb Mortal Wkly Rep*. 2013 Apr 26;62(16):305-7. [http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6216a3.htm?s\\_cid=mm6216a3\\_w](http://www.cdc.gov/mmwr/preview/mmwrhtml/mm6216a3.htm?s_cid=mm6216a3_w)

Occupational health policy and immigrant workers in the agriculture, forestry, and fishing sector. Liebman AK, Wiggins MF, et al. *Am J Ind Med*. 2013 Apr 18. doi: 10.1002/ajim.22190. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/23606108>

\*Safety, incentives, and the reporting of work-related injuries among union carpenters: "you're pretty much screwed if you get hurt at work". Lipscomb HJ, Nolan J, et al. *Am J Ind Med*. 2013 Apr;56(4):389-99. <http://www.ncbi.nlm.nih.gov/pubmed/23109103>

Twenty years of work-related injury and illness among union carpenters in Washington State. McCoy AJ, Kucera KL, et al. *Am J Ind Med*. 2013 Apr;56(4):381-8. <http://www.ncbi.nlm.nih.gov/pubmed/23143816>

\*Maternal occupational exposure to polycyclic aromatic hydrocarbons and risk of oral cleft-affected pregnancies. Langlois PH, Hoyt AT, et al. *Cleft Palate Craniofac J*. 2013 May;50(3):337-46. <http://www.ncbi.nlm.nih.gov/pubmed/23136939>

Multiple jobholder mortality patterns in Kentucky: An examination of occupational fatalities. Bush AM, McKee SE, Bunn TL. *Am J Ind Med*. 2013 May 31. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/23729179>

\*Musculoskeletal pain among critical-care nurses by availability and use of patient lifting equipment: An analysis of cross-sectional survey data. Lee SJ, Faucett J, Gillen M, Krause N. *Int J Nurs Stud*. 2013 May 3. [Epub ahead of print] <http://www.ncbi.nlm.nih.gov/pubmed/23648391>

\*This study is described in the Section I of this report.



Obliterative bronchiolitis in fiberglass workers: a new occupational disease? Cullinan P, McGavin CR, et al. *Occup Environ Med*. 2013 May;70(5):357-9.  
<http://www.ncbi.nlm.nih.gov/pubmed/23322914>

\*Occupational health literacy and work-related injury among US adolescents. Rauscher KJ, Myers DJ. *Int J Inj Contr Saf Promot*. 2013 May 17. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23679156>

Rotating shift-work as an independent risk factor for overweight Italian workers: a cross-sectional study. Barbadoro P, Santarelli L, et al. *PLoS One*. 2013 May 10;8(5):e63289.  
<http://www.ncbi.nlm.nih.gov/pubmed/23675472>

The effects of wearing respirators on human fine motor, visual, and cognitive performance. Alghamri AA, Murray SL, Samaranayake VA. *Ergonomics*. 2013 May;56(5):791-802.  
<http://www.ncbi.nlm.nih.gov/pubmed/23514088>

The impact of job stress due to the lack of organisational support on occupational injury. Julià M, Catalina-Romero C, et al. *Occup Environ Med*. 2013 May 28. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23716721>

\*The proportion of work-related emergency department visits not expected to be paid by workers' compensation: Implications for occupational health surveillance, research, policy, and health equity. Groenewold MR, Baron SL. *Health Serv Res*. 2013 May 13. doi: 10.1111/1475-6773.12066. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23662682>

Working conditions and masked hypertension. Landsbergis PA, Travis A, Schnall PL. *High Blood Press Cardiovasc Prev*. 2013 May 24. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23702576>

Beryllium disease among construction trade workers at department of Energy nuclear sites. Welch LS, Ringen K, et al. *Am J Ind Med*. 2013 Jun 21. doi: 10.1002/ajim.22202. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23794247>

Heat index in migrant farmworker housing: Implications for rest and recovery from work-related heat stress. Quandt SA, Wiggins MF, et al. *Am J Public Health*. 2013 Jun 13. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23763392>

Mesothelioma and employment in Massachusetts: Analysis of cancer registry data 1988-2003. Roelofs CR, Kernan GJ, et al. *Am J Ind Med*. 2013 Jun 20. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23788253>

Negative impacts of shiftwork and long work hours. Caruso CC. *Rehabil Nurs*. 2013 Jun 18. doi: 10.1002/rnj.107. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23780784>

Studying and addressing urban immigrant restaurant worker health and safety in San Francisco's Chinatown District: A CBPR case study. Chang C, Minkler M, et al. *J Urban Health*. 2013 Jun 21. [Epub ahead of print]  
<http://www.ncbi.nlm.nih.gov/pubmed/23793556>

\*The burden of traumatic brain injury among adolescent and young adult workers in Washington State. Graves JM, Sears JM, et al. *J Safety Res*. 2013 Jun;45:133-139.  
<http://www.ncbi.nlm.nih.gov/pubmed/23710080>

\*Waiting for safety: Responses by young Canadian workers to unsafe work. Tucker S, Turner N. *J Safety Res*. 2013 Jun;45:103-10.  
<http://www.ncbi.nlm.nih.gov/pubmed/23708481>

Construction workers' reasons for not reporting work-related injuries: an exploratory study. Moore JT, Cigularov KP, et al. *Int J Occup Saf Ergon*. 2013;19(1):97-105.  
<http://www.ncbi.nlm.nih.gov/pubmed/23498712>

\*This study is described in the Section I of this report.

✦Disability rates for cardiovascular and psychological disorders among autoworkers by job category, facility type, and facility overtime hours. Landsbergis PA, Janevic T, et al. *Am J Ind Med*. 2013 Jul;56(7):755-64.

<http://www.ncbi.nlm.nih.gov/pubmed/23585075>

Effectiveness of taxicab security equipment in reducing driver homicide rates. Menéndez CK, Amandus HE, et al. *Am J Prev Med*. 2013 Jul;45(1):1-8.

<http://www.ncbi.nlm.nih.gov/pubmed/23790983>

Higher-status occupations and breast cancer: A life-course stress approach. Pudrovska T, Carr D, McFarland M, Collins C. *Soc Sci Med*. 2013 Jul;89:53-61.

<http://www.ncbi.nlm.nih.gov/pubmed/23726216>

Mortality among workers at Oak Ridge National Laboratory. Richardson DB, Wing S, Keil A, Wolf S. *Am J Ind Med*. 2013 Jul;56(7):725-32.

<http://www.ncbi.nlm.nih.gov/pubmed/23460075>

Who pays for work-related traumatic injuries? Payer distribution in Washington State by ethnicity, injury severity, and year (1998-2008). Sears JM, Bowman SM, et al. *Am J Ind Med*. 2013 Jul;56(7):742-54.

<http://www.ncbi.nlm.nih.gov/pubmed/23460116>





