

**CESAR AUGUSTO VALENZUELA**  
DECEASED 2014



**TERESH PICKARD**  
DECEASED 2014



**RYAN PROVENCAL**  
DECEASED 2013



**SARAH JONES**  
DECEASED 2014



**HOHANA N.**  
SURVIVED 2013



**GAIL SANDBERG**  
DECEASED 2013

# 2014

## Preventable Deaths: The Tragedy of Workplace Fatalities

A Report Presented by the National Council  
for Occupational Safety and Health (COSH)

## **OUR MISSION**

The National Council for Occupational Safety and Health is dedicated to promoting safe and healthy working conditions for all working people through organizing and advocacy. Our belief that almost all work-related deaths and serious injuries and illnesses are preventable motivates us to encourage workers to take action to protect their safety and health, promote protection from retaliation under job safety laws, and provide quality information and training about hazards on the job and workers' rights.

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# EXECUTIVE SUMMARY

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A farmworker in her 60s, crushed to death by a truck in an Arizona lettuce field.

A 27-year old cinematographer, killed by an oncoming train during a film shoot on a Georgia railroad bridge.

A 57-year old temp agency worker, caught in between and crushed by equipment at a warehouse in New Jersey.

**Ana Barrera-Bogarin, Sarah Jones and Ronald Smith** are among thousands of workers who die each year in American workplaces. Frequently, these deaths are reported as tragic accidents. The real story is more complex – a story of tragedies that could have been prevented.

The people who lose their lives while trying to earn a living are not, in most cases, victims of random events or circumstance. In fact, the dynamics of the hazards in contemporary workplaces are well understood. The risks of injury, illness and death can be reduced or eliminated with proper training, procedures, monitoring and documentation.

This report on Preventable Deaths has identified the unsafe conditions that take the lives of American workers, including:

- **At least 4,383 deaths from sudden traumatic injuries in 2012** – a preliminary figure that is likely to increase when final data is released by the U.S. Bureau of Labor Statistics at the end of April.
- **Tens of thousands of workers who die each year from long-term occupational illnesses.** One estimate puts the toll at 53,000 deaths annually, causing untold harm and suffering – and costing the U.S. economy \$45.5 billion a year.
- **Nearly 700 deaths that can be prevented every year** by timely adoption of a standard limiting workplace exposure to silica. This silent killer can cause silicosis, lung disease, cancer and other fatal conditions.

Empowering workers to demand safe workplaces is the mission of the National Council for Occupational Safety and Health (National COSH). Working with local coalitions in communities across the United States, we help workers demand and advocate for protective health and safety programs, including best practices, better training, strong language in collective bargaining agreements, compliance with existing laws, and improvements in laws and regulations to make our workplaces safer.

National COSH publishes this annual report on Preventable Deaths each year in conjunction with Workers' Memorial Week during the last week of April. Workers, unions and community

activists in the United States and around the world observe this remembrance to mourn those who have lost their lives at work, and to organize for better working conditions in the future.

This year's report includes:

- **Death on the job: How big is the problem?** This section surveys the range of illnesses and injuries that take the lives of American workers. It highlights the high rates of fatalities faced by particular vulnerable populations, including immigrant, Latino, temporary and young workers. Specific steps that can prevent many workplace fatalities are also identified.
- **Case studies of seven workers** who lost their lives in U.S. workplaces in 2013 and 2014. These tragic deaths, which occurred on a farm, a factory, a film set, a hospital and other workplaces, illustrate the range of hazards that confront American workers. Some jobs are perceived as more dangerous than others – but any job can become dangerous at a moment's notice.
- **Silica Dust: A silent killer affecting millions, including the most vulnerable workers in America.** The U.S. Occupational Safety and Health Administration estimates that 688 lives can be saved every year by reducing workplace exposure to silica dust. Again, vulnerable populations are often most at risk from this widespread hazard.
- **Recommendations by National COSH to reduce workplace hazards**, including specific actions to be taken by employers, OSHA and Congress. These recommendations focus on allowing workers, families and advocates a greater voice in identifying, controlling and eliminating workplace hazards including:
  - ➔ Enhanced workplace safety and health programs
  - ➔ Stronger safety standards and regulations
  - ➔ Greater access to OSHA services in multiple languages
  - ➔ Allowing worker and community advocacy groups to file complaints
  - ➔ Stronger whistleblower protections
  - ➔ Providing public access to National Fatality Data
  - ➔ Strengthening and updating the OSHA law
  - ➔ Immigration reform
- **A review of efforts by several of the local coalitions in the COSH network** to advocate for workers, improve workplace standards, and reduce the risk of on-the-job illnesses, injuries and fatalities.

**Information for this report was gathered from a variety of resources, including:**

- U.S. Bureau of Labor Statistics, Census of Fatal Occupational Injuries (CFOI)
- U.S. Occupational Safety and Health Administration (OSHA)
- National Institute for Occupational Safety and Health (NIOSH)
- Local and national news organizations
- Local and regional COSH groups, labor unions and partner organizations.

# DEATH ON THE JOB ■ HOW BIG IS THE PROBLEM?

Q. How many people die on the job each year in the United States?

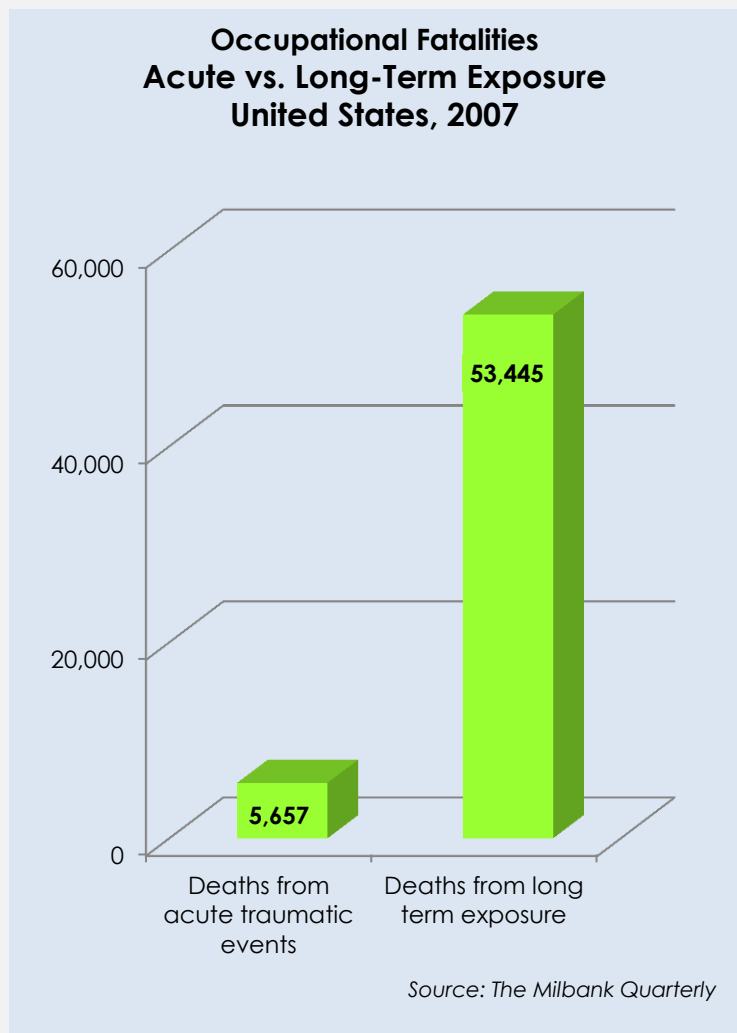
A. Far too many. Also, it depends on the definition of “on the job.”

In 2012, according to preliminary data from the U.S. Bureau of Labor Statistics (BLS), 4,383 men and women died in U.S. workplaces as a result of acute traumatic events. This includes a range of incidents – most of them preventable – including falls, explosions, collisions with a vehicle, fatal contact with equipment or machinery, and workplace homicides. <sup>1</sup>

When the broader category of deaths resulting from long-term exposure to on-the-job hazards and unsafe practices is considered, however, the death toll becomes much greater.

A comprehensive analysis, published by University of California - Davis economist J. Paul Leigh in 2011, estimates more than 53,000 deaths in 2007 from respiratory, cardiovascular and renal diseases, cancer and other conditions which can be linked directly to workplace exposure. <sup>2</sup>

The BLS census accounted for 5,657 workplace deaths from acute traumatic events in 2007. Long-term exposure,



<sup>1</sup> "National Census of Fatal Occupational Injuries in 2012, Preliminary Results," U.S. Bureau of Labor Statistics, Aug. 22, 2013. The August BLS release is based on preliminary data, with revised figures due in April. Eighty-four additional fatalities were added to the final totals for 2011, 143 fatalities were added in 2010, and 211 fatalities were added in 2009.

<sup>2</sup> "Economic Burden of Occupational Injury and Illness in the United States," Milbank Quarterly, Dec. 2011

therefore, accounted for nearly ten times as many deaths as acute injuries in 2007. Leigh estimates the overall cost of both acute and long-term workplace deaths at \$51.49 billion, including medical care, lost wages and productivity and other costs. Non-fatal workplace illnesses and injuries, he projects, cost the U.S. economy an additional \$198 billion on an annual basis.

No dollar figure, of course, can measure the immense cost in human suffering to workers – and their family members, friends and colleagues – when they are hurt, maimed and even lose their lives as a result of workplace injuries and illnesses that in many cases are entirely preventable.

In its annual Census of Occupational Fatal Injuries (COFI), the BLS identifies six major categories of events which result in workplace deaths:

- transportation incidents
- violence
- contact with objects and equipment
- falls, slips, and trips
- exposure to harmful substances and environments
- fires and explosions.

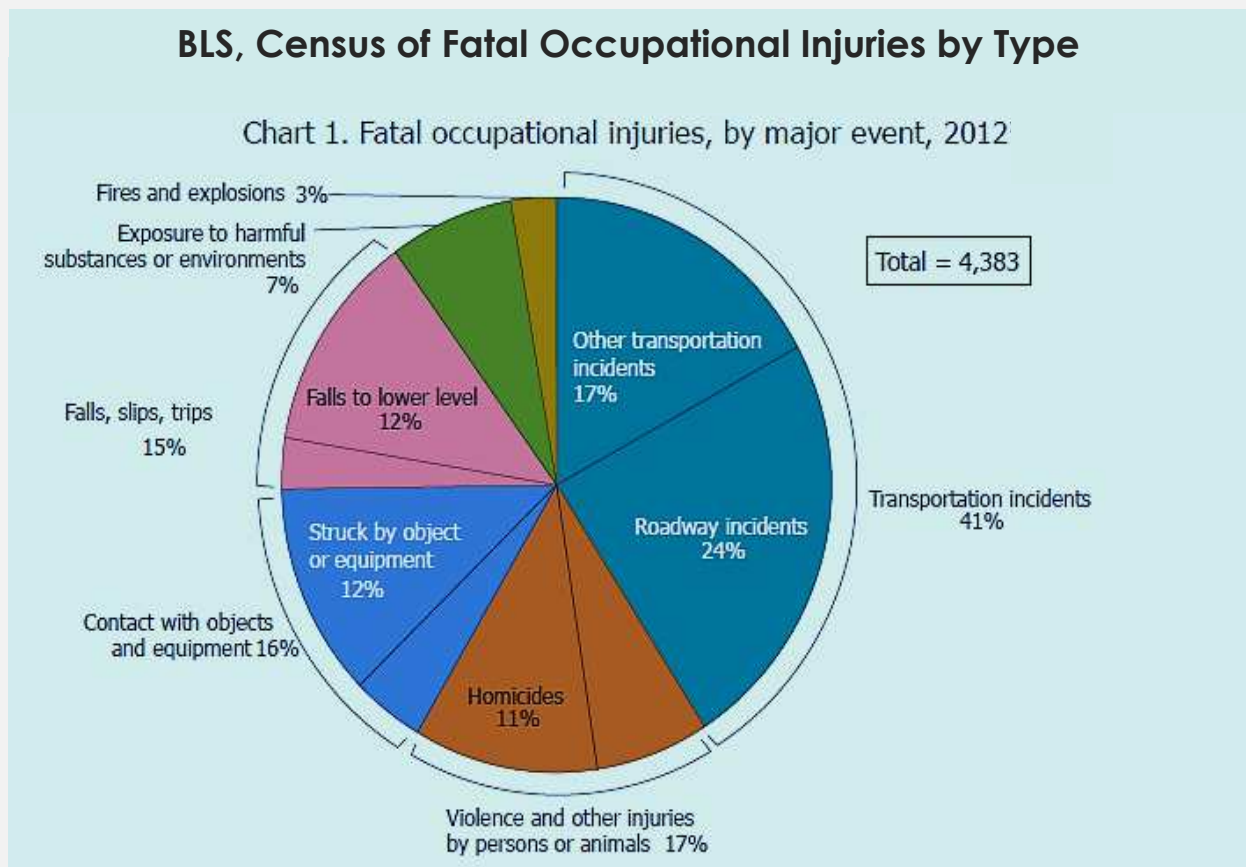


Chart from Bureau of Labor Statistics, Census of Fatal Occupational Injuries, August 2013



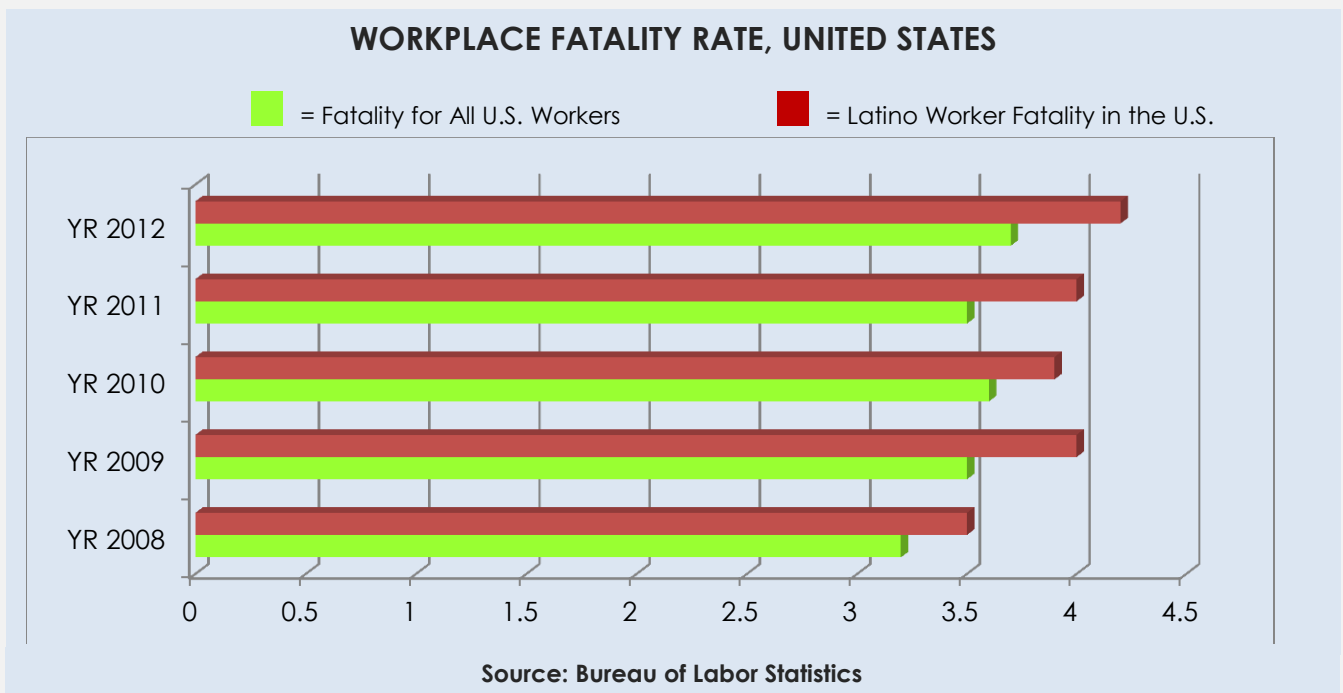
For each and every one of these categories, proven engineering controls, safety procedures and training protocols are available that can reduce exposure to hazardous conditions and lower the risk of illness, injury and death.

<b>Workplace Hazard</b>	<b>Proven Approaches to Prevention</b>
<b>Transportation incidents</b>	<ul style="list-style-type: none"> <li>■ Incorporate safety devices on highway and construction equipment.</li> <li>■ Provide adequate staffing and barriers separating vehicles from workers on highways and other roadways</li> </ul> <p>See additional information : <a href="http://www.cdc.gov/niosh/topics/motorvehicle/">www.cdc.gov/niosh/topics/motorvehicle/</a></p>
<b>Contact with objects and equipment</b>	<ul style="list-style-type: none"> <li>■ Many incidents are caused by outdated equipment. Machine guarding and safety devices need to be modernized to take advantage of current, safer technologies which incorporate fail-safe systems that protect workers from contact with moving parts.</li> <li>■ Management safety systems need to incorporate the latest concepts of hierarchy of control: First eliminating hazards where possible; then substituting safer equipment or practices; then engineering controls; then administrative controls; and use of personal protective gear as a final resort.</li> <li>■ Management systems that discourage worker reporting of injuries, illnesses or close calls must be stopped, since these programs drive health and safety issues underground with less opportunity to correct problems and prevent future disasters.</li> </ul> <p>See additional information: <a href="http://www.osha.gov/SLTC/machineguarding/">www.osha.gov/SLTC/machineguarding/</a></p>
<b>Falls to a lower level</b>	<ul style="list-style-type: none"> <li>■ Identify all high-risk jobs involving working at heights. Management must provide adequate protection, including guarded work platforms, harnesses and other fall arrest equipment.</li> <li>■ Fall prevention programs at all affected workplaces, with training and auditing to assure compliance.</li> </ul> <p>See additional information: <a href="http://stopconstructionfalls.com/">http://stopconstructionfalls.com/</a></p>
<b>Workplace Violence</b>	<ul style="list-style-type: none"> <li>■ Workplace Violence Prevention Program required in every worksite, including written protocols, training and protections to safeguard against, prepare for and reduce the risk of workplace violence.</li> <li>■ Specific measures include adequate staffing levels and protective safe barriers.</li> </ul> <p>See additional information: <a href="http://www.osha.gov/SLTC/workplaceviolence/">www.osha.gov/SLTC/workplaceviolence/</a></p>
<b>Exposure to harmful substances and environments</b>	<ul style="list-style-type: none"> <li>■ Heat exposure, a major risk in agriculture and other environments, can be significantly reduced with cooling spaces, required rest breaks, access to fluids, education and acclimatization.</li> <li>■ Chemical exposures must be controlled to the lowest possible levels. Significant reduction from current levels of exposure is feasible in many workplaces, as is substitution of safer materials for known hazardous substances.</li> </ul> <p>See additional information: <a href="http://www.osha.gov/dsg/safer_chemicals/index.html">www.osha.gov/dsg/safer_chemicals/index.html</a></p>
<b>Fires and explosions</b>	<ul style="list-style-type: none"> <li>■ Use of available, feasible technologies to control or eliminate combustible dust.</li> <li>■ Renewed emphasis to assure that all fire protection codes are in place, including NFPA Life Safety Code.</li> <li>■ Firefighting planning needs to include reduction of risk to firefighters.</li> </ul> <p>See additional information : <a href="http://www.osha.gov/dts/shib/shib073105.html">www.osha.gov/dts/shib/shib073105.html</a></p>

Given the present state of information about effective health and safety practices, the problem is not that we don't know how to make workplaces safer. The problem is that employers are not meeting their responsibilities to provide these protections, government is not able to enforce requirements and workers are not always empowered to demand implementation of programs. The failure to implement proven safe workplace practices have less to do with cost, feasibility or the availability of proper equipment and more to do with an imbalance of power in the workplace.

The U.S. Occupational Safety and Health Administration (OSHA) has just 2,200 inspectors available to enforce safety regulations in more than eight million workplaces, covering more than 130 million workers. That translates into just one inspector for every 59,000 workers.<sup>3</sup> The tragic numbers related to this report speak to the need for major changes in how workplace health and safety is viewed in the United States. These changes include:

- Employers need to implement programs to meet their legal and moral responsibility to maintain healthy, safe workplaces for all workers.
- Workers need to organize in new and creative ways to challenge workplace and cultural norms that treat dangerous workplaces as acceptable.
- OSHA and other agencies responsible for enforcing workplace health and safety need to be vigilant and strong to send a message that unsafe working conditions will not be tolerated and high penalties will be levied when companies are out of compliance.



<sup>3</sup> Commonly Used Statistics, U.S. Occupational Safety and Health Administration

Since creating safer workplaces is closely related to the issue of power in the workplace, it is not surprising that groups of workers with the least power – immigrants, Latinos, temporary and young workers – are often most at risk for workplace illness and injury.

For example, for each of the past five years, the on-the-job fatality rate for Latino workers has been significantly higher than for U.S. workers as a whole. Efforts to address the hazards that result in Latinos experiencing high risks in the workplace and high fatality rates on the job have not been successful.

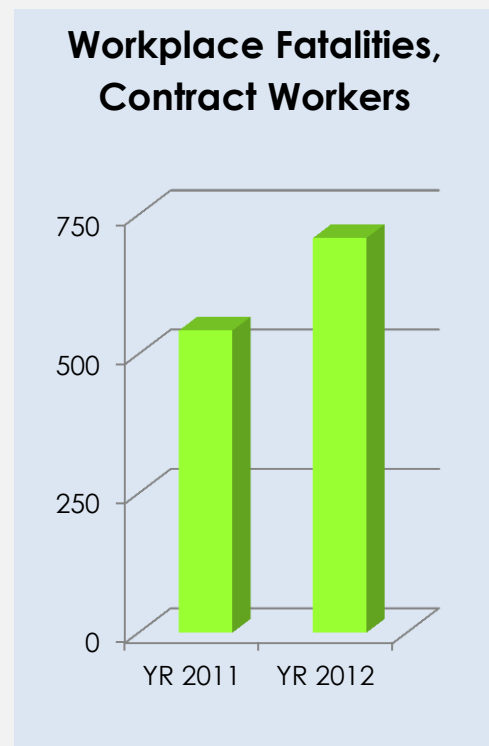
In total, Hispanic workers suffered 708 fatal work injuries in the United States, based on preliminary 2012 data. Of these, 64 percent, or 454 workers, were foreign-born. Foreign-born workers from all countries suffered 777 workplace fatalities in 2012, representing 16 percent of all U.S. fatalities.

In addition, reports the BLS, the absolute number of fatal work injuries in 2012 was higher than in 2011 “among non-Hispanic black or African-American workers and non-Hispanic Asian workers.”<sup>4</sup>

Workers employed by contractors are also often a vulnerable group, since responsibility for their working conditions is frequently delegated from one company to another in a fashion that allows both employers to avoid responsibility in case anything goes wrong.

In 2011, the Bureau of Labor Statistics began tracking contractor status as part of its annual Census of Fatal Occupational Industries (CFOI). The agency defines a contractor as “a worker employed by one firm but working at the behest of another firm that exercises overall responsibility for the operations at the site where the decedent was fatally injured.”<sup>5</sup>

In 2012, BLS reports, 708 workers employed as contractors died on the job, compared to 542 deaths in 2011. This represents a 31 percent increase in just one year. The leading cause of death for contract workers in 2012, according to preliminary data, was falls to a lower level.



<sup>4</sup> “National Census of Fatal Occupational Injuries in 2012, Preliminary Results,” U.S. Bureau of Labor Statistics, Aug. 22, 2013.

<sup>5</sup> *ibid.*

Young workers, according to the National Institute of Occupational Safety and Health (NIOSH), also face a high rate of occupational injuries. Possible reasons include the high frequency of hazards present in restaurant environments, where many young people work.<sup>6</sup> Fourteen of the 19 workers under the age of 16 who died at work in 2012 were employed as agricultural workers. The overall rate of fatal injuries for **workers under the age of 16 nearly doubled in a year's time, from 10 deaths in 2011 to 19 in 2012.**

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<sup>6</sup> "Young Worker Safety and Health," National Institute for Occupational Safety and Health

# CASE STUDIES

## DEATH ON THE JOB

### 2013-2014

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**Ronald Smith**, Warehouse Worker  
**Ana Maria Barrera-Bogarin**, Farm Worker  
**Sarah Jones**, Cinematographer  
**Teresa Pickard**, Auto Worker  
**Gail Sandidge**, Nurse  
**Ryan Provancher**, Oil Field Worker  
**Cesar Augusto Valenzuela**, Airport Baggage Handler

# CASE STUDY 1

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## **Ronald Smith** **Warehouse Worker, New Jersey** **57-Year Old Grandfather at Amazon Warehouse** **“Caught in between and crushed by equipment”** **-OSHA report on the death of Ronald Smith**

Ronald Smith, a 57-year old father of four with seven grandchildren, was killed on December 4, 2013 at a warehouse owned by online retailer Amazon in Avenel, New Jersey, about 20 miles west of Manhattan.<sup>7</sup>

Smith was “caught in between and crushed by equipment,” according to the U.S. Occupational Safety and Health Administration (OSHA), which began an investigation of the incident in December.

Information is not available on how long Smith worked at the Amazon facility prior to his death. He was not an Amazon employee, but a contract employee for a temporary firm called Abacus. The facility is operated for Amazon by yet another third-party, logistics firm Genco.

Large companies such as Amazon, which has \$60 billion a year in retail sales, frequently utilize temporary and contract employees to reduce costs and liabilities associated with full-time staff, including health insurance, retirement pay and workers' compensation.

Just a few weeks after Ronald Smith died in New Jersey, ProPublica, an independent investigative news organization, released “Temporary Work, Lasting Harm,” a study on safety hazards faced by temporary workers.<sup>8</sup> Analyzing workers compensation records in five states, ProPublica found the risk of on-the-job injury significantly higher for temporary workers than for permanent employees:

- A 36 percent higher likelihood of injury for temp workers in Massachusetts
- 50 percent higher in California and Florida
- 66 percent higher in Oregon
- 72 percent higher in Minnesota

The Bureau of Labor Statistics began collecting data in 2012 on contract workers as part of its annual Census of Fatal Occupational Injuries. A contractor is defined, according to the agency, “as a worker employed by one firm but working at the behest of another firm.”

In 2012, 708 contract workers died on the job in the United States, according to BLS, representing 16 percent of total workplace fatalities.



Roland Smith, a 57-year old grandfather, was crushed to death at a New Jersey Amazon warehouse in December, 2013.

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<sup>7</sup> “Worker Killed at One of Amazon’s New Jersey Warehouses,” *All Things D*, Dec. 17, 2013

<sup>8</sup> “Temporary Work, Lasting Harm,” *ProPublica*, Dec. 18, 2013

In 2013, responding to “reports of temporary workers suffering fatal injuries during the first days on a job,” OSHA began a new initiative to address proper responsibility among temporary agencies and host employers for training, monitoring and recordkeeping of safety conditions for temporary workers.

The initiative has resulted in “a correlated rise in inspections that examine how host employers treat temporary workers, especially with regard to training,” according to Arent Fox, a law firm representing employers in OSHA proceedings.<sup>9</sup>

The death of a worker in an Amazon warehouse sheds new light on previous complaints about the treatment of workers at the retail giant.

According to a detailed investigation of working conditions at two Breinigsville, Pennsylvania warehouses published in 2011 in the *Allentown Morning Call*<sup>10</sup>, the company typically operates with a large contingent of temporary workers. Temps are incentivized to work as hard as possible to qualify for a chance at a permanent position. One temporary worker told the newspaper that the possibility of permanent jobs was discussed “on a semi-daily basis”:

“They really dangled it and made it seem like this wonderful possibility if we just worked harder ... especially when there were a bunch of new hires hungry for a new job.”

During a six-month stint at Amazon, this temporary worker did not see a single one of her co-workers converted to full-time employment.

*The Allentown Call* investigation revealed a number of safety concerns at the Amazon warehouses, including long periods of work without adequate break time and requiring workers to stay on the job in extreme heat without proper ventilation.

In June of 2011, with a heat index as high as 114 degrees inside the three-story warehouse, Amazon declined to open the warehouse doors to improve air flow due to concerns about theft, according to an employee interviewed by the newspaper.

The extreme heat prompted an Amazon worker to file a complaint with OSHA. The worker stated that employees received disciplinary points – which could lead to discharge – if they left work early due to heat symptoms.

“I just believe that it is gross negligence for a company of this capacity to abuse and enslave their workers,” the worker told OSHA.

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<sup>9</sup> “United States: OSHA Inspectors Focusing On Hazards To Temporary Workers: How Employers Can Prepare,” *mondaq.com*, Feb. 17, 2014

<sup>10</sup> “Inside Amazon's Warehouse, Lehigh Valley workers tell of brutal heat, dizzying pace at online retailer,” *Allentown Morning Call*, Sept 18, 2011.

During the summer heat wave, more than a dozen workers were taken to area hospitals for symptoms of heat exposure, including dizziness, fainting and exhaustion. Amazon, the newspaper reported, “paid Cetronia Ambulance Corps to have ambulances and paramedics stationed at its two adjacent warehouses during five days of excessive heat in June and July.”

On June 10 2011, according to documents obtained by *The Allentown Call*, an emergency room doctor from Lehigh Valley Hospital called OSHA to report “an unsafe environment with a[n] Amazon facility in Fogelsville... Several patients have come in the last couple days with heat-related injuries.”

Amazon's treatment of temporary workers has also been the subject of investigation in Germany. ARD, a German public television network, aired a documentary in February of 2014 reporting that workers from Spain and Eastern Europe, recruited by a contracting firm to staff Amazon's German warehouses, had been subject to surveillance and harassment -- including searches of their dormitory rooms by security guards wearing black boots and Neo-Nazi style uniforms.<sup>11</sup>

Amazon cancelled the contract with the security firm after the documentary was aired.

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<sup>11</sup> “Amazon Under Fire Over Alleged Worker Abuse in Germany,” Bloomberg Business Week, Feb. 19, 2013



## CASE STUDY 2

**Ana Maria Barrera-Bogarin**

**Farm Worker, Arizona**

***“If She Hadn’t Pulled Me Away,  
I Would Have Been the One.”***

**- Hohana N.**

Ana Maria Barrera-Bogarin, aged either 60 or 61, had been working on a lettuce farm in Somerton, Arizona for just two weeks when she went to work on November 26, 2013. She never returned.

Barrera-Bogarin was fatally struck by a farm vehicle while walking to her break area. She died, according to the Yuma County Sheriff's office, after pushing a co-worker out of the way of an oncoming tractor.



*"I keep thinking if she hadn't pulled me away, I would've been the one to die." Hohana N., describing the fatal incident that killed her co-worker, Ana Maria Barrera-Bogarin.*

Barrera-Bogarin and a witness were walking to their break area and did not notice a tractor was backing up with a produce trailer. They attempted to beat the trailer, but were unable to and Barrera-Bogarin pushed the witness out of harm's way... Barrera-Bogarin was struck by the trailer, causing her to fall. She then was run over by the trailer.

Barrera-Bogarin, who lived in San Luis, Arizona, was taken to the Yuma Regional Medical Center, and pronounced dead on arrival.

Her co-worker, identified only as Hohana N., returned to work the next day. She appeared on KYMA-TV to describe her deceased co-worker as “an angel.”

“I keep thinking if she hadn’t pulled me away, I would’ve been the one to die,” Hohana said.<sup>12</sup>

Hohana and Barrera-Bogarin were both working for a California-based produce firm at the time of the tragedy. The company is not identified in news accounts of the incident.

No photographs are available of Barrera-Bogarin. In death as in life, she is among the often invisible seasonal and migrant workforce who pick fruits and vegetables for America's \$28 billion produce industry.

There are more than three million seasonal and migrant farm workers in the United States, according to the National Agricultural Worker Survey, conducted by JBS International for the U.S. Department of Labor. Seventy-two percent are foreign born, with 68 percent coming from

<sup>12</sup> “Witness speaks out.” KYMA-TV, Nov. 27, 2013

Mexico. One-third are U.S. citizens, and nearly half are working in the United States without legal authorization.

Farming, ranching and agricultural management are among the ten most dangerous occupations in the United States, according to the U.S. Bureau of Labor Statistics (BLS), with a fatality rate of 21.3 deaths per 100,000 workers in 2012. The fatality rate for all U.S. workers, reports the BLS, is 3.2 deaths per 100,000 workers.

In 2012, reports the BLS, there were 204 deaths in the United States among workers engaged in crop production.

Heat stroke is a significant risk for crop workers. The U.S. Centers for Disease Control reports that 68 crop production workers died from exposure to environmental heat between 1992 and 2006, with a fatality rate from this condition that is 20 times greater than the rest of the U.S. workforce.

Despite the risks of working outdoors – often in summer months and at high temperatures – California is the only state in the U.S. that requires employers to provide water and shade breaks to crop workers. California and Minnesota are the only states that have specific standards covering occupational heat exposure.

## CASE STUDY 3

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### **Sarah Jones** **Cinematographer, Georgia**

***“Do not have a reason for another father to stand up here”***  
***-Richard Jones, father of Sarah***

Sarah Jones, a member of the International Cinematographers Guild (IATSE Local 600), worked as an intern on *The Army Wives*, an assistant camerawoman on *The Vampire Diaries*, and as a cinematographer on *The Republic of Pete*.

She will never receive another production credit. Just 27 years old, Jones was killed by an oncoming train on a movie set outside of Doortown, Georgia. She was working on the camera crew for *Midnight Rider*, a biographical film about rock singer Gregg Allman, starring William Hurt. Randall Miller is the director of the film; his production company, Unclaimed Freight, was managing the project.

Jones was killed and other crew members were injured while shooting a dream sequence on a train trestle crossing the Altamaha River in rural Wayne County. A metal frame bed and other scenery were in place when a CSX freight train came hurtling down the track at 60 miles an hour. The cast and crew had just 60 seconds to move scenery, cameras, equipment – and themselves – out of danger.

It was not enough time.

*The Hollywood Reporter* published a detailed account of the February 20 tragedy. It includes this description of the fatal event, as related by hairstylist Joyce Gilliard, who barely survived:

Jones had tried to find shelter on the gangplank. But when the train hit the bed and mattress, it sent debris flying. Something may have hit Jones, possibly propelling her into the train's path. In the melee, Miller also fell on the tracks. A still photographer nearby managed to pull him away just in time. He was sobbing, Gilliard says, trying to cope with the disaster. Hurt also survived unscathed. The traumatized crew helped collect Jones' body.



Cinematographer Sarah Jones, who died on a film set in Georgia at the age of 27.

The Georgia Bureau of Investigation, says *The Hollywood Reporter*, is “treating the investigation into Jones’ death as a negligent homicide.” Federal OSHA and the National Transportation Board also have investigations underway.

A CSX employee told Sgt. Ben Robertson of the Wayne County Sheriff’s office that the production company had asked for permission to shoot on the train tracks – and had been denied. But a member of the crew, says *The Hollywood Reporter*, “when asked whether permission was granted, replied, ‘It’s complicated.’”

“It’s not complicated,” retorted Lee Danielson, who was a friend of Sarah Jones and an official of IATSE in Georgia. “You either have permission or you don’t.”

In the aftermath of the incident crew members also noted that no railroad personnel were present on the set, although a film shoot on a train track would typically involve a number of safety personnel from the railroad. According to Joyce Gilliard, there was no safety meeting of any kind on the set on February 20<sup>th</sup>.

Jones worked with many industry veterans during her short career, and is remembered with great affection by friends and colleagues. Given the prominence of the film industry, her death is probably one of the most widely-reported industrial fatalities in recent years. She was recognized during the Oscar telecast, and hundreds marched to remember her in Atlanta and in Los Angeles.

Richard Jones, Sarah’s father, encouraged mourners to advocate for safety on film sets following a candlelight march in Los Angeles on March 7<sup>th</sup>. “Thank you for this beautiful tribute,” he said. “Do not have a reason for another father to stand up here. No one’s daughter and no one’s son should ever die again making a film. Never.”<sup>13</sup>

“No workers should ever be afraid of speaking up or refusing to participate when they feel they are in an unsafe situation,” said IATSE Vice President Mike Miller, who also spoke at the event.

Jones’ death, the *New York Times* reports, has raised questions about whether the film industry – in particular low-budget and independent productions – is taking proper safety precautions.

A frequent safety complaint among film crews working on both studio and independent productions centers on a common practice of demanding long work days of fourteen or more hours. The filmmaker Haskell Wexler described the hazards of long days in his 2006 documentary *Who Needs Sleep?* Among other things, he recounted how lack of sleep led to the driving death of an assistant camera operator in 1997.

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<sup>13</sup>“‘Midnight Rider’ Accident: More Than 500 Gather for Candlelight Walk and Memorial for Sarah Jones,” *The Hollywood Reporter*, March 7, 2014.

According to the Bureau of Labor Statistics, seven workers died in the motion picture and sound recording industries in 2012.

# CASE STUDY 4

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**Teresa Pickard**  
**Autoworker, Georgia**

***“The list of workers injured at Sewon is as gruesome as it is long”***  
***-Atlanta Journal Constitution***

Teresa Pickard, 42, went to work on the welding line at Sewon America, an auto parts plant in LaGrange, Georgia at 6:30 am on Wednesday, May 29<sup>th</sup>, 2013.

She never came home.

Pickard complained of chest pains. An ambulance was summoned to the plant about two hours after her shift started, and she died either on the way to the hospital or shortly after arriving there.

Pickard leaves behind two daughters, Shundrick and Shaquitt, and her husband Jeffrey.

Sewon America, located about 70 miles southwest of Atlanta, and a dozen other plants supply a Kia automobile assembly plant in West Point, Georgia, which opened in 2009. Together, the suppliers account for more than 14,000 manufacturing jobs.

Ten days after Pickard's death, Sewon America released a statement claiming that “a thorough investigation and preliminary findings from the appropriate sources indicate that her death was not work related.”<sup>14</sup> An autopsy by the Georgia Bureau of Investigation, released five months later, states that Pickard died of natural causes – a heart attack caused by high blood pressure.<sup>15</sup>

Immediately following the incident, however, workers from the plant complained anonymously to U.S. OSHA about excessive heat inside the facility. The agency opened an investigation, which is still ongoing.

On June 29, one month after Pickard died, about 50 workers and supporters held a demonstration outside the plant to protest reports of extreme heat, lack of access to water, and other unsafe conditions.<sup>16</sup>



Teresa Pickard died after complaining of chest pains at the Sewon America auto parts plant in LaGrange, Georgia

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<sup>14</sup> “[LPD, OSHA investigating Sewon employee's death](#),” *LaGrange Daily News*, June 15<sup>th</sup>-26<sup>th</sup>, 2013.

<sup>15</sup> “[LaGrange worker death attributed to natural causes](#),” *Atlanta Journal-Constitution*, Sept. 3, 2013

<sup>16</sup> “[Sewon America protesters call for safer working conditions](#),” *LaGrange Daily News*, July 1 2013

Following news of Pickard's death and reports of complaints from employees inside the plant, the *Atlanta Journal-Constitution* undertook a detailed investigation of Sewon America's safety record.<sup>17</sup>

Among the newspaper's findings:

The list of workers injured at Sewon is as gruesome as it is long. Arms and legs lacerated by steel parts. Fingers crushed by machines and pallets. Eyeballs sunburned by welding rays. A scrotum punctured by a "sharp object."

[F]ew manufacturing plants in Georgia, and none in the state's burgeoning auto industry, have been inspected, cited and fined as often as Sewon by the federal Occupational Safety and Health Administration (OSHA).

From the time the plant opened through the end of last year, ambulance drivers responded to 23 "trauma" calls — cuts, falls, head injuries, fist fights, arms crushed or stuck in machines — at Sewon.

Sewon has been inspected nine times [by US OSHA] and cited for 18 violations. Two of the violations, for welding flash burns and insufficient protective gear, were "willful," or committed by Sewon "with plain indifference to, or intentional disregard for, employees' safety and health," according to OSHA. The feds also cited the company for numerous "serious violations" in which a substantial probability exists for death or serious injury.

"For a single facility at the same location performing the same type of work, that is unusual compared to other establishments," acting OSHA deputy regional administrator Ben Ross told the *Journal-Constitution*. "It doesn't take a rocket scientist to see that employees are still unhappy with working conditions and still filing complaints."

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<sup>17</sup> ["Workers exposed to safety hazards at LaGrange auto parts factory," Atlanta Journal Constitution, Oct. 5, 2013](#)

## CASE STUDY 5

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**Gail Sandidge**  
**Nurse, Texas**

***“We are one of the most dangerous professions”***

***-Elizabeth Mizerek, Nurses Association***

Gail Sandidge spent her career as a nurse, caring for and protecting her patients at Good Shepherd Medical Center in Longview, Texas. Two days before Thanksgiving last year, she found herself protecting them from a knife-wielding assailant. A stab to the chest ended her life.

The 57-year-old RN was one of two fatalities in the stabbing spree: 82-year-old Harris Teel, a visitor to the hospital, also died. Three others were injured.

The accused assailant, 22-year-old Kyron Templeton, was in the hospital as his mother waited for surgery. He became distraught and, according to witnesses interviewed by local television, ran through the hospital with a hunting knife, saying “You’re not going to kill my mama.”<sup>18</sup>



Gail Sandidge was stabbed to death at Good Shepherd Medical Center in Longview, Texas, while trying to protect her patients.

Workplace violence accounted for 17 percent of all fatal work injuries in 2012, according to the U.S. Bureau of Labor Statistics. And health care workers face particular challenges. Over a hundred people in the health care and social assistance fields died in 2012 due to “violence and other injuries by persons or animals.”

“We are one of the most dangerous professions,” Elizabeth Mizerek of the Emergency Nurses Association told Nurse.com after recent assaults on nurses in New York.<sup>19</sup>

In a 2011 survey, the American Nurses Association found that 11% of nurses reported being physically assaulted in the previous year. More than half said they had been threatened or verbally abused.<sup>20</sup>

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<sup>18</sup> “Family who witnessed stabbing in Longview Hospital Tells What They Saw,” KLTU, Nov. 26, 2013

<sup>19</sup> “Recent assaults on N.Y. nurses bring healthcare violence back to forefront,” Nurse.com, April 7, 2014

<sup>20</sup> 2011 ANA Health & Safety Survey, American Nurses Association



The American Nurses Association has identified several steps that can be taken to reduce the dangers of workplace violence: environmental solutions, including metal detectors and controlled access doors; work practices, including identifying high-risk patients; and training, such as providing workers with tools for diffusing violent situations.<sup>21</sup>

In California, a coalition of nurses and other health care workers are petitioning California OSHA to create and enforce a “**Healthcare Provider Workplace Violence Prevention Standard.**”<sup>22</sup> The standard would require security inspections of health care facilities, training for health care workers, and detailed analysis of violent incidents.

“Violence doesn’t happen because workers fail to do their jobs or because people act out,” writes Richard Negri, Health and Safety Director of SEIU Local 121RN, a union representing nurses and health care workers across California. Local 121RN has been actively campaigning for the California violence prevention standard. “People get hurt because safeguards haven’t been put into place by management to prevent violence from occurring in the first place.”

At a memorial for Gail Sandidge, she was remembered by colleagues, friends, her children and grandchildren, as a consummate caregiver. “She wanted to be a nurse ever since she was seven years of age,” recalled Debbie Pritchett, Sandidge’s younger sister.<sup>23</sup>

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<sup>21</sup> “Preventing Workplace Violence,” American Nurses Association

<sup>22</sup> California Safe Care Standard, [SafeCareStandard.org](http://SafeCareStandard.org)

<sup>23</sup> “Good Shepherd stabbing victim leaves loving legacy of nurturing,” *Longview News Journal*, Nov. 27, 2013

# CASE STUDY 6

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## **Ryan Provancher** **Oil Field Worker, North Dakota** **A broken pipe, a cloud of hydrogen sulfide** **and a death from toxic exposure**

Ryan Provancher, just 25 years old, had already worked in the booming oil fields of North Dakota for seven years when he reported to his job as a roustabout foreman for Driven Services on October 9<sup>th</sup>.

He and a co-worker, Eric Williams, were replacing pipes at an oil pumping location near Kildeer in Dunn County, North Dakota. One of the pipes burst, releasing a cloud of hydrogen sulfide, a highly toxic colorless gas which carries a distinctive "rotten egg" odor.<sup>24</sup>

High concentrations of the gas, according to an OSHA fact sheet, "can cause shock, convulsions, inability to breathe, extremely rapid unconsciousness, coma and death. Effects can occur within a few breaths, and possibly a single breath."<sup>25</sup>

Williams, who himself was hit with a heavy dose of the gas, ran from the building, but returned when he saw that Provancher was still inside and dragged him out of the building. Williams attempted CPR on his co-worker until an ambulance arrived.

Provancher was taken by ambulance to St. Joseph's Hospital in Dickinson, North Dakota. He died two days later, on October 11<sup>th</sup>.

The incident is under investigation by OSHA, although the agency was unable to send an investigator to the scene until nearly a week after it took place. A government shutdown was in effect at the time, and a federal worker had to be called back from furlough to carry out an inspection.<sup>26</sup>



Ryan Provancher: At age 25, he was already a 7-year veteran of the North Dakota oil fields.

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<sup>24</sup> "Man in oilfield accident exposed to hazardous gas," *Bismarck Tribune*, Oct. 16, 2013

<sup>25</sup> *OSHA Fact Sheet: Hydrogen Sulfide*, U.S. Occupational Safety and Health Administration, 2005

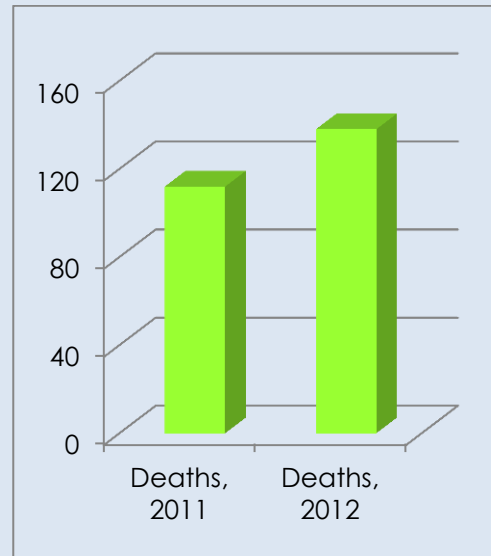
<sup>26</sup> "Man exposed to hydrogen sulfide in fatal oilfield accident OSHA representative didn't visit site for nearly a week," *Dickinson Press*, Oct. 17, 2013

Oil and gas extraction has become the most dangerous industry in America, according to 2012 data from the U.S Bureau of Labor Statistics. **Deaths in the industry jumped by 23 percent in 2012, to 138 deaths from 112 in 2011.**<sup>27</sup> The 2012 figure is the highest number of deaths recorded in oil and gas extraction since BLS began the current Census of Fatal Occupational Injuries in 2003. The figure is based on preliminary data and is likely to become higher when final figures are released.

The oil and gas extraction industry now has a fatality rate of 24.2 deaths for every 100,000 full-time workers – higher than any other industry. The overall rate of fatalities in the United States is 3.2 deaths per 100,000 workers.

Provancher, who is survived by his parents, grandparents, two brothers, two sisters and a girlfriend, was cremated in Dickinson on October 15, 2012.

## Fatalities in the U.S. Oil and Gas Industry



Source: US Bureau of Labor Statistics

<sup>27</sup> ["National Census of Fatal Occupational Injuries in 2012, Preliminary Results."](#) U.S. Bureau of Labor Statistics, Aug. 22, 2013

# CASE STUDY 7

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## **Cesar Augusto Valenzuela Airport Baggage Handler, Los Angeles A strike over safety in 2012, a death on the job in 2014**

In the pre-dawn hours of February 21<sup>st</sup> 2014, Cesar Augusto Valenzuela, 51, was driving a luggage cart on a service road at Los Angeles International Airport, commonly known as LAX.

What happened next is still unclear, but Valenzuela was apparently thrown from the cart he was driving and struck by another vehicle. He did not survive the collision.

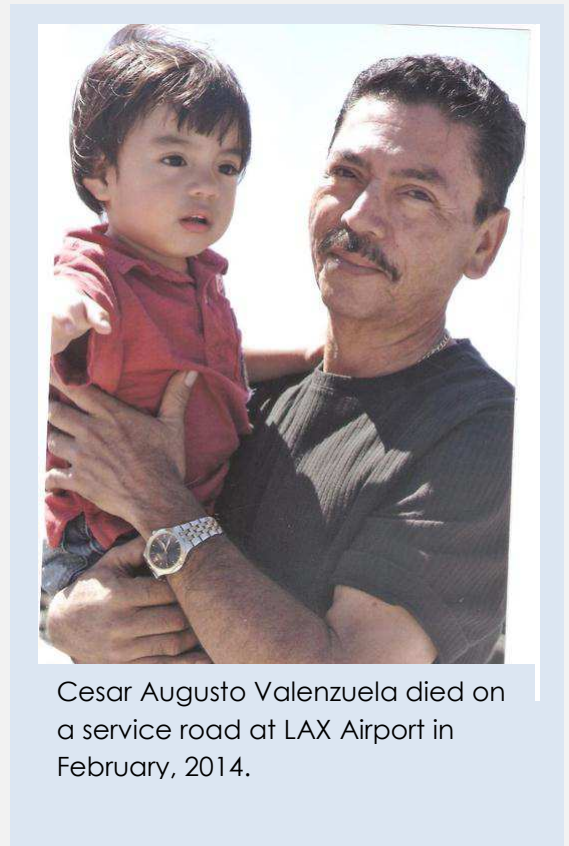
The circumstances surrounding Valenzuela's death are under investigation by California OSHA. Family members, friends and co-workers held a vigil in Valenzuela's honor on February 25<sup>th</sup>.<sup>28</sup>

His widow, Ulvita Ramirez told KCAL-TV that her husband had been in good health at the time of the incident. But after 17 years as an airport worker, she said, Valenzuela had grown concerned about safety conditions on the job.

Valenzuela worked for Menzies Aviation USA Inc., a company that contracts baggage handling and other services to major airlines. In 2013, Menzies was fined nearly \$95,000 by Cal/OSHA for serious safety violations, including failure to meet standards for operation of power vehicles.<sup>29</sup>

Workers at the company have been advocating for safer working conditions for several years. More than 100 workers went on strike in 2012 due to "concerns about the serious health and safety risks they faced on the job," reports United Service Workers West, a division of the Service Employees International Union (SEIU).<sup>30</sup>

Valenzuela's death was not the first fatality at Menzies Aviation's LAX operations. In 2006, a worker was killed at the airport after being struck by a warehouse transport vehicle.



Cesar Augusto Valenzuela died on a service road at LAX Airport in February, 2014.

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<sup>28</sup> "Family, Friends Gather To Honor LAX Worker Who Died After Falling From Luggage Tug," KCAL-TV, February 25, 2014

<sup>29</sup> "Cal/OSHA Issues Citations Resulting in Fines of \$94,550 against Airline Contractor Menzies Aviation, Says SEIU United Service Workers West," SEIU United Service Workers West, June 20, 2013

<sup>30</sup> Ibid.

Following this most recent incident, California legislators called for an investigation into safety conditions in the airline industry. "This is a horrible tragedy and we must find out if this could have been prevented," said state Sen. Ted Lieu, whose district includes LAX. "But we need to have hearings on airports statewide to see if there is a systematic problem."<sup>31</sup>

"Course Correction," a study published in November 2013 by the University of California, Berkeley Center for Labor Research found that a decades-long trend of outsourcing airline industry jobs to third-party contractors -- such as Menzies Aviation -- has caused a steady erosion in wages and working standards for airport workers. According to the report's executive summary:

The transformation of self-sustaining middle-class airline careers to low-wage outsourced jobs not only hurts workers and their communities, but also may negatively affect the safety, security, and efficiency of airports.

Workers rallied at LAX on March 6, protesting "lax enforcement of safety standards" by airport contractors, reported EFE, the Spanish language news agency.<sup>32</sup>

Transportation incidents, such as the event that claimed the life of Cesar Valenzuela, accounted for 41 percent of all workplace deaths in 2012, the most recent year for which data is available.<sup>33</sup>

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<sup>31</sup> "Legislators want hearings into worker safety at California airports," *Los Angeles Times*, March 14 2014

<sup>32</sup> "Trabajador hispano muerto en aeropuerto de Los Ángeles recibe homenaje," *El Nuevo Herald*, March 9, 2014

<sup>33</sup> "National Census of Fatal Occupational Injuries in 2012, Preliminary Results," U.S. Bureau of Labor Statistics, Aug. 22, 2013.

# THE SILENT KILLER

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## Limits on Silica Dust Can Prevent 688 Deaths per Year Hispanic, Immigrant Workers at High Risk

***“Instead of getting a better life, I came to give mine away”***  
**-Jose Granado, Construction Worker**

In March 2014, a panel of seven immigrant workers came from New Jersey, Pennsylvania, Texas and Wisconsin to testify before the U.S. Occupational Safety and Health Administration (OSHA).

The topic was a proposed rule to limit worker exposure to silica dust. The workers spoke in Spanish, while an interpreter translated their testimony to an administrative law judge. It was, according to OSHA officials, the first time since the agency's founding in 1971 that workers had given testimony on a proposed safety standard in a language other than English.

“We are exposed to the poison,” said **José Granado**, a construction worker from Houston who came to the United States from El Salvador 15 years ago.

“I came to the U.S. looking for a better life. However due to risky and unsafe work that I'm doing in the construction industry, it looks like instead of getting a better life, I came to give mine away.” Jose Granado, Construction Worker

Silica, a common mineral, is found in many construction materials, including asphalt, brick, cement, concrete, drywall, grout and many others.

Dust is produced when material containing silica is cut, shaped, blasted or moved. “Dust” sounds harmless, but silica dust is deadly. When a worker breathes in the dust, tiny particles lodge in his or her lungs. This impairs proper lung function and can lead to various diseases, including silicosis, lung cancer, pulmonary tuberculosis, airways diseases and autoimmune disorders.<sup>34</sup>

Many of these conditions can be fatal. OSHA projects that reducing worker exposure could save as many as 688 lives per year, including preventable cases of silicosis, lung cancer and end-stage renal disease.<sup>35</sup>

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<sup>34</sup> “Silica,” NIOSH Workplace Safety & Health Topics, U.S. Centers for Disease Control and Prevention

<sup>35</sup> [Opening Statement of Mr. William Perry](#), Occupational Safety and Health Administration, Public Hearing on the Proposed Rule for Occupational Exposure to Respirable Crystalline Silica, March 18, 2014

Hispanic, immigrant and temporary workers – who often have few options but to take dirty, dangerous jobs that lack proper safety protections – are among those who are most often exposed to this hazardous material.

In 1974, the National Institute for Occupational Safety and Health (NIOSH) recommended that exposure to silica dust be limited to 50 micrograms per cubic meter of air space.<sup>36</sup> Thirty years later, OSHA has proposed a workplace standard to put NIOSH's recommendation into effect. Other countries have more protective limits, including the provinces of British Columbia and Alberta in Canada, which limit worker exposure to 25 micrograms per cubic meter. The use of proper controls, such as wet cutting procedures, proper ventilation and adequate respiration equipment for workers, can greatly cut down on workplace exposure. During the OSHA hearings, workers and companies testified about workplaces already meeting the 50-microgram standard in a cost-effective and feasible manner.<sup>37</sup>

The hearings on the proposed standard, which took place during a three-week period in March and April, also featured testimony from scientists, industry lobbyists, trade associations and union representatives.

Thanks to the efforts of local Coalitions on Safety and Health (COSH) groups, public health advocates and independent workers centers, OSHA also heard testimony from immigrant workers who are directly exposed to silica and breathe in the dangerous dust on a daily basis. Construction and foundry workers came from Houston, Milwaukee, New Jersey and Philadelphia to testify at the hearings, with support from local organizations including:

- Fe y Justicia Workers' Center, Houston
- Voces de la Frontera in Milwaukee
- New Labor, New Jersey
- Philadelphia Area Project on Occupational Safety and Health (PHILAPOSH, Philadelphia).

“Vulnerable and temporary workers in all phases of construction are currently working in deplorable conditions related to silica,” said **Javier Garcia Hernandez**, a Philadelphia construction worker who is also a health and safety training consultant for PHILAPOSH. “We need to raise the bar and protect all workers from this hazard.”

**Jonas Mendoza**, a construction worker from New Jersey, said that proper equipment and training is not available on many construction jobs.

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<sup>36</sup> “NIOSH Highlights Silica Research at OSHA Public Hearing,” National Institute for Occupational Safety and Health, March 18, 2014

<sup>37</sup> “UAW panel to testify in DOL hearings on proposed standard for crystalline silica,” United Auto Workers, March 25, 2014

In the construction industry contractors do not provide the workers with the basics to do the job. In many instances if you ask for protective equipment they give you a mask from the 99 cents store to shut you up... All the contractors should be more considerate with their workers. There are feasible ways to control dust, to prevent contamination of the environment and without hurting the people that perform these jobs.

We are also exposed to dust and we have a high probability of getting lung related diseases as a result of inhaling hazardous dusts. We don't even know that is affecting us. Many times we do these jobs without any protection. We are exposed to hazards on demolition jobs in unsafe conditions, in places that are not cleaned, places where there is not even a place to wash your hands before eating. Places where everything is covered in dust.

**Santos Edilberto Alemendez, who** came to the United States from Honduras in 2007, described his experience manufacturing cabinets out of wood and granite at a small factory in Texas.

The process of cutting the granite was dry and this produced an excessive amount of dust generated by cutting and processing the granite. The dust filled the entire environment in the place. The company did not provide adequate protection for the workers and they did not provide dust masks to protect their employees. During the time I was at Craft Master I was inhaling granite dust most of the time. Regularly I wore a dust mask but this was not adequate to protect myself from such dust.

Following hearings on the proposed silica dust rule, OSHA will review public comments and then issue a proposed final regulation.

The hundreds of deaths each year from silicosis, lung disease and other illnesses related to silica exposure are just a small fraction of workplace-related deaths from long-term exposure to hazardous substances and unsafe work practices.

As noted above, a recent estimate by University of California, Davis economist J. Paul Leigh shows that more than 53,000 U.S. workers die each year from occupational illnesses caused by long-term exposure to workplace hazards.



# RECOMMENDATIONS FOR ACTIONS TO REDUCE WORKPLACE HAZARDS

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On Workers' Memorial Day, family members, co-workers, health professionals and safety activists gather to mourn for those who have lost their lives on the job – and to fight for those still living.

In light of the data presented here on the acute injuries and long-term exposures that take the lives of American workers, National COSH has identified the following recommendations which can help us better understand workplace hazards, provide better training for workers – especially among vulnerable populations – and improve enforcement of existing safety standards.

These are simple, practical steps that can reduce workplace hazards and lower the terrible toll of lives lost in American workplaces.

## 1. Employers should:

- **Establish Comprehensive Injury- Illness Prevention Programs** to promote the identification and control of workplace hazards.
- **Withdraw all programs that discourage the reporting of workplace injuries and illnesses** or other programs that shift employer responsibility for health and safety and blame workers.

## 2. Federal OSHA should:

- **Enact an Injury and Illness Prevention Standard**, which would require employers to identify hazards and develop systems to reduce these hazards.
- **Ensure that both staffing agencies and companies that employ temporary workers are held accountable** for providing safe and healthy working conditions.
- **Ensure that workers – regardless of their immigration status or language – know their rights on the job** and are adequately trained in a language that they understand. This includes ensuring that workers are informed about their rights during an OSHA inspection, verbally and in writing, in a language they understand.
- **Carefully monitor state OSHA programs** to ensure that they are effectively enforcing workers' rights to safe and healthy job conditions.
- **Consistently implement a policy that allows community and worker advocacy groups to file complaints**, which would help ensure that immigrant workers and family members can fully participate in the investigation process.

- **Ensure that Whistleblower Protections are Communicated to Workers.** That OSHA recognize that immigrant and low-wage workers are especially vulnerable to employer retaliation when reporting conditions, and that OSHA make efforts to communicate whistleblower protections to employees and employers.
- **Provide Public Access to National Fatality Data.** Each death on the job is a horrible tragedy, but one that is often preventable. One of the first steps in preventing future fatalities is to understand the causes and circumstances surrounding previous ones. But it is currently difficult to identify the names of workers who have died on the job and any details about their cases, including any investigative findings by US OSHA and/or state agencies.

There is no publicly available database that lists all the known cases of workplace fatalities with full information related to those cases. The annual Census of Fatal Occupational Injuries from the Bureau of Labor Statistics contains no identifying data; a running total maintained by OSHA – now at over 1,000 deaths in 2013 and 2014 – includes names of the deceased, but little other useful information.

OSHA should immediately start a program to compile a complete listing of all workplace fatality cases, with all relevant information on a publicly available website. At a minimum, this should include:

- Worker name (and age, if available)
- Date, city and state of incident
- OSHA Inspection number
- Any description available of the events related to the fatality
- Information must be posted within five working days when OSHA becomes aware of the workplace fatality

### 3. U.S. Congress should:

- **Strengthen and update OSHA.** Congress should adopt a broad set of reforms, such as those set out in the Protecting America's Workers Act, to address known weaknesses in the existing program.

Reform measures should include:

- Substantial additional resources for training and enforcement
  - An increase in maximum penalties for health and safety violations
  - Greater protection of victims' rights
  - Enhanced protection from retaliation for workers who speak out or who refuse unsafe work
- **Enact immigration reform.** Addressing the legal status of millions of immigrant workers is a key step toward securing their right to a healthy, safe workplace. This will also raise standards for all workers, since everyone is impacted when vulnerable groups are denied their rights and pressured to work in unsafe conditions.

Specifically, Congress should make sure that a comprehensive reform package includes strong on-going protections for immigrant workers who blow the whistle on workplace hazards to health and safety.

# LOCAL COSH GROUPS PROTECTING THE LIVES OF ALL WORKERS

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COSH organizations around the U.S. are committed to promoting worker health and safety through education, leadership development, and advocacy. COSH Groups are rooted in the belief that almost all work-related deaths and serious injuries and illnesses are preventable.

The principle that worker health and safety is a human right motivates COSH advocates to encourage workers to take action to protect their safety and health, promote protection from retaliation under job safety laws, and provide quality information and training about hazards on the job and workers' rights.

COSH groups across the country have spearheaded Workers' Memorial Week events and actions that build on the nationwide movement to create safer and healthier jobs. Below is an outline of just a few of the projects and actions led by specific COSH groups in local communities.

For information about a COSH group near you – or how to start one – please visit: [www.coshnetwork.org](http://www.coshnetwork.org).



## **Western New York COSH (WNYCOSH)**

The Western New York (WNY) Worker Center is a project of WNYCOSH, located in Buffalo, New York.

The WNY Worker Center has begun meeting with low-wage workers in the temp industry. One worker in particular, Henry, has faced major health and safety issues at work. Henry told his story of being placed into direct hazards, retaliation for speaking up at work, and having to pay large fees for safety equipment that the employer by law cannot charge for. He also described the temp agency's practice of mandating that workers drive themselves to a

diagnostic clinic for drug testing when they get injured on the job, delaying medical treatment of the worker.

The Worker Center convened a meeting with Henry and the Buffalo area OSHA enforcement officers, and they made commitments to make temp work a priority locally for their enforcement around health and safety. Initial steps included a communication to agencies and employers reminding them of their responsibility to treat temp workers fairly. OSHA will also assist in creating fact sheets advising temp workers of their rights, for distribution at temporary work agency sites.

The Worker Center has engaged in outreach to the Burmese community, the largest refugee population in WNY. The Worker Center legal committee and an organizer have attended monthly meetings at the WASH project, a community laundromat and community center on the west side of Buffalo that is run by a Burmese community leader. Workers from this community have been facing serious wage-theft and discrimination in the restaurant sector. A Department of Labor site investigation is underway.

## **Worksafe and the Southern California Coalition for Occupational Safety and Health (SoCalCOSH)**

Worksafe and SoCalCOSH are California-based COSH groups dedicated to empowering workers and advocates to strategize around creating safer and healthier workplaces. They advocate for protective worker health and safety laws and effective remedies for injured workers. In addition, WorkSafe and SoCalCOSH watchdog government agencies to ensure they enforce these laws, and engage in campaigns with unions, workers, community, environmental and legal organizations and scientists to eliminate hazards and toxic chemicals from the workplace.

Currently Worksafe and SoCalCOSH are working collaboratively on several key legislative campaigns:

- ➔ **California Assembly Bill (AB) 1634 (Skinner), requiring employers to immediately abate serious hazards** if cited by Cal/OSHA. This would strengthen current law, which allows companies to receive automatic “stays” to fix hazards if they file an appeal. Appeals can take years to go through the legal process.

Another version of the bill (AB 1165) passed the legislature but was vetoed by Governor Brown last summer. Soon after, two BART workers were killed while working under a “simple approval” system that failed to warn them of trains running on the tracks; another worker was killed in 2009 in a similar incident and BART was cited by Cal/OSHA for having an ineffective warning system. Four years later, the citations are still under appeal and BART also appealed the 2013 citations. Sadly, there is now a perfect example of why this legislation is urgently needed.

- ➔ **California AB 1847 (Hernandez), to protect temp workers from abuse.**

- **California Senate Bill (SB) 193 (Monning), to require chemical companies to disclose to state agencies where chemicals of concern are used in California.** When the occupational health unit of the California Department of Public Health (CDPH) has new health information about a potential harm from exposure to a toxic chemical, the agency would have the right to require chemical manufacturers and distributors to provide the agency with a list of downstream users. This would enable CDPH to provide health information to those downstream users, their employees and medical providers.
- **Supporting the efforts of unions and worker organization to pass new health and safety standards on specific hazards, including:**
  - Safe patient handling
  - New workplace violence standards
  - Protection from exposure to toxic chemo-therapeutic agents and sanitizers
  - Protection for hotel housekeepers from injuries due to heavy and awkward lifting
- **Advocating for the legislature and governor to provide increased funding and staffing** to Cal/OSHA and related worker health and safety programs. This will ensure that current laws are enforced and all workers are protected.

## **The Philadelphia Area Project on Occupational Safety and Health (PHILAPOSH)**

- PhilaPOSH provides **fall protection training for small residential construction workers.** PhilaPOSH reaches these workers through community organizations, OSHA referrals and general outreach. Falls, particularly in small residential construction, continue to be a major cause of death. PhilaPOSH trainings are offered in English, Spanish, Portuguese and other languages. To date, the organization has trained over 2,000 workers in this category and is also doing research on using interactive social media with fall protection messaging in Spanish and English for Latino construction workers.
- PhilaPOSH continues to do **outreach and training to temporary workers.** The organization is sharing the information they have collected from workers and at agencies to raise awareness about this growing group of vulnerable workers.
- PhilaPOSH is conducting **train-the-trainer programs for peer youth trainers** for the Youth Workplace Violence Training Program.
- PhilaPOSH advocates for **stronger protections and standards for building demolition** in Philadelphia. Representatives from the organization have testified at hearings before the Philadelphia City Council, which took place after a demolition building collapse that killed six workers and shoppers at the adjacent Salvation Army thrift shop. New legislation now requires mandatory health and safety training for workers.

## **Massachusetts COSH (MassCOSH)**

### **MassCOSH accomplishments include:**

- Spearheading a worker and community task force to ensure the **effective implementation of the Temporary Worker Right-to-Know Law**.
- Playing a leadership role in a coalition seeking to strengthen safety requirements and provide a living wage for workers at **city-funded recycling facilities**.
- Championing legislation that would **extend safety and health protections to state employees**.
- Initiating a new “Young Worker/Safe Workplace” **violence prevention initiative**, in collaboration with three COSH groups and a university, in urban neighborhoods around the country.
- Playing an active role in a **state labor trafficking task force**.
- Bringing together janitors, teachers, school staff and administrators to eliminate asthma triggers in Boston public schools and statewide through a newly revised **State Asthma and Primary Prevention Plan**.

## **New Jersey Work Environment Council (WEC)**

The New Jersey Work Environment Council (WEC) is coordinating a year of action in 2014, together with 70 member organizations and union, environmental, and community partners. Current efforts to protect worker safety and health include:

- **SAVE OUR SAFEGUARDS** WEC coordinates a broad coalition fighting New Jersey Governor Chris Christie's attacks on public safeguards, educating the public that our protections do not kill jobs. The organization is watchdogging new “waiver rule” proposals that direct state agencies to let corporate interests violate safeguards, as well as specific waiver applications.

WEC and coalition partners are also fighting a secret plan by the New Jersey Department of Health to allow employers to hide the names of chemicals we are exposed to. The organization is pressing for effective enforcement of laws which require safe patient handling and prevention of violence in health care workplaces.

Weaker government agencies make it vital to support the whistleblowers who speak up for all of us. WEC is urging the New Jersey Supreme Court to uphold a strong New Jersey Conscientious Employee Protection Act and is also planning ways to strengthen this law, especially to protect low-wage and immigrant workers.

- **HEALTHY SCHOOLS NOW** WEC coordinates parent, community, civil rights and labor organizations united in the Healthy Schools Now campaign. The organization has exposed hazardous school conditions and demanded action to ensure that all New Jersey students and educators learn and work in safe and modern schools. Already this year, WEC helped

community and educator groups win a promise for a new high school in Trenton, New Jersey, and will help coalition partners make sure that plans for this school stay on track.

- ➔ **REBUILD SAFELY AFTER SANDY** WEC reaches thousands of workers, volunteers and residents across New Jersey who are still cleaning up and rebuilding after Hurricane Sandy with critical information about preventing mold and other hazards.
- ➔ **PREVENT CHEMICAL DISASTERS** WEC and our allies issued the 2013 report, "Failure to Act," documenting how Governor Christie failed to enforce our landmark law to prevent toxic explosions, spills and fires at 90 facilities across New Jersey.

WEC is now challenging the Christie Administration to publicly release documents from those employers who claim they cannot use safer chemicals or processes. With allies across the nation in the Coalition to Prevent Chemical Disasters, WEC is asking President Obama to implement his executive order on chemical safety and security by directing the U.S. Environmental Protection Agency to require facilities to review whether they can feasibly adopt safer chemicals and processes.

**In addition,** WEC is working with allies to stand up for the rights of workers demanding safety over profits in other nations. On April 11, WEC helped organize a demonstration at the headquarters of the Children's Place in Secaucus, New Jersey, to demand that they pay the \$8 million they owe to the victims of last year's Rana Plaza building collapse in Bangladesh, where 1,138 workers were killed and 2,500 were injured.



# GLOSSARY

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**BLS** – The Bureau of Labor Statistics of the U.S. Department of Labor is the principal Federal agency responsible for measuring labor market activity, working conditions, and price changes in the economy.

**CFOI** – The U.S. Bureau of Labor Statistics' Census of Fatal Occupational Injuries (CFOI) is one of the more complete sources of workplace fatalities, though it takes longer to release data.

**General Duty Clause** – The General Duty Clause of the U.S. Occupational Safety and Health Act requires employers to provide a workplace free from hazards that are likely to cause death or serious harm to employees. OSHA can use the General Duty Clause to cite an employer for a known hazard – even when the agency has not issued a standard for that specific hazard.

**I2P2** – An Injury and Illness Prevention Program (I2P2) would require employers to identify hazards in the workplace and provide them with the flexibility to determine how to prevent these hazards in their workplaces.

**Injury and Illness Prevention Program** – An Injury and Illness Prevention Program (I2P2) would require employers to identify hazards in the workplace and provide them with the flexibility to determine how to prevent these hazards in their workplaces.

**Lockout/Tagout** – or lock and tag – is a safety procedure that is used in industry and research settings to ensure that dangerous machines are properly shut off and not started up again prior to the completion of maintenance or servicing work.

**NIOSH** – The U.S. Centers for Disease Control and Prevention's National Institute for Occupational Safety and Health (NIOSH) is the federal agency responsible for conducting research and making recommendations for the prevention of work-related injury and illness.

**OIRA** – The U.S. Office of Management and Budget's Office of Information and Regulatory Affairs (OIRA) is a federal office that reviews all collections of information by the federal government. OIRA also develops and oversees the implementation of government-wide policies in several areas, including information quality and statistical standards. In addition, OIRA reviews draft regulations under Executive Order 12866.

**OMB** – The U.S. Office of Management and Budget is the largest office within the Executive Office of the President of the United States, whose purpose is to assist the President to prepare the budget. The OMB also measures the quality of agency programs, policies, and procedures and to see if they comply with the President's policies.

## **OSHA**

- **Federal OSHA** – The U.S. Occupational Safety and Health Administration, housed within the U.S. Department of Labor, is the government agency responsible for ensuring that

workers have safe and healthful working conditions by setting and enforcing standards and by providing training, outreach, education and assistance.

- **State OSHA programs** - Section 18 of the Occupational Safety and Health Act of 1970 encourages states to develop and operate their own job safety and health programs. OSHA approves and monitors state plans. There are currently 26 states that operate OSHA-approved state plans.

**OSH Act** - U.S. Occupational Safety and Health Act is the primary federal law that governs occupational health and safety in the private sector and federal government in the United States. It was enacted by Congress in 1970.

**Temp Workers** – Temporary workers are hired on a temporary – not permanent – basis, and often do not have access to the benefits of full-time, permanent employees. The use of temporary workers has skyrocketed in recent years.



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