



Confined Space

News and Commentary on Workplace Health & Safety, Labor and Politics

Home

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[RSS Feed](#)

Quote of the Month

I have three pictures side by side in my house: John L. Lewis, Franklin Delano Roosevelt and Jesus. I draw Social Security on account of FDR. I draw a pension on account of John L. Lewis, and I'm going to Heaven because of Jesus.

-- Jack McReynolds, 70, retired miner, West Frankfort, KY

Political and Labor Blogs

[AFL-CIO Now](#)

News From The AFL-CIO

[Altercation](#)

By the Nation's Eric Alterman

[Blue Collar Blog](#)

Firefighter, IAFF Member and CWA Staffer Sounds Off

[Chris Mooney](#)

The politics of science

[Communicate or Die](#)

American Labor Unions and the Internet

[Crooks and Liars](#)

Political hypocrisy n The small screen

[Daily Kos](#)

A must read for all political junkies

[DMI Blog](#)

Politics, Policy and the American Dream

[Edwize](#)

The blog of New York's United Federation of Teachers

[Effect Measure](#)

A forum for progressive public health discussion

[FireDogLake](#)

A Group Political Blog -- Always Something Interesting

[GoozNews](#)

Who's Watching Now That The Cameras Have Left?

[Gulf Coast Reconstruction Watch](#)

SHOCKED that there's corporate influence on public health policy?

[Impact Analysis](#)

A portal for your adventure in environmental health

[Liberal Oasis](#)

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[MaxSpeak](#)

Economics deciphered by "Max" Sawicki

Monday, July 28, 2003

[PERMALINK](#) Posted 11:03 PM by Jordan

Asbestos Comp Feud: Round 20 and Still Rewriting History

The story of attempts to pass an asbestos compensation bill is old and getting older:

WASHINGTON -- *Thousands of workers unknowingly exposed to cancer-causing asbestos were sick and dying. The courts were clogged with lawsuits. Asbestos manufacturers were going bankrupt. And Congress was debating whether to create a fund to compensate victims.*

The year was 1982. Twenty-one years later, Congress is still debating the issue. The difference now is that the asbestos crisis has grown far worse. Hundreds of thousands of additional victims have stepped forward. The number of corporate defendants has jumped 28-fold. And their potential liabilities exceed \$200 billion.

The Senate committee has passed a bill establishing a compensation fund and the unions, quite understandably, think the fund is too small. The insurance companies think it's too big and Orrin Hatch's Republicans and businesses think it's *just right*. Yadda, yadda, yadda. Heard it all before. Will continue to hear it. Who knows? Maybe they'll figure something out eventually.

But this is an interesting paragraph:

Asbestos is a fibrous mineral that was once used widely in many industrial processes because of its fire-retardant and insulating properties. When inhaled, though, asbestos fibers can cause lung disease and cancer. As a result, its use has been sharply curtailed in recent years though it is still found in vehicle braking systems, asphalt roof coatings and gaskets.

Let me repeat part of that: **"When inhaled, though, asbestos fibers can cause lung disease and cancer. As a result, its use has been sharply curtailed in recent years."**

If one didn't actually know [the history of asbestos](#), one might think that the fact that "its use has been sharply curtailed" was somehow related to the fact that it "can cause lung disease and cancer."

Actually, the asbestos industry knew as early as the 1930's that asbestos caused serious lung disease. They hid it until courageous people like Dr. Irving Selikoff uncovered the health effects and the scandals in the 1960's. And then more decades would pass before decent regulations were issued to "curtail its use" and protect workers. Even today workers are still being exposed to the asbestos left over in buildings and still being used in pipes and automotive brakes.

Despite the impression given by this article, none of this progress happened by itself or because it 'was learned' that asbestos kills. It happened because of lawsuits and organizing by unions, sick workers and public health activists. **And this is not just a tragic isolated story about asbestos. Look at any law or regulation that protects workers. No progress has ever been made in this country in the fields of occupational health or the environment because someone 'discovered' that harm was being done. Nothing happens without organizing, electing the politicians that will actually represent workers and communities, keeping the pressure on them once they are in office, and then more organizing.**

It can be done. It has been done. It will be done again. But for many it's way too late:

More than 625,000 people have filed claims for asbestos-related injuries over the years. By the end of 2000,



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the APHA Lorin Kerr
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by Jordan Barab, November
9, 2004

[Top 10 Workplace
Safety Stories of 2006](#)

[Top 10 Workplace
Safety Stories of 2005](#)

[Top 10 Workplace
Safety Stories of 2004](#)

[Top 14 Workplace
Safety Stories of 2003](#)

[Acts of God, Acts of
Man,"](#) by Jordan Barab,
Working USA

[Lies, Partisanship
Caused Ergo Standard
to Crumble,](#) by Jordan
Barab, Safety + Health,
February 2002

[A Week of Death,](#) by
Jordan Barab, Hazards,
February 5, 2003

Archives

[March 2003](#)
[April 2003](#)
[May 2003](#)

[Mine Safety Watch](#)
Health and Safety in the Mines

[Mother Jones](#)
On Top Of The News

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Labor issues in the retail trades

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[Hazards Magazine](#)

[Deceit and Denial](#)

[eLCOSH \(Electronic Library of Safety & Health\)](#)

[NYCOSH](#)

[COSH Network](#)

[UCLA-Labor Occupational Safety and Health Program \(LOSH\)](#)

[A Job To Die For](#)

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[International Right To Know Campaign](#)

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businesses and insurers had paid out more than \$54 billion in claims, according to a 2002 Rand Corp. study. More than half the money went to defense and plaintiff attorneys' fees and other administrative expenses, the study said.

Rand found that more than 300,000 cases were still pending and another 500,000 to 2.4 million claims could be filed in the years ahead, costing businesses upward of \$210 billion. There are more than 3,000 asbestos lawsuits pending in the New Jersey court system.

Sixty-seven companies have filed for bankruptcy because of their asbestos liabilities, compared with three back in 1982, and additional companies are likely to seek Chapter 11 protection.

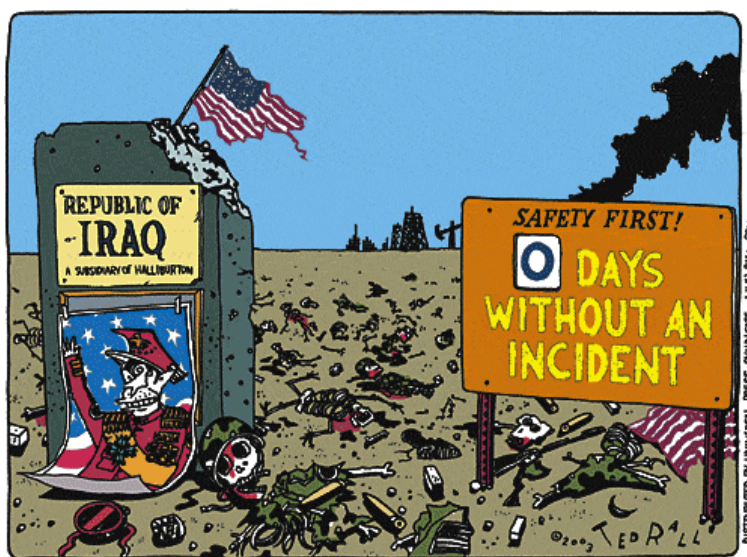
I can't help wondering, even with the pain that this situation is causing these companies and the economy, how much information about toxic chemical is being covered up and how many more asbestos tragedies thousands will have to endure before people wake up.

In [Europe](#), good things seem to be happening. Here in the U.S., we seem to be heading in exactly the opposite direction.

More on the asbestos comp bill [here](#) and [here](#).

Labels: [Asbestos](#)

PERMALINK Posted 9:52 PM by Jordan



AN ARMY OF ONE A DAY

7-24-03-C

Or maybe two or three.

PERMALINK Posted 9:17 PM by Jordan

NY Councilman "Will Be Missed"

[Here is an article by](#) NYCOSH Chair Bill Henning in the *NY Daily News* about NY City Councilman and worker advocate James Davis.

Here in New York State, violence is the No. 2 cause of workplace fatalities. This is an epidemic that Councilmember Davis was well aware of before becoming a victim of it himself.

Ironically, on the day he was murdered, Davis was scheduled to introduce a City Council resolution urging the New York State Labor Department to adopt a set of regulations to protect workers from violence in the workplace.

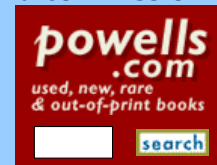
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[July 2003](#)
[August 2003](#)
[September 2003](#)
[October 2003](#)
[November 2003](#)
[December 2003](#)
[January 2004](#)
[February 2004](#)
[March 2004](#)
[April 2004](#)
[May 2004](#)
[June 2004](#)
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[January 2006](#)
[February 2006](#)
[March 2006](#)
[April 2006](#)
[May 2006](#)
[June 2006](#)
[July 2006](#)
[August 2006](#)
[September 2006](#)
[October 2006](#)
[November 2006](#)
[December 2006](#)
[January 2007](#)

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Labels: [Workplace Violence](#)

PERMALINK Posted 12:56 AM by Jordan

Vacation!? We don't need no stinkin vacations!

If you're reading this, you're probably not on vacation. And you aren't alone. That's because, according to an [article in the Washington Post](#), "Americans manage to live with the stingiest vacation allotment in the industrialized world -- 8.1 days after a year on the job, 10.2 days after three years, according to the Bureau of Labor Statistics." And it's getting worse: "We're now logging more hours on the job than we have since the 1920s. Almost 40 percent of us work more than 50 hours a week."

Why is it getting worse?

Just a couple of weeks ago, before members of the House of Representatives took off on their month-plus vacations, they opted to pile more work onto American employees by approving the White House's rewrite of wage and hour regulations, which would turn anyone who holds a "position of responsibility" into a salaried employee who can be required to work unlimited overtime for no extra pay.

Vacations are being downsized by the same forces that brought us soaring work weeks: labor cutbacks, a sense of false urgency created by tech tools, fear and, most of all, guilt. Managers use the climate of job insecurity to stall, cancel and abbreviate paid leave, while piling on guilt. The message, overt or implied, is that it would be a burden on the company to take all your vacation days -- or any. Employees get the hint: One out of five employees say they feel guilty taking their vacation, reports Expedia's survey. In a new poll of 700 companies by ComPsych Corp., a Chicago-based employee assistance provider, 56 percent of workers would be postponing vacations until business improved.

But it doesn't have to be this way:

Europe chose the route of legal, protected vacations, while we went the other -- no statutory protection and voluntary paid leave. Now we are the only industrialized nation with no minimum paid-leave law. Europeans get four or five weeks by law and can get another couple of weeks by agreement with employers. The Japanese have two legally mandated weeks, and even the Chinese get three. Our vacations are solely at the discretion of employers. The lack of legal standing is what makes vacations here feel so illegitimate -- and us so guilty when we try to take one.

And not only have studies found that short vacations are bad for productivity, but they're also bad for your health:

Overwork doesn't just cost employees. The tab paid by business for job stress is \$150 billion a year, according to one study. Yet vacations can cure even the worst form of stress -- burnout -- by re-gathering crashed emotional resources, say researchers. But it takes two weeks for this process to occur, says one study, which is why long weekends aren't vacations. An annual vacation can also cut the risk of heart attack by 30 percent in men and 50 percent in women.

(You also may have noticed that I'm not on vacation -- and won't be. That's because when you change jobs, you go back to go and start over again. I left 5 weeks a year of vacation at AFSCME and started over again with two at OSHA. Haven't come close to catching up.)

So what is to be done?

This is why we need a law that will put an end to the bait and switch of vacation time, as well as leave that's being yanked completely. Legalized paid leave also would end the loss of accrued vacation time for downsized workers in

[NY Times Workplace Safety Investigations](#)
January 2003 McWane Series and December 2003 "When Workers Die" Series by David Barstow

[Interview with Peg Seminario from the Multinational Monitor](#)

[Seattle Post-Intelligencer Series on Asbestos Legacy in Libby, Montana](#)

[Less Than Miraculous: The Near-Disaster at Quecreek Mine](#), by Charles McColleston, PA Center for the Study of Labor Relations

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their thirties, forties and fifties, who have to start their paid leave banks over again, as if they were at their very first job.

Sunday, July 27, 2003

PERMALINK Posted 11:08 PM by Jordan 

State of the States

Susan Madrak at [Suburban Guerrilla](#) was probably the kid you always wanted on your team in a treasure hunt because she always finds the good stuff. Like these...

Check out this hilarious rant by [Bill Maher from the L.A. Times](#) about the Grey Davis recall. My favorite parts:

What's going on here in California, if you're lucky enough to not have been following this, is that the economy turned, so we're getting rid of the governor. But what if we drive him out of office and the economy still doesn't get better? I guess we'll have to burn him. And if that doesn't work, we'll kill his dog.

Yes, in baseball when the team stinks, you fire the manager. But you don't fire him because it rains. And you don't let the opposing team choose a new manager for you.

And you don't fire him between innings. And replace him with a Viennese weightlifter.

The Viennese weightlifter, for those of who aren't Terminator fans, is, of course, Arnold Schwarzenegger. Which brings me to my favorite line: **"Finally, a candidate who can explain the Bush administration's positions on civil liberties in the original German."**

And then she found this article about Bush's ["Let Them Eat Cake" economics by Jonathan Alter](#):

When Al Gore exaggerated the details of his dog's prescriptions, it helped cost him the presidency. The very same people who eviscerated him for it are now saying, hey, cut President Bush some slack—he wasn't lying about Saddam Hussein's nuclear ambitions, only exaggerating. This flap won't hurt Bush in 2004, except to undermine his credibility on other issues.

SO WHEN, FOR instance, he says "this nation has got a deficit because we have been through a war," people might begin to wonder whether he is telling the truth. They might wonder if the 13 percent state-college tuition hike in Maryland or the \$1 billion state-tax increase in Ohio or the state Medicaid crisis now raging from coast to coast might have something to do with priorities in Washington. If Bush loses, it won't be on yellowcake uranium but on "let them eat cake" economics.

A couple of weeks ago, I read an article somewhere about the impact the states' budget problems are having on normal people, but how they haven't connected the dots back to Washington yet. So in case you're wondering why the states have fallen into such a deep whole and what this has to do with what's going on in D.C.,

It's a hole that the states—required by law to balance their budgets—are now being forced to fill. The tobacco-settlement money is gone; the "rainy day" funds exhausted. Under intense pressure from the governors, Washington ponied up \$20 billion in emergency aid, but added tax breaks for corporations that will cost the states billions. The House just passed a plan for health savings accounts that will set the states back another \$33 billion if enacted. And that's not even counting the monster haunting every governor, every night—"unfunded mandates." To take just one example that is relevant in school districts across the country: special education.

Congress pledged it would pay for 40 percent of the cost; it actually covers 17 percent. In California alone, where nearly half the budget goes to K-12 education, that's more than a billion dollars the state has been stiffed on.

I'm no Gray Davis fan, but let's be honest about the facts. While some states have been mismanaged, most are simply contending with rapidly growing numbers of hurting people who need their services. Those services are now being slashed almost everywhere. Nineteen states—all of them facing sharply increasing demand—will have smaller budgets than last year, not just smaller budget increases. But telling a laid-off mother with three kids that she can't see a doctor will not be enough. Governors and state legislatures are taxing everything that moves. Even the most conservative states are doing so. Republican Gov. Bob Riley of Alabama, a devout Christian, says raising taxes on the wealthy to help the poor is what the Bible compels. He's had enough of so-called religious politicians who turn Christ's commandments on their head.

Friday, July 25, 2003

PERMALINK Posted 12:06 AM by Jordan 

NY Councilman, Workplace Violence Foe Shot Introducing Workplace Violence Resolution

Lee Clarke, Safety and Health Director of AFSCME District Council 37, went down to City Hall Wednesday intending to watch Councilmember James E. Davis introduce a City Council resolution urging the New York State Labor Department to adopt a set of regulations to protect public employees from violence in the workplace. "We were working with him on the anti-workplace violence resolution and I wanted to be there when he introduced it"

Instead, Clarke watched as Davis was shot and killed in the Council chambers, making him the latest victim in a epidemic of workplace violence affecting public-sector workers in New York State.

Davis's resolution read:

Public-sector workers of the City of New York continue to be the victims of crime in the workplace, including murder, rape, assault, verbal abuse and harassment," the resolution said. "Because of hazardous working conditions and the absence of any systematic method for removing these dangers, workers and their families continue to suffer as a result of unnecessary and preventable incidents of violence at work."

According to a statement released by [NYCOSH](#), the New York Committee on Occupational Safety and Health,

"Yesterday's shooting is a tragic example of what we are working to end," said William F. Henning, Jr., the chair of NYCOSH's Board of Directors. "Public-sector workers and unions are calling for a regulation that would require state and local government employers to establish and adhere to policies, procedures and practices for preventing, reporting, and responding to violence in the workplace."

Clarke observed that

When the shooting started, the Council chamber was filled with people who were at work, all of whom were in danger of being hurt or killed. I can't imagine a clearer example of exactly the kind of thing we are trying to prevent. The councilman grasped the right of people to a safe workplace and he was willing to spearhead the City Council's effort to ask the state for a standard to protect workers. He will be sorely missed.

The resolution was supported by an [ad hoc anti-workplace violence coalition of public-sector unions in New York City](#), including the New York State AFL-CIO, American Federation of State, County and Municipal Employees (AFSCME) District Council 37, Public Employees Federation, Civil Service Employees Association, United Federation of Teachers, Transport Workers Union Local 100, Communications Workers of America District 1, Professional Staff Congress, New York

WORKERS OF AMERICAN DISTRICT 1, PROFESSIONAL STAFF CONGRESS, NEW YORK STATE UNITED TEACHERS, and New York Committee for Occupational Safety and Health (NYCOSH).

According to the [New York Times](#),

investigators said the killing appeared to stem from a simmering political dispute between Councilman Davis of Brooklyn, and the gunman, Othniel Askew who had planned to challenge Mr. Davis this fall for his seat representing central Brooklyn in the Council.

Mr. Askew was apparently able to slip his gun into City Hall by accompanying the councilman, who did not have to pass through metal detectors, officials said.

Most of this article was taken from a NYCOSH Press Statement.

Labels: [AFL-CIO](#), [Workplace Violence](#)

Thursday, July 24, 2003

PERMALINK Posted 11:42 PM by Jordan 

Oops, McWane Does it Again: Mistakes Are Made

No more than a minute after finishing the posting immediately below this, I come across the [following headline](#):

OSHA investigating Tyler Pipe after worker critically injured

7/24/03 7:36 PM

DALLAS (AP) -- Federal labor officials are investigating an incident at Tyler Pipe earlier this week that left a maintenance worker in critical condition, agency officials said Thursday.

The U.S. Department of Labor's Occupational Safety and Health Administration is looking into whether proper safety equipment was provided during the incident at the steel foundry early Tuesday that injured David Willis, 46, agency officials in Dallas said.

Willis remained in critical condition late Thursday afternoon at East Texas Medical Center in Tyler, said a nursing supervisor.

Ruffner Page, president of Birmingham, **Ala.-based McWane Inc., Tyler Pipe's parent company**, said Willis suffered a collapsed lung and broken ribs....The incident comes as Tyler Pipe, which employs about 1,700 workers, is trying to repair its reputation for safety violations that have been linked to worker injuries and deaths, many of which were documented by The New York Times and Public Broadcasting Service's "Frontline" earlier this year.

According to Page, the accident occurred

as Willis was doing routine maintenance work on a machine that makes cast iron fittings. The company is still investigating the cause of the accident, but Page said it appears that Willis accidentally flipped a switch that turned the machine on, causing him to become pinned between the machine and an elevated deck.

McWane is, as usual, taking full responsibility for the incident. Noting that the company had just purchased new, supposedly safety equipment, Page said

"I think the message it sends is that, as hard as you work, and as much money as you spend and as much time as you devote to training, **sometimes mistakes are made**," he said.

Yeah, *mistakes are made*. Just nothing you can do about it.

EVER HEARD OF LOCKOUT/TAGOUT?

Well let me help you. Click [here](#).

Labels: [McWane](#)

PERMALINK Posted 11:25 PM by Jordan 

Three Finger Defense: McWane/Atlantic Pipe Talks to the Press

G. Ruffner Page Jr., the President of Atlantic States Cast Iron Pipe Co. and the corporate parent he heads, McWane Inc, stated to the [New Jersey Express-Times](#) that "are a 'changed company now' in terms of workplace safety and environmental issues. "

McWane was made (in)famous by the [New York Times/Frontline series](#) detailing the high numbers of injuries and deaths at McWane Facilities.

Page was quote talkative about the safety improvements McWane has made, and even talked for the first time about

for the first time identified Hector Velarde Lazo of Allentown as the employee who lost three fingers on his right hand during a Dec. 7 industrial accident at Atlantic States. They did not give Lazo's age.

The company did not have to report the accident to government regulators. Officials with the federal Occupational Safety and Health Administration learned about the accident after receiving an "informal complaint" from an unidentified source.

OSHA fined Atlantic States \$130,000 for 12 workplace infractions during a general inspection and after investigating Lazo's accident.

He was apparently less talkative about Senator John Corzine's (D-NJ) bill that would toughen federal criminal penalties for workplace negligence.

"Sen. Corzine has his reasons for putting forth that legislation, but I couldn't comment on what is the legitimacy of it or not, Page said.

Probably a good idea.

Labels: [McWane](#)

PERMALINK Posted 10:14 PM by Jordan 

The Daily Toll

OSHA investigating death of man at Copperweld Shelby

SHELBY -- The Occupational Safety and Health Administration is investigating what caused a [Missouri man to fall to his death](#) Tuesday morning at Copperweld Shelby Division.

Clayton Guhr, 59, of Versailles, Mo., was standing on tubing on a tractor-trailer truck about 11:15 a.m. when it appears he slipped and fell to his death, striking his head on the concrete.

Cause sought in deadly Ocean City explosion

OCEAN CITY - Investigators could not say Wednesday what caused a boiler explosion that [killed a custodian](#) at the Intermediate School this week.

Jean Siegfried, 52, of Upper Township, was killed Tuesday afternoon when a pipe filled with scalding water ruptured in a boiler room.

Scaffolding Collapse Kills Worker

PANAMA CITY, Fla. - [A bridge construction project claimed a second life and four other workers fell or jumped 50 feet](#) into St. Andrew Bay when a scaffolding collapsed Wednesday.

Alan Stockton, 44, of Laguna Beach was killed. Richard Martin James, 33, of Fountain, was killed Dec. 14 when he fell 90 feet into the water while working on the bridge.

Contractor electrocuted on top of light tower

JOHNSTOWN, Pa. (AP) — [A contractor who was replacing lights on top of a 90-foot baseball stadium light tower died of electrocution](#), authorities determined Thursday.

John H. Lill, 72, died Wednesday at the historic Point Stadium in Johnstown, said Jim Zangaglia, Cambria County chief deputy coroner. The light standard carried 4,100 volts of electricity.

Because Lill worked for himself, the U.S. Occupational Safety and Health Administration won't be participating in the investigation, Zangaglia said

[Well isn't that just too damn convenient!](#)

Industrial accident claims Rock Springs man

GREEN RIVER -- [A Rock Springs man died](#) early Tuesday morning from neck and head injuries after the lift vehicle he was driving fell off a loading ramp, according to Sweetwater County authorities.

Douglas Ray Bernard, 35, was found by coworkers at around 6:45 a.m. at Wyoming Rents on Sunset Drive in Rock Springs, said County Coroner Dale Majhanovich. He estimated the accident occurred around 4:30 a.m.

Bernard was operating a manlift from a semi-tractor trailer to an unsecured upholding ramp when accident occurred, Majhanovich said. A manlift is a four-wheel vehicle about the size of an SUV automobile can that lift workers in a cage 30 or 40 feet in the air.

PERMALINK Posted 9:14 PM by Jordan 

Bush Administration to Study Global Climate Change

What do politicians do when they don't want to act on something? [Study it some more.](#)

The Bush administration will announce today final details of a 10-year plan to study global climate change to determine whether greenhouse gases and other human-generated pollutants have contributed to an unnatural warming of Earth's atmosphere.

[Yeah, and next on the national research agenda: Is the really Earth round?](#)

Wednesday, July 23, 2003

PERMALINK Posted 11:27 PM by Jordan 

Everything You Always Wanted to Know About Workplace Safety, But Were Afraid Was True: Interview with Peg Seminario.

We complain a lot (and rightfully so) about the health and safety conditions faced by workers in this country. But we've also made an enormous amount of progress over the past decades and a huge amount of credit goes to Peg Seminario, AFL-CIO Health and Safety Director since any of us can remember (and yet she's still so young!)

[Linked here](#) is an excellent interview with Peg from the *Multinational Monitor* about the state of workplace safety and health in this country today and the Republican war against workers. Print it out and keep it handy. It will be useful for the upcoming elections.

Some of the biggest problems: Not enough inspectors

We've got 2,000 job safety inspectors in the country

responsible for overseeing and enforcing the safety and health laws in more than 6 million workplaces.

OSHA actually has fewer staff today than it did in 1980. The workforce and the number of workplaces has grown, but the agency's resources have not grown.

And no political will to enforce the law effectively:

For fiscal year 2002, the federal OSHA only issued 392 willful violations, down from 600 in fiscal year 1999. The average penalty for a willful violation was \$27,000, where the maximum would be \$70,000.

What we've seen is that while the inspection levels have been maintained by the Bush administration, the level of enforcement and the aggressiveness of enforcement has decreased. The number of willful violations, the number of repeat citations, and then the penalties that are associated with OSHA violations are all down.

Read the [rest](#).

PERMALINK Posted 11:21 PM by Jordan 

Go Away Ralph

This one is for your friends and relatives who still think voting for Nader is a good idea (Come on, we all have a few of those too.)

Michael Tomasky in the [American Prospect](#) gives three good reasons that Nader would be a politico-cidal maniac to run again and advice to Democratic candidates. The second reason for not running is probably to most important:

Second, some voted for Nader because they just weren't inspired by Gore personally. Fine. But it should be obvious today that a candidate's personality is one of the last things serious people ought to be thinking about. No one can survey the past 30 months and conclude, whatever the Democrats' shortcomings, that there's no difference between the parties. We would not have John Ashcroft, Dick Cheney, Gale Norton, the USA PATRIOT Act, this Trotskyist war in Iraq, two major class-war tax cuts -- the list goes on and on (and on). And that's only the stuff you hear about. **In every agency of government, at every level, there are political appointees who are interpreting federal rules and regulations and deciding how much effort will really be put into pursuing federal discrimination cases, for instance, or illegal toxic dumping. These are the people who are, in fact, the federal government.** The kinds of people who fill those slots in a Democratic administration are of a very different stripe than the kinds who fill them during a Republican term, and the appointments of these people have a bigger effect on real life than whether Al Gore sighs too heavily or speaks too slowly.

And then Tomasky goes on to give some not-too-subtle, but completely necessary advice to Democratic candidates:

Attack Nader right now, and with lupine ferocity. Say he's a madman for thinking of running again. Blast him especially hard on foreign policy, saying that if it were up to the Greens, America would give no aid to Israel and it would cease to exist, and if it were up to the Greens, America would not have even defended itself against a barbarous attack by going into Afghanistan. Have at him, and hard, from the right. Then nail him from the left on certain social issues, on abortion rights and other things that he's often pooh-poohed and dismissed as irrelevant. Cause an uproar. Be dramatic. Don't balance it with praise about what he's done for consumers. To the contrary, talk about how much he's damaging consumers today by not caring who's in charge of the Food and Drug Administration or the Federal Communications Commission.

Don't go away mad Ralph, just go away.

16 Words And What Do You Get?

Another war over (not) and deeper in death....

Need a way to respond to those Republican and Independent relatives and friends (come on, we've all got a few) this summer when they try to dismiss George the W's lies as "just" sixteen little words in a great big speech?

Check out this gem from Buzzflash: [24 "Deceptions" In 704 words: Bush's 2003 State Of The Union](#). A couple of samples:

4. *"92 million Americans will keep, this year, an average of almost \$1,000 more of their own money." Bill Gates goes into a bar where nine unemployed workers are nursing their beers. "Whoopee we're rich!" shouts one of them. "The average net worth of every one in this room is 3 billion dollars."*

23. *"And as we and our coalition partners are doing in Afghanistan, we will bring to the Iraqi people food and medicines and supplies -- and freedom." Not enough food, medicine, supplies or freedom to go around in either Afghanistan or Iraq.*

The continuing plight of [undocumented immigrant workers](#). As if life wasn't hard enough, they also have to risk their lives:

A 29-year-old man from Ecuador showed a few weeks ago that the undocumented toil not only underground but sometimes high above it. His work conditions also showed that some employers have little concern about safety.

With two other young men from his homeland, he stood near a subway entrance on 33rd Street in Manhattan and looked up at the 20-story building that he and the others were about to fit with new windows.

For four years, he has been in New York and for that time all his employers have known he has no work documents, he said. He is not in a union. No benefits are offered. The hazards of his job are monitored only by a building inspector who may or may not know of his undocumented status, he said.

And if he is injured, he will have no compensation to cover the medical costs.

"We get paid \$10 an hour, in cash," he said just before his foreman came and barked, "Let's do this bit," and darted a finger upward.

Soon the men were on a scaffold that dangled from the roof to the 11th floor, at times sitting on the top bar of its safety railing. A tether was tied to each man's waist to prevent a fall, but it can't stop them from slamming into the scaffold or the building itself.

The foreman would not comment on the workers' safety and immigration status. His superior did not return calls for comment.

Asbestos Comp Bill: First Kill the Lawyers?

Well, not *all* the lawyers, not the corporate attorneys, [just the trial attorneys](#).

As I've said before in reference to the *jihad* against trial lawyers, it's easy to criticize them as greedy, but in the absence of any recognition

withing the current regime -- or the media -- of the importance of regulation and enforcement against corporate crime, lawsuits and trial lawyers are the best -- perhaps only -- thing workers, communities and consumers have going for them.

Labels: [Asbestos](#)

PERMALINK Posted 12:12 AM by Jordan 

Norwood's Cluster Bomb: Mini-Anti-OSHA Bills

Figuring his chances of making "progress" are better with many small bills than with one big bill, Representative Charlie Norwood (R-GA) has broken down his "OSHA Fairness Act of 2003" into several smaller bills which will be brought up for "mark-up" on Thursday. Mark-up is when the committee considers amendments to bills and then votes on them. Norwood, who once accused OSHA of killing the toothfairy when it issued the bloodborne pathogens standard, has made it a personal crusade to castrate the agency.

Norwood's bill (see [here](#) and [here](#)) would have provided new "tools" to employers to fight OSHA citations. The most controversial part of the bill, an amendment to the OSHA's definition of a willful citation, has been dropped for now. Instead, Norwood is proposing four bills: HR 2728--Contesting Citations (extending the time period allowed to challenge a citation if an employer accidentally misplaces the citation or his dog eats it) HR 2729--OSHA Commission (which would expand -- stack -- the Occupational Safety and Health Review Commission); HR 2730--Independent Review and HR 2731--Attorney Fees (which would require OSHA to pay all court costs when it loses a case against a small business).

Things I don't get:

All of you faithful readers of Confined Space notice how I periodically list fatalities that I've found in newspapers on the web. Most of these are unfortunately common ways to die in the workplace -- falls, trench collapses, welding incidents, electrocutions.... All preventable, well known hazards, covered by straight-forward, well known OSHA standards. But workers keep dying from these same well-known hazards, hundreds every week.

So what's the problem? Employers don't have enough information? Maybe they need more guidelines and warnings? Bushit. What's clearly needed is a large enough budget (and the political will) to fund more enforcement, more inspectors, more worker training, higher fines and time in jail.

Let's put all of this in perspective. According to Rummy, we're spending \$4 billion a month in Iraq -- and that's just what they're admitting to. So, let's see. That's something like 9 to 10 times the entire OSHA annual budget *each month*. And far more Americans die each month of fatal workplace injuries than have been killed during the entire Iraq war. And there are far more chemical and biological weapons threatening American workers every day in our factories, chemical plants and hospitals than we've found in Iraq.

And while we're at it, what ever happened to the tuberculosis standard ([oh yeah](#)), the PPE Payment standard, and the [reactives](#) revision to the Process Safety Standard?

But no, Charlie Norwood and his little committee focus instead on some red-herring anecdotal stories about oppressed small businesses while workers continue to die because OSHA can't get to enough workplaces.

It's enough to make me want to call Congress. Speaking of which, see that box on the right hand side of this page. Here are the members of the committee. You know what to do.

Republicans

Charles Norwood (GA)
Judy Biggert (IL)
Cass Ballenger (NC)
Pete Hoekstra (MI)
Johnny Isakson (GA)

Ric Keller (FL)
John Kline (MN)
Marsha Blackburn (TN)

Democrats

Major Owens (NY)
Ranking Minority Member
Dennis Kucinich (OH)
Lynn Woolsey (CA)
Denise Majette (GA)
Donald Payne (NJ)
Tim Bishop (NY)

As a matter of fact, call you congressional representatives even if they're not on the committee. Tell them you're tired of people dying in the workplace while Bush gives tax cuts to his friends. Or better yet, take a delegation and go visit them when they're on break next month. I'm sure they'll be glad to hear from you.

Other Congressional News

PPE Standard

The FY 2004 House Labor Appropriations Bill includes language criticizing OSHA for its "lack of progress" on issuing its "payment for PPE" standard that would require employers to pay for personal protective equipment that is required by OSHA standards. This rule was on the verge of completion when Bush took over. The UFCW and Congressional Hispanic Caucus have [petitioned](#) OSHA for its immediate issuance.

The committee stated that it was especially concerned because of the growing rate of deaths and injuries among Hispanic workers.

Along with [inclusion of language](#) urging OSHA to issue an airborne disease standard, this makes for a very interesting Appropriations report.

OSHA Budget

The bad news is that the House would provide \$300,000 less to OSHA in FY 2004 than in 2003. The good news is that the Senate bill provides for \$13 million more for OSHA and the Senate is expected to prevail. The House bill would provide for drastic cuts in OSHA's training grant program, while the Senate bill, for the third year in a row, requires OSHA to continue to fully fund its Susan Harwood Grant Program.

Labels: [Charlie Norwood](#)

Tuesday, July 22, 2003

PERMALINK Posted 9:37 PM by Jordan 

All in a Day's Work: While Republicans Fiddle, Workers Die

**Calpine contractor dies in geothermal blast
New Mexico man becomes second of firm's specialists killed this year**

[A 44-year-old New Mexico man was killed over the weekend](#) in a blast in geothermal fields in northwest Sonoma County in the second death this year of specialists hired by energy giant, Calpine Corp.

Calpine Corp. said the victim, identified by the Sonoma County coroner as Barry Carpenter of Farmington, N.M., was single. Carpenter worked for a drilling company, Air Comp....In May, a Merced maintenance worker who was inside a steam-cooling tower perished when a fan with blades was turned on.

More [here](#).

Worker Dies After Falling Into Vat Of Cyanide State Labor Department Inspecting Metal-Plating Company

MUNCIE, Ind. -- [A worker at a metal plating company was killed when he fell into a 7,000-gallon vat of cyanide.](#)

Investigators said no safety equipment appeared to have been in place that could have prevented 56-year-old Joseph Gray from falling into the vat Friday at Mid-City Plating Co.

Accident Kills Pair of Painters

[Two construction workers](#) who were painting the back side of a building at a Fairfax County, VA country club yesterday were killed when the cherry picker they were in tipped over, Fairfax County police said.

Former Princeton man dies in radio tower fall

PRINCETON, Ky. -- [A former Princeton resident has died](#) following a 450-foot fall from a Pennsylvania radio tower last week.

Clifford T. Williams, 26, of Paducah, formerly of Princeton, fell while he and another man performed maintenance on a 490-foot radio transmission tower in Greene Township, Pa., near the Ohio state line.

Coroner's officials said Williams was wearing a safety belt, though investigators have not disclosed whether the belt was connected to any of the tower's safety devices.

PERMALINK Posted 9:33 PM by Jordan 

'Nothing more noble... nothing more humbling': Singapore Health Care Workers Saluted

They stood where few dared to stand, and died in the line of duty.

Last night, Prime Minister Goh Chok Tong saluted the [five health-care workers - two doctors, two nurses and a hospital attendant - who paid the ultimate price.](#)

His tone was sombre as he named the five, one by one in a measured cadence.

Mr Goh said: 'Ong Hok Su, Alexandre Chao, Hamidah Ismail, Jonnel Pinera and Kiew Miyaw Tan knew the danger of Sars. But they did not flinch from their duties. They sacrificed their lives in the service of others.

'There is nothing more noble. There is nothing more humbling.'

PERMALINK Posted 7:31 PM by Jordan 

NY Public Employees Call for Workplace Violence Standard

Responding to a continuing rise in the rate of workplace violence in New York, [public employee unions are calling on the state Hazard Abatement Board](#) to issue a standard protecting workers against workplace violence. According to the Public Employees Federation,

The number of assaults on state employees has risen from 1,396 in 1999 to 1,710 in 2001. And the rate of assaults and injuries per 10,000 state employees rose to 83.5 in 2001, a 26 percent increase over the 1999 rate.

When you factor in direct and indirect employment costs, workplace violence costs the state an estimated \$42.5 million annually.

Thanks to joint efforts with PEF, injury statistics for the state Office of Mental Health have improved, but still show an extremely high statewide accident rate of 25.1 accidents per 100 workers in 2001-02. This rate is doubled to 51.1 when only forensic facilities are considered.

Labels: [Public Employees](#), [Social Workers](#), [Workplace Violence](#)

PERMALINK Posted 7:30 PM by Jordan 

More Problems with Asbestos Compensation Bill

Interesting [notes](#) from a trial lawyer about the recent hearing on Senator Orrin Hatch's Asbestos Compensation bill and how it would affect his clients with mesothelioma.

Labels: [Asbestos](#)

PERMALINK Posted 7:28 AM by Jordan 

Greens: Re-elect the President

[Where have they been](#), under a damn rock for the past 2 ½ years?

Most, however, said the party should join the race. Many said they believe there is still little difference between the major parties -- one activist tagging them "Republicrats and Demopublicans."

For those lost souls reading this, check out [Repentant Nader Voter.org](#). Come on guys. You can do it. One day at a time.

Monday, July 21, 2003

PERMALINK Posted 9:31 PM by Jordan 

Suspicious Rumblings in Hawaii.

We all know that the Republicans' wildest dream is to transform OSHA from an enforcement agency into a consultation agency where they would just give advice to employers instead of acting like the Gestapo and (gasp) actually penalizing them when they break the law.

Well, Hawaii Republican Governor Linda Lingle may be a dream come true for George Bush and Elaine Chao. The *Honolulu Star Bulletin* reported that Lingle had [told the Chamber of Commerce of Hawaii](#) that:

HIOSH (Hawaii OSHA) will soon send warning letters to businesses, without citations, and will **no longer be an enforcement agency, but instead become a "consultation" agency**, Lingle said.

If that quote is true, it would mean that Hawaii, a state-plan state that runs its own OSHA, would be handing enforcement back to the federal government. All state plans are required to be "at least as effective as" federal OSHA, which means that they actually have to enforce the law, not just hand out good advice and hope everyone follows it.

What set Lingle off? According to the *Star Bulletin*,

"There was a case," Lingle said, "where a moving company was cited for moving a 50-pound box. A *moving* company! That's what they *do*, move!"

Yeah, and a window washing company washes windows. Does that mean that OSHA shouldn't cite the employer if a worker falls to his death while washing a window? "But they're a *window washing* company. That's what they *do*, wash windows!" "But they're a *trenching* company. That's what they *do*, dig trenches!"

Well, to quote the old Saturday Night Live line (for those of you old enough to remember): "Linda, You ignorant slut!"

There are safe ways to wash windows and unsafe ways. There are safe ways to dig trenches and unsafe ways. **And there are safe ways to lift boxes and unsafe ways.**

Anvwav. Lingle's administration

is about "creating quality jobs," by passing good laws, repealing or vetoing bad ones, and working administratively to create a better environment for Hawaii businesses.

"We want a safe workplace," Lingle said. "But that's the same thing you want. In the past HIOSH had the attitude that they want a safe workplace, and you don't."

No, it's not that you don't *want* a safe workplace. You just don't want to *pay* for a safe workplace. *Quality* jobs? Ugh!

Anyway, this may, in fact, just be a Republican wet dream. A couple of days later, the [Star Tribune reported another version](#) of Lingle's speech

Instead of issuing a no-fine citation on the first violation, creating a mandatory "repeated offender" fine on any subsequent violations, the administration plans to issue warning letters for minor infractions, she said.

"We want to become known as a consultation agency rather than an enforcement agency in order to ensure workplace safety," Lingle said. "We think it's a better approach."

What she's actually going to do with HIOSHA is not clear. But what she *wants* to do is crystal clear. The same thing that the current regime here in Washington wants – an agency that will just give out friendly warnings instead of citations; slaps on the wrist instead of fines. For now they won't because they can't without major changes in the law that would reveal what they're really up to.

But don't think that's not what they're planning. Download an illegal song off the internet or try to [sell a bong](#) and you'll earn the wrath of John Ashcroft, fines and jail time, but injure or kill workers? Tsk, tsk. No supper for you tonite.

Stay tuned and we'll keep you posted. Any Hawaiian readers out there who can fill us in? Or am I going to have to come on out there and find out for myself?

PERMALINK Posted 1:09 AM by Jordan 

Labor's Silver Lining

Former neighbor and UE staffer [Lance Compa argues in a Washington Post column](#), that like Mark Twain's reported death, the demise of the labor movement has been greatly exaggerated. Compa points out that despite labor's falling percentage of the workforce, "union members are more engaged in community and social affairs than unorganized workers, and continues in electoral politics. "

Despite hostile laws and significant number of American workers who aren't even allowed to join unions, in certain important economic sectors, labor still has a strong showing.

Thursday, July 17, 2003

PERMALINK Posted 11:07 PM by Jordan 

West Pharmaceutical Statement: The Buck Doesn't Stop There.

The West Pharmaceutical statement regarding the NIOSH fine for the dust explosion that killed six employees is [here](#).

As I wrote yesterday, West settled the case for a \$100,000 fine and a \$300,000 contribution to local organizations that provided assistance to West and its employees in the aftermath of the January 29th incident. Kevin Beauregard, interim director of the the North Carolina Department of Labor's occupational safety and health division, [said](#) that the probe raised three safety issues: dust accumulation. electrical

equipment placed in an area where it was not approved and ineffective employee training on the hazards of the chemicals used. NCOSHA initially cited West for 86 violations related to those three issues. The company had faced a \$602,000 fine.

But under the settlement, the company was cited for one "general duty" violation - failing to provide a safe workplace. The other 85 violations were dismissed.

But the company was not happy with the settlement.

Donald E. Morel, Jr., Ph.D., Chairman and Chief Executive Officer stated:

West cooperated fully with NCOSHA's investigation and we are very disappointed that any citations were issued. West vigorously disagrees with its allegations of non-compliance with certain NCOSHA requirements and we firmly believe that we would prevail if we contested the citation.

Now let's look at this. West "vigorously" disagrees that it had done anything wrong. This is a curious argument for a company where working conditions killed six employees.

No one is saying that West killed the employees intentionally, or even negligently. They may even be good corporate citizens. They're rebuilding in Kinston and have kept most of their employees working at other West plants.

West is probably arguing that it didn't violate **any specific OSHA standards** that led to the deaths. But even discounting the other 85 violations that were dismissed (which I haven't seen), **the OSHA Act does contain a general duty clause, [Section 5\(a\)\(1\) of the law](#)**, which states that

Each employer shall furnish to each of his employees employment and a place of employment which are free from recognized hazards that are causing or are likely to cause death or serious physical harm to his employees.

In order to sustain a general duty clause citation, the hazard must be able to cause death or serious physical harm and it has to be "recognized." reconsidered doesn't just mean recognized and acknowledged by the employer; it can also mean recognized in the industry. And there is no doubt that the hazards of dust explosions are well known in industry. Do a [Google](#) search. I came up with over 100,000 hits. Clearly all are not relevant, but you get the idea.

Congress in its wisdom wrote the General Duty Clause into the act because it recognized that OSHA would not be able to issue a standard to cover every recognized hazard. They probably didn't realize in their wildest dreams how difficult it would become to issue new standards -- which makes effective use of the General Duty Clause all the more needed.

So stop whining and just focus on not letting anything like this happen again.

PERMALINK Posted 8:32 PM by Jordan 

White House Accidentally Reveals the Truth

This is not the [Onion](#).

[Buzzflash](#) points out that occasionally the White House accidentally tells it like it is. Check out the subtitle on the [State of the Nation page](#) of the White House Webpage.

[Note (7/28/03): The subtitle has been taken down. It originally read: "Denial and Deception"]

PERMALINK Posted 12:08 AM by Jordan 

NC OSHA Cites West Pharmaceutical for Dust Explosion that Killed Six

[North Carolina OSHA fined West Pharmaceutical](#) \$100,000 for a dust explosion that killed six employees last January. West has also agreed to contribute \$300,000 to organizations that provided assistance during the tragedy.

West officials were not happy.

Company officials felt the fine was unjustified. "We're clearly disappointed OSHA chose to give us a citation and a proposed penalty. We believe we did not violate the NC OSHA Act as alleged. And further more, we believe that if we chose to contest the citations, we would prevail," said company chairman Don Morel.

[Yeah, go ahead and contest it. That will win you lots of good will in the community.](#)

The original citation was for \$602,000. As part of the agreement, which included the \$300,000 contribution, West Pharmaceuticals denied it violated the act.

"The first issue had to do with combustible dust. The second issue had to do with electrical equipment," said Kevin Beauregard, NC Department of Labor. "And the third issue had to do with employee training."

At a public hearing last month, the US Chemical Safety and Hazard Investigation Board released [preliminary findings](#) that West Pharmaceutical Services created conditions for the deadly blast at its Kinston plant by installing a suspended ceiling that allowed explosive dust to build up out of sight. More [here](#).

Labels: [Chemical Safety Board](#)

Wednesday, July 16, 2003

PERMALINK Posted 10:48 PM by Jordan 

The 21st Century Jungle

Every once in a while I do a search for workers who have died in the past days. It's depressing and it's infuriating. Look at the list below. There's barely one that isn't readily preventable and an obvious violation of an OSHA standard. So what does it take? More guidelines and legislation to get OSHA off the backs of small employers?

[Bad year for miners](#)

Coal Mine Deaths Increase

[The 20 fatalities so far for 2003 have occurred at a somewhat faster rate than in recent years](#), according to federal Mine Safety and Health Administration records. Kentucky leads the country with seven coal mine deaths this year — continuing a pattern in which the state has led the nation in mine fatalities for most of the past decade. Indiana has had one fatality this year.

Worker is killed in dock accident

By RAY HENRY, Standard-Times staff writer

NEW BEDFORD -- [A 25-year-old worker was crushed to death](#) by a falling metal cage near a waterfront loading dock off Hassey Street Monday morning, police and witnesses said.

Luiz Garcia Gomez of Viall Street, a worker at Nebula Foods Inc., was repairing a pothole around 11:45 a.m. with his cousin and another man when a forklift at Big G Seafood on the loading dock above them hit a cable attached to a metal cage, said Lt. Richard M. Spirlet, a spokesman for the New Bedford Police Department.

Worker dies in 40-foot fall Man is 4th killed at a construction site

By Dave Gustafson
The Sun News

[A construction worker died](#) after falling about 40 feet at 11:30 a.m. Tuesday in North Myrtle Beach.

Alfonso Morales, 41, of Loris, was taken to Seacoast Medical Center in Little River, where he was pronounced dead at 12:05 p.m., said Horry County Coroner Robert Edge.

[Every hear of fall protection?](#)

Three other Myrtle Beach construction workers have been killed on the job since December: Oscar Barojas, 23, Chad Edward Steffey, 18, and Juan Vazquez, 31.

[Note the percentage of hispanic surnames.](#)

Kankakee County man dies in ditch collapse

July 15, 2003 (Kankakee) — The Occupational Safety and Health Administration is investigating the death of a Kankakee County man in a workplace accident.

Coroner James Kelly says 22-year-old [Nathan Barber died yesterday after he was buried when a ditch collapsed while he was working inside.](#)

[Some "accident." I wonder how deep the ditch was.](#)

[Here's another stupid, pointless death.](#)

Welder dies after explosion

By Norman Miller / News Staff Writer
Wednesday, July 16, 2003

FRAMINGHAM -- [Christopher Lyon's family left a Boston hospital](#) Monday night happy because a doctor told them the Connecticut welder injured in an explosion two weeks ago looked as if he was going to make a full recovery.

Early yesterday morning, the Lyon family received a call from Massachusetts General Hospital telling them Lyon, 31, had died from injuries he suffered in the explosion on July 3 at the Triram Corporation at 721 Waverley St.....

Lyon was welding on top of a 28-foot, 15,000-gallon asphalt container on the afternoon of July 3 when the heat from the welding torch caused the fumes in the tank to explode.

Fire officials said he was thrown to the ground, and suffered serious injuries. He was taken by a medical rescue helicopter to Massachusetts General, where he remained until his death.

400-Foot Drop Kills Radio Tower Worker

GREENE TOWNSHIP, Pa. -- A man died Tuesday morning after falling about 450 feet from a radio tower while he was repairing an antenna, WTAE's Sheldon Ingram reported.

[Clifford T. Williams, 26, of Paducah, Ky., was pronounced dead](#) at the scene in a remote area of Greene, Beaver County.

[Every hear of fall protection?](#)

[Meanwhile, stay away from those paving jobs in Denver.](#)

Worker dies after falling under wheels of truck

[A 53-year-old man died Monday morning](#) in the 4400 block of South

Yosemite Street when a dump truck full of asphalt backed over him.

The man's identity was withheld pending notification of relatives.

The victim, who worked for Cutler Paving, was marking manhole covers about 10 a.m. when the dump truck owned by Pronto Trucking Co. backed up to load a hopper on an asphalt spreader. The victim attempted to stand up, but slipped and fell under the rear wheels of the truck, said Sonny Jackson, Denver police spokesman.

Road Worker Run Over By Road Grader

DENVER -- A city road-paving crew worker was seriously injured

Tuesday when he was run over by a road grader while working in downtown Denver. Witnesses said the worker was hit by a 50-ton road grinder

The victim, identified as Robert G. Romero Jr., 32, was later listed in serious condition at Denver Health Medical Center.

It was not known why Romeroa didn't see the machine before he was hit.

Man Electrocuted In Gainesville

POSTED: 11:36 a.m. EDT July 14, 2003

A welder was apparently electrocuted while working on a metal balcony at a construction site in Gainesville, authorities said.

[Javier Gonzales, 37, of Norcross, Ga., died in Sunday's accident](#), said Sgt. Keith Faulk, an Alachua County Sheriff's Office spokesman.

Workers told authorities that Gonzales, an employee of Allen Steel Products of Arlington, Tenn., was installing a metal subfloor on a balcony using an 8,000 watt welding machine.

Although detectives are awaiting the results of an autopsy, authorities believe he was electrocuted by the welding machine, Faulk said.

Fall from Skyway kills man

[A construction worker died Wednesday night](#) after falling about 50 feet from the Chicago Skyway. Dennis P. McNamara, 63, of Wood Dale had been working above the eastbound traffic side near I-90 and 77th. He was pronounced dead at Northwestern Hospital.

Every hear of fall protection? Hello. Anyone paying attention out there?

PERMALINK Posted 10:04 PM by Jordan 

Graveyard Shift: Faster to the Graveyard...and the Poorhouse?

Employers who think shift work is a profitable bed of roses should think twice according to [this article](#).

Graveyard-shift workers make five times as many serious mistakes and are 20 percent more likely to suffer severe accidents, Circadian found. Those on the overnight shift also have a significantly higher incidence of costly diseases and disorders, costing employers billions. ...Night workers also seem to eat more fatty foods during their 3 a.m. lunches. Obesity and diabetes rates are higher among overnight-shift workers, according to Circadian. All-night workers tend to have heart disorders at rates 40 percent higher than those of workers on dayside shifts.

Higher divorce rate, more stress-related illnesses, higher health care costs.

And just to add insult to injury, the Bush administration is trying to [get rid of the 8-hour day](#).

Life's only a bed of roses if you have time to go to bed.

PERMALINK Posted 7:31 PM by Jordan 

Ergonomics Revisionism?

Check out the first paragraph of this [article](#):

New ergonomics guidelines pose challenges

Lynlee Wells Palmer

After a lengthy ergonomics debate between industry and the U.S. Department of Labor's Occupational Safety and Health Administration, OSHA has been forced to abandon its hope for broad ergonomics regulations in favor of industry-specific guidelines promulgated under the Occupational Safety and Health Act's general duty clause, a catch-all clause that enables OSHA to issue both ergonomics guidelines and citations for ergonomics hazards within a workplace.

Calling the truth squad for rewrite:

After a lengthy ergonomics war between industry and the U.S. Department of Labor's Occupational Safety and Health Administration, OSHA forced workers to abandon their hope for broad ergonomics regulations in favor of unenforceable industry-specific guidelines. OSHA is now only able to cite employers under its general duty clause, a catch-all clause that enables OSHA, when it seems politically necessary, to issue citations for ergonomics hazards within a workplace.

Aside from the fact that the author is an attorney representing management who doesn't understand OSHA or recent history or OSHA's General Duty Clause, it's not a terrible article. (I hope she doesn't charge too much.)

For enquiring minds, it is true that OSHA can cite under the General Duty Clause, but the General Duty Clause has nothing to do with OSHA's ability to write voluntary guidelines. The guidelines that OSHA has issued have a very lengthy disclaimer stating that the guidelines can not never, ever, ever, in a million years, no matter what, be used to cite employers, cross their hearts and hope to die. Don't even THINK about it! (Although in somewhat more legalistic language).

Labels: [Ergonomics](#)

Tuesday, July 15, 2003

PERMALINK Posted 11:20 PM by Jordan 

Chemical Neighbors: Can't Live With 'em, Can't Live Without 'em

Dear Abby:

I have a problem. [It's my next door neighbor](#). He makes smelly stuff that pollutes the air, but sells very well. He hired some neighborhood kid to do some welding near a leaky tank full of sulfuric acid which exploded and not a trace of him was ever found again. He spilled millions of gallons of sulfuric acid into the creek and has been fined

hundreds of millions of dollars by the federal government. But he's so rich he doesn't care.

Now, you might think I'd be writing you to ask your advice on how to get rid of him. But actually, I don't want to do that. I need him. My kids work for him and he supports the whole town. I don't like him, but I need him.

Am I crazy?

Signed:

Miffed by Motiva

PERMALINK Posted 9:23 PM by Jordan 

Asbestos Comp Follies, Continued

[As I reported earlier this week](#), Orin Hatch's (R-UT) asbestos compensation bill was approved by the Senate committee. Aside from

compensation bill was approved by the Senate Committee. Diane Feinstein (D-NY), all Democrats on the committee opposed the bill. All Republicans voted in favor, except for Jon Kyl (R-AZ) who abstained. But no one seems to be happy, except Halliburton and a few other companies.

The AFL-CIO opposes the bill:

[The unions argue](#) that manufacturers and insurers should pay more into the fund to ensure that claimants receive as much as under the tort system. But industry says the bill would provide more compensation because lawyers' fees would be curtailed under the Hatch bill.

"The legislation has sound medical criteria but on the core issue of providing victims fair compensation for their disease it doesn't meet the mark," said Peg Seminario of the AFL-CIO, the umbrella organization for labor unions.

Democrats aren't happy:

Several committee Democrats, including Patrick J. Leahy of Vermont and Edward M. Kennedy of Massachusetts, said they liked the idea of a national trust fund, but that Hatch's plan does not provide enough money for victims.

At the hearing, the panel voted to raise the payment for victims of mesothelioma, which is unique to asbestos exposure, to \$1 million. But Kennedy noted that payments to lung cancer victims who have been exposed to asbestos will be limited to \$150,000.

"That is outrageous," Kennedy said. "The real crisis that confronts us is not an 'asbestos litigation crisis.' It is an asbestos-induced disease crisis."

Insurers are also opposed:

Insurers believe that any extra funding should be provided by the manufacturing industry, which used the carcinogenic material for insulation in the 1970s.

"We are opposed to the bill," said Gary Karr of the American Insurance Association. "We believe the contingency funding should be paid by the industrial defendants."

As I mentioned above though, Halliburton is very happy:

Over its 27-year life, the fund is supposed to have \$108 billion to pay people who develop cancer or other health impairments from their exposure to asbestos in the workplace.

The money in the trust fund would come from about 8,500 companies that made or sold asbestos products directly or through their subsidiaries, as well as the companies' insurers. But most of the firms would pay no more than \$25 million a year.

[The arrangement could prove a windfall for Halliburton and its insurers.](#)

In February, the company reached a "global settlement" of 200,000 asbestos claims. Under the deal, Halliburton and its insurers agreed to pay \$4.2 billion to settle the claims.

Dresser Industries, a Halliburton subsidiary, had incurred the asbestos liability through another company it once owned.

But the Senate bill, the fate of which remains uncertain, would cancel all such pending settlements.

At \$25 million a year, Halliburton would pay \$675 million over the 27-year life of the federal trust fund.

Other unhappy parties include the intended beneficiaries of the pending settlements that would be canceled under this legislation:

An estimated 1.3 million workers in construction and industry face "significant asbestos exposure on the job," according to the U.S. Occupational Safety and Health Administration.

Administration.

Victims are not always older workers who labored in shipyards or factories.

Angela Ruhl, 39, of Garden Grove has two teenage children and suffers from mesothelioma, the asbestos-induced cancer that is usually fatal.

Her uncle worked at the Long Beach Naval Shipyard, and she believes she was exposed through him and his work clothes, which were laundered at her home.

"I know it's incurable," she said of her disease, although she has responded well to several experimental drugs.

After being shocked by the diagnosis of the medical condition, Ruhl said she was jolted again when she learned that the pending legislation could cancel the settlement she and her lawyer had worked out with the unnamed companies that made the asbestos.

"I was dumbfounded. I didn't think they could do this retroactively," she said.

"We have received a settlement and signed the agreement, but this would cancel it because the money has not been paid yet."

Trial Lawyers are also opposed to the bill because they would no longer make money off of asbestos litigation. Nothing wrong with this, according to Hatch:

Some people are making a very good living off this broken system," Hatch said during Thursday's daylong hearing. "They are the ones hurting the system for a quick buck and don't want their lottery taken away."

Yes, "greedy" trial lawyers are easy targets, but lets look at the world. **What or who is out there really making corporations pay – pay so that it really hurts them – for injuring, killing and making workers sick?** Not OSHA with its anemic fines and almost complete inability to issue new regulations. Workers alone certainly don't have the money to hire attorneys and pay their fees and they can't sue their employers. It's really only the system where attorneys get a percentage of the money they win for their clients that has made companies think twice about producing dangerous products. And it's often the money that these firms make off these lawsuits that allow them get involved in less profitable activities to benefit workers.

Bottom line is that this bill isn't going anywhere as it stands now. A compromise will have to be reached that keeps the liable companies in business but still provides adequate compensation to current and future victims.

We should all just remember that this whole tragedy is a result of decades of corporate lies and cover-ups about the health effects of asbestos – a deadly mineral that is still being used in the United States. And when you look at the situation with chemical testing and regulation in this country, it's hard to see that these same companies have learned their lesson.

Labels: [Asbestos](#)

PERMALINK Posted 8:43 PM by Jordan 

Telemarketers are People

My blogger comrade Susan Madrak at [Suburban Guerrilla](#) reminds us that those obnoxious [telemarketers are actually people](#) -- often low-paid people who cannot find other work. OK, I still don't like the calls, but I'll try to be nicer before I hang up.

PERMALINK Posted 7:32 PM by Jordan 

Another Workers Comp Battle

First you injure them, then you make sure they never get compensated. I've written about workers compensation several times over the past few weeks, [here](#), [here](#), [here](#) and [here](#). The battles continue, [this time in Ohio](#).

PERMALINK Posted 12:20 AM by Jordan 

Ergonomics and Democracy, American Style

Sometimes I have to wonder what kind of democracy we live in. The answer seems to be "the best that money can buy." We all know about the fiasco of campaign finance reform. And of course there's Ari Fleischer's almost famous statement (when asked about the obscene amounts of money that President W is raising) that the amount of money a political party raises is reflective of their support among the American people. (cough)

Californians are soon to be faced with a recall of their governor, elected less than a year ago, because of a recall campaign financed by millionaire conservative Congressman and [former car thief](#) Darryl Issa.

Now, the good citizens of Washington State are soon to be faced with a [referendum on their ergonomics standard](#), thanks to a well funded campaign by the Building Industry Association of Washington, which represents home builders. Other supporters are the National Federation of Independent Businesses, the Association of Washington Business and the Washington Farm Bureau.

On July 1, the BIA submitted initiative petitions with about 260,000 signatures to the Secretary of State's Office in Olympia. Initiative organizers turned in even more signatures by the July 3 deadline.

["We can't afford what it's going to cost business in the state,"](#) said Randy Gold, president of the Building Industry Association of Washington. "This will be a job-killer."

Gold said his association is prepared to spend more than \$1 million to get Initiative 841 passed. Already, initiative backers have spent \$347,000 to gather signatures.

But money isn't the BIA's only weapon. They may not steal cars, but they make good use of lies to help them along. [I wrote over a month ago](#) about the outrageous lies the business associations admitted making in order to collect signatures for the referendum. The BIA's webpage actually implied that Senate Minority Leader Tom Daschle supported Bush's repeal of the ergonomics standard (although this statement seems to have been taken off of their web page.)

The regulation was adopted in 2000 in response to the over 50,000 Washington workers who suffer ergonomics injuries every year. Washington business interests have been waging a non-stop -- and unsuccessful -- battle to have the standard repealed by the legislature and overturned by the courts.

Although the business *associations* are ideologically opposed to the standard, actual Washington businesses don't seem to think the sky is falling. The Associated General Contractors are remaining neutral in the campaign. One of Washington's largest commercial contractors, GLY Construction Inc., "last year tried out the new ergonomics rules in a demonstration project with the state Department of Labor and Industries." Although Tim Gottberg, the company's risk manager, complained about paperwork,

nonetheless, Gottberg said GLY would keep its ergonomics program even if Washington voters repeal the rules, chiefly because the company wants to reduce workplace injuries and help carpenters finish out their careers in an industry with physical demands.

Fighting this effort to overturn these workplace protections has national significance. If Washington's ergonomic standard is overturned, it will doom similar state efforts as well as efforts to convince federal OSHA that a standard is the only way to reduce ergonomics hazards that continue to be the biggest cause of injuries in American workplaces. Check out the [Washington State AFL-CIO](#)

in American workplaces. Check out the [Washington State AFL-CIO](#) webpage for information about the campaign to defeat the standard.

Labels: [Ergonomics](#)

Monday, July 14, 2003

PERMALINK Posted 9:32 PM by Jordan 

Let My People Breathe

Bill Borwegen from SEIU reports that the final House Appropriations Committee report includes language urging OSHA to consider an airborne disease standard. This language recognizes that OSHA has clearly not done enough to require employers to protect healthcare workers from intentional and unintentional airborne biological threats.

Readers of *Confined Space* may remember that instead of addressing these issues, [OSHA recently trashed its proposed Tuberculosis Standard](#), the closest proxy to an airborne disease standard, despite a conclusion from the Institute of Medicine that a standard was needed.

Here is the text from the House bill. Not sure what's happening on the Senate side yet.

House Report 108-188 - DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES APPROPRIATION BILL, 2004

OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

In the face of uncertain risk to their own health and that of their families, our country's doctors, nurses and other health care workers have courageously stepped forward to provide professional and compassionate care to patients with a variety of newly emerging, naturally occurring airborne infectious diseases such as SARS and monkeypox. With SARS, approximately half of all suspected and probable SARS cases in Canada are among health care workers who become infected while caring for their patients.

*With our country confronting these new airborne biological threats, we have asked our health care professionals to do more to protect all of us. These workers have responded. **The Committee believes that the Congress now owes a debt of gratitude and has a responsibility to protect these same health care workers from the occupational hazards they face, so that they can focus on doing the best job possible in caring for, and treating their patients.***

*To protect health care workers from newly emerging intentional and unintentional airborne infectious disease threats, **the Committee urges OSHA to consider an airborne disease standard.***

PERMALINK Posted 7:11 AM by Jordan 

Bush's Environmental Policy: Lie, Hide, Deceive, Dissemble, Obfuscate, Distort

It seems the Bush Administration's attempts to deceive the American public regarding the threat posed by Iraq were not limited to foreign policy. The same tactics are being used for environmental policy.

[Agency employees say](#) they have been told either not to analyze or not to release information about mercury, carbon dioxide and other air pollutants. This has prompted inquiries and complaints from environmental groups, as well as Democrats and Republicans in Congress

Jeremy Symons, former EPA climate policy adviser in the Office of Air and Radiation, [noted in a Washington Post article](#) the Administration's inclination to head in the exact opposite direction of what was needed to address global warming:

With more than 80 percent of the nation's global warming pollution coming from the use of fossil fuels, the Bush energy plan dashed all hope for proposals to ease global warming. The plan, released in May 2001, made increased supplies of coal, oil and natural gas the priority in the coming decades.

What's the difference between the present time and past Republican efforts to weaken environmental protections? They have become very good at hiding and distorting the science:

When President Reagan pursued a more overt agenda of undermining the EPA's ability to regulate industry, aggressive congressional oversight led to the resignation of the EPA head, Ann Gorsuch Burford. Despite the similarly far reaching impact of the current administration's proposed rollbacks in clean water and air protections, Congress has been largely held at bay by the White House's adept control of information.

Harkening back to the old days when even Republicans had some honor and respect for the science,

Former EPA administrator Russell Train responded in a letter to the New York Times. "Having served as EPA administrator under both Presidents Nixon and Ford, I can state categorically that there never was such White House intrusion into the business of the EPA during my tenure,"

he wrote. "The EPA was established as an independent agency in the executive branch, and so it should remain. There appears today to be a steady erosion in its independent status."

Congress will soon have an opportunity to reassert its respect for good science-based policy:

Soon Bush will pick a new head for the EPA. In the confirmation hearings, it will be incumbent upon senators to demand accountability not just from the nominee, but from the White House itself.

If that doesn't work, there's always an election coming up.

Saturday, July 12, 2003

PERMALINK Posted 5:40 PM by Jordan 

Can't We all Just Get Along?

I don't even know what to say about this. It seems like a health and safety problem, but I've never seen a fact sheet for it.

[For longer than anyone cares to remember](#), unseemly jurisdictional disputes between some New York City police officers and firefighters have led occasionally to angry words at rescue and recovery operations, sometimes to scuffling between the uniformed forces and even to arrests and charges of interference.

Just two weeks ago, a firefighter involved in efforts to extricate a burglar trapped in a chimney in Queens said he was thrown down, handcuffed and arrested by a police officer for obstructing a crime scene.

And on Wednesday night, the simmering tensions - often referred to as the Battle of the Badges - boiled over again, this time at the scene of a man's drowning in Newtown Creek on the border of Queens and Brooklyn, where fire and police scuba teams went into the water to search for the victim.

Maybe an organizational counselor or something?

Friday, July 11, 2003

PERMALINK Posted 9:12 PM by Jordan 

Let's Be Careful Out There

Colleagues fearful after Minneapolis cabby slain

BY AMY MAYRON
Pioneer Press

A 38-year-old cabdriver, the father of a toddler with another child on the way, was shot and killed on duty early Thursday in North Minneapolis.

Police released little information about the killing of Ahmed H. Ahmed and couldn't say what the motive was or whether it was random. The shooting of a taxi driver, a rare occurrence in Minneapolis, had drivers in the city fearful.

If you drive a taxi and your (justifiably) nervous check, [here](#) and [here](#). Please note that the latter item, an OSHA Fact Sheet (issued when I was there with the good guys) "no longer represents OSHA Policy. It is presented here as historical content, for research and review purposes only."

I guess it's OK for cabbies to get killed now.

Labels: [taxi drivers](#)

PERMALINK Posted 7:18 AM by Jordan 

Employers to Workers: Kick 'em While They're Down

A couple of weeks ago I [wrote](#) about a strike at a Wisconsin Tysons plant and the strong local support it was generating. That struggle and many more made the [New York Times](#) today.

The economy's down, labor is fighting desperately just to hang on to what it's got and the Republicans are in power in Washington like never before. Some businesses and most state governments are having a hard time making it, and are asking their employees for wage and benefit concessions.

But what if you happen to run a business that's doing quite well? The answer is clear: demand wage and benefit concessions from your workers. Why? Not because you need them, but just because you can.

For the 470 workers on strike at the Tyson Foods sausage and pepperoni plant here, the big question is why the company is so eager to cut starting salaries, freeze pensions and adopt a health plan with less coverage when the plant is so profitable....

Healthy profits or not, Tyson has joined hundreds of companies nationwide demanding concessions from organized labor....

The examples extend far beyond this southern Wisconsin town, where Tyson officials say concessions are needed to keep costs in line with those of its other plants. Verizon, the telephone company, wants concessions from 75,000 employees. New York City has demanded wage freezes from nearly 300,000 municipal workers. In Pennsylvania, 48,000 state employees have had to accept a two-year pay freeze.

So, what is to be done?

Some unions have successfully rebuffed concessions — G.E.'s two main unions beat back the company's demand that they pay 30 percent of health-care costs, up from the current 18 percent. But many other unions have reluctantly accepted them, fearful that a prolonged strike could mean months without paychecks and perhaps the

could mean months without paychecks and perhaps the loss of jobs to permanent replacement workers....

Labor leaders boast of examples where unions have obtained impressive contracts, notably in cities where unions have organized the vast majority of the workers in a nonmanufacturing industry. In Chicago, the Hotel Employees and Restaurant Employees International Union mobilized 7,300 workers at 27 hotels, threatened a strike and obtained a 54 percent increase in wages and benefits over four years. In recent talks involving janitors in Boston, Denver and Washington, the Service Employees International Union won raises of 25 percent over five years and health insurance for many part-time workers.

"In 1985, we took concessions in 23 out of 25 agreements," said Stephen Lerner, director of the union's Justice for Janitors campaign. "Nowadays we represent 70 to 90 percent of building service workers in these cities. That means a lot in terms of bargaining power."

Nearly forgotten in the discussion of important business issues is how concessions affect workers

[Tyson's employee Chuck] Moehling, who has worked at the plant for 22 years, said: "The company asked, 'Why should we be sitting on this pedestal in Wisconsin?' Well, we're just scraping by. We're making \$27,000 a year. That's not a lot of money. It's just enough to survive in this state. We have high heating bills and some of the highest tax rates in the nation."

If the union accepted Tyson's demands, he said, the lower pension and higher health premiums would force him to take a second job. "We can't afford to live on the concessions they're demanding," he said.

"If you take a second job, you end up with less time for your family," Mr. Moehling continued. "I have an 11-year-old girl and 9-year-old twin boys, and I do a lot of coaching, but if I have to take a second job, you can forget about the coaching."

But clearly there are more important matters to consider:

[Ken Kimbro, Tyson's senior vice president for human resources] said Tyson was mindful of such considerations. **"We're not pleading poverty," he said. "We're not saying the Jefferson facility is losing money.** We're saying the cost in Jefferson is out of line and we have to make adjustments."

And if kids don't get to spend as much time with their parents, 'hey, that's the way the system works. Deal with it.'

PERMALINK Posted 7:10 AM by Jordan 

Asbestos Comp Bill Passes Committee

A Senate Committee late last [night passed Orin Hatch's asbestos compensation bill](#) by a mostly party line vote of 10-8. But all is not well.

Organized labor, whose support is seen as key to getting broad Democratic backing, withheld its assent. AFL-CIO counsel Jonathan Hiatt said the planned awards, as low as \$25,000 for a smoking lung cancer victim, were not enough.

Meanwhile support for Hatch's proposal was eroding among some of its earlier backers. Insurers announced they were opposed after senators decided to ask industry and insurers for \$52 billion each in contributions to the fund -- \$7 billion more than the \$45 billion each side had agreed to pay.

"We will oppose this," American Insurance Association spokeswoman Julie Rochman said.

Labels: [Asbestos](#)

PERMALINK Posted 12:01 AM by Jordan 

Bad Day

[Worker dies in crane accident at steel mill](#)

MIDDLETOWN, Ohio - A 2,000-pound crane block fell and killed a man operating a forklift at the AK Steel mill on Thursday, investigators and the company said.

AK Steel later identified the victim as Ralph E. Jones, 41, of Waynesville. He had been employed by the company since 1985 and worked in maintenance.

[Man Crushed To Death In Gelatin Factory](#) **Machine Accidentally Turned On While Man Was Cleaning**

CHICAGO -- A 43-year-old man was crushed to death Wednesday night while cleaning a machine at a gelatin factory in Calumet City.

The worker was identified as Roland Robley, of Highland, Ind., according to a spokesman for the Cook County Medical Examiner's Office.

[OSHA fines company over worker's death](#)

July 10, 2003, 8:44 AM EDT

OGDENSBURG, N.Y. -- The federal Occupational Safety and Health Administration has **fined a company \$2,500 in connection with a fatal workplace accident.**

Gerald Smith, 49, of Norwood, died June 4 when he was using a cherry-picker-type lift to inspect upper elevators and the unit tipped over.

\$2,500? Hello?

Thursday, July 10, 2003

PERMALINK Posted 11:33 PM by Jordan 

Cintas, Immigrant Workers, Slavery and NAFTA

I've written [before](#) about UNITE's efforts to organize Cintas Corp., a Cincinnati-based laundry and uniform rental company. New developments:

[Ninety members of Congress signed a letter](#) sent to Cintas Corporation CEO Robert Kohlhepp urging the company to enter into a card-check neutrality agreement after hearing numerous reports about how Cintas management has responded to employees' efforts to organize a union. As stated in the letter, "Workers report that Cintas has mounted an extensive campaign aimed at dissuading employees from supporting the union through retaliatory firings, harassment, surveillance...it is our belief that employees cannot freely exercise their right to join a union in an environment where employers are coercing or trying to sway employee opinion."

Most of Cintas' employees are immigrants. The American Prospect has an excellent series this month on [Immigrants in the New Economy](#). One article by [uses Cintas as an example](#) of how labor unions have taken the place of old time political machines in championing the rights of immigrant workers.

Other articles cover the [health and safety hazards](#) faced by immigrant

workers, the [failure of NAFTA](#), [slavery-like conditions](#) in the South

PERMALINK Posted 11:05 PM by Jordan 

Who Needs Talk Radio?

The web as the liberal talk radio? Ron Brownstein of the [LA Times](#) makes the point that the web (like this Blog) will be to the left, what talk radio has become to the right.

PERMALINK Posted 9:55 PM by Jordan 

Asbestos Comp Fund Still Stalled

Senator Orin Hatch (R-UT) [still can't seem to reach an agreement](#) with Senate Democrats and Labor over the size of the Asbestos compensation fund.

Hatch fears that

a Democratic proposal for awards to asbestos victims was so generous it would "bankrupt" the proposed fund, and led Republicans in voting it down 10-9 on party lines.

The proposal, by the panel's ranking Democrat, Sen. Patrick Leahy of Vermont, would have paid people sickened by asbestos awards totaling an estimated \$128 billion to \$185 billion over the 27-year life of the fund.

Meanwhile, stock of companies involved in asbestos litigation dropped.

One company, Haliburton, and a certain U.S. Vice President who I will be polite enough not to name, will be quite pleased if an asbestos compensation bill passes. According to the [Financial Times](#)

Halliburton, the oil services company formerly run by Dick Cheney, US vice-president, could save more than \$3.5bn under proposed asbestos legislation, according to a report to the Senate judiciary committee.

The company has agreed to pay \$4.25bn to settle claims from victims of asbestos exposure. But under laws the committee is considering to create a trust fund to curb asbestos litigation, Halliburton would pay at most \$675m, says Caplin & Drysdale, a New York law firm.

I knew there was money to be made doing health and safety work. I'm just on the wrong side.

Labels: [Asbestos](#)

Wednesday, July 09, 2003

PERMALINK Posted 10:20 PM by Jordan 

Combustible Dust Probable Cause of Corbin KY Blast

Like the January explosion at [West Pharmaceutical](#) that claimed the lives of six workers, the February 20 explosion at CTA Acoustics in Corbin, KY that killed seven was also caused by combustible dust, according to the [U.S. Chemical Safety and Hazard Investigation Board](#)

[Bill Hoyle, who led the investigation of the CTA Acoustics plant explosion for the U.S. Chemical Safety Board](#), told the audience of plant employees and families of burn victims that maintenance had been scheduled for the production line but that the repairs had been delayed in the days before the blast.

The explosion at the plant, which manufactures thermal and acoustic insulation used in automobiles, ranks as the

most deadly industrial-chemical accident since the board began investigating such cases in 1998. In all, 44 people were hurt or killed, and three workers continue to struggle with severe burns.

According to the report, dust that had been stirred up by routine cleaning was ignited by an oven that was left open to cool because the controls were malfunctioning.

Over 200 people -- many CTA workers and family members of those injured and killed -- attended the meeting sponsored by the CSB in Corbin.

[According to Hoyle,](#)

It is likely flames escaped from the open door and ignited dust from the resin, the safety board said in a news release.

The thunderous explosion stirred up dust that had settled elsewhere in the plant, touching off secondary explosions and fueling the fire, Hoyle said.

Those who died were Clarence Davis Jr., 35; Michael Anthony Reeves, 41; David Messer, 43; Joe Hamilton, 37; Arnold Peters, 57; Jimmy Lemmings, 42; and Paul Newman, 50.

Many of those attending were upset by the report.

Annette Daniels, whose husband, Billy Daniels, spent three months in a burn unit recuperating from his injuries in the explosion, said the production line should have been shut down because of the malfunctioning oven.

"That should be standard procedure," she said. "They didn't follow standard procedure."

Doug Cupp of Manchester, who also was burned in the blast, said: "No one expected a fire like that. I'm angry. I'm hurt. Everybody has different emotions."

According to CSB Board Member Gerald Poje,

"Preventing industrial dust explosions is probably our biggest priority right now, beyond finding out exactly what happened in Corbin and in Kinston," he said.

Poje said there is growing concern among workplace-safety experts that flammable dust in factories represents the same kind of danger that was identified two decades ago in grain elevators. Stringent safety standards were adopted in the wake of deadly explosions linked to combustible dust in the silos.

Poje said the board's work isn't complete. Investigators will continue to study the accident, and then the board will begin looking into possible ways to help strengthen federal standards for handling industrial dust.

Labels: [Chemical Safety Board](#)

PERMALINK Posted 9:15 PM by Jordan 

Republican Malpractice

Senate Democrats, with the help of a couple of Republicans (Lindsey Graham (SC) and Sen. Richard C. Shelby (Ala.)), [killed an Administration bill](#) that would have capped medical malpractice awards at \$250,000. Medical malpractice rates have been skyrocketing for some more risky medical professions, and the insurance industry, the AMA and strapped doctors are screaming that outrageous punitive judgments for "pain and suffering" are to blame.

The Republican leadership knew very well that it would lose the vote, but

Senate Republican Conference Chairman Rick Santorum (Pa.) told reporters earlier this week that GOP senators

wanted to bring up the bill, even though they knew they would lose, to "turn up the heat back home on senators who are not being responsive to the problems in their own states."

So what's the real story here? An article in the most recent [American Prospect](#) refutes many of the myths being propagated by the insurance industry and the Bush Administration.

First, rising premiums have little to do with giant awards for pain and suffering.

But contrary to the administration's line, increasing jury awards are not single-handedly driving premiums through the roof. Rather, a steep decline in insurers' projected investment income is largely responsible for rising rates...And when investment income evaporates, it hits hard. Americans for Insurance Reform's J. Robert Hunter, an actuary and former Texas insurance commissioner, tracked premiums and insurance-industry investment returns over the last 30 years. He found that each of the three malpractice insurance "crises" directly coincided with declining insurance investment returns.

Another myth is that awards for pain and suffering are not needed to compensate victims of malpractice.

But critics of caps insist that pain and suffering damages are necessary to deter careless medical practice and compensate for injuries such as blindness, disfigurement and the loss of sex function, which cannot be quantified in economic terms. Limiting these awards, they argue, will do nothing to reduce costs to doctors and will only trample patients' rights. Linda McDougal, the Minnesota woman whose breasts were mistakenly removed after she was incorrectly diagnosed with cancer because her files were mixed up with another patient's, suffered few quantifiable economic losses. She had health insurance, and her employer covered medical bills and lost wages. But "she will have to go through life mutilated for no reason," says Carlton Carl of the Association of Trial Lawyers of America.

It is also a myth that pain and suffering caps will bring malpractice rates down.

Remarkably enough, insurance companies don't even promise that a cap on lawsuits will solve the problem. In 2002, the American Insurance Association noted, "The insurance industry never promised that tort reform would achieve specific premium savings."

Will insurance companies agree to reduce their premiums by one dollar for every dollar they save as a result of tort reform? Don't bet the practice on it.

So, what is to be done?

Far more effective than an arbitrary cap on damages would be a more systematic effort to weed out bad doctors and prevent malpractice in the first place. Dr. Sidney Wolfe, director of Public Citizen's Health Research Group, says, "You should protect patients with doctor discipline and protect good doctors with low premiums." Public Citizen ranks state medical boards according to their records of disciplining negligent doctors. "Five percent of the doctors account for 50 percent of the malpractice payouts," he says. "The primary failing is at disciplining doctors. A lot could be remedied by taking bad doctors out of practice."

And there are other remedies:

AMA President-elect Dr. Donald Palmisano concedes that other remedies are available. In Massachusetts, Indiana and Louisiana, malpractice lawsuits undergo a pre-screening process, substantially reducing the number of questionable lawsuits without restricting the rights of patients to sue.

The great danger is that

If the AMA succeeds in passing a \$250,000 cap without a provision forcing insurance companies to pass their savings on to doctors, rates may well continue to climb, in

which case growing numbers of obstetricians will stop

delivering babies, more neurosurgeons will retire early or shy away from risky procedures, and more mutilated patients will be denied compensation.

Bottom line: The Republicans are really interested in two things: helping their insurance industry friends and curtailing the power (and money) of trial lawyers who donate overwhelmingly to Democrats, especially to former trial lawyer (and current Presidential Candidate) John Edwards of North Carolina.

PERMALINK Posted 8:28 PM by Jordan 

New Resource

A new resource, brought to my attention by our invaluable English resource, Rory O'Neil: [The International Journal of Occupational and Environmental Health \(IJOEH\) website](#). Rory calls IJOEH "the most impressive and useful academic journal on occupational and environmental health issues. Highly recommended."

IJOEH is an excellent resource for international OHSE work, is authoritative and includes papers on working conditions across the world, and is now providing many of its articles online. Recent themes covered in the journal have included:

- * Industry-efforts to influence (or direct involvement with) organisations including the International Agency for Research on Cancer (IARC) and the International Commission on Occupational Health (ICOH)
- * Pesticides and human rights
- * International asbestos industry and government lobbying against asbestos bans
- * Hazards in the microelectronics industry

The website also includes a useful "world news" page.

PERMALINK Posted 7:32 AM by Jordan 

Google "Hacker" Speaks the Truth

Check this out before it goes away!

Go to www.google.com and type "weapons of mass destruction" into the search block and then hit "I'm Feeling Lucky" instead of "Search". Read carefully the error message.

~~A Hacker has taken it over!~~

Addendum: Actually, this wasn't a hacker, just a clever web page. Check out the story [here](#):

Tuesday, July 08, 2003

PERMALINK Posted 11:19 PM by Jordan 

Great New Health & Safety Website

Rory O'Neil of [Hazards](#) brings us the good word about a great new website called [Worksafe Reps](#), a new website that is a joint initiative between New Zealand Council of Trade Unions and the New Zealand Council of Trade Unions.

The site is targeted specifically at workers who have been elected as health and safety representatives under the amended Health and Safety in Employment Act.

The site provides reps with health and safety news, information about

workplace hazards, legislation, campaigns and information about safety resources resources about workplace health and safety campaigns.

The most interesting part is the "Sharing Solutions" page where Reps will also be able to discuss their experiences through the 'sharing solutions' forums on the site. So far, not much sharing, but I think it has potential.

This is the kind of website that American Unions and the AFL-CIO should have. Basic health and safety information, up-to-date news about events and legislation, a helpdesk and an interactive forum. No offense to my friends in labor, but most of the unions' health and safety pages are dull, stale and nothing that anyone is going to go out of their way to check out too often.

As we've seen from Howard Dean's successes and Move On's campaigns, the web can be used for much more than just providing information. If used creatively, it can also help inform, organize and activate workers. The Worksafe Reps site comes about as close to that as I've seen. Check it out.

PERMALINK Posted 9:52 PM by Jordan 

China: The Human Costs of Modernization

Another in a [continuing series of tragic articles](#) about deadly conditions in China's coal mines.

Far from the soaring glass towers of Shanghai and Beijing, China's often-primitive coal mines epitomize the human cost of the nation's rising living standards. Last year, 6,995 coal miners were killed in explosions, roof collapses and floods, according to government statistics. (By comparison, 27 American coal miners lost their lives in 2002.) Independent experts say China's death toll is actually closer to 10,000, because some mine owners routinely minimize casualty figures and pay victims' families to keep quiet.

PERMALINK Posted 1:02 AM by Jordan 

What's So Freak About It?

One of the many things that piss me off is workplace accidents being labeled "freak" when, like the one in this article, they're actually well-known, preventable and often well-regulated hazards.

[1 killed, 5 injured in freak electrical accident](#)

REHOBOTH -- An accident on Baker Street yesterday afternoon involving electrical workers left one man dead and five others injured, one critically, police said.

Subcontractors for Massachusetts Electric were doing routine pole work at about 3:30 p.m. when the boom from a bucket truck came in contact with a high tension wire, sending 115,000 volts of electricity through the boom, Acting Chief Lt. James Trombetta said.

And it only gets worse:

[Lineman from Connecticut second to die in Rehoboth accident](#)

By Associated Press, 7/2/2003 14:03
REHOBOTH, Mass. (AP) A second electrical lineman injured after his crew's equipment contacted live power lines Monday has died.

Walter Shaw, 44, died Tuesday afternoon at Rhode Island Hospital in Providence where he had been taken when critically injured, hospital spokeswoman Polly Stiness said Wednesday. A woman answering the phone at the home of Walter Shaw, in Columbia, Conn., confirmed he was the man involved in the accident.

On Monday, Joshua Ladd of Belfast, Maine, died at Morton Hospital and Medical Center in Taunton.

Labeling something like this a "freak accident" implies that there was no way anyone could possibly have predicted it. And if you couldn't have predicted it, there's no way anyone could have done anything to prevent it. Instead of public anger that might have been stimulated by a more accurate headline like "Lack of Precautions Kills Two Workers," the public is left with the impression that "shit happens." Some people just don't have very good luck.

Six months down the line there will probably be an OSHA citation, but it probably won't make big headlines.

There was nothing at all "freak" about this electrocution. There are a number of [OSHA publications](#) about how to prevent electrocutions from overhead power lines: the lines can be de-energized or they can be shielded. If neither of these alternatives is possible, a designated spotter can monitor the job to make sure that nothing comes within ten feet of the energized line.

Try doing a Google search for "freak accident." Some of them will actually be freak e.g. A guy is walking down the street, minding his own business when a tree falls on him. But I'd wager that almost every single "freak accident" that occurs in a workplace was predictable and preventable.

I did such a search recently while doing research for an article I was writing. One of the many articles I came up with was about a "freak" confined space asphyxiation in a winery. Late in the article the writer noted that a similar incident had occurred a few years before. Two identical "freak" accidents? Pretty freaky.

Don't let the media or employers ever get away with dismissing a preventable workplace tragedy as "freak." Don't let them leave the impression that there was nothing that could have been done, or the worker's luck had just run out. What to do? Reporters need to be educated about how such tragedies can be prevented. And employers need to be challenged when they assert that no one could have foreseen what happened. That's almost never the case and it certainly wasn't the case in the incident mentioned above. Don't let them get away with it.

Labels: [Freak Accidents](#)

PERMALINK Posted 12:34 AM by Jordan 

Two men found dead inside Guilford manhole

Another unfortunately NOT "Freak" Accident.

7/6/2003 9:30 AM

(WHITSETT) -- Sheriff's deputies and safety regulators want to know how a father and his adult son died inside a manhole in Guilford County....

The two men had been helping install a water line for the City of Burlington. They were last seen alive Thursday night.

Friday, July 04, 2003

PERMALINK Posted 10:15 AM by Jordan 

Walmart: You Can Work Here, You Can Even Be Gay, But You Can't Shop Here

You may have noticed recent news articles about how Walmart has decided not to discriminate against gay people. How 21st century of them!

Unfortunately, their wages and benefits are still back in the 19th

century. [Here's a very interesting article round on the Kansas City AFL-CIO website about how impossible it is for Walmart employees to actually be able to afford to shop at Walmart.](#)

On a June Sunday, my adult son and daughter joined me for a visit to the Wal-Mart Supercenter in Salina. We spent an hour and a half wandering among the hundreds of red, blue, and yellow "Always Low Prices" signs. We checked many of those prices and then went home to do some calculating.

Our conclusion: A single parent employed full-time at Salina's Wal-Mart and raising children aged 4 and 12 does not earn enough money to supply the family's basic needs by shopping at that same Wal-Mart.

Luckily, the federal government (e.g. taxpayers) is subsidizing Walmart's low wages.

Back here in America, the government implicitly recognizes the insufficiency of Wal-Mart wages. Our cashier's family would be eligible for an Earned Income Tax Credit (EITC) of \$4140 in 2002. That would close the gap between the cashier's wage and bare survival, and provide enough additional income to lift the family just above the poverty line.

EITC, food stamps, Medicaid, and state programs like Kansas' childcare allowance are needed because corporations like Wal-Mart refuse to pay their employees a sufficient wage for the work they do. Seen from that angle, those programs are simply corporate welfare.

But Walmart doesn't think its employees need a union. Seems like the Bush administration should be supporting organizing efforts just to get Walmart off of corporate welfare.

PERMALINK Posted 10:15 AM by Jordan 

Independence (from Blogging) Day

I'm out of here for the long weekend. Probably no computer and probably no blogging until Monday.

Deal with it.

Or you can talk among yourselves. See that [No Comment](#) or [comment](#) or [2 comments](#) link right below this. Click on that and tell everyone what you think about anything or comment on what the previous person wrote.

It's a long holiday weekend, the weather is great and it's summer. Where else would you rather be than staring at your computer?

Have a happy holiday.

PERMALINK Posted 9:35 AM by Jordan 

Happy 4th: 3 feared dead in Fireworks blast

Friday, July 4, 2003

KILGORE -- [Investigators think three people died](#) when an explosion tore through a fireworks company Thursday as workers prepared for Fourth of July celebrations.

PERMALINK Posted 8:11 AM by Jordan 

NYCOSH Update

[Health and Safety news](#) from around New York and the country. Check

[Health and Safety News](#) from around New York and the country. Check it out.

CONTENTS

Congress Takes Up Legislation to Overhaul the Asbestos Compensation System

New York State Hazard Abatement Board Holds Hearings on Workplace Violence

NY State Sen. Libous Proposes Major Workers' Compensation Cuts

Smallpox Vaccination Program Slows to a Near Halt

Labels: [Workplace Violence](#)

PERMALINK Posted 12:48 AM by Jordan 

OSHA Homes In on Home Depot

At the beginning of April I wrote posted an [Atlanta Business Chronicle article](#) about health and safety problems at Home Depot. Seems that from 1999 to 2002 and nine workers have died in accidents at Home Depots and in 2002 Home Depot was cited for 86 violations of federal Occupational Safety and Health Administration standards in 2002.

Seems they haven't quite cleaned up their act. The Atlanta Business Chronicle has [another article](#) about Cal/OSHA's interest in Home Depot because five Home Depot employees have been injured in the company's California stores since February.

The three employees injured by falling merchandise at California Home Depot stores this year include an 18-year-old employee in a North Hollywood, Calif., store who was hospitalized with a broken pelvis in February after he was struck by a bundle of wood fencing that fell from a shelf above him. In March, a 25-year-old store supervisor in Newbury Park, Calif., was injured when he was struck on the head by falling merchandise. In May, a 39-year-old employee suffered a broken bone when merchandise fell on him as he was cleaning in the company's Elk Grove, Calif., store, Cal/OSHA records show.

The other accidents involved a 56-year-old employee in the company's Santa Clarita store whose ring finger on his left hand was amputated when it was caught between a ladder and the store's shelving and an employee in the company's Cerritos, Calif., store who was hit by a car in the parking lot of the store, according to Cal/OSHA's records.

Thursday, July 03, 2003

PERMALINK Posted 10:15 PM by Jordan 

Overtime, Over Easy

Good NY Times [column](#) by Bob Herbert on Bush's attempt to abolish the 8-hour day.

PERMALINK Posted 7:25 PM by Jordan 

Ergo Man

I'm tired. Over a decade working on an ergonomics standard, then it gets repealed. Bush gives us an embarrassingly anemic "comprehensive program" and what do we have for all the work. Not much except millions of ergonomic injuries every year.

Well, Jay Herzmark, AFSCME Local 1488 member, industrial hygienist to the stars, and all around mad scientist says "if you can't beat 'em, join 'em."

If you can't make them fit the workplace to the worker, let's just remake the worker. The result: [ERGOMAN](#).

Why didn't anyone think of this before?

Labels: [Ergonomics](#)

PERMALINK Posted 12:14 AM by Jordan 

And Speaking of Asbestos....

GRACE UNDER PRESSURE

(From [Grist Magazine](#)) For decades, residents of Libby, Mont., had a love affair with mining. They bragged that Zonolite -- the brand-name insulation produced at their hometown mine -- had "a hundred and one uses"; to prove the point, they put it in their garden soil, their Little League ball fields, and even their bread. Then the love affair turned sour; current and former mine workers developed shortness of breath, became tethered to oxygen tanks, and developed rare, excruciating cancers. Worse, their wives, kids, and even some Libby residents with no connection to the mine started to develop similar problems -- all of them bearing the unmistakable symptoms of asbestosis. Still, it took dozens of deaths for Libby residents to admit that "their" company, W.R. Grace, had knowingly allowed mine workers and town residents to be poisoned with tremolite, a particularly nasty form of asbestos. In "Libby, Montana: Asbestos and the Deadly Silence of an American Corporation," journalist Andrea Peacock tells the Libby story; Michelle Nijhuis reviews the results, only on the Grist Magazine website.

Michelle Nijhuis reviews "[Libby, Montana: Asbestos and the Deadly Silence of an American Corporation](#)" -- in Books Unbound

Labels: [Asbestos](#)

PERMALINK Posted 12:13 AM by Jordan 

Who Will Tell The People?

Covering Up The Corporate Coverups?

David Egilman MD, MPH, Clinical Associate Professor Brown University, wrote last week on the Occupational and Environmental Medicine listserv that he

recently had a manuscript rejected without review because the **editor of the Journal of Occupational and Environmental Medicine (JOEM) thought the topic of the corporate cover-up of adverse toxicologic study results was not a "high priority" for the readers of the journal.**

Not to be silenced, he placed the material in a two- page advertisement in the back of the journal along with a poll coupon that seeks to survey the readership on the interest that they have in this topic. A copy of the advertisement can be found [here](#).

I found his article/advertisement interesting and upsetting for a number of reasons. First, we live in a country where chemicals are treated like people: they are presumed to be innocent until proven guilty. The Toxic Substances Control Act was intended to require some screening of new and old chemicals, but it is ineffective. Recent court rulings and Congressional actions have made it almost impossible for regulatory agencies like EPA and OSHA to adequately regulate toxic chemicals.

Europeans, on the other hand, are now adopting the "precautionary principle" requiring companies (European *and* American) to **test chemicals and prove them safe before humans are exposed to them.** (See [here](#) and "Business Meets Its Match" in the current *American Prospect* --July/August 2003 Electronic version not available.)

Most chemical testing in this country is done by the companies that

Most chemical testing in this country is done by the companies that manufacture the chemicals. Egilman points out that "Dow Chemical Company operates one of the largest private toxicology research units in the United States." In an ideal world, this information will be peer-reviewed and then publicized. The regulatory authorities could then use the information to decide whether or not exposure to the substance needs to be controlled or eliminated. Even without regulation, workers and consumers could use the information to take some kind of action.

In fact, some conservative think tanks argue that we don't even need regulations because once workers obtain information that a substance they are working with is hazardous, they can either quit their jobs and find another safer job, or they can demand higher wages to make up for the fact that their work may affect their health or kill them. (You think I'm joking? Check [this](#) and [this](#) out.)

But none of this works – the regulatory process or (mythical) worker choice – if scientific information about the health effects of chemicals is covered up. Egilman has uncovered results of animal studies kept secret by Dow that show that certain forms of asbestos may be more toxic than previously thought when they're heated and mixed with other substances. Dow also tried to explain away the results of an epidemiological study of workers that showed increased incidence of mesothelioma – an 100% fatal cancer of the lining of the lung caused only by asbestos -- as not work-related even though the employees worked in areas with high exposures. These studies were only discovered as the result of a law suit filed against Dow.

Why the cover-up? According to Egilman, "**Dow explained its reluctance to publish adverse study result ...due to its desire to protect sales and shield itself from liability suits.**" **Translation:** Why would we tell people our products kill them? People wouldn't buy them and we'd get sued -- and lose. Do you think we're complete idiots?

Right

"Unfortunately," Egilman points out, "while keeping study data secret might have decreased Dow's vulnerability to liability claims, it is likely to have increased the number and severity of injuries that resulted from exposure to Dow's products and manufacturing processes."

Now, it's hardly surprising that chemical companies are not anxious to have workers, consumers and communities learn that their products will kill them. Although it still does sometimes amaze me.

Anyone with a pulse who reads the newspapers knows that there is currently a battle raging in Congress over how to compensate million of asbestos victims, after dozens of huge companies have gone bankrupt attempting to compensate their former employees (or employees of firms they purchased) and all because the fact that asbestos causes cancer was covered up for decades by the corporations that produced asbestos-containing products.

But still, it's disappointing. It's stupid. It's criminal (or it should be.) But it's not surprising.

Anyway, even if the corporations cover it up, we have scholarly journals that will reveal this information once it's uncovered and expose the evildoers. Right?

I guess not, according to the editors of the JOEM. What *is* surprising – and disappointing – is the fact that the *Journal of Occupational and Environmental Medicine* thought that this article "is not likely to be a high priority for the majority of JOEM readers."

Compare that with the [Mission and Vision](#) of the Academy of Occupational and Environmental Medicine (ACOEM), which publishes the JOEM:

ACOEM Vision:

ACOEM is the pre-eminent organization of physicians who champion the health and safety of workers, workplaces, and environments.

ACOEM Mission:

ACOEM provides leadership to promote optimal health and safety of workers, workplaces, and environments by:

- educating health professionals and the public;
- stimulating research;
- enhancing the quality of practice; guiding public policy;
- and advancing the field of occupational and environmental medicine.

And the [JOEM](#) is supposed to be

a leading scientific, peer-reviewed monthly publication in the specialty of occupational and environmental medicine. It serves as an indispensable source to in-depth, clinically oriented research articles and technical reports that keep readers up-to-date on cutting-edge medical developments in the field.

So one might ask how ACOEM thinks its members can "champion the health and safety of workers, workplaces, and environments" when it won't even consider Egilman's article. Nor does this action seem to "educating health professionals and the public" or "keep readers up-to-date on cutting-edge medical developments in the field." **Finally, how much respect can the editors of the JOEM have for their readers if they think that an article about corporate cover-ups of workplace health and safety information "is not likely to be a high priority for the majority of JOEM readers?"**

Hopefully the JOEM editors are not correct about their readers' priorities. Workers may not expect complete honesty from chemical manufacturers. (This is not a prejudice. It's history.) But they are in far worse off than I ever imagined if the JOEM is correct and this country's leading occupational physicians don't consider the need to fight against these cover-ups to be essential to "advancing the field of occupational and environmental medicine."

If this seems like a problem to you, print out the [coupon](#) and send it back in to Dr. Egilman.

Wednesday, July 02, 2003

PERMALINK Posted 10:21 PM by Jordan 

Workers Comp Costs

Here is one more unpublished letter to the NY times by John F. Burton about the workers comp article that I wrote about [here](#), [here](#), [here](#) and [here](#). Burton argues workers comp costs have actually only risen 14% or less over the past several years, and not the 50% quoted in the Times.

To the Editor:

Re "Cost of Insurance for Work Injuries Soars Across U.S." (news article, June 23):

The article provides examples of rapidly increasing workers' compensation insurance rates in California, which may be accurate. However, the assertion that nationally the average cost "has risen 50 percent in the last three years" must be used with caution.

The Bureau of Labor Statistics samples almost 7,000 private sector establishments nationally in order to prepare the Employment Cost Index. Employers' expenditures on workers' compensation in the private sector as a percent of payroll in March of the last four years were 2.02% in 2000, 1.92% in 2001, 1.96% in 2002, and 2.19% in 2003. By this measure, employers' costs have increased about 14% from the low point in 2001 to 2003. The increase would be even less for the three years since 2000. Moreover, the March 2003 figure is lower than for any year in the 1990s and is well below the peak of 2.99% reached in 1994.

These figures, provided to your reporter prior to publication, convey a different picture about the national developments in workers' compensation costs.

Unfortunately, the impression conveyed by the article of runaway costs and vanishing employers provides inappropriate ammunition to proponents of workers' compensation "reforms" that reduce benefits and limit eligibility.

benefits and limit eligibility.

Sincerely yours,

John F. Burton, Jr.
Professor
Department of Labor Studies and Employment Relations
School of Management and Labor Relations
Rutgers: The State University of New Jersey

Burton is Chair of the Workers' Compensation Steering Committee of the National Academy of Social Insurance. He was Chairman of the National Commission on State Workmen's Compensation Laws, which submitted its report to the President and Congress in 1972.

PERMALINK Posted 9:46 PM by Jordan 

First nurse dies from SARS

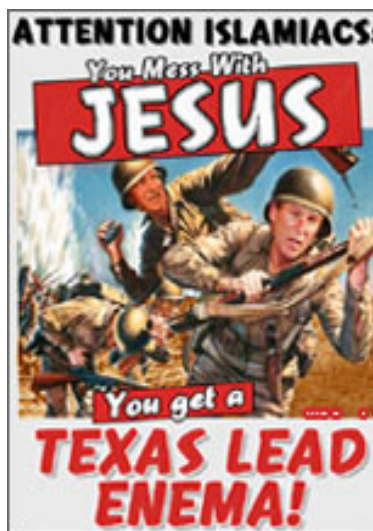
[Ontario's first health-care worker died of SARS yesterday](#), taking the death toll to 39, the Ontario Health ministry said.

The 51-year-old nurse worked at North York General Hospital—the epicentre of the latest outbreak. The ministry did not say if the nurse was a man or woman.

PERMALINK Posted 9:04 PM by Jordan 

Make My Day

Did he forget his presidential medication today? [This quote](#) must make the G.I.s in Baghdad feel real good. Maybe the ~~AWOL~~ Macho Man should get on over there and show 'em how it's done.



Source: www.Whitehouse.org

Tuesday, July 01, 2003

PERMALINK Posted 8:40 PM by Jordan 

Ergonomic Injuries: Now You See 'em, Now You Don't

Throughout the decade-long campaign against a federal ergonomics standard, the business community and Republicans in Congress have had one major problem. The could rant about big government and rave about ~~the Gestapo~~ OSHA and regulations and international competitiveness and lazy workers and corrupt union bosses, but they could never get away from the fact that MSDs (ergonomic injuries), amounted to a full third of all injuries and illnesses suffered by

American workers.

Until now, that is.

On Monday, OSHA announced that it had decided not to put a separate column for MSDs on the log that employers are required to use to record workplace injuries and illnesses. The revoked requirement -- for employers to check a box for MSDs -- was a simple measure issued in 2001, designed to help employers and workers identify and address ergonomic hazards. A similar requirement -- a column to log repeated trauma -- had been in place since 1971. The administration also decided not to develop a definition of MSDs (which had also been included in the 2001 regulation) and leave it up to employers to figure it out for themselves.

In its decision, [OSHA](#) stated that the agency had

concluded that an additional recordkeeping column would not substantially improve the national injury statistics, nor would it be of benefit to employers and workers because the column would not provide additional information useful to identifying possible causes or methods to prevent injury."

Translation: Eat my shorts, working people. If you can't count 'em, they don't exist.

According to AFL-CIO President [John Sweeney](#):

Today's decision continues the Bush administration's dangerous "head in the sand" approach to ergonomic injuries. Just because the government is not going to require employers to track these injuries, and just because the government is not going to enforce a safety standard, doesn't mean that workers will stop becoming ill or permanently disabled on the job. Cutting off all information about MSDs exposes the Bush administration's "comprehensive approach" as meaningless.

Well, actually, Bush's "comprehensive approach" (voluntary guidelines, research, enforcement and compliance assistance) was exposed as meaningless a long long time ago.

Or maybe not. The bottom line on this announcement is that employers will find it more difficult to report MSDs (or easier not to report MSDs). The numbers will go down, the "comprehensive approach" will be hailed as a success and we can all just stop whining and get on board.

OR

Let's start thinking about fighting back.

Repeal of OSHA's ergonomics standard in March 2001 was one of the first high crimes of the Bush administration. Being among the first, however, also means that it risks being forgotten (There have been so many more crimes since then.) Let's not let that happen.

You may have heard that there's an election coming up next year where Bush will try to get reelected. **I propose a campaign (or we could just start with a button) with the simple theme "Remember Ergonomics"** Then workers wearing the buttons show up at every Republican campaign event. The political tide will turn and our long national nightmare will at long last be over!

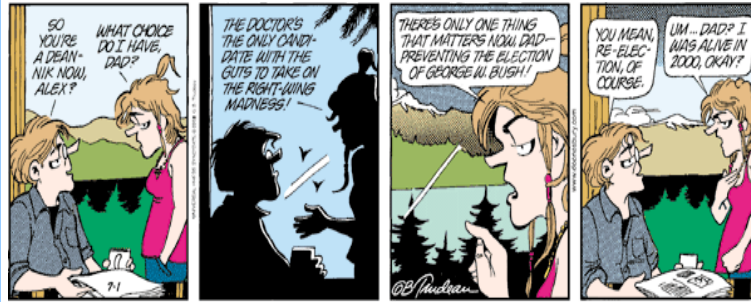
Well, at least we can make sure it's an issue that won't be forgotten.

Is there anyone creative out there who wants to design a button? Any rich union health and safety departments? I'll even front some money to pay for the first batch.

According to the statistics (back when they meant something) roughly three and a half million workers have suffered ergonomic injuries since Bush signed the repeal of the ergonomics standard. Let's do it for them and for the million and a half who will suffer from preventable MSDs this year and every year until we have some *real* protections.

Labels: [AFL-CIO](#), [Ergonomics](#)

PERMALINK Posted 8:29 PM by Jordan



PERMALINK Posted 7:32 PM by Jordan

Investment Opportunities. Mideast Country. Some Renovation Required

The [Yorkshire Ranter](#) (that would be in England) has an interesting take on U.S. plans to privatize Iraq now that we've conquered it, just as the Bush Administration is planning to privatize the U.S. federal government, now that the Republico-Taliban party has conquered America.

The deaths of the 6 military policemen in al-Amara have pointed up just how dangerous and - especially - unpredictable Iraq has become. Despite the weird, heroic old-empire nature of the incident - the last stand in the police station against a thousand-strong armed mob - it shows yet again how politically and technically poor the Anglo-American administration of Iraq has been. Paul Bremer, the US civil governor, is quoted as telling a WEF meeting in Jordan that one of his first priorities is "diverting people and resources from state enterprises to more productive private firms...ending special deals and subsidies to force state enterprises to face hard budget constraints". What is wrong with the man? Can he not look out of the fucking window? There is no "more productive, private" power or water company to supply Baghdad. How could massive reorganisation possibly help those infrastructure enterprises - on top of everything else? What if the Free Democratic Iraqi Parliament - whenever Mr. Bremer decides the natives are sufficiently evolved to elect it - doesn't want its water privatising? Who the hell would buy a broken power network in a country without a worthwhile currency or a government, where they shoot at you?

All good questions. Any right wingnuts out there want to respond?

Monday, June 30, 2003

PERMALINK Posted 8:07 PM by Jordan

More Truth About Workers Comp

[Linked here is an unpublished letter to the NY Times by Ed Welch](#), Director of the Workers' Compensation Center at Michigan State University, regarding the workers comp article that I have written about [here](#) and [here](#) and [here](#).

He makes some very good points:

The rise in workers comp costs averaged over the past ten years is actually not that bad. It looks bad because it was sudden. The WC insurance companies set their rates below cost while making money in the stock market and now they're in trouble, trying to make up for lost earnings. In addition, adds Welch, some of the current cost increase is a result of insurance companies spreading the cost of 9/11 over all carriers. Between these factors and rising health care costs, little of the rate increase actually goes into workers' benefits.

Welch also takes issue with the Chamber of Commerce statement

quoted in the NYT article that "The only way to reduce your cost is to reduce your payroll." And cites research showing that "employers can control their costs through safety. Many employers have dramatically reduced their costs in the last ten years by serious efforts to prevent injuries" as well as return to work programs."

In fact nearly all workers' compensation insurance rates are "experience rated." That means that an employer's premiums are based on its own experience. Employers that control losses through safety and return to work programs pay less. Employers that injure more workers and refuse to take them back to work pay more.

Welch concludes by warning that

Sometimes insurance commissioners and chambers of commerce are tempted to tell employers that the only way to deal with high workers' compensation costs is to support politicians and trade associations who will change the law and take benefits away from workers. In fact those employers who are willing to take responsibility for their own experience can control costs themselves.

Politicians should resist the temptation to "lead another bandwagon to reduce benefits further."

There is a much better solution. If employers will prevent injuries, provide good health care when they do occur and help injured workers back to reasonable productive jobs as soon as possible, they will reduce their own costs and help their employees at the same time.

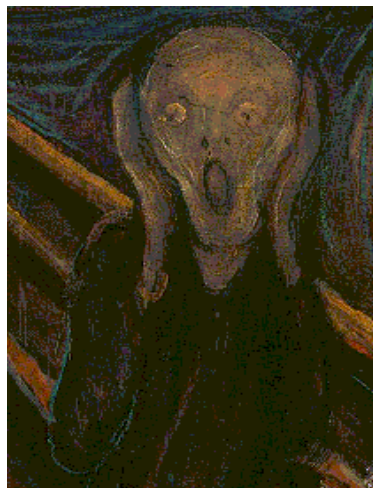
PERMALINK Posted 7:52 PM by Jordan 

Nightmare on K St.

I've got it made in Hollywood. How's this for a screenplay? Republicans who are in full control of the Federal government get D.C. lobbying firms to fire any Democrats they may still be employing and hire Republicans. Lobbyists are then so indebted to R's that they push Republican agenda even harder than they normally would and contribute more money. Republicans then contract out huge parts of the federal government, hiring big business (represented by D.C. lobbying firms) to pick up the profitable slack. Your tax dollars (what's left of them) are now not just going to the Military-Industrial Complex, but to the growing Government-Industrial Complex. Businesses return the favor (and the money) to Republicans as campaign contributions. Republicans soon control EVERYTHING!

Maybe a little too conspiratorial and far-fetched, but I think it's got potential in a weird, futuristic, Robocop, Orwellian sort of way.

But wait! [It's already been written \(here\).](#) Worse, **IT'S ALL TRUE!** Aieeee!! Someone wake me up!!!!



PERMALINK Posted 7:25 PM by Jordan 

Death by Fraud?

They're Americans. They're doing their jobs. They're dying. For what?

Ten Appalling Lies We Were Told About Iraq"

The young, late O.J. Smith was almost certainly named after the legendary running back, Orenthal J. Simpson, before that dashing American hero was charged for a double-murder. [Now his namesake has died in far-off Mesopotamia](#) in a noble mission to, as our president put it on March 19, 'disarm Iraq, to free its people and to defend the world from grave danger.' "

PERMALINK Posted 7:22 PM by Jordan 

Happy Days Are Gone Again

I somehow missed this very depressing article, but luckily [Susan Madrak at Suburban Guerrilla](#) (a funny, informative and irreverent political Blog that you should all read) picked it up. (If you've read [Nickel and Dimed](#) by Barbara Ehrenreich, it's kind of like getting trapped in the book with no way out):

[A heartbreaking story](#), one that's all too common these days:

He had been out of work 14 months. His unemployment benefits had long run out. His savings were gone. His retirement account was gone. Three-hundred-fifty résumés. Three responses. Zero jobs. Depression. Overeating. Thirty pounds. In 14 months, he says, he had gone from someone who would accept only a legal position, to someone who swallowed his pride and said he was willing to work for the lowly sum of \$25 an hour, to someone willing to take any full-time job, to someone trying to make a skeptical woman at a temporary agency understand that a one-time lawyer would gladly take anything she had.

"I have no money, and I need food," he said that day. "So you give me anything you can."

"So you just need some cash," the woman said.

"Exactly," he said. "Cash."

"Well," the woman said, "we can do that," and soon after he had his first paying job since his layoff.

It was five days, at \$8 an hour, in a distribution center. He opened boxes. He took out underwear. He sorted the underwear into piles. "I wasn't going to screw it up," he says of how diligently he did this, hoping that he would be asked back for a second week.

He wasn't.

PERMALINK Posted 7:15 AM by Jordan 

Hard Week

Losing Atticus Finch and Eleanor of Aquitaine in one week. Almost too much.

Sunday, June 29, 2003

PERMALINK Posted 6:33 PM by Jordan 

Working Families Locked Out of Labor Department

I thought perhaps a new day of openness, partnership and constructive dialogue was dawning when I saw an announcement this morning in the Washington Post about an AFL-CIO forum on overtime to be held at the Labor Department. Naah! I should have known it was too good to be true.

June 27, 2003

The fight to protect overtime is heating up. At the last minute, the Bush Labor Department barred working family advocates from holding a forum on overtime in the department's Washington, D.C. auditorium. The auditorium had already been booked and paid for but now we've been LOCKED OUT.

So, we're holding our forum anyway--on the sidewalk right in front of the Labor Department and YOU'RE INVITED. Workers and others plan to discuss the Bush administration's outrageous attack on overtime pay at the forum.

What: Forum Opposing Bush Overtime Pay Cuts

When: Monday, June 30, Noon

Where: 200 Constitution Ave., N.W. Washington, D.C. (in front of the Labor Department's Frances Perkins Building)

The Bush administration's move to take away overtime pay from 8 million workers could become law as soon as September of this year. Make your voice heard. Please attend and bring your friends, family and co-workers. Placards and signs are encouraged.

If you're in the neighborhood, come on down.

PERMALINK Posted 11:54 AM by Jordan 

Workers Compensation Letters to the Editor

Printed below are letters to the editor of the NY Times in response to the article about the current workers comp article that I wrote about [last Monday](#).

**To the Editor:
Re "Cost of Insurance for Work Injuries Soars Across U.S."
(front page, June 23):**

Fraud is a real problem. Rising medical costs trouble Medicare, Medicaid and private insurance as well as workers' compensation. The insurance industry has only itself to blame for speculative investments and ill-advised premium wars.

But readers should know that large numbers of injured workers never claim compensation, out of ignorance or fear of employer reprisals; employers and insurers systematically reject valid claims, hoping workers will abandon them or accept low settlements; and state laws compensate workers for less than their lost wages (typically two-thirds, with a ceiling); death payments are low (often shockingly); and there is no explicit payment for pain and suffering.

Before we rush to reduce workers' compensation, we must address the fact that it neither compensates nor deters employers from creating unsafe workplaces.

RICHARD L. ABEL
Los Angeles, June 23, 2003
The writer is a professor at U.C.L.A. Law School.

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To the Editor:
Your report about the soaring cost of workers' compensation insurance (front page, June 23) is yet more evidence that the current malpractice insurance crisis is predominantly a result of the insurance industry and its 10-year roller coaster cycles.

If the sudden substantial premium costs were spread out over a 10-year period, they would look far less remarkable.

While reforming the malpractice system by imposing caps on damages recovery can make the system less costly, the fairness of taming the industry's volatility on the backs of the most seriously injured victims is highly questionable.

Reform of the method by which damages are determined to reduce the substantial variations and extreme awards would be desirable. So would reform of the insurance industry to avoid the cyclical crisis in insurance premiums.

MICHAEL D. GREEN

Winston-Salem, N.C., June 24, 2003

The writer is a professor at Wake Forest University School of Law.

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To the Editor:

Re "Cost of Insurance for Workplace Injuries Soars Across U.S." (front page, June 23):

Bad labor relations is a component of employee fraud in many cases. Employees who don't like their jobs or their employers are more likely to fake injuries or exaggerate claims than those who are more satisfied with their jobs. Added to this mix are layoffs and pressure from management on fewer workers to produce more. Speeding up the assembly line has a cost.

STEVEN KALOW

Glenmont, N.Y. June 24, 2003

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To the Editor:

Re your June 23 front-page article about the rising costs of workers' compensation insurance:

The California Legislature deregulated the workers' compensation insurance industry in 1993 at the behest of the state Chamber of Commerce. This action spurred a frenzy of predatory pricing among insurance companies that saved employers \$3 billion to \$5 billion per year during the mid-to-late 1990's, but also drove more than two dozen insurance companies out of business.

These price wars have ended, rates are skyrocketing, and employers are confronting the repercussions of the free-market reforms they pushed through in 1993. Yet California businesses are trying to attribute higher rates to recent benefit increases for injured workers. In addition, a bill sponsored by the state A.F.L.-C.I.O. to curb excessive rate increases has won no business support.

If the free-market ideologues win the current battle in the California Legislature, it will be injured workers and their families who suffer the consequences.

TOM RANKIN

President, California Labor

Federation, A.F.L.-C.I.O.

Sacramento, June 25, 2003

PERMALINK Posted 1:25 AM by Jordan 

The Weekly Toll

Utility Worker Electrocuted During Maintenance Check

ROCHESUER - [Glen A. Hopkins, 41, was electrocuted](#) while performing an annual maintenance check on a high-voltage electrical unit at the Turnkey Landfill on Thursday morning.

Portsmouth man dies from construction accident

YORK, Maine - [William Frommer, 49, injured in a construction accident at a local residence died Thursday night](#) at Maine Medical Center. He had been in critical condition after he was pinned beneath collapsed roof rafters 10 days earlier.

Mail carrier shot to death in Ingram

[A U.S. postal carrier, Clayton J. Smith, 45, was shot and killed](#) yesterday afternoon as he stood next to his postal van in a shady spot in the Crafton-Ingram Shopping Center, apparently taking a midday break from the heat.

WTC Site Worker Killed Death in accident is first since 9/11

[Hugo Martinez, 36, became the first worker in the rebuilding of the World Trade Center site to die on the job](#) when he was crushed while painting part of a commuter rail station, authorities said.

Martinez was being carried in a construction lift about 20 feet off the ground when he was crushed. He was found dead yesterday morning by other workers.

Construction worker dies in forklift accident

TIGARD -- [Noel Lira Sanchez, 32, was killed in a forklift accident at a Bull Mountain home construction site](#) early Monday.

A forklift crane lifting a heavy pallet of lumber and construction products fell forward and hit him.

Worker killed at Rock Hill chemical plant

[Emerson Sturgil, a 70-year-old Fountain Inn man was killed](#) early Saturday after authorities say he was struck by a 7-foot-tall metal tank that collapsed at a Rock Hill chemical company. More [here](#).

Construction worker dies of injuries

[Sean McDonough, 28, who was pinned under a 300-ton construction crane for more than half an hour](#) Thursday afternoon died yesterday.

OSHA looking into death at truss plant

TAVARES -- The federal Occupational Safety & Health Administration is investigating the death of a 21-year-old Mascotte man who died last week while operating machinery at a Tavares truss plant, authorities said.

[Carlos Reyes died Thursday](#) around 11:30 a.m. after getting stuck under a roof-fabrication press at Casmin Inc.'s Tavares plant, according to reports.

Bizarre accident kills construction worker

TIGARD - [One man is dead after an accident at a home construction project in Tigard\(OR\)](#).

Noe Lira Sanchez was inside the house climbing up a ladder to the roof. At the same time Sanchez was on the ladder, a forklift driver was positioning a pallet of 2-by-6s on the roof.

The heavy load, weighing approximately 3,600 pounds, caused the forklift to become unbalanced. Its back tires came off the ground, and the load shifted forward, pinning Sanchez against the building.

The forklift shifted again, and Sanchez fell 10 to 12 feet to the floor.

Labels: [Weekly Toll](#)

PERMALINK Posted 1:10 AM by Jordan 

Who's to Blame?

Female Corrections Officer Killed

Darla Kay Lathrem, a 38-year-old rookie corrections officer, was [beaten to death](#) with a sledgehammer June 11 by escaping inmates while supervising five male inmates as they worked on dormitory renovations at Charlotte Correctional Institution in Florida.

In an example of profound insight, Governor Jeb Bush stated that "If anyone thinks being a correctional officer is easy work, sadly that's not the case." Nope. Dangerous places. Shit happens. Too bad.

The Governor asked the people not to blame the legislature (or its budget cuts), and presumably not to blame the Governor either. But that wasn't good enough for the [Gainesville Sun](#)

And don't go pointing fingers at the \$45 million in Department of Corrections budget cuts contained in the new, not-yet-signed state budget. After all, those cuts haven't even kicked in yet.

But what about the cuts already made?

Over the past three years, the Bush administration, in the name of efficiency and to help finance politically popular tax cuts, has reportedly eliminated 1,292 correctional positions. State prisons no longer even keep guards posted in the towers because they are deemed superfluous.

Over that same period, while Bush and the Legislature were "getting tough on crime" by ratcheting up penalties, the state's inmate population increased by 2,320 inmates.

Correctional facilities can probably never be termed totally "safe," but there are always measures that can be taken to make conditions safer: better staffing, "man down" alarms, improved emergency procedures. Much of that takes funding. And if the funding isn't there, there is someone to blame.

We do blame Bush and we do blame the Legislature for making the corrections business more dangerous than ever. These days, the rallying cry in Tallahassee ought to be: Billions for tax cuts, but pennies for public safety.

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