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Occupational Health & Safety Report

Associated Industries of Massachusetts · 4005 Prudential Tower · Boston 02199

Occupational Health

Occupational health concerns continue to dominate OSHA's activities as the items below indicate.

PLAINTIFF'S EXHIBIT

BIR-546

Cotton Gin Standard Vacated by Court

The Fifth Federal Circuit Court has ruled OSHA's Cotton Gin Standard invalid because OSHA had not established it was reasonably necessary.

Since OSHA used data partly based upon foreign gin operations which are significantly more hazardous because they last longer each season, are largely manual in nature and the work force is constant. In contrast, American operations are almost entirely automatic and the work force is largely transient and, as a result, exposures are greatly minimized.

Furthermore, the Court held that OSHA had not adequately established cost benefit ratio data to substantiate their issuance of the Standard, nor did OSHA establish that the regulations would prevent health impairment to "an extent feasible."

Asbestos User Sues Tobacco Co.

In the first lawsuit of its kind in the U.S., a Missouri asbestos insulation firm sues six major tobacco companies, claiming that smoking, not asbestos, is the primary cause of lung disease among asbestos workers. Standard Asbestos Manufacturing and Insulation Company has filed cross-complaints in 10 cases involving hundreds of asbestos workers who are seeking damages for occupational disease. An attorney for Standard Asbestos says that the company took the action because of "stronger and stronger" reports by doctors that lung cancers among smoking asbestos workers "are due primarily to smoking and not to asbestos." The cross-complaints are an attempt to involve the tobacco industry in existing lawsuits and let a jury decide what portion, if any, of damages the tobacco firms should pay, the attorney explains.

Update on Generic Carcinogen Standard

OSHA has announced informally that it plans to publish changes in the generic cancer regulation in the next month or so to conform to the decision of the Supreme Court in the Benzene case. OSHA's present plans are to publish the changes in final form and to offer no opportunity to comment or for public hearing.

As soon as information concerning these changes is available, we will publish it in this bulletin.

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New Employee Notice of Access to Medical Records

The new OSHA standard requires that all new employees who might be exposed to toxic substances or harmful agents be informed of their right of access upon being hired and annually thereafter.

Some of our members have decided to handle the initial notice of the employees right by means of a paragraph in a proposed revision of the pamphlet they use telling new employees about the company during initial orientation. This might be a good device for other members since it would show OSHA they are in compliance.

We will appreciate receiving copies of such pamphlets.

New Merrimack Valley Occupational Health Center Opens in Lawrence

The Industrial Medical Center, founded in 1964 in Stoneham, Massachusetts, opened a satellite clinic in Lawrence on November 17, 1980. Located at 101 Amesbury Street, Lawrence, the clinic is staffed by board-certified physicians, nurses and support personnel. It offers emergency care for personnel injured on-the-job, pre-placement physical examinations, annual and periodic health examinations for employees handling hazardous materials, hearing examinations, and key person health examinations. All necessary testing is done at the clinic. It has x-ray, lung function, hearing and cardiac testing equipment. The hours are 8:30-5:30, Monday through Friday. For more information, call Robert K. Tuman, Vice President, Administration at 685-2900.

Employee Health Assistance Programs

Because of the direct link age between life style, occupational health and productivity, this bulletin will continue to publish items which will be of assistance to members carrying out Employee Health Assistance Programs (EHAP's).

If members develop or find interesting material on EHAP's, we will be very glad to receive copies.

Aids for your Employee Health Assistance Programs

The Channing L. Bete Co., Inc. of 200 State Street, South Deerfield, MA, 01373 has just published two sets of six pamphlets covering such health subjects as Physical Fitness, Stress, Alcohol, Hypertension, Nutrition and other similar topics.

These pamphlets could be used effectively for in-plant employee health assistance programs as educational discussion materials. They are interestingly illustrated and the texts are arresting and provocative.

We suggest you write for their little folder entitled, "Facts about Personal Fitness". If you do avail yourself of this moderately priced service, we will be interested in your reactions to the materials.

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Another Marijuana Alert

For our members carrying on Employee Health Assistance Programs in the area of substance abuse and particularly the use of marijuana, the November 1980 issue of Reader's Digest contains part II of their very informative Marijuana Alert series.

It is evident (despite earlier disclaimers by some medical people) the use of marijuana is injurious not only to the reproductive system but also to the brain, the central nervous system, some organs and the bodily immune system.

We recommend to our members that they secure reprints of the two Marijuana Alerts (Nos. I & II) of December 1979 and November 1980 for use in their employee health assistance programs.

Copies can be secured by writing to:

The Reprint Editor
The Readers Digest
Pleasantville, New York 10570

Price data: 10 copies for \$3.00, 25 copies for \$6.00 and 100 copies for \$15.00.

OSHA Activity

Work—Related Injury, Illness, and Fatality Rates Up in 1979

The rates for occupational injuries and illnesses, fatalities and lost work-days all increased slightly in 1979 over the previous year, the Bureau of Labor Statistics reported November 20. The nation's occupational injury and illness incidence rate increased from 9.4 injuries and illnesses per 100 full-time workers in 1978 to 9.5 per 100 in 1979. The number of injuries and illnesses rose about five percent, from 5.8 million to 6.1 million. However, the increase was nearly proportional to the rise in the number of workers employed and their hours on the job.

The fatality rate in units with 11 or more employees in the private sector jumped from 0.82 per 10,000 workers in 1978 to 0.86 in 1979. Work-related deaths rose from 4,590 to 4,950. Of the 1979 deaths, about 500 were illness-related. Of the fatalities, 22 percent were in manufacturing, 19 percent in construction, 19 percent in transportation and public utilities, 19 percent in wholesale and retail trade and 10 percent in mining.

The overall injury rate for private sector industries was 9.2 per 100 full-time workers, unchanged from 1978. Lost-time injury rates increased in all industry divisions, and the number of injuries involving lost work time rose from 2.44 million to 2.7 million. About 42.6 million lost workdays resulted from work-related injuries - up from 38.2 million the previous year. Injuries which did not involve lost work time also went up, from 3.21 million to 3.25 million. About 143,000 occupational illnesses were recorded in 1979, compared with 143,500 in 1978.

These increases are not essentially significant because over the years there is always a five to ten percent swing up or down.

001178

Fire Prevention Film Available

The Justrite Manufacturing Co. at 2454 Dempster St., Desplaines, IL, 60016, has available a new fire prevention training film entitled, "The Invisible Enemy" which has won great approval from safety people.

Members can use the film free of charge. To arrange for a showing, simply write to the Justrite Company at the address given above.

Informal Reviews of Citations Improved

There is good news for Massachusetts employers who want to contest citations, penalties or abatement periods in the following U.S. Dept. of Labor announcement:

"OSHA local office area directors have been given the authority beginning November 1 to withdraw violations or modify penalties, characterization of violations and abatement dates that OSHA issued following an inspection, the Department of Labor's Occupational Safety and Health Administration announced. Changes in the citations may be made during informal conferences with employers and to a limited extent after an employer contests OSHA inspection results."

"The new policy will make the informal conference more meaningful and more uniform throughout the country, expedite abatement of hazards, reduce unnecessary litigation and give small businesses an opportunity to resolve differences without engaging in costly litigation. As in the past, employees are encouraged to participate in the conference to ensure that their concerns are considered as well."

This enlargement of the Area Directors' authority is a definite plus for industry because here in Massachusetts informal reviews have often resulted in beneficial changes both in penalties and severity of citations and this trend will be enhanced.

When an employer receives a citation after an inspection, he will also receive (as will the employee representative) a letter explaining the opportunity to discuss possible amendments to the citation in an informal conference.

We urge our members to make greater use of the right to have an informal review of their citations when they have questions regarding their validity.

Revised Fire Protection Standards Issued

The September 12, 1980 edition of the Federal Register (Part III) contained the final revision of OSHA's Fire Protection Standards effective December 11, 1980.

This revision does not differ substantially from the proposed revision dated December 1978 but does contain many changes in the standards originally issued in 1972 and still in effect, many of which are of major consequence.

For a copy, please write to Paul Colson at AIM.

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