

job SAFETY & HEALTH report

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PLAINTIFF'S EXHIBIT

CAP-532

SLANTS & TRENDS

MORE STANDARDS THAN EXPECTED will be effective August 27 as Department of Labor rescinds delay on sections of initial standards package (see story below).

GOVERNMENT IS THE LAST RESORT for improving job safety and health in the eyes of CAI, Chemical, and Atomic Workers who stress reliance on safety committees, strong contract clauses, and labor-management procedures (see p.98).

LIGHT RESIDENTIAL CONSTRUCTION STANDARDS are delayed in anticipation of new rule-making proceedings in response to charges, particularly by contractors, that proposed standards were unrealistic (see p.93).

THREE TIMES MORE SERIOUS THAN STREET CRIME is the way Ralph Nader characterizes hazards to health and safety in the workplace as he urges stepped-up action (see p. 95).

DEATH TOLL OF THOUSANDS IS PREDICTED as outcome of serious error of judgment in setting asbestos exposure standard, if the standard is not changed (see p.97).

DELAYS RESCINDED FOR SOME INITIAL STANDARDS

Some standards which were scheduled to become effective Feb. 15, 1972, will go into operation with the rest of the initial standards package on Aug. 27, 1972, according to amendments published in the Federal Register Friday, Aug. 13. The change was made because reconsideration showed that the scope of "additional delay in effective date provisions" (JS&HR, June 7, 1971, p.46) is too broad and includes standards for which no delay is necessary for compliance, according to Secretary of Labor J.D. Hodgson. Unnecessary delays have been a sore point with the labor unions which have pressed hard for revision, Sheldon W. Samuels, of the AFL-CIO Industrial Union Department told JS&HR.

Sections Affected

Portions of the initial standards package affected by these amendments, advancing the effective date from Feb. 15, 1972 to August, are: (1) G -- occupational health and environmental control (section on air contaminants has been revised in its entirety, in the interest of greater intelligibility and accuracy) (2) H -- hazardous materials, (3) I -- personal protective equipment, (4) J -- general environmental controls, (5) L -- fire protection.

Subpart N -- materials handling and storage -- has been revised in order to give time for the modification of existing overhead and gantry cranes and to reflect accurately the American National Standards Institute (ANSI) standard from which the provision is derived. Similar changes have been made in the provisions on crawler, locomotive, and truck cranes and on derricks, for the same reasons. Subpart O -- machinery and machine guarding -- has been revised to give 36 months for the modification of presently installed mechanical power presses. The delay is provided in the ANSI standard adopted in the section.

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NIXON SIGNS \$64-MILLION APPROPRIATION BILL

The Labor Department received \$37,541,300 for job safety and health activities in fiscal year 1972, an increase of \$5-million over what the Administration had requested, in the appropriation measure signed by President Nixon Aug. 11. The allocation for HEW's job safety and health activities is \$26,466,000 compared with the budget request of \$25,216,000.

The Occupational Safety and Health Review Commission, quasi-judicial review board, will have \$400,000, the amount requested. Differences in amounts voted for Departments of Labor and HEW by the House and Senate (JS&HR, Aug. 2, 1971, p.82) were reconciled in Conference Committee.

* * *

LIGHT RESIDENTIAL CONSTRUCTION STANDARDS DELAYED SIX WEEKS

Application of construction standards published April 17 (JS&HR, April 26, 1971, p.19) to light residential construction was to have been effective August 15, but was postponed six weeks to September 27 by amendments published in the Federal Register Aug. 14. The delay anticipates commencement of rule-making proceedings within that period that will be concerned with standards now being drafted that would effect light residential construction and other construction.

The Department of Labor's Construction Safety Advisory Committee has studied more than 80 comments received from parties interested in light residential construction, including the National Association of Homebuilders, and submitted recommendations to Assistant Secretary George C. Guenther.

"In carrying out our responsibilities under the Act to provide safe and healthful working conditions for employees, we have been and intend to be receptive to the views of employers who will continue to be covered by our standards," said Guenther, announcing that OSHA intended to give careful consideration to the Advisory Committee's report and take the necessary action to implement its recommendations.

Subcommittees of the advisory group have been established to initiate development of standards on roll-over protective structures on earth-moving equipment used on construction, including tractors, and on construction of power transmission and distribution lines.

Proposals Are 'Ridiculous'

"There is actually more danger in putting up the protective railings than there is in putting up the roof," Alvin S. Brown, president of the 1,500-member New Jersey Builders Association is quoted in the Newark, N.J., Star-Ledger in criticism of "restrictive and unnecessary standards that, if implemented as written, will affect housing costs to the point that many more people will be unable to afford a decent home in which to live."

Construction of safety railings around any roof over 10 feet off the ground, at an additional cost to the buyer of \$150 per house "is ridiculous," said Brown, adding that accidents involving roofers of homes that height rarely occur. Many more rules such as these will raise the price of today's average home at least \$2,000, Brown claimed. These regulations were probably designed with the heavy construction industry in mind, but as printed do not differentiate between the two, Brown said. Insurance underwriting costs of workmen's compensation for residential carpentry is substantially lower, since losses are about one-half those of industrial and commercial carpentry combined, he said, and enforcement of "these unrealistic safety standards" upon residential construction is "totally unwarranted and unnecessary."

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LOCKHEED CASE GOES TO REVIEW COMMISSION

Lockheed Shipbuilding and Construction Co. becomes case Number 13 on the docket of the Review Commission in contesting a proposed \$10,000 penalty for alleged unsafe working conditions at the site of a tunnel explosion in California which took 17 lives. Three more cases have been filed with this Commission this month: (No. 14) California Stevedore and Ballast Co., San Francisco, 2 citations, \$1,200, and 1 citation for a non-serious violation, \$60, (No. 15) Puget Sound Power and Light Co., Bellevue, Wash., \$600 proposed penalty, (No. 16) Fischbach and Moore, Inc., New York (electrical contractor), \$600 proposed penalty.

NATIONAL ADVISORY COMMITTEE SHARES VIEWS ON INSPECTIONS

Eleven members of the newly appointed National Advisory Committee on job safety and health (JS&HR, Aug. 2, 1971, p.83) met with top staff members and officials of OSHA, the Review Commission, and NIOSH Aug. 11. After a swearing in and agency reports, members commented on proposed rules for inspections, published May 5 (JS&HR, May 10, 1971, p.27) and being revised in view of public comments of which more than 100 were received.

Management representatives were particularly critical of the proposal that citation notices should remain posted for 15 days, even if the violation is corrected earlier. Labor questioned a number of proposals, including one that would give to employers the responsibility of notifying the employees' representative of an impending inspection. Proposed regulations have been changed to safeguard trade secrets, a matter of concern to many employers, an OSHA spokesman reported.

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JOB HAZARDS THREE TIMES MORE SERIOUS THAN STREET CRIME -- NADER

Despite Congressional hearings, the problem of occupational safety and health hazards has not received one percent of the attention it deserves, Ralph Nader told delegates to the 11th convention of Oil Chemical and Atomic Workers at Miami, Fla.

The most intense pollution zone in the country is not over New York City or Los Angeles; it's right inside the plants where the workers are exposed to it. Many workers have been exposed to these problems so long they have, in some ways, adjusted to them -- which is really the danger signal, Nader said. People's minds may adjust, but their bodies are exposed to toxic ingredients that develop lung cancer and bladder diseases and ailments that hit later on and "make prospects of retirement a dismal one, indeed."

Nader faulted the government for failing to gather data and protect workers; unions which "haven't paid anywhere near the attention they should to this problem," and plant doctors in cahoots with management. Not a single issue of the United Mine Workers Journal, for example mentioned black lung disease until 1967-68, although pneumoconiosis was recognized in British medical literature in the 1930s and made compensable in England in the late 1930s, he said.

The Department of Labor "for over 25 years has been suppressing the inspection reports by government inspectors of plants who do business with the government," under the Walsh-Healey Act. Nader's raiders won a suit to make these reports public under the Freedom of Information Act and the Department "is trying to find new ways to avoid disclosure," Nader said. Half the reports show violations and that's the reason for the 25-year fight to keep these reports from being published, he added, calling it "outrageous!"

Nader's Suggestions

Occupational crime should be made a front rank political issue. Not one out of five average citizens would now list job health and safety violence among the five worst forms of violence in the United States. At least a number of presidential, senatorial, and congressional candidates should begin taking stands and being rewarded or penalized at the polls for their stands. Nader challenged the unions on the kind of manpower they have in Washington and elsewhere, saying even one or two engineers, scientists or doctors "makes a whale of a difference" in terms of information collected and energy used. "We have taken on a medical doctor," Nader said, who will work full time this year on enforcement of the job safety and health Act. "I will show you at the end of the year what that one doctor will have achieved."

Young professionals and students provide an enormous pool of talent "just raring to go" and one that can be drawn on with very reasonable economy of wage, Nader said. It is also important to link the occupational health and environmental pollution area together, because it is one phenomenon and if not linked, the "divide and rule technique" is going to work.

Priceless information is being lost, he warned, calling for a "system whereby workers who discovered hazards or abuses or defects or frauds can funnel this information into the Union" which can apply to the institutions that have responsibility, such as the Federal Power Commission or the Department of Labor. Information can increase in its impact a thousandfold simply by setting up a system to collect it in a systematic way and to verify it, Nader said.

NEWS BRIEFS

New chief of the division of media services at OSHA is Samuel M. Sharkey, Jr., who comes to the Labor Department from Newhouse National News Service where he served as news editor. Previously he was with NBC in New York 8 years, head of the national news desk at the New York Times for 10 years, and foreign editor at the Philadelphia Inquirer 4 years. Sharkey will work with newspapers, radio, TV, and magazines on OSHA news.

First woman safety inspector appointed by OSHA is Josephine P. O'Brien, who will work out of Chicago as a safety assistant, inspecting plants throughout Illinois.

Labor's expanding role in education on matters of job safety and health will be given a decided boost when Labor Studies Center, Inc., now located at 1500 Massachusetts Ave., N.W., Washington, D.C. moves to its own campus, recently purchased, at Xaverian College, 10000 New Hampshire Ave., Silver Spring, Md. College has dormitory, classroom, and conference space to accommodate groups of up to 100.

New task force on training employees and their representatives will further strengthen union education in job safety and health. Task force will include George Taylor, executive secretary of the AFL-CIO standing committee on job safety and health; Fred Hoehler, director of the Labor Studies Center, Inc.; Sheldon W. Samuels, of the AFL-CIO Industrial Union Department job safety and health program; as well as William Kelly, director of the division of training for NIOSH, and Dr. Earl D. Heath, director of OSHA's office of education.

Labor Department's compliance officers are learning about workers' health in one-week courses, starting last week at NIOSH's Cincinnati center. Classes accommodating 40 will be repeated five times, giving 200 compliance officers information on health to supplement their expertise on safety.

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SELIKOFF PREDICTS DEATH TOLL IF SERIOUS ERROR IN ASBESTOS STANDARD NOT CORRECTED

The standard for asbestos established by the Department of Labor "is so wrong and represents such serious hazard to workmen, that I advise its urgent revision," Dr. Irving J. Selikoff of the Environmental Sciences Laboratory at the Mount Sinai School of Medicine of the City University of New York wrote Secretary James D. Hodgson Aug. 3.

The proposed level is (1) much higher than actually now exists, (2) so high as to make totally ineffective current efforts by both industry and labor to control the hazard, Selikoff charged. The standard, which would allow workmen to be exposed to environments containing as many as 12 fibers per cc of air, contrasts with the approved level in Great Britain which is less than 1/5 this level. The U.S. standard of exposure "for more than even 10 minutes" would be sufficient to require that the workmen wear protective clothing and use an efficient respirator, according to Selikoff.

Research in the asbestos trade of insulation work shows that work in areas with levels of 2-3 fibers per cc of air "has resulted in a very great increase of death due to cancer and to asbestosis." One in every five deaths among insulation workers is due to lung cancer, one in 10 to cancer of the pleura or peritoneum, and one in 10 to scarred lungs or asbestosis.

Dire Prediction

Drawing on calculations from the American Cancer Society, Selikoff predicted "that if the situation remains the same and does not improve, there will be more than 17,000 excess deaths of lung cancer among these men, as well as almost 10,000 unnecessary deaths of cancer of the pleura or peritoneum, 10,000 wholly preventable deaths of asbestosis and many thousand other cancer deaths in this one trade alone. Thousands of deaths will occur in other industries, to add to the unhappy toll of this serious error," he warned.

It is estimated there are approximately 100,000 men doing asbestos insulation work in the United States, in various industries and in various unions.

Copies of Selikoff's letter were sent to officials of the Asbestos Workers Union; United Steelworkers; Oil, Chemical, and Atomic Workers Union; United Papermakers and Paperworkers; International Chemical Workers; Textile Workers; the AFL-CIO and the Industrial Union Department; and the National Institute for Occupational Safety and Health.