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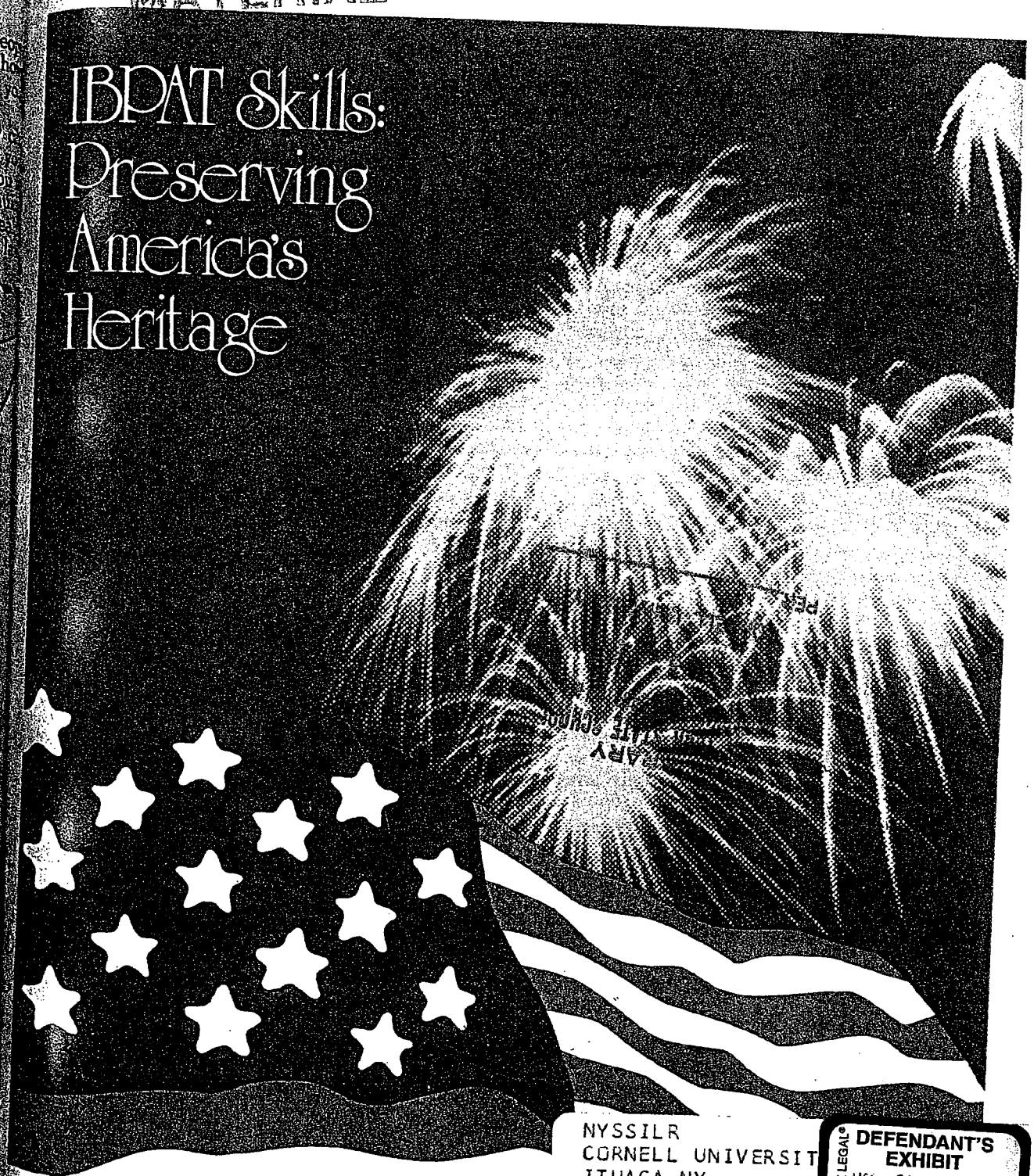
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Painters & Allied Trades Journal
JULY 1978

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IBPAT Skills: Preserving America's Heritage



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Painters & Allied Trades Journal

On the Cover

IBPAT skills are helping to preserve Americas' heritage. Story, page 4.

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Any member or subordinate body publishing programs, souvenirs or other documents of any description must not designate them as "The Official Journal of the Brotherhood," or as "The Painters and Allied Trades Journal," either upon the publication itself on their advertising contract forms or stationery.

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S. FRANK RAFTERY
General President
1750 New York Avenue, N.W.
Washington, D.C. 20006

ROBERT J. PETERSDORF
General Secretary-Treasurer
1750 New York Avenue, N.W.
Washington, D.C. 20006

General Vice Presidents

BERNARD SNIEGOWSKI
1st District
1443 Westchester Boulevard
Westchester, Ill. 60153

A. L. MONROE, 2nd District
7909 Bayberry Drive
Alexandria, Va. 22306

JAMES WOLFORD, 3rd District
100 Devon Lane
Williamsville, N.Y. 14221

JACK T. COX, 4th District
2212 DuPont Drive
Irvine, Calif. 92664

GUY LEBER, 5th District
1930 Bishop Lane
Louisville, Ky. 40218

JAMES B. COX, 6th District
8800 Blue Ridge Ext. No. 10
Kansas City, Mo. 64138

WILLIAM A. DUVAL, 7th District
1750 New York Avenue, N.W.
Washington, D.C. 20006

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the Labor Dept., expressed disappointment in the ruling.

IBPAT General Secretary-Treasurer Robert Petersdorf thinks the courts "reasoning is ridiculous," when an "Internal Revenue officer can go through personal papers without a search warrant, and a customs agent searches personal belongings without a warrant."

"The decision can delay and complicate OSHA's job of insuring the health and safety of America's workplaces—and that's not good for workers," the AFL-CIO observed.

"We expect, however, that the Dept. of Labor will immediately seek warrants from the courts in accordance with the standards set by the Supreme Court and get on with the job of protecting the health and safety of working men and women."

Both Raftery and Petersdorf fear that the ruling is emphasizing the value of property over the human rights of the workers. "With death for 12,000 workers yearly and injury for one out of eight workers, the price is too high to pay," adds IBPAT Research Director Hank Wilson.

Bingham said OSHA was reviewing the decision carefully and that it would soon be issuing instructions to its field staff on new inspection procedures.

Sen., Harrison A. Williams (D-N.J.), who co-authored the safety law, said he was "shocked by the thrust of the majority decision."

Williams said the ruling was particularly disturbing in view of the strides made by Labor Sec. Ray Marshall and Dr. Bingham toward redirecting the goals of the agency.

"They have worked to make the OSHA program responsive to the very real needs of America's workers, and anything that impedes their progress is greatly troubling indeed," he said.

The decision, written by Justice Byron R. White, affirms a 1976 ruling by a three-judge panel in Idaho which held that surprise inspections violated an employer's constitutional rights under the Fourth Amendment.

The case was initiated by Ferrol G. Barlow, owner of a Pocatello plumbing and heating firm, who had refused to allow an OSHA compliance officer to inspect the company's work area.

Barlow was supported in the constitutional fight by right-wing and employer groups, including the John Birch Society and the U.S. Chamber of Commerce.

White was joined in the majority ruling by Chief Justice Warren Burger and Justices Potter Stewart, Thurgood Marshall and Lewis F. Powell, Jr. A dissenting opinion was filed by Justices John P. Stevens, William H. Rehnquist and Harry A. Blackmun. Justice William J. Brennan did not participate.

The majority contended that most businessmen would continue to allow OSHA inspectors entry to their workplaces without demanding a warrant.

The minority disagreed, warning that OSHA would encounter "undue enforcement problems" with an expected increase of refusals for voluntary compliance to inspections, resulting in additional administrative costs for the agency.

The minority also held that the Constitution did not prohibit the kind of inspections that OSHA has conducted without a warrant.

The 1970 law provides that the agency may inspect workplaces during regular working hours and at "other reasonable times, and within reasonable limits and in a reasonable manner. . . ."

Since OSHA became operational in 1971, it has conducted about 400,000 inspections. With its 1,300 inspectors, the agency conducts about 60,000 inspections annually, fewer than 2 percent of the 6 million establishments covered by the act.

U.S. Warns Workers on Asbestos

The U.S. Department of Health, Education & Welfare has warned that millions of American workers who have been exposed to asbestos on the job since the early 1940s may be felled by cancer and lung disease.

In issuing the grim nationwide alert, HEW Sec. Joseph A. Califano noted that between 8 and 11 million workers, many of them IBPAT members, have come into contact with asbestos fibers since the beginning of World War II, including 4.5 million who worked in wartime shipyards. He said up to 2.5 million are currently exposed to significant levels of asbestos.

Califano termed asbestos "one of the most dangerous and insidious substances in the workplace."

Joining Califano at a news conference announcing the asbestos alert was Surgeon General Julius Richmond, who said he was sending an advisory to the nation's 400,000 doctors about the health risks, diagnosis and treatment of asbestos-caused diseases.

Asbestos has been recognized as a definite cause of cancer and respiratory disease not only among workers, but also their families and entire communities.

The serious health effects of asbestos may not show up for 15 to 35 years after initial exposure—and by then it may be too late.

Asbsetos-caused diseases include lung cancer; gastro-intestinal cancer; asbestosis, a disabling lung disorder, and mesothelioma, cancer of the chest cavity and stomach area.

Califano estimated that as many as half of the persons exposed to asbestos on the job might develop one of the more serious diseases.

While the federal government's responsibility in regulating exposure to the carcinogen is spread through several agencies, Califano noted that to date there has been no sys-

(Continued on next page)

U.S. Warning (Cont'd.)

tematic effort to notify physicians, workers exposed in the past and others to the health risk.

The Occupational Safety & Health Administration has the responsibility for regulating exposure levels in workplaces and requiring employers to provide safeguards for workers.

OSHA's existing standard limits worker exposure to asbestos to two fibers per cubic milliliter of air. It was instituted in 1972 over the strong objections of union safety experts and medical consultants. Initially, the standard provided for a 5-fiber limit, dropping to two fibers on July 1, 1976. AFL-CIO unions had warned that even the 2-fiber limit was too high to be safe, calling for a 1-fiber limit and an eventual reduction to zero.

The AFL-CIO Industrial Union Dept. was unsuccessful in a subsequent court suit to have OSHA's exposure limit lowered, but the court did order the agency to review certain parts of its regulation to meet some of labor's protests.

In 1975, OSHA did propose reducing the exposure limit to 0.5 fibers per milliliter. But the 2-fiber standard remains in effect.

Califano did not suggest that the current exposure limit for asbestos is safe, saying only that current workers "can be expected to face smaller risks than those exposed in the past."

Ask The Doctors

Do you worry about the chemicals with which you have to work? Do you have symptoms of an illness which may be connected to your occupation?

"Ask the Doctors" is the JOURNAL feature designed to answer your questions about the hazards in the painting and allied trades.



This month Dr. Edwin C. Holstein of New York's Mount Sinai School of Medicine discusses the dangers of noise.

Brother F. R. writes:

I have been working for this company's body shop for 32 years and as in any body and fender shop there is many times this terrific noise when they use the air hammers, air chisels and grinding metal.

All this noise I understand will eventually affect people's hearing.

Dr. Holstein replies:

F. R. is correct: long-term exposure to excessive noise will definitely decrease a person's hearing. This may begin to happen after less than a year of excessively noisy work and will reach a peak at about ten years. After that, there will be little if any additional hearing loss due to this cause. However, hearing loss due to other causes may continue to add to the loss caused by excessive noise, so that the worker may begin to notice that his hearing is poor only after twenty or thirty years have gone by. Some of the other causes of hearing loss are the normal loss that occurs as we get older, loss due to certain medicines, ear infections, injuries and certain diseases.

The Dangers of Exces

Excessive noise may be the most widespread occupational hazard of all. It occurs in a broad variety of industries, from steel to papermaking to tool and die works to woodworking to construction. Millions of workers are exposed to excessive noise.

Noise levels can be measured using a simple hand-held instrument. The result is measured in units called decibels (dB). Sometimes the result is adjusted to account for the fact that noises of different pitch have differing abilities to cause hearing damage. In that case, the result is expressed as dB(A). At this time OSHA regulations call for a maximum level of 90 dB(A) averaged over an 8-hour exposure.

Unfortunately, thousands of workplaces exceed the OSHA standard for noise. For instance, pneumatic drills, foundry operations, planers, jointers, sanders, acetylene welding and wire drawing are often in the range of 90-99 dB(A). Furnaces, forging manners, lathes, punch presses, riveting guns, pneumatic wrenches and circular saws may run at 100-109 dB(A). Corrugating machines for steel sheet, sandblasting machines, nail machines and pneumatic air hoists may register 100-119 dB(A), while a jet engine will exceed 130 dB(A).

In reading these numbers, it is important to realize that the decibel (dB) scale is quite different from most kinds of measuring units. A noise that is 100 dB is *10 times* as loud as one that is 90 dB; 100 dB is ten times as loud as 100 dB, or *one hundred* times as loud as 90 dB.

When a normal person is exposed to loud noise, say 94 dB, for an hour or so and then returns to a quiet area, he may feel that he can not hear as well as he did before he was exposed to the noise. A careful hearing test would show that his impression is correct: such an exposure might cause him to lose around 10 dB of hearing. In other words, a sound would have to