DYING for WORK IN MASSACHUSETTS

WORKERS’ MEMORIAL DAY ~ APRIL 28, 2012

Loss of Life and Limb in Massachusetts Workplaces

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Cantilevering  (In memory of Tim)

The structure was sprawled
face down, un-supported on the ground.

What blow created this mess?
What weakness was exposed?

Groping, groveling, uselessness and decay;
were these the in-evitable outcomes?
Could nothing be done?
Did the builder have a plan?

In the fine-print of the specs, someone
had written, “...horizontal construction
extending well beyond its’ vertical support”.

Cantilevering
Ingenious, really. The required support
was minimal, clamped just where needed.

Calls were made. Friends assembled, then,
UP!

The structure looked forward, its arms
reached out.
The outcome, more promising.....
for now.

Katie Liljegren
Katie has been a union electrician for almost 18 years. This poem was written in 2011 while un-employed.
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Introduction and Acknowledgements

The Massachusetts AFL-CIO, the Massachusetts Coalition for Occupational Safety and Health (MassCOSH) and the Western Massachusetts Coalition for Occupational Safety and Health (Western MassCOSH) collaborated to produce the 2012 Dying for Work in Massachusetts: The Loss of Life and Limb in Massachusetts Workplaces. The Massachusetts AFL-CIO is the umbrella organization for more than 750 local unions, joint boards and district councils in Massachusetts, representing working men and women across the Commonwealth. MassCOSH and Western MassCOSH are non-profit organizations whose members include workers, unions and health professionals. MassCOSH and Western MassCOSH provide information, training, education, technical services and advocacy, aimed at helping to improve job safety and health conditions in workplaces throughout Massachusetts. MassCOSH provides services in Worcester and east and Western MassCOSH covers west of Worcester.

This report has been compiled to highlight the fact that work continues to kill and maim workers in epidemic and alarming numbers. The saddest aspect to this loss in lives and limbs is that work-related injuries and illnesses are preventable.

The authors of this 2012 Workers Memorial Day report are most grateful to all who assisted in collecting and reviewing data, writing and editing, conducting interviews, and providing photographs. This report would not have been possible without assistance from the following individuals and organizations:

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1. Massachusetts Department of Public Health (Bureau of Health Statistics, Research and Evaluation and the Cancer Registry)
2. Massachusetts Department of Public Health (Occupational Health Surveillance Program)
3. Occupational Safety and Health Administration, Region 1 Office, Boston
4. Massachusetts Department of Labor Standards
5. Articles from newspapers throughout Massachusetts
6. The Professional Firefighters of Massachusetts
7. Massachusetts Coalition for Occupational Safety and Health
9. United States Environmental Protection Agency
Executive Summary

April 28, 2012 marks the 24th observance of Workers’ Memorial Day, when we remember workers who were killed, made ill or injured on their jobs. We reflect on the tragedies of the past year and renew our commitment to the fight for safe jobs.

Who is dying at work in Massachusetts

Fifty-eight workers in Massachusetts lost their lives on the job in 2011—most suffered fatal injuries at work. An average of 1.1 worker deaths occurred each week. Included are 10 firefighters who died from work-related cancer and heart disease.

For every worker killed on the job, ten more die from occupational disease. An estimated 580 workers died in 2011 in Massachusetts from occupational disease. A conservative estimate of 1,800 workers in Massachusetts were newly diagnosed with cancers caused by workplace exposures, and 50,000 more were seriously injured. This report also includes nine servicemen from Massachusetts who died in the War in Afghanistan in 2011.

Over the past two decades, Massachusetts has seen a fluctuation in the number worker deaths. There has been no consistent upward or downward trend in the rate of worker deaths (deaths per 100,000 workers) over time.

What are their ages and occupations

The average age at death was 49 years old, with a range of 21 to 82 years. Fifty-four percent of those who were fatally injured on the job were 50 years old or older (30/56 fatalities where age was known). Twenty-three percent of those who were fatally injured were age 40-49 and twenty-seven percent of the total deaths were over the age of 60.

Firefighters suffered 13 (22% of total) line of duty fatalities, the highest of all occupations. Two firefighters died from injuries sustained while responding to fires, one death occurred when a firefighter was crushed while performing maintenance on a department vehicle, and ten were due to work-related cancer and heart disease.

The construction industry remains one of the most dangerous for workers with eight on-the-job fatalities occurring in 2011 (14% of total). The transportation industry accounted for seven workplace deaths.

Three commercial fishermen and lobstermen died on the job, accounting for 5% of the total workplace deaths. Three workers from the human service industry died while performing their jobs.

What is killing them

- Motor Vehicle Incidents accounted for twelve occupational fatalities. Half of the incidents involved a truck or auto crash. In the other six incidents, a worker was struck or crushed by a vehicle.

- Falls of all types caused more than one-fifth (12 out of 58) of all occupational fatalities in Massachusetts in 2011. Five of the twelve falls occurred in the construction industry.

- Workplace violence was responsible for the deaths of six workers who were killed during the performance of their work.

- Drowning was the cause of five workplace deaths in 2011. Three of the drowning incidents took place in the commercial fishing industry.

Falls of all types caused more than one-fifth of all occupational fatalities.

What contributes to work-related fatalities, injuries and illnesses

On February 16th, 2011, Luis Tenezaca Palaguachi, a 25 year old roofer, was working on the roof of a triple-decker home in New Bedford, MA. Tenezaca, an Ecuadorian immigrant, lost his balance near the edge of the
roof and fell three stories to a driveway below. He was brought to a local hospital and died a short time later. Tenezaca’s employer, Chelsea Enterprises Construction, allegedly did not provide any fall protection to its workers. An OSHA investigation following the fatality led to an initial fine of $16,800, which was later reduced to $4,200.

OSHA lacks funding, staff and tools to deter violations. Fatal and serious workplace injuries in 2011 continued to occur because Massachusetts employers ignored OSHA regulations and failed to institute basic safety measures. Strong government regulations and enforcement – including criminal prosecution – is essential, but often lacking.

- OSHA is still understaffed, underfunded and pursues penalties that are too little, too late.
- In Massachusetts in 2011, the average fine (based on final penalties) assessed to an employer with OSHA violations resulting in the death of a worker was $6,490.
- Of the four closed investigations resulting in a penalty, all were settled for $10,000 or under. Unfortunately, too many employers determine it to be cheaper to violate OSHA regulations than to comply with them, ignoring the potential human costs.

Public employees lack OSHA protections

On October 18, 2011, Bob DeCristofaro, 58, was taking care of the city of Quincy’s traffic control lights, working from an aerial lift bucket truck parked to the side on a busy roadway. A large semi tractor-trailer unit passed beneath, brushing the bottom of the lift bucket, catapulting Bob into the air and down onto the pavement. One hour later Bob DeCristofaro died at a local hospital.

350,000 public sector workers in Massachusetts who work for the Commonwealth or its political subdivisions lack the protections afforded to their counterparts under the federal Occupational Safety and Health Act.

Temporary workers: dangerous jobs, inadequate protections

Twenty-eight year old Daniel Collazo was employed by a temporary agency at the Taunton-based Tribe Mediterranean Foods factory when he was killed after his hand got caught in a grinder at the hummus plant. Tribe had been cited and fined by OSHA at its Connecticut branch in 2009 for serious violations, including lock out-tag out, a procedure which helps ensure that machines remain shut down during cleaning or other maintenance activities.

Many Massachusetts employers use temporary workers to do dangerous work that requires knowledge of known safety hazards as well as proper safety training and equipment. Unfortunately, many temp workers never receive this information. Far too often, employers will hire fly-by-night temporary agencies which fail to provide workers with so much as the name of their employer, making it impossible for workers to pursue workers compensation should they become injured on the job.

Chemical exposures cause worker illness

Thirty-five year-old Ronald M., a plant maintenance engineer, quit his job after his asthma worsened and he developed a skin rash from contact with chemicals on the job. He was one of eight workers from the same factory in Southeastern Massachusetts whose asthma worsened or who developed asthma for the first time when the company changed ingredients and increased the temperatures in its ovens.

There are tens of thousands of chemicals used in US workplaces, and most have not been tested for the harm they cause. Unlike fatalities and serious injuries, the harm done by chemicals and workplace conditions remains largely invisible. Every year, an estimated 50,000 lose their lives to occupational disease, and more than four million workers are seriously injured or are sickened by exposure to toxic agents, even with the improvements that have
taken place in workplace safety since OSHA began in 1971.

Assaults kill human service workers

Stephanie M. Moulton, 25, an assistant manager at a North Suffolk Mental Health residential home, was abducted and killed by a client while at work on January 20, 2011.

In 2011, six workers in Massachusetts were the victims of work-related homicides. According to the U.S. Department of Justice, Federal Bureau of Investigation, of great concern is the likely under-reporting of violence and a persistent perception that assaults are part of the job. This may also be due to lack of employers’ violence prevention policies and reporting procedures. Without violence prevention controls in place, workers who are victims of workplace assault may also fear that they will be blamed for employee negligence or poor job performance.

What is needed

There is much that continues to threaten the safety and health of workers. The Massachusetts AFL-CIO, MassCOSH and Western MassCOSH are part of a growing coalition seeking:

At the federal level:

- Strengthened OSHA regulations and enforcement, including use of criminal prosecution to deter employers who recklessly endanger workers’ lives.

- Expanded efforts to protect immigrant workers, including increasing the number of bilingual investigators and strengthening whistleblower protections.

- Overhaul OSHA’s system of regulating toxic chemicals on a chemical-by-chemical basis, which has failed to provide adequate protections for workers.

- Ensure the right of families to be fully engaged in fatality investigations.

At the state level:

- Fully implementation of Executive Order 511, which establishes health and safety committees in all state agencies, and move as quickly as possible to requiring that all agencies comply with national health and safety standards.

- Improve the Massachusetts Workers Compensation to make it just, fair and accessible to all injured workers.

- Pass ‘Temporary Worker Right to Know Law’ (formerly Employment Agency Reform Bill, HB1393) increasing oversight by the state and providing temporary workers with written notice of key details of job assignments, including, the worksite employer, the type of work to be done, the wages, the right to workers’ compensation, as well as a receipt for any charges paid by the applicant.

- Pass bills to protect human service workers from violence including 1) ‘An Act to Promote the Public Health through Workplace Safety for Social Workers,’ (House Bill 592, Senate bill 1206) which would require employers of social workers and human service providers to create safety plans for their workplaces and perform annual risk assessments relative to factors which may put social workers at risk of workplace assault. 2) Stephanie’s Law (S2006) which would provide human service workers with mobile alert devices to be able to call for help when working alone.

At the worksite:

- Ensure staffing levels, workloads and working hours that do not promote workplace injury, illness and death.

- Enact comprehensive worksite safety programs that focus on identifying and eliminating or reducing hazards.

- Ensure a strong, protected and collective voice of workers, through their unions, involved in all aspects of these comprehensive worksite health and safety programs.
In Memoriam

Following are the names of workers in Massachusetts who died from work-related causes in 2011 and through March 31, 2012. The towns and cities listed below are where the workers were injured/made ill. This list also includes fire fighters who died from work-related cancer or heart disease in 2011. The majority of workers who died from occupational disease are not listed – no database collects their names. We estimate that for every worker who dies from an acute, traumatic on-the-job injury, ten more die from occupational diseases. We will never know most of their names and faces, but we honor them all. This year, we have once again included a list of servicemen and women from Massachusetts who lost their lives in 2011 and through March 31, 2012 as a result of the wars in Iraq and Afghanistan.

2011

Michael Urban, 57, Firefighter, Framingham 1/07/11
Paul Silveria, 60, Police Lieutenant, Mattapoisett 1/14/11
Stephanie Moulton, 25, Counselor, Revere 1/20/11
Giuseppe Cracchiola, 47, Fisherman, New Bedford 1/28/11
David Frank Sr., 63, Livery Driver, Waltham 1/28/11
Kevin Tran, 51, Laborer, Everett 2/01/11
Jose Roldan, 34, Shelter Attendant, Lowell 1/29/11
Laurent Millville, 55, Cleaner, Belmont 2/05/11
Joseph Fraser, 58, Firefighter, Medford 2/11/11
Luis Tenezaca Palaguachi, 25, Roofer, New Bedford 2/16/11
Jimi Lee Gibb, 24, Landscaper, Springfield 2/19/11
David Turner, 61, Firefighter, Haverhill 2/27/11
Victor Vargas, 42, Taxi Cab Driver, Lynnfield 3/04/11
Daniel Martinez, 33, Auto Detailer, West Springfield 3/23/11
Raymond Lillstrang, 69, Lead Custodian, Pepperell 3/27/11
Peter Prybot, 63, Lobsterman, Rockport 4/03/11
Jason Lew, 60, Nurse, Bourne 4/08/11
Ramon Perez, 53, Electrician, Boston 4/15/11
Christopher Richert, 49, Truck Driver, Plymouth 5/09/11
Patrick Marino, 73, Jeweler, Winthrop 5/16/11
Thomas Lange, 60, Fire Inspector, Pittsfield 5/20/11
Sean Strakele, 37, Diver, Provincetown 5/25/11
Ellen Engelhardt, 58, State Trooper, Wareham 6/01/11
Cyril Kilderry, 61, Painter, Winthrop 6/03/11
Richard Easton, 66, Maintenance, Dedham 6/13/11
Daniel Andrade, 21, Boat Yard Worker, Mashpee 6/27/11
David Belair, 54, Truck Driver, Williamstown 6/29/11
Patrick MacDonald, 58, Street Sweeper, Norwood 7/05/11
Ronald Mistarka, 54, Building Contractor, Sunderland 7/11/11
Keimani Bell, 28, Trash Worker, Methuen 7/12/11
Scott Person, 40, Store Clerk, Fitchburg 7/22/11
Neal Michaud, 59, Truck Driver, Saugus 7/23/11
John Lopez, 47, Painter, Abington 7/29/11
Timothy Oliveria, 53, Fire Lieutenant, Salisbury 7/31/11
Daniel Callahan, 61, Maintenance, Ipswich 8/13/11
Cristian Hernandez, 32, Delivery Worker, Wilmington 8/15/11
La Phan, 49, Truck Driver, North Attleboro 8/18/11
Shui Woo, 60, Restaurant Owner, Ipswich 9/02/11
Christopher Dutile, 55, Truck Driver, Lexington 9/23/11
Eugene McCarthy, 62, Fire Captain, Melrose 9/03/11
Gerald Robinson, 58, Counselor, Springfield 9/21/11
Kevin Girard, 43, Arborist, Chelmsford 9/26/11
Mark Young, 51, Firefighter, Haverhill 10/4/11
Michael Smith, 44, Maintenance, Boston 10/5/11
John Hanson, 82, Construction, Williamstown 10/7/11
Matthew Goodner, 30, Steeplejack, Newton 10/12/11
Robert DeCristofaro, 58, City Worker, Quincy 10/18/11
Brian Fosdick, 39, Septic Worker, Marshfield 10/19/11
Victor Flores, 42, Contractor, Malden 10/21/11
Russell Walker Jr, 29, Machine Operator, Lancaster 11/07/11
Albert Briand, 58, Fire Captain, Norton 12/04/11
Jon Davies, 43, Firefighter, Worcester 12/08/11
David Callazo, 28, Maintenance, Taunton 12/16/11
Robert George, 46, Firefighter, Methuen 12/21/11
Randy Rideout, 54, Fire Lieutenant, Medford 12/29/11

2012

Robert Bushey, 72, Tree Farm Owner, Shrewsbury 1/10/12
James Ivanov, 19, Student, West Springfield 1/11/12
Oulton Hues, 73, Flight Instructor, Brewster 1/15/12
Barron Holliday, 45, Laborer, Boston 3/01/12
Matthew Smith, 45, Firefighter, Danvers 3/08/12
Tyler Granfield, 28, Arborist, Longmeadow 3/29/12
## U.S. Troops from Massachusetts who Died as a Result of the War in Afghanistan in 2011

<table>
<thead>
<tr>
<th>Name</th>
<th>Branch</th>
<th>Location</th>
<th>Death Date</th>
</tr>
</thead>
<tbody>
<tr>
<td>Major David Brodeur</td>
<td>Air Force</td>
<td>Auburn</td>
<td>4/27/2011</td>
</tr>
<tr>
<td>Sgt. William Woitowicz</td>
<td>Marines</td>
<td>Middlesex</td>
<td>6/7/2011</td>
</tr>
<tr>
<td>Seal Kevin Houston</td>
<td>US Navy</td>
<td>West Hyannisport</td>
<td>8/6/2011</td>
</tr>
<tr>
<td>Spec. Keith Benson</td>
<td>US Army</td>
<td>Brockton</td>
<td>1/18/2012</td>
</tr>
</tbody>
</table>
Numbers behind the faces

Fifty-eight workers lost their lives on the job in 2011, most suffering from fatal injuries at work. This number also includes firefighters who lost their lives due to cancer and heart attacks, which this report includes in the calculation of work fatalities, consistent with the US Bureau of Labor Statistics calculations. For every worker killed on the job, ten more die from occupational disease, approximately 580 workers in 2011.

Over the past two decades, Massachusetts has seen a fluctuation in the number of worker deaths. But there has been no consistent upward or downward trend in the rate of worker deaths (deaths per 100,000 workers) over time.

<table>
<thead>
<tr>
<th>Workplace Fatalities</th>
<th>2007</th>
<th>2008</th>
<th>2009</th>
<th>2010</th>
<th>2011</th>
</tr>
</thead>
<tbody>
<tr>
<td>Rates (deaths per 100,000 employees)</td>
<td>2.3</td>
<td>2.1</td>
<td>2.0</td>
<td>1.3</td>
<td>1.7</td>
</tr>
</tbody>
</table>

Who is getting killed

Occupations:
Firefighters suffered 13 (22%) of total line of duty fatalities. Two firefighters died resulting from injuries sustained while responding to fires, one death occurred when a firefighter was crushed while performing maintenance on a vehicle, and ten were due to work-related cancer and heart disease.

The construction industry remains one of the most dangerous for workers, with eight on-the-job fatalities occurring in 2011 (14% of total). Workers in the transportation industry were next highest, with seven workers (12%) dying, predominately from vehicle (truck, limousine and automobile) crashes.

Demographics:
Eleven workers killed in 2011 (19%) were born outside the United States. Six of the 19 were from Latin American countries (including Dominican Republic, Columbia, Ecuador and Guatemala), two were from Vietnam, and one each from China, Ireland and Italy.
The average age at death was 49 years old, with a range of 21 to 82 years. Fifty-four percent of those who were fatally injured on the job were 50 years old or older (30/56 fatalities where age was known). Twenty-three percent of those who were fatally injured were age 40-49 and twenty-seven percent of the total deaths were over the age of 60.

Just two were women (one a state trooper, the other a human service worker); the remaining 56 were men.

**Major events/exposures contributing to deaths**

Falls represented the most common event leading to workplace death, accounting for 12 (21%) of the fatalities, an increase from 2010 where falls were responsible for 19% of workplace deaths. Vehicle-related accidents were responsible for twelve deaths – with six deaths (10%) caused by vehicle crashes and six caused by workers being hit or crushed by motor vehicles. Homicide continues to responsible for multiple deaths – with six workers losing their lives to fatal assaults (10%), an increase from last year (6%).

![Most Frequent Events/Exposures Resulting in Work Fatalities, 2011](image-url)
Face behind the numbers: James Ivanov

Three people died when a tornado swept through Western Massachusetts on June 1, 2011. Sadly, the fatalities did not stop with the tornado. A young man was killed in the rebuilding effort.

Life was just beginning for 19-year-old James Ivanov of Agawam. He had graduated Agawam High School in 2010 and was attending American International College in Springfield.

James was on break from college, between the fall and spring semesters, when he died on the job on January 11, 2012. James was helping to put up a new house in West Springfield when he fell four stories to his death, apparently wearing no fall protection. Falls are a leading cause of death on the job in the United States.

James was helping to put up a new house in West Springfield when he fell four stories to his death, apparently wearing no fall protection.

Seven months earlier, tornadoes had left a path of destruction throughout Western Massachusetts, from Westfield to Brimfield. The section of West Springfield where James was working was particularly hard hit. Both Union and Main Streets (in a densely populated residential area) were closed for several days. Large trees were pulled out by their roots, and many houses were damaged or destroyed. The damage was so extensive that the town had to set up temporary housing on the grounds of the Eastern States Exposition (Big E).

James was helping to rebuild a house at the corner of George and Union streets; the house that had been there previously had been destroyed by the tornado. Ironically, he was working right next door to 687 Union St., where a woman had been killed by the June 1 tornado. The woman shielded her 15-year-old daughter in the bathtub when her house was hit by the tornado. She saved the life of her daughter, but lost her own life.

After three people died as a result of the tornado, safety advocates in the area were very concerned that more lives would be lost in the rebuilding. As part of a coalition focusing on rebuilding the area, Western MassCOSH had emphasized the need for safety.

OSHA regulations require that when working at heights of more than six feet, roofers and construction workers take measures, such as wearing a harness, to prevent falls.

James’ death was the first to occur as a result of the rebuilding effort.
Professional Fire Fighters of Massachusetts Honor 13 Fallen Firefighters, 2011

Every day firefighters across the Commonwealth report for work not knowing if this could be their last shift. Thanks to those in the labor movement before us, today’s firefighters are highly trained and equipped with the most up-to-date technology. But one thing remains: this profession can wreak havoc on your physical well being.

Today we honor and remember the 13 Massachusetts Firefighters who died in the line of duty in 2011. Each one left us too soon and will not be forgotten.

Firefighter Michael Urban
Age 57, of Framingham Firefighters Local 1652, died of lung cancer January 7, 2011.

Firefighter Joseph C. Fraser
Age 58, of Medford Firefighters Local 1032, died of a heart attack on February 11, 2011. Firefighter Fraser left behind his wife Elaine and three sons, Joseph, John, and Jason.

Firefighter David B. Turner
Age 61, of Haverhill Firefighters Local 1011, died of throat cancer on February 27, 2011.

Fire Inspector Thomas Lange
Age 60, of Pittsfield Firefighters Local 2647, died of liver cancer on May 20, 2011.

Lieutenant Timothy Oliveira
Age 53, of Salisbury Firefighters Local 4694, died on July 31, 2011, while performing maintenance work on a department vehicle when the vehicle, raised on jacks, fell and crushed him. Lt. Oliveira left behind his wife Pamela and two adult daughters.

Captain Eugene H. McCarthy
Of Melrose Firefighters Local 1617, died of cancer on September 3, 2011.

Lieutenant Mark A. Young
Age 51, of Haverhill Firefighters Local 1011, died of cancer on October 4, 2011.

Lieutenant James A. Zahn
Age 47, of Lawrence Firefighters Local 146, died of cancer on October 29, 2011.

Captain Albert E. Briand
Age 58, of Norton Firefighters Local 2678, died of kidney cancer on December 4, 2011.

Firefighter Jon D. Davies
Age 43, of Worcester Firefighters Local 1009, died on December 8, 2011, when a triple decker
collapsed during a 3-alarm fire while he and his partner were conducting a rapid search for occupants after it was reported that someone remained in the building. Firefighter Davies left behind his bride-to-be and three sons, Jon Jr., Adam, and Michael. Two were serving in the Air Force at the time of his death, with one on deployment in Afghanistan.

Firefighter Robert George  
Age 46, of Methuen Firefighters Local 1691, died of a heart attack on December 21, 2011.

Firefighter James A. Rice  
Age 42, of Peabody Firefighters Local 925 died on December 23, 2011, when he became trapped while fighting a structure fire. Firefighter Rice left behind his wife Amy and three children, 12-year old Alyssa, nine-year old Katelyn, and his seven-year old son Ryan.

Lieutenant Randy Rideout  
Age 54, of Medford Firefighters Local 1032, died of a heart attack on December 29, 2011. Lt. Rideout left behind his wife Marie and two children, Michael and Jaclyn.
Construction Falls: Deadly and Preventable

A 54-year-old home improvement contractor, Ronald Mistarka, was hired to repair the roof of a garage that was damaged in a fire. Mistarka was on site with a small work crew to perform the repair. While on the roof of the garage, Mistarka fell approximately 40 feet to a concrete slab below.

The problem

Falling to a lower level is the leading fatal work event in Massachusetts, claiming the lives of 76 (24%) Massachusetts workers from 2007 through 2011. Construction accounted for 58% (44 of 76) of these fatal falls and residential construction stands out with over half of these falls (26 of 44). These workers fell from ladders (25%), roofs (20%), and scaffolding (18%). The majority of the fatal falls at construction sites were from heights of 25 feet or less; at residential construction sites, the average height of a fatal fall was 19 feet.

What can be done: perspectives

“Often after workers attend my OSHA training they will go back and tell their bosses what they need to be safe. But many times the bosses won’t care because they believe that OSHA will never come and inspect. We need to have enough OSHA inspectors that employers take the safety requirements seriously.”

– Rony Peterson Jabour, Construction worker and safety trainer for Brazilian and Latino construction workers

“Our experience is that everyday workers are imperiled on residential construction sites due to a lack of compliance with fall protection regulations. Many workers do not receive basic training about what they should expect in the way of fall protection. Workers who recognize the danger, especially immigrant workers, are intimidated from speaking up about hazards. While safety conditions have improved in commercial construction due to mandatory training and increased oversight from general contractors and owners, the safety climate for the “99%” has gotten worse in a down economy when construction jobs are harder to come by.
As David Michaels, Assistant Secretary of Labor for OSHA, has said: "We cannot tolerate workers getting killed in residential construction when effective means are readily available to prevent those deaths." The problem appears to be a lack of resources and political will to prevent the injury and deaths of immigrant workers through enforcement of employment and safety regulations.”

– Cora Roelofs, Research Faculty, UMass Lowell

In April, the Campaign to Prevent Falls in Construction will be launched across the country and will encourage residential construction, workers, and others in the industry to work safely and use the right equipment to prevent falls. The campaign will be a joint effort of OSHA, NIOSH, state government, private industry, trade associations, professional and labor organizations all working together on preventing falls in residential construction. As part of the campaign, strategies are being developed to reach key construction audiences and a variety of specific messages and materials are being prepared that will focus on the three major types of fatal falls: falls from roofs, falls from ladders, and falls from scaffolds.

“OSHA is proud to join with campaign partners to spread the word throughout the Commonwealth about the importance of preventing workplace falls, one of the leading causes of on-the-job fatalities.”

– Marthe Kent, Regional Administrator, OSHA Region I

“The Massachusetts Department of Public Health will be actively promoting the Campaign to Prevent Falls in Construction by disseminating fall prevention materials throughout Massachusetts. Disseminated materials will include our new ladder and scaffold safety brochures that are available in Spanish, Portuguese and English”

– Letitia Davis, Director, Occupational Health Surveillance Program, Massachusetts Department of Public Health
Temporary Employment: Dirty and Dangerous

28 years old Daniel Collazo was employed by a temporary agency at the Taunton-based Tribe Mediterranean Foods factory when he was killed after his hand got caught in a grinder at the hummus plant. Tribe had been cited and fined by OSHA at its Connecticut branch in 2009 for serious violations, including lock out-tag out, a procedure which helps ensure that machines remain shut down during cleaning or other maintenance activities.

“I leave at 5 am from my house and walk to the pharmacy where I wait to be picked up at 6 am, get into a van with other workers and are driven to Brockton where we work for the Stone recycling company. My supervisor is someone I only know as Hector. He sends us to do this work without any training or protective equipment… We are paid $ 8.00 an hour on a personal check and are charged $30.00 for transportation for the full week even if we only work three days. If we complain about this or anything else, we are threatened and are told we will be fired because we work for their agency and we have no right to complain about anything.”

My supervisor is someone I only know as Hector. He sends us to do this work without any training or protective equipment…

“I am working at a recycling plant. I was hired through a temp agency over the phone and as of today, I do not know who I work for. I learned when I got to the workplace that we were required to obtain health vaccines to protect us from diseases while working there, but the temp agency never provided us with this information. We are exposed to contaminants with strong odors such as dust from broken glass and paper without appropriate protective equipment. Several of my co-workers have gotten sick from the hazards at work. But because the only information we have about our temp agency is their fax number, we have not been able to obtain workers compensation information.

These examples are just the tip of the iceberg. Focus groups conducted by non-profits MassCOSH and Chelsea Collaborative revealed that temp agencies often send workers to dangerous jobs, provide little or no information about the job, and expose workers to wage and safety violations. Without a paper trail, workers have no ability to pursue their legal rights

The problem

Temporary employment increased by 68% in the northeast over the last two decades, according to a report released last June (The Challenge of Temporary Work In Twenty-First Century Labor Markets by Harris Freeman and George Gonos). Over one-third of temporary workers in Massachusetts are low-wage, blue collar employees. Many low wage temporary workers are employed in some of the Commonwealth’s most dangerous jobs: construction, recycling, fish
processing, rock cutting, waste hauling and janitorial – to name a few. According to the report, “the work is often dirty, difficult, dangerous, and, usually, essential.”

**What needs to be done: perspectives**

The current Massachusetts law provides little regulatory oversight over temporary agencies, fostering the creation of fly-by-night organizations that cheat workers and resulting in an uneven playing field for law-abiding businesses.

A Temporary Worker Right to Know Bill (formerly House Bill 1393) would provide the state with the tools to provide oversight of temporary agencies and require agencies to provide workers with essential written information about their jobs.

“Over the past few years, the Attorney General's office has received about 400 complaints arising out of employment agencies... [House Bill 1393] would … enhance the record keeping requirements for these agencies… With a more robust paper trail, there will be more accountability for these businesses.”

“As legitimate employers, we frankly resent the fact that fly-by-night exploiters avoid paying their fair share of taxes – and then also violate basic principles of good, safe construction. Improved oversight in this area will help us all.”
- Hugh Kelleher, Executive Director, Plumbing Heating Cooling Contractors Association.

In addition to legislation, Jonny Arevalo, a MassCOSH Worker Center organizer believes that companies with city, state or federal contracts can be held to higher standards:

“Public agencies have contracts with a number of employers who use temporary agencies, as is the case with most recycling companies. Municipal, state and federal governments should be using responsible contracting language to ensure that companies that use temporary agencies are maintaining safe, decent working conditions and provide family sustaining wages.”
– Jonny Arevalo, MassCOSH Worker Center
Municipal Workers: Unequal Job Protections

Robert DeCristofaro

Tuesday morning Oct. 18, 2011, Bob DeCristofaro, 58, was doing what he did best, taking care of the City of Quincy’s Traffic control lights. He was working from an aerial lift bucket truck parked to the side on a busy roadway. A large semi tractor-trailer unit passed beneath, brushing the bottom of the lift bucket, catapulting Bob into the air and down onto the pavement. Two of his co-workers rushed to his aid and a passing nurse stopped to assist, but it was too late. One hour later Robert DeCristofaro was dead at the local hospital.

As a member of Laborers Local Union 1039 and as a 30-year city employee, Bob epitomized the ideal city worker. He was popular with his co-workers, well known in the city, and the type of a self-directing, can-do guy who did what had to be done. Bob left behind his wife and a 14 year old son.

The Problem

Robert DeCristofaro was not the first city worker to suffer from a serious accident involving a bucket truck. This same type of accident had occurred twice before, but without fatal results. In 2009, an employee of a Public Facilities Department in a city in southeastern Massachusetts was seriously injured when the aerial lift truck he was working in was struck by tractor trailer. In that incident, the DLS investigation found several failed safety measures which contributed to the accident including inadequate barricades, failure to provide police detail and lack of sufficient restraint or a fall protection system. In fact, the state’s Department of Labor Standards (DLS) recently issued an alert to draw attention to the hazards of aerial lifts and bucket trucks.

“There are no mechanisms in place to force compliance for cities and municipalities,” said Laborers Public Employee Council President Joe McArdle. “Statements like ‘We are not under OSHA’ indicate that some don’t take it seriously. There is no state coverage for safety.”

Many city workers and management have expressed confusion over the safety requirements and protections afforded to municipal employees on the job. Many are under the mistaken belief that they have full OSHA protection, which they do not. Others are equally mistaken that they have no government protections.

“There are no mechanisms in place to force compliance for cities and municipalities. Statements like ‘We are not under OSHA’ indicate that some don’t take it seriously.” – Joe McArdle of the Laborers
Unlike private employers, public employers are not covered under the federal Occupational Safety and Health Act. Massachusetts remains one of only five states whose public employees are not covered by the act. This has resulted in inconsistent implementation of safety programs, putting thousands of workers at risk. However, under Massachusetts law, the Department of Labor Standards (DLS) is charged with inspecting public sector workplaces and determining the measures needed to ensure worker safety.

“It is much cheaper to prevent an incident than to deal with the aftermath. When folks go to work in the morning, make sure through the day, that they will come home at night,” said Joe McArdle of the Laborers.

**What needs to be done: perspectives**

In Quincy, the proposal to activate a joint management/labor safety committee is a promising first step in promoting a safety culture. Together improvements can be made, agreement on safety procedures can be put in place, and everyone can be safer. “Bob was big on safety. If Bob were still around he would like to see something done as a result of this accident. We have to change the culture.”  

- Joe McArdle, President, Laborers Public Employee Council President

When it comes to safety training, municipal resources are strained. This is where some of the unions can be of help. “Safety is always in the forefront of our minds, because at any one time there are several union members out on Workman's Compensation. As Teamsters, we have negotiated arrangements for the Union's to provide some of the safety training.”  

- Steve South, Business Agent representing DPW workers, Teamsters Local 25

“In the absence of specific standards, it is the policy of our office that public sector employees follow the OSHA Standards as a minimum. Compliance with the OSHA Standards will, in most cases, ensure compliance with the intent of Chapter 149 section 6 of the Massachusetts State law.”  

– Massachusetts Department of Labor Standards

“OSHA requirements should be followed, regardless of whether they are private or public sector workers. It’s particularly important that aerial lift truck operators be trained and be secured with fall protection. The Manual on Uniform Traffic Control Devises (MUTCD) spells out safety precautions for work carried out on and around roadways, in which workers are exposed to traffic, including retro-reflective vests and clothing. Signs, cones, or barricades should be deployed in communication with the motoring public that a work activity is taking place on the public way.”  

– Robert Burns, MassCOSH safety trainer, USW 9358
Human Service Workers: Lives Imperiled by Violence

Stephanie M. Moulton, 25, an assistant manager at the Norfolk Suffolk Mental Health residential homes was abducted and killed by a client at work on January 20, 2011.

“My daughter Stephanie just got engaged and was about to get married. The night before she died she had just found her wedding dress. What happened to her was horrendous. We'll never know exactly what happened in that place - but I will tell you this — on my daughter’s soul — this will never, ever happen again. No other mother can ever be pulled into a police station and sat down and told that this happened” said Kim Flynn, Stephanie’s mother. Police told Flynn that her daughter was beaten and stabbed, and her body found in a church parking lot.

In 2011 six Massachusetts workers were killed as a result of workplace homicide. Workplace homicides are now the second highest cause of work related deaths in America, trailing only behind transportation fatalities such as workers killed in highway accidents. Teachers, social workers, and health care workers are at particular risk for workplace violence. Safe-staffing levels have become an increasing important factor in assessing risk and deterring violence at work.

A client tried to throw a female direct care staff person through a door. Fortunately, other staff were present and able to dial 911 and the client was sent to a psychiatric hospital. Upon release back to his group home, the client physically attacked another staff person and again, the client was hospitalized. When the SEIU 509 Violence in the Workplace Safety Committee dug more into the behavioral history of the client, it came to light that the client had also assaulted two different van drivers on a major highway while they were transporting other clients.

- Incident reported to newly formed Violence in the Workplace Safety Committee, SEIU Local 509

The problem

Stephanie Moulton’s murder - and the killing a week later of a Lowell homeless shelter worker, Jose Roldan, have underscored the inadequate safeguards for social service workers in Massachusetts. The state’s mental-health system relies heavily on privately run homes like the facility where Moulton worked, which are often both understaffed and reluctant to turn away clients.

According to the National Alliance on Mental Illness of Massachusetts, the Department of Mental Health has experienced millions of dollars in budget cuts in recent years. Currently 160 inpatient hospital beds for need-intensive consumers are being cut without adding new money for community based services. The disproportionate DMH funding cuts on top of an already fragmented system puts public employees, privatized staff, and DMH consumers at greater risk.

The DMH Task Force on Staff and Client Safety, convened in June 2011, after Stephanie Moulton’s murder, was charged with reviewing and assessing all current policies and practices
related to staff and client safety in the DMH Community System of Care. This Task Force report revealed troubling findings on the negative impacts of budget cuts and need to review staffing levels and service delivery, the absence of system-wide use of a well-designed risk assessment process; access to and sharing of critical safety information including availability of adequate assistance in the event of violence and adequate coordination of care across different components of the service system. Results from an on-line safety survey conducted by the Taskforce of all community staff at DMH-affiliated programs (n= 949 total respondents) found the most serious results came from Direct care respondents who work in CBFS residential settings (n=333). Almost one in four of these individuals experienced assaults and/or “near misses” in the previous 12 months, with slightly over 1 in 20 experiencing 6 or more of these events.

Almost one in four Direct Care staff from DMH-affiliated programs surveyed experienced assaults and/or “near misses” in the previous 12 months.

An OSHA investigation into the fatality at the privately run agency North Suffolk Mental Health Association cited the employer for exposing employees to the hazard of physical assault and for the failure to develop and implement adequate measures to protect employees from physical assault in the workplace.

What needs to be done?
“We are asking lawmakers to pass “Stephanie’s Law” HB1429, which would require the state to equip social workers with “panic buttons” — emergency call buttons they could wear around their necks to immediately summon 911. There were a lot of mistakes made the day my daughter was killed at work, and I believe they have to be fixed and they have to be changed.”
- Kimberly Flynn, Stephanie Moulton’s Mother

“In response to the fatal attacks upon two human service workers early in 2011, we formed a Violence in the Workplace Safety Committee to address specific issues pertaining to both physical assaults and verbal threats for the 5,000 Local 509 members working in 37 agencies across the Commonwealth. Incidents and remedies are discussed and then resolved through the respective agencies’ own Health and Safety Committees. Our committee has studied the list of recommendations from the DMH Safety Task Force and has committed to holding them accountable for putting words into action.”
- Dennis MacDonald, President, Private Sector Human Services Chapter, SEIU Local 509

“We must provide adequate funding for services for individuals determined to be eligible for state programs. We stand with the Moulton family to demand comprehensive reforms in the Mental Health system, based on the DMH Staff and Client and Safety Task Force’s report, including implementing panic button for staff and client safety. Workers need safe staffing ratios and reasonable caseloads to ensure quality care delivery. SEIU Local 509 thanks Representative Jim O’Day who filed HB1429, a bill to create a Mental Health Oversight Commission. This bill would provide oversight in the type of program where Stephanie was allegedly killed. We urge the legislature to pass this bill.”
- Local 509 President Susan Tousignant
“Preventing violence is a three prong approach that includes: legislative action and regulatory oversight, organizational accountability and a team of individuals that provide care to patients. The Massachusetts Nurses Association is actively supporting Senate Bill No. 02084, requiring healthcare facilities have a plan of prevention. Furthermore, organizations must ensure adequate funding for safe staffing, education and leadership development to prevent, identify and respond to violence. Finally, providers of care must together plan a safe and healthy work environment for all, role modeling respectful behaviors toward nurses, all healthcare professionals and employees”.
- Margaret E. O’Connor MMHC, RN, COHN, HRM, Associate Director of Health & Safety, Massachusetts Nurses Association

“Workers and employers must create applicable and holistic safety measures together that address the very real safety risks that exist in our workplaces. Safety isn’t just checking box or a onetime training; it’s an ongoing commitment to communication, and administrative policies and actions that are relevant and current. A safe workplace is one where administrators and employees value a climate of safety and work toward creating that together”
- Julie Balasalle, LCSW, Government Relations and Political Action Associate, National Association of Social Workers Massachusetts Chapter
Chemicals: Contaminated Without Consent

“I had asthma before so I knew what it was, but others didn’t know what was wrong. Some developed skin rashes and breathing problems. . . . many who work there do not speak English and don’t know their rights. The company took advantage.”

Plant maintenance engineer, 35-year-old Ronald M. quit work after his asthma got much worse and he developed a skin rash from contact with chemicals on the job. He was one of eight workers from the same factory in Southeastern Massachusetts whose asthma worsened or who developed asthma for the first time when the company changed ingredients and increased the temperatures in the ovens.

“We were given a demonstration on using the products and then told to sign a form. Recently I was told to use one product without diluting it. It hurt my skin and made me feel sick.”

- Hotel Housekeeper, Boston

The problem

There are tens of thousands of chemicals used in US workplaces, and most have not been tested for the harm they cause. Unlike fatalities and serious injuries, the harm done by chemicals and workplace conditions remains largely invisible. Every year, an estimated 50,000 lose their lives to occupational disease, and more than four million workers are seriously injured or are sickened by exposure to toxic agents, even with the improvements that have taken place in workplace safety since OSHA began in 1971.

“...We were given a demonstration on using the products and then told to sign a form. Recently I was told to use one product without diluting it. It hurt my skin and made me feel sick.”

In the stories above, a maintenance engineer developed asthma because productivity took precedence over worker health. A hotel housekeeper developed skin problems because she told to use undiluted chemicals and did not receive proper training. Adequate information about the potential hazards associated with the chemicals these two workers used was not considered relevant in the push to get the job done.

Massachusetts is among the top ten states in the US for adult asthma—nearly 10% of adults have it. Surveys show that nearly 40% of adults with asthma reported that their asthma was caused or worsened by their work. Work hazards and dangerous conditions contribute to other diseases too, accounting for at least 8% of all cancers and 10% of heart and stroke diseases.

Exposure to chemicals at work is often one cause among many for conditions such as asthma, cancer or reproductive problems. The harm is frequently done over time (chronic), and doctors are often uninformed about workplace diseases, causes and conditions of work, and how work...
conditions might be improved. Standards exist for only 500 chemicals—so compliance with OSHA, is no guarantee that a workplace is really safe. Furthermore, manufacturers and businesses can sell a chemical or product without disclosing adequate information about its potential health or environmental hazards.

The Massachusetts labor movement has long been a leader in securing safe and healthy workplaces by promoting such key legislation as the Massachusetts Right-to-Know law and the Toxics Use Reduction Act. However, industrial pollution and chemical hazards are no longer just local workplace problems. Industrial chemicals are now even showing up in the blood of newborn babies. With concern about the rise in cancer rates, learning disabilities, asthma and the associated medical costs, we have an obligation to address the high hazard chemicals at work and in our communities.

What needs to be done: perspectives

“The Massachusetts legislature has the opportunity to spare workers unnecessary exposure to toxic chemicals by passing An Act for a Competitive Economy Through Safer Alternatives to Toxic Chemicals. This will positively impact the health of workers who have for too long been exposed to toxic chemicals that are easily and cost effectively replaced with safer alternatives. The Bill takes a flexible approach that takes into consideration the challenges faced by businesses in transitioning to safer alternatives. What better way to help begin to lower health care costs for businesses than to pass this legislation and begin to limit the exposure of workers to toxic chemicals that cause chronic diseases for workers?”

- Tim Sullivan, Legislative & Communications Director, Massachusetts AFL-CIO

“We urge rethinking of the practice of recommending regulatory limits for cancer-causing substances where the science suggests that there is no safe level of exposure. Our government's policy should encourage companies to transition away from using them in the first place. Setting regulatory limits may still be necessary, but only when no safer alternative to an occupational carcinogen is available. Regulatory limits are not “safe” levels, and the new government policy should make this clear.

Some have suggested that technologically achievable reductions in workplace exposure are all that we can reasonably expect. But no exposure should be deemed “acceptable” when feasible, safer alternatives exist or can be developed to eliminate hazards. Now is the time to engage in a broader conversation about cancer prevention. We urge a new approach that moves us toward a carcinogen-free workplace and a cancer-free economy.”

- Op Ed March 2012: Environmental Health News authors: Richard Clapp, Adjunct Professor, Department of Work Environment, UMass Lowell and Professor Emeritus of Environmental Health, Boston University School of Public Health; Molly Jacobs, Program Manager, Lowell Center for Sustainable Production, UMass Lowell; David Kriebel, Professor and Chair, Department of Work Environment, UMass. Lowell; Joel Tickner, Associate Professor, Department of Community Health & Sustainability, UMass Lowell

“The Commonwealth of Massachusetts is using its buying power to improve health and safety conditions for state employees and the public. Executive Order 515, signed by Governor Patrick in 2009, requires state agencies to purchase environmentally preferable products, including paint, construction equipment, pest management and more. For example, EO 511
requires the use of third party certified cleaning products. Not only are these products better for the environment, but they also are prohibited from including ingredients that cause asthma. The result? Equal cleaning, but fewer hazards for cleaning personnel, state workers in these agencies and bystanders, including the adults and children who enter public buildings.”
- Marcia Deegler Director, Environmental Purchasing, MA Operational Service Division

“Workplace exposures to chemicals that can cause and exacerbate asthma are common. The large numbers of adults whose asthma appears to result from workplace exposure will benefit from reducing or eliminating exposure to substances associated with asthma. Employers have both a need and opportunity to identify those exposures, and pursue best practices in insurance coverage, wellness programs, and making the workplace "asthma friendly."
- Polly Hoppin ScD, Research Professor and Program Director, Lowell Center for Sustainable Production, University of Massachusetts, Lowell; Co-author, Asthma: A Business Case for Employers and Health Care Purchasers. (Lowell Center for Sustainable Production and the Asthma Regional Council)
## Job Deaths Investigated by OSHA

January 1 – December 31, 2011

(City and town names indicate where fatality took place)

<table>
<thead>
<tr>
<th>Date</th>
<th>Company</th>
<th>City/Town</th>
<th>Cause</th>
<th>Proposed</th>
<th>Actual</th>
<th>Fine Details</th>
</tr>
</thead>
<tbody>
<tr>
<td>1/20/2011</td>
<td>North Suffolk Mental Health Assoc., Revere</td>
<td>Revere</td>
<td>Workplace violence</td>
<td>$6,300</td>
<td>Case not closed</td>
<td></td>
</tr>
<tr>
<td>2/5/2011</td>
<td>Servicemaster, Belmont</td>
<td>Belmont</td>
<td>Electrocution</td>
<td>$4,900</td>
<td>Case not closed</td>
<td></td>
</tr>
<tr>
<td>2/16/2011</td>
<td>Chelsea Enterprises Construction, New Bedford</td>
<td>Lowell</td>
<td>Fall from a roof</td>
<td>$16,800</td>
<td>$4,200</td>
<td></td>
</tr>
<tr>
<td>2/19/2011</td>
<td>Advanced Tree Service, Springfield</td>
<td>Springfield</td>
<td>Fall from a roof</td>
<td>$9,000</td>
<td>Case not closed</td>
<td></td>
</tr>
<tr>
<td>4/15/2011</td>
<td>Pichardo Development Co., Boston</td>
<td>Boston</td>
<td>Electrocution</td>
<td>$16,800</td>
<td>Case not closed</td>
<td></td>
</tr>
<tr>
<td>5/16/2011</td>
<td>Mullins Marine Service, Inc., Winthrop</td>
<td>Winthrop</td>
<td>Struck by equipment</td>
<td>No Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/3/2011</td>
<td>Kilderry Painting, Winthrop</td>
<td>Winthrop</td>
<td>Fall from a ladder</td>
<td>No Fine</td>
<td></td>
<td></td>
</tr>
<tr>
<td>6/13/2011</td>
<td>Showcase Cinemas, Dedham</td>
<td>Dedham</td>
<td>Fall from a ladder</td>
<td>$14,000</td>
<td>$10,000</td>
<td></td>
</tr>
<tr>
<td>7/5/2011</td>
<td>Baystate Sweeping &amp; Construction Co., Norwood</td>
<td>Norwood</td>
<td>Crushed by a street sweeper</td>
<td>$7,000</td>
<td>Case not closed</td>
<td></td>
</tr>
<tr>
<td>7/12/2011</td>
<td>Russell Disposal, Inc., Methuen</td>
<td>Methuen</td>
<td>Crushed by a truck</td>
<td>$1,400</td>
<td>Case not closed</td>
<td></td>
</tr>
<tr>
<td>7/29/2011</td>
<td>O’Mahony Painting, Abington</td>
<td>Abington</td>
<td>Fall from a ladder</td>
<td>$7,020</td>
<td>Case not closed</td>
<td></td>
</tr>
<tr>
<td>9/21/2011</td>
<td>Yellow Brick Properties, LLC, Springfield</td>
<td>Springfield</td>
<td>Fall from a ladder</td>
<td>No Fine</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>
Christopher Dutile, 55, died from an allergic reaction to a bee sting.  
No Fine

9/26/2011 Greenleaf’s Tree Service, Inc., Chelmsford  
Kevin Girard, 43, fell from a tree.  
$8,400  $5,040

10/19/2011 All-Town, Inc., Marshfield  
Brian Fosdick, 39, was struck by a tire rim.  
$8,400  $6,720

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# How Much is a Worker’s Life Worth?

**OSHA Penalties Issued For Employers of Workers Who Died on the Job in Massachusetts, 1/1/2011 – 12/31/2011**

<table>
<thead>
<tr>
<th>Year</th>
<th>Number of Settled Cases</th>
<th>Average Proposed Penalty</th>
<th>Average Final Penalty</th>
<th>Percent Reduction in Penalties</th>
</tr>
</thead>
<tbody>
<tr>
<td>2011</td>
<td>4</td>
<td>$11,900</td>
<td>$6,490</td>
<td>45%</td>
</tr>
</tbody>
</table>

Note: The dollar amount in the “average proposed penalty” and the “average final penalty” categories do not include cases that are not yet settled, in which employers are contesting their OSHA citations/fines, or are in the 15 day period during which they must decide whether to pay or contest their OSHA citations/fines.

Source: OSHA data from OSHA Region I
Why OSHA Must Be Strengthened:

Examples of Employers Who Knowingly and/or Repeatedly Risked Workers’ Lives in Massachusetts

Note: the following are but a few examples of OSHA enforcement actions in 2011 representing cases of egregious employer misconduct in Massachusetts

Multiple Employers Hit With Fines for Putting Workers at Risk of Death or Injury from Falls

Falls are the leading cause of fatalities in the construction industry, accounting for one-third of all workplace fatalities in construction. OSHA enforces regulations that prevent fall hazards in the workplace, or in the event that a fall should occur, can prevent workers from being injured or killed. In 2011, OSHA levied substantial fines on many Massachusetts firms who willfully ignored those regulations, putting their workers at serious risk of falling from a height.

Demoulas Supermarkets, based in Tewksbury, MA was issued a citation for $589,000 for putting workers at risk of dangerous falls and other recurring safety hazards at stores in Massachusetts and New Hampshire. An inspection of the store in Rindge, NH was prompted after a worker suffered broken bones and head trauma from an 11-foot fall to a concrete floor from an inadequately guarded storage mezzanine. Instead of calling for emergency help, store management put the worker in a wheelchair and pushed him to the loading dock to wait for a relative to take him to the hospital. A subsequent inspection at a Concord, NH store revealed similar hazards to those which caused the injury at the Rindge store. Demoulas had also been cited for similar hazards at stores in Fitchburg, Lawrence and Tewksbury, MA. Hazards included exposure to falls of over 11 feet from produce coolers, freezers and storage lofts that lacked adequate guardrails.

Other repeat violations occurred at stores in Ashland, Andover, Fitchburg, Salem, Tewksbury and Westford, MA. These violations included amputation hazards stemming from a lack of procedures, training, and equipment to ensure that a meat saw and seafood cooler would not be activated while employees were cleaning them; inadequate training of powered industrial truck operators; and a lack of training for equipment and work areas contaminated with human blood

NER Construction Management, Inc. of Wilmington, MA was fined $134,000 for exposing workers to fall and scaffolding hazards at a worksite on Rowe’s Wharf in Boston. Workers were exposed to falls of up to 17 feet due to a lack of fall protection while power washing the side of the building and while dismantling scaffolding. Following its settlement of the OSHA citations, NER verified that it had corrected all of the cited hazards and agreed to take steps to increase the safety of its workers on all jobsites.

OSHA issued substantial citations to several other firms for exposing workers to fall hazards, including A.C. Castle Construction ($60,800), Georgoulis Construction, Inc. ($53,900), Barletta Heavy Division, Inc. ($52,000), and Folan Waterproofing ($48,510).

OSHA Issues $917,000 in fines to Bostik, Inc. Following Explosion at Middleton, MA Plant

On March 13th, 2011, an explosion occurred at Bostik, Inc.’s adhesive plant in Middleton, MA, injuring four workers. Following the explosion, an inspection by OSHA found 50 alleged violations of workplace safety standards, resulting in $917,000 worth of citations. Many of the
violations related to inadequate safety procedures for work with the chemical acetone. On the day of the explosion, a valve transfer line was inadvertently left open, resulting in the release of flammable acetone vapors. The vapors exploded after being ignited by an undetermined source. OSHA’s investigation also found that Bostik did not adequately address other hazards with potentially catastrophic results, including forklifts striking process equipment, lack of communication between shift changes, employee fatigue, and electrical hazards.

**Monro Muffler Brake Cited after Worker is Injured in Fire**

OSHA issued $184,000 in fines to Monro Muffler Brake, Inc. after a worker was injured in a fire that occurred at the automotive chain’s Hyannis, MA location. The fire occurred when an acetylene torch ignited an open container of gasoline. In addition to the gasoline, OSHA’s inspection also found other combustibles in the work area where the torch was being used, as well as employees smoking in the work area, creating another fire hazard.

**Spincraft of Billerica, MA Cited for Safety Violations After Worker Suffers Eye and Facial Injuries**

OSHA cited Spincraft, a metal fabrication firm located in North Billerica, MA, with 38 safety violations resulting in $175,000 in fines after a worker suffered eye and facial injuries in a workplace accident. The worker had been operating a portable grinder when the grinding wheel ruptured and kicked back in his face. OSHA inspectors found that the grinder was not guarded or set up properly, and steps were not taken to ensure that it was operated at the proper speed. During the inspection, other hazards were discovered, including improper propane storage, failure to inspect cranes on a regular basis, numerous electrical hazards, floor holes, and open-sided floors and platforms.

**AMEX Painting Cited for Safety Violations after Worker is Overcome by Paint Vapors**

OSHA has cited AMEX, a painting contractor based in East Boston, MA, with $72,900 in fines following an incident where a worker lost consciousness after being overcome by paint vapors while working in a confined space at the Senesco Marine LLC Shipyard in North Kingstown, RI. An OSHA investigation found that AMEX failed to institute precautions for confined space work, such as testing the atmosphere for toxic or flammable vapors, failing to provide proper respiratory protection, and safe ventilation equipment.
The Massachusetts AFL-CIO empowers and supports workers in their effort to promote justice, educate the public about the value of unions, and improve the economic stability and security of working families and communities throughout the Commonwealth.

MassCOSH and Western MassCOSH (Coalitions for Occupational Safety and Health) bring together workers, unions, community groups, and health, safety and environmental activists to organize and advocate for safe, healthful jobs.