

DYING *for* WORK IN MASSACHUSETTS



WORKERS' MEMORIAL DAY ~ APRIL 28, 2013



Loss of Life and Limb in Massachusetts Workplaces

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Memorial for Workers

I write these words of honor, for those who gave their lives;
And for their families, their husbands and their wives.
For those whose lives were spent, doing what they must
Working for a living like every one of us.
Their time cut short, by things that didn't have to be;
To make the workplace safer, for people like you and me.
To make sure their stories will never go untold;
To always keep their memories from ever growing cold.
We must remember the price they all had to pay;
When we honor the men and women on Workers Memorial Day.

Mike Baird

Lodge 21, International Association of Machinists and Aerospace Workers

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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 2013 *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 and legal 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 2013 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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The information gathered for this report was obtained from the following sources:

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
8. Bureau of Labor Statistics, U.S. Department of Labor
9. United States Environmental Protection Agency
10. The Challenge of Temporary Work in Twenty-First Century Labor Markets, Harris Freeman and George Gonos, June, 2011
11. Massachusetts Cancer Registry and the North American; Association of Central Cancer Registries.
12. Population estimates from the; U S Census

Executive Summary

April 28, 2013 marks the 25th 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, being injured or made ill at work in Massachusetts?

Thirty-two workers in Massachusetts lost their lives on the job in 2012—most suffered fatal injuries at work. Included are seven 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 320 workers died in 2012 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 three servicemen from Massachusetts who died in the War in Afghanistan in 2012.

Over the past six years, consistent with findings reported in the *Dying for Work* report for the last twenty-six years, Massachusetts has seen a fluctuation in the number worker deaths. The number of workplace fatalities in 2010 (47), 2011 (58) and 2012 (32) are relatively low by recent historical standards, but several such drops have occurred at various times over the past 26 years only to find an increase the following year (41 fatalities in 1998 followed by 91 fatalities in 1999; 49 fatalities in 2002 followed by 81 fatalities in 2003).

What are their ages and occupations?

The average age at death was 50 years old, with a range of 19 to 73 years. 53% of those who were fatally injured on the job were 50 years old or older (17/32 fatalities where age was known). 28% of those who were fatally injured were age 40-49 and 25% of the total deaths were over the age of 60.

The construction industry remains one of the most dangerous for workers with six on-the-job fatalities occurring in 2012 (19% of total). Four fishermen/boat captains died on the job, accounting for 13% of total workplace deaths. Firefighters suffered 7 (22% of total) line of duty fatalities. All were due to work-related cancer and heart disease.

What is killing them?

- **Transportation** related accidents accounted for five occupational fatalities. Four of the five incidents involved a plane, truck or auto crash. The other incident involved a worker being struck by a truck.
- **Falls** of all types caused more than one-sixth (6 out of 32) of all occupational fatalities in Massachusetts in 2012. Five of the six falls occurred in the construction industry.
- **Commercial fishing** claimed the lives of four Massachusetts fishermen and lobstermen in 2012. From 2000 – 2012 commercial fishing has been the most dangerous single occupation in Massachusetts. 58 fishermen and lobstermen died on the job during the thirteen year period.
- **Workplace violence** was responsible for the death of a police officer.

What contributes to work-related fatalities, injuries and illnesses?

OSHA lacks funding, staff and tools to deter violations. Fatal and serious workplace injuries in 2012 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:

- It would currently take 140 years for OSHA to inspect each workplace under its jurisdiction in Massachusetts.
- In Massachusetts in 2012, the average fine (based on final penalties) assessed to an employer with OSHA violations resulting in the death of a worker was \$9,590.
- Of the five closed investigations resulting in a penalty, all but one was settled for \$12,000 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 sector workers lack OSHA protections

Carlos Tabares, 55, was killed, after being crushed between a bucket and the body of a Bobcat loading the vehicle he was repairing for the city of New Bedford. Head mechanic at the time of his death, Tabares had worked as a mechanic for the New Bedford Water Department for nine years. He left behind a wife and five sons.

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

Tree Workers: The Hidden Dangers

Robert Bushey, 72, was crushed by a felled tree while working on his Christmas Tree Farm in Shrewsbury. He was unable to escape the fallen tree due to the immense build-up of debris near the base.

Tree safety often goes overlooked because most of the workers are business owners or family of the business owners. But it can be one of the most dangerous industries, with four tree workers dying from their injuries in 2012. It is vital that business owners and employees take proper precaution by ensuring proper reinforcement when climbing trees and constantly clearing the base of the tree for debris when necessary.

Mesothelioma: Deadly Exposure

As a young man, John J. Reddington Jr. worked for his father's electric supply and contracting company, where he was exposed to insulation that contained asbestos. Breathing in this material caught up with him many years later, when he was diagnosed with mesothelioma in April of 2004. He lost his battle with cancer on December 25, 2004, leaving behind a wife and daughters. He was 56 years old.

Mesothelioma is a cancer that results from exposure to asbestos, usually at the workplace. It is a highly lethal cancer that can develop over a long period of time. Over 90 Massachusetts residents are diagnosed with Mesothelioma each year.

Occupational asthma and other work-related diseases are causing serious illness

"I have asthma and I have been sick more this year than in the last ten. Twenty-five percent of students in my school have asthma. Two teachers left teaching here because of respiratory issues."
-Boston teacher

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.

Falls: Tragic at any Height

On September 12, 2012, Josias Das Neves went to his job painting homes. Working on a 32 foot aluminum extension ladder, Das Neves, a 49 year old Lowell resident, held a 2.5 gallon bucket of paint and began to paint the house's gutter, two stories high. While painting, either the ladder shifted or he lost his balance and Das Neves fell approx. 20 feet to the ground below and died.

Each year, falls are among the most common causes of death, especially in the construction industry. In 2012, six workers were killed from falling, including five from the construction industry. Since 2008, falls have accounted for more than half of the deaths resulting from construction accidents.

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.

At the state level:

- Four years ago on Workers Memorial Day, Governor Patrick issued an executive order establishing health and safety committees in state agencies throughout the Commonwealth. We applaud the Governor for doing so and the Department of Occupational Safety for its tireless efforts to effectively implement Executive Order 511. We encourage the legislature to pass legislation extending safety and health protections to public employees.
- Improve the Massachusetts Workers Compensation to make it just, fair and accessible to all injured workers.
- Pass the Families of Fallen Workers Burial Bill, increasing the workers compensation burial allowance amount from \$4,000 to \$8,000. According to the 2010 funeral price survey by the National Funeral Directors Association, the average funeral cost for an adult funeral is \$7,775. With a worker dying an average of once every 12 days in Massachusetts, increasing this benefit would be crucial to ensuring the families of fallen workers are able to bury their loved ones with dignity.
- Swift enforcement of the new Temporary Worker Right to Know Law, providing written notice to temporary workers 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.
- Provide the state's Department of Labor Standards with sufficient funding to implement existing worker protections, including the Temporary Worker Right to Know law, Executive Order 511 and protections for municipal and county workers under Chapter 149 Section 6 of the Massachusetts General Laws.

At the worksite:

- Staffing levels, workloads and working hours that do not promote workplace injury, illness and death.
- Comprehensive worksite safety programs that focus on identifying and eliminating or reducing hazards.
- 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 2012 and through March 31, 2013. 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 2012. 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 2012 as a result of the war in Afghanistan.

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
Maurice Zingarelli, 59, Fire Lieutenant, Worcester	2/02/12
Bradford Coolidge, 57, Firefighter, Athol	2/15/12
Barron Holliday, 45, Laborer, Boston	3/01/12
Matthew Smith, 45, Firefighter, Danvers	3/08/12
Richard Pierce, 73, Firefighter, North Reading	3/24/12
Tyler Granfield, 28, Arborist, Longmeadow	3/29/12
Martin Gamache, 53, Electrician, Douglas	4/04/12
Ryan Tvelia, 42, Deputy Sheriff, Sharon	4/10/12
John Redler, 37, Boat Captain, Cape Cod	5/16/12
Marie Stewart, 71, Crossing Guard, Everett	5/23/12
Freddie Clay, 42, Truck Driver, Quincy	5/25/12
Kevin Ambrose, 55, Police Officer, Springfield	6/04/12
Jeffrey Phelps, 56, Fire Chief, Dudley	6/06/12
Manuel Marques, 63, Electrical Tech, Fall River	6/19/12
Leslie Spoth, 40, Farm Hand, Townsend	7/06/12
Michael Smith, 43, Firefighter/EMT, Gloucester	7/07/12
Mark Buckminster, 50, Painter, Cambridge	7/13/12
Jose Torres, 53, Police Officer, Westfield	7/26/12
James Roy, 62, Firefighter, Fitchburg	8/28/12
Robert Parrott, 46, Mason, Springfield	8/29/12
Aaron Mentkowski, 24, Pilot/Instructor, Falmouth	9/01/12
Josias Das Neves, 49, Painter, Lynnfield	9/12/12
Peter Kneeland, 62, Police Officer, Worcester	10/07/12
Duane Race, 45, Driver, Auburn	11/12/12
Jean Frottier, 69, Boat Captain, Provincetown	11/18/12
Carlos Tabares, 55, Mechanic, New Bedford	11/30/12
Wallace Gray, 25, Boat Captain, Gloucester	12/15/12
Wayne Young, 50, Fisherman, Gloucester	12/15/12
Merle Wilbur, 32, Tree Worker, Haverhill	12/24/12

2013

Wayne Rudkin, 70, Mechanic, Cambridge	1/24/13
David Nangle, 52, Roofer, Hudson	1/25/13
John Slattery, 47, Firefighter, Natick	1/27/13
Shawn Clark, 39, Shop Owner, Malden	1/29/13
Paul Chippendale, 37, Firefighter, Fall River	2/10/13
Duane Miller, 58, Arborist, Williamsburg	3/04/13
Michael Ledoux, 42, Mechanic, Avon	3/12/13

U.S. Troops from Massachusetts who Died as a Result of the War in Afghanistan in 2012

Spc. Keith D. Benson, 27, U.S. Army, Brockton	1/18/2012
Master Sgt. Gregory R. Trent, 38, U.S. Army, Norton	8/08/2012
Pfc. Michael R. DeMarsico II, 20, U.S. Army, North Adams	8/16/2012

Numbers Behind the Faces

Thirty-two Massachusetts workers lost their lives on the job in 2012, 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 320 workers in 2012.

Nearly one-third of the workers who die each year from occupational disease suffer from mesothelioma (see page 11)

Over the past two decades, Massachusetts has seen a fluctuation in the number of worker deaths. This year represented a more significant reduction in the rate of fatal injuries. One factor that may have contributed to this reduction is the decline in construction work (which fell 4.9% between August of 2011 and August of 2012), which is typically responsible for a substantial portion of workplace fatalities.

	2008	2009	2010	2011	2012
Workplace Fatalities	66	60	47	58	32
Rates (deaths per 100,000 employees)	2.1	2.0	1.3	1.7	1.0

Who is getting killed

Occupations:

Firefighters suffered 7 (22%) of total line of duty fatalities. All seven were due to work-related cancer and heart disease.

The construction industry remains one of the most dangerous for workers, with five on-the-job fatalities occurring in 2012 (16% of total). Workers in the transportation and fishing industries were next highest (4 each, 12.5%). Transportation workers died predominately from vehicle (two plane and one motor vehicle) crashes, as well as from being crushed by a vehicle.

Tree care continues to cause fatalities. Three workers were struck by trees. Additionally a laborer (listed under construction) fell while doing tree work.



Demographics:

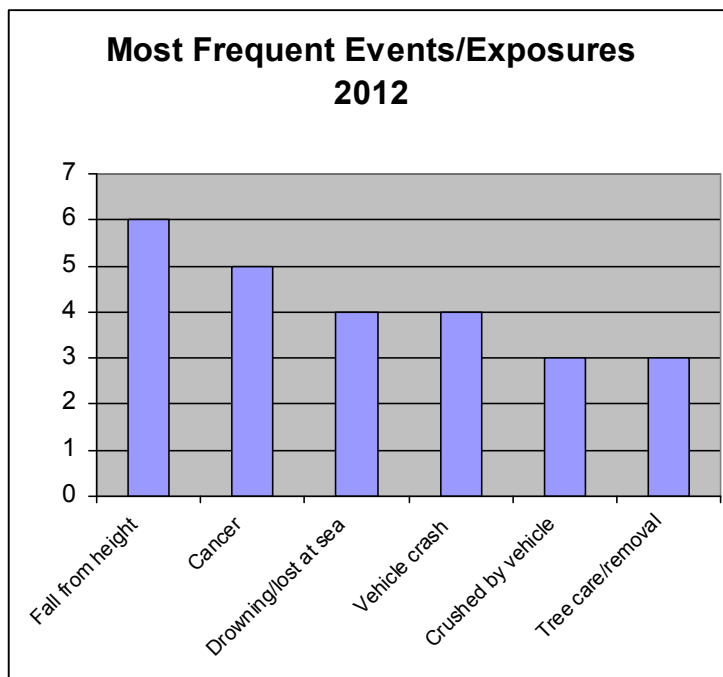
Three workers killed in 2012 (9%) were born outside the United States (Columbia, Brazil and Portugal).

The average age at death was 50 years old, with a range of 19 to 73 years. 53% of those who were fatally injured on the job were 50 years old or older (17/32 fatalities where age was known). 28% of those who were fatally injured were age 40-49 and 25% of the total deaths were over the age of 60.

The vast majority of workers who lost their lives on the job were men (30). Two of those killed were women (a crossing guard and a farm hand).

Major events/exposures contributing to deaths

Falls represented the most common event leading to workplace death, accounting for 6 (19%) of the fatalities (See page 9). Cancer took the lives of five firefighters. Vehicle-related accidents were responsible for four deaths – with three deaths caused by vehicle crashes and one caused by a worker being crushed by a motor vehicle. Drowning or lost at sea was responsible for four deaths. Tree care was responsible for three deaths (though one of the fall fatalities took place while a labor was doing tree trimming as well) (See page 5).



The Dangers of Arbor Work and Tree Maintenance



Robert Bushey, a Christmas tree farm owner from Shrewsbury, was killed when taking down a maple tree on his property. When Mr. Bushey attempted to cut the tree down, it fell the wrong way from the base and he was unable to escape its fall. Mr. Bushey like many tree-related victims was unable to escape a falling tree because of the immense debris build-up along the base. Mr. Bushey's family owned the tree farm since the early 1900s and he had been the sole owner of the tree farm since 1978.

The problem: what needs to be done:

Arborists and tree workers are often overlooked when it pertains to workplace safety because they, like Robert Bushey, work independently or own the business. However, tree deaths made up one out of every eight workplace related deaths in 2012. Two workers died from falling branches while being unable to escape the danger area due to debris on the ground. One worker died from falling from a ladder and another fell from a tree and was struck by the branch he was cutting.

Although most tree injuries and deaths occur to business owners and independent workers, increased safety information and precautions are needed for all workers.

In most cases, workers will wait until the entire tree, or entire desired area, is cut down before clearing the debris from the base of the tree. However, in cases where the tree is rotted and may fall unexpectedly, an area heavy with debris make it very difficult for workers to escape. This year, had workers cleared the debris area periodically, it may have prevented two of the tree-related deaths.

Workers need to also take precautions when on a ladder or climbing to a high point of a tree to access or cut down branches. Falls consistently are one of the main causes of death in the workplace each year. Many times, these falls could be prevented if proper safety precautions were taken. Companies must also provide their employees with proper training and information on how to secure themselves and how to guard their equipment from moving machines and dangerous equipment.

Tree hazards will continue to be increasingly a problem, with extreme weather causing the need for tree repair work to grow. Post-storm tree repair presents increased hazards, as trees tend to be more unstable and power lines often are down, creating electrical hazards.

What needs to be done: Perspectives

Independent contractors and business owners need to use the same training and caution for themselves that companies must use for their employees. Companies must provide their employees with proper training and information on how to secure themselves and how to guard their equipment from moving machines and dangerous equipment.

- **Robert Burns, Health & Safety Trainer, MassCOSH/The New England Consortium**

One big problem we face is that a lot of the tree work is done over roads, and the speed of traffic in the work zone creates a big danger. Without a police officer, people don't slow down for signs and cones. We need more police details. For the other danger, working at heights, we have an older version of safety belts and anchors that could be updated. All workers – be it public or private sector - should be provided with and use safety belts and anchors.

- **Dan Callahan, Winchester DPW; member, SEIU Local 888**

Because we [municipal workers] are not officially covered under OSHA, safety is seen as secondary. The first thing to go is an extra set of helmets, safety vests, and training. A lot of people don't realize that this type of work requires a lot of expertise. If workers are falling out of trees, they don't have a proper harness or, if they are in a bucket, they are not secure enough. More resources need to be devoted to training and equipment, and city workers should be fully covered under OSHA.

- **Justin DeMarco, ISA Certified Arborist, Supervisor, Forestry Department, City of Marlborough; member, SEIU 888**

School Crossing Guards: *Safe Routes to School?*



Photo: Memorial Street Sign for Marie Stewart, Ferry Street at Cherry Street, Everett MA

Marie Stewart, 71, a school crossing guard in Everett MA. Stewart was standing out in the street about to cross about a half dozen Keverian Elementary School students when she was hit by a truck and knocked to the ground on May 23, 2012. She was struck before the children had entered the crosswalk. She later died from her injuries. Stewart, a grandmother of nine, loved her job of only seven months and had a grandmotherly relationship with the children she protected from traffic.

Her son in law, Scott Poliskey, told reporters that she often complained about how some commuters would blow by her as she attempted to do her job. “Every single day she would come home and say how dangerous it was and how she almost got hit”. A coalition of crossing guards from across the State formed in response to Marie’s death to make sure that all communities provide safe routes to school for the children AND the school crossing guards.

The Problem:

In the past four years, two Massachusetts school crossing guards have been killed while doing their jobs – crossing children en route to school. In 2012, nine crossing guards were injured on the job when they were struck by vehicles. An initial survey of crossing guards from several communities, conducted by MassCOSH, tells a sobering story of the multiple hazards that they face each day. The crossing guard job entails walking out into the street in all weather and sometimes in the dark, stopping or managing traffic momentarily and making sure that the students walk safely and stay in the designated crosswalk.

“Every single day she would come home and say how dangerous it was and how she almost got hit.” - Scott Poliskey, son-in-law of Marie Stewart

They are at increased risk of being hit by a vehicle when crosswalks are not well maintained (poor location, no visible reflective paint or signage) and when they are not equipped with reflective gear that makes them clearly visible in traffic. They are often crossing children on heavily trafficked streets where motorists disregard their authority and run through crosswalks or around children while they are still in the road. And when crossing guards are at risk, children are equally vulnerable. Crossing guards noted that they are increasingly experiencing offensive and potentially violent behavior from other motorists as well as pedestrians and sometimes the students themselves. They also told us they often get little support from the school or the local police to follow-up on safety incidents which results in perpetuating unsafe behavior on the streets.

Although there are national standards to assist school districts and municipalities establish safe procedures for crosswalks, not all MA communities comply with them. The MA School Crossing

Guard Coalition, is researching effective programs used in other states and is meeting regularly with MA State agencies to take further action to make work safe for crossing guards and children.

What needs to be done: perspectives

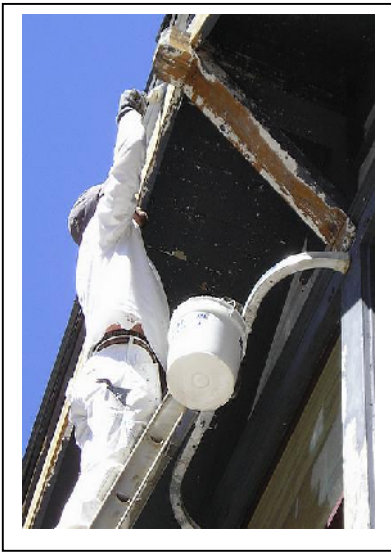
Motorists need to be reminded that we are in the street to protect the children. When you see a crossing guard, be alert because children are nearby. Understand the traffic laws regarding school buses and crosswalks – and obey them! The MA School Crossing Guard Coalition is important because we need statewide regulations for school crossing guard safety. We want to make sure that all communities impose greater protections such as effective safety buffer zones so motorists have time to react safely but are also held accountable when they put my coworkers and the children in jeopardy.

- **Joe Perry, School Crossing Guard Leader, SEIU local 888, Springfield MA**

In 2012, there were nine separate accidents in Massachusetts where a crossing guard was struck by a vehicle. One of these crossing guards was fatally injured. Already in 2013, another crossing guard has been struck. When investigating these accidents, the Department of Labor Standards and Department of Public Health found that local police departments want to keep their crossing guards as safe as possible, but that information was not easy to find in one place. The bulletins [our agencies have written] provide helpful information to municipalities by summarizing the Federal Highway Administration recommendations for crosswalk design. Municipalities should use these guidelines when working with their Public Works departments on school crosswalk issues. The bulletins also summarize industry standard OSHA expectations about proper safety vests and worker training. Municipalities should use these references when purchasing reflective vests and training workers. (Recommendations for Crossing Guard Safety, Bulletin 502. Department of Labor Standards & Safety Alert: Protect the Crossing Guards that Protect Our Children. Department of Public Health)

- **Excerpt: January 28, 2013 letter to Police Chief/ School Superintendent / DPW Superintendent from the Department of Labor Standards and Occupational Health Surveillance Program at the Department of Public Health**

Falls: Tragic at any Height



On September 12, 2012, Josias Das Neves went to his job painting homes. Working from a 32-foot aluminum extension ladder, Das Neves, a 49 year old Lowell resident, held a 2.5 gallon bucket of paint and began to paint the house's gutter, two stories high. Either the ladder shifted or he lost his balance and Das Neves fell approximately 20 feet to the ground below and died.

The problem

In 2012, six workers were killed as a result of a fall – five of these workers were employed in construction. In 2011 (the most recent period available for injury data) over 6,000 workers were injured in a fall at work in Massachusetts. Approximately 1,030 of these falls were to a lower level and resulted in half of these workers missing 16 days of work or more.

The construction industry continues to stand out as a priority for fall prevention in Massachusetts and nationally. From 2008 through 2012, falls accounted for over one third (68) of all work-related fatal injuries in Massachusetts, with nearly half (31) taking place in the construction industry.

Immigrants are at elevated risk: Between 2007 and 2012, eleven of the 50 workers in the construction industry who fell to their deaths were Hispanic, 22% - while they represent less than 10% of the Massachusetts workforce.

Fall hazards can be controlled and should not simply be accepted as part of the job.

State and national efforts

In an effort to get information out about construction fall hazards, OSHA, NIOSH, and other partners have developed and are promoting the Campaign to Prevent Falls in Construction (www.stopconstructionfalls.com).

**In 2011 over 6,000 workers were injured in a fall
at work in Massachusetts.**

In Massachusetts, OSHA and the MA Department of Labor Standards On-site Consultation Program have been reaching out to educate roofers. They have been explaining OSHA's regulations regarding fall prevention in residential construction, and are inviting workers to free trainings about the proper use of fall protection. This spring they will hold seven fall prevention trainings across the state.

The MA Department of Public Health (DPH) developed materials on fall prevention with input from residential contractors. These brochures contain information to prevent falls from ladders and scaffolding and information about personal fall arrest systems (PFAS) (www.mass.gov/dph/face). DPH has been actively distributing these fall prevention brochures (available in English, Spanish and Portuguese) throughout the state.

What's needed: perspectives

We know how to prevent falls. The challenge is getting the word out there and inspiring contractors to do the right thing -- to have the confidence that they can plan for fall prevention, provide the right equipment and train their workers. Our national campaign, "Falls Cost, Safety Pays," has reached out across the country, with more than 40 partner groups signed on already on our web site, stopconstructionfalls.org. OSHA, NIOSH and CPWR are relying on local partners to bring the message home. Massachusetts partners have been leading the way with active and creative campaign activities.

- **Chris Trahan, Deputy Director, CPWR,
The Center for Construction Research and Training**

Many workers are now taking OSHA training which is required for publicly-funded projects. But then they return to the worksite and the employer isn't providing them with essential safety measures, like safety harnesses. It's especially a problem on nonunion sites where workers get fired for speaking up about safety. We need stronger enforcement and better protections for workers who speak up.

- **Steve Falvey, Council Representative, New England Regional Council of Carpenters**

Preventing worker falls in construction requires both enforcement and education. We conducted more than 1,400 construction site inspections in New England over the past 12 months as part of our regional emphasis program to identify and eliminate fall hazards. We've also provided outreach to hundreds of workers, organizations and employers to help ensure that workers possess the knowledge to identify and eliminate fall hazards.

- **Marthe Kent, New England Regional Administrator, US Occupational Safety and Health Administration (OSHA)**

Mesothelioma – Deadly Exposure



As a young man, John J. Reddington Jr. worked for his father's electric supply and contracting company, where he was exposed to insulation that contained asbestos. Breathing in this material caught up with him many years later, when he was diagnosed with mesothelioma in April of 2004. He lost his battle with cancer on December 25, 2004, leaving behind a wife and daughters. He was 56 years old.

John was known best for his sense of humor and practical jokes. He had a love for antique cars, which he passed on to his daughters. John was friendly and known to many in his hometown of Milton.

"Losing my father made me realize how important it is to protect our workers," said Molly Reddington, who studies occupational hygiene at Harvard School of Public Health. "I love the word 'hygiene' because its origin is in the idea of prevention. It is ideal not to treat workers after they get sick or injured, but rather to prevent it from ever happening in the first place."

The problem

Mesothelioma is a highly fatal cancer that results from exposure to asbestos, usually at work. 97 Massachusetts residents were diagnosed with malignant mesothelioma in 2009 (the most recent year available). Between 2005 and 2009, the number of newly diagnosed residents in Massachusetts ranged from 84 to 109 during 2005 – 2009, an average of 98 cases per year. With no evidence of declining numbers, a similar number of residents were likely diagnosed with malignant mesothelioma in 2012 as well.

From 2005 – 2009, Massachusetts had malignant rates of mesothelioma as high as 33% above the national average.

According to the American Cancer Society says about mesothelioma survival, the *average* survival times for people with mesothelioma are between 4 and 18 months. A small portion, between 5% and 10%, live at least 5 years after their cancer is found. This is more likely if they are diagnosed at a younger age.

During the 2005 – 2009 period, Massachusetts had rates as high as 33% above the national average. One reason the Commonwealth has such a high rate of mesothelioma is the history of

Annual number & rate of residents 15 yrs & older newly diagnosed with malignant (fatal) mesothelioma					
	2005	2006	2007	2008	2009
MA, # of incident cases	109	97	102	84	97
MA, age-adjusted rate per million residents	19.4	18.0	17.9	14.6	17.0
US, # of cases	2,691	2,637	2,872	3,003	Not avail.
US, age-adjusted rate per million residents	14.0	12.8	12.6	12.5	Not avail.
Sources: Massachusetts Cancer Registry and the North American; Association of Central Cancer Registries. Population estimates from the; U S Census Chart courtesy of Mass. Department of Public Health Occupational Health Surveillance Program					

ship-building and repairing in Quincy and Charlestown. A recent analysis of industries and occupations of mesothelioma cases showed that highest risk industry was ship and boat building and repairing, but the largest number of cases occurred in the Construction industry. Among occupations in Massachusetts, those at highest risk were insulation workers and boiler-makers, followed by plumbers, welders and electricians. All of these historically are jobs or industries with asbestos exposure. On-going exposure can occur to workers who are removing asbestos or working around asbestos insulation in buildings such as factories, schools, homes and office buildings where it is still present.

What can be done: perspectives

With the devastating legacy of asbestos-related disease, I don't see the need to have asbestos used in any material today. However, we need to continue to educate our current and future workers in the Construction Industry of the different types and uses of Asbestos and about its use in thousands of building materials used over the years. This will give them an awareness of these various products so they won't disturb them while undergoing renovation projects. We also need to continue to train Asbestos Abatement workers in the proper techniques to safely remove these materials and minimize any exposures to themselves, fellow workers, and the General Public.

- **Francis C Boudrow, Business Manager / Financial Secretary Heat and Frost Insulators & Asbestos Workers Local 6**

When we established the Massachusetts Cancer Registry in 1980, one of the goals was to document occupations and industries where workers were at high risk of cancer. We already knew that there would be lots of cases of mesothelioma in shipyard workers, because of spraying asbestos insulation in ships. We were surprised to find how many cases there were in workers in other industries. Asbestos is still used today in vehicle brake shoes and other products such as flooring. Fifty-five countries have banned asbestos but the U.S. has not. Millions of tons of asbestos remain in US homes, schools, offices, and factories. The time is now for Congress to take steps to reduce and eventually stop asbestos imports and ban asbestos. The mesothelioma statistics are testimony to the on-going failure to protect workers from this avoidable cancer.

- **Richard Clapp: Former State Cancer Registry Director; Adjunct Professor, Department of Work Environment, UMass Lowell and Professor Emeritus of Environmental Health, Boston University School of Public Health**

Teachers and other school employees continue to die of mesothelioma, though it is completely preventable. There is a Federal law to protect schools, staff and children, from asbestos hazards – yet inadequate funding for enforcement agencies and inadequate attention by school administrators ensure that the problems remain. In August 2011 the Department of Labor Standards sent a letter to school districts asking them to send in their most recent federally mandated 3-year asbestos inspection reports. Districts covering only 55% of Massachusetts schools responded. Of those school districts that responded, 1000 schools in those district reports were “severely deficient,” 665 had “minor recordkeeping deficiencies”, and only 5 reports had no deficiencies. In a state -- and a nation -- that prides itself on the rule of law, citizens, parents, teachers and school staff must remember that laws require implementation and enforcement.

- **Chuck Levenstein: Chair Mass Teachers Association Environmental Safety and Health Committee, Professor Emeritus of Work Environment, UMass Lowell**

Temporary Employment: Dirty and Dangerous



Daniel Collazo Torres, a temporary employee, was crushed to death in December, 2011, when his hand got caught in a grinder used to manufacture hummus at the Taunton-based Tribe Mediterranean Foods.

In 2012, the U.S. Occupational Safety and Health Administration (OSHA) cited the company for 18 alleged violations of federal workplace safety standards. In a statement, OSHA reported that Tribe employees, including Collazo Torres, lacked the necessary training to prevent the "needless and avoidable loss of life."

The problem

Approximately 25,000 temporary workers are employed each day in low wage industrial and service jobs in Massachusetts. They work in construction, fish processing, recycling, manufacturing, cranberry harvesting, waste hauling and janitorial services – among the state's most hazardous jobs. By definition, temporary work is precarious – involving a third party that is most often not on site, and with future employment subject to the whim of both the temporary agency and the worksite employer. According to a 2005 Bureau of Labor Statistics release, temporary workers in the United States were predominately African-American or Latino, female and young – and more than half (55%) would have preferred permanent work.

What needs to be done: perspectives

In August, 2012, a Temporary Worker Right to Know Law was signed into law, giving the state critical tools to provide oversight of temporary agencies and requiring agencies to provide workers with essential written information about their jobs.

Too often workers in the low wage sector of the temp industry suffer exploitation and abuse. This basic information and these basic protections will improve the safety and increase the dignity of these most vulnerable, most exploited workers. This law will both enable temp workers to seek redress when they are wronged, and serve as a deterrent to the bad behavior of the worst agencies, making it easier to compete for those who do right by their workers. We are grateful to the legislature and Governor Patrick for the progress this law represents for workers who do not have the protections of a union.

- **Steven Tolman, President, Massachusetts AFL-CIO**

A bill is simply a piece of paper unless those who are affected know about their rights and these rights are protected by strong regulatory and enforcement provisions. This bill accomplishes these objectives – it will require temporary agencies to inform workers about their rights, the Department of Labor Standards will ensure that this notification is provided and that temporary agencies are registered, the Attorney General will enforce workplace protections and prohibit retaliation for asserting workplace rights, and if necessary, workers have the right to sue on behalf of themselves and others. Now that we have the legal framework in place, we must build on a critical new partnership between temporary workers, government, and the private bar who can work together to ensure the dignity, safety and fairness on the job for workers in temporary jobs.

- **Monica Halas, Lead Attorney, Greater Boston Legal Services and Attorney for the REAL (Reform Employment Agency Law) Coalition.**

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**

Asthma – Exposed and Breathless



“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.”

- **Patricia, housekeeper**

“I have asthma and I have been sick more this year than in the last ten. Twenty-five percent of students in my school have asthma. Two teachers left teaching here because of respiratory issues.”

- **Boston teacher**

The problem

Asthma is a common disease that is often overlooked as a workplace health and safety issue. According to a 2010 health survey (the most recent data available), more than 340,000 adults workers in Massachusetts suffer from asthma. National and state studies have consistently found that at least 40% of adults with the disease (at least 136,000 adult workers in Massachusetts), report that their asthma was caused or made worse by work.

Evidence suggests that hundreds of chemicals are contributing to the initial development of asthma and they can also make asthma worse for people who already have asthma. The current OSHA standards were not designed to prevent asthma and are not protective enough for lower exposures that are known to trigger asthma attacks for workers already sensitized to an asthma-related agent.

There could be as many 40,000 people in Massachusetts with work-related asthma today.

Industrial facilities in Massachusetts with ten or more employees using 10,000- 25,000 lbs of classified chemicals must report their use and air emissions and do toxics use reduction planning for certain high hazard chemicals. Although the Toxics Use Reduction Act has contributed to a 40% reduction in use of high hazard chemicals since the program's inception in 1989, many asthma-related chemicals as well as consumer products used in the workplace are not covered by TURA nor are many smaller facilities using many fewer pounds of chemicals. TURA does not reach workers in non-manufacturing sectors, such as healthcare and construction.

One group of chemicals that can cause asthma among those directly exposed at work is isocyanates. Besides use in auto body paint, floor coatings and mattresses, this chemical is often referred to as “green” when it is used for insulation in homes and other buildings. Working with these chemicals may cause asthma in up to 30% of those exposed. Although total use of isocyanates has dropped 18% from 2000 – 2009, nearly 11 million pounds are used by TURA reporting companies, and thousands of pounds more are used in insulation, in smaller companies and in industries not included in TURA data.

Even more prevalent are asthma-related ingredients in cleaning products used widely. Thousands of workers are exposed to cleaning and disinfecting products in food preparation, healthcare,

personal care, schools, childcare and building maintenance. Cleaning workers are more likely to get asthma than other workers and these chemicals become part of the background for patients, children, teachers, consumers and all members of the public. Some ingredients in cleaning products, such as bleach and quats are likely contributors to this problem. These are just two examples of chemicals of concern that have been identified as contributing to asthma for Massachusetts workers.

What needs to be done: perspectives

Integrating worker health protection into toxics use reduction, and adopting safer alternatives to toxic chemicals can have a tremendous impact on us as workers and for our families. Of great concern are chemicals that are known sensitizers meaning they can cause an allergic reaction that may last for a long time or even be fatal. They are in many of the formulations of products used in the work place but they are not disclosed in the Material Safety Data Sheets (MSDS) as sensitizers or asthmagens (able to cause asthma). At a minimum, companies must disclose information about their products ingredients that can cause asthma.

- **Steve Gauthier, IUE/CWA Local 201 Health and Safety Rep.**

Reducing the use of asthma causing chemicals is essential for primary prevention of asthma—keeping people from developing asthma in the first place. Secondary prevention or lessening the severity and impact of the disease on people with work-related asthma is also necessary to protect workers' health and quality of life. For secondary prevention, early diagnosis is critical. If work-related causes of asthma are recognized early on and eliminated or controlled, the individual has a much better chance of getting better. And, we will learn more about the chemicals responsible for asthma and be prepared to reduce their use on a statewide, nationwide or industry-wide basis. Doctors who see patients with asthma need to do a better job of asking their patients about workplace exposures.

- **Laurita Kaigler-Crawle, Massachusetts Asthma Action Partnership, Health Resources in Action, Inc.**

Massachusetts is one of the first states to include a focus on the adoption of safer substitutes for chemicals associated with asthma within its comprehensive asthma prevention and control strategy. However, more wide-spread adoption of these alternatives is needed. For example, we could significantly reduce cases of work-related asthma if more private employers purchased safer alternatives to disinfectants and cleaning products such as those approved by Green Seal or Ecologo that exclude asthma-causing chemicals.

- **Molly Jacobs, Lowell Center for Sustainable Production, UMass Lowell**

Job Deaths Investigated by OSHA

The following is a summary of workplaces investigated by OSHA following a fatality from January 1 – December 31, 2012. OSHA does not have the authority to investigate the work-related death of self-employed individuals, individuals regulated by another federal agency (such as mine workers), Massachusetts state, municipal and county employees, and family members of farm employers. Note: city and town names indicate where fatality took place

	Proposed	Actual
1/11/2012 Dmitry Ivanov , West Springfield James Ivanov, 19, fell from ladder.	\$8,400	\$500
4/04/2012 Classic Envelope Inc. , Douglas Martin Gamache, 58, was electrocuted.	\$17,500	\$17,500
5/25/2012 Devaney Energy, Inc. , Quincy Freddie Clay, 42, was crushed by a truck.	\$11,500	\$9,250
7/06/2012 Brookside Farms, Inc. , Townsend Leslie Spoth, 50, was crushed by a tractor.	No OSHA violations identified	
7/11/2012 Far East Construction , Cambridge Mark Buckminster, 50, fell from a roof.	\$18,200	\$9,500
8/29/2012 Liddell Brothers, Inc. , Springfield Robert Parrott, 46, fell from an overpass.	No OSHA violations identified	
9/12/2012 Yes! Painting , Lynnfield Josias Das Neves, 49, fell from a ladder.	\$11,200	\$11,200

OSHA Penalties Issued For Employers of Workers Who Died on the Job in Massachusetts

1/1/2012 – 12/31/2012

Year	Number of Settled Cases	Average Proposed Penalty	Average Final Penalty	Percent Reduction in Penalties
2012	5	\$13,360	\$9,590	28%

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

The following are but a few examples of OSHA enforcement actions in 2012 representing cases of egregious employer misconduct in Massachusetts. OSHA may cite a company for an "other than serious," "serious," "willful" or "repeat" violation. Although a worker may lose their life in a "serious" violation, the maximum penalty is only \$7,000. The maximum penalty for a willful or repeat violation is \$70,000.

OSHA Fines Multiple Companies for Unguarded Machines and Lack of Worker Protection

In 2012, OSHA cited Massachusetts companies for over \$200,000 in fines for lack of protection for workers operating machines. When workers are operating heavy and complicated machinery, companies must take measures to ensure that certain entrapments and openings are guarded in order to prevent the operator from becoming seriously injured.

Horn Packaging Corp., based in Lancaster, MA faces a total of \$130,300 in proposed fines after a worker was fatally injured on November 7, 2011 while operating a corrugated box-making machine. He became entangled in an unguarded shaft that provides power. The company received a willful citation, meaning the violation was committed "with intentional knowing or voluntary disregard for the law's requirements, or with plain indifference to worker safety and health." The company was cited for not placing a legally mandated safeguard on the opening of the shaft, thus putting the machine operator at risk and ultimately failing to prevent the needless death of a worker.

Interstate Electrical Services of North Billerica, MA was fined \$81,000 for failing to effectively guard an electrical panel that caused to electrical workers to become seriously burned. According to OSHA, "Two workers installing electrical service were seriously burned when a piece of equipment made contact with an energized part of an electrical panel, resulting in the arc flash." Our electrical workers put themselves in grave danger daily and companies are required to take the necessary precautions to make sure that electrical flares and failures do not cause serious injury.

OSHA Issues \$702, 300 in Fines to Tribe Mediterranean Foods for Lack Of Training That Resulted In a Worker's Death

Tribe Mediterranean Foods, a subsidiary of Nestle SA, faces \$702,300 in fines after OSHA cited them with 18 violations following the death of a contract worker in its Taunton production plant. The worker was killed while cleaning one of the machines after he became tangled and was sucked into one of the machine's openings. OSHA found that the company had not offered training to the deceased worker or six other employees who were working on machine cleaning and maintenance. According to their press release "OSHA requires that employers train workers so that they understand the purpose of the energy control procedures, and have the knowledge and skills required to safely utilize them." Tribe was also fined for repeat violations, following initial citations in 2009 for inadequate machine guarding and inspection procedures.

New England Hematology/Oncology Associates PC Faces Nearly \$47,000 In Fines after Workers Exposed to Biohazards

New England Hematology/Oncology Associates, a medical service provider based in Newton faces nearly \$47,000 in fines after OSHA found their workers were being exposed to biohazards. The investigation found that workers were exposed to potential bloodborne pathogens due to unsafe needles and procedures used on cancer patients. While the company originally agreed to address the issue when workers made them aware of the needle safety problems, they failed to follow through and change their policies.



Massachusetts AFL-CIO

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

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.