

DYING FOR WORK IN MASSACHUSETTS

*Loss of Life and Limb
In Massachusetts Workplaces*

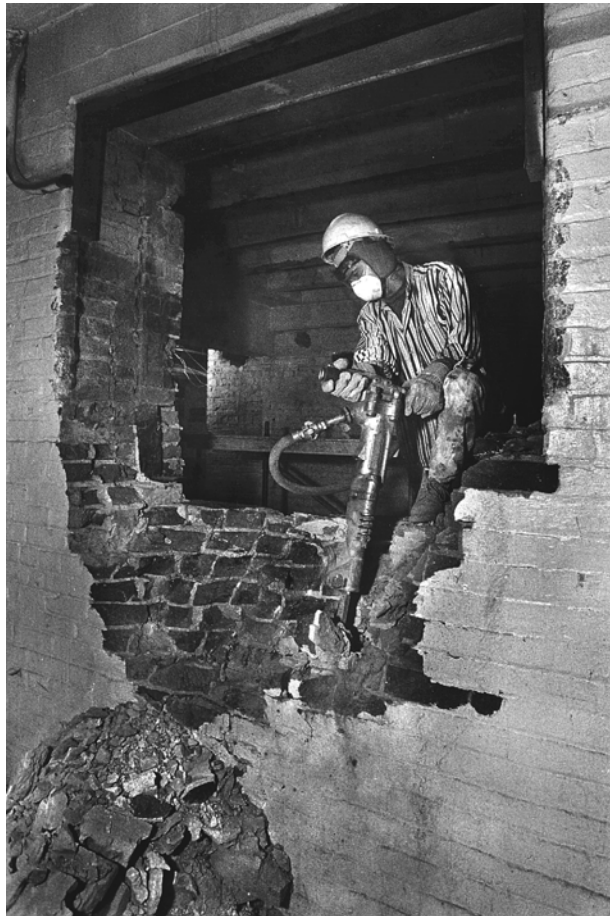


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Workers' Memorial Day

April 28th, 2009

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Force Equals Distance Times Weight

for the pipefitter apprentice at the Hynes

Consider this skin-encased bundle of fat and muscle
each intricate organ protected by bones
known to splinter on impact: a man.

Consider the marble stairs patiently
waiting smooth hard cold below.

Consider the distance: fifty-five feet
not the carefully-arranged
landing of a diver or parachutist

a come-as-you-are unexpected arrival
human body meeting metamorphic rock.

Once it begins this
unruly fall from the steps of a ladder
past where a guardrail will be installed
within the hour

the details
of his particular life step back
the wife the new baby
each kindness each wildness —
everything that will be chewed over
later so many times —
until this delicate collision of physics
and fate
lands.

— Susan Eisenberg

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Introduction

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 2009 *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 2009 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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Michael Durant, Jim Brown, Iron Workers Local 7

Robert McCarthy, John Brown, Arlene Doe, Professional Fire Fighters of Massachusetts

Steve Falvey, New England Regional Council of Carpenters

The Harvey family

The Edmonds family

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. Massachusetts Department of Industrial Accidents
4. Occupational Safety and Health Administration, Region 1 Office, Boston
5. Massachusetts Division of Occupational Safety
5. The AFL-CIO, Department of Occupational Safety and Health
6. Articles from newspapers throughout Massachusetts
7. The Professional Firefighters of Massachusetts
8. Massachusetts Coalition for Occupational Safety and Health
9. Bureau of Labor Statistics, U.S. Department of Labor
10. Council of State and Territorial Epidemiologists
11. Massachusetts Occupational Lead Poisoning Registry
12. United States Coast Guard
13. University of Massachusetts at Lowell

Executive Summary

April 28, 2009 marks the 21st 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?

Sixty-six workers in Massachusetts lost their lives on the job in 2008—most suffered fatal injuries at work. An average of 1.25 worker deaths occurred each week. Included are eight 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 660 workers died in 2008 in Massachusetts from occupational disease. A conservative estimate of 1,700 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 and women from Massachusetts who died as a result of the War in Iraq in 2008 and through March 31, 2009, and six servicemen and women who died in Afghanistan in 2008.

What are their ages and occupations?

The average age at death was 48 years old, with a range of 23 to 88 years. More than 48% of those who were fatally injured on the job were 50 years old or older (32 /66 fatalities). Twenty nine percent of those who were fatally injured were in their fifth decade of life and a 20% of the total deaths were past the age of 60.

While the largest contingent worked in the building trades (17 / 26%), workers from a wide range of industries suffered fatal injuries, such as transportation (15 / 23%), and fishing (3 / 5%). Firefighters suffered 11 (17% of total) line of duty fatalities, including seven who died from cancer.

What is Killing Them?

- **Transportation** related accidents (including truck, car, rail and aviation) led all event categories. 21% (14 out of 66) of all occupational fatalities were transportation related. Six of the fourteen incidents involved a truck or auto crash. Three were the result of separate airplane crashes. Five of these fatalities involved workers from non-transportation occupations who were struck by motor vehicles in the process of performing their work, four of them along the roadways.
- **Falls** of all types were the cause of one-fifth (13 out of 66) of all occupational fatalities in Massachusetts in 2008. 70% of the falls occurred in the construction industry (9 out of 13).
- **Commercial fishing** claimed the lives of three more Massachusetts fishermen in 2008. From 2000 – 2008 commercial fishing has been the most dangerous single occupation in Massachusetts. 44 fishermen died on the job during the eight year period.
- **Workplace violence** was responsible for the deaths of seven workers who were killed in their performance of their work.
- **Other causes of deaths** were as follows: Five workers, including the three fishing deaths, drowned on the job. Three workers perished by electrocution in 2008; One of the fatalities involved an experienced electrical worker, while two others involved construction workers who came into contact with live electrical wires. Seven workers died of crushed-injuries. One worker died from inhaling a toxic substance.

What Contributes to work-related fatalities?

On January 22nd, 2008, while working the overnight shift at a paper manufacturing plant in Worcester, David Gonzalez was pulled into an unguarded piece of machinery and crushed after a piece of his clothing had become caught. The incident prompted an OSHA investigation which identified 12 safety and health violations at the plant.

OSHA lacks funding, staff and tools to deter violations. Fatal and serious workplace injuries in 2008 continued to occur because Massachusetts employers ignored OSHA regulations and failed to institute basic safety measures such as fall

protection and machine guarding. 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 130 years for OSHA to inspect each workplace under its jurisdiction in Massachusetts.
- In Massachusetts in 2008, the average fine (based on final penalties) assessed to an employer with OSHA violations resulting in the death of a worker was \$9,939.
- 10 of the 13 penalized employers involved in settled OSHA cases in 2008 paid less than \$10,000, and 7 of those paid \$5,000 or under for violations resulting in fatalities. 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

On March 31, 2008 an electrician employed by the Commonwealth suffered from electrical shock while attempting to assess an electrical failure that resulted in a building-wide computer outage. OSHA could not investigate or issue fines, because the injury occurred to a public sector employee. An investigation by the Massachusetts Division of Occupational Safety found that the electrical panel allowed hazardous access, and that the state had not provided adequate protective gear, including heavy-duty leather gloves, clothing and eye and head protection.

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.

Employers prey upon immigrant workers who are seen as vulnerable

Every morning, at the crack of dawn, a young man and his sister wait on a street corner in Chelsea to be picked up by a temp agency-owned van that takes them to their employer. “They head to work every day at five o’ clock in the morning, when the van picks them up, but do not start getting paid until 8 or 9 AM,” their mother told state officials at a recent public meeting. “They work with chemicals, lifting heavy equipment, and work at a fast pace, often with non-working machines.”

Poor working conditions provided by unscrupulous employers continue to plague immigrant workers in Massachusetts. Language barriers, lack of training, employer exploitation, coupled with fear of retaliation and deportation for speaking out about hazards contributed to the workplace deaths among immigrant workers. Far too often, temporary agencies 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.

Employers increase hazards with work restructuring, then blame workers for resulting injuries

Employers across all sectors on the economy continue to restructure work in ways that are harming workers and making jobs increasingly unsafe. Downsizing, understaffing, work overload, extended hours of work, job combinations, contracting out, lack of training and an overall push for production have been linked with increases in injuries, illnesses, stress and death. Many employers hide the resulting injuries and illnesses by implementing “blame-the-worker” safety programs (e.g. behavior-based safety and injury discipline policies) that discourage workers from reporting injuries and allow hazardous conditions to remain unaddressed. Workplace fatalities, however, are difficult to hide.

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:

- OSHA protections extended to public employees in Massachusetts through the passage of House Bill 1871 and Senate Bill 710, and an Executive Order issued by Governor Patrick extending OSHA protections to state employees.
- Improvements in Massachusetts Workers Compensation to make it just, fair and accessible to all injured workers.
- The state must be more proactive in protecting temporary workers, both through its authority to license temporary agencies and establish regulations that strengthen protections for day laborers, and by passing the Temporary Worker Right to Know Bill (Senate Bill 680/ House Bill 1797) which will require temporary agencies to provide workers with basic information about their jobs, including what types of hazards they will encounter, and pay for safety equipment.

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.
- Our fight will continue until all workers are able to leave for work and return home with their lives, their limbs and their health intact.

In Memoriam

Following are the names of workers in Massachusetts who died from work-related causes in 2008 and through March 31, 2009. 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 2008. 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 2008 and through March 31, 2009 as a result of the wars in Iraq and Afghanistan.

William McCarthy Jr., 55, Fire Fighter, Boston	1/04/08	David McMahan, 51, Roofer, Tewksbury	10/05/08
Kenneth Wright, 88, Physicist, Cambridge	1/07/08	Peter Marchese, 40, Carpenter, Waltham	10/10/08
Vincent Russell, 54, Fire Lieutenant, Boston	1/09/08	Allan Herman, 67, Limo Driver, Holyoke	10/12/08
Michael Crawford, 47, Truck Driver, Freetown	1/10/08	Christopher Beste, 30, Carpenter, Waltham	10/13/08
Richard Besse, 61, Fire Fighter, Boston	1/22/08	Brian Duncan, 31, Forklift Operator, Westfield	10/16/08
Robert Glover, 36, Fisherman, New Bedford	1/22/08	Pat Hanley, 55, Fire Fighter / EMT, Sudbury	10/27/08
Kenneth Thuestad, 48, Fishing Captain, New Bedford	1/23/08	Marie Conley, 58, Crossing Guard, Dorchester	10/29/08
Kelly Brackley, 30, Secretary, Webster	1/28/08	Stephen Mayer, 56, Fire Fighter, Attleboro	11/05/08
Philip Huyler, 48, Marine Mechanic, New Bedford	2/02/08	Christiano Oliveria-DaRosa, 43, Mechanic, Brockton	11/07/08
Diruhi Mattian, 53, Social Worker, North Andover	2/06/08	John Clasby, 45, Fire Fighter, Hull	11/11/08
Norma Gilles, 37, Hairdresser, Malden	2/13/08	Antonio Mesquita, 56, Fishing Captain, Cape Cod	11/13/08
Edward Conley, 56, Taxi Driver, Brockton	2/18/08	Anthony Brzoski, 38, Painter, Cohasset	11/24/08
Rawlene Lizotte, 51 Nursing Assistant, Lowell	2/21/08	Mazen Alwarad, 37, Store Clerk, Lowell	11/29/08
David Gonzalez, 24, Machine Operator, Worcester	2/22/08	Michael Soares, 39, Construction Supervisor, Fairhaven	12/02/08
Thomas Vinasi, 49, Truck Driver, Franklin	2/29/08	Mallary Dominic, 24, Singer, Boston	12/05/08
Joseph Castanonio, 43, Carpenter, Dorchester	3/05/08	Kevin Connolly, 50, Forestry Foreman, Marlborough	12/13/08
Robert Kilduf Sr., 60, Fire Lieutenant, Boston	3/13/08	Roger Botelho Jr., 45, HVAC Technician, New Bedford	12/24/08
Steven Pelletier, 53, Construction Supervisor, Peabody	3/14/08		
Donald Quinlan, 52, Fire Lieutenant, Worcester	3/22/08	Matteo Russo, 36, Fisherman, Gloucester	1/03/09
Gary Bouchard, 57, Welder, Palmer	3/24/08	John Orlando, 58, Fisherman, Gloucester	1/03/09
Aron Staelens, 43, Truck Driver, Chicopee	3/28/08	Kevin Kelley, 52, Fire Lieutenant, Boston	1/19/09
Howard Trang, 48, Welder, Randolph	4/01/08	Andrew Taylor, 62, Plumber, Quincy	1/14/09
John Wales, 39, Truck Driver, Bourne	4/03/08	Stephen Maiorano, 57, Truck Driver, Tyngsboro	1/23/09
Henry Ciszewski, 61, Forklift Operator, Worcester	4/04/08	Darren Barnicoat, 35, Site Supervisor, Boston	1/23/09
Mark Fils-Aime, 59, Taxi Driver, Somerville	5/04/08	Steve Rosemond, 37, Heavy Equipment Operator, Boston	1/24/09
Laurent Godbout, 75, Carpenter, West Springfield	5/13/08	Richard Cashin, 52, State Police Captain, Saugus	1/28/09
John Terrio, 43, Painter, Brockton	5/14/08	Maurice Ricketts, 35, Machinist, Cambridge	1/28/09
Robert Cowhey, 41, Insulation Installer, North Falmouth	5/17/08	Richard Perry, 53, Carpenter, Deerfield	2/03/09
Ter'rese Edmonds, 24, Trolley Operator, Newton	5/28/08	James Williamson, 51, Tech Supervisor, Boston	2/07/09
Edward Timko, 81, Truck Driver, Northampton	5/29/08	Nicholas Thomas, 30, Laborer, Middleboro	2/09/09
Douglas Chaffee, 53, Truck Driver, North Andover	5/29/08	Marc Sugrue, 56, Arborist, South Hadley	2/25/09
Robert Augeri, 31, Laborer, Lawrence	6/03/08	Bruce Sinclair, 35, Maintenance Man, Chelsea	3/13/09
Terri Werner, 56, Teacher, Brighton	6/09/08	Russell Santheson, 53, Laborer, Kingston	3/20/09
Mark Conway, 43, Pilot, Hyannis	6/18/08		
Lloyd Benjamin, 50, Engineer, Haverhill	6/22/08		
Israel Nunes DaMata, 27, Construction Worker, East Boston	6/30/08		
Cornelius Keane, 61, Fire Fighter, Boston	6/30/08		
Emanuel Moniz, 30, Prison Inmate, Mashpee	7/10/08		
John Kaye, 52, Lineman, Methuen	7/30/08		
Joseph Baker, 65, Pilot, Easton	8/12/08		
Robert Harvey, 28, Iron Worker, Quincy	8/14/08		
Derek Martinez, 33, Corrections Officer, Sandisfield	8/15/08		
George Saba, 49, Fire Fighter, New Bedford	8/16/08		
Dennis Flynn, 61, Fire Fighter, Boston	8/16/08		
Gregory Jette, 23, Winchendon	8/22/08		
Melvin Dyer, 67, Police Officer, Marshfield	8/25/08		
Romulo Santos, 47, Laborer, Walpole	9/09/09		
David Willey, 61, Pilot, Vineyard Haven	9/26/08		
Manuel Neves Jr., 62, Quarry Worker, Westford	10/03/08		

U.S. Troops from Massachusetts who Died as a Result of the War in Iraq in 2008 and through March 31, 2009

Sgt. Shane P. Duffy, 22, U.S. Army, Taunton	6/04/08
Sgt. Alex R. Jimenez, 25, U.S. Army, Lawrence	7/09/08
Pfc. Daniel A. C. McGuire, 19, U.S. Marine Corps, Mashpee	8/14/08
Sgt. Scott J. Metcalf, 36, U.S. Army, Framingham	10/29/08
Spec. Corey M. Shea, 21, U.S. Army, Mansfield	11/12/08
Sgt. Marquis R. Porter, 28, U.S. Marines, Brighton	1/11/09
Pfc. Matthew M. Pollini, 21, U.S. Army, Rockland	1/22/09
Sgt. Kyle J. Harrington, 24, U.S. Army, Swansea	1/24/09
Pfc. Jonathan R. Roberge, 22, U.S. Army, Leominster	2/09/09

U.S. Troops from Massachusetts who Died as a Result of the War in Afghanistan in 2008 and through March 31, 2009

Sgt. Nelson D. Rodriguez Ramirez, 22, Army National Guard, Revere	6/21/08
Master Sgt. Shawn E. Simmons, 39, U.S. Army, Ashland	6/29/08
Pfc. Paul E. Conlon Jr., 21, U.S. Army, Somerville	8/15/08
Spec. Stephen R. Fortunato, 25, U.S. Army, Danvers	10/14/08
Maj. Brian M. Mescall, 33, U.S. Army, Hopkinton	1/09/09
Lance Cpl. Kevin T. Preach, 21, U.S. Marines, Bridgewater	2/07/09

The Faces Behind the Numbers

In Loving Memory of



Robert "Bobby" Harvey

*July 26, 1980 -
August 14, 2008*

On August 14, 2008, Robert "Bobby" Harvey died on the job while dismantling the Goliath Crane at the Fore River Shipyard in his beloved City of Quincy. As workers were removing a large section of the supporting leg of the crane, the leg collapsed, scattering workers to safety. When the dust settled, a count of personnel revealed that Bobby was missing. His co-workers found him almost immediately. He was crushed by the debris from the accident.

A proud member of Ironworkers Local 7, Bobby started his career in 1999 as an apprentice Ironworker and completed all the necessary requirements to become a journeyman Ironworker. Jim Brown, Financial Secretary/Treasurer of Local 7, said of Bobby: "His love for his work was apparent to everyone who plied the trade with him. He never complained about any assignment. Instead, he took it as an opportunity to learn more about his craft. He always had his head down working and was respectful to everyone he worked with and anyone who crossed his path."

Bobby regularly received the highest compliment possible for an iron worker: He didn't have to come to the hall for work because employers would call looking for him. His work ethic was second to none, and his bond to his Brothers and Sisters at Local 7 was unparalleled.

"Bobby Harvey was a great young man who was dedicated to this local union and who had the potential to be a great leader in the Labor Movement. He was also a dedicated husband and son to an outstanding family who did not deserve his removal from their lives," said Local 7 Business Manager Michael Durant.

Born on July 26, 1980 in Quincy, MA to his loving parents, Robert and Susan, Bobby was educated in the Quincy school system. He took great pride in being from the City of Presidents. As a member of Quincy Youth Hockey and other youth sports' teams in the city, he excelled in everything he played. Notwithstanding, his love for hockey was evident from an early age.

He met his future wife, Jenn, in his early teens. They never looked back. They were married on September 24, 2006 and began to settle down. His love for his family and friends was obvious to all who knew him. If you were a friend of Bobby's you knew it!

"Although Bobby will always be remembered as forever young, his spirit will also live on through the Robert "Bobby" Harvey Memorial/Scholarship Fund, which will be a bright light to many Quincy residents and the sons and daughters of Local 7. More importantly, his son is due to be born next month. We are confident his Dad's spirit will live on with him," said Secretary/Treasurer Brown.

Iron Workers Local 7 would like to use this Workers Memorial Day to invoke the spirit of all the workers who have passed to make the workplace a better place to toil. We hope that next year, and in all the years to follow, there will be fewer families, friends and co-workers who will be forced to mourn the loss of a loved one. If there is one thing we take away from this *Workers Memorial Day* it is that we *can* make a difference in the workplace by being forever vigilant that safety is of paramount concern in everybody's job.

Boston Fire Fighter Used Life to Spread Awareness of Work-Related Cancers, Urged Screenings for Fire Fighters



Robert "Bob" Kilduff, who died of occupational cancer on March 13th, 2008, was a member of the Boston Fire Fighters Local 718 for more than 35 years. He served in the busiest fire companies in the city during the busiest fire years in the history of the Boston Fire Department. Bob's last assignment was Lieutenant on Ladder 23 in Grove Hall.

Bob was a very active member of his local union serving in many capacities throughout his career, including long service as Vice President of Local 718. In addition to his work in the labor movement, Bob established the Boston Firefighters Children's Fund which provides gifts to kids burned out of their homes during the holidays.

One of Bob's greatest passions was to establish a firefighter cancer support network which he single handedly brought to fruition by distributing 177,000 pamphlets to firefighters around the country. The pamphlet continues to live through republication and on countless websites.

The Professional Fire Fighters of Massachusetts and Boston Fire Fighters Local 718 thought it most appropriate to pay tribute to Lieutenant Kilduff through his own words. After being diagnosed with cancer, Bob wrote an essay titled "Don't Be Me," warning of the increased risk of certain cancers in firefighters, and urging fellow firefighters to begin getting screened at an early age.

Don't Be Me **By Lieutenant Robert Kilduff**

My name is Bob Kilduff. I have been a firefighter for 34 years. Were it not for some help from above, marvelous medical people and dumb luck I would be well on my way to an early death due to occupational cancer. I am telling my story in the hope that another brother or sister firefighter will not have to share my experience.

Like many of you reading this, I only went to the doctor when hurt. You know the drill: burns, cuts, smoke inhalation and the many orthopedic injuries that come part and parcel with our job. For reasons unknown the thoughts of retirement age prompted me in May of 2003 to get my first physical exam in 30 years. I felt the best I had in years and the test results bore this out. All was well. The doc however advised me that I have a colonoscopy due to my age. Not really thrilled, I acquiesced. The procedure was a piece of cake; however, the test revealed a large tumor in my colon which needed to be addressed. Twenty days later a section of my colon was removed. I had to undergo a 6 month chemotherapy program which could have been avoided with early detection. It now appears that my cancer is in remission and the doctors predict these procedures will help save my life.

The issue here is why go to the doctor and learn you're very sick when you can go to the doctor and keep from getting very sick. I have learned the hard way that you must act prudently if you want to see your grandkids grow, have a chance to retire, golf, fish, hunt, go to the track or whatever. If you don't have regular medical checkups your odds of enjoying a longer than normal life are greatly diminished. Early detection of cancer is paramount in successful treatment. This will allow you to do what you want to do and not what your doctor will allow you to do.

In 1990 a cancer presumption law was passed by the Legislature in Massachusetts. This followed hundreds of hours of research by Jack McKenna of Local 718 into the prevalence of cancer in firefighters and an intense lobbying effort by Mike Mullane, Third District IAFF VP, Bob McCarthy, President of the PFFM, Larry Curran of Local 718, Ken Donnelly and John Fallon of the PFFM along with many others. This law was not a gift but a hard fought victory. The reason it was signed into law was that it has been shown that firefighters have a serious problem with cancer. Numerous studies have pointed to the fact that there are over a dozen cancers that attack firefighters more often than the general population. Our exposure to the products of combustion and the resultant carcinogens are the reason and we must be more proactive in protecting ourselves through cancer screening. The Boston Fire Department's Medical

Examiner Mike Hamrock deals with cancer and firefighters daily. From his observations, firefighter cancer screening should take place if there is a family history of cancer. For example, colon screening normally scheduled for a fifty year old should take place at age forty due to our higher incidence of the disease. Firefighter deaths due to occupational diseases are far more common than the number of line of duty deaths caused by other means and we must take them seriously.

Longtime union activist and dear friend J.J. Jennings left this world with our profession a much better place though his efforts. His endeavors were always to help union members and their families. It is my hope, through this program, to leave the job a little bit better and saving just one life would be worth the time involved. I ask that you take a few minutes to examine your efforts to help yourself stay healthy. Think for a moment about my experiences over the last ten months and if necessary take the action necessary to help you avoid my fate. Remember, DON'T BE ME.

God Bless and stay safe.....BK

Brother Kilduff died in the line of duty on March 13, 2008 from Occupational Cancer. He accomplished so much for so many.

Remembering Boston Carmen's Union Local 589 Member Ter'rese Edmonds



On May 28, 2008, Boston Carmen's Union Local 589 member Ter'rese Edmonds was killed in the line of duty while working on the Green Line. With transportation being the number one cause of work-related deaths in Massachusetts, Sister Edmonds' line of duty death remains a stark reminder of the challenges T workers face each day.

Immediately following the death, some were quick to put the blame on Ter'rese, as too often happens. There was widespread and unfounded media speculation around the potential causes of the accident that took Ter'rese's life. Every worker, on the MBTA or in any job, deserves more respect than to be the target of media stories based on unnamed sources and unidentified witnesses. Every worker and their family deserve respect as they perform their job and dignity in the event of a workplace tragedy.

"This Workers Memorial Day the Boston Carmen's Union Local 589 Executive Board and membership honor our Sister and our friend Ter'rese Edmonds," said Stephan MacDougall, President/ Business Agent. "Our thoughts and prayers remain with the Edmonds family and all who knew her."

Members and friends posted their thoughts on the Union's website in the aftermath of the accident. These comments, prayers, poems and thoughts were heartfelt and reflective of Ter'rese as a person:

"My heart goes out to you sister, I dearly miss you ,every time I hear the gong I know its you ringing for me and giving me that big bright and beautiful smile"

"May we borrow the strength from Ter'rese's smile, to carry us through today. May we borrow her courage to help us keep our heads held high and proud, knowing, we may have lost a sister but we found an Angel"

"Ter'rese, your smile will always send a message of joy to all of your brothers and sisters of 589. You will be missed"

MacDougall added, "It is with an unwavering sense of pride that I say what must not be forgotten in the aftermath of her death is the level of compassion, courage and commitment displayed that evening by Local 589 members and so many other MBTA employees. Boston Carmen's Union members, working through deep emotions as they did their jobs, demonstrated a level of professionalism that honored Sister Edmonds memory.

Taken from us in a line of duty accident, Sister Edmonds is not forgotten by her Brothers, Sisters, co-workers and friends. This Workers Memorial Day we joined together in solidarity to pay tribute to Ter'rese and her family; and all workers and their families who have suffered such great loss and tragedy."

Workplace Violence

Diruhi Mattian, a 53 year old social worker, was killed by a 19 year old client during what had seemed a rather routine home visit. Diruhi was the director of the Lawrence FLEX program at Family Continuity, Inc., a program designed to keep adolescents with chronic mental illnesses in their home while receiving treatment. Community and home-based services are an important part of services for mental illness in the state of Massachusetts, and the Department of Mental Health notes that 'research shows that individuals with mental illness are more likely to be victims of violence than perpetrators'. The client, Thomas Belanger was described by neighbors as a 'lonely, gentle kid' who suffered from mental illness. Diruhi was a dedicated, experienced social worker whose commitment, skills and strength were an inspiration to her clients, co-workers, neighbors, friends and family. She was survived by two adult daughters.

In Massachusetts in 2008 seven workers were killed as a result of workplace homicide. The loss of life is the most extreme and tragic result of workplace violence, and it is the fourth-leading cause of fatal occupational injury in the United States (NIOSH, 2004).

Seven Massachusetts residents lost their lives from workplace violence in 2008:

- Edward Conley, 56, a driver for Cowen's taxi in Brockton.
- Howard Tranq, 48, a welder at Alloy Fabricators of New England in Randolph.
- Terri Warner, 56, an art teacher at the Perkins School in Boston.
- Norma Gilles, 41, a self-employed beautician at Scruple in Malden.
- Kelly Brackley, 30, an auto-parts worker at Action Crash Parts in Webster.
- Alwarad Mazen, 37, a store clerk at 7-Eleven in Lowell.
- Diruhi Mattian, 53, a social worker at Family Continuity in North Andover.

Like Diruhi Mattian, each of these individuals has a special story, and leaves a space that cannot be filled.

Hazards and Prevention

While no one is immune from violence at work, certain groups of workers are at increased risk, including health and social service workers, retail workers and taxi drivers (OSHA, 2002). Even healthcare facilities known as "caring places", and once considered immune, now frequently experience workplace violence. Factors that increase risks are: exchanging money with the public, working in the community or in people's homes, working alone and especially at night.

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 these 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.

Workplace violence and homicide is also interpersonal. Of the 1.7 million incidents that occur each year, around 1.1% (18,700) are intimate partner violence (IPV), perpetrated by a husband, wife, boyfriend or girlfriend. 33% of female murder victims each year are the result of IPV. However, IPV still must be considered among the risks factors for any workplace violence prevention program.

Teachers, social workers, and health care workers are also at particular risk; working with people suffering from a variety of problems and living in environments where violence is more likely to occur puts these workforces at increased risk. Just like dangers elsewhere in society, violence and homicide in the workplace occur in a community context. The availability of guns, the criminal justice system, and the prevalence of violence in the community are some of the factors that can also affect workplace violence. Because incidents and hazards associated with actual or potential violence and abuse differ from one facility to another, each employer must develop an individualized plan.

Safe-staffing levels have become an increasingly important factor in assessing risk and deterring violence at work. For social workers and human service workers, appropriately funded and staffed social services are important to keeping both clients and social workers safe. In the context of the current economic crisis, which puts additional strains on people and communities, cuts to Department of Mental Health and Department of Child and Family mean less services for people in need, weakened ability for our social workers and human service workers to fulfill their missions, and potential impacts to the safety of clients and workers alike.

What's Needed

Diruhi's tragic death has devastated her family, friends and co-workers. But, it has also inspired significant attention to worker safety at her agency Family Continuity, and across the state. In an effort to create a "culture of safety", where the agency takes a lead role in developing and implementing policies aimed at preventing violence and promoting awareness, Family Continuity has, in the words of its CEO, Skip Stuck, asked the question, "What would Diruhi have wanted us to do? We all know that she'd have wanted to care for the families in need, but she'd compel us to look after her staff, and all of those who help families as well."

As a result, in part, from the needless loss of Diruhi Mattian, a state-wide coalition has formed, dedicated to preventing workplace violence for social workers and human service workers. The Task Force includes private and public social and human service agencies, Massachusetts Schools of Social Work, representatives of Service Employees International Union local 509, and the Massachusetts Chapter of the National Association of Social Workers (NASW). The Department of Children and Families recently completed a safety conference and has an active safety committee stressing training, human resource development and research. The groups have come together in joint efforts to prevent violence and create a safe working environment for social workers and human service workers across the state.

The Mass Nurses Association has also been active in responding to the high incidence of workplace violence and recommends that all healthcare employers implement a Workplace Violence Prevention Program that is consistent with OSHA *Guidelines for Preventing Workplace Violence to Health Care and Social Service Workers*. MNA bargaining units are also encouraged to address workplace violence and abuse prevention in contract language with their employers. They are also seeking passage of legislation that would increase the penalty for assault and battery on healthcare worker (S1753) and requiring health care employers to develop and implement programs to prevent workplace violence (S988).

Finally, the state should pass legislation that would require safe staffing levels to help reduce the risk of violence, such as a bill being championed by the Massachusetts Nurses Association (Safe Patient Handling, S803 and H2026) and another by SEIU 1199 that would prohibit mandatory overtime (S872), which also stretches staffing levels.

Electrocutions

Romulo Santos was electrocuted Tuesday, September 9, 2008 while performing demolition work at a construction job in Walpole. He was 47 years old, a Somerville resident and born in Brazil. He was working for a company that worked for a general contractor that worked for Wal-Mart. Prior to starting the demolition work he was told by the onsite electrical contractor that there were no live wires in the area where he was working. Neither Wal-Mart nor the general contractor was cited for the serious violations that caused Mr. Santos' death. But his employer and an electrical subcontractor received fines of \$9300 and \$6450, respectively. OSHA noted that this night-shift interior demolition job had numerous hazards—scaffolding problems, unguarded saws, and electrical hazards, which proved fatal. Safety training was inadequate and no inspection to assess hazards had been done. Wal-Mart was open for business as usual the next day.

Recent fatalities and injuries

The hazards of electricity have been recognized for a long time. Yet workers are still at risk for death and injury on the job. In 2008, three Massachusetts workers died by electrocution. From 1991 through 2007, 45 workers (2-3 per year) died as a direct result of contact with electricity. Most of the deaths occurred in construction and utility/transportation industries.

From 1996 through 2004, 276 workers (about 30 people per year) were hospitalized for work-related electrical injuries. Another 939 workers were treated in the emergency room from 2002 through 2005 (about 246 per year). These injury numbers underestimate the hazard and impact of electrical shock because falls, burns and other traumatic injuries, some that even may result in death, could occur after an electrical shock and may not be recognized as resulting from electrical shock. The effects of electrical injuries go beyond the obvious, sometimes causing long-term physical and psychological problems.

Hazards and Prevention

Among the hundreds of workers injured or killed each year are public sector workers not covered by OSHA and immigrant workers working on construction jobs with inadequate protections and vulnerable job status. Even treatment in the emergency room might be compromised if physicians aren't aware of the many injuries that might occur, including entry and exit wounds, as well as cardiac and neurological effects, some of which might last for years.

In many cases workers don't have the testing equipment they need to ensure that electricity has been shut off. They don't have adequate gloves and protective gear. And they haven't received mandated training that would help them identify potential hazards and know their rights to refuse life-threatening work. IBEW 103 has taken a lead in ensuring that their members are trained and carry membership cards with warnings about electrical injuries. They collaborated with MassCOSH and the Massachusetts Department of Public Health to provide information for doctors to ensure better diagnosis and treatment in case of an emergency.

What's Needed

Workers must be protected, and feel safe in asking for that protection. Immigrant, minority and low-income workers need access to unions through card-signing mechanisms; they need protection from unscrupulous employers that fail to offer proper protection on the job, trading on their vulnerable economic status; they need to be counted as employees, and not independent contractors which will ensure pay protection as well as the attention of OSHA.

Though electricians working for cities, states and other government entities are exposed to the same hazards as those in the private sector, only private sector employees are covered under the federal Occupational Safety and Health Act (OSHA). OSHA electrical safety requirements should be extended to the public sector to greatly reduce risks to these electrical workers as well.

Public Sector Workplace Injuries and Fatalities

On March 31, 2008 an electrician employed by the Commonwealth was injured while attempting to assess an electrical failure that resulted in a building-wide computer outage. He responded, even though the electrical failure occurred at a state building that was not his usual workplace. Private electrical contractors had been notified of the worsening problem the previous Thursday, and were scheduled to arrive later that day. OSHA could not investigate or issue fines, because the injury occurred to a public sector employee. An investigation by the Massachusetts Division of Occupational Safety found that the electrical panel allowed hazardous access, and that the state had not provided adequate protective gear, including heavy-duty leather gloves, clothing and eye and head protection.

They pick up our trash, put out our fires, care for our disabled and provide needed services for the state, in cities and towns or counties. Each year 10 – 15% of workers in Massachusetts killed on the job are public sector workers. Thousands more are injured or become ill - **but only private sector workers are covered under the federal Occupational Safety and Health Act (OSHA).**

Common Hazards

State Worker Occupation	Hazard	OSHA Standard	Public Sector Regulation
Electrical	Electrical Current	Lock /Tag out 1910.147(c)(1)	None
Water and Sewer MWRA & Massport	Crawl space, Manhole, contaminated air	Confined Space 1910.146 1910.146 (c)	None
Maintenance Workers	Fall from heights	Fall Protection 1910.95	None
Airport Ramp Workers	Noise /Hearing loss	Hearing Conservation 1910.95	None
Construction workers	Construction Hazards	Construction Standard 1926	None
Turnpike toll booth	Diesel Exhaust fumes	1910.1000	None
Longshoring, Massport	Fork Lift Trucks	1910.178, 1915, 1915.1000.	None
Mass Highway/Turnpike	Asphalt fumes	PPE 1910.132	None
Inspectors, engineers	Chemical exposures	Hazwoper Standard 1910.120	None

What's the problem with the current system?

When the Occupational Safety and Health Act was passed in 1970, the law made it an *option* but did not require states to provide OSHA protections to their public employees. But if a state adopted OSHA guidelines, the federal government would pick up 50% of the cost. More than 20 states provide public sector workers with equal protections – but not Massachusetts.

According to the Occupational Safety and Health Administration, the fatality rate for private sector employees has been cut in half since OSHA's inception in 1970.ⁱ The overall injury and illness rates have declined in industries where OSHA has concentrated its efforts.

Aside from the suffering that each injury, illness and death causes, the Commonwealth taxpayer pays a toll. Each year, Massachusetts taxpayers spend more than \$50 million in workers' compensation costs for injuries and illnesses for state employees alone.ⁱⁱ The costs for all state county and municipal employees are estimated at almost \$200 million per year. In New Hampshire, for example, the amount paid for workers compensation was reduced by 48% or \$2.6 million between 2001 and 2004, following a 1998 executive order extending OSHA protections to state departments.

What's Needed

Workers and unions across the Commonwealth are actively seeking to extend OSHA protections to public employees through legislation (H1871, S710) and are calling upon Governor Patrick to issue an executive order extending OSHA protections to state employees.

ⁱ OSHA results from "All about OSHA," federal publication OSHA2056.

ⁱⁱ Estimate of state workers' compensation costs from Commonwealth of Massachusetts, Human Resources Division.

Occupational Injuries and Illnesses in Massachusetts

Work-related fatalities are just the most tragic tip of the iceberg. It is hard to document the true extent of work-related injuries and illnesses. In many cases, there are no databases collecting this information; in other cases, the data that is collected is far from complete. What we *do* know, however, is cause for much concern.

Occupational Injuries and Illnesses

The Bureau of Labor Statistics (BLS) collects annual statistics on occupational injuries and illnesses in Massachusetts, based on employer records. Studies have shown that these employer injury and illness logs seriously underestimate the extent of job injury and illness. In addition, the BLS data does not include job injuries and illnesses suffered by public sector workers or the self-employed in Massachusetts – thousands of workers who are at high risk for on-the-job injuries and illnesses. All of this notwithstanding, in 2007, BLS data indicated that an estimated 89,600 private sector workers in Massachusetts – close to 4 out of every 100 – suffered an on-the-job injury or illness. About 36,500 of these workers lost time from work; and 14,800 lost more than 10 days of work. Although Massachusetts had a lower overall rate of on-the-job injuries and illnesses in 2007 compared with the nation, Massachusetts had a higher rate of the more serious occupational injury and illness cases (those resulting in lost work days).

Occupational Disease

It is even more difficult to document the true scope of work-related disease. Many occupational diseases are never diagnosed as work-related for a variety of reasons, including the fact that the onset of the illness may be many years after exposure to the substance/hazard. There are several tracking systems in Massachusetts that collect data on certain occupational diseases:

Mesothelioma is a rare yet highly fatal cancer of the lining of the lung and abdomen. Prior exposure to asbestos, primarily in the workplace, explains the majority of mesothelioma cancer cases. The rate of mesothelioma in Massachusetts is higher than the rate for the US as a whole. In 2005 (the latest year for which statistics are available), 109 Massachusetts residents were diagnosed with mesothelioma.

Occupational Cancer: From 2001 through 2005, an average of 35,280 cancer cases were newly diagnosed in Massachusetts each year. Occupational exposures contribute substantially to the burden of cancer, and thousands of cancer cases could be prevented each year in Massachusetts if workers' exposures to cancer-causing agents such as asbestos, silica, the dry-cleaning solvent "perc" or x-rays, were eliminated or reduced. Recently, the International Agency for Research on Cancer (IARC) recognized the link between overnight shift work and cancer and classified this type of work as a "probable human carcinogen."

Lead poisoning: Lead can cause serious health problems in adults as well as in children. Workers in a number of Massachusetts workplaces and industries continue to be exposed to dangerous levels of lead. In 2008, 177 adults with high blood lead levels (greater than or equal to 25 mcg/dl) were reported to the Massachusetts Occupational Lead Poisoning Registry. Many more may be affected, but, particularly those in small businesses such as radiator repair, are never tested for lead. The majority of Massachusetts workers with high lead levels work in construction (primarily housepainters and de-leaders). Hispanic workers are at high risk for occupational lead poisoning, and immigrant and minority workers continue to be at increased risk as well.

Work-related asthma: More than 300 chemicals used in workplaces today can cause asthma, and 15-30% of asthma in adults is believed to be work-related. Based on findings from a statewide survey in Massachusetts, an estimated 27,000 adults in Massachusetts have been told by their doctors that their asthma was related to work. Many doctors never ask their asthma patients about workplace exposures, so the actual number of occupational asthma cases is much higher.

The Massachusetts Department of Public Health (MDPH) tracks cases of work-related asthma. While only a small fraction of all cases are reported to MDPH, the information collected underscores problems that need to be addressed. Between 1993 and 2006, health care work in Massachusetts was the most frequently reported occupation among people with job-related asthma; those who work in schools had the second highest. Commonly reported exposures linked with asthma included poor indoor air quality, cleaning products, dust, mold, smoke, latex, and isocyanates.

Source: Occupational Health Indicators for Massachusetts, Massachusetts Department of Public Health, Occupational Health Surveillance Program, April 2009, <http://www.mass.gov/dph/ohsp>.

Massachusetts Workers Suffer Higher Rates of Musculoskeletal Disorders

Musculoskeletal disorders (MSDs), which include back injuries, strain and repetitive strain injuries involving days away from work, are the nation's biggest job safety problem. Bureau of Labor Statistics (BLS) national data in 2007 documented over 357,000 MSD cases that resulted in workers losing days from work, which is nearly one-third (30%) of all reported injury and illness cases. A recent study published in the April, 2006 *Journal of Occupational and Environmental Medicine (Vol. 48 Issue 4)* concluded that BLS data miss approximately two-thirds of work-related injuries and illnesses. Thus, the true number of serious MSD cases is likely to be closer to 1,071,000. These injuries are painful, disabling, expensive and preventable.

The incidence rates for serious musculoskeletal disorders are significantly higher in Massachusetts than for the United States as a whole.

Rate of Musculoskeletal Disorders with Days Away from Work, 2007 By Industry		
<i>Bureau of Labor Statistics, U.S. Department of Labor</i>		
Industry Sector	Massachusetts*	United States*
All Private Industries	52.2	35.2
Transportation & Warehousing	170	83
Health Care and Social Assistance	97.8	55.4
Agriculture, Forestry, Fishing & Hunting	88.9	29.5
Construction	84.3	41.4
Retail Trade	65.6	42.5
Wholesale Trade	65.6	42.7
Other Services	38.5	21.9
Manufacturing	48.9	41.1
Utilities	55.0	35.4
Real Estate and Rental, Leasing	12.1	29.9
Leisure and Hospitality	23.6	19.8
Education Services	26.2	15.2
Information	18.8	18.2
Professional and Business Services	25.8	16.8
Finance & Insurance	1.4	5.8
Mining	not reported **	13.7
* Rates are expressed per 10,000 full-time workers.		
** Indicates data does not meet BLS publication guidelines.		

Eight years ago, on March 20, 2001, President Bush – in his first major legislative action – signed legislation repealing OSHA's ergonomics standard. This important worker safeguard was ten years in the making and would have prevented hundreds of thousands of workplace injuries each year.

Workers and unions in Massachusetts and across the country are actively seeking the protections we need to halt the epidemic of work-related MSDs, including:

- Pursuing state ergonomics regulations to protect workers from these disabling injuries.
- Bargaining strong workplace ergonomics protections in contract language.
- Demanding that OSHA use its "general duty clause" to cite and fine employers who are injuring and crippling workers, until there is a federal OSHA ergonomics standard.
- Educating workers about ergonomic hazards and control measures so that they can act collectively to take action.

Job Deaths Investigated by OSHA (January 1 – December 31, 2008)

(City and town names indicate where fatality took place)

	Proposed	Actual
1/7/2008 Massachusetts Institute of Technology , Cambridge Kenneth Wright, 88, fell from a height.	\$42,000	\$35,000
1/10/2008 Haynes Trucking , Assonet Michael Crawford, 47, fell into a truck of woodchips.	\$1,500	\$1,500
1/17/2008 D.W. White Construction, Inc. , Peabody Steven Pelletier, 43, was struck by a skid steer.	\$7,000	\$3,500
1/22/2008 Creative Papers , Worcester David Gonzalez, 24, was pulled into a piece of machinery and crushed.	\$29,500	\$16,125
3/24/2008 Dublin Steel Corp. , Palmer Gary Bouchard, 57, died of welding fume inhalation.	\$5,850	\$3,600
4/4/2008 National Envelope Corp. , Worcester Henry Cibzewski, 61, was crushed by a forklift.	\$7,500	\$3,750
5/17/2008 Green Mountain Insulation , Falmouth Colony Insulation, Inc. Robert Cowhey, 41, died of inhalation injuries incurred from a fire.	\$10,400 \$10,400	\$6,240 \$5,200
5/29/2008 Peabody Supply Company, Inc. , North Andover Douglas Chafee, 53, fell from a hydraulic forklift.	\$14,500	\$12,300
6/3/2008 Brox Industries , Lawrence Robert Augeri, 31, was struck by a truck while doing road work.	\$14,700	\$10,000
6/22/2008 Newark Group, Inc. / Haverhill Paperboard Co. , Bradford Lloyd Benjamin, 50, fell from a ladder.	\$38,000	\$16,500

6/30/2008 Horizon Big Construction, Inc. , East Boston Israel Nunes DaMata, 27, fell from a ladder.	\$1,500	Case not closed
7/7/2008 Harlan Electrical Co. , Haverhill John Kaye, 52, died following an electric shock.	\$11,500	Employer contesting fine
8/14/2008 Sarens , Quincy Daniel Marr & Son Co. Robert Harvey, 28, was crushed by a crane collapse.	\$21,000 \$12,000	Case not closed \$10,000
9/9/2008 Italo Masonry , Walpole T&M Electric Romulo Santos, 47, was electrocuted.	\$9,300 \$6,450	Case not closed Case not closed
10/3/2008 Boston Power Crushing Corp. , Westford Manuel Neves, 62, was crushed by a metal plate.		Open Case – no citations issued yet
10/10/2008 Lymo Construction Co. , Waltham Christopher Beste, 30, and Peter Marchese, 40, fell to the ground when a boom lift tipped over.		Open Case - no citations issued yet
10/16/2008 Pioneer Valley Railroad Distribution Services , Westfield Brian Duncan, 31, was crushed while unloading a freight car.	\$1,500	Employer contesting fine
11/13/2008 Jayco Painting , Cohasset Anthony Brzoski fell from an unguarded floor edge.		Open Case - no citations issued yet
12/1/2008 S&F Concrete Contractors, Inc. , Fairhaven Michael Soares, 39, fell from a roof.	\$5,500	\$5,500

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 2008 representing cases of egregious employer misconduct in Massachusetts

OSHA Fines Six Massachusetts Firms for Failure to Provide Fall Protection

Falling from a height caused nearly one in five work-related fatalities in Massachusetts in 2008, yet many employers still do not provide the proper fall protection to their workers. OSHA levied fines on seven Massachusetts firms who were found to have exposed their employees to fall hazards in 2008, including **Barletta Heavy Division Inc.** of Canton, MA and **Erie Interstate Contractors Inc.** of Lancaster, NY, whose employees were removing lead paint from steel support beams at Commonwealth Pier in Boston.

Barletta and Erie face proposed fines totaling \$199,100 for thirty serious violations and three willful violations of health and safety regulations. OSHA defines a willful violation as one committed with plain indifference to or intentional disregard for employee safety and health. A serious citation is issued when death or serious physical harm is likely to result from a hazard about which the employer knew or should have known.

Violations included the lack of a safe walkway between the pier and the barge on which the employees worked; inadequately protected scaffolding; and trip-and-fall hazards due to ill-kept work platforms, all of which exposed the employees to possible drowning in Boston Harbor should a fall occur.

Homeland Builders Inc., a construction contractor from Fall River, MA with a history of failing to provide fall protection at worksites throughout southern New England faces a proposed fine of \$214,800 for sixteen safety violations at a Milford, CT worksite, most of which were fall-related. Workers on the jobsite were seen on several occasions working without fall protection on the roof of the structure under construction, as well as on scaffolds and on the raised fork of industrial powered trucks.

Alex General Construction Inc., a roofing contractor from Milford, MA, also with a long history of fall protection violations, was cited for \$117,000 in fines for failing to provide fall protection for employees who were working on a 24 foot steep-pitched roof in Norwich, CT. In addition to the lack of fall protection, workers were also exposed to other hazards such as an aluminum extension ladder placed within 18 inches of an energized power cable.

OSHA began an investigation into **Barco Metal Fabrication**, a Marshfield, MA steel erection contractor, on the day that an employee at a Pembroke, MA jobsite was injured after falling 20 feet. Employees on the site were not provided with the required forms of fall protection such as safety belts, lanyards, guardrails or safety nets. The incident resulted in violations totaling \$55,600.

Shawnlee Construction of Plainville, MA was cited for lack of fall protection at a worksite in Concord, NH where employees were working atop 15-foot high trusses during the construction of a McDonald's Restaurant. The fall-related violations totaled \$82,500 and several other violations brought the total to \$96,500 in proposed fines.

Three Massachusetts Firms Fined for Cave-In Hazards

Trenching and excavation is recognized as one of the most hazardous operations in the construction industry. According to OSHA, the fatality rate for excavation work is 112% higher than the rate for general construction. Cave-ins are perhaps the most feared trenching and excavation hazard, and several employers in Massachusetts were issued citations and proposed fines for failing to protect their employees from this hazard. **Baltazar Contractors Inc.** of Ludlow, MA faced the largest proposed fine – \$70,100 for repeat, serious and willful violations at a sewer installation site in Marlborough, MA. Employees working in the excavation were not provided a safe means of egress, and the unprotected excavation was not properly inspected.

Cape Ann Equipment, a Haverhill, MA contractor, was issued citations for one serious and one willful violation totaling \$43,200 for failing to provide cave-in protection with employees working in a 7-foot trench at a water main repair site in Billerica, MA.

A proposed \$21,000 fine was handed to **James T. Lynch Contractors, Inc.** of Reading, MA for failing to protect against a sidewall collapse in a 7-foot deep excavation during the construction of a McDonald's Restaurant in Concord, NH. This is the same worksite where a separate contractor, **Shawnlee Construction**, was cited for fall hazards.

Two Massachusetts Manufacturers Fined for Numerous Health and Safety Violations

Mantrose-Hauser Co. Inc., an industrial and pharmaceutical food coatings manufacturer located in Attleboro, MA faces \$192,000 in proposed fines for 29 repeat, willful and serious violations. OSHA began an investigation after an incident in which a worker lost his hand when it became caught in a rotating valve in 2007. The largest fine for a single violation at the plant was issued due to the lack of any procedure for shutting down machines and locking out their power source to prevent unintended startup. This willful violation resulted in a \$70,000 proposed fine. Other violations included hazards involving blocked, obstructed or unmarked emergency exit doors; fire extinguishers not being ready available; confined space hazards; and unlabeled containers for chemicals.

OSHA issued \$115,000 in proposed fines against **Kahr Arms**, an arms manufacturer and test firing range located in Worcester, MA. OSHA initiated the inspection in response to employee complaints. Two willful citations resulted from the lack of monitoring to determine employees' lead exposure levels during range-clearing operations, and of engineering controls to reduce lead exposure. Other violations included a lack of protective clothing and failure to adequately shield workers from rebounding bullet fragments during test-firing operations.

Rhode Island Firm Cited for Willful Safety Violations at Steel Erection Site in Taunton

Ajax Construction Co. Inc., a steel erection contractor from Harrisville, RI, was issued proposed fines of \$239,600 for 15 violations of steel erection safety standards at a Taunton, MA worksite. The OSHA inspection was initiated when the overhead decking on which employees were working collapsed, caused by the improper use of an industrial powered truck to straighten a disconnected steel girder. The unsafe practice exposed workers to several potentially catastrophic hazards, including being struck or crushed by the machinery, or the structure itself.

Why OSHA Must Be Strengthened:

Audit Finds that OSHA Failed to Enforce Job Safety Laws Against Employers Who Repeatedly Risked Workers Lives

A recent report by the U.S. Department of Labor's Office of the Inspector General (OIG) found that OSHA has not properly enforced the law against employers who qualify for the Enhanced Enforcement Program (EEP) – a program that allows for stricter enforcement measures against employers who have been found to have put workers in danger in the past. In 97 percent of the cases audited by the OIG, OSHA's follow-up was found to be deficient or lacking. The report found that if properly enforced, the EEP may have deterred or abated workplace hazards at the worksites of 45 employers where 58 subsequent fatalities occurred.

The OIG audited 282 cases in the Atlanta, Chicago and Dallas in which an employer qualified for the EEP. In over half of these cases, OSHA did not properly designate the employer as qualifying for the program. Without proper classification, enhanced enforcement actions that may have deterred future violations were not available. Of these cases that were not properly designated, 24 employers had 33 subsequent fatalities.

While too few employers were actually designated for enhanced enforcement, the audit also found that even when properly designated, OSHA often did not use the stricter enforcement measures available to them through the EEP. In 29 of the cases where OSHA designated the employer for enhanced enforcement, no enhanced enforcement actions were undertaken. 20 subsequent fatalities occurred at these 29 worksites, 14 of which were in cases that shared similar violations to those cited in the past.

For EEP qualifying employers with multiple worksites, all related worksites are subject to enhanced enforcement actions and should be inspected, even if no injuries or fatalities have occurred in the past. In 226 of the audited cases (80 percent), OSHA did not inspect any related worksites. Of these cases, 34 employers had 47 additional fatalities.

Follow-up inspections to ensure abatement of previous violations were also found to be lacking. OSHA did not conduct proper follow-up in 146 of the audited cases (52 percent). Of these cases, 5 subsequent fatalities occurred at the same worksite where previous violations were found.

The audited cases covered inspections spanning from the inception of the EEP in October of 2003, through March 31, 2008. We are counting on the Obama administration to address these deficiencies and fulfill their promise to protect workers' health and safety on the job. With the appointment of Secretary of Labor Hilda Solis and Deputy Assistant Secretary for OSHA Jordan Barab, both of whom have a strong track record on safety and health issues, the Administration has taken a step in the right direction.

We will be looking to the Obama administration to continue to select leaders for our nation's occupational safety and health agencies—OSHA, NIOSH, and MSHA—who have strong professional qualifications in the field of occupational safety and health; experience with the major issues the agency faces including standard setting, enforcement, education and training, and the vision to lead the agency in new ways that expands the community of stakeholders to the public and puts workers first in its approach. We also expect nothing less from the Obama administration than to ensure health and safety protection of all workers through tough enforcement of existing regulations, new worker protections, and research.

How Much is a Worker's Life Worth?

OSHA Penalties Issued For Employers of Workers Who Died on the Job in Massachusetts 1/1/2008 – 12/31/2008

Year	Number of Settled Cases	Average Proposed Penalty	Average Final Penalty	Percent Reduction in Penalties
2008	13	\$15,296	\$9,939	35%

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

What Your Body Is Worth According To the State Workers Compensation System*

Loss of hearing
In one ear: \$31,704.83
In both ears: \$84,181.79

Loss of major arm: \$47,010.61

Minor arm: \$42,637.53

Loss of both arms: \$104,953.92

Loss of leg: \$42,637.53

Loss of foot: \$31,704.83



Loss of sight
In one eye: \$42,637.53
In both eyes: \$104,953.92

Loss of taste: \$16,696.64

Loss of major hand:
\$37,171.18

Loss of sexual function:
\$10,932.70

10" scar on your leg: \$0

*The rates quoted apply to losses following a work-related
Injury occurring after October 1, 2008
Source: Massachusetts Department of Industrial Accidents (DIA)

Deaths from Workplace Injuries in Massachusetts (1986-2008)

During the 22-year period, 1986-2008, 304 out of the Commonwealth's 351 cities and towns have had a worker killed on the job from acute traumatic injuries. This represents over three-quarters of all communities in our Commonwealth.

Summary List of Cities/Towns and Number of Deaths

Abington:	1	Burlington	4	Great Barrington:	5
Acton:	3	Brookfield:	1	Granville	1
Acushnet:	5	Cambridge:	31	Granby:	3
Adams:	1	Canton:	4	Greenfield:	3
Agawam:	5	Carver:	1	Groton:	2
Amesbury:	1	Centerville:	1	Hadley:	3
Amherst	1	Charlton:	8	Halifax:	1
Andover:	7	Chatham:	10	Hamilton:	1
Arlington:	3	Chelmsford:	6	Hancock:	1
Ashburnham:	3	Chelsea:	13	Hanover:	2
Ashland	1	Cheshire:	1	Hanson:	1
Ashby	1	Chester:	1	Hampden:	1
Assonet	1	Chicopee:	11	Harvard:	1
Athol:	4	Chilmark	1	Harwich:	1
Attleboro:	9	Clarksburg:	2	Hatfield	1
Auburn:	3	Clinton:	3	Haverhill:	9
Avon:	1	Cohasset:	3	Hingham:	4
Barnstable:	8	Colrain:	1	Hinsdale:	3
Barre:	2	Concord:	5	Holbrook:	4
Beckett:	1	Cummington:	1	Holden:	4
Bedford:	8	Dalton:	2	Holland:	1
Belchertown:	3	Danvers:	7	Holliston:	2
Bellingham:	4	Dartmouth:	6	Holyoke:	15
Belmont	1	Dedham:	1	Hopedale:	3
Berkley:	2	Deerfield:	4	Hopkinton:	3
Berlin	1	Dennis:	1	Hudson:	4
Bemardston:	1	Dighton:	5	Hull:	3
Beverly:	7	Dracut:	5	Huntington:	2
Billerica:	5	Dunstable	1	Hyannis:	10
Blackstone	2	Duxbury:	4	Hyde Park	1
Boston *:	206	E. Bridgewater:	1	Ipswich:	4
Allston:	4	E. Longmeadow:	1	Kingston:	3
Charlestown:	4	Easton:	2	Lakeville:	3
Dorchester:	25	Eastham:	1	Lancaster	1
East Boston**:	71	Edgartown:	3	Lawrence:	7
Jamaica Plain:	1	Egremont:	1	Lee:	3
Roslindale:	2	Erving:	2	Leicester:	2
Roxbury:	9	Everett:	10	Leominster:	14
South Boston:	9	Fairhaven:	8	Leyden:	1
W. Roxbury:	1	Fall River:	23	Lexington:	8
Bourne:	8	Falmouth:	9	Lincoln:	5
Boxford:	2	Fitchburg:	9	Littleton:	5
Boxborough:	3	Florida:	1	Longmeadow	2
Braintree:	10	Foxboro:	3	Lowell:	17
Brewster	2	Framingham:	7	Ludlow:	6
Bridgewater:	8	Franklin:	7	Lunenburg:	1
Brighton:	2	Freetown:	4	Lynn:	16
Brimfield:	2	Gardner:	3	Malden:	7
Brockton:	24	Gay Head:	1	Manchester:	2
Brookline:	13	Gloucester:	26	Mansfield:	7
		Grafton:	2		

Marblehead	1	Oxford:	2	Taunton:	9
Marlborough:	13	Palmer:	8	Templeton	1
Marshfield:	4	Paxton:	1	Tewksbury:	6
Martha's Vineyard:	1	Peabody:	5	Tisbury:	1
Mashpee:	2	Pembroke	4	Townsend:	2
Mattapoisett:	2	Pepperell:	1	Tyringham	3
Medford:	7	Petersham:	2	Upton:	1
Medfield	1	Pittsfield:	10	Wakefield:	17
Medway:	2	Plainville:	3	Walpole:	10
Melrose	2	Plymouth:	22	Waltham:	11
Mendon:	2	Princeton:	1	Ware:	2
Methuen:	8	Provincetown:	7	Wareham:	6
Middelboro:	1	Quincy:	13	Warren	1
Middlebury:	1	Randolph:	5	Watertown:	2
Middlesex	1	Raynham:	3	Wayland:	3
Middleton:	1	Reading:	2	Webster:	4
Milford:	4	Rehoboth:	4	Wellesley:	4
Millbury:	4	Revere:	7	Wellfleet:	1
Millis:	2	Rochester:	4	Wenham:	1
Monson:	1	Rockport:	2	West Bridgewater:	4
Monterey:	1	Rowley	1	West Brookfield	1
Nahant *:	1	Rutland	1	West Chatham:	1
Nantucket:	18	Russell:	1	West Falmouth:	2
Natick	2	Salem:	16	West Springfield:	11
Needham:	3	Salisbury:	3	West Stockbridge:	1
New Bedford*	46	Sandwich:	1	West Wareham	1
Newbury:	2	Saugus:	5	Westborough:	4
Newburyport:	6	Saxonville:	1	Westfield:	12
Newton:	23	Scituate:	5	Westford:	6
Norfolk:	1	Seekonk:	4	Westminster:	5
North Adams:	9	Sharon:	3	Westport*:	6
North Attleboro:	6	Shelburne:	1	Weston:	3
North Andover:	7	Shirley:	1	Westwood:	5
North Billerica:	3	Shrewsbury:	10	Weymouth:	3
North Chelmsford:	1	Somerville:	17	Whately:	2
North Dartmouth:	1	South Dartmouth:	1	Whitman:	1
North Dighton:	1	South Hadley:	4	Wilbraham:	3
North Grafton:	1	South Lee:	1	Williamsburg:	2
North Reading	3	Southborough:	2	Williamstown:	7
Northampton:	7	Southbridge:	3	Wilmington:	2
Northboro:	2	Southwick:	1	Winchester:	3
Northbridge:	1	Spencer:	5	Windsor:	3
Northfield:	1	Springfield:	23	Winthrop:	2
Northington:	2	Sterling:	1	Woburn:	16
Norton:	4	Stockbridge:	2	Worcester:	51
Norwell:	1	Stoneham:	2	Woods Hole:	3
Norwood:	2	Stoughton:	4	Wrentham:	5
Oak Bluff:	1	Sturbridge:	2	Yarmouth:	7
Orange:	2	Sudbury:	3	Unknown Homeport	8
Orleans:	1	Sutton:	2	Blank Death Cert.	3
Otis:	1	Swampscott:	1		
Oxbridge:	2	Swansea:	5		

*Some of the fisherman deaths had these cities as home ports. **65 of the 71 deaths from East Boston are attributed to workers who died as part of the 9/11/01 terrorist attacks. Sources: Mass Department of Public Health, OSHA, and newspaper articles.

Summary OF OSHA 11(c) Complaints (Anti-discrimination/retaliation Complaints) Filed in Massachusetts for Calendar Years 1998-2008

[Note: Workers file OSHA 11(c) complaints when they have been discriminated against, disciplined or fired for raising health and safety concerns, calling OSHA and/or for exercising other legal rights covered by the Occupational Safety and Health Act. Section 11(c) of the Occupational Safety and Health Act is supposed to protect workers who have suffered such illegal discrimination.]

	<u>1998</u>	<u>1999</u>	<u>2000</u>	<u>2001</u>	<u>2002</u>	<u>2003</u>	<u>2004</u>	<u>2005</u>	<u>2006</u>	<u>2007</u>	<u>2008</u>
Total number of OSHA 11(c) complaints filed in Massachusetts:	58	51	56	66	38	47	43	32	24	25	35
Number of these complaints that involved job loss:	46	36	34	48	37	44	42	28	23	21	29
Number of these complaints dismissed by OSHA as not having merit:	31	35	23	35	30	36	30	22	13	12	20
Number of these complaints withdrawn by complainant:	4	5	7	5	4	4	4	0	1	2	4
Number of these complaints determined by OSHA to have merit:	3	10	9	14	3	10	4	3	4	0	0
Number of these complaints involving job loss which were settled by OSHA:	2	2	8	10	4	9	9	6	7	12	11
Number of these complaints where complainant sought job reinstatement:	na	na	2	12	24	22	28	13	12	9	1
Number of settlements involving job reinstatement and back pay:	0	1	0	0	1	2	2	2	0	3	1
Number of settlements involving back pay but no reinstatement:	2	3	7	9	3	6	3	3	8	6	10
Number of 11(c) complaints in which the Solicitor of Labor sought punitive damages:	na	na	2	0	0	0	1	0	0	0	0
Number of OSHA staff in Massachusetts in devoted to investigating 11(c) complaints:	2	2	3	3.25	3	3	3	3	4	2.5	4



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.