

Safety and Health Update February 2009

More than three decades ago, Congress passed the Occupational Safety and Health Act, promising every worker the right to a safe job. Unions and our allies have fought hard to make that promise a reality - winning protections that have saved hundreds of thousands of lives and prevented millions of workplace injuries. Nonetheless, the toll of workplace injuries, illnesses and deaths remains enormous. In 2007, more than four million workers were injured and 5,488 workers were killed due to job hazards. Another 50,000 died due to occupational diseases.

After eight years of neglect and inaction by the Bush Administration, the challenges are great. The economy is in shambles, major hazards remain unaddressed, and many workers lack basic protections and rights. But now with a new Administration that is on workers' side, we have the opportunity to change the direction of the country, to strengthen job safety protections and to make sure that workers' voices are heard.

In 2009, we must organize, take action and fight for:

- **Full OSHA Coverage for All Workers** – Nearly 40 years after the passage of the OSHAct, more than 8.8 million state and local public employees, flight attendants and other workers have no protection under the OSHA law. Legislation is needed to provide them the same job safety rights and protections as other workers.
- **Stronger Criminal and Civil Penalties for Violations** – The average penalty for a serious violation of the OSHA law continues to be woefully low – only \$960. The median penalty in enforcement cases involving a worker's death was only \$3,675. Criminal penalties under the OSHA law are weaker than all other safety and health laws, limited to those cases where a willful violation results in the death of a worker, and even then is only a misdemeanor. The OSHAct needs to be strengthened so there are serious consequences for companies that put workers in danger and repeatedly break job safety laws.
- **New Workplace Safety and Health Standards** – In 38 years, OSHA has set standards for only 29 toxic substances; for many hazards standards are out of date or non-existent. Under the Bush Administration, the issuance of new regulations and protections ground to a halt. The only significant safety and health rules issued were as a result of court order or Congressional action. There is a

huge backlog of standards that need to be issued including rules on silica, beryllium, cranes and derricks, diacetyl and combustible dust.

- **Protections Against Ergonomic Hazards** – Musculoskeletal disorders (MSDs), like back injuries and carpal tunnel syndrome – remain the biggest job safety problem, responsible for 30 percent of all workplace injuries and costing billions of dollars each year. In 2001, the Bush Administration joined with anti-worker business groups to repeal OSHA's ergonomics standard and for eight years did little to address the problem. Action is needed to require employers to identify musculoskeletal disorders on workplace injury logs and to enforce against ergonomic hazards under OSHA's general duty requirements. New federal OSHA standards must be developed to protect workers from crippling ergonomic injuries.
- **Complete and Accurate Reporting of Workplace Injuries and Illnesses and Prohibition on Practices that Discourage Injury Reporting** – Even though the toll of workplace injuries is high, recent studies have found that these reports may miss as many as two out of three workplace injuries. Increasingly workers are being discouraged from reporting job injuries, often facing discipline or termination when they are injured. OSHA must take action to prohibit policies and practices that discourage workers from reporting workplace injuries and step up enforcement on employer injury recording and reporting requirements.
- **Improved Mine Safety Protections** – In 2006, as a result of the Sago mine disaster and other mining disasters, the Congress enacted the Mine Improvement and New Emergency Response (MINER) Act. The legislation required stricter standards on mine rescue teams, communications and oxygen availability and set mandatory minimum penalties for egregious and repeated violations. Further enhancements are needed to put in place protections to prevent disasters and to protect workers from injuries and diseases, including new coal dust standards to prevent black lung disease, which is on the rise.
- **Worker Protections for Pandemic Flu** – In the event of a pandemic flu outbreak, millions of healthcare workers and other responders will be on the front lines, and at increased risk of infection, disease and death. Current voluntary guidelines to protect workers are inadequate and many healthcare facilities have taken no action to prepare for a flu pandemic. In 2007, the Bush Administration refused to issue an emergency OSHA standard, claiming that OSHA could not act until a flu pandemic occurred. Action is needed to make sure that workers are protected before, not after, a flu pandemic occurs.
- **Increased Funding for OSHA, MSHA and NIOSH** – Over the years, funding for the nation's job safety programs has greatly eroded. OSHA's FY 2008 budget of \$486 million – compared to \$7.5 billion for the Environmental Protection Agency – amounts to only \$3.89 per worker. Federal OSHA has 570 fewer inspectors today than in 1980 and can inspect workplaces on average only once every 133 years. While OSHA staff and resources have significantly declined,

the U.S. workforce has increased by 60 million workers – more than 80 percent – since 1980. The budget for NIOSH - \$274 million in FY 2008 – is smaller than any other federal research agency. If U.S. workers are to be protected, the budgets and staff of the job safety agencies must be increased.

- **Health Care and Compensation for World Trade Center Responders** – Thousands of emergency workers, construction workers and others who rushed to the World Trade Center (WTC) to assist in rescue and recovery operations are now seriously ill as a result of toxic exposures. Many are disabled and some have died. Through the efforts of the New York Congressional delegation and the unions, temporary funding has been secured for medical monitoring and treatment for these workers. But a long-term, permanent solution is needed. Legislation (H.R. 847) to provide ongoing medical care and compensation for workers and community members who are now sick has been reintroduced in the 111th Congress. Action is needed now to pass this legislation to provide 9/11 responders the care and compensation they need and deserve.

American workers need stronger safety and health laws and protections. With the election of President Obama and a Congress that is on workers' side, there is a real opportunity to change the direction of the country and to improve workers' lives.

Prepared by: AFL-CIO Safety and Health, February 2009

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