

# DYING FOR WORK IN MASSACHUSETTS

*Loss of Life and Limb  
In Massachusetts Workplaces*



*Photo: [www.earldotter.com](http://www.earldotter.com)*

## Workers' Memorial Day April 28<sup>th</sup>, 2010

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## Transients

Walking onto jobsites lugging  
toolbox gear and a lunch  
to be eaten at morning coffee

we make home by conversation  
gathered around some appliance  
hauled back from the dumpster;

settling in — even on a long job — with only  
our place on a bench and a nail hook  
we've driven in ourselves.

Gaping earth to steel to trim —  
the decks of players  
get shuffled and reshuffled.

Hard times: almost  
anything  
traded to avoid layoff.

— Susan Eisenberg

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Construction Site (Cornell).

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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 2010 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:

Letitia Davis, Michael Fiore, Kathleen Grattan, James Laing, Shona Fang, Elise Pechter, Lucy Bullock, Maile Ray, Occupational Health Surveillance Program, Massachusetts Department of Public Health  
Marthe Kent, A. Theresa Awiszus, US Occupational Safety and Health Administration  
Paul Sciuchetti, Bureau of Labor Statistics  
Earl Dotter  
Ann Backus, Harvard University, School of Public Health  
Jackie Newell, United Food and Commercial Workers  
Arthur Lopes, President of Laborers Local 1144  
Robert McCarthy, Arlene Doe, Massachusetts Association of Firefighters  
Seung-Sup Kim  
Ananda Tan, Global Alliance for Incinerator Alternatives

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
14. United States Environmental Protection Agency
14. High Road or Low Road: Job Quality in the New Green Economy, Philip Matera et al, February 2009 (for the recycling section)
15. <http://www.recyclingworkscampaign.org>

## Executive Summary

April 28, 2010 marks the 22<sup>nd</sup> 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 workers in Massachusetts lost their lives on the job in 2009—most suffered fatal injuries at work. An average of 1.2 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 600 workers died in 2009 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 six servicemen and women from Massachusetts who died as a result of the War in Iraq in 2009 and through March 31, 2010, and seven servicemen and women who died in Afghanistan.

### ***What are their ages and occupations?***

The average age at death was 46 years old, with a range of 20 to 73 years. Forty-six percent of those who were fatally injured on the job were 50 years old or older (28/60 fatalities). Twenty-five percent of those who were fatally injured were age 40-49 and eight percent of the total deaths were over the age of 60.

The construction industry remains one of the most dangerous for workers with nine on-the-job fatalities occurring in 2009 (15% of total). Seven fishermen died on the job, accounting for 12% of the total workplace deaths. Firefighters suffered 9 (15% of total) line of duty fatalities, all but one due to work-related cancer and heart disease.

### ***What is Killing Them?***

- **Transportation** related accidents accounted for eleven occupational fatalities. Ten of the eleven incidents involved a truck or auto crash and one involved a driver being crushed by a rolling car. In six of the accidents the driver suffered a fatality. Four incidents involved a worker being struck by a car or truck.
- **Falls** of all types caused one-sixth (10 out of 60) of all occupational fatalities in Massachusetts in 2009. Six of the ten falls occurred in the construction industry.
- **Commercial fishing** claimed the lives of four Massachusetts fishermen in 2009. Three additional self-employed fisherman died on the job as well. From 2000 – 2009 commercial fishing has been the most dangerous single occupation in Massachusetts. 47 fishermen died on the job during the nine year period.
- **Workplace violence** was responsible for the deaths of six workers who were killed during the performance of their work.
- **Crushed-by incidents:** Thirteen workers from a wide range of industries and occupations died from crushed-by incidents.

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

*On May 4, 2009, Joseph Teixeria was killed at a New Bedford seafood processing plant after becoming caught in the moving parts of a large industrial ice-making machine. The ensuing OSHA investigation found that Northern Wind, the employer, had failed to establish steps and procedures to power down and lock out the ice machine's power source before employees entered the machine. An additional twenty-one health and safety violations were found at the plant, resulting in a \$42,000 citation.*

OSHA lacks funding, staff and tools to deter violations. Fatal and serious workplace injuries in 2009 continued to occur because Massachusetts employers ignored OSHA regulations and failed to institute basic safety measures such as “lock-out tag-out” procedures 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 121 years for OSHA to inspect each workplace under its jurisdiction in Massachusetts.
- In Massachusetts in 2009, the average fine (based on final penalties) assessed to an employer with OSHA violations resulting in the death of a worker was \$13,306.
- 9 of the 14 penalized employers involved in settled OSHA cases in 2009 paid less than \$10,000, and 4 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.

### **Recycling employers, under the banner of “green jobs”, benefit from public funding – yet provide some of the dirtiest, most hazardous jobs.**

*On August 3, 2009, a chemical release at ABC Disposal Inc. resulted in the hospitalization of 117 workers, including plant employees, firefighters and other emergency responders. Investigators were unable to identify the gas, described as “dense vapor,” released at the New Bedford recycling facility. Most of the exposed workers were treated and released, but two were in critical condition. Several community members reported that workers, predominately immigrants employed through a temporary agency, had brought safety concerns to the company in the past but that they had been ignored.*

Recycling has grown dramatically over the past two decades, as the nation seeks ways to improve the environment and, in particular, combat climate change. Over 5,000 Massachusetts workers are employed in the recycling industry, according to the Northeast Recycling Council. Over the past few years, the recycling industry has received an infusion of public funding – federal, state and local – to help increase its impact. But these jobs remain some of the dirtiest, most dangerous, and lowest-paid. Many recycling plants employ temporary workers who work for minimum wage. Just because a job is green, doesn't make it safe and well-paid.

### **Public sector workers lack OSHA protections**

*Jeffrey Burgess, a 35 year old City of Attleboro employee, was struck and killed by a minivan while helping repair a water main break. Burgess had walked into the street to close the water valve when the minivan hit him, pinning him underneath a public workers truck. An investigation by the Massachusetts Division of Occupational Safety found that none of the employees of the water department had received formal work zone training or were familiar with the standard developed by the Federal Highway Administration to ensure safety in work zones.*

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***

*Six days each week for nine years, Martin worked from 6:30 AM to 11:00 PM, building houses and treating water-damaged basements for the same Boylston, MA-based employer. He earned \$6 to \$8/hour. As Martin dug a hole in a basement, the employer, who was driving an excavator, dropped a piece of wood on Martin's head, resulting in a traumatic head injury. Seven years later, Martin suffered a second injury. When he pursued workers compensation, the employer denied having ever employed him. Martin is owed thousands of dollars in unpaid wages and suffers from persistent hearing problems and headaches.*

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 contribute to 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.

### ***Workers are at risk of workplace violence***

*On October 25<sup>th</sup>, 2009, Hegazy Sayed was working at a gas station in Taunton. At around 10:00 PM he was shot during an attempted robbery, leaving him dead. On December 28<sup>th</sup>, 2009, Surendra Dangoi was shot and killed during another attempted robbery at a Tedeschi Convenience Store in Jamaica Plain.*

In 2009, five workers in Massachusetts were the victims of work-related homicides. Unlike other occupational hazards, workplace violence involves a criminal act, and the prevention of workplace injuries and fatalities requires not just increased safety measures in the workplace, but law enforcement and crime reduction efforts to prevent incidents from occurring. It would be wrong, however, to think of these incidents as solely a law enforcement issue or an inevitable “fact of life” in high crime areas. There are important steps that can be taken to reduce the chance of injury or death when an incident of workplace violence takes place.

### ***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.
- Last 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 Commonwealth to continue the full implementation of the Executive Order and then move as quickly as possible to requiring that all agencies comply with national health and safety standards.
- 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 by passing the Employment Agency Bill (Senate Bill 2364) which will require agencies to provide written notice of key details of job assignments, including, the name of the agency, 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.

***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 2009 and through March 31, 2010. 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 2009. 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 2009 and through March 31, 2010 as a result of the wars in Iraq and Afghanistan.

Matteo Russo, 36, Fisherman, Gloucester	1/03/09	Kerry Connors, 58, Arborist, Harwich	11/03/09
John Orlando, 58, Fisherman, Gloucester	1/03/09	Robert Gustin, 73, Driver, Weymouth	11/17/09
Kevin Kelley, 52, Fire Lieutenant, Boston	1/09/09	Julian Huggins, 36, Carpenter, Boston	11/19/09
Andrew Taylor, 62, Plumber, Quincy	1/14/09	Erik Ulwick, 28, Fire Captain, Melrose	11/13/09
Stephen Maiorano, 57, Truck Driver, Tyngsboro	1/23/09	Anderson Cadell Jr., 44, Truck Driver, Chelmsford	12/01/09
Darren Barnicoat, 35, Construction Supervisor, Boston	1/23/09	Dennis Scott, 36, Mechanic, Grafton	12/08/09
Steve Rosemond, 37, Heavy Equipment Operator, Boston	1/20/09	Emile Emond Jr., 44, Loading Dock Worker, Seekonk	12/21/09
Richard Cashin, 52, State Police Captain, Saugus	1/28/09	John Nadeau, 43, Construction Worker, Methuen	12/21/09
Maurice Ricketts, 35, Machinist, Cambridge	1/28/09	Surendra Dangoi, 39, Convenience Store Clerk, Boston	12/26/09
Richard Perry, 53, Carpenter, Deerfield	2/03/09	Robert Johnson, 57, Fire Captain, Harwich	12/26/09
James Williamson, 51, Tech Supervisor, Boston	2/07/09		
Nicholas Thomas, 30, Laborer, Middleboro	2/09/09	Carlton Soper, 73, Georgetown	2/04/10
Marc Sugrue, 56, Arborist, South Hadley	2/25/09	David Zolendziewski, 53, Police Officer, Holyoke	2/11/10
Bruce Sinclair, 35, Maintenance Man, Chelsea	3/13/09	Geraldo Serrano, Sr., 71, Butcher, Boston	2/21/10
Russell Santheson, 53, Laborer, Kingston	3/20/09	Kevin Bell, 52, Operations Officer, Fitchburg	3/27/10
Anne Steele, 71, Housekeeper, Hancock	4/11/09		
Mark Fidrych, 54, Truck Driver, Northborough	4/13/09		
Julissa Brissman, 25, Masseuse, Boston	4/14/09		
Joseph Teixeira, 40, Maintenance Supervisor, New Bedford	5/04/09		
John Carvalho, 49, Public Works Employee, Fall River	5/07/09		
Timothy Kourafas, 51, Mechanic, Easton	5/22/09		
Paul Roberts, 54, Fire Fighter, Beverly	5/22/09		
Kevin Kelly, 54, Fire Fighter, Newton	5/30/09		
Justin Cordeiro, 20, Seafood Worker, Fall River	6/03/09		
Geraldo Pereira, 50, Painter, Dennis	6/07/09		
Paul Pinto, 55, Fisherman, Plymouth	6/11/09		
Christopher West, 41, Shell Fisherman, Orleans	7/01/09		
Paul Tintoni, 43, Truck Driver, Boston	7/07/09		
Thu Nguyen, 59, Deliveryman, Lawrence	7/30/09		
Timothy McKenna, 49, Shell Fisherman, East Falmouth	8/01/09		
Manuel Monteiro, 47, Chef, Dorchester	8/02/09		
Michael Davey, 34, Police Officer, Weymouth	8/24/09		
Henry O'Brien, 40, Manager, Westford	8/26/09		
Gregory Butler, 36, Temp Worker, Westford	8/26/09		
Jeffrey Burgess, 35, Maintenance Worker, Attleboro	8/31/09		
Alan Forsyth, 51, Forklift Operator, Taunton	8/31/09		
Todd Woodcome, 33, Electrician, Stow	9/01/09		
Robert Cunha, 49, Mechanic, Boston	9/04/09		
Michael Edwards, 58, Fire Fighter, Cambridge	9/07/09		
Claudel Belizaire, 29, Rental Foreman, Halifax	9/10/09		
Christopher Hopkins, 31, Fisherman, Truro	9/11/09		
Joseph Covalucci, 58, Fire Fighter, Everett	9/12/09		
Charles Ford, 50, Carpenter, Cohasset	10/07/09		
Joseph Gaultier, 52, Tow Truck Proprietor, Wareham	10/08/09		
Michael Coyne, 48, Fire Fighter, Chelsea	10/10/09		
Jamie Ortiz, 43, Lobsterman, Gloucester	10/13/09		
John Balben, 60, Fire Fighter, Sudbury	10/15/09		
Richard DiPietro, 65, Mechanic, Northborough	10/16/09		
Hong Ngoc Nguyen, 49, Assembly Worker, Brockton	10/23/09		
Hegazy Sayed, 45, Gas Station Attendant, Taunton	10/25/09		

**U.S. Troops from Massachusetts who Died as a Result of the War in  
Afghanistan in 2009**

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
Sgt. 1 <sup>st</sup> Class Kevin A. Dupont, 52, U.S. Army, Templeton	6/17/09
Cpl. Nicholas G. Xiarhos, 21, U.S. Marines, Yarmouth Port	7/23/09
Capt. Benjamin A. Sklaver, 32, U.S. Army, Medford	10/02/09
Capt. Kyle R. Van De Giesen, 29, U.S. Marines, North Attleboro	10/26/09
Sgt. Benjamin W. Sherman, 21, U.S. Army, Plymouth	11/04/09

**U.S. Troops from Massachusetts who Died as a Result of the War in Iraq in  
2009**

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
Petty Officer 2 <sup>nd</sup> Class Tyler J. Trahan, 22, U.S. Navy, East Freetown	4/30/09
Spec. Jordan W. Shay, 22, U.S. Army, Salisbury	9/03/09

## A Face Behind the Numbers

### Jeffrey Burgess



On September 1<sup>st</sup>, 2009, Jeffrey Burgess, a 36 year old City of Attleboro employee, was struck and killed by a minivan while helping repair a water main break. Burgess had walked into the street to close the water valve when the minivan hit him, pinning him underneath a public works truck.

A member of Laborers Local Union 1144, Burgess worked for the water department for 10 years and had previously worked for the city public works department and parks and forestry department. He left a wife and a 2-year-old daughter, along with his parents.

“Jeffery’s death has been devastating for the family and the union. You go to work and you never know when tragedy is going to strike,” said Arthur Lopes, President of Laborers Local 1144. “While we’ll never be able to bring back Jeffrey, we want to do everything possible to make sure that no other worker suffers the same fate.”

Burgess was one of 16 public employees who lost their life due to a work zone accident in 2009. As with most work zone accidents, there were a number of safety measures that could have reduced the likelihood of injury or death had they been implemented. Because state and local government employees are not covered under the federal Occupational Safety and Health Act, there is no entity with the authority to regulate or cite a municipality in the state of Massachusetts when a preventable workplace accident occurs.

When a workplace fatality does occur in the public sector, the state Division of Occupational Safety (DOS) investigates the incident and issues a report. According to the DOS report for this incident, a police detail was provided near the actual water main break, but not at the location where Burgess and a fellow worker were turning off the water. The report also noted that none of the employees of the water department, nor the officers providing the detail, had received formal work zone safety training. None of the employees interviewed by DOS were familiar with the Manual on Uniform Traffic Control Devices (MUTCD), the standard developed by the Federal Highway Administration to ensure safety in work zones. DOS also noted that there appeared to be “some confusion over whether the police department or the public works department was responsible for the set up of the work zones.”

According to DOS, the City of Attleboro water and police departments have since developed a cooperative agreement which calls for a police officer to halt traffic when water department employees walk into the road to turn off valves. The city has also instituted work zone safety measures, including providing comprehensive work zone training for city employees.

## Recycling Jobs: Not Green Unless They Are Safe

On August 3, 2009, a chemical release at ABC Disposal Inc. in New Bedford resulted in the hospitalization of 117 workers, including plant employees, firefighters and other responders. Investigators were unable to identify the gas that was released, which was described as a “dense vapor. Most of exposed people were treated and released, but two people were in critical condition, unconscious and required a ventilator. Residents near the company also suffered from eye irritations, nausea and respiratory problems. Several community members reported that workers had brought safety concerns to the company in the past but that they were ignored. The vast majority of the workers were Mayan immigrants, and most were employed by a temp agency contracted by ABC Disposal. OSHA cited the company for violations of guarding of floor and wall openings. In business for 40 years, ABC Disposal Company processes 200,000 tons of commercial, construction and residential waste per year and is the recycling contractor for the City of New Bedford. The company’s website introduces itself as an environmental friendly recycling plant.

### Burgeoning green jobs industry

Recycling has grown dramatically over the past two decades, as the nation seeks ways to improve the environment and combat climate change. Over 5,000 Massachusetts workers are employed in the recycling industry, according to the Northeast Recycling Council. Incineration and landfills, two alternatives to recycling, are substantial contributors to climate change. Waste incineration is more carbon intensive than coal power, and releases mercury, dioxins, and other harmful emissions. Landfills are one of the leading human-caused sources of methane, a powerful gas that causes climate change.

Over the past few years, the recycling industry has received support amongst a number of local and state governments, and there is a growing interest in shifting existing taxpayer subsidies away from destructive practices of landfills and waste incinerators towards generating greater recycling benefits. However, many of these recycling jobs remain some of the dirtiest, dangerous, and lowest-paid in society. Many recycling plants employ temporary workers who work for minimum wage. **Just because a job is green, doesn’t make it safe and well-paid.**

### Hazards

Accidents at recycling facilities like ABC Disposal Company are not isolated. Seven recycling workers were killed between June and December of 2009 in the United States:

- In June, three workers died of hydrogen sulfide gas poisoning while they were cleaning a dry well at Jamaica, N.Y recycling facility.
- In July, a man was killed at a Los Angeles, CA recycling facility after he became entangled in a card board recycling shredder.
- In July, a man was crushed by a front loader at an Indiana recycling facility.
- In September, a Concord, NH worker was crushed by a forklift at a recycling facility
- In December, a Myrtle Beach, SC worker died after he was stuck by the back of a dump truck at recycling facility.

Workers employed in recycling plants are exposed to a wide range of hazards – contact with hazardous liquids, inhalation of chemicals, exposure to dead animals, animal waste and blood born pathogens; and exposure to broken glass and other sharp objects. Workers involved with the transport of recycled goods are exposed to a host of other hazards including contact with waste, truck accidents and other heavy machinery accidents.

Massachusetts is home to at least ten electronic recycling facilities, an industry that has substantial hazards. In a process of dismantling electronics, workers can be exposed to the high concentration of heavy metals such as mercury and lead.

Over the past 5 years, ten Massachusetts recycling companies received OSHA citations for more than 65 violations ranging from powered machinery requirements to confined space to the hazard communication standard.

### **What's Needed?**

While some may argue that a low road approach is essential to keeping project costs down, this argument fails to take into account the economic and social costs of unsafe conditions and low wages.

While federal and state incentives and investments are required to greatly increase recycling activities across the U.S., these funds need to be guided by strong worker safety and public health safeguards. San Francisco, California, has achieved one of the highest recycling rates in the U.S. (75%) through a unionized workforce, whose starting wage is over \$20 dollars an hour, and the workers enjoy numerous employment benefits and safe work conditions. This model should serve as a benchmark for all efforts to create "green jobs" through recycling.

All facilities receiving public funding should be required to have a comprehensive health and safety plan. Cities and towns should carefully monitor the type of safety training that is provided to ensure that it meets or exceeds OSHA requirements, in particular providing hazard communication training in the language spoken by the employees. Cities and towns should eliminate waivers that exempt recycling facilities from living wage ordinances. The same training, wages and benefits that are provided to permanent employees should be afforded to temporary employees.

The state should pass the Employment Agency Bill (Senate Bill 2364) which will require temporary agencies to provide written notice of key details of job assignments, including the name of the agency, 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

The US should ratify the Basel Convention to stop exporting our burden of electronic wastes disposal to developing countries, thereby transferring the toxic exposures from the US to those with far fewer resources and, in many cases, standards and enforcement, to protect their workers.

## Public Sector Workplace Injuries and Fatalities

On May 5, 2009, John Carvalho, a Fall River trash collector, was killed after falling off the back of a trash truck. The truck was moving at 20 – 25 miles per hour, according to the driver. While the trash trucks have a sticker posted stating that throwers are not to ride on the outside if a truck exceeds 10 miles per hour, the Massachusetts Division of Occupational Safety (Mass. DOS) noted that only 5 of the 16 trash vehicles had the three seats needed to accommodate the driver and two throwers. The report also noted that the department had laid off 20 of its 80 collectors as a result of the poor economy but because trash collection was frequently behind schedule the Fall River Department of Community Maintenance had brought back some employees on a part-time basis. John Carvalho was one of those part-time employees.

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

### Fatalities and Injuries that Could Have Been Prevented

(September 2009) Jeffrey Burgess, a 36 year old City of Attleboro employee, was struck and killed by a minivan while helping repair a water main break. Burgess had walked into the street to close the water valve when the minivan hit him, pinning him underneath a public works truck. According to a Mass DOS investigation, a police detail was not provided at the location where Burgess and the employee were turning off the water. The report also noted that none of the employees of the water department, nor the officers on the detail, had received formal work zone safety training. None of the employees interviewed by DOS were familiar with the Manual on Uniform Traffic Control Devices (MUTCD), the standard developed by the Federal Highway Administration to ensure safety in work zones. DOS also noted that there appeared to be “some confusion over whether the police department or the public works department was responsible for the set up of the work zones”.

(September 2009) An employee of the Public Facilities Department in a city in southeastern MA was seriously injured when the aerial lift truck he was working in was struck by a tractor trailer. The worker was painting the metal poles that hold traffic signals. The 54 year old worker has required multiple surgeries. An investigation by Mass. DOS found several failed safety measures which contributed to this preventable accident: **(1) Inadequate barricades to mark off the work area.** The DOS report noted that there was just one cone placed near the truck and no caution or warning signs on either side of the work area to warn approaching vehicles. **(2) Failure to provide a police detail.** While there would typically be a second worker on site to warn oncoming traffic, the report indicated that the second employee had been called to another site, forcing the employee to work alone. **(3) Lack of sufficient restraint or fall protection system.**

(November 2009) A state maintenance employee suffered a serious leg injury after a seven foot ladder on which he was standing gave way, causing him and the ladder to fall onto a concrete floor of a state building. The employee had been brought in to check for water leaks that were infiltrating an elevator shaft and appeared to be coming from the penthouse. Prior to the arrival of this employee, the elevator company had apparently removed a ladder that was attached to a wall and placed it on top of a fixed ladder. The maintenance employee climbed onto what was essentially a double-deck, extremely precarious ladder within a crawl space inside the penthouse.

An investigation by Mass. DOS found safety measures severely lacking in several areas: **(1) Failure to enact confined space safety measures.** No employee should enter confined spaces unless proper confined space entry procedures have been implemented. Before entering spaces such as elevator crawl spaces, the atmosphere should be tested for oxygen deficiency and toxics, and mechanical hazards and other energy sources should be locked out. **(2) Failure to ensure that all outside contractors submit a full safety program.** In particular, contractors can not compromise the integrity of any fixed structures that might impact the safety of state employees. **(3) Failure to provide safety training on ladder safety.** *Had the employer been a private sector employer, these measures would have been required under federal regulations set forth by OSHA.*

(December 2009) A school custodian in a town north of Boston was stuck with needles that were in trash bags, as he was cleaning up after an H1N1 flu clinic. To prevent infection, he received prophylaxis, including testing and the start of the Hepatitis B vaccine series. An investigation by Mass. DOS found several failed safety measures which contributed to this accident: **(1) Failure to ensure that needles were placed in sharps containers.** While sharps disposal boxes were provided, the needles that stuck the custodian were not placed properly in the boxes. **(2) Failure to exclusively use “safer” needles.** While it appears that most of the needles provided were safer ones, there was apparently one box at the clinic of conventional needles. The town’s Board of Health Director was uncertain as to whether any of the conventional needles were used at the clinic. **(3) Failure to provide training and information on the prevention of blood borne diseases.** According to the custodian, he had not received this training through the school system.

*In each of the above instances, had the employer been a private sector employer, the measures called for by Mass. DOS would have been required under federal regulations set forth by the United States Occupational Safety and Health Administration (OSHA).*

## **What’s Needed**

Last Workers Memorial Day, April 28, 2009, Massachusetts Governor Deval Patrick took an important step forward by issuing an executive order requiring all state agencies to establish labor-management health and safety committees. In accordance with Executive Order 511, health and safety committees have begun to document hazards and safety measures that are currently in place compared with consensus standards and standards developed by national safety experts.

The legislature needs to build upon this and extend safety and health protections to all public employees, including municipalities and authorities. Municipalities and authorities can and should voluntarily offer to comply with the Executive Order and, further, agree to comply with the consensus standards. Authorities should also invite the state to investigate all major accidents and fatalities.

## 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.

### Massachusetts Employers' Reports of Work-Related 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-related injuries and illnesses. 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 2008, BLS data indicated that an estimated 82,600 private sector workers in Massachusetts – close to 4 out of every 100 – suffered a non-fatal injury or illness at work that required more than first aid. Forty percent of these injuries and illnesses were serious enough to result in lost work time. In fact, every year since 2000, the rate of these more serious cases have been consistently higher in Massachusetts than in the nation as a whole.

### Public Sector Workers

Public sector workers make up close to 12% of the workforce in Massachusetts providing many vital services to the state's 6.5 million residents. Recognizing the need for information on public sector workers, the Massachusetts Department of Public Health (MDPH) characterized serious occupational injuries and illnesses among state agency workers using workers' compensation claim records submitted to the Massachusetts Department of Industrial Accidents in 2005. For every 100 workers, nearly 2 claims were filed for injuries and illnesses resulting in five or more lost workdays (1.7 per 100 workers). The leading causes of these injuries were some form of bodily reaction and exertion, such as slipping without falling, overexertion from lifting patients or pulling/pushing objects, which accounted for 29% of all claims. Workers in healthcare-related occupations accounted for 17% of all state workers, yet this occupation group reported the most claims (36%), the majority of which were among workers in developmental and mental health services. These findings are important because they provide much needed and otherwise unavailable, information on the work-related injury and illness experience of state workers.

In 2008, for the first time, some state and local public sector agencies in Massachusetts voluntarily submitted data about on-the-job injuries and illnesses to BLS for inclusion in the official statistics. Injury and illness rates for public sector workers were slightly higher than those for private sector workers with the highest rates reported for local municipal workers who include firefighters and police.

### Massachusetts Residents' Reports of Work-related Injuries and Use of Worker's Compensation

The Massachusetts Department of Public Health (MDPH) has recently released new findings from the Behavioral Risk Factor Surveillance System (BRFSS), which collects information through telephone interviews with a sample of Massachusetts residents. MDPH found that that 4.2% of employed residents were injured seriously enough while doing their jobs that they required medical attention - yet only 60% of these injured workers reported that workers' compensation paid for their care. These findings support a growing body of evidence that Massachusetts workers are not receiving all the workers' compensation and other occupational health benefits to which they are entitled. The costs of these benefits are being shifted to other forms of insurance or publically supported care which can ultimately result in greater costs to patients, their families, and Massachusetts residents in general.

## **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:

**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 2009, 272 people 15 years of age or older with high blood lead levels (greater than or equal to 25 µg/dl) were reported to the Massachusetts Occupational Lead Poisoning Registry. Many more may be affected, but, particularly those in small businesses, such as house painting, are never tested despite OSHA regulations that may require such testing. The majority of Massachusetts workers with high lead levels work in construction (primarily housepainters and de-leaders). Latino workers are at high risk for occupational lead poisoning, and immigrant workers continue to be at increased risk as well.

New EPA regulations require persons paid to perform work that disturbs paint in housing and child-occupied facilities built before 1978 to be licensed by the state, receive accredited training and certification, and comply with certain work practice requirements.. Employers affected by the legislation may include (but are not limited to) residential rental property owners/managers, general contractors, and special trade contractors, such as painters, plumbers, carpenters, and electricians. A pamphlet on how to comply with the EPA's rule, entitled "EPA Small Entity Compliance Guide to Renovate Right", can be found at: <http://www.epa.gov/lead/pubs/sbcomplianceguide.pdf>. The Massachusetts Division of Occupational Safety is undertaking a process to determine whether it will take on the role of enforcing these regulations.

**Mesothelioma** is a rare yet highly fatal cancer of the lining of the lung and abdomen caused by inhalation of asbestos, nearly always in a workplace setting. In 2006 (the latest year for which statistics are available), 97 Massachusetts residents were diagnosed with mesothelioma, and the rate of mesothelioma in Massachusetts consistently exceeded that for the nation for the last several years. Mesothelioma takes many years to develop so cases identified today are due to asbestos exposure in the past. High rates of mesothelioma are in large part a legacy of Massachusetts' shipbuilding industry.

**Occupational Cancer:** In 2006, there were 37,295 newly-diagnosed cancer cases in Massachusetts. 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.

**Work-related Asthma:** Workplace exposures can also cause asthma or make asthma worse. According to recent findings from the Massachusetts BRFSS, 40% of adults with asthma report that their asthma was either caused or made worse by exposures at work. Work-related asthma is a reportable condition in Massachusetts, and the Occupational Health Surveillance Program tracks cases reported to the MDPH by health care providers and hospitals. While only a small fraction of all cases are reported to MDPH, they provide important information about industries and occupations where workers are at risk, as well as hazards that need to be corrected. Between 1993 and 2006, health care work in Massachusetts was the most frequently reported occupation among people with job-related asthma followed by work in manufacturing and schools. Commonly reported exposures linked with asthma included poor indoor air quality, cleaning products, dust, mold, smoke, latex, and isocyanates.

Source: Occupational Health Surveillance Program, Massachusetts Department of Public Health, <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 2008 documented over 317,440 MSD cases requiring a median of 10 days away from work. This represents nearly one-third (29%) 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.**

<b>Rate of Musculoskeletal Disorders with Days Away from Work, 2008 By Industry</b>		
<i>Bureau of Labor Statistics, U.S. Department of Labor</i>		
Industry Sector	Massachusetts*	United States*
<b>All Private Industries</b>	<b>49.7</b>	<b>33.4</b>
Transportation & Warehousing	137.6	79.3
Health Care and Social Assistance	94.1	52.5
Agriculture, Forestry, Fishing & Hunting	49.4	31.2
Construction	70	41.1
Retail Trade	63.7	38.3
Wholesale Trade	63.0	38.7
Other Services	25.0	27.8
Manufacturing	44.6	38.0
Utilities	37.1	30.8
Real Estate and Rental, Leasing	74.7	33.0
Leisure and Hospitality	22.3	19.7
Education Services	33.0	17.9
Information	35.1	18.6
Professional and Business Services	23.0	13.9
Finance & Insurance	2.6	6.4
Mining	not reported **	25.9
* 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. Strategies around the U.S. have included:

- 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, 2009)  
 (City and town names indicate where fatality took place)

	<b>Proposed</b>	<b>Actual</b>
1/23/2009 <b>A.A. Will Corporation</b> , Boston Darren Barnicoat, 35, was struck by falling bricks.	\$21,000	\$21,000
2/7/09 <b>Reliable Roofing and Sheet Metal LLC</b> , Boston James Williamson, 51, was thrown from a boom lift.	\$31,000	\$31,000
3/13/2009 <b>State Garden Inc.</b> , Chelsea Bruce Sinclair, 35, was crushed while repairing a material hoist.	\$21,000	\$7,000
3/20/2009 <b>Kelleher &amp; Son Paving</b> , Kingston Russell Santheson, 53, was trapped underneath a forklift.	\$5,700	\$5,700
4/11/2009 <b>Jiminy Peak Mountain Resort</b> , Hancock Anne Steele, 71, died from injuries sustained from a fall.	\$10,500	\$6,750
5/4/2009 <b>Northern Wind</b> , New Bedford Joseph Teixeira, 40, was crushed in an ice-making machine.	\$66,800	\$42,000
6/3/2009 <b>Blount Seafood Corporation</b> , Fall River Justin Cordeiro, 20, was crushed by a container.	\$7,000	\$5,000
6/7/2009 <b>Silas Desouza Construction</b> , Dennis Geraldo Pereira, 50, fell from a roof.	\$9,800	\$9,800
7/7/2009 <b>Burke Distributing Corp.</b> , Boston Paul Tintoni, 43, fell from a trailer.	\$4,000	\$4,000
8/31/2009 <b>Super-Dog Pet Food Co.</b> , Taunton Alan Forsyth, 51, fell from a forklift after a collision.	\$41,600	\$27,000
9/1/2009 <b>Commonwealth Electrical Technologies</b> , Stow Todd Woodcome, 33, was electrocuted.	\$15,500	\$8,500
9/4/2009 <b>Aramark of Fenway Park</b> , Boston <b>Waste Management of Massachusetts</b> Robert Cunha, 49, was pinned by a trash compactor.	\$4,500 Open Investigation	\$2,250
9/10/2009 <b>Liddell Leasing, Inc.</b> , Halifax Claudel Belizaire, 29, was crushed by a wheel loader.	\$7,000	Case not closed

10/7/2009 <b>Beta Works, LLC</b> , Cohasset Charles Ford, 50, fell from a height.	\$36,050	Case not closed
10/16/2009 <b>Borgaard Construction Corp.</b> , Northborough Richard DiPietro, 65, was caught in a skid steer machine.	\$16,750	\$13,000
10/23/2009 <b>David Gooding Inc.</b> , Brockton Hong Ngoc Nguyen, 49, was struck by a falling object.	Open investigation	
11/3/2009 <b>McCabe Tree Service</b> , Harwich Kerry Connors, 58, fell from a ladder.	\$4,200	Case not closed
11/17/2009 <b>Enterprise Holdings</b> , Weymouth Robert Gustin, 73, was crushed by a car.	No Fine	
11/19/2009 <b>West Seldon Construction</b> , Boston Julian Huggins, 36, fell from a scaffold.	Open investigation	
12/1/2009 <b>United Oil Recovery Inc.</b> , Chelmsford Anderson Caddell Jr., 44, was struck by a car in a work zone.	Open investigation	
12/21/2009 <b>Estes Express Lane</b> , Seekonk Emile Emond Jr., 44, was crushed by a forklift.	Open investigation	
12/21/2009 <b>3 ML Construction Company</b> , Methuen John Nadeau, 43, fell from a roof.	\$6,300	\$3,294

## **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 2009 representing cases of egregious employer misconduct in Massachusetts

### **Egregious Health and Safety Violations Lead to Significant Fines for Mass. Manufacturers**

OSHA issued citations of over \$40,000 to eleven different manufacturing firms in Massachusetts in 2009, all of which involved multiple health and safety violations. Most cases involved worker exposure to hazardous chemicals. Other common violations included electrical hazards and improperly guarded machinery causing a risk of, and in some cases resulting in, a worker injury.

A combined \$442,000 citation was handed to **Composite Solutions Ltd.** and **ADP TotalSource II Inc.**, two firms that share a composite materials research, development, manufacturing and assembly facility in Rockland, MA. OSHA cited 87 separate health and safety violations between the two firms, the most serious of which related to lead exposure. The companies failed to conduct required monitoring of lead levels, follow basic lead hygiene procedures and ensure respiratory protection for workers.

**M.S. Walker Inc.**, a Somerville, MA blender and distributor of alcoholic beverages received \$147,600 in fines for 26 health and safety violations, the most serious involving a lack of adequate ventilation for the plant's rectifying room where large quantities of flammable ethyl alcohol are blended. Lack of ventilation causes a buildup of flammable vapors, creating the possibility of a fire or explosion.

**The Dodge Co. Inc.**, a Cambridge, MA embalming fluid manufacturer was fined \$138,000 for various chemical and electrical hazards at their production facility, including worker overexposure to formaldehyde used during the production process. Other citations involved electrical hazards, unguarded machines, untrained forklift operators and the use of unapproved forklifts where flammables are used.

OSHA fined **Fluid Management Systems** of Watertown, MA \$125,000 for 29 electrical and chemical hazards. The most serious violations related to employees working in close proximity to energized electrical circuits without proper training or equipment. In almost all instances, OSHA standards require circuits to be de-energized before employees work on them, and that personal protective equipment be used when de-energizing is not possible. Chemical hazards included improperly stored compressed gas and unlabeled containers of hazardous materials.

A fine of \$70,000 was levied on **Solo Cup Co.** of North Andover, MA for 19 violations, most related to deficiencies in the plant's process safety management (PSM) program. A PSM program is mandated by OSHA when workers risk exposure to hazardous chemicals. In the case of Solo Cup, employees work with large quantities of the flammable gas difluoroethane, used in the production of Styrofoam plates. OSHA determined that proper safety procedures were not established and workers were not properly trained on the hazards. OSHA also fined **Stavis Seafoods, Inc.**, a Boston seafood processor \$47,250 for deficiencies in its PSM program. Workers in this case risked exposure to anhydrous ammonia, a hazardous chemical used in the facility's refrigeration system.

Three OSHA investigations were sparked by accidents that occurred at manufacturing facilities. Workers were injured in two of the accidents, and the third incident involved a chemical leak where workers were fortunate not to have been exposed. **Brady Enterprises** of Weymouth, MA was fined \$66,500 after an employee was caught in a labeling machine while cleaning it. OSHA's inspection found that the labeling machine's moving parts were not guarded and its power source had not been shut down and locked out

before cleaning. Brady Enterprises received a repeat citation for the lockout/tagout violation because they had been previously cited for a similar accident that occurred in 2006 which resulted in a worker losing parts of two fingers.

A worker at **Dale Medical Products** of Plainville, MA lost the tip of a finger due to inadequately guarded packaging machines. The resulting investigation fined the firm \$58,100 for failure to properly guard several machines.

An investigation prompted by a chlorine gas leak reported at **Metalor Technologies** of North Attleboro, MA resulted in a citation of \$46,500. The company had significant deficiencies in its Process Safety Management Program, required by OSHA due to workers' risk of exposure to chlorine gas, a hazardous chemical used to purify metals.

**F&B Rubberized Inc.** of New Bedford and **New Balance Athletic Shoe Inc.** of Lawrence, MA were both cited for a raft of health and safety violations at their facilities. Both involved multiple electrical hazards resulting in fines of \$44,250 and \$42,225, respectively.

### **Five Massachusetts Firms Fined Over \$30,000 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.

**Lawrence-Lynch Corp.** of Falmouth was cited \$69,300 in fines after an excavation collapse at a worksite in Kingston. Workers on the site were in a 5.5 foot deep excavation when a sidewall collapsed, injuring and partially burying one worker who was struck by unsupported asphalt which fell from a sidewall. The firm was cited for not following regulations to prevent the sidewall collapse and for failing to support the asphalt which fell on the worker.

In other instances, OSHA inspections led to citations before an accident could take place. Inspectors cited **G.Lopes Construction Inc.** \$60,000 for failing to shore the sidewalls of an excavation and failing to provide a safe means of exit at a jobsite in Taunton, MA and fined **CELCO Construction Corp.** \$55,200 for the same violations at a jobsite in Pembroke, MA. Citations for similar violations were also handed to **Annese Electrical** at a jobsite in Ayer and to **P. Gioioso & Sons** at a jobsite in Hyde Park, MA, resulting in fines of \$35,000 and \$33,700 respectively.

All of these instances could have resulted in a potentially devastating cave-in had OSHA not intervened. OSHA requires that excavations five feet or deeper be protected against collapse.

## How Much is a Worker's Life Worth?

### OSHA Penalties Issued For Employers of Workers Who Died on the Job in Massachusetts 1/1/2009 – 12/31/2009

Year	Number of Settled Cases	Average Proposed Penalty	Average Final Penalty	Percent Reduction in Penalties
2009	14	\$18,675	\$13,306	29%

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: \$31,746.30  
In both ears: \$84,291.90

Loss of sight  
In one eye: \$42,693.30  
In both eyes: \$105,091.20

Loss of major arm: \$47,072.10  
Minor arm: \$42,693.30  
Loss of both arms: \$105,091.20

Loss of taste: \$16,696.64

Loss of major hand:  
\$37,219.80

Loss of leg: \$42,693.30

Loss of sexual function:  
\$10,947.00

Loss of foot: \$31,746.30

10” scar on your leg: \$0



\*The rates quoted apply to losses following a work-related  
injury occurring after October 1, 2009  
Source: Massachusetts Department of Industrial Accidents (DIA)

## Deaths from Workplace Injuries in Massachusetts (1986-2009)

During the 23-year period, 1986-2009, 307 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	Grafton:	3
Acton:	3	Brookfield:	1	Great Barrington:	5
Acushnet:	5	Cambridge:	33	Granville:	1
Adams:	1	Canton:	4	Granby:	3
Agawam:	5	Carver:	1	Greenfield:	3
Amesbury:	1	Centerville:	1	Groton:	2
Amherst:	1	Charlton:	8	Hadley:	4
Andover:	7	Chatham:	11	Halifax:	2
Arlington:	3	Chelmsford:	7	Hamilton:	1
Ashburnham:	3	Chelsea:	15	Hancock:	2
Ashland:	1	Cheshire:	1	Hanover:	2
Ashby:	1	Chester:	1	Hanson:	1
Assonet:	1	Chicopee:	11	Hampden:	1
Athol:	4	Chilmark:	1	Harvard:	1
Attleboro:	10	Clarksburg:	2	Harwich:	3
Auburn:	3	Clinton:	3	Hatfield:	1
Avon:	1	Cohasset:	47	Haverhill:	9
Barnstable:	8	Colrain:	1	Hingham:	4
Barre:	2	Concord:	5	Hinsdale:	3
Beckett:	1	Cummington:	1	Holbrook:	4
Bedford:	8	Dalton:	2	Holden:	4
Belchertown:	3	Danvers:	7	Holland:	1
Bellingham:	4	Dartmouth:	6	Holliston:	2
Belmont:	1	Dedham:	1	Holyoke:	15
Berkley:	2	Deerfield:	5	Hopedale:	3
Berlin:	1	Dennis:	2	Hopkinton:	3
Beverly:	8	Dighton:	5	Hudson:	4
Billerica:	5	Dracut:	5	Hull:	3
Blackstone:	2	Dunstable:	1	Huntington:	2
Boston *:	224	Duxbury:	4	Hyannis:	10
Allston:	4	E. Bridgewater:	1	Hyde Park:	1
Charlestown:	4	E. Falmouth:	1	Ipswich:	4
Dorchester:	28	E. Longmeadow:	1	Kingston:	4
East Boston**:	72	Easton:	3	Lakeville:	3
Jamaica Plain:	1	Eastham:	1	Lancaster:	1
Roslindale:	2	Edgartown:	3	Lawrence:	8
Roxbury:	9	Egremont:	1	Lee:	3
South Boston:	9	Erving:	2	Leicester:	2
W. Roxbury:	1	Everett:	11	Leominster:	14
Bourne:	8	Fairhaven:	8	Leyden:	1
Boxford:	2	Fall River:	25	Lexington:	8
Boxborough:	3	Falmouth/N Falmouth:	10	Lincoln:	5
Braintree:	10	Fitchburg:	9	Littleton:	5
Brewster:	2	Florida:	1	Longmeadow:	2
Bridgewater:	8	Foxboro:	3	Lowell:	17
Brighton:	2	Framingham:	7	Ludlow:	6
Brimfield:	2	Franklin:	7	Lunenburg:	1
Brockton:	25	Freetown:	4	Lynn:	16
Brookline:	13	Gardner:	3	Malden:	7
		Gay Head:	1	Manchester:	2
		Gloucester:	29	Mansfield:	7

Marblehead	1	Oxford:	2	Stow	1
Marlborough:	13	Palmer:	8	Taunton:	11
Marshfield:	4	Paxton:	1	Templeton	1
Martha's Vineyard:	2	Peabody:	5	Tewksbury:	6
Mashpee:	2	Pembroke	4	Truro	1
Mattapoisett:	2	Pepperell:	1	Tisbury:	1
Medford:	7	Petersham:	2	Townsend:	2
Medfield	1	Pittsfield:	10	Tyringham	3
Medway:	2	Plainville:	3	Tyngsboro	1
Melrose	3	Plymouth:	23	Upton:	1
Mendon:	2	Princeton:	1	Wakefield:	17
Methuen:	9	Provincetown:	7	Walpole:	10
Middelboro:	2	Quincy:	14	Waltham:	11
Middlebury:	1	Randolph:	5	Ware:	2
Middlesex	1	Raynham:	3	Wareham:	7
Middleton:	1	Reading:	2	Warren	1
Milford:	4	Rehoboth:	4	Watertown:	2
Millbury:	4	Revere:	7	Wayland:	3
Millis:	2	Rochester:	4	Webster:	4
Monson:	1	Rockport:	2	Wellesley:	4
Monterey:	1	Rowley	1	Wellfleet:	1
Nahant *:	1	Rutland	1	Wenham:	1
Nantucket:	18	Russell:	1	West Bridgewater:	4
Natick	2	Salem:	16	West Brookfield	1
Needham:	3	Salisbury:	3	West Chatham:	1
New Bedford*	47	Sandsfield	1	West Falmouth:	2
Newbury:	2	Sandwich:	1	West Springfield:	11
Newburyport:	6	Saugus:	6	West Stockbridge:	1
Newton:	24	Saxonville:	1	West Wareham	1
Norfolk:	1	Scituate:	5	Westborough:	4
North Adams:	9	Seekonk:	5	Westfield:	12
North Attleboro:	6	Sharon:	3	Westford:	8
North Andover:	7	Shelburne:	1	Westminster:	5
North Billerica:	3	Shirley:	1	Westport*:	6
North Chelmsford:	1	Shrewsbury:	10	Weston:	3
North Dartmouth:	1	Somerville:	17	Westwood:	5
North Dighton:	1	South Dartmouth:	1	Weymouth:	5
North Grafton:	1	South Hadley:	4	Whately:	2
North Reading	3	South Lee:	1	Whitman:	1
Northampton:	7	Southborough:	2	Wilbraham:	3
Northboro:	4	Southbridge:	3	Williamsburg:	2
Northbridge:	1	Southwick:	1	Williamstown:	7
Northfield:	1	Spencer:	5	Wilmington:	2
Northington:	2	Springfield:	23	Winchendon	1
Norton:	4	Sterling:	1	Winchester:	3
Norwell:	1	Stockbridge:	2	Windsor:	3
Norwood:	2	Stoneham:	2	Winthrop:	2
Oak Bluff:	1	Stoughton:	4	Woburn:	16
Orange:	2	Sturbridge:	2	Worcester:	51
Orleans:	2	Sudbury:	4	Woods Hole:	3
Otis:	1	Sutton:	2	Wrentham:	5
Oxbridge:	2	Swampscott:	1	Yarmouth:	7
Blank Death Cert.	3			Unknown Homeport	8

\*Some of the fisherman deaths had these cities as home ports. \*\*65 of the 72 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 1999-2009

[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>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>	<u>2009</u>
Total number of OSHA 11(c) complaints filed in Massachusetts:	51	56	66	38	47	43	32	24	25	35	30
Number of these complaints that involved job loss:	36	34	48	37	44	42	28	23	21	29	27
Number of these complaints dismissed by OSHA as not having merit:	35	23	35	30	36	30	22	13	12	20	7
Number of these complaints withdrawn by complainant:	5	7	5	4	4	4	0	1	2	4	4
Number of these complaints determined by OSHA to have merit:	10	9	14	3	10	4	3	4	0	0	9
Number of these complaints involving job loss which were settled by OSHA:	2	8	10	4	9	9	6	7	12	11	9
Number of these complaints where complainant sought job reinstatement:	na	2	12	24	22	28	13	12	9	1	27
Number of settlements involving job reinstatement and back pay:	1	0	0	1	2	2	2	0	3	1	0
Number of settlements involving back pay but no reinstatement:	3	7	9	3	6	3	3	8	6	10	9
Number of 11(c) complaints in which the Solicitor of Labor sought punitive damages:	na	2	0	0	0	1	0	0	0	0	0
Number of OSHA staff in Massachusetts in devoted to investigating 11(c) complaints:	2	3	3.25	3	3	3	3	4	2.5	4	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.