

DYING at WORK in CALIFORNIA



the **HIDDEN STORIES**
behind the numbers

Workers Memorial Day

April 28, 2012

WORKSAFE
safety, health, and justice for workers



First mourn. Then work for change!

Job-related deaths, injuries, and illnesses can be prevented.

Hundreds of men and women in California died before their time in 2011, just because they went to work. Tens of thousands more were injured, got sick, or came down with a chronic disease, just because they went to work.

This report is dedicated to all those workers and their families, co-workers, and communities who pick up the pieces afterwards.

We would like to acknowledge our appreciation of those who provided guidance or contributed information used in this report. This includes the California Rural Legal Assistance Foundation, Communication Workers of America Local 9588, Good Jobs LAX, International Brotherhood of Teamsters (IBT), Los Angeles Alliance for A New Economy (LAANE), the Occupational Health Branch of the California Department of Public Health, the Occupational Health Internship Program (OHIP), SEIU-USWW, the UC Berkeley Labor Occupational Health Program, the UCLA Labor Occupational Safety and Health Program, Warehouse Worker Resource Center, Working Partnerships USA (San Jose), and individual safety and health professionals.

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Introduction

This is our second annual report about the hidden human and economic costs of hazardous work in California. It was prepared by Worksafe and SoCalCOSH, two California organizations that advocate for prevention of hazards on the job, workers' rights at work, and healthy and safe workplaces for all. The report comes out in conjunction with April 28, Workers Memorial Day, a national and international day of remembrance. (For more about the Day, see page 3)

Like last year, the report begins by providing the latest estimates of who died, was injured, or became sick on the job last year, but the information is far from complete. The second section of the report adds the human faces by profiling stories that give a small glimpse into the enormous impact these events have on the working people of California—on our health and well-being as well as our ability to work and provide for our families. Next, we provide some recommendations for the various levels of government, as well as for those in the workplace itself. The final section is a long table listing all identified work-related fatalities from 2011.

The saddest part of doing this report is that it's a story those on the "inside" know only too well. Anyone who is interested in health and safety at work can tell you about people they know who have died, got sick, or been injured because of their job. They know the costs. And they've known them for a long time.

You have the right to a safe workplace: state and federal laws require employers to provide working conditions that are free of known dangers. But workplace safety and health is not fully recognized as a public health issue and has not received the level of resources and attention it needs. The 18 million working Californians deserve it.

Please share these stories and numbers with your co-workers, unions, employers, neighbors, friends, community groups, faith-based organizations—anyone who'll listen. Share your own experiences, too. Ask others about health and safety on their jobs. Make links between the things we buy, the people who make them, and the environment in which we all live. Just as important, share stories of change and prevention, about lives saved rather than those that end too early.

At Worksafe and SoCalCOSH, we'll do that too. And we'll keep reporting, advocating, and supporting the actions needed to stop the tragic toll in our workplaces. Join us in this important work.

SoCalCOSH is a Los Angeles based coalition of health and safety activists, union and non-union workers, legal professionals, students, and academic researchers dedicated to eliminating hazardous working conditions and promoting healthier working environments. As a coalition, SoCalCOSH provides an avenue for diverse groups and individuals to join efforts in providing worker health and safety education—focusing on low-wage and vulnerable populations—as well as policy advocacy. Our mission is to educate, advocate, and mobilize workers and policymakers for safe and healthy workplaces in Southern California.

Worksafe is based in Oakland and works statewide. We are dedicated to protecting people from job-related injuries, illnesses, and death by educating, assisting, and empowering workers and their allies to seek effective and lasting solutions through partnerships, campaigns, and collective action. We advocate for protective worker health and safety laws and effective remedies for injured workers, and watchdog government agencies to ensure they enforce the laws. We engage in campaigns in coalition with unions, workers, community, environmental and legal organizations, and scientists to eliminate hazards and toxic chemicals from the workplace. We issue reports and white papers to educate policymakers on the magnitude of workplace hazards and their impact on working people and communities, and propose public health-based solutions that focus on prevention.

Executive Summary

April 28, 2012, marks the 24th anniversary of Workers Memorial Day in the U.S. An international day of remembrance, it was first proposed by Canadian trade unionists Ray Sentes and Colin Lambert. A former miner, Lambert lamented the contrast between the lack of memorials for miners and other workers who died due to their job and the public events for “fallen” police officers and fire fighters. April 28th coincides with the passage of Canada’s first workers’ compensation law in 1914. The canary became the symbol because “it shows that today workers are the canaries—they are front-line protection for all of us,” explained Lambert. Worksafe and SoCalCOSH hold local events to commemorate the day.

Who is dying, being injured, or made ill at work in California?

Our research has confirmed 247 work-related fatalities in California in 2011, while Cal/OSHA has provided a preliminary estimate of 500 fatalities in the state. This discrepancy is addressed throughout the report and is largely attributable to the time it takes to complete investigations, the difficulty in determining whether an individual’s death was in fact work-related, the invisibility of workers in many sectors, and other factors. This total does not include military fatalities or the estimated 6,500 Californians who die annually from work-related diseases.

In 2011, work-related deaths included multiple incidents involving confined spaces, which we profile in Section 2. The tragic, preventable deaths of 16-year-old Armando Ramirez and his 22-year-old brother Heladio, who both succumbed to hydrogen sulfide gas at a waste recycling and composting facility, are representative of these hazards.

Although not profiled in this report, there were two widely reported incidents of horrific workplace violence, both in October 2011, which should be

mentioned: the shootings of three workers at a Cupertino cement plant by a co-worker, and the murder of five salon workers in Seal Beach by one worker’s ex-husband. Both incidents are reminders of the dangers all workers face, regardless of industry or sector.

There were 30,700 reported cases of non-fatal work-related illness in 2010; 27.2 cases per 10,000 full-time workers. This represents a decline of roughly 4,600 reported illnesses from the previous year. The four top categories of illness—like last year, skin disorders, respiratory conditions, hearing loss, and poisonings—together account for only a quarter of all reported cases, with no available explanation for why over 22,000 other workers are getting sick on the job. And we know many more illnesses and injuries are not reported.

Who is at highest risk of dying?

92% of reported fatalities were men and 8% were women, reflecting the gender division of work. For the second year in a row, a greater number of Latinos died at work than white/non-Hispanics, despite constituting a smaller proportion of the total workforce. 29 workers of Asian descent and 9 black/non-Hispanic workers were killed.

How much do workplace injuries and illnesses cost?

According to a new study from researchers at UC Davis, direct and indirect costs for workplace injuries and illnesses nationwide total at least \$250 billion a year. Direct medical costs are estimated to be \$67 billion (27% of the overall costs), and indirect costs total nearly \$183 billion. Based on its percentage of the national workforce, such injuries and illnesses cost California \$28.725 billion—roughly 30 times the state’s entire proposed 2012 budget.

What are the jobs and industries with the highest rates of fatalities?

Just as last year, the transportation sector continues to top the list of fatalities at 30%, followed by assaults or violent acts (24%) and deaths from falls (20%).

What causes work-related injuries and fatalities?

Trade, transportation, and utilities was the sector with the highest number of fatalities, followed by construction and natural resources/mining.

According to Cal/OSHA data, workers in the warehousing/storage and roofing sectors experience six times the average industry injury rate; air transportation and wood produce manufacturing are close behind. However, workers in nursing and residential care facilities are easily the largest sector at risk, accounting for nearly 37% of those employed in high-hazard industries. There were 102,480 injury and illness cases serious enough for workers to miss days of work in 2010, the most recent data released by the California Division of Labor Statistics and Research (DLSR). Strains and sprains accounted for over half of all work-related injuries and illnesses resulting in days away from work.

What is needed to protect people at work?

Since OSHA was established over 40 years ago, more than 430,000 lives have been saved from traumatic deaths, and the fatality rate has dropped by 81%. Countless thousands more have been saved by reducing or eliminating exposures to toxic chemicals. But there is still much to be done. Many job hazards remain unregulated and uncontrolled, even where clear solutions exist.

Two years after the trio of catastrophic incidents occurred within days of each other in April 2010—the Upper Big Branch mining disaster, the BP Gulf coast oil rig explosion, and the explosion of Tesoro refinery in Anacortes—we now know there are common factors among these and other recent workplace fatalities: the lack of company safety rules, the failure to implement existing rules, the push for production over safety, and inadequate government oversight and enforcement. Strong and effective enforcement programs are needed to provide a critical deterrent for those employers who would otherwise cut corners, putting workers' health and lives in serious danger. But there will never be enough inspectors or standards to cover every hazard, so expanding the rights of workers to act on their own behalf is equally, if not more, important.

Here Are Just a Few of the Many Needed Changes

AT THE FEDERAL LEVEL:

What happens at the federal level sets the baseline for everyone else. This is a partial list; see the AFL-CIO's annual Death on the Job report for more information.

- ▶ The Obama Administration needs to stand up to the clamoring anti-regulatory voices of business groups. It needs to send a clear message to those in the Office of Management and Budget who review OSHA regulations that they must stop their foot-dragging and work productively with the agency. The list of proposed standards completed by OSHA but stuck further up the chain is long and growing.
- ▶ New rules to protect workers from silica dust, confined spaces in construction, and combustible dust are top priorities, as is requiring employers to set up programs to “find and fix hazards.”
- ▶ New initiatives are needed to control toxic chemicals, including establishing a new carcinogen policy and a better process to update PELs (permissible exposure limits).
- ▶ An update to the basic OSHA law is long overdue. Millions of public sector workers aren't covered, penalties are weak, and limited rights for workers, unions, and surviving family members prevent meaningful protections for those most at risk. Congress should introduce a new bill modeled on the proposed Protecting America's Workers Act (PAWA).
- ▶ OSHA needs to continue strengthening job safety enforcement. This requires an adequate budget and resources, tougher penalty structure, greater use of “impact” inspections, and strong implementation of its new whistleblower policy. The Obama Administration needs to continue on the path to rebuilding the agency.
- ▶ Funding for compliance assistance programs should be balanced between consultation

services for employers and services to workers, including training grants.

- ▶ The National Institute for Occupational Safety and Health (NIOSH) needs adequate funding to carry out its own mandate of providing technical and scientific support to OSHA. Support is also needed for their vital Educational Resource Centers (ERCs). ERCs are university-based programs that train the next generation of researchers, supplying “approximately 75% of the occupational health and safety professionals responsible for protecting the health of the work force.”¹
- ▶ To prevent exposure to toxics in the first place, we need to pass the Safe Chemicals Act now in Congress.

AT THE STATE LEVEL:

Brown Administration:

- ▶ Continue to support interagency enforcement projects via the Labor Enforcement Task Force (LETF), protecting vulnerable workers by identifying and targeting recalcitrant employers who break state employment laws;
- ▶ Ensure all LETF participating agencies hire more bilingual staff and provide outreach materials and activities in multiple languages; state personnel board should help facilitate this.
- ▶ Give Cal/OSHA the resources to do its job by authorizing the hiring for all inspector positions approved and funded by federal OSHA.
- ▶ Fill all vacancies of OSH boards with qualified candidates who are committed to providing safe and healthy workplaces.
- ▶ Provide independent funding for the Occupational Health Branch in CDPH to evaluate surveillance data and develop materials to promote preventive strategies.
- ▶ Fund Cal-EPA to support a transition to safer chemicals through implementation of the “green chemistry” regulations and green workforce development efforts.

Cal/OSHA:

- ▶ Provide periodic updates on its Corrective Action Plan to address the annual OSHA audit findings and recommendations.
- ▶ Implement the new OSHA Whistleblower policy in California, ensuring the elimination of employer safety programs that create a climate of fear and prevent workers from reporting injuries, illnesses, and hazards. Develop new policies and inspection procedures.
- ▶ Protect those most vulnerable to retaliation by developing clear policies and training for inspectors to explain rights to both employers and employees.
- ▶ Hire and train more bilingual safety inspectors and health inspectors. Ensure inspectors fully involve and inform employees on inspections (and family members during fatality investigations).
- ▶ Consider an employer's statewide enforcement history when determining repeat violations.

OSHA Appeals Board:

- ▶ Continue improving its process to resolve appeals in a timely manner through improved scheduling of hearings in locations convenient to witnesses, with sufficient time to hear a complete case without delay.
- ▶ Pass new regulations and legislation necessary to ensure a fair process for workers and their families in consultation with worker representatives.
- ▶ Continue work to implement OSHA audit recommendations

OSH Standards Board:

- ▶ Update the Hazard Communication rule to be consistent with the international Globally Harmonized System (GHS). California can improve on OSHA's new rule to bring it more in line with European countries, which provide workers and employers with more information about the chemicals.
- ▶ Work with Cal/OSHA staff to streamline the process for setting exposure limits for chemicals, using information from Prop 65 and other organizations that evaluate chemical toxicity.

Division of Labor Standards and Research (DLSE):

- ▶ Develop and share a corrective action plan to address OSHA audit findings. Set and monitor specific goals to improve the response time and outcome of worker retaliation complaints.
- ▶ Meet regularly with stakeholders to review progress.

Worksite:

- ▶ Improve worksite IPPs by eliminating behavior-based safety and incentive programs that focus on workers instead of hazards, effectively discouraging meaningful employee participation.
- ▶ Protect employees by setting workload, staffing, and working hours to levels below those that can cause injuries, illnesses, or death.
- ▶ Negotiate health and safety contract language to address specific hazards, particularly where there are inadequate (or no) standards. Share model language with other groups of workers.
- ▶ Revise purchasing policies using screens to identify toxic chemicals, and encourage "preferable purchasing policies" to choose safer alternatives. (See EPA, Cal-EPA, BizNGO, and the new SubSPORT websites.)

1 Huynh, Tran. "NIOSH ERC Funding Crisis: A Student's Perspective." EHS Today. <http://blog.ehstoday.com/out-loud-blog/2011/03/22/niosh-erc-funding-crisis-a-students-perspective/>



Cal-OSHA Reporter®

A WEEKLY PUBLICATION FOR THE OCCUPATIONAL SAFETY AND HEALTH COMMUNITY

I. Overview of Injuries, Illnesses, and Deaths

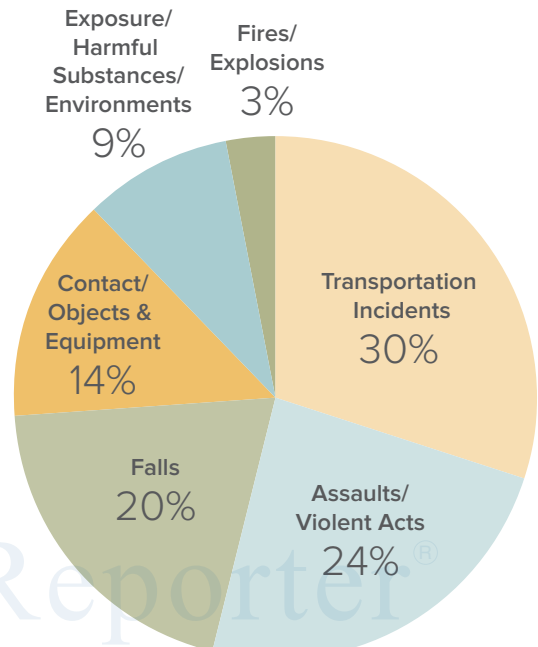
In this section, we summarize the most recently available data for workplace injuries, illnesses, and deaths: the numbers, rates, and costs. We list those industries designated as “high hazard” by Cal/OSHA, which the agency uses for targeting inspections and compliance assistance services. We also update previous estimates of work-related cancers and profile the particularly high risks faced by California’s Latina workers.

Occupational Fatalities in California

400-500 Per Year

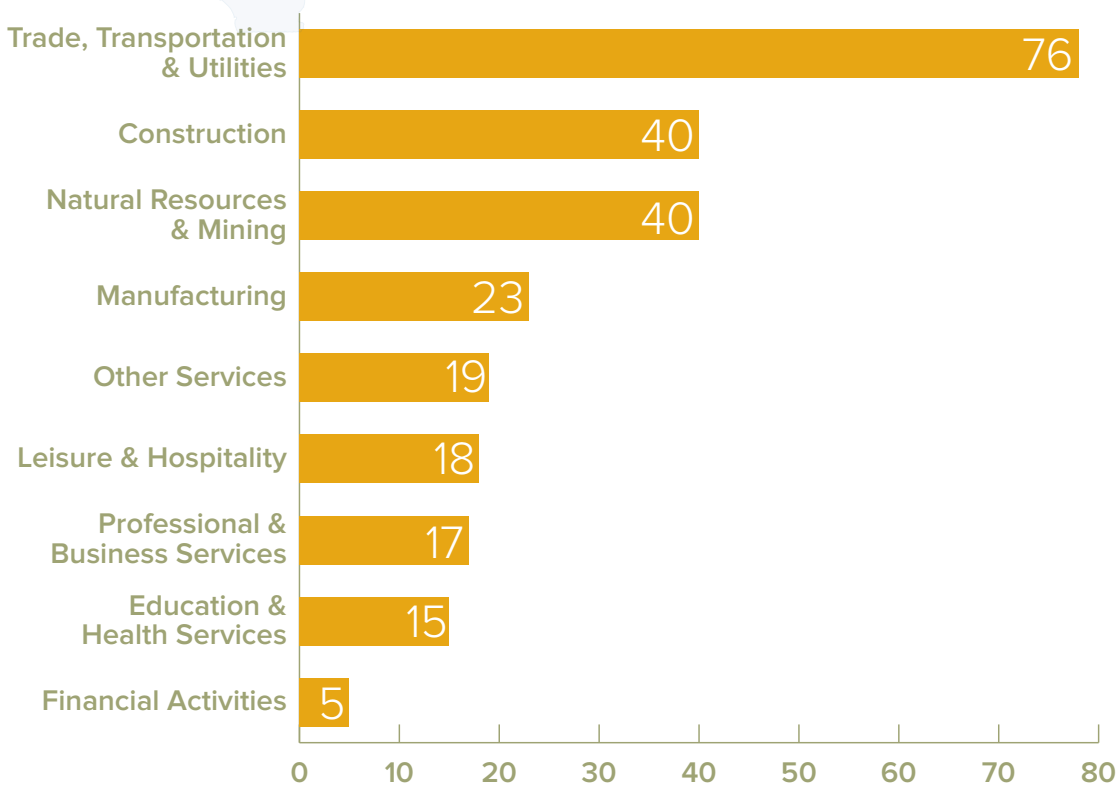
Getting an accurate count of the number of people killed in California on the job is a big challenge. Finding out their names and why they died is even harder—see page 44 for more. Cal/OSHA provided a preliminary estimate that as many as 500 died in 2011, but the final number could change following investigations into each case, and may still exclude work-related deaths that are outside the agency’s jurisdiction. Official data lags: the annual Census of Occupational Fatalities (CFOI) issued by the U.S. Bureau of Labor Statistics, estimates 302 deaths in preliminary data for 2010 and gives no fatality estimate yet for 2011. Last year, we reported 301 deaths for 2009 using BLS preliminary data, but the final tally issued last fall was much higher, with 409 reported deaths. So somewhere between 400–500 deaths a year is the likely current annual range of deaths.

2010 FATALITIES BY EVENT/EXPOSURE

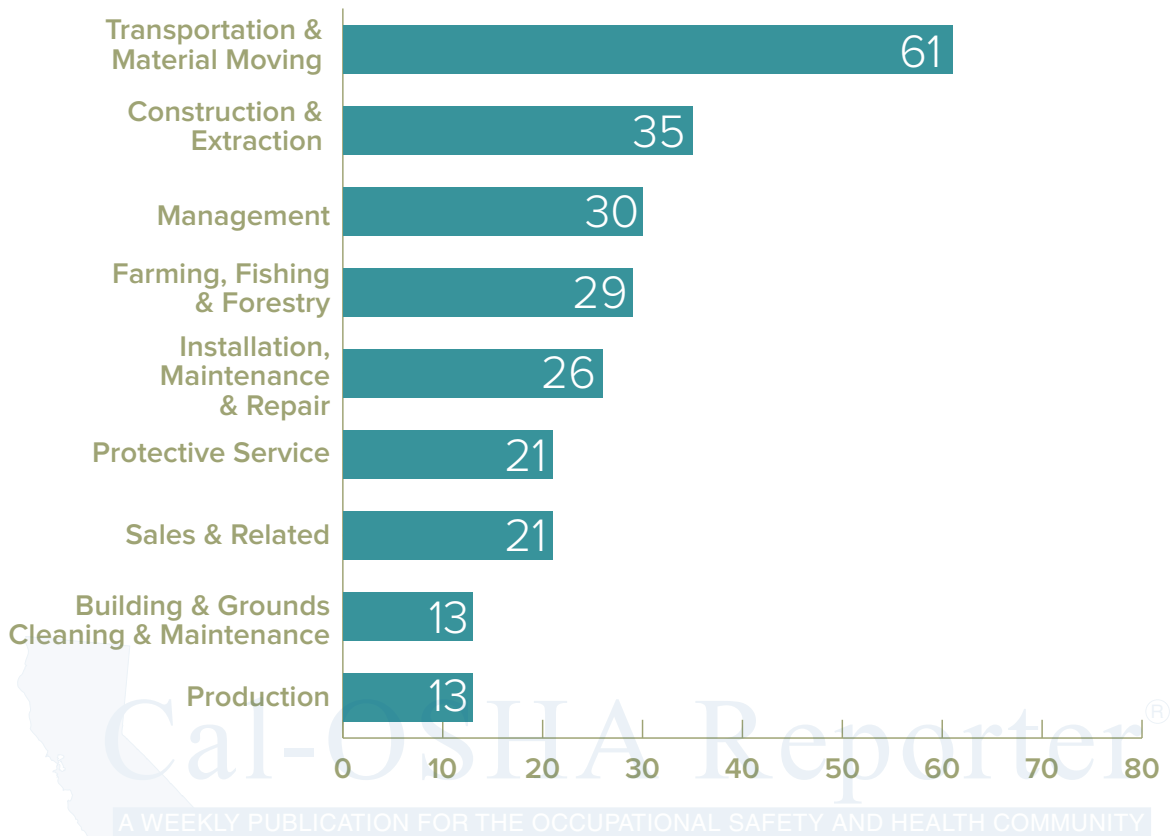


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2010 FATAL WORK INJURIES BY INDUSTRY



2010 OCCUPATIONS WITH THE LARGEST NUMBER OF FATALITIES



Transportation incidents continue to lead the list of fatalities by event or exposure at 30%, followed by assaults or violent acts (24%); both decreased slightly over last year. Death from falls increased from 18% last year to 20% this year, notable given OSHA's new fall protection program it will be launching on April 26.

Men accounted for 92% of reported fatalities; 8% were women, about the same as last year. Once again, Latinos surpassed white/non-Hispanics in the number of workplace fatalities (131 vs 129) despite their smaller proportion of the total workforce; 29 workers of Asian descent and 9 black/non-Hispanic workers were killed.

Trade, transportation and utilities was the industry with the highest number of fatalities, followed by construction and natural resources and mining.

The occupations with the highest number of fatalities were transportation and material moving, followed by construction and excavation.

Source: Bureau of Labor Statistics, available at <http://www.dir.ca.gov/dlsr/>.

Reported Occupational Illnesses Down in 2010

Still No State Resources to Look at the Data

There were 30,700 reported cases of non-fatal work-related illness in 2010, with a rate of 27.2 cases per 10,000 full time workers; this was a decline of about 4,600 reported illnesses from 2009. The four major categories of illnesses were skin disorders (14%), respiratory conditions (7.5%), hearing loss (4.5%), and poisonings (1%). Together these four categories account for only 25% of all reported cases of illnesses, with no information available on the remaining 75% of illnesses—so we don't know why more than 22,000 California workers are getting sick on the job each year.

No one is analyzing the data to find out. California doctors are required to promptly report all work-related illnesses to Cal/OSHA, using forms called

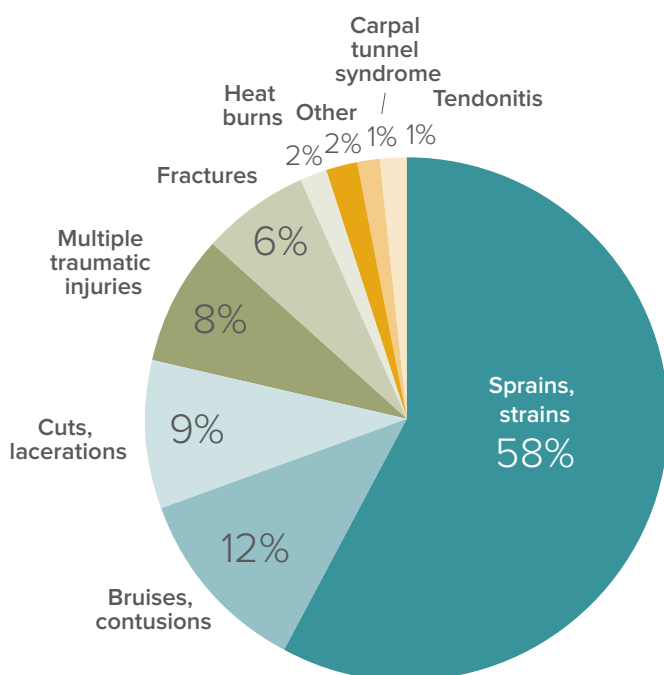
“Doctors First Reports.” These reports identify the type of illness and, where known, the contributing workplace factor; this is a rich source of data for identifying and preventing work-related disease. But Cal/OSHA currently has no staff with training in epidemiology to analyze these reports. Those skills are available among the staff at the California Department of Public Health, which also has an occupational health mandate to identify and investigate disease trends among workers. But it, too, lacks funding to look at the data.

What Types of Injuries and Illnesses Cause Workers to Miss Days of Work?

Strains and sprains, often associated with ergonomic-related hazards, were far and away the major cause, accounting for over half (52%) of all work-related injuries and illnesses resulting days away from work. Other ergonomic-related conditions, including carpal tunnel syndrome and tendonitis, account for another 2%, making this type of hazard even more significant. The chart below summarizes the major types of injuries and illnesses workers experienced.

Employers should be using this information to update their worksite's Injury and Illness Prevention Plan (IIPP), which requires them to conduct regular inspections to identify potential hazards, find and fix hazards, and update written procedures, as well as worker communication and training programs.

2010 CALIFORNIA DAYS-
AWAY INJURY AND ILLNESS
CHARACTERISTICS



California's Most Hazardous Industries

Cal/OSHA compiles its annual High Hazard Industry List based on analyzing the rates of more serious injuries, those resulting in Days Away/Restricted duty/Transfer (DART). A DART rate of 2.0 means that sector has at least 200% of the industry average, based on injury statistics from the previous year. The list below for 2011-2012 is used by the Cal/OSHA High Hazard Unit to target inspections and to offer its free consultation services.

This year, the warehousing and storage sector joined roofing contractors at the top, sharing a 6.3 DART rate, or six times the average industry injury rate, with air transportation and wood produce manufacturing close behind. But by far the largest sector of people at high risk of injury are those working in nursing and residential care facilities; this one sector accounts for about 37% of those employed in high-hazard industries.

2011-2012 HIGHEST HAZARD INDUSTRY LIST

INDUSTRY GROUP	INDUSTRY ACTIVITY	DART	ESTABLISHMENTS	EMPLOYEES
Agriculture	Vegetable and melon farming	4.6	N.A.	32,408
Construction	Roofing contractors	6.3	2,327	18,038
Manufacturing	Sugar and confectionery product manufacturing	4.7	200	6,331
	Dairy product (except frozen) manufacturing	4.7	145	14,441
	Animal slaughtering and processing	5	294	21,256
	Beverage and tobacco product manufacturing	5.7	1,353	42,713
	Wood product manufacturing	6.1	1,065	22,423
	Foundries	5.6	235	6,805
	Architectural and structural metals manufacturing	4.4	1,370	27,337
	Ship and boat building	5.7	131	9,151
Transportation and Warehousing	Air transportation	6.2	568	42,504
	Support activities for water transportation	5.7	186	17,632
	Couriers and messengers	4.5	1,561	60,500
	Warehousing and storage	6.3	1,724	68,580
Waste Management	Waste treatment and disposal	5	352	14,018
Health Care	Nursing and residential care facilities	4.8	7,637	242,700
Other Services	Drycleaning and laundry services	4.5	4,152	34,966

1 Bureau of Labor Statistics, available at www.dir.ca.gov/dlsr/injuries/2009, Table 6.

Occupational Injuries, Illnesses, and Deaths Are Expensive

It's at least \$250 billion a year, and probably much more. What could be so expensive, and still not make the headlines?

It's the estimated cost of fatal and non-fatal job-related injuries and illnesses each year in the U.S. The number is in a long-awaited study by UC Davis' J. Paul Leigh, published in 2011 based on 2007 data.¹ Using new methods and information from more than 40 sources, it updates an earlier study.

The latest estimates are 15% higher than the inflation-adjusted \$217 billion in 1992. They are 42,852 times the proposed federal OSHA budget for 2012–2013. In California, the estimated costs (based on percentage of the national workforce)—\$28.725 billion—are about 30 times the state's entire proposed 2012 budget.

Leigh calculated direct medical costs as \$67 billion (27% of the overall costs) for work-related injuries and diseases combined. Indirect costs were almost \$183 billion. Injuries took up 77% of the total and diseases 23%.

He equated the total to what cancer costs the nation. (In its 2008–2009 report, the President's Cancer Panel cited numbers estimating that medical costs

and indirect factors for cancer cost the United States \$243.4 billion in 2009.²)

“Workers’ compensation covers less than 25 percent of these costs, so all members of society share the burden,” Leigh says. The 2011 Liberty Mutual Workplace Safety Index backs him up. Using 2009 data, the insurance company says the most disabling workplace injuries and illnesses cost \$50.1 billion in direct U.S. workers’ compensation costs.

“(D)espite these high costs, occupational injuries and illnesses do not receive the same research, medical, or public attention as other diseases do,” Leigh said.

That accounts partly for difficulties finding all the costs of people getting hurt, sick, and dying at work. There are others. Injured workers’ employers may not have workers’ compensation coverage. Employers intimidate some into not reporting. Primary care doctors aren’t trained in occupational medicine and so don’t recognize when injuries and diseases are related to someone’s job. It takes years for some effects to show up, like cancers. Sometimes the damage shows up in children, or in workers’ inability to have them.

This new study may be the most comprehensive analysis of the burden of occupational illness and injury in the U.S.; still it’s “an underestimate of the true burden of occupational illness and injury,” say National Institute for Occupational Safety and Health (NIOSH) scientists.³ The economic burden partially motivated the Occupational Safety and Health Act; Leigh’s work shows “this burden is still significant today.”

Leigh and others agree that the new estimates miss important costs. Adjustments and assumptions led to under-estimates for some diseases. It was impossible to get information about some factors. Exclusions included: pain and suffering; employer costs for labor turnover, retraining, and hiring; productivity

“The Congress finds that personal injuries and illnesses arising out of work situations impose a substantial burden upon, and are a hindrance to, interstate commerce in terms of lost production, wage loss, medical expenses, and disability compensation payments.”

—Occupational Safety and Health Act of 1970
[Section (2)(a)]

losses through “presenteeism” (working at less than full capacity) and diseases such as depression, nervous system diseases, and osteoarthritis.

“(T)he national investment in addressing occupational illness and injuries is far less than for many other diseases with lower economic burden even though occupational illnesses and injuries are eminently preventable,” say the NIOSH scientists.

1 J. Paul Leigh (2011) *Economic burden of occupational injury and illness in the United States*, *Millbank Quarterly*, 89(4): 728–772.

2 President’s Cancer Panel (2010) *Reducing environmental cancer risk. What we can do now?* (http://deainfo.nci.nih.gov/ADVISORY/pcp/annualReports/pcp08-09rpt/PCP_Report_08-09_508.pdf)

3 Paul Schulte, and others (2012) *Getting closer to understanding the economic burden of occupational injury and illness*, *NIOSH Science Blog*. (<http://blogs.cdc.gov/niosh-science-blog/2012/03/oshcost/>)

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MAY IS SAFE JOBS FOR YOUTH MONTH

Protect Teens and Young Workers

Each year, the California Partnership for Young Worker Health and Safety sponsors Safe Jobs for Youth Month in May (http://youngworkers.org/safe_month/index.html). They provide resources, promote activities, and hold a poster contest, all focused on the specific health and safety issues facing young workers. There are online materials for teens, parents, teachers, and employers. This is the winning poster for 2012, done by Paulina Lee of San Jose.



We Need Carcinogen-Free Workplaces and a Cancer-Free Economy

Workplace-related cancers are still the most common type associated with involuntary exposure to pollutants in the United States. Recent estimates of job-related cancer deaths in this country start at more than 25,000 a year—5.5 times the number of immediate work-related fatalities in 2010.¹

The International Agency for Research on Cancer (IARC) lists 441 agents as known, probable, or possible carcinogens.² At least 200 chemicals are likely to be produced or used in high volume. Most of the 80,000 or so chemicals used in the U.S. have never been tested to determine their cancer-causing or other long-term effects before they hit the market.

Cancer is also expensive to the economy. Using Leigh's estimates, the costs of job-related cancer deaths are about \$4.1 billion; in California, that translates to almost half a billion dollars. These are all minimum costs, since the numbers behind them are not complete.

The true count is impossible to determine. Cancer is the result of an “extremely complicated web of multiple causes. We will likely never know the full range of agents or combinations of agents that cause (it).”³

Arguing about the numbers, wearing pink ribbons, and walking “for the cure” do not stop work-related cancers. Stopping exposure to carcinogens on the job does.

The message is getting into the mainstream, finally. In the last two years, in different settings, scientists and others have said prevention is the way to go.

- ▶ Occupational and environmental exposures matter, said the landmark 240-page report from the President's Cancer Panel. Reducing toxic exposures, they noted, “should be the cornerstone of a new national cancer prevention strategy.” The experts called for precaution, rather than reaction, and the use of green

“Reducing toxic exposures “should be the cornerstone of a new national cancer prevention strategy.”

—President's Cancer Panel, “Reducing Environmental Cancer Risk. What We Can Do Now.”

chemistry and other tools to design non-toxic and less toxic chemicals and products.

- ▶ “Many cancers caused by environmental and occupational exposures can be prevented,” wrote scientists Philip Landrigan, Carolina Espina, and Maria Neira; they were speakers at a World Health Organization conference in 2011. “Primary prevention—environmental interventions that halt the exposures that cause cancer—is the single most effective strategy. Primary prevention reduces cancer incidence, and it saves lives and billions of dollars.”
- ▶ The United States needs a “new approach that moves us toward a carcinogen-free workplace and a cancer-free economy,” say University of Massachusetts Lowell researchers. They recently urged the National Institute for Occupational Safety and Health (NIOSH) to have a cancer policy that will encourage companies to transition away from using cancer-causing substances in the first place.

1 Bureau of Labor Statistics (2011) *Census of Fatal Occupational Injuries Summary, 2010*. <http://www.bls.gov/news.release/cfoi.nr0.htm>

2 International Agency for Research on Cancer. *Agents Classified by the IARC Monographs, Volumes 1–104*. <http://monographs.iarc.fr/ENG/Classification/index.php>

3 Richard Clapp, Molly Jacobs & Edward Loechler (2007) *Environmental and occupational causes of cancer. New evidence, 2005–2007*. <http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2791455>

iMujeres Presente! Struggles of Latina Workers

Across the country, Latina workers are becoming a force to be reckoned with. At 8.1 million strong, they represented 41% of all employed Latinos and 12.8% of all working women in the U.S. in 2010. Latinas are working across industries that make up the backbone of the U.S. economy – from service and clerical, to production and transportation, to agricultural work.



This data comes from the recently published report *Trabajadoras: Challenges and Conditions of Latina Workers in the United States*, which paints a comprehensive picture of Latinas in the workplace. Using labor statistics, interviews with labor leaders, and testimonies from workers themselves, the

report provides a backdrop for understanding the social and economic reality working Latinas face. It also gives a tall list of the staggering challenges these women confront when they clock in to work every day.

Despite their importance in our economy, Latina workers remain among the most vulnerable groups in the U.S. labor force. Latinas actually experience the largest wage gap of any working group—earning 60 cents for every one dollar earned by a white male. In fact, every week Latinas earn 50.3% less than white male workers; in a year, this gap accounts for a \$16,400 loss in earnings for Latina workers.

Working Latinas are more likely to:

- ▶ Work in low-wage jobs: 65% of employed Latinas are in service, sales, and office occupations, and 41% are maids and housekeepers.
- ▶ Die on the job as a result of assaults and violent acts—in fact, this was the cause of 50% of all workplace deaths for Latinas.
- ▶ Be part of the working poor, experiencing one of the highest poverty rates of working women— 12.1%.
- ▶ Lack healthcare coverage compared to their white female counterparts (29.1% compared to 12.8%).
- ▶ Experience wage theft: More women (30%) than men (20%) reported experiencing minimum wage violations in a survey where the majority of respondents were Latino (63%).

The occurrence of sexual assaults and sexual violence in the workplace is particularly disturbing for Latina women who work in low-wage jobs and are considered easily replaceable by employers. Such acts go frequently unreported as Latina women fear losing their jobs, being deported if they lack legal immigration status in the U.S., and face significant language barriers.

As the report points out, the burdens that befall Latinas in the workplace are often devastating, especially when considering the larger impact they have on their ability to take care of themselves and their families. Nonetheless, there is a silver lining. The report also found that in 2011, unionized Latinas earned 38% higher wages than those who didn't belong to a union. Currently, more than 800,000 Latinas are represented by a union. The potential for the labor movement to increase union representation in industries where Latinas are overrepresented may be one answer to the problem.

Fatalities in Agriculture

Agriculture consistently ranks as one of the most dangerous industries with a high rate of fatalities. Hazards include heat; strenuous, fast-paced work with and around tractors, other equipment, and large farm animals; and work in proximity to overhead power lines and canals.

Over the past three years, Cal/OSHA investigated 76 agricultural work fatalities. This profile was compiled from review of brief summary information in the Federal OSHA database.

As shown in Table 1, the largest number of deaths investigated were suspected or confirmed heart attacks (and one suspected stroke) which Cal/OSHA or county coroners have either concluded were not work-related or have not yet determined whether work exposures caused or contributed to the death. All heart attack victims were male with an average age of 50 years, but ages ranged from 25 to 60. The vast majority of these deaths occurred during the warmer months of May through September, suggesting that heat may have been at least a contributing factor, along with strenuous work. Two deaths last summer have so far been attributed to heat illness.

Two other workers who collapsed in the fields fell in canals and drowned. Both were irrigators who tend to work very long shifts, often alone. Since the end of

2010, California's heat illness prevention regulation has included high heat procedures which require an effective means for agricultural employees to contact their supervisor once the temperature reaches 95 degrees.¹ The regulation does not however require supervisors to periodically check on workers or have them call in.

Nine electrocution deaths, including those of a 20-year-old and a 22-year-old (Table 2) were caused by metal ladders or irrigation pipes coming into contact with overhead power lines, or failure to de-energize equipment before conducting repairs. An additional six workers were fatally crushed in machinery because of breaches in required precautions for "lock out-block out" of energy during machine maintenance and repair.

17 workers driving tractors, trucks, or ATVs were killed, including 4 workers aged 25 years or younger (Table 2), and an additional 5 workers were crushed or run over by vehicles. In several rollover deaths, the tractor had no rollover protection, and in another the tractor had ROPS but the seatbelt wasn't used. Four tractor operators were killed after they dismounted while the tractor was running to check something and the tractor began moving.

Many of these fatalities could have been prevented by use of basic safety precautions. They point to the urgent need for improved training and supervision and, most of all, they highlight the dangers of pushing for production at the expense of safety.

By Anne Katten, Work Health and Safety Specialist, California Rural Legal Assistance Foundation

1 <http://www.dir.ca.gov/Title8/3395.html>



TABLE 1. CAUSES OF DEATH IN AGRICULTURE FATALITIES

Cause of Death	2009	2010	2011	3-year Total
Total	22	25	29	76
Heart attack or stroke	5 ¹	8 ²	9 ³	22
Electrocution	2	1	4	7
Caught or crushed in machine (left energized during repair)	1	4	1	6
Tractor rollover or driver ejected	3		2	5
Worker on ground crushed or run over by vehicle	1	1	3	5
Collision with another vehicle or object	1		3	4
Driver run over by tractor after dismounting	1	2	1	4
Caught in machine (inadequate guarding)	1	1	1	3
Fall from ladder		1	2	3
Fall from trailer or other vehicle	2	1		3
Hit by flying or falling object		3		3
ATV accident	1	1		2
Drowning (collapse or unknown circumstances)	1		1	2
Drowning (vehicle fell into canal)		1	1	2
Heat illness			2	2
Allergic reaction to bee sting	1			1
Crushed by bull	1			1
Thrown from horse	1			1

1. Cal-OSHA concluded these deaths were not work-related. All occurred between 5/17/09 and 8/22/09.

2. Cal-OSHA or coroner concluded that five of these deaths were not work related. No conclusion on whether or not death was work related was given for other three deaths. All occurred between 6/11/10 and 9/21/10.

3. Cal-OSHA concluded that one death could not be conclusively attributed to heat illness and another death was not work-related pending coroner's report. No conclusion on whether or not death was work related given for the other seven deaths. Three deaths occurred in the spring in northern California. Five deaths occurred between 6/4/11 and 9/24/11 and one occurred in Imperial county in late April.

TABLE 2. YOUTH FATALITIES IN AGRICULTURE

9/30/11	Caruthers	A 25-year-old worker was driving an empty bankout car out of an almond grove. He hit the top rail of a gate made of pipe that struck him in the head.
9/5/11	Patterson	A 19-year-old worker was driving a small tractor when he drove into the Delta-Mendota canal and drowned.
5/20/11	Chino	A 20-year-old irrigator and a co-worker raised an aluminum irrigation pipe that contacted a high voltage power line, killing them.
11/4/10	Carpenteria	A 22-year-old avocado picker was electrocuted when he climbed a 32-foot extension ladder which made contact with an overhead power line.
10/26/10	Kettleman City	An 18-year-old worker was using a platform installing machine when his clothing became entangled and he died.
10/24/10	Kettleman City	A 21-year-old tractor operator was transporting a bin dump trailer when it jackknifed and the tractor flipped, crushing him.
7/10/10	Soledad	A 25-year-old worker collapsed moving irrigation pipe at noon. Investigation concluded death due to congenital heart issues.
3/16/10	Williams	A 22-year-old worker was driving an ATV between fields without a helmet on a public road when she was hit by a vehicle.
9/3/09	Calipatria	A 25-year-old worker was welding when he collapsed and reportedly died of natural causes (cardio vascular/respiratory failure). Investigation found many electrical safety violations.
4/26/09	Stevenson	A 16-year-old dairy worker was struck by a bull when he entered a pen containing a bull and several cows and later died in the hospital of internal injuries.
2/4/09	Dos Palos	A 20-year-old worker was holding on to the top of a PTO-driven auger to stabilize while digging a hole. The sleeve of his coveralls became caught in the drive shaft of the auger. His body made three revolutions around the drive shaft before it came to a stop. His body struck the boom, which raised/lowered the auger, killing him.

Source: Summary Report of Cal-OSHA Fatality Inspections in Agricultural Businesses (SIC codes) between 10/1/08 and 9/30/11.



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II. The Stories Behind the Statistics

In the following section, we connect the data and statistics on fatalities and injuries to the human stories they can sometimes obscure. We profile individual workers who have lost their lives or who struggle daily with the consequences of grueling job conditions. We look in more detail at particular types of incidents, like those involving confined spaces and heat, and particular high-hazard industries, like agriculture and warehouse work.

Deaths in Confined Spaces Can Be Prevented

Why Do They Still Happen?

What do wineries, recycling facilities, pharmaceutical manufacturers, paint producers, meatpacking plants, and laundries have in common?

They all have “confined spaces,” in which seven California workers died in 2011. That is far more than the two each year in 2009 and 2010, and seven too many, given that the confined space standard has been in effect for almost 20 years.

Confined spaces typically are (partially) enclosed areas that are difficult to get in and out of. Not designed for day-to-day work tasks, they also:

- ▶ have toxic chemicals in the air inside them;
- ▶ contain materials (e.g., grain, soil, and sand) that can

suffocate, trap, or cover people;

- ▶ have too much or not enough oxygen; and/or
- ▶ can trap people physically (e.g., in machinery).

All these factors make them life-threatening. Co-workers often try to rescue people who become incapacitated inside a confined space. These heroic efforts account for about 60% of fatalities in these spaces.

That’s what happened to Heladio Ramirez in October 2011, when he tried to save his 16-year-old brother, Armando. (See page 22)

The other five Californians who died in confined spaces in 2011 worked in very different settings:

- ▶ 20-year-old Alejandro Bautista worked at Jean Genie Wash Studio, a Los Angeles denim-washing business. Just after noon on July 20, he was pulled into a horizontal washer. It crushed him.
- ▶ Gustavo Muro was an assistant wine maker at Ancien Wines. On April 20, the 42-year-old man died in a wine tank while purging it of argon gas; it removes oxygen to avoid spoiling wine.
- ▶ At Baxter Biosciences—a Fortune 500 pharmaceutical manufacturer—Henry Astilla tried to measure the contents of a blood plasma tank on January 21. The 33-year-old collapsed when he got inside it, because there was not enough oxygen. Two co-workers who tried to rescue him also were overcome, but survived.



CAL/OSHA LAUNCHES NEW INITIATIVE

In response to the unprecedented number of confined space deaths, Cal/OSHA launched a year-long Special Emphasis Program (SEP) in early 2012. Working with partners in labor, industry, public safety agencies, and other safety and health groups, it includes resources, publicity, and extra attention from inspectors.

The new initiative is designed to improve employer compliance with confined space regulations in general industry (Title 8, Section 5157) and elsewhere (Title 8, Section 5158). In general, these regulations require employers to have plans, air testing procedures, proper training for workers and supervisors, and effective rescue procedures that are available on site immediately.

- ▶ Leopoldo Gutierrez was a 72-year-old crew worker for Central Valley Meat in Hanford. He died on February 28 after being caught in a meat grinding machine that was not de-energized and locked down during a cleaning operation.
- ▶ Methylene chloride paint stripper took the life of 62-year-old Roberto Magdariaga and almost killed his co-worker on November 15. The two were assigned to use the toxic chemical to get rid of old paint in a mixing tank at Vista Paint in Fullerton.



This hole at the Community Recycling & Resource Recovery site leads to a drainage ditch where the Ramirez brothers were overcome by toxic gas.

Their deaths raise many questions for all Californians:

- ▶ Why were workers sent into these spaces?
- ▶ Did their employers train them about confined space health and safety?
- ▶ Could they have refused to enter the space?
- ▶ Were any represented by a union?
- ▶ Why was the Cal/OSHA confined space regulation ignored?

Prepared with materials from Cal/OSHA and assistance from Michael Wilson, PhD, MPH, Director, Labor Occupational Health Program, UC Berkeley

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NEW STUDY: LIMITS OF RESCUES BY LOCAL FIRE DEPARTMENTS

Too often, “rescue procedures” mean calling the local fire department. That’s what University of California, Berkeley researchers reported in 2012 (<http://newscenter.berkeley.edu/2012/02/13/confined-spaces/>). The Labor Occupational Health Program also reported that senior fire officers in 10 California cities estimated that the four phases of a confined space rescue take from 48 minutes to three hours, after firefighters arrive—longer when hazardous materials are present (<http://www.ncbi.nlm.nih.gov/pubmed/22300305>).

That’s far too long when time is essential. The result: workers likely will die in a confined space if they have a life-threatening emergency and their employer’s plan relies on calling 911.

“When something goes wrong, help from fire department crews can be a long way off,” says lead author, Michael Wilson.

“The research shows that employers don’t seem to be taking their responsibilities about confined spaces seriously, or they have a misperception about what firefighters can do in these situations.

“Before workers enter a confined space, the hazards should be dealt with, and workers should know what the employer intends to do if something goes wrong. If that only includes calling 911, workers should refuse to enter.”

ARMANDO & HELADIO RAMIREZ

With No Protection, Brothers Die from Composting Gas

On October 12, 2011, 16-year-old Armando Ramirez and his 22-year-old brother Heladio were cleaning out a storm water drain at work. Heladio saw his little brother collapse and went down the eight-foot hole into the drain to save him. Both died.

The brothers worked at the Community Recycling & Resource Recovery facility at Lamont, near Bakersfield. The site composts organic waste matter. Their deaths were caused by hydrogen sulfide gas that accumulated inside the drain. The toxic and odorless gas is released as waste decomposes. Inhaled, it quickly attacks the central nervous and respiratory systems, causing people to pass out and, often, to die.



According to family members, the only protective equipment offered to the young men were thin “painters’ masks;” they do not work for hydrogen sulfide.

Armando and Heladio came to the United States from Oaxaca, Mexico, just two years ago. Family members say Armando was too young to get a job as a farmworker alongside his mother, Faustina. Yet, he was hired in the dangerous waste industry with his brother.

The brothers died at a composting facility that received 400 tons of green waste a day from Los Angeles. For years, it was known for breaking laws. There were land-use violations, trash complaints, and, after the brothers’ deaths, a Kern County order to cease operations and pay a \$2.3 million fine. In February 2012, a judge allowed the site to stay open while the company fights the order.

On March 21, 2012, Cal/OSHA issued 16 citations and fines of \$166,890 to the company. There was a separate general citation to Heladio’s employer, A&B Harvesting, a day labor contractor. Criminal charges may follow.

The horrific tragedy is not really a surprise for the Don’t Waste LA campaign. “The region’s private waste industry operates, by and large, with no accountability. Consequently, it’s an industry notorious for mistreating workers,” says Greg Good, of LAANE and director of the campaign. “Regulations and standards exist—but because there’s so little governmental capacity to enforce those standards, it effectively operates outside the law.”

Nor was it a surprise to the union representing the drivers who truck the organic waste to the facility and take the 1,200 tons of compost away each day. The Teamsters are doing outreach to “shine light” on the conditions at the site, and negotiating with the company about organizing the inside workers, says Doug Bloch, Political Director for the Teamsters Joint Council 7.

Source: Don’t Waste LA. Don’t Waste LA is a coalition of community, environmental, faith, and labor organizations working for clean air, green jobs and recycling for all Angelenos, through region-wide standards and accountability in the city’s commercial and multi-family waste and recycling system.

LAX Service Workers

Facing Serious Health and Safety Hazards on the Job

LAX works because they do. Yet the Los Angeles airport's 5,000 or so service or "airside" workers often are invisible to passengers. They are the plane cabin cleaners, baggage handlers, and ramp and cargo workers who help make flights possible, safe, and comfortable. In turn, they have dangerous, low-paying jobs, one result of outsourcing to contractors.

These workers face a wide range of hazards every day. They include high temperatures at work locations, hazardous chemicals, slippery surfaces, cargo that is not properly secured, faulty equipment, lack of proper protective equipment, repetitive stress and other ergonomic problems, and improper use of heavy equipment and machinery.

The types of injuries that can result from such hazards can be life-long and debilitating. In a recent survey of more than 350 cabin cleaners and ramp and cargo workers, nearly 40% reported being injured on the job. In addition to these dangers, LAX workers often feel their jobs lack basic dignity. Many report having no access to bathrooms and even water while they work. Cabin cleaners have to use dirty rags to wipe down plane surfaces. Many continue to work even after they have been injured for fear of retaliation by employers if they report their injuries.



Hector Alvarez is a ramp agent who's worked at LAX for more than 20 years. Last year, he was injured when a worker driving a luggage tug ran over his foot. He believes that the doctor the company told him to see did not properly diagnose the foot injury. Instead, he was given a walking cast for his leg, some pain medication,

and was sent back to work immediately. Limping and in pain, Hector went back to work despite feeling

GOOD JOBS LAX: TAKING ACTION

Workers like Hector have had enough. They're publicizing their working conditions. They're organizing links to their communities. With Good Jobs LAX, they are fighting for changes that help them, their families, and their communities. Good Jobs LAX, a grassroots organization and broad coalition, is dedicated to making LAX an airport that works for everyone. They are asking that:

- ▶ LAX improve the quality of jobs at the airport, support safe conditions for workers and passengers, and boost investments in local communities.
- ▶ Airlines end the race to the bottom by working only with responsible contractors, and respect the workers who serve their passengers.
- ▶ Communities and elected officials stand with LAX workers in their fight for jobs with family-supporting pay, affordable health care, and safe working conditions; champion new standards to promote better jobs and high-quality passenger services at LAX; and hold LAX authorities accountable for promises to invest in local communities and improve jobs.

unable to resume his duties. Hector did not file paperwork to apply for workers' compensation because he did not want to risk losing his job. Hector attributes this injury to the fact that the company often does not have enough bag and ramp workers, which increases the workload for those doing the job and leads to injuries like his. "They want the people who work there to work miracles," he says.

New Efforts Underway to Protect Warehouse Temp Workers

The Warehouse Worker Resource Center has been building a movement of warehouse workers in the Inland Empire, the most important hub for goods movement in the United States. The warehouse workers in the region face dire health and safety issues, often due to the fact that a large percentage of them are employed through staffing agencies and face retaliation for speaking up about hazards, accidents, and injuries.

WWRC began to engage in health and safety issues in 2011 by conducting a health and safety training program and assessing the needs and conditions of the warehouses where WWRC leaders work. Worker leaders trained their peers and assessed other workers with a comprehensive, 60-question survey about conditions and injuries, but also retaliation, intimidation, and other root causes of hazards. These hazards were detailed in a report, *Broken Bodies and Shattered Dreams*, published in June 2011. The report found that health and safety issues are endemic among temp workers in the warehouse industry. Of the 101 current or former warehouse workers surveyed, 63 told us that they had been injured on the job, 83 had suffered from a job-related illness, and 84 witnessed an injury of a co-worker.

Some of these leaders decided that it would be necessary to go beyond education and advocacy to action, and try to make an example of the workplace with the most evidence of hazards found in the assessments. They focused on NFI Industries, a Chino-based global logistics firm with hundreds of employees and clients, including some of the biggest retailers and manufacturers in the world, like Walmart. Its facilities had many significant problems, including rapidly moving forklifts and other poorly maintained machinery with faulty safety equipment.

Just as dangerous is the atmosphere of intimidation and retaliation workers faced at NFI. Every worker



at the three NFI warehouses was employed through a staffing agency, making the entire workforce contingent and contributing to a sense of constant fear. Workers were afraid to speak up. After the complaint was filed, each of the three named complainants, and every worker to publicly speak up, faced some intimidation or retaliation. Workers continued to fight for improved conditions despite this retaliation, organizing delegations and petitions for changed conditions.

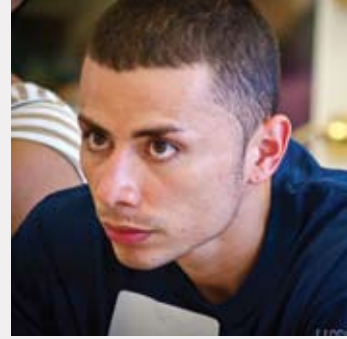
In January, Cal/OSHA cited the warehouse and the staffing agency, Tri State, jointly for serious violations, including dangerous machinery, lack of a health and safety training, and a lack of a plan for and inappropriate reaction to a heat injury. All of these conditions are common across the industry. The WWRC peer trainers continue to educate the industry on these issues, and support workers making change in other “bad actor” warehouses.

By Veronica Alvarado, Warehouse Worker Resource Center

SANTOS CASTAÑEDA

Organizing in the Face of Retaliation

Twenty-five-year-old Santos Castañeda is the child of warehouse workers. His mother would come home complaining of back problems, and his father underwent eye surgery due to exposure to dust and paint. Expressing grievances was out of the question for them. He couldn't understand why.



After dropping out of high school to help support his family, working in Chino warehouses himself, the poor conditions he's experienced and the retaliation he's faced for speaking up have given him an appreciation for their situation. He has faced intimidation, been written up and demoted, and had his pay cut and his hours slashed. Across warehouses, he's witnessed the same things: Untrained drivers, old forklifts, unsecured pallets stacked high with heavy boxes, injured workers fearful to make a report. No protective equipment, insufficient water stations, timed restroom breaks, the constant watch of supervisors.

The Chino-based company NFI, which only hires workers through the temp agency Tri State Staffing and supplies shoes to Walmart, has been the worst. Castañeda has worked there for nearly four years: when he first arrived, he saw pallets and broken racks strewn across the floor. He saw a forklift tap a 30-foot high column of pallets, and 40-80 pound boxes tumble down.

So when Castañeda was approached by organizers from Warehouse Workers United (WWU) last June, it didn't take much to convince him to act. He began educating workers on their rights to a safe workplace. With WWU guidance and support, they filed a Cal/OSHA complaint pointing many violations. The company retaliated immediately, starting with Castañeda.

His daily shifts were cut in half; soon the same began happening to co-workers. "I was depressed and stressed out. I felt like dropping everything and quitting. [But] we started something, we had to finish it. If I quit, I'd just end up at another warehouse and face the same problems." In mid-August, after handing out flyers about health and safety and speaking at a rally, Castañeda was fired. Thanks to a delegation led by WWU and SEIU Local 721, he was reinstated two days later.

The organizing efforts ultimately paid off. Cal/OSHA fined the company \$256,000 for 60 violations and required they address them all. By the end of 2011, the warehouse was transformed. Old forklifts were replaced and the speed limit reduced. Workers were trained to operate the new machines. Mirrors were installed and hung from the ceiling so drivers could see whether aisles were clear. Limits were placed on the height of pallets, which now have to be shrinkwrapped. There are additional water stations and free protective equipment has been made available. Emergency exits have been cleared and fire extinguishers installed. Health and safety trainings are held each morning and workers told that they have a right to organize.

However, retaliation against Castañeda continues. He still works inside an extremely hot container, doing a job normally assigned to three people. He barely makes \$120 a week, and his eyes are so irritated from dust that it hurts to close them. He has filed a report with the Labor Commission denouncing the company's acts of retaliation and hopes for a favorable outcome.

Still, Castañeda says it is his anger at these injustices that have kept him from quitting. And despite this ongoing retaliation, he continues to organize. "To me, all the people that work in the warehouses are my brothers. I know what it's like to be treated bad," he says. "The process is slow, but at the end it's worth it."

BRENT ROBINSON, TELECOMMUNICATIONS WORKER

January 27, 1956-September 2, 2011

Brent Robinson was only 55 years old when he died at work while installing phone service for a customer in Rancho Cucamonga, California. Brent, a father, grandfather, and husband, had worked as a telecommunications technician for Verizon for 30 years. He had been out sick from work Monday through Thursday the week of his death. Since workers face discipline when they use too many sick days, Brent took some days out of his vacation time to stay at home while sick. He returned to work on Friday, September 2, not wanting to use up too many vacation days. Brent was working outdoors on a phone service installation in sweltering 100-105 degree heat. Feeling sick, he called his supervisor asking to be released to go home, but was denied and had to continue working.

“Employers that send workers out in very high temperatures should stress the importance of taking cool-down breaks instead of complaining about how long workers are running the air conditioning in the company truck.”

—Local 9588 safety and health chair

Before heading to his next assignment, Brent stopped at a grocery store for a cool drink. He began to feel worse and called 911. By the time medical personnel arrived, he was unconscious and, despite emergency care, they were unable to revive him.

Cal/OSHA investigated Robinson’s death and issued Verizon a minor fine for not having a written heat stress procedure for employees working in over 95 degree heat. Verizon is appealing this fine. The Communications Workers of America (CWA), the union that represents Brent and his co-workers, says that they do not expect Verizon to make major changes following the citation. In

the past, they have seen no significant movement on the part of the company in response to other Cal/OSHA citations they have been issued.

Because of the extreme temperatures frequently faced by telecommunications workers, CWA has been leading a campaign to educate workers on how to protect themselves, as well as holding represented employers responsible for providing safe and healthful working conditions. The union is providing trainings emphasizing that heat stress is preventable and easily recognizable through key warning signs. They also teach workers to recognize whether or not their employer is in compliance with federal and state heat stress standards. CWA asks that Verizon and other telecommunications companies create a comprehensive heat stress prevention plan and a fairer attendance discipline policy that does not force workers to return to work when they are still sick.

EDITOR’S NOTE: The final coroner’s report concluded that Robinson died of natural causes. Without medical evidence of a link to the high temperatures on the day he died, it was difficult for Cal/OSHA to do more than cite the company for problems in its written heat prevention plan. This is not unusual: the links between hazards and health-related workplace deaths are not always straightforward.

Source: Robert Harris, Vice-President CWA Local 9588

HEAL: A New Project to Train and Protect Supermarket Workers

When the 20-pound tray of fresh bread Maria Carmen del Romero was trying to lift into a supermarket display case snagged on something, she knew she was going to fall. She had no idea how much it was going to hurt. Or that her employer carried neither worker's comp nor medical insurance. Or that she would be fired for going to a doctor. Or that her pain would still be there two and a half years later.

What makes Carmen's experience a particular concern for Working Partnerships USA is that what happened to her is so common. Supermarket work does not have the same reputation as a dangerous occupation that construction work, for example, does. But supermarkets' benign reputation hides a different reality.

Federal OSHA has won two large decisions in 2012 against supermarket chains for failure to correct workplace safety hazards. A judge ordered Market Basket, a New England chain, to pay \$600,000 because safety violations were found in two stores and management didn't check to see if additional stores had similar problems. Walmart was hit with a \$300,000 judgment for similar reasons after problems were found in a Rochester, N.Y., supermarket. It turned out that 10 other Walmarts had already been found with the same problems.

Supermarket work has been identified as among the most injury- and illness-plagued of all service industry occupations in the United States. There are the hazards of heavy lifting, sharp cutting tools, chemical exposure, and extended work periods in refrigerated work spaces.

Ergonomic conditions are a major cause of back injuries and sprains or strains from lifting, repetitive motion disorders such as carpal tunnel syndrome, and overexertion. OSHA issued ergonomic guidelines for the grocery industry in 2004.

Yet enforcement of existing rules is spotty and employees must protect themselves. In Santa Clara County, these hazards are faced by 15,000

supermarket workers. 65% are people of color, often with little or no English-language proficiency, and many are vulnerable to exploitation because of their immigration status.

"A lot of workers' biggest fear is deportation," Carmen said.

That's why Working Partnerships joined with the U.S. Department of Labor, the United Food and Commercial Workers, UC Berkeley's Labor and Occupational Health Program, and the Mexican Consulate in a pilot program to train grocery workers in safety and their rights.

"Things are only getting better in the workplace for workers who understand their rights, understand the hazards, and who speak up," said Dinorah Barton, coordinator of public programs for the Labor Occupational Health Program, which helped design the curriculum.

Our program—called HEAL, for Health Education and Leadership Program—is unique because it is conducted in English and Spanish and because both union and non-union workers are training together. Once we have proven our concepts, Working Partnerships plans to develop similar training programs for other industries.

Carmen is participating in HEAL, sharing her experience of how too many workplaces really operate. "I can't keep up with the demands of supermarket work anymore," she said. "My life has changed completely."



By Cindy Chavez, Executive Director, Working Partnerships USA, and Executive Officer of the South Bay AFL-CIO Labor Council.

Driving a Bus Is Hazardous to Your Health

Chronic work-related diseases are hard to see just by looking at someone. Take your local bus driver, for example. Recent innovative research by the National Institute for Occupational Safety and Health (NIOSH) shows that bus drivers and other “passenger transit workers” suffer greater rates of illness than workers in many other industries and occupations. Transit work is one of the top three jobs in which you face the highest risk of contracting 10 common diseases. Job-related hazards also contribute to the fact that these workers have 120% above the average rate for 9 chronic diseases.

Tim Bushnell from NIOSH presented these preliminary results at an International Transportation Federation health and safety conference in December 2011 in San Francisco. He found the startling numbers by looking at the employer-based group health insurance medical claims of two insurance companies. They reflect people’s real health problems, rather than incomplete workers’ compensation claims.

Bushnell studied the records of 214,413 workers in 55 sectors—two-thirds of all possible types of workplaces. “Passenger transit workers” include all types of bus drivers, as well as commuter rail, streetcar, subway, van

pool, airport limousine, taxi, and ambulance drivers.

The scariest finding: 41.5% of the transit workers had hypertension (high blood pressure), compared to 27.6% for all the 214,413 workers studied. High blood pressure leads to all kinds of other health problems, including heart attacks and strokes. Heart disease is the leading cause of death in the United States.



Bus driver Jesse Camacho

For a range of chronic diseases such as low back pain, asthma, depression, and diabetes (see graphic), the drivers’ rates also were 120% higher than all people in the 55 sectors.

These numbers were no surprise to Dr. June Fisher, a long-time San Francisco General Hospital physician.

“Many years ago, Local 250A of the Transport Workers Union in San Francisco were concerned about heart attacks among their members in the MUNI system,” she says. “Analyzing the medical exams required for their commercial drivers’ license, we found high rates of hypertension. When we did continuous blood pressure monitoring while they were driving, even the healthiest drivers had extraordinary increases in blood pressure.”

Since then, many studies have confirmed that urban bus drivers are at high risk for many illnesses.

“We know from Denmark that urban bus drivers have the highest rates of hospital admissions for cardiac disease,” Fisher says. “The DOT medical exams could be used to track all the drivers with hypertension and related health problems now. We need to prevent the hazards behind those high numbers too.”

Preliminary numbers show transit drivers have these diseases at rates above the average for workers in 55 industries/sectors. The star indicates when they are in the top three for that condition.



Compelling Worker Health and Safety Messages Through Digital Storytelling

Antonio Barajas, 33, was a grounds maintenance worker who died in the workplace after he was thrown against a wood chipper. He left behind his wife and four-month-old son.

Hans Petersen, 30, was a solar panel installer who died on the job when he stepped backwards off an apartment building roof and fell 45 feet.

The factors that led to these tragic workplace fatalities are the subjects of “digital stories” or short safety videos produced by the California Department of Public Health (CDPH). Using digital storytelling to share workers’ tragic stories and prevent similar deaths is a new strategy for CDPH’s California Fatality Assessment and Control Evaluation (FACE) program.

“We all pay more attention when we see a photograph, hear a person’s story, and understand the human impact of the tragedy. Using data and statistics doesn’t show the personal devastation that these incidents cause,” said Laura Styles, FACE program manager and the videos’ creator.

“We put a human face on these training videos because we want people to realize that they could be involved in fatal workplace incidents. When workers identify with the workers in the video, they are more open to the safety messages that can prevent workplace deaths.”

Nearly 200 grounds maintenance workers die on the job every year in the United States, many of whom are Latino or Hispanic. About a quarter of those deaths involve contact with wood chippers or other equipment or objects.

Barajas died after a tree trimmer’s climbing rope became entangled in branches fed into the wood chipper and snapped tight, sending him against the machine and breaking his neck.

In the video, co-workers who were there during the

fatal event recreate the incident and show safe work practices. Although upset by what happened, they participated because they

wanted to show how the death of their co-worker and friend of eight years could have been prevented.

As the use of solar energy continues to grow in California and the U.S., an increasing number of solar installation workers are exposed to fall hazards that can cause injury or death.

When Peterson stepped backwards off the multi-story building roof, he was not wearing personal fall protection equipment and there were no other fall protection systems in place.

Since its debut last September, the wood chipper training video (available in English and Spanish) has been widely disseminated by NIOSH, Cal/OSHA, Fed OSHA, and CDPH’s Occupational Health Branch (OHB) through social media and newsletters. It has also been well received as a training tool. Since the tree care industry is predominately non-union and worker training is mostly done through trade associations, FACE has partnered with tree care trade associations to help promote the video to employers, workers, and chipper manufacturers.

The videos are available at: <http://youtu.be/imiFPy2DZkM> (solar), <http://youtu.be/7NKZM9IIEk> (wood chipper, English), and <http://youtu.be/H9nLGoSEUYw> (wood chipper, Spanish). FACE encourages their use by apprenticeship programs and other training organizations.





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III. What Needs to Be Done

In the following section we profile some recent victories and make recommendations for future reforms.

Finally, we include a chart of California workers who lost their lives on the job in 2011. In putting together this list, we've done the best we could with the available data. Although it's an unavoidably incomplete count, we believe that pausing to remember those who left for work and never returned is a crucial act for worker advocates; indeed, for all of us. In remembering their deaths, we also need to do them the further honor of learning how to prevent similar events in the future. As Mother Jones famously said, we "mourn for the dead, and fight like hell for the living."

What Needs to Be Done

Back on the Path to Rebuilding a Strong State OSHA Program

Historically, California has been a leader in workplace safety and health. We have some of the best laws on the books and are often the first in the nation to respond to new hazards, setting standards for heat stress, new chemical exposure limits, needlestick injuries, and prevention programs to “find and fix hazards” through workplace injury and illness prevention programs (IIPPs). But deep cuts have starved the agency over the last decade and created numerous problems. It’s time to redouble our efforts to reclaim our role as leaders in the field.

Agency Progress in 2011

Early in 2011, the agency seemed close to a breaking point, with very low staff levels and morale. Since last April, with the appointment of a new Cal/OSHA chief, Ellen Widess, and other top aides, and the lifting of the hiring freeze, the agency has made important progress, including:

- ▶ filling key vacancies, appointing new managers, and training new hires;
- ▶ launching new initiatives on long-standing hazards like confined spaces;
- ▶ responding to the workplace violence crisis in the state mental health facilities;
- ▶ providing oversight to ensure safe reconstruction of the Hetch Hetchy water supply system;
- ▶ defending current law requiring employers to pay for personal protection equipment; and
- ▶ building consensus around new regulations, including lead and safe patient handling in hospitals.

Equally important, the agency has worked to improve both internal and external communication, expanded outreach to stakeholders, and partnered with other

state agencies through the new Labor Enforcement Task Force (LETF). It has also partnered with the Labor Commissioner to address retaliation and related problems caused by recalcitrant employers in the underground economy.

These are welcome changes for all who rely on the vital services of Cal/OSHA. But the road back to building a fully functioning OSH program will be long and challenging, particularly given the current state economic and budget circumstances.

The new Cal/OSHA has made good on its word to step up enforcement by hiring more safety inspectors, as well as appointing new district and regional managers and using available authorized positions to hire more legal and technical staff. But more needs to be done.

Need for More Bilingual Inspectors

Cal/OSHA needs more bilingual inspectors who are able to communicate with California’s large population of non-English speaking workers. An estimated 25% of the workforce, or 4.5 million people, are immigrant workers, many of whom likely work in high hazard workplaces. Prior to the latest set of new hires, Cal/OSHA had only 32 field inspectors who receive bilingual pay, 25 of whom are fluent in Spanish. For other monolingual workers, the entire state is served by a handful of inspectors: three who speak Mandarin, two Cantonese, one Korean, one Vietnamese, and none for all other languages.

Need to Fill Legal and Medical Units

A federal audit of Cal/OSHA found a number of problems related to understaffing of the legal unit and absence of medical and technical staff needed to support the investigations of the inspectors. Cal/OSHA received authority to hire one more doctor,

but that is not enough. More medical and technical staff is needed, including doctors, nurses, senior industrial hygienists, inspectors with ergonomics training, and toxicologists. This unit is critical to enforcing several health standards such as heat stress, airborne transmissible diseases, ergonomic complaints, and chemical exposures. Investigating heat-related cases alone ties up most of its current resources. They need trained epidemiologists to fulfill new duties to receive and analyze fatality surveillance data.

In addition, the agency needs sufficient competent legal staff to support and defend citations that are appealed by employers. Without this support, there will be a greater tendency to settle cases. The legal unit also monitors and responds to decisions by the OSH Appeals Board and evaluates cases to refer to others for criminal prosecution.

More Referrals for Criminal Prosecutions

The number of case referrals by Cal/OSHA to district attorneys (DAs) has been steadily declining over the last 10 years, from about 60 a year to around 15 in the last two years. This is most likely due to fewer inspectors in the Bureau of Inspections (BOI) who can select potential cases (usually involving willful or serious citations) for criminal prosecution resulting from fatalities. With limited resources, the program has instituted a new triage system to refer only the strongest cases and has seen a significant increase in the percent of referred cases that are later filed by a DA. In addition, they have expanded their education and outreach efforts to DAs. With more resources, they should refer more cases in order to send a strong message to employers that they are not above the law.

Greater Transparency of Progress of Cal/OSHA's Corrective Action Plan (CAP)

This administration inherited several problems, many of which were profiled in the OSHA enhanced (EFAME) audit covering both Cal/OSHA and the OSH Appeals Board, issued in 2010 (and summarized in our report last year). The most recent audit update, issued in fall 2011, was based on an evaluation

through September 2010, before the new Cal/OSHA chief took office. This latest published report found that a majority of the deficiencies mentioned in the previous report remain. The next report covering the first full year of the new administration won't be released until August 2012. Given the serious nature of the historical problems in the original EFAME report, we encourage the agency to keep stakeholders informed about efforts to correct deficiencies, such as updating its Policies and Procedures (P&Ps), improving its system for targeting programmed inspections, reducing the citation lapse time, and ensuring communication with the victim's family in fatality investigations.

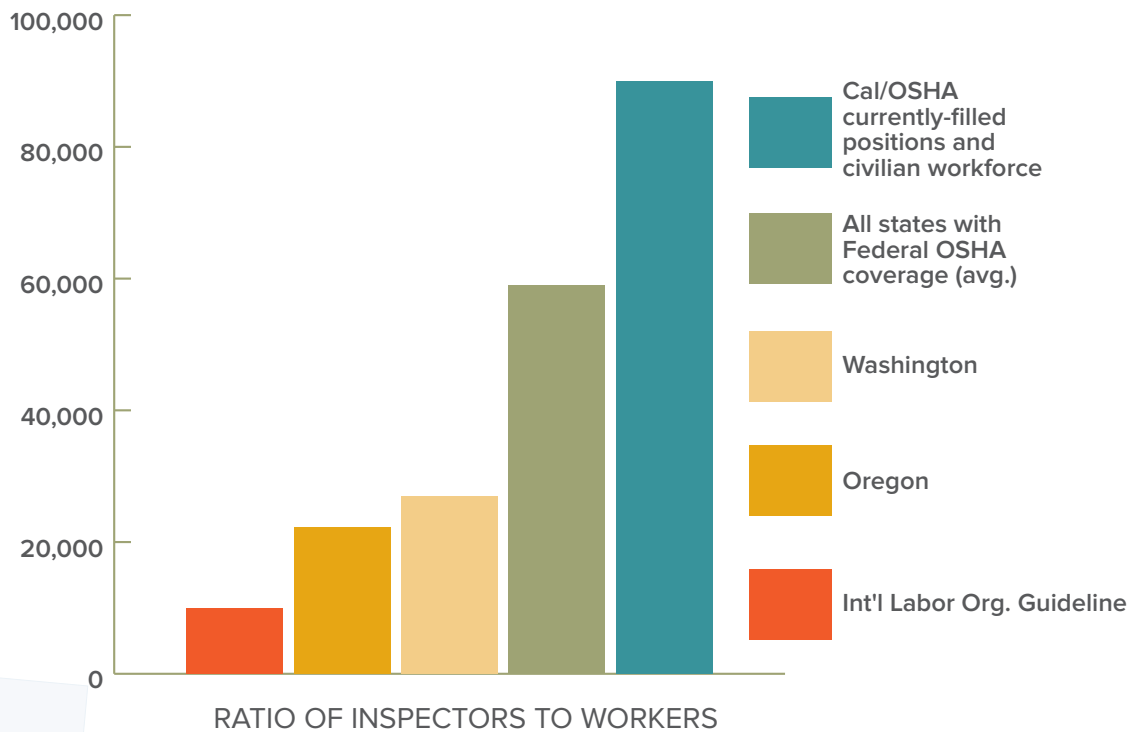
What should Cal/OSHA staffing levels be in these times?

These are tough times for all government budgets, and many important programs that provide a basic safety net for working families have been cut. Don't we have to "be realistic" and accept continued underfunding of Cal/OSHA as necessary at this point in time? This reasoning is flawed on many levels.

First, we need to step out of our "OSH" silo and look at how funding for Cal/OSHA fits into the big picture. The historic underfunding of Cal/OSHA is just one example of a broader effort by the business community to undermine state and federal regulatory agencies by keeping them under-resourced, understaffed, and overwhelmed so that the laws will go largely unenforced. As Grover Norquist famously said over 10 years ago, "My goal is to cut government in half in twenty-five years, to get it down to the size where we can drown it in the bathtub." He was talking about agencies like OSHA and EPA, which head the list of government programs targeted by major business groups. They are using the current economic crisis to push their agenda further. We need to push back and defend our legal right to "safe and healthful working conditions" and for timely investigations of job hazards by qualified inspectors based on worker complaints.

Second, Cal/OSHA is not funded by the state

OSH STAFFING LEVELS

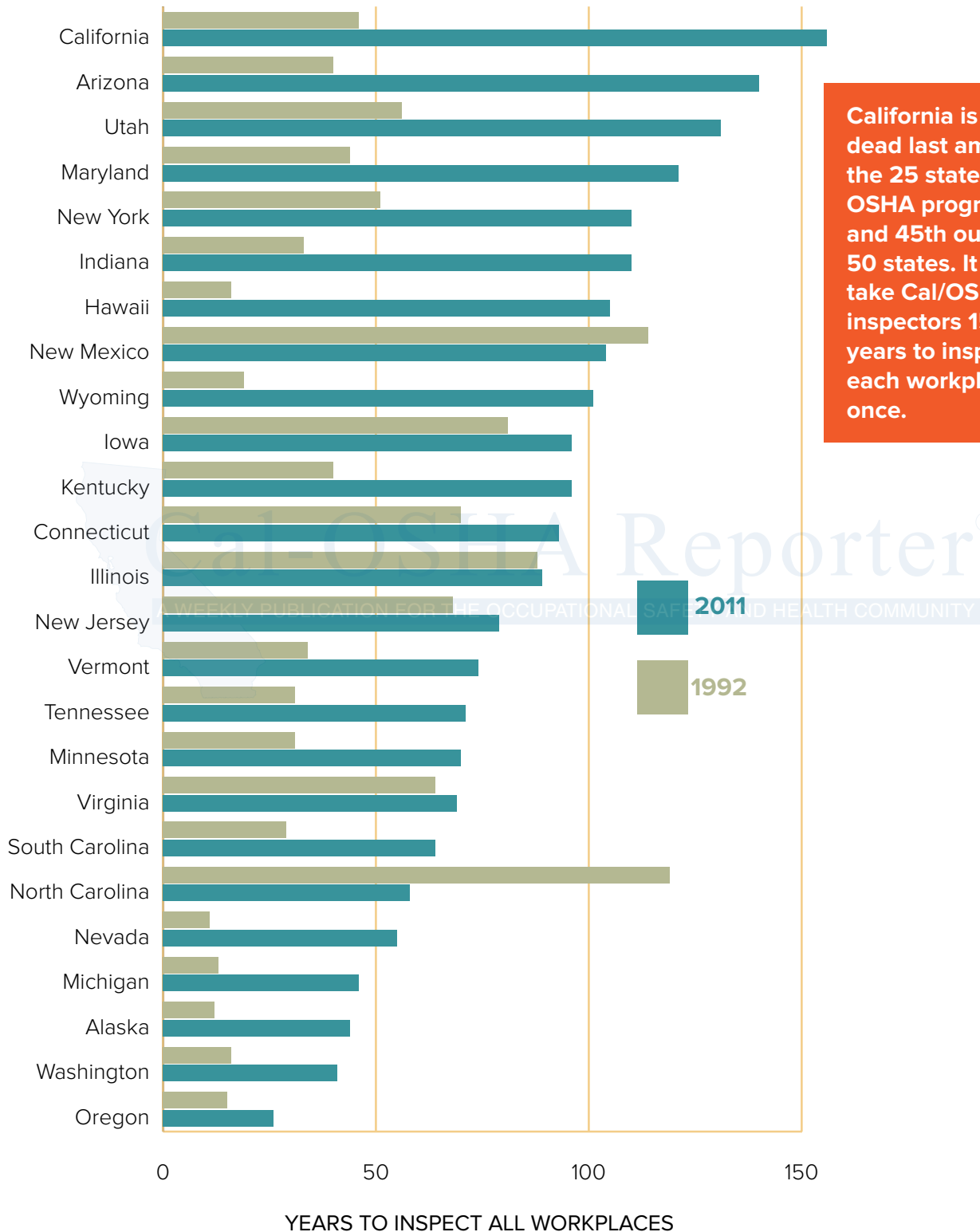


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general fund; it is 100% funded by other sources. Funding is split about evenly between federal OSHA and employer workers' compensation assessments, plus some special permit fees. Federal OSHA has authorized and funded Cal/OSHA to hire at least 35 additional inspectors beyond state-authorized levels—money that California receives from its OSHA grant each year. Last year, with the hiring freeze and transition to a new administration, several million dollars were unspent and later returned (or credited) to employers. This year, we need to ensure that all available funds are used to hire inspectors and other key support staff. California should follow the federal lead. Even in these anti-regulatory times, Secretary of Labor Solis points proudly to her agency hiring over 800 new inspectors, including over 100 in OSHA, as a sign of the federal Labor Department's commitment to enforcing our nation's labor and safety laws.

Third, Cal/OSHA has some catching up to do. In terms of the number of years it would take the staff to inspect every workplace once, California has moved from 16th place in 1982 to 45th place among the 50 states, and dead last among the 25 state-run OSHA programs (see chart). There are still more Fish & Game Department wardens in California than worksite health and safety inspectors. Cal/OSHA currently has about the same number of inspectors it did in 1994, but since then, the workforce has grown by 18%, adding almost 3 million more workers. We currently have 1 inspector per 90,000 workers. We should not accept this as the "way things have to be." We should aim to join the top third of state plans in the short-term, with an eventual goal of catching up with our neighbors in Oregon, Washington—and one day meeting the level found in British Columbia, Canada and the international recommended level of 1 inspector per 10,000 workers (see chart).

NO NEED FOR CALIFORNIA'S EMPLOYERS TO FEAR A CAL/OSHA INSPECTOR AT THEIR DOOR



California is now dead last among the 25 state-run OSHA programs and 45th out of all 50 states. It would take Cal/OSHA inspectors 156 years to inspect each workplace once.

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Fourth, a strong, fully funded Cal/OSHA is exactly where we should be putting state resources during tough economic times, when workers are more fearful than ever of losing their jobs and so are less likely to complain about unsafe or unknown hazards. There are widespread reports of employer speed-ups, less preventive maintenance, more overtime, and other forms of cutting corners—all factors that increase the risk of injuries and repetitive strains. We need to increase, not decrease, enforcement of worker safety and health laws. Without strong enforcement, responsible employers that follow the law and invest in safety to protect their employees are at a competitive disadvantage from those that ignore the law, betting that the odds are low that a Cal/OSHA inspector will knock on their door. A fully-staffed Cal/OSHA would be able to better hold “bad actor” employers accountable, thus leveling the playing field for those employers striving to provide a safe and healthy workplace.

OSH Appeals Board Improvements

The OSH Appeals Board, which reviews Cal/OSHA citations appealed by employers, was sharply criticized in the federal OSHA audits covering 2009-2010. Under the new administration, the board has been filling vacant positions necessary to clear out case backlogs and address several other historic problems. This is important to workers because, under current rules, employers don't have to abate or fix hazards until the case is resolved (unless it is an imminent hazard). The Board has also been working with an advisory committee to improve the appeals process by revising the Board's internal regulations and operating policies, a process it should bring to completion.

The Board needs to continue to work to ensure that:

- ▶ new proposed regulations make the process fair for workers and their representatives;
- ▶ hearings are held in convenient locations for witnesses and scheduled with sufficient time for prompt resolution of cases;
- ▶ all Cal/OSHA inspectors and technical staff are treated with respect during hearings;
- ▶ family members of deceased workers are allowed to participate fully in hearings and settlements; and
- ▶ it supports the proposals of the State Building and Construction Trades and Worksafe to fix key issues through pending legislative changes.

NEW OSHA Initiative

Bans Policies or Programs that Discourage Reporting Injuries, Illnesses

Reporting work-related injuries and illnesses is “a core employee right,” the Occupational Safety and Health Administration (OSHA) has pointed out, “and retaliating against a worker for reporting an injury or illness is illegal discrimination.”

In a March 12, 2012, policy memo, OSHA noted, “If employees do not feel free to report injuries or illnesses, the employer’s entire workforce is put at risk.” The memo continues, “Employers do not learn of and correct dangerous conditions that have resulted in injuries, and injured employees may not receive the proper medical attention, or the workers’ compensation benefits to which they are entitled. Ensuring that employees can report injuries or illnesses without fear of retaliation are therefore crucial to protecting worker safety and health.”

The memo advises OSHA compliance staff and retaliation investigators and their supervisors to be aware of four potentially discriminating policies employers may have regarding an employee who reports an on-the-job injury:

- ▶ Taking disciplinary action regardless of the circumstances of the injury;
- ▶ Disciplining an employee for violating an employer rule about the time or manner for reporting injuries and illnesses;
- ▶ Disciplining an employee for an injury that resulted from the employee violating a safety rule; and
- ▶ Offering incentives to not report injuries; for example, offering prizes to employees who were not injured in the previous year.

OSHA also said that the practice of linking management and supervisor bonuses to lower accident reporting could be potentially discriminatory. “Such policies could discourage reporting of injuries and could be considered unlawful discrimination,” the memo stated.

Retaliation against an employee for reporting an occupational injury is a violation of Section 11(c) of the Occupational Safety and Health Act. If this results in unreported injuries, an employer may be found in violation of its obligation to keep an accurate Log 300 of injuries. California’s rules closely mirror OSHA’s.

To see the memo in its entirety, visit <http://www.osha.gov/as/opa/whistleblowermemo.html>.

Source: adapted from American Postal Workers Union (APWU) website, posted April 3, 2012.

IMPLICATIONS FOR CALIFORNIA WORKPLACES

FOR INSPECTORS:

California and other state-run OSHA programs will need to comply with this new policy. Cal/OSHA inspectors will need to ask more questions during inspections to determine if employers have policies or practice that discourage employees from reporting injuries and illnesses.

In addition, they should ensure employer policies have the effect of encouraging workers to report hazards without fear of discipline, as required under the communications section of the Injury and Illness Prevention Program (IIPP) regulation.

FOR RETALIATION COMPLAINT INVESTIGATORS:

Whistleblower or retaliation complaints resulting from exercising OSH rights are handled by the Labor Commissioner in DLSE. They will need to become familiar with this new policy and learn how it plays out in the real world of work. Contact SoCalCOSH or Worksafe if you are interested in joining a delegation to educate your local retaliation investigator about how the current injury, illness, and hazard reporting systems actually work.

DESIGN SAFETY PROGRAM USING LEADING INDICATORS TO PREVENT INJURIES IN THE FIRST PLACE

In last year's report, we outlined 10 elements essential to creating a "safety culture" at work. This year we share a list of leading indicators developed by a project of the national Center for Construction Research and Training (previously known as CPWR), along with a few of our own. Several of these are required under the California IIPP regulation. Leading indicators are measures to evaluate safety conditions before someone is injured—it's a better test of an effective safety plan than relying on after-the-fact injury and illness numbers. Here are some:

- ▶ Accountability of supervisors for their safety responsibilities
- ▶ Inclusion of safety and health into project planning
- ▶ Reporting of unsafe conditions by employees
- ▶ Involvement of employees in job hazard analysis
- ▶ Site-specific hazard training for everyone on the job
- ▶ Pre-task safety and health briefings
- ▶ Elimination of hazards and risks
- ▶ Completion of audit and investigation action items
- ▶ Creating and following safe work procedures
- ▶ Employee ability to identify hazards
- ▶ New employee orientation and training
- ▶ Use of a "near miss" reporting system
- ▶ Trend towards reduced rate of safety equipment failure
- ▶ Trend toward less frequent breakdown maintenance

Combating the Chilling Effect of Retaliation

Why would a worker stick their neck out to complain about work conditions if they know that the law will fail to protect them from retaliation?

Effective enforcement of California's workplace safety and health laws, and other laws covering wages and working conditions, depends on a workforce able to speak out without fear of retaliation. Retaliation or discrimination can come in many forms. For example, workers who voice their concerns may be fired, demoted, laid off, or see their hours or pay reduced. This creates a chilling effect in the workplace, leading to employees working in pain, paying out-of-pocket for medical expenses rather than filing workers' compensation claims, and performing dangerous tasks in order to keep their paycheck.

Although there are laws and procedures to protect those who experience discrimination or retaliation, in practice these laws fail to protect workers.

The Current Process

Cal/OSHA and federal OSHA each have a nondiscrimination law to protect workers who exercise their rights, including filing a complaint with the agency or refusing to perform unsafe work that meets certain criteria. (See Labor Code §§6310, 6311.) This remedy is particularly important for low-wage workers who cannot afford a private attorney to file a lawsuit. These rights are enforced by the state Labor Commissioner who heads the Division of Labor Standards Enforcement (DLSE), a program within the Department of Industrial Relations—the same agency that houses Cal/OSHA. There are five full-time DLSE investigators who focus exclusively on workplace safety and health complaints. But what is their track record? Not good.

The Broken System

Many cases languish for years, with legal deadlines ignored. A federal OSHA audit released in 2010

found that 96% of complaints are not investigated within the required time period, and a follow-up audit released in 2011 found no major improvements. It takes about 16 months for DLSE to issue a determination—a long time to be without a paycheck. Because of these lengthy delays, a large number of cases are withdrawn or abandoned by worker-claimants. Other times, the original worker-claimant cannot be found because they have been fired or changed jobs.

What Needs to Be Done

Worksafe's focus in 2012 will be to find viable solutions to addressing discrimination and retaliation.

We need to start with prevention strategies aimed at employers to stop retaliation before it occurs. This includes directing Cal/OSHA inspectors to conduct interviews and records reviews to determine whether a work culture exists that discourages reporting injuries and hazards, and cite them if this is the case, using the communications requirement under the IIPP regulation. Where appropriate, employers should also be cited for falsifying records when failing to keep accurate logs of injuries and illnesses.

In addition, we will continue leading a statewide coalition of legal aid centers and worker rights organizations, holding regular meetings with DLSE and working to improve protections by making and tracking specific recommendations covering staff training, investigation protocols (including witness interviews), and case recordkeeping. We will review federal OSHA audit findings on retaliation due in summer 2012 to ensure DLSE promptly develops and implements an effective corrective action plan.

Finally, we will seek to provide multiple avenues of redress for workers. This includes educating workers on additional retaliation remedies such as the federal law protecting the actions of multiple employees under the National Labor Relations Act, as well as through private lawsuits.

KARLA CAMPOS

Fighting for Justice on the Job

Karla started working at American Reclamation during the summer of 2011; she is a 25-year-old single mother, supporting herself and her two children, ages 8 and 10. Karla was a sorter, someone who collects and sorts waste materials passing quickly by on a conveyor belt, to ensure materials are recycled properly. Sorting is a dangerous job in the recycling industry; workers sort through hazardous materials—anything from dead animals to needles, often without proper training or protective equipment. Many sorters say they are issued one pair of gloves, which quickly develop holes because of the glass and sharp objects they sort through. Some say that they receive only one disposable, flimsy painter’s mask a week to protect them from breathing in the fumes and dust being released by the waste. Karla says that in her facility workers are frequently breathing in dry wall dust from construction waste that is being broken up. She also reports that even though their facility does not collect biohazardous waste, syringes are a common sight on the sorting line.



“I thought I was going to be trained, at least for a couple of days, or at least see a video, but they just throw you right in... I had to support my children, so I had to take the risk... It’s a risk everyday working there.”

—Karla Campos

Because of the poor treatment and dangerous conditions Karla and her co-workers faced daily on the job, they decided to start a campaign to unionize. Being afraid for their health and safety, they also filed a complaint with Cal/OSHA in November 2011. Their complaint involved lack of training and receiving improper protective equipment. Because of the severe and imminent hazards at the facility, Cal/OSHA considered the complaint high priority and made their first inspection within two weeks of the filing.

Karla became a leader among her co-workers in the fight for justice and better working conditions, making her a target for the anti-union company. On January 5, 2012, Karla’s boss accused her of planting a bucket of syringes on the sorting line to get the company in trouble. The next day Karla slipped while climbing over a pile of trash to get to the one bathroom provided to the workers. She fell and fractured her tailbone; within an hour of this accident, her boss fired her. Giving almost no explanation, the boss alluded to the planted syringes as the cause for her dismissal. Karla and her co-workers feel confident that this firing was an act of retaliation against her because of the leadership role she had taken on in the unionization process. Karla is now out of work; however, she is not giving up. She continues to both lead and inspire her co-workers, actively participating in the ongoing fight to organize. And she is pursuing her legal rights through the Department of Labor Standards Enforcement (DLSE).

Two Recent Legal Victories for Workers

Sometimes we have to go to court to preserve hard-fought law and regulations that protect people from job hazards. This past year, Worksafe had two legal victories resulting in significant gains for workers; the first case took years to win.

Harris Case: Protecting Workers at Multi-Employer Worksites

In March 2003, an apprentice plumber working on the campus of Madera Community College suffered a significant injury when a pressured piece of pipe attached to a valve broke off and tore through his right calf muscle and an artery. Jeff Gilkison, a member of UA Local 246, worked for Champion, a subcontractor for the main site contractor, Harris Construction, Inc.

Cal/OSHA investigated the incident and issued citations to both Champion and Harris for failing to ensure his safety at work under its multi-employer regulation. However, the case was appealed by Harris and the Occupational Safety and Health Appeals Board dismissed the citation, ignoring their own previous decisions as well as related court rulings. This blatant disregard for the law was too important for Worksafe to ignore, so we fought the dismissal in court, arguing that California law clearly states that an employer responsible for safety by contract or practice can be responsible for a safety and health violation, even if the hazard was created by some other employer on the worksite or endangered some other employer's workers. After years of litigation, last September the court ruled in our favor.

Most construction workers are familiar with the multi-employer concept; it increasingly applies to more workplaces including hospitals, agriculture, oil and chemical plants that use outside maintenance workers, and any sectors using temp agencies.

Finding Safer Alternatives to Toxic Pesticides

In the second case, Worksafe joined several environmental and public interest groups in filing a lawsuit to challenge the approval of the toxic chemical methyl iodide for agricultural use in California. The suit was against the California Department of Pesticide Regulation (DPR) and Arysta LifeScience. Methyl iodide has been called "one of the more toxic chemicals used in manufacturing" in a letter signed by 54 eminent scientists, including six Nobel Laureates in Chemistry. It poses the most direct risks to farmworkers, especially teenage workers, and neighboring communities. Its approval was rushed through in the final days of the Schwarzenegger administration, despite the fact that many of DPR's own scientists and an independent state-convened Scientific Review Committee recommended against it.

In early 2012, it became evident that Arysta and DPR faced a losing battle in defending the pesticide's approval. In late March 2012, in a surprising turn of events, Arysta LifeScience abruptly pulled methyl iodide completely from the market, citing "economic viability" of the controversial fumigant, before the court could issue its final opinion.

Worksafe will continue to work alongside fellow plaintiffs and Earthjustice to ensure that DPR follows important California laws when it considers applications for chemicals that will be used in the state. This is an important example of a prevention approach to chemicals: potentially toxic chemicals like pesticides need to be thoroughly tested before they are registered for use.

How to Engage Workers in Filing an Effective Cal/OSHA Complaint

When workers or advocates file health and safety complaints with Cal/OSHA, the process can be lengthy and disempowering. However, if workers are well-organized and remain engaged, the process can be effective, educational, and empowering.

Below are some recommendations for how you as an advocate can engage workers and help to ensure that Cal/OSHA is responsive:

1. BEFORE SUBMITTING A COMPLAINT

- ▶ **Determine whether filing a complaint is the most effective way to deal with the problem.** In some cases, it may be more effective for workers to first engage their employer directly, urging them to resolve the issues before taking legal measures. Sometimes the issue can be resolved more quickly when employers are informed that workers are united and know their rights.
- ▶ **Begin the process with worker training and education.** Bringing community and academic health and safety experts to your training can enhance them. Get workers comfortable with identifying and communicating hazards. Explain the steps involved in Cal/OSHA complaints and prep workers to speak with inspectors. Use a variety of training methods; a body mapping activity can help identify common injuries and isolate causes, while a workplace mapping activity can help present an overall picture of worksite hazards.
- ▶ **Ensure the complaint is thorough.** Involve multiple workers whenever possible and reconfirm that information is accurate and comprehensive before filing. Include everything Cal/OSHA should know to find all of the hazards in the workplace, such as descriptions of violations, where and when they occur, details of any recent incidents, contact information for those filing, and whether the complaint is formal and serious. Complaints can include additional information such as photos or worksite map. Indicate other issues that Cal/OSHA should

know, such as potential retaliation or a need for interpreters.

2. WHEN SUBMITTING A COMPLAINT

- ▶ **Engage workers in the filing process.** When possible, make an appointment with the District Manager and submit the complaint in person. Bring workers so that they can meet Cal/OSHA officials and share their stories to illustrate points outlined in the complaint.
- ▶ **Urge Cal/OSHA to conduct off-site interviews.** When inspectors interview workers at a job site, workers often face tremendous pressure from management not to reveal safety hazards. Talk to Cal/OSHA officials if there is a for interviewing workers outside the workplace, and follow up to make sure this happens.

3. AFTER SUBMITTING A COMPLAINT

- ▶ **Follow up.** Following up with Cal/OSHA officials is critical to ensure timely and thorough inspections. Find out what inspector has been assigned and establish a relationship with him/her. Be friendly and diplomatic but persistent. Cal/OSHA has six months from the date of filing to issue citations. Citations must be posted in the worksite and you should receive a copy. If workers inform you that the hazards have not been resolved, inform the agency. Ask to be part of any informal conferences with the employer.
- ▶ **Keep all parties updated with information about the investigation.** Ask workers to tell you when inspectors visit the worksite and whenever

changes in conditions occur. Let workers know when Cal/OSHA informs you of new developments. You should request a complete copy of the complaint file, which can provide valuable information on the company's safety practices.

- ▶ **If the employer appeals, request that workers be included in the process.** Employers will likely appeal citations. If this occurs, you can submit a motion for party status to Cal/OSHA, which gives workers a voice in the appeal process. This can help prevent the reduction of citations.

*By Chloe Osmer, AFL-CIO/ SoCalCOSH Board Member, and
Andrea Nicholls, LA Co. Federation of Labor/UCLA-LOSH*



Remembering Those We Lost in 2011

The chart below lists 247 California workers who died on the job in 2011. These were the incidents which we were able to fully or partially confirm using Cal/OSHA and federal OSHA data, *Cal/OSHA Reporter* stories, the website the Weekly Toll,¹ and other media sources. As we've noted, this list is incomplete, for a variety of reasons; Cal/OSHA has provided a preliminary estimate of about 500 fatalities in the state. This list does not include military fatalities overseas, nor does it include the approximate 6,500 people who die each year in the state from work-related disease.

¹ *The Weekly Toll* (<http://weekllytoll.blogspot.com>) is maintained by United Support and Memorial for Workplace Fatalities (USMWF), a national support organization for family members of workers who were killed on the job.

FATALITIES IN 2011 A PARTIAL LIST

	DATE	NAME	AGE	LOCATION	OCCUPATION/EMPLOYER	INCIDENT
1	1/3	John Union	38	Victorville	Burnett Group, dba Laborfinders	
2	1/3	Scott Carnevale	42	Alameda	Alameda Fire Captain	He succumbed to work-related esophageal cancer.
3	1/6	Reginald Woolridge	56	Burbank	Summit Worldwide Chauffeur Service	
4	1/8	Brian Christ	49	Cypress	Five City Automotive Repair Center dba Cypress Auto	
5	1/10	Gerardo Guerrero	55	Monterey Park	Western Badge & Trophy Co	He fell 11 feet off an unsecured pallet on the forks of an industrial truck while cleaning windows. The pallet was not equipped with guardrails.
6	1/10	Stephen Allen	58	Sacramento	Pilot	He died when his crop-dusting plane crashed in Contra Costa County after the wing clipped a pole or tower.
7	1/11	William Floyd Hopman	53	Quincy	Firefighter	He died from an apparent heart attack after responding to a fire.
8	1/12	Larry Hughes	63	City of Industry	Bulk Transportation	He fell off of a ladder on the back of a tanker truck, resulting in a head injury.
9	1/12	Ramon Rodriguez	42	Los Angeles	Day laborer, homeowner, Michael McNeilly	He suffered multiple skull fractures and other injuries when the scaffold plank he was standing on shifted and he fell more than 10 feet to a concrete walkway.
10	1/18			Chualar	California de Sur	Worker was shot multiple times in possible homicide/robbery.
11	1/19	Gerald Odell	79	Anaheim	Disneyland Resort	
12	1/20			Sacramento	MM Global Transport	He was found dead in his truck.
13	1/21	Henry Astilla	33	Los Angeles	Baxter Healthcare Corp.	He was overcome by ethanol in a confined space.
14	1/22	Phouma Sor	53	Long Beach	Store clerk, P&B Liquor Jr. Market	Worker was shot and killed during a robbery at work.
15	1/23	Jose A. Ambriz Tuquin	37	Lodi	Vino Farms	He was run over while exiting a tractor.

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16	1/26			San Francisco		Worker was found deceased on the floor by a homeowner whose house he was remodeling.
17	1/27	Robert Ormerod	69	Ashland, OR	Truck driver	Truck driver from Shingleton lost control of his semi, crossed the highway, and landed in Bear Creek near Ashland, Oregon.
18	1/28	Sudjai Suksamrarn	61	Rancho Cucamonga	Metro Express Inc.	Worker was found unresponsive in a vehicle carrying dry ice with the engine running. Possibly due to asphyxiation.
19	1/30	Qiong Han Chu	30	San Francisco	Souvenir shop employee	Worker was shot at shop in Fisherman's Wharf.
20	1/30	Feng Ping Ou	30	San Francisco	Souvenir shop employee	Worker was shot at shop at Fisherman's Wharf.
21	2/1	Yu Che	49	La Habra	Kitchen worker, Twin Dragon Restaurant	Died from a heart attack.
22	2/2	Sam Lecara	50	Placerville	Principal, Schnell Elementary School	He was shot and killed in his office by the school custodian in a workplace dispute.
23	2/2	Marsha Dunzer	57	Costa Mesa	Ayres Hotel Mission Viejo	She died from a heart attack. Hotel failed to have an IIPP.
24	2/7	Michael Sanders	27	El Dorado Hills	Tow truck driver, Ace in the Hole Towing Inc.	He was hit and killed by a tractor trailer rig while preparing to tow a school bus.
25	2/8	Javier Bautista-Cruz	33	Sherman Oaks	Pacific Edge Real Estate	He was buried up to the neck and crushed in a trench at a residential construction site.
26	2/8	Richard Chellow	57	Santa Monica	Technician, Elevator Dynamic	The technician was working alone to replace the circuit of an elevator cage and was discovered wedged at the bottom of the shaft.
27	2/8	Michael Goodman	55	Needles	Big rig driver	He was killed when his truck overturned along Interstate 40.
28	2/9	Julio Garcia	52	Los Angeles	Security guard, Valencia Industrial Center	He was hit and killed by a van whose driver had blacked out and lost control of the vehicle.
29	2/11	Peter Lisa	58	Rancho Cucamonga	Ameron International	He was killed after being crushed by a pipe.
30	2/11	Fernando Santiesteban	30	Porterville	Setton Pistachio	He was killed when the auger he was working in was activated while he was still inside the machine.
31	2/11	Rebecca Wells	51	Downey	Compliance auditor, LA County Dept. of Internal Services	She died at her desk of unknown causes.
32	2/12	Jose Plascencia	36	West Sacramento	Carolyn Rech	
33	2/15	Thomas Adams	24	Mendocino	CHP Officer	He was killed while on patrol when another vehicle crossed the center line and hit his cruiser head-on.
34	2/18	Glenn Allen	61	Los Angeles	Firefighter	He died two days after he was pulled from the rubble of a burning Hollywood Hills home where the ceiling had collapsed.
35	2/21	Won Seok Chae	61	Lake Arrowhead	Tour bus driver	Worker died of injuries suffered in a collision with another vehicle.
36	2/21	Diane Dirks	67	Tustin	American Arium	She was found unconscious at her desk from cardiovascular and respiratory failure.
37	2/22			San Francisco	SF Dept. of Public Works	His street sweeper collided with another vehicle.

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38	2/23	Michael Earl Morris	61	Hinckley	Truck Driver	He suffered a medical ailment causing him to crash his semi truck off of westbound Highway 58.
39	2/24	Curtis Elmer Martin	71	Riverside	Stronghold Engineering	He was electrocuted at a jobsite at the University of California, Riverside.
40	2/24	Randy Steg	65	Marina Del Rey	Randy's Windows, Carpets & Floors	He fell about 40 feet to the ground at an apartment complex.
41	2/28	Leopoldo Gutierrez	72	Hanford	Crew worker, Central Valley Meat Co.	He died after getting caught in a meat grinding machine that had been activated during a sanitizing operation.
42	2/28	Miguel Gonzales	45	Lodi	A. Sambado & Sons	He had been putting empty milk cartons around newly planted trees to prevent sunburn, and collapsed while walking from one tree to another. Pronounced dead at the hospital.
43	3/2	Alberto Garcia	59	Santa Ana	Alberto Roman Garcia	He was crushed by a falling object.
44	3/3	Lino Lopez-Hernandez	48	Oregon	Truck driver	He was knocked down an embankment in Rufus, OR, while trying to fix his truck on the shoulder of the road (victim from Bakersfield).
45	3/3			Santa Ana		The worker was crushed by a falling refrigerator.
46	3/12	Jesus Lemoli	57	Stockton		
47	3/14	James Ledford	55	Arroyo Grande	Lucia 3/Unified School District, Nipomo High School	
48	3/14	David Vogal	40	Gilroy	City of Gilroy Public Works Dept.	He was struck by car while performing road maintenance.
49	3/16	Zeke Odom	40	Sacramento	Century Lighting & Electric	He fell from a lift basket while replacing light bulbs.
50	3/17	Huy Pham	29	Costa Mesa	Costa Mesa City	He leapt to his death from his office building after being laid off.
51	3/18	John Jurevich	54	San Leandro	Truck driver	His semi jack-knifed and crashed into tree.
52	3/18	Jermaine Gibson	29	Indio	Cathedral City Police Dept.	He was killed in car crash during a high-speed pursuit.
53	3/19	Federico Hernandez	42	San Jose	Phuong Chong Truong dba PT Catering Truck	
54	3/21	Pablo Hernandez	50	Carlsbad	Sanitation worker, Waste Management Inc.	He was killed when he fell out of the refuse truck he was driving and was run over by a vehicle.
55	3/24	Richard Moore	61	Santa Ana	Universal Services of America	
56	3/24	Jose Cruz	25	Rancho Dominguez	Onestop Internet	He was electrocuted while installing a new conduit at a warehouse.
57	3/24	Clara Soto	30	Trukee	Certified nursing assistant at nursing facility connected with Tahoe Forest Hospital District	She died from sepsis due to contracting methicillin-resistant staphylococcus aureus (MRSA).
58	3/24	Able Barajas	59	Terminal Island	Al Larson Boat Shop	
59	3/28	Gail Barocsi	56	Stanton	Child's Towne Preschool, Inc.	

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60	3/29	Gandy Ochoa	27	Canyon	Window cleaner, All American Window Cleaning	He was using an aluminum pole extended to almost 40 feet to clean windows on a three-story building, when the pole made contact with an overhead power line, electrocuting him.
61	4/1	Placido Sandoval	56	Fontana	American Metal Recycling	He was cutting metal when a fire erupted in the tanks. Firefighters discovered damage to his vocal cords, and he subsequently died, likely from gas inhalation.
62	4/6	Juan Carlos Sanchez	41	Murrieta	Sergio Hernandez dba Tornado Paint	
63	4/8	Jesus Campos	58	Oakland	Restaurant owner	He was shot during a robbery.
64	4/11	Jaime Perez	48	Santa Fe Springs	Ecology Auto Parts	His head and chest were compressed between the cab and front axle of a big rig.
65	4/12	Jesus Gonzales, Jr.	63	Watsonville	Truck driver	He was crushed when cement truck overturned.
66	4/14	Michael Ramirez, Jr.	26	Southgate	Direct Chassis and Equipment Co.	He was separating two goosenecks, the portions of trailers that connect to tractor truck, when one fell and crushed him.
67	4/18	Reginald Rodriguez	41	Brea	Mac Electric, Inc.	He died three months after receiving second- and third-degree burns while doing electrical work.
68	4/19	Roque Valdez	48	Duarte	Tree-trimmer	He was trimming a tree at a private residence when a branch fell and bounced off a high-voltage line, which snapped up, striking and electrocuting him.
69	4/19	Jalal Abou	63	San Diego	Joe's Auto Repair Shop	He was shot to death at work.
70	4/20	Philip Doyle	58	Anaheim	Disneyland	He collapsed from natural causes.
71	4/21	Gustavo Muro	42	Napa	Assistant wine maker, Ancien Wines	He died of asphyxiation inside a confined space while attempting to purge and displace oxygen from a wine tank.
72	4/21	Jose Magallanes	45	Monterey Park	Eberhard Construction and Roofing	He fell through a warehouse skylight.
73	4/21			San Diego	Skillstorm Commercial Services	He was in the stadium's parking lot walking to his car when he collapsed.
74	4/25	Dongviet Tran	66	Garden Grove	Global Tivi	He was not feeling well on the job and had reportedly fallen at a friend's house the day before. He was taken to Garden Grove Hospital, then transferred to University of California, Irvine, where he died from head trauma.
75	4/26	Miguel Estrada	56	Westmoreland	Ralph Collazo Packing, Inc.	Worker collapsed while breaking corn from stalks and later died.
76	4/27	Teodoro Mora	57	Los Angeles	B&H Auto Repair Shop	As he poured gasoline, it spilled onto a drop light underneath the car, which triggered a flash fire. He died the next day.
77	4/29	Nicholas Federico	22	San Luis Obispo	Pacific Vineyards Company	He was killed in a farm tractor collision.
78	5/1	Jesse Granado	46	Los Angeles	Randall Foods, Inc.	
79	5/2	Troy Geilfuss	52	Vallejo	Plant mechanic, Dept. of Public Works, City of American Canyon	He collapsed while repairing a waste pump and later died.

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80	5/4	Stephen Palmer Sr.	64	National City	Caltrans Landscaping crew	He was hit and killed by a trolley.
81	5/5	Romero Navar	22	Vernon	Sandblasting worker, Commercial Sandblast Co.	He was killed when a 30,000-pound pipe struck him and crushed his head and arms.
82	5/5	Drew Conahan	50	Corona	Painting contractor, Donald Lee Roy Rhine dba	He fell about 20 feet while removing masking tape from windows.
83	5/6	John Suttles	55	Universal City	Marvel Eastern Productions LLC	He died from head trauma after falling from trailer.
84	5/8	Douglas Odgers	23	Ontario	Ambulance worker	He sustained injuries while sitting in the rear of an ambulance when the driver swerved and slammed into a support pole. He died at the hospital.
85	5/9	Robert Boyd	39	Richmond	CCC Health Services	
86	5/13	Roberto Reyes	57	Santa Monica	Gustav Koven	He fell from ladder into a 3-foot deep drained pool and died, possibly of cardiac arrest.
87	5/14	Sergei Kitchuck	73	Angels Camp	Delivery truck driver	He was struck by a box truck while making delivery to the Calaveras County Fairgrounds.
88	5/17	Jose Sandoval	34	Alaska	Pacific Alaska Shellfish/Pacific Seafood Group	He drowned clamming in Alaska (victim from Bakersfield)
89	5/17	Jose Revera	24	Alaska	Pacific Alaska Shellfish/Pacific Seafood Group	He drowned clamming in Alaska (victim from Los Angeles)
90	5/18	Eutimio Perez Arevalo	49	Salinas	Tow truck driver, USA Towing	He was hit and killed in the company parking lot when a motorist lost control of their car.
91	5/20	Pedro Balderas	48	Chino	P.B. Sod Farms	He was electrocuted while repairing an irrigation pipe.
92	5/20	Felix Balderas	20	Chino	P.B. Sod Farms	He was electrocuted while repairing an irrigation pipe.
93	5/20	Robert Ramirez	56	Los Angeles	Union Pacific Railroad	He was killed when the company pickup he was in was struck by a Metrolink train just east of the San Gabriel River.
94	5/21	Gene K. Nelson	53	Healdsburg	Owner, A. Bellagio Wood Tanks Co.	He was crushed when his tractor overturned.
95	5/21			Beverly Hills	XL Plastering	He died from injuries suffered two days earlier when he fell 26 feet from the roof of a building on to the sidewalk.
96	5/24	David G. Gillum	56	Gustine	Verizon Services Operation	
97	5/26	Luis Audelo-Partida	26	La Honda	Go Native, Inc.	The truck he was in drove off an unpaved road, careened down a canyon, and overturned. All six occupants were injured but only he died in the crash.
98	5/26	Andrew S. Garton	44	Hawthorne	Police officer	His motorcycle collided with that of an El Segundo police officer while performing a funeral escort for a Manhattan Beach officer who had died of cancer.
99	5/27	Laurent Thisquen	43	Seaside	Mechanic, Honest Engines Auto shop	He died after the SUV he was working on fell off the lift and hit him. He suffered multiple injuries and died in surgery.
100	5/27	Rodney Sanders	54	Chula Vista	Palo3/Grading and Paving	
101	5/29	Ruben Manzo	40	Merced	Ravi & Jay Thiara Farm	

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102	5/30	Christopher Northam Sr.	44	Roseville	Co-owner, Skim-X extreme sports water park	He was shot to death at work.
103	6/1	Salvador Pedraza	57	Morgan Hill	Psynergy Programs/Nueva Vista mental health home	He was struck by a car while doing landscaping work.
104	6/2	Vincent Perez	48	San Francisco	San Francisco Fire Dept.	He was killed while attempting to extinguish a house fire.
105	6/3	Jose Arias Estrada	60	Brawley	Desert Sky Farms	
106	6/4	Gabriel Juarez	54	Colusa	Wild Rice Ranch	
107	6/4	Anthony Valerio	53	San Francisco	Firefighter	He was severely burned in flash fire/explosion on 6/2 and perished days later.
108	6/7	Epitacio Serrano	55	Arvin	Garza Contracting, Inc.	He died after falling from an 8-foot tripod ladder while thinning peach trees.
109	6/7	Perry Isham	53	Whittier	Southern California Valve Co.	He fell through a warehouse skylight and landed 30 feet below on concrete.
110	6/7	Mark Knighton	48	Niland	Kenai Drilling Ltd.	He took a lunch break in a truck and co-workers found him slumped in the cab of the vehicle.
111	6/7	Jamie Obeso	53	Imperial County	Caltrans	He was killed by a passing motorist on Interstate 8.
112	6/9	Mauricio Castanon	41	Richmond	Sonny Jackson Roofing, Inc.	He died in a fall from the roof of house.
113	6/10	Jaime Medrano	23	Santa Ana	Security guard	He was shot to death at work.
114	6/11			Oakland	Planet Organic	Worker was struck by a rolling, unattended delivery van.
115	6/14	Norman Neibuhr	45	Stockton	Interstate Tree Service	He fell from tree after cutting himself with chainsaw while trimming branches.
116	6/14	Kevin Sandoval	23	Azusa	Police officer, City of South Pasadena	He died at Burro Canyon Shooting Park. He was in full gear and, after exiting a portable restroom, collapsed and hit his head on a railroad tie.
117	6/16	Fred Crumb	54	Redding	Clear Creek Waste Water Treatment Plant	He was injured when a water tank exploded and crushed him between the tank and a concrete wall. He suffered critical head injuries in the explosion and never regained consciousness.
118	6/16	David A. Fitzgerald	58	Pixley	Sunrise Farms	He was pinned under a tire while attempting to jump-start tractor that rolled.
119	6/17	Robert Bower	59	Imperial	Labor Ready/Allied Waste Services	He was cleaning out bins when he collapsed in 102 degree heat.
120	6/20	Mario Hernandez	53	San Diego	American Assets Trust	He likely died due to carbon monoxide poisoning from vehicle exhaust flowing into the room where he was working.
121	6/20	Salvador Franco	52	Los Angeles	Window washer, Chamberlin Building Services, Inc.	He fell 50 feet to the ground while cleaning windows.
122	6/20	Richard Gonzalez	52	San Diego	Caltrans	He was struck and killed by a vehicle while picking up debris on the highway.
123	6/21	David Taylor	54	Taft	Field worker, Chevron Oil	He was killed after falling into narrow sinkhole that opened in an oil field.
124	6/21	Moises Juarez	38	Imperial	Landscaper	He was watering vegetation in 108 degree heat and collapsed. An examination of the body revealed an aneurysm.

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125	6/21	Jon Christensen	30	Tracy	Lineman, Pacific Gas and Electric Co.	He was electrocuted while working in an elevated lift bucket truck and made contact with a secondary electric line.
126	6/22	William Wise	54	Carson	British Petroleum	He was pinned between railcar and loading rack.
127	6/22	J. Gonzalez	50	Carson	Kelly Global Logistics	He was pulling a pallet when it stuck on a dock plate, causing the load to topple. He lost his balance, fell, and hit his head on the concrete floor.
128	6/24	Laurette Lee	68	S. Lake Tahoe	Train conductor	She was killed when a tractor-trailer crashed into the Amtrak train she was conducting in Nevada.
129	6/27			Livermore	Davey Tree Surgery Co.	Worker was struck by a tree.
130	6/27	Guadalupe Morales	36	San Mateo	Benjamin Yeung	She died after falling more than 15 feet from a ladder while moving telephone line.
131	6/28	Ricardo Flores	24	Beaumont	Beaumont Cherry Valley Water District	He was struck and killed by a flatbed truck.
132	6/28	Chan Teem Tern	52	El Sobrante	Wild Bryde Jewelry	He suffered a heart attack while cutting logs and stacking wood at employer's residence.
133	6/29	Gary Wayne Mathis	43	Yuba	Disposal truck driver	He was killed when his truck was hit by a semi hauling two tractors. Witnesses say the semi began to spin out of control and collided with the disposal truck.
134	7/1			Alameda	A-1 Appliance Repair	Worker had been repairing a dryer when he was discovered slumped over the appliance by homeowner.
135	7/7	Ramiro Vasquez	47	Blythe	C. Clunn Consulting, Inc.	He collapsed while packaging cantaloupes in a field in 102 degree heat and later died.
136	7/8	Zenon Quintero	49	Calexico	Laborer, Frontera Construction	He had been working on an electrical power cable for the construction of an outdoor security system before he went on break. He was later found dead by a work trailer.
137	7/10	Ryan Stringer	26	Alhambra	Police officer	He died of injuries sustained in a two vehicle collision responding to a call of a possible robbery.
138	7/11	Charles Powers	78	Montebello	Power Bros.	He was replacing a fuse on a 480-volt electrical panel in an air compressor when he received a shock, sending him into cardiac arrest. He died at a local hospital.
139	7/12	Michael Mathes	44	Sacramento	Tractor trailer driver	His tractor trailer's brakes failed and he collided with a pickup.
140	7/14		60	El Cajon	Maid, Villa Embasadora Inn	Worker was killed when an elderly motorist pressed her gas pedal instead of her brake while pulling into a parking space, pinning the worker against wall.
141	7/14			Sacramento	Roger Moore Co.	
142	7/15	Jose Delgado	56	Los Banos	Ronny's Landscaping	He had mowed a lawn at a residence and was walking toward another residence when he collapsed. He was pronounced dead at a local hospital.
143	7/16	Roberto Ayala	43	Calusa	Pacific Gas and Electric Co.	He was killed when an irrigation pump's electrical box exploded.
144	7/17	Scott Jeffrey Bergseng	28	Marysville	TW & Co. Inc.	He was killed in single car crash at Beale Air Force Base.
145	7/18	Alejandro Bautista	20	Los Angeles	Jean Genie Wash Studio, Inc.	He died after falling into horizontal washing machine.
146	7/20	Don Kruger	54	Pleasanton	Dublin-San Ramon Services District	He was discovered slumped inside at the wheel of a tractor by a co-worker. This was a heat-related fatality.
147	7/24	Barry Robert Steele	51	Riverside	Skanksa (construction firm)	He was hit and killed by a drunk driver while doing highway construction work.

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148	7/24	John David Young	52	Wilmington	BJ Trucking	He was killed when he was pinned between his truck and a loading dock.
149	7/24	William Wallace	56	Santa Ana	Self-employed	
150	7/25	Juan Pineda	44	Turlock	Dairy worker	He was placing a chain on a stuck tractor that was to be pulled by a truck. One of the vehicles moved, crushing the worker between the tractor and truck.
151	7/25	Christian Manzur	55	Northridge	Retail manager	He was shot and killed at work.
152	7/26	Scott Hall Means	43	Springville	Van's Logging	He was killed by a falling tree limb.
153	7/30	Daniel Ackerman	31	Buena Park	Police officer	He died during SWAT Team training.
154	7/31	Michael Meaders	39	Calipatria	Therma Source (Cal Energy Geo Thermal plant)	He was crushed by rolling pipes.
155	8/2	Edgar Gonzales	30	Los Angeles	USS Cal Builders at the Hyperion Water Treatment Plant	The construction worker was wearing fall protection that was tied off to a free-standing panel. The panel fell to the ground causing the worker to fall to his death.
156	8/3	David Mann	49	Santa Barbara	Owner, Jumbo Screen Co.	He was crushed by a screen system weighing almost a ton that fell off a forklift.
157	8/4	Armando Medina	53	Solvang	Landscaper	He died after he was hit by a run-away truck. Another worker was attempting to disconnect a trailer from the bucket truck when it began rolling down the hill, killing Medina.
158	8/7	Jeremy Henwood	36	San Diego	Police officer	He was shot and killed in his vehicle by a 23 year old male who robbed a restaurant.
159	8/7	Juan David Vasquez Loma	20	Silver Lake	Pizza delivery worker	He was shot in the head while he was driving co-workers home.
160	8/8			North Bay		Worker died after falling eight feet off of a ladder while building a fence.
161	8/8	Steven John Edwards	50	White Hall	Logging truck driver	He died when his logging truck crashed into the American River between Whitehall and Kyburz.
162	8/9	Connie Yim	67	San Francisco	Live-in caregiver	He died from injuries sustained on 8/7 in a fire at the residence.
163	8/11	Hiram Canales	32	Camarillo		He died of a high-voltage shock while working on a chimney at a private residence.
164	8/11	Matthew Coleman	45	Westport	Land trust steward	He was shot to death while working on a remote Mendocino Coast ranch owned by Save the Redwoods League.
165	8/12	Jose Montano	53	Robbins	Quad Hoffart Ranch	He collapsed and died while performing irrigation work, reportedly from a major heart attack.
166	8/15	Rigoberto Yanez	57	Los Angeles	A truck driver, Chimenti's Baking Co.	He was crushed by a metal gate.
167	8/15	Lilia Estrada	43	Cutler	El Dorado Farm Labor	She was packing grapes when she started feeling ill. She was transported to a Fresno hospital and died the next day.
168	8/18	Jeffrey Lara	32	Irvine	Philco Construction	

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169	8/20	Mario Pena	37	San Ramon	Padilla Construction	He died after suffering a reported cardiac arrest at a construction site. The worker was on a scaffold applying stucco to a wall in 80 degree heat when he was stricken.
170	8/20	Christopher Shelton	38	Santa Ana	CRST Trucking	He collapsed inside the truck while delivering cargo.
171	8/20	Tuan Phan	49	Garden Grove	Machine operator, American Apparel	Worker died after being crushed in a circular knitting machine.
172	8/21	Christina Talley	46	Santa Monica	Albertson's Market	She died after being attacked in a checkout line. Her estranged husband was charged with her murder.
173	8/22	Douglas Shaia	64	Irvine	On-site property manager, Metropolitan Condominium Association	He was found dead after inhaling high levels of carbon monoxide.
174	8/22	Jesse Hernandez	48	Rancho Mirage	Stammerrama General Engineering Contractors	He died after suffering heat illness.
175	8/22	Pablo Gonzales	52	Union City	K Reed Roofing	
176	8/22	Rogelio Diaz	64	San Clemente	Luna Landscaping Services	
177	8/24	Esmeli Moran	35	Loleta	Logging worker, Steve Wills Trucking & Logging	He died after being struck by a log that broke free.
178	8/25	Jeffrey Kenney	56	Riverside	ML's Lawn Service	He was killed after falling 40 feet from a palm tree.
179	8/25	Frank Arias	40	Pyramid Lake	Truck driver	He was killed in a truck crash on the Golden State Freeway.
180	8/27	Jere Melo		Fort Bragg	Security contractor, Campbell Timber Management	He was shot and killed while investigating a pot-growing operation.
181	8/29	Fred Telford	52	Hilmar	Blattner Energy, Inc.	He was cutting and benching the side of a 200-foot hill when the bulldozer rolled about 150 feet down an embankment, killing him.
182	8/29			San Francisco	Freeman Decorating Service	He died after reporting to co-workers that he wasn't feeling well.
183	8/29	Jose Arroyo-Rodriguez	56	Davis	Farm worker	He was found dead in an alfalfa field.
184	8/30			Concord	Future Ford	He was talking to a customer on the car lot when he collapsed and had a seizure. He was pronounced dead at a local hospital.
159	8/31			Concord	D.A. Services of Walnut Creek	He was found unresponsive, with evidence of "severe trauma" to his upper torso, next to a hauling truck in the driveway of the company's storage yard.
160	8/31	Joe Estrella	38	San Diego	McCarthy Construction	He was stripping a 6-foot by 25-foot concrete wall-form when one of the connection ties on the back of the form failed, causing it to fall on him.
161	8/31	Klayton Dasilva-Rodrigues	34	Martinez	Dump truck driver	He was pinned between the hydraulic bed and chassis of a dump truck.
162	9/1	Bong Miao Tjin	65	Garden Grove	Maureen Guest Home Board and Car	
163	9/2	Carlos Torres	38	Ladera Heights	Morningside Plumbers	He was found dead by co-workers in a crawl-space beneath a residence while installing a new hot water line.

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164	9/2	Brent Robinson	55	Rancho Cucamonga	Verizon	He was in his van when he felt sick and called 911. He reportedly died of a heart attack in transport to the hospital.
165	9/2	Victor Castillo	59	Southgate	Schultz Steel Co.	The worker was starting a project to replace the column seals of a press when he fell about 19 feet from a basement-level service floor to a pit below.
166	9/3	Adrian Martin	56	Menlo Park	Membrane Technology Research	He was transferring compressed gas from one cylinder to another when an explosion occurred.
167	9/5	Ernesto Ordonez	19	Patterson	Labor contractor, Jessica Rodriguez Farm	He drowned after his tractor rolled over into a river.
168	9/6	Gabriel Vasquez	53	Tiburon	Weiss Builders Inc.	He fell approximately 10 feet from a roof to the ground.
169	9/7	Frank Pedro	58	Bishop	Southern California Edison	He was observing a contractor doing concrete work when he began to feel ill and was transported to a hospital, where he was pronounced dead.
170	9/8			Los Angeles	Owner, Power Compressor Red	He was replacing an air dryer and pneumatic valve and repairing a leaking pneumatic suspension system of a bus. After he disconnected the pneumatic line attached to the valve, the bus suspension inadvertently lowered, crushing him between the wheel and wheel well.
171	9/9	David Carillo	33	Los Angeles	Express Glass and Mirror Inc.	
172	9/9			Los Angeles	Gentle Men's Club	Worker fell approximately 15 feet through an opening in a catwalk that was partially covered with wood planks.
173	9/10	Andrew Wilson	28	Moreno Valley	Ross Distribution Center	Worker was killed when the utility cart he was driving crashed into a tractor trailer.
174	9/18	Antonio Mejia	48	Ventura County	American Builder Construction Co.	He was working in a trench on a retaining wall for a private residence when the trench collapsed.
175	9/19			San Francisco	Clerk, Civic Center Hotel	Worker was repeatedly struck on the head during an altercation.
176	9/20	Duane Pfannkuch	33	Los Angeles	Morrow Meadows Corp.	He fell from an 8 foot ladder in a mechanical room while doing electrical work at LA International Airport.
177	9/20	Jensy Romero	30	Richmond	Angie's Bakery and Restaurant	She was shot and killed at work by a stalker.
178	9/21	George Sulaiman	42	Bakersfield	Havana Smoke Shop	He was shot to death in the store where he worked.
179	9/23	Jennings "Billy" Bennett	51	Tehachapi	Witten Logging Co.	He was killed during a logging operation when he was struck by a large tree limb.
180	9/23	Timoteo Castro Cruz	35	West Sacramento	Labor contractor, George Pagany	He experienced dizziness while picking out excess leaves and debris from bins, and died at a nearby medical center, likely from heat illness.
181	9/26	Nadyne Qirreh	23	Oakhurst	Calvin Crest Camp	She fell through an open door hatch securing ropes on a rock climbing wall.
182	9/26	Oscar Zamudio	34	Ventura	Kenai Drilling Ltd.	He was pinned and crushed by part of an oil derrick.
183	9/29	Mir Sadat Sahou	68	La Jolla	Self-employed cab driver	He was shot to death during a robbery in his cab.
184	9/28	Carlos Amezuca	46	Pebble Beach	Davey Tree Service	He fell about 40 feet from a boom truck.

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185	9/29	Leonard Esquivel	52	Fresno	Performance Welding and Machine	He was electrocuted while performing a welding job.
186	9/29	Phyllis Wescott	60	Davis	UC Davis	She died suddenly at her desk from pre-existing illness.
187	9/30	Juan Jose Ornelas	25	Caruthers	F&T Farms	He was driving an almond harvesting wagon when he collided with an iron gate while exiting a driveway.
188	10/5	Manuel Pinon	48	Cupertino	Lehigh Southwest Cement Permanente plant	He was shot by a co-worker as he sat inside a trailer preparing for a safety meeting.
189	10/5	John Vallejos	51	Cupertino	Lehigh Southwest Cement Permanente plant	He was shot by a co-worker as he sat inside a trailer preparing for a safety meeting.
190	10/5	Mark Muñoz	59	Cupertino	Lehigh Southwest Cement Permanente plant	He was shot by a co-worker as he sat inside a trailer preparing for a safety meeting.
191	10/5	Eliseo Garcia Gutierrez	39	Salinas	Foreman, Kleen Harvest	He became caught between a tractor and a harvesting machine.
192	10/7	Agustin Valladares	56	Thousand Oaks	Owner, Tree Trimming and General Cleaning	He fell 30 feet after a branch he'd been standing on broke.
193	10/10	Charles Edward Larson	76	Bakersfield	Truck driver	He was killed when a car crossed lanes and slammed head-on into his truck.
194	10/12	Jesse Maldonado	41	Nipomo	KCI Environmental, Inc.	He died of heat-related stress while working on the Willow Road Interchange Project.
195	10/12	Armando Ramirez	16	Arvin	Community Recycling & Resource Recycling Co.	He died after inhaling hydrogen sulfide in the confined space of a drainage tunnel.
196	10/12	Fred Gunther Eisenstaedt	62	La Honda	Cement truck driver, Granite Construction	He was killed when the cement truck he was driving rolled into a creek bed.
197	10/12	Michelle Marie Fournier	48	Seal Beach	Seal Beach Salon Meritage	She was shot and killed by her ex-husband in her workplace.
198	10/12	Laura Lee Elody	46	Seal Beach	Seal Beach Salon Meritage	She was shot and killed by her co-worker's ex-husband inside her workplace.
199	10/12	Randy Lee Fannin	63	Seal Beach	Owner, Seal Beach Salon Meritage	He was shot and killed by his co-worker's ex-husband inside his workplace.
200	10/12	Christy Lynn Wilson	47	Seal Beach	Seal Beach Salon Meritage	She was shot and killed by her co-worker's ex-husband inside her workplace.
201	10/12	Victoria Ann Buzzo	54	Seal Beach	Seal Beach Salon Meritage	She was shot and killed by her co-worker's ex-husband inside her workplace.
202	10/13	Ryan Patrick Miles	29	Plumas County	Pacific Gas and Electric Co.	He drowned after the truck he was in went out of control and plunged into the Rock Creek Reservoir.
203	10/13	Aaron Joseph Weiss	31	Plumas County	Pacific Gas and Electric Co.	He drowned after the truck he was in went out of control and plunged into the Rock Creek Reservoir.
204	10/13	Gary Lawce	53	Lodi	General Mills	He died after being pinned by a moving rail car.
205	10/14	Heladio Ramirez	22	Arvin	A&B Harvesting/Community Recycling	He died when overcome by toxic vapors inside a confined space at the facility where he was working.
206	10/17	Consuelo Rodriguez	59	Calexico	Maui Harvesting	
207	10/17	Ralph Garcia	78	St. Helena	Cherokee Freight Lines	

	DATE	NAME	AGE	LOCATION	OCCUPATION/EMPLOYER	INCIDENT
208	10/18	Gregory Piper	61	San Diego	Boat Grotto	He was using solvents to clean carburetors when he began to sweat profusely, experienced breathing difficulty, and passed out. He was pronounced dead at a hospital.
209	10/19				Performance Abatement Service	Worker suffered a seizure at an asbestos abatement site.
210	10/20	Rene Guterrez	35	Marysville	Mark Dewsnup	
211	10/20	Eugene "Corky" Bracisco	57	Lake County	Calpine	He died as the result of a work truck crash near Calpine's "The Geysers" geothermal steam field.
212	10/25	Richard Loza	64	Palo Alto	G&S Paving of Oakely	He was struck and killed by a semi.
213	10/26	Jose Gonzales	18	Kettleman City	Family Ranch, Inc.	His clothing became entangled in one of the anchoring hooks while trying to drive platform stakes into the ground. He was asphyxiated.
214	10/26	Jorge Ramirez Cervan	46	Capay	Pedro J Gonzalez dba Pedro JG	He was killed in a head-on collision. The other driver was under the influence of either alcohol or drugs.
215	10/28	Mario Casillas Arreola	68	Boyle Heights, Los Angeles	Dependable Highway Express Inc.	He was crushed to death by a forklift.
216	10/31	Jalaludin Hamrah	39	Lemon Grove	Taxi driver	He was shot to death by a passenger.
217	10/31	Victor Pelayo	70	Baldwin Park		
218	11/2			Somis	Security guard, Marz Farms	A truck driver found him dead when he arrived at the shop yard.
219	11/3	Daniel Clark	49	San Bernardino	Police officer	He died of complications after surgery to repair an on-the-job ankle injury.
220	11/3			Anaheim	International Line Builders City of Anaheim	Worker was observing a transformer replacement and was seriously burned when the operation went awry. He was soaked in hot oil and received serious burns to his upper torso, and later suffered a fatal heart attack.
221	11/8	Larry Duke	64	French Camp	BND Transport LLC	He was run over by tractor-trailer while preparing to unhook it from the cab.
222	11/9	Thomas Fedorka	55	Rancho Cucamonga	Engineered Machinery Group	He suffered a heart attack in his office.
223	11/15	Roberto Magdariaga	62	Fullerton	Vista Paints	He died after being exposed to toxic vapors inside a paint mixing tank/confined space at a manufacturing plant.
224	11/17	James Capoot	45	Vallejo	Police officer	He was shot while in a foot pursuit with bank robbers.
225	11/17			Carson	Ventura Transfer	Worker was run over and wedged between the double rear tires of a tractor-trailer that was backing up.
226	11/24	Kadhim Jawad	60	Los Angeles	LA City Building and Safety	
227	11/29	Roberto Rodriguez	45	Ontario	R&B Wholesale Distributors Inc.	
228	11/30	J. Jesus Vidales Rivera	51	Hanford	Nichols Farms	He died from head trauma after an over-pressurized diesel caused a seal to fly off, striking him.

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229	12/1	Luis Davla Escareno	24	Eureka	Leonardo Logging	Worker was struck by a log while pulling it up a hill.
230	12/2	Michael Tyner	35	Big Sur	Wildlife biologist, Ventana Wildlife Society	He was struck by a tree that slammed to the ground while working in one of Big Sur's redwood forests.
231	12/5			San Rafael	Mission City Fumigation of San Jose	The worker was found in a walkway, short of breath, and died after being taken to a hospital.
232	12/6		58	San Diego	Summit Equipment Rental	He was backing an 11,500-pound boom lift off a truck when one of the wheels became dislodged from the edge and toppled, causing him to hit his head on the pavement.
233	12/6			Fair Oaks	4Leaf Construction, Inc.	He fell almost 13 feet down an elevator shaft to a concrete floor after a midrail collapsed on him.
234	12/7			Irvine	Sharp Roofing	He was removing roof tiles when he placed his hands on a rotted rafter near the roof edge, lost his balance, and fell.
235	12/9	Annette Lujan	48	Long Beach	Cal-State Long Beach	She died after being crushed to death in an elevator incident.
236	12/10	David Ehret	44	Yorba Linda	Salesman, Ponton Industries, Inc.	He died at his desk after complaining of chest pains.
237	12/11	John C. Van Diepen	60	Pioneer	Owner, Cedar Mills Eco Farm	He was run over by the tractor he was operating.
238	12/13	Catalina Cordero	62	Los Angeles	LA County Public Social Services	
239	12/15	Walter Pietila	58	San Francisco	Mechanic	He was killed when the limo bus he was repairing rolled off the ramp and crushed him.
240	12/16	Andre Turner	48	Irwindale	Southern California Edison	He killed two co-workers, wounded two others, then turned the gun on himself.
241	12/16	Robert Lindsey	53	Irwindale	Manager, Southern California Edison	He was shot and killed by a fellow worker.
242	12/16	Henry Serrano	56	Irwindale	Manager, Southern California Edison	He was shot and killed by a fellow worker.
243	12/27			San Francisco	Mechanic, city's repair garage	Worker was found collapsed in front of a city-owned vehicle. The cause of death is suspected to be cardiac arrest.
244	12/27	Patrocinio Martinez	58	Wilmington	Ampam Parks Mechanical, Inc.	He fell 14 feet through plywood from second floor when shoring was removed from form.
245	12/30	Mary Donahou	46	Stanislaus	Crime-scene analyst technician, Stanislaus County Sheriff's Dept.	She was killed after being struck by an SUV while investigating a Hughson crime scene.
246	12/30	Braulio Arizoca Perez	32	Buttonwillow	Cal Ag Resource	He was working at an almond plant and was struck by the bucket of a moving loader.
247	12/31	Guy Gresham	50	Challenge	Young Life Wood	



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