

OSHA REVISES RESPIRATORY PROTECTION STANDARDS

As we write this article, OSHA has issued a final rule on Assigned Protection Factors for respirators under 1910.134 – the respiratory protection standard. APFs are numbers that indicate the level of workplace respiratory protection that a respirator, or class of respirators, is expected to provide to employees when used as part of an effective respiratory protection program. The standard will now contain provisions necessary for a comprehensive respiratory protection program, including selection and use of respirators, training, medical evaluation, and fit testing. The final rule becomes effective November 22, 2006.

This brings to an end a revision of the reserved sections of the new standard that OSHA issued in 1998. The new Assigned Protection Factors (APFs) are issued in the standard in the form of a handy table that, according to OSHA, should facilitate respirator selection for employers and employees alike. However, the new factors have raised concerns amongst many of us who represent workers in the fight for safer and healthier workplaces. For example, according to OSHA, the new paper masks should protect workers against contaminants just as well as a tight fitting rubber masks with cartridge filters. Additionally, OSHA's decision to assign APFs to respirators is based primarily on data compiled by – who else – the respirator manufacturers, for whom the paper masks represent a growing share of business. Testimonials from labor unions and other groups seemed to have no effect on the rulemaking.

If nothing else, let us take this as a reminder that while OSHA rules create a safer and healthier environment at work, workplaces are not made intrinsically safe and healthy for all workers in all environments unless we continue to educate, create awareness and fight for more stringent protection.

NEW LAW PROVIDES HEALTH COMPENSATION FOR 9/11 WORKERS

Under a New York State law that went into effect on August 14, 2006, people involved with rescue, recovery or clean up at or related to the World Trade Center 9/11 Disaster are now eligible to register with the New York State Worker's Compensation Board. Registering with the Board ensures that if a worker or volunteer becomes ill as a result of disaster site work, their medical expenses will be covered 100%. The law applies not only to workers and volunteers who worked recovery and clean up at ground zero, but also those who worked landfill, barge and morgue operations. The new law enables many workers who became ill after the expiration of the statutory two-year workers' compensation filing deadline to resubmit their claim for further consideration. Registrants must apply within one year.

In addition, NYC uniformed services and NYC teachers and federal employees are eligible if they worked off duty as a volunteer. This law will cover any person who was involved with the 9/11 Disaster Site regardless of what State they reside in. In conjunction with this law, the New York City Department of Health and Mental Hygiene have issued Clinical Guidelines, to be distributed in the New York Metropolitan Area and via the internet. The impact and importance of this law is directly related to a recent study performed by Montefiore Medical Center, which concluded that Emergency

Responders working at the 9/11 site have lost the equivalent of 27 years of lung capacity. This law will aid in the care and treatment of those dedicated men and women who unselfishly dedicated their time, health and, in some cases, their life to perform the work necessary to meet the challenges created by 9/11.

NATIONAL PREPAREDNESS MONTH

September is National Preparedness Month designed to increase public awareness about the importance of preparing for emergencies and to encourage individuals to take action. For more information on how you and your family can get involved, visit the U.S. Department of Homeland Security's "Ready" Web site at <http://www.ready.gov/america/npm/index.htm>.

Emergencies can be the result of man-made or natural causes, and include hurricanes, floods, tornadoes, explosions, civil disturbances, fires, toxic gas releases, chemical spills, radiological accidents, workplace violence, and unfortunately, terrorism. All too often, people are forced to evacuate their workplace without warning and when they least expect it. Few people can think clearly and logically in a crisis, and that is why it is so important to prepare for an emergency before it happens. The best way to protect yourself, those you work with, or your business, is to expect the unexpected and develop an emergency action plan to guide you when immediate action is necessary. While OSHA does not require all establishments to have an emergency action plan, the agency certainly encourages all businesses to have one. At a minimum, an emergency action plan should include:

- A preferred method for reporting fires and other emergencies.
- An evacuation policy and procedure.
- Emergency escape procedures and route assignments, such as floor plans, workplace maps, and safe or refuge areas.
- Names and contact information for individuals both within and outside your company for additional information or explanation of responsibilities under the emergency plan.
- Procedures for employees who perform or shut down critical plant operations or perform essential services that cannot be shut down before evacuating.
- Rescue and medical duties for any employees designated to perform them.

If your union or employer is interested in scheduling a class on Emergency Response Preparedness at no cost, please contact Christine Rampolla at (609) 989-8730.

WORKPLACE FATALITIES DECLINE IN 2005 --- SLIGHTLY

The Bureau of Labor Statistics reported that the rate of workplace fatalities in 2005 declined from the previous year total of 4.1 per 100,000 workers to 4.0 per 100,000 workers. A total of 5,702 fatal work injuries were recorded in 2005, down from 5,764 in 2004. Some key findings of the 2005 Census of Fatal Occupational Injuries:

- Fatal work injuries among workers under 20 years of age were up about 18 percent from the 2004 figure to 166 cases.
- Fatal work injuries involving women in 2005 were down 3 percent to 402 cases – the lowest total ever recorded by the fatality census.
- Fatalities among agricultural workers were up 23 percent from 145 in 2004 to 178 in 2005.
- Fatal work injuries among Hispanic workers increased by 2 percent in 2005 to a new series high, though the fatality rate for Hispanic workers was lower.
- Fatal falls were lower by 7 percent after reaching a series high in 2004.
- While the number of fatal work injuries in private construction continued to be the most of any industry sector, the number of fatalities was 4 percent lower in 2005 than 2004.
- Fatal workplace injuries, attributable to hurricanes accounted for 29 fatal work injuries in 2005, though this total may rise as additional cases are identified and verified. For the full report go to www.bls.gov

AFL-CIO President John Sweeney says “although the overall number of worker deaths declined slightly in 2005, the rise in fatalities among some groups of workers reveals a worsening situation for many of the nation’s most vulnerable workers, including especially alarming increases in on the job deaths among people of color and children”.

The BLS report covers only fatalities on the job and does not include an estimated 50,000 to 60,000 deaths each year from occupational diseases, or the millions of workplace injuries.

“Six years of Bush administration neglect and failure of workplace health and safety have put millions of workers at increased danger. It’s clear that a change in direction and leadership is needed to protect workers on the job and to improve their lives”, stated AFL-CIO President John Sweeney.