

FACTS ABOUT WORKER SAFETY AND HEALTH - 2008

- This year marks the 38th anniversary of the enactment of the Occupational Safety and Health Act. The Act - which guarantees every American worker a safe and healthful working environment - created the Occupational Safety and Health Administration (OSHA) to set and enforce standards and the National Institute for Occupational Safety and Health (NIOSH) to conduct research and investigations. It also marks the 39th anniversary of the Coal Mine Health and Safety Act, and 31st anniversary of the Federal Mine Safety and Health Act.
- Since 1970, workplace safety and health conditions have improved. More than 369,000 workers can now say that their lives have been saved since the passage of the Occupational Safety and Health Act. Unfortunately, as demonstrated by the Sago mine disaster, too many workers remain at risk, and face death, injury or disease as a result of their jobs.
- Progress in protecting workers safety and health is slowing, and for some groups of workers jobs are becoming more dangerous. As the economy, the workforce and hazards are changing, we are falling further and further behind in our efforts to protect workers from new and existing problems.
- The Bush Administration has failed to take action to address major problems. In the past seven years, the administration has killed workplace ergonomic protections, repealed recordkeeping for ergonomic injuries, shut down new OSHA and MSHA workplace safety and health rules, favored employer voluntary programs over enforcement and excluded workers and unions. It has tried to dismantle worker safety and health training programs, yet increased funding for outreach to employers. It put former industry officials in charge of the OSHA and MSHA programs. Time and again, this administration demonstrates its commitment to helping business, to the detriment of the workers it is obligated to protect.

MILLIONS OF WORKERS ARE KILLED, INJURED OR DISEASED ON THE JOB EACH YEAR.

- In 2006, 5,840 workers were killed by traumatic injuries and an estimated 50,000 - 60,000 died from occupational diseases.
- According to the Bureau of Labor Statistics (BLS), there were 5,840 workplace deaths due to traumatic injuries in 2006, an increase in the number of deaths in 2005, when 5,734 workplace deaths were reported.
- On average, 16 workers were fatally injured each day during 2006.
- Hispanic or Latino workers, particularly foreign-born workers, experience a disproportionate number of work-related fatalities. In 2006, the fatal injury rate for all workers was 4.0/100,000 workers, as compared to a rate of 5.0 for Hispanic workers.
- In 2006, approximately 4.1 million injuries and illnesses were reported in private sector workplaces. An additional 552,000 injuries and illnesses occurred among state and local employees in the 27 states and 3 territories where this data is collected.

- In 2006, BLS reported 2.1 million injuries and illnesses that resulted in days away from work, job transfer or restriction.
- In 2006, the national private sector injury and illness rate was 4.4/100 workers. The injury and illness rate in 2005 was 4.6/100 workers.
- In 2006, BLS reported 357,160 musculoskeletal disorder cases that resulted in days away from work. MSDs continue to account for 30% of injuries and illnesses involving all days away from work, demonstrating that MSDs remain the biggest category of injuries and illness. However, these numbers understate the true magnitude of the problem. OSHA has estimated that for every reported MSD, one MSD goes unreported. In addition, the BLS numbers do not include the many ergonomic injuries that occur among state and local workers, or those that do not require days away from work.
- Recent research has documented that the BLS Survey of Occupational Injuries and Illnesses, which is based upon data from employers' OSHA injury and illness logs, fails to capture a large proportion of work-related injuries and illnesses. This research indicates that the true toll of job injuries is at least 3 times greater than the numbers and rates reported by BLS.

OVER THE YEARS, WORKPLACE SAFETY HAS IMPROVED, BUT PROGRESS IS STALLING AND MAY BE REVERSING

- According to the National Safety Council and the Bureau of Labor Statistics, the job fatality rate has been cut by 78 percent since 1970. From 2005 to 2006, fatality rates increased in mining; manufacturing; utilities; leisure and hospitality; wholesale trade; education and health services; and financial activities.
- From 2005 to 2006, job fatalities increased among Hispanic workers from 923 to 990 deaths, the highest number ever reported; and the the job fatality rate increased to 5.0/100,000 workers from 2005 to 4.7/100,000.. Fatal injuries among foreign-born workers also increased , from 1,035 deaths in 2005 to 1,046 deaths in 2006.
- Reported injury rates have fallen over the years. According to the Bureau of Labor Statistics, there were 11 injuries and illnesses per 100 full-time workers in 1973; by 2006 the rate was 4.4 per 100 workers--a decrease of 60 percent. However, the injury data, unlike fatality data, are based solely on employer reports, and independent reviews have found them to grossly understate the true incidence.
- Though a direct comparisons of injury data for 2006 and years prior to 2003 are not possible due to a change in classification systems, in general, declines in workplace fatalities and injuries have been much greater in those industries where OSHA has targeted its standards and enforcement activities. In manufacturing, the fatality rate has declined by about 70 percent and the injury rate by 61 percent since the passage of OSHA. Similarly, in construction, the fatality rate has declined by about 84 percent and the injury rate by about 70 percent.

- In the mining industry, which is subject to mandatory inspections (four times a year for underground coal mines, and two times a year for surface mines), the fatality rate has declined by 72% since 1970 and the injury rate by 72%. But, in 2006, in the wake of the Sago and other mine disasters, the number of coal mine deaths doubled, with 47 coal miners killed on the job.
- Throughout the years, OSHA and MSHA standards have significantly reduced worker exposure to serious hazards and prevented unnecessary injuries, illnesses and deaths. For example, OSHA's 1978 cotton dust standard virtually eliminated new cases of byssinosis, the 1978 lead standard dramatically reduced occupational lead poisoning, and standards on confined space entry, lock-out of dangerous equipment and grain dust prevented thousands of unnecessary deaths.

WORKERS NEED MORE SAFETY AND HEALTH PROTECTION

- Although injury and fatality rates have fallen over the years, too many workers are being killed and injured on the job. On an average day, 153 workers lose their lives as a result of workplace injuries and diseases (16 die from injuries and 137 from diseases), and another 11,233 are injured.
- Millions of workers still lack OSHA protection -- more than 8.6 million state and local public employees are not covered by OSHA. Millions of workers in the transportation industry, including flight attendants, do not benefit from OSHA protections.
- The Sago mine disaster and other coal mining disasters in 2006 demonstrated that safety measures for the nation's miners are inadequate, particularly when it comes to mine rescue. Following the Sago tragedy, the Congress enacted new legislation – the Mine Improvement and New Emergency Response Act of 2006 (the MINER Act) – that requires mine operators to develop accident response plans that require additional oxygen, improved communications and enhanced training. But further improvements are needed to protect miners, including requirements for safety chambers and prohibition on belt air, along with tough enforcement of existing requirements.
- For many serious hazards, standards are out of date or non-existent. Since OSHA was enacted, comprehensive standards have only been issued for 30 toxic chemicals. Permissible exposure limits for toxic chemicals adopted in 1971 have never been successfully updated. Ergonomic hazards, the major source of workplace injury and illness, still have no standard, since OSHA's November 2000 ergonomics regulation was repealed by Congress and President Bush.
- Immigrant workers have a disproportionate rate of injuries, illnesses and fatalities in the workplace largely because they are hired to do the most undesirable and dangerous jobs at the lowest wages. They often do not know what rights they have or what laws protect them and they often receive no training in safety and health. Language and cultural barriers make it difficult for them to learn their rights and those who lack immigration status are particularly fearful of speaking out. Employers frequently view immigrant workers as disposable and easy to exploit. The increase in fatalities among immigrant workers, particularly Hispanic and Latino workers, has been alarming. Since 1992, when this data was first collected in the BLS Census of Fatal Occupational Injuries (CFOI), the number of fatalities among foreign-born workers has increased by 63 percent, from 635

fatalities in 1992 to 1,035 fatalities in 2006. But for foreign-born Hispanic workers the situation is much worse with fatal injuries in this population increasing 143 percent from 275 fatal injuries in 1992 to 667 in 2006. For Hispanic workers overall (both native and foreign-born), over the same time period, fatalities have increased by 86 percent, from 533 to 990 deaths.

- Since the terrorist attacks on September 11, a new set of workplace safety and security issues have emerged, among them security, bioterrorism and emergency response.
- The threat of an influenza pandemic poses a serious potential risk to 9.4 million health care workers and other first responders who will be on the front lines if an outbreak occurs.
- Other major safety and health concerns facing workers today include issues of work organization such as increased hours of work, intensification of work due to downsizing, increased pace of work and inadequate staffing. Many of these changes have been associated with repetitive strain injuries, stress, workplace violence and even fatalities.
- Thousands of workers are retaliated against by their employers each year for raising job safety concerns or reporting injuries, fired or harassed simply because they want a safe place to work. OSHA whistle-blower and anti-retaliation provisions are too weak to provide any real protection to workers who try to exercise their legal rights.
- At the workplace the move toward behavior-based safety and incentive programs is particularly alarming. Rather than examining how core work processes affect health and safety, behavior-based safety programs claim that an overwhelming majority of job injuries and illnesses are the result of the unsafe acts of workers themselves. Behavior-based safety programs attempt to place the responsibility for a safe workplace squarely on the backs of workers, rather than addressing workplace hazards.
- OSHA is a small agency that does not have the funding or staff to oversee the safety and health of the approximately 130 million workers in the 8.5 million workplaces under its jurisdiction.
- Federal OSHA only has about 821 safety and health inspectors and can inspect workplaces, on average, once every 133 years. The state OSHA plans combined have a total of 1,273 inspectors and can inspect workplaces on average once every 65 years.
- In the United States, there is one OSHA inspector for every 63,913 workers compared to the International Labor Organization benchmark of one labor inspector for every 10,000 workers.
- OSHA's current budget (FY 2008) of \$486 million amounts to **\$3.89** per covered worker.
- OSHA penalties are weak. In FY 2007, the average penalty for a serious violation of the law where there is a substantial probability of serious physical harm was only \$909.
- Even in cases of worker deaths, penalties are only a slap on the wrist. Over the past 5 years the average penalty in a fatality case was only \$6,869.

BUSH SAFETY AND HEALTH POLICIES FAVOR BUSINESS, NEGLECT WORKERS

- Since taking office in January 2001, the Bush administration has turned its back on workers and workplace safety. Siding with its corporate friends, the administration has overturned or blocked dozens of important workplace protections and weakened job safety programs, leaving workers in danger.
- The assault began soon after Bush took office when the President joined with anti-worker business groups to repeal OSHA's ergonomics standard. The standard would have required employers to protect workers from injuries caused by heavy lifting and repetitive work. The administration's promised comprehensive approach to the biggest job safety hazard facing workers has turned out to be a sham. In 7 years, only four voluntary non-enforceable guidelines – for nursing homes, poultry processing, retail grocery stores and shipyards – have been issued. During the same time, federal OSHA has issued only 19 general duty citations for ergonomic hazards with an average penalty of \$1874 per citation.
- The Bush administration killed dozens of worker protection measures under development at OSHA and MSHA, including rules on cancer causing substances, reactive chemicals and infectious diseases such as TB.
- The Bush administration has the worst record on safety rules in OSHA's entire history, issuing no new significant safety rules during its first term. In 2006, the Bush administration issued its first major safety and health rule – a standard on the carcinogen hexavalent chromium – which was issued only as a result of a court order.
- For seven years, the Bush administration refused to issue a rule requiring employers to pay for personal protective equipment, which is particularly important for immigrant and low-wage workers. As a result of a lawsuit by the AFL-CIO and UFCW, DOL issued the final PPE rule in November 2007.
- The Bush Administration has refused to take action to issue a rule to protect popcorn workers and other food workers from a new deadly lung disease caused by exposure to diacetyl – a butter flavoring chemical.
- The administration has refused to set a standard to protect healthcare workers from a deadly flu pandemic, saying action can't be taken until after a flu pandemic breaks out.
- And the administration has opposed legislation to require new standards to prevent explosions caused by combustible dust – like the one that killed 13 workers at Imperial Sugar Refinery in Georgia in February 2008.
- At MSHA, the Bush Administration killed 17 safety rules under development including rules on mine rescue teams, self-contained self-rescue devices, and escape ways and refuges, all of which may have helped to prevent the fatalities at the Sago mine disaster. It also weakened mine ventilation standards and allowed coal conveyor belt shafts to be used as a source of air, a practice prohibited by the Mine Act.

- At the Crandall Canyon mine in Utah, where 9 workers were killed in 2007, MSHA approved dangerous retreat mining practices that resulted in these workers' deaths. An investigation of MSHA's actions by the Inspector General at DOL found that "MSHA was negligent in carrying out its responsibility to protect the safety of miners."
- The Bush Administration opposed and threatened to veto legislation to further improve Mine Safety protections passed by the House of Representatives in 2008.

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