

FACTS ABOUT WORKER SAFETY AND HEALTH - 2009

- This year marks the 39th 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 40th anniversary of the Coal Mine Health and Safety Act, and 32nd anniversary of the Federal Mine Safety and Health Act.
- Since 1970, workplace safety and health conditions have improved. More than 390,000 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 that killed 12 miners, BP refinery explosion that killed 15 workers, and the Imperial Sugar refinery explosion that took the lives of 14 workers, too many workers remain at risk, and face death, injury or disease as a result of their jobs.
- For eight years, the Bush Administration failed to take action to address major problems. The Administration killed workplace ergonomic protections, repealed recordkeeping for ergonomic injuries, shut down new OSHA and MSHA workplace safety and health rules, favored employer voluntary programs over enforcement and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.
- Now with the election of President Obama and a Democratic Congress, there is an opportunity to change the direction of the country, to improve safety and health protections, to strengthen OSHA and MSHA and to strengthen the OSHA and MSHA laws.

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

- In 2007, 5,488 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 5,488 workplace deaths due to traumatic injuries in 2007, a decrease in the number of deaths in 2006, when 5,840 workplace deaths were reported.
- On average, 15 workers were fatally injured each day during 2007.
- Hispanic or Latino workers, particularly foreign-born workers, experience a disproportionate number of work-related fatalities. In 2007, the fatal injury rate for Hispanic or Latino workers was 4.4/100,000 workers compared to a rate of 3.7/100,000 for all workers.
- In 2007, approximately 4.0 million injuries and illnesses were reported in private sector workplaces. An additional 541,900 injuries and illnesses were reported among state and local employees in the 27 states and 3 territories where this data is collected.

- In 2007, BLS reported 2.0 million injuries and illnesses that resulted in days away from work, job transfer or restriction.
- In 2007, the national private sector injury and illness rate was 4.2/100 workers. The injury and illness rate in 2006 was 4.4/100 workers.
- In 2007, BLS reported 333,760 musculoskeletal disorder cases that resulted in days away from work. MSDs account for 29 percent 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 two to three times greater than the numbers and rates reported by BLS.

OVER THE YEARS, WORKPLACE SAFETY HAS IMPROVED, BUT PROGRESS HAS STALLED

- According to data from the National Safety Council and the Bureau of Labor Statistics, the job fatality rate has been cut by 79 percent since 1970. From 2006 to 2007, fatality rates decreased in all industry sectors except information.
- From 2006 to 2007, job fatalities decreased among Hispanic workers from 990 to 908 deaths; and the job fatality rate decreased 5.0/100,000 in 2006 to 4.4/100,000 workers in 2007. Fatal injuries among foreign-born workers also decreased, from 1,046 deaths in 2006 to 959 deaths in 2007.
- 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 2007 the rate was 4.2 per 100 workers—a decrease of 62 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 2007 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 73 percent and the injury rate by 63 percent since the passage of OSHA. Similarly, in construction, the fatality rate has declined by about 85 percent and the injury rate by about 73 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 75 percent since 1970 and the injury rate by 75 percent.
- 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.
- During the past eight years under the Bush Administration, progress in protecting workers safety and health ground to a halt. OSHA standard setting was shut down with needed rules blocked or delayed. The only OSHA and MSHA standards that were issued were in response to court orders or Congressional action.

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, 152 workers lose their lives as a result of workplace injuries and diseases (15 die from injuries and 137 from diseases), and another 10,959 are injured or become ill.
- Millions of workers still lack OSHA protection – more than 8.8 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.
- 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 51 percent, from 635 fatalities in 1992 to 959 fatalities in 2007. But for foreign-born Hispanic workers the situation is much worse with fatal injuries in this population increasing 121 percent from 275 fatal injuries in 1992 to 607 in 2007. For Hispanic workers overall (both native and foreign-born), over the same time period, fatalities have increased by 70 percent, from 533 to 908 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 135 million workers in the 8.8 million workplaces under its jurisdiction.
- Federal OSHA only has about 799 safety and health inspectors and can inspect workplaces, on average, once every 137 years. The state OSHA plans combined have a total of 1,244 inspectors and can inspect workplaces on average once every 66 years.
- In the United States, there is one OSHA inspector for every 66,258 workers compared to the International Labor Organization benchmark of one labor inspector for every 10,000 workers.
- OSHA's current budget (FY 2009) of \$513 million amounts to **\$4.06** per covered worker.
- OSHA penalties are weak. In FY 2008, the average penalty for a serious violation of the law where there is a substantial probability of serious physical harm was only \$921.
- 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 \$7,693.

EIGHT YEARS OF NEGLECT AND INACTION BY THE BUSH ADMINISTRATION PUT WORKERS' SAFETY AND HEALTH IN SERIOUS DANGER

- For eight years, the Bush Administration turned its back on workers and workplace safety. Siding with its corporate friends, the Administration 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 Bush Administration then moved to kill dozens of worker protection measures under development at OSHA, including rules on cancer causing substances, reactive chemicals and infectious diseases such as TB. 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
- The Bush Administration had the worst record on safety rules in OSHA's entire history, issuing no new significant safety rules during its first term, and only three significant safety rules in its second term. Two of these rules – a standard on the carcinogen hexavalent chromium and a rule requiring employers to pay for personal protective equipment – were only issued after court action.
- The Bush Administration 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 also refused to set a standard to protect healthcare workers from a deadly flu pandemic and a standard to prevent explosions caused by combustible dust – like the one that killed 14 workers at Imperial Sugar Refinery in Georgia in February 2008.

THE OBAMA ADMINISTRATION BRINGS HOPE FOR IMPROVED WORKER SAFETY AND HEALTH PROTECTIONS AND RIGHTS

- President Obama has a strong record supporting worker safety and health protections. In the United States Senate, he co-sponsored the Protecting America's Workers Act, legislation to strengthen the Occupational Safety and Health Act. He also co-sponsored legislation to improve the Mine Safety and Health Act. As a candidate, he committed to increasing funding for OSHA and MSHA and strengthening enforcement.
- President Obama's FY 2010 budget increases funding for OSHA enforcement and standard setting. The American Recovery and Reinvestment Act also included funding to expand job safety enforcement.
- President Obama has appointed a pro-worker Secretary of Labor, Hilda Solis, who is committed to strengthening enforcement for worker safety and other labor standards. Secretary Solis has appointed a pro-worker safety and health advocate to be the Deputy Assistant Secretary for OSHA.
- Secretary of Labor Solis is committed to moving forward with new safety and health rules, and has taken action to expedite an OSHA standard on diacetyl to protect workers against disabling lung disease.

Prepared by: AFL-CIO Safety and Health
April 15, 2009