Safety First: NYCOSH's 30-Year Campaign Against Workplace Injury and Death

by Vernon Mogensen

The New York Committee for Occupational Safety and Health (NYCOSH) recently celebrated its thirtieth anniversary as an organization committed to educating and training workers and lobbying on their behalf for better standards. Arguably the more successful and visible COSH groups to come out of the workers' safety and health movement of the 1960s, it has grown from a small informal group of activists meeting over brown bag lunches in the 1970s into a broadly based organization of workers, medical professionals, academics, and over 200 union affiliates.

NYCOSH provides technical assistance to unions, individuals, and the community on a wide range of issues including but not limited to the fallout from toxic contaminants during the 9/11 attack, construction hazards and crane safety, office workers safety hazards, teenage workers safety issues, and safety problems facing immigrant workers. It was one of the first COSH groups to take up the important issue of repetitive strain injuries and ergonomics. NYCOSH has been a staunch advocate for workers safety and health to strengthen the Occupational Safety and Health Administration (OSHA), the New York State Public Employees Safety and Health law, and workers compensation.

Joel Shufro became its executive director in 1980, just before the Carter administration was left office. A After earning a Ph.D. in colonial history, he turned labor organizer. Since then, he has guided NYCOSH through the thicket of anti-regulatory polices of the Reagan and the two Bush administrations, as well as during the more worker-friendly Clinton years. With the historic election of Barack Obama and the sharper public focus on health issues, the *Regional Labor Review* saw an opportunity to assess possible changes in the struggle worker safety efforts. In July, Vernon Mogensen spoke to Joel Shufro to learn his views on the past, present and future of NYCOSH and OSHA.

Q: Many observers hope that the historic election of Barack Obama represents an important opportunity for change in occupational safety and health policy. At this point in the Obama administration, do you agree, or is it too soon to tell?

JS: Well, I think that the election of Barack Obama and the appointment of Hilda Solis as Secretary of Labor provide a tremendous opportunity for changing the direction of the Occupational Safety and Health Administration (OSHA). It is pretty clear that this administration has made a dramatic change from the Bush administration, with the appointment of Jordan Barab, the acting Undersecretary for OSHA. We've had a period of many years -- really since the election of Ronald Reagan -- in which the Agency has really not been committed to meeting its mission. We've had a slight interruption during the eight years of the Clinton administration. But even during that period of time, there was not a strong commitment, as strong a commitment as we would have liked to have seen, to enforcing the safety and health laws of the country.

We believe that the appointment of Solis, who has on many occasions said that workplace safety and health is going to be a priority of this administration, does provide us with a dramatic opportunity to both change the law and change the administration of OSHA.

That being said, it's not a given. This is going to require a tremendous fight to both change the law and to change the administration. And the appointment of good people to the Agency is only the first step, but not sufficient.

Q: What issues would you like to see OSHA address, and are they the same issues that you think it will address?

JS: There are a whole range of issues that OSHA needs to address. The first is that the Agency has, since it's inception, been underfunded, and there's no question that it needs to be funded at the level of, let's say, the EPA, which is funded at a much higher level than OSHA. And the administration has already made it clear that they are going to fund OSHA at a higher level, and they have announced that they're planning to hire 131 new inspectors.

As far as we're concerned, 131 new inspectors is a great step, but we could use them all here in Manhattan, let alone the rest of the country. It is not going to be sufficient to deal with the problems that workers face day to day on the shop floor. So increasing the budget of the Agency is the first thing.

The second thing that we think needs to be done is that we need to change the standard-making process. The current standards are woefully out of date. Really, we're using standards that were adopted in 1972 based upon standards that were in existence in 1968, in many cases. They don't protect workers. They are scientifically out of date. They are dramatically influenced by corporate priorities and pressure. And so we need a new standard-setting process so that the standards actually protect workers.

Three, we need a new strategy of enforcement where employers are fined and jailed for violating the law. And those fines are meaningful fines. Our current fine for a fatality in this region is below $5,000 – for a fatality! It's like a slap on the wrist to an employer. So we need a dramatic increase in the fines.

We need to also increase the funds for worker training, which are woefully inadequate and are the basis for workers to be able to know how to protect themselves and to act on that. For NYCOSH, that's probably the most important thing. We'll never have enough inspectors to do the job, but unless workers are provided with the education and the ability to act on their own, to file the complaints, workers, they will be unprotected.

The other part of this is that we need to amend the OSH Act to strengthen Section 11-C of the law, which provides workers with [whistleblower] protection for exercising their rights under the law. Currently it is not a meaningful protection for workers. Additionally OSHA needs to be expanded to cover the millions of public-sector workers in about 21 states who don't have any protection right now at all.

Many of these reforms are embodied in the bill that was introduced by Lynn Woolsey (D-CA) in the House HR-2067, and Ted Kennedy (D-MA) just introduced a companion bill in the Senate. Passage of those reforms would mean a dramatic improvement for workers.

Passing the law is one thing, but we have to get to a place where workers feel that they can use the law and exercise their rights without retaliation. I'm reminded by the fact that complaints to OSHA, when Reagan was elected in 1980, dropped about 90 percent. And workers essentially voted with their feet, because they didn't have any confidence that the Agency was going to be able to protect them. It seemed to me that we have to go back to the situation where workers feel confident that they can file a complaint and get some sort of remediation from the Agency.

Q: Do you think that the debate over national health care policy has helped advance or hindered the occupational safety and health policy-making agenda?

JS: Well, it's probably delayed our efforts to get OSHA reform legislation passed. There are a number of clear priorities that both the administration and the labor movement have which take precedence over passage of the

OSHA reform, health care being one, Employee Free Choice Act, of course, being the second. NYCOSH has been engaged, as have the other Committees for Occupational Safety and Health (COSH) groups across the country, in attempting to build support among members of Congress to become cosponsors of the OSHA reform legislation, and many of the staffs have sort of said to us, "Come back later, after health care has passed, because we can't focus on anything but health care at this point in time."

The other question, of course, that I have not really heard injected into the health care debate is the whole issue of occupational safety and health and how passage of health care reform would impact upon both workers' compensation and prevention issues. Obama talks about the importance of prevention, but I've not heard anyone really talking about the savings that we could realize in our health care system through a program of preventing occupational disease and injuries.

Q: Along these lines, what are the prospects for the revival of the ergonomics standard that was repealed by the Bush administration and the Republican-controlled Congress in 2001?

JS: Well, we held a briefing with Jordan Barab, the recently appointed Deputy Administrator for OSHA, or Acting Administrator for the Agency. And he was asked that question directly. And he clearly described it as the elephant in the room – that this is something that the Agency needs to deal with. It is clearly the number-one occupational disease that workers face in the workplace. Something like 600,000 workers a year are injured on the job as a result of repetitive stress injuries, and yet we don't have a standard to deal with it. The Bush Administration pushed it under the rug; claimed that they were going to establish guidelines, and then never dealt with it.

But there's a huge debate in the safety and health movement as to whether this should become the number-one priority or whether passage of the OSHA reform, known as Protecting America's Workers Act, should take priority. If you go for the ergonomics standard, it will result in a battle royal between industry and corporations and labor, and it will preclude passing any other reform legislation. And so we're sort of on the horns of a dilemma here, because I think that there's clearly a consensus among safety and health professionals that this is an issue that needs to be dealt with, and the question is, what can we possibly get out of this administration, and which would you take first, Protecting America's Workers Act or ergonomics?

Q: NYCOSH just celebrated its 30th anniversary. How has its mission grown and changed in terms of programs, staff, members, unions, individuals, budget and so forth?

JS: NYCOSH is a totally different sort of organization than it was when it was founded in 1979. —Well, it really was founded in 1976, and it was incorporated in 1979, and we use that as its official birth date. But in fact there were a number of people such as David Michaels, the person who's being considered to be the Assistant Secretary for OSHA, who were members of NYCOSH in 1976, and who helped get the organization off the ground prior to its incorporation.

At that time NYCOSH was pretty much a volunteer organization. We had no staff until 1979, and then we only had one staff person until 1986, one and a half staff persons, after 1983, I guess, when we hired a person to be office administrator. And the organization now has 11 staff people. It is a much more staff-driven organization. In the early '80s, everything was done by committees; the training was done by volunteers, Even our fundraising was done by volunteers working in committees. It was a much more participatory organization. As we matured as an organization, our budget grew. We became a much more staff-driven organization. And I think that has fundamentally changed the organization.

I think the mission of the organization has remained pretty much constant, though I think there is a change in emphasis. I mean, when we began in the late seventies, we really strongly adhered to the principle that we did not have the resources to deal with the large number of unorganized workers, and that given our limited resources— that those would be most effectively used by concentrating on unionized workers, who could both implement change within their workplaces and have an impact upon other workers in the rest of the

state and country. And this always was a huge tension within the organization, because there were large numbers of workers who were unorganized, exposed to very real hazards that cried out to be addressed.

And so, for example, in 1986, when we first hired staff, many of those staff people were very concerned about office workers who were working on what we called then video display terminals, which we now call computer terminals. There was tremendous concern about both the radiation given off by the machine and the ergonomic hazards to which workers were exposed. And so the question we confronted at that point was, well, how do you reach out to unorganized workers and provide them with the information and training that they needed to make their workplaces safe, as opposed to dealing with those who were organized?

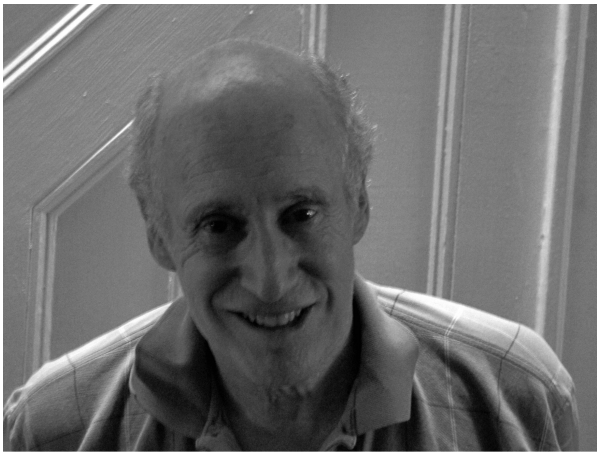
This problem continued throughout NYCOSH's history, and particularly in the '90s, when immigration issues became even greater than they are now, that issue forced NYCOSH to confront how we dealt with those workers who were not organized, immigrant workers who were non-documented. And this still is a major issue, because clearly these workers are doing the most dangerous, dirty work in our society, injured and killed at rates that are far in excess of the rest of the population.

And so I'd say in the late '90s, we began to change our focus to try and reach out to organizations that were providing services to unorganized workers. We still have problems, not that we don't provide services or training to immigrant workers, but it is very difficult for us, given our limited resources, to provide unorganized workers with the support that they need to deal with the hazards, because, as Tony Mazzocchi[i] used to say: workers who are unorganized who exercise their rights, will be immediately fired, and we couldn't protect them.

But we felt that if we began to work organizationally, provide training to groups that were organizing workers, that would be a much more efficient and reasonable use of our resources, and those groups could then use the issue to organize around. So, one of the major areas of our program that has changed is that we do have a fairly extensive program to reach out to groups that provide services to unorganized workers, primarily immigrant workers. And that has changed our organization dramatically.

We've also begun to do a tremendous amount of work with youth in the workplace who are injured on the job at rates far in excess of the rest of the population, and we train several thousand young workers who are either working after school or preparing to enter the workforce a year about their rights under the OSHA law. These are young workers who are being trained to go into the workforce who have never heard about OSHA, don't know anything about workers' compensation. So this is their first and probably their only exposure to the issue.

So I'd say that in terms of the populations that we have served since 1980, when NYCOSH got off the ground, this has been an expansion of the direction that we've gone in, but not a change in the mission of the organization.



Q: What has been NYCOSH's major accomplishment over the last 30 years, and what frustrations or obstacles has it faced?

JS: I think that there are several major things that we have achieved. The first is that we have trained thousands of workers and raised consciousness among working people throughout the region about workplace safety and health hazards. We have been able to develop among the unions that are members of NYCOSH a sense that we are the organization that they turn to for the wide range of safety and health issues that the members that they represent face every day on the shop floor.

So training is one area where I think NYCOSH has really done superlative work, and that's the work of our staff. They go out and they train workers from accountants to zookeepers, as we say, about a whole range of hazards. And if we don't know about the hazard, we learn about it the night before and are able to help workers organize.

Our training is more than just training them about the hazards, but helping them think through a strategy for eliminating these hazards. How do you force the employer to live up to the law, or what happens if you have a hazard when there is no law, or that the law is insufficient? So it's a much broader training than just sort of going out and saying, "Asbestos is dangerous to your health," which is useless to workers unless they can figure out a strategy to protect themselves.

The second thing that I would say that NYCOSH has been successful on is building coalitions both within the union movement and with other organizations who are allies of the union movement on these particular issues. Many of the issues that we face are not confined to one union. They are experienced by unions both in public sector, private sector, construction, manufacturing, service sector, and bringing unions together to talk about those issues creates tremendous energy, because people learn from each other, they build relationships. The first major coalitions that we started to work on were on computer terminals, VDTs as we called them then, and these coalitions took on a life of their own. Many cases resulted in legislative campaigns, some of which were successful, some of which were not.

We had campaigns dealing with safe needles, with indoor air quality, with asbestos, workers' compensation, all of which brought together unions who may not have been able to work with each other on other issues, but were able to unite around the safety and health issues raised for their members on these specific issues. Most recently, NYCOSH has provided assistance in building coalitions around the issue of the health consequences for workers and residents who were exposed to the toxic substances that blanketed Manhattan after the collapse of the World Trade Center. David Newman, on our staff, did an amazing job of bringing together unions, residents and environmental organizations. They were engaged in what amounted to hand-to-hand combat with the EPA, which was engaged in a massive cover up and in programs that did not meet the needs of the community. With almost no resources, the community forced the agency to stop programs that were not appropriately designed and improve many programs that moved forward. It was a dramatic example of what a group of committed individuals and organizations could do. The second example of NYCOSH's effectiveness in building coalitions was its leadership in stopping a bill in the New York City Council that would have given the New York Police Department the power to license environmental monitoring equipment. NYCOSH coordinated an effort that brought together a broad-based coalition of environmental, union, civil liberties and public health organizations and prevented the bill from moving forward. It was a dramatic example of the potential power of grassroots coalition work.

And the other part of this is that I think NYCOSH has been really successful on is building bridges between different constituencies. We work with people in the medical community, the public health community, labor unions, environmental and immigrant organizations, who come from different sort of constituencies that sometimes didn't really understand each other and were hostile to each other. We were able to serve as the bridge between these communities and build what I think are fairly substantial new and lasting

relationships. But in many cases, we would bring problems that were experienced by workers on the shop floor to the attention of, let's say, the doctors, the medical community. The medical community would come back with their research, that workers didn't understand. We served as their translators and made it accessible to workers. So this building of coalitions, I think, is one of the important functions that NYCOSH has raised.

Thirdly, I'd say we have been in New York City and New York State, along with the other COSH groups that exist, one of the few agencies that have raised safety and health and put the issues on the table for the labor movement. And so we've been able to work with the labor movement to bring these issues into the legislative and public arena so that they are dealt with and articulated. And I think that it's a two-way street. We bring these issues to the attention of the labor movement. The labor movement also comes back to us on occasion to ask us what we think about particular safety and health issues.

The three New York State COSH groups have the potential of having a political impact on state levels. By mobilizing the local unions and community-based environmental, public health, public interest organizations throughout New York State and working with the New York State AFL-CIO, the COSH groups could play an important political role. We have engaged in some common statewide safety and health campaigns in the past, but I think we can do better. Similarly on the national level, we are hopeful that there will be more coordinated activity among the 25 or so COSH groups.

We train workers. We provide technical assistance. We've built coalitions and raised these issues and gotten them into the public arena. I would look at those as our major achievements.

Q: You mentioned that NYCOSH was started in 1976, and of course the landmark OSHA Act was passed in 1970 as a result of the labor movement, a social movement, led by people like Tony Mazzocchi and Ralph Nader and many others. And out of this came the COSH-- Committees for Occupational Safety and Health-- network, of which NYCOSH is a part. Could you tell us about its origin and purpose?

JS: Well, the legislation was passed in 1970. The first piece of legislation that was passed was the [Federal Coal] Mine Health and Safety Act (MHSA) of 1969, passed after workers went out on strike for over a month in the Appalachian Mountains in West Virginia, and that the OSHA law was sort of piggy-backed on top of MHSA and enacted by the Republican Nixon administration as part of their strategy to woo the working class into the Republican party.

But by 1976, it was pretty clear that the law during the first years of the Nixon administration was pretty much a political football, so that neither the labor movement nor the public health community had really picked up on this. The election of Jimmy Carter and his appointment of Eula Bingham as Assistant Secretary of Labor for OSHA was a major turning point in the safety and health movement. Bingham instituted what I think as the most important program OSHA has ever implemented – a program called New Directions. The federal government provided federal funding for unions, nonprofits, universities, trade associations and employers to establish safety and health training programs. This funding provided the basis for the development of union-based safety and health programs and the eventual establishment of safety and health departments within international union.

Frank Goldsmith at Cornell University in New York City, --who really deserves a large amount of credit for the establishment of COSH groups in New York State -- received one of these grants and Frank used the money to educate union leadership and to identify union activists throughout New York State who went on to build COSH groups. Frank correctly believed that what the government gave, it could take away and that it was important to institutionalize safety and health in unions and to build COSH groups. He hired some extremely talented organizers who taught safety and health at Cornell extension program – but who also helped to found COSH groups in Albany, Syracuse, Jamestown, In New York City, there were a group of people,— who began to educate themselves about workplace safety and health hazards under the auspices of Cornell. These were not the leadership of the labor movement. They were secondary leaders, shop stewards, as well as public health folks – Deborah Nagin, David Michaels, David Kotelchuck, Toby Bergman == who really began

to understand the connection between exposure to toxic substances and health. And in New York in 1976, they started to hold brown bag lunches where people began to educate themselves and educate people within the labor movement about the issues.

This went on until 1979, when NYCOSH was able to get its first grant, which was a grant that allowed it to establish an office and it had a staff person who was charged with going out into community health clinics to educate doctors about workplace safety and health issues. At that time, doctors only got two hours, not two credit hours, but two hours of occupational health training in their medical education. So they didn't understand what the implications of being exposed to toxic substances actually were. Essentially, that grant allowed NYCOSH to become a much more formal organization. When the grant collapsed, that's when they lost their staff person, and I came on staff at that point in time.

Q: What year was that?

JS: I believe it was March of 1980 when this happened. Two things happened that year that put NYCOSH on the map. First was the introduction of the Schweiker Bill which would have gutted OSHA. Actually, it is remembered as the Schweiker bill – but it was jointly introduced by Harrison Williams – a Democratic Senator from New Jersey. NYCOSH ran a campaign to stop the bill. We put out literally tens of thousands of pieces of literature to unions, environmental and public interest organizations across the country. The bill sparked outrage among rank and file workers – who had just received initial education and training through New Directions Program. NYCOSH served as a loose coordinating center of that campaign and earned recognition for its efforts in helping to defeat the bill.

Second, NYCOSH published a booklet written by our VDT Committee (Video Display Terminal) entitled Health Hazards of VDT Operators. The committee was headed by Tobi Bergman. The pamphlet drew on the concerns and experiences of VDT operators. The booklet was the first booklet written and tapped into the tremendous concerns of operators throughout the world at that time about possible emission of radiation given off the the monitors – as well as ergonomic problems that computer operators were experiencing. NYCOSH sold literally tens of thousands of these booklets – at $1 each – to unions and individuals throughout the world. The response to the booklet was nothing short of amazing – and provided the financial basis for paying my salary as executive director of the organization at the time.

So NYCOSH, at that point, grew from an organization of health professionals and union leaders, secondary leaders, and we began a campaign to bring unions in NYCOSH. I remember actually standing on the corner of Canal Street with Frank Goldsmith, and he said, "We need to get union members." I said, "How do you do that?" He says, "You ask them." So every day I went out and I started asking unions to join NYCOSH. We had eventually brought in about 225 to 250 local unions as members of NYCOSH, and became a fairly substantial organization based just on membership alone.

What changed NYCOSH and the safety and health movement here in New York was the passage of the Hazard Abatement Board (HAB) legislation, which we were involved in getting enacted. But major credit, I think, goes to the state AFL-CIO, which created a fund out of workers' compensation, which funded nonprofit organizations, unions and others, employer associations, universities, to provide safety and health training. It was a $6.4 million fund when it was established. The law was passed in 1986 and provided us with a stable basis of funding, which has been our base since then for providing training to workers.

But New Directions funding was undoubtedly one of the most important elements for building the safety and health movement in this country, because it funded union safety and health programs where there were none, provided people with training about workplace safety and health. It funded a large number of COSH groups around the country. NYCOSH, unlike other COSH organizations and many unions, nevered received funding from a federal program called OSHA New Directions[iii] instituted during the Carter Administration in 1977.

What saved our organization was the fact that we *didn't* get New Directions funding. So when Ronald Reagan came in and cut all that money, we were not adversely affected, since we didn't have any! At that point, NYCOSH had developed a booklet on the health hazards of video display terminals, and we sold that booklet for a dollar to literally tens of thousands of people across the world. I'm sort of digressing here from, I think, your question. But that booklet essentially funded NYCOSH as an organization from 1980 or 1981 to 1986, when the funding of the HAB came into play.

NYCOSH was one of about 25 COSH groups that developed in the mid to late 70s and early 80s.. Some, like CACOSH (Chicago Area Committee on Occupational Safety and Health), were funded through the New Directions programs. Others had other sources of funding. They all were like little local city-states. They developed expertise in their type of hazards that the local economy—that they represented. So Western New York COSH at that point, in Buffalo, knew a lot about industrial solvents and about cranes and manufacturing that was done in the steel mills, which were still in existence at that point. NYCOSH became expert in indoor air and computer hazards. Other organizations in the South developed expertise in the hazards of raising chickens and producing chickens for market. There were groups out on the West Coast that became experts in the electronics industry. And so all of these groups developed various strategies for surviving that were independent of one another, and yet they overlapped.

Q: What was your educational background and how did you become interested in the issue of workers' safety and health? How did you come to join NYCOSH?

JS: Well, I came to New York—much against my will, frankly—but I had been involved in the organization of teaching assistants at the University of Wisconsin, and I was a PhD candidate in colonial history. But because of my experience working in the organizing of teaching assistants, I got hired at Empire State College that had just been established in 1972 here in New York where I taught labor history.

In my training and in my teaching I met people in the labor movement who were involved in workplace safety and health, particularly people like Eric Frumin[iv] and Eddie Ott[v], all of whom were involved in safety and health in one way or another. In addition to Eddie and Eric, I had an amazing group of students: Dan Kane (now with the Vice-President of the International Brotherhood of Teamsters); Denis Hughes (President of the NYS AFL-CIO), Joe Pascarella (who became President of Local 1-2 of RWDSU), Bill Nuchow (Business Manager of Local 840, IBT), Larry Jacobson (Chairman of the Joint Board of Local 3, IBEW) And so these students essentially educated me about workplace safety and health. I had students who were construction workers who took headers off buildings. A pesticide applicator, I remember, who was going blind. It was a real education for me.

In the early1970s there was a major struggle going on at the Labor College and within Empire State between the union and the new way in which the college was structured It was a major attack on traditional working conditions for professors. And so the administration launched a vicious attack upon the union, which was trying to preserve conditions within the college that the rest of the State University of New York had. I was active in the union and the struggle. At some point, I was the president of the union. 14 out of 18 union officers were fired over a period of four years. When I got fired, I realized that I wanted to stay connected to the labor movement. I went off and I taught at Lafayette College for a year – elite students, but really wonderful students.

But I realized that I was committed to the labor movement, and I was committed to adult education. And because I had been educated by my students at that point about workplace safety and health, I saw safety and health as a way of forcing people to look at our society, because it placed—in a very critical way, workers' lives and corporate profits in direct antagonism. So I went back to school at NYU, and I was in a class with Eric Frumin, who currently is the head of the national Change to Win coalition's Safety and Health Department. In that process, I really learned the language of safety and health. I became involved in NYCOSH when its first director left because the funding for our grant ended. I was asked to work for NYCOSH on a one-day-a-week

basis, for which I was paid $100 a day, and I actually collected unemployment for the other four. I worked seven days a week to build the organization.

I was able to support myself in a crazy way. When I was at school, I got a fellowship that paid for me to go to night school and paid me a stipend. But I was looking for work during the day and couldn't find any, so I collected unemployment. I actually saved money, and I ran NYCOSH during that period of time. Luckily, I wasn't married or anything at that point, so I was able to support myself.

When NYCOSH began to figure out strategies for survival, we raised money through the sale of VDT books. We couldn't get money from foundations. We went to United Way, and they wouldn't give us money because they said my salary was too low, that I would not be able to stay there for any period of time on the salary that I was being paid. They thought we didn't have enough organizational wherewithal to keep the organization going.

United Way would come every year and campaign to raise money from the members of the Transport Workers Union. George Macdonald, who was Safety and Health Director of Local 100 of the Transit Workers Union was on our board of directors. One year a representative of United Way came into the union hall to distribute pledge cards, and George said, "I don't want you to come in here. You take your cards and leave." The United Way called later and asked, "George, why did you say that?" He said, "Well, you know, the organization I'm on the board of, NYCOSH, applied for money. You didn't give them any money."

So the next thing I knew, I got a call from United Way. They were giving us $25,000. And I was amazed. This was to do a subway campaign about workplace safety and health issues and about NYCOSH, and I was sort of stunned. As I hung up the phone and I thought, "They didn't say anything about how I was supposed to report that." So I called them back. I said, "You know, I'm really pleased that you're giving me $25,000. What are the reporting requirements?" They said, "Just take the money," you know? So we got the $25,000, and that helped us get through to 1986, where we got the state funding, and allowed us to hire staff.

Q: Speaking of students, I have heard some discussion that the worker safety and health movement that was ushered in during the baby boom generation is aging, and this, combined with the decline in union membership, has resulted in a shortage of younger workers and future leaders to replace them. Do you see any credence in this concern?

JS: Well, I do think that the fact that there are a declining number of jobs in the field of safety and health has resulted in people going in other places to make their livelihood. And so we do have this phenomenon of people who entered the movement in the '70s, after the passage of the OSHA Act, particularly through the New Directions program and the programs that Tony Mazzocchi began to bring professionals into the field, all reaching retirement age at this point in time, and that there are not people who are being trained to move into their positions. I think that there are many reasons for this, but the primary one is the lack of jobs. The union movement has been under attack and declined dramatically in its membership, now about 8 percent of the workforce. So there are many fewer opportunities for people both on the professional side and on the union side to be involved in safety and health.

Given the attack on the union movement and the wide range of issues that the union movement has had to deal with, safety and health has never been a primary issue for the labor movement. The leadership has paid attention to other issues that they've considered to be more pressing. Because safety and health is, I think, a fundamentally different and difficult issue. It's an issue that involves activating, educating and informing rank and file workers, who are the ones who know what is happening on the shop floor, know what sorts of changes are occurring, know what the types of hazards there are. The labor movement has not been at its finest in terms of building that sort of active rank-and-file involvement.

The labor movement has considered these to be technical issues as opposed to political issues, and I think that's been a mistake. Even though studies show time after time that workers consider safety and health to be an organizing issue, the unions don't organize around safety and health issues, or only do so rarely.

As the union movement has declined in numbers and as the funding from the federal government has declined for safety and health training through the years of both Bush administrations, the number of safety and health jobs have declined dramatically. Some unions, SEIU in particular, which had one of the largest and most innovative safety and health departments in the country, abolished its safety and health department, essentially, and moved people from being safety and health organizers or specialists into being organizers. That fundamentally undercut a whole range of safety and health technical, political infrastructure that existed in the country.

There is a very great concern that this is a one-generational sort of movement. When I talk to people at the occupational health clinics, for example, in New York State, which has this unique network of occupational health clinics, they have great difficulty locating doctors who have any sort of social vision, who understand the importance of labor, understand what role occupational health can play in building the labor movement. It's not only that there's a lack of jobs, it's the entire social context of our society has moved away from these sorts of issues, which were front and center in the '70s and '80s and began to decline in the '90s.

Q: NYCOSH recently released a new study entitled *Dying for Work in New York*. What inspired this report? And what are its key findings.

JS: Well, we were, frankly, inspired by the report put out by both the AFL-CIO on an annual basis and a report put out by MassCOSH, our sister agency in Boston. But we realized that we needed some sort of detailed analysis of what was happening here in New York State. The AFL-CIO (Annual *Death on the Job* report] looked at national statistics, and we really needed something that would track what was happening here in New York State. And it's our hope and intent to try and put such a report out ever year on Workers' Memorial Day, though it's not a small job, and it requires diligent work on the part of graduate students and others to put all the data together.

In New York State, not surprisingly, we found that there were an inadequate number of inspectors to police and monitor the workplaces. The International Labor Organization recommends that there be one inspector for every 10,000 workers. We found that the ratio is about eight times that here in New York State.

We looked at statistics dealing with fines levied against employers where there were fatalities, and we found that the average fine was, I think, around $5,000, which was well below the national average for fines. We looked at the fines for serious violations of the OSHA Act for employers, and those were approximately the same as the national average. But still, approximately about $1,000 for fines for hazards that could cause bodily harm or death to a worker. And we found that there appeared to be a disproportionate number of fatalities among immigrant workers in New York State. Those were the major findings of the report. And it's our hope that we can replicate that report on an annual basis.

Q: The report also notes that fatalities among construction workers remained among the highest of all occupational sectors. What do you attribute this to, and what can be done to rectify the problem?

JS: My sense is that this is a problem of enforcement, and that there are clearly not enough inspectors to do the job. There are hundreds of construction jobs going on in New York City at any one time, and according to the regional administrator of OSHA, they have enough inspectors to do about one inspection a day of construction sites. So given the economy, where there's tremendous emphasis upon speed and production, employers can clearly cut corners without the fear of getting caught.

But I think that there is an important lesson, actually, that we can learn about enforcement from New York City. As you remember, in about 2006 or 2007, we had literally an epidemic of workers, primarily

immigrants falling from scaffolds and being killed. I think that the number was up to 26 one year. And Mayor Michael Bloomberg, to his credit, called together a task force composed of scaffold owners, unions and building owners to talk about how to deal with the problem. Out of that came new laws governing the operation of the scaffolds, the ability of inspectors to shut down unsafe jobs, and to issue stop work orders. Three, they hired more inspectors, and they increased the fines for employers.

When those measures went into effect the numbers of fatalities dropped precipitously. What we take from that is that enforcement works: that if you have a concerted program, and employers know that they're going to be penalized and jailed, that work is going to stop, and that they're going to lose money, then this will have an impact. So we think that that model needs to be replicated here by OSHA.

But as we started out by saying, they are planning to increase their workforce by 10 percent, which is not a small change. Yet it is just a drop in the bucket in terms of what is needed for the enforcement of the safety and health laws here.

Q: Last year, we had several major construction crane collapses in New York and around the country. OSHA now plans to revise the construction crane standard, which has not been strengthened since OSHA's inception in 1971. How do you feel about OSHA's plan to revise the construction crane standard?

JS: This is a complicated question because, on the one hand, there are some very good things in that crane standard that would update the current out-of-date standard in terms of new technology this new standard, I think, would be really very good.

However, the standard, which was a product of negotiated rule-making, has in its preamble a very explicit statement saying that it would preempt local law. In New York City we have some fairly rigorous monitoring of cranes, and more rigorous since these incidents—which would be preempted.

Now, what exists here in New York City is sort of a fiction. We have the Department of Buildings, which employs 400 inspectors, whose job it is to protect the public from safety and health hazards on the job. OSHA's jurisdiction is to protect workers from safety and health hazards. But in fact, because there are so few OSHA inspectors, what the Department of Building Inspectors really do is protect both workers and the public.

So promulgation of this current standard would essentially undercut the current enforcement of Department of Building regulations and weaken them here in the city. We have been trying to get the Labor Department to change the language in the preamble and the preemption section that would allow for more stringent enforcement of the law by local agencies. This is a problem not only for New York, but also for Chicago and, I think, Philadelphia, which have much more stringent regulations on a local level.

But the OSHA law is written fairly clearly so that it preempts local legislation. We have had this whole history of localities passing legislation that was more stringent than the federal law. Then the federal government comes in and creates a lower floor, a national floor, but a lower floor than exists in many of the localities. For example, the Carter Administration in its last days issued a Right to Know Standard – which was overturned by Ronald Reagan. Labor and COSH groups ran campaigns in various parts of the country to enact State Right to Know Laws. I believe that about 23 jurisdictions enacted RTK laws – which drove the chemical industry, which produced for a national market crazy. So in the end, the chemical industry got the Reagan Administration to promulgate a new standard – the Hazard Communication Standard – which was, as its name implies, was much weaker than the Right to Know Standard. This allowed them to produce for a national market and pre-empt stronger local laws – such as the one in New York which gives workers the right to refuse to work with chemicals if employers don't provide appropriate training. This has been a consistent problem. But for New York, it would really mean that the whole system of licensing, training and monitoring crane operators would be totally undercut.

Q: *Dying for Work in New York* says that New York State, compared to the nation as a whole, has both a much higher percentage of unionized workers—24.9 percent in 2008 versus only 12.4 percent for the entire nation—and a lower rate of occupational fatalities. In your opinion, is this just a correlation, or is it due to the safety efforts of unions and COSH groups?

JS: You know, we can't make a clear connection, because we don't have the analytic tools. However, in the current issue of the American Public Health Association journal, there is an article that actually makes this correlation on a national basis, and they are able to show that in those areas of the country where you have higher union density, there is a lower incident and fatality rate. And so what we put in our report as an observation, we feel, has been backed up by a much more rigorous academic study.

Q: It is now eight years since the attack at the World Trade Center on 9/11. Mount Sinai Medical Center, which monitors the health of 9/11 rescue and recovery workers who breathed in the toxic brew of airborne particles, recently released a report concluding that workers continue to suffer from lung-related problems and are getting immune system cancer at a younger age than they would expect to see. Given the latency effects of cancer and other occupational illnesses—that can be ten years or more before the effects are felt—do you think that governments, federal, state, city governments are doing everything they can to care for 9/11 workers? Also, please discuss the difficulties they have in proving their illness in order to gain workers' compensation.

JS: This is another huge question. First, government, both on the city, state and federal level, have not responded to protect workers and to deal with the wide range of illnesses that those who worked down on the pile and in the area surrounding 9/11 contracted. Nor has government provide any assistance at all to residents.

Hopefully, we are on the cusp of having legislation passed in the Congress. The Bush Administration fought against enactment of this legislation, but several parties have really fought tooth and nail. First, you have the workers themselves, who really brought this issue to attention. For the first several years, it was impossible to get politicians or the press to pay attention to the suffering of workers and community residents. But it soon became apparent that the number of workers and the severity of the health problems they were experiencing could not be dismissed or ignored. It was the testimony activity of the workers and community residents themselves that brought this to public attention.

September 11th transformed NYCOSH. From literally the first day after the attack, NYCOSH was raising the issues of the occupational health hazards that workers in the area would experience.

I mean, you had the *New York Times* writing this horrible article telling us that there wasn't any asbestos, when in fact we knew that the buildings were combed with asbestos. And so NYCOSH put out the first fact on the hazards that workers might experience. It took us a long time to get our perspective out to people, and we were, I have to say, from the outset pilloried by friends in government and even in academia telling us we were hysterical and worrywarts. But in fact, we were not strong enough in our warnings. And everyone was saying, "You have to wait until the evidence comes in"—essentially using the old, "Wait until the bodies pile up, and then you can make some comments." We believed that workers needed training to be protected on the street.

And it took, I'd say, about six to seven years until the extent of the illnesses which were eventually documented by the Mount Sinai Clinic program became very clear. At the end of about five years you had politicians beginning to see that this was a problem that needed to be dealt with: Congresspersons Carolyn Maloney (D-NY) and Jerrold Nadler (D-NY) —and then followed eventually by then-Senator Hillary Clinton (D-NY), who played a very key role in all of this.

Funding to deal with the problem was haphazard. It only paid for screening. Once you were screened, there was no funding for medical treatment. And the Bloomberg administration had its head in the sand. I don't know whether you can blame them or not blame them. They saw this as a federal responsibility. They didn't see

the city taking on the financial liability of dealing with the swath of illness that was manifesting itself. The consequence, however, was that workers and residents who were in need of medical treatment were unable to get it in a timely manner.

And, the workers who were going through the workers' compensation system to get help were meeting the same sort of resistance that workers normally encounter when they are injured on the job or contract an occupational disease. We had people who had pictures of themselves on top of the pile working whose claims were being denied. The insurance companies fighting tooth and nail to prevent workers from getting benefits that they should have received without question.

It wasn't really until Randy Washington, a deputy mayor in Mayor Rudy Giuliani's administration, was denied his benefits and brought it to public attention, that the Bloomberg administration began to change its position and provide funding for medical treatment through the Health and Hospital Corporation. It was a big change in city policy. We could have had legislation for treatment of workers a long time ago, but the city's been fighting about what its contribution should be to the pot.

This has been one of the major hold ups in getting federal legislation. As I understand it the City and the mayor committed to a particular figure, and then walked away from that figure. That really slowed things down dramatically. We're hopeful that some of these problems have been worked out, and that under this new administration, under Obama, that there will be funding shortly that will provide for treatment.

It's a huge problem. It's not only the unionized workers who worked on the pile. There were large numbers of immigrant workers who cleaned up in the areas around the pile and who were not provided with protection. When we first went down to Ground Zero we had our immigrant outreach coordinator who talked to the workers who were shaping up for jobs. He came back and said, "You know, they're not being trained. They're not being provided with the appropriate equipment, personal protective equipment. They're not even being paid." We had to bring in the New York State Department of Labor's Attorney General, Patricia Smith, to get these workers paid. A lot of funny things were going on down there.

A lot of these workers were exposed. Many of them have moved to different parts of the country and internationally, and are still suffering from their exposure. It's a tragedy. And what, of course, is the horror of it all is between 40,000 and 90,000 people worked on the pile alone, and we have about 20,000 who have gone through the screening program. But these workers were regarded as our heroes, you know, and really what they have turned into is martyrs.

Q: There is much talk and interest in a "blue-green alliance" between labor and environmental groups today. The two movements, environmental and occupational safety and health, have always followed a parallel course — the OSHA Act was passed in 1970 just a few months after the landmark Clean Air Act. But not on an equal footing in terms of political respect, budgeting, influence and so forth. Do you see the efforts for the blue-green alliance today strengthening the worker safety and health movement in any way?

JS: I think that the blue-green alliance, to the extent that it is operative, is a very exciting possibility. We've had tremendous problems over the years building a relationship with environmental organizations, and to a large extent it's a class issue. But this provides us with a tremendous opportunity to try and work together in a common way.

I do think that there are still some really important issues that have to be dealt with. The whole emphasis upon green jobs is being treated by the labor movement as a job development and training program, and a way to get people back to work. And rightly so. At the same time, community organizations see green jobs as building a pathway out of poverty. There is a potential for building powerful alliances between community based organizations and unions, but there is a potential for conflict.

But our concern is that these green jobs aren't necessarily safe jobs. A lot of these jobs are traditional jobs being used for new purposes and they have some of the old hazards associated with them. Some are new jobs in new industries for which we don't know all of the hazards. If you just take the retrofitting of buildings, all sorts of hazards, from asbestos to lead to fall to electrical hazards, that workers are exposed to need to be addressed. Similarly, in the installation of solar panels, there are many different types of hazards that are associated with the production and installation of these of these technologies. So, you know, we need to proceed and provide training, and move into these alliances, but we can't forget that workplace hazards don't go away.

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Notes

[i] Longtime director of the Safety and Health Department at the Oil, Chemical and Atomic Workers Union who led the movement that resulted in the passage of the Occupational Safety and Health Act of 1970.
[iii] A program started by Eula Bingham's OSHA in 1978 during the Carter Administration that provided grants to unions and COSH groups to pay for doctors and interns and safety training and education for workers.
[iv] Formerly the director of Unite HERE's safety and health program and now the director of the Change to Win coalition's Safety and Health Department.
[v]Former executive director of the New York City Central Labor Council and longtime safety and health activist.