LOSS OF LIFE & LIMB IN MASSACHUSETTS WORKPLACES

MASSACHUSETTS AFL-CIO & MASSCOSH

APRIL 2017

DYING FOR WORK IN MASSACHUSETTS

LOSS OF LIFE & LIMB IN MASSACHUSETTS WORKPLACES

MASSACHUSETTS AFL-CIO & MASSCOSH
Early dawn starts the day  
Miles to go he’s on his way  
Calloused hands, connecting beams  
Spudding holes, fulfilling dreams  
Welding, bolting, sweating blood  

He belongs to a brotherhood  
Only the best  
Will pass the test  
Walking where others will not go  
Fear is one thing he will never show  
Like an eagle perched  
High on a tree  
He climbs the column and dreams to be free  
Free of the worries and stress of his life  
Waiting to retire with his wife  
He loves his trade  
And softly I prayed  
Lord,  
Keep him safe on the beam up high  
God bless the Ironworkers in the sky.

READ BY KATRINE O’LEARY  
AT WORKERS MEMORIAL DAY 2016,  
IN MEMORY OF HER FATHER, LAWRENCE  
O’LEARY, IRONWORKERS LOCAL 7

GOD BLESS THE IRONWORKER  
UP IN THE SKY

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INTRODUCTION

The Massachusetts Coalition for Occupational Safety and Health (MassCOSH) and the Massachusetts AFL-CIO collaborated to produce the 2017 report Dying for Work in Massachusetts: The Loss of Life and Limb in Massachusetts Workplaces. The Massachusetts AFL-CIO is the umbrella organization for more than 750 local unions, joint boards and district councils in the state, representing working men and women across the Commonwealth. MassCOSH is a non-profit organization whose members include workers, unions and health and legal professionals. They provide information, training, education, technical services and advocacy aimed at helping to improve job safety and health conditions in workplaces through Massachusetts. MassCOSH provides services in Worcester and east of Worcester. Western MassCOSH covers west of Worcester.

Work continues to kill and maim workers in epidemic and alarming numbers. This report has been compiled to highlight these tolls. The saddest aspect of the loss of lives and limbs is that work-related injuries and illnesses are preventable.

Acknowledgements

The authors of this 2017 Workers’ Memorial Day report are most grateful to all who assisted in collecting and reviewing data, writing and editing, conducting interviews, and providing photographs.

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- OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGION 1 OFFICE, BOSTON
- MASSACHUSETTS DEPARTMENTS OF LABOR STANDARDS
- ARTICLES FROM NEWSPAPERS THROUGHOUT MASSACHUSETTS
- THE PROFESSIONAL FIREFIGHTERS OF MASSACHUSETTS
- THE INTERNATIONAL ASSOCIATION OF FIREFIGHTERS
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- MASSACHUSETTS COALITION FOR OCCUPATIONAL SAFETY AND HEALTH
- CENTER FOR CONSTRUCTION RESEARCH AND TRAINING
- THE NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY AND HEALTH
April 28, 2017 marks the 29th observance of Workers’ Memorial Day, when we remember workers who were killed, made ill or injured on the job. Every year at this time, we reflect on the tragedies of the past year and renew our commitment to the fight for safe jobs. This year, with rates of worker deaths as high as they have been in ten years in Massachusetts and with workplace protections and workers’ rights under unprecedented attack at the federal level, Workers’ Memorial Day carries more weight than ever before. We offer this report as a call to action for allies of the Commonwealth’s working families.

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With leadership from MassCOSH and other labor advocates, response to these tragic deaths has been swift. In Boston, new ordinances now require those receiving work permits to report their current or unresolved safety actions. And in February, Atlantic Drain Services and its owner Kevin Otto were each charged with two counts of manslaughter.

Finally, eight firefighters died from occupational illnesses in 2016, including from lung and esophageal cancers, leukemia, heart attack, and aneurysm.

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The most recent data available from the Bureau of Labor Standards (BLS) show that in 2015, in Massachusetts, there were more than 79,800 recordable incidents of non-fatal occupational injuries and illnesses. Of these cases, 43,400 led to workers’ having to take days away from work, transfer jobs, or experience job restrictions.

THE TOLL: WORKPLACE DEATHS, INJURIES, & ILLNESSES IN MASS IN 2016

Seventy workers in Massachusetts lost their lives on the job in 2016, representing a ten-year high in worker fatality rates in the Commonwealth. Fatal injuries at work killed 62 of these workers, and an additional eight firefighters died from work-related disease.

We are able to include firefighter fatalities from work-related illness here because under Massachusetts’ Presumptive Disability Law, certain cancers and heart conditions are recognized as occupational in origin and are eligible for Workers’ Compensation. Not included in this report are other workers who die from occupational diseases, estimated nationally to include 50,000 workers. Sadly, no government or private database exists to track those workers and their deaths.

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WHO IS DYING FROM WORK?

In 2017, worker deaths in Massachusetts were once again concentrated in the construction industry, with construction deaths accounting for nearly 40% of workers fatally injured on the job. The next highest concentrations of deaths came in the retail trade sector, which includes both food delivery and retail stores (eight workers killed on the job), and then in the administrative and support services sector, which includes temporary help and landscaping (seven workers killed on the job). The complete breakdown of worker deaths by sector and industry can be found on page 14.

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As is typical, the workers killed on the job in 2016 were almost exclusively men, with only one woman dying from occupational injury in 2016. At the time of their deaths, the workers killed in the last year by fatal injury had an average age of 48 years and a median age of 50 years. The youngest worker killed was just 18 years old; the oldest was 74 years old.

Eight workers were immigrants, hailing from Azores, Brazil, the Dominican Republic, Ecuador (two), El Salvador, Guatemala, and Taiwan. Their deaths accounted for 13% of all occupational fatalities from injury this year.

Finally, eight firefighters died from occupational illnesses in 2016, including from lung and esophageal cancers, leukemia, heart attack, and aneurysm.

WHAT IS KILLING THEM?

Transportation incidents were the leading cause of death from injuries in Massachusetts, contributing to 41% of all worker deaths from injuries. Falls, slips, and trips contributed to 28% of all worker deaths. Workers also died from contact with objects or equipment (11 workers), exposure to harmful substances or environment (seven workers), and violence (two workers).

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TRENCHING: PREVENTABLE WORKSITE TRAGEDY

Robert Higgins and Kelvin Mattocks were working in an unprotected trench when the earth began to give way around them. Next, a water supply line broke and within seconds the trench flooded. It took the Boston Fire Department hours to dig out the two men’s bodies. The owner of the company where Robert Higgins and Kelvin Mattocks worked, Atlantic Drain Services, was later found to have forged his employees’ signatures to make it look like they had completed a trench safety program.

Trenching is among the most dangerous work in construction. In Massachusetts, over the past five years, four workers have died in trench-related accidents. Across the country, roughly 40 workers die because of unsafe trench work each year.

With leadership from MassCOSH and other labor advocates, response to these tragic deaths has been swift. In Boston, new ordinances now require those receiving work permits to report their current or unresolved safety record. Representative Byron Rushing has sponsored legislation that would create similar protections at the state level. And in February, Atlantic Drain Services and its owner Kevin Otto were each charged with two counts of manslaughter.

Under the new administration, we are witnessing a frontal assault on the Federal institutions trusted with protecting our air, water, food, homes, health, workplaces, and economy. The president claims to champion workers, but his actions have already repealed or weakened important safeguards that protect workplace health and safety in every industry.

- STEVEN A. TOLMAN
President, Massachusetts AFL-CIO

EXECUTIVE SUMMARY
REPEAL OF OBAMA-ERA INSTITUTED PROTECTIONS:

- OSHA Record Keeping Rule – repeals the rule requiring large employers in dangerous industries to maintain accurate injury records for five years.
- Beryllium and Silica OSHA Standards - threatens updated standards for highly toxic beryllium, a strong metal used in a variety of industries such as electronics and energy, and crystalline silica, a dust released in construction work.
- Undoes EPA plan to ban chlorpyrifos, a pesticide linked to nervous system damage in children and injury and illnesses among agricultural workers who work in fields of corn, wheat, nut and fruit trees commonly sprayed with this toxic pesticide.
- Fair Pay and Safe Workplaces – this rescinded order allowed the federal government to refuse to do business with companies that have a history of violating labor laws. Nor will contracts require correcting these violations.
- Overtime order - kills salary raises of 4.2 million workers who would be eligible for overtime pay, from $23,660 to $47,476.

CUTS TO AGENCIES & PROGRAMS:

- Cuts to the U.S. Department of Labor budget – means the elimination of OSHA health and safety training programs, like the Susan Harwood Training Grant Program, which is devoted to young workers and workers in low-wage and dangerous industries, where injury rates are high and employer-provided training tends to be insufficient.
- Eliminates the Chemical Safety Board – the CSB is to industrial chemical accidents what the National Transportation Safety Board is to airline crashes, providing crucial information and analysis to prevent future incidents.
- Cuts to NIOSH and National Institutes of Health future incidents.
- Provides crucial information and analysis to prevent future incidents.
- Cuts to NIOSH and National Institutes of Health (NIH) reduce funding projects from the cleaning and developing of formerly contaminated industrial sites to training programs for asthma prevention and safe and healthy schools.

IMPACTS ON WORKERS & COMMUNITIES:

- Rollback and elimination of worker and environmental regulations will result in premature deaths from needlessly exposing workers to carcinogens at work, and damaging children’s brain and nervous system development from pollution to our water, air and food.
- By choking an already overburdened regulatory process and eliminating vital training and research programs, cuts will cause an increase in injuries, illnesses, and less access to information and the science on toxic chemicals and emerging hazards such as nanotechnology.
- Workers abilities to use the rights afforded to them by OSHA and EPA will be undermined by weakened enforcement and elimination of training programs that educate workers and citizens on their rights to safe workplaces and communities.
- Exploitation of undocumented workers and regulatory loopholes that allow contractors to misclassify and underpay already vulnerable workers forced to engage in unsafe worksite practices will drive workers deeper into the underground economy.

WHAT YOU, YOUR UNION, OR ORGANIZATION CAN DO:

- Tell your local, state and federal representatives what is important to you. Call, send letters to the local papers and build online communities through listservs and social media. Attend Congressional town hall meetings, local and state constituent meetings and hearings. Tell them to support the actions we recommend in this report. Ask them what they are doing to protect workers’ health and safety.
- Use your collective bargaining rights. Union worksites should utilize continuous bargaining strategies to address changes in workplace conditions and negotiate contract language that is stronger than weakened federal regulations, such as requiring employers to maintain injury and illness logs and provide copies to the local union every 6 months.
- Support organizations fighting for workers’ rights. You can show your support financially, or ask your union or organization to contribute. Use this report to make yourself and other workers in Massachusetts be seen and heard.

Each year on Workers’ Memorial Day we rededicate ourselves to the fight for safe jobs and healthy communities. During a time of unprecedented federal attacks on worker rights and workplace protections, actions at the state and local level, and by individuals, are more important than ever.

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WHAT YOU, YOUR UNION, OR ORGANIZATION CAN DO:

- Ensure a sustainable worker injury and illness surveillance program. The Occupational Health Surveillance Program (OHSP) in the Massachusetts Department of Public Health provides us with valuable data that enables workers and policy makers to change policies and practices. By reinstating funding in the state budget for the OHSP Director position, eliminated by Governor Baker, we can reduce health and safety risks at work.
- Enact legislation that holds companies that subcontract, outsource, or use temporary agencies jointly responsible for wages and the health and safety of those workers. By passing, H.1033 An Act to prevent wage theft and promote employer accountability, we can ensure workers these protections.
- Adopt measures in other towns and municipalities, such as Boston’s, that enact permitting measures that require employers to submit records of OSHA violations and the safety procedures they will use to protect the workers and the public. We can achieve this by passing Representative Rushing’s An Act relative to workplace safety.
- Provide injured and ill workers with just compensation and swift medical care by increasing benefits and streamlining workers’ compensation procedures.
- Increase manslaughter penalties for employers who recklessly or negligently cause a worker to be killed or seriously injured on the job. Passing, S.858 An Act to increase the penalties for corporate manslaughter will do this.
- Expand and support sanctuary ordinances to ensure that our cities and towns do all they can to protect workers from ICE operations, in their homes, on the streets, and in their workplaces.
- Strengthen coordination of State agencies’ enforcement of wage, hour and health and safety standards to target employers that exploit vulnerable workers.
- Provide the Department of Labor Standards with the resources needed to effectively implement the state employee health and safety law and expand these protections for all public employees (cities and towns). S.1033 An Act to Further Define the Standards of Employee Safety ensures this.

What needs to be done:

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IN MEMORIAM

Listed below are the dozens of people who died from work-related causes in 2016 and in the first three months of 2017.

Firefighters who die from work-related illness are included in this list. For the hundreds more men and women in other sectors who likely died this year from occupational disease, we have no names. No government agency collects comprehensive data about these individuals and no database contains their information. We don’t know who these fallen workers were, or under what conditions they died, but we honor them all. Once again, we are sad to include servicemen from Massachusetts.

2016

- Michael Mullane, 69
  Firefighter, Boston, 07/01/2016
- Norval Douglas Bryant, 52
  Carpenter, Lowell, 01/07/2016
- Jeff Martell, 50
  Musician, West Springfield, 01/08/2016
- Queshion Ivy, 43
  Construction Worker, Boston, 01/13/2016
- Ricardo Oliveira, 22
  Construction Worker, Sutton, 01/15/2016
- Mark Stockholm, 58
  Chief, Carleton, Hudson, 01/20/2016
- Nicholas Penza, 18
  Pizza Delivery Driver, Bellingham, 02/05/2016
- Drake Scott Jr., 25
  Musician, Randolph, 02/17/2016
- Michael Hassett, 62
  Warehouse Manager, Norton, 02/17/2016
- John Carroll, 47
  Carpenter, Somerville, 02/26/2016
- Philip Imprescia, 55
  Construction Worker, Somerset, 02/26/2016
- Parker Turner, 66
  Landscaper, Dennis, 02/28/2016
- Thomas Claudy, 44
  State Trooper, Chicopee, 03/16/2016
- Eliezer Otero, 51
  Landscaper, Hingham, 03/21/2016
- Brian Caron, 48
  Seafood Facilities Manager, Boston, 03/23/2016
- Wayne Barnes, 43
  Truck Driver, Norwood, 03/29/2016
- Nicholas Kallio, 26
  Arborist, Leominster, 04/07/2016
- Ronald Louis Williams Jr., 47
  Electrician, Revere, 04/08/2016
- Daniel Parsons, 50
  Squadron Commander, Beverly Civilian Air Patrol, Beverly, 04/14/2016
- Li-jen ‘Adam’ Ting, 65
  Lumber Store Clerk, 04/21/2016
- Ryan Ferreira, 31
  Firefighter, Walpole, 04/25/2016
- Anthony Raven, 64
  Firefighter, Newburyport, 04/26/2016
- Gerald Bunker, 70
  Firefighter, Ashland, 04/28/2016
- Luis Crambl, 40
  Truck Driver, Dartmouth, 05/12/2016
- Ronald Tarentino Jr., 42
  Police Officer, Auburn, 05/21/2016
- Thomas Flanagan, 29
  Pizza Delivery Driver, South Hadley, 05/22/2016
- Alfred Lemoine, 74
  Recycling Worker, Northbridge, 05/22/2016
- Kevin Corey, 56
  Landscaper, East Longmeadow, 05/23/2016
- Paul Troisi, 60
  Construction Worker, Phillipston, 05/24/2016
- Mark Matthews, 55
  Firefighter, Boston, 05/28/2016
- Jack Donald Jakubeck, 22
  Lifeguard, Orleans, 05/28/2016
- John Boldeste Jr., 69
  Laborer, Works Public Department, Cambridge, 06/05/2016
- Leonard Ferrigno, 53
  Maintenance technician, Watertown, 06/06/2016
- Luke Gurney, 48
  Fisherman, Northatic, 06/20/2016
- Andrew Clement, 38
  Petty Officer, US Navy, Djibouti, Africa, 06/21/2016
- Thomas O’Day III, 52
  Construction Worker, Medford, 06/28/2016
- Nelson Antonio Umanzor, 38
  Truck Driver, Lebanon, 07/10/2016
- Edward Mcneil, 59
  Arborist, Hingham, 07/25/2016
- Geraldo Santos, 43
  Construction Contractor, Maynard, 07/26/2016
- Ethan Piaggi-Cornell, 22
  Food Delivery Driver, Adams, 07/28/2016
- Sales Couto, 65
  Mechanic, Westport, 07/28/2016
- Frank Tyrone Latson, 56
  Construction Worker, Fitchburg, 08/07/2016
- John Foscaldo, Jr., 55
  Firefighter, Boston, 08/16/2016
- Barbara CLEMENT, 64
  Town Constable, Woburn, 09/01/2016
- Peter F. Kannler, 37
  Firefighter, Chicopee, 09/03/2016
- William O’Connor Jr., 42
  Construction Worker, Boston, 09/04/2016
- Manuel Guaman, 52
  Construction Worker, Merrimac, 09/08/2016
- Marco Vinicio Lema Lala, 20
  Construction Worker, Merrimac, 09/08/2016
- Frederick Lewis, Jr., 61
  Firefighter/EMT, Centerville, 09/09/2016
- Mark Green, 39
  Competitive Speedboater, Taunton, 09/10/2016
- Stephen Joy, 67
  Competitive Speedboater, Taunton, 09/16/2016
- John Oliveira, 68
  Livery Van Driver, Westport, 09/28/2016
- Richard Talbot, 72
  Truck Driver, Merrimac, 09/28/2016
- Milton Kimball, 50
  Diesel Mechanic, Georgetown, 09/29/2016
- Guido Arsenio Lopez, 20
  Landscaper, Melrose, 10/02/2016
- Stephen John Guenette, 61
  Essays Writer, Bethelham, 10/17/2016
- Robert Higgins, 47
  Laborer, Boston, 10/21/2016
- Kelvin Mattocks, 53
  Laborer, Lowell, 10/25/2016
- Antonio de Jesus Sandoval, 66
  Laborer, Lowell, 10/25/2016
- Scott Frey, 37
  Construction Worker, Rockland, 10/31/2016
- Raup Seijai, 35
  Pizza Deliveryman, Dedham, 11/04/2016
- Gregory Belleveaux, 53
  Roofer, Boston, 11/08/2016
- Roger Fournier II, 35
  Mechanic, Billington, 11/11/2016
- Robert Eweltman, 69
  Sailor and Boat Technician, Gloucester, 11/11/2016
- Jason Sanderson, 28
  Construction worker, Dudley, 11/19/2016

2017

- Robert Davis, 57
  Firefighter, Florence, 01/16/2017
- John Folkes, 54
  Hvac Worker, Milbury, 01/17/2017
- Timothy Feely, 47
  Oil Burner, Technician, Plymouth, 01/21/2017
- Alphonse Ferent III, 51
  Grocery Distribution Worker, Freetown, 01/24/2017
- Richard Hammond, 65
  Construction Worker, Weymouth, 01/27/2017
- Erik Anthony, 52
  Construction Worker, Duxbury, 02/21/2017
- Brian Odiorne, 21
  Soldier, Al Anbar, Iraq, 02/27/2017
- Diane Fitchel, 62
  Grocery Store Employee, Acton, 02/28/2017
- Warren COWLES, 59
  Dept. of Public Works Employee, Longmeadow, 03/14/2017
- John MULCAY, 63
  Firefighter, Pittsburg, 03/15/2017
- Joseph Toscano, 54
  Firefighter, Waltham, 03/17/2017
- James Kennedy, 59
  Construction Worker, Salem, 03/21/2017
- Unknown Name, 54
  Construction Worker, Waltham, 03/23/2017

U.S. TROOPS FROM MASSACHUSETTS IN 2016 & 2017

- Brian Odiorne, 21 - 02/27/2017
  Soldier, Al Anbar - IRAQ
- Andrew Clement, 38 - 06/21/2016
  Petty Officer, US Navy, Djibouti - AFRICA

- Joshua Vanderburgh, 37
  Installations, Westfield, 11/22/2016
- David McPhee, 70
  Ski Area Maintenance Manager, Westford, 11/22/2016
- Segundo Pedropinguil Espinoza, N/A
  Construction Worker, Woburn, 12/01/2016
- William Deveaux, 55
  Electrician, Marlborough, 12/09/2016
- David Scott, 47
  Commercial Driver/Potable Water Inspector, Braintree, 12/15/2016
Seventy workers lost their lives in Massachusetts in 2016, including 62 who suffered fatal injuries at work. In 2016, the rate of workers killed in the Commonwealth hit a ten-year high.

In addition to the 62 men and women who lost their lives from fatal injuries, eight firefighters died from occupational illness in 2016. Workers in other sectors who died from occupational illness are unaccounted for in this report. Work-related illnesses are estimated to kill 50,000 people in the United States every year. Despite the magnitude of that number, there is no comprehensive documentation of these workers or the illnesses that kill them.

*Workplace fatalities include workers killed by fatal injuries as well as firefighters who died from occupational illness.*
In Massachusetts, there hasn’t been an adjustment to compensation since 1991, when the average weekly wage was $486. Today, the average weekly wage is $1290. This makes Massachusetts workers disproportionately disadvantaged. They receive some of the lowest compensation in the country, while living in one of its most expensive states. By passing An Act providing Benefits for Permanent Functional Loss and Disfigurement under the Worker’s Compensation Act, we can help workers receive compensation for permanent scars or disfigurement on their legs or other body parts that currently receive no compensation.

When it began, workers’ compensation was an agreement between management and labor, in which workers would give up their right to sue their employer if they were injured at work, and in return employers offered medical care and speedy, adequate wage replacement benefits.

But that bargain has changed considerably, and alarmingly, out of public view. For over a decade, one state after another has been dismantling the workers’ compensation system. The consequences have been disastrous for workers. For some, it’s the quickest path to poverty, and for insurance companies it’s a windfall.

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TRENCHING: PREVENTABLE WORKSITE TRAGEDY

ROBERT HIGGINS & KELVIN MATTOCKS were working in a trench in Boston’s South End neighborhood in October of 2016 when the earth began to give way. Nearby, a water supply line feeding a hydrant broke open when the ground under the hydrant caved in. Within seconds, the trench flooded. That night, members of the Boston Fire Department spent hours carefully digging the men’s bodies out of the mire. One body was found standing – trapped by collapsed walls.

The ensuing investigation revealed that Atlantic Drain Services owner, Kevin Otto, forged his employee’s signatures on records saying they had completed trench safety courses – courses that were mandated when OSHA levied $55,000 in fines against Atlantic in 2007 and 2012 for putting workers in deep trenches without proper equipment. This egregious health and safety record landed the company in OSHA’s Severe Violator Program.

In February, Atlantic Drain Services, and its owner, Kevin Otto, were each charged with two counts of manslaughter, as well as misleading a criminal investigator; and six counts of concealing a record. For Otto, each manslaughter charge carries a 20-year prison sentence, while the charges against Atlantic carry a maximum penalty of $1,000. District Attorney Daniel F. Conley said, “This isn’t an accident. This isn’t negligence, Atlantic Drain willfully, wantonly, and recklessly failed to take the standard safety precautions that could have averted this tragedy.” Conley then called on lawmakers to raise the cap on corporate liability in incidents such as this.

WHAT IS BEING DONE

In Boston, Mayor Martin J. Walsh proposed, and the City Council passed, amendments to the City Code Ordinances. The ordinance requires that individuals or businesses receiving work permits in the city to report their current or unresolved safety record, including any violations with OSHA. The ordinance allows city officials to reject permits based on records of unsafe, hazardous, or dangerous practices.

In the state legislature, Representative Byron Rushing, has sponsored An Act relative to workplace safety. This legislation would install, statewide, similar protections that were passed in the City of Boston Ordinance.

State Senator, Jennifer Flanagan, has introduced An Act to increase the penalties for corporate manslaughter, which seeks to increase the fine for corporations that commit manslaughter from $1,000 to $250,000 and would give the appropriate commissioner or secretary the power to debar the corporation for up to ten years.

WHAT NEEDS TO BE DONE: PERSPECTIVES

Now more than ever it is critical for local and state governments to strengthen protections for workers. The actions taken by the City of Boston in the wake of these tragic and preventable deaths prove there are local legislative bodies willing to act in the best interests of their citizens. Massachusetts cannot depend solely on federal enforcement to keep people safe on the job.

Emily Spieler

Training Specialist, United Association of Journeymen & Apprentices of the Plumbing and Pipe Fitting Industry of the United States, Canada

Contractors with a strong safety program understand that cutting corners on safety might produce short-term savings, but actually lead to more accidents, and increased costs in the long run. Trench safety is an important piece of the OSHA 10 and OSHA 30 curriculum for every UA member. The training helps our craftsmen and women to recognize and avoid the inherent dangers of working below the surface and encourages appropriate behaviors while performing complex piping tasks.

Richard Benkowski

General Agent, Boston Metropolitan District Building Trades Council

Tragically, this is what happens when low-road contractors are allowed to operate with impunity. Low-road contractors have an unfair competitive advantage; misclassifying workers, stealing wages, and not providing workers with the training or safety protections that can save lives.

Brian Doherty
OPIOID ADDICTION & WORK-RELATED INJURIES: PREVENTION IS THE PREVENTION

THE PROBLEM: DEADLY URGENT QUESTIONS

Massachusetts is experiencing a devastating epidemic of drug overdose deaths related to prescription painkillers. These deaths raise many questions for worker health and safety advocates.

How many of these deaths followed work-related injuries? How many of these deaths could have been avoided by preventing the painful injury in the first place? How many people are working in pain or addicted to painkillers, afraid that the injuries (or reporting them) will put them out of work? Why are so many highly-addictive painkillers prescribed to injured workers? How many overdose deaths were due to delays in the Workers’ Compensation system that hold up effective treatment?

WHAT IS BEING DONE

In December 2016, Massachusetts Governor Baker announced a new pilot program to intervene in the Workers’ Compensation cases of the injured who have “excessive” opioid prescriptions. When an insurance carrier follows new state rules requiring them to monitor opioid prescriptions and disputes a claim for a prescription, the Division of Industrial Accidents (DIA) will now review the Workers’ Compensation case and try to assist any workers identified as having potential addiction problems. DIA has established guidelines for pain treatment, and several state agencies are cooperating on research projects aimed at prevention of opioid deaths. Additionally, the Governor’s Opioid Addiction Working Group includes a labor representative. Unfortunately, these initiatives do not address the root cause of the problem. They do not offer additional resources or regulations to prevent the hazardous conditions that result in painful work-related injuries. In most cases, they represent “tertiary” prevention aimed at preventing addiction among injured workers.

WHAT NEEDS TO BE DONE: PERSPECTIVES

Chance of injury on the job is rising higher and higher. The General Contractors are pushing contractors harder and faster. Instead of slowing the pace and working safer, tradesmen are forced to go to doctors for pain medication. Over time you’re hooked and can’t live without them. Game over.

- EVERETT, CARPENTER

People get hurt and don’t report the injury for fear of losing their job, so they mask the pain with pills.

- MELROSE, LABORER

Most trade workers are in pain. They are doing hard demanding labor. The issue may begin with drinking, then turn into taking pain pills, etc.

- MEDFORD MOVER

Quotes from the Mystic Valley Public Health Coalition Substance Abuse & Trade Labor Workforce Assessment Study 2016.

Decades of ergonomics and safety research has provided us with the tools to help prevent painful back injuries. Ergonomists know how to identify job tasks that place workers at increased risk of painful back injuries. Massachusetts must step up to the challenge and prevent these injuries from happening in the first place.

- JAMIE TESSLER

Occupational Ergonomist
After graduating in 2015, NICHOLAS DANIEL PENZA decided to take a gap year to work out the next steps of his life. In the interim, he took a job as a pizza delivery man. On February 5, 2016, in the middle of a snow storm, Nick was making deliveries when he hit a telephone pole and flipped his car. Emergency responders worked to free Nick from the wreckage and rushed him to the hospital. Sadly, he passed away soon after. Nick was 18 years old. Many jobs continue to be posted online recruiting 18-year-olds for pizza or other delivery jobs.

THE RISKS OF BEING A YOUNG WORKER

After the trainings, I learned that teens react better to our hands-on teaching method, which allows them to understand the material better. Safety and health affects everyone in different ways; it’s something that not many people realize is important.

– PEER LEADER

In today’s fractured economy, workers are at a disadvantage. The old employer-employee model no longer applies, especially for young workers. They are hired as independent contractors or through third-party agencies with no knowledge of their rights at work. TL@W is so important because it gives young workers the tools to protect their rights at work and to avoid exploitation.

– TYREK D LEE SR.
Executive Vice President, 1199 SEIU

WHAT NEEDS TO BE DONE: PERSPECTIVES

Work-related motor vehicle crashes are the leading cause of death for young people ages 16-24 in the US. Employers should provide driver training at the time of hire, regularly evaluate drivers, provide “refresher” training, and make mandatory the use of seat belts.

There must be adequate funding for the enforcement of child labor laws and OSHA standards at both the federal and state levels. At the state level, funding for the Occupational Health Surveillance Program at the Massachusetts Department of Public Health, is necessary to ensure a continued, comprehensive, and coordinated plan for surveillance of young worker health and safety, including monitoring injuries, hazardous exposures, and fatalities.

Training on the child labor laws and an introduction to identifying safety and health hazards for jobs which young people are typically employed should be included in school curricula when students reach the age of qualifying for work permits.

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WHAT IS BEING DONE

Peer Leaders from MassCOSH’s Teens Lead at Work (TL@W) program act as “watch dogs” for work-related issues that can negatively impact young workers, such as creating greater awareness of specific hazards that affect young workers and opposing legislative efforts to reduce the minimum wage for young workers. TL@W has trained over 350 young workers in the last year about their workplace rights, and how to deal with violence and harassment on the job.

The Massachusetts Youth Employment and Safety Team (YES Team) is an interagency working group that brings together eight state and federal agencies to coordinate efforts to protect and promote the health and safety of young workers across the state. One example of the YES Team’s efforts is the 2016 “Getting hurt is not in your job description” social media campaign, including the development of a website containing information from all of the agencies on workplace health and safety.

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– PEER LEADER
According to employer reports:

- 66,300 Massachusetts workers had work injuries or illnesses (2015)—enough to fill Gillette Stadium.
- 12,090 of them missed 10 days or more work days (2015).
- 2,256 were hospitalized for their work-related injuries (2013).
- 87 people were diagnosed with mesothelioma—a deadly disease caused by asbestos (2013).
- 600 people were hospitalized with asbestos—another lung disease caused by asbestos (2013).
- 41% of working adults with asthma report their job caused their asthma or made it worse.
- an estimated 290,000 people.
- Work-related asthma is most common among healthcare workers, and cleaning products are the leading exposures in all industries (2003–2013).
- 1,000 hospital workers had musculoskeletal injuries from moving patients, missing over 21,000 work days (2010).
- 130 workers filed for workers’ compensation for amputations resulting in five or more lost workdays. (2015).
- The true number is likely twice as large, since many injured workers do not miss 5 lost work days, or even file claims.
- 232 workers had elevated blood lead levels—enough to raise their blood pressure and bring the lead home on their clothes (2013).
- in Massachusetts hospitals, 2,886 healthcare workers had injuries from contaminated needles or other sharp devices which carry the risk of bloodborne diseases (2016).
- Latino workers were twice as likely to end up in the hospital from injuries at work; many of these were fractures (2008–2013).
- Every month, nearly 700 city workers—mostly public works and school employees—had injuries that resulted in 5 or more lost days of work and workers’ compensation claims (2009–2011).

After nearly 40 years of outstanding data collection, analysis and links to action, an important resource is at risk of elimination. OHSP has been the public health arm of occupational safety and health. Doctors can ensure that their individual patient diagnoses and skills also protect other workers. Public health practitioners can ensure that work is considered as a social determinant of health. Workers, unions, COSH groups and the community can use the evidence of dangerous conditions to take action and make conditions better. If the Department of Public Health does not restore the needed leadership position, these gains will be eroded.

– DAVID H. WEGMAN M.D.
Emeritus Professor of Work Environment, University of Massachusetts-Lowell

Nurses and other healthcare workers provide life-saving services to the people of Massachusetts. The work they do can be dangerous for them—from lifting, repositioning and aiding patients with limited mobility, to injuries from contaminated needles. OHSP has worked with the Massachusetts Nurses Association (MNA) and other professional groups to demonstrate the risks, as well as the solutions, for many of these hazards. We consider them an essential part of our occupational safety and health program.

– CHRIS PONTUS
Associate Director of Health & Safety, Massachusetts Nurses Association
### Job Deaths Investigated by OSHA

The following is a summary of workplaces investigated by OSHA following a fatality from January 1 to December 31, 2016. OSHA does not have the authority to investigate the work-related deaths of self-employed individuals; individuals regulated by another federal agency (such as mine workers); family members of farm employees; or Massachusetts state, municipal, and county employees.

<table>
<thead>
<tr>
<th>CASE CLOSED</th>
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<tr>
<td>09/07/2016</td>
<td>FALL</td>
<td>NORVAL DOUGLAS BRYANT, 52</td>
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<td></td>
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<td>PARAMOUNT DEVELOPMENT, INC., LYNN</td>
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<tr>
<td></td>
<td></td>
<td>$9,600</td>
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<td>09/29/2016</td>
<td>FALL</td>
<td>QUESHON IVY, 43</td>
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<td></td>
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<td>NAUSET CONSTRUCTION CORP., DORCHESTER</td>
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<tr>
<td></td>
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<td>$4,410</td>
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<td>10/21/2016</td>
<td>FALL</td>
<td>RICARDO OLIVEIRA, 22</td>
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<td></td>
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<td>PARAMOUNT DEVELOPMENT, INC., LYNN</td>
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<td>STRUCK BY</td>
<td>MICHAEL HASSETT, 62</td>
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<td>THE CONVERTIBLE CASTLE, INC., NORTON</td>
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<td>12/24/2015</td>
<td>FALL</td>
<td>JOHN CARROLL, 47</td>
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<td>CAMBRIDGE CONTRACTING, INC., SOMERVILLE</td>
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<td>09/15/2016</td>
<td>EXP. TO HARMFUL SUBSTANCE</td>
<td>BRIAN CARON, 43</td>
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<td>STAVIS SEAFOODS INC., BOSTON</td>
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<td>$173,168</td>
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<td>04/07/2016</td>
<td>FALL</td>
<td>ALFRED LEMOINE, 74</td>
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<td></td>
<td>KEVIN COREY, 56</td>
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<td>STELLATO BROS., INC., EAST LONGMEADOW</td>
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<td>05/23/2016</td>
<td>STRUCK BY OBJECT</td>
<td>PAUL TROISI, 60</td>
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<td>TRO-CON CORPORATION, PHILLIPSTON</td>
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<td>THOMAS O’DAY III, 52</td>
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<td>HIWAY SAFETY SYSTEMS INC., MEDFORD</td>
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<td>GERALDO SANTOS, 43</td>
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<td>WYATT &amp; SONS ENTERPRISES, MAYNARD</td>
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<td>CONTACT WITH OBJECTS OR EQUIP.</td>
<td>SALES COUTO, 65</td>
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<td>A&amp;E METAL RECYCLING &amp; PACKAGING, WESTPORT</td>
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<td>STEFANO’S LANDSCAPING, DESIGN &amp; CONSTR., INC., MELROSE</td>
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<td>STRUCK BY</td>
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<td>JOHN’S USED AUTOS AND PARTS, LLC. BELLINGHAM</td>
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### OSHA Penalties Issued for Employers of Workers Who Died on the Job in Massachusetts

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<td>09/04/2016</td>
<td>FALL</td>
<td>WILLIAM O’CONNOR, JR., 42</td>
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<tr>
<td></td>
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<td>MILTON KIMBALL, 50</td>
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<td>STRUCK BY</td>
<td>KEVIN MATTOLPS, 53</td>
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<td>STIFS INSURANCE, WATERTOWN</td>
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<td>FALL</td>
<td>A. DE JESUS SANDOVAL, 66</td>
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<td>THOMAS O’DAY III, 52</td>
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<td>10/25/2016</td>
<td>STRUCK BY</td>
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<td>ROBERT VELTMAN, 69</td>
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<td>11/08/2016</td>
<td>BROWN’S YACHT YARD, INCORP., GLOUCESTER</td>
<td>JASON SANDERSON, 28</td>
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<td>DAVID MCPHEE, 70</td>
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<td>WILLIAM DEVEAUX, 55</td>
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<td>12/19/2016</td>
<td>STRUCK BY</td>
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### January 1st to December 31st, 2016

- **Year:** 2016
- **Number of Settled Cases:** 16
- **Average Proposed Penalty:** $30,172
- **Average Final Penalty:** $26,076
- **Percent Reduction in Penalties:** 14%

Note: The dollar amount in the “average proposed penalty” and the “average final penalty” categories do not include cases that are not yet settled, in which employers are contesting their OSHA citations/fines, or are in the 15 day period during which they must decide whether to pay or contest their OSHA citations/fines.

Source: OSHA data from OSHA Region I.
In 2016, OSHA imposed substantial fines on many Massachusetts firms who willfully ignored regulations, putting their workers at serious risk. OSHA has the ability to issue citations including “other than serious,” “serious,” “willful,” and “repeat”. A willful violation is considered to be the most serious violation under the laws administered by OSHA. It occurs when an employer knows that a hazardous situation exists and makes no reasonable attempt to eliminate it. The range of fines starts at $12,675 for a “serious” violation and reaches a maximum of up to $126,749 for a “repeat” violation.

Most of the hazards that led to these severe injuries are easily preventable. We know that, in most cases, employers can stop them in cost-effective ways, such as by providing fall protection equipment, lockout/tagout devices on dangerous machinery, or the appropriate personal protective equipment.

OSHA FINES CONTRACTOR ALMOST $120,000 FOR UNPROTECTED TRENCH

On June 15, 2016, two E.T. & L. Construction Corp. employees were working in a 12-foot deep trench when a concrete duct encasing utility wiring that was suspended into the trench. The employees were working in a 12-foot deep trench when a concrete duct encasing utility wiring that was suspended into the trench, causing a cave-in. An investigation by OSHA’s Andover Area Office found that the employees were exposed to crushing and struck-by hazards due to their employer’s failure to comply with OSHA’s trenching and excavation standards. Specifically, E.T. & L. Construction failed to adequately protect the trench against collapse and did not provide proper support for the duct bank to prevent it from falling into the trench. In addition, the steel alloy chain used to support the duct bank was not properly labeled to show if it could carry the load, and the trench’s protective system was not designed and used according to manufacturer’s specifications. As a result of these conditions, OSHA cited the employer for one willful and three serious violations.

DORCHESTER CONTRACTOR FINED $124K FOR WILLFUL, SERIOUS, REPEAT VIOLATIONS

Dorchester-based contractor Roof Kings LLC exposed employees to life-threatening falls - more than 45 feet off the ground - over a three-day period as they worked at a Haverhill church.

In response to a complaint, the OSHA Andover Area Office Inspectors found Roof Kings’ employees working without fall protection atop the steep-pitched roof. Workers also lacked fall protection as they worked on a lower, sloped roof and on ladders that did not extend at least three feet above landings for required stability.

OSHA officials brought the violations - and the need to correct them - to the attention of the company’s site supervisor, but when they returned to continue the inspection they found the fall hazards ignored, and Roof Kings workers still at risk of deadly or disabling falls. OSHA’s area director declared that “Employees should never have to risk their lives for a paycheck. Roof Kings has no excuse for knowingly and repeatedly failing to provide and ensure required fall protection safeguards.”

CHEMICAL MANUFACTURER CAUSED EXPLOSION, FINED $129,000

On Jan. 7, 2016, an explosion occurred at Rohm-Haas company as plant employees were purging the cylinders of residual amounts of trimethyl aluminum, a substance that can ignite spontaneously in air. Four employees were injured as a result of the explosion.

An investigation by OSHA’s Andover Area Office found that the company failed to adequately design, inspect, maintain and operate the process to prevent oxygen from contacting with and igniting trimethyl aluminum. The plant also:

- Lacked adequate precautions to prevent the ignition of flammable vapors during the process.
- Did not protect the reclamation system against the probability of fire and explosion.
- Stored flammable liquids improperly.
- Stored propane cylinders close to an area where there was a high probability of fire or explosion.

In addition, Rohm-Haas failed to assess fully the workplace to determine hazards and appropriate personal protective equipment for employees. The company also did not provide and require the use of all necessary personal protective equipment. OSHA cited Rohm-Haas for eight serious, two repeat and one other than serious violations for similar hazards in 2014. Finally, the company did not record the employees’ injuries within seven days as required by OSHA’s recordkeeping standard.

As a result of these conditions, OSHA cited Rohm-Haas for eight serious, two repeat and one other than serious violations of workplace safety standards. OSHA will also be placing Rohm-Haas in its “Severe Violators Enforcement Program,” which focuses on recalcitrant employers that endanger workers by committing willful, repeat or failure-to-abate violations.

Plant employees were needlessly exposed to fire and explosion hazards due to the deficiencies in the trimethyl aluminum reclamation process and other inadequate safeguards. While Rohm and Haas has indicated that it is no longer manufacturing or reclaiming such pyrophoric materials, this explosion and the injuries that resulted could and should have been prevented.
MASSCOSH & WESTERN MASSCOSH

MassCOSH and Western MassCOSH (Coalitions for Occupational Safety and Health) bring together workers, unions, community groups, and health, safety and environmental activists to organize and advocate for safe, healthful jobs.

MASSACHUSETTS AFL-CIO

The Massachusetts AFL-CIO empowers and supports workers in their effort to promote justice, educate the public about the value of unions, and improve the economic stability and security of working families and communities throughout the Commonwealth.