DYING FOR WORK IN MASSACHUSETTS

LOSS OF LIFE & LIMB IN MASSACHUSETTS WORKPLACES
MASSACHUSETTS AFL-CIO & MASSCOSH

APRIL 2019
Imagine no more injuries,
Or blame-the-worker schemes
No workers killed in explosions
Or mangled in machines

Imagine all the workers
Going home in one piece

Imagine no exposures
To chemicals that kill
No more carpal tunnel
Or other ergonomic ills

Imagine all the workers
Working without pain

And you may say it’s our behaviors
But we’re not so gullible
I hope someday we’re educated
In health and safety
And we act as one

Imagine health and safety
A real priority
A health and safety committee
Not beholden to a boss

Imagine workers’ families
Suffering no loss

And you may say it’s our behaviors
But we’re not so gullible
I hope someday we’re educated
in health and safety
And we act as one

LYRICS BY LUIS VAZQUEZ, 2009
ADAPTED FROM IMAGINE BY JOHN LENNON
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INTRODUCTION

The Massachusetts Coalition for Occupational Safety and Health (MassCOSH) and the Massachusetts AFL-CIO collaborated to produce the 2019 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 women and men 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.

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

The authors of this 2019 Workers’ Memorial Day report are most grateful to all who assisted in collecting and reviewing data, writing and editing, conducting interviews, and providing photographs.
ACKNOWLEDGEMENTS

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- **Graphic Design: MAGGY LUY**

- **Cover photo courtesy of DARLENE BRALEY, wife of fallen firefighter SUSAN PIPESTONE**

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THE INFORMATION GATHERED FOR THIS REPORT WAS OBTAINED FROM THE FOLLOWING SOURCES:

- MASSACHUSETTS DEPARTMENT OF PUBLIC HEALTH, OCCUPATIONAL HEALTH SURVEILLANCE PROGRAM

- OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION REGION 1 OFFICE, BOSTON

- MASSACHUSETTS DEPARTMENT OF LABOR STANDARDS

- ARTICLES FROM NEWSPAPERS THROUGHOUT MASSACHUSETTS

- THE PROFESSIONAL FIREFIGHTERS OF MASSACHUSETTS

- BUREAU OF LABOR STATISTICS, U.S. DEPARTMENT OF LABOR

- MASSACHUSETTS COALITION FOR OCCUPATIONAL SAFETY AND HEALTH

- CENTER FOR CONSTRUCTION RESEARCH AND TRAINING

- THE NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY AND HEALTH
EXECUTIVE SUMMARY

April 28, 2019 marks the 31st 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. With workers still dying at alarming rates 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.

THE TOLL: WORKPLACE DEATHS, INJURIES, AND ILLNESSES IN MASSACHUSETTS IN 2018

Sixty-nine workers in Massachusetts lost their lives on the job in 2018. Fatal injuries at work killed 59 of these workers. An additional 10 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 the many other workers who die from occupational diseases, which kill an estimated 50,000 workers in the U.S. every year. The government does not comprehensively track occupational illness or the workers that are killed from them.

In the most recent year for which data sets are available, there were more than 73,300 recordable incidents of non-fatal recordable occupational injuries and illnesses in Massachusetts. Of these cases, 40,200 led to workers having to take days away from work, transfer jobs, or experience job restrictions.

In Massachusetts, there are 30 OSHA inspectors, roughly one inspector for every 122,967 workers. It would take 182 years for OSHA to pay a single visit to each workplace in the state.

WHO IS DYING FROM THE WORK?

In 2018, worker deaths in Massachusetts were once again concentrated in the construction industry, with construction deaths accounting for 36% of workers fatally injured on the job. The next highest concentrations of deaths came in the public administration sector, which includes both police, public works, and other government workers (14%, eight workers killed on the job), and then in the transportation and warehousing sector (six workers killed on the job), of whom most were truck drivers. The complete breakdown of worker deaths by sector and industry can be found on page 14.

Fifty-six men and three women experienced fatal occupational injuries last year. Their average age was 51 years. The youngest worker killed was just 19 years old; the oldest was 91 years old.

Ten workers were immigrants, hailing from Brazil (3 workers), Honduras (2 workers), and the Dominican Republic, Guatemala, Mexico, Portugal and Russia (1 worker each). Their deaths accounted for 17% of all occupational fatalities from injury this year.

Finally, ten firefighters died from occupational illnesses in 2018, including from lung, throat, liver and bladder cancers, Hodgkin’s disease, and heart attack.

WHAT IS KILLING THEM?

Transportation incidents, which includes motor vehicle crashes and workers struck by vehicles or equipment, were the leading cause of death from injuries in Massachusetts, contributing to 29% of all worker deaths from injuries. Falls to a lower level were the leading single cause: falls, slips, and trips contributed to 27% of all worker deaths. Workers also died from contact with objects or equipment (10 workers), and exposure to harmful substances or environment (3 workers). Violence or injury by another person and being attacked by an animal resulted in the deaths of nine workers. This is almost doubled from 2017, which was double the number of workers killed by violence in 2016.
OCCUPATIONAL CANCER TAKES A TOLL

The tightly-knit Massachusetts firefighting community lost 11 members in 2018. Two firefighters died from cardiac arrest resulting from overexertion, and 8 from various forms of cancer, and another who died from an injury. While serving their communities, firefighters put themselves at great personal risk. They are vulnerable to wide-ranging hazards: the physical and psychological stress of responding to violent incidents and trapped victims; extreme exertion and sleep deprivation; and exposures to chemicals and combustion products that can cause fatal cancers. Because exposure to toxic chemicals is a routine part of the job for firefighters, their risk for cancer and other illnesses is increased. The Professional Firefighters Association of Massachusetts estimates that nearly 300 active firefighters in Massachusetts have been diagnosed with cancer, and at least 29 have died from the disease.

FATAL VIOLENCE IN THE WORKPLACE

Nine Massachusetts workers died from workplace violence in 2018, almost double the number that died from violence in 2017. Officers Sean Gannon (Yarmouth Police Department) and Michael Chesna (Weymouth Police Department) were shot and killed in the line of duty. Three workers were killed from wounds inflicted by assailants during a robbery. An additional two workers were killed by co-workers. Since 2011, 35 workers were killed as a result of violence in the workplace in Massachusetts. According to the 2017 Department of Labor’s Bureau of Labor Statistics Census of Fatal Occupational Injuries released in December 2018, workplace violence deaths (807) declined in 2017 from the record high number of deaths (866) reported in 2016, but remains one of the top three causes of job deaths, and a serious problem needing immediate action. Workplace suicides also decreased slightly in 2017, from, (the highest level since BLS began reporting data in 1992) to 275. And firearms easy access can be traced as one of the main causes of these deaths.

CLIMATE CHANGE: MAKING WORK MORE DANGEROUS

Climate change has led to the increasing frequency, duration, and severity of extreme weather events. On January 5, 2018, Gordon Russell collapsed while shoveling snow for the Massachusetts Water Resources Authority and later died. During disaster and storm recovery, clean-up workers like Gordon comprise a key workforce of “second responders” who take on demanding – and often dangerous – work helping residents and business owners with the removal of debris, the demolition of damaged structures, and rebuilding. Storm and flood cleanup activities can be hazardous. In 2018, 2 Massachusetts workers (including Gordon) died shoveling snow and at least four more were killed while performing tree work. Oftentimes, the workers employed to do this work are day laborers and temp workers who receive little training and/or protective gear. Increasing temperatures from Climate change also pose a grave risk, especially for those that work outdoors or in hot indoor environments.

PROMOTING HEALTH AND SAFETY CAN PROTECT WORKERS FROM OPIOID OVERDOSE

Epidemic rates of opioid misuse, dependency, and overdose are causing catastrophic harm, impacting public health, social welfare and economy. Drug overdose is now the leading cause of death for US adults under age 55. In Massachusetts, nearly 2,000 adults died from drug overdose in 2017. Deaths linked to synthetic opioids increased more than 45%. 29 workers lost their lives to drug overdose in their workplaces, a more than 400% increase since 2015. While the impact of the opioid crisis is extremely hard to comprehend, one root cause is simple to understand - pain. Opioid users seek a remedy to lessen their acute and chronic pain. Emerging research supports this: workers who have higher risk of pain because of workplace injury are also at higher risk of opioid misuse and overdose. Construction has an injury rate that is 77% higher than national average. In MA, construction workers die from overdose at 6 times the average of other industries. The opioid overdose rate is higher among lower-wage workers.
NATIONALLY WORKPLACE DEATHS ON THE RISE: OSHA FATALITY INVESTIGATIONS AT 10-YEAR HIGH

While workplace fatalities in Massachusetts declined slightly in 2018 as compared to 2017, nationally they are on the rise. A recent analysis of OSHA data conducted by Debbie Berkowitz at the National Employment Law Project (NELP) found some alarming trends. Measured in enforcement units, a weighted system that takes into account the complexity of inspections, OSHA safety enforcement activity has been in a steady decline since the start of the Trump Administration. In FY2016 OSHA reported 42,900 enforcement units, in FY2017 that fell by 1,071 to 41,829, and by FY 2018 it dropped even further to 41,478.

In addition, the number of complicated and high-penalty cases have been dramatically reduced.

1. Compared to FY 2016, in FY 2018 OSHA conducted one-third the number of inspections involving hazards causing musculoskeletal disorders (ergonomics), even though musculoskeletal disorders are the number one work-related illness reported by the Bureau of Labor Statistics;

2. OSHA reduced by half the number of inspections to protect workers from dangerous levels of heat, though last year was one of the hottest years on record;

3. OSHA conducted one-third the number of inspections where the agency measured individual workers' levels of exposure to dangerous chemicals;

4. OSHA reduced by one-quarter the number of inspections involving preventing explosions from combustible dust (e.g., such explosions occur in plastic, grain, sugar, and flour operations); and

5. Most striking, the number of significant cases (high-penalty cases) has dropped by half.

The number of OSHA inspectors is now at a historic low. This is not just from budget cuts, but from a failure to fill vacancies in a timely manner. In 1982, OSHA had 1,003 compliance officers; in 2010, OSHA had 1,016 compliance officers; in 2016, it had 952; as of January 1, 2019, it had 875 on board.

The number of OSHA inspections due to workplace fatalities or catastrophes in FY 2018 rose dramatically—a strong sign that workplace fatalities are increasing under this administration. The total number of workplaces inspected following a work-related death or catastrophe rose from 837 in FY 2017 to 921 in FY 2018, representing the single largest increase, and the highest number of workplace fatality/catastrophe investigations under federal OSHA, in a decade.

The agency has all but stopped issuing enforcement-related press releases, abandoning the deterrent effect that this kind of publicity produces. Deterrence is a key objective of OSHA's enforcement activities. Because it would take 150 years for the agency to inspect every workplace under its jurisdiction just once, OSHA must be able to encourage employers to provide a safe workplace without a visit from an OSHA inspector. OSHA issued 470 press releases about enforcement actions in 2016; that number dropped to a mere 158 in 2018.

The Trump Administration has also rolled back many health and safety regulations including weakening requirements for employers to submit records of workplace injuries to the federal government and child labor laws that prevent 16- and 17-year-olds to operate power-driven patient lifts in nursing homes without supervision. These rollbacks combined with cut backs to workplace safety enforcements have proven deadly to American workers.
What needs to be done:

Each year on Workers’ Memorial Day we rededicate ourselves to the fight for safe jobs and healthy communities. Over the last year we have seen significant victories including new laws that protect pregnant workers, extend OSHA level protection to municipal sector employees, and increase the fines for corporate manslaughter. 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.

At the federal level

- Restore funding for the OSHA Susan Harwood Training Grant Program and the Chemical Safety Board. The proposed federal 2020 budget would eliminate workers’ health and safety training and chemical accident investigations, putting workers at greater risk of dying on the job. The OSHA Susan Harwood Grant training program has funded life-saving training for over one million U.S. workers on health and safety hazards.
- Pass (HR1309), Protecting Health Care and Social Service Workers from Workplace Violence. This bill would compel OSHA to issue a standard requiring health care and social service employers to create violence prevention plans.
- Pass (HR1074), Protecting America’s Workers Act. This bill will extend coverage to state and local employees in states currently uncovered, improve whistleblower protections for workers who call attention to unsafe working conditions, among other provisions.

At the state & local level

- An Act Protecting Injured Workers (D1182/HD2947) strengthens the anti-retaliation law, provides for an administrative complaint and investigation mechanism for enforcement, and otherwise addresses employer misconduct that prevents workers from receiving timely medical care and benefits.
- An Act Relative to Workplace Safety (SD1322/HD3015) will require companies seeking to do business with the Commonwealth, or seeking a trenching permit to report their record of safety violations. The Commonwealth will be able to avoid contracting with companies with a poor record of safety, thereby preventing future injuries and deaths.
- Act to Prevent Wage Theft, Promote Employer Accountability, and Enhance Public Enforcement (SD 1464/HD 3789) will protect workers and enhance enforcement in several important ways: (1) Increased Employer Accountability; (2) Enhanced Public Enforcement (3) Ensuring Timely Payment.
- An Act to Protect Children, Families, and Firefighters from Harmful Flame Retardants (SD1573/HD3012) bans the sale of certain harmful flame retardant chemicals in children’s products and residential furniture. It is a practical, feasible step toward protecting the health and safety.
- An Act Requiring Health Care Employers to Develop and Implement Programs to Prevent Workplace Violence (SD 1281/HD802) requires health care employers to perform an annual safety risk assessment and, based on those findings, develop and implement programs to minimize the danger of workplace violence to employees and patients.

At the worksite

- Provide staffing levels, workloads and work hours that are most conducive to a safe, healthy work environment.
- Enact comprehensive worksite safety programs that focus on identifying and eliminating or reducing hazards, not blaming workers.
- Ensure a strong, protected and collective voice of workers, through their unions, involved in all aspects of these comprehensive worksite Health and safety programs.
IN MEMORIAM

Listed below are the dozens of people who died from work-related causes in 2018 and in the first three months of 2019. Firefighters who died 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. We honor them all.

2018

- GORDON RUSSELL, 60 - Arlington
  Maintenance worker, 1/5/2018
- DAVID JONES, 61 - Douglas
  Custodian, 1/8/2018
- ERIC WEINER, 57 - Newton
  Owner, Operator, General Contractor, 1/13/2018
- EUGENE CAMPBELL, 63 - Weymouth
  Fire Lieutenant, 1/13/2019
- JUSTIN HARRINGTON, 27 - Gloucester
  Construction Worker, 1/18/2018
- ANTHONY GENTILE, 33 - Longmeadow
  Truck Driver, 1/20/2018
- SCOTT CAREY, 44 - Sutton
  Sprinkler Installer, 1/25/2018
- JONATHAN HARRIS, 75 - West Tisbury
  Property Caretaker, 2/17/2018
- ROBERT FOSTER, 56 - Rochester
  Roofer, 3/1/2018
- RYAN MACDONALD, 36 - Plympton
  Electrician, 3/2/2018
- DANIEL COADY, 41 - Andover
  Tow Truck Driver, 3/14/2018
- YEVENGYI PETROV, 59 - Ayer
  Test Engineer, 3/23/2018
- JOHN PITCHER, 48 - Somerville
  Construction Worker, 3/24/2018
- DOUGLAS COOK, 54 - Upton
  Forester and Owner, 3/25/2018
- JOSEPH TEIXEIRA, 56 - Everett
  Excavator Operator, 4/4/2018
- MARLON GALEANO, 40 - Sturbridge
  Delivery Truck Driver, 4/5/2018
- SEAN GANON, 32 - Yarmouth
  Police Patrol Officer K9 Unit, 4/12/2018
- JEFFREY HARNISH, 63 - Hanson
  Insurance Adjuster, 4/20/2018
- JONATHAN HARRIS, 75 - West Tisbury
  Property Caretaker, 2/17/2018
- KARL LINDSAY, 65 - Wrentham
  Construction Worker, 3/24/2018
- SHANNON MILLER, 43 - Shrewsbury
  Machine Operator, 4/24/2018
- ANTHONY LYON, 42 - Danvers
  Sheet Metal Worker, 5/1/2018
- DANIEL BARRY, 63 - Marion
  Truck Driver and Laborer, 5/2/2018
- LUIS RODRIGUEZ GONZALEZ, 48 - Boston
  Carpenter, 5/7/2018
- THOMAS CANNON, 63 - Attleboro
  Firefighter, 5/14/2018
- CARLOS SANTOS, 71 - Ludlow
  Baker, Owner, 5/18/2018
- CHARLES CONNOR, 60 - Revere
  Construction Project Manager, 5/24/2018
- SIDICLEI CLEBER SCHMIDT, 39 - Chelmsford
  Delivery Driver, 5/29/2018
- KEVIN HORRIGAN, 49 - Wrentham
  Construction Laborer, 6/4/2018
- LEWIS UMBENHOWER, 38 - Medway
  Arborist, 6/11/2018
- DANIEL GUIOD, 91 - Barnstable
  Delivery Driver, 6/18/2018
- JODY CROSBY, 47 - Whately
  Tanker Driver, 6/20/2018
- DAVID BOVA, 34 - Rowley
  Arborist, 6/28/2018
DONALD MORLEY, 57 - Weymouth
Maintenance Worker, 7/2/2018

LUIS PRIETO, 25 - Sharon
Machine Operator, 7/12/2018

MICHAEL CHESNA, 42 - Weymouth
Police Officer, 7/15/2018

BILL JIM LONGO, 46 - Concord
Boiler Engineer, 7/18/2018

DONALD GARTHE, 59 - Dracut
Painter, 7/19/2018

STEVEN SCHAUERTE, 33 - Randolph
Welder, 7/31/2018

SUSAN PIPITONE, 56 - Everett
Firefighter, 8/11/2018

HERBERT CALDWELL, JR., 61 - Weymouth
Firefighter, 8/2/2018

RICHARD KNOWLTON, 59 - Hyannis
Fire Lieutenant, 8/4/2018

JOHN KANE, 65 - Cambridge
Deputy Sheriff, 8/19/2018

MARK DIAZ, 19 - Holyoke
Rap Artist, 8/26/2018

EVALDO SILVA, 35 - Norton
Bull Rider, 8/30/2018

MICHELE BARROWS, 67 - Springfield
Crossing Guard, 8/31/2018

LIONEL GODBOUT, 78 - Weymouth
Political Canvasser, 8/31/2018

JOHN DOHERTY, 59 - Melrose
Foreman, Grounds-keeping, 9/13/2018

JAVIER SOSA RANGEL, 54 - Nantucket
Fisher, 9/23/2018

HENRY MILLER, 75 - Boston
Driver, Ride Service, 9/24/2018

RONALD WILSON, 72 - Seekonk
Photographer, 9/28/2018

JOHN KITCHEN, 51 - Sturbridge
Delivery Driver, 10/4/2018

JOSE WILLIAMS, 67 - Boston
Gas Station Attendant, 10/6/2018

ROGER CARMEL, 57 - Sudbury
Painter, 10/17/2018

DANIEL ADAMS, 55 - Concord
Delivery Driver, 10/24/2018

WILLIAM SPROUL, 56 - Attleboro
Fire Fighter, 10/27/2018

SAMUEL CRISAFULLI, Jr., 62 - Natick
Fire Lieutenant, 10/28/2018

EDWARD PARIS, JR., 64 - Boston
Fire Lieutenant, 10/29/2018

JAIME GALARZA, JR., 54 - Boston
Fire Investigator, 11/9/2018

SEAMAN TURNER, III, 53 - Cape Cod
Landscaper, 11/9/2018

RICHARD STEINER, 64 - Boston
Fire Lieutenant, 11/11/2018

TIMOTHY KOVALCHIK, 35 - Marlborough
Delivery Truck Driver, 11/15/2018

BRIAN SIMARD, 26 - Becket
Construction Foreman, 11/15/2018

WAYNE MOODY, 75 - Concord
Construction Inspector, 11/26/2018

VIRGINIA RODRIGUEZ-VERAS, 34 - Springfield
Store Clerk, 11/30/2018

GUILHERME MARTINS DOS SANTOS, 34 - Boston
Construction Laborer, 12/3/2018

JOHN MEDEIROS, 61 - Scituate
Construction Laborer, 12/7/2018

CHRISTOPHER ROY, 36 - Worcester
Firefighter, 12/9/2018

THOMAS MOSZYNSKI, 38 - Easthampton
Construction Laborer, 12/11/2018

JOHN SILVA, 67 - Fall River
Tractor Trailer Driver, 12/13/2018

CARLOS ORTIZ GARCIA, 41 - Haverhill
Roofer, 12/18/2018

WILLIAM COUTO, 63 - New Bedford
Maintenance Mechanic, 1/6/19

ROBERT MATZ, 64 - Medfield
Plumber, 1/25/2019

CHRISTOPHER FREEMAN, 59 - Barnstable
Shellfish Fisher, 1/28/2019

DANIEL MCEVOY, 30 - Salem
Construction Worker, 2/15/2019

DAVID MARCELLE, 46 - Harwich
Truck Driver, 2/16/2019

ROBERT EPPS, 41 - Blandford
Truck Driver, 2/21/2019

SYDNEY MITI, 32 - Mansfield
Flight Instructor, 2/23/2019

ANTHONY COSTA, 41 - Cambridge
Laborer Foreman, 2/28/2019
Sixty-nine workers lost their lives in Massachusetts in 2018. The rate of workers killed from fatal injuries and documented fatal illness in the Commonwealth has remained steady, continuing a troubling trend.

In addition to the 59 men and women who lost their lives from fatal injuries, ten firefighters died from occupational illness in 2018. 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.


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*Workplace fatalities include workers killed by fatal injuries as well as firefighters who died from occupational illness.
CONSTRUCTION: A DEADLY INDUSTRY IN MASSACHUSETTS

- Transportation Incident (Vehicle Crash): 3
- Transportation Incident (Worker Struck): 2
- Falls, Slips, Trips: 9
- Exposure to Harmful Substances or Environments: 1
- Contact with Objects or Equipment: 6
TOTAL FATALITIES: 69
WHAT IS YOUR LIFE WORTH?

When it began, workers’ compensation was an agreement between management and labor. Workers would give up their right to sue their employer if they were injured on the job. In return employers offered medical care and speedy, adequate wage replacement benefits. But today some employers are not holding up their end of the bargain. Instead they have been working to systematically dismantle workers’ compensation and pass the costs of injury on the job onto workers, their families, and the public at large.

Led by groups such as the American Legislative Exchange Council (ALEC) and the lobbying group Association for Responsible Alternative to Workers’ Compensation (ARAWC), which include companies like Best Buy, Wal-Mart, Lowes, Macy’s, Sysco Food Services, and Whole Foods, they are seeking State by State to end worker compensation payments to injured workers after as little as three years. The consequences have been disastrous for workers. For some, it’s the quickest path to poverty, and for insurance companies it’s a windfall.

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 $1338. This makes Massachusetts workers disproportionately disadvantaged. While there are no limitations on medical payments (i.e. doctor bills) in the State, Massachusetts’s residents receive some of the lowest compensation in the country, while living in one of its most expensive states. By passing H. 1006 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.
CANCER TAKES A TOLL

SUSAN PIPITONE, a trailblazer, was the Everett Fire Department’s first and only active-duty female firefighter when she died on August 1, 2018 from occupational cancer. She had been a member of the department for 25 years and was well-loved by her colleagues and her community. “She loved driving her Engine 1, and I think she enjoyed being the only woman,” remembered Craig Hardy, President of Everett Firefighters Union Local 143. “She was one of us, and it really hurts to see her go.” A fighter, she had already beaten the disease once before it returned to take her life. Susan was one of 10 firefighters that died from occupational illness in 2018, 8 of whom died from cancer, and another who died from an injury.

THE PROBLEM

The tightly-knit Massachusetts firefighting community lost 11 members in 2018. Worcester firefighter Chris Roy died fighting a 5-alarm fire at an apartment building on December 9, 2018. Like Susan Pipitone, he left behind a grieving family and community. While serving their communities, firefighters put themselves at great personal risk. They are vulnerable to wide-ranging hazards: the physical and psychological stress of responding to violent incidents and trapped victims; extreme exertion and sleep deprivation; and exposures to chemicals and combustion products that can cause fatal cancers. In 2018, two firefighters died from cardiac arrest resulting from overexertion, and 8 from various forms of cancer. In Massachusetts, we are able to track occupational illnesses for firefighters because under Massachusetts Presumptive Disability Law, certain cancers and heart conditions are recognized as occupational in origin and eligible for Workers’ Compensation.

Because exposure to toxic chemicals is a routine part of the job for firefighters, their risk for cancer and other illnesses is increased. A 2010 study conducted by the National Institute for Occupational Safety and Health (NIOSH) found that firefighters are 9 percent more likely to be diagnosed with cancer than the general population and 14 percent more likely to die from cancer. The Professional Firefighters Association of Massachusetts estimates that nearly 300 active firefighters in Massachusetts have been diagnosed with cancer, and at least 29 have died from the disease. Nationally cancer is a leading cause of death for firefighters, accounting for about 3 in 5 deaths in the line of duty, according to recent studies. The International Association of Firefighters reports 61 percent of line-of-duty deaths from 2002 to 2016 were cancer-related.

While firefighters are particularly affected by the disease, many other workers are exposed to workplace cancer-causing agents. According to NIOSH, occupational cancers account for about 3 percent to 6 percent of all cancers. Statistics from around the globe demonstrate that occupational cancer is a serious problem, but also that the numbers are significantly underestimated. Long-term illnesses caused by exposure to cancer-causing agents are often difficult to relate to the workplace and are not adequately recognized and reported. As a result, workplace cancer prevention has a much lower profile than workplace injury prevention despite the clear need.
With 34 years as a career firefighter, I have sadly witnessed firsthand the devastation of occupational cancer amongst the fire service. I am deeply committed to raising cancer awareness within the fire service, and finding ways to reduce cancer rates among our firefighters.

– JOSEPH FINN

Boston Fire Commissioner
VIOLENCE IN THE WORKPLACE: A GROWING & PREVENTABLE THREAT

On October 6, 2018 JOSE LUIS PHINN WILLIAMS, 67, of Dorchester, Massachusetts was shot and killed just days shy of his 68th birthday. He was working at Fabian Gas Station as an attendant, a job he held for ten years when he was killed. This was the second time he was attacked at the gas station. In 2016, after being mugged on Halloween, he suffered a concussion that kept him out of work for six months. A native of Honduras, Phinn Williams had lived in the US since 1970 and had seven children. Jose’s murder has left his family devastated. “He was a hard worker, good father, friendly, lovable — everything that’s good on earth. Now, he’s gone,” said Rose Phinn-Westby, his sister.

THE PROBLEM: FATAL VIOLENCE IN THE WORKPLACE

Nine Massachusetts workers died from workplace violence in 2018, almost double the number that died from violence in 2017. Officers Sean Gannon (Yarmouth Police Department) and Michael Chesna (Weymouth Police Department) were shot and killed in the line of duty. Three workers, including Jose Luis Phinn Williams, were killed from wounds inflicted by assailants during a robbery. An additional two workers were killed by co-workers. Since 2011, 35 workers were killed as a result of violence in the workplace in Massachusetts.

According to the 2017 Department of Labor’s Bureau of Labor Statistics Census of Fatal Occupational Injuries released in December 2018, workplace violence deaths (807) declined in 2017 from the record high number of deaths (866) reported in 2016, but remains one of the top three causes of job deaths, and a serious problem needing immediate action. Workplace suicides also decreased slightly in 2017, from, (the highest level since BLS began reporting data in 1992) to 275. And firearms easy access can be traced as one of the main causes of these deaths.

Healthcare facilities are especially prone to violence in the workplace, sometimes perpetrated by patients, sometimes by friends, relatives, or other visitors. Nurses are assaulted on the job more than police officers and prison guards, with more than 70% of hospital emergency department nurses reporting being assaulted during their career. The Massachusetts Nursing Association conducted a survey among 212 of their members. The 2015-16 findings show that 85% of the respondents report physical or verbal assaults, including being punched, kicked, spit at or groped. Only 19% of respondents found employers supportive or trying to find solutions to the problems. And 76% reported that employers do not enforce current violence prevention policies in workplaces.

WHAT IS BEING DONE

Recent OSHA actions in Massachusetts have given guidance for preventing violence against healthcare workers in the State. In June of 2017 OSHA severely fined a health care facility, the UHS of Westwood Pembroke, Inc “acting” as Lowell Treatment Center (LTC), the sum of $207,690. The largest of its kind, the OSHA citation was levied against the company for failure to implement a 2014 agreement between OSHA and LTC to prevent violence from patients against its workers. In 2017 OSHA reinspected the work site in Lowell and found workers still exposed to the same verbal threats of assault, actual physical assault, choking, punches, kicks, human bites, and pulling of hair inflicted to the LTC workers by patients three years earlier. OSHA's detailed instructions for compliance at LTC can serve as a general guide to be implemented in the whole Massachusetts Health Care Sector.

The rates of nonfatal workplace violence are even more alarming. The Bureau of Labor Statistics reports that 39,750 nonfatal occupational injuries in 2017 were due to violence in the workplace. Injuries from violence in the workplace led to a median 4 days away from work. Any worker in any industry can experience violence in the workplace; but a BLS analysis found that occupations involving cash transactions are most likely to fall victim to work-related homicides.

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Of course, it’s the employer’s responsibility to provide a safe workplace, but educating young workers to identify hazardous situations can give them the confidence they need to speak up at work and ask for the training and protections they need to be safe.

– DAVID MICHAELS

Former Assistant Secretary of Labor for Occupational Safety and Health

We want to say that violence in not acceptable in any workplace, but the truth is it’s prevalent in the health care environment for a variety of reasons. There are thousands and thousands of health care workers in the commonwealth of Massachusetts who enter workplaces where they are not safe.

– DENISE GARLICK

Representative, H1416 sponsor and former nurse

WHAT NEEDS TO BE DONE

There is no federal workplace violence prevention standard. However, OSHA can and does cite employers under the General Duty Clause for failing to protect employees from incidents of violence while on the job. However, some states have developed standards concerning violence in certain workplaces. California and Oregon both have laws that require workplace violence prevention programs in hospitals and other healthcare facilities, but not Massachusetts.

In 2019, the Massachusetts Nurses Association filed a bill to the Massachusetts Legislature called An Act Requiring Health Care Employers to Develop and Implement Programs to Prevent Workplace Violence (S.1427/H.1416). This bill would require health care employers to perform an annual safety risk assessment and, based on those findings, develop and implement programs to minimize the danger of workplace violence to employees and patients. It would also provide time off for health care workers assaulted on the job to address legal issues and require semiannual reporting of assaults on health care employees. Workers advocates must continue vigorous support this legislation. It is time to enact it this year.

WHAT NEEDS TO BE DONE: PERSPECTIVES

Health Care Professionals are being assaulted at a rate of four times greater than those working in any other industry. Fear of violence and actual violence is rampant in Massachusetts healthcare facilities. An assault on a nurse is a serious action and should be taken seriously by our judicial system.

– DONNA KELLY-WILLIAMS

RN, President, Massachusetts Nursing Association (MNA)
CLIMATE CHANGE: MAKING WORK MORE DANGEROUS

On January 5, 2018, GORDON RUSSELL collapsed while shoveling snow for the Massachusetts Water Resources Authority and later died. Gordon was well liked by everyone at the Authority, and was known as a hard worker who only had good things to say. The winter storm he was cleaning up after had brought up to 18 inches of snow, along with hurricane-force winds and coastal flooding. With climate change causing increasingly dangerous storms, workers like Gordon have become our “second responders,” often mobilized without proper training and safety equipment.

THE PROBLEM:
Climate change has led to the increasing frequency, duration, and severity of extreme weather events. During disaster and storm recovery, clean-up workers like Gordon comprise a key workforce of “second responders” who take on demanding – and often dangerous – work helping residents and business owners with the removal of debris, the demolition of damaged structures, and rebuilding. Storm and flood cleanup activities can be hazardous. In 2018, 2 Massachusetts workers (including Gordon) died shoveling snow and at least four more were killed while performing tree work.

Oftentimes, the workers employed to do this work are day laborers and temp workers who receive little training and/or protective gear. Among day laborers who worked in hurricane-affected areas after Hurricane Harvey, over 80% had not been informed about or trained about risks related to unsafe buildings, mold, working in contaminated water, and working around fallen trees or electrical lines. Further, most did not have the personal protective equipment they needed to stay safe. As a result, more than one-third (34%) of workers reported having been injured. In just the first four weeks of disaster recovery, more than one-quarter (26%) of day laborers were victims of wage theft and the total amount of unpaid wages across this workforce in this short period exceeded $20,000.

Increasing temperatures from Climate change also pose a grave risk, especially for those that work outdoors or in hot indoor environments. High temperatures can pose health threats on a daily basis, including confusion, fatigue, and dehydration. More extreme heat can lead to heat stroke and organ failure, depending on a worker’s environment and how quickly treatment is administered.

WHAT IS BEING DONE
MassCOSH regularly provides “muck and gut” training to members of our Immigrant Worker Center. We have also partnered with five other worker centers in Massachusetts to offer this training. Collectively we have trained more than 100 workers in safe storm clean-up over the last two years. While we are proud of this work, it is employers who are required to provide their workers with essential safety equipment and the training necessary to prevent injuries and illnesses. We continue to advocate for policy changes to protect workers after storms, and to insert their voices into emergency and disaster preparedness planning.

WHAT NEEDS TO BE DONE
In 1972, and again in 1986, and in 2016, the National Institute for Occupational Safety and Health (NIOSH) recommended that the U.S. Occupational Safety and Health Administration (OSHA) set a specific standard to prevent heat stress in workers and hold employers accountable. OSHA, however, has yet to do so. While OSHA
Because they have established trust among the workers who will play a critical role in cleanup and reconstruction, worker centers are appropriate partners for local and state governments seeking to minimize workers’ exposure to health and safety hazards and avoid life-threatening, work-related accidents. Worker centers can be given a supply of personal protective equipment, and in the event of an emergency they can distribute this equipment immediately. Partnering with workers centers to ensure the speedy distribution of protective gear will reduce recovery workers’ exposure to harmful conditions and likely will save lives.

– NIK THEODORE

in After the Storm: Houston’s Day Labor Markets in the Aftermath of Hurricane Harvey

Congress and the White House must provide agencies like the Labor Department and EPA with much-needed resources to adopt and enforce robust safeguards that protect workers and vulnerable communities from known and emerging climate risks. These include extreme heat and severe weather events such as hurricanes and floods. These agencies and their state counterparts must ensure all new policies and practices lift up workers and vulnerable communities rather than push the cost of responding to climate change onto those most at risk of harm.

– KATIE TRACY

Workers’ Rights Policy Analyst, Center for Progressive Reform

It’s important to me that the environment that I am learning in is healthy for me in all aspects. I should not have to balance my focus in class with intense climate conditions in the classroom. Teachers also have the right to teach in healthy work conditions.

– ILANNYSH RODRIGUEZ

18-year old high school senior and leader in the Teens Lead @ Work campaign for school “heat days.”
PROMOTING HEALTH & SAFETY CAN PROTECT WORKERS FROM OPIOID OVERDOSE

THE PROBLEM:
Epidemic rates of opioid misuse, dependency, and overdose are causing catastrophic harm, impacting public health, social welfare and economy. Drug overdose is now the leading cause of death for US adults under age 55. In Massachusetts, nearly 2,000 adults died from drug overdose in 2017. Deaths linked to synthetic opioids increased more than 45%. 29 workers lost their lives to drug overdose in their workplaces, a more than 400% increase since 2015.

While the impact of the opioid crisis is extremely hard to comprehend, one root cause is simple to understand - pain. Opioid users seek a remedy to lessen their acute and chronic pain. Emerging research supports this: workers who have higher risk of pain because of workplace injury are also at higher risk of opioid misuse and overdose.

Construction has an injury rate that is 77% higher than national average. In MA, construction workers die from overdose at 6 times the average of other industries. The opioid overdose rate is higher among lower-wage workers. In 2017 in Massachusetts, 50% of workers who died from opioid-related overdose earned less than $30,000 per year; 95% earned less than $50,000. Lower-wage workers use opioids to work while feeling pain because they don’t have other choices: workers must earn income for themselves and their families; workers cannot report unsafe or illegal workplace practices or injury for fear of retaliatory firing or deportation; and, workers cannot jeopardize their employment by taking time off to access healthcare, if any healthcare is accessible.

WHAT IS BEING DONE
Current efforts to address opioid misuse and overdose involve providing individuals with non-addictive pain management, treatment for misuse, and overdose reversal. But we now understand that workplace injury, particularly for low-wage and vulnerable workers, is a
Even as we are seeing signs — thankfully — that the opioid crisis is becoming less deadly, we know that workers continue to work in pain, receive opioids for conditions better served by other forms of treatment, and find themselves and their co-workers facing addiction. Public health prevention programs can intervene on the upstream factors that put workers at risk of opioid hazards. Knowledgeable and empowered workers can take action to reduce their exposure to unnecessary and dangerous prescriptions and to the hazardous conditions that brought them to the clinic in the first place. Employers can play an important role in stemming the toll of opioids by reducing musculoskeletal hazards, implementing compassionate and recovery-friendly employment policies, and providing non-stigmatizing and empowering worker training on opioid hazards.

— CORA ROELOFS
ScD, Research Affiliate, CPH-NEW, University of Massachusetts Lowell
# Job Deaths Investigated by OSHA

The following is a summary of workplaces investigated by OSHA following a fatality from January 1 to December 31, 2018. 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.

## Case Closed

<table>
<thead>
<tr>
<th>Date</th>
<th>Name(s)</th>
<th>Company/Location</th>
<th>Proposed Penalty</th>
<th>Actual Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>01/18/18</td>
<td>*Justin Harrington, 27</td>
<td>Michael Maceachern/Stoneworks Landscape Construction - Gloucester</td>
<td>$3,880</td>
<td>$3,492</td>
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<td>03/01/18</td>
<td>*Robert Foster, 56</td>
<td>National Roof Coaters - Rochester</td>
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<tr>
<td>03/14/18</td>
<td>David Turner, 60</td>
<td>Claremont Residential - New Bedford</td>
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<td>03/23/18</td>
<td>Yevgeniy Petrov, 60</td>
<td>Advanced Vacuum Systems - Ayer</td>
<td>$9,054</td>
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<tr>
<td>02/26/18</td>
<td>*Douglas Cook, 53</td>
<td>Cook Forest Products, Inc. - Upton</td>
<td>$14,783</td>
<td>$6,000</td>
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<tr>
<td>03/25/18</td>
<td>*William Greenwood, 26</td>
<td>Cook Forest Products, Inc. - Upton</td>
<td>$14,783</td>
<td>$6,000</td>
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<tr>
<td>04/03/18</td>
<td>Joseph Texeira, 56</td>
<td>J. Derenzo, Co. - Everett</td>
<td>$0</td>
<td>$0</td>
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<tr>
<td>04/20/18</td>
<td>Jeffery Harnish, 63</td>
<td>East Coast Claims Service - Hanson</td>
<td>$0</td>
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<td>05/01/18</td>
<td>*Anthony Lyon, 42</td>
<td>Tougher Sheet &amp; Steel - Danvers</td>
<td>$19,400</td>
<td>$10,000</td>
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<td>05/07/18</td>
<td>*Luis Rodriguez, 48</td>
<td>Northeast Framing, Inc. - East Boston</td>
<td>$311,330</td>
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<td>06/11/18</td>
<td>*Lewis Umphenower, 38</td>
<td>Lucas McNeil/On A Limb - Medway</td>
<td>$5,543</td>
<td>$3,880</td>
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<td>06/28/18</td>
<td>*David Bova, 34</td>
<td>Mayer Tree Service, Inc. - Rowley</td>
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<td>07/02/18</td>
<td>Donald Morley, 57</td>
<td>Weymouthport Condominium Phase 1 Trust</td>
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<tr>
<td>07/19/18</td>
<td>Donald Garthe, 62</td>
<td>Donald Garthe</td>
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<td>07/18/18</td>
<td>Bill Jim Longo</td>
<td>Emerson Hospital</td>
<td>$35,107</td>
<td>$28,200</td>
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<td>07/12/18</td>
<td>*Luis Pireto, 26</td>
<td>Industrial Metal Products Incorporated - Sharon</td>
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<td>07/12/18</td>
<td>*Steven Schauerte, 33</td>
<td>Air-Draulic Engineering - Randolph</td>
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<td>10/24/18</td>
<td>Daniel Adams, 56</td>
<td>Everett J. Prescott, Inc.</td>
<td>$9,239</td>
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</table>

## Case Open

<table>
<thead>
<tr>
<th>Date</th>
<th>Name(s)</th>
<th>Company/Location</th>
<th>Current Penalty</th>
</tr>
</thead>
<tbody>
<tr>
<td>11/07/18</td>
<td>Timothy Kovalchik, 35</td>
<td>Joerns, LLC. - Danvers</td>
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<tr>
<td>11/15/18</td>
<td>Brian Simard, 26</td>
<td>J.H. Maxymillion Inc. - Becket</td>
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<tr>
<td>11/26/18</td>
<td>Wayne Moody, 74</td>
<td>Yankee Engineering and Testing, Inc. - Concord</td>
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<tr>
<td>11/26/18</td>
<td>Wayne Moody, 74</td>
<td>Xfinity - Concord</td>
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<tr>
<td>12/02/18</td>
<td>Guilherme Arthur Martin Dos Santos</td>
<td>American Building Technologies, Inc. - Roslindale</td>
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<tr>
<td>12/07/18</td>
<td>John Meadeiros, 61</td>
<td>SLT Construction Corporation - Scituate</td>
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<tr>
<td>12/11/18</td>
<td>Thomas Moszynski, 35</td>
<td>Craig Melanson Excavating - Amherst</td>
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<tr>
<td>12/18/18</td>
<td>Carlos Ortiz Garcia, 41</td>
<td>Progressive Roofing, Inc. - Haverhill</td>
<td>$0</td>
</tr>
</tbody>
</table>

* These cases are in the Pending Penalty Payment phase of an OSHA investigation. The companies have acknowledged the violations and have negotiated the amount to be paid to OSHA and are in the process of making a payment plan.
OSHA PENALTIES ISSUED FOR EMPLOYERS OF WORKERS WHO DIED ON THE JOB IN MASSACHUSETTS

JANUARY 1ST TO DECEMBER 31ST, 2018

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 2018, 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 each “repeat” violation.

Most of the hazards that led to these severe injuries/deaths 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.

In 2018 OSHA found 293 violations and issued citations of $30,000 or more to 62 companies in Massachusetts. Because OSHA may take up to 6 months after an inspection to issue a citation, several of these companies were inspected in 2017. Below is the data on these 62 companies that were cited for $30,000 or more, including all of their inspections in 2017-2018.
NUMBER OF CASES

62

# OF CASES WITH SETTLEMENT

20

PERCENT OF VIOLATIONS THAT WERE SERIOUS, WILLFUL OR REPEAT

90%

AVERAGE PROPOSED PENALTY (ALL CASES)

$57,862

AVERAGE PROPOSED PENALTY (CASES WITH A SETTLEMENT)

$45,721

AVERAGE FINAL PENALTY (SETTLED CASES)

$19,236

PERCENT REDUCTION IN PENALTIES

58%

DYING FOR WORK 2019
MASSCOSH
MassCOSH 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.

MASSACHUSETTS AFL-CIO
389 Main Street - Malden, MA 02148
(781) 324-8230

MASSCOSH
1532B Dorchester Ave. - Dorchester, MA 02122
(617) 825-7233

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