

January 4, 2013

Governor Chris Christie
Office of the Governor
P.O. Box 001- State House
Trenton, New Jersey 08625

Dear Governor Christie:

On behalf of the undersigned 48 labor, environmental, and public interest organizations and safety and health professionals, we ask you to take action on an urgent matter of life and death. In the aftermath of Superstorm Sandy, New Jersey faces the massive challenge of cleaning up the damage, recovering from the devastation and rebuilding houses, buildings, communities and infrastructure. Fifteen workers and volunteers have already died in New Jersey and New York related to storm response efforts.¹ Now, cleanup and restoration work endangers workers and the public. Electrical hazards, safety hazards, hazardous waste, sewage, chemical contamination, asbestos, and mold are all serious concerns. These potential hazards are widespread with many groups at risk – public sector workers, building trades, utility workers, service sector workers, and temporary workers, as well as day laborers, volunteers and homeowners.

Just as protecting safety and health was a priority during the storm, protecting the safety and health of workers, volunteers, and homeowners must be a priority during cleanup and recovery. We ask that you use your authority to request federal assistance and to ensure coordination so that everyone working on the cleanup and recovery is protected.

If you request it, the Federal Emergency Management Agency (FEMA) can activate already established procedures for coordinating the efforts of federal, state, and local agencies and N.J. businesses, universities, and nonprofit organizations to identify hazards, provide training, and make sure proven safety and health protections are being provided and followed. Those efforts would be supported with federal funds.

A centralized, coordinated, all-hazards health and safety response infrastructure is standard in catastrophic disaster response, yet this is not in place in the wake of Sandy. Since the day following the storm, the federal Occupational Safety and Health Administration (OSHA) has been on the ground attempting to identify hazardous conditions, conduct outreach, and work with federal agencies and state and local authorities to protect workers. Unions, worker centers, and universities have been able to do limited outreach and training and provide some personal protective equipment. However, a request from you to FEMA is needed to ensure comprehensive, organized outreach and training for clean-up workers and volunteers.

Thus, we make the following requests to you in your role as Incident Commander for New Jersey under FEMA's procedures to ensure the safety and health of workers and volunteers:

¹ Fatal Accidents: Two Month Lookback, US Department of Labor, Occupational Safety and Health Administration, Region 2, December 28, 2013.

- 1) Request FEMA to activate the process formally known as the Worker Safety and Health Annex of the National Response Framework to ensure a coordinated response to address the safety and health issues presented in recovery and clean-up operations. Under that process, FEMA would provide necessary resources and a formal assignment to OSHA to:
 - a. Implement a statewide Health and Safety Plan (“HASP”) covering federal, state, local, and private sector workers involved in the response and recovery.
 - b. Provide outreach and compliance assistance materials to employers and workers on potential safety and health hazards and control measures.
 - c. Provide support for safety and health training and education for clean up and recovery workers, particularly for workers hired under the National Emergency Grants provided by the U.S. Department of Labor to give temporary recovery jobs to unemployed residents through local government agencies.
 - d. Conduct hazard evaluations and sampling to determine risks at sites impacted by the storm.

- 2) Request that FEMA formally ask the National Institute of Environmental Health Sciences (NIEHS) to provide training and education to cleanup workers and volunteers on potential safety and health hazards and appropriate control measures during the recovery process.

The NIEHS Worker Education Training Program can activate its network of education and training resources to ensure safe work practices and a high level of worker protection during cleanup. This network of union-based, university, community college, and nonprofit organizations already provides health and safety training with NIEHS support. NIEHS and its network in the Gulf provided health and safety training to 35,000 responders after Hurricane Katrina and 147,000 responders after the BP oil spill. In New Jersey and New York, the NIEHS network has trained more than 155,000 workers during the past five years on disaster response; lead, asbestos, and mold remediation; and other topics. These organizations already have trainers, classroom facilities, and mobile training vans.

- 3) Plan and implement health and safety awareness days, engaging state and federal agencies, including the NJ Departments of Labor and Workforce Development, Health, and Environmental Protection, to ensure that basic information reaches workers and volunteers in the hardest hit areas.

- 4) Ensure that Recovery4Jersey funds for job training (and all related funds for training and employment) include a requirement for safety and health training *before* work begins. Recovery4Jersey provides state grants to utility companies, construction companies, and other businesses involved in recovery efforts to train newly hired staff. It also provides grants to local Workforce Investment Boards in the state for on-the-job training of unemployed people hired for recovery-related work.

- 5) Establish a 24-hour hotline and blanket the airwaves and the Internet with information about the right way and wrong way to conduct recovery efforts. In doing so, the state

should publicize the legal protection for whistleblowers under New Jersey's Conscientious Employee Protection Act (CEPA) and other laws.

- 6) Promptly initiate a public/private task force engaging state and federal agencies, employers, labor unions, worker's centers, volunteer organizations, the hardest hit communities (including their Community Emergency Response Team Programs), and mayors to meet publicly at least once every two weeks to help advise, plan, and implement safety and health activities.

Failure to provide workers and volunteers with the necessary protection and training after the September 11, 2001 attacks on the World Trade Center caused widespread disease and death. By contrast, during the BP oil spill in the Gulf, many effective measures were taken to protect workers. We must learn from these experiences and take the necessary steps to protect those who are responding to this disaster.

We look forward to working with you to protect health and safety in our state and would be most appreciative of receiving a written response to these recommendations. Please reply to Rick Engler, Director, NJ Work Environment Council, 142 West State Street, Third Floor, Trenton, NJ 08608 (or via email at rengler@njwec.org).

Thank you very much for your consideration.

Sincerely,

John Pajak, President, New Jersey Work Environment Council

Michael J. Wright, Director, Health, Safety, and Environment, United Steelworkers (USW)

John Luminoso, President, USW Local 4-397

Howard Boyer, Health and Safety Chair, USW Local 4-417

David LeGrande, Director, Safety and Health, Communications Workers of America (CWA)

Hetty Rosenstein, NJ Area Director, CWA District 1

Alberto Hernandez, President, CWA Local 1082

Bill Borwegen, Director, Occupational Health and Safety, Service Employees International Union

Bernie Gerard, Vice President, Health Professionals and Allied Employees (AFT)

Richard Whalen, International Vice President, United Food and Commercial Workers (UFCW), Region 1

John S. Morawetz, Health and Safety Department, International Chemical Workers Union Council (UFCW)

Joseph J. Nigro, General President, Sheet Metal, Air, Rail and Transportation (SMART) International Association

Michael Glenning, Director, NJ Community Action Program, United Auto Workers, Region 9

Franceline Ehret, President, International Federation of Professional and Technical Engineers, Local 194

Donna Chiera, President, American Federation of Teachers (AFT-NJ)

Lucye Millerand, President, Union of Rutgers Administrators (URA-AFT)

Joyce Sagi, Chair for Health and Safety, AFT-NJ

Barbara Keshishian, President, NJ Education Association

Linda Mason, Legislative/Political Coordinator, American Federation of Government Employees, District 2

Doc Doherty, President, International Brotherhood of Teamsters (IBT), Local 877

Fredrick Potter, President, IBT Local 469

Dominick Marino, President, Professional Firefighters Association of NJ

Chip Gerrity, President/Business Manager, International Brotherhood of Electrical Workers, Local 94

John Birkner, President, Utility Workers Union of America Local 534

Carol E. Gay, President, NJ State Industrial Union Council

Rich Speiler, President, Burlington County Central Labor Council, AFL-CIO

Marien Pabellon, Executive Director, New Labor

Nelson Carrasquillo, General Coordinator, Farmworker Support Committee (CATA)

Barbara Rahke, Director, Philadelphia Area Project on Occupational Safety and Health

Tom O'Connor, Executive Director, National Council for Occupational Safety and Health

Jeff Tittel, Director, Sierra Club, New Jersey Chapter

David Tykulsker, National Board Chair, Clean Water Action

Tim Dillingham, Executive Director, American Littoral Society

Rev. Fletcher Harper, Executive Director, GreenFaith

David Foster, Executive Director, BlueGreen Alliance

Bill Holland, Director, New Jersey Working Families Alliance

Phyllis Salowe-Kaye, Executive Director, New Jersey Citizen Action

Rev. Joe Parrish, Rector, St. John's Church, Elizabeth

Joseph Della Fave, Executive Director, Ironbound Community Corporation

Health and Safety Professionals (institutions listed for identification only)

Michael Gochfeld, MD, PhD, Professor, Robert Wood Johnson Medical School

Frances Gilmore, Industrial Hygienist

Eileen Senn, Certified Industrial Hygienist (retired)

Tamara McNair, Industrial Hygienist

Keith Crowell, Industrial Hygienist

Ken Hoffner, Certified Industrial Hygienist, CSP; NJ Construction Safety and Health

Steven M. Miller, Ph.D., Environmental Scientist (retired)

Diana Crowder, Certified Industrial Hygienist

Adrienne Markowitz, Industrial Hygienist

C: Marc-Philip Ferzan, Executive Director, Governor's Office of Recovery and Rebuilding

Kevin O'Dowd, Chief of Staff, Governor's Office

Mary E. O'Dowd, Commissioner, NJ Department of Health

Harold J. Wirths, Commissioner, NJ Department of Labor and Workforce Development

Bob Martin, Commissioner, NJ Department of Environmental Protection

Robert Kulick, Administrator, OSHA Region 2, USDOL

Judith Enck, Administrator, EPA Region 2

Sandy Christie Letter Submitted