



News from the NJ Work Environment Council

Summer 2011

## Christie Defunds Agencies to Deregulate

Safe, Secure Jobs  
and a Healthy,  
Sustainable  
Environment

WEC's Annual  
Awards  
Celebration

Friday,  
November 18th  
6:30 p.m.

Rutgers Labor  
Education Center  
New Brunswick,  
NJ

In WEC's 25th  
Anniversary Year,  
We Honor:

EPA Administrator  
Lisa Jackson

Congressman  
Frank Pallone

Ed Rodgers

Peter Guzzo

Bonnie Anderson

Deborah Ehling

For sponsorship and  
ad information or to  
purchase tickets,  
visit [www.njwec.org](http://www.njwec.org)  
or call Debra Coyle  
McFadden at (609)  
695-7100, ext. 306.

When public workers are protected from workplace dangers, so is the public. For example, when poor indoor air quality in public schools threatens health, employees can make an inspection request with the New Jersey Public Employee Occupational Safety and Health Program (PEOSH) alleging violations of our state indoor air quality rule. Thus, children can be better protected, as well.

But now public employees often must wait several months for a PEOSH inspection to address indoor air quality and sanitation problems, a situation worsened by Hurricane Irene.

Disturbingly, WEC has learned that last year Governor Christie's Department of Labor and Workforce Development returned \$332,535 of unspent PEOSH federal "matching" funds to the US Department of Labor that could have helped protect New Jersey teachers, firefighters, police, and other employees and the public from workplace dangers.

This federal money was provided to NJ for our PEOSH program in the Departments of Health and Senior Services (DHSS) and Labor and Workforce Development (DLWD). PEOSH issues standards and conducts inspections to protect public workers from mold, toxic chemicals, bloodborne pathogens, electrical shock, and other hazards.

Federal OSHA provides matching funds for the PEOSH program as long as our state has standards and enforcement that meet or exceed federal OSHA requirements. The \$332,535 that Governor Christie returned to the feds would have been matched by NJ, for a total of more than \$665,000. These funds could have been used to hire at least seven more

staff members.

Moreover, not spending federal safety and health funds has harmed private sector employers and employees. Last year, the Christie Administration returned \$166,612 of federal "matching" funds intended to provide free DLWD technical consultation about job hazards to small and medium-sized private employers.

The hiring freeze, begun by Governor Corzine in 2006, continues under Governor Christie, even for positions funded by a dedicated revenue source or federal funds. According to the 2010 New Jersey Workforce Profile, hiring of state workers plummeted by an average of almost 20% per year from 2006 to 2009. This has hit public health and environmental protection particularly hard. The number of DHSS employees fell from 2,037 to 1,818 from 2007 to 2009. The freeze continues and the numbers have further decreased in the past two years as public workers retire.

PEOSH is currently short nine health staff and seven safety inspectors. This has had a big impact on inspections, with the number falling from 1,376 inspections in FY2010 from 1,706 inspections in FY2007. Staff for education and consultation have also been cut.

Workers are also being told to take on new responsibilities outside their expertise, plus administrative and clerical work. This leaves less time for staff to investigate problems. For example, DHSS's Occupational Health Surveillance Program, which tracks workers killed or made sick, had thirteen employees in 2002, but just five



employees today. The program cannot fill federally funded positions and has had to return federal funds for tracking silicosis, asthma, and other diseases. State-funded positions have also been abolished.

### Prepared for Disaster?

According a recent report by the Robert Wood Johnson Foundation and the Trust for America's Health, New Jersey's public health agencies would be short-staffed in a catastrophe.

George DiFerdinando Jr., who was Acting Commissioner of DHSS during the 9/11 attacks, said he worried about budget cuts to the state's public health agencies over the last few years of economic distress. "I'd have to be willfully blind not to see that there are fewer people in public health departments in New Jersey now than there were in 9/11," he wrote. "Today, we might respond with a better-trained and -equipped work force, but there would be many fewer at the front lines."

Under Governor Christie, New Jersey ranks third among states that have laid off public employees. Victimized public employees not only harms workers who did not cause the current economic crisis, but worsens the economy and will lead to more workplace and community hazards.



## Environmental Action Day

WEC and our environmental and labor allies held an Environmental Action Day on June 20, to stand up for good jobs and healthy communities and to send a message to our legislators that New Jersey must move *Forward, Not Back!* Over 200 supporters sent the message that we need sensible environmental and workplace safeguards.

WEC took action to:

- \* Oppose Assemblyman Burzichelli's (D-3) bill to weaken NJ's worker, environmental, and other safeguards (A2486/S1986);
- \* Defend Global Warming Laws (RGGI and NJ Global Warming Response Act) to address climate change and create good, green jobs;
- \* Defeat Governor Christie's environmental loophole rule (waiver rule); and
- \* Oppose rollbacks to state open space protections.

The environmental and community organizations also held a press conference to defend our safeguards. As part of this event, WEC and the Sierra Club spoke up to support worker rights, as union members rallied outside the State House against the pension and health bills that have undercut living standards and collective bargaining rights for public employees.

Twenty-four groups participated including WEC, Environment New Jersey, NJ Environmental Federation, NJ Sierra Club, NJ Environmental Lobby, GreenFaith, Teamsters Local 877, and CWA 1036.

## DCA Proposes Waiver Rule

On August 1, 2011, the New Jersey Division of Consumer Affairs (DCA) issued a proposed rule to allow itself to waive its own regulations with no public oversight. This implements Governor Christie's Executive Order #2. DCA regulates businesses, trades, charities and securities trading, and is the second agency to propose a waiver rule. DCA's waiver rule, believe it or not, is even worse than DEP's waiver scheme. DCA would waive regulations which are either "unfair, burdensome, or incongruous," or which would "endanger the health, safety, and welfare" of the public.

However, unlike the DEP, DCA's waiver rule: 1) does not require waivers to be in writing; 2) does not give DCA the ability to revoke a waiver; and 3) allows

DCA to issue a waiver without even being asked by an applicant. DCA's proposed rule will seriously undermine consumer safeguards just as DEP's waiver rule will hurt environmental protections. DCA is charged with being an advocate for consumers, not a shield for big business. Comments on the rules are due by September 30, 2011. Learn more about DCA at [www.nj.gov/oag/ca/](http://www.nj.gov/oag/ca/)

## New Jersey Needs Safer Chemicals

On June 16, the NJ Assembly Homeland Security Committee unanimously backed a resolution (ACR 108), sponsored by Assemblywoman Linda Stender, Assemblywoman Annette Quijano, and Assemblyman John McKeon, urging New Jersey water utilities and the chemical companies that supply those utilities to use Inherently Safer Technologies.

WEC Project Coordinator Denise Patel testified in favor of the resolution citing the 100+ water utilities that have successfully converted to safer chemicals, such as sodium hypochlorite, from highly toxic chlorine. Plants, like Kuehne Chemical in South Kearny, Hudson County, bring dozens of 90-ton chlorine railcars into New Jersey each month. A worst-case scenario release from a single railcar could place at risk up to 12 million people in North Jersey and Manhattan. Kuehne's web site says it plans to switch to a safer process, but WEC is not clear about the firm's timetable.

## News & Notes

- The New Jersey Education Association has two great new resources on

their website: *Ten Steps to School Health & Safety* and *Organizing for Better Indoor Air Quality*. Access them at [www.njea.org/issues-and-political-action/health-and-safety](http://www.njea.org/issues-and-political-action/health-and-safety)

- In August, the U.S. Environmental Protection Agency (EPA) finalized the Chemical Data Reporting rule under the Toxic Substances Control Act (TSCA). This long-awaited rule will require more frequent facility reporting of chemical data and lowers the reporting threshold from 300k to 100k used on a single site. The rule is available on [EPA's website](http://EPA's website).

- Was your workplace impacted by leaks or flooding after the recent hurricane? Here are list of resources to help you navigate through the potential hazards during the recovery.

**NJ Office of Emergency Response**

[www.state.nj.us/njoem/index.html](http://www.state.nj.us/njoem/index.html)

**OSHA Floods Page**

[www.osha.gov/dts/weather/flood/index.html](http://www.osha.gov/dts/weather/flood/index.html)

**NIOSH Floods Page**

[www.cdc.gov/niosh/topics/emres/flood.html](http://www.cdc.gov/niosh/topics/emres/flood.html)

**NJ Dept. of Health Flood Recovery**

[www.nj.gov/health/er/natural.shtml](http://www.nj.gov/health/er/natural.shtml)

**NJDEP Hurricane Irene Resources**

[www.nj.gov/dep/special/hurricane-irene/](http://www.nj.gov/dep/special/hurricane-irene/)  
**NIOSH Interim Recommendations for the Cleaning and Remediation of Flood-Contaminated HVAC**

[www.cdc.gov/niosh/topics/emres/Cleaning-Flood-HVAC.html](http://www.cdc.gov/niosh/topics/emres/Cleaning-Flood-HVAC.html)

**Mold Prevention Strategies and**

**Possible Health Effects in the**

**Aftermath of Hurricanes and Major Floods, 2006**

[www.cdc.gov/mmwr/preview/](http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5508a1.htm)

[mmwrhtml/rr5508a1.htm](http://www.cdc.gov/mmwr/preview/mmwrhtml/rr5508a1.htm)

## Calendar

**Wednesday, September 28, 2011** – *Is Your Facility Ready for an OSHA Inspection?*, Rutgers Labor Education Center, 8 am– 1pm. Registration fee: \$25 Register at [www.njwec.org/calendar.cfm](http://www.njwec.org/calendar.cfm)

**Tuesday, October 18, 2011** – *Forward, Not Back Workshop*, Rutgers Labor Education Center, 9 am – 3:30 pm. Registration fee: \$25. For more information: [www.njwec.org/calendar.cfm](http://www.njwec.org/calendar.cfm)

**Friday, September 16, 2011** – *Are We Ready for the Next 9/11?*, United Federation of Teachers, 52 Broadway, New York City, 9 am – 5 pm. Convened by NYCOSH. For more information: [www.nycosh.org](http://www.nycosh.org). Registration fee: \$25.

**Friday, November 18, 2011** – **WEC's Annual Awards Celebration** See cover sidebar for information.

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Back issues of *WEC@WORK* are available at [www.njwec.org](http://www.njwec.org). Rick Engler & Denise Patel, Editors. WEC is an alliance of 70 labor, environmental and community organizations working together for safe, secure jobs and a healthy, sustainable environment. WEC Staff: Rick Engler, Director; Debra Coyle McFadden, Assistant Director; Cecelia Leto, Project Coordinator; Denise Patel, Campaign Organizer. Staff are members of USW or CWA.

CWA Local 38010/USW 4-149