



WEC@WORK

News from the NJ Work Environment Council

May / June 2010

Safe, Secure Jobs
and a Healthy,
Sustainable
Environment

Save Our Sensible
Safeguards!

Senator Van Drew
(D-1) has
introduced a bill to
rollback NJ's
protective
safeguards!

Call him at (609)
465-0700 and urge
him to withdraw his
sponsorship of
S1986.

This is the wrong
time to relax
environmental,
health and safety
standards.

See "NJ Senators
Introduces Rollback
Bill" on back for
more details.

Workers to Help EPA Prevent Chemical Accidents

Won by the NJ Work Environment Council (WEC) and the national BlueGreen Alliance (BGA), a new landmark policy issued by the U.S. Environmental Protection Agency (EPA) will engage employees and their union representatives during environmental inspections of the nation's most dangerous industrial facilities. Front-line workers will help EPA inspectors by pointing out hazards that could threaten worker safety and health, surrounding communities, and the environment. Previously, New Jersey was the only state taking such action. Lisa Jackson, as Assistant Commissioner of the New Jersey Department of Environmental Protection, helped issue a worker and union participation policy in 2005.

"As a refinery worker myself, I know that enforcing this law and involving front-line employees will help prevent toxic catastrophes and save lives," said John Pajak, President of WEC, an alliance of 70 labor, community, and environmental organizations, and an officer of Teamsters Local 877.

Through the new, precedent-setting policy, EPA directed its Regional Offices and state enforcing agencies to involve workers and union representatives during inspections conducted under Clean Air Act, Section 112(r), which regulates potentially catastrophic risks at more than 13,000 facilities using extremely hazardous substances. EPA issued this interim policy on April 2, 2010.

Read the policy: www.epa.gov/oem/content/rmp/index.htm.

"We are pleased that EPA Administrator Jackson clearly sees that workers understand the risks of their own work-



places and they will, when asked, help to identify and prevent these dangers," said Charlotte Brody, Director of Chemicals and Green Chemistry at BGA, a national partnership of labor unions and environmental organizations.

Clean Air Act Section 112(r)(6)(L) provides workers and union representatives the same rights to be part of EPA and state agency inspections as provided in the Occupational Safety and Health Act. This includes rights to accompany inspectors during on-site inspections and in "opening and closing conferences."

EPA plans to issue final guidance to its offices and state implementing agencies later this year.

On December 3, 2009, WEC, BGA, and more than 100 other labor and environmental organizations, urged EPA to enforce this little known worker participation provision in the "Risk Management Program" part of the Clean Air Act. The groups said allowing workers and their union representatives to point out dangers during inspections would help protect both communities and the environment. Among the 106 signing organizations were the national AFL-CIO, Change to Win, 21 national labor unions, 14 national environmental

organizations, and community groups. View the letter: www.njwec.org/PDF/Press/EPA%20_WPC_Final.pdf.

Following its new policy, EPA is already engaging workers. EPA Region 3 is concluding a Risk Management Program inspection at Sunoco's Philadelphia refinery where 13 workers were hospitalized last year after a hydrofluoric acid release.

"Our local union is fully participating in EPA's inspection to ensure that both our members and surrounding communities are safe," said Jim Savage, President of United Steelworkers Local 10-1, which represents 600 Sunoco workers.

More than 80 million people live, work and attend school within range of a potential catastrophic toxic release from at least one of the nation's 101 most hazardous chemical facilities. Since 1970, thousands of employees and union representatives have identified preventable hazards while accompanying OSHA inspectors. However, under past administrations, EPA most often did not include workers and union representatives during their inspections. The New Jersey policy that was the precedent for the EPA policy is at www.nj.gov/dep/rpp/brp/tcpa/tcpadown.htm.

OSHA Plans Prevention Programs Standards

A high priority for the labor movement and the new leader of federal OSHA, Dr. David Michaels, is issuing a requirement for employers to have "Injury and Illness Prevention Programs". The rule would require employers to develop and implement a program that minimizes exposure to safety and health hazards. Instead of waiting for an OSHA inspection or incident to address job hazards, employers would be required to create and implement a plan for identifying and correcting hazards. Workers would also participate in the plan's development and implementation.

On June 3, OSHA held a "Stakeholders Meeting" to discuss issues concerning a new standard in East Brunswick, NJ. About 40 labor and management representatives and consultants participated from diverse workplaces.

WEC and labor participants urged OSHA to include effective employee and union participation, meaningful training, and discouragement of "blame the victim" behavioral safety programs in the new standard. Moreover, a key feature should be mandatory safety and health committees, with specified worker rights and employer responsibilities.

WEC Industrial Hygiene Consultant Eileen Senn said, "This should have been the very first standard issued by OSHA" because OSHA will never have sufficient resources to issue specific standards for all hazards. Crystal Disante, Chair, Safety and Health Committee, Health Professionals and Allied Employees (HPAE) at Englewood Hospital, NJ added, "It was very important for OSHA to address the fear of reporting injuries to management, especially among non-union employees."

OSHA plans to hold two more stakeholder meetings, review related requirements in other states, and issue a proposed standard. Public hearings will offer opportunity for supporters to urge the strongest possible standard.

Participants in the dialogue included representatives from WEC, HPAE, New Labor, Workers United/Service Employees, NJEA, Retail, Wholesale, and Department Store Union (UFCW), United Electrical Workers, Steelworkers, Teamsters, UNITE HERE, NYCOSH, and BlueGreen Alliance. Special thanks to Eileen Senn for her efforts, which contributed to such robust labor participation. Go to www.osha.gov for more information about this initiative.

NJ Senators Introduce Rollback Bill

Eleven workers died and 17 others were injured on April 20 in the Deepwater Horizon offshore drilling platform explosion in the Gulf of Mexico. Nearly two months later, oil continues to flow into the Gulf of Mexico in our nations' worst environmental disaster.

While this catastrophe continues, Governor Christie and some Legislators are spearheading efforts to rollback New Jersey's strong environmental, safety, and worker protections to the failed federal standards that were unable to predict or prevent the Gulf oil disaster.

In the latest attempt, Senators Jeff Van Drew (D-1) and Steven Oroho (R-24) introduced bill S1986, a companion bill to Assemblyman John Burzichelli's (D-3) rollback bill A2486. (See [March/April WEC@Work](#).)

Together, A2486/S1986 would stop state agencies from adopting any rule stronger than federal requirements - unless State legislators first approved every detail. To make matters worse, these bills could apply to both newly issued rules and thousands of existing rules. But, WEC believes that state agencies with scientists and regulatory experts should have the power to protect the public.

On May 20, 2010, Assemblyman Burzichelli introduced two amendments to A2486. One amendment improves the bill by exempting any NJ rules for which there are no federal standard from the proposed law - such as the indoor air quality standards for public buildings that protect thousands of children from mold, asbestos and asthma-aggravating dust.

In what appears to be an effort to split

the broad labor, community and environmental coalition that has united against this bill, Assemblyman Burzichelli also introduced an amendment that would exempt any rules issued by the NJ Department of Labor and Workforce Development. While this exemption may appear to protect workers, many worker protections are set through rules issued by other agencies including the NJ DEP and the NJ Department of Health and Human Services. Our coalition stands firm against these bills.

To read the bills, go to: www.njleg.state.nj.us/bills/BillsByNumber.asp

Trenton Rally

On Saturday, May 22nd, 38,000 people rallied, the largest in Trenton history, for a fair budget and reinstatement of the millionaire's tax. As part of the day, WEC had a table at the event and 15 volunteers handed out more than 10,000 flyers against the anti-regulation Burzichelli bill (A2486) and got more than 1,600 petition signatures. NJEA, CWA, Working Families Alliance, Citizen Action and other groups and unions did a terrific job on turnout and logistics. Thanks to our energetic volunteers for doing a great job! To see media coverage of the rally, go to: www.njworkingfamilies.org/news.php

News and Notes

Welcome Asha Mattai, WEC Intern! Asha is providing support for the "Save Our Safeguards" campaign. She is a student at Rutgers University, majoring in Labor Studies and minoring in Women's Studies. In July, Asha will travel to New Delhi, India for a 6-month study abroad program at St. Stephen's College to learn Hindi and take elective courses.

Calendar

SAVE THE DATE!
Friday, November 19, 2010

WEC's Annual Awards Reception
Rutgers Labor Education Center
New Brunswick, NJ

With your support, WEC can continue to advocate for safe, secure jobs and a healthy sustainable environment. Please consider making a tax-deductible contribution at www.njwec.org.

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Back issues of WEC@WORK are available at 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