



# WEC@WORK

News from the NJ Work Environment Council

September 2009

Safe, Secure Jobs  
and a Healthy,  
Sustainable  
Environment

Strategic  
Planning for  
Joint Health  
and Safety  
Committees:  
A Program  
for  
Healthcare  
Workers

Wednesday  
Oct. 21, 2009  
8 am - 4 pm

Rutgers Labor  
Education  
Center  
New Brunswick

Nursing Contact  
Hours are Available  
for this program.

For more  
information,  
contact Cecelia  
Leto at (609) 695-  
7100, ext 307.

## Reforming the Nation's Toxic Chemical Law

US Environmental Protection Agency (EPA) Administrator Lisa Jackson recently announced that the time had come to strengthen EPA's authority to regulate production and use of toxic chemicals, which are found in workplaces, the environment, and human bodies. Jackson identified chemical management reform as a top priority, and stated principles for overhauling the *Toxic Substances Control Act (TSCA)*. New Jersey Senator Frank Lautenberg will soon introduce TSCA reform legislation.

While the *Occupational Safety and Health Act* regulates chemical exposures on the job, it does not address whether hazardous substances can be avoided in the first place. Jackson said the 1976 law has fallen behind the industry it was intended to regulate and that EPA needs better tools to protect Americans. Jackson outlined these principles for new legislation:

- Chemicals must meet a safety standard that protects human health and the environment;
- Responsibility for providing data rests with the chemical industry, not taxpayers;
- EPA must have authority to take quick action to restrict use of those chemicals that violate safety standards;
- Manufacturers and EPA should assess and act on priority chemicals, both existing and new, in a timely manner;
- Vulnerable populations, especially children, must be given special consideration when setting safety standards;
- Green chemistry, which will lead to safer chemicals, should be encouraged and the public's right to know about chemicals must be ensured;
- EPA must receive sustainable funding and the chemical indus-



EPA Administrator Lisa Jackson, formerly NJ DEP Commissioner, and NJ Senator Frank Lautenberg plan comprehensive chemicals regulation reform. Industry must pay its fair share.

The National AFL-CIO, along with the Steelworkers, Communications Workers, Auto Workers, Blue Green Alliance, and WEC, have told Senator Lautenberg that draft TSCA reform legislation should address critical labor issues, including occupational exposure and economic fairness for workers who could lose their jobs as specific chemicals are phased-out. These labor voices support TSCA reform based on a vision of a revitalized chemical industry producing safe and effective products in safe and productive plants. However, a reformed TSCA cannot produce this result alone. It must be coupled with funding for research into green chemistry and – equally important – measures for the chemical industry to produce safer alternatives in existing American plants with workers who might lose their jobs as the most toxic products are phased out. If industry transition is done right, it will create jobs. Simple justice demands fair worker transition provisions, such as retraining, ongoing education, and

financial compensation. Congress is discussing worker transition in legislation on climate change. Similar provisions may apply to TSCA reform.

Currently, our economy uses more than 80,000 chemicals. Since its enactment 33 years ago, EPA has only required testing on about 200 chemicals. TSCA has clearly been ineffective. For example, 18 years ago, EPA tried to restrict the toxic chemical, asbestos. After ten years and millions of dollars in litigation, a court ruled for the industry that EPA failed to meet TSCA requirements. EPA never again tried to regulate a chemical's production or use. Those calling for reform include the Obama Administration, health professionals, environmental advocates, and some in industry who want to avoid varying state laws like California and Washington.

If you are interested in participating in TSCA reform efforts, contact WEC Director Rick Engler at (609) 695-7100, ext 301. For more information, go to [www.saferchemicals.org](http://www.saferchemicals.org).

## PFOA in Line for Action

Results from private water well tests by DuPont around the Chambers Works plant in Salem County show that in more than half of the wells, perfluorooctanoic acid, or PFOA, levels exceeded NJ's Guidance standard of 0.04 ppb, the strictest in the nation. DuPont has agreed to provide an alternate water supply or water treatment for wells that exceed the US Environmental Protection Agency's (EPA) Provisional Health Advisory standard of 0.4 ppb. Unfortunately, only one of the wells tested in Salem County exceeds the EPA's more lenient guidance level. In response, the Delaware Riverkeeper, NJ Environmental Federation, United Steelworkers (USW) Local 4-943 (representing workers at the plant) and WEC have requested that DEP require DuPont to follow the stricter NJ standard, post the results of water tests on DEP's website, notify affected residents of test results and issue a factsheet on appropriate action. The groups have also requested DEP add PFOA and related chemicals to the list that must be reported under the *NJ Worker & Community Right to Know Act*.

DuPont is the lone U.S. manufacturer of PFOA, which is used in the production of Teflon coatings and other products. The chemical also appears in trace amounts in fluorinated telomer products such as firefighting foams and grease-resistant food packaging.

The EPA fined DuPont \$16.5 million in 2005 for failing to report widespread exposure to PFOA among workers at a West Virginia plant. An EPA advisory panel has recommended listing the chemical as a likely carcinogen. DuPont has committed to a phase out PFOA by 2015, under a voluntary EPA program.

### PFOA Just Can't Wait for TSCA Reform

Recognizing that the US's chemicals policy is broken, EPA has targeted PFOA as one of six substances for stepped up regulatory efforts. EPA will develop "action plans" for these chemicals that will detail the risks each substance may pose and the steps being taken by EPA to address those concerns, including warning labels, restrictions or phase outs. The first four plans will be posted in December.

Among other chemicals on the list were bisphenol A, or BPA, used in plastic beverage containers including baby bottles; phthalates, a plastic additive used in a variety of household items; and polybrominated diphenyl ether (PBDEs), used as flame retardants.

## USW, Teamsters Quit Talks with API

The Steelworkers and Teamsters have quit a stakeholder group on refinery health and safety that included the American Petroleum Institute, the oil industry trade association. The group was created based on recommendations from the US Chemical Safety Board to develop two new American National Standards Institute (ANSI) standards on process safety and worker fatigue. Both issues were cited as major contributors to the 2005 BP Texas City disaster that killed 15 workers and injured 180 people. USW cited several reasons for withdrawing from the talks including API's exclusion of environmental and public interest organizations, the voting process which was severely tipped in industries' favor (22 oil companies and 3 unions with each receiving one vote), and a refusal by the industry to set limits to the number of consecutive days worked in refineries. WEC President John Pajak and Teamster Local 877 member represented the International Brotherhood of Teamsters in the stakeholder group. Pajak said it was unfortunate that the unions had to pull out of the talks, but it was clear that "API did not enter into the partnership with a good faith effort to improve health and safety in the refining and chemical industry. They were unwilling

to commit to real changes and address the causes of refinery accidents, like worker fatigue."

## Welcome to WEC's Newest Board Member

Marie Blistan, NJEA's newly-elected Secretary-Treasurer, has joined WEC's Board. Marie has held leadership positions with NJEA locals and has served on numerous NJEA committees, including Government Relations and Urban Education. We look forward to working with Marie and welcome her to the Board. Wendell Steinhauer has stepped down from the Board, but will continue to serve on WEC's Finance Committee. Special thanks to Wendell for all of his hard work and continued dedication.

## Time is Running Out

The WEC Awards Reception is quickly approaching! This year, WEC will honor: Joyce Powell, Immediate Past President, NJ Education Association; David Foster, Executive Director, Blue Green Alliance; Jeff Tittel, Director, NJ Sierra Club; and Michelle DePass, Assistant Administrator, EPA & formerly with the Ford Foundation. Purchase tickets or place ads in the journal to show your support for the honorees at [www.njwec.org/WEC\\_Awards\\_Reception.cfm](http://www.njwec.org/WEC_Awards_Reception.cfm). The Ad Journal deadline is November 1, 2009.

## Calendar

**Friday, November 6** - *Current Issues in Construction Safety and Health*, Holiday Inn Historic District, Philadelphia, 8:30am - 4:30pm. \$25.00 fee Pre-Registration Required. For more information, call Philaposh at (215) 386-7000.

**Saturday, November 7** - *11th Annual CBTU Mini-Conference on Toxics*, Thomas Edison State College, 101 West State Street, Trenton, 10 am - 2 pm, free admission. Contact Mujahid Majeed at (917) 579-0525 for more details.

**Saturday, November 7** - *GreenFaith's 4th Annual Awards Celebration*, Reformed Church of Highland Park, 6 pm - 9 pm.

**Saturday, November 7** - *Worker Safety & Health National Summit* sponsored by National COSH Network, PHILAPOSH and AFSCME DC 33 Bldg., 3001 Walnut Street, Philadelphia, 9 am - 5 pm.

**Saturday, November 14** - *Beyond Toxics: Protecting Our Jobs & Communities*, Rutgers Labor Education Center, New Brunswick, 8 am - 4:30 pm. Annual WEC membership meeting to follow.

**Friday, November 20** - WEC's Annual Awards Reception, Rutgers Labor Education Center, New Brunswick, 7 pm.

**To register for WEC programs, [www.njwec.org/calendar.cfm](http://www.njwec.org/calendar.cfm)**

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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; Valorie Caffee, Director of Organizing; Djenaba Figueroa, Office Manager; Cecelia Gilligan Leto, Project Coordinator; Denise Patel, Campaign Organizer. Staff are members of USW or CWA.

*CWA Local 38010/USW 4-149*