

FACTS ABOUT WORKER SAFETY AND HEALTH - 2012

- This year marks the 41st anniversary of the Occupational Safety and Health Administration (OSHA) and the effective date of the Occupational Safety and Health Act. The Act – which guarantees every American worker a safe and healthful working environment – created the Occupational Safety and Health Administration (OSHA) to set and enforce standards and the National Institute for Occupational Safety and Health (NIOSH) to conduct research and investigations. This year also marks the 43rd anniversary of the Coal Mine Health and Safety Act, and 35th anniversary of the Federal Mine Safety and Health Act.
- Since 1970, workplace safety and health conditions have improved. More than 451,000 workers can now say that their lives have been saved since the passage of the Occupational Safety and Health Act.
- But many workers remain in serious danger, as demonstrated by recent disasters like the Massey Energy West Virginia coal mine disaster that killed 29 miners, the Tesoro Refinery explosion in Washington State a few days earlier that killed 7 workers, and the BP/Transocean Gulf Coast oil rig explosion that claimed 11 workers lives.
- Eight years of neglect and inaction by the Bush Administration seriously eroded safety and health protections. Major hazards were not addressed. The job safety budget was cut. Voluntary compliance replaced strong enforcement. In the absence of strong government oversight and enforcement, many employers cut back their safety and health efforts.
- Since taking office, the Obama Administration has increased the job safety budget, stepped up enforcement and moved forward on several much needed standards, including rules on cranes and derricks and coal dust. But the Republican majority in Congress has launched an all-out assault on worker protections, trying to block new needed protections, roll back existing regulations and slash the OSHA budget. These attacks threaten to turn back the clock on worker safety and health and put workers in greater danger.

MILLIONS OF WORKERS ARE KILLED, INJURED OR DISEASED ON THE JOB EACH YEAR.

- In 2010, 4,547 workers were killed by traumatic injuries and an estimated 50,000 - 60,000 died from occupational diseases.
- According to the Bureau of Labor Statistics (BLS) there were 4,547 workplace deaths due to traumatic injuries in 2010, essentially the same number of deaths in 2009, when 4,551 workplace deaths were reported. According to BLS, economic factors continued to play a role in the decrease in reported fatalities in 2010, as the recession resulted in declines or slow growth in hours worked, particularly in high-risk industries like construction that have experienced high numbers of fatalities. The 2010 fatality data is preliminary, and the number of deaths will increase when final data is released.

- On average, 12 workers were fatally injured each day during 2010.
- The fatal injury rate in 2010 was 3.5/100,000 workers, the same as the fatality rate in 2009.
- Some groups of workers are at much greater risk. The 2010 fatality rate among construction workers was 9.5/100,000, and the rate in mining was 19.8/100,000. The fatality rate among Hispanic workers was 3.7/100,000.
- In 2010, approximately 3.1 million injuries and illnesses were reported in private sector workplaces. An additional 820,300 injuries and illnesses were reported among state and local public employees.
- In 2010, the national private sector injury and illness rate reported by employers was 3.5/100 workers. The injury and illness rate in 2009 was 3.6/100 workers. In 2010, the injury and illness rate for state and local public sector workers was 5.7/100 workers – more than 62 percent higher than the reported private sector injury rate.
- In 2010, BLS reported 284,340 musculoskeletal disorder cases that resulted in days away from work. MSDs account for 30 percent of injuries and illnesses involving all days away from work, demonstrating that MSDs remain the biggest category of job injuries and illness.
- Recent research has documented that the BLS Survey of Occupational Injuries and Illnesses, which is based upon data from employers' OSHA injury and illness logs, fails to capture a large proportion of work-related injuries and illnesses. This research indicates that the true toll of job injuries may be two to three times greater than the numbers and rates reported by BLS.

OVER THE YEARS WORKPLACE SAFETY HAS IMPROVED, BUT SIGNIFICANT PROBLEMS REMAIN

- According to data from the National Safety Council and the Bureau of Labor Statistics, the job fatality rate has been cut by nearly 81 percent since 1970 from 18.0/100,000 to 3.5/100,000 in 2010. In the construction industry, the fatality rate has fallen by 86 percent, from 69/100,000 workers in 1970 to 9.5/100,000 workers in 2010. In the manufacturing sector, the fatality rate has fallen by 76 percent from 9/100,000 in 1970 to 2.2/100,000 in 2010.
- Fatality rates in the mining industry have also dropped significantly, from a rate of 100/100,000 workers in 1970 to 19.8/100,000 in 2010. The number of mine fatalities in 2010 was the highest since 2006 with 71 deaths—48 in coal, 23 in metal and non-metal mines. Twenty nine of these miners died in an explosion at the Massey Upper Big Branch coal mine in West Virginia on April 5, 2010—the worst coal mining disaster in 40 years.
- Hispanic workers are at high risk of job related deaths. The number of workplace fatalities among Hispanics increased significantly from 1992– 2006, with a peak in the fatal injury rate in 2001. Over the past four years the number and rate of fatal injuries among Hispanic workers has declined, with 682 deaths reported in 2010 compared to

990 in 2006. Fatal injuries among immigrant workers have also decreased from a high of 1,046 deaths in 2006 to 774 deaths in 2010. These declines are likely to be at least partially a result of declines in employment among Hispanic and foreign-born workers caused by the recession, particularly in hazardous industries like construction.

- Reported injury rates have fallen over the years. According to the Bureau of Labor Statistics, there were 11 injuries and illnesses per 100 full-time workers in 1973; by 2010 the rate was 3.5 per 100 workers—a decrease of 68 percent. However, the injury data, unlike fatality data, are based solely on employer reports, and independent reviews have found them to grossly understate the true incidence.
- Throughout the years, OSHA and MSHA standards have significantly reduced worker exposure to serious hazards and prevented unnecessary injuries, illnesses and deaths. For example, OSHA's 1978 cotton dust standard virtually eliminated new cases of byssinosis, the 1978 lead standard dramatically reduced occupational lead poisoning, and standards on confined space entry, lock-out of dangerous equipment and grain dust prevented thousands of unnecessary deaths. But in recent years few standards have been issued, and many hazards have yet to be addressed.

WORKERS NEED MORE SAFETY AND HEALTH PROTECTION

- Although injury and fatality rates have fallen since the OSH Act was enacted, too many workers are being killed and injured on the job. On an average day, 149 workers lose their lives as a result of workplace injuries and diseases (12 die from injuries and 137 from diseases), and another 10,640 are injured or become ill.
- Millions of workers still lack OSHA protection – more than 8.1 million state and local public employees are not covered by OSHA. Millions of workers in the transportation industry, including flight attendants, do not benefit from OSHA protections.
- For many serious hazards, standards are out of date or non-existent. Since OSHA was enacted, comprehensive standards have only been issued for 30 toxic chemicals. Permissible exposure limits for toxic chemicals adopted in 1971 have never been successfully updated. Ergonomic hazards, the major source of workplace injury and illness, still have no standard, since OSHA's November 2000 ergonomics regulation was repealed by Congress and President Bush. New standards are needed on silica, coal dust, combustible dust and numerous other hazards.
- Immigrant workers have a disproportionate rate of injuries, illnesses and fatalities in the workplace largely because they work in dangerous industries and may be particularly vulnerable due to their immigration status and subject to employer exploitation.
- Since the terrorist attacks on September 11, a new set of workplace safety and security issues have emerged, among them security, bioterrorism and emergency response.
- The threat of pandemic influenza and other infectious diseases pose a serious risk to 9.4 million health care workers and other first responders who are on the front lines of caring for patients.

- Other major safety and health concerns facing workers today include issues of work organization such as increased hours of work, intensification of work due to downsizing, increased pace of work and inadequate staffing. Many of these changes have been associated with repetitive strain injuries, stress, workplace violence and even fatalities. The recent recession and state budget cuts have made these problems worse.
- Thousands of workers are retaliated against by their employers each year for raising job safety concerns or reporting injuries-- fired or harassed simply because they want a safe place to work. OSHA whistleblower and anti-retaliation provisions are too weak to provide adequate protection to workers who try to exercise their legal rights.
- At the workplace the move toward behavior-based safety and incentive programs is particularly alarming. Rather than examining how core work processes affect health and safety, behavior-based safety programs claim that an overwhelming majority of job injuries and illnesses are the result of the unsafe acts of workers themselves. Behavior-based safety programs attempt to place the responsibility for a safe workplace squarely on the backs of workers, rather than addressing workplace hazards.
- OSHA is a small agency that does not have the funding or staff to oversee the safety and health of the approximately 128 million workers in the 8.8 million workplaces under its jurisdiction.
- Federal OSHA only has about 892 safety and health inspectors and can inspect workplaces, on average, once every 131 years. The state OSHA plans combined have a total of 1,286 inspectors and can inspect workplaces on average once every 73 years.
- In the United States, there is one OSHA inspector for every 58,687 workers compared to the International Labor Organization benchmark of one labor inspector for every 10,000 workers.
- OSHA's current budget (FY 2012) of \$ 564.8 million amounts to \$4.41 per covered worker.
- OSHA penalties have increased under the Obama administration, but are still too low to be a deterrent. In FY 2011, the average penalty for a serious violation of the law where there is a substantial probability of serious physical harm was only \$2,107 for federal OSHA and \$942 for the OSHA state plans combined. A change in federal OSHA's penalty policy implemented in FY 2011 resulted in an increase in average penalty amounts from \$1,052 in FY 2010 to \$2,107 in FY 2011, but under the OSH Act, the maximum penalty for a serious violation remains \$7,000.
- Even in cases of worker deaths, penalties are only a slap on the wrist. In FY 2011, the median total penalty in fatality cases investigated by federal OSHA was only \$6,662, reduced to \$5,900 after settlements. For the OSHA state plans, the initial median total penalty was \$11,197, reduced to \$7,900 after settlement.

**EIGHT YEARS OF NEGLECT AND INACTION BY THE BUSH ADMINISTRATION
ERODED SAFETY AND HEALTH PROTECTIONS**

- For eight years, the Bush Administration turned its back on workers and workplace safety. Siding with its corporate friends, the Administration overturned or blocked dozens of important workplace protections and weakened job safety programs.
- After repealing the OSHA ergonomics standard in 2001, the Bush Administration then moved to kill dozens of worker protection measures under development at OSHA and at MSHA. The Bush Administration refused to set new standards on pandemic flu, combustible dust or the toxic chemical diacetyl which causes a deadly lung disease. Rules on silica and dangerous cranes were never issued, and the few rules that were issued came only as result of court orders or Congressional action.
- Voluntary compliance was favored over strong enforcement, and the job safety budget was cut. The number of OSHA staff was cut by 250 positions, reducing agency staff to the lowest level in the agency's history.
- The lack of regulation and oversight resulted in erosion in safety and health practices and conditions in many workplaces, leading to unnecessary worker deaths.

THE OBAMA ADMINISTRATION HAS MOVED TO STRENGTHEN JOB SAFETY PROTECTIONS

- The Obama Administration has returned OSHA and MSHA to their mission to protect workers' safety and health. The President appointed strong, pro-worker safety and health advocates to head the agencies – Dr. David Michaels at OSHA, and Joe Main at MSHA.
- Both OSHA and MSHA have stepped up enforcement against employers who have serious, repeated and willful violations. OSHA has launched a national emphasis program to investigate the under reporting of injuries and employer practices that discourage workers from reporting job injuries. Following the Upper Big Branch disaster, MSHA launched a program of strategic “impact” inspections targeting mines with a history of significant problems, which has uncovered major hazards and violations. The agency has also sought injunctive relief to enforce against patterns of violations.
- The Administration has increased the job safety budget and hired hundreds of new inspectors, restoring the cuts made during the Bush Administration.
- Under the Obama Administration, both OSHA and MSHA started to move forward to develop and issue new standards on major hazards including standards on silica, infectious diseases and coal dust. New final OSHA rules were issued on cranes and derricks and hazard communication-GHS, and at MSHA new rules on mine refuges, rock dusting, pre-shift examination of coal mines and several other hazards. But in the face of fierce Republican and business opposition, progress has stalled and needed rules have been delayed, particularly at OSHA.

THE REPUBLICAN MAJORITY IN CONGRESS IS ATTACKING JOB SAFETY PROTECTIONS

- The Republican majority in the House of Representatives and business groups are attacking new stronger job safety regulations and trying to roll back existing protections. Business groups have targeted OSHA rules on silica, safety and health programs, and recording MSDs on injury logs and MSHA's rule to limit coal dust exposure.
- Republicans are trying to slash the budgets of OSHA, EPA and other regulatory agencies. The House of Representatives voted to slash OSHA's funding for FY 2011 by \$99 million – cuts that would have resulted in the loss of more than 200 inspectors, crippling OSHA's enforcement program.
- Legislation is being pushed in the House and the Senate that would make it difficult, if not impossible for agencies, including OSHA and MSHA, to issue needed safeguards. The "Regulations from the Executive in Need of Scrutiny Act" (REINS Act, H.R. 10, S. 299) would require Congress to review and approve all major rules before they can take effect. The Regulatory Accountability Act (H.R. 3010, S.1606) would add dozens of new analyses and requirements to the regulatory process that would delay and weaken protections. And numerous bills would put a moratorium or freeze on all new regulations, delaying any action on needed safeguards for years.

THE JOB SAFETY LAWS NEED TO BE STRENGTHENED

- The Occupational Safety and Health Act is 41 years old, and is out of date. Millions of workers lack coverage, penalties are weak and worker and union rights are very limited.
- The Mine Safety and Health Act is a stronger law than the OSH Act and was strengthened in 2006 after the Sago mining disaster. But the Massey coal mine disaster revealed problems and weaknesses that need to be addressed, particularly the ability of coal operators who have a pattern of serious violations to avoid tougher enforcement by contesting all citations.
- In the 111th Congress, legislation was moving forward to strengthen both the OSH Act and MSH Act. The Protecting America's Workers Act (PAWA) would strengthen the OSHA law by expanding coverage to all workers, including the millions of public employees who lack protection. It would strengthen both civil and criminal penalties, particularly when workers are killed or injured. It would strengthen workers' anti-discrimination protection and expand worker, union and victim rights.
- The Robert C. Byrd Mine Safety Protection Act and other similar bills would enhance MSHA's enforcement authority to deal with mines with recurring patterns of violations and strengthen miners' rights.
- The Congress should act to strengthen both the OSHA and MSHA laws to protect workers for injury, illness and death and to prevent future tragedies like the Massey mine disaster and Tesoro Refinery explosion, but with the Republicans now in the majority in the House of Representatives, such action on these important bills is unlikely.

Prepared by: AFL-CIO Safety and Health Department, April 10, 2012