

# DYING at Work in CALIFORNIA



the **HIDDEN STORIES**  
behind the numbers

**Workers Memorial Day**

April 28, 2011

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# Introduction

This report highlights the fact that hundreds of people in California continue to be killed or have their lives seriously altered by work-related injuries and illnesses. The vast majority of these can and should be prevented. In addition to summarizing the statistics, we have included stories from the last year to put a human face on a major problem that remains virtually hidden from the public and government officials. We then outline some of the challenges facing Cal/OSHA, the lead state agency charged with setting and enforcing regulations to protect workers. We also identify new opportunities for other state labor and public health programs to partner with each other and Cal/OSHA to find new and effective ways to protect the safety and health of the 18 million working Californians.

A note on the data: 2009 is the most recent year for which there is preliminary data from the U.S. Bureau of Labor Statistics; the final number of reported fatalities is expected to be higher. This is the data also used by the AFL-CIO in their annual Workers Memorial Day report, *Death on the Job*. However, the multi-page chart of fatalities and most of the stories of people we profile occurred in 2010. We do not yet have an estimate for the number of Californians killed on the job in 2010.

Worksafe is a California-based organization dedicated to eliminating workplace hazards. We advocate for protective worker health and safety laws and effective remedies for injured workers. We monitor government agencies to ensure they enforce these laws. We engage in campaigns in coalition with unions, workers, community, environmental and legal organizations, and scientists to eliminate hazards and toxic chemicals from the workplace. To protect the most vulnerable of California workers, we provide legal training, technical assistance, and advocacy support to legal services programs who serve low wage and immigrant workers.

SoCalCOSH (Southern California Coalition for Occupational Safety and Health) seeks to educate, advocate, and mobilize workers, community members, and policymakers to create safe and healthy workplaces in Southern California. We are a coalition of organizations and individuals committed to improving health and safety conditions through worker empowerment and collective policy advocacy action. We organize low-wage workers and their communities to address hazardous working conditions through workers' rights training, leadership development, and use of the Cal/OSHA complaint process. We seek to expand the impact of our coalition by attracting new partners in support of stronger worker health and safety protections.

We would like to acknowledge our appreciation of those who provided guidance or information used in the report. This includes the Occupational Health Branch of the California Department of Public Health, the Labor Occupational Safety and Health Program (LOSH) at UCLA, the California Nurses Association, UNITE HERE, California Rural Legal Assistance Foundation, and individual safety and health professionals. We also want to publicly thank all of the inspectors and other government employees who work every day to assure that health and safety laws are observed, thereby upholding the basic human right to a safe place to work.

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# Executive Summary

**A**pril 28, 2011 marks the 23rd anniversary of Workers Memorial Day, an international day of remembrance and action for people killed, disabled, injured, or made sick by their work. This year also marks the 40th anniversary of the implementation of the Occupational Safety and Health Act. This law gave every American worker the right to a safe job. April 28 is a day to reflect on the tragic and unnecessary deaths of the past year and to demand stronger safety and health protections.

## Who is dying, being injured, or made ill at work in California?

A preliminary total of 301 work-related fatalities were reported in 2009, down 35% from the final count of 465 in 2008, most likely due to economic and employment factors. There has been an average of 475 on-the-job deaths per year in the eight years preceding. In addition, an estimated 6,500 workers in the state die from chronic exposure to chemical, biological, or physical agents each year.

Work-related deaths last year included Hans Petersen, a 30-year-old solar panel installer, who stepped backwards off the roof of a multi-story apartment building in San Pablo, California. He was not wearing personal fall protection equipment and fell to his death.

They also included two Northern California healthcare workers who died in separate incidents of workplace violence in October 2010. Cynthia Barraca Palomata, a registered nurse, was attacked and killed by an inmate at the Martinez county jail after he faked a seizure and was taken to the nurse's station. The same month, Donna Gross, a psychiatric technician, was strangled and killed by an inmate at Napa State Hospital. The Napa facility had been under scrutiny for many years, with co-workers reporting that assaults by patients were common and that murders were "waiting to happen."

There were 491,900 work-related injuries reported in 2009; 4.2 injuries per 100 workers, down from a rate of 4.4 the previous year. Over half (54.7%) were serious enough to require people to either miss work days or be reassigned to light-duty or other jobs. Over 35,000 non-fatal work-related illnesses were reported, including hearing loss, respiratory, and skin disorders.

## Who is at highest risk of dying?

In 2009, 93% of the fatalities were men and 7% women. Unlike the previous years, Latinos surpassed white, non-Hispanics in the number and percentage of workplace fatalities: 42% Latino or Hispanic; 40% white, non-Hispanic; 7% Asian; and 6% black, non-Hispanic.

## How much do workplace injuries and illnesses cost?

Direct costs for medical and wage loss payment nationwide are estimated to be over \$53 billion, over \$1 billion a week. Indirect costs are typically 2–5 times the direct costs, with a total estimate ranging from \$160 to \$302 billion a year. Overexertion (lifting, pushing, pulling) remained at the top of the list, costing businesses over \$13 billion in direct costs (about 25%). Excluded from this estimate are costs associated with fatalities from chronic exposure to hazardous agents.

## What are the jobs and industries with the highest rates of fatalities?

Jobs in the transportation and material moving sector topped the list of occupations with the highest number of fatalities, followed by workers in construction and mineral extraction industries.

## What causes work-related fatalities?

An analysis of events or exposures resulting in deaths in 2009 revealed the following top four categories:

- ▶ Transportation related accidents led, responsible for 31% of all fatalities
- ▶ Workplace violence was second, rising over 2008 figures to account for 26% (see related stories in report)
- ▶ Falls accounted for 18% (see related story from solar industry in report)
- ▶ Contact with objects or equipment ranked fourth at 18%. Examples include several wood chipper cases or events where workers were pulled into machines (one such event is profiled in the report)

There should be a systematic investigation of each of these deaths to identify the underlying or root causes in order to prevent similar events. This report contains some model investigations to uncover root causes. It also contains a “Top 10” list of steps that employers can take to encourage the reporting and investigation of hazards, a precursor to their elimination.

## What is needed to protect people while at work?

Since OSHA was established 40 years ago, over 430,000 lives have been saved. But it has not been enough. Many jobs hazards are unregulated and uncontrolled. Some employers cut corners and violate the law, putting workers in serious danger and costing lives. BP Oil and Massey Energy are two such employers and were responsible for major catastrophes, killing a combined 40 workers in 2010. Bad actors such as these put employers who follow the law and take safety seriously at a competitive economic disadvantage. We need to level the playing field and hold accountable those employers who ignore the law in the increasingly realistic gamble that OSHA’s understaffed agency will never make it to their door.

## AT THE FEDERAL LEVEL:

This is a partial list of the many steps that are needed at the federal level to protect people from job hazards. See the AFL-CIO’s annual *Death on the Job* report for more information.

- ▶ The law establishing OSHA is out of date. Millions of workers aren’t covered, penalties are weak, and limited worker and union rights prevent meaningful worker involvement in safety programs. Congress should pass the Protecting America’s Workers Act (PAWA) to address these and other issues.
- ▶ OSHA needs an adequate budget, with staffing and authority sufficient to protect our vast population of almost 130 million people who work in 8.8 million workplaces. CDC’s National Institute for Occupational Safety and Health (NIOSH) also needs adequate funding to carry out its own mandate and provide technical and scientific support to OSHA.
- ▶ New initiatives, coordination of data, and targeting of inspections between OSHA and other labor agencies should be developed to identify recalcitrant employers who are more likely to be violating multiple laws to save costs. They include wage and hour laws, workers’ compensation, unemployment insurance requirements, and OSHA standards.
- ▶ New standards need to be set to protect workers from old, well-recognized hazards and those in new, emerging industries. Broad standards that cover people working in many industries and occupations are needed, such as work-site programs to require employers to “find and fix” hazards, to prevent workplace violence, and to enable safe lifting practices.

### **AT THE STATE LEVEL:**

In addition to the recommended improvements listed above, California needs to:

- ▶ Give Cal-OSHA the resources it needs to do its job. Fill inspector vacancies with bi-lingual staff and provide critical support activities through the medical and legal units.
- ▶ Address the climate of fear that prevents workers from reporting injuries, illnesses, and hazards by improving the protection for those retaliated against each year for raising concerns, particularly low-wage, immigrant, young, and other vulnerable workers.
- ▶ Fix problems with the Occupational Safety and Health Appeals Board through legislative and administrative changes.
- ▶ Streamline the process for setting exposure limits for chemicals, using Prop 65 and other scientific evidence that is “ready to go” and can be used to calculate health-protective workplace limits.
- ▶ Support the public health model of prevention through funding for data tracking, identifying and promoting workplace practices that eliminate or reduce hazards. Support public health initiatives that enable doctors and others to provide early diagnosis and treatment of work-related injuries and illnesses.

### **AT THE WORKSITE:**

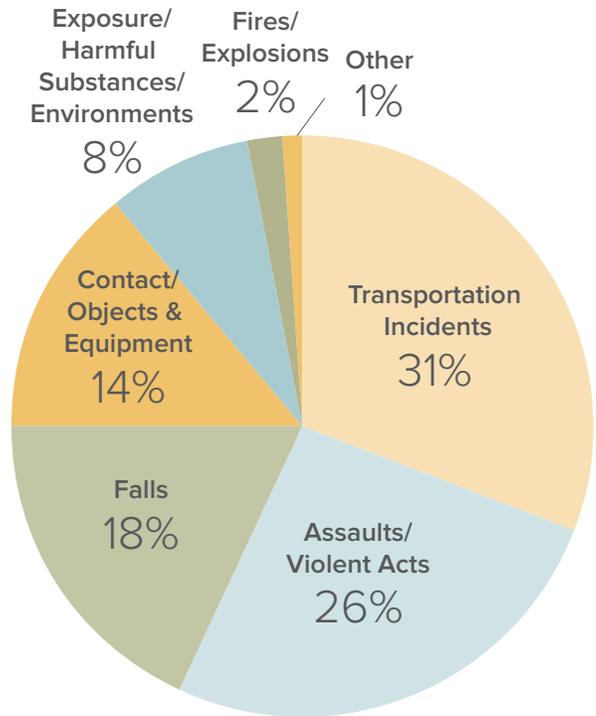
- ▶ Eliminate behavior-based safety and incentive programs that focus on workers instead of the job hazards, which have the effect of discouraging meaningful employee participation.
- ▶ Review, update, and improve comprehensive worksite Injury and Illness Prevention Programs (IIPPs).
- ▶ Establish and support, via training and paid release time, genuine worker participation in plant-level health and safety programs so that effective policies and procedures are developed and consistently implemented.
- ▶ Set workload, staffing, and working hours for employees to levels that protect employees from workplace injury or death.

# Occupational Fatalities in California

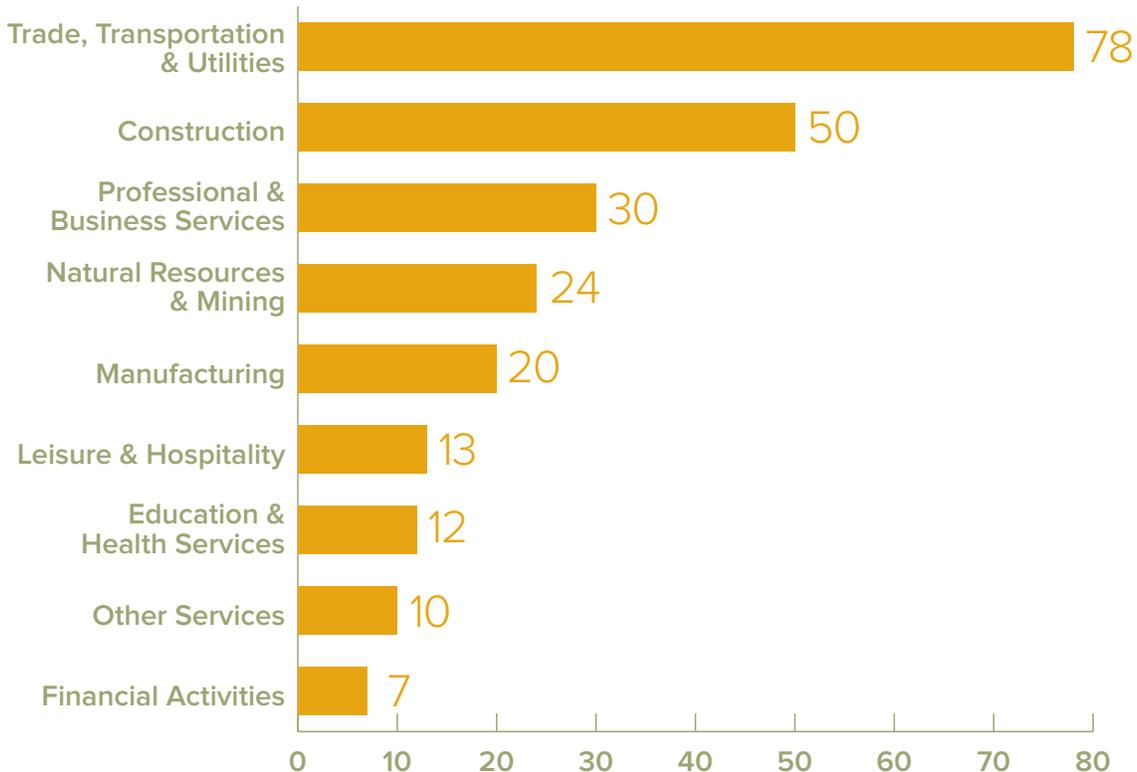
**A** preliminary total of 301 California work-related fatalities were reported in 2009, down 35% from the final count of 465 in 2008. 2009 data are the most recent available, and the final number of fatalities will likely be higher. According to the U.S. Bureau of Labor Statistics, economic factors played a role in the decreased number of fatalities, as the recession resulted in a decline in the number of hours worked. This was particularly the case for the construction and other industries that have experienced high number of fatalities in previous years.

Transportation incidents continued to be the number one event or exposure causing workplace death, accounting for 32% of the fatalities. Transportation incidents declined as a percentage of fatalities from 37% in 2008, while assaults and violent acts increased as a percentage of fatalities from 21% in 2008 to 26% in 2009.

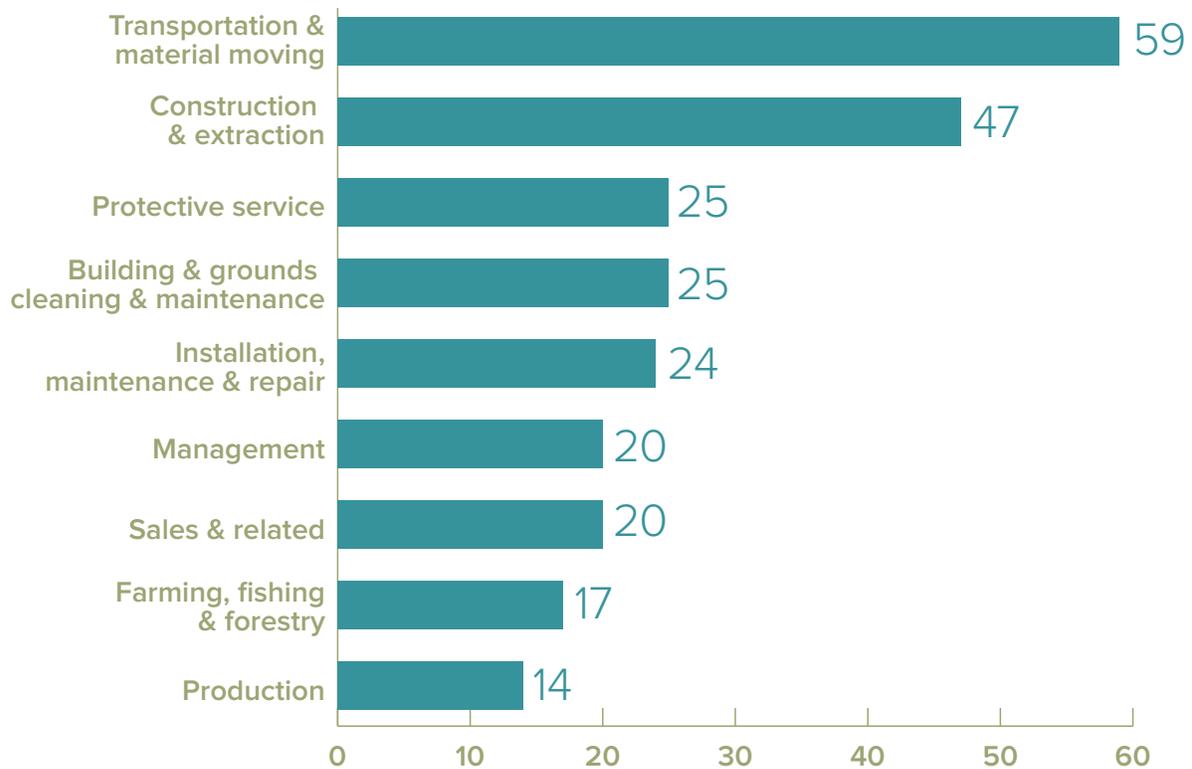
2009 Fatalities by Event/Exposure



2009 Fatal Work Injuries by Industry



## 2009 Occupations With the Largest Number of Fatalities



Men constituted 93% of the workplace fatalities and 7% were women. Unlike in previous years, Latinos surpassed white, non-Hispanics in the number of workplace fatalities. In 2009, 42% of the fatalities were Hispanic or Latino. 40% were white, non-Hispanic. 7% were Asian. 6% were black, non-Hispanic.

Trade, transportation and utilities was the industry with the highest number of fatalities, followed by construction. Over half of the construction fatalities were due to falls.

The occupation with the highest number of fatalities was transportation and material moving occupations, followed by construction and extraction occupations.

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*Bureau of Labor Statistics, available at <http://www.bls.gov/iif/oshstate.htm#CA> and <http://www.bls.gov/iif/oshwcl/foi/tgs/2008/iiffi06.htm>.*

# Workplace Injury Rates Decline Slightly in 2009

**T**here were 491,900 work-related injuries reported in 2009, the latest year for which there is data. The injury rate was 4.2 injuries per 100 full-time workers, a decline from a 4.4 injury rate reported in 2008. More than half (54.7%) were injuries that were serious enough to require the worker to either miss work days, work with job restrictions, or be transferred to a job with other duties.

Injury rates declined slightly from 2008 to 2009, in the private sector as well as in state and local government. The number of people employed declined in 2009, and there was a corresponding decrease in the number of workers injured. In addition, the incidence rate also declined, from 4.4 injured per 100 full-time workers in 2008 to 4.2 injured in 2009, with the rates for the private and public (state and local government) listed in the table below.

	2008	2009
Average employment (private & public)	15,452,700	14,877,900
Total number recorded injury cases	541,800	491,900
Rate injured per 100 full-time workers (all sectors)	4.4	4.2
Rate injured per 100 full-time workers (private sector)	3.9	3.7
Rate injured per 100 full-time workers (public sector)	7.9	7.5

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*1 Bureau of Labor Statistics, available at [www.dir.ca.gov/dlsr/injuries/2009](http://www.dir.ca.gov/dlsr/injuries/2009), and [www.dir.ca.gov/dlsr/injuries/2008](http://www.dir.ca.gov/dlsr/injuries/2008), Tables 1 & 2.*

People might be surprised to see the higher rates among public sector workers, given the common misconception that “government workers tend to be office workers;” in fact, this category includes such high hazard occupations as police, firefighters, prison guards, and sanitation and waste haulers, as well as health care and nursing home workers who may suffer injuries from lifting patients and other tasks. In addition, the private sector contains a decreasing number of manufacturing jobs, which have historically been associated with high injury rates. In 2009, less than 20% of all jobs in the private sector in California were considered “goods producing” (primarily manufacturing, mining, and agriculture), with the remaining 80% employed in the “services-providing sector.”

## Industries With Highest Rates of Occupational Injuries in 2009

INDUSTRY	INJURY RATE PER 100 WORKERS
All industry, including state and local government	4.2
1. Beverage—soft drink and ice mfr	12.9
2. Ferrous metal foundries	12.1
3. Sawmill and wood preservation	11.6
4. Nursing and residential care facilities	11.4
5. Transit and ground transportation	11.4
6. Utilities—natural gas distribution	11.1
7. Public safety—police, corrections (state, local)	10.7, 12.4
8. Ship and boat building	10.5
9. Construction—foundation, exterior structure	9.6
10. Plate work and fabricated structural mfr	9.3
11. Air Transportation	8.8
12. Millwork	8.7
13. Construction—roofing	8.1
14. Dairy—fluid milk manufacturing	7.8
15. Hospitals (private, state, local)	7.9, 12.5, 7.8

*1 Bureau of Labor Statistics, available at [www.dir.ca.gov/dlsr/injuries/2009](http://www.dir.ca.gov/dlsr/injuries/2009), Table 6.*

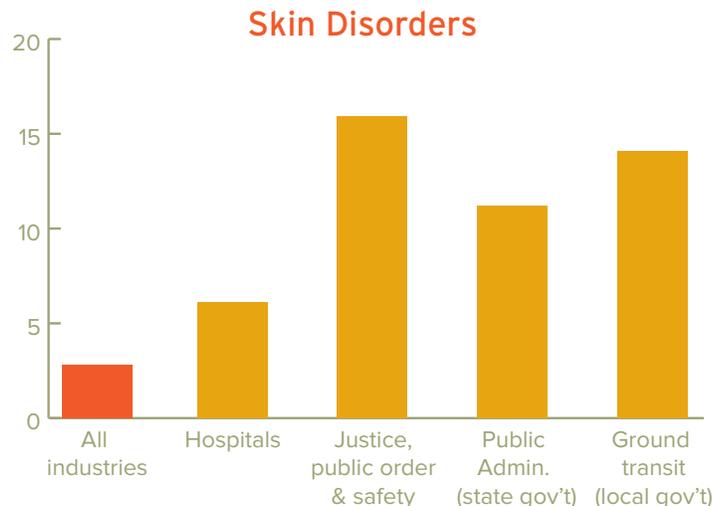
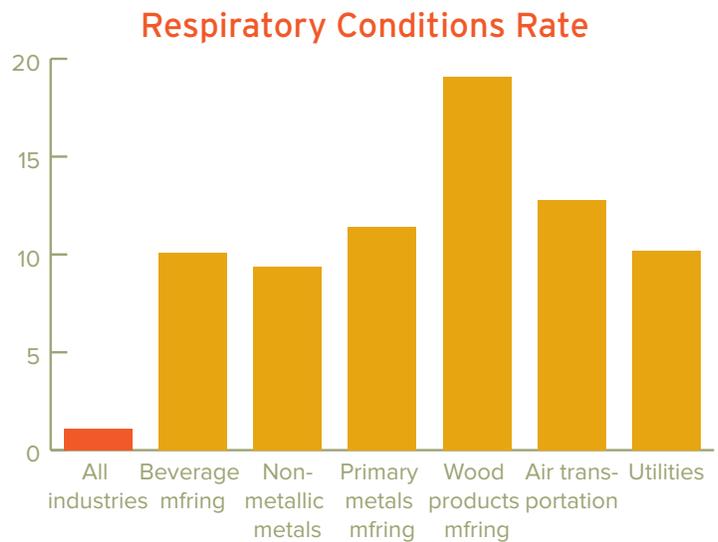
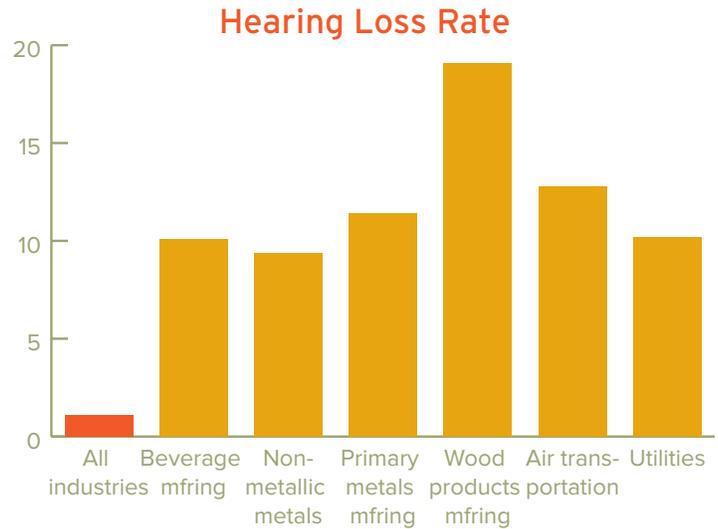
## Occupational Illnesses in 2009

There were 35,300 reported cases of non-fatal work-related illness in 2009, with a rate of 30.2 cases reported per 10,000-full time workers. The four major categories of illnesses were skin disorders (12%), respiratory conditions (8%), hearing loss (3.7%), and poisonings (1%). Together these four areas account for only 25% of all reported cases of illnesses, with no information available on the remaining 75% illnesses—meaning we don't know why over 25,000 California workers are getting sick on the job each year.

All employers and doctors are required to report work-related illnesses to the state agencies. These forms provide information on the type of illness and, where known, the contributing workplace factor. But years of consecutive budget cuts to the California Department of Public Health program that is responsible for identifying and investigating disease trends among state workers has left most workplace illness records without review. Only cases attributed to acute pesticide poisonings or diagnoses of work-related asthma or carpal tunnel syndrome are actively being identified; these activities are funded by federal grants.

*1 Source: Bureau of Labor Statistics, available at [www.dir.ca.gov/dlsr/injuries/2009](http://www.dir.ca.gov/dlsr/injuries/2009), Tables 5, 8 and 9.*

## The industries with higher rates for three areas of illnesses:



# Latino Workers at Higher Risk for Death on Job

**L**atino or Hispanic workers are at higher risk for workplace fatalities than other groups. Latinos were 34% of the California workforce in 2007 but 39% of the state's workplace fatalities. In 2009, Latinos surpassed other groups in workplace fatalities, accounting for 42%, compared to 40% for white non-Hispanics.

The FACE program within the California Department of Public Health closely tracks workplace fatalities in Los Angeles County, an area that accounts for roughly one quarter of the state's work-related fatalities. LA County also employs a high percentage of Hispanic workers, many of whom are low-wage, immigrant or undocumented workers.

FACE found that Latino workers accounted for 46% of all work-related fatalities in LA County between 1992 and 2007. Hispanic workers were 50% more likely to die on the job than non-Hispanic workers. That is, an average of 3.9 Latino workers out of 100,000 perished on the job as compared to an average of 2.6 per 100,000 non-Hispanic workers.

The majority of Latinos who died on the job in Los Angeles County in the 15-year period ending in 2007 have been foreign-born Hispanics, rather than native born. In 2007, 19% of the Latino workers who perished at work were native born and 81% were foreign born.

The FACE program has conducted investigations into several Latino worker deaths in the green jobs industry. Recently, several investigations involved foreign-born Hispanic workers who were feeding cardboard into baling machines for recycling.

- ▶ One investigation was of the death of a 65-year-old male El Salvadorean maintenance worker working in a retail business warehouse.
- ▶ Another was of a 64-year-old Guatemalan janitor working in a manufacturing and distributing company. Both died inside machines that bale cardboard for recycling.

One reason for the greater risk of workplace injuries and illnesses is that Hispanic immigrants, especially undocumented immigrants, are often employed in residential roofing and other high-risk and under-regulated construction and agriculture jobs.

Other factors may include language barriers, which make training more difficult and may contribute to poor on-the-job communication. Latinos who are immigrants are also more vulnerable to exploitation. Unless they have access to advocates, they are less likely to know and exercise their legal rights to improve safety and working conditions.

Sadly, Latino workers who are hurt or get sick on the job may not get the medical attention they need. They may fear reporting injuries and illnesses to their employers, and they frequently lack access to prompt medical care.

The 10 occupations with the highest fatality rates for Hispanic workers in LA County between 1992 and 2007 were the following (rates are per 100,000 workers):

1. Roofers (49.3)
2. Taxi drivers and chauffeurs (30.7)
3. Door-to-door sales and street vendors (26.4)
4. Security guards and gaming officers (25.1)
5. Construction laborers (20.6)
6. Electricians (17.7)
7. Welding, soldering, brazing workers (14.3)
8. Supervisors of construction workers (14.2)
9. Police officers (13)
10. Grounds maintenance workers (12.5)

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Sources: Bureau of Labor Statistics, available at <http://www.bls.gov/iif/oshstate.htm#CA> and <http://www.bls.gov/iif/oshwc/foi/tgs/2007/iiffi06.htm>. The California Fatality Assessment and Control Evaluation (FACE) Program, available at <http://www.cdph.ca.gov/programs/ohb-face/Documents/PosterFinal.pdf>

# MARTIMIANO MORALES CARREON

March 16, 1961-December 14, 2010



Rudy Morales was the first person in his family to ever attend college, thanks to the hard work of his parents. Rudy appreciated that his father, Martimiano Morales Carreon, worked hard every day so that all four of his children could do the same. Tragically, Martimiano will not be attending his son's graduation. On December 14, 2010, Martimiano Morales Carreon died in what his family calls "a horrific accident."

Martimiano, a well respected 49-year-old avocado grove manager, and his son, Rudy, who was home for Christmas break, began working on the grove at around seven in the morning. After a long day on the steep hillsides, Martimiano decided to get off the tractor to help his son stuff the brush they had cleared into a woodchipper machine.

Rudy was picking up brush when suddenly he heard his father scream. He turned and saw that Martimiano's body was inside the machine. The older man apparently had been using his foot to push through the branches, got caught in them, and was pulled into the woodchipper. Within seconds, Rudy stopped the chipper and tried to help his father out, but it was too late. Martimiano had suffered major trauma to his lower limbs. He died in his son's arms. The wood chipper did not have a safety switch within reach, resulting in his untimely death. According to police reports, it seemed unlikely that Martimiano had been properly trained by his employer in the hazards and use of the equipment.

Martimiano Morales Carreon had been married to his wife Celia for 30 years. He was born in Oaxaca, Mexico, and lived in north San Diego County with his wife, three sons, and daughter. He began managing the avocado grove 21 years ago, a job he loved.

Friends and family of Martimiano describe him as a loving man devoted to God and the Seventh Day Adventist church. A family friend said, "Morales was a really good role model, friend, and person who shared the Christian faith with everyone. When my family emigrated to America, he was there to help us, he gave us food and even allowed us to stay at his home. He worked for many years doing a risky job that included many dangerous duties. He was strong and hardworking. His family are the most noble people I have met in my life and I appreciate everything they have done for my family."

"He was a role model to look up to," his son added. Martimiano is greatly missed by his family, friends, and community.

## Foreign-born latino workers die in disproportionate numbers on the job

As a foreign-born Latino, Martimiano was also at a higher risk for death on the job. This terrible loss could have been prevented if there had been greater outreach, education, and protections for the immigrant population that continues to grow and contribute to the workforce. A report published by the National Immigration Law Center acknowledges that "immigrants are critical to the current and future growth of the United States economy." Given the growth of the Latino population in the workforce, it's necessary to begin accounting for the shifting demographics and providing greater outreach and advocacy to address the specific dynamics and concerns of the immigrant population.

# The Costs of Occupational Injuries

**W**orkplace injuries and illnesses are not only painful and put a strain on working families, but they are also a significant drain on the economy and lead to a loss in productivity. In addition to the direct costs for medical treatment and lost wages, it also costs workers and employers several times this amount in indirect costs.

According to the 2010 Liberty Mutual Workplace Safety Index, the direct cost of the most disabling workplace injuries and illnesses in the U.S. in 2008 were estimated to be \$53.42 billion in workers' compensation costs—roughly \$1 billion per week.

## Annual Estimated Costs of Disabling Injuries in 2008

	U.S.	CALIFORNIA <sup>1</sup>
Direct costs <sup>2</sup>	\$53.4 billion	\$ 640.8 million
Indirect <sup>3</sup>	\$ 106.8–267.1 billion	\$ 12.8–32 billion
Total estimated costs <sup>4</sup>	\$ 160.2–320.5 billion	\$13.4–32.7 billion

*1 California has about 12% of the U.S. working population*

*2 Direct costs include medical and wage loss payment*

*3 Indirect costs include overtime, training, and lost productivity and are estimated to be 2–5 times the direct costs*

*4 Total costs are derived from using disabling incidents (those resulting in an employee missing six or more days away from work). They include only the most disabling injuries, most likely exclude most work-related chronic diseases, and so do not reflect the full actual costs of work-related injuries.*

## Top 10 Causes of Disabling Injuries in the U.S. 2008:

	\$ BILLIONS	% OF DIRECT COSTS
Overexertion <sup>1</sup>	\$ 13.40	25.1%
Fall from same level	\$ 8.37	15.7%
Bodily reaction (slip/trip)	\$ 5.40	10.1
Struck by object	6.36	10.0
Fall to lower level	5.29	9.9
Highway incident	2.32	4.3
Caught in/compressed by	2.25	4.2
Struck against object	2.25	4.2
Repetitive motion <sup>2</sup>	1.83	3.4
Assault/violent act	0.60	1.1

*1 Overexertion: Injuries from excessive lifting, pushing pulling, holding, carrying, throwing*

*2 Repetitive motion: Injuries due to repeated stress or strain*

Source: 2010 Liberty Mutual Workplace Safety Index

# Heat Hazards Can Kill

**W**ork in the heat has taken a deadly toll in California in recent years. It was particularly high in the very hot summers of 2005, 2006, and 2008.

Cal/OSHA confirmed 30 work heat fatalities between 2005 and 2010. In 2007, when the summer was quite mild, only one work heat fatality was confirmed, but in the hot summer of 2008, there were eight confirmed fatalities. The two recent summers since have been milder again.

Heat fatalities may also be significantly undercounted because of the lack of standardization among county coroners and doctors in evaluating heat illness death. Cal/OSHA also has excluded deaths from underlying health problems exacerbated by heat from the total. For example, in 2009 Cal/OSHA investigated 11 possible heat related deaths and ruled out heat as the cause in all but one. Cal/OSHA should consider reporting fatalities where heat was a probable contributing factor.

## Revisions to heat standard in 2010 still don't adequately protect workers

Last year Cal/OSHA launched an educational campaign with the spot-on message that water and rest in the shade are the cornerstones of heat illness prevention. But the revised heat illness prevention regulation updated in summer 2010 falls short of

giving workers adequate means to follow this advice, because it still relies on workers taking voluntary rest breaks and only requires enough shade to accommodate a quarter of the workers at a work site. As a matter of safety and decency, enough shade needs to be provided to accommodate an entire work crew, so that workers will be able to spend their regularly scheduled rest and meal breaks in the shade.

It isn't realistic to expect farmworkers or other low wage workers to take shade breaks on their own initiative, particularly when working piece-rate, machine paced or under production quotas because of the legitimate fear of being fired for failing to keep up.

During high heat conditions, mandatory hourly heat relief periods like those utilized by the U.S. military and in the Gulf oil spill response should be required to give workers time to cool down and drink enough water to stay hydrated. During extreme heat, production quotas should be suspended.

The revised regulation requires high heat procedures (an effective communication system, close supervision for heat illness symptoms, and acclimatization procedures) only apply to five occupations: agriculture, construction, landscaping, oil and gas extraction, and transportation and delivery of heavy materials. But the added requirements aren't triggered until the temperature soars to 95°F and exclude many other high risk workers including carwash workers, forestry workers, parking lot attendants, and workers fighting forest fires.

The revised regulation also includes a safety and feasibility exception to having shade present continuously. Next summer Cal/OSHA will have to devote time to checking to make sure that the exception is only being used in situations where it is unsafe to have shade available and that alternative procedures for providing access to shade are in place.

## 2010 CAL/OSHA HEAT ILLNESS INVESTIGATION DATA

### INSPECTIONS

Heat Inspections conducted: 1,338

Heat Violations found: 316

Outreach completed: 939

Heat OPUs (Orders Prohibiting Use) issued: 5

# PREGNANT FARMWORKER DIES

## March 2011 Plea Bargain Drops Criminal Charges



On May 14, 2008, Maria Isabel Vasquez Jimenez collapsed after working in the blazing sun for nine hours without accessible water or shade at a Farmington-area vineyard. Instead of summoning medical aid, Merced Farm Labor Contractors told the girl's fiancé and father of her unborn child to take her to a clinic in Lodi. By then, her core temperature was 108 degrees. The state work safety agency issued a heat-danger warning to employers for that day. She died two days later.

*United Farm Workers President Arturo Rodriguez issued the following statement after a Stockton judge accepted a plea deal allowing criminal defendants to escape any jail time in the 2008 heat death of pregnant 17-year-old farm worker Maria Isabel Vasquez Jimenez.*

The life of Maria Isabel is not worth very much in the courts of justice of California. The government failed Maria Isabel at least four times—and it failed to protect the other 14 farm workers who died from the heat since Gov. Schwarzenegger issued the state heat regulation in 2005.

- ▶ First, in 2006, Cal/OSHA, the state work safety agency, fined the farm labor contractor that later employed Maria Isabel for serious violations of the heat regulation that later helped cause her death, including failing to provide shade and accessible water. Cal/OSHA never collected the fine.
- ▶ Second, Cal/OSHA never inspected the farm labor contractor it fined or the vineyards owned by the Franzia wine subsidiary that hired the contractor. Maria Isabel died because violations that prompted the fine—no shade and accessible water—were not corrected and when she collapsed from the heat on May 14, 2008, the labor contractor failed to summon emergency medical aid, another gross violation of state heat rules.
- ▶ Third, the government did not protect Maria Isabel's uncle, Doroteo Jimenez, when he was fired for meeting with Gov. Schwarzenegger's office about his niece's death. Doroteo got permission from his employer, another labor contractor hired by the Franzia subsidiary, to take the day off. When Doroteo returned to work the next day, he no longer had a job.
- ▶ Fourth, the district attorney and defense attorney agreed to a plea bargain under which criminal defendants charged in Maria Isabel's death would serve no prison time in exchange for probation and community service—without informing Maria Isabel's family about the proposed deal.

Our system of government repeatedly failed Maria Isabel and the other 14 California farm workers who died from the heat because of lax enforcement of the heat regulation designed to prevent exactly these types of tragedies. Unless farm workers can find a more effective way to protect themselves, these needless tragedies will continue.

“Needless tragedies will continue so long as government fails to protect farm workers.”

—UFW President Arturo Rodriguez

## **WORKPLACE SAFETY IS TOP PRIORITY FOR WORKERS**

Workplace safety is ranked as the top concern among workers, with 85% ranking it first among labor standards, ahead of paid sick days, family and maternity leave, minimum wage, overtime pay, and the right to join a union, according to an August 2010 study by the National Opinion Research Center (NORC) at the University of Chicago.

### **BUT IT'S OFTEN IGNORED BY THE MEDIA**

The media and the public tend to pay the most attention to workplace safety when a major disaster kills several workers at once. Most of the news coverage of the oil drilling platform explosion in the Gulf in April 2010 largely ignored the fact that 11 workers were killed, and instead focused on the environmental impact from the resulting massive oil spill.

“Workplace safety is too often ignored or accidents taken for granted,” said Tom W. Smith, director of NORCs General Social Survey. He noted that “if optimal safety had been maintained, not only would the lives of the 11 workers been saved, but the whole environmental disaster would have been averted.”

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*Source: “Public Attitudes Toward and Experiences with Workplace Safety,” report and press release available at [www.norc.org](http://www.norc.org)*

# Solar Roof Installations and Falls

Installation of solar roofs in California has seen tremendous growth in the past 10 years, from just over 500 solar roofs in 1999 to nearly 80,000 roofs as of April 2011. Today, California is over one quarter of the way to reaching its goal of installing 3,000 MW of rooftop solar power by 2016.<sup>1</sup>

California is home to about 30% of the solar companies in the U.S. The state has an estimated 36,000 solar jobs and is expected to add another 26% in 2011.<sup>2</sup> But while the rise in solar jobs provides hope for a sagging economy, it is clear that green jobs are not necessarily safer jobs. Workers who install and maintain roofs and solar panels, for example, are exposed to a variety of potential hazards that need to be addressed through appropriate planning.

The primary hazard for these and other workers who perform their job at heights is the risk of falls. According to the U.S. Bureau of Labor Statistics, falls are the leading cause of fatal injuries in construction. Some of those who have fallen to their death on the job in California have been renewable energy workers falling from roofs or scaffolding.

A program within the California Department of Public Health has investigated three worker fatalities in the solar energy installation industry in two years including:

- ▶ A 46-year-old electrical worker walking backward carrying solar panels who tripped on the lip of a skylight and fell onto and through it.
- ▶ A 34-year-old solar energy technician who was electrocuted and fell off a scaffold after a 20-foot channel bracket he was holding made contact with high voltage power lines.
- ▶ A 30-year-old solar panel installer who stepped backward off of a three-story building (see page 18).

These investigations arose from the California Fatality Assessment and Control Evaluation (FACE) program's tracking of workplace deaths to identify high-risk work situations. By analyzing the factors that led to the fatality, FACE develops injury prevention strategies for

use in the workplace.

FACE developed prevention recommendations for the rapidly growing and largely nonunion solar energy industry. Recommendations began with companies' reviewing current workplace safety programs and including pre-work assessments of electrical and fall hazards. Especially important for an industry with many small and sometimes inexperienced work crews, FACE recommended that companies do the following:

- ▶ Provide safety training prior to starting work,
- ▶ Hold daily "tailgate" briefings on job hazards, and
- ▶ Ensure adequate onsite supervision.

Specifically to prevent falls, FACE recommends that companies:

- ▶ Enforce a fall protection program that uses engineering controls such as screens and guard rails, as well as personal fall protection equipment.

Additional recommendations were developed when FACE staff noticed a news article about an on-the-job solar installation training program. The article included photos of one trainee carrying a large solar panel on his back while climbing a ladder to a roof. Clearly this was not a safe practice, and the worried look on the trainee's face confirmed it. A FACE fact sheet recommends that workers lifting solar panels to the roof:

- ▶ Use ladder hoists, truck-mounted cranes or other lifting equipment;
- ▶ Lift panels manually to the roof using ropes if lifting equipment is not available; and
- ▶ Avoid ever climbing a ladder holding panels.

For more information about FACE's investigations into the solar energy installation industry, visit <http://www.cdph.ca.gov/programs/ohb/Pages/New.aspx#solar>

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1 *Environment California Research & Policy Center*

2 *The Solar Foundation*

# HANS KNUT PETERSEN

November 26, 1979-April 7, 2010



The last year did not go as the Petersen family had hoped. There was a funeral and several memorial services for a beloved son and brother. A planned Habitat for Humanity visit to Guatemala that would have used his carpentry skills became an opportunity to build a home in his memory instead. He missed the annual family campout. He was not in his sister's wedding.

Just over a year ago, Hans Petersen was fatally injured at work while installing solar panels on the roof of a three-story apartment complex. The tragedy occurred on April 7, 2010, when the 30-year-old was checking the alignment of solar panel brackets on the sloped roof. He was walking backwards when he stepped off the roof and fell 45 feet to the concrete sidewalk below. Petersen was airlifted to a hospital where he was pronounced dead.

By all accounts, Petersen was a kind, free-spirited man who was equally interested in understanding history, making the world more peaceful and just, and working with his hands. "If they had offered a major in "Save the World," he would have done it," said his mother, Carol Petersen.

Petersen was born in California to Carol and her husband, Glenn. With a younger sister and brother, he grew up in Fremont, then moved to Colfax, a small farm town in Washington State. After graduating from Oberlin College (with a major in history and environmental studies), Petersen sampled a variety of jobs. He was a graduate student on leave from a Seminary program when he began working at SolarCity six months before his death.

At the time, he was known by his housemates as someone who fed and gave rides to his homeless neighbors and who struck up conversations with just about everyone he met. The solar panel installation job appealed to Hans because he liked doing construction work that was good for the environment.

Hans' family was devastated when they received the news. "The accident should never have happened," Carol said. His former co-workers told his mother that her son was backing up to get a sight line at a distance. "He was gradually backing up; no one was watching how close he was to the edge, and he went a step too far," she said.



Carol says she understands that using personal fall protection or other safety equipment takes time, is cumbersome, and can make it harder and take longer to do the job. "It may be inconvenient, but when the memory of my son or any solar installer dying fades, everyone needs to stop and think, if there is a fatality, is it worth the extra time?"

## Investigations into the April 7, 2010, fatality

An investigation by the FACE<sup>1</sup> program of the California Department of Public Health into the April 7, 2010, fatality found that the employer's pre-project plan stated that fall protection would be required on the job. However, neither the deceased nor anyone else on the work crew were wearing fall protective equipment and were tied off, and there were no guard rails or safety nets in place.

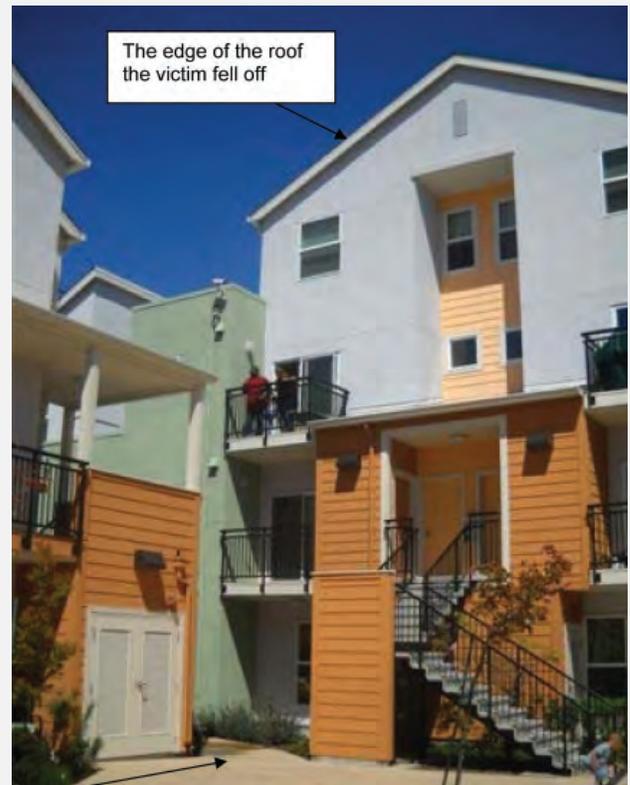
The investigation stated that "the crew supervisor used his discretion and did not require the use of fall protection for himself and his two co-workers" on the first day of work. "He assumed that since the solar panels were being installed within the center of the roof and not close to the edges that fall protection was not necessary. It is not known how often management evaluated individual job team compliance with fall protection at the worksite." The FACE investigation resulted in recommendations on how similar fatalities could be prevented in the future.

Following a different investigation by Cal/OSHA, the enforcement agency, Han Peterson's employer, SolarCity, was facing fines of \$26,500 in October. Cal/OSHA cited SolarCity for three violations, one "serious."

The serious violation was for failing to ensure that employees used fall-protection gear. The other two were for failing to train supervisors on the safety and health hazards at the site, and failing to provide Cal/OSHA with records demonstrating that any fall-protection program was carried out.

FairWarning, a nonprofit news website that reports on health and safety issues, reported that two SolarCity employees said that failing to use safety harnesses on installation jobs was common before the accident. A SolarCity executive told FairWarning he disagreed, saying that "the company's safety plan for the job called for workers to use protective gear."

SolarCity has beefed up its safety practices since the fatality. Carol Petersen noted that a newly designed garment with built in fall protection gear is named after her son.



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<sup>1</sup> Fatality Assessment and Control Evaluation Program, Occupational Health Branch of the California Department of Public Health

# Rising Workplace Violence

**W**orkplace violence is a serious and rising hazard to workers in many occupations—from police, taxicab drivers, and convenience store workers to health care providers, especially those caring for the mentally ill in psychiatric and correctional facilities. In 2009, 26% of all workplace fatalities in California were due to assaults or violent acts. The partial list of fatalities at the end of this report include 17 who died from violence on the job in 2010.

## Health care workers at high risk of violent attacks

Health care worker unions and supporters in California are organizing to strengthen hospital workplace violence prevention plans and set new requirements for correctional facilities in response to the recent deaths of two nurses, both occurring in October 2010:



**Cynthia Barraca Palomata, RN**, a nurse in the Bay Area for over 20 years, was attacked and killed by an inmate at the Contra Costa County jail in late October 2010. The attacker had no prior criminal record but had been arrested that morning on suspicion of burglary. He had been in a holding cell at the jail when he faked a seizure and was

taken to the nurse's station. There, he fatally assaulted Ms. Palomata by striking her with a lamp. She died three days later.

"This tragedy makes the heart of every nurse hurt. We know she touched so many lives. There are no words, only hope that her friends and family and community will heal. The RNs of California stand by Cynthia Palomata, we are inspired by her brave advocacy, and we will never forget who she was or what she meant," said DeAnn McEwen, RN, co-President of California Nurses Association (CNA), the union that represented Ms. Palomata.

**Donna Gross**, a psychiatric technician, was killed by an inmate at Napa State Hospital in late October 2010. Ms. Gross had worked with the mentally ill at the hospital for about 14 years; the facility houses the criminally insane and most violent patients. Ms. Gross was found strangled in a hospital courtyard. The patient who was arrested for the murder had been declared insane in 1993 after an attempted homicide; investigators believe he had first tried to rob Ms. Gross.

News reports from vigils held following her death describe Ms. Gross as a very caring and likeable person who loved her job. "She had these big blue eyes and she would always come to work with a big smile. Even if she was tired, she'd have a smile," recalled Denise Quintana.

The Napa facility had been under scrutiny for many years, with co-workers reporting that assaults by patients were common and that a murder was "waiting to happen." Five years ago, the U.S. Department of Justice found "widespread and systematic deficiencies" that put workers, and patients' lives at risk.

Multiple research studies have made clear that the wave of violent attacks has been occurring for many years to many nurses throughout the country. According to survey results released by the Emergency Nurses Association in September 2010, every week in the U.S. between 8% and 13% of emergency department nurses are victims of physical violence, and more than half the nurses surveyed reported experiencing physical or verbal abuse at work in the last seven days. Further, 15% of the nurses who reported experiencing physical violence sustained a physical injury, and three out of four reported the hospital gave them no response following the violent incidents. While the death of the two nurses grabbed the media spotlight for a day or two, there are countless other acts of assault, battery, and aggression routinely taking place.



### What needs to be done to protect health care workers?

Health care employers need to have in place standards and policies to ensure the safety and security of their employees. That is why CNA is currently sponsoring state legislation (AB 30) to strengthen existing laws regarding hospital safety and security plans and to create new standards to protect health care personnel in correctional facilities.

### What needs to be done to protect all workers from workplace violence?

Federal OSHA estimates that over 2 million American workers are victims of workplace violence each year. Among those at increased risk are workers who exchange money with the public: people who deliver passengers, goods, or services, or work alone at night or during early morning hours. Also included are visiting health and social workers, police, gas and water utility workers, phone and cable installers, letter carriers, retail workers, and taxi drivers.

OSHA has developed guidelines for employers to set up and implement “workplace violence prevention programs” that start with a zero-tolerance policy. The guidelines also include measures to secure the workplace, use a buddy system when possible, provide cell phones, alarms, and other means of quick communication, and train employees to recognize potentially hazardous conditions.

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*Sources: Various news stories, California Nurses Association website, and federal OSHA fact sheet, “Workplace Violence.”*

# MATHEW BENJAMIN BUTCHER

March 17, 1983-June 24, 2010



On Thursday, June 24, 2010, Steven Butcher dropped off his older brother Matthew at work, not realizing it would be the last time he saw him alive. Matthew Benjamin Butcher, 27, was just trying to make it in this tough economy by holding various part time jobs. His life was cut short when he was fatally shot during an armed robbery at Higher Path Holistic Care, a medical marijuana dispensary in Echo Park (Los Angeles) where he worked as a clerk and book keeper. Four suspects entered the store at around 4:15 p.m. and held Matthew and his co-worker at gunpoint. Both employees were forced to lie face down on the ground while the suspects looked for the money and marijuana. Despite complying fully, Matthew and his co-worker were both shot. Sadly, Matthew was shot in the head and killed. His co-worker, critically wounded, died later that evening.

Matt was a kind, intelligent, quiet young man who was deeply loved by his parents Don and Julie Butcher and his younger brother Steven.

Julie Butcher, Matt’s mother, a well-known L.A. labor leader, described her son as “one of the most peaceful people,” adding “he would have given them anything they wanted. There’s no reason for anyone to die over marijuana.” His father Don, said of his beloved son, “Matthew was a great son and a wonderful human.” His younger brother added, “I loved him with all my heart and I still do, he didn’t deserve to go out like this, but we continue fighting because that is what he would want.”

Even Matt’s online gaming friends, who had never actually met him in person, were touched by his friendship. One of them told Matt’s mother, “This is gonna sound crazy. I knew Matt for 13 years and never met him. He helped me through the toughest of times. I loved him.”

His family founded the “Matt Butcher Memorial Foundation,” with the mission to “honor Matt’s memory and legacy by supporting and encouraging acts of kindness, charity, and good works in the communities of Northeast Los Angeles.”



# Hotel Housekeepers

## Latino Women at High Risk of Injury

**H**otel housekeepers have physically demanding and stressful jobs requiring a high level of physical effort, with repetitive work and awkward postures that can lead to painful and debilitating musculoskeletal disorders (MSDs). Surveys show that about 80% of the housekeepers work in pain caused by their work. Serious injuries can happen over time through the repetition of certain tasks. The long-term impact can result in debilitating injuries that in some instances require surgeries, physical therapy, or lead to permanent disability, like the loss of the full use of one's arm.

### STUDY SHOWS LATINO WOMEN AT HIGHEST RISK OF INJURY

A landmark study reported in the *American Journal of Industrial Medicine* (2009) by a team of researchers from four universities and UNITE HERE found that hotel housekeepers, particularly females, had the highest injury rates of any hotel service workers in the study. Female housekeepers, especially Hispanic women, had the highest risk of injury. Hispanic women were almost twice as likely to be injured as white housekeepers.

The study, based on 55,000 worker-years of observation of 2,865 injuries at 50 unionized hotel properties, is the first to analyze the difference in injury rates by both sex and race/ethnicity among hotel workers. Among its findings, the study indicates that women hotel workers were 1.5 times more likely to be injured than men, Hispanic women had almost double the risk of injury of their white female counterparts, and Hispanic and Asian males about 1.5 times more likely to be injured than white males.

These problems have been well documented in scientific studies (see below) and recognized by government agencies. Many of these problems stem from changes in recent years by hotel owners that increased unsafe working conditions, from introducing heavier mattresses to using unfitted sheets, thereby requiring the housekeepers to do more heavy and awkward lifts per day. Other problems include falls when the cleaners must strain to clean hard-to-reach areas because they are not given the proper long-handled cleaning tools, heavy carts that are not properly maintained, and increased workload to deal with trash and recycling. At some hotels, room cleaners are required to clean as many as 30 rooms a day, nearly double what is commonly considered standard in the industry. Speeding up work by raising the room quota or adding room amenities can strain the body and lead to more incidents, like slipping on wet bathroom floors or tripping over furniture.

“On September 4, 2009, I felt severe pain in my right shoulder and arm as I tucked in the sheets. I went to a doctor and then was assigned to do ‘light’ duty. I did not recover but still, I worked 8 hours a day cleaning with only the full use of my left arm. But in January 2011 I injured my left arm and had to go out on disability,” said Nenita Ibe, a housekeeper at the Hyatt Santa Clara for 10 years. “Every night I wake up from the pain and cannot go back to sleep for 2 hours. When I take a bath, I cannot lift my arms above my head to wash my hair. Many of my co-workers work with injuries. We all deserve a safe work place.”



The work is not only dangerous, but often degrading. Hotel housekeepers frequently clean bathroom floors on their hands and knees, an unsafe and degrading practice that is tolerated by too many hotel employers.

“I have worked as a housekeeper for about 13 years. I work in pain constantly. My body aches all over, but most of all my back from bending and lifting throughout the day,” said Housekeeper Gilda Vallejo, who works at the Hyatt Long Beach.

## HOTEL HOUSEKEEPERS ARE DEMANDING CHANGE

- ▶ **From government agencies:** In November 2010, Hyatt hotel housekeepers in eight cities across the U.S. filed injury complaints with OSHA, reporting repetitive motion and other kinds of injuries sustained on the job. The landmark multi-city filing at 12 Hyatt properties that employ over 3,500 workers is the first of its kind in the private sector. Complaints at hotels in San Francisco, Santa Clara, Los Angeles and Long Beach were filed with Cal/OSHA; the cases are currently under investigation.
- ▶ **From the California legislature:** UNITE HERE, the union that represents housekeepers, has introduced SB 432, a bill sponsored by Senator Kevin de León, whose mother was a hotel room cleaner in La Jolla. The bill would direct the California Occupational Safety and Health Standards Board to adopt a standard that includes using fitted sheets and providing long-handled tools to prevent the need to kneel while cleaning.
- ▶ **From employers:** The union has also been negotiating to win health and safety provisions through their contracts, mobilizing other worker and social justice organizations to lend their support and help raise public visibility. Broad-based coalitions have requested meetings with hotel executives, coming prepared with cleaning supplies and offering to clean some rooms to lighten the heavy load of the housekeepers.

The union has successfully negotiated contracts with Hilton and others to address health, safety, and workload concerns.



# Carpal Tunnel Syndrome

## Four Jobs to Watch

**W**hat do 911 dispatchers, drywall installers, grocery cashiers, lab workers, and sewing machine operators all have in common? Their work activities put them at risk for Carpal Tunnel Syndrome (CTS) and other repetitive stress injuries.

CTS, which affects the wrists and hands, is one of the most common types of repetitive stress injury or musculoskeletal disorder. California first began tracking cases of work-related CTS in 1997. The Occupational Health Branch (OHB) of the California

Department of Public Health recently began a project to evaluate Workers Compensation claims to identify jobs at greatest risk for CTS that could easily be made safer. The goal has been to prevent employees in those jobs from developing new CTS cases by engaging employers and workers in a process of developing industry “best practices.”

Nurses, cake decorators and bakers, dental hygienists, and legal secretaries are among the occupations that OHB will work with to encourage the implementation of best work practices to reduce

the risk of CTS. OHB will distribute the results of this project when it is complete.

### Four Potentially High Risk Jobs



For a list of OHB publications on ergonomics, visit <http://www.cdph.ca.gov/programs/hesis/Pages/Publications.aspx#ergonomic>

# Cal/OSHA Enforcement Program Needs Resources

**T**he major problem facing Cal/OSHA is the cumulative impact of reduced staffing levels over several years from budget cuts, furloughs, and hiring freezes, making it increasingly difficult for inspectors to respond to complaints within required response times and to reach targeted high hazard worksites. There is understaffing at every level. Several district offices currently operate without a manager since no one is willing to take on the added workload as an acting district manager while managing their inspection caseload. As people inside the agency have phrased it in recent months, “the wheels are starting to fall off the wagon.”

Cal/OSHA is subject to these cuts and hiring freezes even though the agency **receives zero funding from the state general fund.**

Cal/OSHA funding comes from two primary sources: the federal OSHA budget and employer worker compensation assessments, along with some user fees for special programs. Federal OSHA pays 50% for the enforcement program and 90% for the consultation program available to help employers. As a state plan subject to federal OSHA approval, it must have adequate staff on board to provide effective worker protection. Federal OSHA has authorized and is willing to pay its share for all of the 44.5 vacant positions as well as several additional positions it has determined are necessary for Cal/OSHA to do its job and be on par with other states.

## Inspector to worker ratio

California has one of the lowest staffing levels per capita in the U.S. **There are more Fish and Game Wardens than there are Cal/OSHA inspectors** (209 vs. 196).

There are 1,335,000 workplaces and 18 million people in the civilian workforce to protect in the state.

## Current Staffing

STAFFING	INSPECTORS (SAFETY & HEALTH)	ALL CAL/OSHA POSITIONS
Hired	196	374
Full-time Equivalent	166.6	318
Fed-OSHA authorized	235	419.5
Fed-OSHA Benchmark (1980)	805	

The AFL-CIO calculates in the 2011 version of their annual report, *Death on the Job*, that given the current level of approved staffing (that is, even if the 40 vacant inspector positions were filled) it would take **158 years** for each worksite in California to be inspected **once.**

## Need for bilingual inspectors

In addition to the insufficient number of inspectors to do the job, Cal/OSHA also lacks bilingual inspectors who are able to communicate with California’s large population of non-English speaking workers. An estimated 25% of the workforce, or 4.5 million workers are immigrants, and they are likely to work in high hazard workplaces including agriculture and construction or hold highly repetitive or physically demanding jobs. Cal/OSHA currently has only 32 field inspectors who receive bilingual pay, 25 of whom are fluent in Spanish. For other monolingual workers, the entire state is served by a handful of inspectors: Three who speak Mandarin, two speak Cantonese, one speaks Korean, and one speaks Vietnamese. Clearly, Cal/OSHA needs to rebuild its staff with more bilingual or multilingual inspectors.

## Need to Fill Legal and Medical Units

The recent audit of the Cal/OSHA program also found a number of problems related to understaffing of the legal unit and absence of medical and technical staff needed to support the investigations of the inspectors. Employers have found it easier to fight citations they are given because they know Cal/OSHA lacks enough staff to show up when the cases are heard by the Occupational Safety and Health Appeals Board.

The caseload in the legal unit is so high that two attorneys have demoted themselves to inspectors (safety engineers). And the medical unit—essential for providing expertise to enforce several health standards such as heat stress, airborne transmissible diseases, and chemical exposures—remains essentially an empty shell with one nurse and a part-time physician to cover the entire state.

Cal/OSHA did get state approval to hire 32 positions to address these staffing issues, but final authorization remains blocked.

### Making the case for designating Cal/OSHA as a public safety agency

Cal/OSHA has been subject to deep cuts despite the fact that it provides a vital public safety service to our working population. Other public safety programs, such as police and fire fighters, are exempt from budget cuts. Cal/OSHA's enforcement program should be added to the list, given its crucial role in protecting and saving lives. It has been estimated that more than 410,000 lives have been saved in the U.S. since the passage of the OSH Act in 1970. California's proportionate share, about 12%, would equal 49,200 people saved in the state.

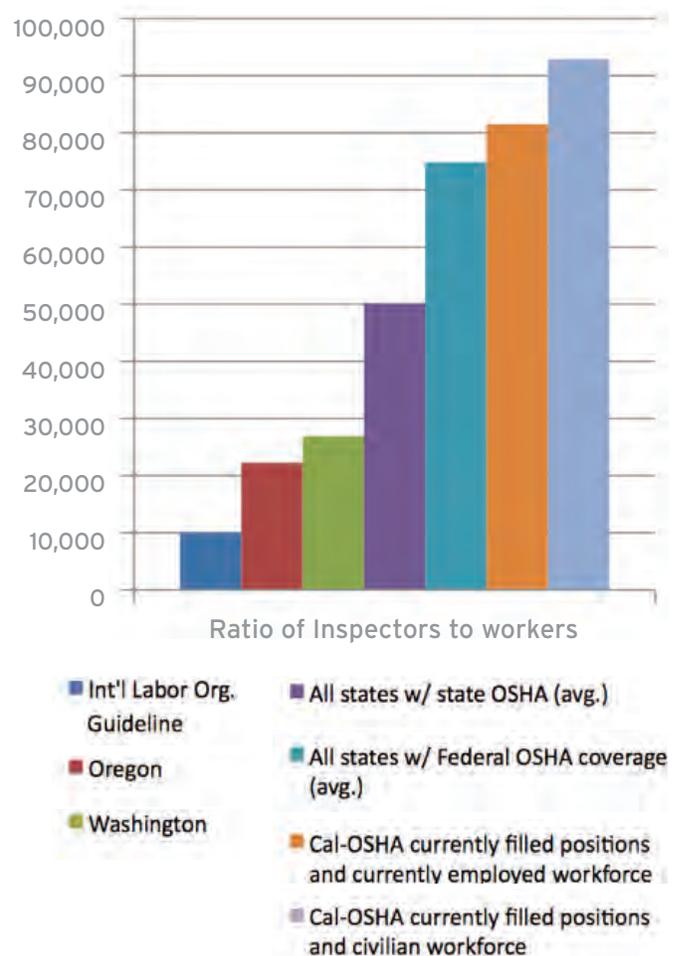
### What should Cal/OSHA staffing levels be?

In these tough economic times, it is more important than ever that people are able to do their jobs and return home safe at the end of the work day. When people are injured or become sick due to job hazards, it impacts our families and businesses. (See page 13 on the costs of occupational injuries.)

First, the state government should lift the furlough

days and hiring freeze so that Cal/OSHA can fill vacant positions that have already received state approval with bilingual inspectors. Second, it should allow the agency to fill previously approved positions for the medical and legal units, as well as a new district office in Bakersfield. Third, over time the agency should work to fill all positions authorized by federal OSHA to the extent that matching funds are allocated in the current state budget.

### Cal/OSHA Ranks Near Bottom with Lowest Number of Inspectors per Workers



1 Legislative Analyst's Office, State of California, May 18, 2006

2 Fed-OSHA Public Affairs Office, 2010

3 Calculations using Bureau of Labor Statistics data for Dec. 2010

## A Profile of Workplace Health and Safety: California and Other Large States

Below is a chart that compares the latest health and safety data from California with other large states, drawn from national data. Note that California is listed as having 237 inspectors, while in fact there are only 196 currently on staff, working only 85% time due to the furloughs until this month, when they were finally eliminated. Even with a staff of 237 inspectors, it is calculated that it would take 158 years for each workplace in the state to be inspected.

STATE	FATALITIES <sup>1</sup>			INJURIES/ ILLNESSES <sup>3</sup>		INSPEC- TORS <sup>4</sup>	YEARS TO INSPECT EACH WORKPLACE ONCE	POPULA- TION <sup>5</sup>
	#	Rate	Rank <sup>2</sup>	#	Rate			
California	301	1.9	6	365,400	3.7	237	158	36,961,664
Texas	480	4.4	34	213,500	2.9	105	139	24,782,302
New York	184	2.1	9	166,600	2.9	125	97	19,541,453
Florida	243	3.0	21	185,700	3.5	69	241	18,537,969
Illinois	158	2.7	19	137,900	3.5	77	94	12,910,409
Pennsyl- vania	166	2.8	20	N/A	N/A	66	97	12,604,767
Ohio	132	2.5	17	N/A	N/A	59	99	11,542,645

*1 The number of fatalities for 2009 are preliminary numbers from BLS. The state fatality rates for 2009 have not been calculated yet by BLS. The AFL-CIO calculated preliminary state fatality rates per 100,000 workers using the preliminary number of deaths reported by BLS for 2009 and the preliminary employment status of the civilian noninstitutional population 2009 annual average from the BLS Current Population Survey (CPS).*

*2 Rankings are based on best-to-worst fatality rate (1-best, 50-worst).*

*3 Bureau of Labor Statistics, rate of total cases per 100 workers. Number and rate are for private sector only and include, Guam, Puerto Rico, and the Virgin Islands.*

*4 From OSHA records, FY 2011. Includes only safety and industrial hygiene Compliance Safety and Health Officers (CSHOs) who conduct workplace inspections. Supervisory CSHOs are included in they spend at least 50% of their time conducting inspections.*

*5 Source U.S. Census Bureau (online: <http://quickfacts.census.gov/qfd/index.html>): State and County QuickFacts. Data derived from Population Estimates, Census of Population and Housing, Small Area Income and Poverty Estimates, State and County Housing Unit Estimates, County Business Patterns, Nonemployer Statistics, Economic Census, Survey of Business Owners, Building Permits, Consolidated Federal Funds Report.*

# Fixing the Broken Discrimination Process

**E**ffective enforcement of California's workplace safety and health laws and other laws covering wages and working conditions depends on a workforce willing to speak out against hazardous conditions or policies without fear of retaliation. Although there are laws on the books and administrative procedures to protect workers from employer abuses, in practice these laws are failing to protect workers. Without this basic protection from retaliation, the most vulnerable workers—often immigrant low-wage workers—will not be able to exercise their basic right to a safe workplace.

**A recent study found that 96% of discrimination cases are not investigated within the required federal time period of 90 days, much less within the state requirement of 60 days.**

## The current process

Cal/OSHA and federal OSHA each have a non-discrimination law to protect workers who exercise their rights, including filing a complaint with the agency or for refusing to perform an unsafe work that meets certain criteria. (See Labor Code 6310, 6311.) Examples of discrimination or retaliation include firing, demotion, layoff, and reducing pay or hours. This administrative remedy is particularly important for California's low-wage workers, who often cannot afford to hire a private attorney to sue in court.

These non-discrimination rights are enforced by the state Labor Commissioner who heads the Division of Labor Standards Enforcement (DLSE), a program within the Department of Industrial Relations—the same agency that houses Cal/OSHA. In fact, Cal/OSHA provides funding for five full-time DLSE

investigators to focus exclusively on workplace safety and health complaints. But what is their track record? Not good.

## The broken system

In the past 5 years for which information is available (2005-2009), an average of 1,113 retaliation complaints have been filed each year with the DLSE; this includes a broader set of labor complaints including health and safety. Many cases languish for as long as seven years, with legal deadlines ignored.

In cases involving retaliation for complaining about hazardous conditions, a recent federal audit found that 96% of complaints are not investigated within the required time period. In these cases, it takes an average of 484 days for the Commissioner to issue a determination—a long time to be without a paycheck.

Because of lengthy delays in processing complaints, a large number of cases are withdrawn or abandoned by worker-claimants. In 2009, the Commissioner closed a total of 1,231 retaliation cases, but issued only 317 determinations and only 32 in favor of the workers. In the past 15 years, the Commissioner has held only 177 hearings, an average of 11.8 per year. None were held in 2009.

## Next steps

Worksafe is working with low-wage worker and immigrant rights organizations and meeting with various experts to explore potential solutions. We will also work with the newly appointed Labor Commissioner Julie Su in developing policy recommendations later in 2011.

# State Worker Health Program Offers Prevention

If you are a worker who has raised concerns to no avail with your employer about potential hazards in the workplace, you may decide to call Cal/OSHA to ask for an inspection of your worksite. You probably know of Cal/OSHA as the enforcement agency that requires employers to provide a safe workplace and that can fine them if safety rules are not followed.

But what if you are an auto mechanic who starts to experience numbness or tingling in your hands and feet and neither your boss nor your doctor knows why? Or what if you are a school administrator whose custodian gets asthma from cleaning products even though they were purchased based on their claim to be “green?” Where can you, your employer, or your doctor find out more about potential hazards at work, their effect on your health, and what to do about them?

The less well-known Occupational Health Branch (OHB) in the California Department of Public Health helps improve worker health and safety through public health prevention activities.

OHB’s occupational health experts advise workers, employers, unions, and health care advocates and practitioners about how to prevent illness by eliminating or controlling workplace hazards. OHB also often collaborates with Cal/OSHA to investigate new problems and develop safer standards.

Workplace health activities in the state health department were expanded by the legislature in 1979 after a group of California workers became sterile from exposure to a pesticide. Animal studies had been done that showed this potential effect on health, but the workers had not been warned. OHB’s Hazard Information System and Information Service (HESIS) was created to stay on top of the latest scientific data and alert employers and workers when new information emerges on a workplace hazard, such as a chemical. Since then, OHB has warned workers about the effects

of n-hexane—a solvent found in automotive spray brake cleaners; diacetyl—a butter flavor chemical that has caused a fatal lung disease in food manufacturing workers; and many other potential hazards.

Programs at OHB track reported cases of asthma, pesticide illness, carpal tunnel syndrome, lead poisoning, and fatal injuries to identify those workers most at risk. For example, tracking asthma cases revealed that workers who were manufacturing heart valves were getting asthma from exposure to a commonly used sterilizing agent. OHB made recommendations after studying the work process and interviewing management and workers. The manufacturers then changed their work practices to protect workers from the agent.

While California’s working population has grown, along with awareness about chemical exposures and other potential workplace hazards, a decrease in state funding has limited the number of work-related illnesses and injuries for which OHB can track affected workers and develop recommended prevention practices. Needlestick injuries among health care workers and silicosis and falls among construction workers are among the workplace hazards that OHB addressed in the past before funding sources dried up.

As California takes necessary steps to achieve an effective Cal/OSHA that vigorously enforces regulations to protect workers, the state must also ensure that the California Department of Public Health’s OHB has the resources and support needed for its valuable public health services. These unique activities are critically needed to complement what is done by Cal/OSHA, universities, and other organizations to improve health and safety in California’s workplaces.

More information about the Occupational Health Branch is available at [www.cdph.ca.gov/programs/ohb](http://www.cdph.ca.gov/programs/ohb).

# Creating Effective Employer Prevention Plans

*Federal OSHA is considering a new standard similar to California's IIPP regulation, and held hearings in August 2010 in Sacramento to hear from workers, unions, employers, and OSH professionals about how well our regulation is working. It is worth reviewing our workplace IIPPs to ensure that our employers meet not only the letter but also the spirit of the law.*

**A** Cal/OSHA law in effect for the last 20 years requires all employers to set up, implement, and maintain a program to identify and fix workplace hazards. It also requires employers to communicate hazard information and train employees in a language they understand—an important right for workers with limited literacy in English. And it explicitly requires that the written plan contain “provisions designed to encourage employees to inform the employer of hazards at the worksite without fear of reprisals.” (GISO § 3203(a)(3)).

It all starts with management commitment at the top, conveyed down to all supervisors and employees. This is done by creating and enforcing a “safety culture.” But what does that mean in practice? Below are some questions to ask about the IIPP at your workplace:

## Ten questions about safety culture on your jobsite

### **1. Does management listen to workers and include them in developing and implementing a worksite safety and health program?**

Employee participation is vital to the success of any safety program. Does management provide training and time for worker representatives to effectively participate—through health and safety committees, audit or inspection teams, or other methods? Are the supervisors good listeners, willing to take employee suggestions for improvements and not brush them off? Workers often have the best suggestions since they know the work and know where the problems are.

### **2. Do workers feel comfortable raising safety issues with their supervisor?**

If they are afraid of getting fired or disciplined for raising concerns, someone is eventually going to get hurt by an uncorrected hazard.

### **3. Do workers from one trade feel comfortable approaching someone from another trade if they see them in an unsafe situation?**

No one likes to be questioned by someone else, especially someone from another trade. The response is usually, “Who are you to tell me how to do my job safely?” In a positive work environment, workers welcome anyone offering advice to help prevent injuries.

### **4. Do workers have the right to refuse unsafe work and do they feel they can exercise it?**

The safest workplaces are ones where management trusts the workers enough to grant the explicit right to refuse unsafe work. When so entrusted, this right is rarely abused. Giving workers this right shows them that safe work is more important than production.

### **5. Are workers encouraged to report incidents and close calls?**

Improving safety performance requires learning from close calls that occur. If they are ignored or dismissed, we can't prevent a similar incident that could very easily be tragic. Are workers encouraged to report incidents and close calls?

**6. Does the company have an incentive program that discourages incident reporting?**

Everyone loves incentives, but such programs can discourage workers from reporting incidents. No one wants to be blamed for losing an incentive. Incentive programs must be carefully crafted so that they do not discourage incident reports from which valuable information to improve your program can be gathered.

**7. Are reports of unsafe conditions addressed promptly?**

If reported unsafe conditions are never corrected or not corrected promptly, workers get a powerful message that their safety is not valued. If hazards are corrected promptly, workers feel encouraged to report them in the future.

**8. Do employees have the time to do the work safely, or do they feel pressured to take shortcuts to get the job done?**

Every job is under pressure to get completed on time and under budget. Under such pressure, supervisors and workers may look for shortcuts. Instead, pressures should be handled with better planning, including planning sufficient time for safety. If time isn't sufficient, additional resources may be needed to make sure safety isn't sacrificed.

**9. Do supervisors talk about safety at every meeting and walk around the site to identify problems?**

Supervisors need to walk the walk and talk the talk. If safety isn't on their radar, integrated at all meetings, and discussed on every walk-around, it is hard to convince workers that safety is important to them. They must lead by example.

**10. Are the needs and tendencies of younger, older, and immigrant workers distinguished and addressed?**

Younger workers are particularly vulnerable to injuries since they are often reluctant to say anything for fear of appearing unsure or incapable; they need to be mentored and encouraged by older workers. Older workers sometimes develop overconfidence in their safety awareness; they may need additional training or license to take more time to work more safely. Immigrant workers are also more vulnerable; they need bi-lingual mentors and training on safety rights and responsibilities.

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Source: Adapted from *Lifelines*, April 2011, Vol 7, No 11, by the Laborers Health and Safety Fund of North America.

# The Hidden Stories of People Killed at Work

**W**e simply don't know who dies on the job each year in California or what causes their death. Their names and stories are not often told in the news. Last year the *Cal/OSHA Reporter* covered 103 deaths. If we assume that 2010 totals will approximate 2009 totals, this number represents only one-third of those who died on the job. But it only gave the name of the deceased worker in 18 cases, just over 6%, leaving the stories of the other 94% untold, even to the health and safety community most likely to learn from and respond to these events.

An ongoing survey of the print media, as recorded online by the Weekly Toll<sup>1</sup>, found stories on 102 deaths in the state. While these articles often gave the name

of the worker who was killed and the circumstances surrounding the death, they were scattered among dozens of newspapers around the state. The average citizen remains unaware that nationwide about 15 workers are killed each day on the job.

The list beginning below was developed primarily by combining reports from the Cal/OSHA Reporter and the Weekly Toll. Not included in the list of fatalities for 2010 are the approximate 6,500 people who die each year in the state from work-related disease.

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*1 Weekly Toll is maintained by United Support and Memorial for Workplace Fatalities (USMWF), a national support organization for family members of workers who were killed on the job. See <http://weeklytoll.blogspot.com>*

## Fatalities in 2010: A Partial List

Jan 4	1	Jacob Israel Margalit	44	Owner of Gold West Tile and Store	Valencia	While unloading stone tile slabs, the material fell on Margalit and crushed him to death.
Jan 5	2	Kevin O'Conner	41	Wildlife biologist	Redinger Lake (Madera County)	While conducting an aerial survey, the employees' helicopter struck an overhead power line, causing the pilot to lose control and crash.
	3	Clu Cotter		Wildlife biologist		
	4	Tom Stolberg	31	Scientific assistant		
	5	Dennis Donovan		Helicopter pilot		
Jan 7	6	Forensic Services employee		Eureka	The employee sat down at her desk, felt ill, started vomiting, and called for help, but subsequently died.	
Feb 4	7	Ira G. Essoe	69	Sergeant with Orange County Sheriff's Dept.	Orange County	Died of complications from gunshot wounds.
Feb 15	8	Employee of Big O Tires		Orange	The worker slipped, fell, and later died from associated infections.	
Feb 18	9	Doug Bourn		Electrical engineer at Tesla Motors, Inc.	East Palo Alto	While flying, the plane veered off course, clipped power lines, and crashed.
	10	Andrew Ingram		Electrical engineer at Tesla Motors, Inc.		
	11	Brian M. Finn		Senior manager at Tesla Motors, Inc.		

Feb 18	12	<b>Keyur Malaviya</b>	28	Employee at Qualcomm Malaviya	San Diego	Committed suicide; jumped to his death from a 12-story building.
Feb 22	13	<b>Employee of Pellandini Dairy</b>			Sacramento-San Joaquin County line	The victim had been moving hay bales and was found lying in the barn with head injuries. He died in hospital.
Feb 25	14	<b>Javier Bejar</b>	28	Police officer	Fresno County	Shot during confrontation with arson suspect.
Mar 10	15	<b>Alejandro Valladares</b>	29	Employee of David Shaw Concrete and Block, Inc.	Hermosa Beach	While driving a structural beam into a hole, the trench collapsed and buried worker.
Mar 10	16	<b>Employee of Sam Etchegaray</b>			McFarland	The victim was killed when struck by a windmill blade after he started its engine.
Mar 11	17	<b>Employee of American Supply Co.</b>			Los Angeles	The delivery worker for a garment company got his leg caught between the car and hoistway wall of an old freight elevator.
Mar 17	18	<b>Maximiliano Martinez</b>	26	Employee of Pacific Gas & Electric Co.	Benicia	Electrocuted while working in a 12,000-volt vault. He had been assigned to pull new electrical lines in the vault.
Mar 17	19	<b>Employee of The Pit Shop</b>			Chico	The employee suffered severe injuries when he was entangled in an automotive lift. He was hospitalized and died three days later.
Mar 18	20	<b>Benjamin Novoa</b>	30	Employee of Cal-Sierra Pipe, Inc.	Le Grand (Merced County)	Killed by a falling pipe. He was unloading pipes on a flatbed trailer when one of them knocked him off, then fell on him.
Mar 20	21	<b>Robert Ramirez</b>	56	Employee of Union Pacific Railroad	Los Angeles	Struck and killed by an oncoming Metrolink train when he drove around barriers at a railroad crossing.
Mar 23	22	<b>Ag. Labor, Inc.</b>			Williams	Struck by an oncoming car when entering freeway.
Mar 27	23	<b>Employee of Digital Domain</b>			Venice	Fell off the ledge of one-story building, falling about 20 feet.
Mar 27	24	<b>Employee of K &amp; K Construction</b>			Rancho Dominguez	The employee was drilling holes from a basket attached to an industrial truck when the truck tipped over, crushing him.
Mar 27	25	<b>Blackburn Farming</b>			Firebaugh	The employee got caught in the auger attached to a wood chipper.
Mar 28	26	<b>Velmo Promo</b>			Oakdale	Electrocuted when his portable antenna touched a high-power line.
Apr 1	27	<b>Esteban Bahena</b>	24	Emergency medical tech	San Diego	Hit by a car while setting up flares around a traffic accident.
Apr 7	28	<b>Hans Knut Petersen</b>	30	Employee of Solar City Corp.	San Pablo	Employee on a roof walked backward and fell off the two-story building.
Apr 11	29	<b>Agricultural Worker</b>			Lodi	The victim was assisting a friend in tilling a piece of land when he was run over by the tractor he had been operating.
Apr 15	30	<b>A nightclub doorman</b>			Los Angeles	Lying on the floor unconscious; cause of death unknown.
Apr 15	31	<b>Argo Chemical, Inc.</b>			Shafter	Electrocuted when a telescoping boom lift contacted a 12,000-volt power line.

Apr 18	32	Jose Gaspar Ajca	48	Civilian worker at Camp Pendleton	Camp Pendleton	A minivan collided with an SUV.
Apr 19	33		19	Employee at Union 76 gas station	Daly City	Died from a fall while attempting to change a light bulb.
May 5	34	Scott J. Nichols	49	Pool service employee	Lakewood	Drowned at bottom of a municipal pool, with an electric air pump that was supposed to supply him oxygen.
May 7	35	Lawrence Kester	47	Bus driver for Omnitrans	Rialto	Stabbed and killed by a passenger while driving the bus.
May 8	36	Danny Benavides	39	CA Highway Patrol pilot	Imperial	Plane crashed while aerially monitoring freeway speeders
May 12	37	First Baptist Church			Alhambra	Employee was found dead on the floor—possibly due to chemical inhalation, as he had been using a chemical paint stripper.
May 13	38	Employee of Reliable Container Corp.			Sante Fe Springs	While cleaning a plate on a printing machine, the door to another machine was closed by a co-worker, pinning the victim between the two machines.
May 14	39	Miguel Vasquez	52	Pebble Beach Co.	Salinas	Fell from a bosun's chair at 30 feet in the chair while cutting down a pine tree.
May 22	40	Employee of Brinkley Farms			Dos Palos	The worker was crushed by cultivator and tractor tire while servicing the tractor's hydraulic system.
May 25	41	Hao Yun "Eddie" Lin	33	Postal worker	Oceanside	While delivering mail, a Rottweiler lunged at worker who fell and suffered a fatal head injury.
May 27	42	Blow-out preventer for Chevron Oil Lease			Lost Hills	Worker wearing hard hat was struck on the head by a "pipe tree" while conducting a hydraulic pressure test.
May 28	43	Employee of All American Asphalt			San Fernando Valley	Worker in a man-basket was found wedged between the basket and a beam.
May 28	44	James Bennett	62	Employee of Gold Rush Enterprises	Siskiyou County	Two employees investigated an abnormal detonation when the explosive detonated, killing one, injuring the other.
Jun 1	45	Manuel Jose Ramirez	38	Employee of Sobarea Ranch	Tehama County	Killed when entrapped in a hay baler he had been operating.
Jun 2	46	Herbert Hin Wong	30	Adult film-actor	San Fernando Valley	Stabbed to death by angry co-worker who had been fired and evicted from the studio.
Jun 5	47	Jose Herrera	51	Employee of Delta Window Cleaning	Orinda	Died of electrocution burns after bucket of the cherry picker came into contact with high-voltage power lines.
Jun 6	48	Philip Ortiz	48	CPH officer	West Los Angeles	Struck by a vehicle while issuing a ticket on the shoulder of the road.
Jun 7	49	Henry Lira	61	Maintenance worker for Santa Cruz County	Watsonville	Killed when he was pulled into an industrial-size wood chipper.

Jun 8	50	<b>Welder for KSM Construction</b>			Alhambra	The employee was found on the ground in the company's yard area, video surveillance of the yard showed he had been welding and attempted to move a steel beam with a pry bar when he fell to the ground.
Jun 10	51	<b>Sergio Preciado</b>	35	Trucker	San Bernardino County	Preciado struck the rear of a tractor-trailer while driving on Interstate 40.
	52	<b>David Mark Flores</b>	61	Trucker		Flores struck the rear of a tractor-trailer while driving on Interstate 40.
Jun 10	53	<b>Trucker</b>			Salinas	The worker was killed when he fell 10 feet through an unguarded roof opening.
Jun 11	55	<b>Agricultural worker of Mission Ventures, Inc.</b>			Strathmore	The worker was picking plums, started feeling ill, vomited, and sat down in the shade. He was dead 30 minutes later. His death may have been heat illness-related.
Jun 11	56	<b>Tom Coleman</b>		California Highway Patrol Officer	Redlands	Coleman collided with a big rig while chasing a motorist who had committed a traffic violation.
Jun 14	57	<b>Nancy Rogers</b>	61	Postal worker	San Leandro	Rogers was murdered; her body was found in a San Leandro landfill.
Jun 15	58	<b>Richard Granath</b>	57	Owner of Sonic Plating	Torrance	Died while driving in Torrance—either caused by a medical incident or he crashed into a power pole.
Jun 16	59	<b>Marco Tulio Lazaro</b>	54	Gardener and landscaper	Encinitas	Lazaro was clearing brush from property when he was attacked and stung by more than 500 bees.
Jun 16	60	<b>Employee of Robert Robinson</b>			Shingle Springs	The worker was found dead possibly from being struck and run over by the rear tire of a tractor/backhoe.
Jun 16	61	<b>Employee of Rio Tino Mine</b>			Bloom	The employee had been performing light activity when he felt chest pains, reported to the infirmary, then suffered a heart attack and died.
Jun 16	62	<b>Employee of Daylight Foods Inc.</b>			Milpitas	Extension ladder dislodged and employee fell when was descending from the top of a walk-in refrigeration unit; hit head on concrete floor
Jun 17	63	<b>Danny Toste</b>	67	Construction contractor	Near Santa Maria	Toste was doing roadwork on Highway 135 when he was run over by a big rig.
Jun 17	64	<b>Tyson Larson</b>	28	Partner in Realm Catalyst Inc.	Simi Valley	Larson died of multiple blunt-force injuries when a pressure vessel creating steam to break apart hydrogen and oxygen molecules exploded.
Jun 18	65	<b>Employee of Omni Stone Masonry</b>			Ross	The employee died after falling 20 feet from a scaffold, while installing a stone façade on a large residential structure.
Jun 21	66	<b>Fredrick Matthews</b>	41	Trucker	Nevada (victim from San Diego)	Lost control of his 18-wheeler; the truck went airborne, slammed into a home, and burst into flames; runaway truck ramp failed to slow him down.
Jun 24	67	<b>Matthew Benjamin Butcher</b>	27	Marijuana dispensary worker	Hollywood	Butcher was found dead with stab wounds, in what is believed to have been a robbery attempt.
Jun 24	68	<b>Jie Tao Liu</b>	58	Trucker	Port of Oakland	Murdered from blunt force trauma to head.

Jun 24	69	<b>Higher Patch Holistic Care</b>			Echo Park	This worker was shot to death in a robbery attempt.
Jun 27	70	<b>Justin McGrory</b>	28	California Highway Patrol Officer	Barstow	McGrory was struck and killed by a vehicle during a traffic stop.
Jun 27	71	<b>Brett Oswald</b>	47	California Highway Patrol Officer	Paso Robles	Struck by car while parked, waiting for a tow truck.
Jun 29	72	<b>Employee of Ken Joseph Farm Contractor</b>				The worker was operating a tractor carrying a trailer. He fell off and was run over by the tractor.
Jun 30	73	<b>Employee of Chuly &amp; Sons Labor Inc.</b>			Coachella	The worker began feeling ill and was told by his supervisor to sit in the shade. He went home after his shift, later was taken to hospital and died that evening.
Jul 8	74	<b>Trucker</b>			Turlock	One semi trucker was killed, and two other truckers injured, during an accident involving three big rigs on Highway 99.
Jul 9	75	<b>Employee of Gold Grower Service</b>			Hemet	The worker was using a 30-foot aluminum extension ladder to pick grapefruits when the ladder made contact with an electrical line.
Jul 10	76	<b>Employee of independent trucking</b>			Commerce	While attempting to hook up a trailer, the worker was crushed between the trailer and loading dock.
Jul 10	77	<b>Employee for Roberta's Labor Service</b>			Soledad	Worker performing irrigation work when he was discovered unconscious in a field, later died; An autopsy revealed that it was due to natural causes.
Jul 11	78	<b>Harold McSherry</b>	59	Carlsbad City Treasurer	Carlsbad	Worker dead in his office; he likely committed suicide.
Jul 12	79	<b>Employee of Valley Labor Service</b>			Dinuba	The worker was picking plums and reported feeling ill at about 8 a.m. He did not resume working, but later was found unconscious and died.
Jul 12	80	<b>Mechanic for JFB Ranch</b>	57		Firebaugh	The worker felt faint with flu-like symptoms while washing his truck in 94 degree weather. He died on the scene as paramedics were attending to him.
Jul 14	81	<b>Rodolfo Ceballos Carrillo</b>	54	Employee of Sunview Vineyards	Arvin	Carrillo collapsed while loading boxes of grapes onto a truck in 103 degree weather. He died in the hospital. He had previous health problems.
Jul 14	82	<b>Construction worker for Harris Rebar</b>	50		Beaumont	The worker collapsed while working at a bridge construction site, tying rebar, in 98 degree weather. He died in the hospital.
Jul 14	83	<b>Advance Pipe Bending &amp; Fabrication</b>			Huntington Park	The worker fell from a pallet elevated eight feet high.
Jul 14	84	<b>Michael San Miguel</b>	70	Ornithologist for Bon Terra Consulting	Los Angeles County	Worker plunged 300 feet down a ravine while counting owls for an environmental survey.
Jul 16	85	<b>Stephen Baer</b>	37	Farmer	Fortuna	Baer's tractor was struck from behind by a big rig as he was driving on Highway 101.

Jul 18	86	Francisco Flores	34	Security guard at the Mercado Latino	Bakersfield	Flores was fatally shot by a group of young men who had been bothering patrons at the market.
Jul 18	87	Gregory Vance Gushaw	68	Volunteer for Maritime Museum of San Diego	San Diego	Gushaw fell from the mast of a ship (the Star of India) docked in San Diego Bay, during a training exercise.
Jul 18	88	An employee of farm labor contractor			Niland	The worker was harvesting figs in 107 degree weather, complained of chest pain, rested in the shade, resumed working, then collapsed and died. An autopsy determined the death to be from natural causes.
Jul 19	89	Luis Camargo	42	Valet parking attendant	West Hollywood	Shot while caught in crossfire during dispute at the nightclub
Jul 19	90	Joaquin Medina		Ranch worker	Chico	Medina was shooting at squirrels when a large tree branch fell on his head.
Jul 19	91	Employee for CR&R			Stanton	The worker was servicing a dump truck when his head was crushed between the front of the truck and a trash receptacle.
Jul 22	92	James Jewett	57	Bus driver for Greyhound	Fresno County	Struck by SUV while driving a tourist-filled Greyhound bus; slammed into a concrete center divider.
Jul 27	93	Auto repair shop worker			Los Angeles	The victim was found dead on July 27th after a fire tore through the auto repair shop.
Jul 27	94	Jesus Arturo Velez	44	Employee for Portion Pac	Los Angeles	Workers was operating industrial truck and his co-worker was using a pallet jack. The co-worker pulled away from the dock, causing the industrial truck to fall off. Velez fell out and his vehicle fell on top of him, crushing him to death.
Jul 27	95	Manuel Moreno	56	Employee of Evergreen Nursery	Oceanside	Moreno fell while attempting to jump from the equipment to a front-end loader. His arm got caught in the belt and he was pulled toward the mulcher. He died of suffocation.
Jul 29	96	Gualfer Lopez-Reyes	25	Construction worker	Pacific Palisades	Buried under 11 feet of dirt during trench cave-in.
Jul 30	97	Welder			South Los Angeles	The worker was outside the welding shop with his truck when a gas explosion occurred, causing a power line to fall on the truck. The worker died from electrocution while trying to move the truck.
Jul 31	98		24		West Los Angeles	The worker's mechanical axe struck a power line.
Jul 31	99	Juan Luna	73	Ice cream vendor	Fresno	Luna was shot while driving his ice cream truck.
Aug 3	100	Employee of Joseph Gallo Farms			Atwater	Worker found on the ground, incoherent, next to a vehicle he had been operating while performing irrigation work. Emergency personnel could not revive the worker.
Aug 7	101	Employee of Sanitation Specialists			Watsonville	The worker collapsed and died from apparent heart attack while washing down machinery and the floor with a water hose and brushes.

Aug 8	102	<b>Employee of Monterey Resorts and Marinas</b>			Bradley (Monterey County)	The employee, a diver, died while working at Lake Nacimiento Resort in Bradley. He was working with another employee to set cables in the lake; when they surfaced, he started feeling ill. He was administered CPR but could not be resuscitated.
Aug 9	103	<b>Wendy Rice</b>	35	Cheerleading coach for California Baptist University	Mammoth	Rice was driving a van of student athletes when an out-of-control SUV struck the vehicle.
Aug 18	104	<b>Marion "Buck" Burton</b>	85	Farmer	Vacaville	Burton tried to start his tractor while off the seat; his hand slipped off the clutch, causing the tractor to roll over him.
Aug 19	105	<b>Logger for Humboldt Redwood Co.</b>			Scotia	The worker was pinned under a tree on Highway 36.
Aug 19	106	<b>Employee of America Wrecking, Inc.</b>			Riverside	Flagman was run over by an 18-wheel loader while clearing the roadway of rocks. He had cleared the loader driver to go; the driver then ran him over.
Aug 19	107	<b>Luis Miguel Jilote-Lopez</b>	27	Pool worker for Valley Pools	Palm Desert	Electrocuted by a power cord he was using to replace pool handrails.
Aug 19	108	<b>Karl Grant Olson</b>	32	Subcontractor to Columbia Helicopters	Humboldt	Killed while cutting a log on a stack; another log tumbled off the stack and struck him.
Aug 20	109	<b>Gerald Biedinger</b>	57	Employee of PG&E	Tuolumne	Electrocuted while conducting activities on an Indian Reservation.
Aug 20	110	<b>Employee for B.H. Flowers Nursery</b>			Watsonville	Found unconscious outside the nursery office where he was filling buckets of water.
Aug 24	111	<b>Esmeli Moran</b>	36	Employee of Steve Wills Trucking & Logging	Loleta (Humboldt County)	A cable wound around a log slipped, allowing the log to roll onto worker. He had set a choker on the log, but it slipped.
Aug 27	112	<b>Employee of Bridgeport Transportation</b>			Sergeants	The worker was driving a trailerload of broccoli on the highway when he collided with the median.
Aug 27	113	<b>Employee of Castro Harvesting</b>			Salinas	The worker was reported missing, so his employers went looking for him. He was found dead in the sleeper berth of his rig parked at a truck stop.
Aug 27	114	<b>Manuel Suarez Palma</b>	65	Trucker	San Benito County	Palma was driving on Highway 101 when he crashed into the guard rail.
Sep 1	115	<b>Danarichie Lyndon Sindo</b>	44	Data analyst at American Apparel	Los Angeles	Sindo had been feeling sick and vomiting and was found dead in the restroom.
Sep 2	116	<b>Tania Guskaya</b>	27	Rexall Pharmacy	North Highlands	Guskaya was fatally shot during a robbery at the pharmacy.
Sep 7	117	<b>Tom Lee Chan</b>	58	Forklift operator	Fresno	Chan's forklift overturned and trapped him.
Sep 8	118	<b>Hector Urias</b>	48	Auto shop worker	El Monte	Urias was shot to death; his body was found in the auto shop.
Sep 14	119	<b>Ronald Arthur Kelsey</b>	65	RV mechanic	Arroyo Grande	Kelsey was working underneath a motorhome when the driver, who may have been intoxicated, put it into motion and ran over him.

Sep 14	120	Ramiro Vargas	36	Employee of Riley Stripping, Bond and Black Top	Livermore	Vargas was working on a private driveway and standing next to an asphalt truck, when a runaway paving machine rolled down the hill. He was subsequently crushed to death by the two vehicles.
Sep 16	121	James M. Owen	56	Firefighter	Irvine	Owen collapsed and died during a routine training exercise.
Sep 16	122	Gardener for V. Hulte			Boulder Creek	The employee began work at 8 a.m. , was found collapsed at about 2:30 p.m.
Sep 17	123	Testing engineer for Shocking Technologies			San Jose	The engineer was found collapsed and unresponsive at his work station by a coworker. He was pronounced dead later.
Sep 17	124	Leo John Becnel	73	Worker for Becnel Family Vineyards	Healdsburg	Becnel was operating a two-axle dump truck down a steep slope of the family property, but was unable to stop the vehicle. It rolled over, crushing him.
Sep 20	125	Kent Bentley	46	Teacher at Woodbridge High School	Irvine	Bentley collapsed and died in his classroom.
Sep 21	126	Lenny Woods		Car dealer	Chino Hills	Woods was found dead at his car dealership in what was likely a suicide.
Sep 22	127	Employee of Edward Hall, Inc.			Mendota	The death of the worker is from apparent natural causes.
Sep 24	128	Employee of the City of Cupertino			Cupertino	The death of the worker is from apparent natural causes.
Sep 24	129	Luis Esquivel	49	Farmworker	Kern County	Worker was troubleshooting the hydraulics on a nut harvester; was crushed to death when he went back under the harvester to retrieve some tools.
Sep 27	130	Employee of Bill Stone			Sacramento County	The worker was struck in the head by a branch from a tree being removed at a Carmichael residence.
Sep 28	131	Alex's Painting			San Diego	Killed when he fell off a ladder at the second story of a residence.
Sep 30	132	Mary Kay Heyden	52	Classroom aide at Santa Rosa High	Santa Rosa	Talking to co-workers when she made a gurgling sound and started to fall. She later died in the hospital.
Oct 8	133	Cristobal Reyes-Segura	23	Construction worker	San Mateo	Fell from a construction beam while renovating a Safeway store.
Oct 9	134	Zenaido Perez-Lopez	26	Farmworker	Salinas	Driving a tractor when it got stuck in an irrigation ditch, turned over, and pinned him underneath.
Oct 13	135		33	Gardener for Pro Landscaping	Thousand Palms	The worker collapsed and died after unloading hay in 100 degree weather.

Oct 17	136	<b>James Thornton</b>		Plastic surgeon	Mexico (victims from Arroyo Grande)	Plane crashed in Mexico while flying on a humanitarian mission
	137	<b>Graciela Sarmiento</b>		Doctor		
	138	<b>Andrew Theil</b>		Non-medical staffer	Mexico (victim from San Luis Obispo)	
	139	<b>Roger Lyon</b>		Pilot	Mexico (victim from Cayucos)	
Oct 18	140	<b>James Walker</b>	54	Taxi driver	Sacramento	Walker was fatally shot at the wheel of his cab.
Oct 18	141	<b>Dan Lawrence White</b>	58	Carnival worker	Fullerton	Found dead in a truck in the parking lot—hired to work for church festival
Oct 18	142	<b>Margarito Hernandez Alonzo</b>	73	Jerry Preece Farms	Seeley (Imperial County)	Impaled by the teeth of a backhoe bucket. He placed a shovel in the bucket when the shovel's handle struck the lever and activated the backhoe.
Oct 18	143	<b>Alfredo Gonzalez Raya</b>	46	Employee of CB Harvesting	Salinas	The company truck backed into him
Oct 19	144	<b>Yahya Saleh Ali Ahmed</b>	32	Employee of La Fiesta Latino Market	Watsonville	Shot and killed during a robbery at the store.
Oct 20	145	<b>Employee of Linker Inc.</b>			Monterey	Suddenly collapsed at work. Died from natural causes.
Oct 20	146	<b>Donna Gross</b>	54	Psychiatric technician for Napa State Hospital	Napa County	Gross was attacked by a psychiatric patient, robbed of \$2 in cash and jewelry, then murdered.
week of Oct 24	147	<b>Randy Atchison</b>	24	Cadet with California Highway Patrol	Sacramento	Fell ill during physical training; he died in the hospital on November 3.
Oct 24	148	<b>Employee of Ayala AG Services</b>			Avenal	Killed while driving a tractor hauling a dumper full of pomengranates. While making a U-turn, the tractor rolled over onto its side and crushed the worker.
Oct 24	149	<b>Employee of an as-yet unknown employer</b>			North Hollywood	Killed at an apartment complex after falling off the four-story building.
Oct 26	150	<b>Employee of Family Ranch, Inc.</b>			Kettleman City	Operating an auger in a blueberry field to drive posts in the ground when his clothing became entangled in the equipment.
Oct 26	151	<b>Sabrina Lalla-Mitchell</b>	30s	Employee at Bavarian Motors	San Fernando	She was sitting behind her desk and speaking with a man when he pulled out a knife and stabbed her to death.
Oct 27	152	<b>William Bradfield</b>	58	Trucker	Los Angeles	Bradfield had a heart attack while driving on the 405; he either died from the heart attack, or from the subsequent collisions with other vehicles.
Oct 28	153	<b>Christopher Wilson</b>		Police officer	San Diego	Wilson was fatally shot while doing a probation check in an apartment.

Oct 28	154	<b>Cynthia Palomata</b>	55	Nurse with Contra Costa Health Services	Martinez	Palomata was attacked and killed by an inmate at the Contra Costa County Jail.
Nov 1	155	<b>Dirk Vamoerot</b>	65	Employee of L.H. Woods & Sons	Colton (San Bernardino County)	Working on street repair when a heavy K-rail concrete barrier fell off another barrier and crushed him.
Nov 4	156	<b>Bert Tufele</b>	55	Dockworker	Port of Long Beach	Truck operator inside a marine terminal collided with a utility tractor rig (UTR).
Nov 4	157	<b>Worker for SSA terminals</b>			Santa Ana	Driver of a utility tractor rig ran a stop sign, colliding with another utility rig.
Nov 4	158	<b>Orchard worker for Andrade Farm Labor</b>			Carpinteria	Avocado picker placed a metal ladder against a tree. The ladder made contact with an overhead 9,500-volt electrical line. The worker was electrocuted when he stepped onto the ladder.
Nov 7	159	<b>Ryan Bonaminio</b>	27	Police officer	Riverside	Fatally shot by a trucker who he was trying to pull over after a hit-and-run incident.
Nov 10	160	<b>Employee at Lassen Forest Products</b>			Red Bluff	Fell into a wood chipper.
Nov 14	161	<b>Gary Wayne Smith</b>	57	Employee of CalTrans	Chico	While setting up road closure in response to an earlier fatal collision, was struck and killed by a drunk driver.
Nov 15	162	<b>Antonio Barajas</b>	33	Tree trimmer for Traverso Tree Service	Walnut Creek	Killed when a rope he was using to climb a tree became entangled in a chipper. He was swung out of control and hit his head on the machine's safety bar.
Nov 17	163	<b>Employee of Selsor Construction</b>			Madera	The worker was walking when he was run over by a front loader and died of crushing injuries.
Nov 23	164	<b>Juanita Alvarado Francisco</b>	49	Owner of Panaderia Bakery	Bakersfield	Found dead from trauma in a back storage room of the store in what was likely a homicide.
Dec 14	165	<b>Martimiano Morales Carreon</b>	49	Avocado grove caretaker	Rainbow (San Diego County)	Fell into a commercial wood chipper while clearing trees near an avocado grove. His adult son, who stopped the machine and pulled his father out, suffered major trauma to his lower extremities and died at the scene.
Dec 16	166	<b>Employee of Shadowfax</b>			Morgan Hill	While installing roofing felt as rain cover on a residence, slipped off the roof and fell more than 20 feet.
Dec 17	167	<b>Robert Morales</b>	63	Owner of Rancho Auto Service & Smog	Temecula	Morales was repairing a car from underneath, when the rear of the vehicle slipped off the hydraulic lift and fell on him.
Dec 23	168	<b>Juan Carlos Villalobos</b>	28	Construction worker for John Benward Co.	Sonoma	Villalobos was fueling a small tractor at a construction company yard, when the driver of a dump truck began backing up and crushed him.
Dec 24	169	<b>Joseph Gosinski</b>		Owner of Chicane Sport Tuning	Torrance	Found murdered at his Torrance custom car shop. Police say robbery was not the motive.

