

# DYING at WORK in CALIFORNIA



the **HIDDEN STORIES**  
behind the numbers

Workers Memorial Day

April 28, 2014

**WORKSAFE**

safety, health, and justice for workers  
seguridad, salud, y justicia para los trabajadores

## FIRST MOURN. THEN WORK LIKE HELL FOR THE LIVING!

This is Worksafe's fourth annual report released in conjunction with Workers Memorial Day, an international day of remembrance for workers killed and injured on the job.

Every year, the production of this report is a sobering reminder of the real consequences of unabated hazards and employer intransigence, of the prioritizing of profit over the people whose labor makes it possible.

Hundreds of men and women once again died before their time in 2013, or were injured or made ill. They were simply trying to provide for themselves and their families, and, time and again, the conditions underlying these tragedies were entirely preventable. We hope that the information, statistics, and, especially, stories contained here will serve to remind us of what's at stake, and spur us all to action in each of our roles—as citizens, advocates, stakeholders, policymakers, and fellow workers.

This report is dedicated to the workers profiled, the countless others whose stories we never hear, and their families and communities.

We'd like to acknowledge those who provided assistance, contributions, and materials, including:

- ▶ AFL-CIO
- ▶ AFSCME Local 3993
- ▶ ATU Local 1555
- ▶ Jorge A. Cabrera, SoCalCOSH
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- ▶ Cal/OSHA staff
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- ▶ Richard Negri, SEIU 121RN

Finally, we'd like once again to thank Yvonne Day-Rodriguez, our graphic designer, for her amazing work and dedication.

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# EXECUTIVE SUMMARY: Who Is Dying, Being Injured, or Made Ill at Work in California?

**A**s we've emphasized in past reports, it is extremely challenging, if not impossible, to get an authoritative count of the workers killed on the job in a given year. For 2012, the most recent year for which there is Bureau of Labor Statistics data, the preliminary number is 339, which can be expected to rise. These counts may still exclude work-related deaths outside the agency's jurisdiction, those that coroner's reports attribute to pre-existing medical conditions, those that are never reported or investigated, and the much larger number attributable to the cumulative effects of workplace illness and injury. 451,500 people were injured or made ill on the job, an increase of more than 10,000 from 2011.

In 2012, transportation incidents were again the leading cause of workplace fatalities by event or exposure, comprising 38% of those reported. These were followed by assaults or other violent acts by persons or animals (20%), contact with objects and equipment (18%), and falls (16%). The proportion of falls and instances of violence both mark slight decreases from 2011 data, while the other categories increased proportionally.

Relying primarily on federal OSHA's fatality reports, investigation data provided by Cal/OSHA, media sources, and the website [The Weekly Toll](#), run by [United Support and Memorial for Workplace Fatalities](#), we confirmed 273 California workplace fatalities in 2013. These are listed, with as much information as we could glean from publicly available resources, in the chart at the back of this report. We fully expect that this list is incomplete, that tragedies which deserve public attention are hidden from public view, and that there others which we, for whatever reasons, will never hear about.

But [we agree with Celeste Monforton](#) of the George Washington University School of Public Health & Health Services that putting names to these incidents, to whatever degree we can, is crucial. It's an act of remembrance and solidarity, and it should be

accompanied by a deep commitment to prevent the next loss from happening in the first place.

## Who is at highest risk of dying?

Ninety-three percent of the fatalities on the job were men, consistent with years past and reflective of the types of jobs they often hold. Workers identified as white died in greater numbers than other categories provided for race or ethnic origin, representing roughly 50 percent of those killed in 2012. Latino workers accounted for 36 percent, workers of Asian descent for 9 percent, and black/non-Hispanic workers for 4 percent. This includes few of the 50,000 or more who die of occupational disease.

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

Trade, transportation, and utilities was the industry with the highest number of fatalities, followed by transportation/warehousing and construction. Transportation and material moving was the occupation with the single highest number of fatal incidents, followed by construction/extraction and installation, maintenance, and repair.

## Who is at highest risk for being injured?

In 2012, men accounted for 61% of workplace illnesses and injuries requiring days from work, and women for 39%. Notably, Hispanic workers comprised more than half of the total (56%) for cases in which ethnicity was provided. The industry with the highest incidence of nonfatal injuries was building and grounds cleaning and maintenance occupations, followed by installation, maintenance, and repair, and then transportation and material moving. Laborers and freight, stock, and material movers was the occupation with the most injuries reported by far, with nearly twice as many as its closest follower: farmworkers.

Sprains, strains, and tears remained the leading cause of days away from work due to injury, and overexertion was the prime type of incident or exposure.

Workplace violence is a growing problem, particularly

for women workers in health care and service jobs. Undocumented immigrant workers are particularly vulnerable to exploitation and retaliation. Temporary and contract workers and day laborers are also at great risk as employers try to avoid responsibility for health and safety and workers' compensation by contracting out dangerous work.

### How much do workplace injuries and illnesses cost?

According to the annual [Workplace Safety Index](#) released by the insurance company Liberty Mutual, workplace injuries and illnesses in 2011 cost \$55.4 billion in direct U.S. workers' compensation costs. The report notes that this is more than a billion dollars spent by businesses each week on the most disabling injuries. This count does not include the costs associated with long-term work-related health issues. If it did, that already astronomical number would be significantly higher. Workers and their communities pay about 75 percent of these costs.

### Signs of progress

Fighting for change does save lives. According to data from the National Safety Council and the BLS, the job fatality rate has been cut 82% since OSHA was established in 1970. Fatality rates for Latino workers have reduced significantly since 2001, yet the rates are still higher than for all workers.

Injury rates have also declined over time. But a comment by one trade union representative regarding Europe also holds true here ([PDF](#)): “What most workers suffer is illness more than death: persistent backache and joint pain, depression, having to stop work before retirement age. The net/net is that health is no better distributed than wealth, housing or education. Those who have wealth live much longer and in much better health than those who produce it. Deregulation policies are deepening these inequalities.”

### What remains to be done

Clearly, our top job is to fight against campaigns by the business community to block efforts for stronger laws and regulations, falsely claiming that these regulations and protections kill jobs. In fact, the reverse is true: these protections keep employers from killing workers. They argue that “we have enough laws—we just need to enforce those already on the

books.” Then they actively lobby against proposals to increase funding for OSHA, state OSHA plans, and the work of other health and safety agencies so that existing laws can be enforced.

We need to push forward—do more than react—while looking at and for solutions to all hazards. In the words of the AFL-CIO, “We must educate, mobilize and organize union members and join with our allies in our communities to demand fair pay and benefits for all workers and stronger safety and health protections to save workers' lives.”

Here are steps health and safety agencies need to take:

- ▶ Rebuild Cal/OSHA's enforcement program by hiring and training more inspectors, especially bilingual ones, to meet staffing levels on par with our neighbor states Oregon and Washington
- ▶ Strengthen enforcement tools so every inspection has a greater impact, including laws that make it easier to require employers to immediately fix serious hazards once they are caught
- ▶ Provide more education and support to unions and worker organizations so they can more actively enforce the law in their workplaces;
- ▶ Expand training and education to workers and small employers about workers' rights, with a special focus on retaliation and employers' duty to create workplace programs that encourage reporting injuries and fixing hazards
- ▶ Send a clear message to employers and workers by promptly investigating worker complaints of OSH-related retaliation and issue maximum damages beyond back wages, where appropriate, and publicizing these efforts
- ▶ Improve protections for temp workers by issuing clear guidance documents to ensure that injured workers receive prompt medical treatment, access to workers' comp, and that all injuries and associated hazards are recorded and investigated
- ▶ Pass new regulations to protect workers from exposure to toxic chemicals and other hazards, and beef up the health side of Cal/OSHA's enforcement and consultation activities so that new laws are enforced and workers are protected



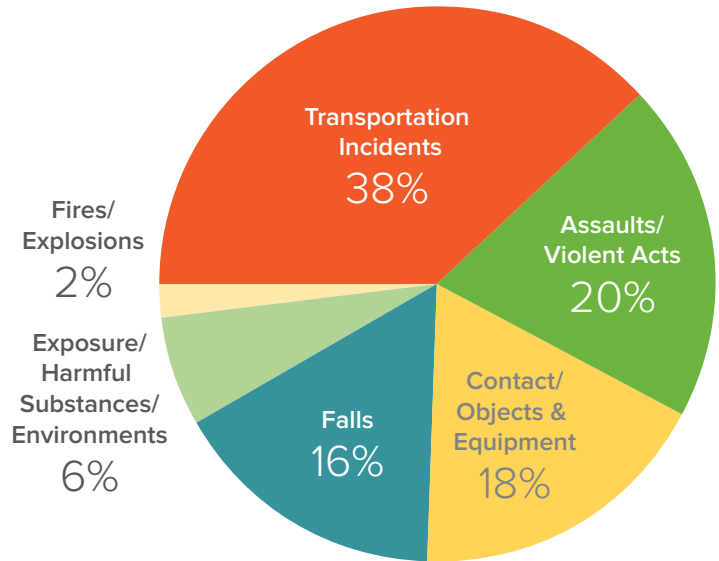


## I. Overview of Injuries, Illnesses, and Deaths

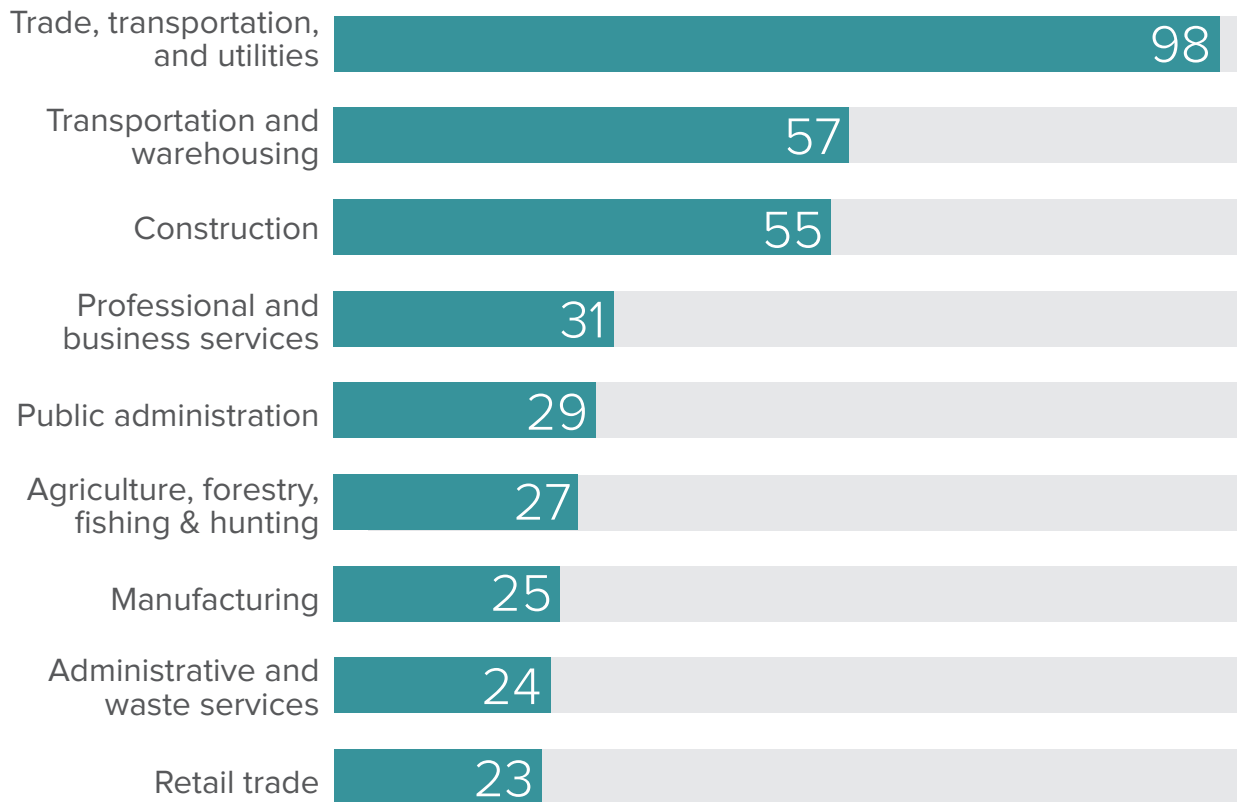
# Occupational Fatalities in California

**A**s we've emphasized in past reports, it is extremely challenging, if not impossible, to get an authoritative count of the workers killed on the job in a given year. Preliminary numbers are provided by the Census of Occupational Fatalities (CFOI), released annually by the U.S. Bureau of Labor Statistics (BLS), though the data lags behind, and the final number is invariably larger than first reported. For instance, in 2011, BLS released a preliminary count of 360; the final number provided later was 390. This is typical, though the size of the increase varies from year to year. For 2012, the most

## 2012 FATALITIES BY EVENT/EXPOSURE

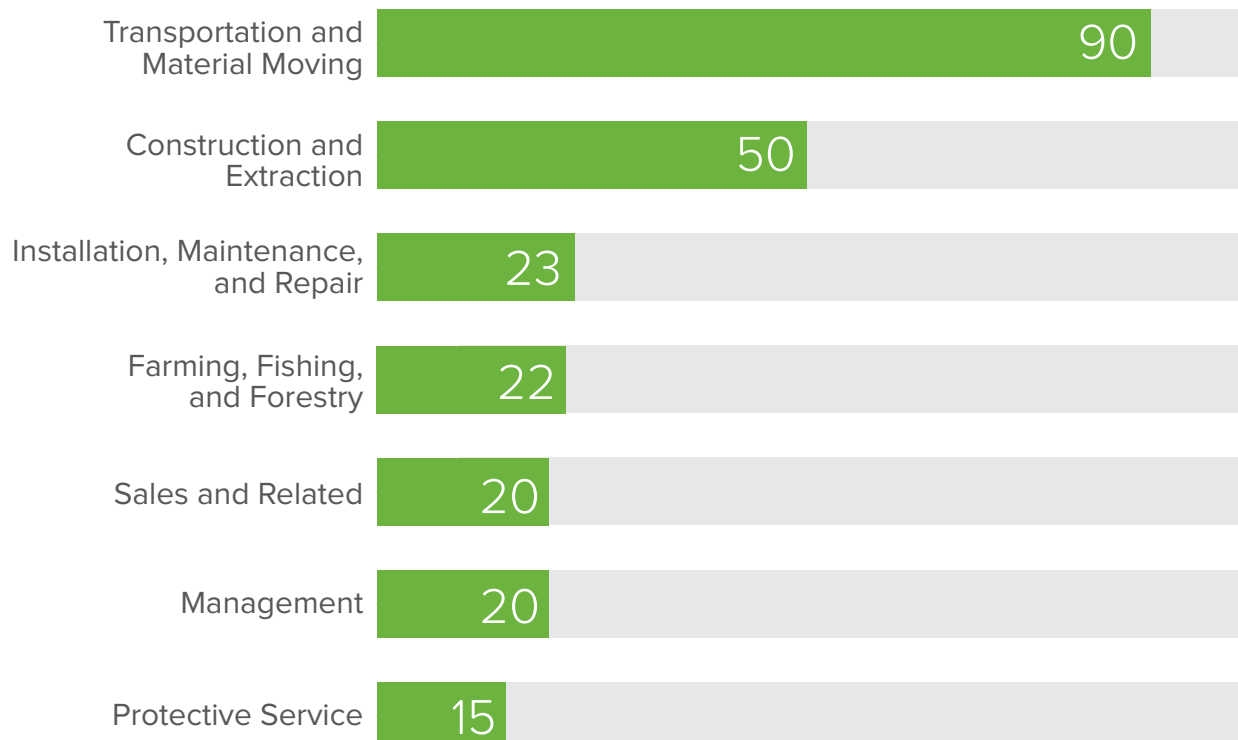


## 2012 FATAL WORK INJURIES BY INDUSTRY





## 2012 OCCUPATIONS WITH THE LARGEST NUMBER OF FATALITIES



recent year for which there is data, the preliminary number is 339, which can be expected to rise. It is also noteworthy that these counts may still exclude work-related deaths outside the agency's jurisdiction, those that coroner's reports attribute to pre-existing medical conditions, those that are never reported or investigated, and the much larger number attributable to the cumulative effects of workplace illness and injury.

In 2012, transportation incidents were once again the leading cause of workplace fatalities by event or exposure, comprising 38% of those reported. These were followed by assaults or other violent acts by persons or animals (20%), contact with objects and equipment (18%), and falls (16%). The proportion of falls and instances of violence both mark slight decreases from 2011 data, while the other categories increased proportionally.

Men accounted for 93% of the fatalities, consistent with years past and reflective of the types of jobs they often hold. Workers identified as white died in greater numbers than other categories provided for race or ethnic origin, representing roughly 50% of those killed in 2012. Latino workers accounted for 36%, workers of Asian descent for 9%, and black/non-Hispanic workers for 4%.

Trade, transportation, and utilities was the industry with the highest number of fatalities, followed by transportation/warehousing and construction.

Unsurprisingly, given the prominence of vehicle collisions and similar events, transportation and material moving was the occupation with the single highest number of fatal incidents, followed by construction/extraction and installation, maintenance, and repair.

# What Types of Injuries and Illnesses Cause Workers to Miss Days of Work?

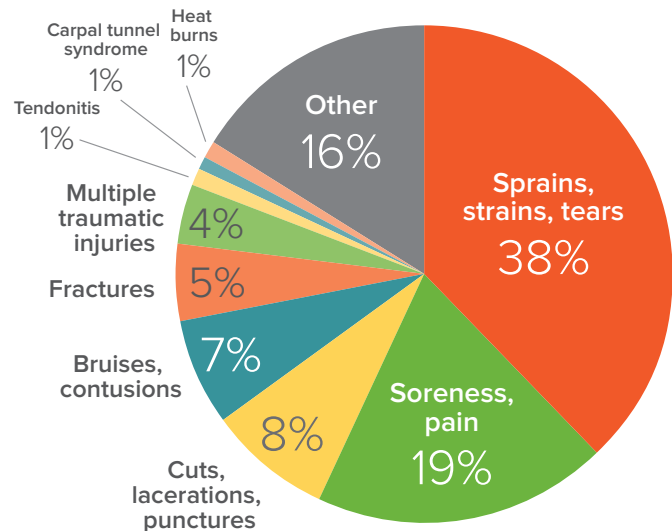
**W**hile we understandably tend to focus on catastrophic incidents and fatalities, including in the bulk of this report, it's important to also look at injury and illness data for a fuller understanding of the current state of workplace safety and health. For instance, while men are far more likely to die on the job, women are in many categories equally likely to be hurt or made ill.

Women workers are especially at risk when it comes to ergonomic hazards. For example, state workers' compensation data says they are 1.8 times more likely than men to file a successful workers' compensation claim for injuries related to "repetitive motion." Yet the [state's regulations](#) severely restrict the possibilities for Cal/OSHA to issue citations about these kinds of injuries, or ones related to other ergonomic hazards. (See [page 11](#).)

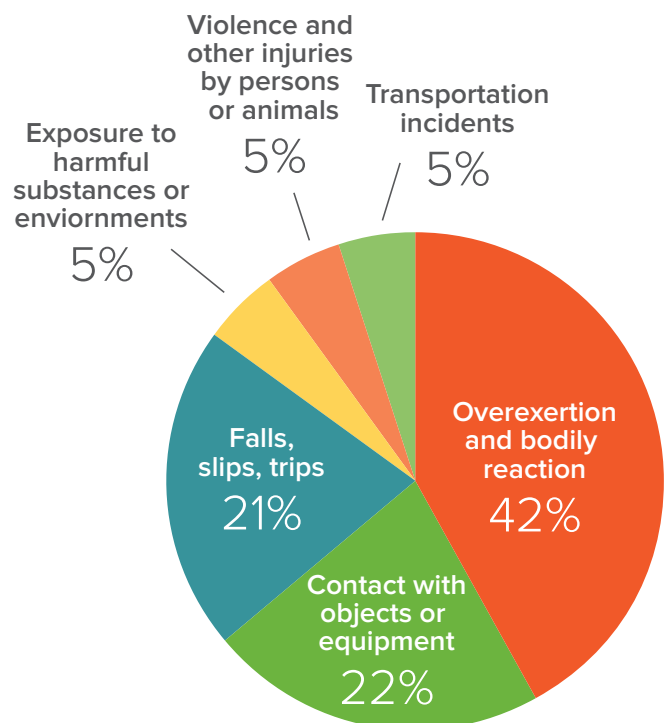
The data once again confirms that sprains, strains, and tears remained the leading cause of days away from work in 2012, accounting for roughly 38% of the total reported. The second most frequently listed cause, at 19%, was soreness or pain. Other categories that contributed significantly included cuts, lacerations, and punctures (8%), bruises and contusions (7%), and fractures (5%).

As to the types of incidents or exposures, overexertion was far and away the leading culprit at 42%, followed most closely by contact with objects or equipment (22%) and falls, slips, and trips (21%). Overexertion, and related musculoskeletal injuries, crowd the top 10 on the [Liberty Mutual Workplace Safety Index](#); in 2011 (the last date covered), the insurance company estimated their direct costs were \$20.4 billion.

## 2012 CALIFORNIA DAYS-AWAY INJURY AND ILLNESS CHARACTERISTICS



## 2012 CALIFORNIA DAYS-AWAY BY EVENT OR EXPOSURE



The BLS organizes occupational illnesses effects into five broad categories: skin disorders, respiratory conditions, poisonings, hearing loss, and “all other illnesses.” Cancers and heart-related health issues are the top reasons for deaths in the U.S. Yet there is no specific accounting for cancers, reproductive effects, or most long-term or chronic diseases (e.g., effects on the nervous system, kidneys, heart).

Given this, we still know some important health effects by using the higher end of BLS’ 2012 data for occupational illnesses in California. We highlight the top three or four in each category. For example, transit workers have the highest incidence rate for “all other illnesses,” while the rate also is high for:

- ▶ **skin diseases** among accommodation and beverage and tobacco product manufacturing workers;
- ▶ **hearing loss** for air transportation workers, beverage and tobacco product manufacturing workers, and couriers and messengers; and
- ▶ **“all other illnesses”** for workers in state and local government justice, public order, and safety activities, couriers and messengers, and local government utility operations.

Work-related musculoskeletal disorders or injuries (MSIs) are serious underestimates particularly for women, given how often workers do not or cannot report, or get workers’ compensation coverage for, these types of acute and long-term injuries.

The [BLS tells us](#) that there were 53,150 MSIs in California in 2012, with reported rates for local and state government workers more than twice those of private industry: 40.9 for every 10,000 full-time equivalent workers vs 90.1 and 83.1 respectively. (Is this because there are more unionized government workers with good health benefits?) At the same time, the agency says “overexertion and bodily reaction” accounted for 56,460 people being off work in the state, although it is not the only cause of MSIs.

## 2012 REPORTED ILLNESSES & DISEASES BY CATEGORY

	NUMBER (1,000s)	INCIDENCE RATE*
<b>SKIN DISORDERS</b>		
Accommodation		11.0
Beverage & tobacco product manufacturing		15.3
Hospitals (private)	0.3	
Justice, public order & safety (local gov't)	0.4	
Justice, public order & safety (state gov't)	0.1	10.8
Service (local gov't)	1.1	
Service (state gov't)	0.3	
<b>RESPIRATORY CONDITIONS</b>		
Justice, public order & safety (local gov't)	0.2	9.9
Justice, public order & safety (state gov't)	0.1	21.2
Merchant wholesalers, nondurable goods	0.2	
Service (local gov't)	0.5	
Service (state gov't)	0.3	
Transit & ground passenger transportation (local gov't)		13.9
<b>HEARING LOSS</b>		
Air transportation	0.1	27.7
Justice, public order & safety activities (local gov't)	0.1	
Non-metallic mineral product manufacturing		13.8
Service (local gov't)	0.3	
Wood product manufacturing		16.3
<b>ALL OTHER ILLNESSES</b>		
Couriers & messengers		106.7
Health care & social assistance (private)	3.5	
Justice, public order & safety (local gov't)		103.7
Justice, public order & safety (state gov't)		156.7
Service (local gov't)	5.9	
Service (state gov't)	2.2	
Transit & ground passenger transportation (local gov't)		183.9

\* Incidence rate is for every 10,000 full-time workers in California. Empty cells mean that the number is not large enough to be counted in the BLS system or that the “data do not meet publication guidelines.”

SOURCE: Bureau of Labor Statistics, [Table 8](#) and [Table 9](#).

# California's "High Hazard" Industries

Cal/OSHA develops a High Hazard Industry list to target inspections and offer free consultation services. The list is developed analyzing the rates of the most serious injuries, those defined as resulting in Days Away/Restricted duty/Transfer from regular job (DART). A DART rate of 2.0 means that a sub-sector has double the serious injury rate of other sub-sectors in the same general category. Using the [2013–2014 High Hazard Compliance Unit list](#), we list below sub-sectors that were particularly high (4.5 or greater).

This year, the air transportation and frozen food manufacturing sectors top the list with the highest serious injury rates, roughly six times the rate of other sectors. The accommodations sector—which includes professions like hotel room cleaning, meal preparation, laundry service, and so forth—employs the largest number of people in high-risk jobs. This one sector alone employs almost 40% of workers employed in one of the top 21 high hazard sectors.

Other high hazard industries on the current list include waste collection, sugar products, animal slaughter and processing, wood products, foundries, forging and stamping, and coating and engraving. Dropping off the list this year were exterior building contractors, masonry contractors, and framing contractors, as well as metal work, chemical production, dairy production, and warehousing.

## 2012-2013 HIGHEST HAZARD INDUSTRY LIST

INDUSTRY GROUP	INDUSTRY ACTIVITY	DART	EMPLOYEES
Construction	Framing contractors	5.4	9,330
Manufacturing	Frozen food manufacturing	5.9	12,328
	Glass and glass products	5.1	6,700
	Beverage and tobacco products	5	15,749
	Household and institutional furniture	4.8	11,923
	Ventilation, heating, AC and refrigeration equipment	4.7	5,809
	Ship and boat building	4.6	7,798
	Motor vehicle body and trailer	4.5	4,356
	Air transportation	6.8	41,164
Transportation & Warehousing	Couriers and messengers	5.3	57,240
	Support activities for water transport	4.5	16,116
Utilities	Water and sewage systems	5.4	31,955
Accommodations & Food Service	Accommodations	5	196,716

# Most Cited and Appealed Cal/OSHA Violations for 2013

**H**ere is the list of Cal/OSHA’s most often cited and appealed violations for 2013. The accompanying charts help us tell you the whole story.

**Most Cited:** The Injury and Illness Prevention Program standard remains the most-cited Title 8 standard, a position it traditionally holds. In fact, the number of violations the Division of Occupational Safety and Health cited under General Industry Safety Orders §3203 in 2013 was exactly the same as 2012—1,709.

**Most Appealed:** Meanwhile, the fatality and serious injury reporting regulation, §342(a), was the most appealed standard and remains one of the most controversial regulations. It topped the most-appealed list and was one of the leading most-cited standards.

Heat illness prevention violations were the second-most cited by Cal/OSHA last year, at 1,515, up from the 1,379 issued in 2012. The construction IIPP standard was third, at 905 violations, also up from 2012. None of the top three violations had a high rate of serious classification, although all three saw increases in their serious rate.

On the most-cited list, the violation that most often was cited as serious was standard number 25—Use, Care and Protection of Abrasive Wheels, GISO §3577. Essentially half of the violations cited under this standard last year were serious.

The fourth-most cited standard, §3314, lockout/tagout, was classified serious in more than one-third of the cases.

The 25 most-cited standards represented more than 8,900 cited violations, more than half of all violations cited in 2013. Of the 25, three on the 2013 list did not appear the year before, including: §341, Permit Requirements; CSO §1527, Washing Facilities, Food Handling and Temporary Quarters; and §4650, Compressed Gas and Air Cylinders.

Based on its relative positions on both lists, the fatality/serious injury-reporting standard is the most controversial regulation in Title 8. Section 342(a) violations were the fifth-most cited violation and the number one most appealed citation.

On the most-appealed list, which includes 10 standards, there also were four new entries for 2013: §3380, Personal Protective Devices and Safeguards; §5157, Permit-Required Confined Spaces; §3999, Conveyors; and §3650, Industrial Trucks.

## 10 MOST APPEALED STANDARDS

STANDARD	DESCRIPTION	TOTAL
342	Reporting Work Fatality or Serious Injury	478
5189	Process Safety Management of Acutely Hazardous Materials	65
4002	Moving Parts of Machinery and Equipment	79
3380	Personal Protective Devices and Safetyguards	73
3314	Cleaning, Repairing, Servicing, and Adjusting Prime Movers, Machinery and Equipment	481
5157	Permit-Required Confined Spaces	99
4070	Belt and Pulley Drives, Guarding	90
3999	Prime Movers and Machinery, Conveyors	70
4300.1	Table Saws—Manual Feed (Class B)	100
3650	Industrial Trucks: General Requirements	187

Source: The Cal/OSHA Reporter

## 25 MOST CITED STANDARDS

STANDARD	DESCRIPTION	TOTAL VIOLATIONS	SERIOUS VIOLATIONS	PERCENT SERIOUS
3203	Injury and Illness Prevention Program	1709	98	5.7
3395	Heat Illness Prevention	1515	103	6.8
1509	Construction Injury and Illness Prevention Program	905	29	3.2
3314	Clean, Repair, Service, Set-up and Adjust Prime Movers, Machinery and Equipment	481	180	37.4
342	Reporting Work Fatality or Serious Injury	478	3	0.6
5194	Hazard Communication	412	8	1.9
6151	Portable Fire Extinguishers	334	2	0.6
3457	Field Sanitation	299	7	2.3
5144	Respiratory Protection Equipment	293	8	2.7
461	Permits to Operate Air Tanks	249	0	0
1512	Construction: Emergency Medical Services	237	1	0.4
5162	Emergency Eyewash and Shower Equipment	217	73	33.6
3276	Portable Ladders	209	39	18.7
3650	Industrial Trucks: General Requirements	187	40	21.4
2340.16	Work Space About Electric Equipment	184	0	0
3668	Powered Industrial Truck Operator Training	178	11	6.2
3328	Safe Practices, Personal Protection: Machinery and Equipment	167	43	25.7
3577	Use, Care, and Protection of Abrasive Wheels: Protection Devices	120	53	44.2
341	Permit Requirements: Excavations, Trenches, Construction and Demolition and the Underground Use of Diesel Engines in Work in Mines and Tunnels	114	4	3.5
1644	Metal Scaffolds	114	46	40.4
1527	Washing Facilities, Food Handling and Temporary Sleeping Quarters	113	0	0
2500.08	Flexible Electrical Cords and Cables: Uses Not Permitted	113	0	0
4650	Compressed Gas and Air Cylinders: Storage, Handling, and Use	112	26	23.2
2340.22	Equipment Identification in Electrical Installations	107	9	8.4
3241	General Physical Conditions and Structures: Special Design Requirements, Live Loads	105	7	6.7

Source: The Cal/OSHA Reporter

# Occupational Health Indicators: What Do They Show?

**A** major role of any public health agency is surveillance: compiling and analyzing multiple data sources to get a more complete picture of the characteristics of its population's health status and the magnitude of the risks it faces. Data can be compared over the last several years to show trends.

More than 20 **Occupational Health Indicators (OHIs)** have been defined by a national network of states. These indicators are tracked regularly by the Occupational Health Branch in the California Department of Public Health (CDPH). They provide data on several illnesses or injuries not broken out in the federal Bureau of Labor Statistics data.

Below are the numbers of new cases they found in 2010, using the most recent analyzed data.



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## ASBESTOSIS AND OTHER DUST-RELATED DISEASES

1,365  
(+90% FROM ASBESTOSIS)

Pneumoconiosis is a term for a group of lung diseases caused by the inhalation of mineral dust, nearly always in occupational settings. This includes exposure to asbestos, silica, coal dust, and other mineral dusts. Most cases of pneumoconiosis develop only after many years of cumulative exposure and so are usually diagnosed in older individuals, often long after the onset of exposure. If they have retired, they may not know they are still eligible for workers' compensation benefits.

Asbestosis and silicosis are easier to link to specific exposures than other dust diseases. In 2010, there were 292 fatal cases of mesothelioma, a form of cancer often linked to asbestos exposure.

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## WORK-RELATED HOSPITALIZATIONS

14,000+

People who are hospitalized for work-related injuries and illnesses have some of the most serious and costly adverse work-related health conditions. The explanation of this indicator notes that "[I]t has been estimated that, nationwide, approximately 3% of workplace injuries and illnesses result in hospitalizations, and that hospital charges for work-related conditions exceed \$3 billion annually." More than 2,200 hospitalizations in 2010 were related to surgery for lower back pain.

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## AMPUTATIONS

470-646

The annual federal survey of employers estimates there were 470 amputations in 2010, while actual lost-work claims filed in California under workers' compensation reports a much higher number: 646. This includes only those amputations that caused workers to miss more than three days of work.

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#### PESTICIDE POISONINGS (ACUTE-PARTIAL)

217

This indicator reports on the number of acute work-related pesticide poisonings in 2010 that were reported to Poison Control Centers, which are estimated to capture only about 10% of all cases. The EPA estimates that there are between 20,000-40,000 work-related pesticide poisonings each year. Agricultural workers and pesticide applicators are at greatest risk for acute pesticide poisoning, although poisonings can occur in many other work settings.

Women farmworkers have twice the rate of acute pesticide poisonings as men working in the fields, according to a national report that included California data, published in the *American Journal of Industrial Medicine*.

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#### MUSCULOSKELETAL DISORDERS REPORTED BY EMPLOYERS

30,220

Musculoskeletal Disorders (MSDs) are by far the most common and costly type of work-related injury that result in missing days of work. These injuries can place severe restrictions on people's ability to function both on and off the job. Workplace risk factors include repetitive forceful motions, awkward postures, use of vibrating tools or equipment, and manual lifting of heavy, awkward loads. These disorders can also be caused by single, traumatic events such as falls.

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#### ELEVATED LEAD EXPOSURE

1,716

Lead poisoning among adults is primarily due to job exposures. Lead can severely harm many organ systems and cause permanent damage. It can cause anemia, nervous system dysfunction, kidney damage, hypertension, decreased fertility, and miscarriage. Workers may bring lead dust home on their clothing, exposing family members. There were 1,716 workers reported with blood lead levels (BLL) at or above 10  $\mu$ g/dL at least once during 2010. Because so many employers who use or disturb lead do not provide BLL testing for their employees, this number is much lower than the actual count of workers overexposed to lead on the job.



# Prevention Required: Illnesses and Diseases from Work Go Far Beyond the Data Collected

**T**here's a huge gap between the data we get about illnesses and diseases related to work (see [page 8](#)) and what we know about the likely or possible hazards behind them and many other common diseases (e.g., cancer, heart problems, reproductive health issues).

In the last few years, studies, reports, and recommendations about three types of hazards stand out: endocrine disruptors (EDs), neurotoxicants, and air pollution. These all give “take your child to work day” a new meaning, as they can affect women’s and men’s reproductive systems before conception or a birth; some even affect the ability to have children.

These hazards tend to be the focus of environmental health and consumer advocates. Yet workers make the chemicals, use or work in or around them, and deal with their disposal and waste. People working outdoors must deal with air pollution much more than others. This all makes workers the “canaries” who first show the health problems, even if it is years after first using or working around a chemical.

**Endocrine disruptors (EDs)** have made headlines for their effects at very low doses, a difference from the usual dose-response understanding of chemicals. The adverse results can fit into five categories:

- ▶ hormone-related cancers (e.g., breast, prostate)
- ▶ effects on the body’s metabolic system (e.g., obesity)
- ▶ reproductive health (e.g., infertility, cancers, malformations)
- ▶ thyroid effects
- ▶ development of children’s brains and nervous systems (which affect their ability to learn, behave, etc.)

The body’s hormones regulate how it functions. So it’s not surprising that studies also have linked these chemicals to cardiovascular problems, and it is expected that they have more effects than listed.

These “man-made” chemicals are found in cash receipts, flame retardants, plastic products, drugs, pesticides, e-waste, waste products, and much more. They are among some of the highest-volume chemicals produced in the world.

We don’t know where they will turn up or all of their effects. Workers’ right-to-know regulations do not require warnings at the low levels where these chemicals can do damage, and other labeling rules do not pay special attention to them. Even when we know about their effects, and are able to ban some uses (e.g., California and several states have [banned BPA](#) or bisphenol-A in baby bottles and sippy cups), the [substitutes](#) often are just as, or more, toxic.

EDs are so common, and so dangerous, that the World Health Organization (WHO) and [United Nations Environment Programme \(UNEP\)](#) issued reports about them in [2012](#) and [2014](#).

**Neurotoxicants** affect our brains and nervous systems; the effects can show up throughout a person’s life, including lower IQs, autism, early-onset dementia, behavior issues, and more.

Two world-renowned scientists published a paper in 2014 about the “silent pandemic” damaging the brains of unborn children. They pointed to 12 substances found in the environment, homes, and workplaces that they consider to be neurotoxicants, saying that children and poor people are most likely to be affected. (See graphic.)

*The Atlantic* magazine [report](#) about the study in March 2014 linked the results to estimated costs in the U.S., concluding:

*The combined current levels of pesticides, mercury, and lead cause IQ losses amounting to around \$120 billion annually—or about three percent of the annual budget of the U.S. government.*

Others are looking at the effects of quite low levels of metals (some on the list on the chart). Researchers are paying more attention to those outside the usual locations (e.g., mining, hazardous waste sites), and to what happens when they're burned or heated. A particular focus is [petroleum products](#) (e.g., gasoline, diesel fuel), found in refineries and pipelines, at toll gates and gas stations, and on around transit vehicles. While some historically are linked to cancer and other long-term diseases, neurotoxic effects are being added to the list of effects.

**Air pollution**—the smog and “crud” in the air from motor vehicles, industrial sites, burning fuels, and generating power—causes cancer. That's the [2013 verdict from the International Agency for Research on Cancer \(IARC\)](#), a WHO body that reviews studies about chemicals and other hazards that cause cancer. It put outdoor air pollution in its Group 1, of substances for which there is sufficient evidence of causing cancer.

Think of the “soot” or black “dust” on window ledges and elsewhere in offices and homes near highways. Think of the fine particles we breathe on the street every day, especially if we're working outside. The IARC says recent estimates add up to 3.2 million premature deaths around the world in 2010, due largely to cardiovascular disease, and 223,000 deaths from lung cancer.

The International Labour Organisation's call for a [“World Day for Safety and Health at Work”](#) that focuses on chemicals at work is an important step.



Yet, all these hazards need more immediate attention using an occupational health lens. Their effects should be accounted for when workers and their families get sick, and it's time that effective prevention measures to reduce their production, use, and presence became a high priority for health and safety agencies and others. Finally, it's time we had a green chemistry program that goes beyond three chemicals and products, taking into consideration the numerous chemical hazards workers face.

# Resources on Chemical Hazards for Working Families

One of Worksafe and its allies' biggest successes this past year was to ensure that California's updated version of the Hazard Communication Standard retained its historically strong protections, while also coming into compliance with a new Globally Harmonized System (GHS) for chemical information. All workers, California and nationwide, should have been trained by their employers by December 2013 on how to read and understand the new pictograms and formats used in the labels and Safety Data Sheets that chemical manufacturers and suppliers will be switching to over the next couple of years.

Below is a list of some of the new resources on chemicals that people may want to know about to get more information on which chemicals are hazardous, where they may be found, and where to look for safer alternatives:

- ▶ ChemHAT is “designed by workers for workers” by the Blue-Green Alliance. As [their website explains](#), “the Chemical Hazard and Alternatives Toolbox, is a new internet database designed to offer up easy to use information that we can use to protect ourselves, our families and our co-workers against the harm that chemicals can cause.
- ▶ Federal OSHA has produced and promoted a toolkit, partly inspired by California's Green Chemistry Initiative, for [Transitioning to Safer Chemicals](#). It provides lists of toxic chemicals and processes for selecting less toxic alternatives or methods.
- ▶ The Environmental Defense Fund produced a report and a map titled [Toxics Across America: Who Makes the Billions of Pounds of Toxic Chemicals Flowing through the U.S. Economy Each Year](#).
- ▶ The Center for Effective Government has produced a [report and map](#) about schools within a mile of high-risk chemical facilities (e.g., ones that could explode or catch fire).
- ▶ California's “green chemistry” (Safer Consumer Product) [regulations](#), which came into effect in October 2013, includes a list of more than 1,000 chemicals of concern.
- ▶ The Department of Toxic Substances Control (DTSC) has recommended its first [priorities](#) to analyze products for alternatives to specific chemicals, all of which are relevant for workers.
- ▶ The state Department of Environmental Protection's Office of Environmental Health Hazard Assessment (OEHHA) continues to list substances known to cause cancer and reproductive effects for [Prop 65](#), and has produced [CalEnviro Screen](#), a tool designed for environmental justice purposes that indicates areas affected by pollution sources that usually are workplaces.
- ▶ In March 2014, the Occupational Hazards Branch of the state Department of Public Health released its latest report about [“occupational health indicators”](#) showing trends for more than 20 health effects and factors that influence workers' health. (See [page 13](#).)
- ▶ California is included in the [2014 rankings](#) of health in the United States, organized by county.





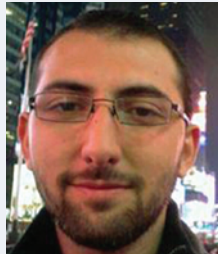
## II. The Stories Behind the Statistics

Each preventable death profiled here, and listed in the chart at the back of this report, marks a real absence, an abrupt loss which ripples outward in the lives of others. Let us bear witness, work harder, and never forget that created conditions can be changed. It doesn't have to be this way.

DAVID ELEIDJIAN

## Temp Worker Killed on the Job at Repeat-Offender Employer

**D**avid Eleidjian was killed on the job near Pittsburg, Calif., on April 15, 2013. The 26-year-old left behind a loving extended family, including a 3-year-old daughter. His moving [obituary](#) and the [videos](#) posted in his honor testify to the love and esteem in which he was held, and are a fitting reminder that every workplace fatality is so much more than the grim, faceless statistics or cursory news stories we're accustomed to seeing.



So what happened, exactly? David was a temp worker at a plant owned by Henkel Corporation, a Bay Point industrial manufacturing operation, and was assigned to use a 55 gallon mixer, instead of the manufacturer-recommended 300 gallon one. He was scraping adhesive from the machine while working a mere 12 inches from an unguarded spinning shaft. His employer-assigned coveralls were too big. They caught on the shaft and he was pulled into the mixer. He died later at the hospital.

David's story is in many ways the story of temporary work in the modern United States.

First, he was a young worker, a veteran of the Iraq war, building a life with his family in the Bay Area, where he was raised just decades earlier.

Second, he was an immigrant worker; born in Armenia, he moved to the U.S. at age four, early enough to overcome many of the obstacles older immigrant workers face, but nevertheless a characteristic typical of the sector.

Third, he was a new worker. The rate of workplace injuries and death is markedly higher among new and young workers, who largely comprise the temp worker ranks.

Fourth, he fell victim to a system that incentivizes cutting costs at the expense of worker safety and health. David lived, worked, and was killed in the East Bay, but was technically employed by a company clear across the country, in Tennessee. HR Comp LLC, his employer, advertises itself as providing payroll and workers' compensation services to streamline employers' core activities—this is code for outsourcing safety training and personnel costs. Perhaps this makes sense for a small company starting out. That company is not Henkel, which was founded in the late 1800s and employs 27,000 workers worldwide. Simply put, Henkel was saving money, maximizing profit. It was taking a gamble, with others' lives as collateral.

David was probably unaware that, six months earlier, another temp worker at the Bay Point plant working on a similar unguarded machine was seriously injured. His arm was mangled but he survived. A serious injury and a death for the same reason in less than a year—and Henkel avoids having the incidents even show up as claims with their work comp carrier. It costs them exactly nothing. In fact, the Cal/OSHA citation for the first incident was under appeal at the time of David's death.

We discuss temp work in greater detail on [page 23](#), and offer recommendations to ensure abatement of these identified hazards on [page 40](#).

But these come too late for David Eleidjian, his loved ones, and many others. At the end of his obituary, David's loved ones write: "Although he lived such a short life on this earth, he truly lived each and every one of those 26 years. As David's friends and family, we all know that David would never want us to be sad or tearful; he would want our laughter, our memories, and our friendships to bring us together during this time in a celebration of his rich and full life."

# DONALD WHITE & EDWARD LAKE II

## Two Preventable Deaths At 49ers Stadium Construction Site

**P**erhaps the new 49ers stadium in Santa Clara should be called the Donald White-Edward Lake II Memorial Stadium, instead of Levi's. The two men died within four months of each other in 2013, while contributing to building the \$1.3 billion structure set to open in August 2014.

### DONALD WHITE

Donald White, a 63-year-old elevator mechanic from Sacramento, was standing on a permanent ladder at the bottom of an elevator shaft on June 11. The moving elevator's counterweight hit and killed the long-time Schindler Elevator employee. (The counterweight balances the elevator cab's load, going down when the cab goes up.) [Survived](#) by his wife, [four sons](#), a step-daughter and five grandchildren, he was a member of [Local 8](#) of the International Union of Elevator Constructors.



Cal/OSHA initially told the company that it found no violations related to White's death; it rescinded the decision after the second death at the site. In December, it issued three serious citations, a special order, and \$54,000 in fines for hazards related to White's death (about electrical and moving parts and elevator cabs). The company instantly [appealed](#). In January 2014, Cal/OSHA notified the Appeals Board that its Bureau of Investigations is [investigating](#) further; it looks at possible criminal charges.

Based in Switzerland, Schindler considers ["employee wellbeing"](#)—including health and safety—part of its "corporate citizenship." In a [statement](#) after White's death, the company said: "As a leading manufacturer of elevators and escalators since 1874, Schindler is committed to the safety of its equipment, its workers and the riding public."

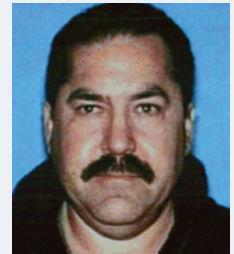
Yet federal OSHA reports that government health and safety agencies inspected its U.S. operations for nine sets of injuries or deaths (labeled "accidents") in the [past five years](#). In California, [Cal/OSHA's six initial](#)

[sets of citations](#) included fines of about \$165,000. The company's appeal of an [\\$18,000 fine](#) in 2011 failed; Kenneth Andrews, 32, had multiple fractures after falling 19 feet for lack of required protection. In an uncommon move, an administrative judge upped the fine to \$25,000.

Two days after White died, another Schindler Elevator employee was [crushed to death](#) in a Sterling, Virginia, elevator shaft. Three years earlier in Kentucky, 69-year-old Bill Motley died after being caught between an elevator car and a fixed ladder. [OSHA said](#) that the elevators were not properly de-energized or locked out and issued [16 serious citations](#) with fines totaling \$69,300.

### EDWARD LAKE II

Gerdau Reinforcing Steel West in Napa is another sub-contractor at the stadium site. Part of the multinational Gerdau Ameristeel, it says ["SAFETY above all"](#) is one of its values. Yet it also does not have a spotless health and safety [record](#).



Edward Lake II was a truck driver for Gerdau. Standing beside his truck the morning of October 14, he was hit by a 30-foot bundle of steel rebar that was being unloaded from the flatbed. He died in the hospital of "cranial injuries."

The 60-year-old from Vacaville had a daughter and was engaged to be married. Writing on an [obituary site](#) for her father, his daughter said, "You are the very best man I've ever known. Always thinking of us before yourself."

Six months later, Cal/OSHA issued three citations (two serious) and fines of \$36,750. They were for lack of procedures to safely unload rebar and ensure drivers and others are protected during those activities.

Deaths like White's and Lake's are the reason for a [Maryland bill](#) linking a company's health and safety record to getting state contracts. (California does not have similar rules for state or municipal governments.) This proposed policy was the topic of a 2012 report, [The Price of Inaction](#).

## HUGO TAPIA

# Shattered Dreams: Temporary Worker Dies at Santa Rosa Glass Company

**H**ugo Tapia was only 21 when he was killed at work on April 19, 2013.

Several glass sheets, each weighing about 110 pounds, fell on him. He lived with his family in Windsor, Calif., and, just two weeks before he died, started working for the same glass company his father had worked at for decades.



With dreams of one day directing fantasy action-thriller movies, Hugo seemed to have a bright world ahead of him. After graduating from Windsor High School in 2010, Hugo took film classes at Santa Rosa Junior College and worked at the Airport Stadium 12 movie theater. Sonia Tapia, Hugo's sister, described him as "happy, loving, accepting and kind, the brightest soul."

That would all change on April 19. Hugo was a temporary employee hired by Volt Information Services, which provides staffing for Thermal Sun Glass Products in Santa Rosa. Hugo was assisting two other Volt temporary employees unload products off of a rolling A-frame rack. The two Volt employees had rolled the rack out of the shop and down the driveway, where it got stuck. They asked Hugo to help dislodge it. A safety rope had not been used to secure the load. The pushing caused the heavy glass to move and separate from the rack. The glass then came crashing down on top of Hugo.

Hugo had only been with the company for a short two weeks as a temporary worker before he was killed. Yet, Thermal Sun did not provide Hugo or any of the other temp workers with the training, supervision, and safety precautions that new workers need to work safely. Temporary workers are the most susceptible to workplace injuries at the beginning of an assignment. As OSHA Chief Dr. David Michaels states, "We have known for a century that new workers are at increased risk for occupational injury and fatality, and that higher risk is

due to a lack of safety training and experience at the worksite."

Tapia was born June 29, 1991, in Santa Rosa to Lina Hernandez and Hugo Tapia, Sr. He had two sisters, Sonia and Maria, who he could always make laugh.

"He always put others ahead of himself and was constantly helping others and was always happy," Sonia said. Lina added: "I miss his kindness and personality. He was the one person I could talk to and not feel judged."

After an investigation, Cal/OSHA issued three citations on July 17, 2013. The inspector found that Hugo died as a result of Thermal Sun Products failure to:

- ▶ Properly secure loads against dangerous displacement; and
- ▶ Establish, implement, and maintain an effective Injury and Illness Prevention Program (IIPP).

Thermal Sun also failed to perform work inspections of Volt temporary workers, and Cal/OSHA issued a general citation for Thermal Sun's failure to maintain proper records of scheduled and periodic inspections and training for employees of Volt Information Services. There were no systems or procedures to identify and correct workplace hazards, and no training was provided on the specific workplace hazards.

Cal/OSHA also cited the staffing agency, Volt Information Services. However, the Division and agency settled the citation, which resulted from a general violation of the IIPP.

Thermal Sun did not appeal the citation and paid Cal/OSHA penalties in the amount of \$19,625.

None of this, of course, will bring Hugo back. "I feel like no one cares unless there is money involved," Lina says. "It's so sad because these companies continue to operate as if nothing happened; meanwhile, people can get hurt, and my pain because of the loss of my son will go on. It gives me hope that advocates like Worksafe are doing something to change this. I don't feel alone anymore. It gives me hope for humanity."



# TEMPORARY WORKERS

## Securing Equal Protection for the Health and Safety of the Most Vulnerable Workers

Over the course of the last two decades, the number of workers hired through temporary staffing agencies has dramatically increased. According to the American Staffing Association, 11.5 million temporary and contract workers were [hired by U.S. staffing firms in 2010](#). This number has [nearly doubled since then](#), and temporary workers now make up [more than two percent of the American labor force](#). In 2010, there were 282,000 temporary and leasing firm workers in California alone ([PDF](#)).

As this workforce grows, so does the erosion of basic rights to protect workers' health and safety. In a [recent article](#), Dr. David Michaels, Director of the Occupational Safety and Health Administration, stated that over the past year, the agency “has received far too many reports of workers killed in their first few days at work. Most of these have been temporary workers.”

But who are temp workers? Particularly in low-wage sectors, they are likely young, female, and black or Latino ([PDF](#)). They earn as much as 30 percent less than their permanent counterparts, are far less likely to receive health benefits, and are more likely to live in poverty.

Unfortunately, as employers shirk employment responsibilities to limit liability or long-term commitment, these workers face some of the highest levels of risk for serious injuries. In its recent investigation [Temporary Work, Lasting Harm](#), Pro Publica found that in California, temporary workers had about a 50 percent greater risk of being injured on the job than traditional direct-hire employees. They were also about twice as likely as regular workers to be stricken by heat exhaustion. Over the past five years, the injury claim rates of California's temporary workers have increased, while those of direct hire workers have held steady or fallen.

These pressing health and safety issues involve the failure of staffing agencies and employers to provide adequate safety training. Although there are many specific laws requiring health and safety training, there's no overarching legislation. All employers, including staffing agencies, are required to have an Injury and Illness Prevention Plan that identifies and corrects hazards, establishes a plan or emergency procedure for injury and illnesses, and trains workers. Yet there is confusion about whether the staffing agency or the client employer is responsible for this training, which [increases their likelihood of serious injury](#) and—as illustrated by the cases of Hugo Tapia and David Eleidjian—even death.

Other issues of concern:

- ▶ **Lack of accountability:** there is significant confusion over what should occur when a temporary worker tries to report an injury, or to whom they should report.
- ▶ **Lack of training:** temp workers are left to fend for themselves, effectively disenfranchising them from the right to work in a healthy and safe workplace.

“Host employers need to treat temporary workers as they treat existing employees. Temporary staffing agencies and host employers share control over the employee, and are therefore jointly responsible for temp employees’ safety and health. It is essential that both employers comply with all relevant OSHA requirements.”

—David Michaels, PhD, MPH, Assistant Secretary of Labor for Occupational Safety and Health

- ▶ **Lack of a union:** Health and safety trainings have long been a union cornerstone, and the absence of a union creates yet another hurdle for temporary workers to gain information about their health and safety rights.
- ▶ **Inability to participate during a Cal/OSHA “walk around:”** Veronica Alvarado with the Warehouse Worker Resource Center said, “We have asked Cal/OSHA to allow the WWRC to serve as representatives for workers. However, we’ve been informed that the law is written in such a way that makes it impossible for non-unionized workers to access that right. This is another right that non-unionized, especially contingent workers should have. This law should not be exclusive to a unionized workforce.” Temporary workers face the same workplace hazards, if not more and at elevated levels of risk.
- ▶ **Retaliation:** Unscrupulous employers view temporary workers as disposable, creating a system in which workers remain silent about hazards to avoid retaliation. A clear example can be seen in the story of Gladys Hernandez, a temporary housekeeper at a Double Tree hotel in Santa Monica. [Ms. Hernandez testified at an assembly committee](#) hearing on a bill designed specifically to protect temporary workers. She told the committee that she was



required to fulfill a quota of rooms, and she would have to finish those even after her required clock out time. Ms. Hernandez, a Latina mother of three, said, “I did the same work. I wore the same uniform, but I don’t get any of the benefits the directly-employed housekeepers receive.” The day after Ms. Hernandez testified before the committee, the staffing agency that employed her [told her not to come back to work.](#)

- ▶ **Employee reporting disincentive programs:** These programs are set-up in two categories: incentives/rewards programs—i.e. bonuses, raffles, and gift-cards for workers who do not report incidents—and disincentive/punishment programs—i.e. penalties, write-ups, demotion/retaliation, or mandatory drug tests after reporting. Per a federal OSHA directive known as the “Fairfax memo,” these programs are unlawful. On the state level, however, employers can be cited by Cal/OSHA under the recordkeeping standard or the more general Injury and Illness Prevention Program standard, but there is no specific standard outlawing these programs. Many workers, especially temporary workers, are unaware of their rights, which hinge specifically on enforcement, or lack thereof.

# CHRISTOPHER SHEPPARD & LAURENCE DANIELS

## BART Workers Die on Tracks in a Repeat of 2008 Fatality, During Strike that Raised Safety Concerns

**T**he two engineering experts working on the tracks north of Walnut Creek never saw the train coming before they were hit and killed on October 19, 2013. BART employee Chris Sheppard, a 58-year-old Hayward resident, and 66-year-old Laurence Daniels of Fair Oaks, a consultant, were inspecting a dip in the tracks north of the Walnut Creek station when they were struck and killed by a train traveling as fast as 70 MPH on automatic computer control. It was the second day of the BART strike, so the only trains in service were those doing maintenance runs. At the controls was a student trainee, who was likely being trained in the event of a prolonged strike. Both men killed were wearing bright safety vests.

The two fatalities occurred just five years after another BART worker, James Strickland, 44, was struck and killed while inspecting track in Concord on October 14, 2008. All three workers were killed while working under BART's "simple approval" rule, which basically holds workers "individually responsible for providing their own protection," according to BART's operations manual. The procedure was slightly modified after Strickland's death to require workers to work in groups of at least two, with one person acting as a lookout. There was no back-up notification or warning system, and workers were expected to be able to clear the tracks to a safe location within 15 seconds.

Cal/OSHA's investigation of Strickland's death found the procedure unacceptable and cited BART for several safety violations. But BART officials appealed the citations. Under current law, this means BART didn't need to fix the problem until the appeals process was completed years later. So the "simple approval" rule remained in effect until BART finally withdrew it five days after Sheppard and Daniels were killed.



### CHRISTOPHER SHEPPARD

Chris Sheppard, a member of AFSCME Local 3993, spent his entire working life in the rail transit

industry, starting as a trackman for Amtrak soon after high school graduation. He became an expert on track safety and maintenance, earning multiple degrees and technical certificates before joining BART in 2011. He was also a self-taught musician, photographer, and astronomer who loved to share what he learned with everyone around him. He is survived by his wife, two children, and 11 sisters.

### LAURENCE DANIELS

Laurence Daniels was working as a consultant to BART, bringing over 32 years of transit expertise to nearly 30 transit agencies around the world. An avid reader and golfer, he also loved to build things and renovate the homes he lived in. It was fitting that the family requested memorial donations be made to Genesis, an East Bay transportation and social justice organization.

BART officials, on the agency website and at state oversight hearings last fall, repeatedly lamented "this tragic accident," as if it were an unpreventable, random event.

But Cal/OSHA held BART clearly responsible for the death of these two workers and issued three alleged willful serious citations on April 17, 2014, with proposed penalties of \$210,000. Included was one citation for BART's reliance on the "simple approval" process. AFSCME Local 3993 President Patricia Schuchardt responded to the news: "BART management and board members are finally being held accountable for the poor choices they made with regards to policies and procedures related to worker and rider safety. It was their arrogant belief during the strike last October that they could run the system without the people who possess the skills and experience to run BART safety, and two men are dead because of that." She went on to say, "Hopefully this will end BART's culture of disregarding the concerns of the people who run the system on a daily basis and engaging in lengthy appeals processes rather than abating known workplace hazards." BART has 15 days to appeal the citations at the time of this writing. We will be watching.

# BART Staffing Cutbacks Lead to Rising Worker Injuries

Photo by Steve Rhodes / CC BY-NC-ND 2.0

**E**mployer production decisions to cut staff and increase workloads (in addition to the increased use of untrained temp workers) are common concerns voiced by workers these days, and are just some of the root causes leading to worker injuries and deaths. A good example is provided by a [factsheet by Amalgamated Transit Union Local 1555](#), one of the three unions representing BART employees. After four years of short-staffing and increasing hours, injuries are increasing.



- ▶ BART implemented a two year hiring freeze and cut operations staff by 8 percent. Remaining workers logged more overtime than ever before. Because BART workers have jobs that require a lot of repetitive movements, it is not surprising that the number of repetitive strain injuries (shoulders, wrists, and elbows) is rising dramatically.
- ▶ According to its OSHA reports, hundreds of BART workers are injured each year, and injury rates are on a steady rise. Based on 2013 data gathered to date, BART workers are suffering a 43 percent increase in the number of workplace injuries compared with just 4 years ago.
- ▶ BART workers face a growing wave of workplace violence and exposure to traumatic events; see [next page](#) for more.
- ▶ Lost incomes, lost productivity, and escalating workers' comp costs: Many injured BART workers are forced out of a job for considerable stretches of time—in large part because BART's workers' comp system is broken and keeps people in limbo, denying and delaying necessary medical treatment while bilking the system of millions of dollars each year. According to BART's summary of workplace injuries that it submits to OSHA, on average, each

year, the District loses the equivalent of 40 full time workers to injuries on the job.

The union is working to make BART safer and healthier and get workers back on the job. Their proposals include:

- ▶ **Protect BART workers from violence**  
Install bullet proof glass in Station Agent booths, “dutch doors” (to prevent an intruder from entering the booth), and ensure that Station Agents are not assigned to work alone at night in high crime areas.
- ▶ **Reduce injuries by improving workplace ergonomics**  
BART should replace or repair/maintain windows that Train Operators are required to open and shut up to 80 times a day.
- ▶ **Help employees injured, attacked, or traumatized by fatalities at BART**  
Improve the immediate response after an employee is injured or attacked to ensure they receive medical treatment and counseling.
- ▶ **Save money and get people back to work**  
Explore methods to reduce the risk of re-injury, provide reasonable accommodations to injured and disabled workers, and help people recover and get back to work faster.

## TRANSIT WORKERS FACE A GROWING WAVE OF VIOLENCE

Like their counterparts across the country, bus drivers, BART train operators, and BART station agents all face an epidemic of workplace violence in the Bay Area. Workplace violence means any physical assault, threatening behavior, or verbal abuse that occurs in the course of any work-related duty.

During the first 4 months of 2013 alone, BART station agents were assaulted 29 times, just below the 30 that were reported for all of 2009. These workers were assaulted, slapped, or spit upon. In March alone, nine station agents were accosted or had their lives threatened at work; one was severely injured when she was beaten by a group of teens.

Among the factors that make transit workers more vulnerable for attack are:

- ▶ Working alone or in more isolated areas;
- ▶ Working late at night or early morning;
- ▶ Working in high crime areas;
- ▶ Providing services to people who may have experienced frustration;
- ▶ Handling money or fares; and
- ▶ Having inadequate escape routes.

BART workers are also exposed to frequent traumatic events: fatal shootings in and around BART stations, and horrific suicides. In 2012, BART reported 51 trauma-related injuries—almost twice as many as the year before. In March 2013, station agents witnessed a man crushed to death in a BART elevator shaft and had to extract his mutilated body from the shaft.

Employers are responsible for providing a safe workplace. This includes protecting its employees and passengers from attacks. Workers and their union need to have a voice in the development and implementation of violence prevention strategies. The ATU and TWU unions have been at the forefront of preventing workplace violence, developing a series of [recommendations for the transit sector](#). It starts with identifying the risk factors that can lead to violence and then systematically working to eliminate them, using both physical controls (barriers, GPS systems, improved lighting) and procedural controls (cashless fare collection, de-escalation training and procedures). Greater media awareness is also needed. Workplace violence prevention plans must be incorporated into an employer's Injury and Illness Prevention Plan (IIPP) for jobs where workplace violence has been an issue.



Photo by vaxciliate / CC BY-NC 2.0

# CESAR AUGUSTO VALENZUELA

## Los Angeles International Airport Fatality

**O**n the days leading up to his tragic death, LAX worker Cesar Augusto Valenzuela confided with his wife concerns about unhealthy levels of stress at work, due to the high workload demands at Menzies Aviation. On February 21, Cesar was killed on the tarmac of Los Angeles International Airport (LAX). He was ejected from a luggage tractor. He might have even been run over by another tractor as he lay flat on the ground.

Cesar loved life. He loved his wife of 24 years. She is now a widow. He loved his two kids. They are now fatherless.

As they struggle to pay rent and adopt to a new life without their beloved father and husband, the Valenzuelas are demanding answers.

Menzies Aviation so far has refused to cooperate with the investigation of Cesar Augusto's death. The employer went as far as to require a warrant before allowing Cal/OSHA onto its worksite at the airport—essentially city property.

Preliminary investigations paint a picture of a ruthless employer that has accumulated a lengthy track record of serious health and safety violations.

Menzie's Aviation is a UK-based global company that has repeatedly been cited by Cal/OSHA for maintaining working conditions so unhealthy workers are seriously hurt and killed.

In one inspection alone, Cal/OSHA issued 23 citations and a \$95,000 fine to Menzies Aviation for maintaining a hazardous and deadly working environment.

Jose Orellan, a Menzies Aviation employee at the time of the Cal/OSHA citation and fine, stated, "The equipment we use is often broken down and this is dangerous for workers; it has led to many injuries. Right now, airport authorities are spending billions in an effort to make the LAX more attractive, but a first class airport should be safe for everyone."

As injuries and deaths continue to occur at Menzie's Aviation worksites, workers organize for better working conditions.

But Menzie's Aviation reacts with ruthless intimidation and retaliation against them. Take the example of two former Menzies Aviation employees, who were fired by Menzies simply because they filed health and safety claims against them.

The good news is that a jury eventually awarded the two affected workers \$30,000.

The bad news is that the retaliation tactics, along with the documented violations, call into serious question worker protections at Menzie's Aviation and Los Angeles International Airport.

Cesar Valenzuela's fatality is the third one to occur at a Menzie's Aviation since 2006.

Why? What is going on? Why hasn't there been a change of culture that prioritizes the health and safety of its workers at Menzie's work sites?

All three deaths were preventable. All Menzie's Aviation needed to do was comply with California's health and safety codes. But they refused. Now three families are separated and shattered. This didn't have to happen.

*By Jorge A. Cabrera, Coordinator, SoCalCosh: SoCalCOSH's mission is to educate, advocate, and mobilize workers and policymakers to create safe and healthy workplaces in Southern California and beyond.*



# ROBERTO GARCIA

## Tree Trimmer's Tragic Death Spurs Action

**O**n June 9, 2012, Roberto Garcia was suffocated when the palm tree fronds he was cutting fell on him. Coworkers heard the 35-year-old Glendora resident calling out for help, but he wasn't visible behind the dense brush, 40 to 50 feet up in the tree; in fact, firefighters had to use thermal imaging to locate him.

His and the additional estimated 5,000 other occupational deaths that occur annually help illustrate just how hazardous working conditions for all 180 million U.S. workers can be, even for those with years of experience like Roberto. The California Fatality Assessment and Control Evaluation (FACE) program investigated Roberto's incident and made a video honoring his life, highlighting the following prevention recommendations.

For tree care companies and workers:

- ▶ Make sure that workers who perform palm tree trimming are trained and certified by the Tree Care Industry Association or the International Society of Arboriculture. If a worker is not certified, they should be supervised by someone who is.
- ▶ When trimming a tree, companies should use a bucket truck or aerial device equipped with fall protection. This allows them to perform their work while staying clear of any falling fronds.
- ▶ If a bucket truck is not available, a best practice climbing procedure should be used that places workers above the fronds and out of danger.

For homeowners:

- ▶ Hire only certified and licensed tree care companies, and check their credentials.



For emergency personnel:

- ▶ Acquire and maintain professional equipment required to successfully rescue tree workers, including:
  - Ladder & pumper fire trucks
  - Aerial device
  - In addition, there should be written scripts for dispatchers and training for firefighters in palm tree rescue scenarios.

Since 1992, an average of 16 workers die on the job each day in the United States. In the video, Roberto's brother Jesus reflects, "And the day this happened to my brother... Even today, it still seems impossible. I just couldn't believe it."

Neither can we—and we will continue to work with our organizations, allies, and stakeholders to ensure that no mother, brother, or sister has to endure the agony and pain that comes with losing a family member at work. Establishing, following, and continuously improving best practices ought to be a first start.

The FACE palm tree video is available in [English](#) and in [Spanish](#).

*CONTRIBUTORS: [The California Fatality Assessment and Control Evaluation \(FACE\)](#) program investigates work-related fatalities to identify the causes and prevent similar incidents from occurring in the future.*

*Jorge A. Cabrera, Coordinator, SoCalCOSH: SoCalCOSH's mission is to educate, advocate, and mobilize workers and policymakers to create safe and healthy workplaces in Southern California and beyond.*

# Food Processing Workers Fight Back Against Abuse

“I had been working the night shift in the sanitation department for about a month when I started to have a terrible cough that I think was caused by the strong chemicals I was using. I felt like I couldn’t breathe, I couldn’t sleep, and I was coughing up blood. I asked my supervisor to change departments because the chemicals were making me sick, and I was fired a few hours later.”

“I severely injured my foot at work and I was given work restrictions by my doctor, but my manager never respected them. One day I complained that a new assignment was really hurting my foot. The next day my manager called me to the office and told me that he didn’t care that my foot hurt, I had to work where I was placed, and if I couldn’t work, there’s the door. He told me, ‘To me you aren’t anyone, you are nothing, you don’t even exist to the company.’”

These are the stories of “permatemp” agency workers formerly employed at Taylor Farms in Tracy, Calif., who were fired after they exercised their rights to a safe and healthy workplace, in violation of California law. Hundreds of their former coworkers have had enough of this abuse and are standing up to form a union and join the Teamsters.

Taylor Farms food processing workers feed the nation. They wash, cut, and package salads and other products for the largest supplier of fresh-cut produce in the United States. Taylor Farms is a long-time employer of 2,500 Teamsters in Salinas, Calif., and workers in Tracy are fighting for the same treatment that the Salinas workers enjoy: a chance to earn



above the minimum wage, affordable healthcare coverage for their children, a better future for their families, respect at work, an environment free from discrimination and harassment based on sex, race and national origin, reasonable accommodations for injured and disabled workers, rights under the workers’ compensation system, and safe and healthy working conditions.

Workers at Taylor Farms in Tracy face high rates of injury due to unsafe working conditions. Workers frequently report that the company cuts corners on health and safety regulations, including legally required training and compliance oversight, in order to maximize production. Hazards remain unabated even after repeated injury incidents and worker complaints due to apparent simple negligence. Their injuries have the potential to be life-altering. When workers are injured, they are fired and/or denied their rights to workers’ compensation. They are denied modified duty and reasonable accommodations. As a result, they must work through their injuries due to economic necessity, enduring pain and potentially permanently damaging their bodies.

Health and safety problems at Taylor Farms are exacerbated by the company’s use of contracted labor. Approximately one-third of the employees



are contracted through two “permatemp” agencies, often for many years, despite the fact that they work alongside coworkers who are directly employed by Taylor Farms. As illustrated by the previous stories, agency workers are particularly vulnerable to retaliation when they exercise their rights. A principal employer like Taylor Farms can simply look the other way—to them, the agency workers might as well not even exist.

To learn more about how to document workplace hazards and ensure these workers know how to use their health and safety rights, the Teamsters

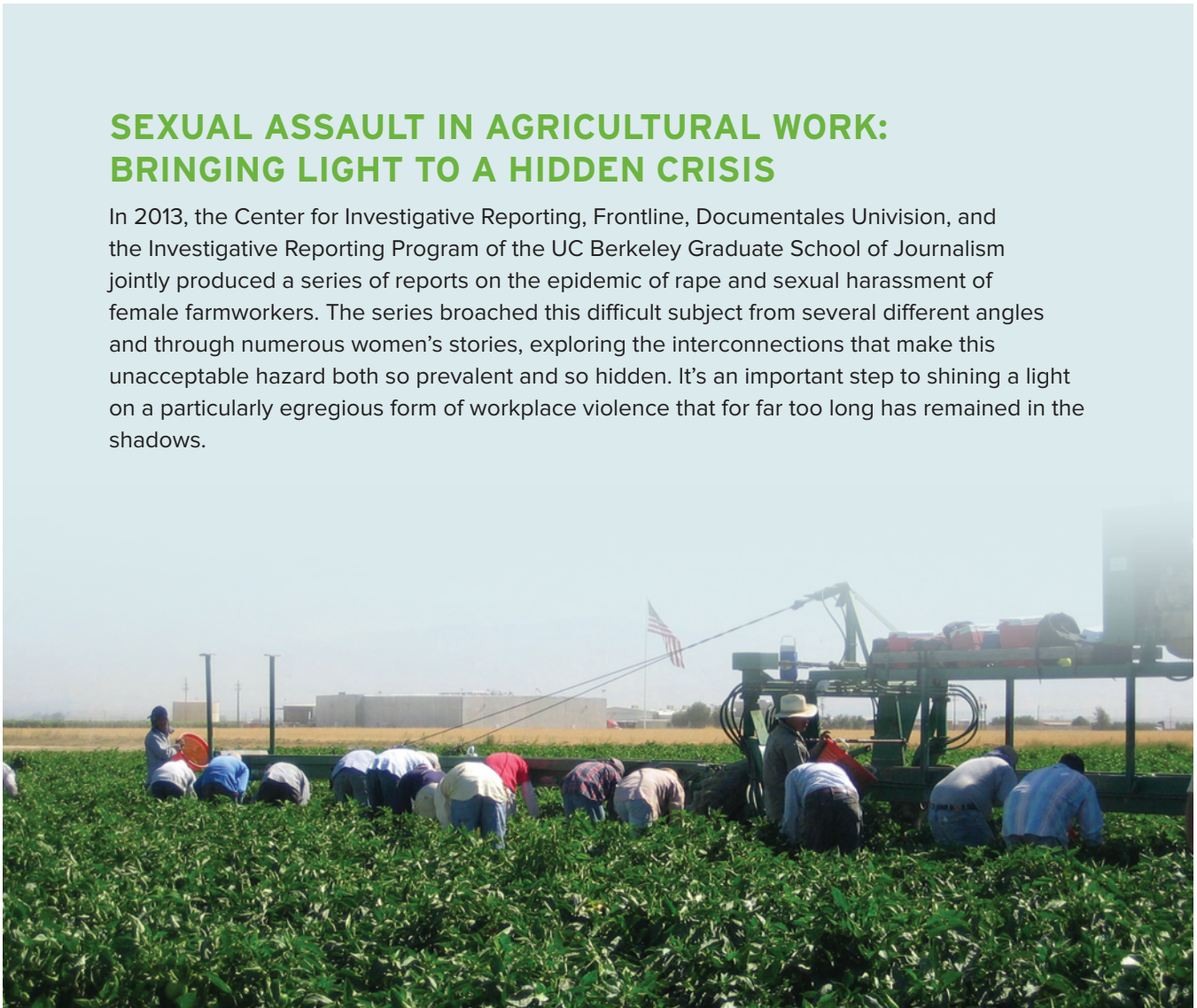
have forged partnerships with Worksafe, the Labor Occupational Health Program at UC Berkeley, and Working Partnerships, to provide training, technical assistance, and strategic advice based on similar health and safety struggles. Together, they have banded together with the workers to ensure they’re safe and healthy at work.

*CONTRIBUTORS:*

*Maria Noel Fernandez, Working Partnerships USA  
Kate Hege, legal counsel for Teamsters Joint Council 7. She works for the firm Beeson, Tayer & Bodine.*

## **SEXUAL ASSAULT IN AGRICULTURAL WORK: BRINGING LIGHT TO A HIDDEN CRISIS**

In 2013, the Center for Investigative Reporting, Frontline, Documentales Univision, and the Investigative Reporting Program of the UC Berkeley Graduate School of Journalism jointly produced a series of reports on the epidemic of rape and sexual harassment of female farmworkers. The series broached this difficult subject from several different angles and through numerous women’s stories, exploring the interconnections that make this unacceptable hazard both so prevalent and so hidden. It’s an important step to shining a light on a particularly egregious form of workplace violence that for far too long has remained in the shadows.







### III. What Is To Be Done?

# Strengthen Cal/OSHA and its Enforcement Capacity

**T**he basic staffing and resource levels needed by Cal/OSHA to carry out its mission have been in steady decline for over 20 years. Meanwhile, California’s working population has steadily grown, with a significant influx of immigrant workers channeled into low-wage, high-risk jobs, or hired as temp or contingent workers with ambiguous employment rights. Worksafe has consistently advocated for increased staffing and funding at the agency: For the last three years, each of our “Dying at Work in California” reports have provided updated information showing that California has far fewer inspectors per 100,000 workers than the average provided by federal OSHA, or any of the 21 states that operate their own state plans. In other words, California ranks dead last.

This fact surprises most people when they learn it, in large part because California is also known for having some of the best and most protective laws and standards in the nation. There is an assumption that once we pass these stronger laws, like reducing permissible exposure limits for toxic chemicals or air-borne transmissible diseases, workers are more protected from hazards on the job. But we don’t know if that is true, because Cal/OSHA is too under-resourced to actually go out and take measurements to determine if there is compliance. And despite the efforts of watchdogs and advocates, the number of field enforcement staff has continued to decline, resulting in longer response times to complaints and more superficial investigations.

It will take Cal/OSHA many years to rebuild itself through hiring and training new inspectors and support staff, with increased bilingual capacity, even if these efforts begin now. In the interim, the agency must strengthen the effectiveness of existing enforcement staff and explore new ways to provide resources and support to the worker organizations and unions so they can push directly in the workplace for

compliance with the law.

This need is particularly great in southern California, where a recent study by the Rand Corporation found indicators of large-scale underreporting of serious injuries requiring hospitalizations, particularly in

the construction sector, which in turn led to fewer targeted Cal/OSHA inspections. Southern California also has a disproportionately larger immigrant workforce.



## Strengthen enforcement tools

There are a number of policy changes Cal/OSHA could make so that every inspection and citation issued has a greater ripple effect among the employer community. Some suggestions include:

- ▶ Issuing a strong “repeat policy” so that employers, once cited for a hazard at one location, will have a greater incentive to correct hazards at all of their facilities—as has been done at the federal OSHA level. (This effort is underway.)
- ▶ Conducting at least the minimum number of legally mandated follow-up inspections to verify that serious hazards have been fixed.
- ▶ Increasing the use of the existing authority to issue Orders Prohibiting Use (OPUs) and willful citations to prevent workers from serious, life-threatening hazards. Cal/OSHA already has

this authority, but they need to use it regularly for violations of long-standing rules that all employers should know about, including unguarded machines, failure to lock-out/tag-out energized equipment, entering confined spaces that require a permit, un-shored trenches, and working at elevations without proper fall protection.

- ▶ Providing agency support for legislation (AB 1634) that would prevent employers from getting an automatic “stay” of an order to abate or fix a serious hazard if they appeal a citation. The federal mine safety law and other states have laws that provide employers a process to argue for the need to postpone fixing a hazard, instead of issuing them automatically. (Imagine the public outcry if people were allowed to drive cars on the road with faulty breaks for years, while their contested ticket worked its way through the crowded courts. That’s what employers can now do under the law.)
- ▶ Comprehensively training new inspectors, drawing on the expertise of retired annuitants and others, and providing guidance to new employees on how to effectively interact and communicate with worker organizations on a wide range of consultation and enforcement activities.

### Increase the right of workers to protect themselves on the job

When the Cal/OSHA program was established in 1973, following the creation of OSHA 3 years earlier, it was understood that even in the best of times, there would never be enough inspectors to visit every workplace, on average, more than once every 30 to 40 years. (Today, it would take more than 170 years to do this in California.) That is why the unions that advocated for these laws 40 years ago pushed for and won an extensive set of workers’ rights, including the right to request an inspection and participate in the investigation, as well as requiring the agency to develop worker training and education programs. The rights of unions as worker representatives were explicit.

Fast forward to 2014, when the percent of workers with union representatives has dropped to historic lows. Even in California, a state with one of the highest unionization rates, close to 85% of all workers lack an effective voice on health and safety at work. With so few inspectors left, the state must significantly step up its efforts to provide alternative ways for workers—individually and collectively—to fill this gap by adding their voices and taking direct action on the job.

Recommended steps the agency should consider include:

- ▶ Strengthening the rights of workers to refuse to do dangerous work by providing a mechanism for immediate reinstatement pending the agency’s investigation
- ▶ Increasing resources for worker education and training, and expanding from the current focus on hazards to also include efforts to inform workers about their rights and how to effectively use them, with a special emphasis on their right to be trained in a language and method that they understand
- ▶ Launching a major statewide media campaign to inform workers and employers about laws that prohibit retaliation against workers for exercising health and safety rights, in conjunction with increased strategic enforcement
- ▶ Developing stronger partnerships and increased collaboration between state agencies and worker and community groups.
- ▶ Ensuring that all new alliances between government agencies and employers also include worker representatives

# Continue to Pass Standards to Protect Workers from Hazards

**S**tandards or regulations are the main legal tools that guide employers, workers, and Cal/OSHA. The staff of the Occupational Safety and Health Standards Board develops new ones about safety issues, and Cal/OSHA staff research and propose standards for health hazards.

Worksafe is a consistent watchdog of these activities, emphasizing the much-neglected health side of regulations, issues that affect low-wage workers (e.g., protective equipment), and processes (e.g., how the Board and agency treat worker and public health representatives compared to industry and employer representatives).

The Board's proposals for work in 2014 cover 23 topics, ranging from night lighting for farmworkers (the result of a [recommendation](#) from Cal/OSHA supplemented by a [petition](#) from the California Rural Legal Assistance Foundation) to lock-out/tag-out procedures and personal protective equipment. [Cal/OSHA's website](#) has a lot of pending meetings or "TBA"s (to be arranged), some dating back to 2008.

In the next year, Worksafe and its allies will continue to advocate for truly protective regulations about:

- ▶ Safe patient handling for hospitals
- ▶ Heat illness prevention rule improvements
- ▶ Workplace violence prevention
- ▶ Hotel housekeepers musculoskeletal injuries;
- ▶ Lead (a lower Permissible Exposure Limit (PEL) and medical surveillance rules)



- ▶ Clear rules for personal protective equipment.

Other issues that need attention include:

- ▶ Improvements to the [Hazard Communication Standard](#) (California kept some of its unique provisions in a hard-fought struggle that Worksafe led)
- ▶ More standards to limit exposure to toxic chemicals, particularly chemicals like endocrine disruptors, metals and those linked to breast cancer ([PDF](#)).

# The California Safe Care Standard

## Campaign for a Comprehensive Workplace Violence Prevention Cal/OSHA Standard

The [California Safe Care Standard](#) is a campaign to get a comprehensive workplace violence prevention standard promulgated by Cal/OSHA that will cover all healthcare workers in the state. SEIU Local 121RN and the SEIU Nurse Alliance of California began working on this campaign in January 2013, and since its launch has witnessed an overwhelming amount of support from other unions, legislators, and professional organizations representing healthcare workers.

Healthcare workers experience violence on the job at staggering levels compared to workers in other industries. An RN who worked at a psychiatric hospital in Southern California for five years and who witnessed daily violence on the job sums up the urgent need: “There needs to be a regulation to protect healthcare workers, because workplace violence isn’t just physical, it’s mental, it’s emotional. It’s not just about being hit or kicked, it is also about being bullied, disrespected and intimidated—and that’s what needs to change. As nurses, as healthcare providers, we put up with a lot—but when it comes to workplace violence, it is frequently PREVENTABLE.”

Healthcare is the fastest-growing industry in the nation, employing approximately 18 million people, with 80 percent women. It is also one of the most dangerous places to work. According to the Bureau of Labor Statistics, healthcare and social assistance workers experience the most assaults on the job, accounting for almost 60 percent of violent assaults in the workplace.

The root causes of workplace violence in healthcare settings exists, in part, as a result of the healthcare

culture that resists the very idea that healthcare workers are even at risk at all. Researchers Kathleen McPhaul and Jane Lipscomb say this complacency that violence is “part of the job” is factored in with the dangers of exposure to violent individuals combined with the absence of strong violence prevention programs and protective regulations. When faced with continual staffing shortages and increased patient acuity, substantial barriers to eliminate violence remain.

The California Safe Care Standard’s approach is to educate, mobilize, and organize around the issue. With trainings, presentations, social media, and other tools, we see a workers’ movement taking place and folks are standing up and being heard. Workers are learning that the cost to employers after an incident of workplace violence is substantially higher than the cost of prevention—so what’s holding the employer back from putting in place sensible administrative and engineering controls?

There is a lot of research readily available confirming that a significant proportion of workplace violence is, in fact, preventable. OSHA has outlined specific and practical steps to prevent workplace violence in the healthcare and social service industries, which include applying an analysis of worksites, training and hazard prevention, and controls.

The California Safe Care Standard campaign is pushing to identify very comprehensive administrative and engineering controls that are both less costly than workers’ compensation and universal to cover all healthcare workers, regardless of their setting.

*By [Richard A. Negri](#), Health and Safety Director for SEIU 121RN, and the co-lead on the Safe Care Standard Campaign.*

Worksafe supports this campaign and efforts by the California Nurses Association to protect healthcare workers from workplace violence. Our ultimate goal is to ensure that all employers with employees at high risk for workplace violence develop comprehensive workplace violence prevention plans.

# Improve DLSE's Retaliation Program

**M**any people don't know that, as employees, they have many health and safety rights, including the right to voice concerns about workplace hazards and to report injuries or illnesses, without fear of retaliation. Even when they learn of these rights, they are often reluctant to use them. Some immigrant workers come from countries where trust of government agencies is limited; those with undocumented status fear deportation. That is why it is crucial that the Division of Labor Standards Enforcement (DLSE) have both the knowledge of health and safety rights and the resources to hold bad actor employers accountable. Until the agency can swiftly investigate complaints, reach decisions, and issue penalties and fines sufficient to deter other employers from taking similar actions, workers will be fearful of speaking up on any health and safety problem. This is especially true for workers without access to an alternative union grievance process.

Since taking office, the DLSE's Labor Commissioner has improved its infrastructure, hired and trained new staff, and produced important decisions for workers on wage and hour violations. The health and safety side of the agency's work, however, continues to lag. On average, DLSE takes three months longer than legally required to complete the investigation of health and safety retaliation cases. The goal for California and all state OSHA programs is to complete investigations within 90 days. Today, a worker will likely wait months to a year before receiving a final decision on their complaint. In this case, justice delayed may be justice denied, as workers may move out of the area and be hard for investigators to track down and interview. Such delays result in extremely limited and challenging options for redress.

DLSE must:

- ▶ Provide prompt and thorough investigation of health and safety retaliation cases
- ▶ Consider use of penalties, including triple

damages in appropriate cases

- ▶ Publicize high-profile retaliation cases to send a message to employers that retaliation, like wage theft, will not be tolerated

## Target Employer Policies That Discourage Reporting

Retaliating against a worker for reporting an injury or illness is illegal discrimination under California and federal law. It prevents employers from fulfilling their basic recordkeeping duties and may also prevent workers from filing workers' compensation claims.

The prevalence of insidious programs, policies, or practices supposedly designed to protect the health and safety of workers, but which in reality blame the worker for job-related injuries and illnesses, is a colorless toxin in the workplace. Often billed as "fun" exercises, they actually serve primarily to discourage reporting; examples include lotteries, pizza parties, raffles, and rewards that are open only to employees who have not reported an injury or illness in some particular period of time

As we discussed in our [2012 report](#), OSHA has identified four types of programs that could discourage reporting, and therefore violate two rules: injury recordkeeping and protection from retaliation for exercising a health and safety right.

Yet two years after the clarifying memo from OSHA was widely publicized, these programs remain prevalent in California, with examples provided by workers at virtually every meeting Worksafe attends. Here are just two.

Susana,\* who works at a food packing factory, reported that she, along with every member of her 10 member team, receives a "stipend" of \$50 a month if they report no injuries or illnesses in their team. Their supervisor receives \$75. If any team member reports any injury, all of the other team members must forfeit their "reward."



“If employees do not feel free to report injuries or illnesses, the employer’s entire workforce is put at risk ... Ensuring that employees can report injuries or illnesses without fear of retaliation is therefore crucial to protecting worker safety and health.”

OSHA policy memo, March 12, 2012

Lucy,\* a warehouse worker in the Inland Empire, reported that it is common for monthly pizza parties to be given for teams that do not have any reported injuries or illnesses. Lucy said that her team was angry with her when she injured her back at work because they were not invited to the company’s pizza party. Besides being illegal, these programs effectively pit workers against one another, destroying any solidarity for collection action.

Sometimes workers are encouraged to take short cuts or work around safety rules to meet deadlines. But when a worker is hurt, suddenly the employer enforces the rules on the injured party. OSHA points out that it is illegal for employers to use a pretext of a work rule to discriminate against a worker who reports an injury. Another typical example is when a worker strains his shoulder near the end of the work shift but is still able to work. Then, over the evening, the pain or immobility becomes more severe, so he reports the injury the following work day and is punished or fired for failing to do so “promptly.” Again, OSHA points out that policies around reporting timeliness cannot penalize workers who do not realize immediately that their injuries are serious enough to report.

What can we do about this? First, unions and worker organizations must become familiar with the types of programs and policies that are prohibited, and negotiate for those that actually meet the law’s intent: to encourage prompt reporting of injuries and hazards. (Programs that discourage reporting hazards are also illegal under the IIPP rule.)

Any thorough incident investigation will reveal multiple contributing factors, but the bottom line is that people get injured on the job because they are exposed to hazards. The focus should be on identifying and eliminating hazards, and giving rewards to people who help achieve this goal. (Examples of alternative rewards can be found in our [2012 report](#).) We’re not opposed to prizes and rewards, but they need to incentivize the right thing. Unionized workers have the right to bargain over any new policy or program that could affect working conditions—and they need to use this right.

Non-unionized workers can seek support from legal aid or worker centers to advocate on their behalf. They can also act in concert with other workers to raise concerns with their supervisor or employer.

Finally, workers may also document the existence of such policies, along with lists of names of employees who are prohibited from participating in drawings for prizes and statements from workers indicating they are afraid to report an injury. Once the information is gathered and presented to Cal/OSHA, the agency can notify the employer by letter about the types of programs that are illegal; often, the employer will withdraw the policy. If they don’t, employees can file complaints for investigations of the recordkeeping rule. It’s worth noting that falsification of injury and illness logs can carry heavy penalties.

*\* The names of workers have been changed to protect them*

# Improve Protections for Temporary Workers

Last year on Workers Memorial Day, OSHA launched a [new initiative](#) to protect temp workers. The agency then conducted more than 250 temp worker inspections in just over 3 months, and reported its findings of the most frequent violations and the major concerns regarding worker safety during a webinar held in conjunction with the American Staffing Association. Over the summer of 2013, Worksafe joined the National Council for Occupational Safety and Health and others to draft [a set of additional recommended steps to OSHA](#), and discussed them with OSHA Chief David Michaels at a national temp worker conference in Boston in November 2013.

By supporting California's proposed temporary worker bill (AB 1897) and re-energizing the conversation around the recommendations made to OSHA, Worksafe has made an important first step in ensuring temporary workers' rights are improved. We will continue to work with allies to identify and advocate for other initiatives that could enhance the rights and improve protections for temp workers in California.

Guidance to employers and employees from state agencies should:

- ▶ Inform all employers that they must have a system for employees to report workplace injuries and hazards without fear of retaliation, and that [certain incentive and disincentive programs have been identified as violating](#) these two requirements
- ▶ Provide clear information on the legal responsibilities of temp agencies and worksite employers (client firms) to inform all workers and frontline supervisors on how to report injuries for each of the three following purposes: recording of injuries and illnesses, providing access to prompt medical evaluation and treatment under GISO 3400, and ensuring access to all relevant workers' compensation rights. (This may not be reported to the same person for all three employer duties.)
- ▶ Clarify the joint responsibility of temp agencies and worksite employers to provide health and safety training, including hazard communication, to all employees in a language and vocabulary they understand. (Typically, the temp agency provides basic training and the client company is responsible for workplace-specific training appropriate to the employee's specific assigned tasks.)
- ▶ Consider establishing tripartite alliances between agencies, staffing organizations, and relevant worker organizations to strategically address ways to improve protections of temp workers

Enforcement activities by Cal/OSHA should include:

- ▶ Issuing a directive to all field inspectors to ask a sample of workers during each investigation whether there are temp workers on site; gather and record this information in a way that it can be tabulated; train field staff on the new directive
- ▶ Require meaningful temporary worker representation and participation during Cal/OSHA investigation "walk-arounds" by implementing the OSHA directive allowing temporary workers to designate a worker center, legal aid services, or other community organization to assist with the walk-around
- ▶ Initiate a special emphasis program in high-hazard industries that use temp staffing agencies (construction, manufacturing, warehousing, health care, and transportation). Compile and share information across state labor agencies on the largest temp staffing agencies in these high-risk industries

# Safe Jobs Save Lives—Make Your Voice Heard!

## AFL-CIO Recommendations to Provide Strong National Protections for Workers

**C**ongress passed the OSHA law more than 40 years ago, promising every worker the right to a safe and healthy job. Unions and allies have fought hard to make that promise a reality—winning protections that have made jobs safer, saved thousands of lives and prevented millions of workplace injuries and illnesses.

But our work is not done.

- ▶ Many job hazards are unregulated and uncontrolled
- ▶ Some employers cut corners and violate the law, putting workers in serious danger
- ▶ Workers who report job hazards or injuries are fired or disciplined
- ▶ Employers contract out dangerous work to try to avoid responsibility

Meanwhile, business opponents try to block needed safeguards and strong workers' rights.

It is time to organize, take action, and speak out for safe jobs for workers by:

1. Defending safety and health protections from industry attacks
2. Requiring employers to find and fix hazards and implement a worksite safety and health program, with full worker participation; in California, enforce the Injury and Illness Prevention Plan (IIPP) rule
3. Prohibiting employer policies and practices that discourage reporting of workplace injuries or hazards



4. Increasing attention to the safety and health of Latino and immigrant workers, who are at much higher risk of death and injury
5. Passing the Protecting America's Workers Act to provide OSHA protection for all workers who lack protection, stronger criminal and civil penalties for companies that seriously violate job safety laws, and improve anti-retaliation protections for workers who raise job safety concerns
6. Winning new federal workplace safeguards for silica, combustible dust, and infectious diseases.
7. Strengthen protections for miners, including tighter standards for coal dust to protect against Black Lung
8. Ensuring the right to have a voice on the job and to freely choose to join a union without employer interference or intimidation

*SOURCE: Adapted from [AFL-CIO website](#), 2014 Workers Memorial Day factsheet*

# Remembering Those We Lost in 2013

This year's chart lists 273 separate incidents in California workplaces in which workers lost their lives. Verifiable names, ages, occupations or employers, and incident details are provided to the greatest degree possible. This is by no means an official number; in the past few years, final totals have been between 300 and 400.

We cannot emphasize enough that this list is regrettably partial and incomplete, for reasons explained throughout this report. Our sources include investigation data provided by Cal/OSHA, federal OSHA's fatality and catastrophe reports, media sources, and the website [The Weekly Toll](#).

## FATALITIES IN 2013

### A PARTIAL LIST

	DATE	NAME	AGE	LOCATION	OCCUPATION/EMPLOYER	INCIDENT
1	1/5	Enrique Torres	31	Torrance	Tree trimmer	Electrocuted
2	1/8	Chengbin Xiao	56	Hayward	Warehouse worker	Crushed between loading dock and trailer
3	1/10	William Ballard	43	Vallejo	Big-rig driver	Struck another vehicle and fell off ramp
4	1/11	Leonard Jones	51	Sacramento	Pro-Dump & Excavating	Fell over overpass guardrail while towing another truck
5	1/15	Kevin A. Tonn	35	Galt	Police officer	Shot while responding to burglary call
6	1/22	Youjun Wang	45	San Francisco	Limo driver	Pinned between limo and another vehicle
7	1/24	Jesus Urtiz	47	Cutler	H.B. Gills Inc.	Crushed by tractor tire after falling from vehicle
8	1/25			Mission Viejo	Oscar Adelar	Hit by several cars while handing out flyers
9	1/29	Jose Sorto	40	Tracy	Contract worker	Crushed while chipping concrete inside cement mixer
10	1/30		41	Oxnard	Pastor	Fell from ladder
11	2/3	Keith Lawrence	27	Irvine	Public safety officer	Shot multiple times in an ambush
12	2/6			Stockton	Mechanic	Collapsed on job
13	2/7	Michael Crain	34	Riverside	Police officer	Killed by gunfire
14	2/10			Sacramento	Gas station employee	Slipped and fell
15	2/12	Nactivido Castro Camacho	69	Chowchilla	Vineyard worker	Died while installing wiring in grape vineyard
16	2/12	Ronald Carver	45	Malibu	Tow-truck driver	Struck and killed by drunk driver
17	2/12	Jeremiah MacKay	35	San Bernardino County	Detective	Shot and killed trying to apprehend suspect
18	2/15			Oakland	ERG Aerospace Corporation	Killed by piece of metal while operating lathe
19	2/16			San Martin	Countryside Mushroom	Crushed by dislodged door
20	2/16			Sacramento	Greater Omaha Express	Died in single-vehicle accident
21	2/19			Chula Vista	Southwestern Community College	Collapsed in classroom
22	2/21	Joseph McSweeney	50	San Jose	American Asphalt Repair	Fell down stairs

	DATE	NAME	AGE	LOCATION	OCCUPATION/EMPLOYER	INCIDENT
23	2/21			San Francisco	Newspaper Vendor	Killed in attack
24	2/23			Belmont	Moquin Press, Inc.	Died from heart attack.
25	2/25			Bakersfield	J.G. Boswell Company	Drowned after vehicle landed in canal
26	2/25			Chula Vista	Bus driver	Suffered fatal cardiac arrest
27	2/26	Andres Villafana		Anaheim	Gilles & Audrey	Fell 14 ft. to concrete
28	2/26			Foster	Crown Plaza Hotel	Suffered fatal heart attack.
29	2/27	Loran "Burch" Baker	51	Santa Cruz	Police officer	Shot and killed
30	2/27	Elizabeth Butler	38	Santa Cruz	Police detective	See above
31	2/27			Burson	Willow Tree Farms	Fell from scaffold
32	3/1	Ricardo Garcia	39	Stanton	CR&R, Inc.	Struck and killed by projectile while welding
33	3/1			Sacramento	La Quinta Inn	Died from apparent seizure.
34	3/6	Dianna Hanson	24	Dunlap	Wild animal park worker	Killed by lion in improperly secured enclosure
35	3/11			Long Beach	Water Reclamation Plant	Died from apparent heart attack
36	3/12	Gabriel Diaz-Cervantes	44	St. Helena	Truck driver	Hit by truck
37	3/13	Jerry L. Beckford	65	Bakersfield	The Industrial Company	Killed when forklift overturned and rolled down hill
38	3/13	Oscar Perez		Harbor City	Prime Wheel Corp.	Crushed by overhead gantry hoist
39	3/14	Gilbert Vargas	50	Los Angeles	Engineer/laborer	Died in trench collapse
40	3/15	Alejandro Morales		Tranquility		Electrocuted when chain securing forklift load came in contact with power line
41	3/18	William Frankal		South Gate	Astro Aluminum Treating Co.	Crushed while loading aluminum cylinders
42	3/19	Oscar Cervantz	46	Long Beach	Freeman LP Corp	Fell 11 ft. from scaffold
43	3/20			Newark	Men's Wearhouse	Found unresponsive in bathroom
44	3/20			Fresno	Valley Health Care Center	Contracted tuberculosis
45	3/23	Vicente Martinez	61	Long Beach	Gardener	Drowned in recirculating water inlet channel
46	3/25	Gilbert Cortez	46	San Diego	Police Sergeant	Killed in an automobile accident
47	3/28	Raul Apostol	62	San Jose	Santa Clara Valley Transportation Authority	Struck by bus
48	3/30			Long Beach	M&C Motorcycles	Struck by vehicle while testing repaired motorcycle
49	4/5	Bias Serrano-Escudero	58	Rancho Santa Margarita	Pacific Excavation	Found buried by collapsed side wall
50	4/6	Ignacio Hernandez		San Clemente	Landscaper	Fell six ft. while trimming trees
51	4/10	Vitaliy Dobic	35	West Sacramento	Truck driver	Pinned beneath big rig
52	4/10	Raul Lule	43	Cloverdale	Mill worker	Became stuck in debarker while trying to unjam the machine
53	4/10	Clinton Morgan	58	Simi Valley	Valley Wide Distributors	Crushed by 2.5 ton form

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54	4/10				DC Transport	Pinned beneath truck
55	4/12	Ruben Aquino		Glendora	Landscaper	Found unresponsive while trimming grass
56	4/12	Alberto Gonzalez	58	Anaheim	Coca-Cola North America	Crushed between palletizer and another piece of equipment
57	4/12	Enrique Parada	32	Sacramento	Warehouse worker	Fell from forklift at warehouse
58	4/15	David Eleidjian	26	Bay Point	Temporary industrial worker	Caught in machinery
59	4/16	Arthur A. Ramirez		Santa Fe Springs	Estenson Logistics	Fell 14 ft.
60	4/18	Benjamin Castro	26	Carson	Warehouse worker	Struck by two bales of shredded paper
61	4/18	William Wardelman		Sacramento	Truck driver	Vehicle incident
62	4/19	Hugo Tapia	19	Santa Rosa	Temp worker	Crushed by falling panes of glass
63	4/23	Donald D. Hennegan Jr.	40	Dos Palos	Cattle handler	Found on flipped ATV
64	4/23	Vincent Martinez	60	Long Beach	Los Angeles Department of Water & Power	Found dead in water canal intake
65	4/24	Shawn Baker	50	Happy Camp	CalTrans worker	Killed in rockslide
66	4/24	Joseph Jones	40	Happy Camp	CalTrans worker	See above
67	4/24	Gerardo Vargas Herrera		Rio Dell	Ken Bareilles	Crushed between cab and arm of an excavator
68	4/25	Steven Green	53	Big Bear Lake	House painter	Fell from ladder
69	4/25	Jose Paul Ros	38	Menifee	Southern California Edison	Electrocuted in an underground high voltage vault
70	4/26	Filipe Garcia	59	Madera	Tractor operator	Run over by tractor
71	4/26	Jose Juan Serrano	30	Salinas	Growers Street Cooling	Struck by equipment
72	5/3	Victor Recinos Navas		Los Angeles	Landscaper	Fell from branch of tree after heart attack
73	5/4	Tony Martinez		Avenal	Stationary engineer	Found lying on concrete near turbines where he was performing his duties
74	5/6	Abraham Cuevas	43	Magalia	Tree-trimmer	Hit in the head by tree branch
75	5/7	Christopher Cole	38	Hayward	Bohler-Uddeholm Corp.	Found collapsed on the floor
76	5/7	Venerando Syfy		Union City	Forklift operator	Killed in collision with separate vehicle
77	5/9	William Valdez Suarez	66	Biggs	Worker on paving crew	Hit by crop duster propeller
78	5/9			Yucca Valley	Pfizer Inc.	Shot during carjacking
79	5/12	Vicente Valencia		Middletown		Heart attack while cutting logs
80	5/13	Antonio Toro	38	Murrieta	Forklift operator	Trapped under overturned forklift
81	5/13		65	Sacramento	Engineering Remediation Resources Group	Died after losing consciousness from possible heart attack
82	5/17	Manuel Stimpson	78	Oakland	Longshoreman	Died when truck was knocked into the bay at the Port of Oakland
83	5/22	Jorge Garcia	61	Pomona	Truck driver	Struck and killed when his vehicle was rear-ended
84	5/22	Jose Antonio Garcia	25	Pomona	Truck driver	Killed when truck collided with another vehicle
85	5/22	Jose Melo, Jr.		Livermore	Mills Ranch/Trucking	Crushed by concrete panel

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86	5/22	Deacon Murphy	42	Chino	Logging truck driver	Struck by falling log
87	5/22			Livermore	Electronic Waveform Lab Inc.	Killed when section of pipe struck vehicle windshield
88	5/23	Edik Bet-Beyamin		French Camp	Werner Enterprises	Crushed in between two semi tractor trailers
89	5/24	Abel A. Aldrete	47	San Bernardino	Burlington Northern Santa Fe railroad	Struck by train
90	5/25	Maria Luisa Peinado	64	San Bernardino	Security guard	Crushed by sliding gate
91	5/28			Sacramento	Delivery truck driver	Struck and killed by another vehicle
92	5/29	Cesar Arroyo-Reyes	36	Oakland	Bag manufacture worker	Entangled in rollers of plastic bag extrusion machine
93	5/29	Juan Jose Foltz-Oquita	33	Visalia	Pro Drywall Systems	Fell about seven ft. from scissor lift
94	5/29			Chino Hills	Holiday Rock	Killed in vehicular incident
95	5/30	Jack Buffum	59	Rialto	Rialto Concrete Products Inc.	Crushed by forklift
96	5/30	Carl Gomes	40	Fresno	Maintenance mechanic	Electrocuted
97	5/31	Richard Godina		Blythe	Fisher Ranch Corporation	Found dead in field after checking on irrigation pipes
98	6/1	Larry Bailey		South San Francisco	K. Wilson and Company Inc.	Fell from pallet raised 10 ft.
99	6/1	Jesus Salcedo		San Jose	Laborer	Collapsed while working in backyard
100	6/3	Alfonso Cruz	26	Tulare	Welder	Fell from ladder
101	6/3	Leobardo Molina		Fresno	Roofer	Fell from ladder
102	6/9	David Lucero	37	Sunnyvale	Security guard	Shot and killed at worksite parking lot
103	6/10	Olivia Gamboa	47	Los Angeles	Bus driver	Killed in collision with tow truck
104	6/10	Luke Sheehy	28	Modoc National Forest	Firefighter	Struck by falling portion of tree
105	6/11	Donald White	63	Santa Clara	Elevator worker	Hit from above by elevator counter weight
106	6/13	Jose Antonio Gonzalez	49	Cupertino	Steven's Creek Quarry	Ejected from tractor
107	6/13	Ernesto Rosales	52	Pico Rivera	Roofer	Fell 17 ft. from roof
108	6/14	David Dougherty		Rio Linda	Truck driver	Crushed under truck
109	6/14	Javier Gonzalez		Carson	Western Waste Management	Caught between forklift and waste cargo trailer
110	6/15	Winston Perez	28	Ontario	Dairy worker	Crushed between gate and fence
111	6/18	Art Morales		Desert Center	E Light Electric Services	Possible heat fatality
112	6/20	Ismael Garcia	54	Watsonville	Granite Construction	Collapsed while installing plastic
113	6/22	Marco Florez		Hughson	Duarte Nursery	Collapsed inside nursery
114	6/24	Elias Guzman		Upland	Gardener	Drowned in swimming pool
115	6/24	Richard Jones		Seeley	CLP	Found on ground next to truck
116	6/26	Guadalupe Arteaga	52	San Jose	Tree trimmer	Electrocuted by high voltage power line
117	6/28	Christopher Eastwood	55	Yuba City	Construction worker	Found unresponsive

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118	6/28	Juan Rodriguez		Salinas	Mechanic	Crushed while working under vehicle
119	7/1	Kenneth Bradley	22	Oakland	Fast food worker	Shot and killed at work
120	7/1	Jose Santa Maria	26	Oakland	Fast food worker	See above
121	7/1	Mark Passaro	45	Los Angeles	Truck driver	Vehicle plunged into Port of Los Angeles
122	7/1			Yuba City	Cooper Construction	Had seizure performing ground work
123	7/2	Oswaldo Macialla Jesus		Salinas	Farmworker	Heat illness
124	7/2		30	Coalinga	Farmworker	Possible heat fatality
125	7/3	Annais Rittenberg	21	Groveland	Camp counselor	Killed when part of an oak tree fell on her
126	7/5	Christopher Douglas	41	Perris	Firefighter	Struck by pickup truck
127	7/5	Bruce Michigan		Miramonte	Sequoia Lakes Conf.	Heat fatality
128	7/5	Juan Ochoa	37	Richgrove	Farmworker	Heat fatality
129	7/7	Rigoberto Gonzalez-Solano	24	Turlock	Farmworker	Shot and killed by co-worker's spouse
130	7/8	Leonard Robert Luna, Jr.	42	Lynwood	Police sergeant	Killed in motorcycle accident
131	7/8	Manuel Sanzon	30	Caruthers	Watson Ag Chemical	Run over by another employee driving truck
132	7/9	Daniel B. Ronson		Angels Camp	Custodian	Collapsed while cleaning floors
133	7/10	Joe Wysocki	65	Ventura	Volunteer National Parks worker	Fell from fixed steel ladder on pier
134	7/11	Baltazar Ledesma	40	Tulare	Gillespi Ag Service	Crushed between trailer frame and storage tank capture apparatus
135	7/11	Mendie Udo	43	Redwood City	Janitor	Crushed by cardboard baler
136	7/12	Joel Sanchez	38	Rosamond	Plumber	Electrocuted while using an ungrounded rotary drill
137	7/13	Soledad Randon	59	Irvine	Dupont Residential Care	Unknown
138	7/17	Joy Daniels	47	Oakland	Longshore worker	Had seizure while driving truck and hit nonmoving object
139	7/18	Marcelino Ortega	61	Chula Vista	Warehouse worker	Fell 15 ft. from forklift
140	7/18	Ralph Stewart	51	Redding		Collapsed from heart attack on the job
141	7/19	Fermin Peraz		Hemet	C&R Farms	Crushed by planting machine
142	7/20	Gerald Schick		Redlands	Stater Bros Market	Found deceased while stocking shelves
143	7/22	Jose Barra		Fullerton	Handyman	Electrocuted while installing attic exhaust fan
144	7/23	Lisa Sousa		Tracy	Millard Mall Services	Sustained brain aneurysm
145	7/26	Hugo Alvarado	42	Fontana	Burrtec Waste Industries	Crushed inside trash compactor
146	7/27	Alfredo Carillo		Ladera Heights	Landscaper	Made contact with an energized line while trimming trees
147	7/27			Spring Valley	Sierra Steel Erectors	Fell and landed on head at Spring Valley worksite
148	7/27			Del Mar	Del Mar Thoroughbred Club	Collapsed and died at job site



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149	7/28	Christopher Gladden	24	Sacramento	Tow truck driver	Crushed between vehicle and truck when hit by another car
150	7/29	Grant Cody	48	San Diego	Ironworker	Fell 15 ft. while working on construction project
151	7/29	Joseph Carl Wagner	53	Ripon	Almond farmer	Run over by tractor
152	7/30	Jose Jimenez	43	Merced	Construction worker	Pinned between piece of heavy equipment and concrete bridge
153	7/30			Alameda	Delta Sandblasting Co. Inc.	Collapsed after performing sandblasting inside tank on cargo ship
154	8/1	Adrian Perez	40	Lancaster	High Desert Dairy	Struck by steel beam
155	8/1			Fresno	Valley Healthcare Center LLC	Died after contracting tuberculosis.
156	8/5			Fresno	Fresno Moving and Storage	Crushed by safe
157	8/6	Manpreet Ghuman Singh	27	South Lake Tahoe	Convenience store clerk	Shot and killed
158	8/8	Mario Guereca		Chowchilla	Farmworker	Pinned after vehicle crash
159	8/10	Danel Stephen Greenlaw	37	North Fork	Camp host	Fell into rushing water
160	8/10	Steve O'Neil	54	Bakersfield	Race official	Struck by vehicle during race
161	8/11	Daniel Olivera	26	Victorville	Convenience store clerk	Shot and killed in store parking lot
162	8/12	Daniel Duncan	55	Indian Wells	Construction worker	Collapsed while drilling nails in cement
163	8/12	John Charles Francis		Tujunga	Mechanic	Found dead underneath truck
164	8/12	Matthew McKnight	51	Thousand Oaks	Firefighter	Collapsed on the job while working at dispatch center
165	8/13	Armando Estrada	42	Elk Grove	Forklift operator	Killed when his industrial truck rolled over
166	8/13	Ernesto Solario		Five Points	Farmworker	Collapsed while cleaning tomato harvester
167	8/14	Alberto Rangel	46	Caruthers	Farmworker	Crushed between truck and other vehicle
168	8/16	Heladio Martinez	50	Costa Mesa	Landscaping worker	Fell off 10 ft. ladder
169	8/20	Salvador Garcia	61	Rancho Cucamonga	Recycling center worker	Run over and killed by loader
170	8/21	Jason Dalarday		El Nido	El Nido School District	Suffered heart attack while working in after-school program
171	8/23			Sacramento	Lemings Irrigation	Became unresponsive and died while running mini-excavator
172	8/24	Armando Aceves	47	South Los Angeles	Postal worker	Killed by drunk driver
173	8/24	Matthew Courtright	27	Escondido	Brewer	Killed in forklift incident
174	8/24	Eric Merle Fehrmann	44	Torrance	Worldwide Warrior	Found unresponsive
175	8/24			San Jose	Central Concrete	Killed in vehicle incident
176	8/25	Oscar Montano-Garcia			Firefighter	Collapsed while fighting the Nabob Fire in Northern California
177	8/27	Alejandro Hernandez	49	Bakersfield	Farmworker	Electrocuted while working on junction box to large cooler
178	8/27	Oscar Marquez	62	Berkeley	Construction worker	Struck by big rig

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179	8/27	Miguel S. Ramos		Dixon	Farmworker	Found deceased on ranch
180	8/28	Donald Kirsnis		Universal City	Gregg Drilling and Testing	Collapsed on the job from heart attack
181	8/29	Arthur Plata	18	Cathedral City	Landscaper	Struck and pinned by vehicle
182	8/30	Oscar Rivera	53	Goleta	Moog, Inc.	Fell 25-30 ft. through skylight
183	9/2	Michael Gregg		Corning	Sunsweet Growers	Fell from forklift, possibly after heart attack
184	9/3	Sung Cho		Thousand Oaks	Calwide Maintenance	Fell 6 ft. from ladder
185	9/4	Gavino Gastelum		Alhambra	Reyes Tree Trimming	Collapsed and fell from second-story window
186	9/5	Jose Huizar		Nelson	Bianchi Partnership	Suffered an acute medical condition while operating forklift
187	9/6	Victor Aguilar Gonzalez	33	Desert Hot Springs	Celco Construction	Electrocuted while changing power pack at school
188	9/7	J. Carmen Rodriguez	63	Traver	Farmworker	Killed in vehicle collision
189	9/8	Ken Smith	63	Shasta	Salvage diver	Drowned while attempting to recover body of drowning victim
190	9/10	Luis Lopez Ruiz		Temecula	Landscaper	Fell unconscious at work and later died
191	9/11	Kenneth Caton	49	Newman	Farmworker	Killed when farm equipment rolled down embankment
192	9/12	Ricardo Lopez		Mammoth Lakes	Patty's Forestry Service	Struck by fallen tree
193	9/13	Peter Gonzales		Corona	Electrician	Electrocuted while pulling ground wire
194	9/14		53		Tree trimmer	Fell 30 ft. from walnut tree
195	9/15	Shane Smith	56	Malibu	State Parks employee	Killed in motorcycle accident
196	9/16	Rodney Herndon	63	Pacific Grove		Collapsed on the job
197	9/16	Jose Ortiz	21	Goleta	Warehouse worker	Crushed between dock and backing tractor trailer
198	9/19	Chuck Caha	64	Death Valley	National Parks worker	Heat stroke
199	9/19	Nicholas Rojas	62	Ventura	Tree trimmer	Fell 50 ft. while trimming tree
200	9/19			Torrance	Rutledge Floor Covering	Killed in fall
201	9/20	Jose Manuel Cruz	51	Vallejo	Surveyor	Run over by large truck
202	9/21	Jon Couthie	42	Laguna Beach	Police officer	Motorcycle collided with pickup truck
203	9/22		27		Tree trimmer	Asphyxiated by the palm fronds
204	9/23	Garth Winegar		Los Angeles	Truck driver	Struck and killed by crate
205	9/24	Gabriel Gonzalez	35	Anaheim	Electrician	Electrocuted
206	9/25	Sharon Vanmeter		Santa Fe Springs	Weiser Security Services	Run over by truck
207	9/26	Danny Holman	49	Tehama County	Maintenance employee	Pinned between hitch and dump truck trailer
208	9/27	Robert Burch		San Pedro	Cabrillo Elementary	Died from surgery complications
209	9/29	Mark Benjamin	63	Santa Monica	Morley Construction Company	Died in plane crash
210	9/30	Adrian Chica	67	Vernon	Chua and Sons Co. Inc.	Drowned in sump hole
211	9/30	Brandon Orozco	28	Huntington Beach	Southern California Edison	Trapped underground when electrical vault exploded

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212	10/1	Alfredo Mendoza Vargas		Exeter	Farmworker	Fell unconscious and died while picking grapes
213	10/2	Lismar Montenegro	18	Clovis	Construction worker	Struck and killed by drunk driver
214	10/3	James Ruiz, Jr.	19	Soledad	The Wine Group	Crushed by screw conveyor
215	10/3			Terminal Island	Pacific Architects and Engineers Inc.	Fell from boat and drowned while testing repaired engine
216	10/4	Brian McMahon	46	San Rafael	Construction worker	Struck and killed by vehicle while inspecting manhole
217	10/4		19	Salinas	Golden State Vintners	Trapped in machine containing an auger
218	10/7	Rolando Anaya	34	Corona	Industrial worker	Caught on conveyor belt of mobile asphalt crusher and pulled into grinder
219	10/10	Arturo Gutierrez		Ivanhoe	Farmworker	Fell from ladder while picking olives.
220	10/12	Robert Garcia	36	Los Alamos	Oil rig worker	Fell while working on oil rig
221	10/14	Edward Lake II	60	Santa Clara	Delivery truck driver	Crushed by steel rebar
222	10/16	Christopher Hurst		West Lake Village	Owner of Cedar Valley Plumbing Supply	Fell to ground in roof collapse
223	10/17	Fernando Rivera	52	Lebec	National Cement Co of CA Inc.	Fell from ladder
224	10/18	Roberto Rodas Ortiz		Los Angeles	Truck driver	Struck and killed by truck
225	10/18	William Stanley Thomas	53	Kneeland	Logger	Struck by falling tree
226	10/19	Laurence "Larry" Daniels	66	Walnut Creek	BART engineer	Hit by train while doing track maintenance
227	10/19	Chris Sheppard	58	Walnut Creek	BART engineer	See above
228	10/19	Jason Danial Nelson-Meng	23	Eureka	Logger	Struck by tree
229	10/19	Jose Sanchez-Gonzalez				Found deceased at base of patio stairs
230	10/20	Rick Billingsly	65	Newport Beach	HVAV mechanic	Fell from roof-access ladder
231	10/24			Eureka	Von Arx Drayage Company Inc.	Killed in vehicle crash and explosion
232	10/25	David Chan		Westminster	Gordonstone & Tiles Inc.	Crushed by granite slabs
233	10/25			Modesto	Salida Ag Chemical Inc.	Killed in vehicle collision
234	10/25			Pomona	Famous McElwee	Killed in vehicle collision
235	10/26	Gabriel Basilio		Westmoreland	Farmworker	Collapsed in lettuce field
236	10/30	Miguel Ortega		Beverly Hills	Construction worker	Fell 30 ft. through an open skylight
237	10/30	Kevin Stephens	24	Quincy	Sierra Pacific Industries	Dragged into machinery and crushed
238	10/31	David Woods		Cayucos	Handyman	Killed in fall
239	10/31			Irvine	Ramscape	Killed in truck roll-over
240	10/31			Irvine	Ramscape	See above
241	11/1	Lucas Hansen	23	San Diego	Ironworker	Killed in fall
242	11/1	Gerardo I. Hernandez	39	Los Angeles	TSA worker	Shot and killed by gunman
243	11/1	Frankie Armando Jimenez	34	Milpitas	Construction worker	Struck and killed by motorist

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244	11/4	Salvador Gonzalez-Rincon	68	San Diego	Central Auto Parts Dismantling	Run over by forklift
245	11/5	Jorge Calderon		Garden Grove	JHOS Logistics and Transportation	Found deceased 15 ft. from overturned truck
246	11/5	David Ortega	44	Placentia	Car detailer	Crushed between vehicle and wall
247	11/7	Juan Carlos Rodriguez	35	Salinas	Owner of auto repair shop	Shot at work
248	11/8	Andres Martinez		Los Angeles	Hannibal Industries	Crushed by bundle of steel
249	11/12	Joshua Alan Pudsey	41	La Mesa	Tree trimmer	Struck by falling branch
250	11/13	Matthew R. Marsh	28	Camp Pendleton	Marine	Died in mine explosion
251	11/13	J. Mullins	31	Camp Pendleton	Marine	See above
252	11/13	Miguel Ortiz	27	Camp Pendleton	Marine	See above
253	11/13	Eric W. Summers	32	Camp Pendleton	Marine	See above
254	11/13			Bakersfield	Self-employed handyman	Fell from roof
255	11/18			Oakland	Ship crew member	Fell from crane onto platform
256	11/19			Carson	Hunter Woodworks	Fell 30 ft. from roof
257	11/20			El Monte	Edison Electric	Electrocuted
258	11/21	Oscar Eduardo Avila Reyes	33	Pasadena	Truck driver	Killed in vehicle collision
259	11/21	Gerald Hall	58	Pasadena	Truck driver	Killed in vehicle collision
260	11/22	Tyler Jennings Wilson	26	Mi-Wuk Village	Truck driver	Truck plunged off bridge
261	11/25	Richard Wayne Alexander	49	Rio Vista	Construction worker	Excavator fell into river
262	11/25			Mission Viejo	Darmon Construction Inc.	Fell from ladder
263	11/26	Russell Brown	57	San Francisco	Sutro Tower, Inc.	Fell from ladder while replacing antenna
264	12/6	Nicolas Orozco		Los Angeles	Tree trimmer	Fell 50 ft. while trimming tree
265	12/7	Robert Keyser	56	Grass Valley	Farmer	Heart attack while loading Christmas tree onto truck
266	12/8	Richard Kulow	59	Los Angeles	Owner of logistics company	Found deceased in warehouse
267	12/9	Gilbert Acuna	52	Fresno	Delivery truck driver	Crushed between delivery truck and loading docks
268	12/11	Christian Gonzalez Terrones	30	Between Snelling and Merced	Ranch worker	Killed in gas tank explosion
269	12/13	Juan Manuel Gonzalez	56	Ontario	Truck driver	Struck by truck
270	12/16	Hector Canseco	63	Lemoore	Mechanic	Found deceased in tractor cab
271	12/26	Mark Moody		Kingsburg	Kings River Golf and Country Club	Drove golf cart into river after possible heart attack
272	12/27	Leopoldo Avila		Ventura	Roofer	Fell through roof opening
273	12/30	Jose Ramirez	60	Santa Fe Springs	Truck driver	Crushed between semi-trailer truck and loading dock

# WORKSAFE

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Based in Oakland, California, Worksafe is an independent non-profit dedicated to protecting people from job-related injuries, illnesses, and death. Prevention is our goal as we advocate for protective worker health and safety laws, and effective remedies for injured workers. In coalition with unions, workers, community, environmental and legal organizations, scientists, and public health advocates, we engage in campaigns to eliminate and reduce the full range of workplace hazards. We educate policymakers and others about the magnitude of workplace hazards and how they affect working people and communities. Many of our activities focus on low-wage immigrant workers and their experiences.

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