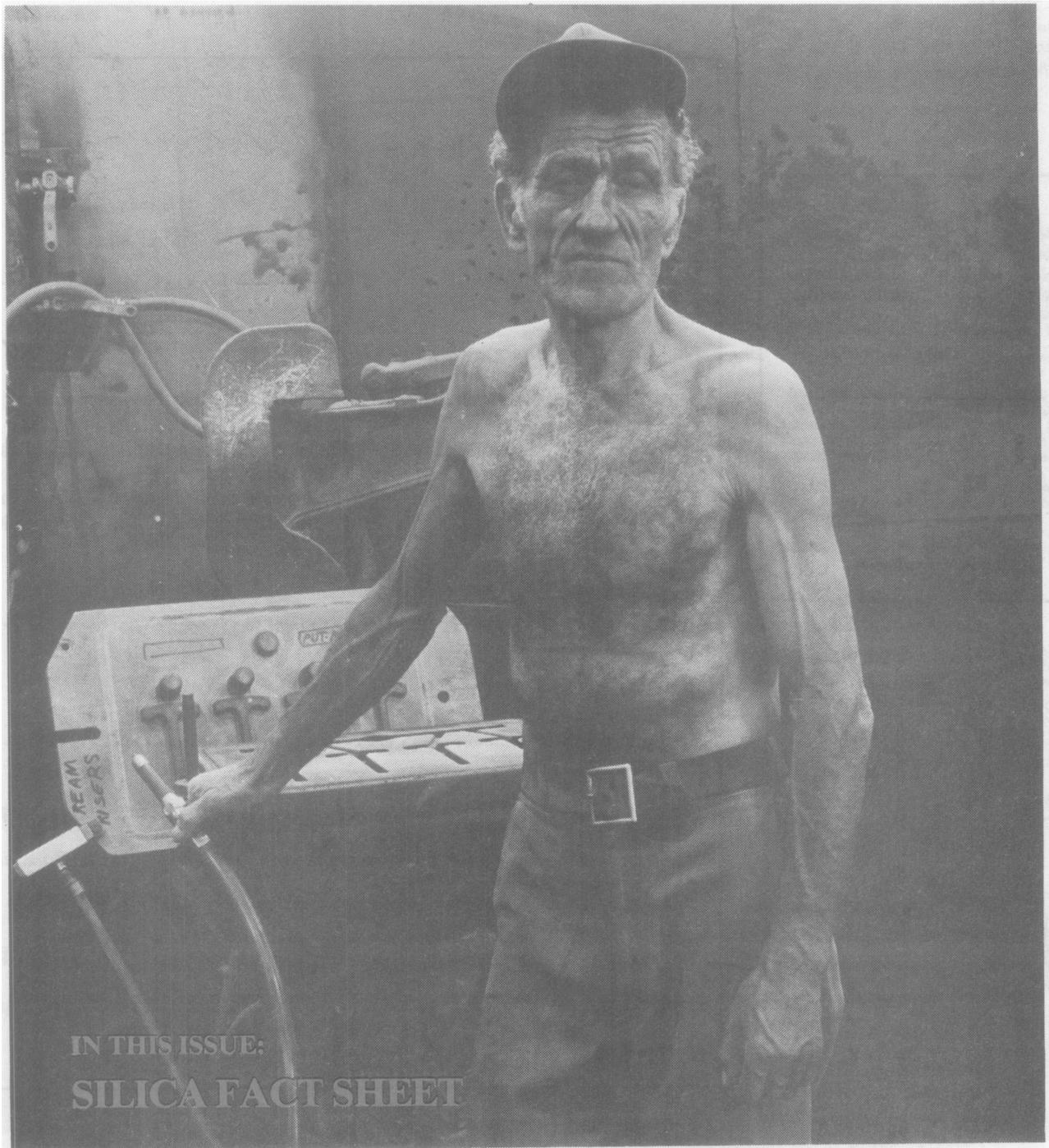
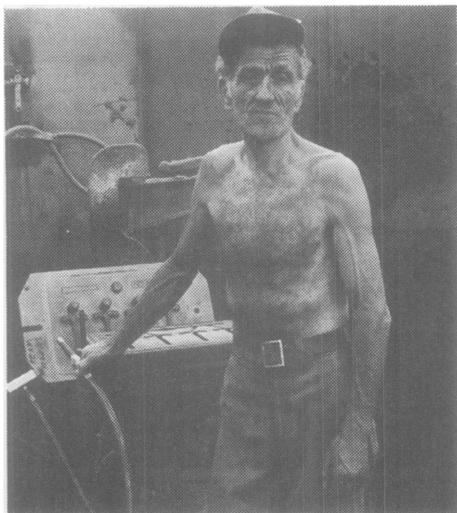


Labor Occupational Health Program

MONITOR



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SILICA FACT SHEET



Labor Occupational Health Program MONITOR

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On the Cover:

Foundry worker is exposed to silica among many other hazards. Silica Fact Sheet in this issue describes the dangers (pages 8-9.) (Photo: Ken Light.)

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—Cindy Fredrick/LNS

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Warrant Procedure Risks Workers' Lives

By Stan Smith

Executive Secretary

*San Francisco Building and
Construction Trades Council*

On Dec. 30, 1976, a three-judge district court sitting in Boise, Idaho, held that OSHA's practice of inspecting business establishments without prior warning or obtaining a warrant violates the unreasonable search and seizure ban of the Fourth Amendment of the U.S. Constitution. The district court granted summary judgement in favor of Barlow's, Inc., a Pocatello, Idaho, plumbing and heating firm that refused to admit an OSHA compliance officer to inspect its premises without a search warrant. The Supreme Court agreed to review the constitutionality of the provisions of the Occupational Safety and Health Act which authorize warrantless inspections of workplaces.

On May 23, 1978, the United States Supreme Court, in a 5 to 3 decision, ruled an employer has the right to refuse admittance to an OSHA inspector. The ruling affirmed the 1976 decision of the three-judge federal district court in Boise, Idaho.

On February 15, 1979, Albert Gok, a Cal/OSHA Compliance Officer, was denied entrance to the Dow Chemical Plant in Pittsburg, California, even though the OSHA inspectors had been welcomed in other such plants in the East Bay for routine wall-to-wall inspections, U.S. Steel, Continental Steel, Crown Zellerbach, etc.

On April 9, 1979, Judge Robert Cooney refused to issue a search warrant to OSHA based on the testimony of a Stanford University professor that the plant met all the requirements of Cal/OSHA.

On Saturday, May 26, 1979, a tremendous explosion took place at the Dow Chemical Plant in Pittsburg, killing two workers. 112 others were taken to the hospital for examinations, 25 being seriously injured and six with minor injuries.

Killed were Gabriel Martinez, Asbestos Workers Local 16 of San Francisco,

and Jack Wright, Steamfitters Local 159, Contra Costa County.

It would be preposterous, of course, to say that if the OSHA Compliance Officer had been admitted to the Dow Chemical Plant they definitely would have found the cause of the explosion and prevented it, and therefore saved the lives of the two men, as well as prevented the injuries to the others. It would, of course, be just as preposterous to say the OSHA Compliance Officer would definitely not have found the cause. The point is Dow Chemical and Judge Cooney never gave OSHA a chance to prevent this accident.

The Supreme Court, in their May 23, 1978 decision, rejected the government's claim that the routine use of government inspections without warrants is justified by the national interest of protecting employees against workplace hazards. The Court instead found that the employer's privacy interest is sufficient to demand the additional administrative burden entailed by the government in securing the warrant. "The authority to make warrantless searches devolves almost unbridled discretion upon executive and administrative officers, particularly those in the field, as to when to search and whom to search," Justice White says.

"A warrant, by contrast, would provide assurances from a neutral officer that the inspection is reasonable under the Constitution, is authorized by statute, and is pursuant to an administrative plan containing specific neutral criteria. Also, a warrant would then and there advise the owner of the scope and objects of the search, beyond which limits the inspector is not expected to proceed."

What the Court ruled in workers' language is that an employer's right to privacy is more important than the life and safety of its employees.

The U.S. Chamber of Commerce reacted as could be expected where workers' lives are concerned. Richard Lesh, President of the U.S. Chamber of Commerce, called the Court's decision a "blow for freedom" with which the American public and the business community should be "delighted."

Even though the Supreme Court ruled a search warrant could be issued on an employee's complaint, a judge in Mani-

towac, Wis., took it one step further. When a compliance officer appeared with a warrant at Weyerhaeuser Corrugated Box Factory in that city, the inspection was allowed to proceed "under protest." Following the inspection, Weyerhaeuser filed suit to void the warrant and suppress the evidence obtained by the inspection.

A Wisconsin judge, another worker's friend, ruled it is not enough that the Secretary of Labor (OSHA) is satisfied that the grounds for an inspection exist. Whoever issues the warrant must also be satisfied, even if that person does not have any knowledge of safe working conditions, like Judge Robert Cooney of Contra Costa County.

The court declared the warrant null and void under the Fourth Amendment and permanently enjoined the Department of Labor from conducting any further proceedings to enforce the citations issued as a result of the inspection conducted under the invalid warrant. At the time the injunction was issued, Weyerhaeuser was contesting before the Occupational Safety and Health Review Commission citations issued by the Labor Department as a result of the inspections. All evidence obtained through the search was ordered returned to the employer.

This, of course, means even though there were unsafe working conditions, OSHA could not enforce the law and the judge ruled it legal for Weyerhaeuser to provide an unsafe workplace.

MOVING?

To insure that you receive your next *Monitor* without delay, please clip and send us the address label from the most recent *Monitor* along with your new address. Allow six weeks.

New Sources of Energy; Unknown Risks

Synthetic Fuels and Health

By Janet Bertinuson

In his July energy address, President Carter stressed the need to find "new" sources of energy that would free the U.S. from the stranglehold of major foreign oil producing nations. Although the president talked of various unconventional sources of energy including solar and geothermal, synthetic fuels were stressed as the long-term solution to our growing energy problem. The syn-fuels program, which provides for conversion of shale and coal to oil and gas, would be in full swing by 1990, according to Carter. At that time production from coal is expected to be at 500,000 - 2 million barrels of oil per day, while each shale oil plant would process up to 30 million tons of oil shale per year.

NEW TECHNOLOGY?

Despite their being labeled as new, the processes to develop oil from shale and coal, and gas from coal, have been used commercially off and on since the late 1880's. Shale oil was used in Britain's mule spinning industry to lubricate spindles, and the first cancer related to workplace exposure was reported in a shale oil worker in 1876. During World War II, coal was converted to oil as part of Hitler's war effort. But even though the technology is not new, the idea of large scale syn-fuel production never caught on, at least until now when oil prices are soaring and fuel is in shorter supply. In recent years the U.S. Government has been spending about \$500 million per year on synthetic fuels research, but there are no commercial plants currently operating in the U.S.

The economic costs of developing a large scale syn-fuels program are still unclear, and original cost estimates increase every year. But economic costs are only one factor in the debate over making synthetic fuels a primary energy source in the coming years. Many critics focus on the need to develop a balanced and sane program that

includes more research on other forms of energy (solar, geothermal, etc.) and new methods of conservation. And the environmental and occupational health costs of syn-fuel have to be given more weight than they appear to have been when Carter and some members of Congress, searching in desperation for an alternative to current energy sources, jumped on the syn-fuels bandwagon.

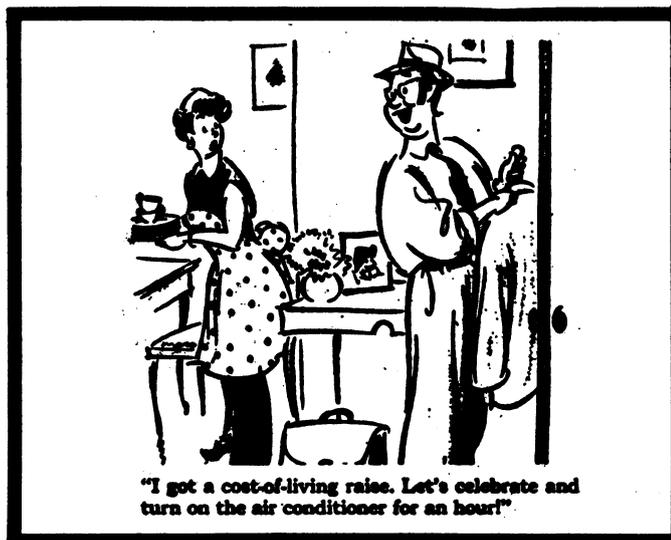
WHAT ARE THE POSSIBLE HEALTH PROBLEMS?

Environmental costs for production of synthetic fuels are bound to be high. Large amounts of waste shale will have to be disposed of, creating the possibility of leakage of substances such as mercury into groundwater. The plants that process coal into gas and oil will emit contaminants such as sulfur dioxide and nitrogen oxides, and coal mining, including strip mining, will increase. The Western states will be particularly hard hit by the mining and development of shale oil processing facilities. In addition, the fuels themselves, when burned, will emit excessive levels of carbon dioxide. Inside the plants workers will be potentially exposed to at least 200 different chemicals in the conversion processes, particularly in coal liquefaction. Some of

these chemicals cause cancer in humans while others produce known short- and long-term health effects.

Shale Oil: Two human carcinogens, benzo (a) pyrene, and benzo (a) anthracene are found in shale oil. In Britain, from 1920-1943, 1000 cases of skin cancer were reported in the mule spinning industry, and by-products of shale oil such as waxes, cutting oils, and light oils have also been reported to cause skin cancer in exposed workers. In the five shale oil plants projected for 1985, the estimated worker population would be 7500 workers potentially exposed to known carcinogens.

Coal Oil: Oil is produced from coal in a process called liquefaction, where coal is soaked under high pressure and moderate heat in an oil containing hydrogen. This results in a clean fuel oil as well as a variety of byproducts. Numerous hazardous chemicals whose health effects are known and which have established permissible exposure limits (PEL's) are produced in the liquefaction processes. But very little is known about the effects on humans when any number of these chemicals combine.



—UAW Plant Slants

Both benzo (a) pyrene and benzo (a) anthracene, also found in shale oil, are known human carcinogens, and were measured in the air during studies of two liquefaction plants. However, only one long-term study of liquefaction workers has been done, at a West Virginia plant operated by Union Carbide between 1952-1959. Effects seen in exposed workers included skin irritation, rashes, burns, and skin abnormalities that were both cancerous and pre-cancerous. A 1977 followup reported no deaths due to cancer, although two cases of systemic cancer were found. Because the number of workers studied was small, and exposures were not well documented and of fairly short duration, no firm conclusions can be drawn about the cancer potential in such plants.

However, studies of processes where coal is used to create other substances (coal tar pitch, creosote, and in coke ovens, for example) by burning or distillation show that exposed workers are at increased risk of developing many types of cancer including skin, lung, kidney, bladder, stomach cancer and cancer of the blood-forming organs. The substances identified in these plants as being carcinogenic are some of the same ones found in coal liquefaction plants: BAP, BAA, and chrysene.

In addition, results from animal studies have shown that many of the products from coal liquefaction produce cancer in at least one type of test animal. Special tests in bacteria also indicate that some materials produced in the liquefaction process, or the oils themselves, may affect the cells that carry hereditary material, causing mutations. Only one animal study so far has shown that some products may cause damage to the embryo.

Coal Gas: Under high temperature and pressure conditions, coal is treated with materials such as air, oxygen, or steam, to produce a clean gas. In the process workers may be exposed to benzo (a) pyrene. Studies of coal gas workers as early as 1892 show higher death rates from scrotal cancer than in the normal population. And a Japanese study (1936) showed a lung cancer rate among coal producer gas workers that was 26 times higher than normal. These statistics as well as information from other studies support the idea that working in a coal gas facility increases a worker's risk of developing cancer.

Other materials found in both liquefaction and gasification plants that may cause illness even with short term

exposures include carbon monoxide, hydrogen sulfide, and coal dust, as well as metal dusts, such as nickel, used as catalysts.

HOW CAN WORKERS BE PROTECTED?

It has been shown that chemical compounds that produce cancer and cause other short and long term health effects are produced in the process of converting coal and shale to synthetic fuels. But because the processes are supposed to be closed, actual exposures are not well known. Further studies in pilot plant situations under well-controlled conditions are needed to determine the amount and type of materials that are actually released under normal operating conditions. Studies should also be made of what happens when leaks develop in vari-

ous parts of the system, and what exposures might occur during maintenance operations. (Note: In petroleum refineries which are also closed systems, most serious accidents and high exposures to toxic materials occur during turnaround when maintenance work is being done.)

If development of commercial plants continues as planned, certain questions must be answered related to production of hazardous chemicals. These include: (1) *What effect does the type of coal and the processing technique have?*; (2) *What work procedures and control methods will most effectively protect workers?*; (3) *What procedures should be developed to handle emergency situations such as leaks?*; and (4) *What kind of medical surveillance will be developed for potentially exposed workers?*

Union Local Hires Industrial Hygienist

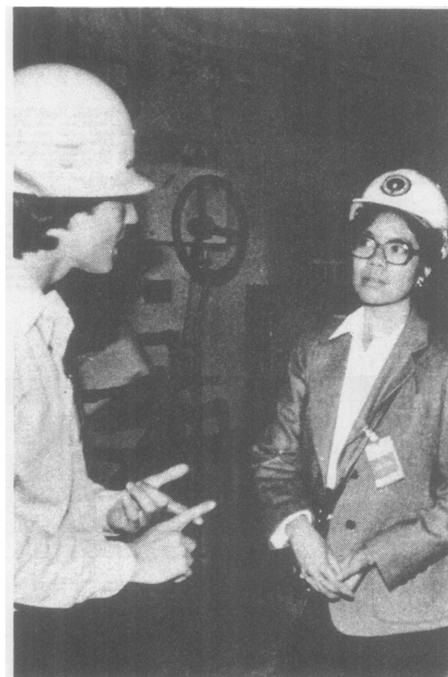
When Industrial Hygienist Juliann J. Sum joined the staff of the International Brotherhood of Electrical Workers (IBEW) Local Union 1245 in Walnut Creek, California recently, she became the first environmental health professional in the country to be employed full-time by a union local.

IBEW Local 1245 has over 19,000 members, the majority of whom are employed by northern California utilities, primarily Pacific Gas and Electric Company (PG&E).

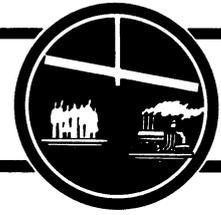
Sum, who earned a Master's degree in Environmental Health from the Harvard School of Public Health, has worked previously for the Oil, Chemical and Atomic Workers' International Union in Denver, Colorado; Brown University in Providence, Rhode Island; and the Nuclear Medicine and Radiation Oncology Departments of Rhode Island Hospital.

Sum is also a member of the Cal/OSHA Health Standards Advisory Committee.

In her IBEW 1245 position, Sum will institute a program of on-site investigation and environmental monitoring, as well as provide technical assistance and occupational health information to the membership.



Juliann J. Sum, IBEW 1245 industrial hygienist (right), discusses hazards with a member. (Photo courtesy of IBEW 1245.)



California Workers Entitled To Employer Data on Job Injuries and Illnesses

Employees, former employees, and their representatives have the right of access to their employer's log of occupational injuries and illnesses under a revised Cal/OSHA regulation which became effective in November, 1978.

The new state regulation mirrors recent changes in federal OSHA rules. **Employers will now be cited and civil penalties assessed for failure to provide access to the log (Cal/OSHA Form 200) to employees, former employees, or their representatives, for examination and copying in a reasonable manner and at a reasonable time.** The employer must make available all logs covering the five year period during

which they are required to be retained at the employer's establishment.

Prior to the new ruling, access to the employer's log was limited to federal OSHA; the Dept. of Health, Education, and Welfare; and State of California representatives.

The access rule applies to all private employers and public agencies with eleven or more employees. In announcing the new rule, state Director of Industrial Relations Don Vial emphasized that "employees will be able to use the information contained in the log as a first step in tracing the nature and effects of toxic substances, as well as substances not known to be toxic, and in identifying

patterns of injuries or symptoms which indicate need for further exploration."

"Former employees, moreover, will be able to examine the log information covering their former workplace for a period of five years to gain insight about employees who may have been, or are still, involved in similar working conditions and perhaps exhibiting similar symptoms."

LOHP has learned that in attempts to obtain such information, workers are still having difficulty gaining access to the logs from their employers.

—Morris Davis

Log and Summary of Occupational Injuries and Illnesses

State of California
Department of Industrial Relations
Division of Labor Statistics and Research

For Calendar Year 19 _____ Page _____ of _____

NOTE: This form is required by Public Law 91-503 and State of California Labor Code, Section 6419 and must be kept in the establishment for 5 years. Patterns to isolate sites and post sites result in the thousands of citations and assessment of penalties. (See posting requirements on the other side of form.)

RECORDABLE CASES: You are required to record information about every occupational death, every nonfatal occupational illness, and those nonfatal occupational injuries which involve one or more of the following: loss of consciousness, restriction of work or motion, transfer to another job, or medical treatment (other than first aid). (See definitions on the other side of form.)

Company Name _____
Establishment Name _____
Establishment Address _____

Form Approved O.M.B. No. 44R 1453

Case or File Number	Date of Injury or Onset of Illness	Employer's Name	Occupation	Department	Description of Injury or Illness	Extent and Outcome of INJURY						Type, Extent of, and Outcome of ILLNESS										
						Facilities			Nonfatal Injuries			Type of Illness										
						Injury Related	Injuries With Lost Workdays	Injuries Without Lost Workdays	CHECK Only One Column for Each Illness (See other side of form for abbreviations or permanent transfers.)													
(A)	(B)	(C)	(D)	(E)	(F)	(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)	(11)	(12)	(13)				

INJURIES

ILLNESSES

Cal/OSHA Inspection Authority To Be Redefined

The Cal/OSHA (Division of Occupational Safety and Health) petition to the California Supreme Court for hearing of the Fifth District Court of Appeal's decision on *Salwasser v. Municipal Court* has been denied. Art Carter, Chief of DOSH, recently announced that the Division received notice of the Supreme Court's denial for hearing on Sept. 5, 1979.

The lower court ruling requires that in order to obtain a warrant to conduct an inspection, DOSH would have to prove that a violation of safety and health regulations is probable. DOSH maintains that because the penalties levied for violations of health and safety regulations are almost exclusively civil penalties, forcing DOSH to show probable cause puts the Division unnecessarily in the position of constantly attempting to prove criminal intent on the part of employers who violate the regulations.

However, John Hawkes, Chief Legal Counsel for DOSH, pointed out that the Fifth District Court's decision on the *Salwasser* case was based on Section 6314 of the California Labor Code. This section was amended on July 10, 1979. Therefore, the law on which the *Salwasser* decision was based is different now than when that case was

originally heard. Labor Code Section 6314(b) now reads:

"If permission to investigate or inspect the place of employment is refused or the facts or circumstances reasonably justify the failure to seek such permission, the chief or his authorized representative may obtain an inspection warrant pursuant to the provisions of Title 13 (commencing with Section 1822.50) of the Code of Civil Procedure. Cause for the issuance of a warrant shall be deemed to exist if there has been an industrial accident, injury, or illness reported, if any complaint that violations of occupational safety or health standards exist at the place of employment has been received by the division, or if the place of employment to be inspected has been chosen on the basis of specific neutral criteria contained in a general administrative plan for the enforcement of this division."

Carter stated: "The Division will continue to attempt to get inspection warrants, when necessary, based on civil cause because this is what the Labor Code requires us to do. In addition, I want to assure all workers that we will continue to carry out our in-

spections of workplaces to investigate accidents or complaints. No worker should be concerned about our ability to do so or fearful that we will be unable to respond to a complaint or investigate an accident.

"Before January, 1980, we intend to hold public hearings to assist us in formulating proposed regulations to clearly differentiate between the civil and criminal aspects of the Division's actions so that employers need not fear criminal sanctions on a routine inspection. These regulations would ensure that an employer would be informed if, during a civil inspection, evidence indicated that a criminal investigation was more appropriate than continuation of the civil inspection.

"The Division will, through establishment of these regulations and as part of its internal policy and procedure, clearly emphasize the distinction between our civil enforcement and the Bureau of Investigation's criminal enforcement authority."

Carter added: "Although we conducted over 22,000 inspections last year, less than 50 criminal cases were filed. Clearly, we have sought criminal charges only when the facts warranted such action. I think it's important to point out that the ultimate decision to prosecute rests with the local district attorney."

OSHA Clarifies Applicability of Lead Standard to Construction Work

The Labor Department's Occupational Safety and Health Administration has announced a correction to the standard for occupational exposure to lead to clarify the exemption of construction work.

The correction, published in the August 28 *Federal Register*, specifically exempts the construction industry from the regulation; workers in lead industries who perform construction tasks are protected by the standard.

OSHA's lead standard was issued November 14, 1978, and contained an exemption for "construction work." Several persons have since pointed out

that this exemption could be interpreted broadly to exclude from protection industrial workers performing construction tasks in plants using or producing lead. OSHA never intended to deny these lead workers the protection of the standard, and the corrected exemption is limited to the "construction industry."

The exemption was originally incorporated into the lead regulation because arguments presented during the rule-making proceedings demonstrated that some protective provisions of the standard would be impossible or impractical to apply to the construction industry. For example, unique working conditions

and the transient nature of construction work could prevent the required compilation and preservation of worker medical and exposure information. OSHA, therefore, decided to exempt the construction industry pending recommendations on such issues by the Construction Advisory Committee.

No other aspect of the lead standard is altered by the correction. Since the change is minor and merely clarifies the original intent of the exemption, no additional rulemaking procedures were necessary.

Hazards of Silica Dust in Foundries

By Sidney Weinstein

In foundries the sand used to make molds and cores usually contains a very dangerous mineral, silica (also called free silica, quartz, silicon dioxide, or SiO_2 .) Anyone handling sand or working near sand-handling or transporting operations can be exposed. The most dangerous foundry operations in terms of silica exposure are:

Ladle Lining	Hand Chipping and Finish Grinding
Mulling	Sand Slinging
Sandblasting	Core Knockout
Shakeout	Sprue Culling

Clay (also called bentonite) and refractory materials also contain silica, so workers using these materials are at risk.

Silica is most dangerous when it is "free," that is, not combined with other materials. Also, silica in foundry sand that has been wet or bound with a resin or mineral oil is not as dangerous as loose silica dust. However, the resins used as binders have their own hazards.

HOW DOES SILICA AFFECT THE BODY?

Silica doesn't dissolve easily—either when molten metal is poured into it or once it gets into the lungs. When the small, sharp particles are breathed in, they can lodge in the lungs and become surrounded by scar tissue. Eventually there may be enough scar tissue to stiffen the lungs and interfere with breathing. This condition is called *silicosis*.

Silicosis

The damage silica does to the lungs happens slowly and at first unnoticeably. By the time symptoms begin to develop, the disease has already started to damage the lungs. Symptoms include:

- tiredness
- shortness of breath
- loss of appetite.

At first you can prevent further lung damage by avoiding any more exposure to silica. But after the disease has



(Photo: Ken Light.)

reached a certain point, it will keep getting worse even if all exposure stops. But eventually so much damage has been done to your lungs that they can't recover, even if you are removed from exposure.

Silicosis usually takes between 10 and 25 years for the damage to your lungs to become evident. But where exposures are extremely high, such as in tunneling through rock or in some foundries, workers have been known to develop this disease much sooner.

Workers exposed to silica may also develop pneumonia, tuberculosis, emphysema, and chronic bronchitis. And breathing difficulties resulting from these diseases put an added strain on the heart which then has to work harder to get enough oxygen to the body. So heart disease could also be a result.

HOW DO YOU KNOW IF YOU ARE IN DANGER?

If you can see dust, there is probably too much silica in the air. But tiny dust particles can be invisible and still cause serious damage when they get into the lungs.

The amount of free silica in the foundry air depends on the amount and kinds of molding going on, house-keeping practices, and the amount and kind of sand being transported. Silica levels in the air can be measured exactly. Your employer should take regular, accurate air measurements to find out how much silica employees are being exposed to and whether or not these amounts are within the OSHA permissible exposure limits. If air measurements are taken, ask your employer to

allow you or your union representative to observe them, and request the results.

No one is really sure just how much silica is harmful or safe. OSHA has a numerical exposure limit (standard) for silica dust. But the regulation is confusing because it varies with the amount of free silica present. Basically, the more free silica particles there are in the dust, the less of the dust you are allowed to be exposed to.

Your union could negotiate stricter exposure limits than required by OSHA as well as other precautions such as employer-provided air monitoring and medical screening programs.

WHAT SHOULD YOU DO IF YOU THINK YOU'RE EXPOSED TO DANGEROUS LEVELS OF SILICA DUST?

Because there's an OSHA standard for exposure to silica, you can request an OSHA inspection by sending a letter or special form to the nearest OSHA Area Office. It's always best to have your employee representative do this. If you live in a state with its own OSHA program, request an inspection from the appropriate state agency. In your letter or form, be sure to include the following information:

- **That you have a health problem, and want an industrial hygienist to do the inspection;**
- **When dust levels are highest, for example, time of day, week, month, or year;**
- **The dustiest operations;**
- **Whether or not workers are developing symptoms of silica disease;**
- **Who the employee representative is;**
- **Whether you want your name kept confidential (if a worker not the employee representative makes the complaint.)**

The inspector must arrive unannounced at the workplace. You (or your employee representative) have the right to walk around with the inspector, observe any monitoring, and participate in a closing conference. You also have certain other rights if the inspection results in a citation. In addition, in some states such as California, workers have the right to refuse to work in a dangerous condition that could result in serious harm.

WHAT CAN BE DONE TO PROTECT YOU?

The best way to guard against silica diseases is to prevent exposure. By law this is your employer's responsibility. Your employer should prevent exposure by:

- **Switching to safer materials** such as quartz-free grit for mold and core sand, quartz-free grit, shot, or coal ash for sandblasting materials;
- **Installing local exhaust ventilation and humidifiers** to remove the dust from workers' breathing zone and prevent it from becoming airborne;
- **Enclosing or ventilating dusty machines** such as sand belts, mullers, sand drops, and sand slingers.

In cases of emergency or while other controls are being designed, your employer should provide respirators. Your employer should also inform you of the hazards of working with silica and provide adequate training programs.

Ventilation

Always make sure ventilation systems work properly. Simple airtests can determine this. In addition, check to see that:

- **Hoods are close enough to the exposure to pull in all the dust;**
- **Air flows freely through hoods and ducts;**
- **Air supply ducts on roof or in open windows only draw in clean, dust-free air.**

Respirators

Respirators must be approved by NIOSH, so make sure the NIOSH approval is on the box label. They must be specially designed to protect you against silica dust exposure, and are rated according to the dust concentration in the air. This is another reason to know how much silica you are exposed to.

However, using respirators is *not* the best way to control silica exposures: there are always problems associated with these devices. For example, respirators:

- **Can be hard to fit properly** because they are designed for the "average" size male face and most don't fit well over beards and mustaches;

- **Can be heavy;**
- **Must be well maintained, and their filters replaced often enough to protect the wearer.**

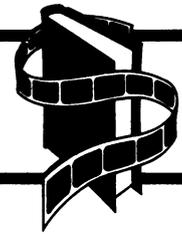
Work Practices and Training

Employers should also train foundry workers in safe work practices and provide any necessary protective equipment or clothing. Thus, your employer should make sure that:

- **Sand is cleaned up regularly** by using only vacuum or wet methods, never use compressed air or dry sweep;
- **Castings are shot-blasted and interior dust is removed before chip and grind operations begin;**
- **Respirators are kept clean and well-maintained;**
- **There are specially designated lunch areas away from dust; workers are informed of the hazards of working with silica and how to protect their health.**

Although your employer must protect your health, it may be up to you to make sure he/she fulfills this responsibility. To do so,

- **Pay attention to your workplace environment:** can you see any dust, do ventilation systems work properly?
- **Pay attention to your body:** are you or co-workers developing any symptoms such as shortness of breath, appetite loss, or chronic cough which could be signs of silica disease?
- **Have regular check-ups that include lung function and x-ray test, and tell your doctor that you are exposed to silica at your job;**
- **Make sure your employer regularly monitors (measures) silica dust levels in the foundry air:** ask to observe these measurements and request the results;
- **Make sure your employer provides adequate protections and trains you to follow safe work practices;**
- **If all else fails, request an OSHA inspection, and participate in the walk-around and closing conference.**



'Norma Rae': J.P. Stevens Goes to Hollywood

by Susan Salisbury

Norma Rae. 20th Century-Fox film; opened March, 1979. Produced by Asseyev and Rose; directed by Martin Ritt.

J.P. Stevens & Co., Inc., one of the ten largest U.S. textile companies, has become the best-publicized corporation that has fought union organization. The campaign to aid and support J.P. Stevens workers in the South, who have been struggling for 16 years to organize, is well-known. The 44,500 J.P. Stevens workers earn \$1.75 per hour less than the industrial average, from a company whose most recent annual sales totaled \$1,736 million, second only to Burlington Industries in the textile field. In addition, the prevalence of health problems (brown lung, for one, is a serious hazard, and is largely uncompensated), and discrimination in employment (there have been numerous suits by the EEOC) make life with J.P. Stevens very difficult.

Crystal Lee Sutton is a former J.P. Stevens worker who was fired for her union activity as an organizer in Roanoke Rapids, N.C., in 1973-74. She has become something of an inspirational figure to the movement for her courage and dedication to the union cause. *Norma Rae* is a film based roughly on the life of Crystal Lee Sutton. Set in the "O.P. Henley Textile Mill," the shooting was actually done inside the Opelika Manufacturing Corp., in Opelika, Alabama, a company under contract with Amalgamated Clothing and Textile Workers Union Local 1840.

Norma Rae (played by Sally Field) is a young single mother whose family has worked in the mill for many years. When the union organizer from New York, Reuben Warshovsky (Ron Leibman), comes to town, he sees her as a likely organizer herself, and she soon



Sally Field as Norma Rae, a determined young woman at the center of a union organizing drive in a Southern factory town. (Photo courtesy of 20th Century-Fox Film Corporation.)

agrees to join him in the union effort. Initially, the town is reticent to accept Reuben and his ideas. Many workers maintain, presumably out of fear for their jobs, that the company has always "taken care" of them. However, the issues at stake, like low pay with no cost of living increases, hearing loss, brown lung, long hours, and poor living conditions, are familiar to all of them.

The story focuses on Norma Rae's own growth as a strong, independent woman, through her involvement in unionization of the mill. Her antagonists come in the form of company tactics to discourage worker solidarity, her own personal struggles in the dual role of both mother and worker, and small-town prejudices against the sexual freedom of her past. The climax of the story occurs when Norma Rae is arrested and fired, on charges of disorderly conduct at the mill. This seems to be the event that finally sparks solidarity

among the workers, and the union later wins the election.

THE REAL J.P. STEVENS

To a viewer of this film who is not familiar with the health hazards in the textile industry, nor with union organizing efforts against J.P. Stevens, it would appear that textile unionization is a struggle, but not a terribly forbidding one. It is obvious to someone well-versed in these issues, however, that the story line and ideas are quite oversimplified—a serious flaw, if the film is to be considered an informative one.

In order to criticize the accuracy of *Norma Rae*, one must review the real issues at stake for J.P. Stevens workers and discuss their coverage in the film. The three primary obstacles that J.P. Stevens workers face are discrimination, both racial and sexual; health hazards; and wages.

continued on p. 14

BOOKS

The Pesticide Conspiracy

by Catherine Caldwell

The Pesticide Conspiracy. By Robert van den Bosch. Doubleday & Co., Inc., 1978. 223 pp., hardbound. \$8.95.

Pesticides have been used in the United States on a regular basis for over 30 years. These poisons are now being identified as potential teratogens (cause malformation of the unborn fetus), mutagens (cause damage to chromosomes, i.e. hereditary materials), and carcinogens (cause cancer.) Residues from their manufacture and use are increasingly finding their way into the environment. These facts have created considerable concern among workers who have daily contact with pesticides, as well as among consumer and environmentalist groups. Current attention is beginning to focus on how we can develop a rational pest management program which will use pesticides to advantage and minimize the hazardous effects which result from their irresponsible use.

Robert van den Bosch devoted his life to working as a university professor, researcher, and writer on entomology and pest management. His criticisms of conventional pest control practices and his recommended alternatives have drawn strong opposition from agri-chemical businesses and affiliated interest groups who want to hold tenaciously to their butter-thick profits. Nevertheless, van den Bosch's work is highly respected among colleagues and peers in the field, and has a demonstrated track record of practical successes.

There are several chapters in **The Pesticide Conspiracy** which discuss the \$5 billion agri-chemical industry which has the power to determine practices used in the production, distribution, and application of pesticides. This coalition of powerful business interests is primarily concerned with maintaining and enlarging profits. Therefore, growers, whose information sources are limited to agricultural publications, distributor recommendations, or pesticide salespeople, are encouraged to use pesticides on schedules based on profit margins rather

than agricultural needs or insect habits. Pest management research efforts are seriously hampered by business-controlled research monies. Local and federal regulatory agencies have been invaded by agri-chemical interests such that use-policy, labeling, and handling procedures are virtually determined by corporate rather than public interest. The results, van den Bosch points out, have been devastating. The bugs thrive; the environment has been inundated; people have been thoughtlessly exposed; and we have a pest management system in this country equivalent to using atom bombs as household fly swatters.

Van den Bosch goes on to demonstrate the paramount need for pest management programs which are alternatives to the current practices of pesticide drenchings. He points out that bugs must be *managed*, as they won't and shouldn't be murdered. They are one of nature's best survivors and also are absolutely critical to the complex food chains upon which all life depends. Current chemically-based practices simply create a treadmill of pest community imbalances such that new and stronger pesticide-resistant strains are created, requiring larger and more frequent applications of poisons. And even then, the insect returns. Other effects are: predator-species are weakened; secondary pests quickly become first-class ones which require new or additional doses of poisons; and economically and biologically important members of the insect world are weakened or depleted. Pollinating insects, bee colonies, wild life, and important food chain links are thinned, causing radical or permanent loss in less adaptable populations such as birds, fish, and mammals. And of course, the ongoing question has yet to be resolved regarding the present and future effects of these chemicals on people.

Only a handful of bugs qualify as competitors for food stuffs. Their control is necessary to keep crop production in line with population needs; but as now practiced, there is no real control or strategy for the future. Integrated pest management is Van den Bosch's recommendation and specialty. This procedure identifies the culprit, then develops a variety of techniques to reduce its numbers to a non-pestiferous level. Pesticide applications are timed;

natural predators are encouraged; crop planting is scheduled such that pest food supplies are not available when the insect needs them; sex hormones are used to draw off male members; crops are inspected for infestation to determine the season's pest control needs. Integrated pest management is not new. China, for instance, has been practicing it with success for many years and has been able to produce enough rice to feed its own notable population with surplus for export.

The Pesticide Conspiracy, with its wry and slightly cantankerous sense of humor, is filled with information and suggestions. Van den Bosch offers a clear analysis of the devastating effects of indiscriminate and indifferent use of pesticides on agriculture and people; and he offers several viable alternatives.

FILMS

No Easy Way is a 30-minute, 16 mm. color sound film about union health and safety committees just released by the University of Wisconsin School for Workers.

The film shows how an active, informed union committee can work with management to eliminate hazards without relying on OSHA inspections alone. It takes up two points of vital concern to both labor and management: how much leeway does an employee have in refusing to perform work he or she considers hazardous, and how does management handle conflicts between the need for safety and the urgency of production?

In the film, three members of a union committee inspect their plant to make sure safety practices and OSHA regulations are followed. A member walks off the job over unsafe conditions. He is given a disciplinary suspension but the union gets him back pay.

Copies of the film may be rented or purchased from: University of Wisconsin Extension, Bureau of Audio-Visual Instruction, 1327 University Ave., P.O. Box 2093, Madison, WI 53706. Phone: (608) 262-1644. Specify film #2581. Purchase price is \$270.; rental outside Wisconsin is \$13. plus shipping costs.



Unions Call For Federal VDT Study

In late July, a group of nearly 20 California union locals and councils called for a federal study of health questions raised by using video display terminals (VDT's). The terminals are now in widespread use in banks, offices, newspapers, and many other industries. Five international unions are also involved in the request for the National Institute of Occupational Safety and Health (NIOSH) to conduct a health hazard investigation: Communications Workers of America, The Newspaper Guild, Office and Professional Employees, Graphic Arts, and Transport Workers.

Representatives of the coalition pointed out that an estimated five to ten million VDT's are in use in the U.S. and that unions get worker complaints of headaches, tension, malaise, neck and shoulder pain, eye strain, distortion of visual focus, and color identification

aberrations. In addition, coalition representatives said, some concern has been expressed about possible radiation effects.

"We believe that standards are urgently needed to insure safe usage" of VDT's, the group said in a letter to NIOSH Director Dr. Anthony Robbins. To set usage standards, the group said, answers must be found to basic questions involving the length and frequency of rest breaks needed to prevent fatigue and eye strain; lighting, keyboard, and screen angle; glare control; and the advisability of periodic ophthalmologic examinations.

Signers of the letter to Robbins were Helen S. Palter of The Newspaper Guild; Barbara Pottgen of the Office and Professional Employees; and Barbara Gray of the Typographical Union.

Andrea Hricko and Janet Bertinuson of LOHP have worked with the coalition as consultants during the past year.

Cancer Institute Finds Asbestos, Not Fiberglass, Caused Lung Disease

A technical paper on dust disease of the lungs, presented by a Japanese scientist at a National Cancer Institute (NCI) meeting in November, 1978, appears to have attributed a patient's lung disease to the wrong cause, according to a new NCI report.

The paper, presented by Dr. Tatsuo Sano, one of its three authors, at a meeting of the Asbestos Education Task Force of NCI, made a preliminary finding that pneumoconiosis found in a 54-year-old female glass wool insulation worker resulted from exposure to fibrous glass. Pneumoconiosis is a lung disease similar to "black lung." The paper had caused much concern among scientists and unions whose members are exposed to fibrous glass.

In a July, 1979 "Special Communi-

cation" from NCI, new facts on the case were reported which led to the conclusion that the lung disease was the result of earlier exposure to asbestos dust. A sample of the patient's lung tissue showed that asbestos fibers were present, but no glass fibers or fibers of any other materials.

Also, at the time of the preliminary finding it was believed that the patient had neither worked nor lived where exposure to asbestos dust was likely. A more thorough occupational history obtained subsequently indicated that she had held many different jobs, several of them in dusty conditions, and that there had been opportunities for exposure to asbestos as much as 35 years before disease symptoms developed.

NL Industries Malpractice Lawsuit

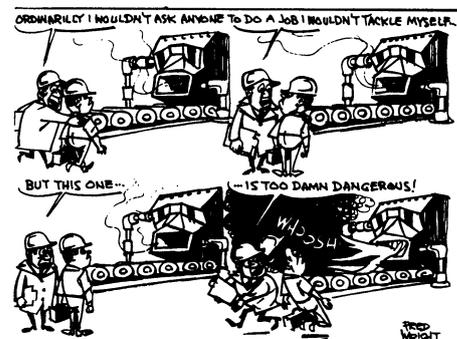
Ten Indianapolis workers employed by a lead smelter have filed the first malpractice suit against a company doctor in U.S. history.

The ten workers are all past or present employees of NL Industries. They contend in their \$10 million suit that NL deliberately falsified information about workers' exposure to lead poisoning and implemented a treatment program of repeated chemical injections (called chelation.) These injections, combined with the lead exposure, actually increased the susceptibility to poisoning.

The workers, all members of Steelworkers Local 5554, point out that local union president A.Q. Evans died last year from the effects of lead poisoning, and that OSHA fined the company \$154,000 recently for several violations.

The United Steelworkers have chosen to make the NL suit a test case for the industry, especially as regards the medical care given workers on the job.

"We hope this lawsuit will be followed closely," said Steelworkers President Lloyd McBride. "Company doctors should be protecting workers and not company bank accounts."



LOHP Class Explores Union's Role in Health and Safety

Every Tuesday night for six weeks between June 26 and July 31, 1979, twenty people employed in jobs ranging from clerical to railroad to factory to construction attended a course co-sponsored by Merritt College's Labor Studies Program and LOHP. Entitled "Using OSHA—The Union's Role in Health and Safety," the course was concerned with a wide variety of hazards—stress, asbestos, fumes, carbon monoxide, solvents, noise, vibration—and what to do to get better health and safety protections through union action.

Participants represented a cross-section of unions, including United Legal Workers of California, Pile-drivers Local 34, Sheetmetal Workers, Machinists, Carpenters Local 2046, United Auto Workers Local 76, Teamsters Local 70, Office and Professional Employees Local 29, AFSCME, Brotherhood of Railway and Airline Clerks, and Postal Workers.

During the six weeks, the ways by which chemical hazards can affect people's health were discussed, as were the various methods by which individuals and their unions could keep track of (document) these effects, identify hazards in specific workplaces, and assess the means to get the hazards abated.

The solutions discussed included: legal avenues such as Cal/OSHA complaints, the California Carcinogens Reporting Act, and requirements for a formal Accident Prevention Program; setting up a health and safety committee and collective bargaining; and performing such functions as inspections, monitoring for noise and other specific health hazards, and surveying the membership to determine the range of problems.

Although the six weeks were too short to do more than broach major issues, class discussions at times led to specific actions by participants. For example, after a discussion of stress

and ergonomics (the science of designing tools and work areas for human beings and not vice versa), one steward remembered that women in his shop had been complaining of tendonitis from working with certain tools and equipment designed to be used by males. He developed and distributed a questionnaire by which his co-workers could determine whether there was such a problem. Another class participant remembered that many colds and respiratory problems had developed among a group of office workers in a poorly ventilated area. She called a meeting of those workers to discuss the possibility of getting a better ventilation system.

The course was designed as a pilot project for including health and safety in the regular Merritt College Labor Studies curriculum. Plans are now underway to have a ten-week health and safety class in the spring of 1980.

Woodworkers Commission Health Film

The International Woodworkers of America (IWA) recently commissioned the production of a film documentary focusing on health and safety conditions within the wood products industry.

The industry employs over half a million workers in the U.S., and its products are used by all Americans. But when mention is made of lumber and wood products, most of us conjure up a romantic image of a plaid shirted, robust character with a chainsaw or double-bladed axe in his hand. Few people are aware of the various jobs performed by woodworkers—the scrambling of a choker setter, the skill of a sawyer, or the weary monotony of pulling on the green chain. Almost no one is aware of the hazards faced by woodworkers from dust, preservatives, or glues; in fact, few people are aware that the lumber and wood products industry is one of the nation's most hazardous industries.

Emphasis areas of the film will include union, industry, and government efforts to identify and control:

- Adverse health effects of vibration and noise exposure;
- Respiratory cancer and other illnesses related to various types of wood dust;
- Dermatitis and possible reproductive hazards related to wood preservatives and glues;
- Relationship between cancer and exposure to specific chemicals, i.e., creosote, chromate compounds, inorganic arsenic.

The documentary, a Labor Occupational Health Program film production, will be produced in cooperation with Pacific Northwest Labor College (PNLC) in Portland, Oregon. It will be the third in the LOHP film series about American industrial workers. The first, *Working Steel*, was released in 1976, and the second, *Working For Your Life*, was just recently completed. The wood products film completion date is scheduled for January, 1980.



Sam Shore (L), Ken Light (camera), and Charles West interview workers in British Columbia for IWA film made in cooperation with LOHP. (Photo courtesy of IWA Local 1-80).

Norma Rae

continued from p. 10

The plight of Norma Rae as a single mother is obvious, although not focused upon—she must work hard all day, then be a mother at night. Most of the employees in the weaving room where she works are women, but there is never any mention made of their wages as compared to those of men working different jobs. The issue of racial inequality is dealt with briefly, but on the whole, discrimination is played down, while Norma Rae's image as a beautiful Hollywood-type winner is brought to the fore. The movie does not come near conveying the urgency of this problem.

The two most pressing health hazards of the textile industry, noise and cotton dust, are dealt with in only a cursory way. Brown lung is mentioned only once in passing, which is shocking in light of the fact that this is the major disease among textile workers; and something for which many workers are fighting to receive compensation. On the set in the mill, there is a lot of dust obviously present, but no connection is made between the cotton dust, which appears to be more of a nuisance than a hazard, and brown lung. This is certainly not a good representation for someone who doesn't know anything about brown lung in the textile industry.

In the beginning of the movie, Norma Rae's mother is shown to suffer temporary hearing loss, to which the company doctor merely says, "This happens all the time." This is a fairly dramatic portrayal of a real problem, but the follow-up is unfortunately deceptive. The next scene shows her happily working in her garden, as though to reassure the audience that everything is really okay.

Perhaps the most glaring problem is the superficial coverage of the events surrounding Norma Rae's arrest and the eventual winning of the union election. Reuben seems to have no sensitivity to the fact that she is without a job and that her family is having hard times financially (Norma Rae's husband works in a gas station, and they have three children). Throughout the film, he seems to have little consideration for Norma Rae's financial needs, while he talks about opera and cultural affairs that he would attend if he were at home in New York.

As Norma Rae says herself at the outset of the film, "there ain't no other job" in the town besides working in the

mill. When Reuben leaves at the conclusion, the mill is organized, but Norma Rae is without a job. The impression given is that she does not feel pressured to find other work (*where?*) and that things will be happy thereafter in the mill. This is very unrealistic, in light of the fact that J.P. Stevens workers are still struggling for their contract today, years after some elections have been won.

CRYSTAL LEE SUTTON

The major criticism that has been raised about this film is the discrepancy between the real lives of Crystal Lee Sutton and Eli Zivkovich (the actual organizer) and those portrayed in *Norma Rae*. Eli Zivkovich is not really the young, hip intellectual—he is a 55-year-old former coal miner. While Sally Field has won the Best Film Actress Award at the Cannes Film Festival, Sutton is working as a maid in a motel. Although the movie has so far made \$10 million, Crystal Lee, having no connection with the production, has seen no money. The events leading up to the release of the film explain Sutton's outrage and a possible lawsuit regarding the images depicted in *Norma Rae*.

Crystal Lee's own story was becoming better known by 1974, when Henry P. Leifermann expanded an article that he had written about her into a book, *Crystal Lee: A Woman of Inheritance*. In 1977, 20th Century-Fox became interested in a movie, but Crystal Lee and Eli Zivkovich wouldn't sign releases for the film unless they could control script content. Unwilling to give this consent, Martin Ritt instead

fictionalized large portions of the story and included a disclaimer stating that the characters are fictitious.

Ritt's own justification for his liberties in story content is that he did not intend to make "a polemical flim about trade unions," nor was he intent on "Damning the textile industry." He is a Hollywood director, and for him, the film was an artistic endeavor. Some may say that this gives him the right to create his own story however he sees fit.

In the opinion of this viewer, however, he was wrong. Since he did base the film originally on the story of a real live woman in the midst of a crucial political and personal struggle, he is responsible for telling that story with as much accuracy as possible, and is also answerable to the principal characters represented. In light of the struggles of the J.P. Stevens workers, a superficial portrayal of the textile organizing efforts could even be damaging to their much-needed public support. As Sutton says herself, "They didn't get across what organizing really means in the South today—how you have to struggle to get what you want out of life."

Barbara Kopple, director of "Harlan County, U.S.A.," award-winning documentary about striking coal miners in Kentucky, has offered script control to Sutton and Zivkovich for her own dramatic production of, hopefully, the real story. Perhaps J.P. Stevens workers and Crystal Lee Sutton will still get the fair media treatment that they deserve.

San Jose Occupational Medicine Conference

The Office of Continuing Education of San Jose State University will present a two-day workshop, "Occupational Medicine for Primary Care Practitioners," on Saturday, October 27 and Thursday, November 1 at Santa Clara Valley Medical Center, 751 Bascom Ave., San Jose, California.

Designed as an introduction to occupational medicine for health care providers, the workshop will be led by Lynne O'Dell-Eswaran, M.P.H., from SJSU; Molly Coye, M.D., from the Labor Occupational Health Program; Mary Shinoff, M.P.H., of the Public Media Center; Robin Baker, M.P.H., from the Project on Safety and Health in Electronics; and Gideon Letz, M.D., San Francisco General Hospital.

Field work exercises, including ex-

perience in conducting occupational history interviews and integrated primary care/occupational health interviews, will be completed by the participants between the Saturday and Thursday meetings.

Workshop topics include: Review of Occupational Medicine; Role of Occupational Medicine in Primary Care; Toxicology and Occupational Medicine; Patient Attitudes and Experiences; Principles of Industrial Hygiene; Occupational History Taking; and Summary of Interview/Diagnostic Approaches.

Fee is \$31. The class is approved for one unit of Continuing Education credit and for 10 hours of CMA and LVN/BRN relicensure credit. To register, or for more information, please call SJSU Continuing Education at (408) 277-2182.



Life and Death at Sparrows Point

To Monitor:

There are close to 17,000 members in the two United Steelworkers locals at Bethlehem Steel's Sparrows Point, Maryland plant. Between March, 1978, and April, 1979, nine men were killed in industrial "accidents." Since the early 1970's, Steelworkers Local 2609 has pushed both Bethlehem Steel and the State of Maryland to improve their safety standards. The union safety committee was enlarged, and a study of cancer-related deaths was undertaken.

The union has made good use of the volunteer help of health professionals. The cancer study is one example. It showed "significant excesses of deaths from lung and tracheal cancer, esophageal cancer, and cerebrovascular disease." Another example is a series of Health Hazard Alerts in our union newsletter, the '09 Express. These two-page fact sheets, as well as part of the mortality study, were done through a federal grant.

The increase in our safety committee from two to six members was another step taken by local union president David Wilson. The increase has given us a safety committee better able to respond to problems in the mills.

One problem which arose involved the wire-drawing machines in the Rod and Wire Mill. The safety committee had met with the company and complained to Maryland OSHA (MOSH) in 1972. MOSH, however, withdrew an earlier citation for the lack of guards on the machines' "pinch points." On June 16, 1978, Robert Hall was crushed to death on a high-speed wire-drawing machine which had no safety guard on the "pinch point."

In August, 1979, MOSH refused to cite Bethlehem Steel for the death of Earl Barley from carbon monoxide. MOSH's own expert said, "the company failed to take adequate precautions for the health and safety of the

workmen." Nevertheless, MOSH did not cite Bethlehem.

The union has been caught in the middle of all this. The company is not interested in spending any real money to improve the working conditions. The state agencies are committed to staying politically neutral. They will not, in most cases, support the union in its efforts to improve conditions.

The life span of a steelworker is ten years shorter than the average person in the U.S. Workers in the coke ovens die even earlier, at age 57. Problems with safety and health are growing due to Bethlehem's push for greater productivity with fewer workers. A little over ten years ago, 24,000 worked at the Sparrows Point steel plant. We have the capacity for 32,000. Yet there are only 16,000 members today in Steelworkers Locals 2609 and 2610 taken together. The cutback has come about through the elimination of jobs in every department of the plant.

I almost cracked my head open recently by stepping on a large oil slick. I

could not see; the light was out. A few months before, another man in my department slipped on oil and hurt his hip badly enough to go to the infirmary. Bethlehem Steel's response was a safety talk on "the proper way to walk through the mill." The man who slipped had worked in the mill for 30 years.

Our union leadership, our safety committee, and our shop stewards are moving to correct the problems. The present working conditions will not change without this effort.

One of the steps the union has taken is to assist in the formation of the Maryland Committee on Occupational Safety and Health. This group of union members and health professionals may prove to be an answer to our needs.

—Alan Fisher

(Mr. Fisher is a steelworker and Editor of '09 Express, the newspaper of Local 2609 of the United Steelworkers of America.)

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