

# Labor Occupational Health Program MONITOR



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*In This Issue:*

- OSHA ACTION ON AGRICULTURAL SANITATION



# Labor Occupational Health Program MONITOR

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## On the Cover:

*Under pressure from farmworker organizations and supporters, federal OSHA has just issued a proposed new standard regulating sanitation in the fields. Story on p. 7. (Photo: Chip Berlet/LNS.)*

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**Staff:** Robin Baker, LOHP Director; Paul Chown, Labor Center Chairman; Gene Darling, **Monitor** Editor; Anne Maramba-Ferrell; Lela Morris; Brenda Presley; Pat Quinlan; Susan Salisbury; Laura Stock.

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## Auchter Resigns

Assistant Secretary of Labor Thorne G. Auchter, head of federal OSHA in the Reagan administration since 1981, resigned effective March 30, 1984 to return to private industry.

Auchter said he has accepted a position as president of the B. B. Anderson Companies, a construction conglomerate with headquarters in Kansas City and Topeka, Kansas. Prior to heading OSHA, he worked for his family's construction business in Jacksonville, Florida.

Patrick Tyson, Auchter's deputy assistant, will head OSHA on an interim basis until a successor is appointed by the White House. Observers in Washington expected no action on the appointment until after the November elections.

Auchter worked for the 1980 Reagan

presidential election campaign in Florida, and observers expected him to take a role in Reagan's reelection effort this year.

Auchter is generally identified as the chief spokesmen over the past several years for the Reagan administration's new approach to workplace health and safety, an approach marked by expanded exemptions for small businesses and businesses judged to have good safety records, a reduced federal presence in health and safety, reduced standard-setting activity until recently, and attempts to end "adversarial" relationships with employers.

Observers expected the resignation to increase the power of the Office of Management and Budget (OMB) over health and safety standards. In the Reagan administration, OMB has re-

viewed each new standard proposal from a "cost-effectiveness" standpoint. On some occasions Auchter has disagreed with OMB's analyses.

Articles in the *Washington Post* and *Kansas City Star* shortly after Auchter's appointment at the Anderson Companies revealed that Auchter played a role in 1981 in dismissing two OSHA citations against Anderson. Both Auchter and Anderson denied that there had been any contact between them at that time, although the record shows that the two citations were in fact dismissed by the agency itself at some level. The FBI has announced that it has begun an investigation as to whether Auchter's acceptance of the Anderson post represents a conflict of interest.

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***This issue is current as of May, 1984. We are running behind schedule; please bear with us. The next Monitor will be the March-April, 1984 issue, which you should receive by July 1, 1984.***

# New Worker Training Materials from LOHP

The Labor Occupational Health Program has issued two new publications—the **Labor Educator's Health and Safety Manual** and **Everything You Ever Wanted To Know About Health and Safety**.

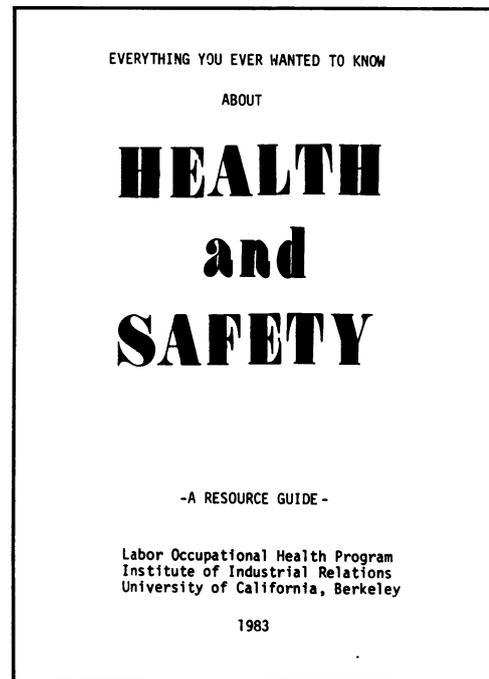
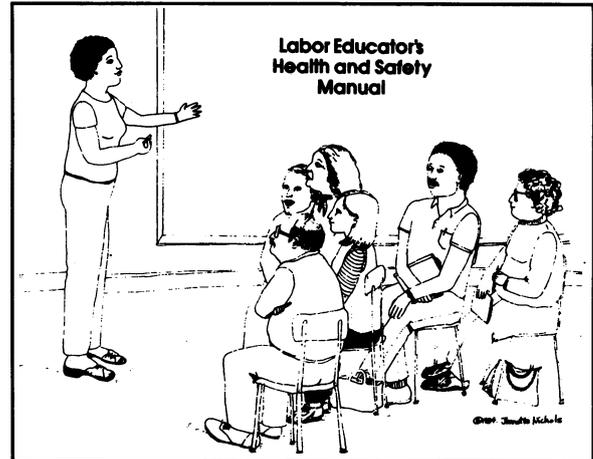
The **Labor Educator's Health and Safety Manual**, a 140-page, looseleaf publication in a binder, offers a syllabus and set of lesson plans for a complete course on health and safety for trade unionists. The course, based on LOHP's popular "Intensive Training in Health and Safety" given in Berkeley each September, is organized into ten primary sessions and one optional session. The sessions can be taught as an intensive one-week course or divided into separate topical workshops to be presented over time. The aim of the course is both to provide unionists a grounding in health and safety so they can participate effectively in solving workplace problems, and to help them develop the skills they will need to train others in the union. General skills, rather than the specific hazards of any particular industry, are emphasized.

For each session, the manual includes a general lesson plan, detailed instructor's notes, along with special exercises, case studies, role-plays, discussion guides, and lectures. An "Instructor's Introduction" to the entire course offers advice on teaching techniques.

Topics in the course include: "How to Identify Workplace Hazards," "Hazard Monitoring and Control," "Plant Tour," "Using the Law," "Union Action," and "Training Skills."

The manual is available for \$15.00 (postage included) from: LOHP, 2521 Channing Way, Berkeley, CA 94720. Make checks payable to: The Regents of U.C.

**Everything You Ever Wanted to Know About Health and Safety** is a 230-page, spiral-bound resource guide which is designed to accompany the **Labor Educator's Manual**. For each of the course sessions outlined in the manual, the resource guide provides background and reference materials. These materials are drawn from numerous sources, and they include magazine and journal articles, factsheets, questionnaires and surveys, complaint forms, bibliographies, etc. The resource guide is available for \$10.00 (postage included) from: LOHP, 2521 Channing Way, Berkeley, CA 94720. Make checks payable to: The Regents of U.C.



## CONFERENCE

The **Second Annual Conference on Occupational Hazards to Health Care Workers** will be held from July 11-13, 1984 in Seattle. A Continuing Education activity sponsored by the Department of Environmental Health, Northwest Center for Occupational Health and Safety, University of Washington,

the conference includes both lectures and participatory workshops.

Conference organizers plan to present the latest research and strategies to prevent occupational hazards to health care workers. Topics will include surveillance of hazards; infectious diseases; chemical, physical, and biological

exposures; hazardous materials and devices; and employee health programs.

Registration fee is \$250. For more information, contact: Jan Schwert, Northwest Center for Occupational Health and Safety, SC-34, University of Washington, Seattle, WA 98195. Phone (206) 543-1069.

# Assembly Committee Passes California VDT Bill

by Elaine Reed

VDT Coalition

(Adapted from *Video Views*)

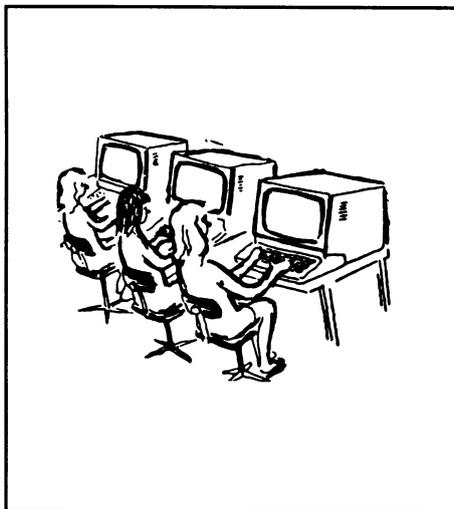
California's new video display terminal (VDT) bill overcame its first legislative hurdle April 3, 1984 after a lively hearing before the Assembly Labor and Employment Committee. The measure was passed on a vote of 7 to 4.

The bill, AB 3175, was introduced by Assemblyman Tom Hayden earlier this year. It sets minimum standards for VDTs and calls for improvements in the workplace to correct health and safety problems facing VDT users. (See *Monitor*, Nov.-Dec., 1983, page 3.)

The bill next goes to the Assembly Ways and Means Committee in late May, and then, if passed, to the Assembly floor. The Ways and Means Committee will argue the "dollars and cents" issues of costs to employers and to the State.

The Hayden bill is supported by unions and workers throughout California. Its chief sponsor is the California Labor Federation, AFL-CIO. The bill gained the support of the large state employee union, California State Employees Association (CSEA), after a separate, weaker measure covering only state employees was dropped by its author.

Complaints of VDT users have become well-known; they are now commonly called "new office" problems. Among them are eye fatigue, blurred vision, headaches, stress, and muscle strain of the neck, shoulders, and back. The VDT has also become a suspect in a number of cases involving reproductive problems among VDT users. To deal with these problems, the California bill would mandate proper lighting, glare control measures, contrast and brightness controls, wrist and foot rests, adjustable chairs and tables, detachable keyboards, employer-paid eye examinations, and rest breaks to relieve visual strain and stress. The bill also gives pregnant women the right to transfer to non-VDT work. In addition, radiation shielding, regular terminal maintenance, and monitoring of radiation research would be required.



## TESTIMONY

Testimony at the four-hour hearing covered a range of health and safety issues. In Hayden's opening remarks, he quoted researchers at Harvard Medical School that "the VDT is not just another piece of office equipment. It changes the nature of the work people do. Most potential health problems caused by VDTs can probably be averted by planning that takes account of the operators' needs."

Testifying for the bill was David Eisen, Research and Information Director of The Newspaper Guild. He said that reporters and copy editors were one of the first sizable groups to be confronted with VDTs, more than ten years ago. Problems, he added, "began to surface early" and multiplied in "astounding" proportions. Answering those who claim there is no evidence of long-term eye damage from VDT use, Eisen quoted Dr. Michael Smith of NIOSH, who contends "there is no such evidence. . . (because) no one has yet done any long-term research."

Karen Nussbaum of "9 to 5," the National Association of Working Women, also testified in support of the bill, addressing the need for protection of pregnant VDT workers in the face of unexplained "clusters" of pregnancy problems in some places. John Henning and Kathleen Kinnick of the California

Labor Federation attested to the strong support labor has given the bill, evidenced by the large number of unions and workers attending the hearing. Laura Stock of LOHP, who provided technical assistance for various groups who testified, noted that a 1980 NIOSH study found that VDT users experience higher levels of stress than any other group of workers ever studied, including air traffic controllers.

Lori Freeman, VDT operator and member of the Communications Workers of America, testified that "I need glasses now; I didn't need them before." Freeman said she suffers from headaches three or four times a week, and often has a stiff neck and a pain between her shoulders. She sees a chiropractor several times a week. She said she faces glare, a fixed work position, lack of footrests, and a chair which is supposedly adjustable but actually "would need a set of tools to make it work." Pressure to work faster seems characteristic of VDT work as well, she said.

Another woman testified that after seven and a half hours per day of VDT work during her pregnancy, she had a stillborn baby. "I want an answer," she said. "They said they couldn't find a reason for that baby to die."

Opponents of the measure, including representatives of IBM and Hewlett Packard, argued that there is not enough evidence to justify the provisions of the bill. More scientific research is needed, they suggested. Opponents also expressed fear of the financial burden the measure would have on the business community. One, a spokesman for the California Chamber of Commerce, said the bill might even drive some businesses out of the state. (Judy Corbett, aide to Assemblyman Hayden, said that business estimates of costs were "badly distorted.")

The California Association of Ophthalmologists also opposed the bill, arguing that there are no proven hazards to vision from VDTs in "normal use."

Assemblyman Hayden's office suggests that interested workers track the progress of the bill, and write, call, or visit legislators before key votes as the bill moves along.

# AROUND LOHP

## 85 Attend "Workers' Compensation" Conference

On March 2-3, 1984, about 85 workers, union leaders, and occupational health professionals attended LOHP's second annual conference on **Workers' Compensation in California** on the Berkeley campus.

Co-sponsored by LOHP, the Center for Labor Research and Education at the Institute of Industrial Relations, and the Bay Area Committee on Occupational Safety and Health (BACOSH), the conference covered historical development of the compensation system as well as current issues. There were also a panel discussion, and workshops on union approaches to workers' com-

pensation problems.

Speakers included Gordon Gaines, Administrative Law Judge for the California Workers' Compensation Appeals Board; Tom Rankin, Research Director for the California Labor Federation; Alan Derickson, Dept. of History of Medicine, University of California, San Francisco; Dail Phillips, Assembly Office of Research, Sacramento; Betty Lanoue, Retirement Administrator, Contra Costa County; Owen Marron, California State Council on Development Disabilities; Jean Haskell, Rehabilitation Counselor, Contra Costa County; Larry White, Attorney; Linda

Rudolph, California Dept. of Health, Hazard Evaluation System and Information Service; Trish Lane, Vocational Consultant, San Francisco; Lula Simmons; David Calamari; Kim Hagadone; and Roy Robinson.

Participants at the conference formed two groups which will continue to work on compensation issues, one group addressing the plight of the injured worker, and the other working with the California Labor Federation around legislative changes in the compensation system.

—Brenda Presley

## LOHP Trains Modesto-Stockton Glassworkers

On March 10, 1984, LOHP helped present a day-long health and safety training session for workers from glass manufacturing and fiberglass plants in the Modesto-Stockton area. Sponsored by Local 17 of the Glass, Pottery, Plastic and Allied Workers (GPPAW), the class drew both union members and several management representatives.

The day began with a session on the hazards found in the industry. Principal hazards identified by the members present included noise (some sound

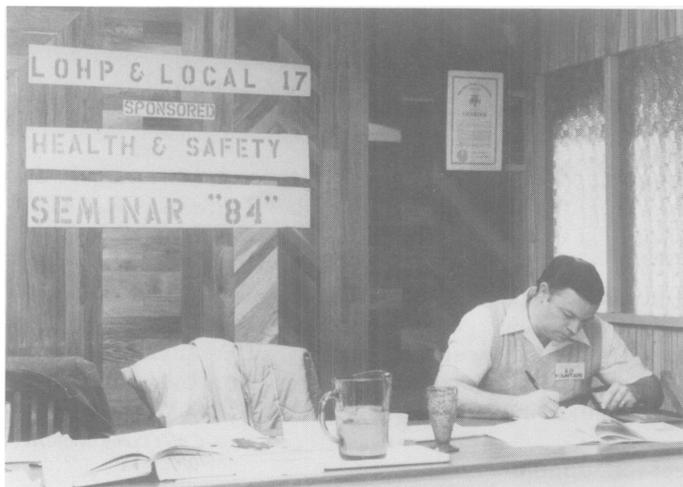
levels exceeding 100 db.); heat stress (temperatures over 120° in the summer in some plant areas); and chemical exposures including silica and fiberglass dust.

Afternoon sessions focused on ways of correcting the hazards identified in the morning, through both legal and health and safety committee action. Ed Fountain, Vice President of Local 17, outlined the development of the local's health and safety committee and recounted a few examples of victories

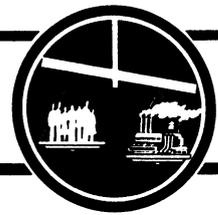
they have achieved.

At the conclusion, hosts from Local 17 led a tour through the Gallo Glass Plant in Modesto, which makes bottles for Gallo wines. The tour afforded the participants a first-hand look at some of the problems which had been discussed as well as an opportunity to examine some of the corrections which the union's health and safety committee has been able to achieve.

—Patricia Quinlan



(Photos: Patricia Quinlan.)



## OSHA Proposes 'Field Sanitation' Standard

On March 1, 1984, federal OSHA proposed a new standard which would require that agricultural employers provide potable water, toilets, and handwashing facilities for approximately 765,000 farm field laborers.

Hearings on the proposal will be held during May and June in five locations around the U.S., including a hearing June 26-27 at the Holiday Inn, Fresno Airport (California.)

Publication of the proposal followed several years of litigation and negotiation between OSHA and various organizations representing migrant workers. The farmworker groups had sought to compel the agency to issue such a standard. In a 1982 settlement, OSHA agreed to issue a proposal by January 16, 1984. When it missed this deadline, the groups returned to court, charging OSHA with "bad faith." OSHA claimed that the delay was due to the necessity for review of the proposal prior to issuance by the Office of Management and Budget, but it issued the proposal shortly after a court hearing on the question.

According to OSHA, agricultural workers are the only remaining occupational group for which worksite sanitation facilities are not currently required by federal law. There is such a requirement, for example, for oilfield,

logging, and construction workers.

The proposal would require that employers provide workers with readily accessible toilet and washing facilities, as well as "suitably cool," clean drinking water. One toilet and washing facility would be required per 20 employees, no more than one-quarter mile from each employee's worksite. Drinking water containers would have to be cleaned and refilled each day. Toilet and washing facilities would have to be cleaned and maintained "to effectively prevent disease."

Exemptions would be allowed for employers with fewer than 11 employees and for farms where only immediate family members work. Toilet and washing facilities would not be required for employees who work for three hours or less per day. OSHA estimates that about 67,000 farms in the U.S. would be covered.

Toilets (but not necessarily washing facilities or drinking water) are currently required in the fields by 12 states. In light of these state regulations, and because of the small amount of "quantitative data showing excess risk of disease among field workers" attributable to lack of sanitation, OSHA asked for public comments on whether such a standard is needed at all.

The American Farm Bureau Federa-

tion, an agriculture trade group, has told OSHA that states which enforce their own sanitation codes should be exempt. It has also advocated a "performance based" standard without specific requirements but with only general goals.

The Migrant Legal Action Program, one of the farmworker groups which originally pushed for a standard, suggested tightening the proposal's guidelines for potable water quality. Several of the farmworker groups expressed particular concern about pesticide residues in drinking water, and the need for ample washing facilities in case of contact with pesticides. Most farmworker groups opposed the exemption of part-time workers.

Several individual growers expressed the strongest opposition to the proposal in comments communicated to OSHA. "We don't need portable toilets; we have trees all around us," said one Pennsylvania orchard manager. Farmworker groups, however, pointed out that there is a risk of food becoming contaminated by human waste, so that consumer health also benefits from OSHA's proposal.

Some grower comments to OSHA also blamed field sanitation problems on the "poor personal hygiene habits" of farmworkers.

## D.C. Court Holds Employer, Not Agent, Liable for Safety

The U.S. Court of Appeals for the District of Columbia, in a late 1983 decision, held that an employer cannot escape liability for occupational illnesses or injuries by delegating its safety program to another firm.

Several employees of subcontractors involved in building the Washington, D.C. subway system for the Washington Metropolitan Area Transit Authority (WMATA) filed negligence suits,

alleging that they had contracted respiratory diseases while working on the project as a result of silica dust exposure. Another employee filed a similar negligence suit over an accidental injury. The suits named both WMATA and Bechtel Associates Professional Corporation, which had been hired by WMATA to run its safety engineering program.

The Appeals Court decision, uphold-

ing an earlier federal district court decision, found that Bechtel was WMATA's agent and as such was immune from the negligence actions. According to the Appeals Court, Bechtel had the characteristics of an agent in that it was subject to WMATA's supervision, direction, control, approval, and evaluation.

—Cal/OSHA Reporter

# OSHA Proposes New Asbestos Standard

To replace an emergency temporary standard invalidated by the courts, federal OSHA on April 9, 1984 issued a formal proposal for a new, stricter permanent asbestos standard.

In November, 1983 the agency had issued the emergency standard, reducing the legal exposure limit to asbestos from 2 fibers per cubic centimeter to 0.5 fiber per cubic centimeter. Industry immediately obtained a stay of the temporary rule, and in March, 1984 the U.S. Court of Appeals for the Fifth Circuit in New Orleans held the rule invalid. (See *Monitor*, September-October, 1983, page 3.)

The proposed permanent revision of the standard would reduce the permissible exposure limit (PEL) to either 0.5 or 0.2 fibers per cubic centimeter. The final level would be determined by the evidence presented during the rule-making process. OSHA has asked for public comment on "what level would be most protective and feasible which significantly lowers risk." Comments are requested by May 25, 1984. OSHA will hold public hearings in Washington on the proposal beginning June 19. The normal rulemaking process, unlike the expedited emergency process used before, requires comment and hearing phases.

Although the proposal would apply to general industry, maritime, and construction employers, OSHA has said that it might issue a separate, somewhat modified standard for construction, depending upon comments during the rulemaking process.

"The fact that asbestos is a potent carcinogen is supported by numerous human studies," said OSHA's Deputy Assistant Secretary Patrick R. Tyson. Tyson estimated that the new standard would reduce the risk of death for workers exposed to asbestos by "at least 75%." OSHA announced figures showing that 375,000 U.S. workers are exposed to asbestos. It estimated that, for workers exposed over a working lifetime, 64 per 1,000 would die of asbestos-related cancer at current exposure levels; 17 per 1,000 would die at an 0.5 fiber per cubic centimeter level; and 7 per 1,000 would die at an 0.2 fiber per cubic centimeter level.

The new standard would also require annual training of exposed

workers and warning signs. It would change the definition of asbestos to include products containing "chemically treated or altered" asbestos, and to exclude "non-asbestiform tremolite, anthophyllite, and actinolite." The ceiling limit (exposure permitted over a 15-minute period) would be lowered from 5 fibers per cubic centimeter to either 3 or 2 fibers, depending upon the PEL adopted. Finally, if the higher alternative PEL of 0.5 fibers per cubic centimeter is ultimately adopted, the standard would nevertheless consider 0.2 fibers as an "action level," concentrations above which would trigger provisions for exposure monitoring, regulated areas, certain hygiene facilities, protective clothing, and medical surveillance.

## REACTION

OSHA's proposal was criticized, from differing standpoints, by both the AFL-CIO and the industry-sponsored Asbestos Information Association.

Peg Seminario of the AFL-CIO's Health and Safety Department focused the labor body's criticism on the fact that the standard permits the use of respirators as the "primary means" of controlling exposure, and does not mandate engineering controls. The stan-

dard would require engineering controls only to reach the present limit of 2 fibers per cubic centimeter. To meet the new, reduced limit, any "feasible combination" of engineering controls, work practices, and personal protective equipment could be used. Calling this concept "irresponsible" and "an ideological decision based on political philosophy," Seminario said that there is "not one piece of evidence... that (respirators) are effective in protecting workers." She added that OSHA knows there are feasible engineering controls and work practices that could be implemented.

Industry had been expected to support a reduction in the PEL to the 0.5 fiber level, despite its earlier legal objections to the process OSHA used to promulgate the original emergency standard. Bob Pigg of the industry-sponsored Asbestos Information Association mentioned two primary problems which his group sees in the proposal. First, Pigg said, the construction industry should explicitly be covered by a separate standard. Second, he criticized the possibility of a PEL of 0.2 fibers on two grounds: it would require employees to wear respirators "virtually all the time," which is impractical, and such low levels cannot be reliably measured.

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## BOOKS

**Workers at Risk: Voices from the Workplace**, by Dorothy Nelkin and Michael S. Brown, is new from the University of Chicago Press. It is a powerful documentary of workers routinely exposed to toxic chemicals on the job, centered around more than seventy worker interviews related in a colloquial narrative style.

Toxic chemicals, the authors explain, are the "tools of the trade" today for thousands of workers who provide goods and services we all depend on. More than 63,000 commercial chemicals are used in occupations ranging from dry cleaning and hairdressing to food processing and computer manufacture. Even flower vendors and sculptors are exposed.

Many of the stories are vivid. A filter cleaner in a pharmaceutical plant describes her concern upon noticing a sign on a fume hood reading "Super Toxics." No one had warned her. A University laboratory worker describes a chemical informally referred to in the lab as "Love Canal in a bottle." A railroad worker tells how he discovered that a white, oily substance brakemen notice when throwing switch handles contained dioxin, used as a weed killer. And a museum worker relates her problems with skin rashes, eye problems, and dizziness; the source of her

complaints was not identified until it was discovered that a chemical in the humidifying system was beginning to damage the museum's art. Many of the interviews were arranged through unions and COSH groups.

One interesting finding in the authors' analysis of these stories is that the extent of exposure to toxic substances is related to social status, especially in large organizations. As they point out: "The managers of chemical or manufacturing plants, hospitals, museums, or railroads are rarely exposed on a regular basis to the substances used or produced in their plants." Another strength in the book's analysis is its coverage of the spectrum of worker responses to daily contact with toxic hazards, responses ranging from "adaptations" to "activism." There is brief but good coverage of techniques workers can use to get information, the OSHA complaint process, and workers' compensation.

**Workers at Risk** is available in hardcover through most bookstores for \$20.00. It may also be obtained from the publisher: University of Chicago Press, 5801 South Ellis Avenue, Chicago, IL 60637. (ISBN 0-226-57127-0.)

**Our Jobs, Our Health: A Woman's Guide to Occupational Health and Safety** is a new, 89-page paperbound

booklet from the Massachusetts Coalition for Occupational Safety and Health (MASSCOSH) and the Boston Women's Health Book Collective.

Topics covered in the book include historical notes on women and work, recognizing hazards, job design, stress, toxic chemicals, cancer, reproductive issues, hazard control methods, standards and legal rights, and taking action. There is also a Resource List of both publications and agencies.

**Our Jobs, Our Health** is available for \$6.00 (plus \$1. for postage and handling) from MASSCOSH, 718 Huntington Ave., Boston, MA 02115.

## SLIDE/TAPE SHOW

The United Auto Workers International Union has produced a new slide-tape show, **Zero Energy**, about neutralizing energy sources during maintenance and repair operations in industry.

The ten-minute show, with accompanying audio tape, points out that failure to lock-out energy sources is a primary cause of industrial injuries and fatalities. The UAW has found that many workplaces do not have even the most elementary lock-out requirements.

**Zero Energy** is available for \$60. from: UAW Education Dept., 8000 East Jefferson Ave., Detroit, MI 48214.

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