

# Labor Occupational Health Program MONITOR



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## On the Cover:

*The meatpacking industry has the highest injury rate in the U.S. This year, after a union complaint, federal OSHA levied a \$2.59 million fine against a Nebraska packinghouse accused of falsifying records and failing to report serious injuries. See the story in Newswire, page 11.*

*Also in this issue: The politics of workers' compensation in California (page 5); and Monitor meets Dr. Mario Epelman, a Latin American physician and health and safety activist (page 8). (Photo: Ken Light.)*

# Labor Occupational Health Program MONITOR

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## California

### State Court Holds Cal/OSHA Cut Illegal

Labor and other groups fighting California Governor George Deukmejian's attempt to terminate the state's job safety and health agency, Cal/OSHA, were encouraged by a late October court decision which held that only the legislature has the power to end the Cal/OSHA program.

The state's Third District Court of Appeal, ruling in a suit brought by California Rural Legal Assistance and the California State Employees Association, said that Deukmejian exceeded his authority under the state constitution when he cut nearly the entire Cal/OSHA budget for 1987-88. Because of Deukmejian's action,

Cal/OSHA has enforced health and safety regulations since July only for public employees. Private sector enforcement was transferred to federal OSHA, which critics consider an inferior program.

The court said that the Governor may not, by using his veto power over individual budget line items, repeal an existing program over which the legislature has power and authority. The Governor has announced that he will appeal the ruling to the state Supreme Court, but Cal/OSHA supporters note that the Supreme Court recently ruled against Deukmejian in a similar case involving abuse of line item veto power.

In another legal victory for labor earlier in October, a U.S. District Judge granted a preliminary injunction which prohibits the U.S. Secretary of Labor from terminating the state-federal agreement under which Cal/OSHA formerly received its enforcement authorization and its federal funds. Had the agreement been terminated, efforts to reinstate Cal/OSHA would have been more difficult.

The California Labor Federation is also moving ahead with plans to restore the safety and health agency through an initiative measure to appear on the ballot in November, 1988.

## LOHP Greets Barbara Plog, Donna Mergler

In the summer of 1987, the Labor Occupational Health Program welcomed to its staff both a new industrial hygienist and a distinguished visiting occupational health scholar.

**Barbara A. Plog, M.P.H., C.I.H., C.S.P.** began work in August on a permanent basis as LOHP's new industrial hygienist. She will be responsible for workplace inspections and surveys, training sessions for labor and other groups, technical assistance, developing new LOHP educational materials, and various special projects. Ms. Plog replaces LOHP's former industrial hygienist, Patricia Quinlan, who has left the program to accept a position with the Occupational Health Clinic at San Francisco General Hospital.

Ms. Plog graduated from the University of Arizona, and received her M.P.H. degree from the University of Illinois School of Public Health. For the past five years, she has been the Manager of Occupational Health Programs at the National Safety Council in Chicago. Previously she worked as an industrial hygienist for the Chicago office of the National Institute for Occupational Safety and Health (NIOSH), and as a consultant.

Other organizations with which Ms. Plog has worked include the Chicago Area Committee on Occupational Safety and Health (CACOSH) and the Midwest Asbestos Information Center. At the University of Illinois Labor Education Program, she participated in designing and teaching a worker training course on asbestos. She has also designed and taught a number of other courses on various industrial hygiene topics.

Ms. Plog is the editor of an upcoming textbook, *Fundamentals of Industrial Hygiene (3rd edition)*.

**Dr. Donna Mergler**, a neurophysiologist and professor in the Depart-



*Dr. Donna Mergler.*

ment of Biological Sciences at the University of Quebec in Montreal, will be spending her 1987-88 sabbatical year on the Berkeley campus, based at LOHP. She will be involved in a number of special projects both for LOHP and for the University's Northern California Occupational Health Center, with which LOHP is affiliated.

At the University of Quebec in Montreal, Dr. Mergler is co-director of the Work Biology Research Unit, a multidisciplinary group affiliated with the Quebec Institute for Research in Occupational Health and Safety. The group's research projects focus on early biological indicators associated with hazardous working conditions, which not only constitute possible predictors of developing illness, but also reflect diminished well-being among exposed workers.

Many of the research and education projects of Dr. Mergler's group are conducted under an agreement between the University of Quebec in Montreal and two major labor organizations, the Quebec Federation of Labour and the Confederation of National Trade Unions. The group has developed new methods for integrating workers'



*Barbara Plog.*

knowledge of their own workplace and health into academic research. This approach improves the quality of data, makes research more relevant to workers' needs, and helps ensure that the research is followed up with preventive measures in the workplace.

Dr. Mergler's specific research interests include early nervous system effects of solvent exposure and women's occupational health. Her solvent exposure studies have focused on sensory loss and other symptoms among workers in printshops, paint and ink manufacturing plants, and the explosives industry. In the area of women's occupational health, she has been examining the effects of working conditions that characterize women's work "ghettoes" in such industries as poultry and fish processing plants and industrial laundries.

While at LOHP, Dr. Mergler will participate in a project on worker notification; in a nationwide health survey of pressroom workers in the Graphic Communications International Union; and in work with Northern California Occupational Health Center researchers at San Francisco General Hospital on the neurotoxic effects of solvents.

### NIEHS Superfund Grant

# LOHP Will Train California Hazardous Waste Workers

by Darryl Alexander

LOHP Labor Coordinator

LOHP, joining in a statewide effort with other University programs and labor education groups, has received a major new federal grant to design and conduct health and safety training for California's hazardous waste workers.

California, home of the world's eighth largest economy, has been dependent on the production and use of chemicals for its growth and prosperity over the last forty years. The state's chemical-intensive industries employ one of every two Californians who work in manufacturing, and supply almost 30% of the state's corporate net income. Yet this growth and economic development have not been without a price: the costs of dealing with existing toxic contamination in California at an estimated 5,000 sites will total more than \$40 billion over the next decade.

As part of a comprehensive effort to cope with the hazardous waste problem in this country, Congress appropriated \$10 million for worker health and safety training in its recent reauthorization of the Superfund Act (SARA—Superfund Amended Reauthorization Act). This fall that program, administered by the National Institute of Environmental Health Sciences (NIEHS), awarded eleven grants to various organizations across the country to begin worker training projects.

Successful groups included the International Chemical Workers Union; the Laborers Union; the Operating Engineers; the Oil Chemical and Atomic Workers; the International Association of Firefighters; and the Seattle Fire Department. Awards were also made to several academic institutions and grassroots "COSH" groups: a Midwest Consortium of universities in Michigan, Indiana, Ohio and Kentucky along with Southeastern Michigan COSH (SEM-COSH); a New England Consortium of universities together with Massachusetts and Rhode Island COSH groups



There are an estimated 25,000 hazardous waste workers in California. (Photo: Environmental Response Team, U.S. Environmental Protection Agency.)

(MASSCOSH and RICOSH); the University of Alabama; a consortium of New Jersey and New York universities; and a California Consortium.

LOHP will be participating in the California Consortium, which is headed by the Labor Occupational Safety and Health Program (LOSH) at UCLA. This joint effort also includes the Los Angeles Committee on Occupational Safety and Health (LACOSH), along with programs on University of California campuses at Davis and Irvine

and at the University of Southern California. All member organizations will be involved in developing curricula and training programs for the estimated 25,000 hazardous waste workers in California, including on-site clean-up workers; emergency response personnel; state and local agency staff responsible for site assessment; and workers at treatment, storage, and disposal sites.

The California Consortium will train over 7,500 workers in five years. The curriculum will fulfill the training requirements of federal OSHA's new hazardous waste standard. Topics will include: rights and responsibilities of employees/employers; toxicology; how to identify health hazards; personal protective equipment; decontamination procedures; emergency procedures; and more.

LOHP, working closely with the program at U.C. Davis, will focus on emergency response personnel, especially in the rural counties of Northern California. These counties are often plagued with uncontrolled waste sites (especially pesticide dump sites); yet they have few resources or trained personnel to cope with hazardous waste contamination. LOHP will also develop training materials for non-English speaking workers and workers with limited literacy.

## Updated VDT Packet Focuses on Health Hazards

An updated 1987 version of LOHP's popular information packet **VDTs Can Be Hazardous to Your Health** is now available. The packet, comprising approximately 200 pages of reprints from LOHP and other publications, gives a comprehensive overview of the health hazards associated with video display terminals and how to deal with them.

Separate sections of the packet cover hazards to the musculoskeletal system, vision, stress, dermatitis, and reproduction. There are also important sec-

tions on the VDT radiation controversy, ergonomic guidelines for workstation design, union strategies, legislation, and workers' compensation. Sample forms for conducting workplace and worker health surveys are included.

**VDTs Can Be Hazardous to Your Health** is now \$8.00, including postage and handling. Prepayment is required. Make checks payable to: The Regents of U.C. Order from: LOHP, 2521 Channing Way, Berkeley, CA 94720.

# Workers' Compensation Politics in California

by Glenn Shor

*Editor's Note: Glenn Shor, a regular contributor to Monitor on workers' compensation issues, is a doctoral candidate in the University of California's School of Public Policy in Berkeley. The following analysis, which continues Monitor's coverage of workers' comp policy controversies in California and elsewhere, traces reform efforts in California from 1982 to 1987 and shows how workers' comp issues recently became linked to Governor Deukmejian's plan to eliminate the state's job safety and health agency, Cal/OSHA.*

*We plan further articles on workers' compensation subjects in the future, and contributions to the series are always welcome.*

*Mr. Shor is also the author of a major new report, Occupational Disease Compensation in California, funded and published by the California Policy Seminar. See the story on page 7 for more information.*

Since 1982, California's workers' compensation politics have been in a state of deadlock. The only significant change that passed the Legislature was vetoed by the Governor, and the years have been characterized by an on-again, off-again state of negotiations among shifting interest groups. As the 1988 session looms ahead, the question is how the deadlock will be broken.

According to Senator Bill Greene (D-Los Angeles), chair of the state Senate Industrial Relations Committee, "There are four sides to this issue, and nothing can happen until three of the four agree." The common wisdom is that employers, labor, insurers, and attorneys must determine the course of policy. It is widely assumed that there is no way to get all four interests in agreement, and that action can occur only when three interests line up against the fourth.

## 1982 AND ITS AFTERMATH

In late 1982, then-Governor Jerry Brown signed Assembly Bill (AB) 684, supported by labor, attorneys, and insurers. Labor won increased benefit levels for both permanent and temporary disability, and increased penalties on employers whose serious and willful misconduct contributes to a job-related

injury. Attorneys were rewarded with language that put a "crack" in the "exclusive remedy" concept—the legal doctrine that allows workers to receive payment for injury only through the workers' comp system, not through lawsuits against employers. (The new language allowed some workers to sue their employers for damages resulting from the willful removal of machine guards on power presses.) Insurers won some tightening of eligibility for benefits, and a restriction on so-called "dual capacity" lawsuits.

Employers, thinking they could stop the measure, boycotted the negotiations on AB 684. Their misplaced self-confidence was later estimated to have cost them \$1 billion in increased compensation costs. Since 1982, no major changes to the workers' compensation law have been approved, despite considerable legislative attention to the issue.

In the wake of AB 684, the Legislature began a major review of the workers' compensation system (the results of which, it turned out, were not released for several years.) At the same time, the interest groups began to organize themselves for the coming battles. Employers were smarting from their defeat in 1982 and vowed "never again." The California Manufacturers Association, California Chamber of Commerce, and California Self-Insurers Association formed Californians for Compensation Reform (CCR) as a lobbying group and political action committee. Workers' compensation insurance companies, under the auspices of the California Workers' Compensation Institute, put together a Policy Task Force to organize and enunciate their vision of legislative change and to protect their favored status.

The California Labor Federation (CLF) passed a series of convention resolutions addressing their desire for reform. (See *Monitor*, January-February, 1985, page 3.) The California Applicants' Attorneys Association and California Society for Industrial Medicine and Surgery (representing claimants' lawyers and physicians respectively) sought to defend the existing system as basically sound, but in

need of additional administrative and adjudicative resources to assure prompt processing of claims. For its part, the state Administration stayed in the background, but with a new twist: a new governor, George Deukmejian, opposed by labor and elected with business support, now wielded the ultimate power of the veto.

The years 1983 and 1984 were a time of coalition building and policy development. Each group developed its plans subject to primary goals: labor wanted benefit increases that would improve California's status as 45th of the 50 states in the level of maximum benefit payments; employers wanted to reduce the rate of cost increases and rid themselves of exceptions to the "exclusive remedy" concept; insurers wanted to maintain their market share and their ability to set workers' compensation insurance rates; and both attorneys and doctors wanted to retain a system in which they could assist injured workers and be paid reasonably well.

## 1985: STATUS QUO

While each interest group entered 1985 with high hopes, plans for any significant changes collapsed early.

Despite a significant fundraising and organizing effort, business groups could find little legislative support for the new "wage-loss" approach to permanent disability compensation which they were advocating. (The "wage-loss" theory would have limited compensation to the actual income a worker lost due to an industrial injury or illness.) Employers had mistakenly interpreted the state of Florida's early success with the "wage-loss" system as a way to reduce costs; the later evidence was not so compelling.

Labor-backed measures to enact significant benefit level hikes, allow lawsuits against negligent employers, improve mechanisms to compensate occupational disease, allow "bad faith" actions against insurers, and speed up claims handling were abandoned in the face of the governor's refusal to allow improvements without equivalent "give-

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## WORKERS' COMP

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backs." Insurers and attorneys, each more interested in maintaining the status quo, had the upper hand—in the environment of 1985 it was easier to stop change (of any kind) than to initiate it.

At the end of the 1985 session, a compromise measure (SB 1273-Lockyer) that would have modestly increased disability and death benefits was passed with labor, attorney, and some insurer support. Although the final version contained some "reforms" sought by employers, the measure was vetoed by the governor, who wanted the costs of increased benefits "neutralized" by reductions in litigation and administrative expenses.

### 1986-7: THE CAL/OSHA CONNECTION

In early 1986, the Joint (Assembly-Senate) Legislative Study Committee on Workers' Compensation issued its long-awaited report. While the study clarified many of the outstanding issues, no clear policy direction emerged. Intensive negotiations began anew, this time between labor, employers, and insurers. But attorneys for injured workers were excluded from much of the bargaining, and vigorously fought both the process and the substance of the changes eventually recommended in Senate Industrial Relations chair Bill Greene's SB 1617. In December 1986, amidst intense lobbying on both sides, the Executive Committee of the California Labor Federation considered the provisions offered by employers and unanimously rejected them, setting the stage for renewed efforts in 1987.

After the governor's 1987 budget proposed eliminating Cal/OSHA, workers' compensation reform was essentially tied to the fate of the worker safety and health agency. At first, the two issues moved separately, but with most attention focused on Cal/OSHA. By springtime, the Deukmejian Administration was reportedly ready to link them. Labor was asked to agree to a package that would "save" Cal/OSHA and allow modest WC benefit increases, raising maximum benefits from \$224 to \$308 per week over three years. In exchange, however, rehabilitation benefits would be offset against payments for permanent disability, and the

"power press" exception to the exclusive remedy doctrine would be repealed. Further, workers would face restrictions on filing mental stress disability claims (a fast growing area of the law), and could be restricted in their choice of doctors to evaluate the extent of permanent disability. Again, in executive session, the Labor Federation rejected the plan, viewing the compromise language as diminishing overall workers' compensation benefits.

Two major workers' compensation bills survive and may reemerge in the 1988 session: AB 1469 by Assemblywoman Cathie Wright (R.-Simi Valley), and SB 323 by Senator Bill Lockyer (D.-Hayward). Assemblywoman Wright's bill, supported by employers, incorporates many of the provisions rejected earlier in 1987 by the Labor Federation. Senator Lockyer's bill was supported by labor in its Senate-approved form, but has been substantially amended in the Assembly Workers' Compensation subcommittee. As of this writing, negotiations are again at a standstill.

### IMPLICATIONS OF POLITICAL DEADLOCK

California is one of fewer than ten states that do not automatically index benefit levels to changes in the state average weekly wage; increases must be approved by the legislature. The long political deadlock, then, continually erodes the level of benefits for injured workers as the cost of living increases and benefits do not. Adjusted for inflation, the maximum benefit level for totally disabled California workers is lower now than it was during all of the 1960s and 1970s.

Legislative deadlock does not, however, put the same brake on payments to doctors or the income of insurers. Nor does it stop the state from imposing administrative changes in the system. The payment to doctors treating injured workers has risen with increases in the "medical fee schedule" approved by the Administrative Director of the Division of Industrial Accidents. And since 1984, when maximum benefit levels were last increased (to \$224 per week), the state Insurance Commissioner has approved six (soon to be seven) rate increases for insurers, leaving insurance premium rates 44% higher than in 1984. Further, in an attempt to slow down the increase in use of vocational rehabilitation, administrative

changes have been proposed in injured workers' access to and choice of rehabilitation plans. Groups that are well organized in the administrative sphere may currently be more effective than those fighting in the legislative one.

### WHY DOES DEADLOCK CONTINUE?

Some see the ongoing deadlock as due to the powerful nature of the parties involved in efforts at reform. Labor, business, insurers, attorneys, and doctors are the strongest organized lobbies in Sacramento. These groups are a source of votes, campaign finances, and press attention. Legislators may be reluctant to take the lead on workers' compensation reform because of their fear of alienating interest groups on whom they depend for political resources.

The conventional wisdom that change can be achieved after three of the four major groups agree has been shown to be inadequate. First of all, no major interest is so unified and cohesive that its statewide lobbyists can dictate change to the membership. Employers, insurers, and labor each have faced situations where negotiators had to back down after their memberships rejected particular parts of a package.

Finally, the ability of some groups to satisfy their interests through blocking legislative change, while achieving their goals in the regulatory sector, also goes contrary to the "three out of four" model. In response, it may be necessary for both labor and employers to put more effort into monitoring the administrative implementation of workers' compensation policy before deadlock can be broken in the legislative arena.



"He'll be ready for work just as soon as the cast dries. . ."

## Occupational Disease Cases Overwhelm Comp System, New Report Says

A recently published report by University of California researcher Glenn Shor documents the failure of the present California workers' compensation system to cope with the influx of occupational disease cases during the last decade.

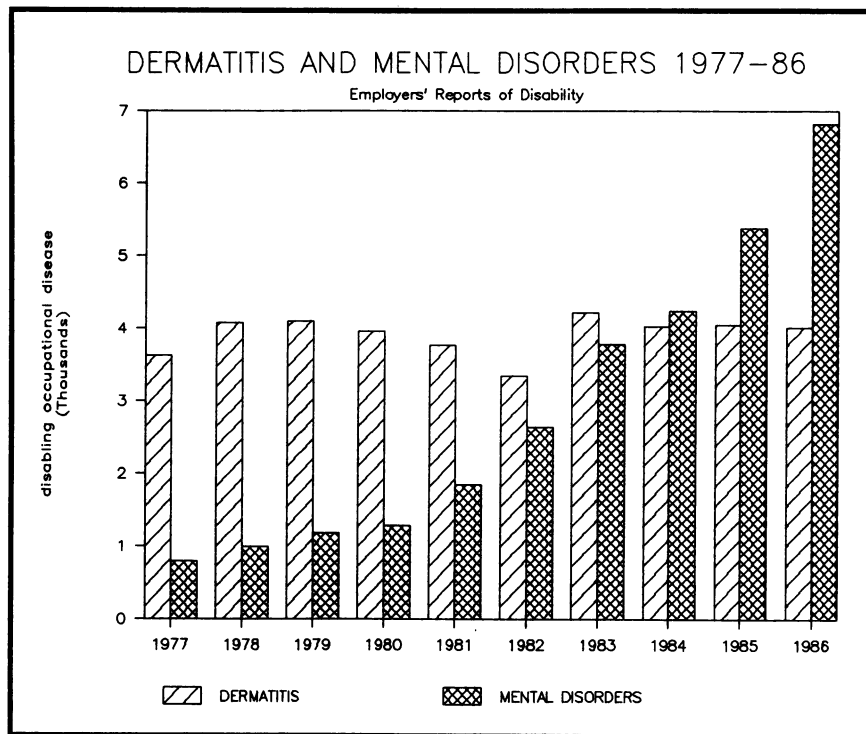
The report, *Occupational Disease Compensation in California*, was funded and published by the California Policy Seminar, a joint program of the University and the state government.

Shor finds that the number of occupational disease cases in California increased 65 percent between 1977 and 1985, while the number of job-related injury cases remained stable. The largest increases were in conditions of the circulatory system, in systemic poisonings from toxic substances, and, especially, in mental disorders and anxiety reactions. California's occupational health problems, Shor says, are shifting toward "chronic effects of toxic exposures, and reactions to stressful working conditions."

The California "no-fault" workers' compensation system, according to the report, is being overwhelmed by a host of problems related to the growth in occupational disease cases. The medical-scientific community cannot even agree on a definition of occupational disease. And Shor points out that "occupational disease cases have characteristics that make the compensation process uncertain, slow, and litigious."

For example, many workers with disabling illnesses have their compensation delayed or denied because of the difficulty of determining job-relatedness. This crucial determination, Shor says, is the "gateway to benefits" but, because it involves a struggle over resources, it is "inherently political." Workers who must establish job-relatedness are hampered by the long periods between hazardous exposures and the manifestation of disease, by inadequate information on their own toxic exposures, by their difficulty in finding competent medical and legal assistance, and frequently by the need to deal with multiple employers and insurers. During the lengthy adjudication period, disabled workers must rely on other sources of income.

Another problem which Shor identifies is that the California compensation system does a poor job of tracking



*While traditional occupational health problems like dermatitis did not grow significantly in California between 1977 and 1986, occupational mental disorder and stress cases increased enormously. (Graph from Glenn Shor's *Occupational Disease Compensation in California*.)*

occupational disease claims as they move through the process. The system is thus unable to assess its own effectiveness.

The report's recommendations include:

- Develop presumptive standards of compensation eligibility: once evidence of exposure to a known hazardous substance is demonstrated, the burden of proof should shift to the employer or insurer;
- Where a disease is found to have multiple causes, apportion liability to require each "contributor" to the condition to pay its fair share, and establish a funding mechanism to pay the nonapportioned amount;
- Improve access for workers, and for the health and legal professionals who serve them, to research, education, and training about occupational disease;
- Revise the state's method of setting workers' comp premiums; consider returning California to "schedule rating" because the present "experience rating" system is an after-the-fact technique which does not encourage prevention of hazardous exposures;
- Improve state regulation of workers' comp insurers: license insurers to issue policies only in industries which they are technically qualified to monitor; prohibit insurers from issuing policies to employers who are out of compliance with occupational health standards; require insurers to audit the effectiveness of employers' exposure-control programs.

*Occupational Disease Compensation in California*, an 89-page report, is available for \$3.50 (including postage and handling) from the California Policy Seminar, University of California, 109 Moses Hall, Berkeley, CA 94720. Phone: (415) 642-5514.

# Dr. Mario Epelman: An Occupational Health Pioneer

*Editor's Note: Monitor recently had the opportunity to interview Dr. Mario Epelman when he visited the San Francisco Bay Area. He is a remarkable man who has led a remarkable life. An Argentinean physician and physiologist, Dr. Epelman has been at the forefront of the fight against workplace illness in his native country, in Mexico, in Spain, and in Nicaragua. He has put his commitment to occupational health into prac-*

*tice in many unusual political and social situations, working with Argentinean unionists who were victims of military repression, and serving as the founder and first director of the new Nicaraguan government's occupational health and safety program. The following summary of our interview with Dr. Epelman was prepared by Darryl Alexander, LOHP's Labor Coordinator, and Visiting Professor Donna Mergler.*

by Darryl Alexander  
and Donna Mergler

Mario Epelman, an Argentinean physician and physiologist, is a thoughtful and quiet man, who discusses his unusual career in occupational health in a very matter-of-fact way. As he tells his story, one becomes acutely aware of his many accomplishments. Despite painful disruptions to his career brought about by political and military upheavals, he has managed to undertake pioneering workplace research and to build for the country of Nicaragua an entire health and safety program where none existed before.

In a recent tour of the United States, Dr. Epelman met many different audiences to describe the present situation of workers in Argentina, and to explain the work of a small group of professionals who are confronting the mental health and psychological consequences of the atrocities committed by the recent Argentinean military regime.

Dr. Epelman began his work in occupational health in Argentina in 1973 while working as a professor of human physiology at the Universidad Nacional de Cordoba. "In 1973, after an earlier military government, we had a period of democracy," he says. "There was a big movement in all of society and especially in the universities to do research that was related to social needs. My group had worked with unions before, so we decided to do research on working conditions and physiology."

His first workplace study, carried out in collaboration with the electrical workers' union, focused on accumulated fatigue among keypunch operators. (At the time, little research had been done on the subject anywhere.) Using an innovative approach, Dr. Epelman examined a combination of workplace influences on the workers'

well-being. He found several determinants of fatigue, such as indoor air quality (also not much studied previously), lighting, noise, space, and posture. His findings resulted in specific improvements in the workplace. It is interesting to note that many of his recommendations—rest breaks, sound baffling, lighting improvements, and other measures—are still very relevant today to workers who use video display terminals. Unfortunately, Dr. Epelman was never able to undertake the planned follow-up study to examine the physiological effects of the improved workplace. His work was interrupted by a military takeover, and he left Argentina in 1976.

## MEXICO AND SPAIN

Undaunted by his exile, Dr. Epelman continued his work in Mexico at the University of Vera Cruz. Here, he collaborated with researchers at the National University of Mexico and union representatives to study stress and cardiovascular changes among workers on 160,000-volt power lines. During this study, he and his colleagues learned first-hand the stress these workers experienced. "We measured their heart rate and blood pressure before they began to work; we went up on the high-tension poles with them to take the second measurement; and the third measurement was afterwards when they went back to the office," he explains. The results showed significant cardiovascular stress among the workers. Workers' medical exams revealed higher blood pressure and more peptic ulcers, coronary heart disease, sleep disturbances, and anxiety as compared to a reference population. The study also found that retirees who had worked on high-tension lines had a life expectancy after retirement eight years less than a

control group of office workers.

According to Dr. Epelman, "These workers had to climb the poles and work with the power on because these were the lines to the factories. But other electrical workers we studied could work with the power turned off because those electrical lines went to houses."

Dr. Epelman's work then took him to Spain, where he became a consultant to a trade union group, *Comisiones Obreras*. There he trained workers in occupational health and safety issues, and advised unions on health and safety language for their collective bargaining agreements.

## INVITATION TO NICARAGUA

In 1979, Dr. Epelman was invited by the Nicaraguan Minister of Labor to develop an occupational health and safety plan for industrial, service, and agricultural workers. "They didn't have professionals specializing in these subjects," he points out, "because, under Somoza, nobody had been interested in these things." He was soon asked to become the first director of the program he had designed, although, he says, "I had never worked for a government before."

Initiating the program, he traveled throughout the country to identify the major occupational health and safety problems and concerns. In the five years that he was in Nicaragua, Dr. Epelman built the program from a small group of six inspectors that he personally trained to a staff of seventy occupational health and safety professionals (engineers, inspectors, and lawyers), many of whom received their training in Cuba.

Among the most striking innovations which Dr. Epelman and his colleagues



instituted in Nicaragua was the linkage they established between the workplace health and toxic exposure problems found in agriculture and the overall poor health status of farmworkers. "Life conditions are part of working conditions in agriculture," Dr. Epelman says. "For example, the workers receive food as part of their salary." With strong government support, his agency was able to identify the nutritional needs of these workers and institute minimum diet requirements.

"We found that agricultural workers lived in very bad conditions," Dr. Epelman remembers. "The food was horrible—tortillas with salt—and many times that was their only food. So before the beginning of every harvest, we investigated what kind of food was really available in that part of the country, because every harvest is in a different region. Then we made a resolution, signed by the Minister, about the general conditions and the diet—the kind of food they had to receive. The workers were very aware that they had to receive that, and if they didn't receive it they complained very quickly."

This approach, which examines many

socioeconomic concerns as an integrated whole, extended to the programs for other worker groups developed during those years.

In the industrial sector, Dr. Epelman and his staff identified plants where workers were being overexposed to mercury and lead. In one plant (partly owned by a multinational corporation) which used mercury, "it was something horrible," he says. "Lakes of mercury were on the floor, over the machines, everywhere. The workers hadn't received any information about the hazards, although management knew. We found that one-third of the workers suffered neurological effects. All the newspapers covered the situation. It was a public scandal."

Dr. Epelman's group always had to coordinate plant clean-up and surveillance efforts with very few resources and in the face of the trade embargo imposed by the United States.

## NICARAGUA: WORKING FOR CHANGE

During this period, Dr. Epelman

also found time to organize seminars and courses at a medical school, where he became the first professor of occupational health. Some of the students resisted learning this new field. "We took the students to factories to look at working conditions," he says. "After the visit, they understood that it was important to study this information as a doctor."

He wrote a weekly health and safety column for a newspaper, and was involved in publishing a set of booklets directed respectively to workers in agriculture, construction, and industry. "They were like comics," he notes, "but workers learned." A similar booklet, based on research his agency conducted on women workers in the tobacco industry, covered women's occupational health.

One of Dr. Epelman's lasting achievements was helping to design the new Nicaraguan occupational health and safety laws, which have provisions for mandatory prevention programs and for worker representatives (*brigadista obreros*) in charge of occupational health in every workplace. The laws treat state-

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## Datebook



### LOHP Asbestos Sampling Course in January

From January 18 to 22, 1988, LOHP's Continuing Education program will offer **Sampling and Evaluating Airborne Asbestos Dust**, a week-long course primarily designed for professionals who are responsible for collecting and analyzing asbestos samples.

In the last few years there has been an explosion of concern about asbestos in public buildings as well as in traditional workplaces. Methods for detecting asbestos, and for measuring the concentration of fibers in air, have been standardized by federal agencies like NIOSH and OSHA to ensure consistent results. Such methods, normally involving the use of filtration followed by phase contrast microscopy, have also been refined and updated to take into consideration the lower asbestos concentrations with which the health community is concerned today.

LOHP's class will cover various asbestos fiber counting methods, emphasizing NIOSH's "Method 7400" and the OSHA Reference Method. Students will gain first-hand experience using microscopes for fiber counting, and will become familiar with other sampling and evaluation equip-

ment. Computation of results, using a scientific calculator, will also be covered.

The course will be led by Daniel D. Cox, Ph.D., C.I.H., Senior Industrial Hygiene Consultant for The FPE Group in Lafayette, California.

All sessions will be held at the Holiday Inn, 1800 Powell St., Emeryville, California. Course fee is \$600, including materials and a certificate of completion. The course is approved by NIOSH (Course #582), and will offer Continuing Education credit for industrial hygienists. Federal OSHA requires all individuals performing asbestos analysis to complete a course of this type. For successful completion of the course, participants must pass a final examination.

Each student is required to bring a calculator and microscope; contact LOHP for details. For more information, please call LOHP's Continuing Education Coordinator, Lela Morris, or her assistant Stephanie Cannizzo at (415) 642-5507.

## MARIO EPELMAN

continued from page 9

owned and private workplaces equally, he emphasizes.

Dr. Epelman and his colleagues managed in war-torn Nicaragua to institute programs that, in a very short period of time, brought about remarkable and radical improvements in working conditions. He kept busy. "In Nicaragua you produce as much as you can," he says. "The only limitations are your own limitations."

Many U.S. occupational health professionals were fortunate to meet Dr. Epelman in 1981 at the American Public Health Association meeting in Los Angeles, where he discussed occupational health and safety programs in Nicaragua. His talk inspired the formation of the Technical Aid Project to Nicaragua, which has since supplied Nicaragua with much needed occupational health and safety equipment. In addition, through this project, several researchers and occupational health professionals from the United States had the opportunity to go to Nicaragua and collaborate with Dr. Epelman and other government and trade union health and safety officials. (See *Monitor*, Fall 1985.)

## ARGENTINA: AFTERMATH OF DICTATORSHIP

After the fall of the military dictatorship in Argentina, Dr. Epelman returned to his post at the University of Cordoba in 1984. He now teaches work physiology there. He has recently initiated research projects on reproductive hazards in the workplace.

In his current talks in the United States, Dr. Epelman describes how the economic situation (and, in particular, Argentina's debt) has led to deteriorated working conditions and inadequate social support systems. 60% of the money from exports now goes to pay the interest on the national debt.

Dr. Epelman returned to a country where over 30,000 persons have been killed or "disappeared." At least half of these were union activists. He joined some colleagues in forming the Center for Workers' Health (*Centro para la salud de los trabajadores*). The group trains unions in health and safety and other subjects. Dr. Epelman explains the special need for this training: "Dur-

ing the military government, many union activists were killed and the unions were sometimes ruled by outside people—military people. Now there are new young union activists, and they are anxious to receive information. So we have a union training school, which teaches not only occupational health and safety, but also union history, workers' rights, and everything related to union activity."

The Center for Workers' Health has also been documenting the horrendous effects of the eight-year military rule on mental health and psychological well-being. Their activities include organizing psychological help for children born in prison and later adopted, as portrayed in the recent Oscar-winning film *The Official Story*. The group likewise provides psychological support

for victims of torture as well as for the families of the "disappeared," who are in a state of chronic mourning.

Dr. Epelman concludes from his experience as a researcher and an administrator that occupational health and safety is not an isolated issue, but dependent, like other health outcomes, on a country's social and economic situation. He stresses the importance of union organization along with worker involvement and control to achieve and maintain healthful working conditions.

*(Dr. Epelman also spoke in November, 1987 at the Quebec International Union/ Researcher Conference on Health Issues, organized by the Confederation of National Trade Unions, and endorsed by the International Labour Office and the World Health Organization.)*

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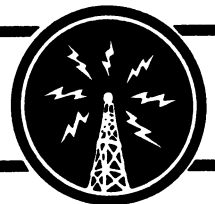
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## Meatpacking: Back to "The Jungle"?

### Iowa Beef, Other Firms Accused of Altering Injury Reports

*"The air would be full of steam, from the hot water and the hot blood, so that you could not see five feet before you; and then, with men rushing about at the speed they kept up on the killing beds, and all with butcher knives, like razors, in their hands—well, it was to be counted as a wonder that there were not more men slaughtered than cattle."*

—Upton Sinclair, *The Jungle*, 1905.

In late July, 1987, federal OSHA levied a \$2.59 million proposed fine against IBP, Inc., for failing to report more than 1,000 worker injuries and illnesses over a two-year period at its packinghouse in Dakota City, Nebraska.

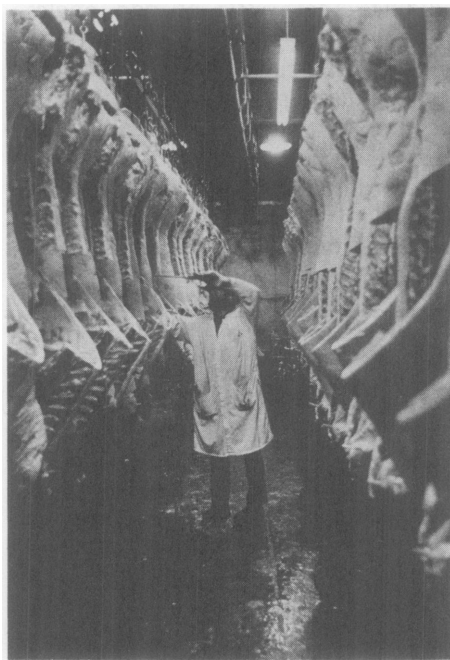
The fine was the largest ever imposed by OSHA for recordkeeping violations. According to John Pendergrass, Assistant Secretary of Labor for OSHA, "This case is the worst example of under-reporting... ever encountered by OSHA in its 16-year history."

The case highlighted the recent decline in worker safety in meatpacking, which statistics show to be the most dangerous industry in the U.S. IBP workers who testified recently before a Congressional subcommittee exposed working conditions reminiscent of those described in Upton Sinclair's novel, *The Jungle*, which dealt with Chicago packinghouses in 1905. Another issue to emerge from the IBP controversy has been the charge by unions and others that new OSHA rules may create an incentive for employers to falsify their records. Under a policy adopted in 1981, OSHA usually exempts plants from full-scale inspections if their reported injury and illness rates are below the national average.

IBP (formerly known as Iowa Beef Processors), is a subsidiary of Occidental Petroleum, Inc. It is the largest beef packer in the U.S.

#### UNION COMPLAINT

The United Food and Commercial Workers Union, which represents 2800 workers at the IBP plant, opened the



(Photo: Ken Light.)

controversy when it charged earlier this year that the company "willfully and knowingly" deceived federal OSHA by falsifying plant injury and illness reports for 1985 and 1986.

The union claimed that the company lowered the figures on its required annual reports to OSHA to hide high injury rates and avoid OSHA safety inspections. Union leaders said that the Dakota City plant actually has one of the highest injury rates of any manufacturing facility in the nation.

OSHA has recently fined several other major U.S. corporations for underreporting such statistics, including Union Carbide, Chrysler, Monsanto, Shell Oil, and USX Corporation.

According to the union, the Dakota City plant maintained two sets of logs. The log with the lower injury and illness figures (the version given to OSHA) recorded far fewer cases than the complete log. The union cited spe-

cific examples of workers whose serious injuries were never reported to OSHA.

At a House subcommittee hearing in March, union representatives and Dakota City plant workers described a host of typical injuries at the plant, including knife cuts causing nerve damage or requiring stitches, dislocated wrists, back injuries, and carpal tunnel syndrome. Workers said they are forced to stand in a cold environment for long periods, at close quarters, in pools of blood and animal fat. They also charged that they are given inadequate treatment by company medical personnel.

At a later House subcommittee hearing, an IBP official did not deny there had been "honest mistakes" but said there was no intentional wrongdoing. IBP Chairman Robert L. Peterson attributed the problem to a changeover from one recordkeeping system to another.

OSHA's July findings agreed with the union's charges in most respects. OSHA said that IBP had set up a task force of 50 employees who were assigned to "doctor" the injury logs while management was keeping federal inspectors at bay by denying them access to its plant until they had obtained a warrant. The result, OSHA said, was that IBP "willfully failed to record" 1,038 job-related injuries and illnesses at Dakota City from January, 1985 to December, 1986. Sixty percent of the unreported cases, the agency found, were so severe that the workers had to leave their work stations. Among them were knife cuts, wounds, concussions, burns, hernias, fractures, and cases of carpal tunnel syndrome.

In April, another meatpacker, John Morrell & Co., was assessed a \$690,000 proposed penalty for failing to keep accurate injury and illness records at a plant in Sioux Fall, South Dakota.

—Gene Darling

*Connecticut*

## **Apartment Project Collapse Kills 28 Workers; OSHA Fines Contractors**

28 workers involved in the construction of a 13-story apartment project in Bridgeport, Connecticut were killed on April 23, 1987 when the partially-completed building collapsed. 11 others were injured. In October, after a long investigation by OSHA and the National Bureau of Standards, the federal government assessed a record \$5.11 million in proposed fines against five construction firms working on the project.

A construction technique called "lift-slab" was being used on the twin-tower complex. Concrete slabs are cast on the ground and stacked in layers. The layers are then hoisted into place with

jacks.

The "lift-slab" technique is relatively uncommon, but a number of such projects are currently underway on the East Coast. Experts say the technique is difficult and costly, and may result in buildings that settle at odd angles. "Lift-slab" is not considered inherently unsafe, but an OSHA construction standard specifically prohibits the presence of workers or others under slabs being hoisted.

According to OSHA and the National Bureau of Standards, the accident resulted from "obvious and unacceptable design deficiencies" in the lifting

system used to hoist the floors in place.

Leaders of Connecticut building trades unions said that the tragedy could have been prevented if OSHA had sufficient inspectors. At the time of the accident, there were only two construction inspectors for the entire state.

"We are in a building boom here," said a state union leader. "We're very unhappy about the ability to get inspectors out to the jobsite. If they can't get to the union jobs, I wonder about the safety on nonunion jobs."

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*California*

## **"Twilight Zone" Producer Acquitted; Movie Unions Push Safety**

In late May, 1987, a Los Angeles jury found movie director John Landis and four associates not guilty of involuntary manslaughter in connection with three deaths on the set of the Hollywood movie "Twilight Zone" in 1982. The verdict culminated a ten-month trial and nine days of jury deliberations. If convicted, the defendants could have faced prison sentences of five to six years.

Actor Vic Morrow and two Vietnamese children were killed when a helicopter crashed and fell on them during filming near Saugus, California. The prosecution claimed that the defendants were criminally negligent in directing the helicopter to fly too low, in failing to control the intensity of

special effects explosive charges which were part of the scene, and in illegally requiring underage children to work at night.

The prosecutor expressed shock and disappointment at the jury verdict, suggesting that the case was weakened because film industry witnesses were reluctant to testify for fear of being blackballed.

After the helicopter crash, Cal/OSHA found 36 violations of its safety orders. Landis and others were fined over \$60,000. A lawsuit by Morrow's daughters against Landis, Warner Brothers Studios, and 18 other defendants was settled for an undisclosed sum in 1984.

In another recent Hollywood case, a

stuntwoman in the television series "Shadow Chasers" suffered nerve damage, spinal injuries, and a concussion when she was accidentally buried under ten tons of wet sand in November, 1985. She has sued Warner Brothers for \$10 million.

These and similar cases, extensively covered in the national media, have prompted a new emphasis on safety in Hollywood's film community. Several unions, including the Directors' Guild and the Screen Actors' Guild, have strengthened safety committees and pushed for such measures as safety representatives on the set and a shorter workday to reduce fatigue.