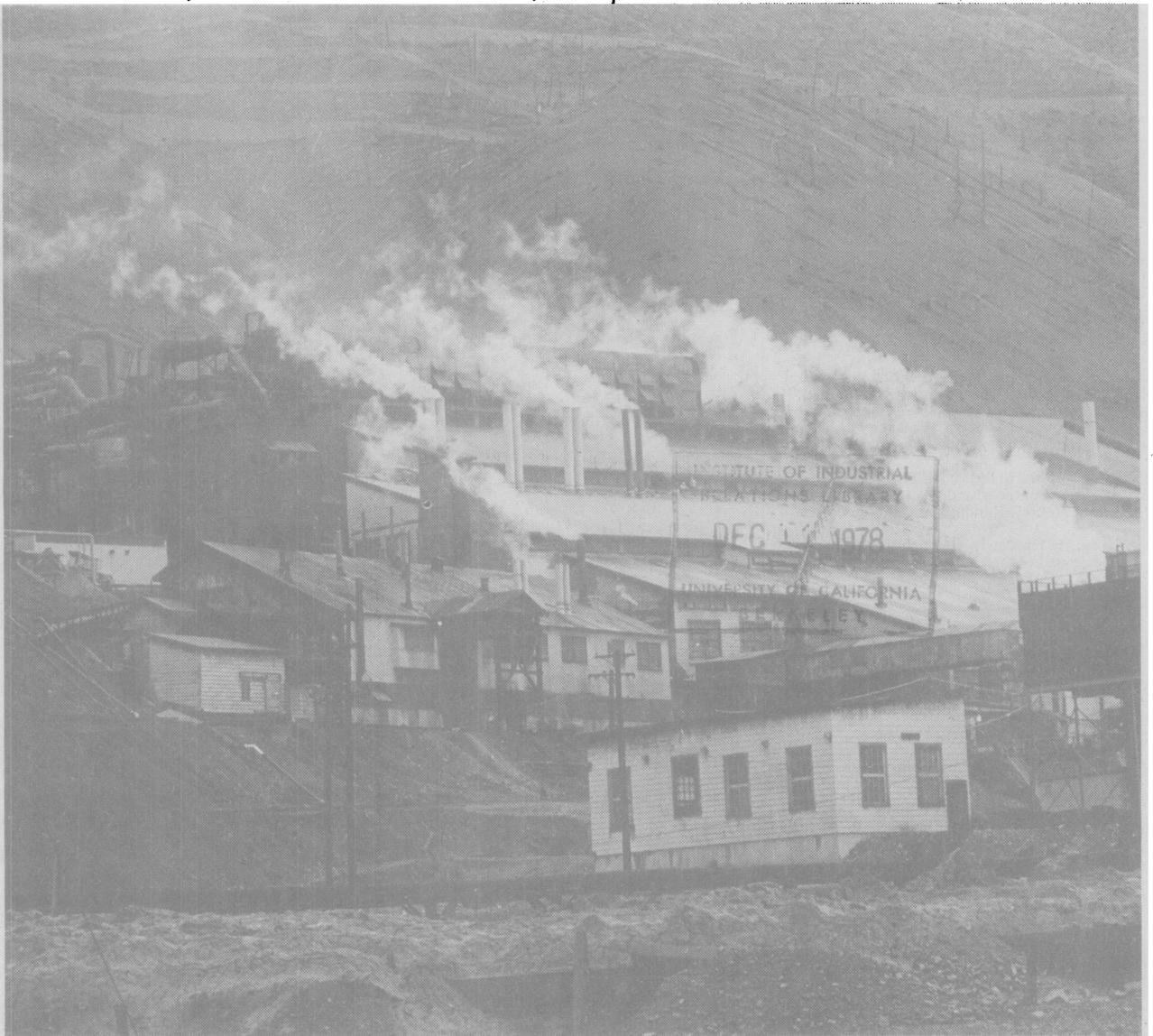


# Labor Occupational Health Program

# MONITOR

*California State Center for Labor Protection & Education*

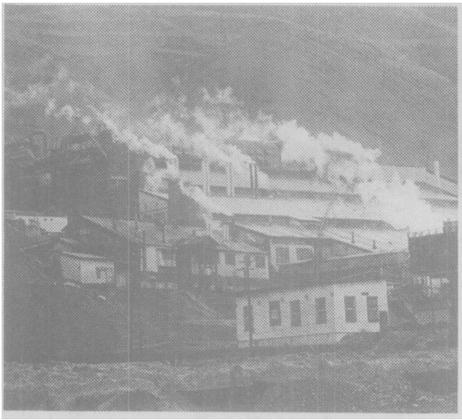


*Bunker Hill's zinc plant. (Photo: Ken Light.)*

**IN THIS ISSUE:**

**LEAD HAZARDS—**

**IN THE SHADOW OF THE BUNKER HILL SMELTER**



**On the Cover:**

*Kellogg, Idaho steelworkers have been struggling to correct health hazards at the Bunker Hill Company operations. (See pages 8-9.) (Photo: Ken Light.)*

# Labor Occupational Health Program MONITOR

**Vol. 6 No. 2, September-October, 1978**

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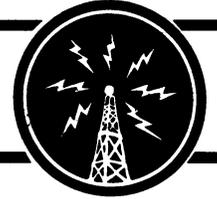
LOHP participated in the first health and safety conference for working women in Hawaii.

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**I'M GIVING 'EM A SHOT OF THE ROTTEN AIR WE BREATHE !!**

—Liberation News Service



## Courts Uphold Walkaround Pay; Deny Right to Refuse Work

Two recent landmark decisions in federal courts represent one step forward and one step back for occupational health and for workers' and unions' rights to be fully involved in health and safety complaints.

In September, 1977, Assistant Secretary of Labor for OSHA Eula Bingham issued an order supporting the right of workers to be paid for time spent in accompanying OSHA inspectors during "walkaround" inspections. The new OSHA policy was upheld on September 29, 1978, when the U.S. District Court for the District of Columbia dismissed a suit by the Chamber of Commerce of the U.S. which had sought a permanent injunction against it. The Chamber of Commerce, however, has announced its intention to appeal the decision.

In its brief supporting the policy, OSHA argued that denial of walk-around pay was unlawful discrimination under Section 11(c) of the Occupational Safety and Health Act, in that it interrupted wages for exercising the legal right to participate in the complaint process. The Chamber of Commerce argued that Bingham had no authority to issue an order on a subject which Congress had not legislated. Judge June L. Green denied the Chamber's request for an injunction, however.

The ruling will require walkaround pay in California, also, since the state enforcement program is required by law to be "at least as effective as" the federal one.

In a setback for federal OSHA, the U.S. Supreme Court declined on October 2, 1978, to review a federal appeals court ruling that the OSHA Act does not give employees the right to refuse work if they believe that dangerous conditions exist. The Fifth Circuit Court (covering states primarily in the Southeast) held in *Marshall vs. Daniel Construction Co., Inc.* that an ironworker who was fired for refusing to work in high winds on a 150-foot high structural steel skeleton would not be

reinstated. The Court found that an OSHA regulation which interprets the OSHA Act to afford employees an *implicit* right to refuse unsafe work was invalid. Considering the Act's legislative history, the Court found that Congress had not intended such a right.

The Supreme Court's action allows the Circuit Court's decision to stand in those states within the Fifth Circuit. The OSHA regulation providing for the right to refuse, however, prevails throughout the rest of the U.S. unless it is overturned in another federal court.

The issue is not expected to arise in California since the right to refuse unsafe work is expressly provided in state law here, not simply in an administrative order.

## Robbins is New NIOSH Director

Anthony Robbins, former executive director of the Colorado Department of Health, was named September 11 to head the National Institute of Occupational Safety and Health (NIOSH.)

Robbins' appointment was announced by Secretary of Health, Education, and Welfare Joseph Califano, Jr.

Former NIOSH Director John F. Finklea resigned in January, 1978. Robbins, a physician, has taught at medical schools in New Hampshire and Vermont. A Harvard graduate, he was chosen from among twelve applicants.

—BNA Occupational Safety and  
Health Reporter

## UC Medical Physicist Wins Discrimination Appeal

Dr. Leo Seidlitz, an Adjunct Associate Professor in the Department of Radiology at the University of California Medical Center in San Francisco, was ordered reinstated to his teaching duties by Deputy Labor Commissioner Paul Blythe in a September 6 ruling.

Seidlitz was removed from his Medical Center duties in June, 1978, given a 25% reduction in pay, and informed that he would be laid off at the end of the 1978-9 fiscal year. Charging that Seidlitz was being subjected to reprisals because of his activities to improve health and safety conditions at the Medical Center, the American Federation of State, County, and Municipal Employees Local 1650 filed a grievance and represented Seidlitz in a discrimination complaint to the Division of Labor Standards Enforcement. Seidlitz has chaired the union's Health and Safety Committee for several years.

The union charged that another factor in the case was management resent-

ment of a proposal which Seidlitz had prepared for federal OSHA in early 1978. This funding request to OSHA's "New Directions" program, vetoed by Medical Center officials, envisioned beginning an educational "outreach" program at the Medical Center to bring trade unionists and other workers into closer contact with U.C. medical professionals. The proposal was supported by 17 unions.

Seidlitz has also charged that University refusal to support the proposal stemmed from the Medical Center's "industry-oriented" structure and management fear that the program might uncover further evidence of University involvement on the side of industry in health and safety questions, such as in the recent DBCP controversy.

The University has refused to comply with Blythe's ruling. The Division of Labor Standards Enforcement will file suit against the University to force compliance.

# AFL-CIO Conference Highlights Efforts to Weaken OSHA

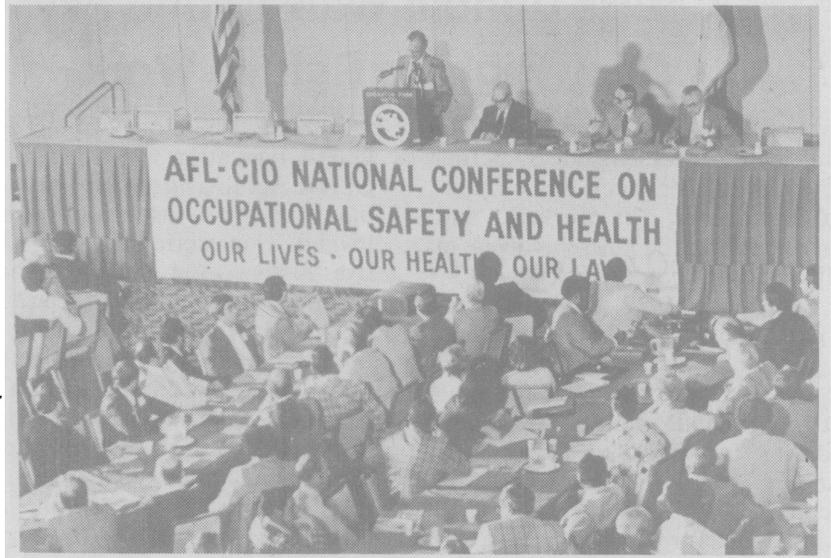
Millions of American workers could lose their basic protections from on-the-job hazards unless right-wing and business lobbyists are repelled in their attempts to gut the federal occupational safety and health law. That message was underlined for the 1100 delegates to the first AFL-CIO National Conference on Occupational Safety and Health, held in Washington, D.C. from September 11-13.

During the same period the conference was being held, a joint House-Senate Conference Committee was considering a Senate amendment to the Small Business Administration bill. The amendment, authored by Senator Dewey Bartlett (R-Oklahoma), would have exempted from OSHA coverage all employers with ten or fewer employees within industries having injury/illness rates of less than seven per 100 full-time workers. (It was eventually defeated; see box.)

In his opening statement to the delegates, AFL-CIO President George Meany described the Bartlett Amendment as a "killer" because "it will turn several million workplaces into death traps" and because "it is designed to kill OSHA, slowly but surely, like cotton dust or asbestos or lead kills workers."

Meany cited other attempts to undermine worker protection, including court challenges to safety and health standards by the business community, and the "pinch-penny attitude" displayed when needed funds to improve the work environment with effective engineering controls are withheld. He also assailed Congress for its meager funding of OSHA programs which affect the safety and health of more than 65 million workers throughout the nation.

Meany noted that Congress approved \$135 million in 1976 for a swine flu epidemic that never occurred. "Yet, while 100,000 men and women die each year from occupational diseases, OSHA has a budget for fiscal 1978 of only \$136 million. If an epidemic swept this nation killing 100,000 Americans, the Congress would spare no expense to find a cure. Why, then,



(Photo: AFL-CIO News.)

this nickel-and-dime approach to making the workplace healthier?" Meany asked.

## MONDALE AND MARSHALL PLEDGE ADMINISTRATION SUPPORT

Vice President Walter F. Mondale

told the delegates that the Administration is committed to vigorous enforcement of the federal safety law and pledged that it would not trade off workers' lives to save a few dollars. Mondale also said that OSHA had not been given a fair chance to operate properly by the Nixon-Ford adminis-

## BARTLETT AMENDMENT DEFEATED

On September 19, 1978, a House-Senate Conference Committee voted down the Bartlett Amendment, originally introduced by Senator Dewey Bartlett (R-Oklahoma). It had been attached as a rider to the Small Business Investment Act. Under the amendment, employers with ten or fewer employees (in industries with injury/illness rates of less than seven per 100 full-time workers) would have been exempted from OSHA coverage.

One criticism of the amendment was that such a broad exemption would greatly reduce worker protection especially with regard to health hazards, because BLS (Bureau of Labor Statistics) data on injury/illness rates do not reflect long-term diseases or long-term health effects. Therefore, an injury/illness rate of

less than seven per 100 full-time workers may not accurately represent the actual occupational disease risk for a particular workplace.

In rejecting the Bartlett Amendment, however, the joint committee adopted the following alternative proposals:

- No OSHA fines for first-time *nonserious* violations if the employer has ten or fewer employees and if fewer than ten violations were cited; and
- No OSHA recordkeeping requirements for employers with ten or fewer employees *unless* OSHA gives prior written notice that an employer has been selected to take part in a special statistical survey.



HEW Secretary Joseph A. Califano, Jr. (Photo: AFL-CIO News.)

trations, but that it has been greatly improved through the efforts of present Secretary of Labor Ray Marshall.

In his address to the delegates, Marshall pointed out that the Labor Department has made great strides toward improving the administration of OSHA in an effort to gain the cooperation of the business community. Even so, he observed, there is still an unyielding business hostility toward OSHA from many quarters, including the U.S. Chamber of Commerce. Other business groups continue to support the "Stop OSHA" movement, he said, pointing out that their slogan indicates they are not for reform, "they are for destruction."

### NEW ESTIMATES ON WORKPLACE CANCER

Joseph A. Califano, Jr., Secretary of Health, Education, and Welfare, quoted from a recent government study which estimates that at least 20 percent of cancer incidence may be work-related. (See article, opposite.) Terming the 20 percent figure "conservative," Califano said that an effective prevention program in the workplace makes both medical and economic sense. He pointed out that millions of workdays are lost to occupational injuries and disease, adding that \$11 billion was paid in workers' compensation claims in 1976 alone.

"Yet, most of the arguments against occupational health and safety measures focus on costs," he said. "It is myopic to argue that programs to protect workers are inflationary if we do not count in our calculations what those programs buy: safety, health, and often greater productivity."

Other major speakers at the con-

ference included: Senator Harrison A. Williams, Jr., (D-New Jersey); Assistant Secretary of Labor Eula Bingham; Timothy F. Cleary, Chairman of the Occupational Safety and Health Review Commission; and Edward J. Baier, Deputy Director of the National Institute for Occupational Safety and Health.

## STUDY LINKS CANCER TO INDUSTRIAL HAZARDS

From 21 to 38 percent of all cancer cases in the United States may be traced to toxic substances and industrial poisons that workers are exposed to on the job, a new government study concludes.

The study results, prepared by the National Cancer Institute and the National Institute of Environmental Health Sciences, were released by HEW Secretary Joseph A. Califano, Jr., at the September AFL-CIO National Conference on Occupational Safety and Health.

The study refutes previous estimates often cited by industry groups that only 1 to 5 percent of all cancer could be attributed to occupational factors. Califano stressed that "if the full consequences of occupational exposures in the present and the recent past are taken into account, estimates of at least 20 percent appear much more reasonable and may even be conservative."

### ASBESTOS USED AS EXAMPLE

Referring specifically to asbestos exposure, the study estimates that between eight and eleven million workers have been exposed to asbestos in the U.S. since the beginning of World War II. Approximately four million of these workers are believed to have had heavy exposure to asbestos.

The study finds that:

"Based on epidemiological studies of workers, it is estimated that 20-25 percent of heavily exposed workers die of lung cancer, 7-10 percent of pleural or peritoneal mesothelioma, and 8-9 percent of gastrointestinal cancers... The total fraction of heavily exposed workers likely to die of these cancers is probably between 35-44 percent."

Assuming that new cases of the above types of cancer will continue to appear over the next 30-35 years, the study pre-

dicts that "the expected average number of cancers attributable to asbestos per year in that period will average about 67,000. Such numbers would represent about 17 percent of all cancers detected annually in the United States." During this period, approximately 1.6 million heavily exposed workers (out of the 4 million) are expected to die from asbestos-related cancers.

### OTHER EXAMPLES

The study also cites the high risk ratios for various cancers linked to worker exposure to arsenic, benzene, coke oven by-products, and vinyl chloride. "A total of 1 to 3 percent of all cancers occurring in a year will be associated with these four substances," it claims.

In addition, chromium, iron oxide, nickel, and petroleum distillates are identified as substances with "excess cancer incidence." However, accurate estimates of the number of exposed workers are not yet available. The study suggests that "a total of 3 to 18 percent of the cancers occurring in a year will be associated with these four substances." Highest-risk occupations found in the study were leather and shoe workers, coke oven workers, cadmium production workers, and metal miners.

In commenting on the findings, Califano also stressed the need to focus health and safety efforts on prevention. He noted that the federal government will spend \$48 billion on health care this year, but less than \$2 billion on prevention of disease.

### STATE DOSH HEAD RESPONDS

Art Carter, Chief of the California Division of Occupational Safety and

*continued on p. 6*

## CANCER STUDY

continued from p. 5

Health (DOSH), said that data linking cancer to workplace exposures and emissions is too sketchy to provide exact figures. "Based on our experience, it's at least 30 to 40 percent of all cancers," he said.

Carter linked the state's "heightened awareness" of job-related cancer to last year's passage of the Carcinogens Control Act, which provides for monitoring and testing of hazardous industrial chemicals. "I think Califano's statement will make it easier to focus attention on the problem," Carter said.

*(A summary of the conclusions of the National Cancer Institute study appears in the accompanying box.)*

*—Partially reported from AFL-CIO News.*

## CONCLUSIONS OF CANCER STUDY

1. The oft-quoted estimates that only 1 percent to 5 percent of total cancers in the United States are attributable to occupational factors have not been scientifically documented.

2. Most cancers have multiple causes: it is an error to attempt to assign each cancer to an exclusive single cause.

3. Because cancer incidence is strongly dependent on age and upon duration of exposure, most cancers resulting from exposure to carcinogens will occur late in life: many epidemiological studies detect only a small fraction of early-developing cancers.

4. Past exposure to asbestos is expected to result in over 2 million premature cancer deaths in the next three decades: this corresponds to roughly 17 percent of the total cancer incidence expected in that period.

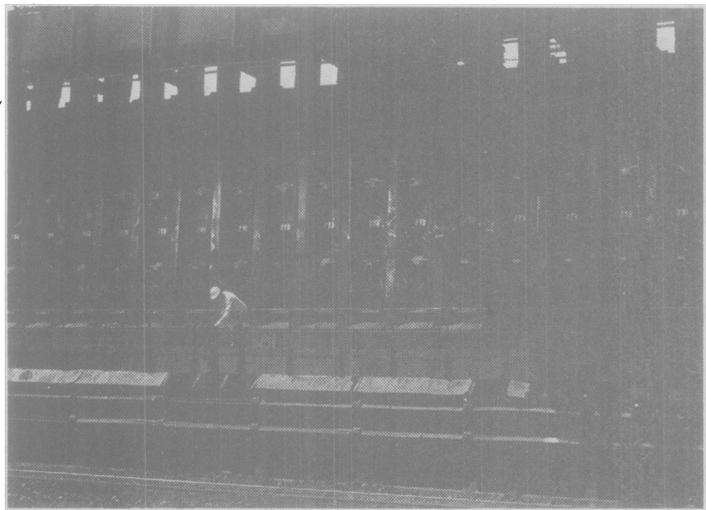
5. Reasonable projections of the future consequences of past exposure to established carcinogens suggest that at least 8 other substances may contribute substantially to cancer incidence comparable in their total effect to asbestos.

6. The projections suggest that occupationally related cancers may comprise 20 percent or more of total cancer incidence in forthcoming decades. (This does not include cancers attributable to ionizing radiation.)

7. Although exposure to some of the more important occupational carcinogens has been reduced in recent years, there are still many unregulated carcinogens in U.S. workplaces; a number of occupations are characterized by excess cancer risks which cannot yet be attributed to specific agents.

8. There is no sound reason to assume that the future consequences of present-day exposure to carcinogens in the workplace will be less than those of exposure in the recent past.

9. Patterns and trends in total cancer incidence (and mortality) in the U.S. are consistent with the hypothesis that occupationally related cancers comprise a substantial and increasing fraction of total cancer incidence.



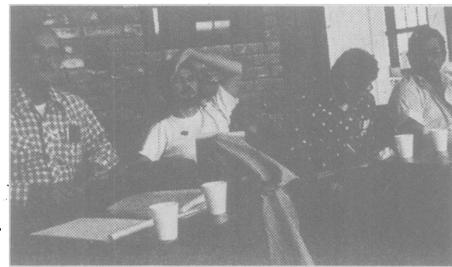
*The National Cancer Institute study cited by HEW Secretary Califano at the AFL-CIO Conference found a high cancer risk among coke oven workers (left) and shoe workers (right.) (Photos: Ken Light.)*

## LOHP Trains UFW Organizers

On September 22 and 23, 1978, LOHP staff members Paul Chown, Andrea Hricko, and Sidney Weinstein conducted a two-day training session for organizers in the United Farmworkers' Campesino Service Centers. Eighteen full-time UFW organizers participated in the training. The Campesino Service has offices in every major area where the union has contracts. They provide help, advice, and assistance in dealing with government agencies administering such programs

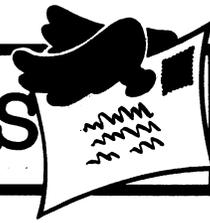
as Workers' Compensation, Unemployment Insurance, and Social Security.

The Campesino Centers are often in contact with pesticide poisoning problems. Even non-union people come to these bilingual centers for help. LOHP's training centered around familiarizing the organizers with the nature of pesticides and typical medical symptoms, which regulations protect farmworkers, and how to file complaints with the Department of Food and Agriculture as well as Cal/OSHA.



*United Farmworkers organizers at September LOHP training session. From left to right, Lorenzo Moreno, Pat Sigala, Winnie Arballo, and Tony Banuelos.*

# From The Readers



*(The April, 1978 MONITOR carried a story by Mr. Roy Steinfurth about the health and safety activities of the International Association of Heat and Frost Insulators and Asbestos Workers, AFL-CIO. It particularly emphasized the International's response to asbestos hazards. Mr. Eddie H. Story, Financial Secretary-Treasurer and Business Agent for Asbestos Workers' Local 16 in San Francisco has sent MONITOR the following letter about local activities of the union in the same field.)*

## **To Monitor:**

For the past twenty years, Asbestos Workers' Local 16 has conducted a screening process to study the effects of asbestos on its membership for the purpose of alerting and educating the members in methods of safety on the job, and ensuring timely medical attention. In 1957, Local 16 set up a program, under its Health and Welfare section, of giving chest x-rays and keeping a record of these examinations. The reason for setting up such an examination was that some of our members, after several years of work in the trade, had begun to experience difficulty in breathing.

In 1965, under a grant, Dr. Irving R. Tabershaw and Dr. Clark Cooper, of the University of California at Berkeley, began a study in conjunction with Local 16 to determine the hazards of asbestos to our members. Multiphasic examinations and other studies showed that a heavy toll on the health of our workers was being taken, and that the preponderance of illness suffered by asbestos workers was caused by asbestos.

After completion of the first multiphasic examinations, and based on information which we had already compiled through our annual chest x-rays, the membership of Local 16 decided to continue with the multiphasic examination and research. As the problem with asbestos became more apparent, the Western States Conference also decided to participate, raising the program to a higher level. Thus the program was implemented in an area which encompasses California, Oregon, Washington, Idaho, Montana, Colorado, Nevada, Wyoming, Utah, Arizona, parts of New Mexico, parts of Texas, and all of Alaska.

In 1966, the Conference, together with the Associated Insulation Contractors of the Western States, established a supplemental health and welfare fund for occupational health and research. This made it possible to begin a coordinated program to attempt to prevent occupational disease in the insulating trade.

In 1966, one cent for each hour worked by asbestos workers in all locals participating in the occupational health program was set aside for this program. Not every local participated in the beginning, but by 1969, all locals were involved, at which time two cents per hour were set aside from each worker's wages. It was in 1968 that the Western States Conference of Asbestos Workers hired Tabershaw and Cooper, Associates, as our medical advisors.

The Board of Trustees for the Western States Conference adopted a set of goals in November, 1968, which included: appointment of a permanent medical advisor to work with the Conference and the Associated Insulating Contractors to improve and implement preventive health activities; periodic physical examinations of all members, with results to be kept in a central file; preparation of health education material and local educational and enforcement programs; and labor-management health and safety committees in each local area.

## **DISEASE AND COMPENSATION**

Local 16 has proven, through our own record-keeping, that our members are succumbing to asbestos-related illnesses. Our statistics show that of all deaths in our membership, fifty percent are caused by asbestos.

Here in California, most of our members have fully utilized, with good success, existing legal remedies for asbestos disease including both state or federal Workers' Compensation programs and third-party liability suits. State benefits tend to be available with less delay.

Recently, third-party litigation in San Francisco against manufacturers of asbestos products has been concluded

favorably for victims of asbestos disease or their families, with settlements ranging from \$20,000 to \$266,000.

Our local union is presently skeptical of the so-called "white-lung bill" pending in Congress, supposedly for the benefit of asbestos victims, and we do not support it in its present form. This opposition stems from several causes. First, the bill was written and introduced by the asbestos industry as a result of hundreds of civil actions brought against it. Second, the major part of the cost of the program would have to be financed by the federal government and relatively little would be contributed by the asbestos industry. Third, the benefits of the legislation would probably be administered by the office of Workers' Compensation programs in the federal Department of Labor. This agency has been widely criticized for its inefficiency and delay in adjudicating compensation claims for federal employees and for victims of coal miners' pneumoconiosis or "black-lung disease," where determination of claims may take years. Fourth, the payments under the bill would approximate only \$500 for the totally disabled (or for the spouse if the worker died of an asbestos disease.) This program would be in addition to any Workers' Compensation or social security entitlement but would bar any right of the victim or family to sue the asbestos industry, a trade-off whose benefit to the worker is not obvious.

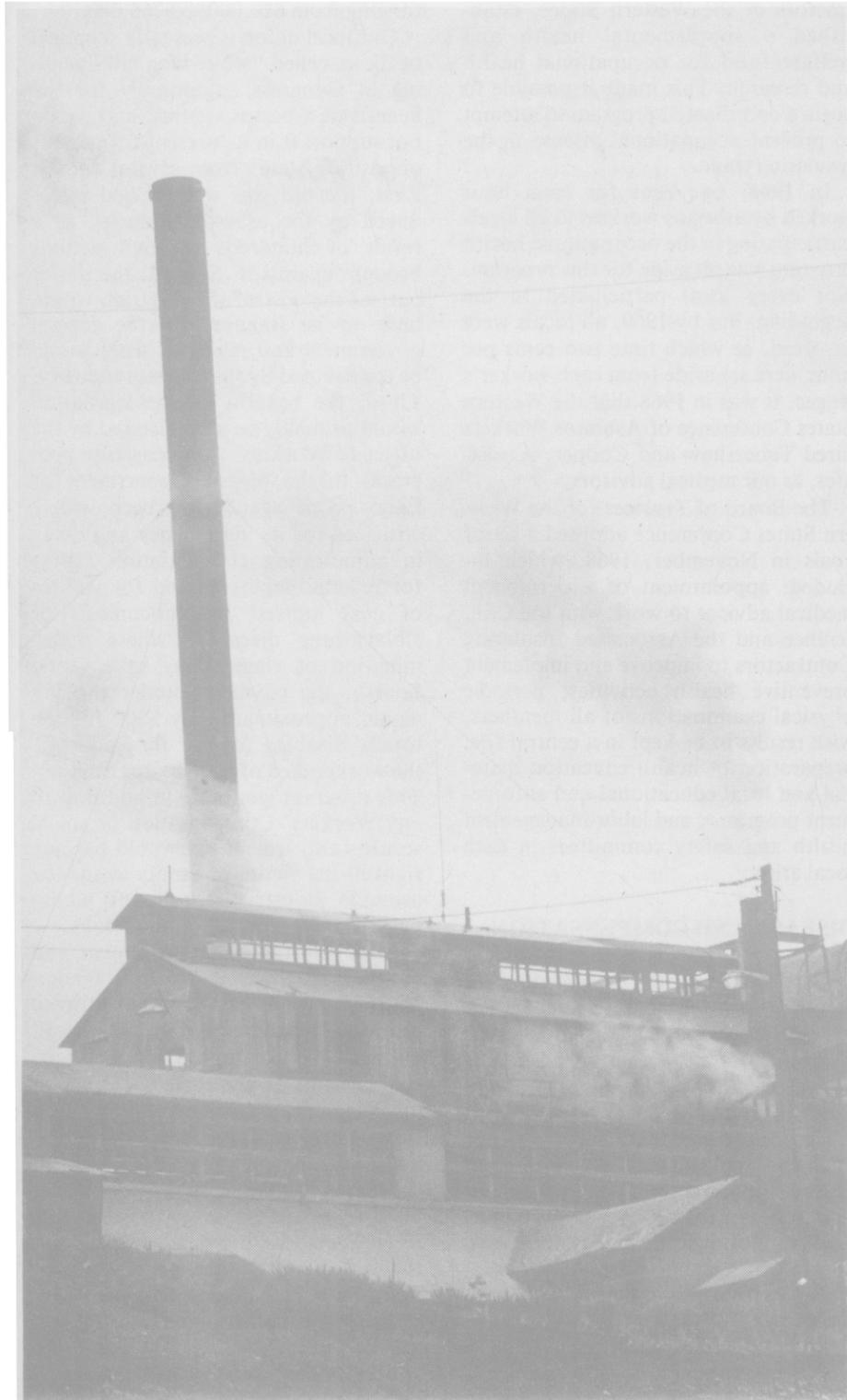
Until substantial improvement can be made in this bill, or until a complete study of occupational disease produces a more equitable law for all industry, it is not appropriate to forego civil lawsuits as one remedy for asbestos illness. (California now allows such suits, but has a one-year statute of limitations.)

We have gone a long way in our attempt to insure the health and safety of our members, but much still remains to be done. It is imperative to alert each and every person who works with or around asbestos of its dangers and how to avoid them, through education and by enforcement of existing safety laws.

# In the Shadow of the Bunker Hill Smelter

By Andrea Hricko

Photos by Ken Light



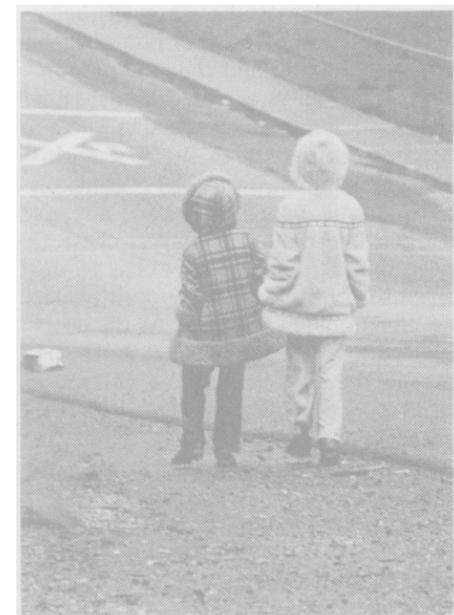
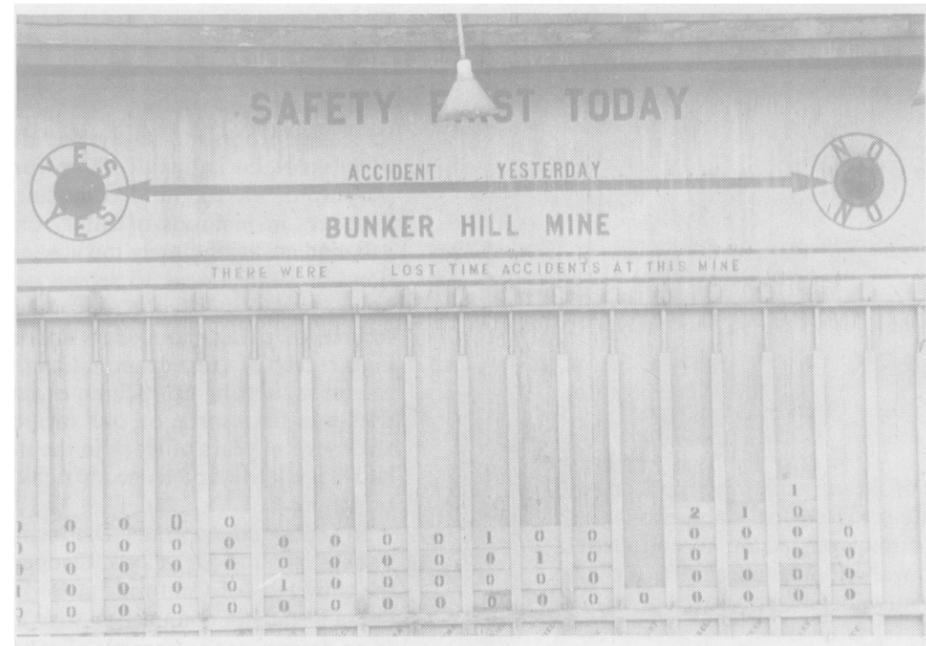
In few U.S. towns is the intimate connection between industrial and environmental health more striking. As one enters Kellogg, Idaho, an enormous stack to reduce air pollution is seen rising from the local lead smelter. Nearby hillsides, once blanketed with evergreens, are nearly barren. But the trees are not the only victims of lead emissions from the Bunker Hill smelter.

Children from the community were first tested for lead poisoning on a massive scale in 1974. The startling results showed that all but two of the 175 children living within one mile of the smelter had dangerously high lead

levels in their blood. Farther away from the smelter, lead levels dropped dramatically.

The 1974 study, jointly conducted by the Center for Disease Control (CDC) and the Idaho State Department of Health, found that over 20% of the children tested had blood levels above the even higher, hazardous level at which doctors would generally remove *industrial workers* from exposure. CDC scientists reported that the Kellogg children had the highest lead levels seen among children tested anywhere in the country.

Although doctors found no apparent



signs of brain damage among the children, tests did show that movement of nerve impulses in some children was slower than normal. What long-term, yet undiscovered damage may appear is still in question. Idaho health officials report that they plan to follow these children until 1980, although some Kellogg residents as well as some federal health officials feel that in-depth follow-up efforts have been blocked by political considerations. The Bunker Hill Company employs most of Kellogg's townspeople.

In response to the 1974 study, the Bunker Hill Company relocated some of the families from homes near the smelter. It also installed some engineering controls to reduce the air emissions of lead.

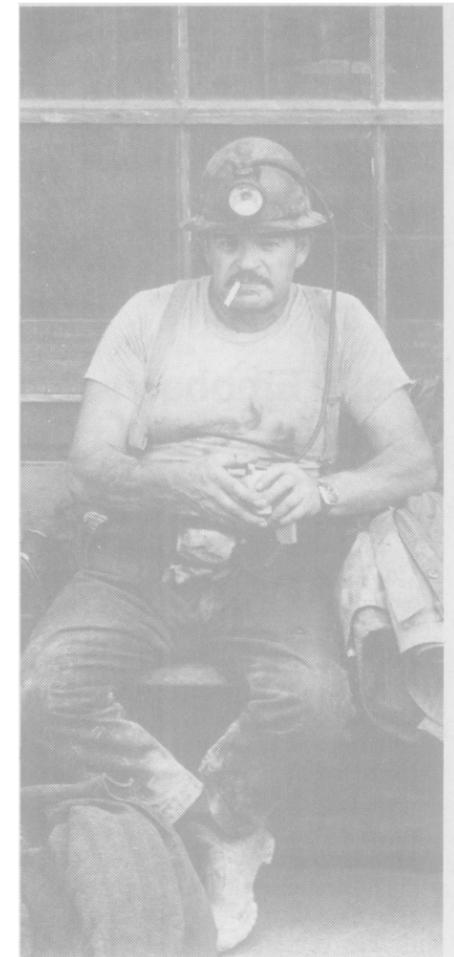
But what about workers inside the smelter? Because lead poisoning is most damaging in the early, formative years, attention is focused on the Kellogg children. Yet workers report that lead poisoning is quite common and that workers are often transferred out of the smelter to other jobs when they become "leaded," returning only when their lead levels drop.

Members of United Steelworkers of America Local 7854 have been instrumental in fighting to improve working conditions at the smelter and other company operations. Members have testified at OSHA hearings on lead exposure, stressing the need for rate retention—that is, full economic protection when they must be transferred out of a high lead area in order to protect their health. They have also expressed concern over reproductive effects from lead exposure, especially in light of Bunker Hill's corporate policy of refusing to let fertile women work in the smelter.

OSHA inspectors have visited the smelter numerous times and have issued citations for failure to reduce employee exposure to lead, failure to provide approved respirators, and for having lead-contaminated eating areas. The company, a subsidiary of Gulf Resources, has contested the citations.

Bunker Hill has also challenged new environmental restrictions on the allowable levels of lead in the air. Company president E.V. Howard told the *Kellogg Evening News* in October that the new government regulations will "lead ultimately to the closure of many plants and the loss of thousands of jobs." As in other company towns, the Bunker Hill workers have little way of evaluating whether these threats are "environmental blackmail" or real. Such threats of shutdown are quite common, but experience shows that they seldom materialize.

*In the next issue: What is in the new OSHA lead standard?*

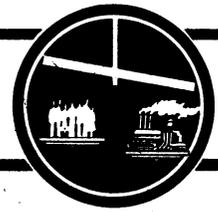


## LOHP Conference on Occupational Lead Exposure

Union representatives and workers in the lead industry are encouraged to attend LOHP's West Coast Conference on Occupational Lead Exposure, February 8-9, 1979, in San Francisco. Sponsored by LOHP with the cooperation of other university labor centers, unions, and government agencies, the conference will acquaint participants with the recently-issued OSHA lead standard which becomes effective February 1, 1979. Workshops will cover the new requirements for air monitoring, medical examinations, engineering controls, and respirators, as well as the details of the new earnings protection provision. Specialists will offer suggestions on how local unions can ensure that the new standard is fully implemented in their workplaces.

Registration is limited. Contact LOHP (415-642-5507) for more information.

*(Far left) More than 15% of the nation's primary lead is produced at the Kellogg smelter. (Left) School children, Kellogg, Idaho: will they suffer long-term effects from lead poisoning? (Above) Sign near entrance to Bunker Hill mine, one of the largest lead-silver-zinc mines in the country. (Right) End of the day for a Kellogg miner. (Photos: Ken Light.)*



## Health Emphasis New Directions in Cal/OSHA

by *Art Carter*, Chief, Division of Industrial Safety

Cal/OSHA is in a period of intense change. This is the essential fact that springs forth from any examination of the state of the program today, and I think that in order to understand what Cal/OSHA is, what it is doing, and where it is going, it is necessary to examine the kinds of changes that are occurring.

There are three major arenas in which the most important changes in Cal/OSHA are taking place. These are the areas of occupational health, worker protection, and voluntary compliance.

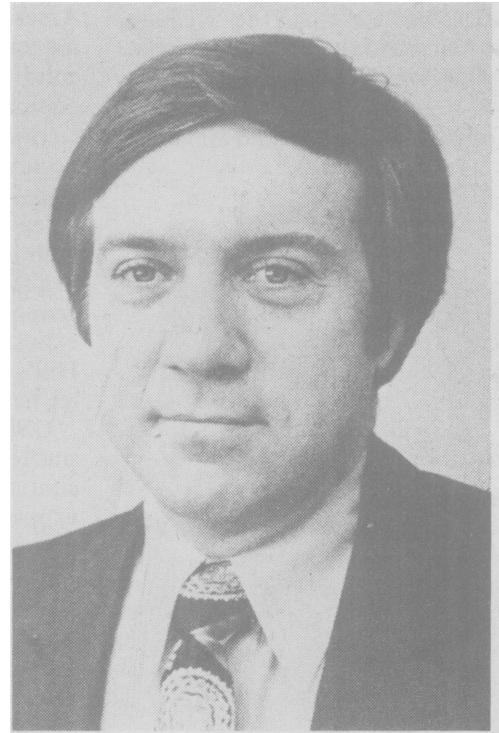
Unquestionably, the most important change in the program during the past two years has been the shift toward a major emphasis on occupational health problems. This shift has centered around three major developments—Governor Brown's proposals for a toxic chemicals information repository, the Occupational Carcinogens Control Act, and the reorganization and consolidation of the Occupational Health Branch with the rest of the Cal/OSHA program.

### CHEMICALS REPOSITORY

As a result of Cal/OSHA's experiences last year in dealing with the problems of worker exposure to DBCP, it was decided that we would only be fighting brush fires in the war on dangerous chemicals unless we could improve overall monitoring of these substances. DBCP taught us that tough enforcement action by Cal/OSHA was not enough, even though, in the case of DBCP, itself, we were able to eliminate the immediate hazard of exposure of workers in California.

Enforcement actions were followed up, last October, with a four-day public inquiry into the monitoring of hazards of DBCP as well as other dangerous chemicals. That inquiry, conducted by DIR Director Don Vial, revealed major deficiencies in the overall monitoring systems for chemicals, as well as a clear failure to transmit information concerning research on DBCP's effects to workers who were handling it. At the close of the inquiry, it was clear that much more needed to be done.

In a major two-pronged plan for action, Governor Brown proposed to create the first toxic chemicals information repository in the United States, along with a program of comprehensive occupational health education in the University of California system. Details of these plans were worked out by an Occupational Health Task Force appointed by Don Vial after the October public inquiry.



The specific objectives of the information repository will be to collect and evaluate toxicological data about toxic substances used in California workplaces; to collect data regarding where and how these substances are used; to collect empirical health surveillance information; and to inform and alert employers, employees and enforcement agencies about newly-discovered or increased hazards. The proposal calls for funding of \$1 million for the repository.

The second part of the Governor's proposal calls for upgrading and expansion of teaching and related research functions in U.C.'s schools of medicine and public health, and other appropriate units in the fields of occupational health and medicine, including possible establishment of occupational health centers in medical schools. The Governor has proposed funding of \$2 million for these functions.

Work on both the repository and educational efforts will be overseen by an advisory committee composed of employers, employee representatives, and occupational health professionals.

### CARCINOGENS CONTROL

With passage of the Occupational Carcinogens Control Act in 1976, California became the first and only state to inspect actively for carcinogens in the workplace. The Act set out strict conditions for use of any of 19 named carcinogens, with tough penalties to achieve compliance. Failure to report use of one of the carcinogens results in an automatic \$500 fine, while a maximum \$1,000 penalty is provided

for each instance of exposure of workers. In addition, the Act provided for an inspection force of 25 industrial hygienists, as well as informational, educational and training efforts aimed at the public, workers and employers. To date, over 190 inspections for carcinogens have been made, and over 3,000 employers have reported use of one or more of the 19 named carcinogens.

### **HEALTH CONSOLIDATION**

The reorganization of the health component of Cal/OSHA, the Occupational Health Branch (OHB), and its merger with the other components of the program is the third major element in Cal/OSHA's expanding commitment to occupational health.

OHB was a part of the Department of Health, while all other components of Cal/OSHA (the Division of Industrial Safety, the Cal/OSHA Consultation Service, the Division of Labor Statistics and Research) are within the Department of Industrial Relations.

Under the reorganization plan, OHB became a part of the Department of Industrial Relations, and its administration moved to San Francisco, where other Cal/OSHA program headquarters are located. This shift will simplify administrative channels and procedures to provide more rapid and efficient responses to health hazards, eliminate duplicate inspections for employers, and eliminate jurisdictional confusion and uncertainty within the Cal/OSHA program. But, perhaps most important, it will guarantee a permanent, built-in, health emphasis at the highest level of Cal/OSHA, while still preserving the identity of the health component.

There are a number of other benefits to the reorganization. Under the new plan, industrial hygienists will have authority to issue citations, where they must now call in Compliance Safety Engineers from the Division of Industrial Safety to do this work.

Finally, under the reorganization plan, the Deputy Chief of Health will be appointed by the Governor, subject to Senate confirmation, and will serve at the pleasure of the Director of the Department of Industrial Relations. This will enable California to go outside the civil service system to undertake a nationwide search for an M.D. with top administrative qualifications.

### **STRONGER PROTECTION FOR WORKERS**

Protection of workers by Cal/OSHA has been significantly strengthened during the past two years by passage of tough confidentiality and anti-retaliation legislation, and by targeting of enforcement activities to give highest priority to high-hazard workplaces.

In 1976, the law concerning confidentiality of names of persons making complaints to the Division of Industrial Safety was amended to provide that the Division will keep any such name confidential unless that person requests otherwise. In 1977, anti-retaliation legislation was strengthened to provide that it is a misdemeanor for any employer to discharge, threaten to discharge, demote, suspend, or in any way discriminate against an employee who has made a bona fide complaint regarding job safety or health. Under the law now, this covers either oral or written complaints made to the Division, other governmental agencies having

statutory responsibility for assisting the Division, the employer, or the employee's representative.

Protection of workers has also been significantly increased in the recent past by a new system of enforcement targeting, as well as special inspection emphasis programs, aimed at those workplaces most likely to present serious hazards to workers.

In addition, Cal/OSHA has initiated comprehensive inspection programs in lead battery plants, grain elevators, and oil refineries, where significant health and safety hazards have been discovered. This kind of special emphasis program will be continued as new hazards, in other industries, are brought to light.

### **VOLUNTARY COMPLIANCE**

With less than 200 health and safety compliance personnel to cover the entire state, it is clearly impossible for Cal/OSHA to rely on enforcement alone to improve conditions in the workplace. Therefore, during the past two years, Cal/OSHA has encouraged employers and employees to engage in voluntary compliance efforts, meeting safety and health standards voluntarily before enforcement action is taken.

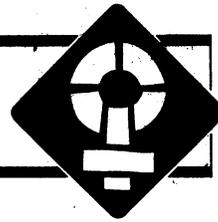
To encourage voluntary compliance, California has become the leading state in providing a comprehensive consultation program to give information directly to employers and employees about their responsibilities in complying with Cal/OSHA standards and regulations. As the result of a new contract signed late last year with the federal government, Cal/OSHA now receives 90% federal funding for an expanded consultation service. The Cal/OSHA Consultation Service, which expects to increase its personnel to 30 safety consultants and 30 health consultants, offers its services free of charge upon request.

In another arena of voluntary compliance efforts, Cal/OSHA management is working with representatives of the State Building Trades Council and the National Contractors Association to develop the first pilot project in the nation to use management and union personnel directly in the workplace to abate hazards on the spot. Under the proposed plan, Cal/OSHA will continue close monitoring to ensure that full worker protection is maintained, and will respond to all formal complaints not resolved mutually by employer and union.

For the future, I think we will see a continued growth in Cal/OSHA's emphasis on health issues, particularly after the health component of the program is firmly consolidated with the rest of the program. I particularly hope to see vigorous development of health standards, an area that has been woefully inadequate in the past.

I also anticipate a growth in voluntary compliance as there is more use of the citation-free Cal/OSHA Consultation Service and greater labor involvement in the program. I am encouraging much greater involvement by labor, and see labor's role in Cal/OSHA as being a critical factor in bringing about successful voluntary compliance programs.

Finally, I believe we will continue to make progress in our enforcement targeting as the statistical system that makes it possible becomes fine-tuned. This will permit much more efficient use of both health and safety compliance personnel, and a much stronger response in reducing hazards in California's high-hazard workplaces.



## Health and Safety Problems Aired at Hawaii Women's Conference

**By Dave Thompson**

*Hawaii Education Director, International Longshoremen's and Warehousemen's Union*

Working women are exposed to many health and safety hazards on the job, and they can best protect themselves by taking part in union safety activities.

That message came through loud and clear at a first-of-its-kind all-day conference for working women in Honolulu, Saturday, August 12. About 200 women were there from all sorts of occupations.

The three women who attended from ILWU units learned a lot and wished that more of their sisters were there. Besides hearing excellent presentations by staff of the U.C. Berkeley Labor Occupational Health Program, they enjoyed a fine luncheon, a lively discussion period, and a workshop in which they were able to raise nitty-gritty questions about their own on-the-job problems and to hear about conditions in other companies on Oahu, both union and non-union.

These discussions underlined what several speakers told them. In the



*The sugar industry is vital to Hawaii's economy. Here women on Kauai prepare cane "seeds" for planting. Protective gear guards against machete accidents and cuts from the sugar cane plants. (Photos: Janet Bertinuson.)*

words of Hawaii DOSH representative Janet Apostol, "You can't rely on the law and DOSH, with their limited number of inspectors to ensure that your workplace is safe. You, the employees who work there every day and know the conditions, must be the eyes and ears of DOSH."

To help ILWU members do this, Local 142 has advised every unit to have a safety and health committee—a person or committee assigned to job safety and health.

### WOMEN'S CHANGING WORLD

ILWU social worker Ah Quon McElrath, in a luncheon speech, pointed out to the many non-union women present that they would be better protected in their right to raise safety questions with the company and to get action on them if they would organize themselves into a union.

Margaret Ushijima of the State Commission on the Status of Women, who chaired the conference, said that the right to safe and healthy conditions of work must be an important objective of the movement for women's rights.

The Commission and the Regional Office of OSHA co-sponsored the conference, along with the State Department of Labor, the AFL-CIO State Federation of Labor, and the University



*Checking out job safety and health regulations at Conference for Working Women are (l. to r.) Janet Apostol (Hawaii DOSH), Fay Kaylor and Anna Miranda of Hawaiian Tuna Packers, Sidney Weinstein and Andrea Hricko of LOHP, David Cabingabang and Cleofe Macasion of Dole Plantation, and Janet Bertinuson of LOHP. (Photo: Dave Thompson.)*

of Hawaii Center for Labor Education and Research (CLEAR).

CLEAR Director **Bob Hasegawa** pointed out that as women enter new kinds of work, they are experiencing more work injuries. In 1964 they had 11.3% of all industrial injuries, but by 1976 it was 21%. They are also suffering injuries as severe as those of men.

Janet Bertinuson of LOHP and Denise Boucher of CLEAR said the way to get results on safety and health problems is to bring them promptly to the attention of management. Tell the union about them, too.

### TELL MANAGEMENT QUICKLY

ILWU recommends telling management so they have a chance to eliminate the hazard, before filing a complaint with DOSH. But if management won't do it, DOSH should be called in.

ILWU policy is to encourage management to maintain an active program of safety and health precautions and training, including a company safety and health committee, with workers' representatives on it who are designated by the union.

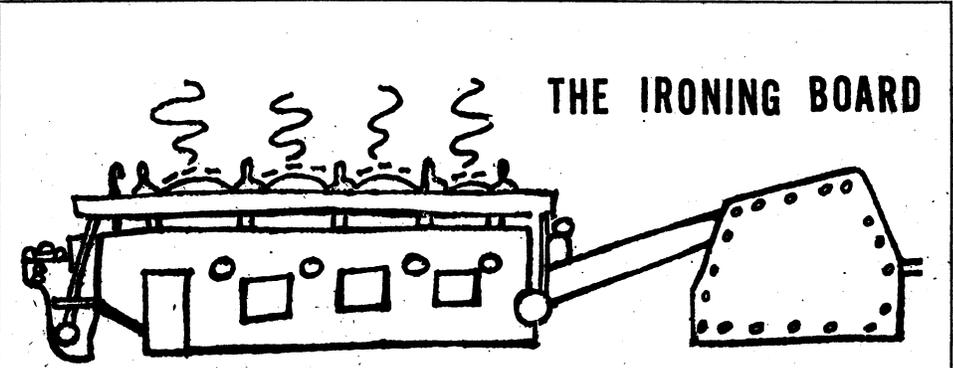
Andrea Hricko suggested that some women should be appointed to the Hawaii DOSH Advisory Committee, which presently is all-male. Calvin Werner, who represents ILWU on the Committee and attended the conference, agreed. State Labor Department Director Joshua Agsalud said he would take that suggestion to heart.



Ah Quon McElrath, ILWU Social Worker, and Margaret Ushijima, Conference Chairperson, listen to recommendations from workshops. (Photo: Sidney Weinstein.)



Judy Sobin from Office and Professional Employees' Local 460 in Honolulu raises questions about OSHA requirements on ventilation in offices. (Photo: Sidney Weinstein.)



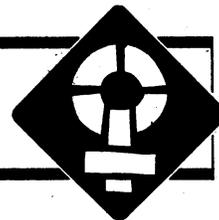
*A laundry worker writes that the day-long Hawaii women's conference spurred her on to start a shop newsletter called "The Ironing Board." An excerpt from the 4-page newspaper states that "The Ironing Board" hopes that it can help make working conditions better at the Honolulu Laundry Company. The IB can be a way to give out information and to discuss our concerns about health, safety, wages and other job-related matters. The IB can also be a tool to 'iron out' problems between us and management and among ourselves. Next month's IB will look at physical dangers in our laundry and talk about how heat affects our health."*



Van Horn Diamond, Secretary-Treasurer of the Hawaii Federation of Labor, suggests that similar conferences should be held on neighboring islands. (Photo: Sidney Weinstein.)

## Datebook

<h3>HEARINGS</h3> <p>On December 15, 1978, public hearings will be held on the federal OSHA proposal for access to medical records information at the Quality Inn, 2775 Van Ness Avenue, San Francisco.</p> <p>The proposed rule includes requirements for retention of all employee exposure and medical records by employers, and access to the records by employees, their designated representatives, OSHA, and NIOSH. Five union representatives from the Bay Area will testify as part of an LOHP worker panel.</p>	<h3>FILM PREMIERES</h3> <p>With <i>Babies and Banners</i>, a new 45-minute film on women organizing in support of the General Motors strike of 1938, will premiere in San Francisco on December 10, 1978 from 3 to 5:30 pm. at the York Theater, 2789 24th St. Genorra Ballinger, organizer of the Emergency Brigade at the GM sit-down strike, will speak. Proceeds will benefit Union WAGE and the San Francisco Women's Center. Call (415) 282-6777 for more information.</p>
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## CWA Pickets Pacific Telephone Over Job Pressures, Stress

by Janet Bertinuson

Chanting "We're sick and tired of getting fired," about 30 Pacific Telephone employees, mostly women, demonstrated outside the downtown Oakland Bell office on September 12. The demonstration was one of many throughout Northern California organized to focus public attention on the Bell System's attendance policy, which disciplines employees who exceed the very limited number of allowable days' absence.

The demonstrators, members of Local 9415, Communication Workers of America (CWA), carried placards with slogans such as "An Ounce of Prevention Equals Suspension," or "We Get Sick, We Get Tired, We Get Fired." And in a break from usual demonstrations, the workers, wielding sledge hammers, demolished an old Rambler painted to look like an official company car. Destruction of the car was symbolic of the workers' dissatisfaction with Bell's Absentee Control Program.

This program limits the number of days an employee is allowed to be absent to six days within a twelve month period for routine illness, and three times within six years for major illnesses (cancer, surgery, heart attack, etc.) An employee who reaches these limits is subject to suspension or dismissal, with very little regard for the circumstances which led to the absence. Although the program has been in existence for several years, the number of suspensions and dismissals has increased dramatically this past year. According to Harry Ibsen, President of Local 9415, there have been 18 firings and 62 suspensions in the first eight months of this year, as compared with about 12 dismissals and 40 suspensions for a normal 12-month period.

Demonstrators handed out informational leaflets explaining their dissatisfaction with the Bell policy and listing some sample grievances the Local has

recently filed on the Absentee Control Program. One case included on the leaflet demonstrates the seriousness of the issue:

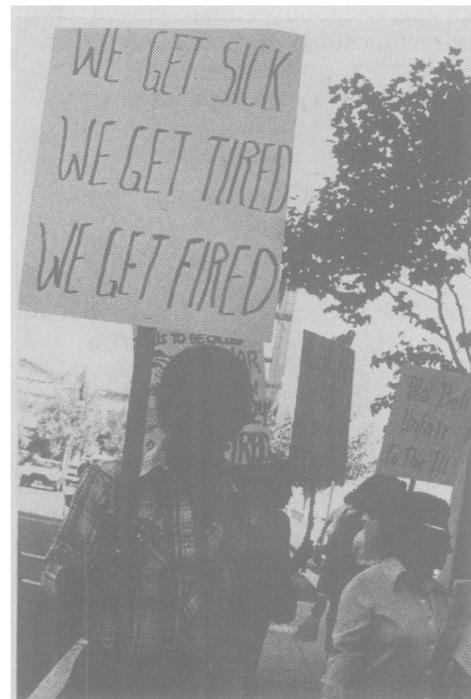
*An employee advised his supervisor he was having problems with hemorrhoids. He left the job at 3:30 pm for the hospital. He underwent emergency surgery at 8 pm the same day. Upon his return to work three days later he was told that this absence was the third occasion for a total of seven days, and he was suspended for unsatisfactory attendance.*

The leaflet points out that, as a result of the policy, employees often come to work ill, exposing others to disease, both employees and customers.

The Absentee Control Program is just one of the many policies which contribute to job pressures for Bell System employees. Job stress is a serious problem that is receiving more attention from the CWA on all levels. Some common stress factors experienced by employees particularly in Traffic (operators) and Customer Services (service representatives) are: excessive monitoring and supervision; confinement at desks or operator stations with no control over the number of calls coming in; having to ask permission to use rest rooms or attend to other personal needs; work overload; unrealistic deadlines or quotas; and no part in decision making which affects working conditions and office or job structure.

### MINNEAPOLIS CONFERENCE

Stress on the job was a major issue at the first CWA National Women's Conference held in Minneapolis from September 28 to October 1, 1978. Over 300 women from CWA locals, as well as district and national offices, took part. Suggestions for limiting or controlling stress were developed and pre-



(Photo: Kate Caldwell.)

sented to the CWA Executive Board as recommendations for action. One focused on establishing a PEP (Project Excessive Pressures) program within each district, modeled after the PEP program set up within District 5 of CWA.

The District 5 program, concerned especially with operators, established goals in the areas of absence, evaluation of medical information, pressure for early retirement, and abuse of progressive discipline. Examples of some proposed goals are:

1. An employee reporting an absence should not be required to repeat the message to others or be harassed with callbacks.
2. The monitoring and measuring of trained and experienced employees' work by individuals or machines should not be done more than annually.
3. Personnel records should contain only the employee's vital statistics

and not records of irrelevant remarks and opinions of management.

4. Employees should not be addressed in an undignified, sarcastic, or patronizing manner.

5. Employees should not be corrected within hearing of others.

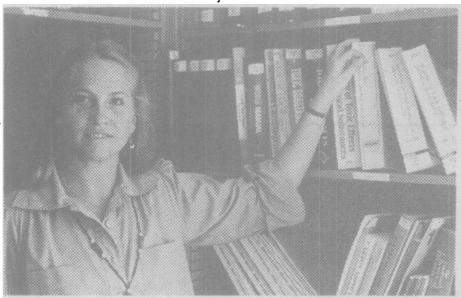
6. No employee should be subjected to frequent, oppressive observations regardless of the problem that may be suspected.

7. Employees should not be subjected to public posting of either outstanding good or bad performance, such as is done in kindergartens. Employees are adult men and women, and should be treated with respect and dignity.

Where goals are not met, CWA members are encouraged to file grievances to ensure that there is a constant push to change the attitudes and policies of Bell System management.



CWA members at the September 12 Pacific Telephone demonstration in Oakland. (Photos: Kate Caldwell.)



(Photo: Ken Light.)

Dr. Molly Joel Coye joined the Labor Occupational Health Program staff in September, simultaneously beginning a two-year appointment as a Clinical Scholar at the University of California Medical Center, San Francisco, in the field of occupational medicine. She will be working with LOHP on the problems of medical testing programs for occupational groups, as well as acting as medical consultant for other LOHP programs.

A major part of her work will be with Oil, Chemical and Atomic Workers (OCAW) Local 1-5, investigating the health hazards of oil refinery work, and designing medical programs appropriate to the exposures found in oil refineries.

Dr. Coye holds an M.D. and a Master in Public Health degree from Johns Hopkins University, where she majored in occupational health. During the year 1976-77, she worked as a student intern with the Oil,

## MEET THE STAFF

Chemical and Atomic Workers International Union in their Washington-based Citizenship-Legislative Office. She has written two pamphlets for OCAW, "Hydrogen Sulfide: A Powerful and Deceptive Killer" and "Asbestos: Fighting a Killer," as well as several articles on occupational medicine.

Before studying medicine, Dr. Coye received a Masters degree in Chinese History from Stanford Uni-

versity and edited two books on China, *China: Inside the People's Republic* and *China Yesterday and Today*.

In addition to her work with LOHP, Dr. Coye will be consulting with the San Francisco General Hospital Employee Health Service in the development of their medical testing programs, and will be teaching occupational medicine in the Family Practice Residency Program.

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# TWO NEW BOOKS FROM LOHP

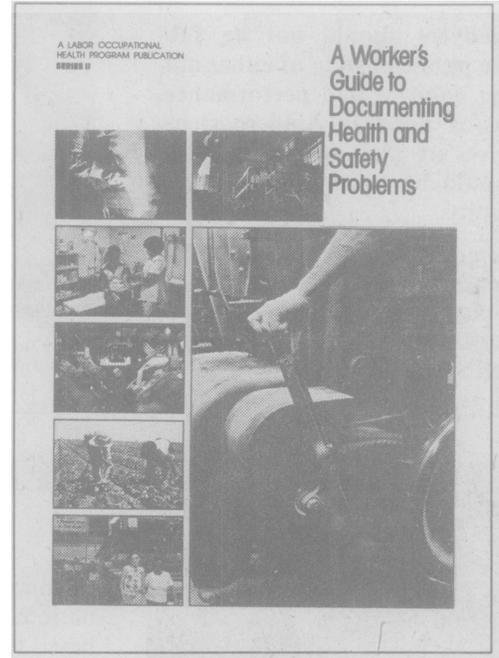
Two new publications have been completed by the LOHP staff and are currently available for ordering. Discounts of 10% for 25-50, 15% for 50-100, and 20% for 100 or more, are available for these and most LOHP publications. Please indicate the number of copies you wish. Make checks payable to: The Regents of the University of California. If you require other than fourth class delivery, please send additional postage costs with your order. Address orders to: Labor Occupational Health Program, Institute of Industrial Relations, 2521 Channing Way, Berkeley, CA 94720.

## A Worker's Guide to Documenting Health and Safety Problems

by Morris Davis

\$2.00

This 66-page book by LOHP's Director is based on the experiences of union health and safety committees, and sets out guidelines for the kind of documentation necessary for an effective health and safety program. The book explores the ways documentation of all kinds can be used: documentation of pre-employment and periodic medical examinations; of health and safety training activities; of health hazards; of complaints. It explains how to work up a safety or health hazard check list, how to develop and use a health and safety log, how to file a complaint with OSHA, how to take part in the appeals process, how to protect oneself from discriminatory action by management and what constitutes discrimination. Also included are several sample forms which might be used in the process of filing a health and safety complaint, and sample draft letters which have been used to facilitate the complaint process. The book concludes with an appendix listing the addresses of U.S. Department of Labor Regional Offices and Cal/OSHA offices. It also lists some resource materials and how to obtain them. Paperbound.



## Toxic Substances Regulated by OSHA: A Guide to their Properties and Hazards

by Donald Whorton, M.D.

\$2.75

This 79-page guide, compiled by LOHP's Medical Director, is an alphabetical listing of over 400 OSHA-regulated toxic substances. Each substance is listed by its OSHA-preferred name and is followed by a brief description of its properties, its more common uses, its toxicity (effects on the body), and its physical hazards (such as explosiveness and flammability.) The guide concludes with a glossary of definitions for the technical and scientific terms which occur in the body of the manual. Paperbound.



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