

Malter Up-to-the-Minute Update

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Making Green Jobs Safe

On December 16, 2009 NIOSH held a Going Green Workshop entitled: Making Green Jobs Safe: Integrating Occupational Safety and Health into Green and Sustainability. Assistant Secretary of Labor for Occupational Safety and Health (OSHA), David Michaels was given the opportunity to be a speaker at this event. Following are some of the highlights from that speech.

Secretary of Labor Hilda Solis recently announced nearly \$55 million in green job grants, authorized by the American Recovery and Reinvestment Act of 2009. These grants will support job training and labor market information programs to help workers, many in underserved communities, find jobs in expanding green industries and related occupations.

I've heard that, during this conference and during breakout sessions, you discussed ways to engage workers in occupational safety and health - in construction, infrastructure and re-purposing; manufacturing and emerging technologies; energy and mining; agriculture, forestry and fishing; and waste management and recycling. I agree with you. Workers should play a central role in safety and health. As occupational safety and health professionals, it's our mandate to ensure that worker health and safety is not left out of this historic change.

Speakers noted a sense of rush in the green economy. Employers who race into this green economy without paying attention to worker safety will blunder into many preventable injuries and deaths. It is vital, now, that we integrate worker safety and health concerns into green manufacturing, green construction and green energy. Most importantly: We must push worker health and safety as a critical, necessary, and recognized element of green design, green lifecycle analysis and green contracts. It's not a matter of choosing *either* a green future *or* safe jobs. It's both.

But there are even more fundamental issues - and these present problems as well as opportunities. You're all aware of the industrial hygiene hierarchy of controls. What's at the very top of that hierarchy? Substitution. This means exchanging a safe, clean chemical for a hazardous one. But, we also all know that, all too often, substitution is an unreachable panacea - because the safer chemical may be too expensive or may not quite fit the job's technical needs, or because we don't have enough information to know which chemicals are actually safe.

Let me give one example that's causing our standards people fits: Diacetyl. We know that exposure to certain levels of this chemical - used in food flavorings like popcorn - destroy workers' lungs. Some companies have introduced "substitutes." You can't see it in my notes, but I've put "substitutes" in quotes, because some of these "substitutes" are so chemically close to diacetyl that they really need to be classified as diacetyl. Other food flavoring additives may be further away chemically; they're not diacetyl, but they haven't been tested adequately to determine the health hazards they may present.

So, then, does it make sense to regulate diacetyl alone? Does it make sense to develop a standard or Permissible Exposure Limit, or just require engineering controls? Does it make sense to do all this work on diacetyl when we really need to be addressing a broader class of chemicals: "food flavoring additives"?



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There's an enormous chasm to bridge between the ideal future and the imperfect present. Today we suspect that at least a couple of thousand high-use chemicals out there may present some threat to worker health. Yet, OSHA currently regulates about 500 chemicals, based mostly on science from the 1950s and 1960s. How many chemical standards has OSHA issued in the past 12 years? Two - and one of these two only came about because of a court order! We haven't been keeping up with the science.

Clearly one of the best ways to move forward on worker safety at the same time that we move forward on green jobs is to ensure that workers are more engaged in the work process and in the development of green jobs. It's clear that we must move toward a permanent system where employers and workers come together, on a basis of mutual respect, to assess and abate hazards. This is OSHA's **"Green Reform Principle Number One."**

I've long advocated that every employer establish a Comprehensive Workplace Safety and Health Program that features management leadership, worker participation, and structure that fosters continual improvement. While thousands of responsible employers already operate this way with excellent results, many other employers haven't gotten the message.

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Another part of the big picture is chemical safety, as I outlined earlier. This is **Principle Number Two**. For example, the European Community's REACH program will provide industry and American workers with more and better information about the chemicals they are exposed to. More important, REACH is also, finally, challenging the old paradigm where chemicals are considered innocent until proven guilty - and all too often proven guilty by the sick and dead bodies of American workers.

The Globally Harmonized System of Classification and Labeling of Chemicals will also contribute consistency, efficiency, and more and better information - leading to greater worker safety and health.

Congress is working closely with the EPA and Lisa Jackson to reform the Toxic Substances Control Act (TSCA). Now, if this administration and this Congress can see fit to move forward with TSCA reform, is there any reason we shouldn't move forward at the same time to reform the way worker exposure to chemicals is regulated and controlled? I don't think so, and I hope to ensure that OSHA participates with NIOSH and EPA in all discussions about chemical regulation in this country.

As green industries grow, OSHA will be fully involved in the movement toward Prevention through Design. This is OSHA's **Green Reform Principle Number Three**. Prevention through Design is about fundamental change that integrates safety efficiently and thoroughly. Prevention through Design asks: Why should we go back and expend precious time and resources retrofitting hazardous industries to make them safer when we have the ability and the opportunity to begin fresh and make work safe from start to finish?



OSHA has been fortunate in 2010 to receive a substantial budget increase - enough to significantly increase the number of inspectors we can put into the field. Armed with answers to some of the problems we've finding in green jobs, this can save a lot of lives and prevent many illnesses.

Still, we haven't nearly enough inspectors to visit even high hazard workplaces on any kind of a regular basis - unless you count decades as a "regular basis." In addition despite the best daily efforts of our able field staff, workplace hazards are changing while our standards haven't kept up.

This leads us to **Principle Number Four**: Where, and when possible, OSHA must move ahead on rulemaking for urgently needed standards - and to create good standards, we'll need the input of scientists and engineers, academics, students and workers. We'll also need allies in the progressive business community who will say "yes" to sensible changes and participate in the rulemaking process with constructive comments and insight.

OSHA's **Green Reform Principle Number Five**: Enhancing workers' voice in the workplace. To get us up to date and move into a safer, healthier future, it's also clear that workers must have a stronger voice in workplace safety than they have now. Giving that voice impact and value means that workers must have much better information about their rights, the hazards they face and controls for those hazards. OSHA is trying to make this happen. Very soon, we'll announce a new round of Susan Harwood training grants. One major new subject of these grants will be Green Jobs.

Another way to enhance workers voices is to ensure that they receive accurate information. Accurate injury and illness statistics are essential for workers and employers to be able to identify workplace hazards. OSHA also needs accurate numbers to ensure that we focus our scarce resources where the most problems are. As you may be aware, numerous studies and Congressional hearings have cast serious doubt on the accuracy of workplace injury and illness reporting.

A recent Government Accountability Office study confirmed those problems, but also noted serious concerns about incentive and disciplinary programs that discourage workers from reporting injuries and illnesses. Most upsetting was a GAO finding that a high percentage of health care providers reported being pressured by employers to under-diagnose and under-treat workers and otherwise manipulate information to avoid reporting injuries and illnesses on the OSHA log. This is irresponsible and unacceptable.

To ensure the accuracy of injury and illness numbers, OSHA has launched a National Emphasis Program. We'll also take a hard look at incentive and disciplinary programs to ensure that they do not discourage workers from reporting. Ultimately, of course, counting injuries, illnesses and fatalities is counting failure. The more we design safety into the workplace the less we'll have to worry about injury and illness statistics.

The challenge now is to get everyone else on board across the Nation. We need to make the expression "green jobs" synonymous with "safe jobs" - because green jobs are good jobs only when they are safe jobs.

To read this article in it's entirety click on the following link or go to:

http://www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=SPEECHES&p_id=2119

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