

Preventing Workplace Hazards

An Action Guide for New Jersey Workers and Unions

Second Edition



NEW JERSEY
WORK ENVIRONMENT COUNCIL (WEC)

Why *Your* Union Should Join WEC

WEC can help you plan a campaign to win safe and healthy working conditions. We can often help engage environmental and community allies and build broader public support for your goals. WEC leaders and staff have extensive experience building alliances, helping to explain your point of view, and securing free media coverage.

WEC also offers a variety of training topics. These include:

- How to effectively use OSHA or PEOSHA
- The “right to know” about workplace chemicals and other hazards
- Forming union and/or joint safety and health committees
- Negotiating safety and health contract language
- Addressing management programs that discourage injury reporting
- Protection against management retaliation for safety activity
- Systems of safety
- OSHA’s Process Safety Management Standard
- Hazards in hospitals and long-term facilities, including preventing workplace violence and ensuring safe lifting
- Hazards facing vulnerable workers, including immigrant workers
- Building bridges to the community and environmentalists

WEC can provide training for local unions, districts, regions, joint boards, central labor councils, and workers’ centers.

WEC has produced health and safety fact sheets and other publications. Download them at www.njwec.org.

If you have a health and safety concern or are interested in a WEC training, please contact us at (609) 695-7100 or by email at info@njwec.org.

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- U.S. Occupational Safety and Health Administration
- TheWorkSite.org

DISCLAIMER

This guide does not constitute legal advice about any specific safety or health problem.

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About this Guide

This guide is intended for use by workers and their unions in New Jersey. It presents a practical approach for solving health and safety problems and points readers to many helpful resources in New Jersey and elsewhere.

PART ONE covers what workers and their unions can do to make workplaces safer. There are 12 sections covering worker rights, health and safety committees and their activities, documenting hazards, promoting workplace improvements, involving allies, and taking action.

PART TWO covers outside help available to workers. There are nine sections covering protection from discrimination, worker training, the media, regulatory agencies, medical care, and compensation.

PART THREE contains six sections with resources on common hazards, OSHA/NJPEOSH standards, surveys, letters, phone numbers, and websites.

ABOUT OSHA AND NJPEOSH

There are references to OSHA and NJPEOSH throughout this guide, abbreviated as OSHA/NJPEOSH. OSHA is the U.S. Occupational Safety and Health Administration, a federal agency that enforces health and safety standards in private and federal sector workplaces. NJPEOSH is N.J. Public Employees Occupational Safety and Health, a state program that does the same for New Jersey state, county, and municipal government, public and charter schools, and public colleges and universities.



This picture indicates publications with more information.



This picture indicates websites with more information.



This picture indicates helpful hints.

Introduction

Health and safety hazards at work cause illness, injury, and death. From 1990 through 2009, more than 2,122 workers were killed on the job in New Jersey – and this statistic does not include the many thousands more who died from occupational disease. In 2009, 115,200 work-related injuries and illnesses were reported in New Jersey – and we know these numbers would be much higher if there was better reporting by employers. This toll on workers and their families should not be accepted, especially since most of these injuries and illnesses are preventable.

Fortunately, workers and their unions can act to prevent unsafe and unhealthy working conditions. This guide is a tool for such action.

WHAT IS THE TOLL IN NEW JERSEY?¹

- 2,122 men and women killed at work from 1990 through 2009.
- 115,200 work-related injuries and illnesses reported in 2009. Among them were:
 - 87,400 injuries and illnesses in the private sector.
 - 27,700 injuries and illnesses in the public sector.
 - 45,000 of the private sector cases involved days of work-time beyond the day of the incident.
 - 3,600 illnesses in the private sector.
- 11,100 musculoskeletal disorders² reported in 2009. Among them were:
 - 9,070 sprains, strains, and tears.
 - 5,650 back injuries.
- 33,828 work-related hospitalizations from 2004 through 2007.
- 39,521 cases of work-related asthma estimated from 2005 to 2007.

¹ Complete and current data is not available due to budget and staff cuts to the government programs collecting the data. The New Jersey Occupational Health Service no longer exists or publishes an annual report.

² Includes cases where the nature of injury is: sprains, strains, tears; back pain, hurt back; soreness, pain, hurt, except back; carpal tunnel syndrome; hernia; or musculoskeletal system and connective tissue diseases and disorders and when the event or exposure leading to the injury or illness is: bodily reaction/bending, climbing, crawling, reaching, twisting; overexertion; or repetition. Cases of Raynaud's phenomenon, tarsal tunnel syndrome, and herniated spinal discs are not included. Although these cases may be considered musculoskeletal disorders (MSDs), the survey classifies these cases in categories that also include non-MSD cases.

PUBLICATIONS WITH MORE INFORMATION



New Jersey Department of Health, *Occupational Health Service Annual Report – Fiscal Year 2008*

www.nj.gov/health/surv/face/documents/face_fy08.pdf

AFL-CIO Facts About Worker Safety and Health – 2011

www.aflcio.org/issues/safety/memorial/upload/wmd_safetyfacts2011.pdf

WEBSITES WITH MORE INFORMATION



AFL-CIO Workers Memorial Day

www.aflcio.org/issues/safety/memorial

New Jersey Department of Labor and Workforce Development, Survey of Occupational Injuries and Illnesses

http://lwd.dol.state.nj.us/labor/lpa/content/occsafheasvy_index.html

Bureau of Labor Statistics; State Occupational Injuries, Illnesses, and Fatalities

www.bls.gov/iif/oshstate.htm

Occupational Health and Safety Statistics – New Jersey

www.nj.gov/health/ohs/njohstats.shtml

New Jersey State Health Assessment Data (SHAD) indicator/query system

www.nj.gov/health/shad

NIOSH Workplace Data and Statistics Gateway

www.cdc.gov/niosh/data

PART ONE

WHAT WORKERS AND UNIONS CAN DO

This part of the booklet will help workers get started on what they, their co-workers and their union, if they have one, can do to achieve safe and healthy jobs.

1. Know Legal Rights

There are important health and safety laws that help to protect most workers. One of the most important is the Occupational Safety and Health Act (OSH Act) and its equivalent for New Jersey public employees, the Public Employees Occupational Safety and Health Act (NJPEOSH Act) – pronounced “Pee-osh.”

It is critical to know workers’ legal rights to determine if employers are obeying the law. Keep in mind, these rights are limited – and they’re not always easy to enforce. In fact, they are the minimum legal requirements and need to be supplemented by a complete workplace health and safety program. It is also important to know that there can be a risk of retaliation when using these rights.

The good news is that collective action, especially when backed by a strong union, makes sounding the alarm about hazardous conditions less risky. But it is very important to work with others – and with the union, if there is one.

Workers have important but limited rights under the OSHA/NJPEOSH laws to:

- A workplace that complies with OSHA/NJPEOSH standards and is free of known dangers not covered by standards.
- File a complaint with OSHA/NJPEOSH about unsafe or unhealthy conditions.
- Receive copies of records of medical tests and tests that monitor the work environment for exposures to chemicals, noise, radiation, mold, etc.
- Obtain information about injuries and illnesses that occur in the workplace.
- Know about chemical hazards in the workplace and how to use protective measures.
- Receive training about some types of hazards.
- Protection against discrimination (firing, demotion, etc.) for reporting hazards to the employer or OSHA/NJPEOSH.



Workers also have other important rights under several other laws:

- The New Jersey workers' compensation law: the right to get medical and monetary benefits from their employer if they are hurt or made ill by their job.
- The Conscientious Employees Protection Act (CEPA): the right not to be discriminated against (fired, given a worse job, etc.) for reporting safety and health hazards.
- The National Labor Relations Act (NLRA) and its equivalent for New Jersey public employees, the New Jersey Employer-Employees Relations Act: the right to act together with co-workers for better working conditions.

Note: The Railway Labor Act covers airline and railroad employees. Federal employees, with the exception of U.S. Postal Service employees who are covered by the NLRA, are covered by the Federal Labor Relations Act. These laws have provisions similar to those in the NLRA.

HELPFUL HINT



PART TWO, Section 1 contains more information about protection from discrimination.

THE RIGHT TO REFUSE DANGEROUS WORK

If an employer asks employees to do something they believe will seriously hurt or kill them, they have a right to refuse to do that work. *Workers must tell a supervisor about the hazard and make it clear that they believe there is an "imminent danger" that can reasonably be expected to cause death or serious physical harm.* Workers may well meet employer resistance. A refusal is more effective if everyone refuses, so workers should be sure to involve other affected workers.

Workers should do the following things to increase the chances of success if refusing dangerous work:

- Ask immediately for a union representative, if there is one.
- Ask that an OSHA/NJPEOSH inspector be summoned at once.
- Stay near the job location at a safe place unless ordered to leave by the employer.
- Tell the supervisor they will do the job if it is made safe to do.
- Offer to do other work that is not dangerous.
- Keep good records. Keep dated notes with names of witnesses, what the worker says and does and what others, especially employer representatives, say and do.

If someone is fired or otherwise disciplined for refusing a dangerous assignment, there are several strategies to win reinstatement:

- If there is a union, the grievance procedure can be used, arguing that the employer did not have "just cause" to discharge or discipline.
- An OSHA/NJPEOSH discrimination complaint can be filed within 30 days under Section 11(c) of the OSH Act or within 180 days under N.J.S.A. 34:6A-45 under the NJPEOSH Act.
- An unfair labor practice charge can be filed within six months under the labor law that applies.

PUBLICATIONS WITH MORE INFORMATION



"Whistleblower Protection: Protection from Retaliation for Reporting Safety Hazards," www.coshnetwork.org/node/349

Workers' Rights. OSHA Publication 3021, 2011

Phone: 202-693-1888, OSHA Publications Office

www.osha.gov/Publications/osha3021.pdf

Your Rights Under the NJ Public Employees Occupational Safety and Health Act

Phone: 609-695-7100, New Jersey Work Environment Council

www.njwec.org/factsheets.cfm

Job Safety and Health
It's the law!

OSHA
Occupational Safety and Health Administration
U.S. Department of Labor

EMPLOYEES

- You have the right to notify your employer or OSHA about workplace hazards. You may ask OSHA to keep your name confidential.
- You have the right to request an OSHA inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative may participate in that inspection.
- You can file a complaint with OSHA within 30 days of retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the OSH Act.
- You have the right to see OSHA citations issued to your employer. Your employer must post the citations at or near the place of the alleged violations.
- Your employer must correct workplace hazards by the date indicated on the citation and must certify that these hazards have been reduced or eliminated.
- You have the right to copies of your medical records and records of your exposures to toxic and harmful substances or conditions.
- Your employer must post this notice in your workplace.
- You must comply with all occupational safety and health standards issued under the OSH Act that apply to your own actions and conduct on the job.

EMPLOYERS

- You must furnish your employees a place of employment free from recognized hazards.
- You must comply with the occupational safety and health standards issued under the OSH Act.

This free poster available from OSHA - The Best Resource for Safety and Health

Free assistance in identifying and correcting hazards or complying with standards is available to employees, without citation or penalty, through OSHA-supported consultation programs in each state.

1-800-321-OSHA
www.osha.gov

You have the right to a safe and healthful workplace.

IT'S THE LAW!

PUBLIC EMPLOYEES

- You have the right to notify your employer or New Jersey Public Employees Occupational Safety and Health (NJPEOSH) about workplace hazards. You have a right to keep your name confidential upon request.
- You have the right to request a NJPEOSH inspection if you believe that there are unsafe and unhealthful conditions in your workplace. You or your representative are entitled to participate in that inspection.
- You have a right to file a complaint within 180 days for retaliation or discrimination by your employer for making safety and health complaints or for exercising your rights under the NJPEOSH Act (N.J.S.A. 34:6A-25 et seq.).
- You have a right to see NJPEOSH citations issued to your employer and your employer must post the citations at or near the place of the alleged violation.
- You have the right to copies of your medical records or records of your exposure to toxic and harmful substances or conditions.

PUBLIC EMPLOYERS

- You must report all work-related in-patient hospitalizations of three or more public employees and all fatalities within 8 hours. This information must be called into 800-624-1644 and faxed to 609-292-3749.
- You must furnish your employees with a place of employment free from recognized hazards.
- You must comply with all occupational safety and health standards.
- You must correct identified workplace hazards and must certify that these hazards have been eliminated by the date indicated on the citation.
- You must post this notice in your workplace as per N.J.A.C. 12:110-3.5 (c).
- Through its on-site consultation and training program NJPEOSH offers employers free assistance in identifying and correcting hazards or complying with standards, without citation or penalty.

24-hour Complaint Hotline (800) 624 - 1644

FOR MORE INFORMATION:

Occupational Safety Hazards
 • Occupational Safety and Health Administration (OSHA)
 Office of Public Employees Occupational Safety and Health (OPEOSH)
 Phone: (202) 261-7100
 Email: osha-peosh@osha-slc.gov
 Website: www.osha-slc.gov

Occupational Health Hazards
 • Occupational Safety and Health Services (NIOSH)
 Public Employees Occupational Safety and Health (PEOSH) Program
 Phone: (609) 695-7100
 Email: peosh@njwec.org
 Website: www.njwec.org

Additional copies of this poster may be obtained by contacting the New Jersey Department of Labor and Workforce Development, Office of Consultant Relations, PO Box 110, Trenton, NJ 08625-0110, (609) 777-3200.

If you need this document in Braille or larger print, contact the Office of Publications and Special Projects at (609) 594-8130. TTY users can contact the office through the New Jersey Relay at 1-800-852-7869.

Public Employees Occupational Safety and Health (PEOSH)

OSHA 3021-10-11

2. Form a Health and Safety Committee

Effective efforts to make workplaces safe and healthy must involve workers and unions. An important tool is the employee health and safety committee, which keeps a day-to-day watch over working conditions. Committees can identify and resolve problems before they become serious or result in injuries or illnesses and investigate incidents or “near-misses” to learn how to prevent hazards.



The main job of health and safety committees is to spot and correct hazards that pose a threat to workers. A common “trap” in determining the root cause of hazards is to blame worker carelessness instead of uncontrolled hazards. An approach known as “behavioral safety” mistakenly points the finger at worker performance and stresses ineffective fixes, such as personal protective equipment, which do not eliminate the hazard at its source. This “blame-the-worker” approach should be challenged by an employee safety committee, which should instead recommend eliminating the root causes of accidents and hazards.

Experience shows there are advantages to establishing employee-only committees that are independent of management. Yet many times there are both employee-only committees and joint labor-management committees in the same workplace. While a joint committee can provide a useful forum to work with management, an employee-only committee allows workers to prepare for joint committee meetings and more freely discuss problems and strategies for preventing hazards.

Committee members need not be experts in health and safety. Interest, concern, and a willingness to get involved are far more important. An understanding of technical and scientific information can be acquired over time. A committee should have members representing as many job titles, locations, and shifts as possible and should also be representative in terms of age, gender and race.

It may take a while to develop such a committee. Two or three active, involved people make a great start. Have meetings at a convenient time and place and keep them short and well-organized. There should be a clear, agreed-upon agenda, and minutes of decisions.

Good communication with fellow workers and with management is also vital to the success of a health and safety committee.

There are many activities committees can undertake. The list below provides examples.

COMMITTEE ACTIVITIES

- Review the employer's health and safety policies and programs.
- Check injury and illness records and logs maintained at the workplace for OSHA/NJPEOSH and workers' compensation purposes.
- Evaluate the employer's compliance with OSHA/NJPEOSH health and safety standards.
- Develop a hazard reporting form for employees.
- Conduct regular workplace inspections, investigate accidents and "near-misses" and respond to worker complaints.
- Conduct a survey of workers to document work-related health problems.
- Get a group together and ask them to draw a "floor plan" of the worksite on a large sheet of paper. On the floor plan, have them show where different hazards are located. Discuss how to analyze the "hazard map" and determine how hazards can be reduced or eliminated.
- Develop a list of all known or reported health and safety hazards to make sure there is management follow-up. This list should be available to workers and updated with the latest status of the hazards and controls.
- Inform people about the committee. Post minutes of meetings and names and phone numbers of contact people. Report on activities, especially successes.
- Educate committee members and other employees. Distribute health and safety information. Arrange for an educational program.
- Develop a health and safety library with information on hazards and protective measures.

As much as possible, committee meetings and other activities should take place during work hours. Committee members should receive their regular pay for all time spent on committee functions.

In joint labor-management committees, labor should have at least as many members as management, with workers and unions choosing their own members. Under no circumstances should management select union employees to the committee. This is illegal under the National Labor Relations Act. Each side should pick a co-chair. The committee should meet regularly, at least once per month. Either party should be able to call an emergency meeting. Labor and management should make up the agenda together. The minutes should be approved by both parties, distributed to both management and employees, and include actions taken. There should be a neutral procedure for breaking tie votes.

HOW CAN WORKERS INVESTIGATE ACCIDENTS?

The following questions should be asked during any accident/incident investigation:

- How did the incident really happen? This includes a step-by-step description of events leading up to it.
- How can the events be documented? Can photos be taken?
- Was the correct equipment available and accessible? Was it properly repaired and serviced?
- Was there adequate training and/or supervision of employees?
- Was the work assignment changed in ways that intensified pressure (speed-up, added work load or work duties, increased work pace, etc.)?
- Was the worker on a 12-hour shift or working large amounts of overtime that could lead to fatigue?
- Was there adequate staffing?
- Have all possible causes of the incident been identified and strategies developed for reducing each?
- Were there events in the past that should have signaled a problem?
- Was there a way to redesign the job to prevent the accident?
- What are the lessons learned from this investigation that would prevent this incident from happening again?
- Can these lessons be applied throughout the workplace?

PUBLICATIONS WITH MORE INFORMATION



Injury and Illness Prevention Programs,
www.osha.gov/dsg/topics/safetyhealth/index.html

Guide to Effective Joint Labor/Management Safety and Health Committees
www.nj.gov/health/peosh/documents/jlmhsc.pdf

Phone: 609-984-1863, NJPEOSH Program

Joint Labor Management Health and Safety Committees, United Steelworkers of America, 2005
http://assets.usw.org/resources/hse/Resources/joint_health_safety_committee.pdf

3. Document Problems

To document hazards and health problems, collect information through interviews and observations. Talk to as many co-workers as possible to find out if there are complaints of health symptoms, illnesses, injuries, or hazards. Observe workers doing their jobs to see what tasks are involved and what chemicals and equipment they are using. Keep a notebook and take photos or videos, if possible. It is also a good idea to draw a floor plan of the area and identify hazardous "hot spots."



Documentation will be essential later, when trying to *solve* problems.

WORKPLACE WALKTHROUGH

Walkthrough evaluations provide an opportunity to systematically monitor conditions and check that promised improvements have been made. They are also a chance to talk to workers about their concerns and demonstrate activity by the health and safety committee.

There can be advantages to joint inspections with management – as long as their presence doesn't alarm workers. For example, joint union-management walkthroughs can accelerate the resolution of health and safety issues because both parties have seen the problem. However, be sure all interviews with workers are conducted in private, and don't allow management to rush the inspection process. If workers can get hazards fixed immediately during a walkthrough, this sends an important message that the committee is effective.

MAY UNIONS INVESTIGATE HAZARDS?

In union workplaces, the union has the right to investigate accidents and suspected health and safety hazards by conducting inspections. The union has this right under labor laws in order to fulfill the union's contract administration and bargaining responsibilities. If the employer does not voluntarily allow such an inspection, the union should make the request in writing using letter 2 in PART THREE, Section 4.

WALKTHROUGH CHECKLISTS

A checklist can be a good aid for thorough inspections. If using a checklist to go through the workplace, workers will not have to remember everything they are looking for. They can also use the checklist to go back later to see if problems have been corrected. However, checklists should never be used as a substitute for careful observations and talking to co-workers.

Below are examples of good checklists.

WEBSITES WITH MORE INFORMATION



Self-Inspection checklists covering health and safety standards

OSHA Checklists

www.osha.gov/Publications/smallbusiness/small-business.html

Safe Schools. The majority of these 82 checklists are on safety hazards. Although these were developed for schools, most checklist items reflect OSHA/NJPEOSH requirements for all types of workplaces.

www.njsafeschools.org/manual.html

Hazard Communication Checklist used by NJPEOSH inspectors

www.nj.gov/health/forms/occ-38.pdf

Indoor Air Quality Checklist used by NJPEOSH inspectors

www.nj.gov/health/peosh/documents/iaqchecklist.pdf

Computer Workstation Health and Safety eTool

www.osha.gov/SLTC/etools/computerworkstations/index.html

Finding Chemical Exposures and Negotiating Fixes

www.njwec.org/PDF/Programs/WEC_checklist_find_fix_chemicals_October_2010.pdf

Surveys

Keep these points in mind when using a written survey:

- Keep it as short as possible. A survey with one to three questions can be effective.
- Use language everyone will understand.
- Ask questions that can be answered yes or no, true or false, multiple choice, or with a check mark.
- Leave space for additional information and opinions.

Good planning is necessary when carrying out a survey. How will surveys be distributed to workers and how will they be collected? Who will sort through the answers that come back? What will be done with the results?

It is often effective to do a survey by asking workers questions and writing down their responses. The benefits of a one-on-one survey are:

- It's a good organizing technique since it gets people talking about their jobs.
- It's a way to involve workers who do not read well without embarrassing them.
- It often produces better results than sending out paper that may get lost or ignored.

CONFIDENTIALITY

To protect both the privacy and job security of respondents, survey results must not be used in any way that reveals the identities of individual workers.

HELPFUL HINT



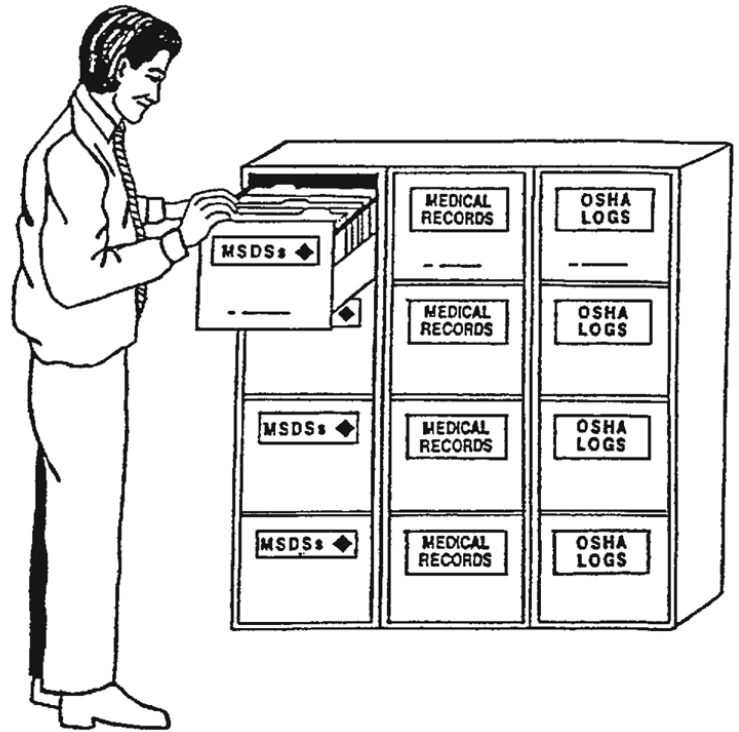
Four sample surveys are found in PART THREE, Section 3:

- *Worksite Inspection Checklist*
- *Worker Health and Safety Complaint*
- *Work-Related Health Problems Report*
- *Indoor Air Quality Occupant Survey*

4. Obtain Records

USEFULNESS OF RECORDS

Copies of the health and safety records that most employers must keep are available to employees and their unions. They are a starting place for workers and unions to find out whether injuries or illnesses are occurring in their workplace. These records may point to hazardous areas or to individual workers who may need medical help or have a potential workers' compensation claim.



TYPES OF RECORDS

Medical and Monitoring Data

These are available from the employer under the OSHA/NJPEOSH Access to Medical and Monitoring Data standard, 1910.1020. Access must be given within 15 working days after a request. Records must be kept for 30 years. Records from medical and monitoring contractors are also covered. Available data may include:

- Exposure monitoring, such as chemical or noise sampling results.
- Biological monitoring, such as blood lead tests.
- Chemical inventories and Material Safety Data Sheets (MSDSs), which are information sheets developed by manufacturers about a particular chemical product.
- Worker medical records (with each individual's consent).
- Summaries, reports, and studies based on exposure and medical records.

Injury and Illness Records

These are available from the employer under the OSHA/NJPEOSH Recordkeeping standards. Work-related injury and illness cases must be recorded by the employer within seven calendar days if they result in death, days away from work, restricted work or transfer to another job, medical treatment beyond first aid, or loss of consciousness. These records must be kept for five years.

- **Log 300 of Occupational Injuries and Illnesses.** This log lists injuries and illnesses and tracks days away from work, restricted work, or transfer to another job. Access must be provided by the end of the next business day after a request. The log must include employee names except for “privacy concern cases,” such as those involving employees who are HIV-positive.
- **Form 300A Summary of Work-Related Injuries and Illnesses.** This summary shows totals for the year in each category. It does not include employee names. This summary must be posted in a conspicuous place in the workplace from February 1 to April 30 each year.
- **Form 301 Injury and Illness Incident Report.** This report (or an equivalent workers’ compensation or insurance form) provides details about the incident. Access to the complete report for a specific employee or former employee must be provided by the end of the next business day after request by that employee or former employee, or their personal representative (any person the employee or former employee designates in writing, including the union.) Union representatives receive only the “Information about the case” section of the report within seven working days after the request unless they are designated as a personal representative.

Toxic Substance Records

These are available from the employer under OSHA/NJPEOSH Hazard Communication (Haz Com) standards, 1910.1200 and N.J.A.C 12:100-7.

- *Material Safety Data Sheets* (MSDSs).
- Employer’s written Haz Com program, including a list of all hazardous chemicals used in the workplace.
- Employer’s records of employee Haz Com training.

Right to Know Survey

The following are available from New Jersey state government agencies and covered employers under New Jersey Right to Know regulations.

- Employer’s *Right to Know Survey*, a report of substances designated hazardous by the State of New Jersey present at a facility, including storage amounts, locations and container types.
- In private sector workplaces, U.S. Environmental Protection Agency (EPA) *Form R* is a report that reveals the quantity of certain chemicals released into the air, water, or on land.

OSHA/NJPEOSH Inspection Records

- Summary records of OSHA/NJPEOSH inspections, citations, fines for specific workplaces or types of workplaces.
Summary inspection data is available on the OSHA website, www.osha.gov/oshstats/index.html

- Complete records of OSHA/NJPEOSH inspections, citations, fines. *Complete* inspection records are available from government agencies under the Freedom of Information Act (FOIA) for private sector workplaces or the New Jersey Open Public Records Act (OPRA) for public sector workplaces. Confidential information such as the names of complainants and interviewed workers are removed.

OTHER RECORDS

Other records available from the employer under labor laws and some union contracts may include:

- Workers' compensation information: premiums, legal costs, administrative costs, number and nature of claims, lost time.
- Information on health and safety programs currently in use: instructions to supervisors and employees, training manuals, names of employees who have been trained.
- Minutes of health and safety committee meetings.
- Health and safety literature that the employer has received from manufacturers of equipment, or from designers of work processes.
- Accident/incident reports and results of investigations.
- Studies of workplace health and safety conditions by the employer, consultants, or outside agencies.
- Safety suggestions submitted to the employer.
- Information on anticipated changes in the workplace, including renovations and new construction, new chemicals, equipment and work processes that may affect health and safety.
- Records of fire and building inspector inspections, citations, fines.
- Records of vehicle inspections and vehicle accident reports.

MUST EMPLOYERS BARGAIN OVER HEALTH AND SAFETY?

In addition to individual and union rights to safety and health information under OSHA/NJPEOSH, unions have rights to information under collective bargaining laws: the National Labor Relations Act in the private sector and its equivalent for New Jersey public employees, the New Jersey Employer-Employees Relations Act. Under these and similar labor laws, *safety and health is one of the issues over which employers must bargain*. As part of this obligation, the employer must supply the union with requested safety and health information within a "reasonable" period of time. Note that this right to information is for unions, not individual workers.

HELPFUL HINT



Twenty sample letters for requesting information are in PART THREE, Section 4. When asking for any safety and health information, create a “paper trail” by putting the request in writing and keeping a copy. Always include the specific information requested and the date by which it should be provided.

PUBLICATIONS WITH MORE INFORMATION



Recordkeeping – It’s new, it’s improved, and it’s easier, OSHA Publication 3169, 2001

www.osha.gov/recordkeeping/pub3169text.html

Recordkeeping Handbook, OSHA Publication 3245-09R, 2005

www.osha.gov/recordkeeping/handbook/index.html

Access to Medical and Exposure Records, OSHA Publication 3110, 2002

Phone: 202-693-1888, OSHA Publications Office

www.osha.gov/Publications/osha3110.pdf

Recording and Reporting of Occupational Injuries and Illnesses Recordkeeping Guidelines for the Log and Summary of Occupational Injuries and Illnesses (for public employers)

Phone: 609-292-7036 and 609-633-3896. N.J. Department of Labor and Workforce Development

http://lwd.dol.state.nj.us/labor/forms_pdfs/lse/NJOSH300.pdf

New Jersey’s Open Public Records Act (“OPRA”)

Phone: 609-695-7100, New Jersey Work Environment Council

www.njwec.org/pdf/FactSheet_OPRA.pdf

WEBSITES WITH MORE INFORMATION



OSHA’s How to Make a FOIA Request website

www.osha.gov/as/opa/foia/howto-foia.html

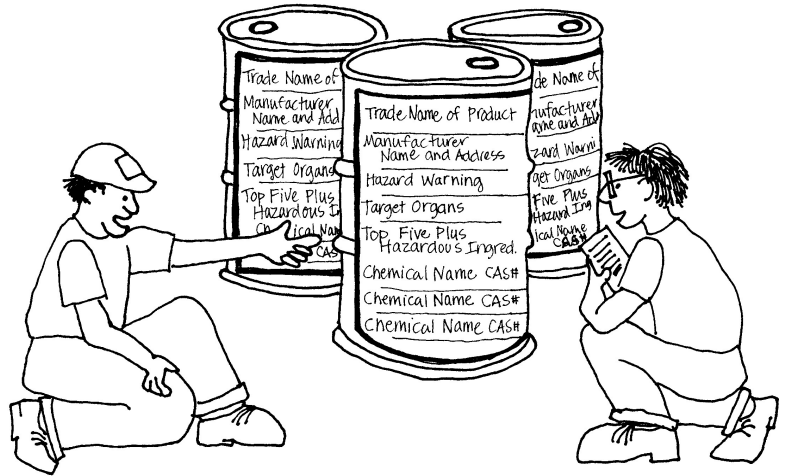
New Jersey Open Public Records website

www.state.nj.us/opra/

5. Use Hazard Communication and Right to Know

The OSHA/NJPEOSH Hazard Communication standards give workers rights to information on chemical hazards. The standards require that employers:

- Label hazardous chemicals.
- Have *Material Safety Data Sheets (MSDSs)* available for review by potentially exposed workers and union representatives during the workshift.
- Train all workers who are potentially exposed to hazardous chemicals at the time of their initial assignment, new assignment, or introduction of a new hazardous substance.
- Maintain a list of hazardous chemicals in that specific workplace.
- Have a written *Hazard Communication Program* that includes the employer's plan for doing the above tasks.



Those who work for a state, county, or municipal agency, or a public or charter school are covered by the NJPEOSH Hazard Communication standard. Education and training provisions are slightly better than in the OSHA standard. The NJPEOSH Hazard Communication standard overlaps with the New Jersey Worker and Community Right to Know Act. Public employers must comply with both.

CHEMICAL CONTAINER LABELING

Covered New Jersey employers must ensure that products containing chemicals are labeled according to both the OSHA/NJPEOSH Hazard Communication standards and the New Jersey Worker and Community Right to Know Act.

- The OSHA/NJPEOSH label must include:
 - The identity of the product or chemical.
 - Appropriate hazard warnings.
 - The name and address of the manufacturer or importer.

- The Right to Know label must include:
 - The top five ingredients of the product, *whether they are hazardous or not*.
 - Any other hazardous chemicals in the product that are not included in the top five ingredients.
 - Chemical Abstracts Service (CAS) numbers of the ingredients listed on the label. CAS numbers are unique numerical identifiers for chemical compounds.

PUBLICATIONS WITH MORE INFORMATION



Private Employers - Major Provisions of Right to Know Labeling,
www.state.nj.us/health/eoh/rtkweb/prlabel.pdf

Public Employers - Major Provisions of Right to Know Labeling,
www.state.nj.us/health/eoh/rtkweb/rtklbl.pdf

HOW TO OBTAIN LISTS OF CHEMICALS USED IN A SPECIFIC WORKPLACE

Employees may request their employer's written Hazard Communication (Haz Com) program, which should include a list of all hazardous chemicals used at that workplace. Note that the list may use trade names that conceal chemical names.

Covered New Jersey employees may also request their employer's *Right to Know Survey* of substances designated hazardous by the State of New Jersey. It contains more information than the Haz Com list. It must contain chemical names, *not* trade names.

Employees of manufacturing and select non-manufacturing New Jersey companies may also request EPA *Form R*, also known as the Toxics Release Inventory (TRI). This form reveals the quantity of certain chemicals released into the air, water, or on land.

Public sector employees may request a copy of the *Right to Know Survey* for their workplace from their employer or from the NJDHSS Right to Know Program.

Phone: 609-984-2202

www.state.nj.us/health/eoh/rtkweb

Employees of manufacturing and select non-manufacturing New Jersey companies may request copies of the *Right to Know Survey* for their workplace from their employer or the survey and EPA Form R from the New Jersey Department of Environmental Protection (NJDEP), Office of Pollution Prevention and Right to Know.

Phone: 609-292-6714

www.nj.gov/dep/opppc/crtk/index.html

HELPFUL HINT



Request letters for Right to Know Surveys are found in PART THREE, Section 4, Letters 19 and 20. Comprehensive request letters to employers for information on toxic substances are in Letters 3 and 4.

WEBSITES WITH MORE INFORMATION



Right to Know Network, www.rtk.net

PUBLICATIONS WITH MORE INFORMATION



Chemical Hazard Communication – OSHA Publication 3084, 1998.

Phone: 202-693-1888, OSHA Publications Office

www.osha.gov/Publications/osh3084.pdf

You Have the Right to Know about Hazardous Substances in your Workplace and Community.

Phone: 609-984-2202 Right to Know Program

www.state.nj.us/health/eoh/rtkweb/rtkbro.pdf

This publication is also available in Spanish.

New Jersey Public Employees

PEOSH Adopts the Hazard Communication Standard, April 2005,

www.state.nj.us/health/eoh/peoshweb/hcsib.pdf

PEOSH Hazard Communication Standard; Public Employers' and Employees' Frequently Asked Questions, May 2005,

www.state.nj.us/health/eoh/peoshweb/hcsfaq.pdf

Hazard Communication Checklist used by PEOSH Inspectors

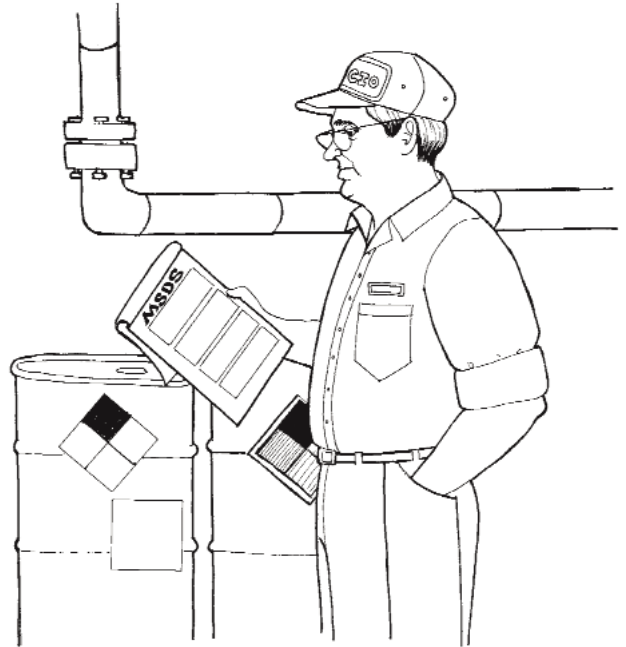
www.nj.gov/health/forms/occ-38.pdf

Phone: 609-984-1863, NJDHSS PEOSH Program

6. Examine Chemical Hazard Fact Sheets

Chemical hazard fact sheets disclose acute and chronic health effects and safety hazards of hazardous substances. While these fact sheets are an important source of information, remember that there are many gaps in what is known about the effects of chemicals on workers. Most chemicals have not been adequately tested to determine all their health effects.

The two most common types of fact sheets are *Material Safety Data Sheets (MSDSs)* and *Hazardous Substance Fact Sheets (HSFSs)*. There are also other types ranging from very simple to very detailed. See the websites below for where to find them.



MATERIAL SAFETY DATA SHEETS (MSDSs)

A Material Safety Data Sheet (MSDS) will give some information on the health hazards of the product. MSDSs are written by chemical manufacturers and should contain a list of hazardous ingredients and may contain the percent of each ingredient in the product. Ingredients may be missing if they are considered a trade secret. Unfortunately, MSDSs often provide poor quality and incomplete information on the long-term health effects of exposure.

WHAT INFORMATION IS INCLUDED IN A MSDS?

- Identity/Trade Name
- Manufacturer
- Hazardous Ingredients
- Physical/Chemical Characteristics
- Fire and Explosion Hazard Data
- Reactivity Data
- Health Hazard Data
- Precautions for Safe Handling and Use
- Control Measures

HAZARDOUS SUBSTANCE FACT SHEETS (HSFSs)

To obtain more complete health and safety information on *specific chemicals*, review New Jersey Department of Health (DOH) *Hazardous Substance Fact Sheets (HSFSs)*. They have a user-friendly format and are available in English for more than 1,600 chemicals and in Spanish for more than 900 chemicals. These fact sheets are available free online, from each county's Right to Know County Lead Agency, or from a public employee's employer. They are also available from the NJDHSS Right to Know Program.

Phone: 609-984-2202

<http://web.doh.state.nj.us/rtkhsfs/indexfs.aspx>

WHAT INFORMATION IS INCLUDED IN A HSFS?

- n Description, Reason for Citation, First Aid, Hazard Summary, Workplace Exposure Limits
- n Determining Your Exposure, Health Hazard Information, Medical Testing
- n Workplace Controls and Practices, Personal Protective Equipment, Fire Hazards
- n Spills and Emergencies, Handling and Storage, Right to Know Information Resources
- n Definitions
- n Information for Emergency Responders

AN IMPORTANT DIFFERENCE BETWEEN A MSDS AND A HSFS

Note that a MSDS gives health and safety information for a product that is often a mixture of several individual chemicals. HSFSs give health and safety information for individual chemicals. Several HSFSs will be needed for any mixture or product, one for each ingredient.

PUBLICATIONS WITH MORE INFORMATION



Description of a Hazardous Substance Fact Sheet

Old format:

<http://nj.gov/health/eoh/rtkweb/documents/hsfsdesc.pdf>

New format: http://nj.gov/health/eoh/rtkweb/documents/hsfsdesc_new.pdf

These publications are also available in Spanish

Old format: <http://nj.gov/health/eoh/rtkweb/documents/hsfsdesp.pdf>

New format: http://nj.gov/health/eoh/rtkweb/documents/hsfsdesc_new_sp.pdf

WEBSITES WITH MORE INFORMATION



OSHA Material Safety Data Sheets
www.osha.gov/dsg/hazcom/msdsformat.html

NIOSH Chemical Resources Home Page
www.cdc.gov/niosh/topics/chemical-safety/

OTHER CHEMICAL HAZARD FACT SHEETS

NIOSH Chemical Cards
www.cdc.gov/niosh/ipcs/icstart.html

Toxicological Profiles
www.atsdr.cdc.gov/toxprofiles/index.asp

Finding MSDSs on the Web
www.ilpi.com/msds/index.html

ATSDR ToxFAQs™
www.atsdr.cdc.gov/toxfaqs/index.asp

NIOSH Pocket Guide to Chemical Hazards
www.cdc.gov/niosh/npg/

7. Find Educational Information

There is a wealth of free health and safety information. Many publications are just a phone call away. Useful phone numbers are given throughout this guide, in the short list below, and in PART THREE, Section 5.

It can often be quicker to obtain information by accessing the web. Useful websites are given throughout this guide and in PART THREE, Section 6.



WEBSITES WITH MORE INFORMATION



NYCOSH - New York Coalition for Occupational Safety and Health
www.nycosh.org

National COSH Network www.coshnetwork.org

OSHA Publications

Phone: 202-693-1888

www.osha.gov/pls/publications/publication.html

NIOSH Publications

Phone: 800-232-4636

www.cdc.gov/niosh/pubs

NJPEOSH Health Publications

Phone: 609-984-1863

www.state.nj.us/health/peosh/az.shtml

NJPEOSH Safety Publications

Phone: 609-633-3896, 609-292-7036, 800-624-1644

http://lwd.dol.state.nj.us/labor/lse/employer/Public_Employees_OSH.html

8. Insist on Protective Measures

After identifying hazards, the next step is to remove or reduce them. Protective measures eliminate or limit exposure to a hazard. While there are many different types of hazards, there are general protective principles that apply to them all.

PROTECTIVE MEASURES: MANAGEMENT'S RESPONSIBILITY

The responsibility for designing jobs safely in the first place, or redesigning them when a hazard is detected, lies with management. It is the role of workers and unions to make sure that employers are providing the most effective protective measures possible to reduce or eliminate the hazard.



Sometimes short-term solutions are needed until resources are obtained for longer-term repairs. Critical to any plan of action is a commitment from management to a deadline for each proposed improvement.

FIX THE WORKPLACE, NOT THE WORKER

The best way to control a hazard is to eliminate it. If a hazard can not be eliminated altogether, there are several other ways to limit worker exposure. Some of these ways are more effective than others. When all of these different hazard control methods are put in a chart – from the most effective to the least effective – the chart portrays what is known as the “hierarchy of controls.”

PROTECTIVE MEASURES – BEST TO WORST

Most Effective



Least Effective

1. Eliminate the hazard
2. Substitute something less dangerous for the hazard
3. Engineering Controls (safeguarding technology)
4. Administrative Controls (training and procedures, like moving workers away from dangerous conditions)
5. Personal Protective Equipment

EXAMPLES OF PROTECTIVE MEASURES

ELIMINATE HAZARDS

The best way to control a hazard is to eliminate it and remove the danger. This can be done by mechanizing a work process in a way that will get rid of a hazard, eliminating a toxic substance, having workers perform tasks at ground level rather than working at heights, and implementing intravenous systems without needles in health care facilities.

SUBSTITUTE

The second best way to control a hazard is to substitute something else in its place that would be non-hazardous or less hazardous. This can be done by asking the question "Why is it used?" and then brainstorming alternate ways to meet the requirement. For example, a water-based paint or adhesive could be substituted for a more hazardous solvent-based material. Or the same chemical can be used in a different form. For example, liquid slurry can be substituted for a dry powder. Or a different process with less potential for exposure can be substituted. For example, water blasting can be used instead of abrasive blasting.

ENGINEERING CONTROLS (SAFEGUARDING TECHNOLOGY)

If a hazard cannot be eliminated or a safer substitute cannot be found, the next best approach is to use engineering controls to keep the hazard from reaching the worker. This could include methods such as using noise dampening technology to reduce noise levels; enclosing and isolating a chemical process in a "glove box;" isolating workers in a control room; guarding machines to eliminate pinch points; using needles that retract after use; using mechanical lifting devices; or using local exhaust ventilation that captures and carries away air contaminants.

WHAT IS LOCAL EXHAUST VENTILATION?

Local Exhaust Ventilation (LEV) is an important protective measure. The chemical laboratory hood is a familiar example. LEV captures contaminants at or near the point where they are generated and removes them before they can be inhaled by workers. Such systems are usually permanently installed; portable units are also commercially available. LEV has these basic elements:

- Hoods that capture contaminants as close as possible to their source.
- Ducts that transport contaminants.
- Air cleaning devices that remove contaminants.
- Fans that move the air through the ventilation system and discharge the exhausted air outside.
- Outdoor air that replaces the exhausted air.

LEV must be properly designed, constructed, operated, and maintained in order to be effective.

ADMINISTRATIVE CONTROLS (TRAINING AND PROCEDURES)

If engineering controls do not completely control the hazard, administrative controls should be considered. They can include such things as:

- Warning alarms.
- Labeling systems.
- Reducing the length of time of worker exposure.
- Increasing the distance between the worker and the hazard.
- Training.
- Restricting access to hazardous areas.
- Performing a hazardous operation on a shift when few people are present.
- Standard Operating Procedures (SOPs) for performing dangerous tasks.
- SOPs for First Aid, spill clean-up, good housekeeping.

For example, workers can be rotated in and out of a hot work area rather than spending eight hours per day in the heat. Lockout/Tagout refers to SOPs that safeguard employees from the unexpected energization or startup of machinery and equipment, or the release of hazardous energy during service or maintenance activities.

Back-up alarms on trucks are an example of effective warning systems. However, using a warning sign instead of correcting a hazard that can and should be corrected is not an acceptable form of hazard control. For example, it is neither effective nor acceptable to post warning signs by an unguarded machine cautioning workers to work carefully!

PERSONAL PROTECTIVE EQUIPMENT

Use of personal protective equipment (PPE) limits hazards by placing protective equipment directly on workers' bodies. Examples of personal protective equipment are respirators, gloves, protective clothing and boots, hard hats, steel-toed shoes, goggles, and ear plugs.

Personal protective equipment, while a useful additional safeguard in some high-hazard jobs, is the *least effective* method for overall worker protection. PPE should be used only when there are no other more effective solutions. This is because:

- PPE does not eliminate the hazard.
- If the PPE is inadequate or fails, the worker is not protected.
- No PPE is foolproof. For example, respirators leak and hard hats protect against only very small falling objects.
- PPE is often uncomfortable and places a physical burden on a worker. For example, using a respirator for a long time can put a strain on the heart and lungs and chemical-resistant clothing can cause workers to become overheated.
- PPE can actually create hazards. For example, gloves can make hands clumsy.

There are some jobs, such as removing asbestos, that are so dangerous that adequate personal protective equipment, in addition to engineering controls, is essential and even life-saving. Yet for every job like this, there are many more where employers hand out PPE when they should provide more effective hazard control methods.

On May 15, 2008 an OSHA rule regarding employer payment for personal protective equipment went into effect. With a few exceptions, OSHA now requires private sector employers to pay for personal protective equipment used to comply with OSHA standards. A similar NJPEOSH payment requirement is in effect for New Jersey public employers. Workers and unions should work with employers to make sure they are complying with the rule.

WHAT TYPE OF RESPIRATOR IS BEST?

Respiratory protection equipment consists of devices that cover the mouth and nose to prevent chemical inhalation. If respiratory protection is essential, it is important to know what type of respirator is best to use.

There are two major types:

- Air-purifying respirators: particulate masks, cartridge style respirators, gas masks, and Powered Air Purifying Respirators (PAPR). These all filter the workplace air before it is inhaled. Of these, PAPRs offer the best protection because they supply air at positive pressure, reducing leakage into the facepiece.
- Supplied air respirators: Self Contained Breathing Apparatus (SCBA), airline systems, and Emergency Escape Breathing Apparatus (EEBA). These provide clean air from an air compressor or bottled compressed air. Many of these supply air at positive pressure. Supplied air respirators offer more protection to workers than do air-purifying respirators.

PUBLICATIONS WITH MORE INFORMATION



Controlling Chemical Exposure; Industrial Hygiene Fact Sheets; Concise guidance on 16 components of industrial hygiene controls, DHSS, 2000

Phone: 609-984-1863, DHSS Occupational Health Surveillance Program
www.state.nj.us/health/eoh/survweb/ihfs.pdf

Employers Must Provide and Pay for Personal Protective Equipment (PPE), NJWEC, 2008, www.njwec.org/PDF/WECfactsheetonPPE.pdf

BEST CONTROL PRACTICES



OSHA Topic Pages contain good information on the best practices to regulate specific hazards. NIOSH Hazard Controls and other sources of best control practices are also available on the web.

WEBSITES WITH MORE INFORMATION

OSHA Topic Pages www.osha.gov/SLTC/index.html

NIOSH Hazard Controls and Hazard IDs
www.cdc.gov/niosh/pubs/default.html

OSHA eTools www.osha.gov/dts/osta/oshasoft/index.html

Worksafe™ Best Practices booklets
<http://employment.alberta.ca/SFW/13568.html#practices>

OSH Answers: Hazards associated with specific tasks, occupations and workplaces - with recommendations for reducing the risks
www.ccohs.ca/oshanswers/

9. Watch for Groups at High Risk

For almost every hazard, some people bear more risk than others. It is important for workers to explore how this may be true in their workplaces. Think about differences in exposure. Does gender, race, or age determine who does the most dangerous work? Are minorities, immigrants, or disabled workers subjected to more abuse and exploitation? Are low-income workers holding down more than one job, possibly increasing their exposures?



Once exposed, some groups are especially susceptible because of underlying illnesses. Workers undergoing treatments such as chemotherapy and radiation therapy have weakened immune systems. Workers taking medications that have side effects such as dizziness can be at risk for injury. Various age groups have special issues – being young, in the reproductive years, or being older. It is important to recognize susceptible workers and be responsive to their issues.

MALE WORKERS

Because of their predominance in traditionally dangerous occupations, a greater number of men are at risk from heavy lifting, noise-induced hearing loss, and accidents. In New Jersey, more than 90 percent of workers killed on the job are men.

FEMALE WORKERS

Many women are still segregated into traditionally female jobs in health care, teaching, clerical, cleaning, and other services. For example, 92 percent of the 4.3 million nurses and nursing aides in the U.S. are female. In addition to being at risk for incidents of back injuries and other musculoskeletal disorders, workplace violence, and exposure to hazardous substances, health care workers face an array of other hazards, including latex allergy and needlestick injuries.

Women still carry out the majority of unpaid housework and caring for families, even when working full-time. Work and family balance issues are often stressors for women in the workplace.

SEXUAL HARASSMENT

Both women and men can be affected by unwelcome sexual advances, requests for sexual favors, and other verbal or physical conduct of a sexual nature. These constitute sexual harassment when this conduct explicitly or implicitly affects an individual's employment, unreasonably interferes with an individual's work performance, or creates an intimidating, hostile, or offensive work environment.

MINORITY WORKERS

Minority workers are overrepresented in the most hazardous jobs and, as a result, are at high risk of developing occupational diseases. Due to various social and economic factors, minority workers with occupational diseases are less likely than white workers to receive medical attention and be correctly diagnosed as having an occupational disease. Efforts to reduce or eliminate harmful exposures may be compromised by the very real threat of job loss.

IMMIGRANT WORKERS

Immigrant workers are at far greater risk of being killed or injured on the job than native-born workers. In New Jersey, more than 30 percent of reported fatal injuries are among the foreign-born. Foreign-born workers are likely to toil in high-risk occupations like construction and asbestos removal. They often work in the unregulated "informal" economy and fear reporting job injuries and illnesses. Many are not aware of their legal rights to safety and health on the job and to workers' compensation benefits if they are hurt. Language barriers are a factor in obtaining job training, exercising rights, and obtaining assistance.

DISABLED WORKERS

The Rehabilitation Act of 1973 and the Americans with Disabilities Act of 1990 outlawed discrimination against people with disabilities. As a result, federal and state vocational rehabilitation programs were established to help people with disabilities enter the work force. Work incentives were created for beneficiaries of federal disability benefits, and tax credits and deductions were developed to encourage employers to hire people with disabilities.

Although attitudes toward people with disabilities have begun to change, they are still victims of prejudice and discrimination. But as a community and

are still victims of prejudice and discrimination. But as a community and society, we are learning that people with disabilities do not need to be put away or segregated and “sheltered” from work. That said, disabled workers still earn very low wages. Even worse, they are too often asked to perform dangerous work.

YOUNG WORKERS

Young workers face unique – and substantial – health and safety risks at work. They may lack the experience and the physical and emotional maturity needed for certain tasks. They also may be unfamiliar with work requirements and safe operating procedures. Young workers commonly perform tasks outside their usual work assignments for which they may not have received training. Young workers may not know their legal rights and may not know which work tasks are prohibited by child labor laws. They are experiencing rapid growth of organ and musculoskeletal systems, which may make them more likely to be harmed by exposure to hazardous substances or to develop cumulative trauma disorders.

OLDER WORKERS

The number of working older adults in their 50’s, 60’s, and 70’s is increasing. While older workers often bring superior skills to their tasks, they may suffer from diminished vision, hearing, and muscle and bone mass. In addition, their reaction times may be slower. Once injured or ill on the job, older workers often take longer to recover and have poorer outcomes.

WORKERS IN THEIR REPRODUCTIVE YEARS

Both male and female workers in their reproductive years from the teens onward are susceptible to disorders of reproduction. These include reduced fertility, impotence, menstrual disorders, and spontaneous abortion. Their offspring may be affected by birth defects, developmental disorders, low birth weight, and preterm birth. Infertility is currently estimated to affect more than 7.3 million U.S. couples (one in eight couples find themselves unable to conceive after one year of unprotected intercourse). Although numerous occupational exposures have been demonstrated to impair fertility (for example, lead, some pesticides, and solvents), the overall contribution of occupational exposures to male and female infertility is unknown. Moreover, observed global trends in men’s decreasing sperm counts have raised concerns about the role of chemicals encountered both at work and in the environment. While both men and women are affected by reproductive hazards, women have special concerns if they are pregnant or breastfeeding.

10. Take Action

Deciding what action to take depends on worker commitment to solving the problems, the responsiveness of management, how long the problems have been unresolved, and how serious and widespread the problems are. Workers and the union, if there is one, should strategize about mobilization of workers and allies for collective action.



HOW TO PICK PROBLEMS TO TACKLE?

Ideally, each problem will be:

- **Winnable:** The problem must be some health and safety condition that can be improved if the employer acts. Workers' first effort should be one that ensures victory – even if that victory is modest.
- **Widely felt:** Many people should be affected.
- **Deeply felt:** People should care about the problem and see it as very important.
- **Easy to understand:** People should have experienced the problem firsthand.
- **Result in a real improvement:** When the problem is corrected, it will truly make a difference in working conditions.
- **Regulated:** ideally, there should be a law in place that can help force the employer to take action on the problem.
- **Able to win community support:** If necessary, the problem should also provide the opportunity to win community support.

INFORM WORKERS AND ALLIES

Effective communication is critical for winning safer and healthier workplaces. Creating and distributing notices, emails, flyers and holding meetings and presentations are good ways to accomplish this. Informed workers and allies can make a much stronger case for improvements.

APPROACH MANAGEMENT

A necessary step is to meet with management about hazardous conditions and present possible solutions. **A worker should never do this alone!** It is always best to work with co-workers, through the health and safety committee, and the union, if there is one.

When meeting with management:

- Show documentation of the dangers such as walkthrough notes, surveys, and photos, if available.
- Provide concrete solutions, explaining the proposed control measures.
- Remind them that preventing injuries and illnesses may save them money in workers' compensation costs and lost time.
- Note applicable OSHA/NJPEOSH or other government standards. Remind them that management can be cited and fined by OSHA or NJPEOSH if they fail to comply with health and safety standards.

And remember, when discussing how to decrease hazards, don't let personal protective equipment (PPE) be used as a substitute for engineering controls – such as local exhaust ventilation – unless better controls are not possible.

HELPFUL HINT



See the related topics in this guide:

- PART TWO, Section 4 – Media Coverage.
- PART TWO, Section 7 – OSHA/NJPEOSH Inspections.
- PART THREE, Section 2 – OSHA/NJPEOSH Standards.

11. Bargain Contract Language

If there is a union, following union contractual grievance procedures can prove the best way to resolve health and safety problems. If needed, additional health and safety contract language can help resolve problems faster! For example, the union can negotiate language concerning the



employer's responsibility to provide:

- A safe and healthful workplace.
- Protection from exposures to chemicals, noise, radiation.
- Personal protective equipment (and pay for it).

Under federal and New Jersey law, all issues regarding workplace health and safety are mandatory subjects of bargaining. Proposals for changes concerning health and safety issues can be solicited from union members. Contract language can cover:

- Rights of the health and safety committee to receive information, inspect the workplace, meet regularly with management, get paid time off to investigate problems, and bargain over workplace changes.
- The right of workers to receive training, report hazards, and refuse unsafe work.
- A special, faster grievance procedure to resolve health and safety complaints.
- Employer contributions to a jointly administered worker health and safety training fund.
- Detailed language on specific safety and health hazards in the workplace with deadline dates for eliminating these hazards.

Winning health and safety contract language can be challenging. The bargaining team needs to research and cost out the proposals to set negotiation priorities. It helps if the way has been paved for good contract language by educating workers about hazards, problems encountered when addressing them, and how the contract language would help to make it easier to get problems solved.

PUBLICATIONS WITH MORE INFORMATION



Collective Bargaining for Health and Safety – A Handbook for Unions, 124 pages, 2000, \$20.00 from University of California at Berkeley, Labor Occupational Health Program

Phone: 510-642-5507

www.lohp.org/publications/collective_bargaining.html#top

12. Involve Allies

Workers, health and safety committees, and unions can reach out to potential allies and ask them to support their fight against unsafe conditions. Unsafe conditions that result in injury, illness, or death are unacceptable to most people. Hazardous workplace conditions may also be a danger to the public. Toxic releases, air and water pollution, fire, or explosions can be concerns for people, especially those living or working nearby.



Workers lead double lives – as members of the workforce and members of the community. Many potential allies are actually their friends, neighbors, and families. These allies are often local, but may also include partners on a regional, statewide or even national or international level. They can include union, community, environmental, religious, and civil rights leaders as well as elected officials.

PUBLICATIONS WITH MORE INFORMATION



Local Union Lobbying: How to Support It with Coalition Building and Media Relations, AFSCME

www.afscme.org/news/publications/for-leaders/local-union-lobbying-how-to-support-it-with-coalition-building-and-media-relations

Organizing for Social Change, Midwest Academy Manual for Activists, 4th Edition

Kim Bobo, Jackie Kendall, and Steve Max
2010, \$39.95.

PART TWO

OUTSIDE HELP

PART TWO will help workers identify legal, regulatory, educational, media, medical and other resources and groups that provide assistance to workers and unions seeking to improve working conditions. Remember that outside help is no substitute for an active health and safety program inside the workplace. Outside help is most effective when used as part of a local plan for health and safety that includes many of the activities explained in PART ONE.

1. Protection against Discrimination

Workers and unions attempting to improve workplace health and safety may experience discrimination or retaliation from management. There are a number of legal remedies if this happens. It makes sense to be cautious, however, and not rely on legal protections to protect jobs. Legal remedies can be costly and time-consuming.

If a worker experiences discrimination as a result of health and safety activity, they should immediately contact their union, if they have one. If not, they should promptly consult an attorney.

PROTECTION UNDER LABOR LAWS

Labor laws may protect health and safety activity by workers and unions.

Private sector employees should contact the National Labor Relations Board:

- Newark (Mercer and Monmouth counties and counties north of them)
Phone: 973-645-1200
- Philadelphia (Southern New Jersey)
Phone: 215-597-7601
www.nlrb.gov

New Jersey public sector employees should contact the Public Employees Relations Commission:

Phone: 609-984-7372
www.state.nj.us/perc/



PROTECTION UNDER OSHA/NJPEOSH

OSHA and NJPEOSH have provisions forbidding employers to fire, demote, threaten or harass workers exercising rights to a safe and healthy workplace. *Note that OSHA/NJPEOSH has been able to enforce these provisions only in a few cases.* Contact information for discrimination complaints is:

Private Sector Employees

OSHA Region II Office in New York City

Phone: 212-337-2378

www.osha.gov/as/opa/worker/complain.html

Public Sector Employees

NJ Department of Labor and Workforce Development (NJDLWD)

Office of Public Employee Safety

Phone: 609-633-3896, 609-292-7036, 800-624-1644

http://lwd.dol.state.nj.us/labor/lse/content/file_a_complaint.html

PROTECTION UNDER THE NEW JERSEY CONSCIENTIOUS EMPLOYEES PROTECTION ACT (CEPA)

Under CEPA, N.J.S.A. 34:19-1, et seq., workers have a right to disclose and refuse to participate in unlawful employer activity without employer retaliation. First, however, a worker must give clear notice to their employer and give them a chance to fix the problem.

PUBLICATIONS WITH MORE INFORMATION



WEC Poster about CEPA – *Speak Out About Workplace and Environmental Hazards*

www.njwec.org/PDF/WEC%20poster.pdf

You Have a Right to Disclose and Refuse to Participate in Unlawful Activity without Employer Retaliation - CEPA

Phone: 609-695-7100, New Jersey Work Environment Council

www.njwec.org/PDF/FactSheet_CEPA_2011.pdf

Example of a CEPA Poster required to be posted in the workplace

http://lwd.dol.state.nj.us/labor/forms_pdfs/lwdhome/CEPA270.1.pdf

Your Rights as a Whistleblower, OSHA Factsheet, 2007.

Phone: 202-693-1888, OSHA Publications Office

www.osha.gov/OshDoc/data_General_Facts/whistleblower_rights.pdf

- *Whistleblower Protection: Protection from Retaliation for Reporting Safety Hazards*

www.coshnetwork.org/sites/default/files/Whistleblower.pdf

Spanish version

www.coshnetwork.org/sites/default/files/Denunciante.pdf

WEBSITES WITH MORE INFORMATION

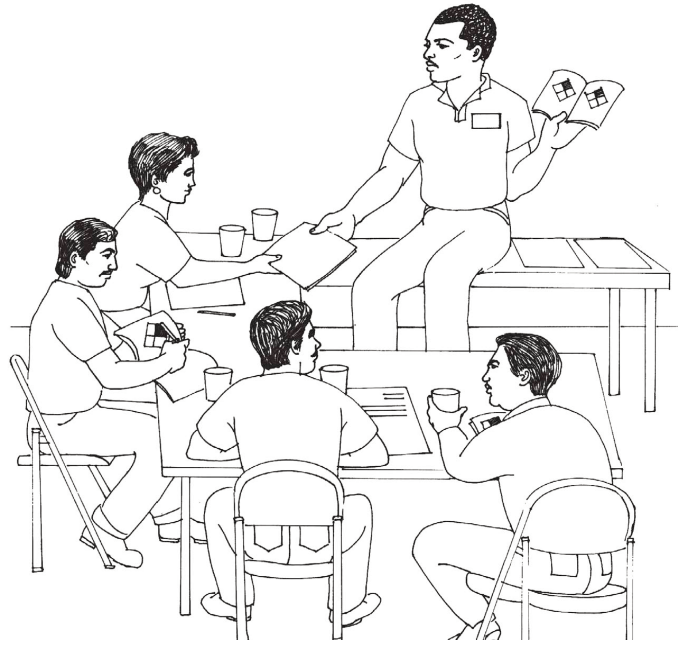


OSHA enforces the whistleblower provisions of the OSH Act and 20 other statutes protecting employees who report violations of various commercial motor carrier, airline, nuclear power, pipeline, environmental, railroad, public transportation, securities, and health care reform laws. Fact sheets on these statutes and additional information are available at www.whistleblowers.gov.

2. Training and Education

TRAINING FOR ACTION

There are many types of worker health and safety training programs. Some wrongly promote “personal responsibility” as the solution to safety problems. Other training programs are useful, but very technical and emphasize detailed knowledge about specific hazards. Often the best training not only conveys information but also helps workers to do something to improve conditions. Such training provides useful technical information, but also encourages people to act on that information. Participants learn how to set goals, decide strategy, and work collectively to make things better.



TRAINING AUDIENCES AND FORMATS

Worker training can target the entire workforce, the health and safety committee, or union stewards and other leaders. Remember, the more people who are knowledgeable, the more effective the outcomes.

Training can take many forms, including:

- A one-time workshop.
- A hands-on practice session.
- A series of classes.
- A guest speaker at a union meeting.
- A film or video with a discussion afterward.
- A speak-out or public hearing.
- A train-the-trainer program.

SOME SOURCES FOR TRAINING FOR ACTION

New Jersey Work Environment Council (WEC)

Phone: 609-695-7100

www.njwec.org

The Tony Mazzocchi Center for Safety, Health and Environmental Education (TMC) of the United Steelworkers

Phone: 866-222-7349 or 412-562-2581

www.uswtmc.org/

PHILAPOSH

Philadelphia Area Project on Occupational Safety and Health

Phone: 215-386-7000

www.philaposh.org

Rutgers University Labor Education Center

Phone: 732-932-8559 or 732-932-6926

Union Leadership Academy: <http://smlr.rutgers.edu/labor-and-employment-relations/content/union-leadership-academy>

Occupational Training and Education Consortium:

<http://smlr.rutgers.edu/research-and-centers/centers-and-programs/occupational-training-and-education-consortium>

National Labor College at the George Meany Campus

Phone: 301-431-5414

www.nlc.edu/labor-safety-health.html

DO OSHA AND NJPEOSH REQUIRE WORKER TRAINING?

There is no OSHA/NJPEOSH standard that covers just training. However, requirements for worker training are found in more than 100 occupational safety and health standards, such as those listed below. Page numbers below refer to *Training Requirements in OSHA Standards and Training Guidelines*, OSHA Publication 2254, 1998.

Phone: 202-693-1888, OSHA Publications Office

www.osha.gov/Publications/osha2254.pdf

GENERAL INDUSTRY STANDARDS

- Employee Emergency Plan and Fire Prevention Plans, 1910.38, page 20
- Hearing Protection, 1910.95, page 21
- Hazardous Waste – Emergency Responders, 1910.120, page 26
- Personal Protective Equipment, 1910.132, page 30
- Respiratory Protection, 1910.134, page 30
- Permit Required Confined Spaces, 1910.146, page 32
- Control of Hazardous Energy (Electrical Lockout/Tagout), 1910.147, page 33
- Medical Services and First Aid, 1910.151, page 34
- Portable Fire Extinguishers, 1910.157, page 35
- Fixed Extinguishing Systems, 1910.160, page 35
- Fire Detection Systems, 1910.164, page 36
- Employee Alarm Systems, 1910.165, page 36
- Mechanical Power Presses, 1910.217, page 38
- Welding, Cutting, and Brazing, 1910.252 to 1910.254, page 39
- Electrical Safety-Related Work Practices, 1910.331 to 1910.335, page 44
- Asbestos, 1910.1001, page 44
- Lead, 1910.1025, page 47
- Bloodborne Pathogens, 1910.1030, page 49
- Hazard Communication, 1910.1200, page 54
- Occupational Exposure to Hazardous Chemicals in Laboratories, 1910.1450, page 54

CONSTRUCTION STANDARDS

- Safety Training and Education, 1926.21, page 69
- Lead in Construction, 1926.62, page 71
- Fall Protection, 1926.503, page 76
- Ladders, 1926.1060, page 83
- Asbestos in Construction, 1926.1101, page 84

SOURCES FOR TECHNICAL TRAINING

Centers for Education and Training (CET)

UMDNJ School of Public Health

Phone: 732-235-9450

<http://ophp.umdnj.edu/CET/index.htm>

NJDHSS Right to Know Program – Right to Know Issues

Phone: 609-984-2202

<http://nj.gov/health/eoh/rtkweb/index.shtml>

FOR PUBLIC EMPLOYEES

NJDHSS NJPEOSH Program – Health Issues

Phone: 609-984-1863

www.state.nj.us/health/peosh/index.shtml

NJDLWD NJPEOSH – Safety Issues, Recordkeeping

Phone: 609-633-3896, 609-292-7036, 800-624-1644

http://lwd.dol.state.nj.us/labor/lsse/employer/Public_Employees_OSH.html

3. Prosecution of Environmental Crimes

The Environmental Crimes Bureau within New Jersey's Department of Law and Public Safety's Division of Criminal Justice prosecutes violations of state laws covering hazardous waste, solid waste, regulated medical waste, clean air, and clean water. These laws have provisions that may apply to workplace health and safety.



Workers and unions who have knowledge of employer actions that have or may create injury to workers or the environment can act as confidential informants. Criminal investigation, prosecution and conviction may result in appropriate penalties.

New Jersey Division of Criminal Justice, Environmental Crimes Bureau

Phone: 609-984-4470

www.state.nj.us/lps/dcj/ecb.htm

PUBLICATIONS WITH MORE INFORMATION



Environmental Crimes Handbook, 2010, Environmental Crimes Bureau

Phone: 609-984-4470

www.state.nj.us/lps/dcj/ecb/environmental_handbook.pdf

4. Media Coverage

It can be useful to raise public awareness and generate support through the media. If media coverage is sought, prepare carefully. The easiest way to contact the



media is by calling reporters at newspapers, television, and radio stations. Choose a spokesperson who can speak from personal experience and will deliver the desired message *no matter* what questions reporters ask. The core message should:

- Be honest and accurate.
- Connect with the public interest.
- Be short and easy to remember and repeat.
- Provide background and context, not just facts.
- Anticipate and neutralize the opposition's messages.
- Work with all audiences – workers, public, elected officials, etc.
- Have some emotional punch.

Note that the communications departments of unions can often help with media outreach.

WEBSITES WITH MORE INFORMATION



The Work Site www.theworksite.org

The Spin Project www.spinproject.org

5. Medical Care

Every worker should keep a year-by-year record of their work history and dates of exposures to chemicals, noise, radiation, repetitive motion, etc. This record will be essential if faced with an injury or illness that may be work-related. If this should happen, early diagnosis and treatment is vital, as is making sure that health care providers recognize the work-related source of the problem.



WHAT ARE THE SYMPTOMS OF WORK-RELATED HEALTH PROBLEMS?

Symptoms of work-related health problems may include pain or discomfort in any part of the body or a change in bodily function. Examples include irritation of the eyes, nose, or throat; hoarseness or change in voice, cough, shortness of breath; burning, heaviness, tightness in the chest, skin irritation, itching, redness, rash; chills, indigestion, nausea, vomiting, weight loss, bleeding, headaches, light-headedness, fainting, confusion, fatigue, drowsiness, reduced memory, muscle weakness, poor coordination, numbness, pins-and-needles feeling, tremors, seizures, swelling.

Workers should suspect a workplace condition is causing problems if any of these circumstances exist:

- People have symptoms only – or most often – during work.
- Symptoms clear up on weekends and vacations.
- Several people at the same job have the same symptoms.

Workers with symptoms should see a doctor. They should tell the doctor they suspect their problems are work-related and explain very specifically why they believe this to be true. They should describe their work history and job duties to the doctor and give a list of exposures to chemicals, noise, radiation, etc. If possible, they should give the doctor *Material Safety Data Sheets (MSDSs)* and *Hazardous Substance Fact Sheets (HSFSs)* on the chemicals they work with.

WHAT WORK-RELATED ILLNESSES AND INJURIES ARE REPORTABLE?

If a health care provider determines that a worker has a specific disease, injury, or poisoning that is caused – or suspected to be caused – by work, he or she is required to file an *Occupational and Environmental Disease, Injury, or Poisoning Report by Health Care Provider* with the New Jersey Department of Health. The purpose of this report is to allow the Department to ensure that measures are taken by the employer to prevent co-workers from also becoming ill. Reporting forms are available by calling 609-984-1863 or online at www.state.nj.us/health/forms/occ-31.pdf.

OCCUPATIONAL ILLNESSES AND INJURIES THAT ARE REPORTABLE IN NEW JERSEY ARE:

- n Work-related asthma.
- n Extrinsic allergic alveolitis.
- n Silicosis.
- n Asbestosis.
- n Pneumoconiosis.
- n Occupational dermatitis.
- n Work-related fatal injury.
- n Work-related injury in children under age 18.
- n Work-related carpal tunnel syndrome.
- n Poisoning by known or suspected occupational exposure.
- n Pesticide toxicity.
- n Elevated levels of lead, arsenic, mercury, or cadmium in blood or urine.
- n Other occupational disease

FINDING A PHYSICIAN

There are physicians in and near to New Jersey who specialize in the evaluation and treatment of individuals exposed to hazards on the job.

WEBSITES WITH MORE INFORMATION



Physicians in New Jersey Specializing in Occupational and Environmental Illness www.state.nj.us/health/ohs/oemdlst.shtml

Another site where you can find an occupational physician is the Association of Occupational and Environmental Clinics (AOEC) Clinic Directory at www.aoec.org/directory.htm. Or call AOEC at 888-347-2632. All AOEC member clinics meet specific criteria that promote providing high quality health care and patient rights. The AOEC Clinic in New Jersey is:

UMDNJ - Robert Wood Johnson Medical School

Clinical Center for Occupational and Environmental Health
Environmental and Occupational Health Sciences Institute
170 Frelinghuysen Road
Piscataway, New Jersey 08854

Phone: 732-445-0123

<http://eohsi.rutgers.edu/clinic/>

WHERE CAN PEOPLE CALL IN CASE OF A POISONING?

In case of a chemical poisoning, call:

New Jersey Poison Help

Phone: 800-222-1222

www.njpies.org

WORLD TRADE CENTER MEDICAL SCREENING PROGRAM

If a health problem may be related to working or volunteering at the World Trade Center or the surrounding area on September 11, 2001, or in the months that followed, contact the World Trade Center Medical Screening Program.

Phone: 888-702-0630

www.WTCexams.org

LEGAL REQUIREMENTS FOR MEDICAL TESTING

Fifteen OSHA/NJPEOSH standards for chemicals require employers to provide medical screening and surveillance to monitor the health of workers who have suffered dangerous exposure to particularly hazardous substances. These standards address the following substances: acrylonitrile, arsenic, asbestos, 1,3-butadiene, benzene, cadmium, coke oven emissions, cotton dust, DBCP, ethylene oxide, formaldehyde, lead, methylene chloride, methylenedianiline and vinyl chloride. Six other standards also have medical requirements: bloodborne pathogens, compressed air environments, hazardous waste operations and emergency response, hazardous chemicals in labs, noise, and respiratory protection.

PUBLICATIONS WITH MORE INFORMATION



Screening and Surveillance: A Guide to OSHA Standards, OSHA Publication 3162-12R, 2009. A quick reference to help locate and implement the medical requirements of OSHA/NJPEOSH standards.

Phone: 202-693-1888, OSHA Publications Office

www.osha.gov/Publications/osha3162.pdf

WEBSITES WITH MORE INFORMATION



NIOSH Topic Pages on Work-Related Diseases

- Asthma and Allergies www.cdc.gov/niosh/topics/asthma/
- Bloodborne Disease www.cdc.gov/niosh/topics/bbp/
- Cancer www.cdc.gov/niosh/topics/cancer/
- Dermatitis www.cdc.gov/niosh/topics/skin/
- Hearing Loss www.cdc.gov/niosh/topics/noise/
- Heat Stress www.cdc.gov/niosh/topics/heatstress/
- Heart Disease www.cdc.gov/niosh/topics/heartdisease/
- Latex Allergies www.cdc.gov/niosh/topics/latex/
- Long Work Hours www.cdc.gov/niosh/topics/workschedules/
- Lung Disease www.cdc.gov/niosh/topics/pneumoconioses/default.html
- Musculoskeletal Disorders www.cdc.gov/niosh/topics/ergonomics/
- Pesticides-Related www.cdc.gov/niosh/topics/pesticides/
- Stress www.cdc.gov/niosh/topics/stress/

6. Compensation

WORKERS' COMPENSATION

If someone gets sick or hurt on the job, the employer is legally required to pay workers' compensation benefits, which may include payment of one or more of these:



- Medical benefits for reasonable and necessary medical treatment provided by an employer-authorized physician.
- Partial wages – in New Jersey this is 70 percent of the gross weekly wages lost while out, subject to a cap of 70 percent of the state average weekly wage, which is adjusted annually. In 2011, the maximum is \$792 a week.
- Permanent partial disability benefits.
- Permanent total disability benefits.
- Death benefits to surviving spouses and dependent children of workers killed on the job.

Workers should not have to use their own health insurance, sick time, or vacation time while healing from work-related injuries and illnesses. Workers and unions should keep in touch with those who are hurt on the job, especially if they are not back to work. These workers need to see that their co-workers are concerned about their treatment and recovery. Such solidarity often helps with recovery and demonstrates that no worker is “disposable.”

IS THERE EVER ADDITIONAL COMPENSATION?

School employees have additional compensation benefits. School employees are covered by NJSA 18A:30-2.1 which provides them with their full salary from the day of the incident without the absences being charged to sick leave.

Workers' compensation was designed to be a no-fault system. Unfortunately, employers may delay compensation by arguing that injuries and illnesses are not work-related. Employers contest most occupational disease cases. Therefore, the safest way to ensure eligibility for benefits is to have a lawyer on the worker's side who understands the compensation system. Lawyers are not permitted to charge a fee in advance for handling these cases. Fees will be fixed by the judge only if a compensation award is made. Fees are capped at 20 percent of the award.

ACTIONS WORKERS CAN TAKE

- Report any work-related injury immediately to a supervisor. This notification is not required for occupational illness.
- Request immediate medical attention from an employer-approved physician.
- Request that an incident report be prepared. Keep a copy for your records.
- Submit notes from the physician to your supervisor. Keep a copy for your records.
- Keep your supervisor and union, if any, up-to-date on your ongoing absences.
- Return to work when released by the physician.

If an employer does not voluntarily pay workers' compensation, injured workers should promptly contact an attorney to file a claim with the Division of Workers' Compensation.

WHAT INJURIES AND ILLNESSES CAN BE COMPENSATED?

Injury or illness that can be shown to be caused or made worse by a worker's job is compensable in New Jersey. The injury or exposure must take place at the workplace during the workday or while engaged in an activity incidental to those duties, such as traveling from one worksite to another or certain union functions like bargaining.

Injuries may include sprains, strains, fractures, cuts, lacerations, punctures, bruises, contusions, heat burns, welding flash, chemical burns, amputations, repetitive strain injuries such as carpal tunnel syndrome, and soreness or pain, including back pain. Hearing loss or ringing in the ears is covered in some circumstances.

There is no list of covered illnesses; all work-related illnesses are potentially covered. Illnesses commonly found to be work-related include asthma, asbestosis, silicosis or other lung diseases; hepatitis, HIV, TB, Lyme disease or other infectious diseases; skin diseases; malignant or benign tumors; occupational reproductive disorders; heat stroke and heat exhaustion; frostbite; and poisonings.

Conditions such as diabetes and heart disease that are sometimes work-related can be covered if they can be shown to be work-related in individual cases.

Division of Workers' Compensation
New Jersey Department of Labor and Workforce Development
Phone: 609-292-2515
http://lwd.dol.state.nj.us/labor/wc/wc_index.html

PUBLICATIONS WITH MORE INFORMATION



A Worker's Guide to Workers' Compensation in New Jersey

Phone: 609-292-2515, New Jersey Department of Labor and Workforce Development

http://lwd.dol.state.nj.us/labor/wc/forms/forms_index.html#brochures

REFERRALS TO WORKERS' COMPENSATION ATTORNEYS

The best way to find a good lawyer is to ask co-workers, family, friends, or the union, if there is one. You can also contact one of the following:

- New Jersey State Bar Association, 732-249-5000, listing of County Bar Associations, www.njsba.com/for-the-public/lawyer-referral-service.html.
- American Bar Association, Consumers' Guide to Legal Help, www.abanet.org/legalservices/findlegalhelp/home.cfm.

THIRD PARTY LAWSUITS

A third party lawsuit is a special type of personal injury lawsuit in which a worker or group of workers claims that exposure to a chemical, machine, or device caused their injury or illness and the responsible party is someone other than their employer or co-workers. This is an important distinction because workers' compensation laws effectively eliminate the possibility of lawsuits directly against the employer or co-workers.

Third party cases arise from work but must be brought against "third parties," that is, people or entities other than the employer or co-workers – usually manufacturers or distributors of toxic chemicals or dangerous machines or devices, and the owners and lessors of premises where the worker is exposed to the toxic chemicals, or contractors that may have installed or maintained equipment improperly.

When the lawsuit involves chemical exposure it is called a "toxic tort." Most of the law in this area arises from asbestos exposure, but benzene, beryllium, pesticides, silica, and manganese are also common toxic injury cases.

ASBESTOS VICTIM RESOURCES

Asbestos Disease Awareness Organization
1525 Aviation Boulevard, Suite 318
Redondo Beach, California 90278
www.asbestosdiseaseawareness.org

White Lung Association
www.whitelung.org

NYCOSH Asbestos Page
<http://nycosh.org/index.php?page=asbestos>

If a worker has been exposed to asbestos products manufactured by the Manville Corporation, he or she may be eligible for financial compensation from the *Manville Personal Injury Trust*.

Phone: 703-204-9300, Claims Resolution Management Corporation
www.mantrust.org

NIOSH Asbestos Topic Page
www.cdc.gov/niosh/topics/asbestos/

OSHA Asbestos Topic Page
www.osha.gov/SLTC/asbestos/index.html

7. OSHA/NJPEOSH Inspections

OSHA enforces health and safety standards in private sector and federal workplaces.

NJPEOSH does the same in New Jersey state, county, and municipal government and in public and charter schools.

OSHA/NJPEOSH schedule some inspections based on their priorities. Most inspections, however, result from worker complaints about hazardous job conditions. If an inspector finds that a workplace does not comply with standards, the employer can be issued citations and fines and given deadlines (abatement dates) by which to comply.



BEFORE FILING A COMPLAINT

If a worker believes that their job is not safe, they should talk to their union representative first, if they have one. If not, they should talk to their supervisor about the problem. It is essential they do this with other workers. If the supervisor does not solve the problem, or if for some reason the worker does not want to talk to their supervisor, they can make a complaint to OSHA/NJPEOSH about the problem. If there is a union, work with them to prepare and file the complaint.

WHAT'S REGULATED AND WHAT'S NOT?

OSHA/NJPEOSH standards do not cover every hazard. Before contacting these agencies, become familiar with what is regulated and what is not. OSHA/NJPEOSH inspections will be most useful if there is a clear violation of specific standards.

In general, there are no OSHA/NJPEOSH standards on extreme temperatures, lifting, ergonomics, stress, or workplace violence. OSHA has no standard on indoor air quality; however, NJPEOSH does. New Jersey DHSS has regulations concerning violence and safe lifting in hospitals and nursing homes.

Complaining about hazards without standards may not be enough to trigger an inspection or to get the employer to make changes even though an inspection takes place. It could even result in a “clean bill of health” that sets back workers’ efforts.

Even though the OSHA/NJPEOSH “General Duty Clauses” legally require employers to maintain safe and healthful workplaces “free of recognized hazards,” the agencies only rarely enforce this provision of the law.

CHEMICAL EXPOSURE LIMITS ARE WEAK

OSHA and NJPEOSH have exposure limits on air contamination for about 400 chemicals. This leaves thousands of other toxic substances unregulated. Moreover, most chemical limits are not protective enough because:

- They were set to prevent immediate disease or injury rather than long-term risks like cancer and lung disease.
- They are often not based on the best available scientific information.
- They consider economic and technical feasibility as well as health effects.

HELPFUL HINT



Consult PART THREE, Section 2 for more information on the OSHA/NJPEOSH standards that cover various hazards.

HOW TO FILE A COMPLAINT

If you decide to request an on-site inspection, put the complaint in writing and sign the complaint form. If a complaint is not signed, OSHA/NJPEOSH will most likely send a letter to the employer rather than conduct an inspection. OSHA and NJPEOSH will not reveal the complainant’s name to the employer unless the complainant checks the box saying it is okay. Provide details of each hazard, including the number of exposed workers, their job titles and any injuries and illnesses they are experiencing. Note exact locations of hazards by building, floor, and department.

HELPFUL HINT



When filing an OSHA/NJPEOSH complaint, unions should also include a cover letter to designate representatives to participate in the inspection. Sample cover letters are found in PART THREE, Section 4, Letters 13 (OSHA) and 16 (NJPEOSH).

FILING A COMPLAINT ON THE WEB

A complaint can be filed using the OSHA Worker's Page, www.osha.gov/workers.html. However, most complaints filed this way will not result in an actual on-site inspection, but will be handled by OSHA by contacting the employer via phone/fax/letter.

WHAT ARE PHONE/FAX/LETTER INVESTIGATIONS?

OSHA/NJPEOSH's phone/fax/letter investigation method enables the agencies to respond to hazards when the criteria for an on-site inspection are not met or where the employee or employee representative requests it. OSHA/NJPEOSH telephones the employer, describes the alleged hazards and then follows up with a fax or a letter. The employer must respond within five days, identifying in writing any problems found and noting corrective actions taken or planned. If the response is adequate, OSHA/NJPEOSH generally will not conduct an inspection. The employee who filed the original complaint will receive a copy of the employer's response. If still not satisfied, the complainant may then request an on-site inspection.

WORKER PARTICIPATION IN OSHA/NJPEOSH INSPECTIONS

If there is a union, it has the right to choose representatives to participate in the inspection. This includes the opening and closing conferences and walking around with the inspector to point out problems. If there is no union, then workers or the inspector choose a representative. Management cannot choose this person. Whether or not there is a union, workers have the right to talk privately with the inspector about any concerns.

The complainant also has the right to participate in the inspection during NJPEOSH, but not OSHA, inspections, unless the union is the complainant.

Inspectors must determine as soon as possible after arrival on site whether workers are represented by a union. Inspectors also ensure that employee representatives have the opportunity to participate in all phases of the inspection.

The term "employee representative" refers to (1) a representative of the certified or recognized bargaining agent, or, if none, (2) an employee member of a safety and health committee who has been chosen by the employees (employee committee members or employees at large) as their OSHA/NJPEOSH representative, or (3) an individual employee who has been selected as the walk-around representative by the employees of the establishment.

Where none of these exists, the inspector must determine if any other employees would suitably represent the interests of employees on the walk-around. If selection of such an employee is impractical, the inspector must consult with a reasonable number of employees during the inspection.

CAN WORKERS AND UNIONS PARTICIPATE IN ENVIRONMENTAL INSPECTIONS?

Workers and union representatives in a facility with large quantities of hazardous chemicals regulated under the Toxic Catastrophe Prevention Act or the Discharge of Petroleum and Hazardous Substances rules also have a right to participate in inspections conducted by the New Jersey Department of Environmental Protection. For more information about these rights, contact the New Jersey Work Environment Council and see these documents:

Guidance for Conducting Risk Management Program Inspections under Clean Air Act Section 112(r), EPA Risk Management Program, January 2011 www.epa.gov/oem/docs/chem/clean_air_guidance.pdf

Administrative Order 2005-05, NJDEP Toxic Catastrophe Prevention Act www.nj.gov/dep/newsrel/2005/05_0115ao.pdf

Administrative Order 2007-03, NJDEP Discharge Program www.nj.gov/dep/rpp/brp/dp/downloads/AO_2007-03_Employee_Insp.pdf

WHERE TO FILE AN OSHA/NJPEOSH COMPLAINT

Private Sector Enforcement – File with the OSHA Office in New Jersey that covers the county where the workplace is located, using the OSHA complaint form, www.osha.gov/oshforms/osh7.pdf.

OSHA, Avenel Area Office

Phone: 732-750-3270

Serves Hunterdon, Middlesex, Somerset, Union, and Warren Counties.

OSHA, Marlton Area Office

Phone: 856-596-5200

Serves Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties.

OSHA, Parsippany Area Office

Phone: 973-263-1003

Serves Essex, Hudson, Morris, and Sussex Counties.

OSHA, Hasbrouck Heights Area Office

Phone: 201-288-1700

Serves Bergen and Passaic Counties

Public Sector Enforcement – File with the agency that covers the complaint issues. The NJPEOSH complaint form is at

http://lwd.dol.state.nj.us/labor/forms_pdfs/lsse/peoshcomp.pdf

NJDHSS NJPEOSH Program – Health hazards

Phone: 609-984-1863.

NJDLWD Office of Public Employee Safety – Safety hazards, Recordkeeping and Discrimination Complaints

Phone: 609-633-3896, 609-292-7036, 800-624-1644

WEBSITES WITH MORE INFORMATION



OSHA Field Operations Manual (FOM)

www.osha.gov/OshDoc/Directive_pdf/CPL_02-00-150.pdf

NJPEOSH Field Inspections Reference Manual (FIRM)

http://lwd.dol.state.nj.us/labor/forms_pdfs/lsse/peoshfirm.pdf

PUBLICATIONS WITH MORE INFORMATION



All About OSHA, OSHA Publication 3302, 2006

Phone: 202-693-1888, OSHA Publications Office

www.osha.gov/Publications/all_about_OSHA.pdf

COSH Network pamphlet on using OSHA

The OSHA Inspection, A Step by Step Guide

www.coshnetwork.org/sites/default/files/OSHA%20Inspection%20Guide.pdf

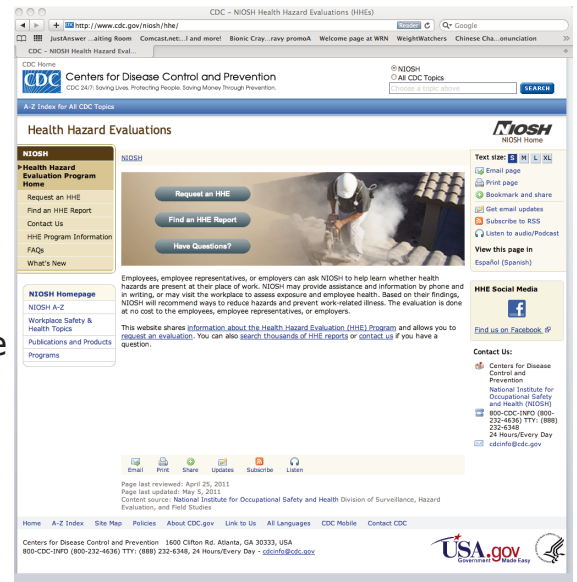
Spanish version

www.coshnetwork.org/sites/default/files/Inspecciones.pdf

U. S. Department of Labor Occupational Safety and Health Administration	
Notice of Alleged Safety or Health Hazards	
Establishment Name	Complaint Number
Site Address	
Site Phone	Site FAX
Mailing Address	
Management Official	Telephone
HAZARD DESCRIPTION/LOCATION: (Describe briefly the hazard which you believe exists. Include the approximate number of employees exposed to it if material to such hazard. Specify the particular facility or location when the hazard conditions exist.)	
This file condition been brought to the attention of: <input type="checkbox"/> Employer <input type="checkbox"/> Other Government Agency (specify)	
Please indicate Your Desire: <input type="checkbox"/> Do NOT reveal my name to my Employer. <input type="checkbox"/> My name may be revealed to the Employer. (Mark "X" in ONE box)	
The Underigned believes that a violation of an Occupational Safety or Health standard exists which is a job safety or health hazard at the establishment named on this form. <input type="checkbox"/> Employee <input type="checkbox"/> Federal Safety and Health Committee Representative of Employees <input type="checkbox"/> Other (specify)	
Complainant Name	Telephone
Address (Street, City, State, Zip)	
Signature	Date
If you are an authorized representative of employees affected by this complaint, please state the name of the organization that you represent and your title: _____	
Organization Name	Your Title

8. NIOSH Health Hazard Evaluation

If workers are getting sick even though there appear to be no violations of OSHA/NJPEOSH standards, it may be useful to request a *Health Hazard Evaluation (HHE)* from the National Institute for Occupational Safety and Health (NIOSH). NIOSH is the federal agency that performs health and safety research. An HHE is a study of a workplace by health professionals who may include industrial hygienists, physicians, and epidemiologists. On the basis of the information provided, NIOSH may respond either in writing, by discussing the problems in a phone call, or by visiting the workplace at no charge. If the workplace is visited, NIOSH will issue a report with their findings and recommendations.



Keep in mind that an HHE with a site visit may be difficult to obtain, take a long time to conclude, and that NIOSH cannot force the employer to make changes. It may take many months for NIOSH to schedule a site visit and issue a report because they receive many requests.

Despite these drawbacks, HHEs can be useful especially for long-standing problems that have not been solved by other approaches. In such cases the long waits may not matter as much. At a minimum, the NIOSH evaluation will put needed attention on workers' concerns. And the NIOSH report is likely to contain recommendations for improving the workplace. Requesting or publicizing an HHE can also be used to generate media attention and build alliances.

A union or management representative or at least three workers must sign the site visit request. For workplaces with fewer than three workers, just one signature is needed. NIOSH has bilingual staff and welcomes requests in Spanish.

NIOSH Health Hazard Evaluations

Phone: 513-841-4382

www.cdc.gov/niosh/hhe

www.cdc.gov/spanish/niosh/hhe-sp.html (Spanish website)

9. Free Consultation for Employers

OSHA/NJPEOSH CONSULTATION

Workers and unions can ask management to take advantage of free health and safety on-site consultation services that are available to both public and private sector employers. OSHA and NJPEOSH consultation programs help employers to apply hazard controls that meet legal requirements. The consultation program is not an enforcement program and does not fine employers.

To participate in the program, an employer must agree to correct all serious workplace hazards noted by the consultant. *Worker and union involvement in the opening and closing conference and the walkthrough inspection is required.* The employer must agree to post the *List of Hazards*, as it was received from the consultation program, for either three working days or until the serious hazards are corrected, whichever is later. Agreed-upon modifications or extensions of correction due dates must also be posted. Posting must be in a prominent place where it is readily observable by all affected employees.

ALL EMPLOYERS

OSHA Consultation Policies and Procedures Manual, January 1, 2008
www.osha.gov/pls/oshaweb/owadisp.show_document?p_table=DIRECTIVES&p_id=3771

PRIVATE SECTOR EMPLOYERS

OSHA Consultation Services, New Jersey Department of Labor and Workforce Development

Phone: 609-984-0785

http://lwd.dol.state.nj.us/labor/lse/employer/Occupational_Safety_and_Health_Onsite_Consultation_Program.html



PUBLIC SECTOR EMPLOYERS

Safety – NJPEOSH Consultation Services, New Jersey Department of Labor and Workforce Development

Phone: 609-633-2587

http://lwd.dol.state.nj.us/labor/lsse/employer/peosh_consultation.html

Health – NJPEOSH Consultation Services, New Jersey Department of Health

Phone: 609-984-1863

www.state.nj.us/health/peosh/consultation.shtml

INSURANCE COMPANY CONSULTATION

Many workers' compensation insurance companies offer insured employers free on-site consultation on health and safety issues. The union should suggest that management take advantage of these services.

PART THREE

RESOURCES

1. Common Hazards

Safety Hazards

Health Hazards

Chemical Hazards

Indoor Air Quality



Safety Hazards

Safety hazards include machine guarding, mechanical power transmission systems, electrical safety, power and hand tools, working and walking surfaces, trip, slip and fall hazards, ladders, scaffolds, and other personal climbing and elevated support devices, lock-out and tag-out procedures, to name just some. Also, repetitive, awkward or heavy work is a widespread safety hazard.

HEIGHTS

Working at heights, especially of six feet or more, workers are at risk and need to be protected. The height could be on a roof, loading dock, catwalk, scaffold, ladder, stairs, or in a tree. Falls may result from many factors, including lack of handrails and guardrails, poorly constructed scaffolding, lack of fall protection equipment, slippery surfaces, and lack of safe ladders and footstools. Studies show that the use of handrails, guardrails, fall-arrest systems (like a lifeline to safely stop a fall), safety nets, covers, and travel restriction systems can prevent many deaths and injuries. Guardrails should be 42 inches high on top with a mid-rail. Toe-boards should be provided to prevent objects from being accidentally kicked off platforms onto workers below.



ELECTRICITY

Electrical exposure may occur when there is hard usage or poor maintenance of electrical equipment, or lack of understanding of the equipment and the way it operates. Oxygen-enriched atmospheres and water may contribute to hazardous conditions. Engineers, electricians, and others are at high risk working with electricity directly, including working on overhead lines, cable harnesses, high voltage control panels, and circuit assemblies. Many others work with electricity indirectly and may also be exposed to electrical hazards.

Employers should provide workers with non-conductive protective clothing appropriate for the part of body to be protected. They need to ensure that live equipment is de-energized before work, stored electrical energy released, a lock and tag placed on each disconnecting means, and the effectiveness of these precautions verified. Employers must also ensure that all electrical equipment is properly installed, marked with a rating, its disconnecting means marked with the purpose, and live parts guarded in approved enclosures with posted warnings. Employers must provide proper grounding and overcurrent

protection. In hazardous locations with potential ignitable, combustible atmospheres, all equipment must be intrinsically safe (incapable of igniting combustible vapors).

TRAFFIC ZONES

Many workers are killed or seriously hurt by vehicles while repairing roads or doing other work in traffic zones. This danger exists when traffic is not properly routed and/or adequate barriers are not placed between the workers and the traffic. Protection from traffic should be provided by work zones, signs, signals, lighting, flagging and barricades. All workers in traffic zones should wear reflective warning vests.

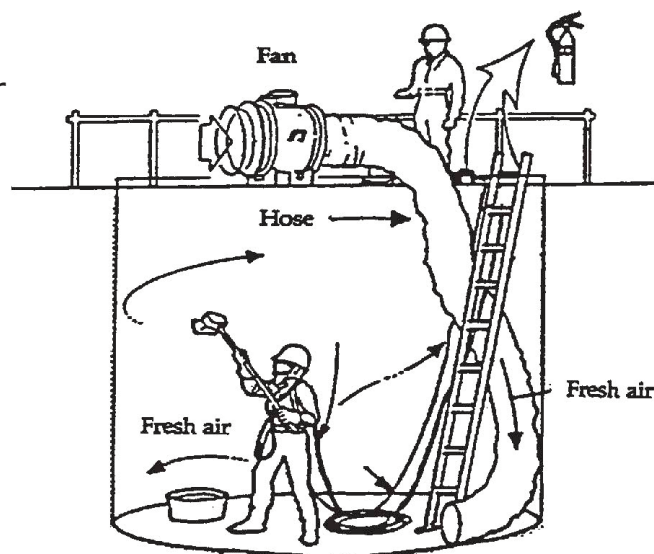
FORKLIFTS AND TRUCKS

Workers can be injured or killed if a powered industrial forklift truck strikes a barrier, falls off a loading dock, or tips over. Workers may be struck by a truck or falling load, or injured while jumping off a tipping truck. They may fall off an elevated pallet or forklift tines. Ways to prevent these hazards include maintenance and daily inspections of trucks, especially brakes, horns, lights, back-up alarms, tire tread and pressure; safe operating procedures; operator training and licensing; operator seat belts; traffic management: speed limits, dome mirrors, stop signs, some aisles designated truck-only; lifting of persons only in lift cages; and restricting use during beginning and end of shift and breaks.

CONFINED SPACES

Many workplaces contain spaces that are considered "confined" because their configurations hinder the activities of workers who must enter, work in, and exit them. Examples of confined spaces include tanks, manholes, sewer digestors and silos, tunnels, pumping stations, and utility vaults.

There are many hazards in confined spaces. Workers can become unconscious and die from a lack of oxygen. At other times, there may be too much oxygen or other chemicals that can catch fire or explode.



Poisonous gases and vapors, such as hydrogen sulfide or carbon monoxide, may also build up. Confined spaces can also pose physical hazards. They can be very hot, cold, or noisy. Workers can slip on wet surfaces. Grain, sand or gravel can bury a worker.

Confined spaces need to be purged, flushed, and ventilated before entry. They often require other hazard prevention measures to be taken such as prohibiting unauthorized access; posting danger signs; writing procedures to prepare, issue, use and cancel entry permits; appropriate testing prior to entry and continually during entry; stationing an attendant outside; and providing harnesses, retrieval lines, and rescue personnel.

TRENCHING AND EXCAVATIONS

Working in an area that is dug up can be very dangerous. A trench is a space that is deeper than it is wide. An excavation is any depression formed by earth removal. The main danger in trenching and excavation is cave-ins. If a trench caves in, workers can be buried, crushed, drowned or suffocated. Any trench deeper than five feet needs protection such as soil testing, sloping, shoring, trench boxes, emergency rescue equipment, daily inspection by a competent person, and elimination of standing water.

MACHINES

Workers can get parts of their body caught in or struck by exposed moving parts if machines are not properly designed or guarded, or if they are not locked out when being repaired. Workers can also be struck by flying objects from grinders and other machines that do not have protective guards. All machines should have firmly secured guards that prevent workers' hands, arms, and other body parts from making contact with dangerous moving parts, yet permit safe, comfortable, and relatively easy operation. Operating control panels and emergency shutdown mechanisms should be within easy reach of operators.

HAND AND POWER TOOLS

Tools can generate flying objects that may strike the eyes, face, or body. They are also sources of noise, vibration, and dust. Tools that use gasoline or propane fuel generate poisonous carbon monoxide gas and must be used with adequate ventilation. All tools should have a 3-wire grounding plug, regular inspection and maintenance to keep them sharp, clean, and lubricated, a ground-fault circuit interrupter, a positive "off-on" switch, and a constant-pressure switch that shuts off the power when released. Power-actuated tools should have a device to keep fasteners from being ejected unless the muzzle is against the work surface.

FIRE AND EXPLOSIONS

There are many ways fires can start in workplaces. Examples include sparking sources like welding and burning; ovens, boilers, fryers and other hot equipment; and flammable and combustible materials and waste. The most effective way to isolate flammable and corrosive hazards is to store them properly in approved safety storage cabinets. Minimal quantities should be stored to reduce the risk. The most serious hazards and incompatible materials must be separated and isolated. Every workplace should have an evacuation plan for getting people out of a building in case of fire or explosion as well as an alarm or alert system to quickly inform employees of an emergency. Workers should be trained on what to do in case of an emergency. Every workplace must have enough exits suitably located to enable everyone to get out of the facility quickly. OSHA/NJPEOSH Standards require employers who expect workers to use firefighting equipment to give them appropriate equipment and training.

SLIPS/FALLS

Holes in floors and walls are a fall hazard unless properly guarded or covered. Bad housekeeping and poor drainage can make floors and other walking surfaces wet and slippery. Floors must be clear of ice, water, grease, debris, cords, lines, hoses and other obstructions. Loose or uneven flooring/carpeting must be repaired. Stairs need railings, non-slip treads, and uniform rise/tread dimensions, and should not be too steep.

ERGONOMIC HAZARDS

Ergonomic hazards refer to workplace conditions that can injure the muscles and bones and cause debilitating symptoms including chronic pain and numbness. Such injuries are among the most prevalent work-related medical problems. Examples include back strain and carpal tunnel syndrome, a condition affecting the hand and wrist. Ergonomic hazards include lifting heavy boxes, standing all day, vibration, repetitive motions, forceful movements, and awkward postures from improper work methods and improperly designed workstations, tools, and equipment. Using a computer keyboard and mouse is a common repetitive motion hazard. Ergonomics is the science of fitting workplace conditions and job demands to the capabilities of workers.

Health Hazards

Health hazards include any working condition that can lead to disease, such as poor sanitation. Other health hazards are physical agents such as noise, vibration, radiation, and extremes in temperature and pressure. Health hazards also include biological hazards such as mold, bacteria, viruses, insects, plants, birds and animals. Working schedules different from the most common 9 to 5 pattern are also a potential health hazard, as are understaffing, excessive work load, fast work pace, long hours, shift work, production quotas, violent clients/patients, and harassment.

SANITATION

Sanitation problems include garbage, rodents, insects, unsafe water, poor toilet and washing facilities, and eating, drinking or storage of food in toilet rooms or contaminated areas. All restrooms should have hot and cold running water, soap, and hand towels. A clean lunchroom and separate storage for street and work clothing is desirable, especially in workplaces using toxic substances. Proper storage and disposal of waste is essential as is safe drinking water. Pests should be controlled with least-toxic methods.

Biological Hazards: Sources of biological hazards include bacteria, viruses, mold, fungus, insects, plants, birds, animals, and humans. These sources can cause health effects ranging from skin irritation and rashes to allergies to infectious diseases like tuberculosis, influenza, hepatitis, and HIV/AIDS.

- **Exposures to blood** and other body fluids occur on many jobs. Health care workers, emergency response and public safety personnel, and other workers can be exposed to blood through needlestick injuries or contact of blood with skin or mucous membranes (mouth, eyes, and nose). The pathogens or disease-causing agents of primary concern are the human immunodeficiency virus (HIV/AIDS), hepatitis B virus (HBV), and hepatitis C virus (HCV).
- **Exposures to airborne biohazards** can lead to tuberculosis, influenza (flu), and colds.
- **Mold or fungus** may grow when any building material or furnishing is damp for more than 48 hours. Many types of mold exist and can be many different colors. Many buildings have experienced water damage due to roof or plumbing leaks, floods, and poor drainage of rainwater runoff or landscape



irrigation. Damp buildings support mold growth and other biological contaminants that may cause health problems for some workers. Molds can grow as long as organic material, air, and moisture are present. Mold growth is often visible. In some cases, however, indoor mold cannot be seen because it is on hidden surfaces such as the backside of drywall, wallpaper, or paneling, the top of ceiling tiles, the underside of carpets and pads, or inside ventilation systems. Suspect hidden mold if an area smells moldy or if there has been water damage and occupants are reporting health problems.

Stressors/Work Design Hazards: These include understaffing, excessive work load, fast work pace, long hours, shift work, production quotas, violent clients/patients, and harassment.

- **Violence on the job** is a growing problem. Homicides are the second-leading cause of workplace deaths. Workplace violence includes physical assault as well as near-misses, verbal abuse and sexual harassment. Workers in law enforcement, corrections, social services, health care, mental health, and schools are most at risk. Homeless shelters, unemployment and public assistance offices, emergency rooms, and mental health clinics are more crowded than before. Staffing levels are not keeping up with increasing caseloads. Members of the public take out their frustration on workers when they face reduced benefits and longer waiting periods.

The National Institute for Occupational Safety and Health (NIOSH) says that conditions increasing a worker's risk of assault include:

- Working with the public.
- Working alone.
- Handling money.
- Coming in contact with people (patients, clients) who may be violent.
- Inexperience.

Physical Agents: Physical "agents" include sources of energy that may cause injury or disease. Examples include noise, vibration, radiation, poor lighting and extremes in temperature and pressure.

- **Noise exposure** may cause a temporary, partial loss of hearing (ears may feel stuffed up) or a temporary ringing in the ears (tinnitus). These short-term problems usually go away within minutes or hours after leaving the noise. However, repeated exposures to loud noise can lead to permanent, incurable hearing loss or tinnitus. It is also hard to understand speech in noisy situations, which creates a safety hazard. Even low noise levels throughout the work day can create stress. The employer should measure noise levels, enclose noisy machines, and dampen sound with absorbent materials. Workers exposed to noise should be provided with earplugs and muffs, hearing tests, and quiet rooms for breaks.

- **Vibration** exposure is a danger for workers who come in contact with vibrating machinery or equipment. When a worker operates hand-held equipment, such as a chain saw or jackhammer, vibration affects hands and arms. When a worker sits or stands on a vibrating floor or seat, the exposure affects almost the entire body. The risk of injury depends on the intensity and frequency of the vibration, the duration of exposure and the part of the body which receives the vibration energy.
- **Non-ionizing radiation** is found in a wide range of occupational settings and can pose a considerable health risk to potentially exposed workers if not properly managed by protective glasses and clothing, limiting exposure time, increasing the distance from the source, and shielding the source. Non-ionizing radiation includes ultraviolet (UV), visible light, infrared (IR), microwave (MW), radio frequency (RF), and extremely low frequency (ELF). Lasers commonly operate in the UV, visible, and IR frequencies.
- **Ionizing radiation** can be found in many workplaces, including health care facilities, research institutions, nuclear reactors and their support facilities, and manufacturing settings. These radiation sources can pose a serious health risk if not properly managed by limiting exposure time, increasing the distance from the source, shielding, and measuring exposure levels with film badges or dosimetry. Ionizing radiation includes X-rays and radioisotopes like uranium that are radioactive and give off radiation when the nucleus breaks down or disintegrates. The three possible kinds of radiation generated by radioactive materials or sources are alpha particles, beta particles and gamma-rays.
- **Excessive Cold** is a risk in operations involving low air temperatures, high air movement; wetness or sweating; exposed fingers, cheeks, nose, ears, uncovered head; clothing or shoes that restrict circulation; low activity level; contact with cold objects; and being tired, hungry or thirsty. Readings of temperature and air movement should be taken in all cold work areas at the start, middle, and end of each shift, at least every four hours. Excessive cold exposure can result in frost bite, hypothermia, swollen and tender feet (immersion foot) and chilblains – red, swollen skin, usually on hands and feet, that feels hot, tender, and itchy after cold exposure.
- **Excessive Heat** is a risk in operations involving high air temperatures, especially above 95 degrees Fahrenheit; radiant heat sources such as boilers, ovens, furnaces, hot asphalt; high humidity, direct physical contact with hot objects, or hard physical work. Additional risk factors are workers not being given time to gradually get used to the heat and lack of drinking water, fans, reflective shields, heat-protective gloves and clothing, and cooling vests. Readings of temperature and humidity should be taken in all hot work areas at the start, middle, and end of each shift, at least every four hours. Excessive heat can result in heat rash, dehydration, heat cramps, heat exhaustion, and heat stroke.

- **Lighting.** Whether in industrial or office settings, proper lighting makes all work tasks easier. Appropriate lighting, without glare or shadows, can reduce eye fatigue and headaches. It highlights moving machinery and other safety hazards. It also reduces the chance of accidents and injuries from “momentary blindness” while the eyes adjust to brighter or darker surroundings. Improper lighting can often be a problem associated with poor maintenance.

Chemical Hazards

Of the six to seven million chemical substances known in industry and scientific research, close to 70,000 are produced for regular use. Of this number, several thousand are produced in substantial quantities for industrial use. Solvents, lead, asbestos, silica, latex, formaldehyde, cleaning chemicals, metal dust, metalworking fluids, diesel exhaust, and copier and printer fumes are all examples of chemical hazards. Some can be seen as dust in the air and some can be smelled as vapors or gases. Others can

be harmful without any odor or visible sign. Too often workers get used to chemical smells and cannot detect them even at high levels. Some chemicals are also safety hazards because they are flammable or explosive, or react dangerously with other chemicals.



ROUTES OF ENTRY

Breathing contaminated air is the most common way that chemicals enter the body. Some chemicals, when contacted, can seep through the skin. Less commonly, chemicals may be eaten if the hands, face, food, or cigarettes are contaminated. The eyes may also be a route of entry. Usually, however, only very small quantities of workplace chemicals enter through the mouth or the eyes. Rarely, a chemical is injected through the skin by a sharp object such as a needle or broken glass.

HEALTH EFFECTS

In addition to serious and immediate health problems, chemicals can cause a new health problem or make old problems worse. People with existing lung problems, for example, are most at risk from substances that cause lung problems.

Most chemicals can cause both immediate effects (acute) and those that show up years later and/or last a long time (chronic). Acute health effects may be temporary, such as skin irritation, headaches or nausea, or they may be permanent, such as blindness, scars from acid burns, mental impairment, etc. Chronic health effects include cancer and damage to major body systems. For example, solvents can cause acute irritation of the eyes, nose and throat, dizziness, drowsiness, nausea and vomiting. Solvents also cause chronic damage to the liver, kidneys, and brain – and many cause cancer.

FORMS OF TOXIC MATERIALS

Toxic materials can take the form of solids, liquids, gases, vapors, dusts, fumes, fibers and mists. How a substance gets into the body and what damage it causes depends on its form or physical properties.

A toxic material may take different forms under varying conditions and each form may present a different type of hazard. For example, lead solder in solid form is not hazardous because it is not likely to enter the body. Soldering, however, turns the lead into a liquid, which may spill or come into contact with skin. When the spilled liquid becomes solid again, it may be in the form of small particles (dust) that may be inhaled or ingested and absorbed. If lead is heated to a very high temperature such as when it is welded, a fume may be created; a fume consists of very small particles that are extremely hazardous as they are easily inhaled and absorbed. It is thus important to know what form or forms a substance takes in the workplace. A description of each form follows.

Solid: A solid is a material that retains its form, like stone. Most solids are generally not toxic since they are not likely to be absorbed into the body, unless present as small particles such as dust.

Liquid: A liquid is a material that flows freely, like water. Many hazardous substances such as solvents are in liquid form at normal temperatures. Some liquids can damage the skin. Some pass through the skin and enter the body and may or may not cause skin damage. Liquids may also evaporate (give off vapors), forming gases which can be inhaled. Mercury is a metal that is liquid at room temperature.

Gas: A gas consists of individual chemical molecules dispersed in air, like oxygen, at normal temperature and pressure. Some gases are flammable, explosive, and/or toxic. Examples of gases are formaldehyde, chlorine, ammonia and Freon refrigerants. The presence of a gas may be difficult to detect if it has no color or odor, and does not cause immediate irritation. Such gases, like carbon monoxide, may still be very hazardous.

Vapor: A vapor is the gas form of a substance that is primarily a liquid at normal pressure and temperature. Most organic solvents evaporate and produce vapors. Vapors can be inhaled into the lungs, and in some cases may irritate the eyes, skin or respiratory tract. Some are flammable, explosive and/or toxic. The term vapor pressure or evaporation rate is used to indicate the tendency for different liquids to evaporate.

Dust: A dust consists of small solid particles in the air. Dusts may be created when solids are pulverized or ground, or when powder (settled dust) becomes airborne. For example, silica dust is created when concrete is cut. Dusts may be hazardous because they can be inhaled into the respiratory tract. Larger particles of dust are usually trapped in the nose and windpipe where they can be expelled, but smaller particles can reach and may damage the lungs. Some, like lead dust, may then enter the bloodstream through the lungs. Some organic dusts, such as grain dust, may explode when they reach high concentrations in the air.

Fume: A fume consists of very small, fine solid particles in the air which form when solid chemicals are heated to very high temperatures, evaporate to vapor, and finally become solid again. The welding or brazing of metal, for example, produces metal fumes. Asphalt also fumes when heated. Fumes are hazardous because they are easily inhaled. Many metal fumes can cause an illness called metal fume fever, consisting of fever, chills and aches like the "flu." Inhalation of other metal fumes, such as lead, can cause poisoning without causing metal fume fever.

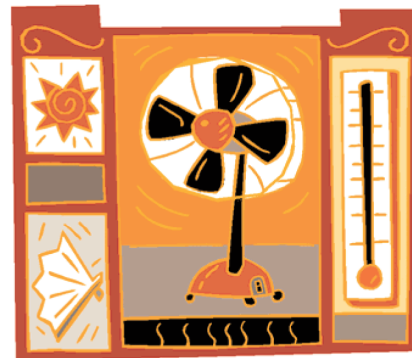
Fiber: A fiber is a solid particle whose length is at least three times its width. The degree of hazard depends upon the size of the fiber. Smaller fibers such as asbestos can lodge in the lungs and cause serious harm. Larger fibers are trapped in the respiratory tract and are expelled without reaching the lung. Examples of fibers are fibrous glass and asbestos.

Mist: A mist consists of liquid particles of various sizes which are produced by agitation or spraying of liquids. Mists can be hazardous when they are inhaled or sprayed on the skin. The spraying of pesticides and the machining of metals using metal working fluids are two situations where mists are commonly produced.

Indoor Air Quality (IAQ)

Exposure to indoor air pollutants has increased due to many factors, including:

- Construction of tightly-sealed buildings, some lacking windows that open.
- Reduced ventilation to save energy. More air is re-circulated within the building, resulting in the buildup of air contaminants.
- Use of synthetic building materials and furnishings that give off toxic substances.
- Increased use of chemically-formulated housekeeping supplies.
- Routine application of chemical pesticides.
- Cutbacks in personnel, causing inadequate maintenance of ventilation systems.
- Increased use of flat roofs prone to standing water and leakage.
- Deferred maintenance of roofs and plumbing, resulting in water leakage and mold growth.



Symptoms associated with poor IAQ may include eye, nose, throat, and upper respiratory irritation, chills, fever, cough, chest tightness, congestion, sneezing, runny nose, muscle aches, and pneumonia. Typically, workers notice that these symptoms appear and worsen at work and become less severe outside of work. Illnesses associated with IAQ problems include asthma, hypersensitivity pneumonitis, multiple chemical sensitivity, and Legionnaires' disease.

WHAT IS GOOD INDOOR AIR QUALITY?

Good Indoor Air Quality (IAQ) includes:

- Adequate outdoor air supply and distribution.
- Absence of pollutants in the air.
- Acceptable temperature and humidity.

Temperatures should be in the range of 72.5 to 80 degrees Fahrenheit in summer and 68 to 76 degrees Fahrenheit in winter with fluctuations of less than 2 degrees per hour. Humidity should be in the range of 30 to 60 percent. Outdoor air supply should be 15 to 20 cubic feet per minute per person (cfm/person). Carbon dioxide levels above 800 parts per million parts of air (ppm) indicate a lack of outdoor air supply. Carbon dioxide should be measured after a space has had at least four hours of continuous use by the occupants.

2. OSHA/NJPEOSH Standards

OSHA/NJPEOSH standards are regulations that employers have a legal obligation to follow. There is a set of standards for construction work and another for “General Industry,” which applies to most other covered workplaces. There are also some standards just for shipyards and marine terminals.



NJPEOSH uses almost all of the federal OSHA standards and also has four of its own standards that go beyond those of OSHA.

- Hazard Communication
- Indoor Air Quality
- Firefighters
- Firing Ranges

These can be found at

http://lwd.dol.state.nj.us/labor/lssc/laws/peosha_law.html.

The general duty clause is the section of the OSHA/NJPEOSH laws that can sometimes be used to protect workers from hazards that are known but are not covered by standards.

The best way to learn about requirements of OSHA/NJPEOSH standards is to use the **OSHA Topic Pages**. OSHA has created these pages on many health and safety subjects, from Asbestos to Walking/Working Surfaces. Each page has links to:

- Applicable OSHA standards, directives and interpretations.
- Applicable standards from standards organizations.
- Explanation of how to recognize the hazard.
- Examples of possible solutions.
- Related Topic Pages.
- Publications and other resources.

To access **OSHA Topic Pages**, go to www.osha.gov/SLTC/index.html. There is an alphabetical drop-down menu of topics. Or enter a topic and search for it. The next five pages list many of the available Topic Pages on health hazards, chemical hazards, safety hazards, control measures, types of industry, etc.

HEALTH HAZARD OSHA TOPIC PAGES

Computer Work Stations
Heat Stress
Indoor Air Quality
Laser/Electrosurgery Plume
Latex Allergy
Noise and Hearing Conservation
Occupational Asthma
Repetitive Motion
Reproductive Hazards
Sanitation
Stress

RADIOLOGICAL HAZARD OSHA TOPIC PAGES

ELF (Extremely Low Frequency)
Radiation
Ionizing Radiation
Laser Hazards
Radiation
Radiofrequency and Microwave
Radiation
Radiological Dispersal Devices
(Dirty Bombs)

BIOLOGICAL HAZARD OSHA TOPIC PAGES

Anthrax
Bloodborne Pathogens and
Needlestick Prevention
Biological Agents
Communicable Disease
Foodborne Disease
Hantavirus
Legionnaires' Disease
Mold and Fungi
Plague
Smallpox
Tuberculosis
Tularemia

USEFUL OSHA/NJPEOSH HEALTH STANDARDS FOR GENERAL INDUSTRY

- N.J.A.C. 12:100-7 Hazard communication (NJPEOSH only)
- N.J.A.C. 12:100-8 Indoor firing ranges (NJPEOSH only)
- N.J.A.C. 12:100-13 Indoor air quality (NJPEOSH only)
- N.J.A.C. 12:100-5 Record-keeping (NJPEOSH only)
- 1904: Recording and reporting occupational injuries and illnesses (OSHA)
- 1910.95: Occupational noise exposure
- 1910.106: Proper storage of chemicals
- 1910.120: Hazardous waste-Emergency responders
- 1910.132: Protective clothing
- 1910.133: Eye and face protection
- 1910.134: Respiratory protection
- 1910.138: Glove protection
- 1910.141: Sanitation of toilets and lunchrooms
- 1910.151: Medical services and first aid; emergency eye and body wash
- 1910.1020: Access to medical and monitoring data
- 1910.1030: Bloodborne pathogens
- 1910.1200: Hazard communication (OSHA)
- 1910.1450: Occupational exposure to hazardous chemicals in laboratories

CHEMICAL HAZARDS OSHA TOPIC PAGES

Arsenics
Asbestos
Asphalt Fumes
Benzene
Beryllium
Cadmium
Carcinogens
Chemical Reactivity
Chemical Sampling
Coal Tar Pitch Volatiles
Dermal Exposure
Diesel Exhaust
Direct Reading Instruments
Ethylene Oxide
Formaldehyde
Hazard Communication
Hazardous and Toxic Substances
Hazardous Waste
Hexavalent Chromium
Isocyanates
Lead
Mercury
Methylene Chloride
Metalworking Fluids
Multiple Chemical Sensitivities
Perchloroethylene
Permissible Exposure Limits
Sampling and Analytical Methods
Silica
Solvent
Styrene
Surface Contamination
Synthetic Mineral Fibers
Toxic Metals
Waste Anesthetic Gases
Wood Dust

USEFUL OSHA/NJPEOSH STANDARDS ON SPECIFIC CHEMICALS

- 1910.1000: Air contaminants
- 1910.1001: Asbestos
- 1910.1017: Vinyl chloride
- 1910.1018: Inorganic arsenic
- 1910.1025: Lead
- 1910.1026: Chromium (VI)
- 1910.1027: Cadmium
- 1910.1028: Benzene
- 1910.1029: Coke oven emissions
- 1910.1043: Cotton dust
- 1910.1044: 1,2-dibromo-3-chloropropane
- 1910.1045: Acrylonitrile
- 1910.1047: Ethylene oxide
- 1910.1048: Formaldehyde
- 1910.1050: Methylenedianiline
- 1910.1051: 1,3 Butadiene
- 1910.1052: Methylene chloride
- 1915.1001: Asbestos in Shipbuilding
- 1926.62: Lead in Construction
- 1926.1101: Asbestos in Construction
- 1926.1127: Cadmium in Construction

SAFETY HAZARD OSHA TOPIC PAGES

Compressed Gas
Confined Space Entry
Control of Hazardous Energy
(Lockout/Tagout)
Crane, Derrick, Hoist Safety
Dip Tanks
Electrical
Exits
Fall Protection
Fire Safety
Flammable and Combustible Liquids
Forklifts/Powered Industrial Trucks
Hand and Power Tools
Lockout/Tagout
Pressure Vessels
Machine Guarding
Motor Vehicle Safety
Scaffolding
Spray Finishing
Trenching and Excavation
Violence
Walking/Working Surfaces
Welding, Cutting, Brazing

CONTROL MEASURE OSHA TOPIC PAGES

Competent Persons
Ergonomics
Eye and Face Protection
Incident Command System
Medical and First Aid
Medical Screening and Surveillance
Personal Protective Equipment
Process Safety Management
Respiratory Protection
Safety and Health Programs
Ventilation

USEFUL OSHA/NJPEOSH SAFETY STANDARDS FOR GENERAL INDUSTRY

- N.J.A.C. 12:100-10 Standards for firefighters (NJPEOSH only)
- 1910.22 to .24: Floors, stairs, floor and wall openings
- 1910.25 to .27: Ladders
- 1910.28 to .29: Scaffolds
- 1910.36 to .37: Exits
- 1910.38: Emergency preparedness
- 1910.101: Compressed gases
- 1910.107: Spray finishing
- 1910.146: Confined space entry
- 1910.147: Control of hazardous energy; electrical lockout/tagout
- 1910.157: Portable fire extinguishers
- 1910.160: Fixed extinguishing systems
- 1910.164: Fire detection systems
- 1910.165: Employee alarm systems
- 1910.178: Powered industrial trucks/forklifts
- 1910.211 to .217: Machine guarding
- 1910.241 to .244: Hand and portable power tools
- 1910.252 to .254: Welding, cutting, brazing
- 1910.303 to .307: Electrical grounding, guarding
- 1910.331 to .335: Electrical safety-related work practices

TYPES OF INDUSTRY OSHA TOPIC PAGES

Agricultural Operations
Airline Industry
Autobody Repair
Baggage Handling
Basic Steel Products
Battery Manufacturing
Beverage Delivery
Commercial Diving
Concrete Manufacture
Construction:
Dentistry
Disaster Recovery
Dry Cleaning
Electric Power Generation,
Transmission, Distribution
Electrical Contractors
Government Employees, State and
Local
Grain Handling
Grocery Warehousing
Hazardous Waste Sites
Health Care Facilities
Highway Work Zones
Hospitals
Hurricane Assistance and Recovery
Laboratories
Landscape and Horticultural Services
Logging
Longshoring and Marine Terminals
Lumber and Building Material Dealer
Marine Terminals
Meatpacking
Maritime
Nursing Homes
Oil and Gas Wells Drilling and Servicing
Plastics Industry
Poultry Processing
Printing Industry
Pulp, Paper, Paperboard Mills
Pyrotechnics Industry
Residential Construction

USEFUL OSHA/NJPEOSH STANDARDS FOR CONSTRUCTION

- 1926.21: Safety training and education
- 1926.25 to .27: Housekeeping, illumination, sanitation
- 1926.52: Noise
- 1926.62: Lead in construction
- 1926.95 to .107: Personal protective equipment
- 1926.150 to .159: Fire protection
- 1926.200 to .203: Signaling, barricades
- 1926.300 to .307: Power tools
- 1926.350 to .354: Welding
- 1926.403 to .407: Electrical safety
- 1926.417: Lockout/tagout
- 1926.450 to .454: Scaffolds
- 1926.500 to .503: Fall protection
- 1926.550 to .556: Cranes, hoists, lifts
- 1926.600 to .606: Motor vehicles
- 1926.650 to .652: Trenching and excavation
- 1926.1101: Asbestos in construction
- 1926.1050 to .1060: Ladders

Restaurant Safety
Robotic
Sawmills
Sealant, Waterproofing, and Restoration
Semiconductors
Ship Building and Repair
Steel Erection
Tree Care
Trucking
Woodworking

OTHER OSHA TOPIC PAGES

Accident Investigation
Complaints
Compliance Assistance
Emergency Preparedness and Response
Epidemiology
Evacuation Plans and Procedures
General Duty Clause
Injury and Illness Prevention Programs
Medical Care
OSHA Field Operations Manual
OSHA Technical Manual
Recordkeeping
Small Business
Technical Information Bulletins
Teen Workers
Training

3. Surveys

Worksite Inspection Checklist

Worker Health and Safety Complaint

Work-Related Health Problems Report

Indoor Air Quality Occupant Survey



Worksite Inspection Checklist

This is a basic all-purpose checklist. Each "no" answer may indicate a problem. Note that this checklist does not cover all possible hazards or workplaces.

Location: _____ Date: _____

Inspection Team (Names):

SAFETY HAZARDS

YES NO FLOORS AND WALKWAYS

- ___ ___ Are work areas kept clean and orderly?
- ___ ___ Are walkways and stairways wide enough and kept clear?
- ___ ___ Do stairways have handrails?
- ___ ___ Are buckets and mops available to clean up spills so no one will slip?
- ___ ___ Are non-slip mats, grates, or slip-free coatings used in wet areas to prevent falls?
- ___ ___ Are floor openings covered, or do they have toe boards and railings?
- ___ ___ Are floors clear of ice, water, grease, debris, cords, lines, hoses and other obstructions?
- ___ ___ Is there adequate space between machines and equipment?

YES NO LADDERS AND FALL PROTECTION

- ___ ___ Are ladders in good condition and do they have safety feet?
- ___ ___ Are non-metal ladders used when there is a possibility of electric shock?
- ___ ___ Have workers been trained about ladder safety?
- ___ ___ If work is done at heights, are fall protection systems used (such as a lifeline and harness)?

YES NO FIRE SAFETY

- Are there at least two fire exits for each work area, clearly marked and unlocked?
- Are pathways to the exits clear?
- Have workers been told what to do in case of a fire or other emergency, and are there regular fire drills?
- Are there fire extinguishers of the correct type close to each workstation with locations marked?
- Do fire extinguishers have up-to-date inspection tags?
- Do workers know how to use fire extinguishers?
- Are the fire alarm system and sprinkler system regularly tested?

YES NO ELECTRICAL HAZARDS

- Have workers been told how to recognize when a machine has been locked out (electrical power turned off)?
- Are electrical cords in good condition (no fraying or other defects)?
- Are there enough outlets so extension cords don't have to be used?
- Are cords kept out of areas where someone could trip over them, or where they could be damaged?
- Are power tools in good condition and properly grounded?
- In 3-prong plugs, is the ground prong properly used?
- Are fuses and circuit breakers the right type and size for the load?
- Do portable electric lights have guards to prevent burns and shocks?
- Have workers received training about electrical safety?

YES NO LIGHTING

- Is there adequate lighting throughout the workplace?
- Are outdoor pathways and parking lots adequately lighted at night?

YES NO MACHINE GUARDING AND MECHANICAL SAFETY

- Are machines securely attached to the floor?
- Do machines have guards on them to protect workers from injury, and have they been told to report missing machine guards?
- Do workers know how to turn off machines in an emergency?
- Have workers been trained in how to work safely around machines?

YES NO OTHER SAFETY ISSUES

- Are hot surfaces guarded to prevent accidental contact?
- Are sharp objects properly stored so they don't present a hazard?

HEALTH HAZARDS

YES NO CHEMICALS

- Are chemicals (including pesticides) properly labeled and stored?
- Are flammable liquids inside the building stored in metal cabinets?
- Are *Material Safety Data Sheets* on chemicals readily available to workers?
- Has the Haz Com inventory been done of toxic substances used in the workplace?
- Have workers who use chemicals been trained about how to use them safely?

YES NO PERSONAL PROTECTIVE EQUIPMENT (PPE)

- Are workers who use chemicals provided personal protective equipment as needed? (For example, gloves, eye protection, and respirators)?
- Have workers been trained about proper use of PPE?
- Is PPE cleaned, maintained, and stored properly?
- Are multiple sizes of PPE available to fit different workers?
- If respirators are used, have workers been fit-tested and is there a written Respiratory Protection Program?

YES NO VENTILATION

- Is there adequate ventilation to keep levels of dust, vapors, gases, and fumes as low as possible?
- Are local exhaust ventilation systems (such as fume hoods) provided at workstations where toxic chemicals are used?
- Is ventilation equipment well maintained?
- Are the temperature, humidity, and air movement in all areas kept as comfortable as possible?

YES NO SANITATION AND HOUSEKEEPING

- Are adequate toilet facilities provided and well maintained? Do workers have access to them when needed?
- Are there sinks with hot and cold water, soap, and disposable hand towels?
- Are insects and rodents adequately controlled?
- Is smoking prohibited?
- Are there clean eating areas separate from work and chemical storage areas?
- Are there enough waste containers and are they well-maintained, leak-proof, and emptied regularly?

YES NO ERGONOMIC HAZARDS

- Can workers get help (from co-workers or mechanical devices) when doing heavy lifting?
- Have workers been trained in proper lifting methods?
- Are job tasks that require repetitive movements varied or rotated?
- Are workstations set up to avoid awkward postures and to fit the individual needs of workers?
- Are workers given adequate breaks?
- Is overtime kept to a minimum?
- Are workers able to avoid standing or sitting for long periods of time?

YES NO NOISE

- Has the employer measured noise levels at all noisy operations?
- Is there a program for noise reduction (such as purchase of quieter equipment, enclosure of noisy operations, etc.)?
- Has the employer tested the hearing of all workers exposed to noise?
- Are earplugs or other hearing protection devices available and do workers know when and where hearing protection is necessary?

GENERAL WORKPLACE ISSUES

YES NO

- Does the workplace have a written health and safety program?
- Is the OSHA/NJPEOSH Log 300 of injuries and illnesses kept up to date? Is it available to workers and a summary posted (February 1 to April 30) each year?
- Is there a written Emergency Action Plan and have all workers been trained in what to do during an emergency?
- Is there someone in the workplace trained in first aid and CPR?
Who? _____
- Is there adequate staffing?
- Have workers been trained in workplace violence prevention?
- Is there a security system, or security personnel, to protect against intruders who may commit a robbery or assault in the workplace?

Worker Health and Safety Complaint

Date _____ Location _____

Department _____ Shift _____ Time _____

Number and job titles of those affected:

How long has the hazard existed?

Is this a recurring situation? Yes No

Has an injury or illness resulted from this hazard? Yes No

Nature of Complaint (Describe):

Signature of Employee(s):

Reported to Management (Name):

Management Response:

Settled: (Circle) Yes No

Copies to manager, workers, union and health and safety committee.

Work-Related Health Problems Report

*Please answer the questions. All responses will be kept confidential.
Copies to worker and union and health and safety committee.*

Name _____ Date _____

Job Title _____ Work Area _____

Date began this job _____ / _____ Hours of work _____
month year

1. Have you experienced any health problems that you feel may have been caused or made worse by your job?

Symptoms of work-related health problems may include pain or discomfort in any part of the body or a change in bodily function. Examples include irritation of the eyes, nose, or throat, hoarseness or change in voice, cough, shortness of breath; burning, heaviness, tightness in the chest, skin irritation, itching, redness, rash; chills, indigestion, nausea, vomiting, weight loss; bleeding; headaches, light-headedness, fainting, confusion, fatigue, drowsiness, reduced memory, muscle weakness, poor coordination, numbness, pins-and-needles feeling, tremors, seizures, swelling.

Yes No

If you answered "Yes," go on to Questions 2 to 10. If "No," stop here.

2. Please describe your health problem(s).

3. When did the problem(s) begin or begin to occur more often than normal?

_____ / _____
month year

4. Do the problem(s) get better during:
Daily non-work time Yes No
Days off Yes No
Longer vacations Yes No
5. Have you received medical treatment for any of these health problem(s)?
 No
- Yes, with employer's medical department
Times in past 12 months _____ Diagnosis _____
- Yes, with personal doctor
Times in past 12 months _____ Diagnosis _____
6. How many days away from work have you lost in the past 12 months because of these health problem(s)? _____
7. How many days in the last 12 months were you on restricted or light duty because of these health problems(s)? _____
8. Have you filed for workers' compensation for any of these health problem(s)?
 No
- Yes
Problem _____ Outcome: _____
Problem _____ Outcome: _____
9. What do you think is causing your health problem(s)?
10. What changes in working conditions do you think would help to lessen your health problem(s)?

Indoor Air Quality Occupant Survey

*Please answer the questions. All responses will be kept confidential.
Copies to worker and union and health and safety committee.*

Building Name: _____

Address: _____

Job Title: _____

Name (optional): _____

WORK LOCATION

Where do you spend most of your time in the building? _____

Are any of these a problem in your work area?

Circle all that apply.

Temperature too hot

Temperature too cold

Lack of fresh air

Peculiar odors

Soot or dust

Mold

Drafts

Renovations/construction

Pesticides

Cleaning products

Copier fumes

Other, specify: _____

Have you noticed any events (such as weather, temperature or humidity changes, or activities in the building) that tend to occur around the same time as your symptoms?

Yes No

If Yes, please describe:

SYMPTOMS

Are you experiencing symptoms or discomfort within your workplace?

Yes No

If yes, what are your symptoms?

Where are you when you experience symptoms or discomfort?

Are you aware of co-workers with similar symptoms or discomfort?

Yes No

If so, what are their names and work locations?

Do you have any health conditions that may make you more likely to react to environmental problems? *Circle all that apply.*

allergies

cardiovascular disease

suppressed immune system

chronic neurological problems

chronic respiratory disease

undergoing chemotherapy or radiation therapy

Please write any other comments you have on the indoor air quality situation.

4. Request Letters

TO EMPLOYERS, REQUESTING:

1. [Safety and health information under labor law \(from union\)](#)
2. [Worksite inspection under labor law \(from union\)](#)
3. [Information on exposure to toxic substances or harmful physical agents \(from employee or former employee\)](#)
4. [Information on exposure to toxic substances or harmful physical agents \(from union\)](#)
5. [Medical records \(from employee or former employee\)](#)
6. [Release of medical records to the union \(from employee or former employee\)](#)
7. [Medical records \(from union\)](#)
8. [Noise records \(from employee or former employee\)](#)
9. [Noise records \(from union\)](#)
10. [OSHA/NJPEOSH Injury and Illness Log 300 and 300-A Summary](#)
11. [OSHA/NJPEOSH 301 Incident Report \(from employee or former employee\)](#)
12. [OSHA/NJPEOSH 301 Incident Report \(from union\)](#)



TO OSHA, REQUESTING:

13. [An OSHA inspection; complaint cover letter \(from union\)](#)
14. [OSHA inspection records \(from union\)](#)
15. [To contest OSHA abatement dates \(from union\)](#)

TO NJPEOSH, REQUESTING:

16. [A NJPEOSH inspection; complaint cover letter \(from union\)](#)
17. [NJPEOSH inspection records \(from union\)](#)
18. [To contest any provision of NJPEOSH Order to Comply \(from union\)](#)

TO NEW JERSEY RIGHT TO KNOW PROGRAMS, REQUESTING:

19. [Right to Know Survey and EPA Form R of a private sector employer \(from employee or union\)](#)
20. [Right to Know Survey of a public sector employer \(from employee or union\)](#)

Sample Request Letter 1

SAFETY AND HEALTH INFORMATION UNDER LABOR LAW FROM UNION

Date:

Employer Official

Employer

Address

Dear (*employer representative*),

In order to fulfill the union's contract administration and bargaining responsibilities, we request the following information for the last three (3) calendar years:

(Include some or all of the following, depending on need.)

1. Records of inspections, consultations, or audits related in any way to health and safety, including OSHA, corporate, insurance company, fire, boiler, electrical, environmental, etc.
2. Records of accident/incident investigations.
3. The following information regarding workers' compensation experience:
 - a. Number of claims filed.
 - b. Number of compensation claims paid.
 - c. Number of medical-only claims paid.
 - d. Cost of compensation claims, medical-only claims, and all costs combined.
4. Listings of employees who either are or have been:
 - a. Medically restricted as a result of musculoskeletal, respiratory or other conditions thought to be of occupational origin.
 - b. Laid off as a result of physical disabilities caused by occupational injuries or illness.
 - c. Experiencing standard threshold shift hearing loss (change in hearing threshold relative to the baseline audiogram of an average of 10 dB or more at 2000, 3000, and 4000 Hz in either ear).
5. Information regarding any health and safety program in use, including but not limited to a description of the program, instructions to supervisors, instructions to employees, training manuals, and names of employees who have been trained in this program. These may include:
 - a. Emergency response.
 - b. Hazard communication.
 - c. Chemical spills.
 - d. Hearing conservation/noise abatement.

- e. Indoor air quality.
 - f. Pest control and pesticide use.
 - g. Ergonomics.
 - h. Bloodborne pathogens.
 - i. Confined space entry.
 - j. Lockout/Tagout.
 - k. Outside contractor health and safety.
 - l. Preventive maintenance of the facility, machinery, equipment, and tools.
6. Minutes of health and safety committee meetings.
 7. Health and safety literature that the employer has received from manufacturers of machines and other equipment, or from designers of work processes.
 8. Studies of workplace health and safety conditions produced by the employer, consultants, or outside agencies.
 9. Health and safety suggestions submitted to the employer.
 10. Information on anticipated changes in the workplace, including renovations and new construction, new chemicals, equipment and work processes that may affect health and safety.

Please provide this information by (date)._____

(Pick applicable paragraph.)

FOR PRIVATE SECTOR:

This request is made pursuant to the union's right to information under the National Labor Relations Act. *(Substitute name of applicable bargaining law if workers are not covered by the NLRA. The Railway Labor Act covers airline and railroad employees.)*

FOR PUBLIC SECTOR:

This request is made pursuant to the union's right to information under the New Jersey Employer-Employees Relations Act. *(Substitute name of applicable bargaining law if workers are not covered by this Act. Federal employees, with the exception of employees of the U.S. Postal Service who are covered by the NLRA, are covered by the Federal Labor Relations Act.)*

Sincerely,

Name/Signature

Address

(Authorized Employee Representative/Union Representative)

Sample Request Letter 2

WORKSITE INSPECTION UNDER LABOR LAW FROM UNION

Date:

Employer Official
Employer
Address

Dear (*employer representative*),

The union has become aware of several health and safety concerns of employees that we would like to investigate. Specifically, we would like to look at the following items:

(Include some or all of the following, depending on need.)

1. Jobs involving potential exposure to hazardous chemicals.
2. Jobs involving noise exposure.
3. All jobs for ergonomic evaluation.
4. Safety-related hazards throughout the facility.
5. Indoor air quality hazards throughout the facility including outdoor air supply, temperature control, mold, asbestos, and lead paint.
6. Computer jobs throughout the facility for ergonomic evaluations.
7. Fire preparedness and protection, including aisles, exits, fire extinguishers and alarms.
8. Vehicle maintenance and emergency supplies.
9. Violence-related hazards including parking, lighting, building security.
10. Sanitation including general housekeeping, bathrooms, trash removal and recycling, and pest control.

In order to fulfill the union's contract administration and bargaining responsibilities, we request a worksite inspection on a date agreeable to both parties. The union expects the inspection to take one or two days and would use the standard investigative tools of a health and safety professional, including taking photographs and measurements. The inspection would be conducted by _____. We also request that a local union representative and union staff representative participate.

Please provide us with dates for the inspection that are agreeable to you.

(Pick applicable paragraph.)

FOR PRIVATE SECTOR:

This request is made pursuant to the union's right to information under the National Labor Relations Act. *(Substitute name of applicable bargaining law if workers are not covered by the NLRA. The Railway Labor Act covers airline and railroad employees.)*

FOR PUBLIC SECTOR:

This request is made pursuant to the union's right to information under the New Jersey Employer-Employees Relations Act. *(Substitute name of applicable bargaining law if workers are not covered by this Act. Federal employees, with the exception of employees of the U.S. Postal Service who are covered by the NLRA, are covered by the Federal Labor Relations Act.)*

Sincerely,

Name/Signature

Address

(Authorized Employee Representative/Union Representative)

Sample Request Letter 3

INFORMATION ON EXPOSURE TO TOXIC SUBSTANCES OR HARMFUL PHYSICAL AGENTS TO EMPLOYER FROM EMPLOYEE OR FORMER EMPLOYEE

Date:

Employer Official

Employer

Address

RE: Exposure Records

Dear (*employer representative*),

As an employee (*or former employee*) at (*name of the workplace or employer*), and in accordance with OSHA/NJPEOSH standards 1910.1020 (1926.33 for construction industry), Access to Employee Exposure and Medical Records, and 1910.1200 (1926.59 for construction industry and N.J.A.C. 12:100-7.6 for NJPEOSH), Hazard Communication, I am requesting copies of all of the following that are relevant to me, the employee:

1. Results of exposure monitoring and biological monitoring for toxic substances and harmful physical agents conducted at the workplace.
2. Copies of analyses, reports, findings, conclusions and recommendations made by any health and safety consultant hired by or made by the employer itself, related to workplace exposure to toxic substances or harmful physical agents.
3. Lists of all hazardous chemicals in the workplace, including the latest available Right to Know Survey and any updates.
4. Copies of all Material Safety Data Sheets you have on file for hazardous chemicals used in the workplace.
5. A copy of the written Hazard Communication Program.

OSHA/NJPEOSH standards require that either I be given copies of this information within 15 working days, or if you cannot reasonably provide access to these records within 15 working days, you must apprise me of the reason for any delay and the earliest date when the records can be made available. Copies of these records shall be provided to me at no cost.

Sincerely,

Name/Signature (*Employee or former employee*)

Address

Sample Request Letter 4

INFORMATION ON EXPOSURE TO TOXIC SUBSTANCES OR HARMFUL PHYSICAL AGENTS TO EMPLOYER FROM UNION

Date:

Employer Official
Employer
Address

RE: Exposure Records

Dear (*employer representative*),

As a designated representative for the employees at (*name of the workplace or employer*), and in accordance with OSHA/NJPEOSH standards 1910.1020 (1926.33 for construction industry), Access to Employee Exposure and Medical Records, and 1910.1200 (1926.59 for construction industry and N.J.A.C. 12:100-7.6 for NJPEOSH), Hazard Communication, we are requesting copies of all of the following records:

1. Results of exposure monitoring and biological monitoring for toxic substances and harmful physical agents conducted at the workplace for all employees (*or select certain substances, employees, dates, etc.*).
2. Copies of analyses, reports, findings, conclusions or recommendations made by any health and safety consultant hired by the employer, or made by the employer itself, related to workplace exposure to toxic substances or harmful physical agents.
3. Lists of all hazardous chemicals in the workplace, including the latest available *Right to Know Survey* and any updates.
4. Copies of all *Material Safety Data Sheets* you have on file for hazardous chemicals used on the workplace.
5. A copy of the written Hazard Communication Program.

OSHA/NJPEOSH standards require that either we be given copies of this information within 15 working days, or if you cannot reasonably provide access to these records within 15 working days, you must apprise us of the reason for any delay and the earliest date when the records can be made available. Copies of these records shall be provided at no cost.

Sincerely,

Name/Signature (*Union Representative*)
Address

Sample Request Letter 5

COPY OF MEDICAL RECORDS TO EMPLOYER FROM EMPLOYEE OR FORMER EMPLOYEE

Date:

Employer Official
Employer
Address

RE: Medical Records

Dear (*employer representative*),

As an employee (*or former employee*) of (*name of the workplace or employer*), and in accordance with OSHA/NJPEOSH standard 1910.1020 (1926.33 for construction), Access to Employee Exposure and Medical Records, I am requesting copies of all medical records pertaining to me maintained by the employer or its contractors or consultants, including but not limited to:

1. Medical and employment questionnaires and histories.
2. The results of medical examinations and laboratory tests.
3. Medical opinions, diagnoses, progress notes, and recommendations.
4. First aid records.
5. Descriptions of treatments and prescriptions.
6. My medical complaints.

OSHA/NJPEOSH standard 1910.1020 (1926.33 for construction) requires that either I be given copies of this information within 15 working days, or if you cannot reasonably provide access to these records within 15 working days, you must apprise me of the reason for any delay and the earliest date when the records can be made available. Copies of these records shall also be provided to me at no cost.

Sincerely,

Name/Signature (*Employee or former employee*)
Address

Sample Request Letter 6

RELEASE OF EMPLOYEE MEDICAL INFORMATION TO THE UNION TO EMPLOYER FROM EMPLOYEE OR FORMER EMPLOYEE

Date:

Employer Official
Employer
Address

RE: Employee Medical Records

Dear (*employer representative*),

Using my rights under OSHA/NJPEOSH standard 1910.1020 (1926.33 for construction industry), Access to Employee Exposure and Medical Records, I (*name of employee or former employee*) hereby authorize (*name of employer*) to release to (*name of authorized union or physician*) the following medical information from my personal medical records maintained by the employer or its contractors or consultants, including but not limited to:

1. Medical and employment questionnaires and histories.
2. The results of medical examinations and laboratory tests.
3. Medical opinions, diagnoses, progress notes, and recommendations.
4. First aid records.
5. Descriptions of treatments and prescriptions.
6. Employee medical complaints.

I give my permission for this medical information to be used for the following purpose(s): (*describe the approved use of these records, for example, diagnosing, treating and compensating occupational disease or analysis of workplace hazards*), but I do not give my permission for any other use or re-disclosure of this information.

Sincerely,

Name/ Signature (*Employee or former employee*)

Date of signature

Sample Request Letter 7

UNION REQUEST FOR EMPLOYEE MEDICAL RECORDS TO EMPLOYER FROM UNION

Date:

Employer Official
Employer
Address

RE: Medical Records

Dear (*employer representative*),

As a designated representative for the employees at (*name of the workplace or employer*), whose written authorizations are enclosed with this letter, and in accordance with OSHA/NJPEOSH standard 1910.1020 (1926.33 for construction industry), Access to Employee Exposure and Medical Records, we are requesting the employee medical records for each of these employees as provided in their respective authorizations.

OSHA/NJPEOSH standard 1910.1020 (1926.33 for construction) requires that either we be given copies of this information within 15 working days, or if you cannot reasonably provide access to these records within 15 working days, you must apprise us of the reason for any delay and the earliest date when the records can be made available. Copies of these records shall also be provided at no cost.

Sincerely,

Name/Signature (*Union Representative*)
Address

Sample Request Letter 8

INFORMATION ON NOISE EXPOSURE FROM EMPLOYEE OR FORMER EMPLOYEE

Date:

Employer Official
Employer
Address

Dear (*employer representative*),

As an employee (*or former employee*) of (*name of the workplace or employer*), and in accordance with OSHA/NJPEOSH standards 1910.1020 and 1910.95 (1926.33 and 1926.52 for construction, respectively), I am requesting copies of the following information that is relevant to me, the employee:

1. All noise exposure records made in the workplace in the last two years that were used to fulfill the requirements of 1910.95 (1926.52 for construction).
2. A summary of the hearing conservation program developed under 1910.95 (1926.52 for construction) and a list of all departments and/or job categories covered by the hearing protection program.

OSHA/NJPEOSH standard 1910.1020 (1926.33 for construction) requires that either I be given copies of this information within 15 working days, or if you cannot reasonably provide access to these records within 15 working days, you must apprise me of the reason for any delay and the earliest date when the records can be made available. Copies of these records shall be provided to me at no cost.

Sincerely,

Name/Signature (*Employee or Former Employee*)
Address

Sample Request Letter 9

INFORMATION ON NOISE EXPOSURE FROM UNION

Date:

Employer Official
Employer
Address

Dear (*employer representative*),

As a designated representative of employees at (*name of the workplace or employer*), and in accordance with OSHA/NJPEOSH standards 1910.1020 and 1910.95 (1926.33 and 1926.52 for construction, respectively), we are requesting copies of the following information:

1. A copy of all noise exposure records made in the workplace in the last two years that were used to fulfill the requirements of 1910.95 (1926.52 for construction).
2. A summary of the hearing conservation program developed under 1910.95 (1926.52 for construction) and a list of all departments and/or job categories covered by the hearing protection program.

OSHA/NJPEOSH standard 1910.1020 (1926.33 for construction) requires that either we be given copies of this information within 15 working days, or if you cannot reasonably provide access to these records within 15 working days, you must apprise us of the reason for any delay and the earliest date when the records can be made available. Copies of these records shall also be provided at no cost.

Sincerely,

Name/Signature (*Union Representative*)
Address

Sample Request Letter 10

OSHA/NJPEOSH 300 LOG OF INJURIES AND ILLNESSES AND THE OSHA/NJPEOSH FORM 300-A SUMMARY FROM EMPLOYEE, FORMER EMPLOYEE OR UNION

Date:

Employer Official
Employer
Address

RE: OSHA/NJPEOSH 300 Log and Form 300-A Summary

Dear (*employer representative*):

As an employee (*former employee or authorized employee representative*) at (*name of the workplace or employer*), and in accordance with OSHA/NJPEOSH standards 1904.35, I am requesting a complete up-to-date copy of the Form 300 Log of Work-Related Injuries and Illnesses for the entire establishment for this current calendar year (and for the previous calendar years including _____). I am also requesting the Form 300-A Summary of Work-Related Injuries and Illnesses for each of these previous calendar years as well.

These copies are to be provided to me by the end of the next business day from the date of this request as required by 1904.35. Except as permitted by 1904.29 for certain privacy concern cases, the names of the employees shall remain on the copies of the 300 Log(s) that I am requesting. As this is the first time that I have asked for copies of these records, they shall be provided to me at no cost.

Sincerely,

Name/Signature (*Employee, former employee, or authorized employee representative/union representative*)
Address

Sample Request Letter 11

OSHA/NJPEOSH 301 INCIDENT REPORT FROM EMPLOYEE OR FORMER EMPLOYEE

Date:

Employer Official
Employer
Address

RE: OSHA/NJPEOSH 301 Incident Report

Dear (*employer representative*),

As an employee (*former employee*) at (*name of the workplace or employer*), and in accordance with OSHA/NJPEOSH regulation 1904.35, I am requesting copies of all Form 301 Injury and Illness Incident Reports for myself for the current calendar year (and for the previous calendar years including _____).

These copies are required to be provided to me by the end of the next business day from the date of this request. As this is the first time that I have asked for copies of these records, they shall be provided to me at no cost.

Sincerely

Name/Signature (*Employee or former employee*)
Address

Sample Request Letter 12

OSHA/NJPEOSH 301 INCIDENT REPORT FROM UNION

Date:

Employer Official
Employer
Address

RE: OSHA/NJPEOSH 301 Incident Reports

Dear (*employer representative*),

As an authorized employee representative at (*name of the workplace or employer*), and in accordance with OSHA/NJPEOSH standard 1904.35, we are requesting copies of all Form 301 Injury and Illness Reports for all employees at this establishment for the current calendar year (and for all employees during the previous calendar years including _____).

These copies are required to be provided to me within seven calendar days from the date of this request. As this is the first time that I have asked for copies of these records, they shall be provided to me at no cost. I understand that I am only to receive that portion of the Form 301 containing "information about the case".

Sincerely,

Name/Signature (*Authorized Employee Representative/Union Representative*)
Address

Sample Request Letter 13

OSHA COMPLAINT COVER LETTER FROM UNION

Date:

Address: *(Choose the correct OSHA Area Office)*

OSHA, AVENEL AREA OFFICE

1030 St. Georges Avenue

Plaza 35, Suite 205

Avenel, New Jersey 07001

Serves Hunterdon, Middlesex, Somerset, Union, and Warren Counties

OSHA, MARLTON AREA OFFICE

Marlton Executive Park, Building 2

701 Route 73 South, Suite 120

Marlton, New Jersey 08053

Serves Atlantic, Burlington, Camden, Cape May, Cumberland, Gloucester, Mercer, Monmouth, Ocean, and Salem Counties

OSHA, PARSIPPANY AREA OFFICE

299 Cherry Hill Road, Suite 103

Parsippany, New Jersey 07054

Serves Essex, Hudson, Morris, and Sussex Counties

OSHA, HASBROUCK HEIGHTS AREA OFFICE

500 Route 17 South, 2nd Floor

Hasbrouck Heights, New Jersey 07604

Serves Bergen and Passaic Counties

RE: Attached Complaint

Dear Area Director,

As the authorized employee representative for affected employees, we are filing the attached complaint. We wish to participate fully in all stages of the inspection including opening conference, walkthrough, record reviews, industrial hygiene monitoring, and closing conference. We request that the inspector contact at least one of the individuals listed below as soon as he or she arrives on-site for the inspection. We also request that you postpone the inspection if none of the following individuals can be reached.

(Give names and home, work, and cell phone numbers for several officers and leaders)

(Only where groups of employees have different representatives)

Since groups of employees have different representatives, we request different employee representatives for different phases of the inspection or that more than one employee representative be permitted to accompany the inspector throughout the inspection.

(If applicable)

A bilingual inspector or translator is requested to talk to workers, who speak *(languages)*.

Sincerely,

Name/Signature *(Authorized Employee Representative/Union Representative)*
Address

Sample Request Letter 14

OSHA INSPECTION RECORDS FROM UNION

Date:

Address: *(Choose the correct OSHA Area Office from Letter 13)*

RE: FOIA Request

Dear Area Director:

We request, under the Freedom of Information Act, a complete copy of the OSHA files on all inspections conducted in the past five years at the following employer premises:

Employer Name

Employer Address

We request waiver of any fees in the public interest, since this information is important in order for us to represent our members on health and safety issues and to improve health and safety at the workplace.

Sincerely,

Name/Signature *(Authorized Employee Representative/Union Representative)*
Address

Sample Request Letter 15

CONTEST OSHA ABATEMENT DATES FROM UNION

Date: *(Must be within 15 working days after the citation is issued)*

Address: *(Choose the correct OSHA Area Office from Letter 13)*

RE: Contest of Abatement Dates

Dear Area Director:

As the authorized employee representative for affected employees, we contest the abatement dates on:

Citation Number _____ Items Numbers _____

Citation Number _____ Items Numbers _____

Citation Number _____ Items Numbers _____

Issued on _____, against

Employer name _____

Employer address _____

Inspection Number _____

The proposed abatement dates for these items are unreasonable and will continue to expose workers to safety and health hazards.

Sincerely,

Name/Signature *(Authorized Employee Representative/Union Representative)*
Address

Sample Request Letter 16

NJPEOSH COMPLAINT COVER LETTER FROM UNION

Date:

Address: *(Pick the applicable NJPEOSH Office)*

(Health Complaints)

New Jersey Department of Health
NJPEOSH Program
PO Box 369, Trenton, NJ 08625-0360

(Safety, Recordkeeping and Discrimination Complaints)

New Jersey Department of Labor and Workforce Development, Office of Public
Employees Safety
PO Box 386, Trenton, NJ 08625-0386

RE: Attached Complaint

Dear NJPEOSH Program,

As the authorized employee representative for affected employees, we are filing the attached complaint. We wish to participate fully in all stages of the inspection including opening conference, walkthrough, record reviews, industrial hygiene monitoring, and closing conference. We request that the inspector contact at least one of the individuals listed below as soon as he or she arrives on-site for the inspection. We also request that you postpone the inspection if none of the following individuals can be reached.

(Name and home, work, and cell phone numbers for several officers and leaders)

(Only where groups of employees have different representatives)

Since groups of employees have different representatives, we request different employee representatives for different phases of the inspection or that more than one employee representative be permitted to accompany the inspector throughout the inspection.

(If applicable)

A bilingual inspector or translator is requested to talk to workers, who speak
(*languages*).

Sincerely,

Name/Signature (*Authorized Employee Representative/Union Representative*)
Address

Sample Request Letter 17

NJPEOSH INSPECTION RECORDS FROM UNION

Date:

New Jersey Department of Labor and Workforce Development
Office of Public Employees Safety
PO Box 386, Trenton, NJ 08625-0386

RE: OPRA Request

Dear NJPEOSH Program:

We request, under the Open Public Records Act (OPRA), a complete copy of the NJPEOSH files on any health or safety inspections conducted in the past five years at the following employer premises:

Employer name _____

Employer address _____

The official OPRA request form is attached.

(You must complete and attach the official OPRA form, including payment information. Print from <http://nj.gov/opra/> or call 609-777-0249)

Sincerely,

Name/Signature (*Authorized Employee Representative/Union Representative*)
Address

Sample Request Letter 18

CONTEST PROVISIONS OF NJPEOSH ORDER TO COMPLY FROM UNION

Date: *(Must be within 15 working days after the Order to Comply is issued)*

Address: *(Pick the applicable NJPEOSH Office from letter 16)*

RE: Contest of Order to Comply

Dear NJPEOSH Program:

As the authorized employee representative for affected employees, we contest the abatement dates on:

Order to Comply _____ Items Numbers _____

Order to Comply _____ Items Numbers _____

Order to Comply _____ Items Numbers _____

Issued on _____, against

Employer name _____

Employer address _____

Inspection Number _____

The proposed abatement dates for these items are unreasonable and will continue to expose workers to safety and health hazards.

We further contest these other provisions of the Order to Comply:

Order to Comply _____

Issues _____

Order to Comply _____

Issues _____

(Give reasons here.)

Sincerely,

Name/Signature *(Authorized Employee Representative/Union Representative)*
Address

Sample Request Letter 19

RIGHT TO KNOW SURVEY AND EPA FORM R OF A PRIVATE SECTOR EMPLOYER FROM EMPLOYEE OR UNION

Date:

New Jersey Department of Environmental Protection
Office of Pollution Prevention and Right to Know
PO Box 405
Trenton, NJ 08625-0405

To Whom It May Concern:

I request copies of the latest available *Right to Know Survey* and *EPA Form R* for:

Employer _____

Address _____

The official OPRA request form is attached.

Please provide the requested information within 30 days. Thank you.

(You must complete and attach the official DEP OPRA form, including payment information. Print from www.nj.gov/dep/opra/opraform.pdf)

Sincerely,

Name/Signature (*Employee or Union Representative*)

Address

Sample Request Letter 20

RIGHT TO KNOW SURVEY OF A PUBLIC SECTOR EMPLOYER FROM EMPLOYEE OR UNION

Date:

New Jersey Department of Health
Right to Know Program
PO Box 368
Trenton, NJ 08625-0368

To Whom It May Concern:

I request copies of the most recent *Right to Know Survey* and all subsequent annual updates for:

Employer _____

Address _____

I request waiver of any fees, since this information is requested in the public interest. The information will not be used for commercial gain.

Please provide the requested information within 30 days. Thank you.

Sincerely,

Name/Signature (*Employee or Union Representative*)

Address

5. Phone Numbers

EMERGENCY TELEPHONE NUMBERS

Poison Help 800-222-1222

Report workplace deaths or catastrophes including in-patient hospitalization of three or more employees.

OSHA, 800-321-6742;
NJPEOSH, 800-624-1644

Report Toxic Releases/Spills
877-WARN-DEP (877-927-6337)

National Pesticide Telecommunications Network 800-858-7378

SAFETY & HEALTH ENFORCEMENT

Private Sector Enforcement: Occupational Safety and Health Administration (OSHA) Area Offices

Avenel 732-750-3270
Hunterdon, Middlesex, Somerset,
Union, Warren Counties

Marlton 856-596-5200
Atlantic, Burlington, Camden, Cape May,
Cumberland, Gloucester, Mercer,
Monmouth, Ocean, Salem Counties

Parsippany 973-263-1003
Essex, Hudson, Morris, Sussex Counties

Hasbrouck Heights 201-288-1700
Bergen and Passaic Counties

Region II Labor Liaison 212-337-2378

Publications 202-693-1888



Public Sector Enforcement: Public Employee Occupational Safety and Health (NJPEOSH)

NJPEOSH Health Complaints, 609-984-1863
NJPEOSH Safety Complaints, 800-624-1644

OSHA CONSULTATION

For Private Employers, 609-984-0785

NJPEOSH CONSULTATION

For Public Employers (Safety), 609-984-1389
For Public Employers (Health), 609-984-1863

OTHER KEY STATE GOVERNMENT TELEPHONE NUMBERS

Department of Health

Disease and Fatality Reporting, 609-984-1863
Chemical Right to Know Labeling, Fact Sheets, Right to Know Survey in Public Sector, 609-984-2202
Indoor Environments: Asbestos, Lead, Mold, 609-631-6749
Cancer Cluster/Data, 609-588-3500
Cancer Prevention, 609-588-5038
Communicable Diseases, 609-826-5964
Childhood Lead Poisoning, 609-292-5666
Family Health Line, Asthma, 800-328-3838

Department of Labor and Workforce Development

NJPEOSH Recordkeeping, Discrimination Complaints, 800-624-1644
OSHA/NJPEOSH Injury and Illness Data, 609-633-0755
Workers' Compensation, 609-292-2515
Wage and Hour/Child Labor, 609-292-2337
Licensed Asbestos Contractors, 609-633-2159
Unemployment and Disability, 609-292-7162

Department of Community Affairs

Building Codes, 609-984-7609
Asbestos and Lead Abatement, 609-633-6224
Fire Inspections, 609-633-6106
Elevator Safety, 609-984-7833

Department of Environmental Protection

Public Access Center, 609-777-3373

Chemical Right to Know Survey in Private Sector, 609-292-6714

Chemical and Oil Releases, 1-877-WARN-DEP

Diesel Exhaust, 609-292-7953

Hazardous Waste Hotline, 609-292-8341

Medical Waste Hotline, 609-984-6620

Pesticide Information, 609-530-4070

Radiation, 609-984-5636

Radon Hotline, 800-648-0394

Safe Drinking Water, 609-292-5550

Site Remediation, 800-253-5647

Underground Storage Tanks, 609-292-8761

Other State Government

Environmental Crimes, 609-984-4470

Public Employee Relations Commission, 609-984-7372

Occupational Health Clinic at UMDNJ, 732-445-0123

Rutgers Labor Education Center, 732-932-8559

UMDNJ Center for Education and Training, 732-235-9450

Civil Rights, Sexual Harassment, Family Leave, Discrimination, 609-292-4605

Office of the Governor, 609-292-6000

Office of Legislative Services, 800-792-8630

Other Federal Government

US Chemical Safety Board, 202-261-7600

*National Institute for Occupational Safety and Health (NIOSH), 800-356-4674
(CDC Info)*

Environmental Protection Agency (EPA) Region II, 877-251-4575

National Service Center for Environmental Publications, 800-490-9198

Asthma No Attacks Hotline, 866-NO-ATTACKS (866-662-8822)

Mine Safety and Health Administration (MSHA), 202-693-9400

National Labor Relations Board (NLRB), 973-645-1200 or 215-597-7601

6. Websites

NEW JERSEY STATE GOVERNMENT

Department of Community Affairs (DCA)

Department of Community Affairs

Codes and Standards: www.state.nj.us/dca/divisions/codes/index.html

Elevator Safety: www.state.nj.us/dca/divisions/codes/offices/elevatorsafety.html

Fire Safety: www.state.nj.us/dca/divisions/dfs/



Department of Environmental Protection (DEP)

Chemical Right to Know: www.nj.gov/dep/opppc

Diesel Exhaust: www.nj.gov/dep/stopthesoot/

Drinking Water: www.state.nj.us/dep/watersupply/index.html

Hazardous Waste: www.nj.gov/dep/dshw/

Medical Waste: www.nj.gov/dep/dshw/rntp/rmw.htm

Pesticide Control: www.nj.gov/dep/enforcement/pcp

Radiation Protection: www.nj.gov/dep/rpp/index.htm

Radon: www.nj.gov/dep/rpp/radon/index.htm

Site Remediation: www.nj.gov/dep/srp

Map Program: www.nj.gov/dep/gis/geoweb splash.htm

Toxic Release Explorer: www.epa.gov/triexplorer/

Underground Storage Tanks: www.nj.gov/dep/srp/bust/bust.htm

Department of Health (DOH)

Occupational Health: www.state.nj.us/health/ohs/index.shtml

Public Employee Occupational Safety and Health (NJPEOSH):
www.state.nj.us/health/peosh/index.shtml

Chemical Right to Know: <http://nj.gov/health/eoh/rtkweb/index.shtml>

Occupational Health Surveillance: www.state.nj.us/health/surv/index.shtml

Fatal Injury at Work: www.state.nj.us/health/surv/face/index.shtml

Asthma Control: www.state.nj.us/health/fhs/asthma/index.shtml

Cancer Control: www.state.nj.us/health/cancer/

Communicable Diseases: www.state.nj.us/health/cd/index.html

Healthy School Facilities: www.state.nj.us/health/healthyschools/

Indoor Environments, Asbestos, Lead: www.state.nj.us/health/iep/index.shtml

Childhood Lead: www.nj.gov/health/fhs/newborn/lead.shtml

Medical Waste: www.state.nj.us/health/eoh/phss/medwaste.htm

Department of Labor and Workforce Development (LWD)

Child Labor:

http://lwd.dol.state.nj.us/labor/wagehour/content/child_labor.html

Safety/NJPEOSH: http://lwd.dol.state.nj.us/labor/lsse/employer/Public_Employees_OSH.html

Unemployment Insurance: http://lwd.dol.state.nj.us/labor/ui/ui_index.html

Workers' Compensation: http://lwd.dol.state.nj.us/labor/wc/wc_index.html

Wage and Hour: http://lwd.dol.state.nj.us/labor/wagehour/wagehour_index.html

Survey of Occupational Injuries and Illnesses: http://lwd.dol.state.nj.us/labor/lpa/content/occsafheavy_index.html

FEDERAL OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION (OSHA)

Home Page: www.osha.gov

Spanish Home Page: www.osha.gov/as/opa/spanish/index.html

eTools: www.osha.gov/dts/osta/oshasoft/index.html

Worker's Page: www.osha.gov/workers.html

Topic Page Index: www.osha.gov/SLTC/index.html

Inspection Data: www.osha.gov/oshstats/index.html

Publications: www.osha.gov/pls/publications/publication.html

Laws, Standards, Interpretations: www.osha.gov/comp-links.html

OTHER FEDERAL OR STATE GOVERNMENT

National Institutes for Occupational Safety and Health (NIOSH):

www.cdc.gov/niosh/homepage.html

Agency for Toxic Substances and Disease Registry: www.atsdr.cdc.gov/

Chemical Safety and Hazard Investigation Board: www.csb.gov/

Environmental Protection Agency (EPA): www.epa.gov

Federal Motor Carrier Safety Administration: www.fmcsa.dot.gov

Bureau of Labor Statistics (BLS): www.bls.gov/iif

Centers for Disease Control (CDC): www.cdc.gov

Mine Safety and Health Administration (MSHA): www.msha.gov

National Labor Relations Board (NLRB): www.nlrb.gov

New Jersey Public Employees Relations Commission: www.state.nj.us/perc/

CANADA

Canadian Centre for Occupational Health and Safety: www.ccohs.ca

Canada's National Occupational Health and Safety Site: www.canoshweb.org

INTERNATIONAL

International Labour Organization: www.ilo.org/global/lang--en/index.htm
European Agency for Safety and Health at Work: <http://osha.europa.eu/en>
Hazards Magazine: www.hazards.org

SOME UNION HEALTH AND SAFETY SITES

National AFL-CIO: www.aflcio.org/issues/safety/
AFSCME: www.afscme.org/news/publications/workplace-health-and-safety
CWA: www.cwa-union.org/issues/entry/c/health-and-safety
CPWR: Center to Protect Workers Rights: www.cpwr.com
Laborers: www.lhsfna.org/index.cfm
NJEA: www.njea.org/issues-and-political-action/health-and-safety
SEIU: Service Employees International Union:
www.seiu.org/a/members/safety-and-health.php
IBT: International Brotherhood of Teamsters:
www.teamster.org/resources/sh/sh.asp
UAW: www.uaw.org/page/health-and-safety-0
UFCW: United Food and Commercial Workers:
www.ufcw.org/ufcw_members_only/legal_advisor/safety_and_health/index.cfm
USW: www.usw.org/resources/hse

COALITIONS ON OCCUPATIONAL SAFETY AND HEALTH (COSH GROUPS)

New Jersey Work Environment Council (WEC): www.njwec.org
New York COSH (NYCOSH): www.nycosh.org
Philadelphia COSH (Philaposh): www.philaposh.org
National COSH Network: www.coshnetwork.org

CHEMICAL HAZARD FACT SHEETS

New Jersey Dept. of Health: <http://web.doh.state.nj.us/rtkhsfs/indexfs.aspx>
International Safety Chemical Cards: www.cdc.gov/niosh/ipcs/icstart.html
Toxicological Profiles: www.atsdr.cdc.gov/toxprofiles/index.asp
ToxFAQs: www.atsdr.cdc.gov/toxfaqs/index.asp
Finding MSDSs on the Web: www.ilpi.com/msds/index.html
Chemical Hazards Emergency Medical Management (CHEMM):
<http://chemm.nlm.nih.gov/>

RIGHT TO KNOW AND RELATED INFORMATION

Right to Know Network: www.rtknet.org/

Environmental Research Foundation: www.rachel.org/

CRITIQUES OF BLAME THE WORKER APPROACHES

Hazards Magazine: www.hazards.org/bs

United Steelworkers: www.usw.org/resources/hse/page?type=hse_publications&id=0002

ORGANIZATION OF WORK, JOB STRESS, EXTENDED HOURS OF WORK

Job Stress Network: www.workhealth.org

The UK National Work-Stress Network: www.workstress.net

SPANISH LANGUAGE RESOURCES

National COSH Network: www.coshnetwork.org/node/379

NIOSH: www.cdc.gov/spanish/niosh/

OSHA: www.osha.gov/as/opa/spanish/index.html

EPA: www.epa.gov/espanol/

ISTAS: www.istas.net

N.J. Hazardous Substance Fact Sheets: <http://web.doh.state.nj.us/rtkhsfs/spIndexFs.aspx>

AFL-CIO: http://aflcio.org/issues/safety/tools/info_spanish.cfm

OTHER LANGUAGES

State of California:

www.dir.ca.gov/chswc/MultilingualGuide/MultilingualGuideMain.html

International Safety Chemical Cards: www.cdc.gov/niosh/ipcs/icstart.html

LOHP: www.lohp.org/publications/languages.html

IMMIGRANT WORKERS

National COSH Network: www.coshnetwork.org/node/16

NYCOSH: <http://nycosh.org/index.php?page=immigrant>

WOMEN WORKERS

NIOSH: www.cdc.gov/niosh/topics/women/

Non-Traditional Employment for Women: www.new-nyc.org/

YOUNG WORKERS

NIOSH: www.cdc.gov/niosh/topics/youth/

OSHA: www.osha.gov/SLTC/teenworkers/index.html

National Young Worker Safety Resource Center:

www.youngworkers.org/nation/index.html

OLDER WORKERS

DHSS Fact Sheet: www.state.nj.us/health/surv/documents/olderwkinfo.pdf

NIOSH Older Miners: www.cdc.gov/niosh/mining/topics/topicpage10.htm

REPRODUCTIVE HAZARDS

NIOSH: www.cdc.gov/niosh/topics/repro/

OSHA: www.osha.gov/SLTC/reproductivehazards/index.html

SOME ENVIRONMENTAL ORGANIZATIONS IN NEW JERSEY

New Jersey Environmental Federation: www.cleanwateraction.org/njef/

Sierra Club – New Jersey Chapter: <http://newjersey.sierraclub.org/>

Environment New Jersey: www.environmentnewjersey.org/

New Jersey Environmental Lobby: www.njenvironment.org/

Association of New Jersey Environmental Commissions: www.anjec.org/

