

Health & Safety

Summer 2015

CAUTION CAUTION



June 9th Forum at Union Hall

TWU Presses Case Against Diesel

Diesel kills.

Diesel fuel pollution – which is spewed not only by buses but subway work trains, depot floor scrubbers and other equipment – causes lung cancer and other deadly illnesses.

“Diesel is a murderous component,” Transport Workers Union Local 100 Secretary Treasurer Earl Phillips said Tuesday.

With those words, Phillips kicked off Local 100’s first Diesel Awareness Forum at the Union Hall on Montague St. in downtown Brooklyn.

More than 120 active members, retirees and union officers attended the symposium that featured medical and legal experts, who gave presentations and then took questions from the audience.

A top priority for the union is increasing worker and retiree awareness - so they and their families can demand removal of all diesel equipment and also get the compensation and benefits they deserve if they were impacted by diesel pollution.

But Phillips also informed those gathered that the union is aggressively pushing the MTA to further reduce the emissions and worker exposure in bus depots, repair barns and subway tunnels.

At Local 100’s insistence, the MTA is considering replacing diesel cleaners and scrubbers in bus depots with battery-powered equipment, which would be a big step forward, Phillips



Local 100 officers are urging the MTA to replace its diesel powered work train fleet (left) with hybrids to reduce emissions in the tunnels, and to replace diesel powered scrubbers and cleaners with battery powered equipment (below).

said. Local 100 also wants management to stop purchasing diesel-powered work trains and buy hybrids as some transit properties in Europe have done, he said. At the union’s urging, the MTA in April issued a bulletin admitted they violated PESH Nitrogen Dioxide (NO₂) rules and then mandated supervisors ensure P100 respirators are worn when workers are doing work in under-river tubes

“We started the fight and we’ll continue to fight,” he said. “We’re going to fight like hell.”

The International Agency for Research on Cancer, part of the World Health Organization, classified diesel engine exhaust in 2012 as a carcino-



genic to humans, Dr. Lewis Pepper said. That “turned the tables” and validated many studies by researchers that had previously made the link but were not given sufficient weight in the legal arena, Pepper said.

A landmark legal victory was achieved just last year when the family of Local 100 bus maintainer Anthony Nigro won a job-related death claim before the Workers’ Compensation Board. Nigro worked at MTA

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Diesel Forum

facilities for 28 years, most recently at the Quill Depot in Manhattan. A few months after retiring in 2012, Nigro died of lung cancer. It was the first successful workers compensation case establishing a connection between lung cancer and diesel exposure, experts said.

At the symposium, Robert Grey, whose firm Grey & Grey represented Nigro's widow, Dorota "Dora" Nigro, urged attendees to spread the word to workers and retirees that they should file claims if they fell ill after years of exposure. They may be able to secure Workers' Compensation for themselves and their family, and spur management to provide a safer work environment.

"Does anyone hear think the TA is going to fix a safety problem out of the goodness of their hearts?" Grey said. "No. There's only one reason why anything is going to get done and that's because its inaction is going it's to cost the TA money."

Nigro urged workers who toil or toiled in diesel environments not to take the potential dangers lightly. They should keep records where they worked and tell their spouses to obtain all medical records if hospitalized.

"Hopefully, you will never get sick but never say never," she said. "My husband was tall, strong and healthy looking. He used to say, 'I'm as strong as a bull. He died at 57. He was strong as a bull, but you know what, cancer is stronger.'"

Attorney John Dearie, who is preparing a third party law suit against the contractors who built and installed the



Participants at Diesel Forum, from the left: Attorney John Dearie, Local 100 Secretary Treasurer Earl Phillips, Dora Nigro, Attorney Robert Grey, Dr. Lewis Pepper, Retirees Association Director Mike Tutrone, Dr. Frank Goldsmith and Retiree Benefit Consultant Norman Rosenfeld.

depots over the years, outlined the premise for his case.

About 10 years ago, the MTA began switching diesel buses to low-sulfur, less polluting fuel and buses are outfitted with filters to capture particulates. While ventilation in depots has improved as older ones have been demolished and rebuilt, serious problems remain. Diesel-related illnesses can take a long time to develop. "We intend to keep these programs going, so stay tuned," Mike Tutrone, director of the TWU Local 100 Retirees Association, said to the audience.

The June 9th program was put together by the Retiree Association in conjunction with Frank Goldsmith, Local 100's Director of Occupational Health.



Above, Dora Nigro, widow of cancer victim, addresses event. Left, Dr. Lewis Pepper makes his presentation. Below, photos of attendees



Dr. Lewis Pepper urged all high risk transit workers to get a low dose CT scan that can catch lung cancer before it migrates into the deadly stages.



Safety Department Sponsors Hazmat Training

The Local 100 Health and Safety Department recently concluded a 3-day HAZMAT training class for interested members. The program, officially called HAZWOPER (Hazardous Waste Operations and Emergency Response) is conducted in cooperation with the New York Committee for Occupational Safety and Health (NYCOSH).

The program covers introduction to hazardous waste, toxicology, spill response policies, NYCT hazardous waste policies, OSHA/PESH standards and worker rights, hands-on PPE, respiratory protection and more. The program covers classroom and hands-on activities. When completed, the participant receive a certificate and will:

- Understand what hazardous waste substance is and their risks;
- Understand the potential outcomes of HAZMAT emergencies;
- Be able to recognize the presence of hazardous substances;
- Know how to initiate emergency response;
- Know when additional resources are needed.



The most recent graduating HAZMAT class (above at the union hall) and participating in hands on training at the Carpenters' union hall.

Arbitrator Agrees with TWU: Bus Ops Have a Right to Fight Back



Bus Operator Angella Barham has been back to work for some time now, but this is the first time the Safety Newsletter, which is published occasionally, has had an opportunity to write about it. The MTA put Angella through hell after she defended herself against an aggressive passenger who verbally abused her because she followed MTA rules to not let passengers on or off the bus between stops. The female passenger turned violent and began hitting her, and Angella defended herself. Guess who the MTA sided with? Right, the passenger. An arbitrator, however, didn't see it management's way, and underscored the union's long-held position that Bus Operators, or any transit worker, have a right to defend themselves against passenger assaults.

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TWU Hotline: 1-888-302-3727

Workers' Comp

212-873-6000 Ext. 2133

Safety Team Views Newtown Creek, Major Superfund Site

In September 2010, the Environmental Protection Agency designated Newtown Creek – the 3.8 mile-long waterway that forms the border between northern Brooklyn and southern Queens – a Superfund cleanup site. The designation promised a thorough environmental cleanup of the long-neglected waterway that remains a hub of industrial activity in the city. But no cleanup work has ever been done.

The TWU Local 100 Safety Department has concerns that the ongoing issues with the Creek may pose health issues to the nearly 1,500 Local 100 members who work at MTA facilities nearby.

In the mid 1800s, more than 50 refineries were located along its banks, including oil refineries, petrochemical plants, fertilizer and glue factories, sawmills, lumber and coal yards lined Newtown Creek.

Commercial vessels routinely brought in raw materials and fuel and taking out oil, chemicals and metals. In addition to the industrial pollution that resulted from all of this activity, the city began dumping raw sewage directly into the water in 1856. During World War II, the creek was one of the busiest ports in the nation. Today, as



From left are union steward Jonathan Jackson, Grand Ave. Maintenance Chair Pete LiCausi, Grand Ave. Transportation Chair Clarence Patterson, Vice President JP Patafio and Dr. Lewis Pepper.

a result of its industrial history, including countless spills, Newtown Creek is one of the nation's most polluted waterways.

Water samples from Newtown Creek, a branch of the East River and part of the New York-New Jersey Harbor Estuary, have revealed the presence of pesticides, heavy metals, P.C.B.'s, volatile organic compounds and other contaminants, according to the EPA.

The creek's polluted condition also reflects countless oil spills from the dozens of refineries and fuel storage centers that operated along its banks over the decades.

Those spills — estimated to total 17 million to 30 million gallons, as much as three times the amount dumped off the Alaska coast by the Exxon Valdez in 1989.



Above, outside crew quarters at 21st Street station still needs serious clean up. Left, inspecting the area shown above. At right on page 5, Newtown Creek is still an industrial hub with big NYCT facilities on or nearby.



Four feet of Newtown Creek water flooded the RCC parking (left) during Sandy.

On May 5, 2015, the TWU Local 100 officers and staff, accompanied by, Dr. Lewis Pepper of the Barry Commoner Center at Queens College, conducted a walk-through of the five MTA, including Grand Avenue Bus Depot, Maspeth Central Warehouse, the Central Revenue Facility, Box Street Emergency Response facility, and 21st Street Van Alst Subway Station.

The facilities proximity to the Canal and the threats of flooding and groundwater seepage resulting from periodic storms, present potential exposure hazards to the workforce, the union believes.

The Creek overflowed its banks

during Sandy and flooded many nearby facilities, including the MTA's central revenue facility, and nearly reached the Grand Ave. Bus Depot.

The 2014 Public Health Assessment of the Newtown Creek conducted by the New York State Department of Health and the U.S. Department of Health and Human Services summarized Newtown Creek related public health hazards.

The report, which is being updated with feedback and concerns from area residents, also should address issues of concern related to the TWU workforce."

In 2014, the New York State Depart-

ment of Health conducted a Public Health Assessment of the Newtown Creek, which focused on water usage for boating, fishing and other recreational activities but ignored the possible issues for those working in close proximity.

The union will contact the State Department of Health to urge a new assessment that will include all industrial and MTA sites.

Tim Hutton (LES/MOW), Safety Director Tom Carrano, Dr. Frank Goldsmith, Director of Occupational Health, TAS Vice President JP Patafio, and Brian Brooks (Stations) participated for the union.



Clip Out and post at home (on refrigerator)



TWU Local 100 Disaster Preparedness Task Force Recommends . . .

Emergency Supplies Checklist for Survival Kit

Build a Kit: Every member of your family should have an individualized Emergency Survival Kit. The emergency survival kit should be robust and contain enough food, water, medications and other consumables to last three days. The following items should be included in your emergency supplies kit:

- Backpack to be used for evacuation
- 4" x 4" Gauze
- 5" x 9" Trauma Gauze
- Ace Bandage
- Roll of Medical Tape
- Antiseptic Wipes
- Bottle of Saline
- Medical Gloves
- Assorted Band-aids
- Whistle
- Work Gloves
- Eye Goggles
- Emergency Blanket
- Extra Batteries
- Dust Mask
- Sanitation Wipes
- Manual Can Opener
- Flashlight - including batteries
- Multi-Tool with Pliers
- Crank Operated Emergency Radio
- Reflective Vest
- Sleeping Bag

Please **add to your kit every week** and begin to build a kit for each member of your family. Be sure to incorporate every family members individual needs and address them in their personalized kit. Be sure to add an entertainment item in your kit like a deck of cards or a paperback book. Most importantly, insure that you rotate your sustainment items on annual basis.

Part 1. Sustainment

- 7-10 Day Supply of Non-perishable Food
- Water Purification Tablets
- 7-10 Day Supply of Water (one gallon water per person, per day)
- Collapsible Water Container
- Ready to Eat Canned Foods
- Candy
- Eating Utensils
- Energy Bars

Part 2. Hygiene

- Toothpaste & Toothbrush
- Feminine Hygiene Products
- Hand Sanitizer
- Garbage Bags
- Resealable Plastic Bags (Quart Size)
- Medication (10 Day Supply)
- Toilet Paper
- Towels
- Travel Soap, Shampoo, Deodorant
- Change of Clothing

Part 3. Tools

- LED Lantern w/batteries
- Glow Sticks
- Duct Tape
- Local Maps
- Waterproof Matches
- Paper and Pencil
- Permanent Marker
- Cell Phone Charger
- Document Holder



Join
TWU Local 100's
Disaster
Preparedness
Task Force
Call:
212-873-6000
ext. 2064

Local 100 Launches 9/11 Recognition Project

On 9/11/2001, 3,000 transit workers responded at risk of life and limb in the rescue and recovery effort. Some were ordered to go; many went on their own. You may have been one of them. But our story has not been told.

In fact, NYCT provided all of the heavy rigs that were so critical in the first three days. Our iron workers were the first to cut the I-beams to clear the way for the rescue effort. Our buses and trains brought New Yorkers to safety and then ferried in first responders.

TWU Local 100 wants to set the record straight. We are making sure that the stories of transit workers at 9/11 are

told. If you played a role in the rescue and recovery effort, please go to our website at www.twulocal100.org and click on the 9/11 recognition link or go to: www.911memorial.org

- Museum
- Registries
- Rescue and Recovery Workers
- Join the Registry+

Official recognition by TWU Local 100 will lead to the distribution of commemorative items for all members who served. Also, please send us your photos and your stories. This is the one chance we have, while the event is still fresh in our memories, to document



Contact Kevin McCawley
(212)-873-6000 Ext. 2059.

'We Are Not Criminals Campaign' Brings Heat On Mayor de Blasio

Responding to the "right-of-way" arrests of several Local 100 Bus Operators earlier this year, Local 100 responded by launching a multi-pronged campaign against Mayor de Blasio's overreaching Vision Zero law.

Vision Zero, which was passed by the City Council in 2014, has two main components – lowering speed limits citywide on most roads to 25 miles per hour, and making "failure to yield" to pedestrians a misdemeanor, subjecting the driver to arrest if they "fail to exercise due care."

The bill apparently included an exemption clause for City, State and federal employees operating official vehicles forced to enter pedestrian rights of way.

Unfortunately, someone forgot to tell the Police and Mayor de Blasio himself.

A key component of the campaign is to get the City Council to pass an amendment clarifying the exemption clause. The union has garnered 25 co-signers to the amendment, one short of a majority. Second, the Local filed a lawsuit challenging, among other things, the law's lack of details on what "due care" is.

Paid Ad Campaign

The final component is a media outreach drive including efforts to make our case in the press, and by paid media with a series of ads defending Bus Operators and attacking the Mayor. One of those ads is reprinted above, and was featured in the New York Daily News, The Chief, El Diario la Prensa, and several weeklies.

The effort is paying off. The Brooklyn District Attorney's office has taken the two highest profile cases against Local 100 Bus Operators off the calendar, with the intention of dismissing the charges altogether. And at this

A Message from New York City's Transit Workers

Uncuff'em, Mayor DeBlasio!

As the City Council debates to decriminalize public urination and fare beating on our subways and buses — despite the fact that fare disputes lead to assaults on our Bus Operators — your Vision Zero campaign criminalizes the working men and women Bus Operators of TWU Local 100 for simply doing what NYC and the MTA order them to do everyday. So now public urination and fare beating are no big thing, but Bus Operators are criminals? **Not very "progressive" of you, Mayor DeBlasio.**

MTA Bus Operators, and all transit workers, are pillars of NYC's minority and blue-collar neighborhoods. They safely carry more than two and a half million passengers every day over the most difficult routes in the world. They do their jobs driving buses with multiple blind spots, on routes requiring dangerous left turns with no dedicated left turn signals.

And when a tragic right-of-way accident occurs, through no negligence by a Bus Operator, you and the so-called progressives on the City Council think it is necessary to arrest and humiliate them? This could not possibly have been the intent of the Vision Zero right-of-way law.

Let's be clear. The fact is your Vision Zero law has succeeded in criminalizing an entire class of hard working, law abiding unionized workers and you are wrong for doing so. **Not very progressive, Mayor DeBlasio.**



TWU Local 100
John Samuelson
President

WE ARE NOT CRIMINALS

#AmendVisionZero



TWU of America
Harry Lombardo
President

writing, the Mayor appe

The state and City labor movement has also united behind Local 100 to Amend Vision Zero Law. New York's most influential labor unions, representing some 3 million members in the State and City of New York, have signed on to a joint letter with Local 100 President Samuelson to the New York City Council, urging an amendment to the Vision Zero law which has resulted in the needless arrests of Bus Operators.

The letter, in part, declares support for the goal of reducing traffic accidents, fatalities and injuries to the lowest possible number.

However, the union leaders state: "We don't agree that the answer

should include arresting, handcuffing and charging bus operators like common criminals for accidents that do not involve speeding, texting or some other form or demonstrably reckless behavior. We strongly urge you to consider the following facts and take note of the officials who have signed this letter as a sign of support for our position that the law needs to be corrected. This is not an either-or choice. Both pedestrians and civil servants can be protected."

Dr. Howard Rombom, a clinical psychologist, believes that the wrong-headed Vision Zero policy of arresting Bus Operators puts undo psychological pressure on already stressed out Bus Operators.

Working in the **HEAT** Can Be Hazardous



The Occupational Safety and Health Act (OSHA) requires employers to comply with hazard-specific safety and health standards. In addition, pursuant to Section 5(a)(1) of the OSHA Act, employers must provide their employees with a workplace free from recognized hazards likely to cause death or serious physical harm. This pamphlet outlines Federal OSHA's recommendations for working in the heat.

Protecting Workers From Heat Stress

Heat Illness

Exposure to heat can cause illness and death. The most serious heat illness is heat stroke.

Other heat illnesses, such as heat exhaustion, heat cramps and heat rash, should also be avoided.

There are precautions your employer should take any time temperatures are high and the job involves physical work.



Risk Factors for Heat Illness

- High temperature and humidity, direct sun exposure, no breeze or wind
- Low liquid intake
- Heavy physical labor
- Waterproof clothing
- No recent exposure to hot workplaces

Symptoms of Heat Exhaustion

- Headache, dizziness, or fainting
- Weakness and wet skin
- Irritability or confusion
- Thirst, nausea, or vomiting

Symptoms of Heat Stroke

- May be confused, unable to think clearly, pass out, collapse, or have seizures (fits)
- May stop sweating

To Prevent Heat Illness, Your Employer Should . . .

- Provide training about the hazards leading to heat stress and how to prevent them.
- Provide a lot of cool water to workers close to the work area. At least one pint of water per hour is needed.
- Schedule frequent rest periods with water breaks in shaded or air-conditioned areas.
- Routinely check workers who are at risk of heat stress due to protective clothing and high temperature.
- Consider protective clothing that provides cooling.



How You Can Protect Yourself and Others!

- Know signs/symptoms of heat illnesses; monitor yourself; use a buddy system.

- Block out direct sun and other heat sources.
- Drink plenty of fluids. Drink often and BEFORE you are thirsty. Drink water every 15 minutes.
- Avoid beverages containing alcohol or caffeine.
- Wear lightweight, light colored, loose fitting clothes.

What to Do When A Worker is ill from Heat

- Alert supervision for help. If supervision does not respond, call 911.
- Have someone stay with the worker until help arrives.
- Move the worker to a cooler/shaded area.
- Remove outer clothing.
- Fan and mist the worker with water; apply ice (ice bags or ice towels).
- Provide cool drinking water, if able to drink.

IF THE WORKER IS NOT ALERT or seems confused, this may be a heat stroke.

CALL 911 IMMEDIATELY. Apply ice as soon as possible.

General questions On Heat?

Call the TWU Local 100
Safety &
Health Department:

IF YOU BELIEVE YOU ARE WORKING IN A DANGEROUSLY HOT ENVIRONMENT THAT ENDANGERS YOU AND OR YOUR CO-WORKERS, DEMAND A SAFETY DISPUTE RESOLUTION FORM. MANAGEMENT MUST COMPLY WITH THE REQUEST. PROMPTLY CONTACT YOUR UNION REPRESENTATIVE.

Pay special attention to TA-issued work clothes that may increase a hot environment.

Please see your Local 100 Safety Rep for a supply of handy 'Heat Stress' info cards for distribution to your co-workers.