



City of Cambridge

48.

IN CITY COUNCIL

June 5, 1995

MAYOR REEVES
COUNCILLOR BORN
COUNCILLOR DUEHAY
COUNCILLOR GALLUCCIO
COUNCILLOR MYERS
VICE MAYOR RUSSELL
COUNCILLOR SULLIVAN
COUNCILLOR TOOMEY
COUNCILLOR TRIANTAFILLOU

ORDERED: That the City Manager is hereby directed to review the attached report, "Dying for Work in Massachusetts: The Loss of Life and Limb in Massachusetts," and to direct all appropriate City Departments and/or contractors to do so as well; and be it further

ORDERED: That the City Manager is hereby requested to report back to this City Council on policies and procedures implemented by City Departments, contractors and sub-contractors at worksites in order to remain strict compliance with OSHA standards.

In City Council June 5, 1995

Adopted by the affirmative vote of nine members.

Attest:- D. Margaret Drury, City Clerk.

A true copy;

ATTEST:-

A handwritten signature in cursive script that reads "D. Margaret Drury".

D. Margaret Drury
City Clerk

DYING FOR WORK IN MASSACHUSETTS:
The Loss of Life and Limb in Massachusetts Workplaces

Workers' Memorial Day
April 28, 1995



MassCOSH
555 Amory Street
Jamaica Plain, MA 02130
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Springfield, MA 01103
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EXECUTIVE SUMMARY

Massachusetts workplaces continue to maim, disease and kill workers at alarming levels. Every day, 150 workers are seriously injured. Every week, more than one worker is killed. Every month, 100 workers are diagnosed with cancer caused by their job. This is a steady flow of suffering, pain and loss that could be prevented, but is not.

The federal Occupational Safety and Health Administration (OSHA) operates under a law that is supposed to ensure that employers provide workplaces free of recognized hazards. Many employers flagrantly break the law and OSHA is seriously underfunded. In Massachusetts it would take 76 years for OSHA to investigate every workplace. And yet, despite these horrific numbers, the current Republican proposals are threatening the very existence of a federal agency that needs more resources, not less, to fulfill its mandate. In addition, we need a state commitment to cover over 300,000 public sector workers in Massachusetts who do not even receive the limited federal protection OSHA offers to private sector workers.

Since the late 1980's repetitive motion disorders have reached epidemic levels in our nation's workplaces. Massachusetts is no exception. For the second year in a row, musculoskeletal injuries have represented almost 60% of all serious injuries recorded by the state's workers' compensation system. While workers' bodies are slowly disabled by these crippling injuries, the Republicans in the House have cut the funds OSHA needs to issue an ergonomics standard. A regulation is needed now that will help prevent workers from getting these injuries and to help ensure that employers take the necessary measures to provide safe workplaces.

While injuries are easier to count and to investigate, the numbers of Massachusetts workers dying from workplace diseases occur at alarming levels. It is estimated, at the low end, that 1,110 Massachusetts workers died in 1992 from diseases caused by work. This is 40% more fatalities than the number of Massachusetts citizens who died from AIDS in the same year.

Many employers have clearly made the decision that it is cheaper to pay OSHA fines and workers' compensation insurance rates than to clean up their workplaces. At a time when the average OSHA penalty in Massachusetts is \$610, clearly employers need more incentives. OSHA should be setting fines appropriate to save workers' lives and limbs and *not* to accommodate businesses. If we are truly want to ensure that workers do not sacrifice their bodies for a paycheck, we need to treat workplace safety and health as any other public health issue and focus on prevention. The following recommendations are based on data provided in this report:

1. OSHA needs to receive increased Congressional funding to ensure a strong federal agency.
2. OSHA needs to issue new standards on such workplace hazards as ergonomics, indoor air and TB.
3. OSHA needs to strongly enforce its existing standards, including fines appropriate to the crimes.
4. Increased efforts for research and data collection on workplace diseases is needed at the state and federal levels.

As a society, we can either accept this tremendous loss of life as an acceptable cost of the accumulation of business wealth or declare a moratorium on the loss of workers' life and health.

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In Memoriam^{2,4,5}

Following are the names of workers in Massachusetts who died from workplace injuries during 1994 and up to March 31, 1995. The towns and cities listed below are where the workers were injured. This list does not include the workers who died due to work diseases.

Daniel Bernier, 37, Fisherman, Westport:	1/7	Thomas Giunta, 49, Police Officer, Fall River:	8/24
David Yelle, 54, Tractor Trailer Driver, Holyoke:	1/11	Mark Charbonnier, 31, State Trooper, Kingston:	9/2
Peter Pawlick, 39, Driver/Yardman, Amesbury:	1/20	Nikki Curcuru, 48, Fisherman, Gloucester:	9/5
Ronald Benoit, 33, Dock Worker, Medford:	1/26	Peter Giovinco, 38, Fisherman, Gloucester:	9/5
Wayne Costa, 30, Fisherman, New Bedford:	1/31	Manual Crapicioso, 54, Fisherman, Gloucester:	9/5
Robert DeJesus, 45, Fisherman, New Bedford:	1/31	Salvatore Curcuru, 49, Fisherman, Gloucester:	9/5
Andrew Silvia, 23, Construction worker, Newsburyport:	2/1	Richard Cogswell, 55, Elevator Repairman, Cambridge:	9/13
Robert Mortell, 39, Police Chief, Paxton:	2/1	Louis Ferro, 43, Driver/Warehouse, Boston:	10/10
Milton Heuberger, 78, Superintendent, Mattapoisett:	2/4	Dennis Rapoza, 42, Truck Driver, Hopkinton:	10/14
Berisford Anderson, 37, Police Officer, Dorchester:	2/5	Alan Courage, 46, Supervisor, Lincoln:	10/21
Manuel Monteiro, 68, Store Owner, Dorchester:	2/28	Luis Rodrigues, 53, Electrician, Peabody:	10/24
Christopher Campbell, 21, Manager, Oxford:	3/4	Scott Poutre, 26, Maintenance Worker, Freetown:	11/7
Darryl Pelletier, 31, Machine Operator, Fitchburg:	3/7	Dag Cemalettin, 34, Crewman, Boston:	11/13
John R. Doyle, 18, Mechanic, Lynn:	3/11	James Wolfe, Jr., 27, Warehouse worker, Randolph:	11/18
James Miller, 31, Public Works Employee, Wilbraham:	3/12	Hans Sorenson, 29, Airline Pilot, Barnstable:	11/18
Abdelilah Oraibi, 27, Store Owner, Boston:	3/26	Karl Schlemmer, 50, Fisherman, New Bedford:	11/21
Sze Hoon Ren, 40, Warehouse Worker, Chelsea:	4/1	Michael Vieira, 30, Fisherman, New Bedford:	11/21
Edward Barton, 24, Heavy Equipment Op., Shrewsbury:	4/4	Hipolito Elanga, 26, Radio Operator, Barnstable:	11/21
Patrick Ryan, 32, Mechanic, Boston:	4/21	John Dion, 42, Temporary Worker, N. Dighton:	12/7
Randy Cote, 27, Hotel Desk Clerk, Lawrence:	4/21	James E. Stone, 63, Truck Driver, Erving:	12/12
John Gentile Jr., 21, Truck Driver, Haverhill:	4/23	Albert Myers, 70, Cook, Brookline:	12/30
Andrea McNeil, 12, Newspaper Carrier, Reading:	5/5	David Wallace, 46, Clerk, Brookline:	12/30
Kham Chi Pham, 19, Machine Worker, Stoughton:	5/6	Shannon Lowney, 25, Receptionist, Brookline:	12/30
Darin Daigle, 31, Carpenter, Worcester:	5/6	Lee Ann Nichols, 38, Counselor, Brookline:	12/30
Robert Mandracchia, 42, Carpenter, Boston:	5/14	Christopher Reeves, 40, Logger, Norton:	1/3/95
Daniel Zurfluh, 27, Electronic Technician, Orange:	5/21	Calvin Hunt, 34, Tank Fabricator, Mansfield:	1/26/95
Ronald M. Brown, 61, Truck Driver, Swansea:	5/23	Victor Melandy, 47, Firefighter, Stoughton:	1/28/95
Thomas J. O'Neil, 22, Pilot Plant Operator, Woburn:	5/24	Ernest DeFosse, 62, Businessman, Spencer:	2/15/95
William Meek, 35, Truck Driver, Westford:	5/31	James Mattaliano, 33, State Trooper, Cambridge & Paul A. Perry, 39, State Trooper, Cambridge:	2/22/95
Jean Cahill, 59, School Bus Driver, Malden:	6/1	Arthur J. Howell, 47, Engineer, Cambridge:	2/22/95
Edward A. Sylvia, 62, Construction worker, Edgartown:	6/4	Michael McCarthy, 46, Engineer, Cambridge:	2/22/95
Stephan Minehan, 44, Fire Fighter, Charlestown:	6/24	Jason M. Plummer, 25, Factory Employee, Lunenburg:	2/28/95
Mark S. Mariani, 41, Merchant, Waltham:	7/5	Giberto Cintron, 35, Plant Employee, Haverhill:	3/1/95
Andrea Nazzaro, 9, Newspaper Carrier, Dracut:	7/22	Stewart Savage, 29, Police Officer, Wellesley:	3/13/95
Antonio I. Lopez, 46, Machine Operator, Tewksbury:	7/26	Lisa Y. Ventura, 21, Home Health Aide, Lawrence:	3/15/95
Donald LeBlanc, 64, Truck Driver, Lowell:	7/29	Keith Bodwich, 32, Truck Driver, Northampton:	3/24/95
John Mauro, 29, Laborer, Malden:	7/29		
Kevin O'Donell, 43, Store Owner, Pittsfield:	8/1		
David Becker, 50, Pilot, Williamstown:	8/6		
Victor Gibley, 63, Delivery Man, Lexington:	8/18		
Davidson Whiting, 31, State Trooper, Lexington:	8/18		
Paul J. Thompson, 49, Police Officer, Webster:	8/22		

DEATHS FROM WORKPLACE INJURIES IN MASSACHUSETTS: (1986-1994)

During the 9 year period, 1986-1994, 222 out of 351 cities and towns have had a worker killed on the job from acute traumatic injuries. This represents 63% of all the municipalities in Massachusetts.

Summary List of Cities/Towns and Number of Deaths

Abington:	1	Brookline:	7	Gardner:	2
Acton:	1	Cambridge:	9	Gay Head:	1
Acushnet:	2	Canton:	2	Gloucester *:	10
Agawam:	4	Centerville:	1	Grafton:	2
Amesbury:	1	Charlton:	3	Granby:	2
Andover:	4	Chatam:	3	Great Barrington:	2
Arlington:	2	Chelmsford:	2	Greenfield:	2
Ashburnham:	1	Chelsea:	5	Groton:	2
Athol:	1	Cheshire:	1	Hadley:	2
Attleboro:	3	Chester:	1	Halifax:	1
Auburn:	1	Chicopee:	3	Hamilton:	1
Avon:	1	Clarksburg:	1	Hanover:	1
Barnstable:	5	Clinton:	1	Harvard):	1
Barre:	1	Cohasset:	1	Harwich *:	1
Beckett:	1	Colrain:	1	Haverhill:	4
Bedford:	4	Concord:	2	Holbrook:	1
Bellingham:	2	Danvers:	3	Holliston:	2
Berkley:	1	Dartmouth:	3	Holyoke:	4
Beverly:	1	Dedham:	1	Hopedale:	1
Billerica:	5	Deerfield:	3	Hopkinton:	1
Boston *:	95	Dennis:	1	Hudson:	2
Allston:	4	Dighton:	3	Hyannis:	1
Charlestown:	3	Dracut:	3	Ipswich:	1
Dorchester:	23	Duxbury:	2	Kingston:	1
East Boston:	1	E. Bridgewater:	1	Lakeville:	1
Roslindale:	1	E. Longmeadow:	1	Lawrence:	3
Roxbury:	4	Eastham:	1	Lee:	3
South Boston:	4	Edgartown:	2	Leicester:	2
W. Roxbury:	1	Erving:	1	Leominster:	2
Bourne:	2	Everett:	2	Lexington:	4
Boxborough:	3	Fairhaven *:	4	Lincoln:	3
Boxford:	1	Fall River:	10	Littleton:	3
Braintree:	2	Falmouth:	5	Lowell:	5
Bridgewater:	3	Fitchburg:	4	Ludlow:	2
Brighton:	1	Florida:	1	Lynn:	7
Brockton:	7	Foxboro:	1	Malden:	3
Brookfield:	1	Framingham:	3	Manchester:	2
		Freetown:	2	Mansfield:	2

How Massachusetts Workers Died on the Job (selected cases)

January 20

Peter Pawlick, age 39, worked as a yardman at MacLellan Concrete Co. in Amesbury. He suffocated when he was buried in pea stone in a hopper feed area. OSHA fined MacLellan Co. \$6,750 for not preventing the blockage of material during bin loading and for not guarding the side rails.

January 26

Ronald Benoit, age 33, was a loading dock worker at M&M Transport Services in Medford. He was killed when a 40 foot trailer full of bottled beer exploded while he was placing a methanol heater inside the trailer to keep the beer from freezing. He suffered burns and fatal trauma to his head and upper body. OSHA fined the company \$7,000 (later reduced to \$5,000) for using propane appliances inside of commercial vehicles.

February 1

Andrew Silvia, age 23, was an iron worker of S.W.Construction Co. in Newsburyport. He was killed on a construction site when he fell 20 feet through a roof opening to ice covered ground. The victim was not wearing any fall protection. OSHA fined S.W. Construction Co. for \$14,000 (reduced to \$4,200) for not requiring the wearing of appropriate personal protection equipment and lack of safety on floor openings.

February 1

Robert Mortell, age 39, was the Paxton's Police Chief since 1989. He was killed in the line of duty when he was shot in the chest while chasing three burglary suspects in the woods of neighboring Holden. OSHA did not investigate because he worked in the public sector.

March 7

Darryl Pelletier, age 31, was an electrician who worked at the Boutwell Owens & Co. plant in Fitchburg. He was electrocuted when he was

repairing a fan motor for a photo print machine. OSHA did not fine the company.

March 12:

James Miller, age 31, was a public works employee for the town of Wilbraham. He was killed when the brakes on the sanding truck he was driving failed and he crashed into a row of trees. A tree fell on the cab and crushed him. OSHA did not investigate because he worked in the public sector.

April 20:

Randy Cote, age 27, was murdered by a fugitive at the Hampton Inn in Lawrence where he worked as the night manager. He was knifed to death.

April 21:

John Gentile, Jr., age 21, was killed in Haverhill on Route 495 when the bulldozer he was transporting rolled off the flatbed trailer and crushed him. The bulldozer had been taken off the trailer to change the truck tire.

May 5:

Andrea McNeil, age 12, was struck by a car while riding her bicycle delivering newspapers in Reading. She was not wearing a helmet, nor did the company, Reading Chronicle require its bike carriers to wear a helmet. The paper did not provide any safety training for its carriers.

May 6:

Kham Pham, age 19, was crushed by a printing press at Albert Basse and Associates in Stoughton. He was a Vietnamese immigrant, who had worked as a temporary employee for a couple of weeks. He had no previous experience with printing presses. OSHA reduced its fine of the company to \$1,500.

May 24:

Thomas O'Neill, age 22, was killed when a

How Much Is A Worker's Life Worth?

² OSHA PENALTIES ISSUED FOR WORKERS WHO HAVE DIED DUE TO INJURIES IN MASSACHUSETTS

Year	Average Proposed Penalty	Average Penalty Paid	Percent Reduction in Penalties
1994	\$44,812.50	\$42,955.98	4%

without the fine
of \$600,000 of
Tewksbury Industries

	\$6,933.33	\$4,163.93	%40
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Note: These average dollar amounts do not include cases in which OSHA issued no fines. If these cases were included, then the average proposed penalties would drop. In addition, some of the cases are not yet settled so the proposed penalties have not yet been reduced. It is expected that the average penalty paid in situations in which a worker will be killed will be less than \$4,500 if the Tewksbury Industries' \$600,000 fine is not included. There were no other fines above \$25,000.

Conclusion OSHA's financial penalties do not act as a deterrent for irresponsible behavior on the part of employers. (Despite the fact that OSHA, in 1991, had its penalty structure increased seven-fold by Congress, the U.S. General Accounting Office (GAO) found that OSHA proposed penalties only increased three times, well below the maximum. In addition, the GAO found that employers who contested OSHA citations got the greatest reductions.) The only solution is to give workers and their representatives the right to challenge weak citations.

Sources: OSHA data on fatalities supplied by the OSHA Regional Office in Boston.

		<u>Proposed</u>	<u>Actual</u>
5/14/94	J.F. White/P.K.F., Mark III J.V. , Deer Island/Winthrop Robert Mandracchia, Age 42, suffered broken leg from fall; died from a complication (blood clot).	\$ 25,000	\$ 25,000
5/24/94	Aphios Corporation , Woburn Thomas J. O'Neil, Age 22, died in an explosion.	\$ 11,350	\$ 7,360
7/26/94	Tewksbury Industries , Tewksbury Antônio I. Lopez, Age 46, caught in shredding machine at a scrap metal facility.	\$613,000	\$ 600,000
7/29/94	Americraft Carton , Lowell Donald Leblanc, 64, fall from a truck platform.	No OSHA violations cited	
7/29/94	Primary Development , Malden John Mauro, Age 29, died in fall from ladder.	\$ 3,000	\$ 1,500
9/14/94	Payne Elevator , Cambridge Richard Coggsell, Age 55, electrocuted.	\$ 15,000	not settled
10/10/94	Brazilian Granite , Readville Louis Ferro, Age 43, crushed by pile of granite slabs.	\$ 2,500	\$ 2,500
10/21/94	Amsco, Inc. , Lincoln Alan Courage, Age 46, crushed under pre-cast slab.	\$ 14,000	\$ not settled
11/07/94	Asphalt Maintenance , East Freetown Scott Poutre, Age 26, crushed by dump truck body.	\$ 1,500	\$ 0
11/16/94	Brewster Wallcover , Randolph James Wolfe, Jr., Age 27, fell off mezzanine to lower floor.	\$ 1,500	\$ 1,500
12/07/94	BPI Packaging Tech , North Dighton John Dion, Age 42, crushed when forklift truck fell off loading dock.	–Open case, no fines issued yet-	

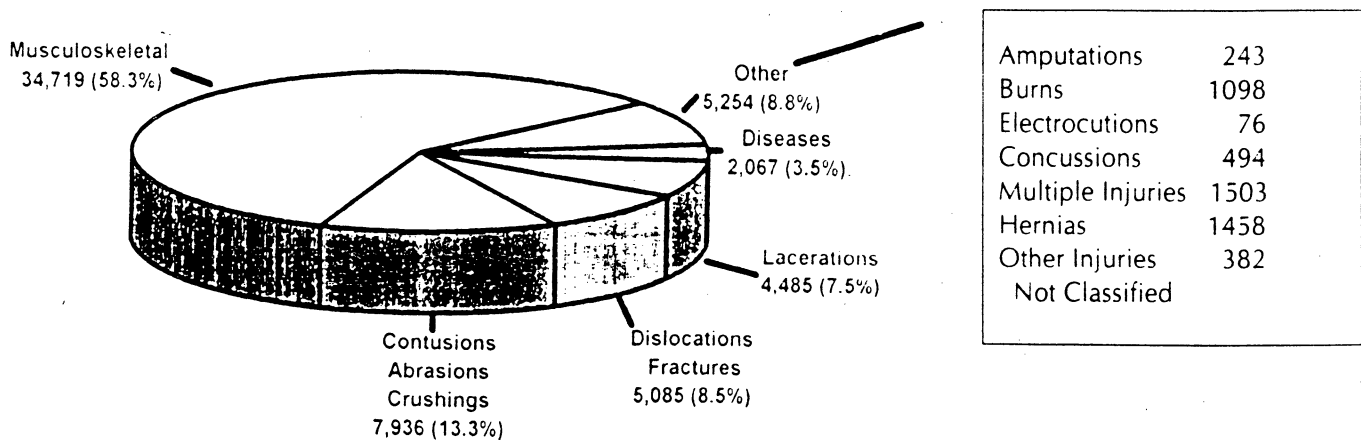
Sources: newspaper articles and directly from the OSHA Regional Office in Boston

**MASSACHUSETTS COMPANIES WITH THE HIGHEST NUMBER OF WORKERS
COMPENSATION CLAIMS in 1993**

<u>Name of Company</u>	<u>Number of Claims</u>
United Parcel Service (UPS)	841
Stop and Shop Companies	833
Shaws Supermarket	594
Raytheon	514
General Electric Company	374
Star Market Company	292
Brigham and Women's Hospital	269
Massachusetts Bay Transportation Authority (MBTA)	259
Purity Supreme Inc.	237
McDonalds Restaurant	233
Wyman Gordon Company	232
Massachusetts General Hospital	202

Note: Large Massachusetts employers are overrepresented on this list because they employ the largest number of workers. Smaller employers are not included in this list even though they may have higher injury rates (the number of injuries compared to how many people are employed) than the employers named above.

Serious Work Related Injuries in Massachusetts, 1994
Total Injuries in 1994 = 59,546



Conclusion: Massachusetts workers are suffering from musculoskeletal injuries in high numbers and need an OSHA Ergonomics Standard to be issued to prevent these injuries.

Sources: Massachusetts Department Of Industrial Accidents work related injury and illness statistics for incidents from 1/1/94 to 12/31/94. This number does not include injuries/illnesses disabling workers for less than 5 days.

PART THREE: Deaths and Serious Illnesses Caused By Workplace Diseases

DISEASES CAUSED BY WORK

It is hard to count the number of workers who die every year in Massachusetts due to diseases caused by work, although we know it may be as high as one thousand. The reasons occupational diseases are hard to recognize are:

1. It takes the disease a long time to develop after the worker initially gets exposed to the workplace hazard.
2. Doctors are not trained to appropriately identify diseases caused by work.
3. Doctors are not systematically reporting diseases.
4. Death certificates do not always list the disease as the cause of death.
5. Some diseases have multiple causes and it may be hard for doctors to identify what exposures contributed to the occurrence of the disease.

ESTIMATED DEATHS DUE TO OCCUPATIONAL DISEASE IN MASSACHUSETTS - 1992

Diagnosis	Total # of Deaths	% Attributable to Occupational Disease	Deaths Attributable to Occupational Disease
Cancer	14,400	5%	720
Pneumoconiosis	20	100%	20
Other lung disease	5,273	2%	105
Cardiovascular disease	21,754	1%	218
Neurological disease	1,249	3%	37
Renal disease	731	1%	7
Congenital abnormalities	215	1%	2
TOTAL			1,110

Note: To assume 5% of all cancer deaths are attributable to the workplace is at the low end of the 5-20% range.

Source: Annual Report of Vital Statistics, 1992, Massachusetts Department of Public Health.

2. Mesothelioma: From 1982-1992, there were 768 cases of mesothelioma in Massachusetts. This is a cancer of the lining of the lung and/or abdominal cavities. The average survival time is less than 18 months from time of diagnosis. At least 80% of these cancers are due to asbestos. No other cause is known and smoking is not related.

Mesothelioma Incidence, 1982-1992

Middlesex County:	186
Norfolk County:	151
Suffolk County:	88
Worcester County:	68
Plymouth County:	65
Essex County:	61
Bristol County:	43
Hampden County:	37
Barnstable County:	36
Berkshire County:	16
Hampshire County:	9
Franklin County:	7
Nantucket County:	1

TOTAL: 768

3. Asbestosis: This is a scarring of lung tissue in response to a build-up of asbestosis fibers in the lungs. It can be fatal and the disease may progress without any further asbestos exposure. From 1987-1992, there were 92 cases, statewide of asbestosis that were listed on the death certificate as either the underlying cause of death or a related cause of death.

Source: *Cancer Incidence by Occupation and Industry in Massachusetts, 1982-83*, Department of Public Health

MASSACHUSETTS INDUSTRIAL SECTOR:

LOST WORK DAY (DAYS AWAY FROM WORK) INJURY RATE EQUAL TO OR GREATER THAN NATIONAL AVERAGE:

Transportation and Public Utilities:

SIC 48	Communications	greater than
SIC 49	Electric, gas and sanitary services	greater than

Wholesale Trade:

SIC 50	Wholesale trade - durable goods	greater than
SIC 51	Wholesale trade - nondurable goods	equal to

Retail Trade:

SIC 52	Building materials and garden supplies	equal to
SIC 53	General merchandise stores	greater than
SIC 54	Food stores	greater than
SIC 55	Automotive dealers and service stations	greater than
SIC 56	Apparel and accessory stores	equal to
SIC 57	Furniture and home furnishings stores	equal to
SIC 58	Eating and drinking places	equal to

Finance, Insurance and Real Estate:

SIC 63	Insurance carriers	equal to
SIC 64	Insurance agents, brokers and service	equal to

Services:

SIC 70	Hotels and other lodging places	equal to
SIC 75	Auto repair, services and parking	equal to
SIC 83	Social services	equal to
SIC 84	Museums, botanical, zoological gardens	greater than
SIC 85	Engineering and management services	greater than

Sources: *Massachusetts Traumatic Deaths At Work: 1993 Update*, Department of Public Health, Occupational Health Surveillance Program.

1993 Annual Survey of Occupational Injuries and Illnesses, Department of Labor and Industries.



City of Cambridge

48.

IN CITY COUNCIL

June 5, 1995

MAYOR REEVES

ORDERED: That the City Manager is hereby directed to review the attached report, "Dying for Work in Massachusetts: The Loss of Life and Limb in Massachusetts," and to direct all appropriate City Departments and/or contractors to do so as well; and be it further

ORDERED: That the City Manager is hereby requested to report back to this City Council on policies and procedures implemented by City Departments, contractors and sub-contractors at worksites in order to remain strict compliance with OSHA standards.

Entire membership

Consent Order #48

CM-242

Mayor Reeves re: Report on the policies
and procedures implemented by City Departments
contractors, sub-contractors at worksites
to remain in compliance with OSHA.

In City Council June 5, 1995

Order adopted