

THE Nation.

Workers Memorial Day | The Nation

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Esther Kaplan

April 30, 2008 | This article appeared in the May 12, 2008 edition of The Nation.

More than 100 workers were on an evening shift at the Imperial Sugar Company outside Savannah, Georgia, when an explosion rocked the refinery. The lights went out, the ceilings collapsed; one witness described workers staggering, their clothing on fire, skin hanging from their bodies. Eight died in the February 7 blast, and another five, with burns extending into their muscles or organs, have died in an Augusta burn unit in the weeks since. Those who survive will likely end up, in the words of one federal official, "disabled and disfigured, facing a lifetime of struggle and pain."

About the Author



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The explosion was caused by a layer of sugar dust that had been allowed to accumulate under two silos at the plant, one of the town's largest employers--dust so fine that exposure to oxygen was enough to set it off.

The day after the blast, CEO John Sheptor expressed his "grief and...sorrow" to a gathering of family members of the injured and the dead. He also said he had no idea when the plant was last inspected.

Tammy Miser watched the story unfold from her home in Lexington, Kentucky, with mounting anger. Her brother Shawn died in a similar dust explosion five years ago, at a Hayes-Lemmerz wheel plant in Indiana. She drove for hours to the burn unit in Fort Wayne, where she was able to identify her brother only by the remnants of his eyebrows. Since then, she's become a sort of self-appointed rememberer, combing the Internet for news stories of workplace fatalities, which she compiles for her blog, Weekly Toll, and serving as both counselor and organizer for families who find themselves at bedsides like Shawn's.

Weekly Toll narrates a world occupied by falling beams, falling buildings and falling cranes. On its pages, forklifts and trackhoes tip over like toddlers; construction workers careen from ladders and scaffolds.

Trenches collapse, suffocating ditch diggers; social workers and psychologists are stabbed by angry patients; night managers of restaurants and video stores and pawn shops are shot like they're in season. And dust explodes at industrial plants.

In 2003, the year Shawn died, a wave of these explosions killed more than a dozen workers, sparking an investigation by the Chemical Safety and Hazard Investigation Board, or CSB, a federal agency. The CSB study, released in November 2006, documented 281 combustible dust explosions at workplaces between 1980 and 2005 that killed 119 workers and injured 718 more--including several at sugar plants. (An independent study has since revised these numbers upward.) A key finding of the CSB study was that the federal Occupational Safety and Health Administration (OSHA)--which, unlike the CSB, has enforcement power--had never established an enforceable standard regarding the risks of combustible dust. Calling these explosions devastating and preventable, the board recommended that OSHA immediately take steps to issue such a standard.

But during the Bush years, OSHA has more or less suspended its rule-making functions, relying instead on a system of voluntary industry "alliances," which the agency's top officials like to call "highly effective." The only two significant new rules OSHA has issued during the Bush years were forced by union lawsuits. Several rules in the regulatory pipeline under Clinton, dealing with everything from toxic chemicals to hazardous equipment, were withdrawn. Two years ago, Bush appointed a new head of OSHA, Edwin Foulke, who came to the job straight from a partnership at Jackson Lewis, a leading union-busting law firm, where he'd been a vocal opponent of enforceable regulations. Shortly after starting his new job, he drew fire for delivering a speech, "Adults Do the Darndest Things," that deployed images of men working near live power lines or with improper scaffolding for laughs.

Fifteen months after the CSB report, when the explosion rocked Imperial Sugar, no combustible dust regulation had been announced. Nor has Foulke indicated that such a regulation is under consideration. The day after the explosion, while bodies were still being pulled from the burning rubble, George Miller, chair of the House Committee on Education and Labor, and Lynn Woolsey, chair of the House subcommittee on workforce protections, wrote an angry letter demanding that OSHA initiate the new standard. Foulke responded meekly that OSHA "has not ruled [it] out."

"I remain hurt and angry by the lack of compassion and concern by the corporations and OSHA," Miser blogged in the wake of the Savannah disaster. "These deaths, the anguish, injuries, it's all on their hands."

This week marked Workers Memorial Day, when unions and advocacy organizations held memorials and protests to honor those who have died on the job. Miser's website offers the only central listing of such events, which were the occasion for many of the grieving family members who've found their way to her to tell their stories in public--the friend of a construction worker who fell to his death due to a lack of scaffolding on the Golden Gate Bridge; the daughter of an electrician electrocuted at Logan Airport. These tales were told to provoke not laughter but action. The date for Workers Memorial Day, April 28, was set to commemorate the creation of OSHA in 1970.

Though OSHA has been starved of resources since the dawn of the Reagan era, the birth of the agency was a watershed moment. Due to its rules and inspections and fines, job-related injuries, illnesses and fatalities have declined steadily ever since. Not long ago, Foulke himself crowed about new data showing that workplace fatalities were at an all-time low. But that turned out to have been a counting error. Despite the continuing erosion of the very industrial jobs where risks are highest, the revised numbers, released April 18, show that fatalities actually rose 2 percent in 2006. This marks only the third time since OSHA's creation, but the second time in the Bush years, that the rate has climbed.

While OSHA languishes in the hands of a certified union-buster, the House Committee on Education and Labor, which oversees OSHA, has regained a pulse. The moment Democrats took over last year, Miller restored the word "labor" to the committee's name, which had been purged during the Gingrich years, and added one of the nation's top workplace safety experts to his staff. In a little over a year, the committee has approved legislation on mine safety, a response to the deadly collapse of Utah's Crandall Canyon mine, and on popcorn lung, the fatal bronchial disease that afflicts workers handling butter flavoring. It has issued subpoenas to the Utah mine owners. It held a hearing on OSHA's failure to issue new regulations. And in early April of this year, it reported out a bill on combustible dust, HR 5522, that would require a new OSHA rule. "Under the Bush administration, OSHA's strategy consists largely of telling employers about safe working conditions and then sitting back and hoping they will foster them," Miller told *The Nation*. "This is no substitute for establishing strong standards and enforcing those standards." Miller's bill was being debated on the House floor as this story went to press.

Miser has posted a petition online to support the legislation, which she says will remain at the top of her blog until she gets the needed signatures. As of Workers Memorial Day, she had 344.

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