

## County Homicide Indictments in Two Worker Deaths

The Manchester Union Leader has reported two separate cases in New Hampshire of employers charged with negligent homicide for workplace fatalities. Maurice Buzzell of Buzzell Tree Service was indicted this June in the death of Kingston 22-year-old Jon Paul LaVigueur on August 7, 2006. According to the indictment, Buzzell required LaVigueur to pull on a rope attached to a tree that was being felled. A family friend stated, "Nothing is going to bring JP back, but somebody needs to be held responsible. He shouldn't have been put in the position he was put in."

In June, a Cheshire County grand jury indicted Corbett Creek Farm owner Mary Corbett for negligent homicide and manslaughter in the death of 17-year-old Travis DeSimone. According to reports, Corbett directed DeSimone to cut pipes in an unstable wall, causing it to collapse. OSHA issued citations for willful safety violations in both cases.

NH COSH applauds the Rockingham and Cheshire County Attorneys for bringing felony indictments in these tragic accidents that needlessly ended the lives of two young people.

Unfortunately, even though both employers were cited by OSHA, no felony indictments are possible at the federal level because federal law treats willful safety violations leading to worker deaths as misdemeanors. Moreover, OSHA's fine against Buzzell was only \$12,500. Fines are limited under OSHA's rules.

The Protecting America's Workers Act (HR 2049) would increase OSHA penalties in worker deaths, allow federal felony prosecutions, and increase protection for workers reporting unsafe

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## Delegation on Behalf of Justice for Janitors

On July 2, NH COSH organized a delegation to Fidelity Investments in Merrimack on behalf of immigrant janitors represented by SEIU 615, "Justice for Janitors." Problems for the janitors include layoffs, speed-up, toxic chemicals, workplace injury, and lack of respect in the workplace. Pictured are: Alejandro Urrutia, Arnie Alpert, Maggie Fogarty, Judy Elliott and Eva Castillo. In addition to NH COSH, the NH Alliance for Immigrants and Refugees, the American Friends Service Committee, and the Granite State Organizing Project are collaborating to support the janitors

## NH Minimum Wage to Increase

The minimum hourly wage for New Hampshire workers increases to \$6.55 on July 24, and then to \$7.25 on September 1, 2008. Tipped employees are guaranteed a minimum wage of 45% of these rates.

However, this welcome increase in the minimum wage is far less than a "livable wage," the amount a worker really needs to survive. According to the National Low Income Housing Coalition, a worker needs to earn \$19.45 per hour to afford a 2-bedroom apartment in New Hampshire.



# NH Healthy Schools

This year, as a partner of the NH Asthma Control Program's Healthy Schools workgroup, NHCOSH outlined the EPA's "Tool for Schools" process for better indoor air. The Lamprey River Elementary School in Raymond and Mildred C. Lakeway Elementary School in Littleton's teams met and worked on this process throughout the school year.

The teams included principals, assistant principals, parents, teachers, para-educators, and facilities managers. They completed surveys, checklists and compiled data under the mentorship of the Healthy Schools workgroup partners. Teams used a checklist to walk through the schoolrooms to form a baseline inspection for the school. Under consideration was the load of surface dust, condition of upholstered furniture, stained ceiling tiles, flooring, household chemicals, clutter, lack of adequate storage, food left in classrooms and more.

The particulate load (surface dust) in each school was high. Surface dust was evident in all rooms. Reducing this problem requires the cooperation of staff.

One focus was more walk-off mats for inside and outside the building. Another consideration was asthma triggers when looking around the classroom or before adding additional furniture or supplies to the rooms. Textile items such as curtains, upholstered furniture, extra rugs, pillows, blankets, quilts, fabric storage containers can be reservoirs for dust and dust mites. The cleaning, especially laundering of textile articles should be considered when using these products.

Clutter, paper, books, and projects can quickly overwhelm a small space. They can rob the teacher and students of precious floor space in a room and create visual "*background noise*" distracting sensitive students from focusing on learning.

Lack of adequate storage has led many teachers to use the unit ventilators or radiators as bookshelves. This is double trouble because when unit ventilators, radiators or vents are blocked, heat and air can't flow properly in or out of the room. With objects on top of the heat sources, dust particles are put in motion by the movement of any heat or air that does flow through.

Healthy schools should be everyone's concern as we begin to use schools for more after school programs, activities and classes. Schools are again becoming the community center for many of our small towns. How many schools are now being considered as emergency

shelters in our communities? A healthy school has become a wise choice for our communities.

## MOLD in Your Home?

The hot humid days of summer can encourage mold growth indoors. Anywhere moisture collects on surfaces the potential for mold growth exists. Wood, paper, carpet, insulation and foods all have the potential to grow mold.

Damp conditions in homes and buildings can provide excellent conditions for mold growth. This may cause sensitive populations to exhibit asthma symptoms, upper respiratory tract symptoms, coughing or wheezing in normally healthy people. People are exposed to mold by breathing in spores or tiny fragments of mold. The types and severity of symptoms depend in part on the extent of an individual's exposure, age, and his or her existing sensitivities or allergies.

Common problems usually reported are:

- Nasal and sinus congestion
- Cough
- Wheezing/breathing difficulties
- Sore Throat
- Skin and eye irritation
- Upper respiratory infections

In most cases, testing for mold is not necessary. Instead, you should simply assume there is a problem whenever you see mold or smell mold odors. Hiring a contractor to test for mold could use up precious resources that are needed to correct moisture problems and remove existing mold growth.

The most practical way to find a mold problem is by using your eyes to look for mold growth, and by using your nose to locate the source of a suspicious odor. If you see mold or if there is an earthy or musty smell, you should assume a mold problem exists especially if signs of excess moisture or the worsening of allergy-like symptoms continue.

For more information on this health concern contact the N.H. Department of Environmental Services, Indoor Air Quality Program, Concord, NH (603) 271-3911 or visit on-line at [www.des.nh.gov/ard/ehp/iaq/](http://www.des.nh.gov/ard/ehp/iaq/). Other sites are [www.cdc.gov/nceh/airpollution/mold/](http://www.cdc.gov/nceh/airpollution/mold/) and [www.epa.gov/mold/moldresources.html](http://www.epa.gov/mold/moldresources.html) to download government fact sheets on mold in your home. Some materials also available in Spanish. Simple soap and water is usually all the clean-up that is necessary.

*Information adapted for NH COSH 'Worker Safety News' from NH Department of Environmental Services' 'MOLD in your home?'.*

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conditions. Rep. Carol Shea-Porter, who sits on the House Workforce Protections Subcommittee, is a co-sponsor. Rep. Paul Hodes has not signed on. Nor have Senators Judd Gregg and John Sununu signed on to the companion Senate bill, S 1244.

### Construction contractors at Concord McDonald's site cited.

In June 2008, OSHA cited Massachusetts contractors Shawnlee Construction and James T. Lynch Contractors for construction safety hazards at a McDonald's restaurant on Loudon Road in Concord. Violations included lack of fall protection and lack of cave-in protection. The fines follow an OSHA inspection at the site last November. *Based on a report from the Concord Monitor.*

## NH COSH 2008 Membership Drive Underway

The Executive Board and Staff of NH COSH would like to thank the following individuals and organizations for their ongoing support of NH COSH projects and programs:

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Your faithful support provides us with the ability to remain actively involved in advocating for workers rights and safe working conditions for all New Hampshire workers in ways that are not covered by our granting organizations. Thank you.

## Protect Yourself First Before You Help Others

### Safety for Responders During and After Floods:

- **General personal protective equipment** - Wear steel-toed boots, heavy-duty work gloves, and goggles/safety glasses with side shields. If there's danger of falling debris, wear an ANSI-approved hard hat. Wear a long-sleeved shirt, long pants, or coveralls. If you are in an area where you must shout to be heard, use hearing protection such as ear plugs or landscaper's ear muffs. Apply mosquito repellent.
- **Respirator** - People who enter previously flooded buildings should wear an N95 respirator (charcoal-impregnated advised to minimize unpleasant odors) over your nose and mouth if there is potential for splashes, airborne dusts, or mold. Mold is probably present in buildings that were flooded.
- **Decontamination of equipment and clothing** - Wash gear with warm soapy water. Clothing can be washed normally in a household washer.
- **Personal hygiene** - Wash your hands often. Wash your body with soap and warm drinkable water. Shower daily or as needed.
- **Pay special attention to not putting your hands in your mouth** or on objects that could go into your mouth, such as cigarettes or water bottles. Clean cuts and abrasions thoroughly with soap and water and apply antibiotic ointment.
- **Prevent heat stress** - Drink lots of water or a mix of ½ sports drink and ½ water. Avoid soda, alcohol, coffee, and tea. During hot weather, if possible, do the heaviest work early in the morning 6:00 am - 11:00 am and later in the afternoon 3:00 pm - 7:30 pm. Take frequent rest breaks. Eat light meals. Avoid direct sun. Wear a hat, sunscreen and loose fitting clothes.
- It is recommended that you **notify your supervisor if you have any health or medical conditions**, such as high blood pressure, heart condition, or allergies.

Additional information can be obtained from The National Clearinghouse for Worker Safety and Health Training: <http://tools.niehs.nih.gov/wetp/>.

Adapted for NH COSH 'Worker Safety News' form National Institute of Environmental Health Sciences Flood Response Orientation fact sheet.



## TNEC Hazardous Waste and Emergency Response Training

The New England Consortium (TNEC) is based at the University of Massachusetts Lowell and sponsored by the National Institute of Environmental Health and Safety's Worker Education Training Program (NIEHS/WETP) to provide health and safety training relating to hazardous materials. TNEC is a New England regional partnership between the University of Massachusetts Lowell (UML), Western MASSCOSH, MASSCOSH, RICOSH, CTCOSH, and NH COSH. TNEC also collaborates with the OSHA New England Training Institute Education Center at Keene State College, Manchester, New Hampshire.

### Training programs available

[Check out the TNEC website]

- Emergency Response to All Hazards Awareness Course – 8-hour
- Emergency Response Awareness Level – 8-hour
- Emergency Response Refresher – 8-hour
- Emergency Responder – 24-hour
- Hazardous Waste Site Worker – 40-hour
- Hazardous Waste Site Refresher – 8-hour
- Supervisor – 8-hour

TNEC will design customized courses delivered on-site anywhere in New England or at TNEC's training center in Lowell. All courses meet or exceed the requirements of the OSHA 1910.120 HAZWOPER standard.

For more information contact TNEC at UMass Lowell, 1 University Avenue, Lowell MA 01854, 978-934-3257, [t nec@uml.edu](mailto:t nec@uml.edu) or [www.uml.edu/t nec](http://www.uml.edu/t nec).

## OSHA 10 Hour Now Required for Public Works Contractors

Under a new New Hampshire law, RSA 277:5-a, all public works contracts for "construction, reconstruction, alteration, remodeling, installation, demolition, maintenance, or repair of any public work or building by a state agency, municipality, or instrumentality thereof, and with a total project cost of \$100,000 or more, shall have an Occupational Safety and Health Administration (OSHA) 10-hour construction safety program for their on-site employees. All employees are required to complete the program prior to beginning work."

Civil penalties have been set for those not in compliance. The New England Consortium (TNEC) at UMass in Lowell has ongoing open enrollment classes for the OSHA 10 hour training or they can provide on-site training. For more information contact TNEC at UMass/Lowell, One University Avenue, Lowell MA 01854, 978-934-3257, [t nec@uml.edu](mailto:t nec@uml.edu) or [www.uml.edu/t nec](http://www.uml.edu/t nec).

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