

HEALTH & SAFETY

A NEWSLETTER FOR NYSUT'S HEALTH AND SAFETY LEADERS

WINTER 2012

www.nysut.org

VOL. 18, NO. 2

Why should NYSUT members care about national chemical policy reform?

By Kathy Curtis, executive director, Clean and Healthy New York and co-leader of the JustGreen Partnership

When faced with budget cuts that threaten staffing levels, ready access to teaching materials, opportunities for staff development, and work-related travel, to name a few, why should NYSUT members care about national chemical policy reform? Teachers, professors, college lab technicians, early childhood workers, custodians, health care workers, school support staff and all infants and children in their charge are affected by chemicals in their daily lives.

The existing federal chemical management system is the Toxic Substance Control Act (TSCA), which was passed in 1976 and has not been updated since. Under TSCA, chemicals are

allowed on the market without being tested for their safety. That makes it nearly impossible for people to identify which chemicals are safe and which are harmful.

Instead of requiring chemical makers to prove their products are safe before they go into use, the law says the government has to prove actual harm in order to control or replace a dangerous chemical! Meanwhile, most of us assume that if a product is on a store shelf, it has been stringently screened for its safety. That is just not true. In fact, TSCA allows chemical makers to keep the ingredients in some chemicals secret — nearly 20 percent of them, according to the U.S. Environmental Protection Agency (EPA). This lack of regulation and secrecy perpetuates the chemical industry's failure to move toward safer chemicals and product design.

There are more than 80,000 chemicals on the market. When passed into law, TSCA approved about 62,000 chemicals already in existence before 1976; these chemicals were "grandfathered" in and assumed safe without testing or information. Only 200 of the original 62,000 chemicals have since been tested for safety; some

"As a union, we have a responsibility to be part of the effort to make chemicals safer and require more information about them to be made available to the public."

**— Kathleen Donahue
Vice President, NYSUT**



uses of only five of them have been restricted, and none for more than 20 years since 1990. The burden of proof of harm under TSCA is so onerous that when the EPA accumulated enormous evidence and tried to use the TSCA law to restrict asbestos 20 years ago, it failed, and it hasn't tried since.

During this same 35-year period, rates of conditions linked to environmental exposures have skyrocketed. Common diseases and disorders with lifelong consequences we must confront as educators, support staff and health care workers include pediatric cancer, birth defects, developmental delays, learning disabilities, allergies,

continued on page 3



Representing more than 600,000 professionals in education and health care
For more, see www.nysut.org.

INSIDE

Violence Against Nurses law gets results

Page 2

Legislative update

Page 3

Web resources

Page 4

Violence Against Nurses law brings parity for assault of nurses

A patient from Albany's Capital District Psychiatric Center was recently sentenced to five years in prison for assaulting a nurse. According to an article in the *Times Union* newspaper, the patient punched the nurse, "in the chin, dislocating her jaw and causing a brain injury when the nurse split her skull open as she fell to the ground unconscious."

The Public Employees Federation (PEF), the union representing nurses in state institutions, also had cases in Kingsboro and Pilgrim Psychiatric Centers, where nurses have been seriously assaulted.

In each of those cases, the union pressed to make sure that the Violence Against Nurses law, which went into

effect November 2010, was enforced. That law amended the state Penal Law Article 120.5 to include nurses. It is now a class D felony to assault an on-duty nurse.

Workplace violence is a serious occupational hazard for nurses who are on the frontline of providing care to patients. Perpetrators can be patients, family members, visitors, students or co-workers. Violence against nurses is still under-reported and sometimes nurses can be afraid to speak up. Unfortunately, some employers and even some employees feel assaults are part of the job.

Because of this law, nurses can have some assurance that clients or members of the public who seriously assault them should not be able to walk away without consequences.

PEF has reached out to district attorneys and the police chiefs association to remind them of the law and urge them to prosecute. According to the law, assaults against nurses should be charged as class D felonies with up to seven years imprisonment. The degree of injury is a factor that police and district attorneys consider when deciding whether or not to prosecute because of the legal definition of felony assault. In



other words, was the nurse hurt badly enough?

Some DAs have not embraced the tenets of the law and, depending on the type of patient or client who assaulted the nurse, may take the position that the perpetrator is not competent to stand trial or have capacity to defend themselves (both legal terms). However, New York state law outlines how these cases can be handled. DAs

continued on page 4

HEALTH & SAFETY

Health & Safety is a newsletter published periodically for New York State United Teachers' Health and Safety Committee members. NYSUT locals and staff have permission to reprint all *Health & Safety* content.

President

Dick Iannuzzi

Executive Vice President

Andy Pallotta

Vice President

Maria Neira

Vice President

Kathleen M. Donahue

Secretary-Treasurer

Lee Cutler

New York State United Teachers
800 Troy-Schenectady Road
Latham, NY 12110
518-213-6000
800-342-9810

Contact: Wendy Hord

nysut
A Union of Professionals

New free health and safety webinar from NYSUT!

Were all or some of the lighting fixtures in your facility built or renovated before 1979? If yes, they probably contain PCB light ballasts.

On Dec. 22, NYSUT will sponsor an EPA-led health and safety webinar at noon EST on the topic of PCBs in light ballasts. NYSUT hopes that custodial and maintenance NYSUT members, health and safety activists and local leaders will be especially interested in this issue, which is gaining public attention.

The 75-minute webinar

will address PCBs and their health effects; why the EPA is concerned about school light fixtures containing



PCBs; how to recognize PCB light fixtures and leaks; how to handle leaking ballasts; storage and disposal of PCB fixtures; and the ongoing experience of New York City schools that are dealing with this issue.

The webinar is open to all NYSUT members, and will afford them the ability to ask questions. Visit www.nysut.org/eReg/PCB12 to register.

FEDERAL

S.1597 (Brown) /H.R.2948 (DeLaurio) Fix America's Schools Today Act of 2011

This bill would provide \$25 billion in federal health and safety repair funds for public schools. An additional \$5 billion would be invested in renovating and modernizing facilities at our community colleges. The FAST Act will invest resources to repair, renovate and modernize America's schools and community colleges while stimulating and creating some 300,000 jobs.

9/21/11 Read twice and referred to the Committee on Health, Education, Labor and Pensions.



STATE

NYSUT Health and Safety is gearing up for campaigns to protect members from violence in schools and high indoor temperatures. We will be reaching out to members across the state to help tell our stories and help get this bill into law:

A3914 (Lancman) School Workplace Violence Prevention Act

Includes K-12 schools in the existing workplace violence prevention act. This bill would require school districts to develop and implement programs to prevent workplace violence. It would also authorize any public employee or representative of public employees who believes that a serious violation of a safety or health standard exists, or an imminent danger exists, to request an inspection by the Department of Labor.

Currently, all public employers in New York are required to follow this law, except for K-12 schools. Since the law was passed in 2006, NYSUT, along with other unions who represent school employees, has supported including schools in this law. This law is focused on worker safety and is enforced by PESH. To read the law, regulations and tools to help employers comply with the law, go to www.labor.state.ny.us/workerprotection/safetyhealth/workplaceviolence.shtm.

Keep watching the NYSUT health and safety page for information on supporting this bill and requests for your help in getting it passed.

National chemical policy reform

continued from page 1

asthma, type 1 diabetes, obesity, infertility, hyperactivity, aggression and poor impulse control. Exposure pathways have been identified in common everyday products we use in the home and workplace, such as cleaners, personal care products, food packaging, electronics, thermographic paper, building materials, furniture and baby care products.

At the same time, resources to educate and provide necessary services for children with physical and emotional challenges continue to shrink, while the need grows. The numerous other factors affecting children's health, such as diet, genetics and stress, can be compounded by exposure to toxic chemicals.

Our charge to educate and care for children at all developmental stages underscores the need for reform of our nation's failed chemical management system, which is working just fine for the chemical industry, but not so much for everyone else, especially children, our most precious and vulnerable resource. Makers of toxic chemicals have managed to externalize

the societal costs of their products to the educational system, the health care system, the penal system and the juvenile justice system. NYSUT members can be invested, credible spokespeople for a better chemicals policy that can have an enormous influence on our children's health by caring about and supporting this much-needed reform.

Senate Bill 847 the Safe Chemicals Act of 2011, was introduced by Sen. Frank Lautenberg (D-NJ) and co-sponsored by New York Sens. Schumer and Gillibrand, among others. It would take meaningful steps to protect American families from harmful chemicals. The bill would improve the safety of chemicals used in consumer products, increase the flow of information to the public and protect our most vulnerable populations and disproportionately affected "hot spot" communities. It would also reform EPA's science practices so the best available science is used to determine chemical safety, support innovation in the marketplace and provide incentives for

the development of safer chemical alternatives. Specifically the Safe Chemicals Act would:

- Require the EPA to identify and restrict the "worst of the worst" chemicals — those that persist and build up in the food chain;
- Require basic health and safety information for all chemicals as a condition for entering or remaining on the market;
- Reduce the burden of toxic chemical exposures on people of color and low-income and indigenous communities;
- Upgrade scientific methods for testing and evaluating chemicals to reflect best practices called for by the National Academy of Sciences; and
- Generally provide the EPA with the tools and resources it needs to identify and address chemicals posing health and environmental concerns.

Online risk calculator

Compare your injury, illness and fatality rates to other organizations in your industry by checking out the incidence rate calculator and comparison tool provided by the Bureau of Labor Statistics. Visit <http://data.bls.gov/iirc/> for more.



OSHA programs available online

While you're thinking about workplace safety, visit www.osha.gov/dsg/topics/safetyhealth/ and check out the Injury and Illness Prevention Programs website from OSHA.



Safe patient handling info helpful for assisting students

Manually moving and repositioning patients, residents or clients is the single greatest risk factor for musculoskeletal disorders like back, neck and shoulder injuries, according to the new National Institute for Occupational Safety and Health (NIOSH) Safe Patient Handling web page. Visit www.cdc.gov/niosh/topics/safepatient/ for more information.

The Web page provides links to resources from NIOSH, healthcare journals, professional associations, and conferences and a list of state patient lifting legislation. Many NYSUT members perform job tasks that are the same as those in the healthcare industry. School employees who assist students with physical disabilities will benefit from the information on this site.



New documents show health, financial benefits of using IPM

In September, the National School Integrated Pest Management (IPM) 2015 Steering Committee released "Reducing your Child's Asthma using Integrated Pest Management: A Practical Home Guide for Parents." It states that asthma can be caused, and asthma attacks triggered, by common allergens such as cockroaches, dust mites and rodents, or irritants like cleaning products and aerosols, including pesticides.



Asthma accounts for more than 12.8 million missed school days per year. Students who regularly miss school due to asthma symptoms also tend to receive lower test scores and lower grades overall.

The Centers for Disease Control and Prevention recommends IPM to address asthma because pest problems and pesticide use can be avoided using IPM.

"The Business Case for Integrated Pest Management in Schools: Cutting Costs and Increasing Benefits" includes case studies of schools that implemented IPM and are models of financial savings and other benefits gained from transitioning from conventional pest management methods to IPM. Visit www.ipminstitute.org/school_ipm_2015/resources.htm to find both reports.



Violence Against Nurses law continued from page 2

can ask for an examination to determine competence or the court could order the assailant to receive treatment that may restore "capacity" to stand trial.

PEF Director of Health and Safety Jonathan Rosen has this advice for nurses:

- If the injury is significant, be proactive and remind police about the law.
- Work with your union local leaders to get the law enforced in your community.

Anne Goldman, chair of NYSUT's Health Care Professionals Council and special representative for the Federation of Nurses/UFT said, "We are gratified to know there's a real process with real consequences for our nurses who suffer from the unthinkable — being seriously assaulted at work. We have worked very hard to have good communication with our UFT nurse locals so that the union knows when this happens to one of our members, enabling us to help them make sure the law is enforced."

Website helps prepare for winter

A CDC website offers tips and advice on what we need to do to plan for winter hazards. The site lists steps to keep safe at home, while doing outside work and during winter travel.



Visit www.cdc.gov/Features/WinterWeather/ for more information.