

Health & Safety

NEWSLETTER



November 2013

CAUTION CAUTION

As Work Proceeds in Under-River Tunnels, Union Fights to Maintain Safe Conditions

The discovery of a serious safety hazard in the Montague Tunnel connecting Manhattan and Brooklyn on the R line led to the involvement of three TWU Local 100 departments and a safety shutdown of work.

During a routine inspection, a Track-worker discovered a large portion of broken wall in the Montague Tunnel. Further investigation led engineers to realize there was extensive damage caused by Hurricane Sandy. Major construction of the entire tunnel from Whitehall Street to Court Street would take place.

RTO and MOW officers along with TWU Safety requested a meeting with management and a hazard assessment. In that meeting, management gave assurances that, in the course of the repair, asbestos and lead would be "abated," and that when the chipping of concrete began, measures would be put in place to reduce cement dust which would include watering down and building an enclosure.

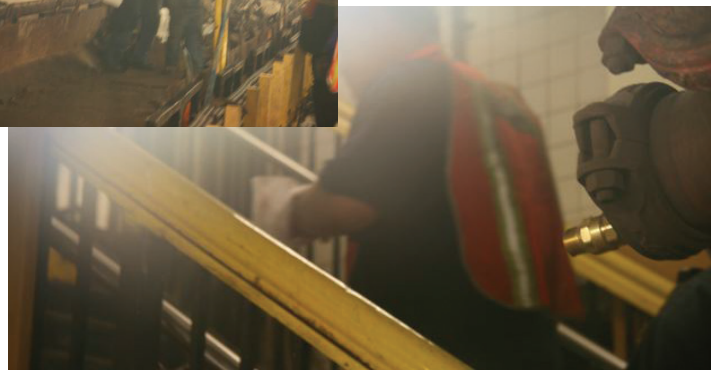
Management first agreed to provide members working on the job, mostly RTO Construction Flaggers, with respirators and Tyvek suits, but then reneged. RTO management blamed their own Office of System Safety (OSS). The OSS response was that the latest air monitoring readings did not obligate them to provide such PPE, but when pushed by TWU Safety to do further testing, they then discovered the reading of silica dust to be above permissible limits and the job was shut down.

Before it was re-opened, a new monitoring company was hired to do air sampling, and all members entering the Montague Tunnel track were subject to mandatory wearing of respirators.

Departmental and Safety reps responded to multiple complaints. On one Sunday night, the dust was so bad it was coming out to the station platform. The union rep found that con-



Bad Air: Workers encounter high levels of silica dust and diesel fumes in the tunnel. On Next Page: Committee meets.



tractors weren't properly using the water curtain they had in place, which was designed to reduce dust in the tunnel. This was corrected, and work is proceeding now.

However, management has failed to honor the union's request to assign three members, full-time, to monitor the safety situation at the Montague tunnel.

Nevertheless, we are continuing to monitor safety and health on this site, and to get air monitoring results from the company. We're seeking to go further, pushing for the use of electric, battery-driven locomotives. Discussion with the manufacturer of these locomotives has revealed that these modern locomotives perform as well as the diesels.

Remember – our most important information comes from members working on each job. We need members working out of train quarters, track quarters, stations and platforms to tell TWU Safety and your Departmental Reps when and where you observe safety hazards. If you think the condition is unsafe, request a Safety Dispute Resolution Form. Let's all work together to stay safe.



Safety Professionals from Mt. Sinai Medical Center and NYCOSH meet with TWU Safety and RTO Officers including VP Kevin Harrington and T/O Chair Steve Downs. Subway Safety Director Tom Carrano is at right. The topic of the discussion was independent monitoring of safety conditions in the Montague tunnel.

For years MTA Bus drivers, mechanics and building maintenance [P&E in OA and TA], have had very little in the way of basic protections that others had with the standard TWU labor contract.

The Safety Dispute Resolution Form, for example, can not be used by MTA bus TWU Local 100 members. Standard NYCT Office of System Safety air monitoring is only done by at MTA Bus by outside subcontractors. While these subcontractors may do a better job than NYCT OSS, it's harder for the union to get reports on their findings.

There are many more issues other than safety and health yet to be resolved at MTA Bus, but we are focused on those issues in this Newsletter.

In the wake of resignations and retirements of MTA Bus managers, it appears likely that



NYCT OSS will soon take over the safety and health issues at MTA Bus. If they do

so, they should plan to grant the same rights to MTA Bus workers in the Safety and Health area as other MTA workers enjoy.

These rights include:

- Full use of the Safety Resolution Form;
- Full access to MTA properties for independent medical/scientific experts to test for air quality;
- That TWU members are released to participate in Walk-Around inspections, as stated in the Policy Instruction of NYCT 10.30.3 [dated 02/23/09].

There are additional safety and health rights for our members, and corresponding responsibilities on the part of management, that must be part of any OSS takeover of MTA Bus facilities.

For More Information, call 212-873-6000 ext. 2038



TWU Local 100 members attend 20 hour Hazmat training.

Over the summer, New York Committee for Occupational Safety and Health (NYCOSH) instructors taught Local 100 members from each Department about hazardous materials, toxicology, spill response, OSHA/PESH standards and worker rights, policies of health and safety laws, chemical information, hands-on PPE, respiratory protection, and decon activities. These trainings are ongoing — contact your Department if you are interested in taking a bigger part in ensuring your safety and health on the job.

Another Sandy? When It Strikes, Be Prepared

Would you be interested in being part of the Emergency Response and Preparedness Team TWU to be ready for the next disaster? The training will take place on Saturday, January 25, 2014 at our new union offices at 195 Montague Street, Brooklyn, NY. We will be conducting an all-day special training and education session. If you are interested in becoming trained and then joining our Preparedness Team, please call Dr. Frank Goldsmith at 212-873-6000, ext 2064.

Overcrowding? What Overcrowding?

NY1 Story Slams NYCT Excuses on Q58

It looked bad on TV. Just ask the MTA.

Serious bus overcrowding on the Q-58 led TWU Safety to the bus stop on the corner of Corona Ave and 91st Place in Elmhurst, Queens. The union had received complaints from Fresh Pond bus operators of inadequate service on the route, leading to hundreds of students swarming the buses as they pulled into this stop, jockeying for position to board. The Transit Authority was given more than enough time to fix this major student, driver, and community problem, but as usual, excuses prevailed.

Safety and Health Rep Tom McNally arrived at the stop at 6 AM on Monday, September 23. A road dispatcher told him that, in order for the students to get to school management had to pull empty buses from Main Street in Flushing and deadhead them to the stop. Otherwise, packed bus after packed bus would simply pass this stop by and hundreds of students would be stranded. This was putting massive pressure on Bus Operators and endangering passengers -- in this case, students. It was a classic case of TA ineptitude and robbing Peter to pay Paul.

The union contacted NY1 Transit Reporter Jose Martinez and he agreed to take a look. He visited the stop the next Monday, Sept 30th. The TA sent three scheduling managers to the stop. When they saw the NY1 camera, they panicked and immediately dead-headed three buses from Main Street to try and stop the reporter from getting a video of hundreds of students surrounding the bus. Two more transit managers arrived and nervously



The press advocates for the public — will Transit listen?

started making excuses to the reporter. Despite deadheading three buses to the stop, the scene was chaotic as hundreds of students gathered waiting for buses that were overloaded.

NY1's Jose Martinez interviewed students, customers trying to get to work and the Union. "Usually I take this bus twice a week. It's always like this. You can see," one rider told Martinez. He reported in part: "Riders say it's a long-running problem at the Elmhurst stop on the Q58

line, which runs from Flushing to Ridgewood." A student interviewed told him: "It just gets crazy packed. It's like you're rubbing shoulders with everybody, everybody's breathing on your neck. It's really hard to move around inside the buses."

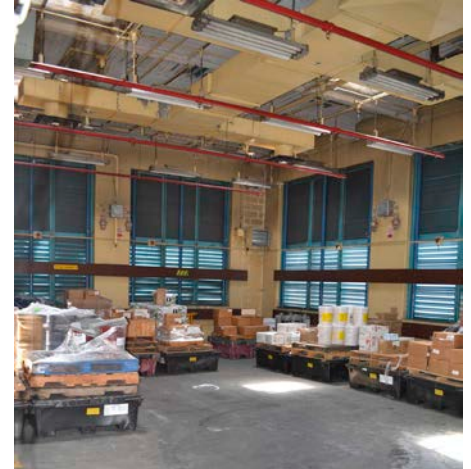
Once again the Union had to embarrass the Transit Authority in public. We are now more optimistic that the Authority will relent because of the media exposure and add more service before a tragedy occurs.

Another Bloody Assault

Andres Vilorio, a 69-year old Bus Operator, was walking down 34th Street on his way to Quill Depot on October 7 when he was violently punched. Police arrested Derek Ward and charged him with two counts of assault in the third degree, and one count of harassment. There was no apparent reason for the attack. Transit workers are urged to attend the trial to show solidarity.

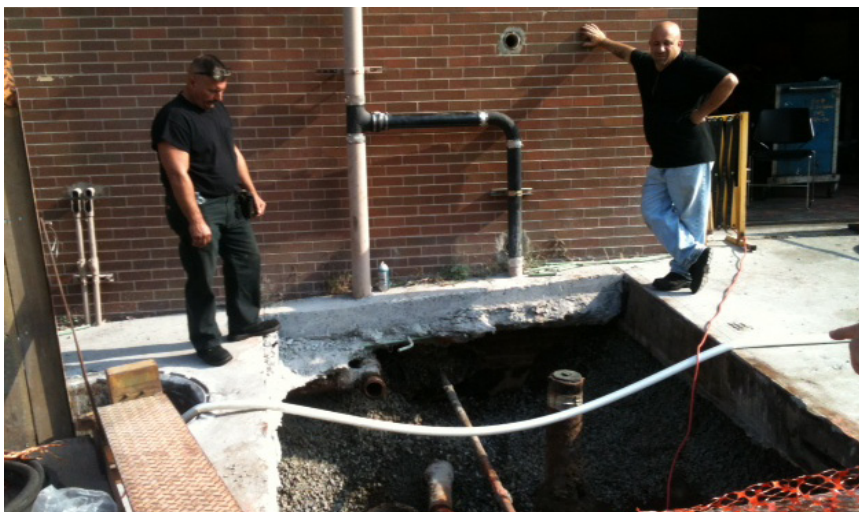


Field Actions Above and Below Ground



Above: Inside, hazardous materials stored on pallets. Below: roof leaks being repaired under engineer's direction.

Working with Stations Shop Steward Steve Welcome, Safety & Health Rep Joe Sclafani, acting on member complaints, documented steady leaks from the decrepit roof of a large building that stored paints and flammable solvents at East New York Supply Logistics shop. The building was designed to vent in case of an explosion and had members concerned. But management was dragging its feet on roof repairs. Outside, hundreds of dollars worth of roofing supplies lay unused for months. But after TWU made an issue out of it, management finally got roofers in, supervised by an in-house engineer.



At Gleason Depot in Brooklyn, the Safety Department received complaints of an unbearable smell in the bus repair facility. The oil separation filter wasn't working, along with blocked sewage pipes. Flushing the system was only a temporary fix. The ground be dug up to get to the root of the problem. MOW personnel were released to assist with ventilation and drainage. New pipes and connections are now being installed.

TWU Seeks Protections on Lung Cancer Risks; MTA Balks

For years TWU mechanics, MOW workers, bus and subway operators; in fact, almost all of our 38,000 members were fearful of the affects of diesels on their bodies. Then in early 2012 the U.S. federal National Cancer Institute and National Institute for Occupational Safety and Health concluded their research of 20 years. They found that diesel fumes cause lung cancer and other severe problems. A few months later the International Agency for Research on Cancer IARC, made Diesel exposure a Category 1 carcinogen. [Elevating the danger from 3 to 1 in severity, the highest risk]

TWU Local 100, given this new evidence, held a major medical/scientific/trade union international conference, June, 2012, and later helped the New York Committee on Occupational Safety and Health [NYCOSH] hold a major conference on Diesel risks. TWU's full safety and health representative team attending these conferences as well as VPs. and other officers.

In fact, Dora Nigro, wife of Tony Nigro, who died of lung cancer, after working as a bus mechanic for 25 years, attended these sessions and pleaded for action to stop other worker's wives from becoming widows.

Later that year, 2013, April, the Educational Resource Centers of NY, NJ and CT held a meeting on these dangers. The union launched a campaign to stop the exposure to diesel fumes: replacing diesel driven forklifts and cleaner/scrubbers with battery driven equipment. Danger Stickers were placed on diesel equipment throughout the system.

To see, first hand, the effects of diesel risks, TA Surface leaders, with the union's Safety and Health Department, asked for scientific help from Mt. Sinai School of Medicine's occupational health clinic. This same team did a industrial hygiene testing at the East New York Bus Facility in 2005. Their results then, strongly suggested further follow up to the problems they found.

So, in February, 2013, a team of Mt. Sinai scientists, with TA Surface and S&H Dept support, conducted an 8 hour monitoring of fuelers and shifters at ENY facility. The results were conclusive. The fuelers exposure risk to lung cancer, given their inhaling of fumes and particulates, was THE SAME as the lung cancer risk uncovered by the NCI/NIOSH researchers.

"The exposure levels for the Fuelers are within the range of the recent truck driver and surface miners

studies that found elevated risk for lung cancer for groups of workers with similar exposure levels."

What is all the more significant, is that the ENY facility, as in all the MTA facilities, use ultra low sulfur diesel fuel. This was supposed to be the safe fuel. It is not.

For months and years, MTA/NYCT has been heralding the NO DANGER signs when using this new kind of diesel fuel.

The union maintains that there is NO scientific evidence that these new fuels are any safer. They might be less smelly and less dirty, but they have to be regarded as just as dangerous. MTA/NYCT has given the union no such evidence; only unsubstantiated claims, that they themselves would never accept if the shoe were on the other foot.

The Union is pursuing a Full Cautionary Road. That is, if there are substitutes for diesels, USE THEM.

What has been the response of the MTA/NYCT?

Incredibly, the MTA/NYCT is jettisoning their battery driven forklifts and cleaner/scrubbers and replacing them with diesel machines. They are only now looking into battery-driven work train locomotives, a technology that is well-known outside of the MTA.

The union has formally met with the NYCT Office of System Safety to protest their inactions and demanded of them a **Company-wide Diesel Exposure Policy Instruction** that combines all of their bulletins, memos and other paper into one document that describes that administrative, engineering and personal protective controls that they intend to implement given these new findings.

These actions are ongoing.

Members are encouraged to send in their own personal experiences with exposure to diesel risks and the reactions of the company. That is, in bus maintenance and transportation; stations; underground MOW projects, i.e., Montague and Greenpoint Tunnels Rehabbing; and, Car Equipment facilities.

Note: After recent meeting with NYCT Office of System Safety, the Bus Department has agreed to put a moratorium on any further purchase of diesel drive Fork Lifts and Scrubber/Cleaners.

— Dr. Frank Goldsmith
Director, Occupational Health

All Fogged-Up?

The union Safety Department, while performing a bus fleet inspection at several depots, have observed and gotten many complaints from drivers concerning the staining of the bus glass. The justified complaints of poor visibility and dirty windows impairing the visibility of the driver's vision has become a priority for us.

Although all the windows of the bus are affected, the main concern is the windshield, driver side window, door glass and driving mirrors. While doing the investigation and talking with several maintenance personal and management there seems to be no real clear answer to what is causing this staining. The most likely causes are either the drying agent or the bus soap used during the bus wash procedure. But this has not been confirmed.

It seems that this has been a problem for some time with no fix in place. One of the depots did do a partial glass change campaign to fix the problem. Management does not deny the hazard yet System Safety has not come forward to try to rectify the hazard.

So Union safety, alongside a pro-active depot vice Chair, has been working with one depot manager who acknowledged the hazard and together they have come up with a procedure to fix the problem.

After several failed attempts In trying to clean the glass, a type of "glass polishing" procedure that actually uses a specially made buffing pad to polish the window by using a hand held buffing machine seems to be the fix. This procedure is being done on a trial basis at one depot and is having very good results.

As far as fixing the problem that is causing this haz-



ard, that is still not been determined. With all the new technology and money being put into cameras and GPS's all in the name of safety it is wonder that a basic issue like maintaining a clean vision path for drivers by keeping and maintaining the glass that driver's seethrough is so largely over looked.

Upon doing other inspections, the Safety Department has determined that this hazard is in several depots impairing the vision of thousands of drivers. A clean windshield and clean glass is a huge safety right. If buses in depots have this glass staining issue, inform your rep, acknowledge the issue on a pre-trip inspection, and have the the depot rep contact Safety and Health. This will also improve public safety for riders and the community



Track Safety Task Force Update

The Joint Track Safety Task Force has been overseeing the implementation of a pilot program for pre service inspection of trains. Local 100 discovered that unsafe practices, dictated by management, were being utilized by Train Operators and Car Inspectors for their pre-service inspections. They were not being safe guarded for the movement of trains while performing their required inspections. Under the eye of the Joint Track Safety Task Force, a pilot program has been implemented at 207th St. Yard for Train Operators and Car Inspectors. New special red flags are now required to be hung from both ends of the train that are in plain view by anyone outside the train as well as any train operator in their cab looking out. These flags indicate an inspection is ongoing and that the train cannot be moved until the employee who hung the flags remove them. The pilot program is shaping up to be a success in keeping our members out of harm's way.

— Jack Blazejewicz

Would Batteries Do It Better?

Without taking a formal position on the use of Battery Driven buses, TWU Local 100 had to invoke contract terms to officially view these new, fully battery driven buses known as the BYD buses. The contract says any new project that affects our members must include our opportunity to review.

A letter from Secretary-Treasurer Earl Phillips set up an appointment to see the new vehicle along with OA officers including OA Div. 1 Chair Richie Davis and Director of Occupational Safety and Health Frank Goldsmith at Quill Depot. These vehicles were built in China and are seeing service there. The Chinese are building a factory in California



to manufacture the BYD buses here. A major investor is multi-billionaire Warren Buffet, who says he's interested in investing in zero emission vehicles.

Although the BYD is being pilot tested on 34th Street, the MTA has no current plans to purchase one. Local 100 has requested operating manuals for the bus and related materials; and the Chicago-New York City pilot test results.

The Contract States:

"Attachment G: Safety Procedures. 6. Safety issues related to substantial new projects in the Department/Division can be reviewed at the request of the Union or at the monthly divisional safety committee meetings or as required. Management will give notice of such projects."

Ventilation, Computer Glare a Concern at Stations

Many issues within Stations Department are discovered during safety and health inspections. Currently the spotlight is on ventilation and computer glare. Our working environments produce a lot of dust, which contributes to many illnesses in our members. Properly running ventilation systems are a very im-

portant part of our lives. All areas should have working ventilation systems that should also be periodically maintained (cleaned).

We are working on getting retractable screens mounted to the monitors in booths. More and more agents have been calling in complaints of strained eyes due to the glare screens.

We are attempting to have them addressed one by one. With your help we can achieve making our lives healthier and safer at work. Please send in your comments and ideas.

— Vanessa Jones
Stations Safety & Health Rep
212-873-6000. ext. 2178

Safety & Health Department Officers

Tom Carrano
Director, Subways
Frank Austin
Director, Buses
Dr. Frank Goldsmith
Director, Occupational Health

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John Samuelsen
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Your Safety Reps in the Field: Keith Cummings, Harold Boro, Tommy McNally, Tom McGlynn, Joe Sclafani, Dennis Jones, Steve St.Hill, Vanessa Jones, Lawrence Rafalovich

TWU Local 100 Hotline: 1-888-302-3727; Workers' Comp: 212-873-6000 ext. 2133