



## EXECUTIVE SUMMARY

# DIRTY AND DANGEROUS

Worker Safety and Health in  
New York City's  
Scofflaw Commercial  
Waste Industry



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# Dirty and Dangerous

## Worker Safety and Health in New York City's Scofflaw Commercial Waste Industry

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### About the New York Committee for Occupational Safety and Health (NYCOSH)

NYCOSH is a membership organization of workers, unions, community-based organizations, workers' rights activists, and health and safety professionals. NYCOSH uses training, education, and advocacy to improve health and safety conditions in our workplaces, our communities, and our environment. Founded in 1979 on the principle that workplace injuries, illnesses and deaths are preventable, NYCOSH works to extend and defend every person's right to a safe and healthy workplace.

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## DEDICATION

**THIS NYCOSH REPORT** is dedicated to the struggle of Memphis sanitation workers, whose 1968 strike was a crucial landmark in the civil rights and labor movements.

On February 1, 1968, two Memphis garbage collectors, Echol Cole and Robert Walker, were crushed to death by a malfunctioning truck. Twelve days later, frustrated by the city's lack of response to the workplace deaths and to a long pattern of neglect and abuse of its black employees, 1,300 black men from the Memphis Department of Public Works went on strike. Sanitation workers, led by garbage-collector-turned-union-organizer T. O. Jones, demanded better safety standards, a decent wage, and recognition of their union, Local 1733 of the American Federation of State, County, and Municipal Employees. Despite organizing city-wide boycotts, sit-ins, and daily marches, the workers were initially unable to secure concessions from city officials.

National civil rights leaders, including Roy Wilkins, Bayard Rustin, James Bevel, and Ralph Abernathy, came to Memphis to support the sanitation workers. Martin Luther King Jr. arrived on March 18 to address a crowd of about 25,000 – the largest indoor gathering the civil rights movement had ever seen. On March 29 over five thousand demonstrators, carrying signs which read "I Am A Man," participated in a march led by Dr. King. On April 3, 1968, nearly two months after the start of the strike, Dr. King returned to Memphis and delivered what would be his last public speech. The following evening King was assassinated on the second-floor balcony of the Lorraine Motel. In the wake of King's death, President Lyndon B. Johnson sent James Reynolds, undersecretary of labor, to Memphis to help resolve the strike. On April 16, the Memphis sanitation workers' strike ended when the city agreed to issue raises to African American employees and to recognize the union.

Excerpted from:

Digital Library of Georgia, Civil Rights Digital Library. 2013. [http://crdl.usg.edu/events/memphis\\_sanitation\\_strike/?Welcome](http://crdl.usg.edu/events/memphis_sanitation_strike/?Welcome). Accessed March 22, 2016.

Stanford University, Martin Luther King, Jr. Research and Education Institute. No date. Memphis Sanitation Workers Strike (1968). [http://kingencyclopedia.stanford.edu/encyclopedia/encyclopedia/enc\\_memphis\\_sanitation\\_workers\\_strike\\_1968/](http://kingencyclopedia.stanford.edu/encyclopedia/encyclopedia/enc_memphis_sanitation_workers_strike_1968/). Accessed March 22, 2016.

## EXECUTIVE SUMMARY

**WORKERS WHO COLLECT**, transport, sort, and transfer residential and commercial waste for recycling or disposal perform an essential public health service, often at great risk of injury, illness, or death. Waste collection work is one of the most dangerous jobs in the U.S. Waste workers are ten times more likely to be killed on the job than the average worker and two and a half times more likely to be injured than miners. Nationally, occupational fatalities in private sector solid waste collection are consistently higher than those in local government sanitation agencies; 85% of fatalities in the industry occur in the private sector.

Although organized crime no longer dominates New York City's private sector waste trade, some commercial waste operators continue to routinely violate legal requirements with impunity, particularly with regard to occupational safety and health and with regard to wage and hour issues. These licensed businesses fail to provide the safe working conditions, practices, training, equipment, and oversight that are required by law, that are recommended by industry associations, and that are technically and economically feasible. Through their ongoing inaction and noncompliance, these employers directly cause unnecessary and avoidable employee injury, illness, and death. The resulting injuries, illnesses, and fatalities are not inevitable; there are known and effective methods for preventing, eliminating, or reducing these hazards and exposures.

Many of these same employers continue to violate wage and hour legal requirements, engaging in various forms of wage theft by not providing payment or overtime for all hours worked, by paying individual workers varying rates of pay, and by pressuring employees to work through unpaid meal breaks.

This report includes 8 case studies that highlight recent egregious incidents in commercial waste operations in New York City that resulted in fatalities, chemical exposures, and an amputation. In each of these cases, the employer failed to implement required or recommended feasible and proactive measures to prevent, eliminate, or reduce the hazardous conditions that directly caused these workers' deaths or injuries.

NYC commercial waste employers continue to violate OSHA requirements and to ignore industry health and safety standards, free from significant consequence for their actions or inaction. Their workers and contractors, however, are not free from consequence. They continue to be unnecessarily and avoidably injured, maimed, and killed on the job due to the persistent indifference of these scofflaw employers.

The jurisdictional patchwork and lack of coordination among responsible governmental agencies means that although citations can be and are issued, illegal and hazardous conditions and practices continue. Organized crime in the commercial waste industry has been eradicated; disorganized crime persists.

NYCOSH found:

- Municipal solid waste collection, treatment, and disposal is dangerous work, with high rates of injuries and fatalities. Virtually all of these injuries and fatalities are preventable and avoidable.
- NYC's municipal solid waste (garbage) is split into two separate waste streams – residential and commercial. Residential waste is collected by the New York City Department of Sanitation (DSNY), with a unionized workforce. Commercial waste (wastes generated by commercial enterprises) is collected by for-profit licensed carters. Union density in this sector is low.

- Commercial waste collection, treatment, and disposal operations tend to be less safe when conducted by commercial operators than when conducted by local government agencies. In NYC, commercial waste collection, treatment, and disposal operations tend to be less safe when conducted by small commercial operators than when conducted by larger commercial operators.
- Commercial waste operators, particularly some small non-union commercial waste operators, routinely violate OSHA requirements and wage and hour laws.
- In virtually every workplace fatality identified by NYCOSH, OSHA found safety violations that contributed to the fatality.
- Commercial waste operations that routinely endanger workers may also endanger public health through the same unsafe equipment and activities.
- The hazards to worker health and to public health originating in the commercial waste industry are known hazards that can be prevented or controlled.
- Commercial waste operations that have a record of fatalities, serious injuries, or serious OSHA violations are allowed to continue in business and have their licenses and permits renewed free from significant consequence for their actions or inaction.

# SUMMARY OF POLICY RECOMMENDATIONS FOR NEW YORK CITY

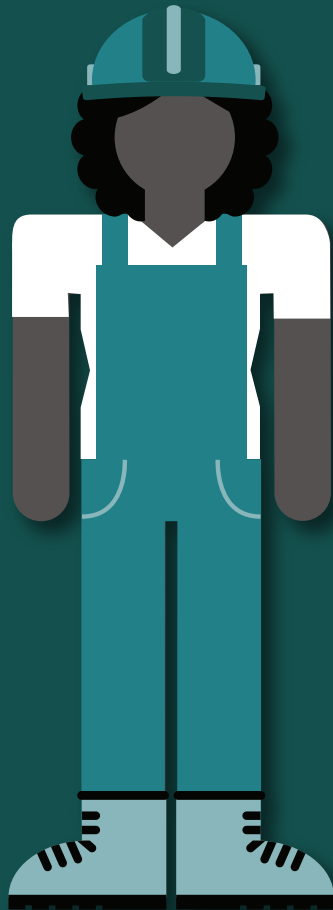
- Make protection of worker health and protection of the public health integral components of the ongoing oversight process and of any reform efforts.
- Initiate criminal prosecution of waste operators where evidence indicates that one or more fatalities was caused by purposeful disregard of a legal requirement or by employer action with plain indifference to employee safety.
- Establish an interagency working group to share information and coordinate actions on complaints, conditions, violations, and enforcement in the commercial waste sector.
- As a condition of licensing or franchising or other administrative restructuring, require applicants to:
  - Certify that they comply with applicable OSHA standards
  - Certify that they comply with applicable ANSI consensus standards
  - Certify that they comply with NYS DOL wage and hours laws, specifically with regard to hours of work, overtime, meal periods, and wage statements
  - Submit records of health and safety training provided to management and non-management employees.
- Require that all compacting waste collection vehicles be equipped with a neutral position interlock to prevent the vehicle transmission from engaging in drive during compacting operations.
- Remove riding steps and prohibit riding on the exterior of waste collection vehicles. Require that waste collection vehicles be equipped with sufficient legal seats and seat belts to accommodate the collection crew.
- Require employers to provide flushable toilets, hot and cold running water, soap, showers, and locker rooms at work locations where employees begin or end their shift.
- Conduct a public education campaign to encourage commercial and residential waste generators to practice source separation.
- Protect and improve the jobs and standard of living of waste trade workers. Affirm and protect the right of workers to join unions and the legal obligation of employers to engage in collective bargaining with unions.

## SUMMARY OF REQUIREMENTS AND RECOMMENDED BEST PRACTICES FOR EMPLOYERS

- Comply with wage and hour laws. Provide proper pay for hours worked, including overtime. Provide pay stubs with all required information. Provide required meal breaks.
- Conduct hazard assessments in workplaces. Identify and eliminate hazards, where feasible. Where hazard controls are not feasible or adequate, implement safe work procedures and provide appropriate personal protective equipment, at no cost to workers.
- Provide health and safety training to workers, in a language and at a literacy level they can understand.
- Establish exposure control plans for workers exposed to blood and other body fluids.
- Provide adequate local exhaust ventilation and general ventilation to protect workers against exposure to chemical and biological contaminants and to prevent odor and contaminant exfiltration to the exterior.
- Eliminate or reduce potential sources of noise by substituting quieter processes, parts, and equipment.
- Equip waste collection trucks with automatic neutral interlocks to prevent them from accidentally engaging the transmission in drive mode during compacting operations.
- Equip on- and off-road vehicles with closed-circuit television systems ("back-up cams") to monitor the blind spot behind the vehicle.
- Reduce diesel emissions by substituting a cleaner energy source, where feasible.
- Limit extended work shifts.
- Provide effective access to toilets, wash facilities, showers, and potable drinking water.

# SPECIFIC HAZARDS FACED BY NYC'S COMMERCIAL WASTE WORKERS

There are 6 types of workplace hazards. The following were found by NYCOSH to have the most harm potential to NYC commercial waste workers.



#dirtyanddangerous



## BIOLOGICAL HAZARD

Bloodborne Pathogens (BBP)  
Organic Dust



## CHEMICAL HAZARD

Diesel Exhaust  
Hydrogen Sulfide  
Odor Control Chemical Products



## ERGONOMIC HAZARD

Fatigue  
Work-related, Musculoskeletal Disorders



## PHYSICAL HAZARD

Occupational Noise



## SAFETY HAZARD

Struck-by  
Caught-In



## STRESSOR

Wage Theft  
Lack of Access to Toilet Facilities



**NYCOSH**



# **DIRTY AND DANGEROUS:**

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See our full report at  
[bit.ly/dirtyanddangerous](http://bit.ly/dirtyanddangerous)



Local 4-406