

**Statement of Tom Ward
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**Submitted to the U.S. Senate Committee on Health, Education, Labor
and Pensions**

**Hearing:
Time Takes Its Toll: Delays in OSHA's Standard-Setting Process and
the Impact on Worker Safety**

Thursday, April 19, 2012

Thank you Chairman Harkin for the opportunity to testify before you, Ranking Member Enzi, and the other distinguished Senators on the Committee on Health, Education, Labor and Pensions this morning. My name is Tom Ward, and I am a member of the International Union of Bricklayers and Allied Craftworkers, Local 1 Michigan. It is an honor to have this opportunity to testify before you on the delays in OSHA's Standard-Setting Process and the Impact on Worker Safety. This topic is particularly important to me and my family.

When I was thirteen years old, my father died of silicosis. In his twenties, he worked as a sandblaster for five to six years. There's not a whole lot I remember clearly about my childhood; but I do remember going to work with my dad a couple times. I remember old rusty truck frames coming in to be blasted and primed, the effort he put into the job, his work ethic; and I remember being amazed that it was my dad that made them look new at the end of the day.

After he left his job sandblasting, my dad took a job where he was represented by the Teamsters' Union – he had good pay and benefits that my family relied on. A few years into his new job, he started getting short of breath. I remember my mom telling me the doctors suspected lung infections. We got the official diagnosis – silicosis – when he was 34 years old. The hardest memory to live with is the last day he worked – he came in the door, fell to the floor and started crying. He said "I can't do it anymore."

My dad was 39 years old when he died in February 1982. It took 5 years for silicosis to kill him. It was a slow and very painful process for me, my sisters and for my mother to witness. In the end, his disease suffocated him.

My dad's death had profound impacts on me. He was a very hands-on guy – he would fix the car himself, and make repairs to the house. It's a trait that I inherited from him, and that led me into the trades myself. I'm not sure if I inherited his tremendous work ethic or if it was the result from watching him work until he dropped, I still live with the image everyday even though it's been 30 years already.

In 1991, I joined the International Union of Bricklayers and Allied Craftworkers (BAC) after working as a laborer for a few years. Coming into the trade was easy for me because I loved working with my hands. I got a great job, and turned it into a great career. I had no idea when I started working as a laborer and later as a bricklayer that I could be exposing myself to silica dust. To this day, I wonder if I will develop silicosis myself.

At the time I started in the trades, there wasn't a lot of training being done about respiratory protection or silica. A lot of the guys I worked with were completely unaware of the seriousness of silica exposure, and the contractors out there weren't consistent about providing protective equipment because the standard was completely lacking; the rules were lax and there was no enforcement. The same standard exists today.

Once I became aware of the silica hazards in the trade I had chosen – and given my father's experience – I did what I could to protect myself including research on the standard. It was very confusing for an apprentice, paper masks were the only option on the job. After 14 years in the trade I became involved in training, this is when I first received training on the hazard. When the presenter showed us a video called "Stop Silicosis" my heart sunk as I wondered if my children ages seven and five at the time would watch me suffer the same fate as my father. What may be shocking to you about the video is that it was produced in 1938 by Secretary Frances Perkins' Department of Labor. In the video, they refer to jackhammers as "widow makers." A digital copy is available on you tube, its 11 minutes that shows simple, very inexpensive control measures to eliminate the hazard.

As bricklayers, we have our own widow makers – masonry saws and grinders. Before the 1970s, most of our cuts were made by hand with a hammer and chisel. In the late seventies, though, diamond-bladed saws were increasingly prevalent on jobsites, and later gas-cutoff saws started appearing. In the early eighties, more and more saws were used because the newer, more complicated buildings required more and more cuts to the masonry materials. These saws all come with a water hook-up or an available vacuum attachment, but they rarely get used even though they are a cheap and effective way of reducing exposure to airborne silica dust.

Part of my job instructing apprentices and journeymen is to provide safety training to them. I'm concerned about the men and women I'm training; that they're being exposed to the same hazard my dad was all these years later

In my own classes, I try to give our apprentices and journeymen and women a good understanding of respiratory dangers and how to use protective equipment. In addition to sharing my personal story, I tell them that according to NIOSH, over 50,000 men and women die each year from diseases contracted at work including silicosis. We are required to spend six hours teaching the Focus 4 in our OSHA 30 hour course– falls, electrocution, caught-in or between and struck by – the leading causes of death on the job. These Focus 4 hazards kill four to five thousand workers each year. We are only required to teach two hours on health hazards – hazards that kill ten times that every

year. In my opinion we have forgotten about the very real threat of inhaling dust on the job; about the workers who slowly suffer for years and then die from an illness like my dad did and like 50,000 others do each year. Training apprentices and journeymen and women helps them understand the risks they face from silica, and they understand how to protect themselves.

It's not easy for workers to apply this knowledge on the jobsite; those who speak up may not be called back for the next project. Although there are good contractors out there who are aware of the dust hazards, construction workers are typically employed by many contractors in a given year and not all of them provide such equipment, or even require the use of the equipment when it is provided. Without strengthened standards and enforcement efforts, there is nothing compelling employers to keep their employees safe from silica and other dust.

For my entire career – no, longer – since my dad died – there has been no change in the OSHA silica exposure limits or changes to strengthen the silica standard. OSHA has been working on a new stronger silica standard for more than 14 years – since 1997. But there have been all kinds of delays in issuing this rule. Currently the draft proposed rule is at OMB for review, where it has been for more than a year.

I'm concerned that in the entire careers of the young men and women I'm training today there will be no change in the silica standard and to make stronger the requirements for dust control. For some it may already be too late. It is in our power to fix the problem. Young men and women don't have to die from exposure to silica. Secretary Perkins gave us the solutions some seventy four years ago; they are easy and relatively inexpensive – especially when compared to the years of health care costs for the thousands of men and women that have died from disease related to silica exposure on the job. We must get this done now.

The 1938 video I mentioned earlier addressing the dangers of silica exposure ends with the line "these workers will not have died in vain." Thousands of workers have died in vain since that video was produced. It's impossible to believe that in almost 80 years we have done little to reduce the dangers to our working men and women from silica. After years of hard work, no one should lose everything then end his or her life struggling to draw a breath because of minute dust inhaled on the job.

I am honored to have an opportunity to ensure that my father and all that have perished from diseases contracted at work will not have died in vain.

Sincerely,

Tommy C. Ward, Jr.