

Ensuring Workplace Health and Safety



The labor movement has worked for generations to improve working conditions and increase safety standards across almost every industry. Because of these efforts, workplaces today, both union and nonunion, are significantly safer for both employees and the public, but there is still more to do. In New Jersey, there have been 32 reported workplace deaths and thousands of workplace injuries in 2023. Furthermore, many industries still use and transport highly hazardous chemicals, which pose a significant threat to both workers and the public in the event of a disaster. The state can play a major role in limiting these dangers by adopting new health and safety standards for workplaces, implementing common sense regulations for high-risk industries that use

extremely hazardous substances, and increasing first responder and public preparedness through right to know provisions, regardless of actions taken by the federal government.

Heat related injuries such as dehydration, heat stroke, heat syncope, and rhabdomyolysis, are especially prevalent in jobs that include physically demanding labor outdoors or in facilities with insufficient cooling, but pose a risk even in jobs that do not include manual labor under certain circumstances. Increasingly hot summers, spurred on by climate change, are further increasing the risk of heat related injury. Currently, there are no federally mandated worker protections regarding heat, commonly referred to as a heat standard, and only five states have adopted their own heat

standards. In New Jersey, there is no statewide heat standard. Some unions whose members are at a particularly high risk have negotiated heat related protections into their contracts, but this is far from universal and does not protect thousands of workers, both unionized and not, who deal with increasingly common extreme heat conditions.

In addition to heat, workers and the public in our state face significant threats from chemical disasters. There are approximately 30 facilities in New Jersey that use hazardous materials regulated under federal and state law. Additionally, trains carrying hazardous materials, both for use in state and for export at our ports, are daily occurrences on our over 1,000 miles of freight rail tracks. Almost all of these chemicals are necessary for industry operations, but that does not negate their risk if workers and the public are exposed as a result of

an unintended disaster. New Jersey was a leader in adopting the Toxic Catastrophe Prevention Act (TCPA) in 1986, four years before the federal government introduced the Risk Management Plan (RMP) through amendments to the Clean Air Act in 1990. TCPA was readopted and updated in 2003, but needs to be updated based on new data and threats, especially with the risk of a weakened federal RMP. While protections against disasters originating in facilities have been relatively strong, rail safety, as demonstrated by frequent derailments and the recent East Palestine rail disaster, is lagging behind. Common sense regulations can be implemented by the state to decrease the probability of a major incident. Finally, for both facilities and rail, we must increase information given to first responders, as well as the public more broadly, so they can be better prepared in the event of a disaster to contain and limit the impacts.



RECOMMENDATIONS

Implement a statewide heat standard

- Pass legislation (currently A5022) to create a statewide heat standard to protect workers in most industries
- Limit industry carve outs to the protections, as much as feasible, to ensure the largest number of workers possible are covered by the standard
- Ensure sufficient enforcement mechanisms are in place to protect workers
- Permit and encourage workers covered by a collective bargaining agreement to negotiate above and beyond protection for workplaces or facilities that pose an especially high heat risk through their union representatives

Adopt common sense chemical safety laws and regulations

- Strengthen TCPA
 - Formally adopt the Safer Communities by Chemical Accident Prevention rule, which finalizes revisions to the Risk Management Program to further protect vulnerable communities from chemical accidents, especially those living near facilities in industry sectors with high accident rates.
 - Cover industrial warehouses (and potentially other types of facilities) that store large quantities of “hazardous” – not just “extraordinarily hazardous” – substances
 - Improve TCPA rules for better evaluation of potential risks and implementation of practicable, inherently safer, processes and designs
 - Increase public transparency of chemical safety information submitted by facilities to the Department of Environmental Protection

- Pass and enforce rail safety legislation, currently A4460/S3389, that requires two man crews, wayside detectors, the sharing of bridge inspection reports with the state, and limits the length of trains carrying hazardous materials

Expand “Right to Know” for first responders and the public

- Create and expand information sharing systems for first responders to include details about chemicals stored and being transported in their jurisdiction so they have the ability to properly respond in the event of a disaster
- Secure funding for additional first responder training on how to appropriately deal with various chemical disasters
- Increase public transparency, without compromising security, so that the public can take appropriate steps to protect themselves and their communities from chemical disasters

