

After 20 years, OSHA issues rule to protect construction workers in confined spaces

WASHINGTON, D.C. (PAI)—It's taken more than 20 years, but the Occupational Safety and Health Administration (OSHA) on May 1 issued a final rule to increase protections for construction workers in confined spaces.

The rule establishes new requirements for working safely in confined spaces, such as manholes, crawl spaces, tanks, and other spaces not intended for continuous occupancy and which are difficult to exit in an emergency. Hazards workers face include toxic substances, electrocution, asphyxiation and explosions.

According to the latest data from the Bureau of Labor Statistics, construction workers die at a rate of 9.7 per 100,000 full-time equivalent workers, compared with a rate of 3.3 workers across all industries.

The Center to Protect Workers' Rights, a union-created safety organization for the construction industry, said more

than a third of the confined space deaths happen to untrained co-workers or friends who try to rescue a worker who has collapsed in a confined space.

"In the construction industry, entering confined spaces is often necessary, but fatalities like these don't have to happen," said Secretary of Labor Thomas E. Perez. "This new rule will significantly improve the safety of construction workers who enter confined spaces. In fact, we estimate that it will prevent about 780 serious injuries every year."

The new standards will provide construction workers with protections similar to those in factories and general industry. That's because unlike most general industry worksites, construction sites are continually evolving, with the number and characteristics of confined spaces changing as work progresses.

The new rule emphasizes training, continuous worksite evaluation, and communication

requirements. Employers will be required to provide training in a language and vocabulary that workers understand.

The maximum penalty OSHA can assess for failure to comply with the new rules is \$7,000 for each serious violation and \$70,000 for a repeated or willful violation.

The new standard is scheduled to go into effect Aug. 3.

Besides the manholes, crawl spaces and tanks, the new rule covers construction workers in bins, boilers, pits—such as elevator, escalator, pump and valve pits—fuel, chemical, water and gas tanks, incinerators, scrubbers, sewers, transformer vaults, heating, ventilation, and air-conditioning ducts, storm drains and water mains, drilled shafts, silos and step-up transformers, among other confined spaces.

OPEN FORUM *Trouble brewing in River City over fast track*

To The Editor:

In spite of Oregon being a Blue State, there is trouble brewing in River City. Organized labor is beginning to wonder if the traditional "Working man's Party" has adopted so many new friends, that we are no longer of importance.

Catch phrases like "hope" and "change" may sound good, but pushing the same failed "free trade" policies of the Clinton and Bush administrations smells bad—like the same old stuff (SOS).

It's been said the expert politician gets money from the rich—and votes from the poor, while promising each to protect them from the other. While not poor, we in labor have to ask: Why is President Obama visiting Nike to drum up support for yet another free trade deal that has been so beneficial to multinational Wall St. at the expense of America's Main St?

At last count, Phil Knight's nest egg had surpassed \$22 billion. Instead, maybe you should ask Mr. Knight if he finally has so much money that Nike could start manufacturing here in the U.S., instead of continuing to squeeze that last ounce of profit from Asian sweatshops.

In the televised presidential debate with Ross Perot, Al Gore guaranteed free trade would "open up new markets for America-made goods" and create more manufacturing jobs than would be lost. At the time, NAFTA and subsequent deals did not have a track record for examination. But they do now. And they're colossal failures. Negative trade balance numbers across the board.

So how can anyone keep a straight face parroting the same old sales pitch?

Fortunately, Sen. Jeff Merkley gets it. He has stated: "My test for any treaty is, 'Does it create a level playing field that enhances our ability to have more good-paying manufacturing jobs?' Most trade agreements have not met this test, so I'm certainly not going to fast track something the details of which have not even been shared with the public."

Speaking of Sen. Merkley, do you remember how he won his Senate seat? In 2008, with disgust for incumbent Republican Gordon Smith straying from party core principles, the Constitution Party ran a candidate, splitting the conservative vote, handing Merkley the election.

If any incumbent should be aware of this, it would be Sen. Ron Wyden. Yet, he seems to believe he is so entrenched that he can throw a large segment of his supporters under the bus and still skate to another victory.

Gordon Smith thought so, too. Supporting trade deals that have closed untold numbers of factories, sent millions of manufacturing jobs overseas, and filled store shelves with "Made in China" etc., sow seeds of discontent.

The equivalent of the spoiler Constitution Party—The Working Families Party—has been formed and is gaining strength with every Democratic party sellout.

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LETTERS TO THE EDITOR

Northwest Labor Press welcomes letters to the editor. Letters should be under 500 words and should include contact info as well as which union you belong to. Send to editor@nwlabourpress.org or Attn: Editor; PO Box 13150; Portland, OR 97213.

WASHINGTON

La Center, Wash. school board passes right-to-work resolution

The board of directors at La Center, Washington, School District unanimously passed a right-to-work resolution April 28.

The resolution, entitled "right to choose," puts the school district on record supporting "right-to-work," which allows employees to work at the district and receive representation from their union without any obligation to pay dues.

Under Washington state law, however, the school board doesn't have the authority to change union rules, so the action was symbolic, albeit divisive.

The Columbian newspaper reported the vote came after a 40-minute discussion drawing an unusually large crowd of several dozen people. School Superintendent Mark Mansell emailed the newspaper: "It was clear to me that the majority of the audience was not in favor of the resolution based on the number of speakers and periodic

clapping."

Service Employees International Union Local 925 represents classified employees at the school district. It is working under a collective bargaining agreement that contains a union security clause. The contract expires Aug. 31.

Teachers are represented by the La Center Education Association. They renewed their contract last year. It runs through the end of August 2017.

La Center School District is located in Clark County and serves approximately 1,600 students in kindergarten through 12th grade. The District operates one elementary school, one middle school and one high school. The District operates on an annual fund budget of over \$14.5 million with approximately 150 employees.

The board of directors are Wendy Chord, Todd Jones, John Parsons, Bob Taylor, and Cris Yaw.

...AFL-CIO leader Whelan dies

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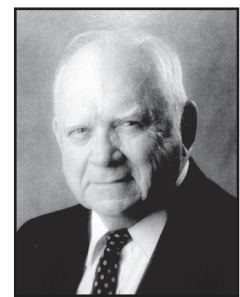
1965 session.

In 1965, at age 39, Whelan succeeded the retiring James T. Marr as executive secretary-treasurer of the Oregon AFL-CIO. The 1967 convention of the state labor federation made the president the organization's executive officer, and Whelan was elected to the top post.

In that capacity he helped lobby the 1969 Legislature to create TriMet, and he later served on its Board of Commissioners.

Whelan also held stints on the Governor's Economic Development Council, the Portland Dock Commission, and later the Port of Portland Commission.

In January 1973, Republican Gov. Tom McCall lured Whelan from the labor movement, persuading him to accept an appointment as the first executive director of the Oregon Department of Economic Development. When McCall completed his second term in office, Whelan took a job as an economic development executive for Portland General Electric (PGE). There, he also handled the utility's governmental affairs as-



signment. He retired from PGE in 1988.

He and his wife Phyllis moved to Newport, Oregon,

where they operated a real estate business, a car wash, and an auto detailing shop. He also served on the city's Port Commission.

They moved to the King City retirement community near Tigard in 1999. Phyllis died in March of that year, just shy of their 54th wedding anniversary.

Whelan re-married in 2000 to Jeanne (Hanna). She died last November. Whelan also was preceded in death by sons, Tom and Steve. Tom was a Fire Fighter Union official and Oregon legislator. He died in 2013. Steve died in 1997.

Whelan is survived by a daughter, Susan; and granddaughter, Julia.

At Whelan's request, there will not be a memorial service. Donations in his name can be made to Serenity Hospice.