

# DIRTY DOZEN 2023



**WORKED UP!**

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## OUR MISSION

**THE NATIONAL COUNCIL FOR OCCUPATIONAL SAFETY AND HEALTH (NATIONAL COSH)** and the **COSH NETWORK** are the home of the U.S. worker health and safety activist movement. We are a network of 25 grassroots worker groups across the U.S., focused on supporting worker leadership and organizing for health, safety, and a voice on the job. No one should be killed by work and work-related injuries, illnesses, and fatalities are preventable. National COSH supports workers in speaking up to protect themselves and their coworkers and in claiming their rightful role as essential partners with employers and with policy and decision makers.

The **WorkedUp** campaign, a project of National COSH and its workplace justice partners, elevates the voices of workers and families who are working to identify and eliminate occupational hazards, to create safer workplaces for all workers.

## NATIONAL COSH TEAM

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# EXECUTIVE SUMMARY

The **National Council for Occupational Safety and Health (National COSH)** releases the list of **Dirty Dozen** unsafe employers as part of our observance of Workers' Memorial Week, which takes place this year from April 23 through April 30th.

This event, observed in the U.S. and worldwide, honors workers who have become sick, injured, or lost their lives on the job. We recognize as well the impact these preventable events have on family members.

The 2023 Dirty Dozen are companies which put workers and communities at risk due to unsafe practices. They are listed at right and below in alphabetical order.



**Amazon** Multiple deaths at Amazon warehouses in 2022, and citations at seven locations for exposing workers to hazardous conditions.

**FedEx** Three workers die at the shipping giant's Memphis hub in 2022. Injuries and fatalities on the rise company-wide.

**Hanover Company, Lithko Contracting, Friends Masonry Construction** Three Latino construction workers die when scaffolding collapses on a Hanover project. Lithko Contracting cited nine times by OSHA, including one citation (now deleted) for a scaffolding violation.

**Norfolk Southern and Class One Freight Railroads: BNSF, CSX, Kansas City Southern, Union Pacific, Canadian Pacific, Canadian National Railway** Rail workers warn of safety problems long before the catastrophic derailment in Ohio. "Precision Scheduled Railroading" (PSR) cuts staff, reduces time for safety inspections and puts extra-long trains on the nation's railways.

**Occidental Chemical, Westlake Chemical** There are 40,000 U.S. deaths each year from asbestos. Olin Corp., a major manufacturer, has endorsed an EPA ban; other chemical companies are still fighting this safety proposal.

**Packer Sanitation Service Inc. (PSSI), JBS Foods, Cargill, Tyson** More than 100 children found working illegally in high-hazard meat and poultry plants.

**Sonoma WISE** While growers fight back with aggressive astroturf tactics, California farmworkers win significant victories to counter health hazards due to climate change.

**Swissport International AG Companies** Workers exposed to raw feces and other unsafe conditions; company cited 35 times by OSHA for safety violations since 2013.

**Tenet Healthcare Corporation** Tenet staff say their employer cuts corners on safety. Since 2001, the company has paid over \$1.8 billion in fines for false claims, bribery and kickbacks, health and safety and other violations

**Tesla, Inc** Worker testimony shows contractors passed out fake certificates instead of providing real safety training. Worker dies in 98-degree heat; company cited more than 170 times for safety violations.

**Trulieve Cannabis Corp** Trulieve worker dies from an asthma attack after inhaling cannabis dust. Company cited seven times by OSHA for safety violations.

**Twin Peaks Restaurant** So-called “breastaurant” chain has faced multiple claims of sexual harassment. Workers in Tennessee went on strike in January to protest physical and verbal abuse.

The Dirty Dozen are selected by the National COSH team, with nominations from our network of COSH groups, WorkedUp partners, workers, safety activists, union members, health and safety professionals and academic experts from across the country. Criteria include:

- **Severity of safety risks to workers;**
- **Repeat and serious violations of safety standards and applicable laws;**
- **The position of a company within its industry and the economy and its ability to influence broader workplace standards;**
- **Presence of a campaign by workers and/or allies to correct health and safety problems.**

More detailed entries about each Dirty Dozen company begin on page 9.

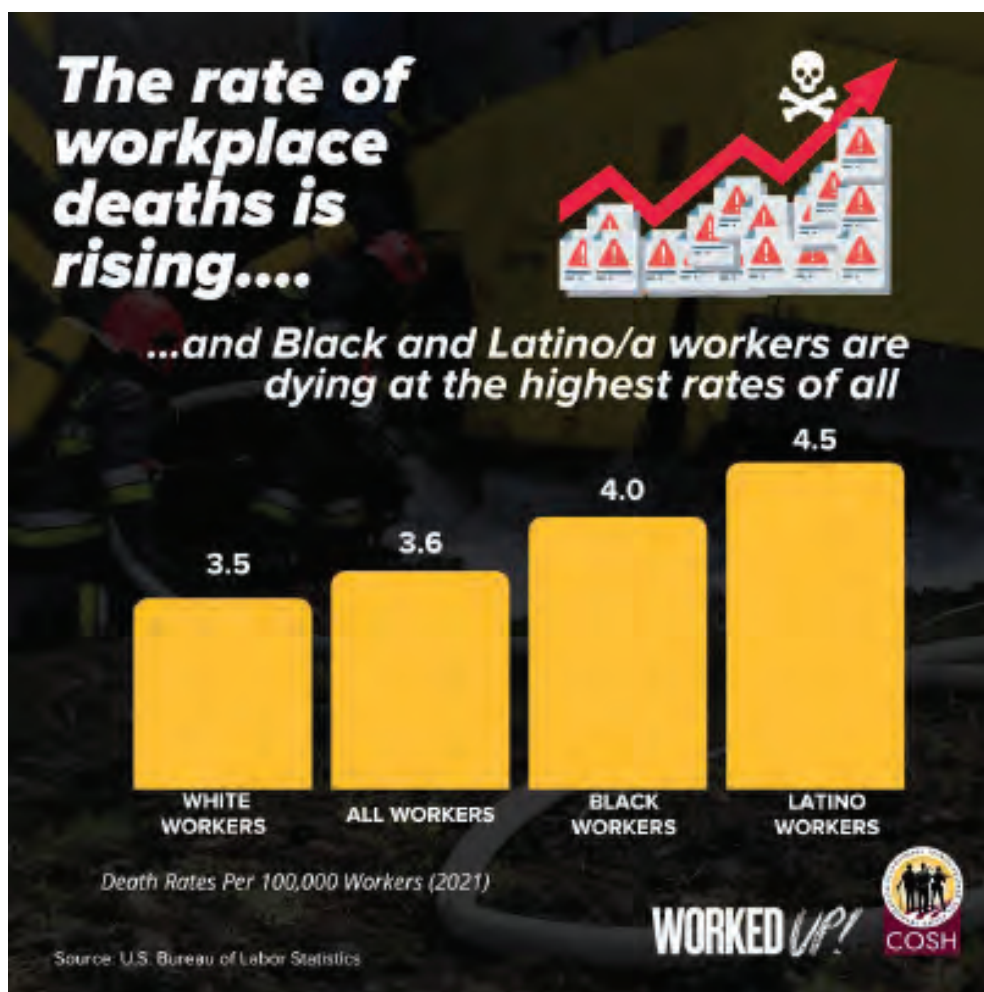
# ALARMING TRENDS IN U.S. WORKER SAFETY

## Workers are standing up to win better conditions

Workers' Memorial Week will be observed with rallies, vigils and other events to honor workers and their families. These gatherings are also an occasion to "fight like hell for the living" as we advocate together for safer working conditions.

There is an urgent need for collective action and stronger protections in our workplaces. Current conditions facing more than 160 million people in the U.S. civilian workforce include several alarming trends.

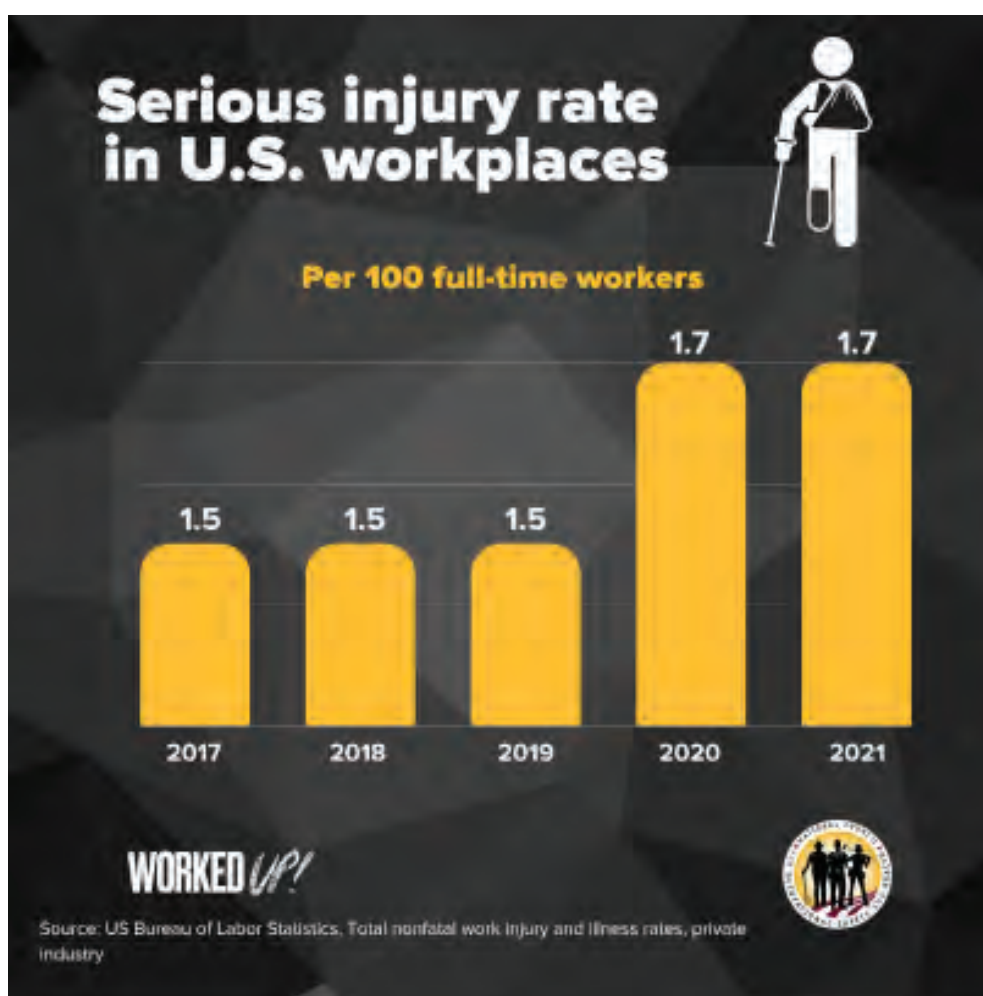
**A total of 5,190 workers died from sudden workplace trauma in 2021.** The rate of these workplace fatalities has increased since 2017!<sup>1</sup>



**Black and Brown workers still most at risk:** Past and current discrimination, including a long history of assigning people of color to the dirtiest and most dangerous jobs, continues to impose a heavy cost on Black and Latino/a workers. These populations face a significantly higher rate of death from sudden workplace trauma than white workers, and higher than the workforce as a whole.<sup>2</sup>

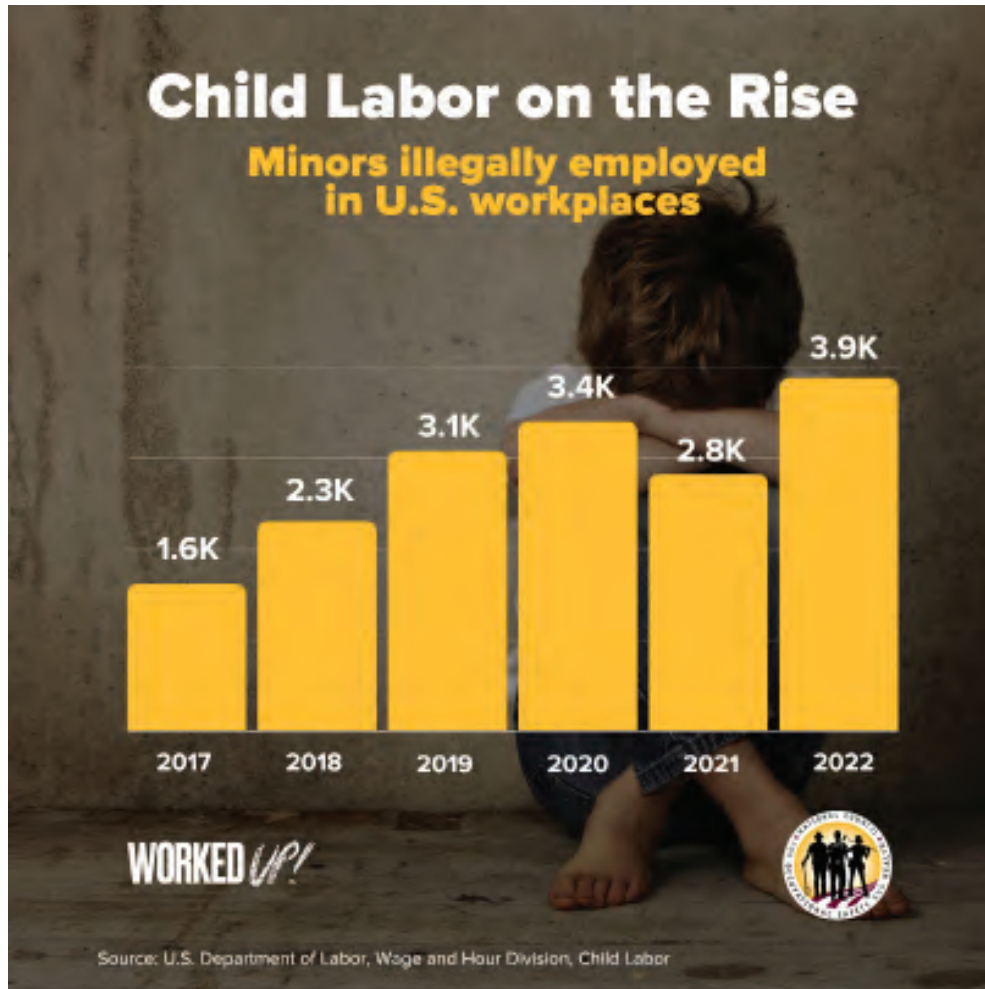
**An estimated 95,000 workers die each year** from long-term exposure to toxic substances and other workplace conditions<sup>3</sup>—but U.S. chemical companies are still fighting a ban on asbestos, a leading cause of occupational cancer and other diseases.

**We still don't know how many workers died or are suffering from long-term illness from occupational exposure to COVID-19.**<sup>4</sup> The pandemic is far from “over” in health care workplaces and other settings where workers are exposed to COVID and other infectious diseases.



**U.S. private sector employers reported more than 2.6 million workplace injuries and illnesses in 2021.**<sup>5</sup> This data, based on unaudited employer reports, severely underestimates the actual incidence of workers getting sick and hurt on the job.<sup>6</sup> It can be used, however, to measure trends over time—and the latest statistics show that the rate of the most serious injuries has increased since 2017.

**Child labor violations are increasing:** The U.S. Department of Labor has documented a 140% increase in children illegally employed since 2017, many in hazardous occupations.<sup>7</sup> Incredibly, some state legislators are responding to this dangerous situation by making it worse. In March, Arkansas Gov. Sarah Huckabee Sanders signed a bill to eliminate age verification requirements for hiring 15 and 16-year olds. A proposed bill in Iowa includes a provision that lets an employer escape legal liability if a child becomes ill, gets injured, or dies while participating in a “work-based learning program.”<sup>8</sup>



## Endnotes

1 U.S. Bureau of Labor Statistics, December 16, 2022, “[National Census of Fatal Occupational Injuries in 2021](#)”

2 *ibid.*

3 Journal of Occupational and Environmental Hygiene, May 2014, “[Global Estimates of the Burden of Injury and Illness at Work in 2012](#)”

4 Confined Space, December 16, 2021, “[Workers Who Died of COVID Remain Invisible to Feds](#)”

5 U.S. Bureau of Labor Statistics, November 9, 2022, “[Employer-Reported Workplace Injuries and Illnesses, 2021](#)”

6 American Journal of Industrial Medicine, October 2014, “[Counting Matters: Implications of Undercounting in the BLS Survey of Occupational Injuries and Illnesses](#)”

7 U.S. Department of Labor, [Wage and Hour Division – Child Labor](#), accessed March 29, 2023

8 Economic Policy Institute, March 14, 2023, “[Child labor laws are under attack in states across the country](#)”

9 ILR Review, Alison D. Morantz, January 1, 2013 “[Coal Mine Safety: Do Unions Make a Difference?](#)”

10 Working USA, June 2011, “[Right-to-Work Laws and Fatalities in Construction](#)”

11 National Public Radio, February 10, 2023, “[Rail workers never stopped fighting for paid sick days. Now persistence is paying off](#)”

12 National COSH, “[Fact Sheet: New Protections for Immigrant Workers to Defend Their Workplace Rights](#)” accessed March 28, 2023

13 Business Insurance, July 28, 2021, “[States create heat stress standards to protect workers](#)”

14 California Occupational Safety and Health Standards Board, “[Heat Illness Prevention in Indoor Places of Employment](#),” accessed April 3, 2023.

## How workers and allies are fighting back

- **In response to increasing rates of injuries and fatalities and other dangerous conditions**—as well as concerns about pay, scheduling, sick leave and other issues—workers are organizing to form unions at companies that previously had little or no union presence, including firms like Amazon, Apple, REI, Trader Joe’s and Starbucks.
- **Workers know from first-hand experience that forming a union**, which gives them a voice on the job and creates a level playing field with employers, is an important way to advocate and win safer, more secure working conditions. This experience is backed by empirical research, which shows fewer severe injuries and fatalities in unionized settings in the mining<sup>9</sup> and construction industries.<sup>10</sup>
- **Last December, an act of Congress, signed by President Biden, prevented rail workers from going on strike to win paid sick leave.** Paid time off for illnesses, injuries and medical visits is a key factor in helping workers stay healthy, reducing fatigue and keeping our nation’s railways safe. This year, rail unions have continued to negotiate with employers and have won paid sick leave in several contracts—although so far, not all workers are covered.<sup>11</sup>
- **Workers are also pursuing advocacy, legal and organizing strategies with assistance from COSH groups, workers centers and community-based organizations.** As reported below, National COSH affiliate **Workers Dignity** in Nashville is supporting workers on strike at a Twin Peaks restaurant. **Workers Defense** is assisting workers at a Tesla site in Austin, and **MassCOSH** is part of a coalition advocating for safer conditions for cannabis workers in Massachusetts.
- **Following successful advocacy by National COSH, local COSH groups and many partners and allies**, OSHA has adopted new protections for immigrant workers. This includes issuing visa certifications so workers impacted by certain workplace crimes can remain in the US and contribute to the investigation.<sup>12</sup>
- **Climate change is a significant emerging threat to worker’s health and safety in both indoor and outdoor settings.** Millions of workers are at risk from the effects of extreme weather, high temperatures, wildfire smoke, and other hazards. While working to win a nationwide federal heat standard, workers and advocates have made progress in states that have adopted heat safety regulations, including Oregon, Washington and California.<sup>13</sup> California’s Occupational Health and Safety Standards Board recently proposed a new standard to prevent heat illness for indoor workers.<sup>14</sup>

National COSH and the member groups of the COSH Network will continue to support workers, families and allies in efforts to build power and win safer working conditions. Key steps include listening to workers, working together to adopt proven safety protocols and enforcing our safety laws.

Employers are required by law to provide a workplace free from known hazards for all workers, regardless of age, gender, race or ethnicity. It’s vital to confront the discrimination and structural inequality which put some workers at greater risk, while also raising the bar to make every workplace as safe as possible.



# DIRTY DOZEN 2023

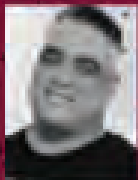
## MULTIPLE DEATHS IN 2022 AT AMAZON WAREHOUSES

Fines at seven locations for exposing workers to **hazardous conditions** that lead to serious ergonomic injuries



### RODGER BOLAND

Died after a fall from ladder  
Amazon NJ warehouse  
July 2022



### RAFAEL REYNALDO MOTA FRIAS

Died after a heart attack  
Amazon NJ warehouse  
July 2022



### ERIC VADINSKY

Died after workplace incident  
Amazon NJ warehouse  
August 2022

Not pictured: **ALEX CARILLO**  
Died in forklift crash, Amazon PA  
warehouse, August 2022

**DIRTY DOZEN 2023**

Sources: Daily Beast, July 27, 2022; CNET, Sept. 2, 2022

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# AMAZON

## Multiple Deaths at Amazon Warehouses in 2022. Fines at seven locations for exposing workers to hazardous conditions.

- **Amazon worker Rafael Reynaldo Mota Frias, 42, died from cardiac arrest** at an Amazon warehouse in Carteret, New Jersey on July 13th, 2022. It was “Prime Day,” a high-pressure sales event for Amazon. Co-workers told [The Daily Beast](#) the facility does not have air conditioning in its main work area.
- **Frias is one of four U.S. Amazon workers who died on the job** in July and August of 2022. Two other workers—**Rodger Boland, 67** and **Eric Vadinsky, 39**—died in separate incidents at Amazon warehouses in New Jersey in July and August. **Alex Carillo, 22**, died in August after a forklift crash at an Amazon warehouse in Carlisle, PA.
- **Amazon’s rapid, demanding work practices “cause serious injuries to workers,”** according to the U.S. Occupational Safety and Health Administration.
- **In January and February 2023, the agency cited the e-commerce giant for exposing workers to dangerous ergonomic hazards** in seven warehouses across five states.
- **OSHA inspections** determined that Amazon warehouse workers are required to lift heavy packages at high frequency for long hours, while “awkwardly twisting, bending and extending themselves...”
- **Amazon appeared on the Dirty Dozen list in 2018, 2019 and 2022** and received a “dishonorable mention” in 2020. Despite company promises to make Amazon “Earth’s Safest Place to Work,” available data show the company still has serious safety issues.
- **In 2022, the serious injury rate at Amazon warehouses was 6.6 for every 100 workers**, according to an analysis by the Strategic Organizing Center of data submitted by the company to U.S. OSHA. That’s more than double the rate of serious injuries at non-Amazon warehouses.
- **Amazon accounts for just over 1/3 (36%) of all warehouse employment in the U.S. But in 2022, Amazon workers suffered more than half (53%) of all injuries in U.S. warehouses.**
- **Amazon workers are taking action to win better working conditions.** In April of 2022, workers at the company’s JFK8 warehouse on Staten Island voted to form their own union, and workers at the Amazon Air Hub in Kentucky are circulating and signing union authorization cards.

Sources: [Daily Beast](#), July 27, 2022, “[Amazon Employee Who Died on Prime Day Was Hardworking Dad](#)”; [CNET](#), September 2, 2022, “[Amazon Deaths Under Investigation As Warehouse Conditions Draw Scrutiny](#)”; U.S. OSHA press releases, [January 18, 2023](#) and [February 23, 2023](#); US Department of Labor Press Release, [February 1, 2023](#); National COSH, [Dirty Dozen reports](#) 2018, 2019, 2020 and 2022; Amazon.com, June 1, 2021, “[Update on our vision to be Earth’s Best Employer and Earth’s Safest Place to Work](#)”; Strategic Organizing Center, April 2023, [In Denial: Amazon’s Continuing Failure to Fix its Injury Crisis](#),” “[The Injury Machine: How Amazon’s Production System Injures Workers](#)”; Yahoo Finance, January 11, 2023, “[Amazon union wins certification after NLRB reaffirms historic Staten Island win](#)”; Cincinnati Enquirer, March 20, 2023, “[A lot of people are intimidated.’ At Amazon’s largest air hub in NKY, union efforts get a boost](#)”.

# FEDEX

Jessica James was **killed** while driving a forklift on a defective ramp. **FedEx was fined just \$26,000.**



IN MEMORIAM

**2022  
FEDEX  
REVENUE:  
\$93.5  
BILLION**

“They had a meeting and said they could not afford to fix the ramp. I guess if all they have to pay if somebody dies is \$20,000, they come out cheaper keeping the ramps.”

—Cora James, mother of JESSICA JAMES

**DIRTY DOZEN 2023** Source: MUSEO, March 1, 2023

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# FEDEX

## Three workers dead at shipping giant's Memphis hub in 2022. Injuries and fatalities on the rise company-wide.

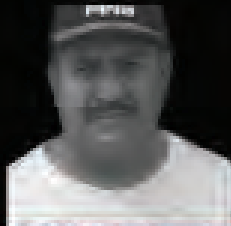
- **Jessica James, 32-year old team leader at the Federal Express World Hub in Memphis, died on February 18, 2022.** A forklift she was driving flipped over and landed on her, crushing her to death.
- **An investigation by Tennessee OSHA** stated that the ramp James was driving on was defective and should not have been used.
- **An inspection just two months earlier** found the ramp “severely damaged” and needing “repairs for cracks, tires, and bolts that fasten the grating to the frame.”
- **Tennessee OSHA found six serious safety violations with total fines of \$26,000.** The sum is a tiny fraction of FedEx's \$93.5 billion in revenue in 2022.
- **Two more Memphis-area FedEx workers were killed on the job in 2022.** James Smith, 46, was crushed by a conveyor belt in May and a 48-year-old man was killed in a two-car collision in November.
- **The company's safety problems are not confined to its hub operations in Memphis.** Workers at two FedEx facilities in Georgia report a lack of heat in the winter, no air conditioning in the summer, floors littered with trip and fall hazards, and falling packages that endanger their safety.
- **According to data released by FedEx, the company's lost time injury rate increased by 13.6% between 2019 and 2021.** Federal Express reports 15 workplace fatalities in 2021, up from 10 in 2019.
- **Rather than work with employees to improve safety conditions,** FedEx spent nearly more than \$800,000 over four years to defeat union organizing drives.
- **In 2019, a Los Angeles jury ordered FedEx to pay \$5.3 million to a management employee** who was wrongfully fired when he requested accommodations and fair treatment after suffering a spinal cord injury on the job.
- **James' mother, Cora, is suing FedEx for wrongful death.** Her daughter, she reported to MLK50, “told me that they had a meeting and said they could not afford to fix the ramp. I guess if they say all they got to pay if somebody dies is \$20,000, they come out cheaper keeping the ramps.”

Sources: Action News 5, Memphis, Feb 23, 2023, [\\$3.5 million lawsuit filed against FedEx alleging wrongful death of employee killed in 2022 forklift accident](#); MLK50, March 1 2023, [“FedEx says it's a safe workplace. So why is Jessica James dead?”](#); U.S. OSHA [Inspection: 1579237.015 - Federal Express Corporation](#), accessed March 8, 2023; Memphis Commercial Appeal, November 20, 2022, [“FedEx employee dead after ‘two-vehicle accident’ at World Hub in Memphis.”](#) Fox-13, [“FedEx employee dies following accident at Olive Branch facility”](#); WSB-TV, August 15, 2022, [“Former FedEx employee describes poor working conditions at warehouse”](#); WSB-TV, August 27, 2022, [“More FedEx employees complain about working conditions”](#); Federal Express, [2022 ESG REPORT](#), p. 40 accessed March 8, 2023; The Guardian, January 14, 2020, [“FedEx mounts big-money push to head off unionization by US workers”](#); Los Angeles Daily News, [“Man who worked at LAX facility wins \\$5.3 million from FedEx in suit alleging retaliation over workplace injury.”](#)

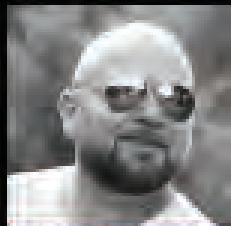
# HANOVER COMPANY, LITHKO CONTRACTING, FRIENDS MASONRY CONSTRUCTION

Three Latino construction workers  
**DEAD** when scaffolding collapses

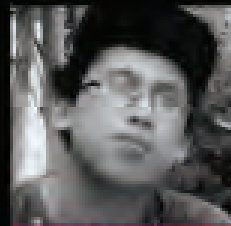
Contractor cited **9 times** for safety violations



Gilberto Marico Fernandez



Jesus "Chuy" Olivares



Jose Bonilla Canaca

"I want there to be more safety so this will never happen again to Latino families. Because their parents, mothers, sons—they're waiting for them to come back home."

Iris Bonilla, mother of Jose Bonilla Canaca

**DIRTY DOZEN 2023**

Source: Charlotte Observer, March 28, 2023

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# HANOVER COMPANY, LITHKO CONTRACTING, FRIENDS MASONRY CONSTRUCTION

## Three Latino construction workers dead when scaffolding collapses; Contractor cited 14 times by OSHA; High fatality rates for Latino/a workers in North Carolina.

- **Three Latino construction workers died in Charlotte NC January 2, 2023** when a scaffolding collapsed at a downtown construction site.
  - **Jose Bonilla Canaca**, 26, remembered by his family as a hard worker and avid skateboarder.
  - **Gilberto Monico Fernandez**, 45, a native of Mexico, died just two weeks before his planned retirement on January 15th.
  - **Jesus “Chuy” Olivares**, 42, is survived by his wife, Marisol Lopez Bustos de Olivares, and four children.
- **The three men fell some 70 feet** to their deaths at the site of a planned 17-story apartment building.
- **Hanover Company**, based in Texas, owns the project. **Lithko Contracting**, based in Ohio, is the construction contractor. Canaca, Fernande and Olivares worked for **Friends Masonry Construction**, a sub-contractor based in North Carolina.
- **A review by National COSH of US OSHA records** shows Lithko Contracting has been cited 14 times for safety violations dating back to 2013.
- **Indiana OSHA recommended citations against Lithko for safety violations related to scaffolding in 2018.** The company contested the proposed penalties and succeeded in having five serious safety citations deleted, including proposed violations of safety standards for rigging and aerial lifts.
- **An analysis by *The Charlotte Observer* found 16 scaffolding deaths** in North Carolina during the past decade.
- **A study published in the American Journal of Industrial Medicine in 2022** found that “Latino/a workers in North Carolina have the highest fatal occupational injury rate of any race/ethnicity group.”
- **Lead author Morgan Richey, an epidemiologist at Duke University**, [told WCNC-TV](#) that the status of vulnerable populations can have a significant impact on safety. “Who gets called up on the windy roof or to get under the semi-truck when things are a little bit shaky, often it’s people who can’t say no,” he said.

Sources: *Charlotte Observer*, Jan 17, 2023 [Victims in fatal Charlotte scaffolding collapse identified as investigations continue](#); WSOC-TV, January 2 2023, [“A good man”: Second scaffolding collapse victim was 2 weeks away from retirement, family says](#); U.S. OSHA, [Establishment Search Results, Lithko Contracting](#), accessed March 9, 2023; U.S. OSHA, [Inspection Detail, Lithko Contracting LLC](#), accessed March 9, 2023; *Indianapolis Star*, Nov. 25, 2019, [Indiana manipulated report on Amazon worker’s death to lure HQ2, investigation says](#); *Charlotte Observer*, Jan 9, 2023; [Multiple deaths in NC linked to accidents on construction-site scaffolding](#); *American Journal of Industrial Medicine*, Feb 2022, [“Trends in fatal occupational injuries in Latino/a workers relative to other groups, North Carolina 2000–2017”](#); WCNC-TV, January 12, 2023, [“Studies show that Latinos who work in construction face higher rates of injury and death”](#).

# NORFOLK SOUTHERN AND CLASS ONE FREIGHT RAILROADS

“PRECISION SCHEDULED RAILROADING” cuts staff, reduces time for safety inspections, and puts extra-long trains on the nation’s railways.

## Predicting the 2023 rail disaster in East Palestine, OH

“It’s only a matter of time before fatigued workers, unrealistic inspection policies, and unqualified inspections result in a major incident in someone’s neighborhood.”

—**JASON COX**, Brotherhood of Railway Carmen, February 2021

**DIRTY DOZEN 2023**

Photo: Wikimedia Commons. Source: AFL-CIO Transportation Trades Department, YouTube.

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# NORFOLK SOUTHERN AND CLASS ONE FREIGHT RAILROADS

## BNSF, CSX, KANSAS CITY SOUTHERN, UNION PACIFIC, CANADIAN PACIFIC, CANADIAN NATIONAL RAILWAY

### **Rail workers warned of safety problems long before the catastrophic Norfolk Southern derailment in East Palestine, Ohio.**

### **“Precision Scheduled Railroading,” cuts staff, reduces time for safety inspections, and puts extra-long trains on the nation’s railways.**

- **Rail workers have been sounding the alarm about safety long before the derailment of a 149-car Norfolk Southern freight train** created a plume of hazardous smoke that has impacted thousands of residents in East Palestine, Ohio.
- **Workers and residents of the community are at risk from ongoing exposure to dangerous chemicals released into the environment.** Five of the derailed Norfolk Southern cars were carrying vinyl chloride, a cancer-causing substance. Residents have reported headaches and rashes since the derailment.
- **On Feb. 4, 2021—two years before the Norfolk Southern derailment—**Jason Cox, national representative of the Brotherhood of Railway Carmen, TCU-IAM, posted [a prescient warning](#) on YouTube.
- **“Precision scheduled railroading has cut the workforce to the bare minimum,”** said Cox. “I have witnessed railroads... demanding one minute per car for safety inspections.”
- **“It’s only a matter of time** before fatigued workers, unrealistic inspection policies, and unqualified inspections result in a major incident in someone’s neighborhood.”
- **“Precision scheduled railroading” (PSR) is shorthand for cutting staff,** running longer and heavier trains and cutting corners on safety measures.
- **Over six years, Class 1 freight railroads have reduced staff by 29%,** eliminating 45,000 jobs.
- **The results have been excellent for railroad investors,** but not so good for workers and communities.
- **Norfolk Southern’s train accident rate, measured by the Federal Railway Administration (FRA), increased by 25% between 2019 and 2022.** Meanwhile the company posted record profits of \$4.8 billion in 2022.
- **On March 6, Norfolk Southern conductor Louis P. Shuster was killed when a dump truck collided with a train in Cleveland.** Schuster was president of Brotherhood of Locomotive Engineers and Trainmen (BLET) Division 607.
- **Rail workers say they are fatigued, overworked and on call at all hours of the day and night.** At BNSF, [reports Vice](#), “[Workers] have to be on call upwards of 90 percent of the time. Not just waking hours, but all hours... [T]hey get a call and have to be at the railyard in about 90 minutes to two hours, and they could be gone for days.”



- **In 2022, Aaron Hiles, a locomotive engineer at BNSF,** wasn't feeling well but postponed a doctor's appointment because he was called to work on short notice and didn't want to be penalized under the company's strict attendance policies. A few weeks later, on June 16, 2022, he died of a heart attack in the engine room of a BSNF freight train.
- **In December of 2022, tens of thousands of rail workers were ready to go on strike** to win paid sick leave, but were denied the right to take job action by President Biden and Congress, under terms of the Railway Labor Act.
- **This year, a number of rail unions have negotiated sick leave provisions with Class 1 railroads**—but so far, not all rail workers are covered.

Sources: National Transportation Safety Board, February 23, 2023, ["Norfolk Southern Railway Train Derailment with Subsequent Hazardous Material Release and Fires"](#); National Public Radio, February 16, 2023, ["What to know about the train derailment in East Palestine, Ohio"](#); Transportation Trades Department, AFL-CIO, Feb. 4 2021 ["#COVIDTransportationStories," Jason Cox, Freight Rail](#)"; NyMag.com, November 30, 2022, ["Why America's Railroads Refuse to Give Their Workers Paid Leave"](#); U.S. Surface Transportation Board, April 7, 2022, ["STB Issues Hearing Notice for Urgent Issues in Freight Rail Service"](#); Norfolk Southern, January 25, 2023, ["Q4 2022 Earnings Call"](#); BLET, March 7, ["In The Line of Duty: BLET Division 607 President Louis P. Shuster"](#); Vice, April 5, 2022, ["The Worst and Most Egregious Attendance Policy' Is Pushing Railroad Workers to the Brink"](#); Washington Post, September 17, 2022; ["Death on a train: A tragedy that helped fuel the railroad showdown"](#); CNBC, December 2, 2022, ["Biden signs bill averting rail worker strike despite lack of paid sick days"](#); National Public Radio, February 10, 2023; ["Rail workers never stopped fighting for paid sick days. Now persistence is paying off"](#).

# OCCIDENTAL CHEMICAL, WESTLAKE CHEMICAL

**Olin Corp., a major manufacturer,  
endorses EPA ban; other chemical companies  
still fight safety proposal.**



**“We were constantly swimming in  
the stuff.”**

**—Robert Cheff, former worker at Occidental  
chlorine plant in Niagara Falls, NY.**

Photo: Rich Joseph-Fagan. Source: ProPublica, October 30, 2022.



# OCCIDENTAL CHEMICAL, WESTLAKE CHEMICAL

**Despite 40,000 U.S. deaths each year, chemical companies still fight a ban on asbestos.**  
**“We were constantly swimming in this stuff,” worker says.**

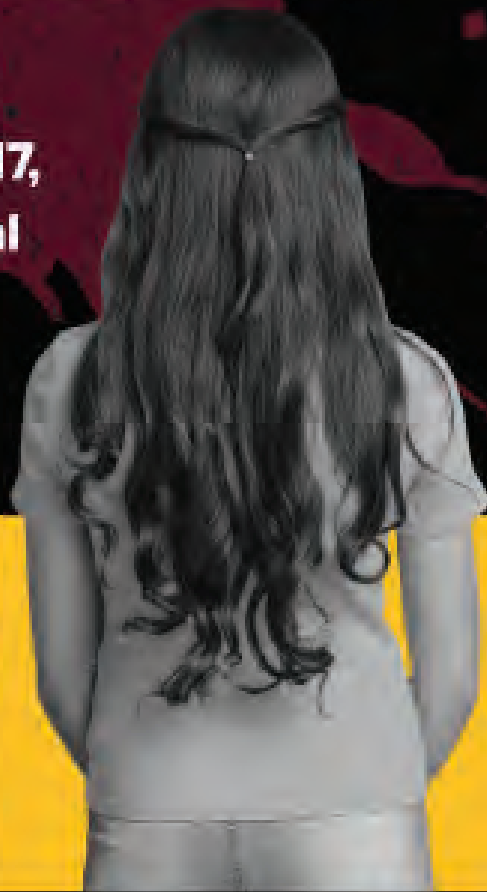
- **40,000 people die each year in the U.S.** from exposure to asbestos, [according to the American Public Health Association](#).
- **Three companies still use chrysotile asbestos to produce chlorine—Occidental Chemical, Westlake Chemical and Olin Corporation.**
- **On April 4, Olin Corporation announced it would support a ban on chrysotile asbestos proposed by the U.S. Environmental Protection Administration (EPA).** This would result, said Olin CEO Scott Sutton, in phasing out the use of asbestos in chlorine plants over the next seven years.
- **Other chemical firms claim they can use asbestos safely.** “Our workers who handle asbestos are trained, work in restricted areas of our plant, protected by personal protective equipment and offered annual medical examinations,” said a spokesperson for Occidental subsidiary Oxychem, in [a statement to ProPublica](#).
- **Workers at an OxyChem plant tell a different story.** “Asbestos splattered everywhere,” [reports ProPublica](#). “It would be stuck to the ceiling and the walls. ...Floating particles would catch the light when the sun poured in.”
- **“We were constantly swimming in this stuff,”** said Robert Cheff, who worked at OxyChem’s Niagara Falls, NY plant from 1981 to 2007.
- **Occidental Chemical is a member of the American Chemistry Council (ACC) and sits on its Chlorine Panel.** In 2022, the ACC’s Chlorine Panel submitted comments to the EPA describing the proposed ban on chrysotile asbestos as “inaccurate” “unreasonable” and “unlawful.”
- **Asbestos can cause lung scarring and inflammation** and lead to potentially fatal diseases including asbestosis, lung cancer and mesothelioma.
- **“Every country around the world that has either banned or reduced asbestos has seen a fall in disease and death,”** says Dr. Philip Landrigan, an epidemiologist at Boston College. Sixty-nine countries have totally or partially banned asbestos.
- **In March 2023, safety advocates launched a renewed push to pass the Alan Reinstein Ban Asbestos Now (ARBAN) Act.** Reinstein died from mesothelioma in 2006 after exposure to asbestos in a shipyard and during home renovations. His widow Linda Reinstein heads the Asbestos Disease Awareness Organization.

Sources: American Public Health Association, November 5, 2019, Olin CEO Scott Sutton to EPA Administrator Micheal Regan, April 4, 2023; Reuters, April 28 2022; [“Chemical industry fights U.S. government move to ban asbestos”](#); Greenwire, September 20, 2022, [“Activists raise alarms over asbestos”](#); OxyChem statement to ProPublica, Nov. 8, 2022 [“Eliminating Exposure to Asbestos”](#); ProPublica, October 20, 2022, [“The U.S. Never Banned Asbestos. These Workers Are Paying the Price”](#); American Chemistry Council Chlorine Panel, Comments on EPA’s Proposed Rule, Asbestos Part 1, July 13, 2022; Centers for Disease Control, Agency for Toxic Substances and Disease Registry (ATSDR), [“Health Effects of Asbestos.”](#) accessed March 14, 2023; [“Asbestos Exposure and Cancer Risk”](#) accessed March 14, 2023; Washington Post, April 5, 2022, [“EPA moves to ban the most common type of cancer-causing asbestos”](#); International Ban Asbestos Secretariat, October 28, 2022, [“Current Asbestos Bans”](#); Centers for Disease Control, ASTDR, [“Asbestos Toxicity, Where is Asbestos Found?”](#) accessed March 14, 2023; Asbestos Disease Awareness Organization, March 23, 2023, [“Anti-asbestos advocates launch day of action to ban asbestos”](#).

# PACKER SANITATION SERVICE INC JBS FOODS, CARGILL, TYSON

Packer illegally placed more than **100 children**, age 13 to 17, working night shifts at animal slaughterhouses.

13-year old child laborer has “**chemical burns, blisters and open wounds**” after working at JBS.



**COSH** WORKED UP!

Source: Washington Post, March 3, 2023

**DIRTY DOZEN 2023**

# PACKER SANITATION SERVICE INC (PSSI)

## JBS FOODS/CARGILL/TYSON

### More than 100 children found working in high-hazard meat and poultry plants

- **A US Department of Labor (DOL) investigation** found that PSSI, one of the nation’s largest food sanitation companies, employed more than 100 children to clean dangerous equipment during overnight shifts at 13 meat processing plants across eight states. PSSI is owned by Blackstone, the world’s largest private equity firm.
- **Meat and poultry processing is among the nation’s most hazardous industries, employing many immigrants and people of color.** Workers suffer high rates of amputations, broken bones, illnesses and fatalities.
- **PSSI agreed to pay more than \$1.5 million in fines**, or \$15,000 for every child illegally employed. Eighty-five percent of the fines, or \$1.3 million, were assessed against just three firms: **JBS Foods, Cargill and Tyson**. All are among the nation’s largest meat processing companies.
- **In one case, a 13-year-old girl was assigned to a night shift** at a Grand Island, Nebraska plant owned by JBS. Her job, reports [The Washington Post](#), was “to scour blood and beef fat from the slippery ‘kill floor,’ using high-pressure hoses, scalding water and industrial foams and acids.”
- **Her employment ended in August 2022**, according to the *Post*, after a middle school nurse “found chemical burns, blisters and open wounds on her hands and one knee.”
- **In October 2022, DOL inspected the JBS plant** in Grand Island and found 27 underage children at work.
- **JBS, Cargill and Tyson have paid no fines and face no criminal penalties.** PSSI paid to settle the case but also faces no criminal penalties.
- **In contrast, the stepfather of the 13-year-old who was injured at JBS was sentenced to one month in jail** for driving her to work—and may now face deportation.
- **The girl’s mother, who emigrated from Guatemala in 2016**, entered a plea of guilty to child abuse and faces up to one year in jail. Her own job at JBS is at risk; she works as a meat-cutter from 3 pm to midnight.
- **In December 2022, nineteen worker advocacy organizations, including National COSH**, wrote to U.S. OSHA about child labor and other hazardous conditions in the meatpacking industry. The letter calls for proactive measures ‘to assure the workers who work on the graveyard shifts in meat and poultry plants are safe.’

Sources: US DOL press release 2/17/2023, “[More than 100 children illegally employed in hazardous jobs, federal investigation finds; food sanitation contractor pays \\$1.5M in penalties](#)”; National Employment Law Project, March 2, 2021 “[Health and Safety Protections for Meatpacking, Poultry, and Agricultural Workers](#)”; Testimony of Debbie Berkowitz to U.S. House of Representatives, Committee on Appropriations; Washington Post, March 3, 2023, “[A cleaning company illegally employed a 13-year-old. Her family is paying the price](#)”; Government Accountability Project, December 5, 2022, “[Packers Sanitation: Letter from 19 Organizations Requesting Stepped Up Enforcement to Protect Vulnerable Workers](#)”.

# SONOMA WISE

Workers win protections from smoke and wildfires caused by climate change



Despite opposition from growers, farmworkers in California wine country have won victories:

- ✓ DISASTER RELIEF
- ✓ NEW SAFETY PROTOCOLS
- ✓ SAFETY TRAINING IN INDIGENOUS LANGUAGES



**WORKED UP!**

# SONOMA WISE

## Farmworkers win significant victories to counter health hazards from wildfires and extreme heat due to climate change.

### Growers fight back with aggressive astroturf tactics.

- **Sonoma County, north of San Francisco, is at the heart of California's wine country**, with 1,800 winegrape growers and 60,000 acres of vineyards.
- **Farmworkers who harvest the region's grapes face health hazards from wildfires and extreme heat** due to ongoing effects of climate change. **Farmworkers are 20 times more likely than workers in other occupations to die from heat-related causes**, [reports the Union of Concerned Scientists](#). Extreme heat can make pesticides vaporize more rapidly, increasing the risk of inhaling dangerous chemicals. Wildfire smoke can cause asthma and other respiratory diseases.
- **During previous wildfires, farmworkers were instructed to report to work** in areas where residents and other businesses had been evacuated. "When the fire started coming, we were called into work," farmworker Anabel Garcia [told PBS NewsHour](#). "We had red eyes and itchy throats from the smoke. We didn't have another option... this is our only income that we use to pay rent and our bills."
- **To win better working conditions, farmworkers organized with the help of North Bay Jobs with Justice (NBjwJ)**. Demands include hazard pay; disaster insurance so workers are compensated when unable to work due to extreme weather; access to clean bathrooms and water, language justice, and community safety observers.
- **Rather than respond to worker concerns, grape growers formed a group called Wine Industry for Safe Employees (WISE)**, lobbying county officials to reject farmworker demands. A worker who attended a county supervisors meeting wearing a "NBjwJ Doesn't Speak for me" t-shirt later [told The Guardian](#), "If I didn't do it, I would be out of a job. None of us are going to speak against the ranchers or the companies."
- **John Segale, a WISE spokesperson, claims it has "no connection"** to either the Sonoma County Wine Growers or the Sonoma County Grape Growers Foundation. The WISE website, however, is copyrighted to the Grape Growers Foundation, a sister organization to Sonoma County WineGrowers.
- **Despite grower opposition, farmworkers have won significant victories**. In August 2022, the Sonoma County Board of Supervisors adopted new safety protocols intended to keep farmworkers away from dangerous areas; required safety training in indigenous languages; and established a \$3 million disaster fund. Farmworkers in Sonoma were able to apply for disaster relief after massive floods interrupted the grape harvest in January 2023.
- **A 2022 labor agreement between Gallo of Sonoma and members of the United Farmworkers union includes time-and-a-half hazard pay** when the air quality index is above 150, indicating health hazards for the general population. A smaller vineyard, [Eco Terreno Wines & Vineyards](#), also agreed to provide hazard pay. Sonoma farmworkers and NBjwJ are calling for all local growers to adopt a similar standard.

Sources: [Sonoma County Winegrowers](#), accessed March 16, 2023; [Union of Concerned Scientists](#), November 30, 2022, "[This Year's Danger Season Is Over, but Risks to Farmworkers Remain](#)"; [PBS NewsHour](#), August 3 2021, "[Worsening wildfires in California's wine country threaten low-wage farm workers](#)"; [The Guardian](#), June 11, 2022, "[California vineyard laborers wanted wildfire safety. Then came a shadowy counter-movement](#)"; [San Francisco Chronicle](#), April 7, 2022, "[New Sonoma wine industry group denies workers' claims of wildfire safety issues](#)"; [SonomaWise.org](#), accessed March 16, 2023; [San Francisco Chronicle](#), August 31, 2022, "[Sonoma County's heated battle over wildfire protections for farmworkers has ended](#)"; [Guardian](#), February 23, 2023, "[Help us fight: California farmers ask for more aid after deadly storms](#)"; [Santa Rosa Press Democrat](#), September 4, 2022, "[In time for Labor Day, North Bay workers, union ramp up organizing efforts coming out of pandemic](#)"; [North Bay Business Journal](#), November 11, 2022, "[Sonoma County vintner offers farmworkers 'hazard pay' during smoky days](#)".

# SWISSPORT INTERNATIONAL AG COMPANIES

“All the lavatory waste comes on us. [Equipment] is broken, they’ve never fixed it.”

—OMAR RODRIGUEZ,  
Swissport worker, LaGuardia Airport



Company cited **30 TIMES** by OSHA for safety violations since 2013

Workers exposed to raw feces and other unsafe conditions

## DIRTY DOZEN 2023

Photo: SEIU32BJ. Sources: The Guardian, February 23, 2023, US OSHA

WORKED UP!





# SWISSPORT INTERNATIONAL AG COMPANIES

## Workers exposed to raw feces and other unsafe conditions, but face retaliation when standing up for better working conditions.

### Company cited 35 times by OSHA for safety violations since 2013.

- **Workers for Swissport**, a global firm that provides baggage, fueling, cleaning, and other services to major airlines, say they are exposed to hazardous conditions on the job—including human feces.
- **“All the lavatory waste comes on us,” says Omar Rodriguez**, a Swissport ramp worker and cabin cleaner at LaGuardia Airport. The problem, he told *The Guardian*, is faulty equipment for cleaning airport toilets. “It’s broken, they’ve never fixed it, are still using it, and people are getting dirty because of that.”
- **Chad Infiesta, a former Swissport worker**, told *Documented* that he was also exposed to human waste while cleaning cabins. The company illegally denied him sick leave, then fired him the day after he took part in a protest against unsafe working conditions. Workers report that Swissport has also retaliated against other union activists, including suspensions and terminations.
- **Swissport workers, organizing with assistance from Service Employees International Union (SEIU) 32BJ**, have filed unfair labor practice charges to challenge Swissport’s disciplinary actions.
- **Swissport provides services at 292 airports worldwide**, including 88 in North America. The company has grown as major airlines have outsourced many service jobs, resulting in lower wages and inferior work standards.
- **OSHA has cited Swissport 35 times for safety violations over the past decade.** The violations result from preventable incidents in which workers suffered bone fractures, crushed limbs and other injuries.
- **In 2020, shortly after laying off over 2,800 U.S. workers**, Swissport received \$170 million in U.S. taxpayer funds intended to keep workers employed during the COVID-19 pandemic. “Swissport’s receipt of payroll assistance for jobs that no longer exist is contrary to Congress’ intent,” wrote Rep, James Clyburn, D-SC, Peter DeFazio, D-OR, and Maxine Waters, D-CA, in a 2020 letter to Swissport USA CEO Frank Mena.
- **In December 2022, Rodriguez and thousands of co-workers joined rallies and strikes at 15 major U.S. airports** to protest unsafe working conditions and call for fair treatment at Swissport and federal legislation to protect airline workers.

Sources: *The Guardian*, February 23, 2023, “[“Lavatory waste comes on us”: New York airport workers protest unsanitary conditions](#)”; *Documented*, February 10, 2023, “[LaGuardia Airport Workers Claim Anti-Union Retaliation](#)”; *New York Daily News*, January 22, 2023, “[Airport workers are blocked for takeover](#)”; U.S. National Labor Relations Board, [Swissport USA, Case # 29-CA-310875](#), accessed March 14, 2023; [Swissport.com](#), accessed March 23, 2023; [US OSHA, Establishment Search – Swissport](#), accessed March 23, 2023; *Travel Weekly*, July 15, 2019 “[Labor unrest grows as airlines outsource jobs to contractors](#)”; *Freightwaves*, July 31, 2020, “[Lawmakers want airfreight handler to return \\$170 million in COVID-19 funds](#)”; *NBC News*, December 8, 2022, “[Thousands of workers at 15 U.S. airports rally and strike in support of better working conditions](#)”.



# TENET HEALTHCARE CORPORATION

Over \$1.8 billion in fines for false claims, bribery and kickbacks, health and safety hazards and other violations

“[D]ried blood on operating room beds...blood on a utility room floor, rusted water fountains, and falling ceiling tiles.”

**DIRTY DOZEN 2023**

Sources: Michigan Radio, July 1, 2022; Violation Tracker, accessed March 20, 2023

**WORKED UP!**



# TENET HEALTHCARE CORPORATION

## Doctors, nurses and support staff say giant health care chain cuts corners on safety. Over \$1.8 billion in fines for false claims, bribery and kickbacks, health and safety and other violations.

- **Tenet HealthCare has over 100,000 employees in hundreds of hospitals, surgical centers, and outpatient facilities**, with more than \$4.9 billion in revenue in 2022.
- **Tenet doctors, nurses and support staff say the company cuts corners on patient and employee safety** and retaliates against those who speak out about unsafe conditions.
- **In Tucson, nurses at Tenet-owned Carondelet St. Joseph's and St Mary's hospitals are protesting unsafe conditions.** Nurses say their facility is lacking essential equipment and understaffed, making it difficult for RNs to provide the time and attention needed for each patient. "That is unsafe, dangerous and unacceptable to us, but very acceptable to Tenet," St. Joseph's nurse Dominique Hamilton told [The Arizona Republic](#). Nurses have filed multiple safety complaints about the hospital's failure to observe COVID-19 safety standards.
- **In Worcester, MA, nurses at Tenet-owned St. Vincent Hospital report a chronic lack of staff and supplies**, faulty equipment, and failures of essential safety systems, with no hot water in some areas of the hospital.
- **In Detroit, Tenet was ordered to pay over \$10 million to two physicians who were fired** from the Detroit Medical Center (DMC) after they reported the hospital was performing unnecessary surgeries on patients.
- **Four nurses sued Tenet-owned DMC in 2020, stating they were fired in retaliation for reporting unsafe conditions.** The Michigan Court of Appeals ruled the nurses were not entitled to a ruling on the merit of their claims, because Tenet required them to sign a forced arbitration agreement as a condition of employment.
- **Denise Bonds and Shenesia Rhodes, two members of the cleaning staff at Tenet-owned Harper and Hutzel Hospitals** filed a lawsuit in June 2022, stating they were fired in retaliation for reporting unsanitary conditions. Documents filed by Bond and Rhodes, [reports Michigan Radio](#), include "photos of dried blood on operating room beds, empty cleaning supply storerooms, spilled blood on a utility room floor, rusted water fountains, and falling ceiling tiles."
- **Tenet has paid more than \$1.8 billion in fines and penalties to federal and state governments between 2001 and 2022** for false claims, bribery and kickbacks, violations of Medicare regulations, health and safety violations and wages and hour violations.
- **Nurses and their unions are pressing Tenet to uphold safety standards.** In 2022, members of the California Nurses Association ratified a new contract for 3,700 nurses at nine Tenet hospitals. It requires the company to provide adequate personal protective equipment (PPE) for nurses, as well as COVID-19 testing and improved training and education.

Sources: [TenetHealth.com](#), accessed March 20, 2023; Tenet Health, February 9, 2023, "[Tenet Reports Fourth Quarter and FY 2022 Results](#)"; Arizona Republic, January 26, 2023, "[Unsafe, dangerous and unacceptable: Nurses protest alleged conditions at Tucson hospital](#)"; NOTICE OF ALLEGED SAFETY OR HEALTH HAZARDS THE INDUSTRIAL COMMISSION OF ARIZONA DIVISION OF OCCUPATIONAL SAFETY & HEALTH, 10/1/2021, 10/13/2021 and 9/7/2022; Massachusetts Nurses Association, October 27, 2022, "[St. Vincent Hospital Nurses to Hold Press Conference to Detail Serious Deficiencies in Patient Care](#)"; MedPage Today, February 5, 2021, "[Detroit Cardiologists Awarded Millions for Retaliation Claim](#)"; Detroit Free Press, June 11, 2020, "[Sinai-Grace nurses file lawsuit, allege patients died because hospital was short-staffed](#)"; State of Michigan Court of Appeals, August 12, 2021, [Barkai v VHS Michigan, Inc., doing business as Detroit Medical Center](#); Michigan Radio, July 1, 2022, "[Lawsuit alleges unsanitary conditions at two DMC hospitals; blames focus on profits, not patients](#)"; Violation Tracker, [Tenet HealthCare](#), accessed March 20, 2023; California Nurses Association, August 9, 2022, "[Nurses vote overwhelmingly to approve new master contract covering 3,700 RNs at Tenet hospitals throughout California](#)".



# TESLA, INC.

**Fake Safety Training Certificates,  
Hazardous Conditions for Construction Workers in Texas.  
170+ safety citations at plants.**

## WORKER DIES IN 98 DEGREE HEAT

Lawsuit by survivors says  
Tesla failed to manage  
independent contractors;  
failed to “properly monitor  
the temperature and weather  
conditions at the worksite.”



### DIRTY DOZEN 2023

Sources: The Guardian, November 15, 2022; *Milrod et al. vs. Tesla, Inc.*, May 6, 2022; U.S. OSHA,

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# TESLA, INC.

## Fake safety training certificates for construction workers facing hazardous conditions in Texas.

**170+ safety citations at plants with high injury rates.**

**Survivors sue after worker dies in 98 degree heat.**

- **Tesla Motors, a multi-billion dollar company owned by one of the world's richest men, negotiated more than \$64 million in tax breaks** as incentives to build a \$1.1 billion gigafactory in Austin, Texas.
- **In exchange, the Colorado River Project LLC, owned by Tesla, signed an agreement with Travis County** with pledges to maintain a safe workplace.
- **Tesla agreed that construction contractors and subcontractors would** “maintain all relevant level 10 and level 30 OSHA-approved construction safety training and certification.”
- **Tesla has violated this pledge, according to a complaint filed with the U.S. Department of Labor (USDOL) in Nov. 2022 by a construction worker named Victor.** He is using only his first name due to fear of retaliation.
- **Victor and other workers were provided with fake certificates from a project subcontractor,** falsely claiming they had completed required safety courses.
- **“I’m going to die in this factory,” Victor told his wife. Hazards included working in a flooded area next to live electrical wiring** and working on a roof at night with no lights.
- **Antelmo Ramirez, a construction worker, died at age 47 while working for Belcan Services Group, a contractor at the Texas GigaFactory.** His survivors have sued Tesla, stating the company was negligent for not protecting him from extreme heat.
- **On a September day with a 98 degree heat index, Ramirez died with an internal body temperature of 106.4 degrees.** The lawsuit filed by his family states that Tesla failed to properly “hire, train and manage independent contractors” and failed to “monitor the temperature and weather conditions at the worksite.”
- **Following an investigation, OSHA cited Belcan Services Group for a serious health and safety violation** and recommended a fine of \$14,502. The company is contesting the citation.
- **Tesla has a long history of safety violations.** National COSH cited Tesla as a Dirty Dozen employer in 2018, due to serious injuries at the company’s Fremont, CA auto plant.
- **Data from U.S. OSHA show more than 170 safety citations against Tesla** and its subsidiaries at 73 locations between 2013 and 2022. Citations included incidents in which workers suffered fractures, burns, lacerations and amputations.
- **With support from the Texas-based Workers’ Defense Project, workers at the Tesla site are pursuing legal action,** including complaints about wage theft and safety violations filed with the U.S. Department of Labor.

Sources: *The American Prospect*, April 25, 2022, [“Tax Breaks Cushion Tesla’s Texas Landing”](#); Travis County, July 15, 2020, “Economic Development Performance Agreement Colorado River Project, LLC”; *Austin Business Journal*, May 6, 2021, [“Tesla plans another industrial facility near gigafactory, records show”](#); *The Guardian*, November 15, 2022, [“Tesla’s construction workers at Texas gigafactory allege labor violations”](#); Southeast Texas Record, [Children of worker who died from hyperthermia at Tesla construction project site sue for \\$25M](#), May 17, 2022; Harris County District Court, [Munoz et. al vs. Tesla, Inc.](#), May 6, 2022; U.S. OSHA, [Inspection detail, Belcan Services Group Lp](#), accessed April 7, 2023; National COSH, April 2018, [“The Dirty Dozen 2018”](#); U.S. OSHA, [Establishment Search Results—Tesla](#), accessed March 21, 2023; [Workers Defense Project to US OSHA and USDOL](#), November 15, 2022 (redacted).

# TRULIEVE CANNABIS CORP.

Worker **DIES** from  
**asthma attack**  
after inhaling  
cannabis dust



**LORNA McMURREY, 27**  
hospitalized before her preventable death

Co-workers say Holyoke, MA facility did not pay enough attention to safety and failed to provide proper respirators.



**WORKED UP!**

Source: Boston Globe, October 16, 2022

**DIRTY DOZEN 2023**

# TRULIEVE CANNABIS CORP.

## **Worker dies from asthma attack after inhaling cannabis dust. Company cited seven times by OSHA for safety violations.**

- **On January 7, 2022, Lorna McMurrey, 27, suffered a severe asthma attack after inhaling cannabis dust at a Trulieve, Inc. marijuana production facility** in Holyoke, Massachusetts. Taken by ambulance to a nearby hospital, McMurrey died several days later.
- **This wasn't the first time McMurrey faced a medical emergency at work.** "Just got rushed out of work in an ambulance," she wrote on Facebook in November 2021, "because I couldn't breathe at all."
- **U.S. OSHA investigated Trulieve following McMurrey's death and recommended initial fines of over \$35,000**, reduced to \$14,502 after a settlement. The company was cited for failing to evaluate chemical hazards and pledged new safety measures, including "options to better limit access and exposure" to cannabis grinding operations.
- **Trulieve, one of the nation's largest marijuana companies, has been cited seven times by OSHA** for safety violations since 2019. This includes an incident in Pennsylvania where a worker was exposed to live wiring, suffering burns and non-fatal electrocution.
- **Danny Carson, a former Trulieve supervisor who initially hired McMurrey**, says the company did not pay sufficient attention to safety and failed to provide proper N95 masks. The company disputes these allegations.
- **Dave Bruneau, McMurrey's stepfather, told [Leafly.com](#) that a few weeks before she died, McMurrey asked him for N95 respirators from his workplace.** "I mean, if she had access to them, why would she ask me?" he says.
- **Cannabis is now a \$25 billion-a-year industry in the United States, with over 428,000 workers.** Known occupational hazards include poor air quality and exposure to molds, pesticides, carbon monoxide, and other dangerous chemicals. Cannabis workers may be at risk for byssinosis, better known as brown lung disease.
- **Following McMurrey's tragic and preventable death**, workers at Trulieve locations in Framingham, Holyoke, Northampton and Worcester are organizing for workplace representation with the United Food and Commercial Workers (UFCW).
- **According to charges filed by the UFCW before the U.S. National Labor Relations Board**, Trulieve has responded with illegal surveillance, threats against employees, and wrongfully firing a union supporter.
- **Carson has joined with current and former cannabis workers, Lorna McMurrey's family members and worker organizations, including MassCOSH, to create the Coalition for Cannabis Worker Safety.** The Coalition is pressing for better working conditions and calling for oversight agencies to incorporate worker safety and health into the licensing process.

Sources: *Boston Globe*, October 16, 2022, "[Mass. marijuana regulators started investigating a Holyoke facility over safety complaints. Then a worker collapsed and died in a dust-filled room.](#)"; *Leafly.com*, January 24, 2023, "[Death of a Trimmer \(Part 1\): A cannabis worker's death went unnoticed for months. Now it's raising alarms in the industry.](#)"; *Boston.com*, January 3, 2023, "[OSHA, cannabis company reach \\$14k settlement in Holyoke worker's death](#)"; U.S. OSHA, *Establishment Search – Trulieve*, accessed March 23, 2023; *Cannabis Executive*, October 20, 2022, "[Trulieve Issues Statement in Response To 'False Reporting' About Employee Who Died](#)"; *Leafly.com*, February 23, 2022, "[The US cannabis industry now supports 428,059 jobs](#)"; *EHS Today*, June 29, 2021, "[Workplace exposures in the cannabis industry](#)"; *Leafly.com*, January 25, 2023, "[Death of a Trimmer \(Part 2\): A tragic death raises questions about health hazards in the cannabis industry](#)"; *US National Labor Relations Board*, *Case Search – Trulieve*, accessed March 23, 2023.



**Tennessee workers strike to protest physical and verbal abuse**

# TWIN PEAKS

## Twin Peaks is “run very much like a commercial sex ring”

So-called “breastaurant” chain faces multiple claims of sexual harassment and settled a lawsuit by 34 former employees.

### DIRTY DOZEN 2023

Photo: Workers Dignity. Sources: Mashed, December 2, 2020; Chicago Tribune, August 7, 2020.

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# TWIN PEAKS RESTAURANT

**Twin Peaks is “run very much like a commercial sex ring.”**

**So-called “breastaurant” chain faces multiple claims of sexual harassment and settled a lawsuit by 34 former employees.**

- **More than 30 workers at a Twin Peaks restaurant in Brentwood, TN went on strike in mid-January,** protesting physical and verbal abuse by management.
- **Back-of-the-house kitchen workers say a manager “has made racist comments, thrown away their lunches, yelled at staff and more,”** reports [Nashville Scene](#). Kitchen workers at the Brentwood Twin Peaks location include indigenous workers from Mexico and Guatemala.
- **Twin Peaks, which requires female servers to wear revealing clothing,** was founded in 2005 by entrepreneur Randy DeWitt. “Hooters just wasn’t racy enough,” says DeWitt. The chain now has 97 restaurants in the U.S. and Mexico.
- **Waitresses at the Brentwood location are calling for safety training to deal with aggressive customers and security guards** to keep them safe when they leave the facility.
- **Twin Peaks management has faced multiple lawsuits and employment discrimination claims. “Twin Peaks is engaging in disgusting, systemic abuse of young women,”** said attorney Tamara Holder. The company “baits young women into wearing one uniform, then after they’re hired, orders them to wear crop-tops, bikinis, and lingerie.”
- **In June 2018, a former Twin Peaks employee sued a Twin Peaks restaurant in Little Rock, Arkansas.** She was subject to “several acts that were unwelcome and sexual in nature... Twin Peaks did nothing to prevent sexual harassment and discrimination from happening and did nothing to prevent it from continuing.”
- **In December 2019, three former employees sued Twin Peaks franchises in South Florida.** The waitresses, [The South Florida Sun Sentinel](#) reported, “say they were subjected to unwanted touching, lewd comments and other sexual harassment from a manager and customers.”
- **In August of 2020, 34 former Twin Peaks employees in Illinois, Texas and Florida filed a lawsuit against the company** and several of its subsidiaries, stating the restaurant chain “preys on vulnerable young women” and is “run very much like a commercial sex ring,” creating an environment of “rampant sexual harassment.” The lawsuit was settled, with terms undisclosed, in September 2021.
- **Twin Peaks workers, with support from COSH affiliate Workers Dignity, have been picketing the Brentwood restaurant.** Using National COSH’s WorkedUp campaign hub, workers have invited the public to contact management and urge them to stop the harassment and ensure safety and justice in their workplace.

Sources: Williamson Herald, February 22, 2023; “[Workers strike, protest at Twin Peaks in Brentwood claiming managerial abuse](#)”; Nashville Scene, January 20, 2023, “[Twin Peaks Employees Go on Strike](#)”; Labor Notes, January 24, 2023, “[Workers at Hooters-Style Restaurant Strike, Protesting Racist Sexist Manager](#)”; Mashed, December 2, 2020, “[The Untold Truth Of Twin Peaks Restaurants](#)”; Twin Peaks, March 20, 2023 “[Twin Peaks to Celebrate New Daytona Beach Location](#)”; New York Magazine, April 27, 2018, “[Twin Peaks Breastaurant Chain Accused of ‘Systemic’ Sexual Harassment](#)”; Arkansas Democrat Gazette, June 12, 2018, “[In suit, ex-worker accuses management of west Little Rock’s Twin Peaks of harassment, discrimination](#)”; South Florida Sun Sentinel, December 17, 2019, “[Twin Peaks restaurants in South Florida accused of sexual harassment](#)”; Chicago Tribune, August 7, 2020, “[Twin Peaks hit with federal lawsuit alleging lingerie uniforms, body grading system led to ‘rampant sexual harassment’](#)”; Bloomberg Law, September 28, 2021, “[‘Breastaurant’ Chain Settles Workers’ Sexual Harassment Lawsuit](#)”.

# THE COSH NETWORK

National COSH serves as a convener and clearinghouse for the COSH Network, which includes local worker health and safety coalitions in communities across the United States. We work together to coordinate and share information about workplace safety, provide training for workers and advocate for the elimination of preventable hazards in the workplace.

## COSH GROUPS

### **Border Workers United**

1317 E Rio Grande Ave., El Paso, TX 79902  
915-257-5255

### **Cincinnati Interfaith Workers' Center**

215 East 14th Street, Cincinnati, OH 45202  
[www.cworkers.org](http://www.cworkers.org)  
(513) 621-5991

### **Connecticut Council on Occupational Safety and Health**

(ConnectiCOSH)  
683 N. Mountain Rd., Newington, CT 06111  
860- 953- 2674  
[www.Connecticosh.org](http://www.Connecticosh.org)

### **Fe y Justicia Worker Center (Houston COSH)**

1209 James Street, Houston, TX 77009  
713-862-8222  
[www.houstonworkers.org](http://www.houstonworkers.org)

### **Knox Area Worker Memorial Day Committee**

865-573-0655

### **Maine Labor Group on Health (MLGH)**

PO Box 5197, Augusta, ME 04332  
207-622-7823  
[www.mlgh.org](http://www.mlgh.org)

### **Massachusetts Coalition for Occupational Safety and Health (MassCOSH)**

42 Charles Street, Suite D, Dorchester, MA 02122  
617-825-7233  
[www.masscosh.org](http://www.masscosh.org)

### **Mid-State New York COSH**

701 W. State St., Ithaca, NY 14850  
607-275-9560  
[www.midstatecosh.org](http://www.midstatecosh.org)

### **The Mississippi Workers' Center for Human Rights**

PO Box 1223, Greenville, MS 38701  
662-334-1122  
<https://www.msworkrights.org>

### **New Hampshire Coalition for Occupational Safety and Health (NHCOSH)**

161 Londonderry Turnpike, Hookset, NH 03106  
603-232-4406  
[www.nhcosh.org](http://www.nhcosh.org)

### **New Jersey Work Environment Council (NJWEC)**

172 W. State Street, Second Floor, Trenton NJ 08608  
609-882-6100  
[njwec.org](http://njwec.org)

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

14 Wall Street, Suite 5A, New York, NY 10005  
212-227-6440 (o)  
[nycosh.org](http://nycosh.org)

### **Northeast NY Coalition for Occupational Safety and Health (NENYCOSH)**

PO Box 38098, Albany, NY 12203  
[Nenycosh.org](http://Nenycosh.org)

**Philadelphia Area Project on Occupational Safety and Health (PhilaPOSH)**  
3001 Walnut St., 5th Floor, Philadelphia, PA 19104  
215-386-7000  
[philaposh.org](http://philaposh.org)

**Rhode Island Committee on Occupational Safety and Health (RICOSH)**  
741 Westminster St., Providence, RI 02903  
401-751-2015

**Safe Jobs Oregon/NW Workers' Justice Project**  
310 SW 4th Ave., Suite 320, Portland, Oregon 97205  
503-525-8454  
[nwjp.org/safejobsoregon](http://nwjp.org/safejobsoregon)

**Southern California Coalition for Occupational Safety and Health (SoCalCOSH)**  
Los Angeles, CA  
310.435.1423  
[www.socalcosh.com](http://www.socalcosh.com)

**South Florida Interfaith Worker Justice**  
Bartram House, 1205 Sunset Drive, Miami FL 33143  
305-598-1404

**We Count!**  
PO Box 344116, Florida City, FL 33034  
305-247-2202  
<https://www.we-count.org>

**Western North Carolina Workers' Center**  
PO Box 3, Hickory, NC 28603  
828-575-3830  
<https://wncworkerscenter.org>

**Western New York Council on Occupational Safety and Health (WNYCOSH)**  
2495 Main St., #438, Buffalo, NY 14214  
716-833-5416  
<https://wnycosh.org>

**Wisconsin Committee on Occupational Safety and Health (WisCOSH)**  
3427 W. St. Paul Ave., Milwaukee, WI 53208  
414-933-2338  
<http://www.wiscosh.org>

**Workers Dignity**  
335 Whitsett Road, Nashville, TN 37210  
615-669-6679  
<https://www.workersdignity.org>

**Workers' Safety and Health Coalition of Central New York**  
6712 Brooklawn Parkway, Suite 204  
Syracuse, NY 13211  
315-432-8899 Ext. 127  
<http://ohccupstate.org>

**Worksafe**  
1736 Franklin St., Suite 500, Oakland, CA 94612  
510-922-1444  
[Worksafe.org](http://Worksafe.org)

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<https://NationalCOSH.org/Campaigns/WorkedUp>



[www.nationalcosh.org](http://www.nationalcosh.org)