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BUILDING TRADES
UNIONS
IGNITE
LESS
TOBACCO

Tobacco & the Construction Worksite

Tailgate Safety Topic

State Building and Construction Trades Council, AFL-CIO

built

“Building Trades Unions Ignite Less Tobacco”

Tailgate Safety Education

Tobacco & the Construction Worksite

This Tailgate Safety Topic is appropriate if **any** of the following apply on your jobsite;

1. If the jobsite is covered under California State Labor Code.
2. If the jobsite is an Elementary, Middle or High School in California.
3. If any materials used on the jobsite require an MSDS.
4. If any toxic materials are used on the jobsite.
5. If any workers may be exposed to ‘second hand smoke’.
6. If there are any ‘smokers’ or ‘chewers’ on the jobsite.
7. If profit and productivity are important on this jobsite.

Current statistics indicate that building trades workers use tobacco products at a rate two to three times higher than the general population (depending on the trade).

There are several areas to cover when addressing tobacco and jobsite safety so this training guide is broken up into nine (9) separate blocks for your convenience. Please select the blocks appropriate for your jobsite and time requirements, but be sure to include blocks 2, 4, 5 and 10.

Title:	Estimated Time:
Block 1 The Danger 'In The Smoke'	2.5 minutes
Block 2 The Dangers of Secondhand Smoke	1.5 minutes
Block 3 There is No Safe Exposure Level	1 minute
Block 4 The Distraction Factor	1.5 minutes
Block 5 Laws about Smoking in California	2 minutes
Block 6 School Projects are Special	2 Minutes
Block 7 \$\$\$ You Pay for More than Cigarettes \$\$\$	2 Minutes
Block 8 How Smoking affects Production and Profit	1.5 Minutes
Block 9 Help for Smokers Who Want to Quit	2 Minutes
Block 10 Tobacco Use on this Jobsite	1 Minute

Total 17 Minutes

This Tailgate Safety Topic will focus on a toxic substance found on **almost** every construction site in the world: **Tobacco Products—Cigarettes, Cigars and Chew.**

The Danger 'In The Smoke'

Everyday in the performance of our jobs, we encounter dangerous situations. We take precautions to protect ourselves. We wear boots, safety glasses and hardhats at all times. We wear gloves, hearing protection, respirators and other personal protective equipment (PPE) whenever necessary. We also demand that our employers and everyone working on our jobsite give proper notice when new dangers are present as a result of the ever-changing operations and processes inherent with construction. We do this because, most important to all of us, is our safe and healthy return home each evening to our families.

Yet, when you smoke or chew tobacco products you are intentionally taking in many of the same chemicals that we all demand protection from everyday at work. More than 50 of the 4,000 chemicals in tobacco and tobacco smoke are known carcinogens (cancer-causing chemicals).

Surgeon General Richard Carmona said: **“Tobacco is the single most preventable cause of cancer, heart disease and a number of other diseases. Smoking causes disease in nearly every organ of the body, at every stage of life.”**

How many of you would be concerned if I was to tell you that for the past week on this jobsite we've been exposed to unknown levels of Hydrogen Cyanide, Carbon Monoxide, Lead, Acetone, Formaldehyde, and Nitric Oxide?

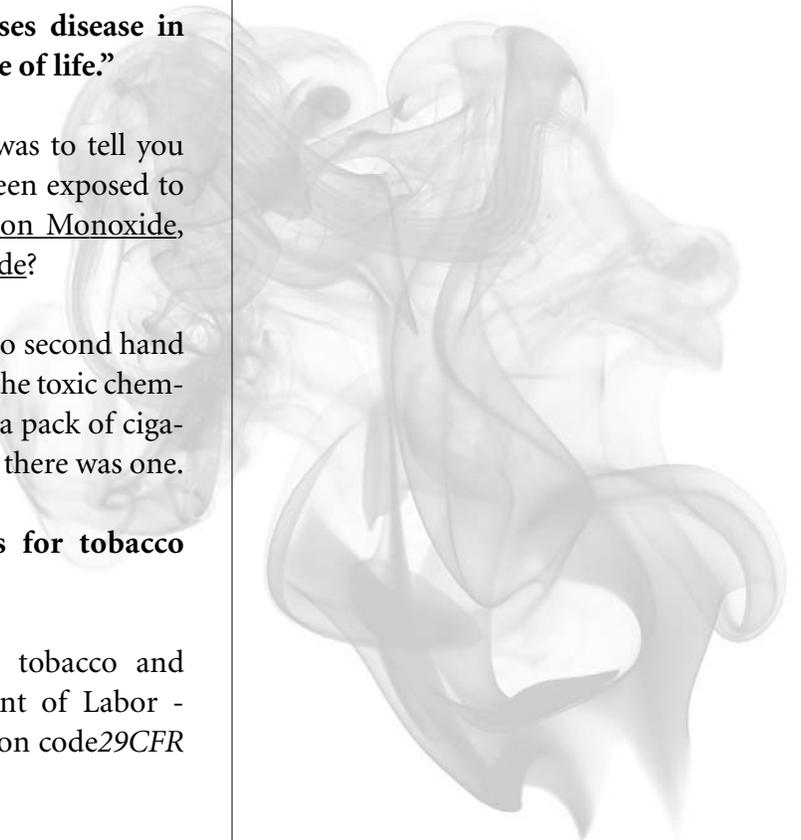
Well, if you smoke or if you've been exposed to second hand smoke, you have been. These are only a few of the toxic chemicals present in tobacco smoke. An MSDS for a pack of cigarettes would be more than 200 pages long—if there was one.

So why aren't there MSDS requirements for tobacco products?

Because there is a specific exemption for tobacco and tobacco products under the U.S. Department of Labor - Occupational Safety and Health Administration code *29CFR 1900.1200(b)(6)(iii)*.

Block

1



Block 2



The secondhand smoke that comes off the tip of a cigarette has a higher level of many toxic chemicals than what a smoker takes in directly

The tobacco industry is very powerful and has seen to it that tobacco is excluded from regulations in all public agencies tasked with product and worker safety. Tobacco is not regulated by the Food and Drug Administration because it is not classified as a food or a drug. Tobacco products have no actual useful purpose. But, when used as directed, tobacco will cause disease and death.

(Material Safety Data Sheets are required and regulated by the U.S. Department of Labor - Occupational Safety and Health Administration.)

The Dangers of Secondhand Smoke

Respect for the rights of all workers should be the cornerstone of every labor union. Preventing exposure to 'Secondhand Smoke' should be included in the safety and health laws we have fought hard to get because every worker has the right to breathe clean air.

Secondhand smoke is considered a Class A carcinogen.

On January 26, 2006, the California State Air Resources Board classified Secondhand Smoke as a Toxic Air Contaminant, which means there is **no safe** exposure limit. The laws will probably change to limit the exposure to workers throughout California, regardless if they are working indoors or outdoors. The secondhand smoke that comes off the tip of a cigarette has a higher level of many toxic chemicals than what a smoker takes in directly. Each year, more than 5,000 Californians die from secondhand smoke.

On our jobsites, we respect each other in regard to tools, materials, space and time—not because we're required to, but because we know that only through co-operation and coordination will all the tasks come together and become a finished project.

So if you do light up, extend that same respect to those working around you, above you or wherever your smoke travels. Show respect for everyone's right to breathe clean air.

There is No Safe Exposure Level

We work with and around chemicals and products that expose us to toxins all the time. When we follow the guidelines set out in the MSDS we are safe, right?

Well, the 'safe levels' determined by safety standards take into consideration the human body's many built-in defenses against toxins. That's why exposure at or above certain levels requires Personal Protective Equipment (PPE).

However, when we breathe in tobacco smoke, our natural defenses are compromised and our bodies become much more vulnerable to the toxic effects of the products we're working with, not to mention the tobacco itself

For example, if you are a non-smoker and work around asbestos, your risk of cancer is 5 times higher than the general population. But if you smoke AND work around asbestos, your risk of cancer is more than 50 times higher!

By inhaling tobacco smoke, you shut down your body's defense systems and are much more susceptible to harm from many of the chemicals you work with.

And don't think for a minute that 'Chew' might be a good option if you can't smoke on the job. Chew contains formaldehyde, lead, arsenic, and benzene. It may not cause lung cancer or emphysema, but chew does cause various cancers of the mouth and throat.

The Distraction Factor

Everyone here knows the importance of being alert and maintaining a safe workplace. Even when we're all doing a great job, a construction worksite can be a dangerous place. We're involved in and exposed to procedures that require our undivided attention. A distraction of a few seconds can cause an accident that puts the safety and lives of ourselves and those around us in jeopardy. If you're putting a dip in your mouth or lighting up another cigarette, does the task at hand

Block
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By inhaling tobacco smoke,
you shut down your body's
defense systems...



Block
4

Block 5



really have your attention? Are you ready for the unexpected?

Not according to the statistics. Statistics show that workers who smoke are **40% more likely** to be injured on the job.

You know the risks of working in the construction industry, so why would you increase the chances of illness or injury? And for non-smokers, how many times have you been distracted from the task at hand as a result of a shift in the wind that brings a cloud of smoke or a spray of spit in your direction?

Smokers pay higher auto insurance premiums. Why? Because insurance companies have proven that a smoker is more likely to be distracted behind the wheel and have an accident, so they have tried to limit their risk by raising the rates.

Construction is dangerous enough; we need to decrease the odds of an accident.

Laws about Smoking in California

Construction sites are often overlooked when it comes to enforcing the California State Labor Code covering exposure to secondhand smoke. This is due to the lack of knowledge about when the law is in effect and when it is not.

California Labor Code Section 6400 deals with the Responsibilities and Duties of Employers and Employees (including construction). Section 6404.5 of the code went into effect January 1, 1995 and **'Prohibits the smoking of tobacco products in all enclosed places of employment in this state.'** This law has been enforced in nearly every type of worksite in California, except on construction worksites. This oversight is now getting attention.

What is an enclosed worksite?

An enclosed place of employment has been defined as 'any workplace having walls and a roof.' When applied to a construction work site, it does not matter that windows and doors have not yet been installed or that there may still be large openings in the building.

Under Labor Code 6404.5 the following penalties can be assessed to both an employer and the individual smoker. The enforcement of this law is the responsibility of local government entities, which may have laws that are more restrictive than these statewide minimum penalties.

- First Violation **\$100.00**
- Second Violation **\$200.00**
- Third Violation **\$500.00**
- If an employer has three violations within a year and smoking continues, any worker can file a complaint with CAL-OSHA which has the authority to fine up to **\$70,000**, depending on the seriousness of the situation.

Bottom line—in California, once there are four walls and a ceiling (or roof), Labor Code 6404.5 takes effect. You can no longer smoke inside, even if the windows or doors aren't yet installed.

Local Ordinances:

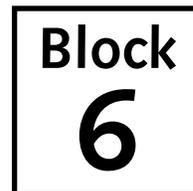
Several local governments around the state, including the Berkeley and Fairfield City Councils, the Marin and Contra Costa County Board of Supervisors, and other local governments, are passing much broader ordinances to protect workers, citizens, and children from the effects of second-hand smoke.

School Projects are Special

In addition to the protections provided for workers by Labor Code 6404.5, construction sites at elementary, middle and high schools across California may have additional regulations regarding tobacco use.

All school districts receive allocations from many sources, one of which is a state fund called Tobacco-Use Prevention Education (TUPE). In order to qualify for TUPE funds, the district must certify that all district property is 'Tobacco Free.' This includes school buildings, district buildings, and district-owned vehicles. A TUPE coordinator is assigned to each county and is tasked with ensuring the district is in

CAL-OSHA...has the authority to fine up to \$70,000, depending on the seriousness of the situation.





compliance and enforcing the ban. Districts found not to be in compliance could face the loss of TUPE funds. As school districts move to enforce these rules, they may call for the removal of the individual violator, and in some cases the contractor or employer, from the jobsite.

School districts across California have declared all school district property 'Tobacco Free.' This ban includes cigarettes, cigars, and all forms of chewing tobacco and covers the entire property—indoors, outdoors, parking lots and ball fields—regardless if children are present or not.

Other Worksites with Special Smoking Restrictions:

Refineries: Anyone who has worked at a refinery knows that for obvious safety reasons, smoking is limited to specific areas.

Hospitals: Many hospitals are 100% smoke free for health and combustible gas reasons

High-Tech Clean Rooms: High-tech clean room sites are 100% smoke free.

Smokers need to pay attention to the smoking restrictions on each and every job, so they don't face discipline for violating the rules set by the project owners.

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\$ You Pay for More than Cigarettes \$

Then there's the cost. Those of you who smoke or chew know how expensive a habit it is. At \$4.00 a pack, a pack a day habit would cost \$120/month or about \$1400/year, but there are other costs, too:

Higher Auto Insurance: distraction = higher risk = higher rates
Higher Home Owners Insurance: chance of fire + distraction = higher risk = higher rates

Higher Life Insurance: more health problems + lower life expectancy = higher risk = higher rates

The average non-smoking worker misses 3 days of work a year. \$35/hour x 24 hours = \$840.

The average smoking worker misses 6 days of work a year. \$35/hour x 48 hours = \$1,680.

Smokers are sick more often than non-smokers and become

seriously ill much younger than non-smokers. At a pack a day, the average male smoker lives 13.2 years less than a non-smoker; the average female—14.5 years less. Nearly 440,000 people die each year in the U.S. due to tobacco-related disease, making it the most deadly, preventable cause of death.

When workers covered under our health and welfare trusts stop smoking, they are healthier, their families are healthier, and their co-workers are healthier. If all these people are healthier, they won't be going to the doctor as often. If they don't go to the doctor as often, our trustees can negotiate lower rates or smaller increases.

Fully 12% of health care costs are attributed to smoking – that money could instead go on your paycheck or into your pension.

Smoking costs you a lot more than you might have thought!

How Smoking Affects Productivity and Profit

- If a worker smokes a pack of cigarettes a day, that's 20 cigarettes.
- He sleeps 8 hours a day so he's awake for 16 hours.
- He's at work for 8 hours so 10 cigarettes, one at lunch and one at each break leaves 7 cigarettes to smoke during working hours.
- If he can't smoke in the building (and he can't, once the roof is in place) he has to go outside.
- It may take him 5 minutes to stop what he's doing, drop his tools, and walk outside. Then he has about 3 minutes for the cigarette and 5 minutes to get back inside, pick up the tools and start being productive again.
- In total, that's about 13 minutes per cigarette, for a total of 91 lost minutes of productive time a day. That's over 1.5 hours. So instead of eight hours work for eight hours pay, it's more like six and a half hours work for eight hours pay—or a loss of about 20% production.
- At \$35/hour, all that cigarette time comes to \$52.50 per day.

Smokers are sick more often than non-smokers and become seriously ill much younger than non-smokers.



**Block
8**



- At 18 work days each month, this adds up to \$945/month or \$11,340/year.

Statistics show that smokers miss 6 days a year due to illness compared to 3 days a year for non-smokers. This is lost productive time—and lost income for the smoker.

The Centers for Disease Control and Prevention (CDC) estimates that the total cost of smoking in the United States exceeds \$167 billion per year. This estimate includes \$75 billion in direct healthcare costs and **\$92 billion in lost productivity resulting from years of productive life lost due to premature death as a result of smoking tobacco.**

Some employers have started asking about smoking and tobacco use on job applications and in job interviews. It is not against the law to discriminate against someone for tobacco use. Why do they do this? Because productivity relates to profit and employees who are healthier and live longer are more productive.

Block 9

Help for Smokers Who WANT to Quit

Nicotine is an addictive drug, and it has been proven time and time again to be more difficult to quit than heroin. According to recent studies, all drugs affect the brain in a similar fashion; they are acting at the molecular level of your brain. How addictive is nicotine? More than 70% of all smokers would like to quit, yet only about 3% of those who try are successful.

Quitting isn't easy!

If you do quit, your body will begin to heal itself!

There is hope! Quitting can lead to a long, healthy life as a non-smoker. The positive effects of quitting smoking are immediate:

- *In 20 minutes, the heart rate will drop to normal.*
- *In 12 hours, the carbon monoxide level in the blood drops to normal.*
- *After 2 weeks, lung function begins to improve.*
- *After 1 month, the coughing and shortness of breath decrease.*

- *After 1 year, the risk of heart attack is cut in half.*
- *After 5 years, the risk of stroke is the same as a non-smoker.*
- *After 10 years, lung cancer risk is half that of a smoker. Other cancer risks are significantly reduced.*
- *After 15 years, the risk of coronary heart disease is the same as a non-smoker!*

There is HOPE and HELP!

It takes most people 8 or more tries to actually succeed at quitting. Most people who try to quit cold turkey don't succeed—but here are some things you can do that might help:

- If you have a family member who also smokes, try to quit together.
- Contact your local union or health care provider to see if they offer cessation benefits. Many health and welfare funds cover nicotine replacement products like the patch or gum.
- Call the California Smokers' Helpline. It's free and confidential and an easy number to remember:

1-800-NO-BUTTS and 1-800-844-CHEW

If you want to quit, whether it is your first time or if you've tried before, there are lots of different ways to kick tobacco. Many products, medications and therapies are out there to help you! We have information available for you in our job shacks, at your union hall and in the health and welfare offices.

Take a chance on living a healthier and longer life—for yourself, your family, friends and co-workers. Quit Tobacco!

Tobacco Use on This Jobsite

If this is NOT a school site:

Section 6404.5 of the California Labor Code 'Prohibits the smoking of tobacco products in all enclosed places of employment in this state'. An enclosed place of employment has been defined as any workplace having walls and a roof. Windows and doors need not be in place.

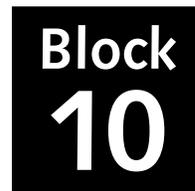
On this particular jobsite, you may not smoke in the following places:

California Smokers'

Helpline:

1-800-NO-BUTTS

1-800-844-CHEW





(do a walk-around or describe the indoor areas of the jobsite where smoking is now not allowed. For example, 'you cannot smoke on floors one, two, and three, and, of course, you cannot smoke in the trailer or job shack')

If there are designated SMOKING or CHEWING areas point out where these are located.

(Display a construction-site map identifying smoking or chewing areas if possible.)

If this is a new school, school remodel or school district building:

This is a NO SMOKING jobsite!

Most school districts in California receive part of their funding from a state fund called TUPE (Tobacco-Use Prevention Education). Before receiving these funds the District must certify to the California Department of Education that they have and enforce a policy that prohibits the use of tobacco anytime in district-owned buildings, on district property or in district vehicles. This policy must be in effect whether students or staff are on the property at the time or not.

If any of us use tobacco on this jobsite, even in a parking lot, we are jeopardizing the School District's funding. The School District can have us removed from the project and have our contractor disqualified from future bidding.

SMOKING or CHEWING will not be tolerated on this jobsite!

[If you have an enforcement process, please let the workers know (for example, caught the first time—written up; caught the second time—suspended for X days; caught the third time—not allowed to work on this site.)]

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