

## Senate Bill to Prohibit Dry Cutting of Masonry Advances

### Measure to Cut Back on Cases of Fatal Lung Disease

Legislation to prohibit the dry cutting and dry grinding of masonry materials was passed by the Assembly Committee on Labor and Employment by an 8-0 vote after a hearing June 29. The Bricklayers and Allied Crafts Local 3 sponsored the legislation, authored by Los Angeles State Senator Richard Alarcon. Alarcon chairs the Senate's Labor and Industrial Relations Committee.

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"This legislation takes an important step towards protecting the health of all workers in the construction industry," said BAC Local 3 President James Bresnahan. "SB 46 will prohibit the dry cutting and grinding of masonry materials with portable chop saws and skill saws to prevent workplace exposure to silica."

Bresnahan explained that, "Workers who inhale excessive amounts of silica dust can develop silicosis — a serious, irreversible, and potentially fatal lung disease caused by scarring of the lungs." Airborne silica dust occurs on construction sites where cutting bricks and masonry with dry saws is standard practice.

"Local 3 members [who include Bricklayers, Tilesetters, Restoration Masons, Refractory Masons and Marble Masons] have the distinction of being the top five out of eight trades affected by silicosis, according to the Centers for Disease Control," said Bresnahan. "We are proud to have a part in this historical legislation to protect our trade workers, as well as Plasterers, Cement Masons, Roofers, and all others who carry this contaminant home to their families. We have members whose children have contracted this disease from washing their father's clothes." Bresnahan pointed out that the cost to reduce silica dust would be minimal: "A \$5 water attachment to dry saws will cut the exposure by a hundred fold, and grinders are available with vacuum devices for a minimal increase in cost to the contractor."

BAC Local 3 Field Rep. David Danner said that the state would not incur any costs by passing SB 46. The legislation would add a new section to California's Labor Code, with Cal/OSHA as the enforcing agency. The Bill is scheduled for a hearing in early August before the Assembly Appropriations Committee, then on to the full Assembly and Senate. Danner said that the bill was modeled after a San Francisco ordinance authored by Supervisor Fiona Ma banning the use of dry saws on public works projects in the city. SB 46 would cover public works and private sector construction projects.

"Dry sawing is an industry standard," said Danner. "It's used on scaffolding so bricks can be

cut quickly. The dust affects all workers on the job site.&rdquo;

Danner and Bresnahan said they don&rsquo;t have hard numbers on how many of their members are diagnosed with silicosis, but Danner said that, &ldquo;We have many retirees dragging around oxygen tanks.&rdquo; Silicosis has only recently been recognized and diagnosed. &ldquo;It&rsquo;s like the early coal miners who died of black lung,&rdquo; said Danner. &ldquo;People weren&rsquo;t aware of what the disease was. With silicosis, it wasn&rsquo;t until recently that doctors were able to diagnose the cause as the crystallized silica in the lungs.&rdquo;

The BAC estimates that at least 50 retirees from the union have developed severe silicosis resulting from the use of dry saws and that over 3,000 Local 3 members are regularly assigned to use dry saws to cut cement blocks. Senator Alarcon&rsquo;s office reported that, according to the National Institute for Occupational Safety and Health, there were 89 confirmed silicosis fatalities from 2000 to 2002 directly related to occupational exposure to silica in California. The permitted exposure limit for exposure to respirable crystalline silica in an eight-hour shift can be exceeded in less than one hour of cutting masonry without wetting the saw and the material.

The risks of exposure to silica dust and the fact that enforcement of the prohibition would be covered within the budget for Cal/OSHA convinced even the two Republicans on the Assembly Labor and Employment Committee to vote for SB 46. Republicans Alan Nakanishi and Guy Houston joined Democrats Mark Leno, Wilma Chan, John Laird, Paul Koretz, Judy Chu, and Johan Klehs in supporting the bill.

So far, there is no opposition to the legislation. The BAC&rsquo;s James Bresnahan reported that even the California Chamber of Commerce supports SB 46.

Also onboard is the California Labor Federation. Jeremy Smith, the Federation&rsquo;s Legislative Advocate in Sacramento, said that &ldquo;It&rsquo;s important to realize that silica from dry cutting bricks and masonry doesn&rsquo;t just affect bricklayers. It also affects carpenters, laborers, operating engineers, and cement masons as the dust is distributed around the job site. The California Labor Federation represents all crafts and trades and that is why we&rsquo;ve lent our voice to the chorus of supporters.&rdquo;

Smith also pointed out that on unionized construction sites workers are treated better than on non-union projects and have the collective strength of the union to fight for jobsite safety. &ldquo;In a non-union setting you run the risk of being fired if you speak up about unsafe practices,&rdquo; he said. &ldquo;On a union jobsite you have a better hammer, more power to stop the dry cutting. But with SB 46, that gives us stronger enforcement.&rdquo;