

# **National Council for Occupational Safety and Health**

**c/o New York Committee for Occupational Safety and Health (NYCOSH)  
275 Seventh Avenue, 8<sup>th</sup> floor  
New York, New York  
212-627-3900**

October 6, 2005

Dear Senator/Member of the House of Representatives:

Thousands of disaster responders, workers, and volunteers in the Gulf Coast areas affected by Hurricane Katrina remain inadequately protected against exposure to environmental health hazards.

As individuals and organizations in the fields of community, public health and occupational and environmental health and safety, disaster response, recovery and cleanup, we are greatly concerned. Many of us have been directly involved in 9/11 rescue, response, and recovery efforts. In the wake of the terrible tragedy of Hurricane Katrina we urge that the lessons learned in 9/11 response efforts not be ignored in Katrina response operations.

As we came to recognize in the aftermath of 9/11, there is a difference between rescue and recovery. Now, however, a month after the storm, we are now well into the recovery stage on the Gulf Coast, and therefore EPA and OSHA should immediately commence enforcement of life-saving workplace and environmental laws and regulations.

Failure to do so puts countless workers and residents at risk of contracting preventable environmental and occupational diseases. This was our experience in the aftermath of 9/11, when thousands of workers and residents were unnecessarily exposed to toxic substances after being assured by EPA that the air was safe to breathe. At the same time, workers were left unprotected by OSHA, which declined to enforce its respiratory protection standard and other regulations. The illnesses of thousands of New York workers and residents today are in part the result of the failure of government agencies to enforce environmental and occupational health regulations after 9/11.

Therefore, we are unalterably opposed to the legislative proposal of Senator James Inhofe (R-OK) to allow the Environmental Protection Agency to temporarily suspend or relax its rules.

Although it is not yet possible to characterize with certainty the toxic nature of the flood waters that cover Louisiana and Mississippi, what is known is of great concern. The flood waters have been contaminated by 6.7 million gallons of petroleum as a result of major spills from refineries and with another 1-2 million gallons of gasoline from gas stations and 300,000 flooded cars. There have been hundreds of smaller oil spills (396 as of Wednesday 9/14). The flood waters contain elevated levels of sewage, bacteria, lead, mercury, hexavalent chromium, arsenic, and pesticides. Some contaminants, such as benzene, are presumed to be present in such large quantities that the EPA has not considered it necessary to conduct sampling. The flood waters impacted 31 hazardous waste sites and 446 industrial facilities that reported handling highly dangerous chemicals before the storm. Thousands of damaged buildings are likely to be contaminated with mold and asbestos. Additionally, to our knowledge, no tests have been conducted for dioxin which is known to be present at levels of concern in southwest Louisiana.

As the flood waters recede, contaminants that remain have the potential to become airborne when disturbed by natural causes (wind and other storms) or by cleanup activities, creating an even

greater occupational and public health hazard.

The Centers for Disease Control and Prevention and the Environmental Protection Agency Joint Taskforce published on September 17, 2005 an initial Environmental Health Needs and Habitability Assessment. The report provides an outline of the threats to the health of the public and of the workers who will be involved in cleaning up the areas impacted by Katrina. These threats are serious and are unprecedented in scope.

The joint report provides a valuable overview. However, it offers no details concerning what needs to be done to protect workers and residents. That is why we believe that Congress should act on the following recommendations. We must not repeat the errors of 9/11 today in New Orleans. Response and recovery operations must proceed expeditiously, but the health and safety of those engaged in such efforts must be protected.

We urge immediate action on the following steps:

1. **Presume Contamination Until Proven Otherwise:** Given the wide range and toxic nature of contaminants to which workers, volunteers, and residents may be exposed, it is imperative that work areas be presumed to be contaminated and that appropriate precautionary measures be implemented until the work environment is demonstrated to be safe.
2. **Implement the National Response Plan=s Worker and Community Environmental Testing and Monitoring Provisions:** The worker and community environmental testing and monitoring provisions of the National Response Plan must be followed closely. It provides for hazard identification, environmental sampling, personal exposure monitoring, collecting and managing exposure data, development of site-specific safety plans, immunization and prophylaxis, and medical surveillance, medical monitoring and psychological support.
3. **Enforce all OSHA and EPA Regulations:** Environmental and occupational health standards must be strictly enforced. We are distressed that OSHA has defined its role in Katrina response, as in 9/11, as advisory rather than enforcement.
4. **Assess the Hazards:** EPA should conduct comprehensive environmental sampling to characterize the nature and extent of environmental hazards and NIOSH and OSHA must conduct a comprehensive assessment of the hazards posed to recovery workers. Hazard assessment should include evaluation of environmental hazards presented by chemical plants and refineries, hazardous waste sites, in-place building materials, biological agents, and other potential sources affected by the storm. Environmental monitoring should be ongoing. Sampling results should be accessible to the public in a timely manner. Toxic materials should be catalogued, evaluated and tested, and any known or potential releases contained. Failure to act will threaten returning residents and workers and will increase long-term cleanup costs as toxic substances spread to larger areas.
5. **Train and Protect Clean Up Workers:** All cleanup workers (public and private sector, paid and unpaid) should receive the appropriate OSHA-required training and equipment for protection against the hazards to which they may be exposed. OSHA should specify the minimum training that must be provided to workers engaged in clean-up and recovery. Training may include that which is required under OSHA's Hazard Communication, Respiratory Protection, Personal Protective Equipment, and Hazardous Waste Operations and Emergency Response standards.. Protective equipment may include respirators and protective clothing and equipment.
6. **Provide Appropriate Decontamination for Workers:** To protect worker and public health, emphasis must be placed on regular decontamination of workers and volunteers and of their protective gear, tools, equipment, and vehicles. Workers and volunteers must be trained in the

importance of meticulous personal hygiene in the presence of toxics and must be provided with appropriate decontamination and sanitary facilities.

7. Provide Medical Surveillance: Provision must be made for early detection and treatment of occupational, environmental, and psychological illnesses. To ignore the medical needs of potentially exposed workers and residents is asking them to be guinea pigs in a long-term experiment the consequences of which remain unknown. All public and private sector rescue, response, and cleanup workers, including volunteers, should be entered into a centralized database to facilitate medical surveillance.

8. Protect Vulnerable Workers: Special consideration must be given to protection of immigrant and temporary workers, who reportedly are being recruited in large numbers. In 9/11 response efforts, immigrant and temporary workers were the workers least likely to be provided with proper training and respiratory protection, and were the workers least likely to have medical insurance. As a result, they incurred high rates of illness without having access to medical treatment.

9. Adopt Uniform Re-occupancy Standards: EPA must work with local governments to ensure that a protective health and safety standard for re-occupancy applies uniformly to all communities and also is sensitive to the needs of vulnerable populations. EPA has indicated that it will permit local authorities to determine re-occupancy criteria, but it is critical to ensure that all re-occupancy occurs according to standards that are adequately protective of public health.

A cleanup of this magnitude and complexity has never been undertaken. While we support proceeding with the cleanup and recovery with dispatch, protection of the health of clean-up workers and of the public at large must be given the highest priority.

*The National Council for Occupational Safety and Health is a federation of non-profit organizations around the United States that advocate for worker safety and health. COSH groups are private, non-profit coalitions of labor unions, health and technical professionals, and others interested in promoting and advocating for worker health and safety.*

#### Endorsing Organizations

9/11 Environmental Action

Association of Community Organizations for Reform Now (ACORN)

Atchafalaya Basinkeeper (LA)

AFL-CIO

Alliance for Healthy Homes

Amalgamated Transit Union

American Federation of Government Employees

American Federation of State, County and Municipal Employees

American Federation of State, County and Municipal Employees/CSEA, Local 100

American Federation of State, County and Municipal Employees, Local 264

American Federation of Teachers/AFTHealth Care

American Public Health Association

Asian American Legal Defense and Education Fund

Association of Occupational and Environmental Clinics

Buckeye Environmental Network

Buffalo Musicians Association, Local 92 AFM

Center for Health Environment and Justice

Center for the Biology of Natural Systems, Queens College, CUNY

Center for Constitutional Rights

Center for Public Health and Health Policy, University of Connecticut  
Change To Win  
Chemical Sensitivity Disorders Association  
Church World Service Emergency Response Program  
Citizen Action of Western New York  
Citizen's Environmental Coalition  
Citizens Leading for Environmental Action and Responsibility (New Hampshire)  
Clean Water Action  
Coalition for Economic Justice/JWJ-Buffalo  
Coalition of Black Trade Unionists, Buffalo Chapter  
Communications Workers of America  
Communications Workers of America, District 1  
Community Concerned About NL Industries  
Connecticut Coalition for Environmental Justice  
Confined Space Weblog: News and Commentary on Workplace Health & Safety, Labor and Politics  
Deep South Center for Environmental Justice at Dillard University (New Orleans)  
Division of Occupational and Environmental Medicine, School of Medicine, University of Connecticut  
East Massachusetts Jobs With Justice  
Environmental Community Action (Atlanta)  
Environmental Health Fund  
Environmental Health Watch  
Environmental Justice Resource Center at Clark Atlanta University  
Global Resource Action Center for the Environment (Grace) Public Fund  
Government Accountability Project  
Greater Boston Physicians for Social Responsibility  
Harriet Hardy Institute  
Health Care Without Harm  
Healthy Schools Network  
Houston Council on Occupational Safety and Health  
Health Professionals and Allied Employees, American Federation of Teachers  
International Brotherhood of Teamsters  
International Brotherhood of Teamsters, Local 264  
International Union of Operating Engineers, Local 17  
International Union of Painters and Allied Trades, District Council 4  
Lasco County Citizens for Human Dignity (Oregon)  
Latin American Organization for Immigrants Rights  
Learning Disabilities Association of California  
Louisiana Environmental Action Network  
Maryland Pesticide Network  
Massachusetts Coalition for Occupational Safety and Health  
mi casa - S.T.E.P.S. housing movement  
Mississippi Workers' Center for Human Rights  
National Center for Environmental Health Strategies, Inc.  
National Council of Churches of Christ, USA  
National Council of La Raza  
National Employment Law Project  
National Environmental Trust  
National Education Association Healthy Schools Caucus  
National Immigration Law Center  
National Puerto Rican Coalition  
Natural Resources Defense Council  
New Hampshire Coalition for Occupational Safety and Health

New Jersey Work Environment Council  
New York City Central Labor Council  
New York Committee for Occupational Safety and Health  
New York State Council of Churches  
New York Disaster Interfaith Services  
New York State Labor-Religion Coalition  
New York State Nurses Association  
New York State Public Employees Federation  
Next Generation Choices Foundation  
North Carolina Justice Center  
Nuclear Age Peace Foundation  
Ocean State Action (RI)  
Office & Professional Employees International Union, Local 212  
OMB Watch  
Oregon Center for Environmental Health  
Oregon Physicians for Social Responsibility  
Pesticide Action Network North America  
Philadelphia Area Project on Occupational Safety and Health  
Philadelphia Jobs With Justice  
Physicians for Social Responsibility  
Physicians for Social Responsibility-Los Angeles  
Public Citizen  
Public Health Association of New York City (PHANYC)  
Puerto Rican Legal Defense and Education Fund  
Restaurant Opportunities Center of New York (ROC-NY)  
Retail, Wholesale and Department Store Union, UFCW  
Rhode Island Committee on Occupational Safety and Health  
San Francisco Bay Area Physicians For Social Responsibility  
Sciencecorps  
Sierra Club  
Society for Occupational and Environmental Health  
Sweatshop Watch  
The Council of Churches of the City of New York  
The New York Immigration Coalition  
Toledo Area Jobs With Justice  
Toxic Action Center  
UNITE HERE! Rochester Joint Board, Buffalo District  
United American Nurses  
United Auto Workers (UAW), International Union  
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United Auto Workers (UAW), Local 879  
United Church of Christ National Disaster Ministries, Disaster Response Coordinators Network  
United Methodist Church NY Annual Conference  
United Steelworkers  
United Support & Memorial For Workplace Fatalities  
Vermont Public Interest Research Group  
We Act for Environmental Justice, Inc.  
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Western New York Council On Occupational Safety and Health  
Work Life Institute (Houston)  
WORKSAFE!  
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