

Alliance Institute, Inc. • Bayou Interfaith Shared Community Organizing • Boat People SOS •
Center for Fair Housing • CAWIC • Deep South Center on Environmental Justice •
Federation of Southern Cooperatives • Gulf Restoration Network • Holy Cross Neighborhood
Association • Hope Haven • Interfaith Worker Justice • Justice & Witness Ministries • Latino
Farmers Cooperative of Louisiana • Louisiana Bayoukeeper • Louisiana Bucket Brigade • Louisiana
Environmental Action Network • Lower 9th Ward NENA • Mary Queen of Vietnam CDC • Mississippi
Worker Center for Human Rights • Mobile Baykeeper • Moving Forward Gulf Coast •
Natural Resources Defense Council • New Orleans Workers' Center for Racial Justice •
North Gulfport Community Land Trust • People's Environmental Center • Renaissance Project •
South Bay Community Alliance • Tri-Coastal Community Outreach • The Village/Pueblo •
Portersville Revival Group • Oxfam America • Vietnamese American Young
Leaders Association of New Orleans • V.O.T.E.

May 28, 2010

Secretary Hilda L. Solis
U.S. Department of Labor
200 Constitution Avenue, N.W.
Washington, DC 20210

Dr. David Michaels, Ph.D., M.P.H.,
Assistant Secretary of Labor for Occupational Safety and Health
U.S. Department of Labor
Occupational Safety & Health Administration
200 Constitution Avenue, NW
Washington, DC 20210

John Howard, M.D.
Director, National Institute for Occupational Safety and Health
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Dr. Linda S. Birnbaum
Director, National Institute of Environmental Health Sciences
P.O. Box 12233
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Dear Secretary Solis, Assistant Secretary Michaels, Director Howard, and Director Birnbaum:

We write to request that the Department of Labor (DOL), National Institute for
Occupational Safety and Health (NIOSH), and National Institute of Environmental Health

Sciences (NIEHS) work together to immediately address worker and fishermen safety and health concerns related to the BP oil spill in the Gulf Coast. While we appreciate the information that has been distributed to inform fishermen and workers of health and safety issues, we are concerned that not enough is being done to adequately protect them as they come into contact with oil-contaminated areas.

As you know, there are increasing reports of workers, many of whom are fishermen who have been hired by BP to clean up the gulf oil spill, reporting that they have become ill after working long hours in the oil-contaminated area. Today, there are reports of fishermen being hospitalized for health reasons related to oil exposure, which led to the Coast Guard ordering all 125 commercial vessels that were helping clean up spilled oil to return to shore. Last week, the wives of some of the fishermen spoke out publicly about the symptoms their husbands were experiencing. Fishermen are reporting that after being out on the water for some time and inhaling fumes from spilled oil, they are feeling drugged, disoriented, tingling, fatigued, and also reporting shortness of breath and cough. These are symptoms that are consistent with what one might expect from inhalation exposure to hydrocarbons in oil or hydrogen sulfide. The fishermen have not been provided with any respiratory protection, and no air quality monitoring data have been made public to our knowledge.

There are also disturbing photos that have been posted on the internet¹ and in the Los Angeles Times,² showing clean-up workers on beaches in regular street clothes without even the benefit of gloves. These people are in contact with the weathered oil (as opposed to fresh oil bubbling up from the continuing leak). Weathered oil is considered less dangerous than fresh oil because the toxic vapors have dissipated, but it is not benign. Skin contact with even the weathered oil is very damaging, so gloves should be required. In addition, the oil can contaminate shoes and clothing, and could then be worn home where it could pose a risk to young children. The oil needs to be cleaned up, but it should be done in a way which is safe for the workers.

¹ See <http://www.facebook.com/group.php?gid=118059078226051>.

² *Oil spill caused by 'a confluence of unfortunate events'*, Los Angeles Times, May 23, 2010

We understand that DOL is working with NIEHS to generate and distribute oil spill cleanup safety guides and fact sheets throughout the Gulf region to better inform workers of Occupational Safety and Health Administration (OSHA) requirements that BP should be meeting, and their rights. Unfortunately, these reports from the ground demonstrate that workers are often not always being provided with adequate training and personal protective equipment as recommended in the fact sheets.

Moreover, we are concerned that workers are not being given fitted respirators to prevent occupational diseases caused by breathing air contaminated with harmful chemicals in oil. The OSHA Fact Sheet on Deepwater Horizon³ that was distributed in the Gulf Coast in early May, although helpful, only mentions the need for gloves, boots, overalls, and life jackets. It does not reference a need or requirement for respirators. OSHA Respiratory Protection standard 1910.134(a)(2) states “a respirator shall be provided to each employee when such equipment is necessary to protect the health of such employee” and that the employer shall establish a “respiratory protection program” in these situations. BP is not requiring the use of respirators for workers and has not developed a respiratory protection program. It is not clear to us, given the symptoms workers are reporting, that it is appropriate for them to be working without respirators.

In light of these health threats to workers, we request the following:

1. DOL strongly enforce OSHA’s Hazardous Waste Operations and Emergency Response standards requiring personal protective equipment, including respirators as required under Respiratory Protection standards, against BP;
2. OSHA work with NIEHS to provide medical surveillance for workers;
3. OSHA and NIEHS publicly release any data that is available on worker exposures;
4. NIOSH immediately initiate a Health Hazard Evaluation to investigate gulf oil spill worker health concerns; and
5. DOL work with EPA and the Coast Guard to obtain independent air monitoring in places where workers could come into contact with oil or may be exposed to fumes from the oil.

³ See <http://www.osha.gov/oilspills/deepwater-oil-spill-factsheet-ppe.pdf>.

We look forward to working with the Administration to ensure that the health of thousands of fishermen and workers are not unnecessarily put at risk. Thank you.

Sincerely,

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