PRESS RELEASE

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Union and Public Interest Advocates Serve Notice of Intent to Sue,
Plan to Seek Order to Protect Workers

Richland, WA: Hanford Challenge, United Association Local 598, and Washington Physicians for Social Responsibility announce service of notice of intent to sue the U.S. Department of Energy (DOE) and Hanford contractor Washington River Protection Solutions (WRPS). Groups seek to ensure that workers at the Hanford nuclear site are protected from exposures to toxic vapors from Hanford’s high-level nuclear waste tanks.

Pete Nicacio, Business Manager for United Association of Steamfitters and Plumbers, Local 598, which represents numerous Hanford workers, said,

“We have had enough. Hanford management continuously denies ever exposing workers to toxic vapors, yet our members have been exposed and sickened for decades. They don’t have the monitoring equipment in place, they don’t have enough people to do the monitoring, and worst of all, Hanford officials have made it clear that they think there is no problem. It is hard to see how another report is going to make any real difference without more accountability. That is why we are taking action today by serving this Notice.”

On November 19, 2014, the Washington State Office of the Attorney General announced the State’s notice of intent to sue DOE and WRPS on the same subject of vapor exposures. Washington State Attorney General Bob Ferguson said, “Hanford workers face a very real and immediate health risk. The federal government has a responsibility to keep these Washington workers safe and I intend to hold them accountable.”

Both actions were served pursuant to provisions of a federal law governing hazardous waste called the Resource Conservation and Recovery Act (RCRA), which applies to the mixed radioactive and chemical waste stored and treated at Hanford. RCRA requires that a 90-day notice of intent to sue be sent to the offending party before a lawsuit may be filed.

The notice of intent to sue follows the publication of an expert report funded by DOE after numerous workers received medical evaluation and treatment after experiencing toxic vapor exposures at Hanford. The panel of experts who wrote the report found that WRPS’s program to
protect workers was inadequate. Findings and recommendations from this report and numerous past reports on Hanford worker exposure to toxic vapors have yet to be implemented.

Despite the extensive history at Hanford of toxic vapor exposures and multiple studies on the subject, workers’ health and safety continues to be jeopardized.

“The current number of workers sent for medical evaluation since March 2014 has risen to over 56,” said Tom Carpenter, Executive Director of Hanford Challenge. “There have been some 30 reports over the past 25 years on the Hanford toxic vapor issue,” according to Carpenter. “It is time to break this cycle and bring accountability to Hanford so that workers are protected.”

Serious injuries and illnesses among workers have resulted from toxic vapor exposures, including brain damage, decreased lung capacity, and nervous system disorders. Laura Skelton, Executive Director, Washington Physicians for Social Responsibility, said,

“Members of our healthcare community operate under the precautionary principle. If we suspect that workers will be sickened by hazardous chemicals, we take precautions against any possible exposure to those chemicals. It is imperative that DOE and its contractor WRPS employ the best available precautions to keep workers safe.”

The citizen groups’ action announced today seeks specific behaviors from Hanford officials designed to protect workers, including (1) immediately institute protective measures to prevent toxic vapor exposures, (2) implement systemic changes to Hanford’s chemical protection program, (3) conduct comprehensive medical monitoring for past and present Hanford tank farm workers, and (4) fix the compensation programs to assist workers in getting medical treatment for injuries and illnesses resulting from toxic exposures.

The citizen groups are represented by the law firms of Smith & Lowney, PLLC (Seattle, WA) and Public Justice, PC (Washington, D.C.). Richard Webster, Staff Attorney for the Environmental Enforcement Project at Public Justice, said, “Toxic vapors from the waste in tanks are endangering the health of Hanford workers. This violates the federal Resource Conservation and Recovery Act, which specifically and explicitly prohibits even potential endangerment of health. We are therefore pleased to help to enforce federal law in this case.”

“Hanford has endangered its workers for far too long. Today, citizens are taking action to force the Department of Energy and its contractors to implement long overdue protections for workers on the front line,” said Meredith Crafton, an attorney with Smith and Lowney.

Useful links: (all found at www.hanfordchallenge.org)
(1) Citizen’s Notice of Intent to Sue
(2) Selected Findings from Savannah River report
(3) Selected Findings from Past Reports on Vapor Exposures at Hanford
(4) Diana Gegg decision in vapor exposure case
(5) Letter from HC to WA State Attorney General on state oversight