

CAROLYN B. MALONEY  
14TH DISTRICT, NEW YORK

2331 RAYBURN HOUSE OFFICE BUILDING  
WASHINGTON, DC 20515-3214  
(202) 225-7944

COMMITTEES:

FINANCIAL SERVICES

GOVERNMENT REFORM

JOINT ECONOMIC COMMITTEE



**Congress of the United States**  
**House of Representatives**  
Washington, DC 20515-3214

DISTRICT OFFICES:  
 1651 THIRD AVENUE  
SUITE 311  
NEW YORK, NY 10128  
(212) 860-0606

28-11 ASTORIA BOULEVARD  
ASTORIA, NY 11102  
(718) 932-1804

WEBSITE: [www.house.gov/maloney](http://www.house.gov/maloney)

July 8, 2010

Mr. David Michaels  
Assistant Secretary  
Occupational Safety and Health Administration  
U.S. Department Of Labor  
200 Constitution Avenue  
Washington DC 20210

Dear Mr. Michaels,

I read with great interest your prepared testimony in late June before the House Committee on Education and Labor, concerning all the efforts your agency is making to keep those workers involved in the massive cleanup of the BP Deepwater Horizon oil spill as safe as possible. I appreciate the extraordinary measures you and your agency are doing to address this unprecedented challenge to the health and well being of the many charged with cleaning and restoring the Gulf Coast.

As you may know, I have been involved in efforts to address the long term healthcare needs of the many workers in New York City who suffered catastrophic health consequences due to their exposure to the toxic soup of elements and hazards present in the immediate aftermath of 9/11 and in the cleanup efforts that followed. What may charitably be called an overly optimistic assessment by members of the Bush administration of the risk of long-term exposure to that environment cost many of those cleanup workers their health, even their lives.

Today, I find myself deeply concerned that the unprecedented size, complexity, and duration of the BP oil spill cleanup operation may mean that the risks of long term exposure to the many hazards the cleanup workers face are underestimated. In your testimony, you noted that those risks include, but are not limited to, exposure to and inhalation of the fumes from crude oil, oil byproducts, dispersants, cleaning chemicals and the smoke from burn-off efforts at sea. You went on to list electrical hazards, the risk of being hit by the numerous vehicles dropping off supplies, hazards from heat, falls, drowning, fatigue, loud noises, sharp objects, as well as bites from insects, snakes and other wild species native to the region.

According to your testimony, there are a total of 33,000 people and 6,000 boats involved in the cleanup efforts in that extremely hazardous environment. And again according to your testimony, there are only 25 inspectors assigned solely to the Oil Response Cleanup. That seems like an awful lot of ground and a great many hazards for 25 people to cover.

My safety concerns were only underscored by the workshop that the Institute of Medicine held last week in New Orleans, where one of the big take away messages was that because of the uniqueness of this spill, we really do not know the risks of long term exposure to such an environment. Another important issue raised is that while personal protective equipment and respirators can effectively minimize the risks of exposure to toxic chemicals, the gear is only effective if it is worn. And the gear may be discarded in conditions of high heat and humidity. The average daytime high in New Orleans for the next two months is a hot, humid 91 degrees.

I have reviewed the NIOSH-OSHA Interim Guidance report for protecting oil spill cleanup and response workers and value the recommendations and precautions outlined in this report. I am glad to see that these recommendations include when respirators are needed by location and hazard as well as what type of respirator should be worn. However, I could not find a clear indication of what OSHA will do to enforce the use of respirators.

This brings me to the purpose of this letter. I request from you the following information:

- How will OSHA enforce the use of respirators and other protective clothing in those conditions that require cleanup workers to wear them?
- Given that a simple shift in the wind can alter whether or not cleanup workers require a respirator mask, how is OSHA ensuring timely and adequate monitoring of conditions and hazards across the vast expanse of the spill?
- What scientific and systemic efforts has OSHA undertaken to balance the very serious concerns of heat exhaustion with the need to wear personal protective equipment, including respirators, in the appropriate risk environments?
- Do you have a "Safety-Whistleblower Hotline"? A well publicized "800" number where workers can report safety lapses?
- Are the oversight resources of 25 inspectors currently available to OSHA adequate for the task at hand?
- What steps is OSHA taking to ensure reports and data of health concerns are collected in a centralized place?
- In assessing exposure to such a high risk environment, one that has never before been encountered on such a scale, are you fully confident that you have accounted for the true long term risks to cleanup workers health?

I look forward to your response and once again express my appreciation for your efforts so far. I have no doubt that this is a very stressful and difficult time for the men and women of OSHA. Thank you all for your hard work.

Sincerely,

  
CAROLYN B. MALONEY  
Member of Congress