

STATEMENT OF JOHN THAYER
BEFORE THE
SENATE COMMITTEE ON HEALTH EDUCATION LABOR AND PENSIONS,
SUBCOMMITTEE ON EMPLOYMENT AND WORKPLACE SAFETY
HEARING ON BANNING ASBESTOS IN AMERICA
MARCH 1, 2007

My name is John Thayer and I am the supervisor of the Capitol Power Plant Tunnel Crew that works for the Architect of the Capitol. There are 10 of us in the crew. We maintain the five miles of underground utility tunnels that supply heat and cooling to all of Congress and some 20 other federal office buildings on Capitol Hill. Some of us have worked in the tunnels for over 20 years – I've worked for the AOC for 22 years. If you all are comfortable sitting in this room, it's because our team of pipe-fitters and welders and electricians is doing its job.

The tunnels are a tough place to work. Temperatures get up to 160 degrees, big slabs of concrete fall from the ceilings, and the cramped passages are thick with welding fumes, pulverized asbestos and concrete dust. The Capitol Police refuse to patrol the tunnels out of concern for the safety of their dogs. The fire department will not attempt an emergency rescue in the tunnels because there are no communications systems and access is extremely limited.

On behalf of the entire tunnel crew, I want to express our support for your initiative, Senator Murray, in holding this hearing on banning asbestos. We know from personal experience the lethal danger that asbestos presents because we have worked in and breathed asbestos for decades, and are now beginning to suffer the health consequences. And if workers at the heart of the U.S. government are being put at risk, then imagine what it must be like for the millions of unseen workers in private industry.

Just over a year ago, we found out that the AOC had been misleading us for years about the extent of our workplace exposure to asbestos. The Architect knew, but didn't tell us, that the concentration of airborne asbestos in the tunnels was extremely toxic – 30 to 40 times the legal limit. We discovered this when the Office of Compliance filed an unprecedented complaint against the Architect for not fixing safety problems that the OOC had identified seven years earlier. So we asked to see the medical records from our annual employment physicals conducted by the Office of Attending Physician. My own records stated that my lung age was 118 years old. I was 33 at the time. No one ever told me this: on the contrary, every year the doctor gave me a paper saying I was cleared to work in the tunnels. We all got those pieces of paper.

We needed to find out the truth. Three of us drove all the way to Detroit in July 2006 to see Dr. Michael Harbut, a nationally-renowned expert at the Karmanos Cancer Institute who has diagnosed and treated thousands of patients with asbestos-related diseases. We learned that we all had signs of asbestos exposure. Let me tell you, that was a very long, quiet drive home – three relatively young, otherwise healthy guys, who don't smoke, who live pretty simply, learning that we had caught something at work that might kill us, and we could die a lot earlier than normal.

Even worse, the Architect had let us carry deadly asbestos home in our clothes every day for years, without telling us that this posed a real risk to our wives and children. Banning asbestos is important not only for the safety of the workers who handle it, but also for their families.

We've now all been examined by Dr. Harbut – traveling at our own expense to get the standard of care recommended by the American Thoracic Society under Dr. Harbut's leadership, the care denied us by the AOC. Preliminary results show that as many as nine of us have asthma that requires treatment. Seven of us have signs of asbestosis. All of us have elevated risks of lung cancer, colon cancer and mesothelioma. We are essentially ticking time bombs.

Last Spring we sat in hearings held by Sen. Allard and heard the Architect lie to Congress about the hazards we face on the job. We were not invited to speak. AOC management claimed they had just learned about the asbestos problem, when in fact they had known about it for years. They blamed us for our medical conditions by claiming that we would not follow safety rules, when in fact they had never provided us with the necessary respirators and decontamination equipment.

The AOC continues to misrepresent working conditions in the tunnels. It's tried to sweep the problem under the rug by hiring contractors to turn power washers on the asbestos in some of the tunnels. Contractors that regularly violate OSHA procedures. Contractors that endanger the public by allowing asbestos to be released into the air through the grates on the sidewalks of Capitol Hill. This is nothing new: asbestos has been blowing through those grates for years, but it's gotten worse. I've tried in vain to stop them from running the exhaust fans. Recently they restarted the fan that blows out on the street along the Hart Building.

It's been a year since we wrote to several members of Congress pleading for help. But neither the Architect nor Congress has effectively addressed the problem. In fact, just days ago, two crew members' personal exposure monitors showed six times the allowable asbestos exposure. We have also been retaliated against for blowing the whistle on our unsafe working conditions, and have filed a complaint against the AOC with the Office of Compliance. We are now preparing to take that fight to federal court.

We should not have to go to court to be compensated for our injuries and defend our right to speak out for a safe workplace. We call on you – the members of Congress for whom we work – to do what you can to see that we are compensated for the irreparable harm we have suffered. And we call on you to ban asbestos from all workplaces so that no one has to risk their own welfare and that of their families just to earn a living.