

1 you, from what I have heard today.

2 MR. PODONSKY: That is what our
3 understanding has been, actually, all along. It is
4 just that Ambassador Brooks is actually listening to
5 us.

6 CHAIRMAN CONWAY: Thank you very, very
7 much. We always attempt to give individuals from the
8 public time to speak, in each and every one of our
9 hearings. I have one individual: Mr. Herman Potter,
10 who represents PACE International Union [Paper,
11 Allied-Industrial, Chemical and Energy Workers], has
12 indicated the desire to speak this morning.

13 Mr. Potter, please come forward, and we
14 welcome you.

15 MR. POTTER: Thank you. Thanks for
16 listening to this testimony this morning. My name is
17 Herman Potter, I work for PACE International Union,
18 and I was formerly the health and safety
19 representative for the Portsmouth Gaseous Diffusion
20 Plant in Ohio.

21 PACE represents hourly employees at 11 of
22 the nuclear DOE sites. There is a need for
23 technically qualified, enforceable federal oversight
24 to police DOE's health and safety practices. This
25 need is presently underscored by the situation at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS

1323 RHODE ISLAND AVE., N.W.

WASHINGTON, D.C. 20005-3701

(202) 234-4433

www.nealrgross.com

1 Hanford Tank Farms, where workers have been getting
2 sick for the past year and a half coming out of the
3 high level waste tanks.

4 Although there is external regulation, is
5 the only credible path forward, we think the situation
6 could be improved through the enforcement of
7 technically sound regulations for construction and
8 industrial health and safety required by the National
9 Defense Authorization Act of 2003.

10 I do want to thank the Board for affording
11 us an earlier opportunity to brief you on the Hanford
12 Tank Farm issues. It has become plain that DOE and
13 the contractor have been sacrificing workers' health
14 and safety in the pursuit of accelerated cleanup
15 deadlines and enhanced award fees.

16 Over 1,200 chemicals have been documented
17 in the vapors contained within the Hanford Tank head
18 spaces. Workers are being exposed to these burps of
19 vapors periodically. They are suffering many acute
20 effects, but they are also suffering, potentially
21 suffering from the chronic effects, as indicated by
22 DOE's PNNL [Pacific Northwest National Laboratory]
23 draft report of 1997. As many as 1.6 in 10 will get
24 cancer.

25 Recently the exposures at these tank farms

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 have skyrocketed. The DOE is conspicuously silent in
2 the face of these rampant violations of worker health
3 and safety. The DOE, the lack of DOE there actually
4 allows the contractor to provide better appearances
5 that they are actually doing things to take care of
6 the problems which, in reality, is that nothing is
7 being done.

8 The monitoring plans and practices are
9 inexcusably inadequate. The equipment used to monitor
10 these exposures do not measure, would not measure all
11 the 1,200 chemicals that are potentially there.

12 And, also, the monitoring practices only
13 capture part of the time that the workers are out
14 there, a very small fraction of the time that the
15 workers are out in the field.

16 Also the instruments: the way the
17 monitoring is being done, there are exposures that are
18 being unrecorded and unacknowledged. This actually
19 will leave the tank farm workers that could be
20 affected with no dose record.

21 And, also, the sampling practices and
22 programs will not identify exposures coming from
23 short-term high concentration exposures. In 2000,
24 Congress enacted compensation legislation that
25 actually addressed these type of practices in their

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 Federal Workers Compensation, the Energy Employees
2 Occupational Illness Act.

3 This legislation was promulgated because
4 DOE and its contractors were willfully and
5 professionally negligent in identifying, monitoring,
6 and preventing worker exposures. These conditions
7 continue to exist at the DOE complex.

8 Also, the contractor at the Hanford Tank
9 Farms, they do allow the workers to have a voluntary
10 respirator program, and they actually -- the workers --
11 -- are actually requesting that. Although any request
12 for that type of PPE actually puts them in -- it is
13 always debated, they are always in question of whether
14 they need it or not.

15 And that is primarily because the
16 contractor maintains that the chemical fumes that are
17 coming out of these tanks are nuisance odors. And
18 that is the position they are actually taking, even
19 though their programs are not adequate enough to
20 ensure that.

21 The contractor also maintains that the
22 workers need better training to realize that those
23 exposures are not going to hurt them. And actually we
24 disagree with that, because we feel like the workers
25 are exercising their questioning attitude.

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 They know, they see these programs, and
2 they see these practices, and they are questioning
3 these practices, because they just do not make sense.
4 Actually the other things that they are questioning is
5 why isn't DOE holding the contractor more accountable
6 to address these concerns in the proper manner.

7 PACE would like to see the DNFSB presence
8 at Hanford, a more robust DNFSB at Hanford, monitoring
9 the tank farm vapor problems. We appreciate the
10 communications with the Assistant Secretary for EM,
11 and appreciate that she is asking the contractor to do
12 more after our meetings with her.

13 However, we do not think that anything
14 will get done unless somebody is there watching and
15 ensuring it gets taken care of.

16 PACE recommends the following: One, a
17 resident DNFSB officer shall be placed at the Hanford
18 Tank Farms site to specifically address exposure
19 concerns. This officer would investigate the
20 compliance application of the operations, not just the
21 paper policies that are in place.

22 We recommend a stand-down of pumping
23 operations until the DNFSB is assured there is a
24 formal procedure for monitoring, which is non-
25 existent, that identifies and characterizes all

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 potential chemical exposures are in place.

2 The appropriate controls and PPE [Personal
3 Protective Equipment] are readily available, that no
4 threat of layoffs or subtle harassment exist, that
5 would perpetuate a chilling effect atmosphere.

6 Also to act as an oversight for DOE's
7 promulgation of regulations for Order number 440.1A,
8 and make those enforceable. PACE is aware that the
9 DNFSB has intervened to prevent Order number 440.1A
10 from being downgraded to guidelines, and we appreciate
11 your vigilance, and very much want it to continue.

12 And I want to thank you for this
13 opportunity to appear here today.

14 CHAIRMAN CONWAY: Thank you.

15 MR. FORTENBERRY: Yes, I just want to make
16 a couple of general points before we close, just for
17 the record, here, if this is the right time, John?

18 CHAIRMAN CONWAY: Well, let me just say
19 this. We appreciate, we are obviously looking, and we
20 did meet with you, and we have followed up. We had
21 discussions with Jessie Roberson as a follow-up after
22 you had met with her, also.

23 And we had the Site Rep out at the
24 location, who has been getting out to, and does get
25 out to the tank farm. In fact, he has been out there

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701

1 some times, I've been told, at two in the morning.
2 But we will continue, obviously, to look into this.

3 And the problem, I gather, there was a
4 problem out there with some people being laid off. I
5 didn't get into that, but apparently it has been
6 resolved?

7 MR. POTTER: They have been reinstated.

8 CHAIRMAN CONWAY: That is what I
9 understood, yes. So we did follow-up, and there was
10 another matter you had suggested, and we looked into
11 that other matter once you brought it to my attention.

12 MR. POTTER: Thank you.

13 CHAIRMAN CONWAY: Thank you. Ken?

14 MR. FORTENBERRY: Yes, and this is
15 general, on the topic today, and just based on some of
16 the testimony that I heard. I wanted to make one
17 point concerning the idea of too much oversight, and
18 people in the field tripping over each other, doing
19 oversight.

20 So there is a premise that all the
21 oversight that is needed is being done, and in fact
22 there is too much, so it is reasonable to cut back on
23 that. And I wanted to point out, earlier in the year,
24 the Board staff at Pantex noted some training
25 concerns, looked further into that, looked at the

NEAL R. GROSS

COURT REPORTERS AND TRANSCRIBERS
1323 RHODE ISLAND AVE., N.W.
WASHINGTON, D.C. 20005-3701