

EDUCATION & LABOR COMMITTEE

Congressman George Miller, Chairman

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Chairman Miller Statement at Committee Hearing On “Why Weren’t World Trade Center Rescue and Recovery Workers Protected”

WASHINGTON, D.C. – *Below are the prepared remarks of U.S. Rep. George Miller (D-CA), chairman of the House Education and Labor Committee, for a committee hearing on “Why Weren’t World Trade Center Rescue and Recovery Workers Protected.”*

I want to welcome you to the first hearing held by this committee on the worker health issues raised in the aftermath of the terrorist attack on the World Trade Center of September 11, 2001.

This hearing will review the events immediately following the attack focusing on what lessons we have learned from the recovery from that event and how we can apply those lessons to protecting workers in future large scale disasters and terrorist events.

This will be the first of at least two hearings on how this country protects its response and recovery workers in the aftermath of large terrorist attacks and other disasters such as Katrina.

Much has been debated about actions that were taken, and actions that were not taken to protect workers health following 9/11. We will continue that discussion today by hearing from those who were responsible for worker protection, health experts, workers themselves and their representatives. We will explore the decision making of some of those who had responsibility for worker protection, the decisions made and the reasoning behind those decisions.

This is an extremely important subject, not just because thousands of 9/11 responders continue to suffer from the aftermath of that tragic event. We need to make sure that first responders know that we will do everything we can to protect them during a national catastrophe like we faced as a result of terrorism six years ago and as a result of a hurricane two years ago.

There are a few things we already know:

- As a result of the hazardous materials emitted into the air following the collapse of the World Trade Center, we are faced today with thousands of workers suffering from serious health problems resulting from the exposures they suffered in the hours, days, weeks and months that they worked on Ground Zero.
- We also know that, six years after 9/11, this country has yet to provide for the long-term serious health care needs of these workers. We will be hearing from one of those workers today, as well as an expert heading up the effort to monitor and treat those workers.

- There is general agreement that communication from our government did not clearly communicate the hazards of the dust and fume to workers and residents.
- We know that many workers throughout the cleanup did not wear respirators that could have protected their health.

As I stated earlier, the goal of this hearing is to look at the response of the Federal government and other agencies responsible for worker health during a national emergency. As the first rule of rescues states, “Don’t create more victims.” Here are the questions I hope this hearing will help clear up:

- First, are current OSHA standards, both their chemical exposure limits, and other standards, like the Hazardous Waste Operations and Emergency Response standard adequate to protect workers in situations where it is difficult to determine what workers are exposed to? It is clear that OSHA chose not to enforce its safety and health standards -- particularly its respiratory protection standards – even in the months following 9/11.

Were there legal obstacles to enforcement or political issues, or both? Would enforcement of OSHA regulations have been more effective than offering advice? Was focusing exclusively on technical assistance better than also enforcing the law?

- If these standards are not adequate, is there anything that we in Congress can do to assist OSHA to better protect workers in the future?
- The City of New York was clearly responsible for managing the rescue and recovery. But, to what extent were they also in charge of workplace safety? Can OSHA, cede such authority to the City, as was apparently done in this case?

These are issues that not unique to New York. We faced the same issues following Katrina and we will explore these issues in a future hearing.

I also want to mention one more item that will be the subject of future work of this committee. On Monday, the Department of Homeland Security released the near-final draft of its National Response Framework. We were very disappointed to see that Worker Protection has not been given the importance that it deserves in this document and we will be discussing this issue with Homeland Security officials.

Finally, I want to reassure the witnesses, particularly Ms. Clark from OSHA, that in no way are we intending to devalue the valiant efforts of OSHA staff during this crisis. We recognize the countless hours that your agency and your office dedicated to protecting workers, particularly following the destruction of OSHA’s Manhattan Area Office in #6 World Trade Center.

And we are most impressed that not a single life was lost in the immediate rescue and recovery efforts, which would certainly be considered one of the most dangerous operations in this nation’s history. This was a significant accomplishment, due largely to the enormous effort and good work done by the dedicated employees of the Occupational Safety and Health Administration.

Nevertheless, thousands of workers are sick today, some have died.

Similar safety and health problems occurred during Katrina and it is incumbent upon us, as this nation's lawmakers, to draw out and apply whatever lessons can be learned from this tragic event and its aftermath.

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