

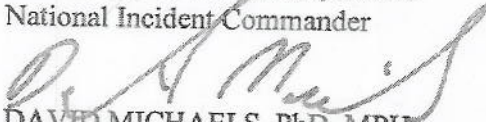


MAY 25 2010

MEMORANDUM FOR

ADMIRAL T.W. ALLEN, USCG
National Incident Commander

FROM:


DAVID MICHAELS, PhD, MPH
Assistant Secretary

SUBJECT:

DOL-OSHA's Serious Concerns for Worker Safety and
Health in Deepwater Horizon Oil Spill Response

I am writing to express OSHA's growing concern over significant deficiencies in BP's oil spill response operations related to worker safety, and request your assistance in communicating these concerns to BP. These deficiencies present potentially grave consequences for the workers currently involved in the cleanup, and will become increasingly acute as more oil hits the shore, more workers are involved and the complexity of the response increases.

Although we have repeatedly raised these concerns with on-scene BP officials as well as BP corporate leadership, BP has not addressed many of the serious problems in a systematic way. As you are aware, under the National Contingency Plan, OSHA has the responsibility to hold employers, including BP and its contractors, responsible for ensuring the safety of clean-up workers.

OSHA has witnessed numerous deficiencies at several work sites and staging areas through the Gulf Coast region. These are listed below. Our primary concern is that the organizational systems that BP currently has in place, particularly those related to worker safety and health training, protective equipment, and site monitoring, are not adequate for the current situation or the projected increase in clean-up operations.

I want to stress that these are not isolated problems. They appear to be indicative of a general systemic failure on BP's part, to ensure the safety and health of those responding to this disaster. Furthermore, BP has also not been forthcoming with basic, but critical, safety and health information on injuries and exposures.

This is cause for grave concern and frustration on OSHA's part. Throughout this event, OSHA has been operating in technical support mode and attempting to work cooperatively with BP and its contractors. We are concerned, however, that unless BP takes immediate steps to provide clear direction and oversight to its incident command

system for safety, OSHA will need to use its authority to move into enforcement mode in order to ensure the safety of clean-up workers.

We have alerted RADM Jim Watson and Captain Steve Poulin to our concerns. We will continue to work closely with the NIC leadership to ensure that BP takes the necessary steps to protect all workers involved in the clean-up.

Thank you for your willingness to stress to BP that their failure to address these issues raises serious concerns about the safety and health of the workers involved in the clean-up. Due to the urgency of this situation, we would like to discuss with you BP's response to our concerns on Friday, May 28.

cc: RADM M.E. Landry, USCG Federal On-Scene Coordinator

Worker Health and Safety Issues Identified in Deepwater Horizon Oil Spill Response

I am listing below the specific issues that are of most concern. All of the issues and hazards observed by OSHA can be easily observed by BP or their contractors, and yet we continue to identify them at nearly every staging area.

Site Control

OSHA has witnessed an ongoing issue with site control. When OSHA initially raised this issue, BP assured Agency representatives that no one would be allowed in a staging area without producing a card verifying completion of the mandatory training. Enforcing site control procedures ensures that all workers who are allowed onto a potentially contaminated work site present have been properly trained, and that the public, including angry and potentially violent individuals are not allowed on the site. As recently as May 20, however, OSHA visited two sites where workers did not have cards and the assigned safety representative was not aware of this requirement. In fact, the Agency found over 800 personnel at one of the Biloxi sites without the required training. The serious consequences of deficient site control practices and inadequate enforcement now will be magnified as additional workers flock to the staging areas and work sites, and as the area contaminated by oil increases.

Heat Stress

OSHA has repeatedly raised the issue of heat stress as a serious concern for cleanup workers on or near shore. As you are aware, heat-related illness, up to and including heat stroke, can have fatal consequences for workers. We have frequently urged BP to emphasize to its safety monitors the need to ensure that there is shade for workers and liquids to avoid dehydration, and to watch carefully for signs and symptoms of exposure. However, there continue to be multiple heat-related incidents each day, some of which have been serious. In one recent incident, six workers on Dauphin Island experienced heat-related illnesses, and one was reportedly hospitalized. An investigation revealed that there was no shade or cool drinks available to the workers that were cleaning the shoreline. Also problematic is that it was not until six individuals were overcome by the heat that BP stopped the work to consider how to address an obviously hazardous situation. Furthermore, there is still no plan for acclimatization, in spite of OSHA's repeated requests.

Inclement Weather

BP also has no plan for inclement weather. Thunderstorms and lightening strikes are a serious threat in the Gulf region and OSHA investigates a number of weather-related fatalities each year. Again, OSHA has repeatedly requested that

BP develop a site-specific plan for protecting employees during inclement weather, and we have not yet seen one.

Health and Safety Information/Data

Since the beginning of the response, OSHA has experienced difficulty obtaining basic information in a timely manner, including injury and illness reports, chemical sampling strategy and monitoring data, site control plans, violence in the work place prevention plans, and training materials. OSHA has deployed personnel to critical communications centers to facilitate an open dialogue with BP and to share its technical expertise, as well as its expectations on worker safety and health issues. BP's delay in producing the documentation, plans, and data associated with a viable safety and health program for this incident is extremely disconcerting.

BP Management of Workplace Safety Issues

Lastly, the individual BP has placed in charge of safety of the cleanup workers does not appear to operate with the full support of the company, nor does he seem to have the authority necessary for the job which he has been tasked. We strongly suggest that BP place someone in this position who has the authority and the ability to make changes expediently in order to address the safety and health of cleanup workers.