



**JUN 21 2010**

Alan Levine  
Secretary  
Louisiana Department of Health and Hospitals  
Bienville Building  
628 N. 4<sup>th</sup> Street  
PO Box 2870  
Baton Rouge, LA 70821-2870

Peggy Hatch  
Secretary  
Louisiana Department of Environmental Quality  
602 N. 5<sup>th</sup> Street  
Baton Rouge, LA 70802

Dear Secretaries Levine and Hatch:

Thank you for your letter of June 4, 2010, expressing your strong concerns for the health and safety of workers hired by British Petroleum and its subcontractors in response to the oil spill.

The Occupational Safety and Health Administration (OSHA) is working with other Federal agencies, including the National Institute for Occupational Safety and Health (NIOSH) and the National Institute of Environmental Health Sciences (NIEHS), on addressing worker safety and health concerns in the U.S. Government's response to the gulf oil spill. We can assure you that we will continue to work closely with these agencies.

I am pleased that you requested close communication and collaboration with OSHA and that we were able to discuss your questions in detail on June 7<sup>th</sup>. In addition, on June 15<sup>th</sup> we initiated a weekly call with all the State Health agencies to continue this collaboration and communication.

In your letter you requested the following:

1. An official report detailing that review, method of investigation, findings and any citations issued or recommendations made.

OSHA is aggressively ensuring that BP and its contractors comply with worker safety and health protections, including the provision of required personal protective equipment (PPE) to all workers involved in the clean up. OSHA has required BP to provide protective gloves, boots and, where appropriate, coveralls to all workers involved in the clean up operations and OSHA has staff on the ground ensuring that the equipment is properly used by workers. OSHA is currently in intensive discussions with NIOSH on requirements for respiratory protection. That policy will be issued shortly.

To ensure that workers are not exposed to dangerous levels of toxic chemicals, OSHA has brought in a team of industrial hygienists to conduct its own independent air monitoring both on shore and on the cleanup vessels. OSHA and EPA are also reviewing monitoring conducted by EPA and the National Oceanic and Atmospheric Administration. OSHA has published its independently gathered chemical sampling data on its website and is continually updating this site with new data. OSHA is also working with NIOSH to characterize worker exposures in each job task so that workers can receive necessary protections from air contaminants.

Additionally, OSHA is working closely with a NIOSH team of medical officers and industrial hygienists who have been deployed to investigate specific cases of work-related illnesses among spill response workers, including the recent cluster of workers engaged in shore skimming and booming operations who sought medical attention. OSHA, NIOSH, the NIEHS and other federal agencies are also working to establish a health surveillance program for workers involved in the event.

2. Details of OSHA's footprint in the area including how many people are on site to monitor worker safety and plans for regular inspection and monitoring of worker safety.

Every day, OSHA has over 146 professionals protecting workers throughout the Gulf Region, 25 of whom are assigned solely to the Oil Response Clean up. OSHA staff is in the field and on boats to make sure BP is protecting clean up workers from health and safety hazards. In addition, OSHA's Health Response Team provides technical support to OSHA response site personnel. OSHA staff has made over 1000 site visits, covering staging areas, decontamination, distribution, and deployment sites to ensure that workers are protected from safety and health hazards.

When OSHA finds safety problems on site visits or learns about them from workers, it brings them immediately to the attention of BP and ensures that they are corrected. OSHA also raises its concerns through the Unified Command so they are addressed across the entire response area. OSHA is ensuring that workers are provided, free of charge, appropriate personal protective equipment such as boots, gloves and other protective equipment as needed.

3. A list of any worker complaints made directly to OSHA and the disposition of those complaints.

Seven OSHA complaints have been filed regarding the Deepwater Horizon Oil Spill Response, and OSHA made one referral to the Coast Guard. We have included a list of those complaints in an attachment to the letter.

4. A comprehensive review of training protocols for workers that includes an investigation of how consistently and fully that training is done.

OSHA is working with the NIOSH and NIEHS to ensure that appropriate training is provided to workers that BP is hiring to help clean up the oil. Emphasis is placed on ensuring workers are trained in a language and vocabulary they understand. OSHA, along with NIEHS, continues to monitor this program. In response to recently received information, OSHA is in the process of increasing the training requirement for crews on vessels engaged in offshore oil recovery. A large amount of training material can also be found on OSHA's oil spill website, including a booklet, "Safety and Health Awareness for Oil Spill Clean up Workers," which we developed with NIEHS (<http://www.osha.gov/oilspills/index.html>).

5. A strategy for providing regular reports to us outlining ongoing monitoring, complaints and citations.

OSHA has set up a mechanism to conduct regular conference calls with you to share information and concerns. In the interim, you can keep updated on OSHA monitoring data and all other activity by reading the Oil Spill Response Activity Report, regularly updated and available on our Oil Spill webpage (<https://www.osha.gov/oilspills/index.html>).

6. Any information on monitoring, such as air monitoring, on vessels and other work sites as it pertains to worker safety.

To ensure that workers are not exposed to dangerous levels of toxic chemicals, OSHA reviews the BP monitoring data and has brought in a team of industrial hygienists to conduct its own independent air monitoring both on shore and on the cleanup vessels. OSHA is characterizing worker exposures in each job task so that workers can receive necessary protections from air contaminants.

The Agency has developed a sampling protocol and strategy that is available on the OSHA oil spill webpage (<https://www.osha.gov/oilspills/index.html>). OSHA is also posting on the site our sampling results with clear information about where the samples were collected and what jobs the workers were doing when they were monitored.

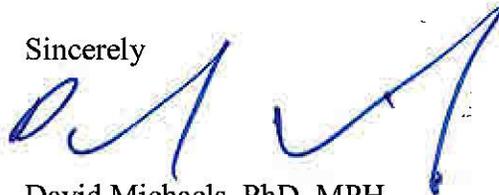
Additionally, OSHA is also analyzing the "soup" of crude oil, oil by-products, dispersants, and any other material to determine what hazards the mixture might

present workers as they respond to and cleanup the oil spill. OSHA is also monitoring other chemical exposures, such as exposures from chemical solvents used to clean boats, to determine whether workers are being appropriately protected from these exposures.

The Louisiana Department of Health and Hospitals and Louisiana Department of Environmental Quality are important partners in the multi-agency effort to protect workers responding to the oil spill. The injury and illness data being collected and analyzed through your Section of Environmental Epidemiology & Toxicology is invaluable.

We appreciate your concerns for the health and safety of individuals involved in this unprecedented response and thank you for your letter. I look forward to our continued collaboration.

Sincerely

A handwritten signature in blue ink, appearing to read 'DM', is written over the word 'Sincerely'.

David Michaels, PhD, MPH

**Deepwater Horizon Oil Spill Response  
Complaint and Referral Report**  
(Additions are identified in **RED**)

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**Date Received:** 6/16/2010  
**Establishment:** GAC Contractors  
**Complainant:** Former employee  
**Type of Complaint:** Non-formal  
**Site Location:** Panama City, FL (Jacksonville Area Office)  
**Status:** Handled via phone/fax; not yet resolved

**Details:** An individual received 40-hour HAZWOPER training while an employee of GAC Contractors, Inc. After he quit, he asked GAC for the certificate of training, which they refused to provide. The training took place in Panama City on Hickory Lane at the Old Bowling Alley.

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**Date Received:** 6/16/2010  
**Establishment:** Fers Restoration Services, LLC (a subcontractor for Signature Group, Inc.).  
**Complainant:** Employee  
**Type of Complaint:** Non-formal  
**Site Location:** Orange Beach, AL (Mobile Area Office)  
**Status:** Handled via phone/fax

**Details:** The complainant described porta-potties that had not been cleaned and had been overflowing for the past two days.

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**Date Received:** 6/16/2010  
**Establishment:** Fers Restoration Services, LLC (a subcontractor for Signature Group, Inc.).  
**Complainant:** Employee  
**Type of Complaint:** Non-formal  
**Site Location:** 13<sup>th</sup> Street, Orange Beach, AL (Mobile Area Office)  
**Status:** Handled via phone/fax

**Details:** The complainant stated that oil spill workers were not properly trained.

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**Date Received:** 6/15/2010  
**Establishment:** n/a

**Complainant:** Sherry Starling  
**Type of Complaint:** Non-formal  
**Site Location:** Between Perdido Key and Navarre Beach, Pensacola, FL  
 (Jacksonville Area Office)  
**Status:** Area Office believes heat stress program implemented by Unified Command, which does not include the use of cooling vests, is adequate. Letter to complainant has been drafted; once sent, complaint will be closed.

**Details:** Complainant alleged that employees working on the beaches between Perdido Key and Navarre Beach are not provided cooling vests as part of their person protective equipment, exposing the employees to heat stress. The complainant spoke with staff in both the Regional and National Offices; all agree that a September 11, 1995 interpretation letter on cooling vests does not require that they be provided. The complainant is very angry and insisted on filing the complaint anyway.

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**Date Received:** 6/14/2010  
**Establishment:** n/a  
**Complainant:** Employee  
**Type of Complaint:** Non-formal  
**Site Location:** Orange Beach, AL  
**Status:** Unresolved

**Details:** Employees are exposed to excessive heat index conditions while performing oil spill cleanup work on the beach. According to the complainant, the safety tech informed the crew that they were under black flag conditions while work continued. According to the adopted heat flag conditions chart, black flag conditions require that all activities be suspended.

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**Date Received:** 6/14/2010  
**Establishment:** n/a  
**Complainant:** Former employee  
**Type of Complaint:** 11(c)  
**Site Location:** Region VI  
**Status:** Referred to whistleblower investigator

**Details:** An employee was allegedly fired for reporting safety hazards.

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**Date Received:** 6/14/2010  
**Establishment:** n/a  
**Complainant:** n/a  
**Type of complaint:** n/a  
**Site Location:** Region VI  
**Status:** Referred to Coast Guard

**Details:** Alleged hazards for employees working on the ships around the source control.

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**Date Received:** 6/8/2010  
**Establishment:** Southern Cat, Inc.  
**Complainant:** anonymous  
**Type of Complaint:** non-formal  
**Site Location:** Pensacola Beach, FL  
**Status:** resolved

**Details:** On June 4, 2010, four employees were picking up tar balls without proper personal protective equipment in that they were not wearing tyvek suits and used only one glove.