



Leo W. Gerard
International President

May 8, 2012

VIA FAX

The Honorable Howard P. "Buck" McKeon, Chairman
Armed Services Committee
U.S House of Representatives
2120 Rayburn House Office Building
Washington, D.C. 20515

Dear Chairman McKeon:

On behalf of the United Steelworkers (USW) union, I write to express our strong concern with language included in the House Armed Services Committee's FY13 National Defense Authorization Bill (NDAA). As we understand it, the language will necessitate a change of worker health and safety enforcement at Department of Energy (DOE) weapons complex sites from the DOE's office of Health, Safety and Security (HSS) to the National Nuclear Security Administration (NNSA). In addition, this legislation would shift the entire safety and health structure to performance-based oversight based on Occupational Safety and Health Administration (OSHA) standards. Performance-based oversight effectively eliminates the current DOE specific health and safety standards that provide the means for protections to be implemented at these facilities and also removes the enforcement mechanisms that are vital to ensure worker and public safety.

The USW represents workers at several DOE facilities. Our members at these sites are exposed to a variety of radioactive and toxic materials. Many of the operations of these facilities are completely unique to the DOE. These unique hazards have resulted in specific worker safety orders being issued to provide requirements for the contractors to follow, and for the workers to understand proper workplace protections.

Some of the protections that will be stripped from workers are those included in DOE Order 850. DOE Order 850 provides specific worker protections for exposure to beryllium. Beryllium is an extremely toxic and dangerous compound. It causes a devastating lung disorder called chronic beryllium disease. The DOE Order is significantly better than the current standard for beryllium from OSHA including an exposure limit that is 10 times less than OSHA's. The OSHA standard for beryllium was adopted in 1970; the beryllium industry itself acknowledges that it is woefully inadequate. In contrast, the DOE beryllium standard is far more protective. Another example is the DOE's Order 851, which requires the sites to have defined, proactive

safety and health programs. There is no equivalent OSHA rule. Most important, the DOE can order a contractor to correct a hazard immediately. OSHA can do so only in the most extreme cases. An employer who contests an OSHA citation can delay abatement until he or she exhausts every appeal up to the U.S Supreme Court, a process that can take years.

We are also extremely concerned with the consequences this legislation would have on worker radiation safety. The current standard within the DOE is to provide protections to workers that *are as low as reasonably achievable (ALARA)*. This legislation would strip away the gains in radiation safety that have been made over the past half century and instead implement lessor protections that are *as low as reasonably practicable (ALARP)*. We know that ALARP protections will increase the radiation exposure to workers in these facilities. This will result in today's workers being our next generation of occupational disease victims.

We urge you to remove this language from the FY13 NDAA as it will serve to weaken critical health and safety protection for workers. We stand ready to meet with you or other members of the committee to explore this matter further and provide information from the USW as a stakeholder in this process.

Sincerely,

A handwritten signature in black ink that reads "Leo W. Gerard". The signature is written in a cursive, flowing style.

Leo W. Gerard
International President

Cc:

The Honorable Adam Smith, Ranking Member
House Armed Services Committee
Carol Landry, USW Vice President At Large
Holly Hart, USW Legislative Director
Mike Wright, USW Health, Safety & Environment Department Director