

**STATEMENT OF SENATOR GEORGE V. VOINOVICH
GOVERNMENTAL AFFAIRS COMMITTEE
DEPARTMENT OF ENERGY MANAGEMENT OF HEALTH AND SAFETY
AT PIKETON, OHIO AND OAK RIDGE, TENNESSEE
WEDNESDAY, MARCH 22, 2000 10:00 A.M.
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Thank you, Mr. Chairman.

Mr. Chairman, I would like to express my appreciation to you for holding this hearing this morning to discuss issues of tremendous importance to the citizens of southern Ohio.

Mr. Chairman, I would also like to thank Mr. Sam Ray and Mr. Jeff Walburn for their courage in coming here from Ohio to testify this morning and relay their personal experiences about what they have been through in service to our nation.

Since 1954 and the start of the Cold War, the Portsmouth Gaseous Diffusion Plant in Piketon, Ohio has served as one of a handful of our nation's processors of high-quality nuclear material. The main purpose of the plant in Piketon was to enrich uranium for use in nuclear weapons and propulsion systems for naval vessels.

Over the years, thousands of dedicated men and women in the civilian workforce at Piketon helped keep our military fully supplied and our nation fully prepared to meet any potential threat. Their success is measured in part with the end of the Cold war and the collapse of the Soviet Union.

However, their success came at a high price.

Over the years, the *Columbus Dispatch* has run a number of articles detailing health and safety incidences among employees at Piketon.

The most recent series of articles showed that for decades, some workers at Piketon did not know they had been exposed to dangerous levels of radioactive material, because, until recently, proper safety precautions were rarely taken to adequately protect workers' safety. Even when precautions were taken, the application of protective standards was inconsistent.

For years, few workers dared openly speak about the loss of friends and co-workers to illness, their own diminished health and the increased risk they had placed on their families. Many employees feared that exposing such health and safety problems would jeopardize the very existence of the plant, and the thousands of good paying jobs it provided the community. There are still employees who are afraid to come forward.

To a great extent, those who did complain to management were labeled as "malingerers" or "malcontents" or told that their health complaints were "unrelated" or "all in their head."

Mr. Chairman, it's unconscionable to me that people who were in management could be so insensitive and uncaring about their fellow workers. To me, it's a violation of the Second Great Commandment – love of fellow man.

Our witnesses today representing the workers of the Portsmouth Gaseous Diffusion Plant have legitimate questions: what kind of material was handled? When was it handled? What kind of exposure risks existed at the entire facility? Are there still existing risks? And, what are the long-term health concerns of workers at the facility and for their families?

The government and its contractors must provide clear facts regarding the risks that Piketon's employees have endured. Once those facts are known, it is necessary for the federal government to provide

whatever health care assistance is needed for those workers who have health problems as a result of their employment at the Piketon facility.

Last July, President Clinton appeared to take this responsibility seriously when he announced a health initiative for DOE workers to help both current and former employees of DOE's nuclear facilities. This health initiative included the Administration's intent to propose legislation compensating energy contractors exposed to beryllium and other toxic and radioactive materials. The initiative also directed the White House's National Economic Council to conduct an interagency review to focus on what other illnesses warrant inclusion in this program and how this should be accomplished. This report is due March 31.

The Administration has already acted on part of this initiative, having had legislation introduced by Senator Bingaman that would establish a compensation program for employees of the Department of Energy who suffer from Chronic Beryllium Disease (CBD). Beryllium, which is a toxic substance, can cause major health problems if proper precautions are not taken while it is being handled. Under this bill, S. 1954, CBD sufferers would be entitled to \$100,000 in compensation.

This legislation, will provide a measure of relief to workers in a handful of states, including Ohio, who are afflicted with CBD. In addition to CBD sufferers, S. 1954 covers a small group of workers at Oak Ridge, and establishes a pilot compensation project for workers whose illnesses may have been caused by on-the-job exposure to toxic and radioactive substances at Paducah.

S. 1954 also provides for the shift in the burden of proof from an employee to the federal government in proving an illness is job-related. Under current law, an employee at a nuclear facility who alleges that his or her illness is related to their job must establish a direct link in order for their illness to be covered by their state worker compensation office. The problem is, many individuals were not able to get coverage under worker compensation because the latency period of their disease from first exposure to the onset of illness was so long that the statute of limitations had expired.

I am a co-sponsor of S. 1954 because it will help workers who suffer from CBD and ensure that workers who have been harmed by the government can get proper and timely benefits. However, this legislation does not address the health concerns that have been raised by the men and women who work at the Piketon, Ohio plant. I would like to say, for the record, before this legislation is acted upon in the Senate, it must be amended to include all injured workers at Department of Energy nuclear facilities across the nation, including Piketon.

I believe once it is amended, S. 1954 will provide relief to thousands of nuclear workers, and no longer force them to undertake the difficult task of proving their illness was job-related. However, early indications are that the NEC's report due out next week will contain a recommendation that will take a 180 degree turn from the Administration's bill.

As I understand, the NEC report will continue to place the burden of proof for proving job-related illness on the workers' shoulders by establishing a process that will consider radiation dosimetry records, age, lifestyle, and workplace hazards. Mr. Chairman, I am concerned that if the NEC recommends this burden of proof standard, many employees will find it nearly impossible to prove that their job was responsible for their illness.

At the public hearing in Piketon that I attended last October, many workers stated that plant management not only didn't keep adequate dosimetry records, in some cases, they changed the dosimetry records to show lower levels of radiation exposure, and I believe one of our witnesses here this morning will testify to that effect. If workers at Piketon cannot produce consistent, reliable and factual data in order to meet this burden of proof standard, their ability to receive worker compensation benefits will be virtually non-existent.

Mr. Chairman, from everything that I have read, the hearing I attended and everything I ascertained about practices at Piketon, I believe there was a deliberate effort by management to play down and minimize the risks the workers were exposed to at the facility.

Energy Secretary Richardson has already set the precedent of shifting the burden of proof to the government by way of the Administration's bill, S. 1954. It would be unfair to workers who have already been injured and neglected by our government for the Administration to back away from their own legislative proposal.

I hope that the Committee will listen closely to the testimony of Mr. Ray and Mr. Walburn, who represent countless other Piketon employees and family members who suffer from peculiar health problems, rare cancers and, in some cases, way-above-normal levels of incidences of cancer – all of which can only be logically explained because of where these individuals or their family members worked. When I attended the hearing in Piketon, I was shocked at the number of women there who testified that they had had hysterectomies at the advice of their physician.

These individuals have only asked that the United States government – the government that they spent their lives defending – acknowledge that they were made ill in the course of doing their job and recognize that the government must take care of them.

Sadly, because of the government's stonewalling and denial of responsibility, the only way any of these employees will ever receive proper restitution for what the government has done is to file a lawsuit against the Department of Energy or their contractors, as I understand Mr. Walburn has been forced to do. That should not have to happen.

Mr. Chairman, these issues have been around for more than forty years. In 1959, there were 6 days of hearings held on the topic of employee radiation hazards and workman's compensation. In 1962, there were 4 days of hearings held on radiation workers compensation. I believe the brave men and women of Piketon, Oak Ridge and Paducah – as well as all those who have served our nation – deserve to know if the federal government was responsible for causing them illness or harm, and if so, to provide them the care that they need. The time to act is now.

Thank you, Mr. Chairman. I look forward to today's testimony.