



Alliance of Nuclear Worker Advocacy Groups

February 15, 2011

Jacqueline D. Rogers
Office of Worker Safety and Health Policy
Office of Health, Safety and Security
U.S. Department of Energy
1000 Independence Avenue, SE
Washington, DC 20585

Docket No. HS-RM-10-CBDPP

Dear Ms. Rogers:

The Alliance of Nuclear Worker Advocacy Groups (ANWAG) appreciates the opportunity to present comments regarding the Department of Energy's (DOE) Chronic Beryllium Disease Prevention Program. ANWAG has been advocating on behalf of sickened nuclear weapons workers seeking compensation benefits under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) since the inception of the program. Therefore, ANWAG has developed extensive knowledge regarding the types of illnesses these sickened nuclear workers have developed as a consequence of exposures common within the nuclear weapons industry.

Accordingly, ANWAG offers the following responses to Questions 8, 9, 10, and 11:

- **Question 8:** ANWAG believes that DOE should implement the lowest airborne action level that precludes beryllium settling out on surfaces. However, DOE should also continue wiping the surface areas to ensure that this low airborne action level is sufficiently low enough to prevent beryllium from settling on surfaces. We understand that the original airborne action level decided upon in 10 C.F.R. 850 may prove to be insufficient to keep workers safe from beryllium contamination. By retaining the current surface wiping procedure, workers will be all the more protected. Areas that have beryllium present, either through production or clean-up activities, should have continuous air monitoring. Additionally, personal monitoring instruments should be worn by all employees who work with beryllium as the air monitors may be located at a distance from the operation and may prove to be insufficient to detect the beryllium dust concentration nearest the worker.

ANWAG also suggests that DOE investigate whether the current beryllium machining fabrication

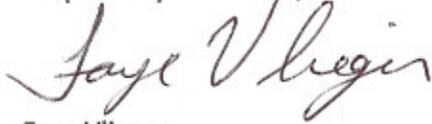
operations (machining, drilling, grinding, etc.) are performed in the most efficacious manner to keep the beryllium dust contained. Considering how widespread the beryllium contamination is across the DOE complexes, perhaps having these processes performed in a glove box environment would result in less dust escaping into the environment.

- **Question 9:** Yes, warning labels must be required to identify inventories containing beryllium. This practice must apply whether the material is transferred within the facility or transferred offsite to another facility. ANWAG bases this opinion on the unfortunate incident at the Lawrence Livermore National Laboratory, where a machinist machined a part without knowing the material contained beryllium. The machinist was not wearing protective equipment as he/she was not aware of the contents of the material. In addition to actual labels being affixed to the part, which could possibly fall off during transit, perhaps DOE could also mark individual parts with an easily recognizable color to denote the presence of beryllium. ANWAG also suggests that DOE create a database that will track inventories which contain beryllium.
- **Question 10:** ANWAG strongly believes that the best protective measures are vital to keeping workers safe. DOE should use the Environmental Protection Agency's aggressive air sampling criteria to "clear an area" after asbestos abatement before releasing the areas in a facility as a minimum standard. ANWAG urges DOE to enlist the assistance of the Department of Labor's Occupational Safety and Health Administration and the Department of Health and Human Service's National Institute for Occupational Safety and Health to develop the standard where an area is deemed free of any beryllium contamination.
- **Question 11:** The issue of whether an employee who is positive for beryllium sensitivity should be removed from the workplace environment without the worker's approval is very complex. On the one hand, ANWAG believes that DOE must do everything possible to ensure workers' safety and continued health. However, removing an employee from a beryllium area without his/her consent may result in workers not coming forward to report incidents of unsafe workplace conditions because they fear a loss of income. 10 C.F.R. 850 permits an employer to remove a worker for medical reasons until a comparable position is found or for one year without losing income, benefits, and seniority; whichever comes first. ANWAG suggests that the one year requirement be extended to five years; or in the alternative, if the employer finds a position for the worker, that all benefits and seniority be maintained for the medically removed worker. DOE should also mandate that the employer offer a vocational retraining program to the affected worker which will result in the employee maintaining the financial compensation and benefits from his/her previous position. This plan will safeguard workers' health yet still allow workers the freedom to report concerns, without fearing the loss of income.

ANWAG values DOE's concern for the health and safety of its workers. We trust that the foregoing comments will facilitate the development of a comprehensive chronic beryllium protection program.

Thank you for your time and consideration.

Respectfully submitted,

A handwritten signature in cursive script that reads "Faye Vlieger". The signature is written in black ink and is positioned above the typed contact information.

Faye Vlieger
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