

First Workers' Compensation Cases Building for Oil Spill Cleanup

On behalf of Johnston, Moore & Thompson

- June 5, 2010

22,000 workers have been hired by BP to combat the Gulf oil spill, along with potentially thousands of others brought in by other organizations. Fishermen, environmental workers and others who are doing the hard work of dispersing and capturing the oil, limiting its impact on the ocean and shore, and cleaning up the mess are all working in or close to crude oil and cleanup chemicals.

Many of them are getting sick, which leads to a host of concerns. Many of these workers may have long-term [workers' compensation](#) claims after participating in the most massive cleanup effort after an industrial accident in American history.

OSHA representatives, Obama administration officials and others have expressed concerns that the oil dispersant chemical Corexit may be the source of the illnesses reported on May 26 by cleanup workers. In May, the EPA urged BP to stop using Corexit because of its toxicity. Corexit is manufactured by Nalco, whose board of directors has strong ties to the oil industry, including sharing at least one board member with BP.

Workers Experienced Nausea, Dizziness, Chest Pains; Had to Be Hospitalized

Seven oil spill cleanup workers were hospitalized on May 26 after experiencing nausea, dizziness and headaches. Four more were hospitalized on May 28, two of whom were admitted for chest pains.

It is too early to know exactly what caused the illnesses, but a solution used for cleaning oil from contaminated decks may have been a factor, according to Joseph T. Hughes Jr., the director of the worker education-training program for the National Institute of Environmental Health Sciences, who was interviewed by McClatchy Newspapers.

The workers may not have been properly trained in using the cleaner, according to a preliminary investigation by the Labor Department. Or, there may be a combination of factors at fault.

BP May Have Failed to Provide Adequate Training or Gear

Oxfam America, a charitable organization which has been working along the Gulf coast, had sharp words for BP. Oxfam's Jeffrey Buchanan, a senior domestic policy adviser told McClatchy starkly that BP and its contractors "have proven themselves incapable of protecting their workers."

"The federal government needs to step up their level of oversight and ensure the fishermen and communities now cleaning up BP's mess are protected," said Buchanan.

Indeed, an internal memo sent by David Michaels, assistant secretary of labor for occupational safety and health, which oversees OSHA, cited "significant deficiencies" in how BP has handled worker safety.

Michaels admits that there may be OSHA violations in BP's cleanup efforts, which could mean citations in addition to any workers' comp claims. The agency is hoping BP will come into compliance voluntarily. "Our interest right now is protecting workers right now and into the future and that's where we're putting our energies."

Hughes of the National Institute of Environmental Health Sciences has personally toured the cleanup operations in Southern Louisiana.

"There is a clear-cut need to further ramp up responder protection efforts in training and monitoring for workers who may be placed in harm's way - whether from the natural elements, from direct oil contact, or from the inherently dangerous nature of the cleanup process," he said.

Related Resources:

- ["Contradicting BP's CEO, regulators link Gulf illnesses to cleaning fluid"](#) (McClatchy Newspapers, June 3, 2010)
- "Less Toxic Dispersants Lose Out in BP Oil Spill Cleanup" (The New York Times, May 13, 2010)