

Congress of the United States
Washington, DC 20515

October 18, 2011

Mr. John Howard
Director
National Institute for Occupational Safety and Health
395 E Street, S.W., Suite 9200
Patriots Plaza Building
Washington, D.C. 20001

Dear Director Howard,

We write you today on behalf of former workers at the Bethlehem Steel plant in Lackawanna, New York and their survivors who worked at and/or had access to the former uranium rolling facility from the years 1952-1976. It is the assertion of those who were there during that time that before 1976, any attempts to clean-up the facility where uranium rolling occurred were incomplete and substandard, leaving a whole class of workers subject to residual contamination. We believe this assertion should be expounded on through a thorough search of primary source documents from that time period. We have listed specific questions below. We would urge you to take these inquiries seriously, and, upon a thorough search, assess anew your conclusions as to the level of residual contamination during the time period 1952-1976.

As you know, the Special Exposure Cohort for workers at the site only extends until 1952, leaving the claims of this class of workers unheard. Indeed pursuant to the October 2009 report issued by NIOSH titled "Report on Residual Radioactive and Beryllium Contamination at Atomic Weapons Employer Facilities and Beryllium Vendor Facilities," the Bethlehem Steel site has been determined to have "little potential" for residual radiation contamination. However, the informational sources used to make this conclusion seem to be contemporaneous with the 1976 cleanup, not for the period from when uranium rolling ended.

Given the many first-hand accounts on this issue, and the relative brevity of the Residual Radioactivity Evaluation for the Bethlehem Steel site, and the lack of independent information sources as to the cleanup for the period 1952-1976, we would like answers to the following questions:

1. It is our understanding that pertinent information on Manhattan Project facilities in Western New York, and specifically the Bethlehem Steel site, is held in storage at the New York State Archives. It is our belief that there is a potential for information held there to more fully illuminate the risk for radiation exposure during the time period in question. Has the Agency reviewed these documents? If so, what were those findings? If not, does the Agency plan to review them before a new and updated Residual Radioactive Evaluation is submitted for the Bethlehem Steel site?
2. There is significant confusion as to what entity was responsible for the clean-up of the uranium rolling facility after rolling was suspended in 1952. This could also materially affect the conclusions of the Residual Radioactivity Evaluation. Who performed the clean-up work at the Bethlehem Steel site? What levels of safety were used in that clean-up? Were adequate safety

precautions used to assertively prevent residual radioactive exposure for those cleaning up the site and those working at the site during that time?

3. There is also confusion as to what levels of safety were used to determine that the site was indeed a "clean" site after 1952 until 1976 when actions were taken to cover the cooling bed area in concrete. What agency was responsible for measuring any potential exposure? Are there any findings that can be referenced as to what safety standards were used in comparison of what would be considered safe by modern workplace standards?
4. Through the Formerly Utilized Sites Remedial Action Program, the United States Army Corps of Engineers initiated a program to clean up and control sites that were part of the country's early atomic energy and weapons program. Is there any documentation to determine the status of the Bethlehem Steel site from that time to determine its eligibility for inclusion in FUSRAP?

We would like to reiterate our concern of the lack of primary sources from the years 1952-1976 to demonstrate a level of worker safety that would indicate that the class of workers who used this site on a daily or occasional basis was certifiably protected from exposure to any residual radioactivity. We believe a further examination is warranted, and we hope your agency, working along with other pertinent agencies of jurisdiction on this issue, will be helpful in providing information for our constituents.

Sincerely,


CHARLES SCHUMER KIRSTEN GILLIBRAND BRIAN HIGGINS
United States Senator United States Senator Member of Congress

Cc:

Stuart Hinnefeld, Interim Director, NIOSH DCAS

Lieutenant Colonel Stephen H. Bales, District Commander, USACE Buffalo District

Christine Ward, Assistant Commissioner, New York State Archives