

**STATEMENT OF PATRICIA K. CLARK
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BEFORE THE
SUBCOMMITTEE ON NATIONAL SECURITY, EMERGING THREATS, AND
INTERNATIONAL RELATIONS
COMMITTEE ON GOVERNMENT REFORM
U.S. HOUSE OF REPRESENTATIVES**

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Mr. Chairman, Members of the Subcommittee:

Thank you for this opportunity to discuss the Occupational Safety and Health Administration's (OSHA) role in protecting workers after the tragic events at the World Trade Center (WTC) on September 11, 2001. I am the Regional Administrator for OSHA Region 2, which covers New York, New Jersey, Puerto Rico and the Virgin Islands.

As you know, OSHA's mission is to ensure safe and healthful working conditions for Federal and private sector employees in this Nation. Within hours of the September 11th terrorist attack on the World Trade Center, OSHA joined with other Federal, state and local agencies, as well as safety and health professionals from all the contractors and trade unions on site, to help protect workers involved in recovery, demolition and site clean-up operations. Working under very perilous conditions, OSHA began coordinated efforts to monitor the health and safety of workers at the site. We were pleased to work side-by-side with all our Federal, state and local partners.

In line with the Federal Response Plan and the National Contingency Plan, OSHA determined that it could be most effective by providing assistance and consultation to achieve its primary mission—preventing further tragedy during the rescue and recovery work at the World Trade Center and later at the Staten Island Landfill. It was apparent that workers engaged in the response and recovery operations would not be working in a normal industrial setting and that

the site was a not a typical construction or demolition project. Employees at the WTC needed immediate protection from hazards—the scope and severity of which were unpredictable, at best.

OSHA's primary responsibilities at the WTC site were to conduct personal air monitoring to characterize exposures, distribute and fit respirators along with other personal protective equipment, and conduct safety monitoring. Throughout the course of the recovery and cleanup phases, OSHA committed over 1,050 staff to this tremendous task. OSHA employees remained at the site for ten months, providing a 24-hour presence seven days a week. Our staff spent more than 120,000 hours at the WTC site. OSHA's Technical Center in Salt Lake City also worked around the clock to provide rapid sampling results.

Between September 2001 and June 2002, OSHA conducted more than 24,000 analyses of individual samples to quantify worker exposure to contaminants. The Agency collected more than 6,500 air and bulk samples to test for asbestos, lead, other heavy metals, silica, and various organic and inorganic compounds, totaling 81 different analytes. Personal sampling was conducted around the clock each day by industrial hygienists and supplemented by bulk samples, area samples, and direct instrument readings.

We coordinated our sampling with safety and health professionals from other Federal, state and city environmental and health agencies as well as trade unions and contractors. OSHA's air sampling efforts included breathing-zone samples of workers on and near the pile. The tasks sampled by the agency included search and recovery, heavy-equipment operation, torch-cutting or burning of structural steel, manual-debris removal, wash-station operations, and concrete drilling and cutting. Debris from the WTC site was taken to a landfill on Staten Island for sorting and disposal. OSHA conducted safety and health monitoring at that site as well.

OSHA's breathing-zone samples revealed exposures that were well below the Agency's Permissible Exposure Levels (PELs) for the majority of chemicals and substances analyzed. For example, OSHA collected more than 1,400 air samples to test for the presence of asbestos. All were well below OSHA's PEL for asbestos; in fact, over 95% were below detection limits. In more than 700 samples taken to test for the presence of organic compounds such as

formaldehyde, benzene, and acrylonitrile, only one benzene sample of the 244 taken was found to be near OSHA's PEL. About five percent of the 1,331 samples taken to test for the presence of metals collected on the site exceeded the PELs for copper, iron oxide, lead, zinc oxide, antimony and cadmium.

To ensure that workers were fully informed about the potential risk from the contaminants, OSHA employed a variety of means to disseminate the information. OSHA distributed sampling-result summaries to workers and their trade unions, site contractors, and all responding agencies during daily safety and health meetings. In addition, OSHA provided the summaries to other workers on-site, and posted the summaries at various locations around the site. Employees who were sampled were asked to provide the agency with mailing information and were notified in writing of their personal-sampling results. They were also provided with a contact at OSHA for follow-up information. Employees whose sample results exceeded the PEL were encouraged to seek medical consultation. OSHA also posted sample results within eight hours on our website at www.osha.gov.

OSHA consistently recommended that workers on the site wear appropriate respirators. The respirators were selected jointly with other safety and health professionals, including the New York City Department of Health, the National Institute for Occupational Safety and Health, private contractors, trade unions, and other organizations. We agreed on a high level of protection, requiring a half-mask, negative-pressure respirator with high-efficiency particulate/organic vapor/ acid gas cartridges. This requirement, along with other safety measures, was communicated through a variety of orders and notices posted throughout the site (Exhibits 1-8). OSHA continued to conduct extensive risk assessment through air and bulk sample monitoring to verify that the selected respirators provided an appropriate level of protection. When sample results for jack-hammering and concrete-drilling operations indicated a higher level of protection was needed, a full face-piece respirator was required for those operations.

Shortly after the terrorist attack, the New York City Department of Health requested that OSHA be the lead agency for distributing, fitting, and training for respirators for the recovery workers.

At the peak of the recovery operation, OSHA assisted 4,000 workers daily; we distributed more than 131,000 respirators during the ten-month recovery period. The private sector played a pivotal role in this effort. OSHA Assistant Secretary John Henshaw asked the Nation's leading manufacturers of respirators and personal protective equipment to donate supplies and a number of them contributed their products. Distribution of respirators to workers posed challenges. OSHA initially deployed staff by foot with bags of respirators, followed by mobile teams on all terrain vehicles (Exhibit 9). We also established a distribution point at the Queens Marina, the Fire Department of New York's (FDNY) staging point for their on-site recovery workers. In addition, we opened multiple equipment distribution locations throughout the sixteen acre site (Exhibits 10 and 11).

OSHA conducted 7,567 quantitative fit-tests for respirators, including 2,887 tests for FDNY personnel (Exhibit 12). Fit-testing, conducted by trained safety and health professionals, included a facial analysis and a user-seal check, as well as instruction on the best ways to store and maintain the respirators. The proper use and limitations of the devices were also discussed. Eleven thousand hard hats, 13,000 pairs of safety glasses and more than 21,000 pairs of protective gloves were also distributed to workers on the site.

We are also proud that, despite the highly dangerous rescue and recovery mission at the WTC, there was not one fatality. During the recovery phase, OSHA identified more than 9,000 hazards and ensured that employers corrected them. Although more than 3.7 million work hours were expended during cleanup operations, only 57 serious injuries were recorded at the WTC site, and **no deaths occurred among the workers during the clean-up operations.** This is remarkable given the nature and complexity of this operation, which has been described by many as potentially the most dangerous work site in America. Thousands of construction and emergency-response workers labored each day among heavy construction and demolition equipment, such as crawler cranes, grapplers, back-hoes, bulldozers, and trucks.

The key to success at the WTC site was working in partnership. OSHA collaborated with city, state and other Federal agencies as well as contractors, unions and trade associations. This collaboration was formalized in the WTC Emergency Project Partnership Agreements, which

were signed in November 2001 and April 2002. These partnerships brought together OSHA, the New York City Department of Design and Construction, the Fire Department of New York, the Building and Construction Trades Council of Greater New York, the Building Trades Employers Association, the Contractors Association of New York, and the four prime contractors at the site. Through the partnerships, a joint labor-management committee dealing with safety, health and environmental issues was established to identify hazards and recommend corrective actions. One of the most important results of these partnerships was the very high level of safety and health oversight, training, and involvement in the partnership that the workers at this site were afforded. The development of a strong Labor-Management Committee and steward system created an effective mechanism for worker concerns to be expressed and addressed. The end result is that the reported lost workday injury and illness rate (3.1 per 100 workers) was significantly less than the national rate for specialty construction projects (4.3 per 100 workers).

The unique command and control structure at the WTC site created the need for considerable communication, coordination and cooperation among all involved parties. The OSHA partnership agreements and the WTC Emergency Project Environmental Safety and Health Plan provided the framework and structure for that to occur. Weekly reports that tracked the injuries and illnesses at the site were compiled by the Labor-Management Committee and safety-orientation training was provided for all new workers. Safety and health monitoring data were shared among all parties. Safety and health discussions reached individual workers through a weekly bulletin that highlighted issues of concern. Union stewards met weekly, distributed the bulletins directly to workers, and held toolbox talks based on these issues.

In addition, OSHA and the Center to Protect Workers' Rights (CPWR), the health and safety division of the Building Trades Department of the AFL-CIO, created an Orientation Training Subcommittee to provide formal safety and health training for all workers on the project. More than fifty instructors were trained to deliver the program to 2,000 workers.

OSHA learned a great deal at the WTC site—lessons that can help the agency and the Nation improve emergency preparedness. For employers, the value of an effective emergency evacuation plan was reaffirmed. Employers should regularly review and practice evacuations.

We also learned the value of emergency response partnerships with clear lines of authority for all functions at a site and with special emphasis on safety and health. Finally, our experience at WTC brought home the importance of fit-testing respirators routinely for emergency responders at all levels of government. This helps build familiarity with negative-pressure, air-purifying respirators among employees who might not typically use them.

It is also important to improve channels of communication between local, state and Federal agencies. To be most effective, relationships among various levels of government must be established before the next emergency occurs. Nationwide, OSHA is reaching out to the emergency-response community at Federal, state, and local levels. The Agency is coordinating with the Department of Homeland Security, the National Response Team, and Regional Response Teams at state and local levels. We will continue to work with other agencies across government, as well as other entities in the private sector, to provide leadership in cooperative and collaborative efforts in the event that such a massive response is ever needed again.

One area in which we are providing leadership is the establishment of a culture that emphasizes proper respiratory protection for emergency responders. This includes awareness of appropriate respirator usage, the importance of a good fit, and the need for proper maintenance. The goal is to ensure that responders wear properly fitted and maintained respirators when they respond to worksites that may have toxic releases or multiple chemical exposures. OSHA is also creating new training modules that will better help to prepare workers responding to emergencies. The Agency is working in partnership with the Center to Protect Workers' Rights (CPWR) to provide skilled-support personnel with the training to ensure that America has a workforce prepared to safely respond to national emergencies. The comprehensive training program will be conducted in phases with CPWR rolling out a Skilled Worker Training program in Phase One. In the second phase, OSHA's Office of Training and Education will provide Train-the-Trainer and Worker Training courses at its OSHA Training Institute Education Centers. These Education Centers are located throughout the country to make training available nationwide to workers and their employers.

OSHA is working closely with the National Institute of Environmental Health Sciences (NIEHS) and its Worker Education and Training Program (WETP). NIEHS has funded worker-training programs since 1987, and OSHA will incorporate best practices identified by their grantees.

The goal of these collaborative efforts is to increase worker awareness of the potential hazards that may be present on a disaster site. By doing so, workers will be more motivated to utilize appropriate personal protective equipment, especially respirators, and follow appropriate work and decontamination procedures. It is anticipated that these safeguards, when consistently applied, will reduce workers' injuries and exposures to harmful substances.

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Mr. Chairman, in addition to my concern for workers at the WTC site, I have personal interest in the short- and long-term effects of exposures because my staff and I spent so much time there. Our Manhattan Area Office was destroyed when the North Tower of the WTC collapsed on our building. During evacuation, our employees were exposed to all of the same potential contaminants in the atmosphere as others who were in lower Manhattan that day.

I can say with confidence and with pride that OSHA staff did everything humanly possible to protect the workers during recovery efforts at the WTC site.

Mr. Chairman, I would be pleased to answer any questions the committee may have.