



## PRESS RELEASE

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### **HANFORD VAPOR LITIGATION RESOLVED**

Hanford Challenge/UA Local 598 Declare Victory for Hanford Workers  
in Settlement of Toxic Vapor Litigation

[Hanford Challenge](#), UA Local 598, and the WA State Office of the Attorney General today announced a settlement in a hotly-contested case involving the safety of workers at the Hanford nuclear site in southeastern Washington State.

United Association of Steamfitters and Plumbers (UA) Local 598 and Hanford Challenge were co-plaintiffs with Washington State Attorney General Bob Ferguson (Complainants) against the US Department of Energy (DOE) and Hanford contractor Washington River Protection Solutions (WRPS) (Defendants) [in an action](#) brought in federal court in September 2015.

“Under this Agreement, the cycle of exposure and illness due to unprotected chemical vapor exposures is finally being addressed and, hopefully, resolved. The parties have agreed to an enforceable settlement that requires specific actions to solve the vapor exposure issue at Hanford throughout the rest of the cleanup,” said Executive Director Tom Carpenter, of Hanford Challenge.

[UA Local 598](#)’s Business Manager Randall Walli stated, “This represents Local 598’s values and commitment to its members and all working families that ensure the success of our National mission. While the future of Hanford will continue to demand our full diligence, with all its complexities and challenges, this settlement represents a positive step in the right direction. Ensuring adequate protection for the workforce and a commitment to the development and implementation of new technologies that will ultimately lead to a safe and more productive future. Local 598 will continue to stand with all the men and women of Hanford, our Nuclear Veterans and their families.”

Complainants in the case brought forward evidence that Hanford workers were not being protected from exposure to toxic chemical vapors coming from underground high-level nuclear waste tanks, and that workers suffered serious illnesses and injuries as a result. A federal judge in Spokane

stated in a [November 2016 ruling](#) that “vapor exposures have occurred” and “employees have experienced serious vapor-related illnesses.” Importantly, the judge also found that “vapors emitted from Hanford tank waste fall within RCRA,” and are therefore subject to regulation under the hazardous waste law.

The settlement announced today resolves the litigation, which sought an order from a federal court to provide necessary respiratory protection and take other such measures necessary to abate an imminent endangerment to human health and safety.

"By establishing that tanks vapors are hazardous wastes, this case changed the regulatory landscape at Hanford. This settlement provides immediate protection from toxic tank vapors for Hanford workers as well as a pathway for long term controls to prevent untreated vapor releases. This is critical for protecting workers and the environment," said Meredith Crafton, attorney for Hanford Challenge and Local 598 from the law firm of [Smith & Lowney, PLLC](#).

The Agreement provides for more monitoring, more transparency, a commitment to capture and treat toxic chemical vapors, enhanced worker protections, and litigation costs. The terms of the Agreement are enforceable in federal court.

The legal team of Smith & Lowney in Seattle, [Terrell Marshall Law Group](#), also from Seattle, and the non-profit law firm Public Justice in DC, provided the representation for Hanford Challenge and UA Local 598. Washington Attorney General Bob Ferguson also brought a complaint, and entered into a joint prosecution agreement with Hanford Challenge and the union.

“The settlement announced today shows the power of workers banding together and the effectiveness and importance of partnerships between unions, advocates and tenacious public servants like Washington’s Attorney General,” said Jim Hecker, Director of the Environmental Enforcement Project at [Public Justice](#). “It also underscores the importance of the Resource Conservation and Recovery Act as a powerful tool that helps workers and communities stand up for themselves. When toxic chemicals are released, it is usually workers who are in closest proximity to the poisons, and therefore get the highest exposures. Today’s announcement means that those most susceptible to harm will finally receive the protection they deserve.”

Key terms of the Agreement include --

**More Monitoring –**

- DOE and the tank farm contractor will complete design for the optimal components and configuration of Vapor Monitoring and Detection System for stack monitoring in the A and AX Farms by December 31, 2018 and
- installation of Public Address system in the tank farms in order to provide warnings to workers about hazardous conditions.

**More Transparency –**

- Development of a Data Access and Visualization (“DAV”) platform for sharing monitoring and sampling data on a website;

- Within various time frames, the tank farm contractor will post on a publicly available website the following –
  - a monthly list of Problem Evaluation Requests regarding AOP-15 events that occur in the future;
  - the specific nature of the tank farm waste worker medical surveillance program (routine occupational tests and their purpose) to be updated annually if there are changes to the program;
  - a thorough explanation of the current policy concerning return to work following a reported exposure;
  - information regarding workers potential ability to participate in the DOE Former Worker Medical Screening Program;
  - the Health Process Plan entitled “PNNL-25791, Hanford Tank Farm Exposure and Risk Assessment Plan;” and
  - within two weeks after completion of the AOP-15 Event Investigation Report:
    - (1) procedures for determining appropriate personal protective equipment;
    - (2) procedures for alternative respiratory protection assessments;
    - (3) procedures for assessing worker hazards (including vapor risks); and
    - (4) tank vapor information sheets (“TVISs”) for the Chemicals of Potential Concern in the tank farms.
- Upon request from a tank farm worker, DOE and WRPS will timely provide applicable Tank Vapor Information System (TVIS) data and the worker’s personal exposure data, if any, regarding a tank farm-related vapor event.

**Capturing and Treating Vapors –**

- Testing of an engineered system designed to capture and thermally treat tank vapors in a manner that destroys or captures harmful chemicals and metals;
- Timetable for testing milestones, which, if successful, results in the installation of the system on certain Hanford tanks and/or tank farms; and
- Agreement by DOE and the tank contractor to accept and respond to technical input from plaintiffs’ expert.

**Worker Protections Enhanced –**

- Currently, the Hanford contractor has an agreement with the Hanford Atomic Metal Trades Council that requires tank farm workers to use:
  - supplied air in single-shell tank farms at all times.
  - supplied air during waste disturbing activities in double-shell tanks.
  - approved cartridge respirators in routine double-shell tank operations.
- As part of the settlement, Hanford agrees to maintain this Agreement to protect tank farm worker health and safety, no matter who the contractor turns out to be in the future.
- The tank farm contractor will accept and consider input from plaintiffs’ technical expert on the proposed use of cartridge respirators.
- Enhanced pre-job safety reviews that consider the risk of vapor exposures as a factor.

- Installation of an active exhaust ventilation system in A Farm, after which the entire A Farm complex can be actively ventilated, by December 31, 2019.
- Hanford occupational medical services provider will comprehensively review medical data that are available for tank farm workers and provide expert advice on collection, analysis, and interpretation of these data and their potential to help assess any relationship between medical findings, reported health effects, and/or exposures.
- Within 30 days DOE will direct the Hanford occupational medical services provider to inform workers of their rights to seek medical diagnoses from a qualified medical provider after workers report to the Hanford occupational medical services provider for symptoms possibly related to vapor exposure.
- After the Hanford occupational medical services provider informs DOE of the anticipated completion date for the Medical Data Study, DOE will inform Plaintiffs of that date.
- Within 30 days DOE will direct the Hanford occupational medical services provider that, upon request from a tank farm worker, the provider will timely provide its medical data related to the worker.

**Litigation Costs -**

- DOE will pay the amount of \$416,250.00 to counsel for Hanford Challenge/Local 598 and will pay to the State of Washington Office of the Attorney General the amount of \$508,750.00.
- The Attorney General has agreed to hire experts (using DOE funds) to continue monitoring and advisory functions as specified in the Agreement.

**Enforceable Agreement -**

- The agreement is a settlement contract. The federal case will remain open, but be placed on “administrative stay.” As outlined in the agreement, the settlement is enforceable in court should DOE or the tank farm contractor fail to meet a deadline or fail to perform on an agreed-upon term. There are requirements on notice and mediation prior to going back to court.
- The contract survives the current tank farm contractor, WRPS, insofar as a provision in the contract requires DOE to put these obligations on any new contractor.