

Dozens of cleanup workers dying of cancer after 2008 Tennessee coal ash spill

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Over 50 workers and spouses of deceased workers are suing Jacob's Engineering Group, the company contracted for cleanup of the 2008 coal ash spill in Kingston, Tennessee, for failing to provide adequate safety measures for the workers involved in the operation. Seventeen have died, and dozens more are dying because of their exposure to coal ash. The trial is set to begin next year.

In December 2008, a dike surrounding a coal ash storage pond failed, releasing over 5 million cubic yards of coal ash sludge into the Emory River and Clinch River of Roane County Tennessee. Cleanup took seven years and cost \$1.2 billion. The spill occurred at the Kingston Fossil Plant, a coal-fired plant operated by the Tennessee Valley Authority (TVA). The federally owned utilities' customers were primarily responsible for footing the bill for cleanup.

Coal ash is a byproduct of the burning of coal. It contains toxic metals such as arsenic, lead and mercury. When coal ash dries, it becomes dust, which is easily inhaled as it floats through the air. The only safety gear workers were required to wear were a hard hat, boots and a reflective vest. A bottle of water was the only means to wash their hands before they ate. And a bucket of water and a brush was provided for decontamination at the end of the workday. The Jacob's Engineering safety manager told the workers they could eat two pounds of the coal ash a day without harm.

Soon after work on the cleanup began, workers began complaining of fatigue, headaches, aching bones, persistent cough, swollen legs, sinus infections and trouble breathing, among other symptoms of serious health complications. Workers began calling their symptoms the "fly ash flu."

"When new men would come in on the job, they

would be healthy like you," Jeffery Dwight Brewer told the *USA Today Network—Tennessee*. "After a couple of weeks on the job, it sucked the life out of them."

Workers began giving their supervisors doctor's notes recommending they wear respirators. According to a report by the Center for Public Integrity, several workers were laid off for various "medical reasons" after requesting respirators.

In May 2009, months after the cleanup had begun, the Environmental Protection Agency designated the area of the coal ash spill a Superfund site. The designation required stringent methods for handling coal ash. A \$1 million vehicle and heavy equipment wash was installed. The coal ash mounds were constantly sprayed with water to prevent dust from spreading. Some workers were provided with air monitors to wear during cleanup. Workers were never given the results of the air monitor tests and were told the results were normal.

On separate occasions workers secretly filmed Jacobs Engineering staff members tapping the coal ash air monitors on a table to clean out excess coal ash before packaging and submitting the tests. Another hidden camera video shows a worker being discouraged from wearing a mask while working.

The Kingston Spill was one of the worst industrial disasters in the country, and could not have come at a more convenient time. Many in the area who were struggling during the Great Recession jumped at the opportunity to work in the cleanup.

TVA officials downplayed the dangers of the coal ash. In a "60 Minutes" interview shortly after the spill, a TVA representative said she would take a swim in the Emory River, but later had to retract her statement. The TVA gave out air filters, paid for medical testing for local residents, and held town hall meetings to assure the public that coal ash was not harming the

community. In an effort to keep up the public ruse that the toxic material was not harmful, TVA officials did not want workers to be seen wearing TyVek suits and respirators during the cleanup.

The EPA posted signs around telling people not to enter the river. The Coast Guard erected barriers to keep the ash from spreading. Tests conducted by the EPA, TVA, and the Tennessee Department of Environment and Conservation revealed dangerous levels of arsenic in the coal ash.

In fact, the EPA test found that the Emory River contained arsenic levels 149 times safety standards. A 2009 survey by Tennessee health authorities found that a staggering 40 percent of 177 households within a mile and a half of the spill had developed respiratory conditions. TVA bought 180 properties near the site of the spill. Eventually, the TVA would pay \$27. 8 million to settle claims with over 800 local residents.

To this day the TVA is actively trying to promote positive public relations in the local community. The site of the former disaster is now a public park complete with nature trails and a fishing pier. The TVA also put \$32 million into the Roane County school system.

The effects of coal ash were rarely discussed before the Kingston disaster. Prior to the spill, the EPA considered the heavy metals present in coal ash to be toxic, but did not have specific guidelines for regulating coal ash waste. After years of lobbying from the American Coal Ash Association, of which the TVA is a member, the EPA published official guidelines in 2014. Essentially, coal ash is to be treated as, and disposed of, as household waste. This guideline also put responsibility on the states for management and disposal.

The TVA was initially in charge of cleanup via an executive order and court order, but the EPA was in charge of the cleanup plan. Both ceded responsibility to Jacob's Engineering Group when the \$12 billion dollar-a-year company was awarded the cleanup contract. Jacob's has hired two law firms, Covington & Burlington of Washington, DC and Neal & Harwell in Nashville. James F. Sanders of the Nashville law firm represented Exxon in the 1989 Exxon Valdez oil spill.

Without a doubt, the former workers suing Jacob's will have their personal lives scrutinized. Their health habits—everything from smoking, diet, weight, family

health history, will be called into question. Everything will be done to place the blame for their dramatic health decline on the workers themselves.



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