

Nearly 200 clean-up workers sickened or dead from 2008 Tennessee coal ash spill

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Almost a decade after the worst coal ash spill in US history, clean-up workers are dying from exposure to arsenic and radium.

The spill took place in December 2008 at the Tennessee Valley Authority (TVA) Kingston Fossil Fuel Power Plant, in the Swan Pond community of Roane County, Tennessee, near the city of Knoxville. The disaster smothered 300 acres of land and over two-dozen homes in 5.4 million cubic yards of coal ash, releasing 140,000 pounds of arsenic into the nearby Emory River—more than twice the reported amount of arsenic discharged into US waterways from all US coal plants in 2007.

A recent *USA Today* Network-Tennessee investigation into the cleanup, testing, and treatment of workers revealed what can only be described as a horrendous social crime against the working class. Last year, more than 50 workers and workers' survivors filed a lawsuit against Jacobs Engineering, the company hired by the TVA to oversee the cleanup, citing the company's failure to provide workers with the necessary protective clothing, as well as failing to reveal the toxic nature of the coal ash.

By March of this year, there were over 180 new cases of dead and dying workers. At least 30 workers have died, and at least 200 are estimated to be sick with lung diseases, cancers, and skin conditions.

Testing by the state's Department of Environment and Conservation before the TVA took over cleanup found levels of arsenic 36 times higher than in the surrounding soil. During the recovery work, workers were putting in more than 70 hours a week for months, or even years, while exposed to "dust devils of fly ash" without protection.

In an initial investigation conducted by the TVA's Office of the Inspector General, the agency was found

"liable for the ultimate failure of North Dike which flowed, in part, from TVA's negligent nondiscretionary conduct."

According to *USA Today*, the internal investigation found that the TVA had treated toxic chemicals and metals "like it was garbage in a kitchen."

The newspaper uncovered video evidence that Jacobs Engineering contractors lied to cleanup workers about the danger of the chemicals they handled. One site safety manager, Tom Bock, was captured on video declaring that the workers could eat coal ash on a daily basis "without harm."

The firm reportedly "refused to provide protective gear, threatened to fire them if they brought their own, manipulated toxicity test results and abandoned testing for the most dangerous chemicals entirely well before the seven-year cleanup effort ended." A TVA official admitted to refusing to provide respirators even after they were ordered by workers' doctors, and threatening to fire workers who continued to request protective gear.

"I call them 'the expendables,'" Janie Clark, wife of a sick worker, told the *Knoxville News Sentinel*. "These men were treated like collateral damage, and they fell between the cracks in this toxic place."

Adding insult to injury, the public will be required to pay for the defense of the accused cleanup companies but workers must pay for their own legal fees while paying for their health care. Jacobs Engineering's contract with the TVA included a provision that the utility's customers were to be billed for its legal expenses. This fee comes atop a \$1.2 billion paid to Jacobs and other contractors by TVA ratepayers for the cleanup. Meanwhile, workers have incurred millions of dollars in medical bills.

The *USA Today* investigation revealed that almost

from the beginning of the massive spill, the lives of workers were put at risk. Although an investigation shortly after the spill by the company Tetra Tech raised concern for workers being exposed to high levels of radium, a hand-written note to that effect was scratched through and ignored. “Workers—who toiled in the ash without protection—were never told about the results,” *USA Today* -Tennessee reported, adding that a contractor working for the TVA “insisted the ash was safe.”

Brad Green, a cleanup site foreman, knew burning coal produced ash but didn’t know it could be dangerous, he explained in testimony in a lawsuit brought by sick workers and the families of workers who have died. “I grew up in a house burning coal,” Green stated in a deposition. “So, I had no idea there was anything wrong with coal fly ash. Never had heard anything about it before in my life.” Green added that he had received “pretty much nothing” in the way of training for the cleanup.

The *Knoxville News Sentinel* produced a chilling account of the work environment and the behavior and complicity of corporate, state and federal officials. “Workers weren’t warned of the dangers,” the paper reported. “In fact, they were told the coal ash was perfectly safe. They ate atop it with only bottled water to clean themselves. Their only decontamination unit at the end of the day was a bucket of water and a brush for their boots. When they asked for dust masks, they were denied, and when they complained of health problems, they were mocked.”

Michael McCarthy, a heavy-equipment operator, testified that he became aware of the dangers only through his own research on the Internet. “There was no training at all,” he said. “I mean, I’ve been on hazardous jobs, and we’ve always had, you know, some kind of sit-down of what we’re going to be handling, how to handle it. ... Man, we got there, and they threw us in a dozer and said start pushing. It looked like Mars out there. It was crazy.”

“They called it the Kingston crud,” 42-year-old and father-of-three Jeffrey Dwight Brewer told reporters. “When new men would come in on the job, they would be healthy like you. After a couple of weeks on the job, it sucked the life out of them. They would start the cough.”

The *USA Today* investigators found that some testing

was “compromised by intentional tampering,” leaving workers with “little defensible testing upon which to rely” in building their legal case.

Tetra Tech was ordered off the site in 2009 and Jacobs Engineering and The Shaw Group were hired and placed in charge of the cleanup. The companies stonewalled against requirements that cleanup workers, who were working seven days a week from 12 to 14 hours each day in the ash, receive Tyvek protective suits and respirators according to the newspaper investigation.

The contractors also argued that the spills site should not be considered a hazardous waste site, also asking for higher exposure limits for workers. The EPA acquiesced to this demand; Tyvek suits were not required by the regulatory agency.

“The EPA-approved plan contained instead strict rules on whether a worker could even qualify for a respirator or a dust mask,” the investigators found, and Jacobs was permitted to prohibit their use if the company deemed protective equipment as “a hazard.”

“The EPA also allowed testing that did not focus on arsenic or radium as the leading indicator of dangerous exposure levels for workers,” the newspaper reported, “despite the agency’s own conclusion the coal ash at the Kingston site was full of it.”

The destruction of hundreds of workers’ lives for the profits of companies and the protection and advancement of federal and state officials took place under the watch of both Democratic and Republican leaders.

The governor at the time of the spill, Phil Bredesen, is a Democrat now running for one of the state’s US Senate seats. It is also worth noting that the federal Environmental Protection Agency that ignored the safety of workers was, within months of the spill and for the next eight years, the EPA of Democratic President Barack Obama.



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