

Before the Disaster: Improving Cleanup Training

Discussion Paper for Breakout Session

Facilitated by Bruce Lippy, The Lippy Group
1st Floor, Windjammer Room, 10:15am to 11:45am

*Preparedness is not a paper exercise.*¹

Problem statement

After continual efforts by the NIEHS Worker Education and Training Program (WETP), among others, to highlight the importance of providing sufficient training *prior* to a disaster response, most workers in the Deepwater Horizon oil cleanup still received only four hours of training. The decision to allow shorter training programs is typically made in the urgency of the moment and in the absence of thorough assessments of both the hazards the cleanup workers face or the prior safety and health training they have received. Until recently, little thought has been given to the language and literacy levels at which the training will be provided. WETP has provided recommendations on responder training going back to October 2001 at Ground Zero and most recently for the response to Katrina in a 2006 report. This breakout will review the progress in achieving these recommendations and address the remaining barriers to providing effective pre-deployment training.

Proposed schedule

10:15 – 10:20	Overview of goals and suggested approach for the session, Bruce Lippy
11:20 – 11: 45	Issue One: How do we ensure there is a sufficient workforce with pre-incident training when and where they are needed?
11:45 - 12:10	Issue Two: Can we do better with pre-incident training through contractual mechanisms?
12:10 – 12:35	Issue Three: How should we deal with OSHA’s four-hour training exception?
12:35 – 12:45	Wrap up and summary

Goals

1. To establish consensus about the appropriate elements of pre-incident training for support personnel performing cleanup work.
2. To agree on a proposed policy to best ensure that workers receive pre-incident training in a language and a literacy level they understand before being deployed to work.

¹ The National Commission on the BP Deepwater Horizon Oil Spill and Offshore Drilling, Learning from Macondo, Staff Presentation to the Commission, December 2, 2010.

Issue One: How do we ensure there is a sufficient workforce with pre-incident training when they are needed? (25 minutes)

There is broad consensus among federal response organizations that site-specific training delivered just prior to deployment, or upon deployment should serve to reinforce concepts already learned or to inform responders of hazards not previously identified. Site-specific training should NOT be the only health and safety training that a worker has before being sent out to work on a disaster site. Without a broader understanding of safety and health hazards, how to recognize them and mitigate them, site-specific training is not enough to properly prepare responders to enter a disaster site. There are existing training programs that can and should be used rather than resorting to quick fix or just-in-time training programs.

Following 9/11, the building trades, OSHA and NIEHS recognized the need to develop a training program for Disaster Site Workers who provide skilled support services (e.g. utility, demolition, debris removal, or heavy equipment operation) or site clean-up services at natural and man-made disasters. These workers need to be aware of the differences between disaster sites and regular construction or demolition worksites, which is why OSHA and NIEHS created the Disaster Site Worker course (OSHA 7600). OSHA has identified three courses that workers need to take to be trained to respond safely to natural and man-made disasters. These courses are intended to be taken pre-incident, before work at any disaster.²

The three courses are:

- OSHA's Construction or General Industry Outreach Training Course (10-hour). Training considered to be acceptable as an equivalent to this course is the OSHA 30-hour Construction or General Industry Outreach Training Course;
- OSHA's Disaster Site Worker Course #7600 (16 hour); and
- HAZWOPER (40-hour minimum) training.

OSHA, in conjunction with NIEHS, developed the Disaster Site Worker Course #7600 to provide instruction relevant to emergency situations, where working conditions and the concomitant hazards may be drastically different from day-to-day operations. Site-specific information and training will continue to be needed at every disaster but cannot be addressed in pre-incident training.

OSHA recognizes that not all workers will be able to, or have the need to take HAZWOPER training. It is essential, however, that all workers who may be involved at a disaster site have a basic understanding of:

- the safety and health hazards that may occur at any construction site,
- the differences in hazards between a disaster site and a regular construction site, and
- be able to inspect, don, and doff an air-purifying respirator for their own protection.³

² OSHA web site accessed on 4/4/11, http://www.osha.gov/dte/outreach/disaster/disaster_training.html#3

³ Ibid

NIEHS WETP 2006 Katrina report recommendation: “OSHA and NIEHS should work together to expand the Disaster Site Worker course to an all-hazards format that is modularized. OSHA should ensure that it is delivered to those who respond to the next disaster as a pre-deployment training course through inclusion of such a requirement in the response HASP. In addition, the WETP and OSHA Education Centers should continue to deliver this course, modified to address all-hazards, as a disaster response preparedness course.”

Possible Discussion Questions:

1. Where do we stand with the 2006 WETP Katrina recommendation on modularizing and expanding 7600?
2. Should workers who have not had the pre-incident training be barred from taking site-specific training or from performing cleanup work until they receive the required training?
3. How should the training differentiate between experienced cleanup workers and local residents with no prior experience?
4. Should any requirements exclude the rescue phase, as OSHA has done for skilled support personnel under 1910.120(q)(4)?
5. Should this include a national directory of workers who have completed any of the three recommended courses? How would cities and states access it? The courses:
 - a. the OSHA Construction or General Industry Outreach Training Course (10-hour).
 - b. the Disaster Site Worker Course #7600 (16 hour); and
 - c. HAZWOPER (40-hour minimum) training.
6. Can the OSHA PPE matrix created for the Gulf oil spill response serve as a basis for an oil spill training module for the 7600 course?

Issue Two: Can we do better with pre-incident training through contractual mechanisms?

One option would be to ensure that the prime contracts negotiated by FEMA, the Army Corps of Engineers, and other agencies that procure cleanup services following disasters, include the training requirements recommended above. All of these provisions must flow down to all of the subcontractors involved in the disaster response and cleanup. During the Gulf oil spill response, OSHA signed a Memorandum of Understanding (MOU) with the federal On-Scene Commander that helped resolve some conflicts that arose from the National Contingency Plan. The MOU eliminated the barrier at three nautical miles from the shoreline that would have limited OSHA’s ability to inspect worksites.⁴ The Coast Guard observed a “lack of connectivity” between the NCP and the NRF and a lack of understanding among executive-level officials of the NCP response organization.⁵ For a response this large, it was clear that many responders

⁴ Bratspies, R. et al. (2010, Sept.) From ship to shore: Reforming the National Contingency Plan to Improve Protections for Oil Spill Cleanup Workers. [Center for Progressive Reform, White Paper #1006.](#)

⁵ Papp, R. J. (2011, March 18) Final action memorandum – Incident-specific preparedness review (ISPR) Deepwater Horizon oil spill. U.S. Coast Guard. 80. Online at: <http://www.uscg.mil/foia/docs/DWH/BPDWH.pdf> Accessed 4-30-11.

and officials were more familiar with the National Response Framework than the National Contingency Plan, which is focused on oil spills.

Mutual aid agreements (MAAs) are written agreements between agencies or jurisdictions in which they agree to assist each other on request by furnishing personnel and equipment with the goal of increasing access to and fast delivery of critical resources during an emergency. FEMA has significant experience in developing MAAs with federal, state and local agencies, as well as tribal nations.

Possible Discussion Questions:

1. What are the barriers preventing federal agencies from setting standard language in contracts that mandates pre-incident training?
2. How should lower-tiered subcontractors be covered?
3. How can WETP awardees encourage MAAs that promote effective pre-incident training?
4. Should WETP explore the differences in training under the NCP rather than the NRF?

Issue Three: How should we deal with OSHA's four-hour training exception?

Directive Number CPL 02-02-051, titled *Inspection Guidelines for Post-Emergency Response Operations under CFR 1910.120*, provides an exception to OSHA's Hazardous Waste Operations and Emergency Response (HAZWOPER) standard by allowing, under certain circumstances, for the minimum training hours to be reduced, as it was for the Deepwater Horizon oil spill.

The four-hour training exception was put in place by OSHA in November 1990 in response to the 1989 Exxon-Valdez oil spill in Alaska. At the time, there were an insufficient number of properly trained cleanup workers because OSHA's HAZWOPER standard had only been promulgated *a few months earlier*. In the HAZWOPER rulemaking, the agency responded specifically to comments from the oil industry, and noted that workers involved in oil spill clean-ups would be covered by HAZWOPER and its safety training requirements. With the Valdez disaster unfolding, Exxon argued that they had not had time to train a workforce and would be forced to shut down the cleanup. The Alaska Commissioner of Labor, Jim Sampson, agreed to a training exception because of the ongoing emergency. In the 20 years since the HAZWOPER standard has been in place, millions of workers have been trained to conduct hazardous waste clean-up. The need for the exception has long since disappeared. The recent Gulf Oil experience demonstrates how the four-hour training exception was expanded to cover thousands of workers who could have benefited from more training. Letters requesting the directive be withdrawn have since been sent to OSHA .

An OSHA letter of Interpretation to the Marine Spill Response Corporation regarding the HAZWOPER standard dated February 13, 1992 notes that "These are minimum requirements; industries will find it difficult to cover all topics listed in the training requirements in the minimum allowable time. The 'competencies' to be covered during Federal OSHA training

sessions will probably require more than 4 hours and the ‘mandatory’ requirements to be covered for the Washington State training sessions will probably demand more than 8 hours.”⁶

Aside from this cautionary language, previous disasters have demonstrated just how costly it can be to provide such limited training to disaster cleanup workers. Health issues following the 9/11 attack have caused workers enormous physical and mental suffering. U.S. taxpayers have provided \$4.776 billion for screening, monitoring, and medical treatment of first response emergency services personnel, residents, students, and others related to the September 11, 2001 terrorist attacks on the World Trade Center. Now reports and articles abound about the health conditions of those who were exposed to chemical dispersants and oil during the response to the Deepwater Horizon oil disaster.⁷

Possible Discussion Questions:

1. How do we prove the contention generally held by WETP awardees that the four-hour course is not sufficient for responders?
2. What evaluations should the community pursue to ensure that the training was effective?
3. How do we ensure that training meets the language needs and literacy level of cleanup worker?
4. What special efforts are needed for unskilled workers from the impacted communities?
5. What long-term changes are needed to avoid the imposition of 3 or 4 hour training because of political expediency or logistical limitations?
6. What should the curriculum look like for an 8-hour course?

⁶ Washington state chose to issue its own directive entitled “Inspection Guidelines for Post-Emergency *Oil Spill* Response Operations,” (WRD 91-1). The Washington state directive requires a minimum of 8 hours of training.

⁷ Examples include: Mystery illnesses plague Louisiana oil spill crews, By Kerry Sheridan (AFP) <http://www.google.com/hostednews/afp/article/ALeqM5gMxbelyTQdnoblJLXSk65BP4DbhQ>; *Self-Reported Health and Economic Impact Survey*, Louisiana Bucket Brigade, http://labucketbrigade.org/downloads/2010_HEStudy_FINAL_2.pdf; National Geographic Daily News, A Year After the Spill, "Unusual" Rise in Health Problems, <http://news.nationalgeographic.com/news/2011/04/110420-gulf-oil-spill-anniversary-health-mental-science-nation/>; Gulf Spill Cleanup Workers' Illness Lingers, April 18, 2011, http://onlinejournal.com/artman/publish/article_8533.shtml.