

Cancer victims of WVDP join forces with Bethlehem Steel and Linde Ceramics

They will seek compensation from federal government

By NATALIE CONDOR-SMITH
Journal Correspondent

Individuals who developed radiogenic cancers as a result of working at the West Valley Demonstration Project, Bethlehem Steel and Linde Ceramics are sending a joint letter to various federal officials listing their concerns about the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

This compensation program is supposed to compensate individuals sickened from exposure to the tune of \$150,000 and also cover their related medical expenses.

The program also covers spouses of victims who became widows or widowers following the death of a spouse who worked at the site.

At its meeting on Friday, Jan. 23, members of the West Valley Nuclear Compensation Support Group (WVNCSG) brought copies of a statement they had each prepared describing their experience or their spouse's experience of working at the West Valley Demonstration Project.

The statements included information on when they worked there, how long, the kind of cancer or cancers they have, if their claim has been denied and more.

After discussion, the group agreed they would join in with Bethlehem Steel and Linde Ceramics to send the letter, providing there would be no cost to them.

The letter, drafted by attorney Antoinette Bonsignore, refers to the "bureaucratic nightmare that has enveloped the administration of the EEOICPA." Bonsignore has been representing the workers at Linde Ceramics, a former nuclear weapons processing facility.

The letter describes in particular five issues that need urgent attention:

- Auditing procedures that would support a "claimant favorable" outcome rather than an adversarial evaluation process;

- The inappropriate use of 'surrogate data' used to estimate radiation dose exposures that again, is not claimant favorable. Surrogate data is used when individual dose measurements are not available and generically assessed measurements are assigned based on a particular job site, job description, and other criteria.

- The efficiency or otherwise of evaluation procedures.

- The need for waivers of Freedom of Information fees and faster response time for such information following requests by individuals for their radiation dosage exposure information.

- "The systematic refusal by NIOSH (National Institute for Occupational Safety and Health) to take into account sworn affidavits from former workers in the SEC (Special Exposure Cohort) petition evaluation process. Affidavits have been ignored based upon such factors as the current age of the former worker that provided the statement."

The group is still looking for people who worked at the WVDP from the 1960s to 2002 in the hope that they can be helped in making a claim for compensation.

Questions can be directed by email to wvnscg@yahoo.com.

Springville Journal, Thursday, February 19, 2009

Safety Becomes Main Concern in Ashford:

From horse drawn carriages to CDL licenses they all concern Ashford

Several issues of safety were discussed at a board meeting in the Town of Ashford on February 11. The board discussed the visibility of horse drawn carriages, residents concerns over winter road conditions, the installation of residential address numbers, a law requiring emergency personell to have a CDL license and the town's resolution opposing the Rails-to-Trails.

Board members continued their dialogue concerning horse-drawn vehicles not being visible. The board received a letter from Senator Catharine Young regarding this issue, which stated that cautionary signs would be posted along Route 219 as soon as possible.

Town Supervisor Christopher Gerwitz has also been in contact with Cattaraugus County Legislator Jerry Burrell about the possibility of carriages displaying illuminated or reflective signage on such motor-less vehicles, but there is presently no state or county mandate requiring this.

The board agreed that it would be a good idea to lobby the state legislature to request a law requiring appropriate lighting as a safety measure on horse-drawn wagons that travel on public roads.

Another safety issue was discussed, which was a concern to a local resident.

The board received a letter from a town resident who felt that the roads were not satisfactorily snow plowed.

Highway Supervisor Tim Engels suggested that residents call him directly when they have inquiries or complaints about road conditions.

"Every time we make a trip around this town [to plow], it's \$1,200 and we have to be conscious of that. I understand we want to make the roads as safe as we possibly can," Councilman Charlie Davis noted.

Engels had contacted the letter writer to discuss the matter. The town highway department maintains 54 miles of roads.

Safety of residents was also discussed in the manner of emergency services town-wide. The residential address number signs have been ordered via Cattaraugus County.

The signs will allow the town's home addresses to be clearly visible. This will help emergency personell to properly identify a home in case of an emergency.

After the signs have been received, mounting poles will be ordered. The fire company will assemble and distribute the address signs to property owners.

Councilman Davis requested that Code Enforcement Officer Gary Perkins advise the town on the proper guidelines for placement of the poles along the roadside.

Underground utility services may also need to be contacted prior to the installation of poles. The board hopes that the project will commence this spring.

Also in regard to emergency personnel, West Valley Fire Chief Kevin Murray advised the town board members of a law requiring drivers of emergency apparatus to have a CDL license.

“If this stays in and it gets enforced, it’s going to hurt us,” stated Murray.

He noted that prior to 2005, there was an exemption for drivers of such vehicles.

Chief Murray requested that the board write a letter to Senator Young and New York State Assemblyman Joe Giglio, supporting reinstatement of the exemption.

“If it stays in, we have to see how many of them [responders] have their CDL, train them and pay for their CDL and that costs a lot of money”, Murray explained.

The board passed a motion to support an exemption to the law and to contact the appropriate parties. In a final matter regarding safety and security, the town passed Resolution 1-2009, which resolves not to support the Erie-Cattaraugus Rail Trail initiative in Ashford.

One reason that the town opposes the Rails to Rails is because of the site of the West Valley Demonstration project. Currently, the railbed that crosses this 3,300 acre property would not be accessible to the public.

Supervisor Gerwitz met with Bryan Bower of the Department of Energy (DOE) to get the department’s input into the matter.

“We’re going to keep that track open until nuclear waste is gone from West Valley, out of Ashford,” Gerwitz reiterated.

Other reasons stated in the resolution for denial of support were the removal of land from the tax base, prior existence of a snowmobile trail through the town, security and privacy issues for adjacent landowners, and a lack of safety and rescue support for unmonitored trails.

A copy of the resolution will be sent to the New York State Parks Department.

Other items discussed during the evening’s meeting included:

- Gerwitz learned that the town budget could see a 43 percent decrease in Consolidated Local Street Highway Improvement Program (CHIPS) funding.
- Board members discussed the possibility of an official town Web site.
- Councilman John Pfeffer updated the board on the status of telephone, fax and modem lines.
- A meeting of the summer recreation committee is scheduled for February 24.
- Bids will be taken for a large-item trash removal day, which would take place before Memorial Day.
- Bids will be taken for replacement of three doors at the Community Center.

The next Town of Ashford regular Board meeting will take place on March 11, 7:30 p.m. at the Community Center in West Valley.

Buffalo News, Thursday, February 19, 2009

U. S. SENATE

Gillibrand assigned to Environment Committee

WASHINGTON Sen. Kirsten E. Gillibrand, D-N. Y., has been assigned to the Senate Environment&Public Works Committee.

The newly appointed senator follows in the footsteps of former Sens. Hillary Rodham Clinton and Daniel Patrick Moynihan in serving on this committee.

“A seat on the Senate Environment& Public Works Committee means a seat at the table for some of the most pressing issues facing New York, including our great need for transportation and water infrastructure, the remediation and redevelopment of old industrial sites, and efforts to combat global climate change,” Gillibrand said.

She will also serve on three subcommittees: Superfund, Toxics and Environmental Health, Oversight and Green Jobs and the New Economy.

THE BUFFALO NEWS

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Worker with cancer alleges bias in suing West Valley contractor

By Kathy Kellogg
CATTARAUGUS CORRESPONDENT

WEST VALLEY — A worker who has filed a discrimination lawsuit in federal court against West Valley Environmental Services said the company is putting workers in danger.

Bob Timmel, a janitor, had worked as a nuclear operator at the site for 18 years and kept his job even after he was diagnosed in 2003 with Stage 1 malignant lymphoma — a condition that his doctor believes was caused by exposure to nuclear waste.

He said he is scared but returns to work each night, even though he has been demoted to a night shift janitor.

“I am an uninsurable person. The medical costs and the money they owe me are the only reasons I’m there,” Timmel said in a recent interview.

He is one of 123 workers for the Energy Department contractor suffering from cancer who have opened 193 cases through the Labor Department seeking \$150,000 compensation and medical payments under the Radiation Compensation Act.

In the complaint he filed Jan. 5 in U. S. District Court in Buffalo, Timmel details allegations of discrimination and retaliation — beginning in 2005, when he told a supervisor about back disabilities and his oncologist’s orders for gear to shield him from radiation that might worsen his cancer.

Timmel said one supervisor told him to get a different job because the company needed people who could “suit up and do all the work” while another issued a memo calling for medical assessments of employees who might not be “medically fit.”

In 2007, Timmel and a coworker were fired after a nonhazardous box fell 3 feet from a forklift while the men were moving it out for disposal.

Local 2401, International Aerospace and Machinists, took the firing to arbitration, and during the proceedings, Timmel said, he turned down a \$30,000 lump sum buyout offer from West Valley Environmental Services.

The arbitrator ruled the accident “did not rise to the level of gross negligence” and the terminations were “unwarranted and unnecessary.”

Both men returned to work Jan. 2, 2008, with back pay, but on that day they were forced to undergo the health assessment.

According to the complaint, West Valley officials often make arrangements for other disabled workers but “failed to not only reasonably accommodate [his] disability, they further blatantly retaliated — by demoting him.”

The accommodations Timmel requested included lifting restrictions and a “negative pressure” respirator to guard against radiation exposure in certain areas of the plant.

He said he was refused a dosimetry badge to signal radiation exposure.

Last April, Timmel was demoted to janitor at \$14.26 an hour, less than half his former pay. Last October, he received permission from the Equal Employment Opportunity Commission to sue.

The complaint asks U. S. District Judge William M. Skretny for a jury trial and alleges discrimination, retaliation and failure to accommodate Timmel’s disabilities.

Timmel also asks for disability accommodations so he can return to his job as a nuclear operator or to a similar position.

Lost earnings and benefits with interest, punitive damages and payment for his pain and suffering also are being sought.

West Valley must respond to the complaint by March 3.

Company attorney James Donathen said in a phone message Thursday he could not comment on the case.