

# Rocky Flats workers deserve better than third-party suits

*By Tony DeMaiori, president*

For decades the workers at Rocky Flats have served our country – first by protecting the nation from Cold War threats and today through the massive environmental cleanup effort. Historically, workers were exposed to levels of dangerous materials, such as beryllium. At the time the levels were thought to be safe, but time and scientific knowledge and discovery have taught us otherwise. And today, some of our fellow workers are sick.

For years the companies at Rocky Flats paid workers compensation insurance premiums. Big premiums. Lots of money. And the reason they paid these premiums was to protect themselves and to protect the workers. The premiums were paid so that workers would be compensated if they became sick or injured as the result of their work at Rocky Flats.

But, the Colorado State Workers Compensation system has failed the Rocky Flats work force – in particular, those that are sick with Chronic Beryllium Disease (CBD). Forced to fight with lawyers through cases that drag on for years with no relief, the workers have turned to third-party lawsuits, like the Brush Wellman suit that is currently in the news. The workers are desperately seeking financial relief, but they deserve better, much better than third-party suits. These suits are enticing with the promise of millions in payoffs by lawyers who are trying to make a career out of their illnesses. But in reality, third-party suits – if they deliver at all – typically deliver payouts in the thousands of dollars. These suits place a tremendous burden on everyone, draining important resources from the cleanup effort at Rocky Flats.

Soon, workers will have a better place to turn for help. The federal government has stepped up where the state program has failed. Last fall, the Clinton Administration, led by the Department of Energy, pushed through new federal legislation called the Energy Employees Occupational Illness Compensation Program. This is the largest entitlement program enacted since 1960. And it is funded through the Defense Authorization Bill so changes in Congress cannot result in changes in the funding for this program. This is good news to Rocky Flats workers, in particular those with beryllium disease. More than 75 percent of all CBD cases nationwide are Rocky Flats workers.

The passing of this important worker compensation legislation was the result of efforts on the part of local Rocky Flats Steelworkers with the support of their union and the International union. And it gives our workers a place to turn for help so that they do not have to go through the painful and largely fruitless process of third-party litigation.

On July 31, the doors will be opening on the Denver Worker Advocacy Office administered by the Department of Labor. This office will provide a direct avenue for Rocky Flats workers to receive federal compensation for work-related conditions such as CBD.

While we cannot change the exposures that happened in the past, we can learn from them. And today, Rocky Flats is implementing a new beryllium program to protect its workers. The workers at Rocky Flats, together with Kaiser-Hill and the Department of Energy, have played a major role in the development of this program to ensure the highest level of protection. We have adopted a zero tolerance policy for beryllium exposure. It is our hope that from here on out no workers will receive overexposure to beryllium, and our goal is that not a single additional person will become sensitized to beryllium at Rocky Flats as a result of current site operations.

We cannot change the past, but we can change the future. It can be done through proper education, engineering controls, personal protective equipment, and other protective measures. And the workers at Rocky Flats are leading the nation in the implementation of the best beryllium protection program anywhere.