

Health & Safety

Summer 2015



June 9th Forum at Union Hall

TWU Presses Case Against Diesel

Diesel kills.

Diesel fuel pollution – which is spewed not only by buses but subway work trains, depot floor scrubbers and other equipment – causes lung cancer and other deadly illnesses.

“Diesel is a murderous component,” Transport Workers Union Local 100 Secretary Treasurer Earl Phillips said Tuesday.

With those words, Phillips kicked off Local 100’s first Diesel Awareness Forum at the Union Hall on Montague St. in downtown Brooklyn.

More than 120 active members, retirees and union officers attended the symposium that featured medical and legal experts, who gave presentations and then took questions from the audience.

A top priority for the union is increasing worker and retiree awareness - so they and their families can demand removal of all diesel equipment and also get the compensation and benefits they deserve if they were impacted by diesel pollution.

But Phillips also informed those gathered that the union is aggressively pushing the MTA to further reduce the emissions and worker exposure in bus depots, repair barns and subway tunnels.

At Local 100’s insistence, the MTA is considering replacing diesel cleaners and scrubbers in bus depots with battery-powered equipment, which would be a big step forward, Phillips



Local 100 officers are urging the MTA to replace its diesel powered work train fleet (left) with hybrids to reduce emissions in the tunnels, and to replace diesel powered scrubbers and cleaners with battery powered equipment (below).



said. Local 100 also wants management to stop purchasing diesel-powered work trains and buy hybrids as some transit properties in Europe have done, he said. At the union’s urging, the MTA in April issued a bulletin admitted they violated PESH Nitrogen Dioxide (NO₂) rules and then mandated supervisors ensure P100 respirators are worn when workers are doing work in under-river tubes

“We started the fight and we’ll continue to fight,” he said. “We’re going to fight like hell.”

The International Agency for Research on Cancer, part of the World Health Organization, classified diesel engine exhaust in 2012 as a carcino-

genic to humans, Dr. Lewis Pepper said. That “turned the tables” and validated many studies by researchers that had previously made the link but were not given sufficient weight in the legal arena, Pepper said.

A landmark legal victory was achieved just last year when the family of Local 100 bus maintainer Anthony Nigro won a job-related death claim before the Workers’ Compensation Board. Nigro worked at MTA

continued on next page

-continued from front page-

Diesel Forum

facilities for 28 years, most recently at the Quill Depot in Manhattan. A few months after retiring in 2012, Nigro died of lung cancer. It was the first successful workers compensation case establishing a connection between lung cancer and diesel exposure, experts said.

At the symposium, Robert Grey, whose firm Grey & Grey represented Nigro's widow, Dorota "Dora" Nigro, urged attendees to spread the word to workers and retirees that they should file claims if they fell ill after years of exposure. They may be able to secure Workers' Compensation for themselves and their family, and spur management to provide a safer work environment.

"Does anyone hear think the TA is going to fix a safety problem out of the goodness of their hearts?" Grey said. "No. There's only one reason why anything is going to get done and that's because its inaction is going it's to cost the TA money."

Nigro urged workers who toil or toiled in diesel environments not to take the potential dangers lightly. They should keep records where they worked and tell their spouses to obtain all medical records if hospitalized.

"Hopefully, you will never get sick but never say never," she said. "My husband was tall, strong and healthy looking. He used to say, "I'm as strong as a bull. He died at 57. He was strong as a bull, but you know what, cancer is stronger."

Attorney John Dearie, who is preparing a third party law suit against contractors who built and installed the



Participants at Diesel Forum, from the left: Attorney John Dearie, Local 100 Secretary Treasurer Earl Phillips, Dora Nigro, Attorney Robert Grey, Dr. Lewis Pepper, Retirees Association Director Mike Tutrone, Dr. Frank Goldsmith and Retiree Benefit Consultant Norman Rosenfeld.

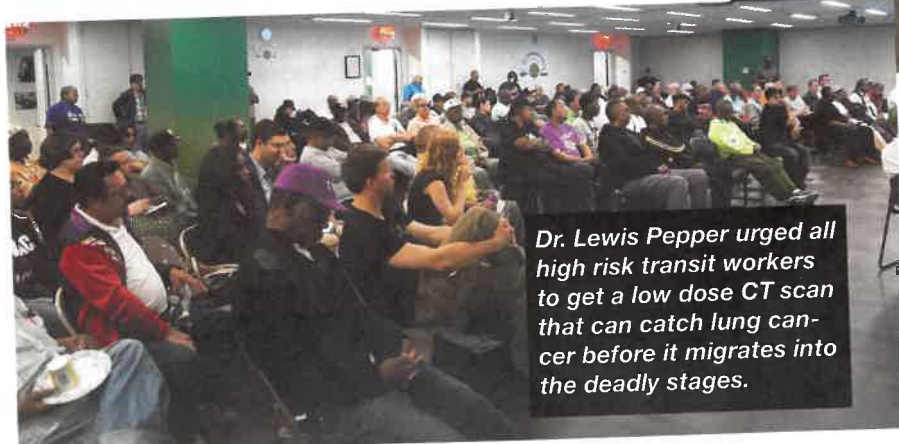
depots over the years, outlined the premise for his case.

About 10 years ago, the MTA began switching diesel buses to low-sulfur, less polluting fuel and buses are outfitted with filters to capture particulates. While ventilation in depots has improved as older ones have been demolished and rebuilt, serious problems remain. Diesel-related illnesses can take a long time to develop. "We intend to keep these programs going, so stay tuned," Mike Tutrone, director of the TWU Local 100 Retirees Association, said to the audience.

The June 9th program was put together by the Retiree Association in conjunction with Frank Goldsmith, Local 100's Director of Occupational Health.



Above, Dora Nigro, widow of cancer victim, addresses event. Left, Dr. Lewis Pepper makes his presentation. Below, photos of attendees



Dr. Lewis Pepper urged all high risk transit workers to get a low dose CT scan that can catch lung cancer before it migrates into the deadly stages.

