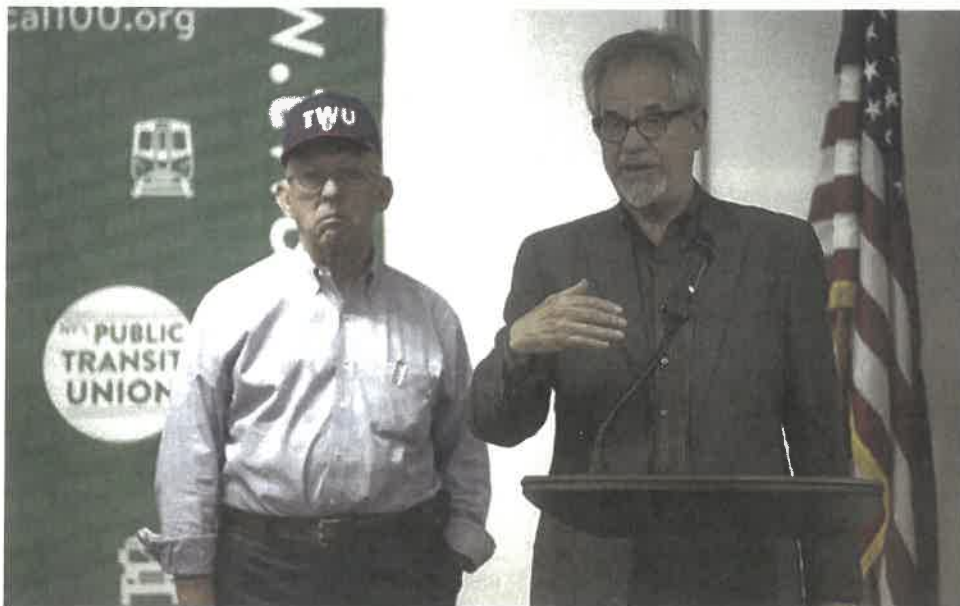




The Chief

Civil Service **LEADER**
THE CIVIL EMPLOYEES' WEEKLY



SOUNDING THE ALARM ON DIESEL: Dr. Lewis Pepper, a medical doctor and research Professor at Queens College, warned a crowd of active and retired transit workers June 9 of the dangers of long-term exposure to diesel fumes. Studies have found a 15- to 40-percent higher risk of lung cancer for workers who breathed in the most emissions, though the Occupational Safety and Health Administration has not yet set an exposure limit.

More-High-Tech Train Poses Greater Health Hazards for Transit Workers

BY SARAH DORSEY

In years past, when Valerie Griffin would sit in a subway tunnel, in the cab of her work train, the fumes were never so bad.

The 16-year Metropolitan Transportation Authority veteran helms the locomotives used by track and maintenance crews when working deep within the system. Because they must operate even when power to the third rail is turned off, the trains have diesel engines.

'First Your Eyes Burn'

Diesel fumes are never welcome in the closed confines of an under-river tunnel, but three years ago, the MTA began introducing a new, higher-tech train that—according to Ms. Griffin and about a dozen of her colleagues—make the experience far worse.

"First your eyes burn, then your throat," Ms. Griffin said. "I've already been diagnosed with sarcoidosis and asthma." She suspects the ailments are linked to her job, where she sometimes puts in 50 hours a week around such trains. (Sarcoidosis is an autoimmune disorder thought to be

triggered by exposure to an outside contaminant, like a virus, bacteria or chemical.) She has never smoked.

The problem began, ironically, when the agency in May 2012 started rolling out the first of its new fleet of 28 lower-emissions work trains. Manufactured by MotivePower, Inc., the model R156 locomotives were touted by the MTA for their newer, better features: they have air conditioning and heating, and electronic controls. They're more fuel-efficient, and meet more-modern crash-safety standards. The new trains are now used throughout the system along with their predecessors, which are nearly 50 years old.

But the sealed cabs that allow operators of the R156 to stay cool in the summer have ended up making them miserable.

'The Fumes Back Up'

"The fumes back up into the cab. So it becomes a gas chamber," Ms. Griffin said, after a June 9 Transport Workers Union Local 100 forum on diesel fumes.

"You can see a black film on the inside of the

cab," a co-worker added. Others described a thick fog inside the vehicles that, in the older models, used to dissipate outside the train. The strong odors and stinging eyes were especially worrisome, they said, because they worked 12- to 14-hour shifts around the stuff on weekends.

The operators had waited patiently until the end of the three-hour forum at the local's downtown Brooklyn union hall to discuss the matter with its secretary-treasurer, Earl Phillips. A dozen of them, along with their shop representatives, stood for several minutes with Mr. Phillips, voicing their frustrations and hashing out the best approaches to the problem.

The union—along with individual members—had already brought the issue over the new trains to MTA officials. An April 17 memo from Sally Librera, an MTA Vice President of Subways who heads the operations support division, ordered all employees working in or near R156 locomotives to wear respirators in under-river tunnels, noting that in-house testing had revealed nitrogen dioxide levels above the state Department of Labor's acceptable levels. The levels fell below the Federal Occupational Safety and Health Association's limit, however.

'Trying to Ensure Safety'

"The new R156s provide many technological and environmental advances compared to our older work trains including significantly more horse power," MTA spokesman Kevin Ortiz said in an e-mail last week, tying the greater power to the heavier fumes.

"Our engineering team is currently working with an outside vendor to identify and develop a modification that will address these emission levels," he added. "As a short-term measure, we have required that all personnel operating R156s in under-river tubes wear respirators to ensure their safety. We are also making every effort to keep



A HALL-OF-FAMER AND A SURVIVOR: Gloster Rogers, a retired transit worker who spent 26 years working in subway tunnels around diesel-powered work trains as a Third-Rail Maintainer, was diagnosed with bladder cancer in 1998. Little was known at the time about the health hazards of long-term exposure to diesel emissions, but it has since been linked to bladder cancer. In addition to his work in transit, Mr. Rogers was inducted into the Rock 'N' Roll Hall of Fame as one of the original members of Little Anthony and the Imperials.

idling to a minimum level while in the under-river tubes and will only assign the R156s [there] on an as-needed basis.”

A memo provided to THE CHIEF-LEADER, however, suggested that the issue was raised long before the MTA's April order. A hand-written complaint, filed by a Crane Operator on Sept. 9, 2013 and signed by nine of his colleagues, alerted supervisors to what the employee described as “problems with Diesel fumes being produced by these [new diesel locomotives.]”

‘Serious Risk to Safety’

“The fumes being produced are causing serious risk to safety. Operators and Trackworkers assigned to work with these trains are becoming ill,” the complaint said. “I’ve experienced burning eyes, nose and throat as well as nausea and lightheadedness. The fumes are especially heavy when stopped in the tunnel dropping rails and material.”

Mr. Ortiz said the MTA investigated the complaint and took “immediate action” to address it, but provided no specifics.

Workers at the forum also complained that they were sometimes encouraged by supervisors to keep trains idling—even though it made the fumes worse. One Light Maintainer said he routinely hauled smaller equipment by hand a few hundred feet to his work site rather than breathe the fumes near the train. But he acknowledged that that might not be as viable an option for older, less-fit workers.

Diesel's health risks were highlighted at the forum by Dr. Lewis Pepper, a medical doctor and research professor at the Barry Commoner Center for Health and the Environment at Queens College. To a couple hundred listeners, many of them transit retirees, he described a series of recent studies that showed how deadly the emissions can be after years of exposure.

Though the U.S. Environmental Protection Agency has deemed diesel emissions merely a “likely” carcinogen, international bodies have been less conservative. In June 2012, the World

Health Organization's International Agency for Research on Cancer called it a definite carcinogen, placing it in the same broad category as asbestos.

‘Five Times More Cancer’

Dr. Pepper last week laid out the recent research. In a 2012 longitudinal study of 12,000 miners, those with the greatest exposure to diesel emissions had five times the rate of lung cancer as those who got the smallest dose. Fumes and tiny airborne particles from diesel fuel are also known to cause cardiovascular disease and other respiratory illnesses. It has been linked with bladder cancer, since the kidneys filter toxins from the blood through the urine.

Other studies, focusing on railroad workers and truckers, found 15- to 40-percent higher lung cancer rates among those regularly exposed to diesel emissions, regardless of whether they smoked.

Dorota Nigro's husband grasped the problem long after he could do anything about it. Anthony Nigro retired in 2011 after 28 years as a Bus Mechanic, the last eight of them working the a.m. shift at Mike Quill Bus Depot in midtown Manhattan, where his work area would fill with the smoke of up to 200 or 300 buses a day. Just a couple of months after he retired, he was diagnosed with advanced lung cancer; he died shortly after that.

Lawsuit Succeeded

Ms. Nigro encouraged the transit workers to ask a doctor about an occupational connection if they become ill. In 2014, a Workers' Compensation attorney agreed with Mr. Nigro's doctor that his work around diesel fumes was a significant factor in his illness. He had once smoked heavily, but quit more than two decades before he got sick. Under state Workers' Compensation law, plaintiffs must prove only that an on-the-job trigger was a significant contributor to an illness—not the only cause.

The Judge granted Ms. Nigro the highest award allowable under the law—what could amount to

more than \$1 million over her lifetime—in what her attorney Robert Grey believes is the first case of its kind in the nation.

Civil suits have been less successful up until now. John C. Dearie, an attorney and former Democratic State Assemblyman for nearly 20 years, hopes to change that.

He and other lawyers lost an earlier civil suit against diesel-engine manufacturers brought on behalf of MTA transit workers sickened after years of breathing diesel fumes. The Second Circuit Court in 2012 ruled that the companies, including General Motors, were protected by a provision of the Clean Air Act from a claim under state law because their engines met EPA standards. The workers had charged that they'd failed to warn them about the dangers of the fumes, and that they built the engines with a workaround designed to subvert emissions standards.

New Negligence Claim

Mr. Dearie is now trying again, representing sick transit workers in a negligence claim against contractors and ventilation subcontractors for constructing facilities without adequate ventilation.

“I live with this every day and it frustrates me beyond words,” he said of the earlier lawsuit, which cost nearly \$1 million to bring to appeal. The new suit, however, is still open to potential plaintiffs.

Mr. Grey urged transit employees to file a notice with the Workers' Compensation Board as soon as they learn of an illness that could be diesel-related, because once a doctor tells you your cancer could be work-related, the clock starts ticking. He warned that Bus Maintainers, like Mr. Nigro, and Subway Train Operators were two of the most at-risk groups for lung cancer—but they also seem to be filing the fewest claims.

It was a lesson that came too late from a financial standpoint for Gloster Rogers, a Third Rail Maintainer for 26 years who developed bladder cancer despite no known family history and no history of smoking. The diagnosis came as a shock to him in 1998, when the link with diesel exposure was far from established.

“I'm blessed,” Mr. Rogers said, grateful that his doctors had saved his life. But it is far too late to file a claim for the work he lost or the medical costs he incurred. In those days, he said, work crews would run diesel trains continuously when new track was being laid.

“I never did think of [the connection] in time because I was unaware,” he said. “We was unaware of these different things.”