

Good afternoon. I want to thank Subcommittee Chairman Christopher Shays, Ranking Member Dennis Kucinich, and all the Committee members for the opportunity to address this most important issue. My testimony will concentrate on the events and issues surrounding the anthrax contamination of the Southern Connecticut Mail Processing & Distribution Center, located in Wallingford.

## **A Nation on Edge**

When the anthrax crisis arose in October 2001, the terrorist attacks of September 11<sup>th</sup> were still vivid in our minds and the national psyche was wounded. The mail had been used to transmit deadly anthrax and two Brentwood postal workers were victims in late October. Other postal workers from Brentwood and Hamilton Township, New Jersey, were hospitalized with life-threatening infections. Thousands of workers were prescribed medication as a precaution.

Postal workers were especially concerned but, despite their fears, continued to work, serving our nation with courage and dignity.

## **Cooperation**

At the outset of the anthrax crisis, the Postal Service and the postal unions embarked on a cooperative effort to cope with the crisis, evaluate progress, and facilitate communication at the national level. Members of the Mail Security Task Force met almost daily, exchanging information and discussing options. Through most of the anthrax crisis, this course of action worked quite well.

Unfortunately, the same level of cooperation did not exist at the local level in every instance. It certainly did not exist in Connecticut.

## **Wallingford**

Shortly after the Brentwood deaths, the Wallingford facility, along with more than 250 other postal facilities, was tested for anthrax contamination using the swab sampling method. The results were negative at the majority of facilities tested nationwide, including Wallingford.

But when Otilie Lundgren, a 94-year-old widow who lived in nearby Oxford, Connecticut, died of inhalation anthrax in November, contaminated mail was immediately suspected. Fear gripped Wallingford postal workers and nearby residents.

Three rounds of additional tests were conducted using variations of the swab method, and each produced a negative result.

Finally, when the more sophisticated HEPA vacuum sampling method was utilized, anthrax was detected. The presence of anthrax was described as being in “trace amounts.”

### **Information Exchange Poor**

The situation at the Wallingford postal facility was reported at the national task force meetings, but the exchange of information, as we have subsequently learned, was incomplete. The quantitative results from sampling were *not* presented to task force members.

The failure by Postal Service and state health department officials to provide important information was revealed in early January 2002, when a local APWU representative was verbally informed by a Centers for Disease Control official that contamination was significantly higher than had been reported to the union and employees.

This was confirmed in an e-mail the union obtained through a Freedom of Information Act request made in April 2002 and received in April 2003. The December 2001 e-mail from CDC official Larry F. Cseh says, “This is to discuss the findings of my sample from Wallingford P&D that is the highest ever collected at post offices.”

### **Troubling Question**

There has been considerable disagreement regarding the level of contamination in the Connecticut facility. Test results put the number of anthrax spores found at approximately 3 million. While the significance of this figure has been hotly debated, clearly, there was more than “trace” contamination. And without question, there was sufficient contamination to cause death.

This raises a troubling question: When do authorities have a duty to inform employees of threats to their health and safety?

The evidence is clear that discussions were held among various agencies, including the Postal Service, the Centers for Disease Control, and the Connecticut Department of Health, regarding who would assume responsibility for notifying employees.

A GAO report issued in April 2003 went to great lengths to analyze documents that set forth the responsibilities of the agencies involved. The report notes that the Postal Service requested, and the investigation team agreed, that the USPS would be the sole party responsible for communicating test results and other information to the workers at the facility.

Yet the Postal Service failed to notify employees and the union of the quantitative sample results.

### **OSHA's Role**

The Postal Service's failure to report the results of the Wallingford sampling was compounded by its failure to properly respond to a January 2002 request from the local union president for documents detailing exposure.

When it became clear that repeated union requests for exposure data were not being honored, the union petitioned OSHA to enforce the standard that requires employers to provide such data within 15 days of a request. OSHA failed to enforce its standard: It declined to issue a citation to the Postal Service, and the requested information was not provided for a full nine months after the union's initial request.

The record, of course, also shows that while the requests were being made and denied, the Postal Service knew the results, CDC knew the results, and the Connecticut Department of Public Health knew the results. Those most directly concerned – the employees – did *not* know. Employees were not informed, despite repeated requests for information by the local union.

Yet the GAO report concludes that, given the circumstances, the failure to report the results is understandable.

We vehemently disagree. OSHA's failure to uphold its standard to protect postal workers, and the Postal Service's continued refusal to provide anthrax-exposure data is simply inexcusable. Nowhere in the Code of Federal Regulation for OSHA is there an exception.

No matter how one interprets the regulations, employees were denied the fundamental right to make informed decisions regarding their safety and health.

### **Conclusion**

It is abundantly clear that postal workers at the Wallingford facility were denied the right to protect themselves from dangers in the workplace. We feel it is far too easy to say: "We learned our lesson. It will not happen again."

Postal employees were working in a facility that tested positive for anthrax, a toxin presumed by the medical community to be capable of causing death even when present only in minute amounts. Medical treatment that was offered as protection against trace contamination was provided under false pretenses.

Postal workers are wary, and they should be. No one has been held accountable and this failure is, in the GAO's interpretation, "understandable."

Mr. Chairman, Committee members, I respectfully submit that the events surrounding the Wallingford anthrax contamination are *not* "understandable." Not to me, and not to the workers I represent.

Thank you for the opportunity to testify before your committee. I will be happy to answer any questions you may have.