

# Hearings on beryllium proposed

## Congressman questions U.S. role in industry



Kanjorski: Several workers at a plant that used to be in his district have beryllium disease.

BY SAM ROE  
BLADE SENIOR WRITER

A Pennsylvania congressman called yesterday for congressional hearings into the U.S. government's involvement in the beryllium industry.

U.S. Rep. Paul Kanjorski said that he is concerned that workers continue to become ill from the toxic metal.

"It's clearly an obligation of the government to remediate the problem," he said.

The Democrat said his call for hearings was sparked by The Blade's series "Deadly Alliance," which is describing how government and industry knowingly allowed thousands of workers in the private beryllium industry to be exposed to unsafe levels of the metal.

Mr. Kanjorski's district includes Hazleton, Pa., the site of a former beryllium plant. About a dozen former workers of the Hazleton plant have

developed beryllium disease, a lung illness caused by inhaling the metal's dust.

In a letter late yesterday, Mr. Kanjorski asked U.S. Rep. Christopher Shays (R., Conn.), chairman of the subcommittee on national security, veterans affairs, and international relations, to have his panel hold hearings on the beryllium issue in May.

The Blade articles, Mr. Kanjorski wrote, "raise important questions about the U.S. government's involvement in occupational safety problems."

He called the beryllium problem "one of the sad postscripts to the Cold War."

The hearings, he told Mr. Shays, "would increase awareness of the causes and effects of the disease, the current medical diagnosis and treatment, the extent of the affected population, and the importance of taking measures to remedy

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# Hearings

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the situation."

"The hearing would also demonstrate congressional concern for the plight of former beryllium workers."

Beryllium is a hard, lightweight metal that has been used for more than 50 years by the government in defense applications. It is used in nuclear weapons, missiles, and jet fighters.

It's not clear how many people have contracted beryllium disease.

Researchers cite 1,200 cases nationwide since the 1940s, but they say many other cases are misdiagnosed or undetected.

Locally, 50 current or former workers have contracted the disease at the Brush Wellman, Inc., beryllium plant outside Elmore. Twenty-six more have an abnormal blood test — a sign that they may develop the disease.

Mr. Kanjorski, a member of the House Government Reform Committee, said it will be up to Mr.

Shays to schedule hearings.

Last month, Mr. Kanjorski proposed a bill that would compensate Americans suffering from beryllium disease.



BLADE PHOTO

**DeWine: 'What did the government know and when did they know it?'**

# DeWine calls for look into beryllium

BY SAM ROE

BLADE SENIOR WRITER

U.S. Sen. Mike DeWine of Ohio called yesterday for an investigation into whether the federal government has been responsible for the injuries and deaths of American beryllium workers.

Mr. DeWine said he will ask the General Accounting Office, Congress's investigative arm, to look into the matter soon.

"The threshold question is: 'What did the government know and when did they know it?'" Senator DeWine said in an interview with The Blade.

In addition, he said he will ask the U.S. Occupational Safety and Health Administration to review its safety standards for the handling of beryllium.

"We are not only concerned about people who have been injured in the past, but we're concerned about potential injuries in the future and people who are in the workplace today," Mr. DeWine said.

The senator said his actions were sparked by The Blade series "Deadly Alliance," published March 28 through April 2. The series detailed a decades-long pattern of the U.S. government putting beryllium production and costs ahead of worker safety.

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# Beryllium

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Among the findings: Over the past five decades, the government and the beryllium industry risked the lives of thousands of workers by knowingly allowing them to be exposed to levels of beryllium over the federal safety limit. As a result, dozens of workers have contracted beryllium disease, an incurable, often-fatal lung illness.

Three days into the series, Pennsylvania Congressman Paul Kanjorski called for congressional hearings on the matter — a move that has since gained support from other members of Congress.

Yesterday, Mr. Kanjorski, a Democrat, welcomed the actions of Senator DeWine, a Republican.

"I think we actually have a window of opportunity in the next nine months to get a coalition of Republicans, Democrats, and the administration on board to get some remedial legislation passed," Congressman Kanjorski said.

Beryllium is a hard, lightweight metal that has been used for more than 50 years by the government in defense applications. It has been used in nuclear weapons, missiles, and jet fighters.

When the metal is manufactured or machined, and the resulting dust inhaled, workers often develop a chronic lung illness.

It is unclear how many people have contracted beryllium disease. Experts cite 1,200 cases nationwide since the 1940s, but they say many others are misdiagnosed or undetected.

Locally, 50 current or former workers have contracted the disease at the Brush Wellman, Inc., beryllium plant outside Elmore.

Overall, beryllium disease has

emerged as the No. 1 illness directly caused by America's Cold War buildup, experts say.

Senator DeWine said he will send a letter to the GAO early next week, asking that the agency determine whether the government was negligent concerning injuries caused by beryllium. When the GAO report is finished, Mr. DeWine said, he could determine whether legislation should be introduced.

He said "a formal, independent study" is needed; otherwise, passing legislation would be difficult.

GAO spokesman Cleve Corlett said he could not comment on the request until he had seen it.

By law, the GAO is required to do work for Congress and its committees, Mr. Corlett said. "To the extent we have resources, we try and accommodate requests from members in their individual capacities," he said.

Senator DeWine said he will send a letter to OSHA next week, asking that the agency move quickly to review safety standards. "Time is of the essence," he said.

OSHA spokeswoman Bonnie Friedman said she wants to see the letter before commenting.

America's leading producer of beryllium is Brush Wellman, which has headquarters in Cleveland and 2,200 employees worldwide, including 650 at the Elmore plant.

Brush spokesman Hugh Hanes said Senator DeWine's "elected to represent the citizens of the state of Ohio, and he will do what he sees fit."

Toledo Congresswoman Marcy Kaptur, a Democrat, said: "I welcome Senator DeWine's interest and activity on the issues surrounding beryllium. I look forward to sharing with him the findings of our previous work with OSHA, the [Environmental Protection Agency], and other health and safety organizations."

# U.S. says limits on beryllium fail

## Agency reviews exposure rules

BY SAM ROE  
BLADE SENIOR WRITER

WASHINGTON — The head of the U.S. Occupational Safety and Health Administration said yesterday that the federal exposure limit designed to protect thousands of American workers from beryllium disease is not working.

"It is very clear to me that at our current exposure level, people are being made ill and contracting a fatal disease," Charles Jeffress said.

He said his agency is studying whether to tighten the beryllium safety standard — one of several steps the safety agency is taking to combat the chronic lung disease that has affected scores of workers locally and nationwide.

Mr. Jeffress called beryllium disease "a particularly hazardous, particularly worrisome problem in the workplace."

"It is one of our high priorities," he said.

Beryllium is a hard, lightweight metal used in the defense, automotive, electronics, and telecommunications industries. When the metal is manufactured or machined and the resulting dust inhaled, workers often develop a lung disease for which there is no cure.

Researchers estimate 1,200 documented cases of beryllium disease nationwide since the 1940s. Fifty current or former workers have contracted the illness at the Brush Wellman, Inc., beryllium plant outside Elmore, 20 miles southeast of Toledo.

Mr. Jeffress said that OSHA decided in December to review the safety standards for about two dozen substances, including beryllium. Part of the beryllium review will include a study to provide basic information that has eluded health officials for years: Which industries use beryllium? How is it

being used? How many workers are exposed?

For example, no one knows how many workers potentially are exposed to beryllium dust. Estimates range from 30,000 to 800,000.

Mr. Jeffress said his agency will soon let a contract for this study.

He said recent publicity surrounding beryllium disease has helped his agency focus attention on the deadly metal.

A series by The Blade, published March 28 through April 2 and titled "Deadly Alliance," detailed a decades-long pattern of the U.S. government putting beryllium production and costs ahead of worker safety.

Among the findings: The government and the beryllium industry risked the lives of thousands of workers by knowingly allowing them to be exposed to unsafe levels of beryllium.

As a result, dozens of workers contracted beryllium disease, an illness that proves fatal about one-third of the time.

Mr. Jeffress said he will not comment on those findings. But he said that after the series was published, the safety agency held internal meetings to discuss what more can be done to educate workers about the hazards of beryllium. Those talks continue, he said, and no decision has been made on any action.

And he said it is unclear when the agency might decide whether to propose tightening the exposure limit.

OSHA's limit is 2 micrograms of beryllium dust per cubic meter of air — equivalent to the amount of dust the size of a pencil tip spread throughout a six-foot-high box the size of a football field.

Mr. Jeffress said recent research shows that even this small quantity is causing workers to get sick.

In February, two leading beryllium researchers wrote to Mr. Jeffress to tell him that workers were contracting the disease "well below" the safety standard, OSHA records show.



Jeffress: rules aren't working.

# OSHA

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"We know that the current regulatory level is not protecting workers from developing disease," wrote Dr. Lee Newman and Margaret Mroz of the National Jewish Medical and Research Center in Denver.

Mr. Jeffress pointed out that the U.S. Energy Department is studying whether to lower the exposure limit at federally owned sites. He said energy officials' decision would likely influence the safety agency's actions.

Only once in 50 years has the federal government tried to lower the limit for beryllium. That was in 1975, when OSHA proposed cutting

it in half.

But as reported in The Blade series, safety regulators ran up against an overwhelming alliance: the beryllium industry and the defense establishment. In the end, the safety plan died.

Mr. Jeffress said he has not heard of such opposition to the safety agency's recent efforts.

America's leading beryllium producer is Brush Wellman, which has headquarters in Cleveland and 2,200 employees worldwide, including 650 at the Elmore plant.

A message left yesterday for Brush spokesman Hugh Hanes was not returned.

Theresa Norgard, a Manitou Beach, Mich., resident and one of the area's advocates for beryllium victims, called OSHA's actions "a good first step."

# Beryllium cases may become 'epidemic'

## Scientist proposes government action

BY SAM ROE  
BLADE STAFF WRITER

Thousands of American workers face an epidemic of lung disease caused by the deadly metal beryllium unless government and industry officials take swift and firm action to stop it, a leading scientist says.

"We have yet to go into a company using beryllium and not find beryllium disease - no matter how seemingly small the exposures have been," Dr. Lee Newman, head of environmental and occupational health sciences at National Jewish Medical and Research Center in Denver, said yesterday.

"This tells me that we are basically setting up the American work force to take a fall."

Dr. Newman, who has diagnosed and treated more beryllium disease victims than any other physician in recent years, predicted an increase in cases because of the widening use of beryllium in products such as golf clubs.

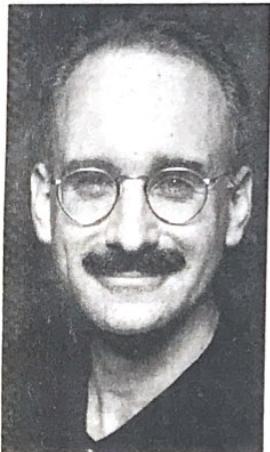
"We are placing more of the American work force at risk," he said.

Dr. Newman said Congress should hold hearings on beryllium disease, federal regulators should set tougher safety standards, and industry officials should improve product warnings.

"A major education campaign is necessary," he said.

Charles Jeffress, head of the U.S. Occupational Safety and Health Administration, said yesterday: "We are concerned about beryllium and the risks associated with worker exposure, and we welcome Dr. Newman's suggestions."

Hugh Hanes, spokesman for Cleveland-based Brush Wellman Inc., America's lead-



Newman: He has treated numerous beryllium disease victims in recent years.

## Beryllium

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ing beryllium producer, called the prediction of a possible epidemic "outrageous."

"There is no evidence of anything approaching an epidemic outside of the primary and secondary manufacturing industries surrounding beryllium," Mr. Hanes said.

Beryllium is a hard, lightweight metal that produces a toxic dust when manufactured or machined. The dust often causes a fatal disease for which there is no cure.

Historically, beryllium has been used by the U.S. government in nuclear bombs and other weapons. With the end of the Cold War, beryllium has been used increasingly in the automotive, electronics, telecommunications, and sporting goods industries.

A recent six-part series by The Blade detailed a decades-long pattern of the federal government and the beryllium industry putting production of the metal ahead of worker safety.

Dr. Newman said: "I think the industry as well as our government have an obligation at this point to be very aggressive in alerting anyone who may work with beryllium about the true hazards."

If no action is taken, he said, "we will continue to see new cases of beryllium disease, and that's a tragedy. It's a tragedy because this is a preventable disease."

Researchers estimate 1,200 documented cases of beryllium disease nationwide since the 1940s, but they say many illnesses are misdiagnosed or unreported.

Dr. Newman would not speculate on how many new cases might emerge. But he said thousands of companies use beryllium, and about 2 to 6 per cent of workers exposed to the dust contract the

disease.

Locally, 50 current or former workers have contracted the illness at the Brush Wellman plant outside Elmore, 20 miles southeast of Toledo.

Dr. Newman said OSHA and the National Institute for Occupational Safety and Health should issue a "hazard alert," notifying all metal manufacturers of beryllium's dangers.

He called on OSHA to review warnings the beryllium industry uses. Some, he said, "are difficult for people to understand and in some cases tend to soft-pedal the hazards."

He said workers should know that dust from beryllium alloys can cause disease. The alloys are formed when small amounts of beryllium are added to other metals, such as copper and aluminum.

"Even today, most of the people working with those materials have no idea that those materials can cause beryllium disease," Dr. New-

man said.

Mr. Hanes, the Brush spokesman, said that "beryllium products are not hazardous in solid form, and that's the form in which people use them." And he defended the company's warnings, saying they are reviewed by experts - "and Dr. Newman is not an expert on labeling."

Among Dr. Newman's other recommendations:

- OSHA should lower the permissible exposure limit for beryllium dust because studies show that workers become ill at exposure levels under the limit.

- Companies should not use beryllium in their products unless it is essential.

- The beryllium industry should test all of its workers - not just some - for beryllium disease.

- Lawmakers should review why many victims are not covered by workers' compensation.

# Kaptur promises action on beryllium

## Bill would assist victims of disease

BY SAM ROE  
BLADE SENIOR WRITER

Toledo Congresswoman Marcy Kaptur said yesterday that she and several other members of Congress soon will introduce legislation to compensate workers sickened by manufacturing the deadly metal beryllium for America's Cold War buildup.

"We are talking about a package of benefits that would include lost wages, medical costs, rehabilitation, and training," she said.

Miss Kaptur said beryllium workers had a role in the Cold War, and the federal government should help those who are ill.

"This is but another example of how the defense buildup of the 20th century has had many costs - sometimes hidden," she said.

Miss Kaptur's announcement was made in the aftermath of a recent series by The Blade that detailed a decades-long pattern of the U.S. government putting production of beryllium for nuclear bombs and other weapons ahead of worker safety.

Among the findings: Government and industry risked the lives of thousands of workers by knowingly allowing them to be exposed to levels of beryllium above the federal safety limit.

As a result, dozens of people - many in the Toledo area - contracted beryllium disease, an incurable, often-fatal lung illness.

Miss Kaptur, a Democrat, credited the series for helping spark interest in legislation to help victims.

She said she could not yet give details of the proposed bill, when it will be introduced, or how many members of Congress will sponsor the legislation. She said officials from the Energy Department and Labor Department have been meeting with members of Congress in recent weeks to discuss what the bill should include.

Administration officials have been studying how many workers

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# Kaptur

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might qualify for compensation and how much it might cost, Miss Kaptur said.

Yesterday, Energy Department spokesman Jeff Sherwood confirmed that David Michaels, a top energy official, has been meeting with various lawmakers on the matter. But Mr. Sherwood would not comment further.

U.S. Rep. Paul Kanjorski, a Pennsylvania Democrat, introduced a bill in February that to create a federal trust fund to compensate beryllium victims. But he said that he supports this new plan because it is more comprehensive and might appeal to lawmakers from many states.

"What we're trying to do is build a nonpartisan coalition," he said.

Beryllium is a hard, lightweight metal that has been used in defense applications for more than 50 years. But it produces a toxic dust when manufactured or machined.

Researchers estimate 1,200 documented cases of beryllium disease nationwide since the 1940s, but they say many illnesses are misdiagnosed or unreported.

Locally, 50 current or former workers at the Brush Wellman Inc. plant outside Elmore have contracted the illness. Elmore is 20 miles southeast of Toledo.

Last week, Dr. Lee Newman, a

leading beryllium scientist, warned that thousands of American workers face an epidemic of beryllium disease unless government and industry take steps to stop it.

In a letter Friday, Miss Kaptur asked House Speaker Dennis Hastert to make "chronic beryllium disease a priority in the 106th Congress."

"While this metal has served our country well in keeping our borders free of threat, it has left a distressing legacy of disease and death for many of the workers exposed to its dust," Miss Kaptur wrote.

She told Speaker Hastert, a Republican from Illinois, that she would introduce legislation to help victims and asked that the bill be quickly considered. In addition, she said she would like to discuss with the speaker ways to bring House leaders together to develop "a comprehensive effort" to pass beryllium legislation.

"It is my hope that our cooperative efforts will lead to productive congressional hearings and effective bipartisan legislation on this critical issue," she wrote.

America's leading beryllium producer is Brush Wellman, which has headquarters in Cleveland and 2,200 workers worldwide, including 650 at the Elmore plant. Brush spokesman Hugh Hanes said last night he could not comment on a bill that he has not seen.

But he said the company did not oppose the concept of federal compensation for injured beryllium workers, "given the proper construction of the bill."

# OSHA beryllium inquiry advances

## Firm chosen to determine risk

BY SAM ROE

BLADE SENIOR WRITER

Federal regulators have started to track down information that has eluded health researchers and officials for years: Which American industries are using the deadly metal beryllium, and how many workers are at risk?

The U.S. Occupational Safety and Health Administration has given a \$100,000 contract to Eastern Research Group, Inc., a Massachusetts firm, to answer those questions.

The study will try to identify:

- Which industries use beryllium and how many workers are at risk.
- What steps companies take to limit exposure.
- How they might further reduce the risks.

One leading scientist said yesterday that the government-funded study is a "very important piece of solving the beryllium problem."

"I'm very pleased that they are doing this," said Dr.

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## Inquiry

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Lee Newman, head of environmental and occupational health sciences at National Jewish Medical and Research Center in Denver. "I hope they get good information."

Beryllium is a hard, lightweight metal used in the defense, electronics, and automotive industries. Workers who process or machine the metal often contract an incurable lung disease by inhaling the toxic dust.

A recent Blade series detailed how the U.S. government and the beryllium industry have knowingly allowed workers to be exposed to unsafe levels of beryllium dust. Many of these workers have contracted beryllium disease, including employees at the Brush Wellman, Inc., plant outside Elmore.

No one knows how many American workers are potentially exposed to beryllium. Estimates range from 30,000 to 800,000.

OSHA officials said the beryllium study will be finished in seven months and the findings will be

used in a wider effort by the agency to protect workers. OSHA has been studying whether to adopt tougher safety standards for beryllium, but it must first determine the scope of the problem and whether stricter rules are possible.

"When OSHA proposes a new standard we must show that workers are at a significant risk and that feasible methods of control are available to reduce that risk," Marthe Kent, OSHA's director of safety standards, said yesterday.

In April, OSHA director Charles Jeffress said the beryllium study had been planned for months but that the recent Blade series "helped us focus on the issue."

It is unclear how many people have contracted beryllium disease. Experts cite 1,200 cases nationwide since the 1940s, but they say many others are misdiagnosed or undetected.

At least 50 current or former workers at Brush Wellman's Elmore plant have the disease.

Brush spokesman Hugh Hanes said the company will cooperate with the study.

# Increased beryllium protection promised

## Company finds more disease cases

BY SAM ROE

BLADE SENIOR WRITER

Brush Wellman, Inc., yesterday announced major changes to protect its workers from deadly beryllium dust.

Among the improvements: more respirators, increased air sampling, better housecleaning, and stricter plant access, including no more public tours.

"Brush Wellman is committed absolutely to the elimination of chronic beryllium disease," said Brian Derry, vice president for operations at Brush, the nation's leading beryllium producer.

The changes took effect Monday at Brush's 650-employee beryllium plant outside Elmore. Brush officials said the improvements were prompted by recent testing at the plant that detected three more workers with beryllium disease and 10 more with abnormal blood tests.

All of these employees, Brush officials said, had worked at the plant less than seven years, and some worked in areas thought to be relatively safe.

Some welcomed Brush's actions.

"We are heartened that Brush Wellman is working to improve safety and health conditions for its employees," said Charles Jeffress, head of the U.S. Occupational Safety and Health Administration. "We are looking forward to hearing more about the progress they make."

Brush officials said the timing of the changes was not related to The Blade's recent series on the beryllium industry or the adverse publicity that followed.

The series, published March 28 through April 2, detailed how the U.S. government and the beryllium industry - primarily Brush Wellman - knowingly allowed thousands of workers to be exposed to unsafe levels of beryllium dust. The articles caused several members of Congress to call for hearings into the matter.

Beryllium is a metal used in the defense, electronics, and automotive industries. Workers who process or machine it may contract an incurable, often-fatal lung disease by inhaling the toxic dust.

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# Protection

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An estimated 1,200 American workers have contracted beryllium disease nationwide since the 1940s. Brush reports 142 cases companywide, including those found in recent testing at the Elmore plant.

A total of 220 workers, all of whom were hired after Jan. 1, 1993, participated in the tests. Brush officials said three workers were found to have beryllium disease; 10 others had abnormal blood tests — a sign that they may develop the illness.

After learning of the results in recent weeks, "we decided to make a fundamental shift in how

we operate," Elmore plant manager Harold Wiegard said.

The changes include:

- Requiring about 200 workers to wear respirators more often. Brush officials said respirators will be mandatory in areas of the plant where it is likely dust levels will exceed the federal safety standard.
- Collecting more air samples using small monitors attached to workers' shirt lapels. These monitors will give the company a better idea of worker exposure, Brush said.
- Restricting access to parts of the plant to workers, contractors, and vendors.
- Implementing new clothing requirements, such as long gloves.
- Expanding housecleaning efforts, including beefing up the decontamination crew, which cleans trouble spots in the plant.

Additional changes may be made, Brush officials said. In a few months, the firm will analyze new exposure data and determine whether it needs to make major changes to equipment and ventilation.

Brush added that the changes apply only to the Elmore plant. The company has headquarters in Cleveland and facilities in sev-

eral states. Company officials said they were studying possible changes at the other plants.

Glenn Petersen, a laborer at the Elmore plant for four years, said he was surprised by Brush's steps. "You wouldn't believe how happy I am," he said.

Another laborer, Leona Dupler, said she welcomes the changes but wondered why they weren't made years ago. She said if it weren't for The Blade series, Brush would not have acted.

"I think the pressure is on," she said.

She added that many workers are unhappy about having to wear respirators more often. "It's a lot to ask. It's hot, it's heavy, your face will break out, like a rash."

Theresa Norgard, a local beryllium victims advocate, said

Brush's moves are significant. "We finally got them to say, 'Yeah, we got a problem here.'"

But she called the expanded use of respirators "a Band-Aid approach." Experts have long stated that respirators should not be a substitute for ventilation and other engineering controls.

"Brush has to do some fundamental re-engineering," said Mrs. Norgard, a Manitou Beach, Mich., resident and the wife of beryllium disease victim David Norgard.

Brush officials acknowledged that respirators are a short-term solution but the best one until the firm determined how to reduce the dust.

"We have to protect people now," said Mr. Wiegard, the plant manager.

*All of the employees whose tests raised concern had worked at the plant less than seven years.*

**THE BLADE: TOLEDO, OHIO ■ WEDNESDAY, JUNE 9, 1999**

# *At 24 and with 2 years on the job, chronic illness sets in*

## **Worker stunned disease struck so quickly**

**BY SAM ROE**  
BLADE SENIOR WRITER

Tim Jennison had planned to work just a few more months at the Brush Wellman beryllium plant, pay off his car loan, and go back to college.

"I didn't want to stay there long because I didn't want to get [beryllium disease]," the 24-year-old Oak Harbor resident said.

But Mr. Jennison said that a few weeks ago, before he learned he has the often-fatal lung illness.

"I'm definitely concerned," he said. "It could shorten my life or I might have an oxygen tank to carry around the rest of my life."

Brush Wellman officials yesterday reported that recent testing at the companies' plant outside Elmore detected three more workers with the disease. Ten others showed abnormal blood tests and may later develop the illness.

The company reports 142 cases of beryllium disease companywide – 15 more than it reported earlier this year. At least 53 current or former workers of the Elmore plant have the disease.

Mr. Jennison said he began working at the Elmore plant in 1997 in the cast shop. Early this year, he said, he decided to quit this summer and go to college. He had

previously attended Terra Community College in Fremont.

"I wanted to go back and get an engineering or business degree," he said.

But in February, he learned he had an abnormal blood test. "I quit right there on the spot," he said. "I didn't even finish the day."

He underwent further tests, and on April 20, Brush told him he had the disease, he said.

"I wasn't upset until I got to my car," he said. "I never dreamed I could get it in two years [of work]."

His mother, Laura Jennison, spoke about her son through tears. "I'm really mad," she said. "It didn't have to happen."

Mr. Jennison, who is single and has no visible symptoms of the disease, said Brush did not adequately warn him about the hazards. "They didn't stress it," he said.

Money, he said, was the major reason he took a job at Brush. He was earning \$12 an hour when he left.

"It was a good job. Good benefits. Around here there aren't too many jobs like that."

He said that after he was diagnosed with the disease, Brush promised to pay him a year's salary even if he did not return to work.



BLADE PHOTO BY DARREL ELLIS

**Tim Jennison worries about how beryllium disease will change his life.**

Brush officials yesterday said they will not comment on individual cases.

Another worker recently diagnosed with the illness spent 10 years at the Elmore plant. She declined to comment, and her daughter spoke only on the condition of anonymity.

She said her mother is not bitter toward

Brush and views her illness as God's will.

"She accepts it as 'everything happens for a reason, and this is part of the design, and I will never be given more than I can handle,'" she said.

The daughter said Brush promised to pay her mother's medical expenses. "I feel confident that Brush Wellman is going to do everything for my mother that they can do."

A worker with blood abnormalities said Brush adequately warned him of the hazards.

"At this point, I'm not angry at Brush. I just feel disappointed and unfortunate that it is happening to me," said the worker, who requested anonymity.

The man, who has three school-aged children, continues to work at the plant.

"A lot of people who are outside the situation would probably say, 'Man, get the hell out of there.' But he said the pay is good, and the plant is near his home."

Even if he found a new job nearby, "I would have to start on the afternoon shift and be stuck there for several years, where I wouldn't get to see my kids as much. So there are other quality-of-life issues that mix in with this."

TOLEDO, OHIO, WEDNESDAY, JUNE 16, 1999

## Environmentalists seek new beryllium safeguards

BY SAM ROE

BLADE SENIOR WRITER

Ohio Citizen Action, the state's largest environmental activist group, is calling for the Brush Wellman beryllium firm to take extra steps to protect workers and the public from toxic beryllium dust, including offering free medical exams to people living near the company's plant outside Elmore.

"It's our major focus in northwest Ohio," Ohio Citizen Action Executive Director Sandy Buchanan said yesterday.

Among the improvements the group wants:

- Less beryllium dust inside and outside the Elmore plant.
- More air monitoring stations near the

■ *Corps of engineers reports on cleanup at former beryllium plant in Luckey. Page 17.*

plant.

- A warning system to notify neighbors of accidents, spills, and explosions.

Last week, Brush Wellman announced several major changes to protect workers, including requiring some to wear respirators more often.

But Ohio Citizen Action, a nonprofit with offices in five cities and 150,000 members statewide, said that is not enough.

"Wearing respirators all the time in the plant is not an effective way of reducing the pollution," said Sarah Ogdahl, director of the group's Toledo office. "We believe that there needs to be

some engineering changes."

She said her group has been going door to door in northwest Ohio the last few weeks, talking with residents about health issues at Brush Wellman and encouraging them to write letters expressing their concerns. On Monday, the group mailed 700 citizen letters to the Cleveland-based company, Ms. Ogdahl said.

In addition, Ohio Citizen Action and two other local groups — the Coalition for a Safe Environment and the Coalition for Safe Energy — sent a letter to Brush Wellman last week, saying they had formed a group of environmentalists, residents, and workers, and that the group wants to meet with the company.

Brush Wellman spokesman Hugh Hanes said

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# Beryllium

► *Continued from Page 1*

he would not comment on Ohio Citizen Action's concerns because he has not seen details in writing. He said the company is preparing a response to the request for a meeting.

Ohio Citizen Action said its actions were sparked by the recent Blade series "Deadly Alliance." The articles detailed how the U.S. government and Brush Wellman risked the lives of thousands of workers by knowingly allowing them to be exposed to unsafe levels of beryllium dust. Many of these workers became ill, and some died.

Beryllium is a hard, lightweight metal used in the defense, auto, and electronics industries. When the metal is manufactured or machined, a toxic dust is created that can cause a potentially fatal lung disease.

An estimated 1,200 workers have contracted beryllium disease nationwide since the 1940s — at least 53 at Brush's Elmore plant, 20 miles southeast of Toledo.

Numerous people living near beryllium plants in Lorain, O., and Reading, Pa., were diagnosed as having the disease in the 1940s and 1950s, even though they had never worked at the facilities. No neighbor of the Elmore plant has been diagnosed as having the disease, but no study has been conducted.

Ohio Citizen Action said it is time for Brush to test Elmore plant neighbors for the disease.

"There are a number of people that could have been exposed and just don't know it," Ms. Ogdahl

said. "It's our belief that Brush Wellman should take the initiative and pay for this testing."

Blood tests can determine whether someone has had a reaction to beryllium dust. Further tests are required to determine whether someone has beryllium disease.

The 650-employee Elmore plant is in rural Ottawa County, with few homes nearby, and Brush Wellman maintains that blood testing of residents is not needed.

The company monitors the air around the plant by using several sampling stations. Ohio Environmental Protection Agency records show that the plant has exceeded monthly air pollution limits for beryllium dust nine times in the last 25 years.

Theresa Norgard, a local beryllium victims advocate, said she favors testing of neighbors, "but I would hope that some independent agency would test the neighbors and not Brush Wellman."

Ohio Citizen Action wants the company to implement a warning system, perhaps sirens, to alert neighbors of accidents that could release beryllium dust.

"When you are dealing with highly toxic substances," Ms. Ogdahl said, "people need to know that they may need to close their windows or doors to protect themselves. Finding out hours or even days later is not protective."

Regarding other pollutants, Ohio Citizen Action wants Brush Wellman to clean up tainted groundwater on the plant site. Ohio EPA records show this problem has existed for 17 years.

The environmental group wants Brush to improve monitoring of pollutants in the adjacent Portage River.

# Congress orders beryllium study

## Bipartisan group seeks investigation

BY ANN McFEATTERS

BLADE WASHINGTON BUREAU

WASHINGTON — The question of whether the federal government has been at fault for the deaths and injuries of American beryllium workers will be the subject of a formal investigation by the General Accounting Office, the investigative arm of Congress.

The order to GAO to study the hazards of beryllium, a metal used by the Department of Defense and the Department of Energy because of its light weight and strength in the manufacture of weapons, came from a bipartisan group of eight members of Congress.

Led by Sen. Mike DeWine (R., O.), the ad hoc coalition includes Sens. John McCain (R., Ariz.) and Robert Bennett (R., Utah); and Reps. Marcy Kaptur (D., Toledo), Chris Shays (R., Conn.), Jim Kolbe (R., Ariz.), Tim Holden (D., Pa.), and Paul Kanjorski (D., Pa.).

Mr. DeWine began the call for a GAO investigation in April and has since been organizing and collecting support from colleagues. He said his actions were sparked by a series in *The Blade* that detailed a decades-long pattern of the U.S. government putting beryllium production and costs ahead of worker safety.

The letter to the GAO signed this week by the eight lawmakers triggered an automatic negotiation on the scope of the investigation and the timetable. The lawmakers asked GAO to gather preliminary data by July and then discuss a time frame and format for a final report.

A GAO spokeswoman said that it is "much too early" to know how many staff members will be assigned, how long the investigation will take, or how in-depth it will be.

After a preliminary investigation, such elements will be negotiated between the GAO and the eight members.

The letter to David Walker, comptroller general of the GAO, said the Defense Department uses the metal in the manufacture of various weapons because beryllium's properties make it lightweight and strong, and the Energy Department uses the material in nuclear facilities.

The lawmakers said recent media ar-

# Beryllium

► Continued from Page 1

ticles have raised questions about the health and safety risks from exposure to beryllium dust and the standards to minimize risk.

"Federal officials have acknowledged that the government has done a poor job of protecting workers," the letter said. "Because of the concerns that have been raised, we request that GAO provide information on the evolution of beryllium as a hazardous material and on the controls over exposure to its use."

Beryllium is safe in solid form, but when it is manufactured or machined, a toxic dust is created that can cause an often-fatal, incurable lung disease.

The lawmakers asked that GAO identify government uses of beryllium in the past and the present, identify the extent that exposures have exceeded standards established either by the former Atomic Energy Commission or the current Occupational Safety and Health Administration, and describe changes in the metal's use. GAO is also to determine whether any other safer materials could be used as a substitute for beryllium.

The Blade series showed that over the past five decades, the U.S. government and the beryllium industry risked the lives of thousands of workers by knowingly allowing them to be exposed to levels of beryllium over the federal safety limit. As a result, dozens of workers contracted beryllium disease, and some died.

In addition, the series detailed how the federal government helped kill a 1975 safety plan that would have required lower levels of beryllium dust in manufacturing plants in an effort to protect workers. The government was worried that worker-safety plans might limit the supply of beryllium needed for weaponry.

Mr. Kanjorski, who in February introduced a bill to compensate Americans with beryllium disease, said in a statement that he thinks it is "a good sign that the beryllium issue has received the attention of so many distinguished legislators from both parties."

He said that he took the issue to Vice President Gore and met with officials from the Labor Department and the Department of Energy to "enlist their active support for our efforts to craft a prompt remedy for these victims of the Cold War."

Mr. Kanjorski's district includes Hazleton, Pa., the site of a plant that processed beryllium ore for the U.S. military between 1957 and 1981 and where more than 1,300 people were employed.

Mr. DeWine yesterday called the GAO investigation "the first important step to uncover the federal government's knowledge of the risks associated with beryllium dust." He said the study "will detail what federal agencies knew about beryllium dust, when the agencies knew these facts, and what policies these agencies enacted in light of this knowledge."

Miss Kaptur said: "The GAO study will enlighten our legislative initiatives that my colleagues and I are working on to help those with chronic beryllium disease."

An estimated 1,200 people nationwide have contracted beryllium disease since the 1940s, including at least 53 at the Brush Wellman, Inc., beryllium plant outside Elmore.

Hugh Hanes, vice president of government affairs for Brush Wellman, the largest U.S. beryllium producer, said, "We have said from the beginning, ever since Senator DeWine called for this, that a thoughtful and reasoned study would be helpful in understanding these circumstances.

"We believe that the GAO will find on this that much of this has already been studied by the federal government. We think a lot of this information is already known."

Mr. Hanes said nobody from GAO has contacted the firm and the study is "directed inwardly" within the federal government.

*Blade Senior Writer Sam Roe contributed to this report.*

TOLEDO, OHIO, WEDNESDAY, JULY 14, 1999

# U.S. inspects Brush plant

## Worker complaint draws OSHA to beryllium factory

BY SAM ROE

BLADE SENIOR WRITER

Safety officials have begun a surprise, detailed inspection of the local Brush Wellman beryllium plant, where dozens of workers have contracted an often-fatal lung disease.

"We want to do a very thorough job to ensure that the employees out there are being protected," said Arnis Andersons, director of the Occupational Safety and Health Administration's Toledo area office.

Up to four inspectors have been at the beryllium plant outside Elmore, taking air samples to determine whether

workers are being overexposed to the metal's toxic dust.

The investigation, triggered by a worker's complaint, marks only the second full OSHA inspection of the plant in 20 years.

The inquiry began June 29 and could take weeks to finish, Mr. Andersons said.

Brush spokesman Hugh Hanes said yesterday that the company is cooperating.

"Our position always has been to deal with the complaint and work with OSHA to provide information and whatever backup they need to complete their inspection," he said.

Victim advocate Theresa Norgard welcomes the inspection.

"But my concern is that this is not just a one-time deal [by OSHA] to look good," said Mrs. Norgard, whose husband, Dave, contracted beryllium disease at the plant. She called for regular inspections, plus OSHA recommendations on how to make the plant safer.

Since the 1950s, at least 53 workers at the 780-employee plant have contracted beryllium disease. Numerous others have abnormal blood tests — a sign that they may develop the illness.

See BRUSH, Page 8 ►

# Brush

► *Continued from Page 1*

In March, The Blade began a series detailing how the U.S. defense establishment and the beryllium industry sacrificed workers' lives to produce the strategic metal. The articles documented how workers at several beryllium plants - including the Elmore facility, 20 miles southeast of Toledo - for years have been exposed to levels of beryllium dust over the legal limit.

The series has sparked numerous actions, including a congressional investigation.

OSHA's safety enforcement, the articles noted, has been virtually nonexistent. Years have gone by without inspectors setting foot in the Elmore plant. The last complete inspection was in 1993, when inspectors found 11 violations and fined Brush \$12,350. A partial investigation in 1997 resulted in one violation and no fine.

OSHA officials have said not enough inspectors are available to properly monitor all of the workplaces in the country.

Mr. Andersons said the Elmore plant is a major concern, but he cannot simply order more inspections. Under OSHA policy, inspectors generally only investigate when they receive a formal complaint, when there has been a fatal accident, or when three or more workers have been hospitalized.

To target Brush Wellman as a matter of policy, he said, would be to risk a lawsuit.

"We just can't single out an employer," he said.

And Mr. Andersons said by law he could not disclose details of the complaint that prompted the inspection. He said only that it was received recently, after The Blade series, and contained information about high dust exposures.

Inspectors, he said, will take extra precaution to protect themselves from the dust: They will wear special hoods with pumps supplying fresh air.

"We want to make sure that in all environments [of the plant] our people are protected," he said.

# U.S. starts bid to pay victims of beryllium

## Plan includes lost wages, doctor costs

© 1999 THE BLADE  
BY SAM ROE  
BLADE SENIOR WRITER

WASHINGTON — Energy Secretary Bill Richardson today will announce a major plan to compensate American workers harmed by the deadly metal beryllium during the Cold War arms buildup.

The plan could benefit scores of victims — many in the Toledo area — and represents a significant admission that the U.S. government is at fault for the injuries and deaths that have occurred.

Mr. Richardson will detail the plan at a news conference here, energy officials said. Several members of Congress are expected to attend, including U.S. Rep. Marcy Kaptur of Toledo.

"This is a very historic announcement that will affect be-

ryllium workers in our community and across the country," Miss Kaptur said.

Pennsylvania Congressman Paul Kanjorski called the plan "a landmark approach" and an example "of how government should function."

And an Energy Department spokesman, speaking on the condition of anonymity, said: "This is the first time the Department of Energy has accepted responsibility and taken concrete action to reconcile the past wrongs" suffered by hundreds of private industry beryllium workers.

Energy officials and lawmakers would not release details of the plan. But they previously have said it will treat beryllium workers of federal contractors and suppliers essentially as government employees, offering them benefits for chronic bery-



Richardson: He will outline the proposal today.  
AP

rium disease, the often-fatal lung illness caused by the metal's toxic dust.

And an outline of the plan obtained by The Blade said victims will be reimbursed for medical costs and some lost wages.

Some victims would have the option of a single, lump-sum benefit of \$100,000.

"While not military veterans per se, these workers faithfully served the nation as soldiers of the Cold War, and, in doing so, faced risk to their health," the outline states.

In the past, the outline states, the Energy Department routinely opposed claims of work-related illnesses, "regardless of merit." The government usually won subsequent lawsuits, but "its position has generated strong criticism."

"The proposed program will reverse this approach and allow the government to take responsibility where it is clear harm has been done," the outline states.

Miss Kaptur and Mr. Kanjorski, both Democrats, said they soon will introduce the plan as a bill in the House of Representatives. Congress would have to approve it, but they said they are optimistic that will happen.

Energy officials said the plan has been in the works since

See BERYLLIUM, Page 5 ►

# Beryllium

► *Continued from Page 1*

December, when Mr. Richardson asked Dr. David Michaels, an assistant energy secretary, to investigate worker illnesses at government sites.

Dr. Michaels credited a recent series in *The Blade* for focusing the Energy Department on the beryllium industry and sparking interest by members of Congress. Miss Kaptur credited the series for creating interest in the compensation plan. "It really moved the issue along," she said.

The series, published March 28 through April 2, detailed a decades-long pattern of the U.S. government and the beryllium industry sacrificing workers' lives for the production of the metal. Year after year, the government and industry officials knowingly allowed workers to be exposed to levels of beryllium dust over the federal safety limit.

Many of these workers went on to contract beryllium disease, and some died.

Victims and their advocates welcomed the federal compensation plan.

"Bravo!" said Theresa Norgard, a Manitou Beach, Mich., resident whose husband, David, has beryllium disease.

But she wondered who exactly will qualify for compensation and whether there will be any catches.

"I want to know who is in and who is out and why," she said.

Gary Renwand, a 61-year-old beryllium victim from Oak Harbor, agreed. "Do you get this one lump-sum payment and then not get any more worker's comp?"

James Heckbert, an attorney for victims in Colorado and Tennessee, said he is concerned whether workers would have to give up their rights to sue the government if they accepted federal benefits.

Beryllium is a strong, lightweight material that has been critical to the production of nuclear bombs and other weapons for more than 50 years. An estimated 1,200 people have contracted beryllium disease nationwide since the 1940s.

Energy officials have called be-

ryllium disease the No. 1 illness caused directly by the Cold War buildup.

Locally, at least 53 current or former workers have contracted beryllium disease at the Brush Wellman beryllium plant outside Elmore. Numerous others have abnormal blood tests — a sign that they may develop the illness.

Company spokesman Hugh Hanes said he has not seen the proposal but that Brush — the industry leader — supports the plan's concepts. "We would welcome any benefits employees might get," he said.

The plan's outline states that one of the goals is to provide an alternative to state worker's compensation programs, which do not adequately cover beryllium disease. In addition, the plan calls for the President to appoint a task force to study adding other illnesses to the effort.

Cost of the program for beryllium disease is estimated at \$11 million per year.

David Navarro, vice president of the United Steelworkers of America, Local 8031, praised energy officials for their efforts.

"It's a major demarcation for the Department of Energy to acknowledge that its activities have poisoned folks," said Mr. Navarro, whose union represents beryllium victims at the former Rocky Flats arms plant in Colorado. "Secretary Richardson has gone further than anyone before."

*Blade staff writer Pamela R. Winnick contributed to this report.*

TOLEDO, OHIO, FRIDAY, JULY 16, 1999

# White House supports compensation plan **Aid to beryllium victims marks 'new era' in U.S.**

© 1999 THE BLADE  
**BY SAM ROE**  
BLADE SENIOR WRITER

WASHINGTON - The Clinton administration yesterday said a new era of justice has begun in the way the federal government treats beryllium disease victims and other Cold War casualties.

"The men and women who helped win the Cold War deserve to be recognized and rewarded for their work, not punished through poor health care and bills that they can't pay," Energy Secretary Bill Richardson said at a press conference to announce a federal plan to compensate America's beryllium victims, including dozens in the Toledo area.

The White House issued a statement from President Clinton, saying: "The American people believe in fairness, and I am sure that they would find it fair to provide this reasonable compensation to this small group of people who contributed so much to their country's well-being and who now are suffering from this incurable disease."



SPECIAL TO THE BLADE/AGENCE FRANCE-PRESSE

**Rep. Marcy Kaptur joins Energy Secretary Bill Richardson at the news conference announcing a federally backed plan to compensate workers who suffer from beryllium disease.**

In addition, President Clinton yesterday ordered an inter-agency study to determine whether the beryllium disease compensation plan should be broadened to include other weapon-related illnesses, such as asbestosis and radiation-induced cancers.

Joining Mr. Richardson were nine members of Congress, including Toledo Congresswoman Marcy Kaptur. Several spoke of how the government has failed beryllium workers for years and now has a moral duty to make things right.

In March, The Blade began a six-day series detailing the hazards of beryllium and how the government and beryllium industry repeatedly sacrificed workers' lives for the production of the metal, which has been used in nuclear bombs and other weapons since World War II. Among the series' findings: Over the last five decades, government and industry officials knowingly allowed thousands of workers to be exposed to levels of toxic beryllium dust above the federal safety

limit.

As a result, dozens of workers contracted beryllium disease, and some died.

The articles have sparked numerous reforms and reactions, including an investigation by the General Accounting Office, Con-

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## Aid

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gress's investigative arm.

The announcement on beryllium was called historic by several congressmen. The plan marks the first time the Energy Department, which is responsible for maintaining the nuclear weapon arsenal, has publicly acknowledged fault in illnesses among its contract workers.

Said Secretary Richardson: "In the past, the department has traditionally opposed claims of occupational illness. That is stopping today."

The compensation plan, he said, "signals a new era in the Department of Energy in the treatment of its workers."

U.S. Rep. Ron Klink, a Pennsylvania Democrat, said many are "anxious to right the wrongs of the past and give these Cold War Warriors the compensation they so deeply deserve."

Secretary Richardson said that the compensation effort initially will focus only on those harmed by beryllium, a strong, lightweight material that produces a toxic dust when manufactured or machined. Those who are exposed often develop a chronic, often-fatal lung illness.

All federal contract employees with beryllium disease would be eligible for benefits, as would employees of companies that have supplied beryllium products to the government, such as Cleveland-based Brush Wellman, Inc. At least 53 current or former workers have contracted beryllium disease at Brush's plant outside Elmore, 20 miles southeast of Toledo.

Also covered under the plan: beryllium workers with abnormal blood tests, an early indicator of the disease. Numerous workers at

the Elmore plant show blood abnormalities.

Under the plan, victims would be allowed access to the same kinds of benefits - medical costs and lost wages, for example - available to federal employees. Families of deceased victims would be provided survivors' benefits and reimbursement for burial expenses.

Some victims would have the option of a single, lump-sum benefit of \$100,000.

The plan, energy officials said, will be an alternative to state workers' compensation programs, many of which do not adequately address beryllium disease. And like other workers' compensation programs, workers with claims would be barred from suing the government.

Cost of the federal program was estimated at \$13 million per year.

How much it would help victims might depend on the stage of their illness and the state in which they live. But Dr. David Michaels, assistant energy secretary for environment, safety, and health, said that all beryllium victims likely would receive more compensation under this plan, including former Brush Wellman workers in the Toledo area.

Dr. Michaels has credited The Blade series for focusing the Energy Department on beryllium contract workers and for sparking interest by members of Congress. Congresswoman Kaptur has said the articles created congressional interest in the compensation idea. She added yesterday that she wanted to "acknowledge my hometown paper, the Toledo Blade, for its work on highlighting this issue."

Miss Kaptur said the plan is needed because state laws have done little to help beryllium victims. "In fact, in Ohio, it took a Supreme Court decision this December for victims to be given any significant compensation," she

said.

Secretary Richardson said the motive for compensating victims originated last year, when he visited the Oak Ridge nuclear weapon plant in Tennessee and talked to ill workers there.

"I heard their concerns and came away convinced that we need to right this wrong," he said.

Nationwide, an estimated 1,200 beryllium disease cases have been diagnosed since the 1940s. About 200 have occurred at private plants supplying the government with beryllium for weapons. Dozens of other cases have been discovered at Energy Department nuclear weapon sites, such as Oak Ridge and the Rocky Flats facility in Colorado.

The plan is not a done deal: It must be introduced as a bill in Congress and then approved. Miss Kaptur and Pennsylvania Congressman Paul Kanjorski, both Democrats, said that they and others soon will introduce the legislation.

"This is a great plan that I think will meet with strong, bipartisan support in Congress," said Mr. Kanjorski, who has numerous constituents in eastern Pennsylvania with beryllium disease.

Richard Miller, a union policy analyst, wasn't so sure.

He said a bill that addresses only beryllium disease will have difficulty gaining support in Congress because only a few states have beryllium facilities.

"We are going to push to have this plan broadened" to include other weapon-related illnesses, said Mr. Miller, of the Paper, Allied-Industrial, Chemical & Energy Workers International Union, which represents workers at 11 Energy Department facilities.

President Clinton asked that the study he ordered on expanding the plan be completed by April.

## Text of Clinton's beryllium statement

*Here is the text of President Clinton's statement yesterday on occupational illness compensation for energy contractor personnel.*

Contractor personnel working for the Department of Energy (DOE) and its predecessor agencies helped our Nation win the Cold War but often faced dangerous working conditions. A small number of them were exposed to beryllium, a metal used in the production of weapons, and subsequently contracted chronic beryllium disease (CBD), a debilitating lung disease for which there is no cure. Most of those exposed worked under contract for the DOE and are not covered by the federal workers' compensation program. As a result, many of those with CBD have not received the occupational illness benefits otherwise available to

regular federal employees.

Today, I am pleased to announce that my administration will submit draft legislation to the Congress that would create a new program to give DOE contractor employees with CBD and beryllium sensitivity the same benefits — certain medical costs and lost wages — now available to federal employees. The American people believe in fairness, and I am sure that they would find it fair to provide this reasonable compensation to this small group of people who contributed so much to their country's well-being and who now are suffering from this incurable disease.

Under my draft legislation, the Department of Labor would administer a program similar to the Federal Employee Compensation Act (FECA) program, which currently provides federal workers a proportion of lost

wages, medical costs, rehabilitation, and training. My draft legislation also would compensate workers whose beryllium sensitivity forced them into lower-paying jobs. As with all workers' compensation systems, the program will serve as an "exclusive remedy," barring individuals with work-related illnesses claims from bringing litigation against the federal government.

Recognizing that other toxic and radioactive materials also may contribute to occupational illnesses, I direct you to participate in an interagency review led by the National Economic Council focusing on whether there are other illnesses that warrant inclusion in this program and how this should be accomplished. This interagency review should be completed by March 31, 2000.

# Workers encouraged but remain skeptical

## Some say payout in proposal isn't enough

BY JEFFREY COHAN

BLADE STAFF WRITER

Local beryllium workers interviewed by The Blade say they are heartened that the federal government is taking responsibility, but concerned that the payouts won't suffice.

Under the proposal announced yesterday by Energy Secretary Bill Richardson, beryllium workers employed by private contractors and suppliers would be eligible for federal benefits if they have chronic beryllium disease, an often-fatal lung illness.

Victims of the disease, which is caused by exposure to beryllium's toxic dust, would be reimbursed for medical costs and some lost wages. Some victims would have the option of a single, lump-sum benefit of \$100,000.

But that's not enough, some workers say.

"I think it's a slap in the face, that dollar amount," said Dave Miller, who contracted chronic beryllium disease working at the Brush Wellman beryllium plant outside Elmore. "How am I supposed to live off \$100,000 for the rest of my life?"

"The \$100,000, that's nice for someone who is 65 years old, but what about for someone who is younger and has a family to take care of?" said Gary Renwand, Jr., 42, a Brush Wellman worker whose father suffers from chronic beryllium disease.

The Energy Department proposal would make beryllium victims eligible to participate in the federal government's workers' compensation system. The proposal, which needs congressional ap-

roval, would not offer any other form of restitution.

"I think the federal government is doing the right thing, provided that everybody is included: past, current, and future victims," said Glenn Petersen, 28, an employee at the Brush Wellman plant. "That the Department of Energy accepted any blame whatsoever is a surprise to me."

Some workers say the federal government should do more than provide benefits.

Leona Dupler, a machine operator at the Brush Wellman plant, wants the federal government to find new ways of limiting workers' exposure to beryllium dust.

"People are still being exposed," she said. "I just think something should be done."

Mr. Miller, whose mother Marilyn worked at a Brush

*“I think it’s a slap in the face. . . . How am I supposed to live off \$100,000 the rest of my life?”*

**Dave Miller**  
*Beryllium disease victim*

*“That the Department of Energy accepted any blame whatsoever is a surprise to me.”*

**Glenn Petersen**  
*Brush Wellman employee*

Wellman plant in Luckey, and then died last year after a 30-year battle with beryllium disease, said the government should work to find a cure.

“If the government should be pumping money into anything, it should be research into stopping the disease,” he said. “I haven’t heard anything about that. I would

#### DEADLY ALLIANCE: A SPECIAL SIX-DAY SERIES



Brainerd, Minn., resident Marilyn Miller would die soon after this photograph was taken. She died of beryllium disease, a lung illness that has affected workers locally and nationwide. Government and industry records show that many of these illnesses are due to health hazards.

## How government, industry chose weapons over workers

**T**he 1970s, many people say, were a golden era for business. Not so much that it's easy to remember the dark days of the 1980s and 1990s, when the U.S. government and industry, it seems, accepted little responsibility for safety and health.

But there are some bright spots in the history of the past two decades.

For one thing, the public has become more aware of the risks of exposure to asbestos and other toxic substances. They may never have been eliminated, but asbestos-related diseases have been largely controlled and adequately treated.

For another, regulations have been strengthened.

• **Asbestos:** The government has established strict standards for exposure to asbestos fibers. It has also imposed strict controls on the use of asbestos in construction and industry.

• **Other Toxics and Radiation:** At first, industry and government had little concern about the health effects of other toxic substances, such as lead and mercury. But they have since imposed strict regulations on their use.

• **Chemical Safety:** In 1976, Congress passed the Toxic Substances Control Act, which requires companies to prove that their chemicals are safe before they can be used.

The Blade's series in March drew attention to the hazards of beryllium and the plight of victims such as Marilyn Miller.

much rather see research and a cure.”

Mr. Miller, though, might be in line for two streams of federal benefits: one as a victim, the other

as a son of someone killed by the disease. He takes some solace in yesterday's announcement.

“It’s good that somebody stepped up to the plate,” he said.

# Brush to test Pennsylvania workers for beryllium

© 1999 THE BLADE  
**BY SAM ROE**  
BLADE SENIOR WRITER

For the first time, America's leading producer of beryllium will test dozens of its workers in Pennsylvania to see whether they have been harmed by the toxic metal.

Brush Wellman, Inc., said yesterday it will offer blood tests to the 175 workers at its plant in Shoemakersville, Pa., north of Reading. The tests will determine whether the employees may have been affected by beryllium dust, which can cause an incurable, often fatal lung disease.

"Obviously, we hope we won't find any evidence of chronic beryllium disease there," Brush spokesman Hugh Hanes said.

The action is significant because Brush has said little beryllium dust is in the Pennsylvania plant and that beryllium disease is not a serious problem there. In fact, records show that the company ignored advice from federal regulators in 1996 that Brush test the workers.

Plant worker Leo Peters welcomes the blood testing. "It will be

# Test

► Continued from Page 1

helpful. It gives you the knowledge to make a decision [on whether to continue working in the plant]," said Mr. Peters, a 49-year-old maintenance mechanic. The medical tests will be voluntary and begin in January, the firm said.

One worker who requested anonymity said he thought the company is offering the medical tests because of pressure from The Blade's recent investigative series on the beryllium industry. After the articles were published, he said, several workers requested the blood tests. But the Brush spokesman said the testing had been planned for some time and is part of a larger program to screen workers throughout the company. Testing has been conducted at several Brush facilities, including the 780-employee plant outside Elmore, 20 miles southeast of Toledo.

But Brush Medical Director Dr. David Deubner told The Blade last year that testing had not been conducted at the Pennsylvania plant because "we're concentrating our effort where we know we have serious problems."

And in 1996, after an inspection of the plant, the U.S. Occupational Safety and Health Administration recommended that Brush offer blood tests to the workers. OSHA said no regulation required such testing, but the agency thought the screening would be prudent.

Beryllium is a strong, lightweight metal used in nuclear bombs and other weapons. In addition, it is used in the automotive, electronics, and telecommunications industries.

Cleveland-based Brush reports that 142 of its workers have contracted beryllium disease since the 1940s, including 53 at the Elmore plant. Experts estimate 1,200 cases nationwide in all industries.

Brush's Pennsylvania plant rolls and cuts beryllium-copper alloy. Since the plant opened in 1958,

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*In 1996, federal regulators advised Brush to test workers at the plant.*

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only one worker there has been diagnosed with beryllium disease, and that was in the 1980s. But Brush recently learned that a worker has a blood abnormality caused by beryllium dust — the first such case at the facility.

An abnormal blood test does not mean someone has beryllium disease, but it is a sign that the person may very well develop the illness. Workers with blood abnormalities must undergo further tests to determine if they have the disease.

The worker who requested anonymity said some employees were shocked when they learned a colleague had an abnormal blood test. "They couldn't believe it. Nobody

ever thought it could ever happen to us."

Younger workers were particularly surprised, said Mr. Peters, the maintenance mechanic. "I don't think they realized they were in any danger."

Brush officials have maintained that the amount of beryllium dust in the plant is very low — far below the federal safety standard. That limit is 2 micrograms of dust per cubic meter of air — the equivalent of the amount of dust the size of a pencil tip spread throughout a 6-foot-high box the size of a football field.

The Blade series, published March 28 through April 2, detailed how the U.S. government and the beryllium industry knowingly allowed thousands of workers to be exposed to unsafe levels of beryllium dust. Dozens of these workers went on to contract beryllium disease, and some died.

The series has sparked numerous reactions, including a congressional investigation.

TOLEDO, OHIO, WEDNESDAY, JULY 28, 1999

# U.S. begins 2nd beryllium probe

BY SAM ROE

BLADE SENIOR WRITER

WASHINGTON — Congress has begun a second investigation into whether the federal government is to blame for hundreds of workers becoming ill from exposure to beryllium, a metal critical to the production of nuclear bombs and other weapons.

The House subcommittee on national security, veterans affairs, and international relations is gathering information about what government officials knew of

the dangers, when they knew it, and what they told workers.

Specifically, the panel wants to know:

- What have defense, energy, and labor officials done to protect workers from toxic beryllium dust?
- What have officials done to warn workers of the hazards?
- How often have safety regulators inspected beryllium facilities and what problems have they found?

"So many people have suffered and are still suffering," U.S. Rep. Dennis Kucinich, a Democrat from Cleveland,

said yesterday.

"The public needs to understand exactly how this whole series of circumstances came about and how it was essentially hidden from public view until the Toledo Blade pushed it into public awareness," said Mr. Kucinich, a member of the government reform committee, which oversees the subcommittee.

In March, Pennsylvania Rep. Paul Kanjorski, responding to a series of articles in The Blade, asked the subcommit-

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# Beryllium

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tee to hold hearings on the government's role in the beryllium illnesses. The panel has not scheduled hearings. But it did start an investigation, sending fact-finding letters to the Energy Department, the Defense Department, and the Occupational Safety and Health Administration.

"The subcommittee is examining the federal government's use of beryllium in weapons and munitions, the known health hazards associated with the use of this product, and government efforts to inform and protect beryllium workers with safety standards, enforcement rules, and employee information," subcommittee chairman Christopher Shays (R., Conn.) wrote in the June 30 letter.

Neither the panel nor Mr. Shays's office would comment.

"It's the subcommittee's policy not to comment on an ongoing investigation," said Eric Friedman, Mr. Shays's press secretary.

The investigation is in addition to a beryllium inquiry by the General Accounting Office, the investigative arm of Congress.

Mr. Friedman would not say why the GAO and the subcommittee are investigating, but congressional sources say multiple inquiries are not unusual.

One congressional staffer welcomed the second investigation.

"The more the merrier. The more focus that is on beryllium, the more likely [legislation to help victims] is going to pass."

Mr. Kanjorski, a Democrat who has beryllium victims in his district in eastern Pennsylvania, ap-

plauded Mr. Shays for opening an inquiry.

"His actions demonstrate continued and growing bipartisan congressional interest in looking at past government involvement in the beryllium industry," he said.

Beryllium is a strong, lightweight metal that has been used by the government in weapon systems for more than 50 years. When manufactured or machined, the

## *A House panel will investigate what officials knew about the risks.*

metal produces a toxic dust that often causes an incurable, chronic lung disease.

An estimated 1,200 workers have contracted beryllium disease since the 1940s, including at least 53 at the Brush Wellman beryllium plant outside Elmore, 20 miles southeast of Toledo.

Brush spokesman Hugh Hanes said he was unaware of the investigation but that the company will cooperate.

"Absolutely. That's our practice. Always has been."

Theresa Norgard, a Toledo-area beryllium disease advocate, welcomed the investigation but wonders "if this is just one more way of delaying the process" of enacting laws helping workers.

Her husband, David, who contracted beryllium disease at the Elmore plant, said he hopes Congress holds hearings on the matter.

"I want to be able to speak face-to-face with the bureaucrats," he said.

The Blade's six-part series, published March 28 through April 2, detailed how the U.S. government sacrificed workers' lives for production of beryllium. Among the findings: The government knowingly allowed thousands of workers to be exposed to unsafe levels of beryllium. As a result, dozens contracted beryllium disease, and some died.

In response to the series, U.S. Sen. Mike DeWine of Ohio began gathering congressional support for a GAO investigation. In June, eight members of Congress, led by Mr. DeWine, a Republican, ordered the office to investigate.

The General Accounting Office inquiry will be complete in the fall, spokesman Cleve Corlett said.

The Blade series was instrumental in the Clinton administration recently proposing compensation for beryllium victims. The plan marked the first time the Energy Department publicly acknowledged fault for illnesses among its contract workers.

# Beryllium repayment praised as model

BY SAM ROE

BLADE SENIOR WRITER

The nation's oldest and largest organization of public health professionals yesterday praised the U.S. Energy Department's plan to compensate victims of the deadly metal beryllium, saying the proposal could be a model for all federal agencies dealing with occupational illnesses.

"There may be similar situations in other departments or other agencies," Dr. Mohammad Akhter, executive director of the American Public Health Association, said in his Washington office.

The Energy Department announced a plan on July 15 to compensate workers harmed by exposure to beryllium, a material long used in nuclear bombs and other weapons.

Dr. Akhter called the announcement "truly a historical event" and said he will assign a staff member to monitor the plan to ensure that beryllium victims — many in the Toledo area — are compensated.

"We'll be watching with great interest and providing input from time to time to ensure that the process keeps moving," Dr. Akhter said.

The American Public Health Association has 50,000 members from 50 public health occupations.

Members include doctors, nurses, and scientists. The 126-year-old association seeks to protect and promote personal, mental, and environmental health.

Richard Miller, a union policy analyst in Washington, welcomed the association's assistance.

# Beryllium

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"This is really a big deal. What they bring to the table are the premier occupational doctors across the United States," said Mr. Miller, of the Paper, Allied-Industrial, Chemical & Energy Workers International Union, whose membership includes workers at beryllium plants.

Beryllium is a strong, light-weight metal that produces a toxic dust when manufactured or machined. When inhaled, the dust often causes a chronic, incurable lung disease.

An estimated 1,200 people have contracted beryllium disease since the 1940s, including 53 at the Brush Wellman beryllium plant outside Elmore.

Earlier this year, a *Blade* series detailed how the U.S. government has sacrificed workers' lives for the production of beryllium.

The series has sparked wide reaction, including two congressional investigations.

Toledo Congresswoman Marcy Kaptur and Dr. David Michaels, assistant energy secretary for environment, safety, and health, have credited the series for raising congressional interest in the compensation effort.

The compensation proposal is historic in that it marks the first time the Energy Department, which maintains the nation's nuclear weapon arsenal, has publicly acknowledged fault in illnesses among its contract workers and employees of government suppliers, such as Brush Wellman.

In the past, the government opposed many workers' injury

claims, often winning in court on technicalities.

Dr. Akhter said the compensation plan is "a turning point" for weapon officials.

"Rather than continue to spend money on litigating and fighting the rightful demand of the workers to compensate them for medical care and for lost wages, they have decided to actually follow the course of reason," he said. "So we are extremely pleased with what has happened."

He said he would like to see the plan broadened to include other weapon-related illnesses, such as asbestosis and radiation-induced cancers.

And other agencies, such as the Defense Department, could adopt a similar compensation plan, he said. These programs are important, Dr. Akhter said, because the government is using more and more contract workers.

"In the 1990s, as we started downsizing the government, reliance on contract workers has increased and will continue to increase." Some of these workers, he said, may not even have health insurance.

The compensation plan still must be introduced as a bill and passed by Congress. J.J. Balaban, press secretary to U.S. Rep. Paul Kanjorski (D., Pa.), said that Mr. Kanjorski and others will introduce the bill after the August recess.

Mr. Miller, the union lobbyist, urged beryllium victims to contact his office, the American Public Health Association, or Congress to ensure that the bill is properly written.

"This should be a bill built by, of, and for the victims," he said.

# Beryllium fears on rise among contractors

## Rudolph/Libbe to offer blood tests for 1,000 current, former employees

BY SAM ROE  
BLADE SENIOR WRITER

At least two contract employees at the Brush Wellman beryllium plant outside Elmore have been found to have blood abnormalities, a finding that may have far-reaching ramifications for thousands of workers in the area and nationwide.

One contractor, Sponseller Group, Inc., an engineering firm in Holland, O., has severed ties with the beryllium company after a Sponseller employee showed an abnormal blood test — a sign the worker may develop beryllium disease, a lung illness caused by the metal's toxic dust.

"We thought that in the best interest of the company it would be better that we look

elsewhere for work," company president Keith Sponseller said.

Another Brush contractor, Rudolph/Libbe Companies, Inc., one of the area's largest construction firms, said at least one employee showed a blood abnormality after working at the Brush plant.

Rudolph/Libbe has started a program to contact 1,000 of its current and former employees and offer blood testing — a move believed to be unprecedented in the private beryllium industry.

"We want to make sure we put our people first," Rudolph/Libbe spokeswoman Judy Kehrle said. She said the program could cost the company up to \$600,000.

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# Brush

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Sponseller said the recent series in The Blade on the beryllium industry prompted the company to give blood tests to its workers. Rudolph/Libbe said it had been thinking about offering the tests for more than a year.

The two cases among contract workers are significant because they suggest that many more people may be at risk than previously thought. Brush said it knows of only one other case of a contract worker being affected by beryllium dust exposure at any of its plants.

Brush spokesman Hugh Hanes said the company goes to great lengths to protect and warn contractors.

"We have always had open communication with our contractors," he said. "We meet regularly with these contractors, we inform them of the potential hazards of working with beryllium, and we provide access to the expertise of both our medical and industrial hygiene personnel. That's been our practice for decades."

In addition, he said, Brush provides contractors with respirators and protective gear.

Regarding Sponseller cutting ties with Brush, Mr. Hanes said: "That's a judgment they had to make. . . . Their business judgment is their judgment."

The Brush spokesman would not say if other contractors have pulled out because of health concerns. Mr. Sponseller said his firm is not the only one to leave, but that could not be confirmed.

Mr. Hanes would not say how many contractors have worked at Brush over the years. He said he knows of only one case of beryllium disease among Brush contractors. In 1994, a contract electrician at Brush's plant in Tucson, Ariz., was diagnosed with the illness. He is suing the company, alleging he was inadequately warned.

An abnormal blood test does not mean a worker has beryllium disease; rather, the body has reacted to exposure to beryllium dust. Experts believe a large percentage of those with blood abnormalities will develop the incurable, often-fatal illness.

Identifying people with blood abnormalities is important because it allows doctors to monitor patients and provide treatment should they develop beryllium disease.

An estimated 1,200 workers have contracted the illness nationwide since the 1940s, including 53 current or former Brush employees at the Elmore plant, 20 miles southeast of Toledo. Numerous other Brush workers at the 780-employee plant have abnormal blood tests.

The blood tests by Sponseller and Rudolph/Libbe are believed to be the first by beryllium contractors in the Toledo area.

Mr. Sponseller said officials at his company decided to do the testing after reading the Blade series, published March 28

## *One area contractor has severed ties with Brush's plant outside Elmore.*

through April 2.

It detailed the hazards of beryllium and how the U.S. government and beryllium industry risked the lives of thousands of workers by knowingly exposing them to unsafe levels of beryllium dust.

Mr. Sponseller said company officials learned "that maybe [beryllium] was a higher risk than we thought. The employees as well were reading the paper. So they were getting concerned about it as well."

The firm has done work for Brush for five years, designing equipment and ventilation systems.

About 10 employees have been in the plant over the last three years, and at least one was found to have an abnormal blood test, Mr. Sponseller said.

"We were surprised because we thought we were working in an area with a small amount of risk," he said.

The company pulled out of Brush July 15. Mr. Sponseller said it was a clear-cut decision.

"We have some younger workers, and we did not want to have them exposed to beryllium for a number of years," he said.

Rudolph/Libbe has test re-

sults on about 75 of its workers, with at least one showing a blood abnormality, corporate safety director Dick Kibben said.

The company plans to track down and offer blood tests to all 1,000 of its employees who have done work at Brush since 1995. The program then may be expanded, he said. The firm has periodically done work at Brush for 30 years.

Rudolph/Libbe Companies, which has headquarters in Walbridge, is the parent company of GEM Industrial, Vista Development, and Rudolph/Libbe, Inc. GEM Industrial and Rudolph/Libbe, Inc., have done work at Brush.

The company said there were no plans to stop working at Brush. "We are working with [Brush] to ensure that our people are safe," Ms. Kehrlle, the spokeswoman, said.

Rudolph/Libbe recently started taking air samples at the plant. So far, beryllium dust levels have been low, Ms. Kehrlle said.

One Brush subcontractor, Duffey Concrete Cutting, Inc., of Toledo, said it was unaware of contractors showing abnormal blood tests.

"This is the first I've heard anything about anybody pulling out, that it was a serious problem, or that there were any concerns," company president Tim Duffey said.

He said about six Duffey employees have done work at the beryllium plant in the last 10 years. He would like to see Brush offer them blood tests.

"In fact, if they don't, I probably will," he said. "I don't want anything to happen to any of my people. If the Sponseller people have been exposed like that, maybe we have, too."

Brush has given blood tests to its own employees but not to contractors. "We can't provide medical surveillance of employees who are assigned and controlled by other employers," Mr. Hanes said.

Brush is America's leading producer of beryllium, a strong, lightweight metal used in the defense, automotive, and electronic industries. Brush has headquarters in Cleveland and facilities in several states.

# Worker, a key to beryllium scrutiny, dies

Elmore's 'Butch' Lemke spent years living with the disease

BY MOLLY BALL

and SAM ROE

BLADE STAFF WRITERS

ELMORE — Galen "Butch" Lemke of Elmore, a former Brush Wellman worker who became a leading activist for victims of beryllium disease, died yesterday in St. Charles Mercy Hospital after a long battle with the illness. He was 58.

Mr. Lemke, who had been hospitalized for three weeks, had been connected to an oxygen tank for 15 years because of the disease, which results from exposure to the dust of the metal beryllium.

An outspoken member of the local support group for beryllium victims, Mr. Lemke was featured in a recent series of Blade articles that detailed how federal government and industry officials knowingly allowed thousands of workers to be exposed to unsafe levels of beryllium dust.

In fact, it was Mr. Lemke, a Blade reader, who first brought the issue to the newspaper's attention.

A 22-month investigation followed. The series has sparked numerous reforms and reactions, including two congressional investigations. In addition, a top U.S. Department of Energy official and U.S. Rep. Marcy Kaptur (D., Toledo) have credited the series for sparking interest in a federal plan to compensate beryllium disease victims — a proposal supported by the White House.

For the last several years, Mr. Lemke had used his condition to raise awareness about beryllium disease. He wrote to newspapers, complained to lawmakers, and circulated petitions in his Elmore neighborhood.

"He was a strong-willed person, a fighter, and he would just never give up," said Gary Renwand, an-

# Lemke

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other former Brush worker who contracted the disease. The two became close friends as they soldiered together in the support group.

Mr. Lemke often could be seen walking for exercise in the neighborhood, carrying his portable oxygen tank, or at the Woodville Mall, where he attached the tank to a golf pull-cart.

He told The Blade this year that he wanted to be buried with his oxygen tank on, "because that's how people know me."

A high-school football star in Elmore, Mr. Lemke started at Brush in 1959, first working at the firm's former plant in Luckey, then moving to the current facility outside Elmore. For more than nine years, he made parts for the federal weapon program.

He left in 1969 to work for Owens-Illinois, Inc., in Toledo, where he helped develop the company's ceramic facility. His perfectionist nature and attention to minute detail helped him do the delicate work, said his wife of 35 years, Betty.

"Working in ceramics, you deal with tiny tolerances. He had to use a micrometer and calipers — they made parts that were very, very small," she said.

It was a physical examination by Owens-Illinois doctors in 1970 that revealed spots on Mr. Lemke's lungs. At 29, he was diagnosed with beryllium disease.

The condition was limiting for the active man, his wife said. He loved bass fishing in nearby Leeman Lake, doing yard work, and bowling. The deterioration of his lungs eventually forced him, in the early 1980s, to quit the Harris-Elmore fire department after 20



BLADE PHOTO

**Lemke: He helped others with beryllium disease cope.**

years.

"He kept right on going," his wife said. "It became a struggle for him to do things physically, but he understood it was what he had to do to survive."

In 1979, he left Owens-Illinois and started his own ceramic company with some colleagues, his son, David, said. As plant manager, he oversaw the production of substrate packages — the ceramic components that protect and insulate computer chips.

When his health forced him to step down in 1987, he stayed on as a consultant. By then, the oxygen tank had become a permanent, 24-hour-a-day part of his appearance. His son became the plant's supervisor.

"He brought me up in the business," his son said. "He started me out making the materials, cleaning them, firing them. He taught me

everything."

Following in his father's footsteps, David is a supervisor for Ferro Corp., a specialty ceramics company.

Mr. Lemke's plant, which by then was part of the Boston-based Cabot Corp., was closed in 1991. "It started out a family business, and that's pretty much the way it ended," his son said.

With the money from his plant, Mr. Lemke built a spacious brick house in Elmore, to which the family moved in 1994. He bought a tractor with mower and snowplow attachments and an enclosed cab so he could tend his lawn and plow his driveway in comfort, his wife said.

He continued to fish with his children and grandchildren and attend Cleveland Indians games, his daughter, Natalie Fork, said.

All the while, he depended on his support group for friendship and sympathy — and they depended on him. "He was a brother to me," Mr. Renwand said.

Surviving are his wife, Betty; daughter, Natalie Fork; son, David; brothers, Lyle and Wayne; sister, Maxine Whitten, and four grandchildren.

The body will be in the Crosser Funeral Home, Elmore, after 7 p.m. today. Services will be at 10:30 a.m. Saturday in Our Lady of Lourdes Church, Genoa.

The family requests tributes to the church or to the Harris-Elmore fire department.

**TOLEDO, OHIO, FRIDAY, SEPTEMBER 3, 1999**

# Subcontractors face beryllium risk

## 9 of 104 tested have blood abnormality linked to lung disease

**BY SAM ROE**  
BLADE SENIOR WRITER

More contract workers at the Brush Wellman beryllium plant outside Elmore have been affected by the potentially deadly metal.

Nine of 104 workers tested show a blood abnormality — a sign that they may develop an incurable lung disease caused by inhaling beryllium dust.

In light of these findings, U.S. Rep. Paul Kanjorski (D., Pa.) wants the Clinton administration to expand its proposal to compensate beryllium victims to in-

clude contractors and subcontractors, such as those who have done work at Brush.

"People who were exposed while working directly or indirectly for the federal government should be covered," said Mr. Kanjorski, whose district includes beryllium disease victims.

Beryllium is a strong, light-weight metal produced by Cleveland-based Brush Wellman, Inc., and used by the government in nuclear bombs and other weapons.

Fifty-three current or former workers at the Elmore plant have contracted the

disease, but until recently the only people at the facility known to be affected by beryllium were workers employed by Brush and who had frequent exposure to the toxic dust.

After The Blade's recent investigative series on the beryllium industry, several area companies under contract with Brush Wellman, such as construction and engineering firms, started giving blood tests to their workers to see if they have been affected, too.

Last month, it was known that two

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contract workers had blood abnormalities. Now, nine workers show abnormalities, said Dr. Tom Lieser, a St. Charles Mercy Hospital physician who is coordinating the testing.

He said 104 contract workers have been tested. The rate of positive tests — about 1 in 12 — is similar to that found among Brush employees. Testing of contract workers is expected to continue for some time.

A blood abnormality does not mean that a worker has beryllium disease; rather, the body has reacted to exposure to beryllium dust. Experts believe a large percentage of those with blood abnormalities will develop the often-fatal illness.

Brush spokesman Hugh Hanes would not comment yesterday. The company has repeatedly said it adequately warns contractors about the hazards of beryllium.

An estimated 1,200 people have contracted the illness nationwide since the 1940s, including many in defense-related industries; dozens of other workers show abnormal blood tests.

A list of area contractors with affected workers was not available. But Rudolph/Libbe Companies, a Walbridge construction firm, reports that one of its employees showed a blood abnormality. The firm plans to contact hundreds of its current and former workers and offer blood tests.

Sponseller Group, Inc., an engineering company in Holland, O., recently severed ties with Brush Wellman after a Sponseller employee showed an abnormal blood test.

In March, The Blade began publishing a six-part series detailing how the U.S. defense establishment sacrificed workers' lives for production of beryllium. The series sparked two congressional investigations and was instrumental in the Clinton administration creating a plan to compensate beryllium victims.

The plan, announced in July, would provide benefits to federal contract workers with beryllium disease or blood abnormalities, including employees of companies supplying beryllium to the government, such as Brush.

But the plan did not specify whether Brush contractors would be covered.

U.S. Energy Department spokesman Jeff Sherwood said "the intent of this proposal is to help any worker" harmed by beryllium at Energy Department operations or suppliers.

Rep. Kanjorski and U.S. Rep. Marcy Kaptur (D., Toledo) ensured that the plan, which must be approved by Congress, would cover Brush contractors and subcontractors.

"These workers received little acknowledgment or compensation for illnesses contracted on the job," Miss Kaptur said. "Our compensation proposal will help remedy this failure and ensure that our nation does what is morally right."

# Beryllium warning is issued by OSHA

## Agency questions U.S. safety standards

BY SAM ROE

BLADE SENIOR WRITER

In a rare health hazard bulletin, federal regulators are warning American workers that government safety standards may not be protecting them from deadly beryllium dust.

The warning is being issued 25 years after scientists first suggested that the safety standards may not be working.

"It's disappointing it has taken this long," said Dr. Lee Newman, a leading beryllium researcher, "but by the same token I am pleased that they have taken this first step."

The Occupational Safety and Health Administration is distributing a "Hazard Information Bulletin" to various health and safety officials in the Toledo area and across the country.

It is the only health bulletin OSHA has released this year and the 11th in the last three years.

Beryllium is a lightweight metal used in the defense, automotive, and electronics industries and whose dust can cause a fatal lung disease. A series by The Blade from March 28 through April 2 reported that an estimated 1,200 workers have contracted the disease since the 1940s, including more than 50 in the Toledo area.

Tiny bits of the metallic dust can cause illness. The safety standard is 2 micrograms per cubic meter of air — equivalent to the amount of dust the size of a pencil tip spread throughout a 6-foot-high box the size of a football field.

The Blade series reported that researchers have believed for years that the federal safety limit may not be protecting workers.

In 1974, a Japanese scientist

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reported that workers in Japan were contracting beryllium disease at exposure levels under the U.S. safety standard.

American and British researchers published similar findings in the 1980s.

And in 1994, the U.S. Energy Department issued a warning that the standard may not be protecting workers at its facilities.

When asked yesterday why OSHA took so long to issue its own warning, Marthe Kent, the agency's director of safety standards, said OSHA needed to analyze recent data "before we felt confident making a statement about the current [standard]."

OSHA's warning was announced Sept. 17. The agency said the warning was prompted by a number of scientific studies, including a recent one that found that exposure to low levels of beryllium dust for as little as three months could affect workers.

Dr. Newman, a scientist at the National Jewish Medical and Research Center in Denver who has been calling for a governmental warning, said OSHA should take the next step: tighten the safety standard.

The agency has been studying doing just that. But even if it does, the rule-making process could take years.

Despite mounting sickness and

death, the government has not tightened the standard in 50 years. OSHA tried to tighten rules in the 1970s, but defense officials helped kill the plan, saying an uninterrupted supply of beryllium was needed for nuclear bombs and other weapons.

OSHA is sending its warning to local OSHA offices, safety consultants, and the news media. The warning recommends employers use engineering controls, work practices, and respirators to limit beryllium exposure.

But there is no guarantee that the warning will ever reach workers.

OSHA officials said they have no way to get the word out other than through their local offices. "The regional and area offices are supposed to distribute the warning to the appropriate industry and labor groups," OSHA spokesman Frank Kane said.

Brush Wellman, Inc., America's leading beryllium producer, said it posted the warning throughout its main processing plant outside Elmore, 20 miles southeast of Toledo.

But Brush spokesman Hugh Hanes said the company takes issue with several points in the warning and has asked OSHA for details on why it thinks the safety standard is not working. "The weight of scientific evidence does not indicate that [the standard] should be changed," Mr. Hanes said.

No one knows how many American workers are potentially exposed to beryllium dust. Estimates range widely, from 30,000 to 800,000.

# Beryllium disease mounts at Brush

## 11 more workers fall ill in 4 months

BY SAM ROE  
BLADE SENIOR WRITER

Worker illness at the Brush Wellman beryllium plant outside Elmore continues to escalate.

In the last four months, 11 more workers have been diagnosed with beryllium disease, an incurable, often-fatal lung illness caused by the metal's dust.

A total of 64 workers have now contracted the disease at the plant since the 1950s.

Cleveland-based Brush Wellman called the new cases "deeply regrettable" and announced increased medical testing to better monitor employee health.

Victim advocates said that is not enough and that Brush should take steps to stop the disease from occurring once and for all.

"If they are not changing the way they are doing business, we are going to keep finding cases," said advocate Theresa Norgard, whose husband, David, is a Brush employee with beryllium disease.

She called on the U.S. Occupational Safety and Health Administration to crack down on Brush. "Enough of OSHA sitting on their hands," she said. "We're finding disease cases left and right here."

Beryllium is a strong, lightweight metal used in the defense, automotive, and electronics industries and whose dust can cause a chronic illness that eats away at the lungs. Experts estimate 1,200 cases nationwide, with most illnesses occurring in the beryllium or defense industries in Ohio, Pennsylvania, Colorado, Tennessee, and Arizona.

In March, The Blade began a series on how government and industry officials risked worker health for production of the metal. Since then, Brush Wellman, America's leading producer of beryllium, has drawn fire from victims and environmentalists.

The company announced new safeguards in June, including the increased use of respirators, but workers have continued to be diagnosed with beryllium disease. Brush spokesman Hugh Hanes said yesterday that those cases were likely caused by exposure to beryllium prior to the implementation of

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some safeguards. Other improvements, he said, are not complete.

The new illnesses were discovered during ongoing medical testing by Brush. More than 500 workers at the Elmore plant, 20 miles southeast of Toledo, have been given blood tests this year.

Brush said many recently discovered cases have been found using new, more sensitive testing techniques. Had older techniques been used, many of these cases — some which show no visible signs of illness — would have gone undetected, the firm said.

Mr. Hanes said Brush has started a new blood-testing program to better monitor workers at the Elmore plant — the nation's largest beryllium factory and the Brush facility with the most known cases of the disease.

Employees will be given blood tests upon joining the firm and additional tests three, six, and 12 months after hiring, and every two years after that. Before, Brush did not offer regular blood tests, which became a medically accepted practice in the early 1990s.

In addition to beryllium disease, recent testing identified 38 more workers with blood abnormalities.

An abnormal blood test does not mean that a worker has beryllium

disease; rather, the body shows an allergic-like reaction to beryllium dust. But experts believe a large percentage of those with blood abnormalities will eventually develop the illness.

The company noted one confusing finding: 10 of 18 employees who had shown blood abnormalities in testing several years ago tested negative in the recent survey.

Mr. Hanes said Brush could not explain the discrepancies and viewed them as relatively insignificant. The affected workers, he said, will be retested.

Brush would not release figures on how many workers show blood abnormalities, saying it wants to wait until testing is complete next year.

Ms. Norgard said Brush should tell the public now. "If these guys are such good neighbors, then what's the big secret?"

She added that Brush has had years to stop beryllium disease. "I think OSHA right now needs to look at Brush Wellman and say enough is enough."

OSHA officials have been inspecting the Elmore plant since June, and the inquiry will continue for several more weeks, said Arnis Andersons, director of OSHA's Toledo area office.



BLADE PHOTO BY TAYA KASHUBA

Beryllium victim Gary Renwend, Sr., cried when he learned his son Gary Jr. has the disease.

# Beryllium tragedy strikes Oak Harbor family again

## Brush employee joins father with lung disease

BY SAM ROE  
BLADE SENIOR WRITER

Gary Renwend warned his son not to make the same mistakes as he had: Don't continue working at the Brush Wellman beryllium plant. Don't risk your life. Don't end up like me — battling beryllium lung disease and tethered to an oxygen tank 24 hours a day.

But his son didn't listen.

Now, Gary Jr., like his father, has been diagnosed with the often-fatal illness.

"I'm just kind of numb right now," said Gary Jr., a machinist

at the plant. "I see where my father is at with this disease, and I wonder if I will get to that point."

Gary Jr., a 42-year-old from Oak Harbor, O., learned last week that he has beryllium disease, a progressive, incurable illness caused by inhaling the metal's dust. Father and son contracted the disease at the Brush Wellman plant outside Elmore, where 65 current or former employees have fallen ill.

The Renwends are believed to be the company's first father and son victims.

The elder Renwend, 61, whose

lungs are so damaged that he cannot go anywhere without a portable oxygen tank, said he cried when he learned that his son has the disease.

"I know what he's going to have to go through," he said.

In March, an investigation by The Blade detailed the hazards of beryllium and how U.S. defense officials and the beryllium industry repeatedly put production of the valuable metal ahead of worker safety. The series sparked numerous reforms and actions, including two congressional in-

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# Beryllium

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vestigations to determine who is at fault for a disease that has struck 1,200 workers nationwide.

Hugh Hanes, spokesman for Cleveland-based Brush Wellman, America's leading beryllium producer, said: "Obviously, our thoughts are with Gary and his family. Despite this diagnosis, we hope that he will maintain his health for years in the future."

Unlike his father, Gary Jr. is not visibly ill. But the stocky man with short blond hair reports some shortness of breath.

Both Renwands said that Brush did not adequately warn them of the dangers of beryllium, which is used in the defense, automotive, and electronics industries. The Blade series found that Brush has repeatedly misled workers, federal regulators, and the public about the hazards, but the firm said it has always disclosed the dangers, based on the scientific knowledge at the time.

Gary Jr. said that he continued working at Brush, even after his father became ill, because he was

going through a divorce and needed the money. Plus, he said, "you put 20-some years in a place, you don't want to throw it away."

For the Renwands, Brush's sprawling Elmore plant, 20 miles southeast of Toledo, has been important to their lives for two generations. Four of Gary Sr.'s six children have been employed there, and two sons, Gary Jr. and Dave, still are.

Sitting in his modest Oak Harbor home, where two dozen family photographs hang on the living room walls, Gary Sr. recalled how

*"I'm just kind of numb right now."*

**Gary Renwand, Jr.  
diagnosed with beryllium disease**

he started at the beryllium plant in the 1950s, making material for nuclear warheads and, in the 1960s, re-entry shields for America's space capsules.

He helped Gary Jr. get a job at the plant when his son was 21. Both were machinists, and neither had many complaints. But in 1993, the elder Renwand was diagnosed with beryllium disease. Company records show he was frequently exposed to high levels of beryllium dust — some amounts five times the federal safety limit.

He quit work and urged his son to leave too. But Gary Jr. decided to stay.

Earlier this year, a routine medical test found that Gary Jr. had a blood abnormality. Further tests confirmed the worst: He had beryllium disease.

"You think about your life," he said, "and how much you have to live and how much will be taken away from it."

Experts say beryllium disease affects people differently. A third die of the disease, a third become disabled, and a third remain relatively healthy.

Gary Jr., who is divorced and lives with his two adult children, said he does not know if he will remain a Brush employee. He is off work, studying options under a company program for ill workers.

He said he does not want to work inside the plant again, and he warns current Brush workers not to think that the disease won't strike them.

*"That's what I thought too."*

# Rudolph/Libbe ends work for Brush over beryllium concerns

BY SAM ROE

BLADE SENIOR WRITER

Local construction giant Rudolph/Libbe Companies is pulling its workers permanently out of the Brush Wellman beryllium plant near Elmore, saying health concerns over the deadly metal are just too great.

Recent testing found that seven current or former Rudolph/Libbe workers have been affected by the invisible, toxic beryllium dust in the plant. Each worker has a blood abnormality — a sign that they may develop beryllium disease, an often-fatal lung illness.

While Rudolph/Libbe said it believes it could protect its workers from beryllium dust, the firm concluded that doing so would be too expensive and time-consuming.

"It's too much of a commitment for the amount of work that is available to us out there," said

Dick Kibben, Rudolph/Libbe corporate safety director.

The decision effectively ends a long relationship between Brush and Rudolph/Libbe: For 30 years, Rudolph/Libbe periodically has provided contract electricians, pipefitters, millwrights, and ironworkers at the plant.

Rudolph/Libbe is the second contractor to pull out of the beryllium facility over health concerns. Sponseller Group, Inc., a Holland, O., engineering firm, pulled out in July after one of its workers showed a blood abnormality.

Brush Wellman spokesman Hugh Hanes said that the beryllium company will not be hurt by the move and that Brush wants to reduce the number of contract workers in the plant to limit the number of people exposed to beryllium dust.

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# Beryllium

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"We communicated that strategy [to Rudolph/Libbe], they saw the volume of business decreasing over time, and they obviously felt for their business reasons [that staying at Brush] wasn't consistent with their company's objectives."

Rudolph/Libbe Companies, which has headquarters in Walbridge, is the parent company of GEM Industrial, Rudolph/Libbe, Inc., and Rudolph/Libbe Properties, Inc. The company is one of the area's largest construction firms, employing 1,500 trade and construction professionals, with about 25 regularly working at Brush.

Beryllium is a strong, lightweight metal used in nuclear weapons and in the automotive, computer, and electronics industries. In March, The Blade began a series of articles detailing the hazards of beryllium and how the U.S. defense establishment and the beryllium industry sacrificed worker health for production of the metal.

After the series was published, several companies doing contract work at the beryllium plant began offering blood tests to their workers to determine whether they had been harmed.

Rudolph/Libbe said it has tested 160 current or former workers, with seven showing blood abnormalities. Company officials said hundreds more have worked at Brush over the years, and the firm expects to pay for blood tests for many of them.

Al Segur, executive secretary of Northwestern Ohio Building & Construction Trades Council, the umbrella group of area construction unions, called on Brush to provide free blood testing for all of the beryllium firm's contract em-

ployees.

"Wouldn't that be the humanistic, humanitarian way to do something?" he said.

Brush offers blood tests for its own employees but not its contract workers. "That really is a responsibility of contractors to their employees," Mr. Hanes said.

An abnormal blood test does not mean a worker has beryllium disease; rather, the body has reacted to exposure to beryllium dust. Experts believe a large percentage of those with blood abnormalities will develop the full-blown illness.

Rudolph/Libbe would not release details on the seven affected workers, including their specific job duties. The company did say that three of the workers have undergone further tests to determine whether they have beryllium disease, but the results are pending.

Company president Bill Rudolph said he is concerned by the seven cases but "hopeful that further testing will give them a clean bill of health."

An estimated 1,200 workers have contracted beryllium disease nationwide since the 1940s, including 65 current or former Brush employees at the Elmore plant. Until recently, the only people at the

Elmore plant known to be affected by beryllium were workers employed by Brush.

It is unknown how many Brush contract employees have blood abnormalities. In September, Dr. Tom Lieser, a St. Charles Mercy Hospital physician coordinating some testing, reported nine cases. But his office yesterday would not release updated figures.

The fact that any contract worker has been affected is significant because it suggests that beryllium may be more dangerous than previously thought.

Rudolph/Libbe's Mr. Kibben said the contract workers will leave Brush in about two months. And though he said Rudolph/Libbe someday might accept a construction project just outside the plant, workers will not be going back inside. He said it took a "massive" effort to protect Rudolph/Libbe workers from beryllium dust — an effort that required respirators, air sampling, and extra training.

# Door firm pulls its workers out of Brush plant

Elmore beryllium producer has lost at least 3 contractors

BY SAM ROE  
BLADE SENIOR WRITER

Another contractor has pulled its workers out of the Brush Wellman beryllium plant near Elmore because of the deadly health risks there.

"We had to do this. It was the only alternative," said Marty Marinelli, co-owner of Northwood Door, which had fixed and installed industrial doors at the plant the last 10 years. "If you have people working for you, you cannot jeopardize their health," he said. "You cannot take chances."

Northwood Door, located near Walbridge, is the third contractor known to have pulled out of the beryllium plant in recent months, including Rudolph/Libbe Companies, Inc., one of the area's largest construction firms.

The firms cited concerns about their workers possibly contracting beryllium disease, an incurable, often-fatal lung illness caused by inhaling the metal's dust.

Dozens of Brush employees have developed the illness, and while there is no documented case of a contract worker getting the disease at the Elmore plant, blood abnormalities have been detected in at least nine.

# Brush

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Mr. Marinelli said about 15 Northwood Door employees have performed contract work at Brush over the years. He said he decided to pull his workers out after reading a series in The Blade. The six-part series, published in March and April, detailed how the U.S. defense establishment and the beryllium industry repeatedly allowed workers to be exposed to unsafe levels of beryllium dust. Beryllium is a strong, lightweight material used in nuclear weapons and in the auto, computer, and electronics industries.

Mr. Marinelli said he does not know if his workers have been harmed by beryllium because they have not had medical tests. "Do I offer my people blood tests and pay for them out of my pocket? That's a big expense."

He said his business is small, employing 20; so he asked Brush to pay for the \$600 blood tests. The beryllium company refused, he said. "That's probably the thing that disturbs me the most," he said.

Mr. Marinelli said that while his workers were on the plant site,

"we took every safety precaution," including wearing respirators. He said he pulled the workers out in July, though he disclosed that fact this week in an interview.

Hugh Hanes, spokesman for Cleveland-based Brush Wellman, America's leading beryllium producer, declined to comment on Northwood Door's action. He

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*Northwood Door says  
it didn't want to  
jeopardize employees'  
health.*

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would not say whether more than three contractors have pulled out of Brush or how many contract workers may have been affected by beryllium dust. He reiterated that Brush wants to reduce the number of outside workers in the Elmore plant.

The company has repeatedly said it goes to great lengths to protect contract workers. Brush offers blood tests to its own employees, but not to contract workers. Brush maintains that the contractors should provide those tests.

Ohio's largest environmental ac-

tivist group called for Brush to pay for blood tests for contract workers. "Everyone who has worked on that plant site should be offered a test," said Sarah Ogdahl, program director for Ohio Citizen Action's Toledo office.

In July, Sponseller Group, Inc., an engineering firm in Holland, O., pulled out of Brush after at least one worker showed a blood abnormality — a sign that beryllium disease could develop. This week, Rudolph/Libbe said it would pull its workers out within the next two months. Seven current or former Rudolph/Libbe workers show blood abnormalities.

In September, Dr. Tom Lieser, a St. Charles Mercy Hospital physician coordinating some testing, reported nine cases.

Nationwide, about 1,200 people have contracted beryllium disease since the 1940s, including 65 current or former workers at the Elmore plant, 20 miles southeast of Toledo.

# 4th firm pulls out of Brush facility

## Company cites concerns about beryllium disease

BY SAM ROE  
BLADE SENIOR WRITER

ELMORE — A Toledo concrete company has pulled its workers out of the Brush Wellman beryllium plant near Elmore — the fourth contractor known to have severed ties with the plant because of concerns over beryllium disease.

Duffey Concrete Cutting, Inc., told the beryllium firm last week that it no longer would work at the plant, said Tim Duffey, president of the concrete company.

"I don't want to be responsible for someone who works here having health problems," Mr. Duffey said. "It's that simple."

Duffey Concrete joins three other local contractors who have pulled out of the plant recently: Northwood Door, Sponseller Group, Inc., and Rudolph/Libbe Companies, Inc.

All four companies cited concerns about their workers possibly contracting beryllium disease, an incurable, often-fatal lung illness caused by inhaling the metal's dust.

Mr. Duffey said he decided to end his company's 10-year relationship with Brush after reading articles in The Blade about the dangers in the beryllium industry.

"The work that my fellows do here is dangerous enough without exposing ourselves to known chemical hazards," Mr. Duffey said.

Duffey Concrete frequently cut concrete at the beryllium plant to accommodate new machinery. Mr. Duffey said six of his 20 employees had done work at the plant over the years.

In March, The Blade began a series of articles detailing how the U.S. government and the beryllium industry allowed thousands of beryllium workers to be exposed to unsafe levels of beryllium dust. Dozens contracted beryllium disease, and some died.

After the series was published, several contractors at the Elmore plant gave blood tests to their workers to see if they had been harmed. While none has been reported to have developed beryllium disease, at least nine show a blood abnormality — a sign that they may

# Brush

► *Continued from Page 11*

develop the illness.

Mr. Duffey said he paid for blood tests for the six Duffey Concrete employees who had done work at Brush, and the six workers were found to be unharmed. Still, he said, he decided to pull his workers out of the plant rather than continue to risk their health.

Brush spokesman Hugh Hanes said yesterday he was sorry to see Duffey Concrete leave, "but we respect their right to make that decision."

He said Brush's ability to operate the Elmore plant has not been affected by contractors pulling out. Brush has either replaced the contractors or is working on it, he said.

The Brush spokesman would not say whether more than four contractors have quit. "That's private information between the companies and Brush Wellman," he said.

And he reiterated that the beryllium company wants to reduce the

number of contract workers at the plant to limit the number of people exposed to beryllium dust.

Brush is America's leading beryllium producer, with headquarters in Cleveland and facilities in several states.

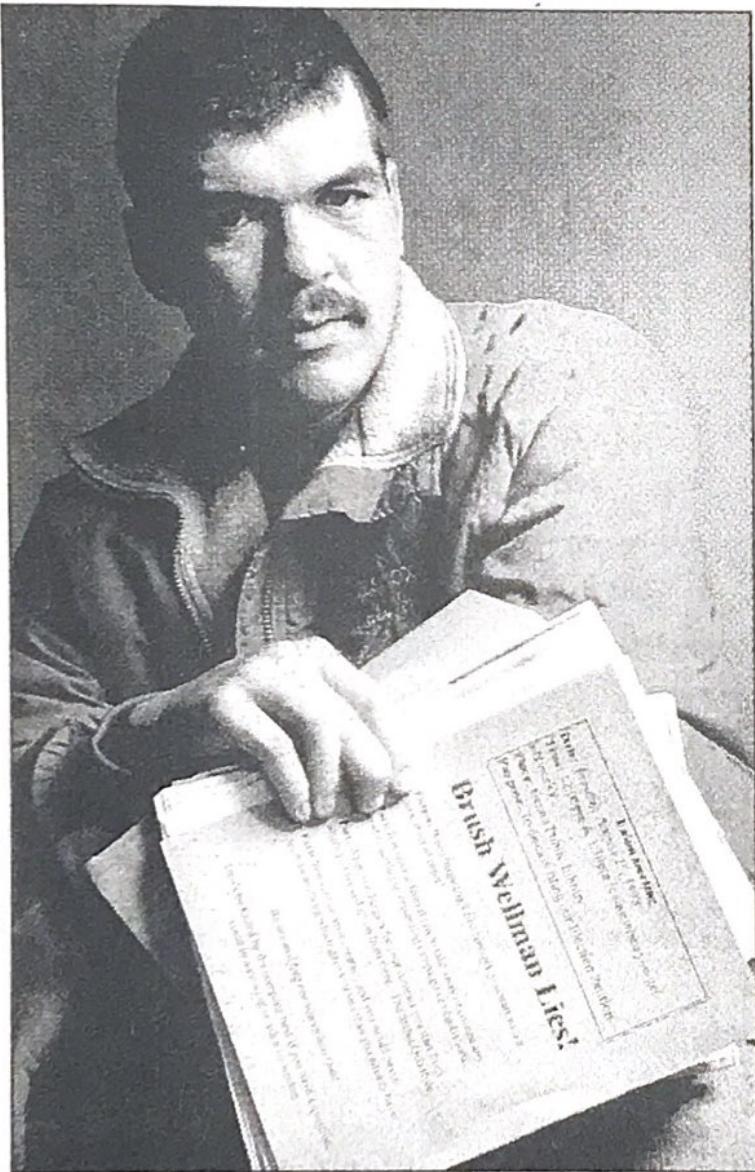
Beryllium is a strong, light-weight metal used in nuclear weapons and in the auto, computer, and electronics industries. An estimated 1,200 people have contracted beryllium disease nationwide since the 1940s, including 65 current or former Brush employees at the Elmore plant, 20 miles southeast of Toledo.

Sarah Ogdahl, local program director for Ohio Citizen Action, an environmental activist group, said all Brush contractors should determine whether their workers have been exposed to beryllium dust. If so, the workers should be offered blood tests, and Brush should pick up the tab, especially for the small contractors.

"These are small businesses, and for them to be hit with these huge medical expenses is unfair," she said.

Brush has offered blood tests to its own employees but not to contract workers.

TOLEDO, OHIO, SUNDAY, NOVEMBER 14, 1999



BLADE PHOTO BY DARREL ELLIS

**Glenn Petersen, a critic of Brush Wellman, was fired from his job at the company's beryllium plant.**

# Ex-worker says Brush wanted him silenced

Company claims poor behavior led to dismissal

BY SAM ROE

BLADE SENIOR WRITER

Federal authorities are investigating whether the Brush Wellman beryllium company violated whistleblower laws when it recently fired one of its most outspoken employees.

The Occupational Safety and Health Administration is looking into why the beryllium company fired Glenn Petersen, a 29-year-old furnace operator at the Brush plant near Elmore and a leading critic of the firm's health and safety practices.

Brush Wellman documents state that the company fired Mr. Petersen for poor behavior, including absenteeism.

But Mr. Petersen says that Brush Wellman — a company facing mounting criticism over its health record — wan-

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# Brush

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ted to silence him.

In the last two years, Mr. Petersen has tried to organize a union at the Elmore plant; distributed flyers proclaiming "Brush Wellman Lies!"; and complained to OSHA about safety problems in the plant involving beryllium, a metal whose toxic dust has caused the illnesses and deaths of numerous Brush workers.

In fact, shortly after he wrote to OSHA last May about workers being overexposed to beryllium dust, safety regulators began a rare, surprise inspection of the Elmore plant.

"It's a classic whistleblower case," says Sarah Ogdahl, a local environmentalist familiar with the case.

Brush Wellman says it had a right to fire Mr. Petersen.

In a prepared statement, the Cleveland-based company says Mr. Petersen's firing Oct. 21 "was a result of his job performance and nothing else. He was given every chance to do better, through a four-tier disciplinary process, which is followed at Brush Wellman, and he simply failed to do so."

Brush spokesman Hugh Hanes would not comment further.

Mr. Petersen says he was stunned when Brush fired him. "I thought I had been visible enough that Brush wouldn't be stupid enough to fire me because it is against the law."

Now, he says, he is struggling to pay his bills. He has filed for unemployment and is moving from his \$665-a-month apartment in Perrysburg to a \$325-a-month one in nearby Moline. "This has made me pretty much hit rock-bottom," says Mr. Petersen, who is separated from his wife and has no children.

But he says he will continue to fight

Brush. "People are dying of beryllium disease, and it could be prevented."

Brush Wellman has been under fire since March, when a Blade series detailed how the U.S. government and American beryllium companies, including industry leader Brush, allowed workers to be overexposed to beryllium dust, which can cause a chronic lung illness. Congress initiated two investigations, environmentalists pressed for reforms, and several Brush contractors pulled out of the Elmore plant.

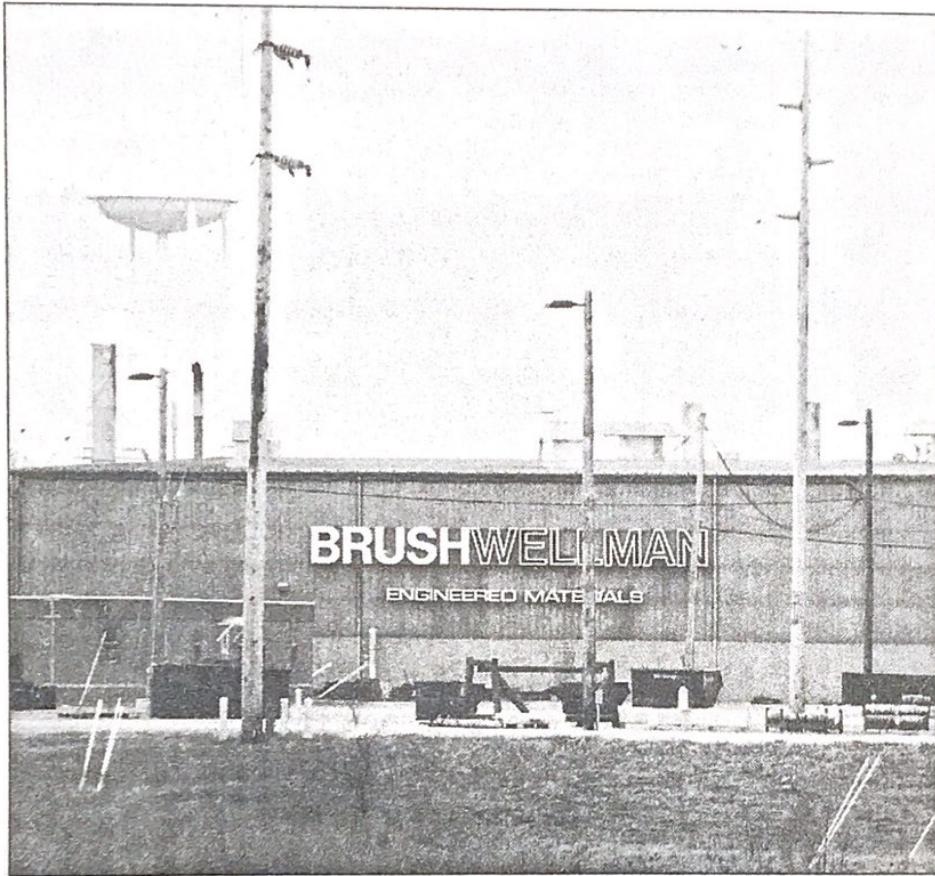
OSHA officials would not comment on Mr. Petersen's case. Under federal law, employers cannot punish workers for complaining about unsafe working conditions. If discrimination has occurred, OSHA can take the employer to court to restore a worker's job, pay, and benefits. OSHA's Toledo office reports it receives about 80 whistleblower complaints a year, with a quarter found to be valid.

Leona Dupler, a Brush machinist who has pushed for a union at the Elmore plant, says company officials clearly fired Mr. Petersen to silence him. "He asked too many questions they could not answer — or did not want to answer."

Brush worker Gary Renwand, Jr., says Mr. Petersen often raised important safety issues, "but maybe he gets a little carried away sometimes. When he gets on a subject, he'll just keep pushing it."

Mr. Petersen started at Brush five years ago, cutting and rolling sheets of beryllium alloy. Then he became a furnace operator, producing pure beryllium. "I started noticing how our attitude in handling this toxic material was really cavalier," he recalls.

When fellow workers proposed organizing a union at the plant under what was then the Oil, Chemical & Atomic Workers, Mr. Petersen volunteered. He says he worked up to 40 hours a week on the effort, talking with employees and handing out leaflets. One leaflet proclaimed: "Brush Wellman Lies!" On the other side was a picture of Mr. Petersen,



BLADE PHOTO BY HERRAL LONG

**Brush Wellman has been under fire for allowing workers to be overexposed to beryllium dust, which can cause a chronic lung illness.**

smiling.

But when it came time to vote, in October, 1998, Brush workers resoundingly rejected a union. Still, Mr. Petersen kept up his activities.

● In May, he wrote to OSHA and asked for a safety inspection. A month later, OSHA began inspecting the plant — only the second full OSHA inspection of the facility in 20 years. The inquiry is pending.

● In July, he wrote and handed out flyers lampooning a letter distributed by a group of Brush employees who were upset about The Blade series and attacks by environmentalists.

● In August, he got into a heated argument with two salaried employees. The topic, Mr. Petersen says, was a safety issue.

Two weeks after the argument, Mr. Petersen was suspended for 11 days. "Your performance and behavior at work

have become intolerable," Brush's Keith Smith wrote to Mr. Petersen.

Mr. Smith stated that Mr. Petersen had been warned several times for bad behavior, including reading in the control rooms and missing about 11 days of work that year.

But mostly, Mr. Smith assailed Mr. Petersen for arguing with the two Brush officials and distributing a lampoon-style flyer.

Mr. Smith wrote that Mr. Petersen repeatedly called the Brush officials "jackasses" and "blatantly attacked the integrity, authority, and competency of these professionals in a public setting." Mr. Petersen acknowledges he was angry, but he says he had a right to be: The company, he felt, was trying to relax a safety measure.

As for Mr. Petersen's flyer, Mr. Smith said it was "distasteful, offensive, and tended to create a hostile work environment." Mr. Petersen says he was simply rebutting the position of workers loyal to the company.

Just days after returning to work from his suspension, Mr. Petersen and several other workers resurrected the union effort, he says. Flyers were distributed announcing the plans. A few weeks later, on Oct. 21, Mr. Petersen was fired.

Two reasons were given, Brush documents show: On Oct. 1 and Oct. 4, Mr. Petersen had called in sick "without submitting proper documentation." And on the second day of his absence, he did not call in until 40 minutes after the start of his shift.

Mr. Petersen says he had the flu and had never needed a doctor's excuse for the flu before. Plus, he says, Brush waited two weeks to ask for an excuse. By then, he had recovered and could not get a doctor's excuse.

He says he is confident he will win his job back. "I hope to show employees at Brush Wellman that they don't have to cave in to these fear tactics, that they have some rights under the law."

# White House: Pay victims of beryllium

## Leading advocate says legislation is not enough

BY JACK TORRY

BLADE NATIONAL BUREAU

WASHINGTON — The Clinton administration yesterday asked Congress to compensate hundreds of former U.S. Department of Energy contract workers who became ill because of exposure to beryllium dust.

At a news conference, Energy Secretary Bill Richardson said the plan would cover contract workers for the agency or those employed by companies that supplied the Department of Energy with beryllium, such as those at the Brush Wellman plant near Elmore.

"This action is long overdue," Mr. Richardson said. "The national security mission and the Department of Energy sent into harm's way some of the men and women who helped the United States win the Cold War. They should be honored for their work. The department is finally going to stop fighting these workers and instead help them get the treatment they need."

If the bill, sponsored by Rep. Paul Kanjorski (D., Pa.), is approved by Congress, hundreds of people who have the lung disease caused by beryllium would be eligible to be reimbursed for their medical costs, lost wages, and retraining expenses.

The bill would offer current and former workers the option of accepting a \$100,000 settlement instead of ongoing medical expenses and lost wages. Only those who have suffered the disease, not their



Kanjorski: The Pennsylvania representative sponsored the beryllium legislation.

families, would be eligible for compensation.

But workers would have to give up the right to sue the companies or the federal government if they accept the proposed compensation. Workers could choose not to accept compensation and retain the right to sue.

Theresa Norgard of Manitou Beach, Mich., a leading advocate for beryllium disease victims, called the \$100,000 lump-sum proposal "paltry. It's not adequate."

See VICTIMS, Page 12 ►

# Victims

► *Continued from Page 1*

And she criticized the prohibition against lawsuits by workers. The compensation package, she said, "is a way for the government to protect themselves and their contractors in terms of liability."

Brush Wellman spokesman Hugh Hanes declined to comment, saying he had not had a chance to read the proposed legislation.

Because the bill would cover only those workers at the Brush Wellman plant who supplied parts for the Energy Department, Rep. Marcy Kaptur (D., Toledo) said she will introduce a companion measure that would cover contract workers and suppliers for the Department of Defense. Some of those who became ill at Brush Wellman were suppliers for the Pentagon.

Beryllium is a metal that has been used to help build nuclear bombs and other advanced weapons since World War II.

Mr. Richardson was joined at the news conference by Miss Kaptur, Mr. Kanjorski, and Reps. Sherrod Brown (D., Lorain), Dennis Kucinich (D., Cleveland), Ron Klink (D., Pa.), and Ed Whitfield (R., Ky.).

Sen. Mike DeWine (R., O.) issued a statement saying he applauds the administration for acknowledging the problem, but he believes the Department of Energy "could do more to protect all workers who were ... exposed to harmful radioactive materials." He wants workers at the Gaseous Diffusion Plant in Piketon, O., included in any compensation package.

An estimated 1,200 current and former workers have contracted the potentially fatal lung disease because of exposure to beryllium since the 1940s, including at least 65 current or former employees at Brush Wellman's Elmore plant. Brush Wellman, which is headquartered in Cleveland, is the nation's leading producer of beryllium.

In a six-part series in March, The Blade documented the hazards of beryllium and how the federal government and the beryllium industry risked the lives of

thousands of workers by knowingly allowing them to be exposed to unsafe levels of beryllium dust.

Mr. Kucinich held up a copy of The Blade's front page that started the series. He said he is urging his House colleagues to conduct hearings next year into the plight of workers across the country who are suffering from the disease.

"That was an outstanding series," Mr. Kucinich said. "This story outlined how government and industry chose weapons over workers."

Miss Kaptur said her companion bill will provide as much as \$200,000 in compensation for those employees who were contract workers or suppliers for the Pentagon. She said, "We also want to include the Department of Defense and their contract workers under this umbrella."

Mr. Klink, while hailing the bill as opening an "opportunity for just compensation for these workers," indicated that he and other lawmakers eventually will want to expand the program to cover the families of former workers who have died from the disease.

# Forum draws vocal crowd in Elmore

BY SAM ROE

BLADE SENIOR WRITER

ELMORE — Environmentalists told an overflowing and contentious crowd here last night that workers and residents should demand that the Brush Wellman beryllium company stop making people sick.

"No one has to get chronic beryllium disease. No one has to die from chronic beryllium disease. This is a man-made disease," activist Theresa Norgard told a packed public forum on the hazards of beryllium.

Several Brush Wellman workers shot back by saying the firm was doing its best and that the activists did not have all of the facts. "Don't listen to a radical group," said

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# Forum

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Gary Donnell, a Brush maintenance worker.

About 150 residents, workers, and activists crowded into a stuffy Elmore Community Center, forcing fire officials to turn away 40 people at the door. The crowd was split between Brush workers, some wearing buttons saying "We Support Brush Wellman," and young activists with signs saying "No Risk Is Acceptable" and "Hundreds of Workers Sick & Dying: Enough Is Enough."

At times, the event was emotional. When Brush worker Louie Garcia suggested that some employees have been harmed because they had not followed safety rules, a tearful Jill Rodenhauser shouted out: "My dad did not give himself [beryllium disease]. Brush gave my dad [beryllium disease]."

The forum was primarily sponsored by Ohio Citizen Action, the state's largest environmental activist organization.

No one spoke officially for Brush. But in a prepared state-

ment sent to The Blade, the Cleveland-based company said that Ohio Citizen Action has made several misleading statements about the firm in the past, and "Brush Wellman has seen no evidence that today's Ohio Citizen Action event will provide a fair forum."

Ohio Citizen Action has been pressing for safety reforms at Brush's plant outside Elmore since The Blade published in March an investigative series on the beryllium industry. Based on thousands of court and recently declassified government records, the series documented how Brush has overexposed workers to toxic beryllium dust, misled employees about the dangers, and covered up its checkered past.

Ohio Citizen Action has asked for a meeting with Brush to discuss health concerns, but the company has declined. So the activists have been going door to door through northern Ohio, circulating petitions, and soliciting letters of support.

Earlier yesterday, Sarah Ogdahl, program director for Ohio Citizen Action's Toledo office, said some residents and Brush workers think the environmentalists are trying to

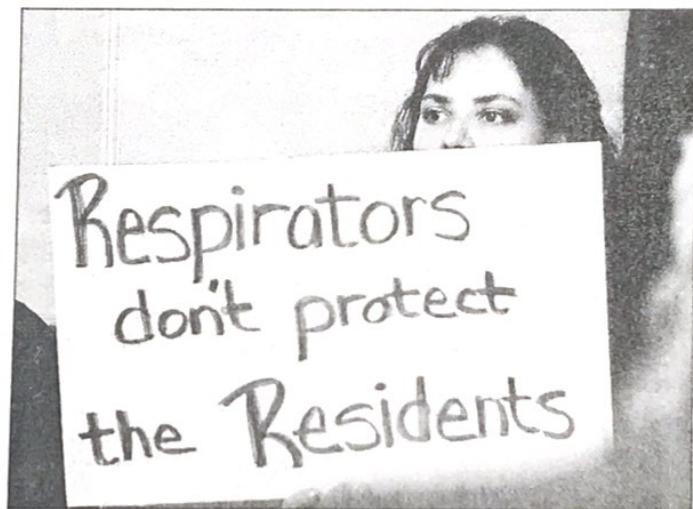


Some at the crowded forum don't need to speak to show which side they are on. Hazel Kohbarger, left, uses a button, while Courtney Christenson, right, lets her sign do the talking.

shut the plant. But she said that is not true.

"Our goal is to reduce pollution and reduce beryllium exposure inside and outside the plant," she said.

Ms. Ogdahl said a transcript of



BLADE PHOTOS BY DARREL ELLIS

last night's forum would be made and distributed to lawmakers and other officials.

Beryllium is a strong, light-weight metal whose dust can cause an incurable, often-fatal lung illness. An estimated 1,200

workers have contracted the illness nationwide since the 1940s, including 65 current or former workers at the Elmore plant.

Ms. Ogdahl said a key issue is blood testing of residents living near the plant to determine

whether they have been harmed. Brush has offered blood tests to its employees but not to residents and many contract workers.

Brush has repeatedly said blood testing of residents is unnecessary because there is no evidence of harm.

But no study has been conducted. Numerous people living near beryllium plants in Lorain, O., and Reading, Pa., were diagnosed as having the disease in the 1940s and 1950s, even though they had never worked at the facilities.

Others who spoke last night:

- John Cayton, a Brush environmental engineer, who said activists were spreading misinformation and perhaps needlessly frightening residents.

- Glenn Petersen, 29, a former Brush furnace operator who detailed several alleged accidents at the plant. Federal authorities are investigating whether Brush broke whistleblower laws when it fired Mr. Petersen in October.

- Gary Renwand, a 61-year-old from Oak Harbor, O., who contracted beryllium disease at the plant. He said: "If people could just see how much suffering people go through, they would have a different outlook on this."

# 2 contract workers at Brush sicken

## Rudolph/Libbe employees affected by beryllium dust

BY SAM ROE

BLADE SENIOR WRITER

Local construction giant Rudolph/Libbe Companies reported yesterday that at least two of its workers have contracted beryllium disease at the Brush Wellman plant near Elmore.

The illnesses mark the first known cases of contract workers getting the incurable, often fatal lung disease at the beryllium plant.

"We are all emotionally devastated by this news," said Bill Rudolph, president of Rudolph/Libbe Companies.

The Rudolph/Libbe cases are significant because they suggest that far more people may be at risk from beryllium disease than previously thought. While government and industry officials have acknowledged for years that full-time beryllium workers could become ill, authorities seldom have focused on the risks to contract workers, such as electricians, carpenters, and others spending limited time in beryllium plants.

Rudolph/Libbe said hundreds of its workers potentially have been exposed to toxic beryllium dust at the Brush Wellman plant in 30 years — 640 in just the last five years.

Local environmentalists renewed their call yesterday for Brush to offer medical tests to anyone who has set foot in the plant, including contract employees, delivery workers, and residents who have taken tours.

"Brush has a moral responsibility to do this," said Theresa Norgard, whose husband, David, is a Brush employee with beryllium disease. "They've led all of us to believe that beryllium disease is a small problem. It's not. These cases underscore what a big problem it potentially is."

Brush spokesman Hugh Hanes said the beryllium company is "deeply saddened" to learn of the Rudolph/Libbe illnesses.

"It just simply heightens our resolve to solve this problem once and for all," he said.

He reiterated that Brush goes to great lengths to protect all workers on plant site. "We require all contractor employees to follow the same safety rules as our own employees."

Brush is America's leading producer of beryllium, with headquarters in Cleveland and plants in several states, including the 780-employee plant near Elmore.

An estimated 1,200 workers have contracted beryllium disease na-

# Brush

► *Continued from Page 1*

tionwide since the 1940s, including 65 current or former workers at the Elmore plant.

Brush has been under fire since March, when a series in *The Blade* documented how the U.S. government and the beryllium industry repeatedly sacrificed worker safety for production of the metal, which is used in nuclear bombs and other weapons.

At least four local contractors, including Rudolph/Libbe, subsequently pulled out of the Elmore plant, citing safety concerns.

And Rudolph/Libbe, in a move believed to be unprecedented in the beryllium industry, started offering blood tests to hundreds of its current and former workers.

Last month, Rudolph/Libbe reported that seven of its current or former workers showed blood abnormalities. Now, the firm reports that eight of 170 workers tested show abnormalities and that additional testing found that at least two of those eight have beryllium disease.

Mr. Rudolph said he is surprised by the findings and that nothing like this has happened to his

workers before. He said Rudolph/Libbe did everything it could to protect its workers, including monitoring the air around workers to ensure that dust counts were well within safety limits.

When asked if he faulted Brush Wellman, Mr. Rudolph said he hadn't given that notion much thought and that his company is focusing on taking care of its workers. He said Rudolph/Libbe is helping the victims find the best medical care as well as counselors to help cope with any emotional issues.

He would not release the victims' names, only saying they are building trades workers. They are free of visible symptoms, he said, "and it is our fervent prayer that they remain so."

Sarah Ogdahl, program director of Toledo office of Ohio Citizen Action, a statewide environmental group, called the illnesses "very tragic."

"It just goes to show that this risk is real," Ms. Ogdahl said.

She renewed Ohio Citizen Action's call for Brush to pay for blood tests for anyone who wants them, including neighbors of the plant. Brush offers blood tests to its current workers but not to former employees, contract workers, or neighbors.

Brush's Mr. Hanes said the con-

tract companies should be responsible for blood-testing contract workers. And he said there is no evidence that neighbors have been affected by beryllium dust.

Rudolph/Libbe Companies, which has headquarters in Walbridge, is the parent company of GEM Industrial, Rudolph/Libbe, Inc., and Rudolph/Libbe Properties, Inc. The company is one of the area's largest construction firms, employing 1,500 trade and construction professionals. About 25 regularly worked at Brush until Rudolph/Libbe pulled them out.

Mr. Hanes said he knows of only one other case of beryllium disease among Brush contractors at any of its facilities. That case involves an electrician at Brush's Tucson, Ariz., plant.

But a document recently disclosed in a lawsuit against Brush lists another possible case of a Brush contract worker getting the disease. The worker had been repairing ductwork, with no more than 64 hours exposure to beryllium dust. The document does not state when and where this case occurred.

# 4 more sue, fault Brush for exposure to beryllium

BY SAM ROE

BLADE SENIOR WRITER

Three more victims of beryllium disease have sued Brush Wellman, alleging that the company knowingly exposed them to unsafe levels of the potentially deadly metal.

And the widow of a Brush worker has filed a wrongful death suit against the company, claiming that beryllium disease killed her husband.

The four suits allege Brush Wellman "deliberately and intentionally" exposed the workers at the company's beryllium plant outside Elmore to "unreasonably and abnormally hazardous and dangerous working conditions, knowing that injury and disease would occur."

The employees, the suits state, worked in areas of the plant where levels of toxic beryllium dust were above the federal safety limit.

The suits were filed Nov. 24 in Cleveland by class-action specialist Waite, Schneider, Bayless & Chesley, a Cincinnati law firm that has been involved in numerous high-profile cases, including the

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# Brush

► *Continued from Page 1*

Dow Corning breast-implant litigation, the bombing of a Pan Am jet over Lockerbie, Scotland, and the Union Carbide chemical plant disaster in Bhopal, India.

The law firm has now filed seven suits against Brush since May, said Louise Roselle, an attorney with the firm.

"Brush Wellman knew of the hazard, and they knew that injury was substantially certain to occur, and in spite of that knowledge, they required these people to work in those conditions," Ms. Roselle said.

In March, The Blade began a six-part series on the hazards of beryllium. Among the findings: The U.S. government and the beryllium industry, primarily Brush Wellman, risked the lives of thousands of workers by knowingly allowing them to be exposed to unsafe levels of beryllium, a material critical to the production of nuclear weapons. As a result, dozens of workers contracted beryllium disease, an incurable, often-fatal lung illness caused by the metal's dust.

Jeffery Ubersax, an attorney for Jones, Day, Reavis & Pogue, a Cleveland firm defending Brush Wellman, declined to comment on the lawsuits. Brush spokesman Hugh Hanes said the company does not comment on pending litigation.

Brush Wellman is America's leading beryllium producer, with headquarters in Cleveland and plants in several states.

About 1,200 workers have contracted beryllium disease nationwide since the 1940s, including 65 current or former workers at the Elmore plant. Brush is facing lawsuits in Ohio, Arizona, Colorado, and Tennessee.

The recent suits were filed in Cuyahoga County Common Pleas Court. The three beryllium disease victims suing Brush are David Sewell Beckley of Clyde, O.; Jody Allen Wagner of McCutchenville, O., and Gary Renwand, Jr., of Oak Harbor, O.

Mr. Beckley and Mr. Renwand remain Brush employees at the Elmore plant, the suits state. Mr. Wagner left in September.

The victims say they contracted the illness at the plant and that they worked in areas where many dust readings were above the safety limit.

Mr. Beckley, a mechanic in the alloy maintenance department, alleges he worked for many years on machinery in the plant with-

out wearing a respirator because management told him he didn't need one. Mr. Renwand claims respirators did not fit correctly when he sweated, and that one time, when customers were touring the plant, he was told not to wear a respirator.

Mr. Renwand was diagnosed with beryllium disease in October. His father, Gary Sr., a former Brush worker, was diagnosed with the illness in 1993 and now cannot breathe without the aid of an oxygen tank.

Janet Bostater of Elmore is suing on behalf of her late husband, Francis Ray Bostater, who died in 1998. Her suit states that Mr. Bostater started working at Brush in 1959, and about 1985, when he was having problems breathing, Brush sent him to the University of Pennsylvania, where he was diagnosed with cobalt disease.

But Mr. Bostater's personal doctor has maintained he had beryllium disease, and the death certificate lists beryllium disease as the primary cause of death, the suit states.

Each suit seeks damages in excess of \$50,000.

# Tougher beryllium controls approved

## Federal regulation 10 times stricter; nongovernment plants not affected

BY TOM HENRY

BLADE STAFF WRITER

The federal government acknowledged yesterday that thousands of workers have been exposed to unsafe levels of beryllium dust over the past 50 years at U.S. facilities used to make nuclear weapons.

In announcing a stronger plan to protect workers at weapon plants, the U.S. Department of Energy said it is establishing an "action level" for beryllium exposure that is 10 times more restrictive than the standard that has existed since 1949.

The agency had never wavered from its previous standard of 2 micrograms of beryllium per cubic meter of air — called a "permissible exposure level" — even though it admits that it doesn't know what level of exposure, if any, is safe.

Rick Jones, director of the agency's office of worker protection programs and hazards management, said the safety standard for beryllium dust published in yesterday's Federal Register is similar to how the government approaches

radiation exposure in nuclear plants: Establish limits but recognize that beryllium affects everyone differently.

Exposure to beryllium and radiation are required to be kept as low as modern technology and common sense will allow, he said.

"What we've identified with beryllium is that it appears we are getting workers with ill health ef-

*OSHA has not changed standards for plants such as Brush Wellman*

fects exposed at levels below the standard," Mr. Jones said. "For some folks, any exposure will cause health effects."

About 1,600 workers — mostly contractors hired by the government, as well as some federal employees — are at risk to beryllium exposure on a daily basis at energy department sites in Colorado, Tennessee, New Mexico, and Texas, the agency said.

In a six-part series in March and April, The Blade documented the hazards of beryllium and how the federal government and the beryllium industry risked the lives of thousands of workers by knowingly allowing them to be exposed to unsafe levels of beryllium dust.

Yesterday's announcement does not apply to nongovernment beryllium factories like Brush Wellman's plant near Elmore, where at least 65 current or former workers have contracted chronic beryllium disease, an often-fatal lung disease. Brush Wellman, which is headquartered in Cleveland, is the nation's leading producer of beryllium.

At least four local contractors have pulled their workers out of the Brush Wellman plant since the Blade series was published, citing fears of exposing their workers to beryllium dust.

The Occupational Safety and Health Administration alerted workers in September that its 2-microgram standard, borrowed from the nuclear weapon industry,

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# Beryllium

► *Continued from Page 1*

"now appears to be too high to prevent chronic beryllium disease." But, the agency has not changed the standard for workers at nongovernmental beryllium plants.

Energy Department Secretary Bill Richardson has made beryllium protection "his singular focus" in the 16 months since his appointment, largely because of safety fears made by workers and because of the amount of cleanup work scheduled to be done in coming years as decontamination efforts pick up at weapon facilities, according to Brooke Anderson, Department of Energy public affairs chief.

The process of adopting the rule began in 1997 and went smoother than many similar regulations after gaining a lot of momentum this year, she said.

"I think news media accounts have contributed," Ms. Anderson said.

Mr. Jones headed a team of department of energy and OSHA officials who drafted the rule, which he conceded is the first significant improvement in beryllium protection at weapon plants in half a century.

He said officials started the process of revisiting the standard and writing the new rule in early 1997 after going through peer-reviewed journals on the subject that had been published in the fall of 1996.

"In doing that, we identified that, yes, DOE appears to have a problem. We were getting chronic beryllium disease in our workforce," Mr. Jones said.

The agency established an "action level" of 0.2 micrograms of beryllium per cubic meter of air to replace the 2-microgram exposure standard it has had since 1949.

OSHA has had the same standard since 1971.

The Department of Energy regulates weapon plants, while OSHA oversees Brush Wellman and other civilian facilities that produce beryllium.

Beryllium, an important metal used in nuclear weapons, can cause a deadly illness if its dust is inhaled.

Frank Kane, OSHA spokesman, stopped short of saying that his agency would follow the energy department's lead. But he said OSHA is in the process of revisiting its own standard and considering tighter controls.

He said the energy department's program "is a necessary first step from the deadly effects of beryllium, and we applaud the DOE."

Hugh Hanes, Brush Wellman spokesman, said he is aware that OSHA was involved in the rule-making process and that it is revisiting its own standard.

But he said it's too early to say whether OSHA will follow suit. Brush Wellman plans to participate in hearings sponsored by the agency, he said.

He said it has been Brush Wellman's goal to keep beryllium exposure as low as possible for years.

In addition to the 65 current or former employees at Brush's plant near Elmore that have been diagnosed as having chronic beryllium disease, the energy department said 146 other workers at weapon plants have been diagnosed as having the disease.

Those people are among an estimated 1,200 nationwide who have reportedly gotten the disease since the 1940s.

Sarah Ogdahl, Toledo area program director for Ohio Citizen Action, one of the state's largest environmental groups, said a double-standard will exist until OSHA requires the same protection at civilian plants that the Department of Energy will have at weapon facilities.

"Everyone should be under the same safety standard. It has been proven that the standard in effect at Brush Wellman and other facilities is not safe," she said.

Ms. Ogdahl said her group is calling upon OSHA to "pick up the pace" of its review.

"It's unfair there are certain groups of workers that are going to be protected more than others."

TOLEDO, OHIO, THURSDAY, DECEMBER 16, 1999

# 3 more beryllium suits name Brush

BY SAM ROE  
BLADE SENIOR WRITER

Three more lawsuits have been filed against the Brush Wellman beryllium company, including one by the widow of Galen "Butch" Lemke, who was a leading activist for victims of beryllium disease until he died of the illness in August.

"They basically took his life away from him," said Mr. Lemke's widow, Betty.

She said that one of Mr. Lemke's final wishes was for her to sue Brush Wellman after he died.

"I hope I've got enough guts to go through all of this," the Elmore resident said. "I could sit here and cry and cry."

The holiday season has been especially difficult, she said. "This is the worst time of the year, Christmastime. It is a horrible time of the year to think back."

Mr. Lemke was diagnosed with beryllium disease, a chronic lung illness, in 1970 and spent 15 years unable to breathe without the aid

## Elmore activist's widow, others seek damages

of an oxygen tank. Still, he became a leading activist for area beryllium victims.

When he died at 58, his obituary appeared in newspapers across the country.

Mrs. Lemke's lawsuit and two others were filed last week in Cleveland by Waite, Schneider, Bayless & Chesley, a Cincinnati law firm known for representing victims of plane crashes and other disasters. The law firm has now filed 10 suits against Brush Wellman since May, said Louise Roselle, a lawyer with the firm.

The new suits allege Brush "deliberately and intentionally" exposed workers at its beryllium plant outside Elmore to "unreasonably and abnormally hazardous and dangerous working conditions, knowing that injury and disease would occur."

In March, a Blade series documented how the U.S. government

and the beryllium industry, primarily Brush Wellman, knowingly allowed workers to be exposed to unsafe levels of beryllium, a metal critical to the production of nuclear weapons. As a result, dozens of workers contracted beryllium

states.

About 1,200 workers have contracted beryllium disease nationwide since the 1940s, including 65 current or former workers at the Elmore plant.

The recent suits were filed in Ohio's Cuyahoga County Common Pleas Court. Suing are Mrs. Lemke, Dave Marko of Genoa, and David Norgard of Manitou Beach, Mich.

Mr. Marko's suit, an intentional tort claim, states he was diagnosed with beryllium disease in 1998 after working at the Elmore plant from 1980 to 1996. He spent time in a variety of jobs, including about 13 years in furnace operations.

He alleges he worked in parts of the plant where levels of beryllium dust were above the federal safety limit. Brush's conduct, the suit states, "was so extreme and outrageous as to exceed all possible bounds of decency and must be

*• They basically took his life away from him. ♦*

Betty Lemke  
*Widow of beryllium victim*

disease, an often-fatal lung illness caused by the metal's dust.

Brush spokesman Hugh Hanes said the company does not comment on pending suits. The company is America's leading beryllium producer, with headquarters in Cleveland and plants in several

regarded as atrocious."

Mr. Norgard's suit, a breach of contract claim, alleges Brush reneged on a written agreement that guaranteed his salary if he developed a beryllium-related disability. A former furnace operator at the Elmore plant, Mr. Norgard has beryllium disease. He previously filed an intentional tort suit against Brush.

Mrs. Lemke's suit, a wrongful death claim, states that her husband worked for Brush from 1959 to 1969 in several jobs, including grinder and engineering technician. The suit alleges he worked in several parts of the Elmore plant where ventilation was inadequate. In some plant operations, dust levels were more than twice the safety limit, the suit claims.

The Blade series featured Mr. Lemke and reported how he was overexposed to beryllium dust.

Mrs. Lemke's and Mr. Marko's suits seek damages in excess of \$50,000. Mr. Norgard's suit seeks damages in excess of \$25,000 in addition to back pay.

# Activists get meeting with Brush officials

Beryllium firm calls  
Dec. 3 session 'cordial'

BY SAM ROE

BLADE SENIOR WRITER

ELMORE — After months of saying it would not meet with local environmentalists, the Brush Wellman beryllium company has changed its stance and has sat down with the activists to discuss their concerns.

"The meeting was professional and cordial, and we left open the possibility of getting back together again," Brush spokesman Hugh Hanes said yesterday.

The environmental group Ohio Citizen Action had been pressing for a meeting since June to discuss why workers at the Brush Wellman plant outside Elmore continue to contract an often-fatal lung disease.

But Brush rejected the requests, saying the environmentalists had a history of spreading misinformation about the firm.

On Dec. 3, the two sides met, and though no agreements were reached, the environmentalists said the meeting was a good first step.

"It was good to sit down face to face so they could see that we are people just like they are, to see that we are not environmental mobsters who want to run them out of town on a rail," said Sarah Ogdahl, program director for Ohio Citizen Action's Toledo office.

Though no more meetings are scheduled, Ms. Ogdahl said she hopes the two sides will meet regularly to discuss beryllium disease, a lung illness that has struck 65 current or former workers at the Elmore plant.

"Just because we have had this meeting does not mean that we are walking away from the table happy," Ms. Ogdahl said. Brush officials, she said, "are not doing enough to prevent this disease from spreading, and they are not doing enough to protect the residents. And we will continue to work until we can ensure the safety of the residents and the workforce."

Ohio Citizen Action, the state's largest environmental activist group with offices in five cities, began targeting Brush this spring in response to an investigation by The Blade on the hazards of beryllium. The environmentalists started going door to door in northern Ohio, encouraging residents to write letters to Brush about their concerns.

But when the activists requested a meeting with Brush, the company refused.

Then, last month, Ohio Citizen Action helped sponsor a public forum on beryllium that drew so many residents, workers, and activists to the Elmore Community Center that fire officials had to turn people away at the door.

After the meeting, Ohio Citizen Action officials were approached

# Brush

► *Continued from Page 21*

by David Meeker, an executive with Edward Howard & Co., a Cleveland-based public relations firm doing work for Brush.

The public relations man told the environmentalists that Brush was interested in meeting, and the two sides met in Fremont two weeks later.

Both sides said the meeting was strictly informational.

"The purpose of the meeting was to understand each other's points of view and to exchange information," Mr. Hanes said.

Ms. Ogdahl said Brush Medical Director Dr. David Deubner spent a good portion of the meeting discussing the characteristics of beryllium disease, which is caused by the metal's dust.

Mr. Hanes would not comment on why Brush changed its stance on meeting with the activists. But he did say the company had been impressed by the "even-handed nature" of the activists' recent public forum, where both Brush supporters and critics spoke.

# Brush fined for unsafe conditions

## OSHA finds dangerous levels of beryllium dust

BY SAM ROE  
BLADE SENIOR WRITER

Federal investigators have hit the Brush Wellman beryllium plant near Elmore with 19 job-safety violations and nearly \$50,000 in fines — the largest such package of penalties at the facility.

Among the violations: workers being exposed to high levels of beryllium dust, a toxic material that has hurt or killed dozens of employees at the plant.

The U.S. Occupational Safety and Health Administration issued the violations and fines Monday after a five-month inspection at the plant.

Advocates for beryllium victims said OSHA's report is more evidence that Brush Wellman officials are knowingly overexposing workers.

"They are consistently breaking the law, they know they are breaking the law, and they know that the consequences of breaking the law is that some people will get sick and some people will die," said Theresa Norgard, a leading advocate.

Sarah Ogdahl, program director for the Toledo office of the environmental group Ohio Citizen Action, called the findings "sad."

"We will continue to pressure the company and government in light of these findings to stop these exposures," she said.

OSHA records describe 15 of the 19 violations as "serious," with problems ranging from improper electrical wiring to warnings that downplay the risks of beryllium.

Three violations are related to workers being overexposed to beryllium, a lightweight metal whose dust can cause an often-fatal lung disease. Inspectors documented three workers exposed to beryllium dust levels over federal safety limits.

Brush Wellman spokesman Hugh Hanes said: "We have a lot of confidence in our health and safety program, and we think it's an excellent program, and we think that the inspection, in fact, confirmed that."

He said that the Brush facility is a large, complicated plant, and "you have to put these violations in context. None of these violations

*Until this year, OSHA had done one full inspection at the plant in 20 years*

were egregious or willful. None of them were repeat violations."

Some violations, he said, were corrected immediately, and others will be fixed soon.

Arnis Andersons, director of OSHA's Toledo area office, which conducted the inspection, said the investigation "was as thorough as we could possibly make it." Brush was cooperative, he said, and "I think they are going to be taking care of the problems out there."

The OSHA inspection began in June, three months after a six-part

# Brush

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Blade investigation documented how the U.S. government and the beryllium industry knowingly allowed workers to be overexposed to beryllium dust. In addition, the series reported how safety enforcement by OSHA virtually had been nonexistent. Until this summer, OSHA had conducted only one full inspection of the Brush plant in 20 years.

OSHA has said that a worker's complaint triggered its recent inspection of the beryllium plant, a 780-employee facility along the Portage River in rural Ottawa County.

The most serious findings involve workers being overexposed to beryllium dust. Inspectors found that a machine operator in the plate department, a worker at the atomization furnace, and an employee in the new cast shop were exposed to levels above federal standards.

Other violations: Warnings for some beryllium products did not identify the materials as human carcinogens, and some electrical equipment was not used or installed properly.

The 19 violations carry a fine of \$49,950. Brush has 15 days to contest the findings.

The fine is not unusually high. In recent years, OSHA has fined several area companies more than \$100,000.

The previous high OSHA fine against Brush's Elmore plant was

\$26,875 in 1993. Brush contested some of the violations and ended up paying \$12,350.

Gary Renwand, Sr., a former Brush worker with beryllium disease, said the latest fine is too small. "It should be a lot more. Fifty thousand dollars is a drop in the bucket for Brush."

Mr. Renwend, whose son Gary, Jr., contracted beryllium disease at the Elmore plant, said he wasn't surprised that inspectors found workers being overexposed. "No matter where you go out there you're going to find that."

Mrs. Norgard, the victim advocate, said she is skeptical that Brush will make substantial changes. She said it is cheaper for the firm to willingly violate standards and pay thousands of dollars in fines than to spend millions of dollars on better safety equipment.

Said Ms. Ogdahl: "It's a shame that more has not been done by the government and the company to prevent these exposures. The information is there, and the studies have been done; now let's do something about it."

Brush officials previously acknowledged that the firm has never consistently kept beryllium dust levels below federal limits in all parts of the Elmore plant.

The Cleveland-based company is America's leading producer of beryllium, which is used in the defense, automotive, and electronics industries. About 1,200 people have contracted beryllium disease nationwide since the 1940s, including 65 current or former workers at the Elmore plant.

TOLEDO, OHIO, TUESDAY, JANUARY 4, 2000

# Beryllium ban proposed in Lorain

BY SAM ROE

BLADE SENIOR WRITER

LORAIN, O. — Back in the 1940s, this city along the shores of Lake Erie was the scene of one of the most tragic public health cases in Ohio history: Residents living near a plant producing the metal beryllium, as well as workers inside the factory, were contracting a lung disease caused by the metal's dust.

Many people grew gravely ill, and some died.

Now, Lorain Councilwoman Kathy Tavenner does not want his-

tory to repeat itself. She introduced legislation before the Lorain city council last night that would effectively ban beryllium from the city. "All we are doing is looking out for the interests of the people who live here in the city," Ms. Tavenner said in an interview.

The measure would ban the manufacture, sale, or transportation of beryllium within city limits. The ban would apply to all companies, including a plant opened in 1997 by Brush Wellman, Inc., America's leading beryllium producer.

Brush's predecessor, Brush Be-

rrylium, operated the factory that apparently caused people to become ill in the 1940s. That plant closed in 1948 and was later torn down.

"We're not attacking Brush Wellman, by no means," Ms. Tavenner said. "But with what happened with the beryllium plant here before, I think that we need to be cautious."

The council referred the plan to the city's legal department after Law Director Mark Provenza raised questions about the measure's language. For example, he said, beryllium is in X-ray ma-

chines. Would such equipment be banned from the city?

Councilwoman Tavenner said the intent of the measure is not to ban finished products that contain beryllium but rather the manufacture and storage of the material. Beryllium is widely used in the defense, electronics, and telecommunications industries.

Brush spokesman Hugh Hanes said the company could not comment until it has studied the plan. Brush officials have said its Lorain plant employs about 30 workers

See **BERYLLIUM**, Page 4 ►

# Beryllium

► *Continued from Page 1*

and manufactures bronze materials. He said the plant does not use beryllium and has no plans to do so "in the foreseeable future."

"It would not be possible to process beryllium in that plant in its current configuration," the Brush spokesman said. "In order to do it, we would have to add significant amount of equipment" and go through a permitting process. "And certainly city council in Lorain would be fully aware of that."

Councilwoman Tavenner said she started pushing for the ban after reading a series of articles in The Blade last year on the hazards of beryllium. The series documented how the U.S. government and the beryllium industry knowingly allowed thousands of workers to be exposed to unsafe levels of beryllium dust.

About 1,200 Americans have contracted beryllium disease since the 1940s, including at least 21 workers at the former Lorain plant. More than 20 residents who lived near the plant but who never

worked there became ill; at least six died.

The proposed law states that the manufacture and sale of beryllium "poses an extreme risk to the citizens of Lorain, Ohio, and constitutes a threat to the public safety, health, and welfare."

Brush, the measure says, "has been unable to safely manufacture beryllium at its Elmore, Ohio, plant." The measure cites a report last week by the Occupational Safety and Health Administration, which fined the Elmore plant \$49,950 for 19 violations, including overexposing workers to beryllium dust.

Lorain, 75 miles east of Toledo, has a population of 71,000.

*Blade Staff Writer David Patch contributed to this report.*

# U.S. admits early N-workers sickened

BY MATTHEW WALD

NEW YORK TIMES NEW SERVICE

WASHINGTON — After decades of denials, the government is conceding that workers who helped make nuclear weapons beginning at the dawn of the nuclear age were exposed to radiation and chemicals that produced cancer and early death.

The new finding — that radiation exposure led to higher-than-normal rates of a wide range of cancers among workers at 14 nuclear arms plants — raises the prospect of compensation to them.

The new conclusion is from the government's most comprehensive review of studies of worker health and raw health data. The review accepts the conclusion of many of those studies, some of them done under contract for the government, that workers were made sick by their exposure.

The finding goes far beyond an acknowledgment by the government last July that one substance handled by arms workers, beryllium, had caused some of them to become ill from breathing beryllium dust.

The action followed a series of articles in The Blade last spring that documented how the U.S. government and beryllium companies, including industry leader Brush

Wellman, allowed workers to be overexposed to beryllium.

Of the new conclusion, Energy Secretary Bill Richardson said in an interview, "This is the first time that the government is acknowledging that people got cancer from radiation exposure in the plants."

The finding is detailed in a draft report prepared by officials of the Energy Department and the White House with the cooperation of a dozen government agencies.

President Clinton ordered the study in July, when the Energy Department concluded that some of the workers at plants that had supplied beryllium to the government for bomb-making had developed beryllium disease, an incurable lung ailment. Mr. Clinton asked for a broad study that would include the effects of radiation and chemical hazards from uranium, plutonium, and other substances.

Legislation proposed by Rep. Paul Kanjorski (D., Pa.), whose constituents include some of the beryllium disease patients, calls for payments to an estimated 500 to 1,000 former workers who have the illness or are at high risk of developing it. Total payments in the beryllium cases could range from \$15 million to \$30 million a year, officials said.

‘The government has lied all along with the industries’

# Arms workers hail admission on exposure

BY TOM HENRY

BLADE STAFF WRITER

The federal government's apparent willingness to compensate people who got cancer from working at America's nuclear weapons production sites hit home for two northwest Ohio residents.

Gary Renwand, Sr., of Oak Harbor, and Bob Ault, of Wayne, O., two victims of the often-fatal beryllium lung disease, said yesterday they were about as pleased as when the Clinton administration announced in July it would propose compensation for victims of their disease.

Mr. Renwend and Mr. Ault got the lung disease after working at Brush Wellman, Inc.'s, beryllium plant outside Elmore. Brush, based in Cleveland, is the nation's largest producer of beryllium, a metal used to help make nuclear weapons.

In what could be an historic admission of liability, the federal government appears willing to compensate thousands of

workers who got cancer from making nuclear weapons, as well as those with the beryllium disease.

“I think they should be, too.... The government has lied all along with the industries,” Mr. Renwend said.

“Why did it take the government so long to do something about it?” he asked. “The government's been hiding information it had for so many years... There's hidden things all over the country. What's going to happen next?”

Mr. Ault, who has lived with the beryllium lung disease since 1960, said he would be pleased if compensation is offered to both cancer victims and beryllium victims.

But he is not confident either will see money.

“I have already decided in my mind it's just a lot of noise. I haven't spent the money yet,” he said.

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# Workers

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According to the draft of a report written by the U.S. Department of Energy and the White House, the federal government knew it subjected workers to an unacceptable risk for cancer during the Cold War — yet did nothing to warn them.

The final report, described as the first time government officials have made such an admission, is due out in March.

An Energy Department official who asked not to be identified told The Blade yesterday that the Clinton administration's National Economic Council has spent months studying the issue of compensation for workplace-related cancer and chronic beryllium disease victims.

It announced plans to compensate beryllium disease victims first because the cause — beryllium dust — is easier to pinpoint, the Energy Department official said.

The upcoming report will support legislation to compensate cancer victims.

"This process is supposed to help get us there," the Energy Department official said.

Some 600,000 people have worked at 14 nuclear weapons

plants since World War II. Hundreds of people are believed to have received cancer from job-related radiation and chemical exposure.

Twenty-two forms of cancer have been identified, including leukemia, Hodgkin's lymphoma, and those involving the prostate, kidney, and lung.

"It's not just radiation. It's radiation and chemicals," the Energy Department official said.



**Richardson:**  
**U.S. admits**  
**exposure**

In a New York Times article published yesterday, Mr. Richardson acknowledged this is the first time the government is admitting that workers got cancer as a result of the exposure they received in weapons plants.

Sites noted in the draft report include several operations at Oak Ridge, Tenn.; Savannah River in South Carolina, Hanford in Washington state, Rocky Flats near Denver, the Fernald Feed Materials Center near Cincinnati, and at the Lawrence Livermore and

Los Alamos national laboratories.

Daniel J. Guttman, a Washington attorney who represents workers at 11 weapons factories, called it a "stunning" development, given the Energy Department's long history of denying responsibility.

"The [Energy Department] spent God knows how many millions of dollars fighting widows and orphans for years," said Mr. Guttman, who represents the Paper, Allied-Industrial Chemical and Energy Workers Union.

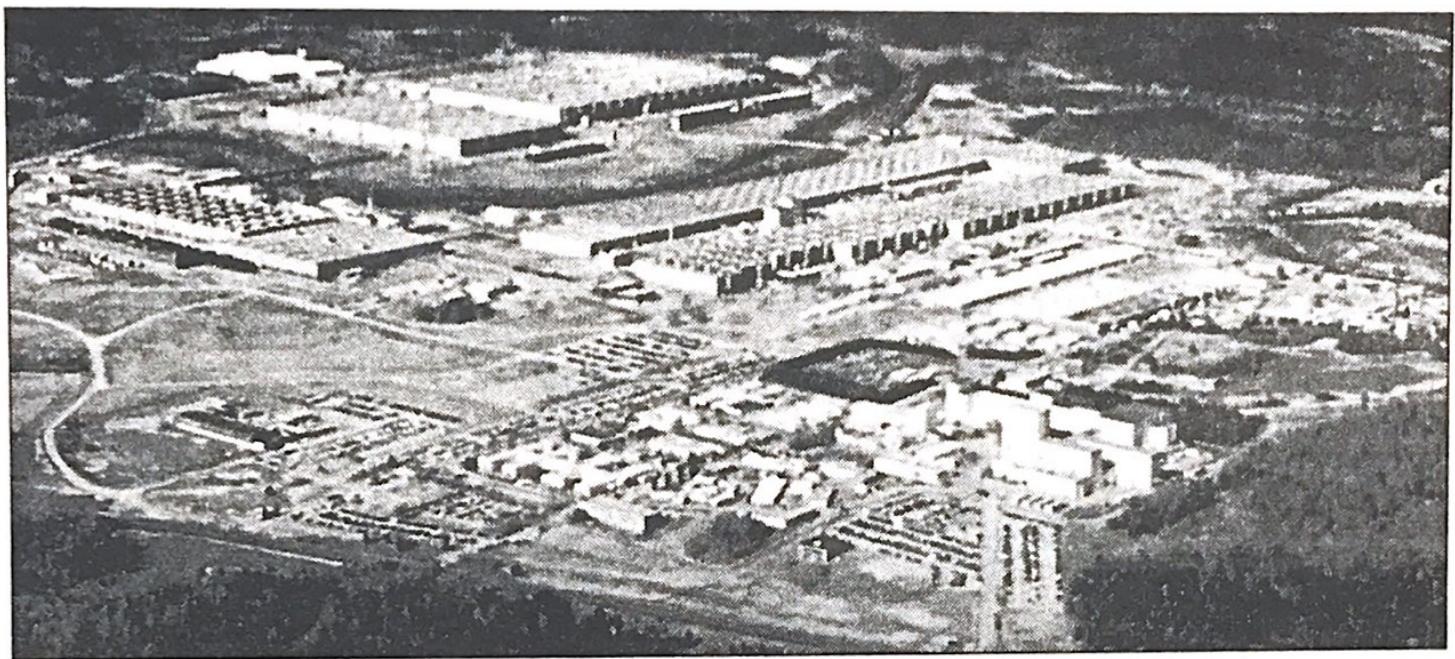
He presided over President Clinton's Advisory Commission on Human Radiation Experiments. The commission studied unauthorized plutonium tests the government did on civilians during the advent of the nuclear era.

"It's an admission that people were not only put at risk, but denied the information they needed to protect themselves and, in some cases, harmed," he said.

Mr. Guttman said there are many parallels between the upcoming report and the government plan to compensate beryllium victims.

Momentum for beryllium compensation was triggered by a six-part series The Blade published in March and April.

The series of articles, called *Deadly Alliance*, documented how the government and the beryllium industry risked the lives of



NEW YORK TIMES

### This Oak Ridge, Tenn., uranium plant is one of many where workers were exposed to radiation.

workers by allowing them to be exposed to beryllium dust.

The series focused on Brush Wellman, Inc., the nation's leading beryllium producer, and its factory in Ottawa County, where at least 65 current or former workers have contracted the beryllium lung disease.

Brush spokesman Hugh Hanes said yesterday he sees little significance between the cancer draft report and the plan for beryllium compensation because beryllium is not radioactive.

He reiterated his company's position disputing a link between beryllium and cancer.

The International Agency for Research on Cancer, an arm of the World Health Organization, announced years ago it considers beryllium a cancer-causing substance.

Mr. Guttman said several recent developments in Washington have been inspired by *The Blade* series, including this one.

"I live in Washington, and I've heard about Toledo. I know about

*The Blade*," Mr. Guttman said.

"This is a story that comes from the real people down in the bottom of Middle America. The reason the folks in the White House are doing what they are doing is because of the ground up, because the people who got the disease and because you guys covered it," he said.

"These things come from *The Blade* series, there's no question about it," Mr. Guttman added. "If it weren't for *The Toledo Blade*, there would be no beryllium legislation."

# \$1.8 trillion budget has \$13 million for beryllium workers

Aid sought  
for 'injured  
warriors'

Proposal calls for  
\$100,000 payments

BY JACK TORRY  
and SAM ROE

BLADE STAFF WRITERS

WASHINGTON — President Clinton's budget includes relief for victims of beryllium disease in the Toledo area and nationwide.

He asked Congress yesterday to spend \$12.8 million to compensate workers who became ill from exposure to toxic beryllium dust while helping produce nuclear bombs and other weapons.

Mr. Clinton's request is part of a \$17 million request for the U.S. Energy Department to begin the expensive process of compensating workers who became sick, or the families of workers who died, from exposure to beryllium or radiation.

Congress would need to approve the spending, which would be folded into legislation announced in the summer by Energy Secretary Bill Richardson. The plan would offer workers or their families either a \$100,000 payment or an amount equal to medical costs and lost wages.

In March, The Blade began publishing a series of articles that exposed a 50-year pattern of misconduct by the U.S. government and the American beryllium industry — wrongdoing that caused the injuries and deaths of dozens of

# Aid

► *Continued from Page 1*

workers producing the metal, whose dust can cause an incurable, chronic lung disease.

The series has sparked major safety reforms and two congressional investigations and was instrumental in a historic admission by the federal government, which, for the first time, acknowledged that it had harmed Cold War weapon workers. In July, the Clinton Administration asked Congress to compensate these victims — a request that has resulted in three bills before Congress.

One of those bills was introduced by Rep. Paul Kanjorski, a Democrat whose district in eastern Pennsylvania includes numerous beryllium disease victims.

"Americans suffering from occupational diseases contracted as a result of their work for the federal government deserve compensation," he said yesterday. "These workers are injured warriors from the Cold War."

He said that Mr. Clinton "deserves a great deal of credit for acknowledging the responsibility the federal government bears for the shortened lives and damaged health suffered by these workers."

Richard Miller, a policy analyst for the Paper, Allied-Industrial, Chemical & Energy Workers International Union, whose membership includes workers at beryllium plants, hailed the budget proposal as an "important first step. Secretary Richardson is showing good faith by backing up his proposed bill with money to implement it."

Theresa Norgard, a Manitou Beach, Mich., resident and a leading advocate for beryllium victims, welcomed the budget plan but

feared not all victims would be covered or that some would lose their right to sue if they accepted compensation.

Mr. Clinton proposes \$12.8 million for workers who contracted beryllium disease, \$2.2 million to compensate sick workers at the Paducah Gaseous Diffusion Plant in Kentucky, and \$2 million for those at the Oak Ridge plant in Tennessee.

The cost to the federal government to pay workers and their families could exceed \$100 million, according to some estimates.

An estimated 1,200 Americans have contracted beryllium disease nationwide since the 1940s, including at least 65 current or former workers at the Brush Wellman plant outside Elmore. The facility, 20 miles southeast of Toledo, is the country's main beryllium processing plant.

Brush Wellman spokesman Hugh Hanes declined to comment, referring questions to Thomas Clare, a lawyer representing the beryllium firm. Mr. Clare said he had not seen the specifics of the budget plan, but "if it does benefit Brush Wellman employees, or former employees, there's no reason for us to oppose it."

# Brush sued by contract workers

## Blood tests sought for up to 7,000

BY SAM ROE  
BLADE SENIOR WRITER

Area construction workers yesterday filed a class-action lawsuit against the Brush Wellman beryllium company, demanding that the firm pay for medical testing for up to 7,000 building trade employees who may have been exposed to unsafe levels of toxic beryllium dust.

"We have a right to know if we have been affected," said Joseph Szenderski, one of the workers suing.

Seven current and retired construction workers filed the lawsuit on behalf of themselves and a class of 4,000 to 7,000 Toledo-area building trade employees.

The workers allege that in the last five decades, Brush Wellman knowingly exposed thousands of contract workers to unsafe levels of beryllium at its plant near Elmore. The beryllium firm, the suit states, did not adequately warn workers about the hazards of the metal nor provide them with necessary safety devices.

In fact, the suit states, the workers did not know about the high beryllium dust levels until The Blade published a series of articles about beryllium in March. The series documented a 50-year pattern of misconduct by the American beryllium industry, including overexposing workers to beryllium dust.

The suit wants Brush to pay for blood tests so workers can determine whether they have contracted beryllium disease, an incurable, often-fatal lung illness caused by

# Brush

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the metal's dust. Brush has provided blood tests for its own employees, identifying numerous affected workers. But the company has refused to offer tests to thousands of contract workers, the suit states.

After The Blade's series, several contracting firms pulled their employees out of the Brush plant and started paying for blood tests for the workers. So far, four of roughly 165 contract workers tested have been diagnosed as having beryllium disease, said Al Segur, executive secretary of the Northwestern Ohio Building & Construction Trades Council. He said he hopes these numbers are an anomaly. "Because if those are real numbers, that's very scary."

One of the four contract workers with beryllium disease showed blood abnormalities after working at the Brush plant only two days, said George Gerken, a Toledo attorney representing workers in the class-action suit.

The suit covers current or ex-members of the 26 local unions that constitute the Northwestern Ohio Building & Construction Trades Council who worked for contractors at the Elmore plant any time between its 1953 opening and Dec. 31, 1999. The suit was filed in Cuyahoga County Common Pleas Court in Cleveland, where Brush Wellman has headquarters.

Brush Wellman declined to comment. In a statement, attorney Thomas Clare said the company has not had a chance to review the allegations and it is the firm's policy not to discuss pending lawsuits.

Brush is America's leading producer of beryllium, a strong, lightweight material used in the defense, automotive, and electronics industries. At least 65 current or former Brush workers have contracted beryllium disease at the Elmore plant. An estimated 1,200 people have contracted the illness nationwide since the 1940s.

Among the legal team representing the workers in the class-action suit is Waite, Schneider, Bayless & Chesley, a Cincinnati firm that has been involved in numerous high-profile cases. These include the Dow Corning breast-implant litigation, the bombing of a Pan Am jet over

Lockerbie, Scotland, and the Union Carbide chemical plant disaster in Bhopal, India.

Attorneys file a class-action suit when it would be impractical to file thousands of individual complaints. A handful of named plaintiffs represent the larger group, and if the lawsuit succeeds, everyone in the class benefits. In this case, the seven named plaintiffs have all done contract work at the Brush plant. They are, according to the suit:

Mr. Szenderski of Toledo, a member of the Iron Workers Local Union No. 55; Daniel Martin of Oregon, a member of the International Brotherhood of Electrical Workers, Local Union No. 8; Larry Strang of Maumee, a member of the Plumbers and Steamfitters Local Union No. 50; Michael Fincher of Millbury, a member of the Roofers Local Union No. 134, and Hubert Mays of Sylvania, Jack Wilson of Toledo, and Reginald Hohenberger of Perrysburg, all members of the Sheet Metal Workers Local Union No. 33.

The suit states: "Employees of contractors working at the Elmore plant often had high exposures to beryllium, including at times they performed such maintenance tasks as replacing ventilation systems, removing duct work, changing baghouses, and so forth."

The suit states that the plant, which is 20 miles southeast of Toledo, has never had all of its operations at all times at or below air safety limits. "Brush knew more of the dangers than they told us," said Mr. Wilson, a sheet metal worker. "When I worked there in the 1960s, they told you virtually nothing. And there were very few safeguards." He said contract employees frequently did more dangerous work than Brush employees. "We worked on the dirtier parts of the plant," he said.

The suit seeks periodic medical evaluations, including physicals, blood tests, and follow-up exams. Ongoing testing is important, attorneys for the workers said, because beryllium disease has a latency period up to 40 years. That means people may develop the illness 40 years after their last exposures to beryllium dust. Mr. Wilson said he would like workers to be given annual blood tests for the remainder of their lives. "I know that I am healthy now, but who knows?"

Besides the medical testing, the suit seeks punitive damages in an amount to be determined.

# Ohio EPA to test its staff for beryllium exposure

58 employees identified as eligible for blood screening

BY SAM ROE

BLADE SENIOR WRITER

The Ohio Environmental Protection Agency says it will offer blood tests to dozens of its inspectors who may have been exposed to toxic beryllium dust at the Brush Wellman plant near Elmore.

The program is believed to be the first of its kind at the Ohio EPA.

"It's a relatively small expense for us to incur, and it's the appropriate thing to do," Ohio EPA Director Christopher Jones said yesterday.

The Ohio EPA will pay for the blood tests and any follow-up exams for the roughly 60 current or former Ohio EPA employees who have visited the Brush plant or several smaller sites with the potential for beryllium exposure.

The agency became interested in offering blood tests last year after a six-part Blade series documented how the U.S. government and the beryllium industry

knowingly allowed thousands of workers to be exposed to unsafe levels of beryllium dust.

Congress began two investigations, the Occupational Safety and Health Administration warned workers that government safety standards may not be protecting them, and several contractors pulled their employees out of the Brush plant and offered them medical tests, discovering at least four cases of lung disease.

John Vlasko, the Ohio EPA's health and safety coordinator, said blood-testing of state inspectors will cost \$12,000. The program may be expanded and extended for many years, costing even more.

Mr. Vlasko said he asked Brush Wellman if state inspectors could be tested under Brush's health and safety program, but the company responded that its program was set up to accommodate testing of its own employees, not outside workers.

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## Beryllium

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Mr. Vlasko said Brush told him that if the state inspectors had been following the company's safety rules while at the plant, the inspectors needn't worry about beryllium disease.

Cleveland-based Brush Wellman is America's leading beryllium producer. In a written statement from one of its attorneys, Thomas Clare, the company said the Ohio EPA "is ultimately responsible for making its own decisions regarding the testing of its employees."

"Brush Wellman has provided — and will continue [to] provide — whatever technical assistance it can to the Ohio EPA, both in terms of providing information regarding qualified sources of blood testing and in sharing Brush Wellman's own experience with such testing," the statement said.

Beryllium is a strong, light-weight metal. Its dust can cause a chronic, often-fatal lung illness.

An estimated 1,200 people have contracted the illness nationwide since the 1940s, including at least 65 current or former Brush workers at the Elmore plant.

State officials have identified 58 current or former Ohio EPA employees who have visited sites with potential beryllium dust exposure; 54 have signed up to have their blood tested. Most are inspectors who have conducted work at Brush's Elmore plant, but a few may have been exposed at two businesses in Marion, O., and a former Brush facility in Luckey.

One person interested in having his blood tested is Jeffery Steers, assistant chief of the Ohio EPA district office in Bowling Green. Mr. Steers said he has been to Brush's Elmore plant two or three times. "I'm being cautious and taking things as facts present themselves," he said.

Testing will begin next month, though one Ohio EPA inspector already has had his blood drawn. The results were negative.

"He has probably had the most potential for exposure of any [Ohio EPA] employee" in terms of time spent at the Brush plant, Mr. Vlasko said.

An abnormal blood test does not mean a worker has beryllium disease; it indicates the body has reacted to exposure to beryllium dust. Workers with blood abnormalities must undergo further tests to determine whether they have the disease.

All Ohio EPA employees who routinely go to the Brush plant will be given periodic blood tests, Mr. Vlasko said.

And the agency is taking steps to protect its inspectors from beryllium disease. That includes increasing training for employees and minimizing the number of inspectors sent to the plant.

Mr. Vlasko said EPA officials should consider testing inspectors in other states.

A spokeswoman for the U.S. EPA said she did not know of any testing of federal EPA workers for beryllium disease.

# 2 more former workers sue Brush

BY SAM ROE

BLADE SENIOR WRITER

**ELMORE** — Two more workers have sued the Brush Wellman beryllium company, alleging that they contracted a potentially fatal disease at the firm's plant near Elmore.

At least 15 lawsuits now have been filed by workers or their families against the company in recent months.

The two new suits were brought by Randy Lee Bostater and Christina Moomey, both of Graytown, O. They allege that Brush Wellman deliberately exposed them to "unreasonably and abnormally hazardous and dangerous working conditions, knowing that injury and disease would occur."

Both claim that they were exposed to unsafe levels of toxic beryllium dust, which can cause an incurable lung disease.

Ms. Moomey claims she worked at the plant less than three years before she was diagnosed with the illness.

Mr. Bostater claims he's not the only one in his family to get the disease: His suit says his father got the illness while working at Brush, dying a "slow and painful death."

"My family has been to hell and back," said Jill Bostater, Mr. Bostater's sister-in-law.

The suits, both intentional tort complaints, were filed Feb. 17 in Cuyahoga County Common Pleas Court in Cleveland, where Brush Wellman has headquarters.

The company declined to comment.

Brush Wellman has faced mounting litigation since early last year, when The Blade published a series of articles about the hazards of beryllium, a metal used in nuclear bombs and other weapons.

Among the findings: The U.S. government and the American beryllium industry, including Brush Wellman, knowingly allowed thousands of workers to be exposed to unsafe levels of beryllium dust.

Since the 1940s, hundreds of workers have contracted beryllium disease, including dozens at the Elmore plant.

Most of the suits against Brush Wellman have been intentional tort or wrongful death complaints, with the allegations mirroring the findings of The Blade series.

Louise Roselle, a Cincinnati attorney representing beryllium victims in 14 lawsuits, said more suits could be filed.

She said some people doing contract work at Brush have been diagnosed with beryllium disease, "and there's word out there

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## Brush

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that they have lawyers."

Mr. Bostater's suit states that he worked at Brush's Elmore plant from 1978 until late last year. He worked 15 years in service maintenance, cleaning drains, building walls, cleaning up spills, and patching roofs. "Occasionally he would be near furnaces that would spew materials," the suits claims.

In another job, he ran a spray dryer machine, which "had to be cleaned by going inside the dryer and scraping the walls with a

scraper," the suit states. "He also handled bottles of beryllium powder, which he had to dump into a press. This was a dusty operation."

Ms. Moomey's suit states that she worked at the plant from April, 1997, until this past January.

She worked on a milling machine, and, at one point, the machine had no hood or ventilation directly overhead, the suit claims.

Mr. Bostater and Ms. Moomey allege that Brush's conduct "was so extreme and outrageous as to exceed all possible bounds of decency and must be regarded as atrocious." They seek compensatory and punitive damages in amounts to be determined.

# Beryllium workers get tighter U.S. protection

Rule aims to cut risk of lung disease

By SAM ROE  
Chicago Tribune

Ending decades of denial and inaction, the federal government on Friday issued a tough new exposure standard for one of the most unusual and deadly occupational risks U.S. workers have ever faced: the toxic metal beryllium.

Because of beryllium's remarkable properties — it is lighter than aluminum but stiffer than steel — the metal is highly valued by the defense establishment and is an essential component of nuclear weapons. But when beryllium is ground, sanded or cut, the metal's dust can cause an incurable, often fatal lung disease.

For many years, authorities largely ignored the problem, characterizing workers' illnesses as the result of accidents or acute exposures even though some affected employees seemed to have only incidental contact with the metal. Among them: secretaries in beryllium processing plants.

The U.S. Occupational

Safety and Health Administration said the new standard — 10 times stronger than the old one established in the 1940s — will apply to 62,000 workers.

"We know there are many dozens of workers who get sick every year from chronic beryllium disease," outgoing OSHA head David Michaels said in an interview. "And that will change."

He said OSHA recognized decades ago the need for a stronger standard but faced resistance from defense officials.

"For many years, beryllium was strategically so important that the government and the beryllium industry fought hard against a more protective standard," Michaels said.

Beryllium disease slowly damages the lungs and leaves some victims unable to breathe without the aid of an oxygen tank.

Dr. Lee Newman, a leading beryllium researcher, said the new rule will save lives and reduce suffering.

"Because it is not just about the people who die; it's about the years that people live with the terrible suffering of not being able to breathe, having chronic coughs, having the terrible

fatigue that comes with chronic beryllium disease," Newman said. "It's a very slow wasting lung disease."

James Heckbert, an attorney who represented numerous beryllium victims in several states, said he welcomed the new rule but wondered if any exposure was safe. "Is there truly a safe level that those who are sensitive to beryllium can withstand?"

Beryllium is used in a variety of industries, including defense, aerospace and electronics. OSHA said workers at risk include those employed in foundry and smelting operations and dental labs.

A Tribune investigation in 2001 found that many businesses across the country were not taking basic precautions, such as air monitoring, to protect workers. In 2002, the Tribune found that U.S. military personnel had been exposed to beryllium at dozens of Army, Air Force, Navy and Marine Corps facilities, with some levels exceeding safety limits.

No one knows precisely how many workers have died of beryllium disease. Scientific papers, government reports and industry records indicate that more

than 1,200 people have contracted the illness since the 1940s, with several hundred deaths. At the University of Chicago, several workers became sick after being exposed to beryllium at a World War II research lab.

The old exposure limit, established in 1949, was based largely on guesswork and dubbed "the taxicab standard" because a government health official and an industry medical consultant came up with the rule in the back of a taxi.

That standard called for workers to be exposed to no more than 2 micrograms of beryllium dust per cubic meter of air, an amount roughly equal to a marble-size piece of beryllium distributed evenly throughout a football stadium.

Officials knew workers might become ill at lower levels, a 1958 Atomic Energy Commission report stated, but "because of the relatively small numbers of people involved," it was seen as "an acceptable risk."

In the decades that followed, when America needed tons of beryllium for the Cold War, workers continued to contract the disease and die.

In 1975, OSHA proposed

cutting the exposure limit in half, from 2 micrograms to 1. But the beryllium industry and U.S. defense officials undermined the plan, according to a Toledo Blade investigative series published in 1999.

Defense officials feared the safety plan would cut off beryllium supplies for weapons, which would "significantly and adversely affect our national defense," U.S. Energy Secretary James Schlesinger wrote to two Cabinet members at the time, the Blade reported.

The new standard will be 0.2 micrograms per cubic meter, much stronger than what OSHA sought in the 1970s. Michaels said the Blade reports were instrumental in prompting OSHA to start work on the new rule as well as in prompting the Energy Department to take similar safety steps for workers at its facilities.

OSHA said the nation's primary beryllium product manufacturer, Materion, and the United Steelworkers, which represents many people working with the metal, approached the agency in 2012 to suggest a stronger standard. Michaels said he was

surprised that the industry backed a tougher rule. "We were told it was the result of the negotiations between the union and the employer," Michaels said. Materion, based in Mayfield Heights, Ohio, declined to comment on the new safety limit. Materion's beryllium unit is Materion Brush Inc., the successor to Brush Wellman Inc.

For Michaels, the new standard caps years of work. A former top Energy Department official, he also played a key role in that agency adopting beryllium exposure rules in 1999.

"I have met dozens of workers with chronic beryllium disease," he said. "When we held public meetings around the country, we had workers come forward to us who were strapped to oxygen tanks and whose lung function was destroyed by beryllium. I'm very gratified that, finally, we are able to address this."

President Barack Obama appointed Michaels to head OSHA in 2009. Michaels leaves office Wednesday.

sroe@chicagotribune.com

Twitter @samroe