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Radioactive Waste Co. Targeted African Americans for More Radiation than Whites

By John LaForge

In a shocking case of racist workplace endangerment, a nuclear waste processing company in Memphis has agreed to an out-of-court settlement after being accused of deliberately exposing African American employees to far more radiation than their White counterparts. The company was also alleged to have manipulated Black workers' radiation monitors to falsely indicate that they'd been exposed to lower levels of radiation than was actually the case.

After being sued by the federal Equal Employment Opportunity Commission (EEOC), the company, Studsvik Memphis Processing Facility — formerly Radiological Assistance Consulting and Engineering, or R.A.C.E. — will avoid trial, but will pay \$650,000, to be shared among the 23 plaintiffs.

"Some of the discrimination alleged in this case is unusually extreme because of the physical danger it created for African American employees," said EEOC acting chair Stuart Ishimaru in the agency's Dec. 31 announcement.

According to EEOC lawyers, United Press International, the Institute for Southern Studies and the daily *Commercial Appeal*, Studsvik managers assigned Black employees to work in a radioactively hazardous shop area while placing Whites elsewhere.

"I've been (with the EEOC) here 30 years, and I've never heard allegations of race discrimination that I consider this serious," said EEOC trial lawyer Carson Owen, UPI reported.

In a February phone interview, Owen told Nukewatch that the suit did not delve into the question of radiation contamination.

Owen, who helped handle the case, asked the plaintiffs in depositions if they always wore radiation badges, called TDLs, while in the shop. "One third said 'no' and told me," he said, "that plant managers told them to put their TDLs in a drawer and to keep working." If true, the company's official paper record of radiation exposures would not reflect the actual amount, Owen said.

Indeed some of the 23 plaintiffs alleged that they were never given TDL monitors at all. Others claimed in depositions that during coffee breaks managers told them to switch TDLs with White employees who were working in non-nuclear parts of the facility, again resulting in falsely understated documentation of radiation exposures.

Some of the shop's most hazardous work, to which African Americans were exclusively assigned, involved using a heavy torch to cut apart a damaged and highly radioactive reactor for disposal. One such "vessel head" was experimentally removed from Ohio's Davis Bessie reactor after it was nearly punctured by corrosion.

Asked if they were cutting up used reactors, Owen said, "Yes. And because of the volume of sparks and the extreme heat, the cutter had to wear extremely heavy protective gear."

In addition, Owen said, "When the torch was used, a second worker had always to stand by with a fire extinguisher," because the torch handler's protective suit often caught fire.

Courtney Britton, the shop worker who initiated the case also alleged that he and other African-American employees were subjected to racist comments and bullying by management. In its Dec. 31 announcement of the settlement the EEOC noted that Mr. Britton was subjected to racially offensive comments



by his White supervisor who "regularly referred to him and other African American employees with the N-word and other derogatory slurs, such as 'boy.'"

Mr. Britton further charged that he was suspended for 15 days and then laid off in retaliation for complaining about the racial harassment.

"Mr. Britton and other African-American employees endured the abuse because they needed to work to support their families," said Attorney Faye Williams of the EEOC's Memphis district.

On its website Studsvik, Inc. says its mission is to "supply specialized services ... to the international nuclear industry," and that its primary corporate objective in 2009 was to "create sustainable profitability in the American operations by contracting for treatment of intermediate level [radioactive] waste for a large percentage of the nuclear power [reactors] in the USA."

The consent decree allows Studsvik to avoid an admission of criminal culpability. The company — which agreed also to perform a 3-year program of anti-racism education — claimed not to be responsible for the discrimination, which its President Lewis Johnson said took place before 2006 when his company bought R.A.C.E.

Possible criminal violations of federal dose limits are the purview of the Nuclear Regulatory Commission and the Justice Department, not the EEOC which only deals with civil litigation.