

Responsibility Uncertain for Oil Spill Workers' Compensation

On behalf of Johnston, Moore & Thompson

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Given the fact that around 24,000 people -- mostly contractors -- have flooded the Gulf to work on the oil spill cleanup, it's inevitable that accidents and injuries will occur. A number of workers have already been injured or are suffering from illnesses that may be related to exposure to oil, chemical dispersants, or cleanup chemicals.

When oil spill workers are sickened or injured doing this critical work, who will take responsibility for paying out their [workers' compensation](#) claims?

Unfortunately, the answers are not clear. These workers could be covered by a confusing patchwork of federal and state regulations, including maritime law. Based on the experience of those who have worked on previous disasters such as the 911 cleanup, workers may be in store for years of litigation.

"I've been fighting for years to get proper health care and monitoring for the thousands of people who are sick today who worked in the World Trade Center," Representative Jerrold Nadler of New York said in a recent interview with NBC Washington. "Now I see the whole thing reproducing itself in the Gulf."

Work Injury by Oil Spill Workers Claims Already Starting

Claims from injured oil spill workers are already coming in. On Friday, a mishap on a supply vessel working along the Louisiana coast caused the release of natural gas, which injured 36 workers. According to the National Resources Defense Council, at least 11 workers have already been hospitalized with symptoms characteristic of those exposed to inhaled irritants.

After the Exxon Valdez disaster in Alaska, many cleanup workers tried to seek workers' comp benefits for long-term health effects, many of which appeared quite serious. Most received no benefits, according to Charles Wohlforth, the lead reporter for the Anchorage Daily News at the time.

What Will Happen to Oil Spill Workers Who Are Injured or Sickened?

BP spokesman Ray Viator asserts that BP expects workers' compensation insurance for most of the oil cleanup workers to be provided by the contractors. If there are claims beyond that, he reasserted BP's promise to pay all legitimate claims.

"BP has agreed to reimburse its contractors for legitimate costs relating to certain worker injuries sustained during their course and scope of employment with the contractor companies," he said.

A Houston-based attorney who handles maritime injury claims, Matthew Shaffer has already heard from injured oil spill cleanup workers, many with illnesses stemming from working with toxic chemicals and oil. These workers are covered by "a hodgepodge of regulations," he told NBC.

"No one's really in charge, and a lot is left to employers or the industry to police themselves," he said.

Related Resource:

["Cleanup Crews Work With Tenuous Safety Net"](#) (NBC Washington, Jun 16, 2010)