

August 11, 2003

To: Mr. G.T. Breezley via fax 770-493-7725

From : Jean Barnes

Re: Employee complaints at Yerkes Primate Center, Collins Hill Road, Lawrenceville, Ga.

Dear Mr. Breezley,

I am writing on behalf of several employees at the Yerkes Primate Center located in Lawrenceville. Some have contacted me anonymously; some have identified themselves. All are concerned about losing their jobs and do not wish to be identified.

One of their complaints involves numerous people they have identified as 'illegal aliens'. Some are currently working there; some are no longer employed by Emory/Yerkes. One of their concerns is that some of these people do not speak English and may be at a disadvantage.

As you know, Elizabeth Griffin a researcher at Yerkes, was splashed in the eye with fluids from a monkey and died in 1997. While OSHA was on-site doing their investigation, a second worker was exposed and then a year later, a third worker was exposed.

We have two issues here. The immigration question should most likely be addressed by the DOJ.

However, another concern is that for those persons who do not speak English, what steps have been taken to insure they know about the possible exposure to the deadly Herpes-B virus? If exposed, do they know what steps to take for immediate/follow-up treatment?

As you are probably aware, Elizabeth Griffin's father stated on 20/20 his daughter practically had to beg Emory to help her and her health concerns were dismissed and treatment was slow in being administered. If Elizabeth Griffin could not get treatment, how is a non-English speaking person supposed to handle such a horrible situation? Combine the inability to speak to a doctor along with the possibilities of being discovered as illegal and the exposed worker will most likely not seek help--partly because they do not realize the level of threat. You can well imagine the media coverage that would receive.

It would defy logic to place an illegal in a hazardous job but our whistleblowers state Yerkes knows they are illegal. Nevertheless, Yerkes also claims to be 'experts' with primates but the Griffin calamity proves otherwise.

The whistleblowers have provided solid information in the past. They informed us about primate escapes which the USDA confirmed with a special inspection recently. It has been reported Yerkes will sometimes have no English speaking people at the center for an entire shift.

If you would like more information on this, please do not hesitate to contact me at 770-719-2701 or via e-mail at [REDACTED] I'll be happy to provide any possible assistance.

Thanks and hope to hear from you soon.

Jean Barnes
www.EmoryLics.com



U.S. Department of Labor

Occupational Safety and Health Administration
Atlanta-East Area Office
LaVista Perimeter Office Park
Building 7, Suite 110
Tucker, Georgia 30084
770-493-6644



August 28, 2003

Jean Barnes
P.O. Box 1623
Fayetteville, GA 30214

Dear Ms. Barnes:

Yerkes National Primate Research Center has advised me that the hazards you complained about have been investigated. A copy of the employer's letter is enclosed.

With this information, OSHA feels the case can be closed on the grounds that the hazardous conditions have been corrected or no longer exist. If you do not agree that the hazards you complained about have been satisfactorily abated, please contact us by September 10, 2003. If we do not hear from you within that time, we will assume that the hazard has been corrected or eliminated and will take no further action with respect to this case.

Your action on behalf of safety and health in the workplace is sincerely appreciated.

Sincerely,

for
Gei-Thae Breezley
Area Director

Enclosure



YERKES
NATIONAL
PRIMATE
RESEARCH
CENTER

EMORY

August 25, 2003

Gei-Thae Breezley, Area Director
Occupational Health and Safety Administration
Atlanta East Area Office
LaVista Perimeter Office Park
Building 7 Suite 110
Tucker, Georgia 30084

8-25-03

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Dear Mr. Breezley:

This is in response to your letter of August 11, 2003, with enclosure, that provided notice of a report received by your office alleging hazardous working conditions at the Yerkes National Primate Research Center of Emory University. Specifically, the complaint alleged that Non-English speaking employees who work around and handle nonhuman primates are not properly trained and are thus not aware of the hazards associated with possible exposure to herpes-B virus.

As requested, and in compliance with Department of Labor regulations, the Yerkes Center has investigated the alleged hazard with respect to employees we identified as persons whose primary language is not English and also at potential risk for exposure to herpes-B virus; the employees we identified who met these criteria are a subset of mainly Hispanic individuals employed in the Animal Care unit at our Field Station facility. The Hispanic employees, in fact, have varied language abilities ranging from some who are bilingual (fluent in both Spanish and English) to others who have (or had at the time of employment) limited English fluency.

Please note that a limited number of other individuals in our employ and who work with non-human primates also speak English as a second language. For example, we recently employed individuals in Animal Care who were native to Togo and others native to Ethiopia. All these individuals, however, are able to speak English. Training for all hires proceeds slowly and carefully, with supervisors monitoring progress and ascertaining that communication is clear and the information presented is understood at each stage. This close supervision allows us to confirm that language skills are adequate. Also, all training is documented.

The Yerkes internal investigation included the following steps: 1) an on-site hazard assessment conducted by the Yerkes Environmental Health and Safety Office on August

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13, 2003; 2) review of training policy and practice; 3) assessment of documentation of such training for all employees; 4) an examination of safety practices with a focus on biosafety (including prevention of herpes-B virus exposure); 5) a review of procedures in place that are followed in the event of any potential biological exposure (including immediate cleansing, reporting requirements, medical referral and prophylactic therapy when deemed appropriate, laboratory testing and follow-up measures), and 6) a specific evaluation of the adequacy of all the above components with respect to employees speaking English as a second language, particularly those with limited English-language ability. Our investigation did not substantiate the allegation of hazardous working conditions for employees who do not speak English as their primary language; rather, we documented a comprehensive and continuing program of training for all employees, including a series of measures implemented by the Yerkes Center (see below) to ensure the adequacy of training for employees whose primary language is Spanish.

Recognizing the special communication requirements of employees for whom English is not the primary language (that were first hired in the fall of 2001), Yerkes developed a policy and implemented a plan to ensure that all employees receive appropriate training. The following is a summary of the measures adopted by Yerkes to ensure adequate training of and communication with those whose primary language is Spanish:

- Identifying and employing bilingual employees to help managers and supervisors communicate training and safety information;
- Human Resources staff working closely with Yerkes managers and the bilingual employees to ensure that employees whose primary language is not English fully comprehended all information;
- Translating into Spanish Yerkes' written injury and biosafety training materials that are used to train employees whose primary language is Spanish;
- Posting biohazard and safety placards in both Spanish and English;
- Ensuring that universally recognized safety symbols are readily visible across all work areas at the Main Station and Field Station;
- Offering free English-as-a-second-language classes to both temporary and permanent Spanish-speaking employees. (Employees are paid their regular hourly wage while in class. Three 12-week classes have been offered in the past year, and Yerkes plans to continue the classes indefinitely, with the goal of the Spanish-speaking employees becoming even more proficient in English);
- Offering free Spanish classes to Yerkes employees including Animal Care supervisors;
- Obtaining the on-call translation services of a bilingual scientist/physician employed at the Center who is available for any communication issue involving

Yerkes' employees whose primary language is Spanish. This person is available 24 hours a day, seven-days-a-week by beeper and is available (and used regularly) to assist with communication with the Spanish-speaking employees during any medical incidents (injury, illness, potential biological exposure), orientation, training and with any disciplinary matters that may arise;

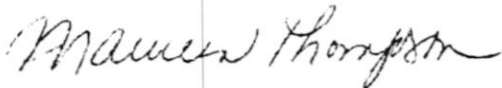
- Identifying a clinic near the Field Station that employs a bilingual nurse (Spanish/English) who is available to provide care to the Yerkes employees; and
- Presenting annual mandatory B-virus training in Spanish to those employees for whom Spanish is their primary language.

Finally, we have determined from supervisors and on-site inspections that employees for whom Spanish is their primary language exhibit the same level of work proficiency and compliance with SOPs and PPE requirements as the employees whose primary language is English; and, as further evidence of appropriate training, these employees report and respond appropriately to potential exposures to herpes-B virus, similar to our experience with English-speaking employees.

In summary, the Yerkes National Primate Research Center recognizes our responsibility to provide herpes-B virus training to all employees who may be at risk for exposure to this biohazard in our workplace. Conducting a comprehensive program of initial, on-the-job and continuing training meets this responsibility for all employees, with training and supporting documents in Spanish where appropriate (or in other languages should the need arise).

Please let me know if you need additional information or if you would like us to furnish supporting material.

Sincerely,



Maureen Thompson
Environmental Health and Safety Officer

Cc: Stuart Zola, PhD, Director
Harold McClure, DVM, Associate Director
Thomas Gordon, Associate Director