

Site remediation at the expense of workers' health

After 50 years, the Lacq gas field in South-West France has run dry. Before quitting the industrial basin, its operator, Total, is legally obliged to remediate the soil there. Each time a plot of land is sold, subcontracting companies excavate tonnes of polluted soil steeped with toxic substances. Working under pressure, a number of these companies are neglecting to protect their workers, without Total seeming to care. One of these workers has been fighting for five years to have his exposure recognized. This is the story of this whistleblower.

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The diggers gradually remove the traces of what was the largest gas field in France.
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August 2012. As so often over the last ten years, Thibaut Moncade strides through the security gate of the Lacq industrial platform, just a few miles down the road from Pau, the main town in the Pyrénées-Atlantiques *département*. Employed by a small earthmoving company, he takes his seat at the controls of his mechanical excavator, set to spend the day shifting soil, filling a hole here, levelling a mound there.

Around him, the earthmoving "ballet" has begun: workers at the wheels of dumper trucks dump piles of rubble a few metres away. Suddenly, Thibaut starts feeling queasy. Covered in sweat, he clambers out of his excavator and heads for the exit, passing a pile of earth emitting an unbearable stench. While he throws up, it suddenly dawns on him: he's been poisoned for years.

Nicknamed the "Béarnese Texas", the Lacq platform operated by the oil company Total used to employ up to 8 000 people to extract up to 33 million m³ of natural gas a day. But now the field is virtually exhausted. The sulphur coming out of the few remaining wells is used by a handful of chemical companies to make fertilisers, pharmaceuticals, cosmetics or agrochemicals. The focus is now on cleaning up the site. For the last ten years, that has been the work of Thibaut Moncade, a man in his thirties employed by the earthmoving company Marsol, one of the many subcontractor companies engaged by Total Exploration Production France (TEPF), the Total division responsible for operating the gas field.

Earth steeped with hazardous chemical agents

Thibaut Moncade was dismissed on grounds of incapacity in 2015, and has since exhausted his right to unemployment benefits. While looking for a new job, he lives off the salary of his wife, a teacher. What has happened to him since that awful day in August 2012 when he felt sick? Sitting at the table in his sitting room, the Frenchman gets all worked up when talking about what happened then. "Ever had food poisoning?", he asks. "Even

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years later, when someone puts the same dish in front of you, you'll feel you want to throw up. It's the same thing with me. I'm programmed on that stench that made me feel queasy for months."

The worker used to enjoy his work, which mainly involved solidifying drilling fluid coming from gas wells scattered throughout the region. However, at some stage he started losing his appetite, suffering from headaches, nausea, diarrhoea and heartburn. He never even thought this could have anything to do with his working conditions, initially putting his condition down to a long spell of gastroenteritis. When he was sent to work at a different client's site in March 2012, his symptoms disappeared.

Back in Lacq in early August, he finally realised that his symptoms were linked to this pile of earth. A few days earlier, he had received safety training before starting work on this new Lacq site. "I had never previously heard anyone speak about site remediation, about decontamination." For the first time in 10 years, he was told that the soil of the Lacq platform was steeped with heavy metals and a toxic cocktail of other carcinogenic, mutagenic and reprotoxic (CMR) substances. Above all, he was told that, when working in contact with such pollutants, it was necessary to wear a "spacesuit": so many coveralls, masks, boots and gloves – things he had been deprived of for all those years. All he and his colleagues had ever worn on such sites was a helmet and overalls.

At the end of the training, he was still not worried. "Honestly, I wasn't really troubled." His employer would know what needed to be done, he confidently thought. And Total, the company subcontracting the remediation work, had a reputation as a leader

in work-related safety. "Even today, I wonder how I let myself be taken for a ride." His gaze, underlined by two rings full of fatigue, is posed on a red folder, bursting with official papers, email correspondence and letterheaded papers, bearing witness to the amount of energy he has put into obtaining an official document attesting his exposure to hazardous substances. A document he has still not obtained, even though he should have been given it as a matter of course.

Workers kept in the dark

When Thibaut Moncade started working with his mechanical excavator in Lacq, reconversion of the industrial basin had already begun. The Total TEPF division is selling its gas platforms plot-by-plot to companies wanting to set up shop on this Seveso-classed site. Toray Carbon Fibers, a Japanese company specialised in the manufacture of carbon fibres, is set to acquire a 16-hectare plot. Before handing over a plot to a new owner, TEPF is required to fulfil its legal obligation to remediate the soil polluted by 60 years of operating the gas wells. A slew of subcontractors from the construction industry are taking care of this.

Some thirty workers, including Thibaut Moncade, worked on the Toray plot, crossing paths without really knowing each other. Excavating the earth several metres deep at the site of the future factory, they piled it up in the open air. From November 2011 until the end of February 2012, his team dug trenches along the edge of the plot, locating and filling in the networks of underground pipes. The term "decontamination" was not uttered once during these four months, but the workers registered the nauseous stench coming from the earth

steeped with hydrocarbons, and the iridescent puddles tinged with blue, yellow or violet.

On becoming aware of what was going on, Thibaut Moncade's first reflex was to get his hands on the site prevention plan, a plan required by the French Labour Code when a subcontractor carries out work for another company. In it, each company lists the risks associated with its activity and the prevention measures to be taken to protect workers. But in Thibaut's case, all the foreman had done at the start of the work was to read out to employees the risks associated with the company – road accidents, landslides, rock-falls –, omitting the part referring to the specific risks associated with the Lacq site. This however clearly spelled out the risks of exposure to hydrocarbons, solvents and CMR substances, as well as the personal protection equipment that employees should have worn.

On reading the whole document, Thibaut Moncade felt anger building up inside him. "Everybody knew about it right from the start." He contacted Dr. Duret-Camou, his occupational physician working for Prissm, a local intercompany occupational health service¹. "I should have had urine samples taken at the start and end of the site work with a view to checking for the presence of such chemical agents in my body", he said.

However, there is one occupational physician tasked with monitoring the Marsol workers and another one working for TEPF. Who is responsible? Such an imbroglio often turns a subcontractor worker's quest for health into a warpath, with the worker fighting against more or less wilful negligence. The tests needed to check whether employees were protected against contamination from toxic substances were the exception rather than the rule. "Urine samples were taken once and never again. I didn't even see the results", recalled one of Thibaut Moncade's ex-colleagues, who had to quit in 2015 after 33 years spent working for the company.

A further condition is to be found in Thibaut's medical file. He was diagnosed as having multiple sclerosis in 2008, six years after arriving at Lacq. His occupational physician never informed him (as he should have done) of the neurotoxic substances present on the site. While the link between this disease and exposure to heavy metals has not yet been established, this lack of clarity is not very reassuring for him, especially as Thibaut had to prod the occupational physician several

times before the latter noted in his medical file that he had not benefited from protection.

Thibaut is convinced that he was purposely kept in the dark. Worried, he talked with other workers, noticing that he was not the only one noting safety deficits at the site. The Lacq basin platforms are the home of 21 Seveso-classed companies. 70 subcontractor companies work for them, carrying out dangerous work such as site remediation, site maintenance and industrial cleaning. These workers speak of dilapidated facilities, of totally polluted steel frames, of rusty safety valves, of much too old plastic pipes. If they were able to, they would prefer to work elsewhere.

An unheeded call for help

Having exhausted all other means of obtaining a document listing the period he was exposed to CMR substances and hazardous chemical agents, Thibaut Moncade turned to the industrial tribunal. "If I get cancer tomorrow, or if in 10 years' time it is scientifically proved that multiple sclerosis is caused by a certain substance, I'll have proof", he explained. However, the judges did not take the same view, with Marsol, his employer, winning the case in first instance and on appeal. "This decision is totally incomprehensible",

said Alain Carré, a retired occupational physician in charge of post-occupational health monitoring and vice-president of SMT, a French occupational health association, who knew about the tribunal's ruling.

"This employee has not only a right to his exposure file, but also to certificates attesting his exposure to hazardous chemical agents and to carcinogens, and his 'notice de poste', a document specifying exposure risks required by French law." He went on to state that "if we have a case of an occupational disease, the company is responsible, or maybe even culpable. And that can be expensive for it. Moreover, an employer can be convicted of inexcusable conduct, since protective measures are subject to an obligation to achieve a specified result."

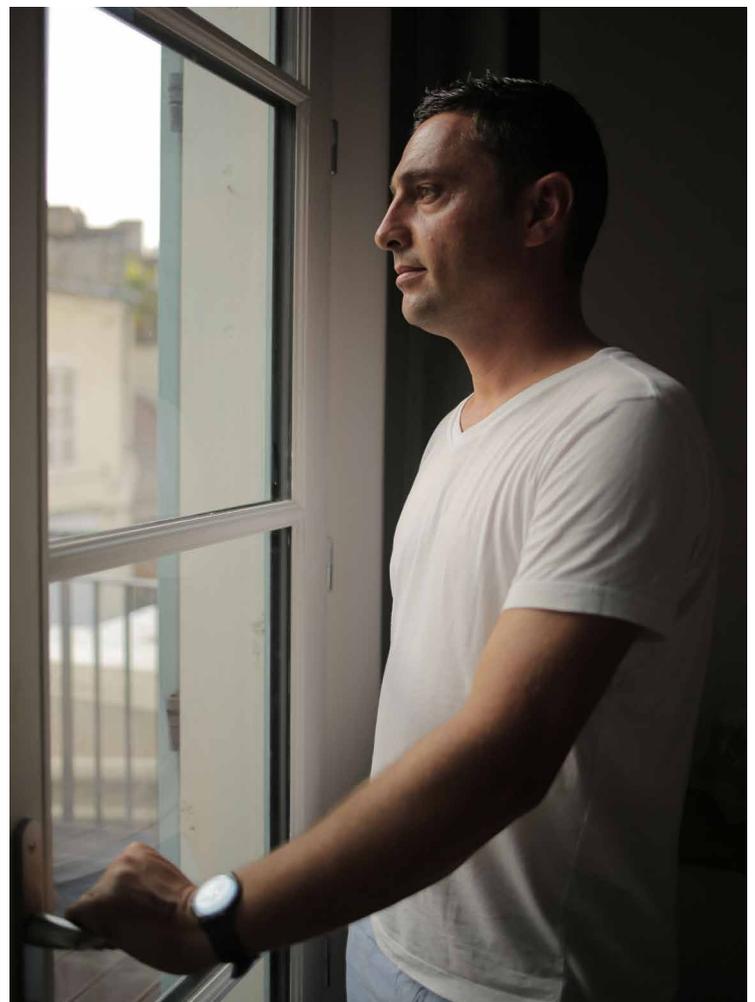
The current reform of the French Labour Code is set to sweep away such provisions. The decrees planned by Emmanuel Macron would do away with provisions regarding the traceability of any harm associated with hazardous chemical agents. In the government's view, these provisions are too complex. The result of a series of Labour Code amendments, this final *coup de grâce* will make occupational exposure invisible.

For his part, Thibaut Moncade has filed a case with the French supreme court (*Cour de Cassation*), but without much hope. He

1. In France, the very great majority of employers discharge their health and safety at work obligations by joining an intercompany occupational health service. These services are responsible for health surveillance of 94% of the non-agricultural private sector working population.

Thibaut Moncade embarked on a Don Quixote-style fight against the petrochemical giant Total.

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is now looking for a job in a completely different sector, well aware that no other local construction company will take him on. In this small ecosystem, companies are at daggers drawn to get the best deals. Vindictive employees are *persona non grata*, with preference given to employees who won't start stirring things up.

However, there was one person who listened to Thibaut. Following his inspection of the Marsol premises in January 2014, Dominique Waeghemaker, a labour controller² from Pau, filed an infringement report with the public prosecutor in Pau, recording the absence of exposure prevention files, "*notices de poste*" and medical examinations measuring employee exposure. Three years later, in June 2017, the file was closed. The only action taken by the prosecutor was to hear the head of Marsol.

A "lean" investigation in the mind of Thibaut's lawyer, Pascale Dubourdiou. "The prosecutor should have gone a lot further, demanding that all prevention plans for the last ten years be sent to him, and questioning other employees, also from other subcontractor companies. And above all checking Total's monitoring of the recommendations set forth in the prevention plans." Why? Because the Total division TEPF is responsible for site safety and must make sure that personal protection equipment is worn by subcontractors.

2. Employed by the French Ministry of Labour, a labour controller's task is to monitor compliance with labour law in the field of employment relationships, health and safety at work and training. His work is limited to companies with fewer than 50 employees. He works under the authority of a labour inspector.

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"From a legal perspective, one could have called Total into question"

"They have the power and the obligation to stop work when they notice that prevention measures are not being taken", declared Gérald Le Corre, a labour inspector and unionist. At the site in question, the level of protection seemed to depend on the goodwill of each subcontractor company. Examined carefully, the prevention plan reveals further deficits.

The term "CMR" for example is generic, covering hundreds of hazardous substances. "The prevention plan should have been a lot more detailed, listing the substances present in the earth", explained Gérald Le Corre. The only way of knowing these chemical substances is to have soil analyses performed before starting work. "Most of the time, analyses were done after the work had started, and we got no feedback on the results", stated a Marsol employee.

Did the prevention plan contain other hidden defects? "It should have also mentioned the installation of mobile showers, as well as how to store and dispose of the impervious single-use coveralls which become chemical waste after use", explained Gérald Le Corre. No such items were listed in the document. "I've never seen a shower at any of the sites. And three-quarters of the time we don't even have water", confirmed a Marsol employee. The commissioning company

had clearly not met its obligations. "From a legal perspective, one could have called Total into question", stated Thibaut Moncade's lawyer, Pascale Dubourdiou. "But then we would have had two companies gunning for us."

A clean sweep at Marsol – and then the whole merry-go-round starts again

After Thibaut Moncade blew the whistle, two other colleagues fell ill, without any indication of the causes. This got workers thinking: "Maybe Thibaut was right. Maybe it's worth putting up a fight...". Seven of his colleagues have decided to demand their exposure certificates, taking their cases to the industrial tribunal. At the same time, Marsol went through a lean spell, as its contracts with TEPF were not renewed. A coincidence? Neither Marsol nor TEPF were available to answer our questions.

Deprived of its main client, Marsol's business declined. Its staff were of course the first to suffer, on technical unemployment for weeks on end or forced to take leave. More than half the staff working at Lacq at that time quit. Fighting to make safety a

priority at sites, the two staff representatives were sitting on ejector seats. The head of Marsol tried to dismiss them three times, but without being able to gain labour inspectorate approval.

Since this great cleansing operation, business has started turning up for Marsol at the Lacq platform. A dozen workers, many of them agency workers, are working on two new sites, again excavating contaminated soil. Bitter, their ex-colleagues sense a certain *déjà vu*. At one of the sites, the prevention plan has not been read out to workers. At the other one, the foreman has only read the Marsol section. "I told him I wanted to see the other part", said one of the workers, recalling the fight put up by Thibaut Moncade. "He told me he didn't have it."

"The earth has some quite unnatural colours. If I was sure that the earth was contaminated, I would ask for single-use coveralls and masks", one of them confided to us. But "for the company, these all constitute costs...", he added, as if defending his employer. Savings realised on the backs of defenceless employees, whose safety is put at risk without the company batting an eyelid. At Lacq, the cocktail of precariousness, subcontracting and the endangering of staff to chemical risks is set to continue. ●