



Our municipal buses link our communities and have for decades. They carry us to work, schools, shopping, family visits . . . just everywhere.



But, bus operators, bus mechanics, shifters, brake mechanics and many other transit workers every day breathed diesel exhaust fumes in bus depots, repairing, moving, and operating these vehicles. Attorney Thomas Boyle, of our law firm, whose family has been in the Surface Transit field for decades, heads our Diesel Fuel Research and Potential Litigation Project.

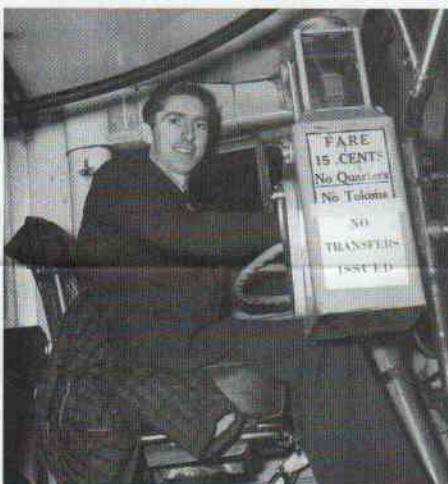
This Diesel Fuel Exhaust Question and Answer brochure hopefully offers key information on the exposure, medical research and legal status, since concerns of exposure and cancer have increasingly emerged over the past decade.

Feel free to call Tom on our 24 hour toll free telephone number listed below with any questions, information or medical status concerning diesel fuel exhaust that you, a friend, or family member or co-worker may have experienced.

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- 1) **What is diesel exhaust?**  
Chemical analysis has shown over 9,000 chemical compounds are contained within diesel exhaust making it a complex mixture of gasses and soot produced when diesel fuel is burned in an engine.
- 2) **What body organs appear most affected by diesel exhaust exposure?**  
To date, medical studies have pointed to five (5) body functions most adversely affected to be: eyes; skin; upper respiratory system; lungs and mucus membranes.
- 3) **Do any medical symptoms appear as the result of diesel exhaust exposure?**  
Yes, studies on exhaust exposure seem to reflect several physical reactions, among them: headache; dizziness; tightness in the throat and chest; irritated eyes and skin; and loss of consciousness.
- 4) **How widespread is diesel exhaust, in the workplace, and what are the major occupations most affected by the fuel's fumes?**  
The National Institute for Occupational Safety and Health (NIOSH) estimates that over 1.3 million workers daily are exposed to diesel exhaust in over 80,000 workplaces throughout the United States. Some of the major occupations with high exposure include: bus operators, bus depot workers, mine workers; bridge and tunnel workers; railroad workers; truck drivers and fork lift drivers.
- 5) **Specifically, what job classifications in a municipal surface division system have the heaviest exhaust exposure?**  
They include bus operators awaiting and returning their vehicles into closed depot buildings; shifters moving the buses internally within generally old, inadequately vented bus depots; brake and other mechanics whose depot work areas were not segregated, thus exposing them to the high exhaust volume contained within the depots. All supervisory personnel whose job responsibilities necessitated substantial time periods within the depot's fume-filled environment.
- 6) **What makes fuel for diesel engines more medically dangerous than conventional gasoline engine fumes?**  
Diesel engines spew out approximately 100 times more particulants than gasoline engines with the same load and engine capacity.
- 7) **Why has diesel exhaust raised serious medical concerns as a cancer-causing carcinogen?**  
Medical studies have strongly reported that the cancer causing chemicals in the Diesel exhaust appear to cling to the surface of the particulants and, because of their extremely small size, can easily penetrate and deposit themselves deeply into the lungs. Additionally, once these tiny particulants are lodged in the lungs, they tend to remain, rather than being cleared from the body, which causes them to be especially medically dangerous. The super-small Diesel exhaust particulants are particularly dangerous since they have been analyzed as containing a mixture of chemicals, such as: polycyclic aromatic hydrocarbons; nitro aromatics; benzene, dioxins; and other doxicants.
- 8) **Do any safe exposure limits exist for diesel exhaust?**  
Presently, there are no established exposure limits for whole diesel exhaust. Also, since Diesel exhaust is believed to be a cancer-causing agent, it is assumed that there is no safe exposure level.



9) **Have occupational experts advanced any recommendations of ways to control diesel exhaust in the work environment?**

Six major recommendations have been advanced: 1) eliminate, or avoid as much as possible, diesel engines idling indoors; 2) establish improved ventilation systems when diesel engines must be operated indoors; 3) use tail pipe or stack exhaust hoses for diesel engine vehicles being repaired, or serviced, in an internal maintenance shop; 4) install bulk head and auxiliary fans to direct air flow in large, internal work areas such as bus depot maintenance shops; 5) design an enclosure cab for bus and truck operators to significantly reduce diesel exhaust from entering the cab area; 6) improve a regular maintenance program and frequent tune-ups for all diesel engines to reduce exhaust particulates.



10) **Have any recent medical testing of bus operators, shifters or mechanics given any indication as to lung impairment?**

Over the last twelve months, test results have shown that one out of two (50%) of bus operators, shifters, or mechanics in the New York City Transit Authority System have impaired capacity to force air out of their lungs. The results of this study are based on results of Pulmonary Function Tests, also known as spirometry testing, performed by workers blowing into a tube.



11) **In the future, is it possible for a lawsuit, on my behalf, to be brought seeking financial recovery if it can be shown I suffered medical injury due to my diesel exhaust exposure?**

The short answer is, YES. Thousands of workers exposed to another toxic product, asbestos, began lawsuits approximately two decades ago, once medical causation had been determined linking asbestos exposure in the workplace to lung and respiratory disease. A similar situation exists today for workers exposed to Diesel exhaust over a long period of time, but the necessary medical research, in order to legally prove health illness resulting from the diesel exhaust exposure must still be found. Since the asbestos litigation began, in the early 1980's, thousands of workers have and currently are receiving significant financial settlement awards. Diesel exhaust exposure could very well follow the asbestos medical research and litigation experience.



12) **What is meant by the term "Statute of Limitations?"**

It is a time period, established by State law, during which a lawsuit must begin. Courts demand strict compliance with the Statute of Limitations, thus, failure to bring your action timely normally results in loss of your case.

13) **Specifically, what is the statute of limitations for Diesel exhaust-related illnesses?**

Under current State law, the time to begin a lawsuit is three (3) years from the discovery of a toxic-related illness, or when you should have discovered the illness. It is extremely important to note that the Statute of Limitations time period for beginning a toxic lawsuit is not measured from the date of an individual's last Diesel exhaust exposure, but instead measured from when an individual discovers an illness. However, since definitive medical research to date has not established linkage between diesel exhaust exposure and health problems, no worker who may have had an illness, or even some cancer diagnosis, believed to be caused by Diesel exhaust more than three years ago should be prohibited from bringing a lawsuit in the future because of the Statute of Limitations.

14) **So, if my exposure to diesel exhaust happened a few, or many years ago, could I still bring a lawsuit in the future?**

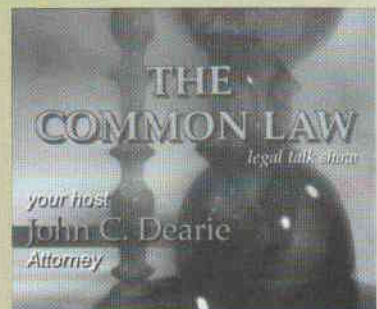
Yes, the Statute of Limitations begins upon discovering that you suffered a Diesel exhaust-related injury. Diesel exhaust-related injuries can manifest themselves many years after exposure. Of course, any Diesel exhaust lawsuit would only occur after medical causation linking exposure to illness would be established.

15) **If I am retired, should I still participate in the diesel exhaust research project and, if results show a causation between diesel exhaust and my health, could I still financially recover?**

Yes. It could be argued that participation by retirees is especially critical because retired workers had more Diesel exhaust exposure over a longer period of time with a longer individual medical history for evaluation by the researchers to study. If lawsuits do develop from the study, both retired and active workers who were exposed to Diesel exhaust and have sustained a medical illness would be entitled to financial compensation.

16) **If diesel exhaust lawsuits do occur in the future, who would the legal action be brought against?**

The prime defendant targets, if diesel exhaust is shown to have caused medical illness from exposure, would be the manufacturers of the diesel fuel to which you, as a worker, have been exposed to on your job sites.



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