



Department of Energy

Washington, DC 20585

December 19, 2000

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Luther V. Gibson, Jr., Chairman
Oak Ridge Site Specific Advisory Board
PO Box 2001, EM 90
Oak Ridge, TN 37831

Dear Mr. Gibson:

Thank you for your October 24th letter of support to Secretary of Energy Bill Richardson regarding compensation of sick nuclear workers. President Clinton signed the legislation into law on October 30, 2000. Under this law certain workers who developed cancer or lung disease as a result of exposure to radiation, beryllium or silica in the nuclear weapons complex may be eligible to receive \$150,000 plus reimbursement for future medical costs. The program will be administered by the Department of Labor with the support of the Department of Energy. More information about the legislation is enclosed.

Although help for workers and their families is on the horizon, much work needs to be done before the program can be established and begin to accept and evaluate applications. We will make sure you have the necessary information to begin the claims process as soon as it becomes available. In the meantime, our staff will continue to keep workers informed of significant developments. You may also check our website periodically at <http://www.eh.doe.gov/benefits>.

Sick worker compensation is one of the Administration's highest priorities, and it is an accomplishment of which I am very proud. Nothing, however, would have been possible without the strong support, and involvement of groups like yours, the atomic weapons workers, and their families across the Nation. They are the true heroes of the Cold War, and it has been an honor to work with them to establish this historic program.

Sincerely,

A handwritten signature in black ink, appearing to read "David Michaels", is written over the typed name.

David Michaels, PhD, MPH
Acting Director
Office of Worker Advocacy
Environment, Safety and Health

Enclosure





Fact Sheet

United States Department of Energy

Assistant Secretary for Environment, Safety & Health
Office of Worker Advocacy

Energy Employees Occupational Illness Compensation Program Act of 2000

Note: This Fact Sheet summarizes recently passed legislation and does not indicate the availability of benefits. Actual eligibility criteria for this program remain to be defined and will be established by program administrators over the next year. Until that time, claims for benefits cannot be accepted. For a complete copy of the legislation, see <http://www.eh.doe.gov/benefits>.

Overview

The Energy Employees Occupational Illness Compensation Program Act of 2000 establishes a program to provide compensation to employees of the Department of Energy (DOE), its contractors and subcontractors, companies that provided beryllium to DOE, and atomic weapons employers¹. The statute provides that covered employees who suffer from a cancer caused by radiation, beryllium disease, or chronic silicosis are eligible for a lump sum payment of \$150,000 for disability and payment of future medical expenses associated with that disease (unless other legislation providing an alternative benefit program is enacted prior to July 31, 2001). If the worker is deceased, the lump sum payment will be provided to survivors. The Act also provides that DOE assist workers with other occupational illnesses with filing State workers' compensation claims once

agreements to do so have been entered into between DOE and States.

Beryllium-related Disease

An employee of DOE, of a DOE contractor, of a DOE subcontractor, or of a private company that provided beryllium for use by DOE, or such an employee's survivor, is eligible for benefits if the employee:

- was exposed to beryllium at a DOE or beryllium-provider facility;
- contracted chronic beryllium disease; and
- is or was disabled or died as a result of this disease.

In addition, the program will provide employees who are sensitized to beryllium with regular medical examinations to check for the presence of chronic beryllium disease.

Radiation-related Cancers

An employee of DOE, of a DOE contractor, or of an atomic weapons employer, or such an employee's survivor, is eligible for benefits if:

- the employee developed a cancer after beginning employment at a DOE or an atomic weapons facility;
- the employee's cancer was at least "as likely as not" related to this employment, in accordance with guidelines to be developed that are based on a number of factors, including

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¹ An atomic weapons employer is defined as a private company that processed material that emitted radiation and was used in the production of atomic weapons.

Energy Employees Occupational Illness Compensation Program Act of 2000

the employee's radiation dose, calculations using radioepidemiological tables, the type of cancer, past health-related activities, and other relevant factors; and

- the employee is or was disabled by or died from the cancer.

Silica-related Disease

Employees of DOE and its contractors, or their survivors, who were employed for 250 days or more mining tunnels for use in underground nuclear weapons testing in Nevada or Alaska, are eligible for benefits if the employee developed chronic silicosis and is or was disabled or died as a result (unless, within 180 days after enactment of the bill, the President makes a determination that there is an insufficient basis to include such employees).

Special Exposure Cohort

The legislation establishes a *Special Exposure Cohort* who would receive benefits. Members of this cohort, or their survivors, are eligible for benefits if the employee developed a specified cancer² after being employed and exposed to radiation at certain specified DOE facilities and meets other eligibility criteria specified in the Act. These include employees who worked at least 250 days for DOE or its contractors at one of the DOE Gaseous Diffusion Plants (located in Oak Ridge, Tennessee; Portsmouth, Ohio; and Paducah, Kentucky) and employees who were exposed to radiation related to underground nuclear tests at Amchitka, Alaska. Employees at these sites who have cancer, but do not meet all the Special Cohort criteria, can apply under the general radiation provisions described above.

Additional classes of workers can be added to the Special Exposure Cohort based on a recommendation of an independent Advisory Board on Radiation and Worker Health appointed by the President.

Uranium Miners

Certain uranium miners in Colorado, New Mexico, Arizona, Wyoming, and Utah, who have received lump sum payments under the Radiation Exposure Compensation Act (RECA), or their survivors, are entitled to receive an additional \$50,000 lump sum payment and payment of future medical expenses for the cancer for which RECA benefits were awarded.

Other Occupational Disease

DOE contractor employees with occupational illnesses that are not covered under the Federal program can apply to DOE's Office of Worker Advocacy for help in obtaining State workers' compensation benefits. Under this effort, DOE would forward a worker's application to an independent panel of physicians appointed by the Secretary of Health and Human Services. The panel would determine whether the employee's illness or death was due to exposure to a toxic substance at a DOE facility. Based on a determination of work-relatedness, the DOE Office of Worker Advocacy could assist the employee with a State claim for benefits, and DOE could, to the extent provided by law, direct a contractor not to contest claims before the State.

October 2000

DOE Office of Worker Advocacy

1-877-447-9756

² The law specifies that covered cancers include bone cancer plus the list of cancers in the previously enacted Radiation Exposure Compensation Act (42 U.S.C. 2210 note): leukemia (other than chronic lymphocytic); lung cancer (with certain exceptions); multiple myeloma; non-Hodgkins lymphoma; and primary cancer of the thyroid, male breast, female breast, esophagus, stomach, pharynx, small intestine, pancreas, bile ducts, gall bladder, salivary gland, urinary bladder, brain, colon, ovary, and liver (with certain exceptions).