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BROADCAST TRANSCRIPT

TAMARA BANKS, host:

Good evening and welcome to STUDIO 12, I'm your host Tamara Banks. Last week, The Rocky Mountain News published a three-day special report titled, "Deadly Denial." The report examined the challenges of uncompensated sick and dying nuclear weapons workers and their families. Tonight, we will discuss the claims made in the report and what the future holds for both the former workers and the US Department of Labor.

We have a great panel with us tonight. Please welcome to the show, first, Peter Turcic, who is the director of the Energy Employees Occupational Illness Compensation Program with the United States Department of Labor. Peter has been involved in this field for many years.

Peter, thanks for being here.

Mr. PETER TURCIC (Director, Energy Employees Occupational Illness Compensation Program): Thank you.

BANKS: Greg Austin is a founder--founding member, rather, of the Cold War Patriot Advisory Committee, a non-profit organization that advocates on behalf of the former nuclear and uranium workers. He is also the president of the Professional Case Management.

Thanks for being here, Greg.

Charlie Wolf is also with us tonight. He is a former project manager for Rocky Flats and has been dealing with compensation issues related to his health concerns.

And Laura Frank is an investigative reporter with The Rocky Mountain News. She is a reporter for the series "Deadly Denial," the first--who first wrote about health problems among nuclear weapons workers 10 years ago.

Thank you all for being here.

Ms. LAURA FRANK (Investigative Reporter, Rocky Mountain News): Thanks for having us.

BANKS: Laura, let's start with you first. For those who missed out on a great report, tell us a little bit about what it is, sort of a nutshell overview.

Ms. FRANK: Well, more than 1/2 million people worked in the process of building the United States arsenal of nuclear weapons. And some of that work occurred right here in the Denver area at Rocky Flats. For half-a-century the government official policy was to fight any suggestion that people's health had been harmed. But eight years ago a Republican Congress and a Democratic administration came together to create a program to compensate people whose health had been harmed.

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So eight years later The Rocky Mountain News decided to take a look at how that program was working. And what we found were that people were having very difficult times overcoming some of the hurdles that exist in the program.

BANKS: So, Peter, what's your reaction? We're going to get into details a little bit later, but based on what you have heard and read about the report, briefly tell us what your reaction is from your perspective.

Mr. TURCIC: My reaction is that although there is a number of factual errors in the report, throughout the report--and I'd be--you know, I hope to take tonight an opportunity to maybe clarify some of those.

BANKS: OK.

Mr. TURCIC: Most important to me is that it did get a lot of readership and so we were--you know, there are claimants--potential claimants out there that may have read the articles, and now know a little bit more about the program, and hopefully they'll come to us and, you know, file a claim if they believe that they may be eligible.

BANKS: OK.

Charlie, tell us a little bit about your experience and--because you worked at Rocky Flats.

Mr. CHARLIE WOLF (Former Project Manager, Rocky Flats): Correct. And I always try to play there--and nine years is how many times I've gone through. And I've got a brain tumor and there's more than large numbers of people with lame tumors. And nobody is covering--taking care of them. And they should not be that impaired to do this. And some of the people, when they look at stuff, it's this thick (making large gesture with his hands).

BANKS: Some of the paperwork that they do--

Mr. WOLF: Yeah. To take--people to take home. Now, my wife can do--write my name a few times. I can't write. So even people like these that cannot help people go through, but it goes through every day (sic). Somebody is having a--dying every day.

BANKS: You mentioned you had gone through 30 some odd, or 40 MRIs; you have another one coming up.

Mr. WOLF: Correct. I have--MRI is--what did I just say? 1990--90--equal to my--my age of my birth.

BANKS: Equal to your age of your birth. OK.

Ms. FRANK: You're 49 now. You've had 49 MRIs.

Mr. WOLF: Right.

Ms. FRANK: You will have...

Mr. WOLF: That's correct.

Ms. FRANK: ...50 tomorrow.

Mr. WOLF: Right.

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BANKS: And so, Laura, you explained to me earlier that--that--Charlie, you know, the words are there, but they just can't quite come out.

Mr. WOLF: Yes.

BANKS: OK.

Mr. WOLF: And it takes a while. And one of the--the other things that people have to look at this (sic), that you still can't--I've been going through 15 times, I think, through the ev--

BANKS: The process.

Mr. WOLF: Everything--the process--and when I went through it, it took the five processes to get through there the first time. And not even--

BANKS: We'll have an opportunity to see a little bit more about your story in just a moment.

Greg, I want to give you an opportunity to explain your reaction to the Rocky's report from your experience.

Mr. GREG AUSTIN (Cold War Patriot Advisory Committee): I think the challenges that Laura presented in the article are similar to what we hear from members of Cold War Patriot every day. Also, similar to what we as a medical provider have experienced being a part of this program and is also similar to what our patients have expressed: confusion, oftentimes, an adversarial nature in the program, and just not what was intended, which was a claimant-friendly program. So I felt like it was very similar to what we experience, and our members' experience, every day.

BANKS: OK. And again, Peter, we'll give you a chance to respond on behalf of the Department of Labor in just a moment. But we do have a video clip here that Javier Manzano--Manzano put together for The Rocky Mountain News' "Deadly Denial" series, let's take a quick look.

(Excerpt from "Deadly Denial" video begins)

(Graphic on Screen)

Deadly Denial
Day 1

NARRATOR: During the Cold War, hundreds of thousands of Americans held top secret jobs building nuclear weapons for the nation's defense, today, many are paying a price for their patriotism.

(Graphic on Screen)

Oak Ridge
Tennessee

Oak Ridge Nuclear
Weapons Complex
July, 2008

Unidentified Woman #1: We also realized that that water that that water that was feeding the spring going into the pond was contaminated from the K-25 site. So I was getting exposed, not only at work, but also where we lived.

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Unidentified Woman #2: They started taking geiger counters out in the picnic area several years ago and the trees had actually pulled radiation up out from the ground, up into the branches and the leaves of these trees.

Ms. JANINE ANDERSON (Oak Ridge Nuclear Plant, Ex-worker): My name is Jeanine Anderson, got acute clearance to work at the Department of Energy K-25 Oak Ridge Gaseous Diffusion Plant built to enrich uranium for nuclear fuel and bombs.

CRAIG (Colorado): (As Identified on Screen) I'm very proud to have worked at Rocky Flats, even, believe it or not, all the things that have happened to me, I'm still a very proud American.

Mr. GEORGE BARRIE (Ex-Rocky Flats Nuclear Weapons Plant Employee): My name is George Barrie, I started working at Rocky Flats in March of 1982. My--my blood/ox level, which is oxygen and blood combined, it is dangerously low. It can kill you. At night, I have to have an air machine on or I basically stop breathing.

Ms. TERRIE BARRIE (Nuclear Worker Advocate): I got a call from Kay Campo (sp). I said, 'How are you doing? And she goes, 'I've heard you've been an advocate, or whatever. I want to talk to you about how I can help George.' My interpretation was she will help George's claim go through the Department of Labor if I didn't speak up.

Mr. BARRIE: But the simple fact is that we were approached and--and asked if we wouldn't testify at this meeting from her just really hit us wrong.

NARRATOR: Terrie Barrie helps sick workers across the country through the Alliance for Nuclear Workers Advocacy Groups. She believes her work has harmed the chances of her husband George ever being compensated.

Mr. BARRIE: I got this manila envelope that said that I had ingested a small amount of americium, plutonium, and uranium 235.

It's all tied in. When you ingest radiation into your body, whether it's alpha, beta, gamma, it goes rampant inside your body. Taking one organ or the other, or damaging it and still keeping you alive and letting you suffer through all this. Why do they want to keep doing it?

Ms. ANDERSON: And there is a test that they do, they inject your body with a (unintelligible) agent, where they test that for the various heavy metals, or whatever, that you might have been exposed to. I did 12 treatments and it about killed me. I got so sick it was unbelievable because that mercury, it pulls it out of your bones, it pulls it out of your teeth, it pulls it out of your liver, out of your brain. (Audio Clip of phone message from the Department of Labor)

I had to gather up 4,000 pages of medical documents, which I submitted to the Department of Labor. They lost my complete file on two different occasions. DOL has gone out of their way to find any way whatsoever that they can continue these claims on and on and on, and make it so difficult for these claimants to go through this claims process, as sick as they are, that eventually they'll just give up or go away or die.

The prognosis is that the liver will eventually, probably, smother my lungs and possibly I could go into liver failure or heart failure. My liver has grown for five years now. Every doctor that saw me with my condition said that there was nothing that can be done because the liver has gone as far down as it can go, and now it's up in my chest and it's over my heart. But because of the immense pressure on my abdomen, eventually my abdomen actually split down the middle.

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Now that I have been approved, now that I'm so sick, the money doesn't really mean that much to me because I would much rather have my health back.

(End of excerpt)

BANKS: We also want to encourage you at home to join in our discussion by calling us at (303)-296-1253, or you can send us an email at studio12@kbdi.org.

First, let's start out with the specifics of Janine's case. She is actually on the phone.

Janine was with us as well. She is a former disabled worker with the K-25 Oak Ridge Gaseous Diffusion Plant in Oak Ridge, Tennessee.

Peter, you're here representing the Department of Labor. What is your reaction? What can you tell Janine and other workers who might be watching this evening?

Mr. TURCIC: Well, I'm glad I can talk about it since we have a waiver, a privacy waiver. And one of the things I think that the story--Janine's story is a good example of, you know, how we strive to try to say "yes" to claimants. You know, our claims examiners, they make every effort and they keep on working, it's a very complicated program.

In Janine's case, for example, in 2001 she filed a claim for chronic beryllium disease, and we approved her in 2003 and were able to provide \$150,000 in compensation to Janine, and then also pay her medical benefits for her chronic beryllium disease.

And then the Department of Labor got the Part E Program in 2005. The in 2006, we were able to pay Janine another \$125,000 and medical benefits. And then in January of 2008, Janine filed for some additional illnesses and we accepted those in February and, as Janine knows, she was--has been informed and received the decisions, she'll get another 120--uh, \$115,000 this Friday and \$10,000 more next Friday for an entire amount of \$400,000 in compensation and medical benefits.

And then we don't stop after the--after we award the compensation, because she's absolutely right, it's without her health, and we are going to try to do whatever we can to assist in Janine getting her medical benefits.

In fact, just yesterday I was talking to John Vance from my office, who was on the phone with Janine making arrangements for her to go to Cleveland to go to the Cleveland Clinic for treatment for her liver--her liver problems.

BANKS: It seems like a--a long process for something that is, apparently--medically anyway--quite obvious. Can you kind of put into context why it takes...

Mr. TURCIC: Sure. Sure.

BANKS: ...you know, it's been several years, it seems.

Mr. TURCIC: It's--it's not as obvious as--we deal with what is being claimed. And the--we need--Congress has established criteria. You know, one of the insinuations in some of the recent articles is that everybody who worked at the Department of Energy facilities is to be paid. And that's just--that's not--that's not the law that Congress gave us.

So we have to work with the claimants and we try to work with them and develop their case as, you know,

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as best we can so that the claims examiner can get the “yes” and make a payment. And sometimes, you know, all--all illnesses--there are illnesses for which we don’t know what causes them. And so all illnesses are not the same and all illnesses--you know, some of them are very complex in order to--to link an exposure to an illness, which we’re required to do, you know, by the law (sic).

Ms. FRANK: I think Janine, I know, I understand, is on the phone. But the beryllium disease is the one--one of the kinds of cases that was supposed to slide through the system. Can you talk to me a little bit about why a beryllium case would take from 2001 to 2003?

Mr. TURCIC: Yes, you’re--you keep on saying, Laura, that there were--there are things that are supposed to be automatic. There is nothing in this program--Congress did not give us anything automatic. We needed to get the medical evidence to meet the criteria, and as soon as we had the medical evidence, in Janine’s case to meet the criteria, we paid for the beryllium disease.

It’s not, as you keep on saying--and that’s one of the problems I have, you’re misleading the claimants by saying certain things are automatic. If Congress made them automatic we would just--

Ms. FRANK: Well, it’s supposed to be a clear case when someone has the diagnosis of chronic beryllium disease, and not only in Janine’s case but also--

Mr. TURCIC: See, that’s where you’re wrong, Laura--that’s where you’re wrong. That’s where you don’t understand the program.

Ms. FRANK: Well, please explain.

Mr. TURCIC: In Part B--in Part B, it is not a diagnosis. Congress listed out specific criteria, not a diagnosis of chronic beryllium disease. It’s the specific criteria that has to be met and that’s what we look for.

Ms. FRANK: Are you talking about the pre-1993 criteria?

Mr. TURCIC: No, I’m talking about the criteria in the act.

Ms. FRANK: For beryllium disease.

Mr. TURCIC: For beryllium disease. It is not a dia--it does not require a diagnosis.

BANKS: Let me ask Janine.

Janine, has this explained to you--does this--

Ms. ANDERSON: Let--let me speak to what Mr. Turcic said. He is very correct in the fact that I was not--I was diagnosed with beryllium sensitivity in 1998. In 2001, I filed a claim at the resource center in Oak Ridge for beryllium sensitivity along with a long list of other conditions for heavy metal toxicity. I did not just go in and file for CBD because I was not diagnosed with chronic beryllium disease until November of 2003.

And they did very quickly turn my CBD claim around, and, I believe, in January of 2004 I was paid \$150,000 lump sum along with the medical benefits. Now, we still at that point, had a very long list of other conditions that were connected by over 4,000 pages of medical documentation to heavy metal toxicity. And it took from 2001 until 2007--in January of 2007--when DOL came in and denied all of my other conditions, including my liver condition.

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In 2003, I had grapefruit-sized hemangioma and a fifth of my liver removed at the Duke University Hospital in North Carolina. So in January of 2007 they did deny all of my conditions. And I want to speak as to the reason these conditions were denied: it was because the Department of Labor, at that time, in January of 2007, did not have, what they, call the SEMs, or the site exposure matrices, available to the claims examiners or the district medical consultants to use while adjudicating these claims.

BANKS: So--

Ms. ANDERSON: I have two questions for Mr. Turcic--

BANKS: So Janine, let's get to those--let's get to one question, because we do have some other callers, and your situation is very serious, and we take it very much so, but we want to hear from other people, so if you can give us your one question for Peter.

Ms. ANDERSON: OK. It involves the SEMs. I have a question as to how could thousands of claims been adjudicated by claims examiners (sic) and district medical consultants across the country without having anything like the SEMs for them to look at to see what contaminants the workers were actually exposed to, and also I feel that any claim that was adjudicated prior to the SEMs being available while adjudicating these claims, that those claims need to be remanded back to their respective district claims offices for a rework.

BANKS: OK. Let's let Peter answer that. And Janine, thank you for joining us this evening. Thanks for being part of The Rocky Mountain News report.

Mr. TURCIC: Janine, that's a very good point and I appreciate you asking that question because there is a lot of confusion on that.

Prior to the SEM, the site exposure matrix, being completed we had a process where we would go on a case-specific process to the Department of Energy and request exposure information. And that's the reason we developed the SEM, was rather than reinventing the wheel, as we got that data--and again, we got the program in 2005, and the SEM just started being robust, as it is now, in the early 2007 timeframe that Janine is talking about.

One of the things that we have done, and the point that Janine made, one of the things that we have done and a process that we have ongoing, is that we now are looking at what was in SEM at different timeframes. And this is going live, we had to develop the software and everything to do this, it's going live in September. And we'll be able to tell based on when a claim was adjudicated what was added to SEM since then and be able to look and then see, 'OK, these materials were added. Here's what they're linked to. Now go look at any case that may have been denied that is claiming that condition that now there's something in SEM that shows it may be related' and to re-evaluate that case.

Mr. WOLF: But that changed a lot because I have got a gioblast (sic) and I'm still not getting my...

BANKS: Compensation.

Mr. WOLF: ...Part B. And they're not even looking at things like that. They're not looking at that stuff. And in fact the last one people cut it in half, where I was last time. There is things (sic) to look at, when you look at the stuff right now that people has around facilities (sic) you can see inside those facilities that'll get a lot worse. It does not do that right now.

Mr. TURCIC: And Charlie's right--

Mr. WOLF: It does not look at that--

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Mr. TURCIC: Can I address? As you--as you know that you were approved under Part E based on information that we worked with you, and information that we--that our medical consultants were able to put together and come up with--with why you were exposed to a toxic.

You're absolutely right. Under Part B the radiation cancers is NIOSH. You know, the way Congress established the program the only way under Part B to get a radiation cancer approved is either to be part of a Special Exposure Cohort or to go through a dose reconstruction process.

Now, the dose reconstruction process is NIOSH estimating what dose an individual may have been of radiation that an individual may have been exposed to. Unfortunately, you know, it's too bad, you know, that NIOSH was not part of this panel because that is a very integral part of the Part B, you know, relative to cancer.

So, as in Charlie's case, under Part B we can only look at cancer based on radiation. NIOSH did a dose reconstruction, it came out less than 50 percent, unfortunately. However, we didn't stop and when we looked at Charlie's case under--for a toxic exposure, and then when Charlie had some experts give some information to us that our toxicology--our toxicologist and our medical consultant look at, they were able to come up and say that there were exposures that Charlie was exposed to that then acted as a promoter with the radiation that caused or contributed to his cancer.

And--but under the dose reconstruction process--and again, it's very complicated--there has been about 200 brain cancer cases adjudicated under dose reconstruction and not one of them have come out over 50 percent. But that's the process that--established by NIOSH, and that's the process that we are tied to in Part B.

BANKS: Let's get to some more calls. We also have Terrie Barrie on the phone with us. She and her husband were also featured in the video you saw. Terrie is the wife of George Barrie and also helped form the Alliance of Nuclear Worker Advocacy Groups.

Terrie, thanks for your patience. Thanks for holding on. If you can--Terrie?

Ms. BARRIE: Yes.

BANKS: Thanks so much for holding. Could you--we have a lot of calls waiting, as you can well imagine, a lot of emotion involved in this conversation; one question that you'd like to ask Peter this evening?

Ms. BARRIE: I--I didn't hear that question, Tamara.

BANKS: One question that you would like to ask Peter this evening, as a representative of the Department of Labor.

Ms. BARRIE: OK, well first of all, I would like to agree with Mr. Turcic that people should not be deterred from filing claims because of the series--the special report by Laura Frank, or the television station--but they need to be forewarned that it is a long and arduous process, and it's very time consuming.

My question to Mr. Turcic, I really can't talk too much about my husband's claim because it is before a Federal Court. George needed to file a complaint against DOL in Federal Court pro se and he doesn't want the case tried in the press. But I think I can make this comment safely.

Shelby Hallmark and all of DOL consistently say that they run this program in a fair and consistent manner. The Rocky Mountain News reported that DOL reopened a dozen or so claims for the Hanford facility after a federal lawsuit was filed there. DOL did the same thing to a claimant from the Coors

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Ceramics up in Golden. DOL did not reopen George's claim when he filed federal lawsuit (sic).

I know of a couple of claims that were reopened because decisions were made before the SEM was available for that site. George's claim was not reopened when the Rocky Flats SEM was available to the medical--district medical consultant. DOL did not reopen his claim--well, I'm sorry about that.

And I also know of workers, Janine Anderson is one of them, who were approved for diseases very similar to George's because they were "around" the toxic exposure.

BANKS: Right.

Ms. BARRIE: OK? I have no doubt whatsoever that their exposure resulted in the diseases. My husband was a journeyman machinist and he worked on the actual materials--the plutonium, beryllium, uranium--

BANKS: Terrie, I don't mean to cut you off, Terrie, but let me--let's get to the question real quickly because we still have--

Ms. BARRIE: OK, I would like Mr. Turcic to explain how DOL feels they have treated my husband's claim in a fair and consistent manner.

Mr. TURCIC: I'm really limited when--when--once a case goes to the federal district court. It's really--there are issues between, you know, the plaintiff's attorneys and the justice department, and so I'm really limited on what I can say on that particular case.

BANKS: Can you talk overall though...

Mr. TURCIC: In general?

BANKS: ...in general, about the cause...

Mr. TURCIC: Sure.

BANKS: ...not just the people we saw on the video and the callers...

Mr. TURCIC: Sure.

BANKS: ...but just how people are being treated--or their perception anyway.

Mr. TURCIC: Well, we hope and we strive to have our claims examiners and our whole staff to be as compassionate as possible. These claims examiners are very, very dedicated to their job. These individuals are really sick.

You know, this is a population where there is a lot of illness, and our claims examiners know that. And it's--it's--the toughest part of this job is when you have an individual who has an illness and you're trying to fit them into the criteria and fit them so that you can say yes and make a payment. But sometimes you're not able to do that. And it's very hard because they are ill. And it's very hard to explain that to them. We try, and we try to give them all the assistance we can.

BANKS: Terrie, thanks for your call and thanks for being a part of this story.

Laura, did you want to comment on that?

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Ms. FRANK: Well, I maybe wanted to go back to the SEM--Terrie said something about, and maybe it would help your viewers if we explained what this site exposure matrix is, and please jump in if you want to add anything. It's--I'm going to have two parts.

Each site, and there were more than 300 of them around the country, has an analysis that's been done--

Mr. TURCIC: Only the DOE sites, not the AWEs.

Ms. FRANK: Not the early AWE--the atomic--

Mr. TURCIC: Not any AWEs. They're not covered under Part E.

Ms. FRANK: And so they--they have a list of toxic substances that DOL has confirmed were present at the site. And then the other half of it is diseases that DOL has determined are scientifically linked to specific substances.

Mr. TURCIC: That's--that's incorrect.

Ms. FRANK: OK.

Mr. TURCIC: The--what we use is the National Library of Medicine has a relational database called HazMap and this relational database has a lot of information relative to various illnesses and what the literature has identified as having been linked to or associated with. We use that system in order to identify what illnesses.

And then again, that's only--it's only used for--it's not used as a decision tool, and I don't think that comes out in the articles. It's not a decision tool.

BANKS: Are you saying it's just one tool that is--

Mr. TURCIC: That's exactly right.

Ms. FRANK: OK.

Mr. TURCIC: It's a reference for our claims examiners.

Ms. FRANK: I think that we are clear that when somebody can--

Mr. TURCIC: They aren't claiming--excuse me, Laura, could I finish?

Ms. FRANK: Please.

Mr. TURCIC: You asked me to explain, could I please finish?

Our claims examiners, the way they start looking is we get the--the illness that an individual is claiming, then we start looking and say, 'What have we identified that there may be a link to?' Various chemicals.

Ms. FRANK: OK.

Mr. TURCIC: Then that ties into the site exposure matrix, saying, 'Were these chemicals identified at this site?'

Ms. FRANK: OK.

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Mr. TURCIC: And that's how they go about adjudicating.

Mr. WOLF: Look, in our place, Rocky Flats, that there are at least six people that--brain tumors, OK.

Mr. TURIC: I understand.

Mr. WOLF: And that doesn't--even more show up and you guys don't show that off for people that it's there and the same. If you saw that many people in Rocky Flats with that many people, there's something wrong.

And Dr. Breckenburg, when he went looking for that, he could find areas that were--every lower areas of stuff that every and every year.

Nobody even looks at mine that way and that's what I've got.

Mr. TURCIC: But you know, Charlie, I wish we could look at clusters, but under Part B we have no choice.

BANKS: So, the system isn't set up to look at--at that--groups of people.

Mr. TURCIC: Correct. But the system is set up is we have to go through the NIOSH process of dose reconstruction and then Congress specified that we would use--that NIOSH would use the radio epidemiological tables established by the American Cancer Institute.

BANKS: OK.

Mr. TURCIC: So, we can't. It makes sense, but we cannot do that. The law ties our hands.

BANKS: Before we run out of time and talk about solutions, Greg, I'll bring you into the conversation in just a moment, but we want to take another look at video of The Rocky Mountain News "Deadly Denial" report gave us.

Let's take a look.

(Begin excerpt)

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Rocky Mountain News Deadly Denial
Day 2

Longmont, Colorado, June 2008

Ms. DEE HASENKAMP (Widow Claimant): When they ran a lot more tests on him and come back and asked me if I realized that he had several broken vertebrae in his back, that the cancer had got into his bones.

We had this agreement that we were going to beat this thing, then he saw me crying when he woke up and so I told him what was wrong and he says, 'It's spread, hasn't it.' And I said, 'Yes, it's in your bones. You've got some broken vertebrae and they said suspect it's in your liver. And when you can't take it any longer, it's OK to let go.'

And he said to me 'I'm not ready to leave you, I'm not going to do that.' And I said, 'Good, because I don't want you to. I want you with me. We had been together for a long time.'

He died August 14th last year.

Mr. CHARLIE WOLF (Project Manager, Rocky Flats): 'And I don't have much time,' he says. He goes, 'But your--Charlie, I've seen this guy still be there, he goes through four or five times and he should already be dead and I'm still there.'

My name is Charlie Wolf and I worked as the project manager at Rocky Flats. We were coming in as the ones to clean it up.

(Graphic on screen)

Rocky Flats Nuclear Weapons Plant 1995

Mr. WOLF: And this showed that I had chemicals, had also video of a thing I was also involved with all the chemicals, was plutonium involved.

There was a lot of tumors where I worked. There's five of them that we know of people. And getting glioblastoma form do not often--don't show up.

I've been fighting the glioblastoma form coming up on six years and its back again. If it gets a little bit better, I'll be able to speak. And I can do every information. I've known my life is still here.

Unidentified Reporter: Charlie Wolf has had plenty of help, a lawyer, a doctor, a scientist, his Congressman, even his health insurance company has weighed in on his behalf, but it hasn't been enough. His fight for full compensation, like the fight for his life, continues.

Ms. HASENBECK: I've been asked what kind of chemicals he worked with, what kind of gloves he wore, what kind of masks he wore, the buildings he worked in, all the things that he was never allowed to tell me.

I had said accidentally adrenal carcinoma of the lung and it's adema carcinoma, I had put an 'R' in it. And I got a letter stating that there was no such thing and what was I talked about. But it just seems like there's more hurdles than help.

Mr. WOLF: A lot of the workers have given up. They've tried to work many times to get things fixed.

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Like I said, I had to go through I think it was four or five times. I may not be able to say a lot of this stuff correctly, but you could see what kind of passion I have here. I'm trying to help everybody else.

Mr. LAWRENCE SMITH (Office of Public Affairs, Department of Labor): (On answering machine) Hi. You've reached Lawrence Smith in the Office of at the Department of labor. Please leave a message at the tone and I'll get back to you as soon as possible.

(Graphic on screen)

Story by Laura Frank

Ms. FRANK: Hi, Loren. This is Laura Frank from The Rocky Mountain News. It is Monday morning, June 15th just before 8:30 Denver time. It's been three weeks since we requested an interview with Mr. Hallmark, so I'm checking back again. He did respond last week with an email--

(Graphics on screen)

Story by Laura Frank
Photography and Production by Javier Monzano
Archival photographs courtesy of the Department of Energy
Rocky Flats interior photographs by Rocky Mountain News staff
George Kocharwec, Jr.
Steven R. Nickerson

(End expert)

BANKS: Greg, I want to bring you into this conversation. You are the founding member of the Cold War Patriot Advisory Committee.

We've been talking a lot about the problems the former workers have had and with the illnesses, as well as getting their compensation and just as The Rocky Mountain News getting a return call.

Tell me what your organization does in helping these victims.

Mr. AUSTIN: Right. Well, what we found is that there's a great deal of frustration among this community of workers and I think you can tell from the conversation here it's a very complicated program. And so, many people, whether they get approved or not, walk away highly frustrated.

And it doesn't end when they get their compensation. There's a lot of frustration about getting the ongoing medical benefits, whether its getting doctors' bills paid or pharmacy bills paid.

And so what we're trying to do at Cold War Patriots is fill in the gaps for--with resources to help people, whether they're filing their initial claim or they have been denied for a claim.

You know, you heard Janine about it and Terry talk about it. I think it's been a full-time job for these people to get their claims approved, 400, 600 pages of documentation. For the average person who is sick and ill, the program is just overwhelming. And unfortunately, I don't think most workers walk away from it thinking that it was claimant-friendly. And I think that's the core issue. I don't think anybody disagrees that it's a complicated program.

BANKS: Well, as you might imagine, we have a lot of folks on the phone now wanting to talk to us.

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Ann Block is calling from Seattle.

And Ann, thank you so much for being with us. She's a former Department of Labor examiner and is also an attorney.

Ann, what is your question or comment this evening coming from your perspective?

Ms. ANN BLOCK (Caller): From my perspective is we have a serious problem inside this program and its really based upon the upward management level of the Department of Labor, people like Sylvia Hallmark. Peter Turcic, who just recently resigned his position. I believe it's effective at the hands of (unintelligible). I'm sure Mr. Turcic could enlighten us about that.

BANKS: OK.

Ms. BLOCK: But basically what we have is we have a district director and an assistant district director more interested in processing these claims and having the numbers look good for the rest of the country. In other words, they want to process these claims, they are giving orders to deny these claims arbitrarily and examiners are listening to this.

BANKS: So you're saying they are actually being given orders to deny the claims?

Ms. BLOCK: Yeah. A great example is why at the end of the fiscal year of 2007 did the Assistant District Director Tracy Johnson call a meeting of claims examiners and basically told all claims examiners I want four recommended denials a day. It felt like I was attending a football game or a pep rally. And basically told every examiner I want four recommended denials a day and I know that 99.9 percent of these claims that are backlogged are denials.

Well, unfortunately for the assistant district director, I don't know those are denials until I ask to review the files. I'm not sure how she could have known that, over 200 cases on backlog. But that's exactly the type of attitude.

This program is not client-friendly. These people are more interested in keeping their jobs than helping the claimants. The Congress designed this program to help.

BANKS: Well, let me give Peter a chance to respond to that.

Mr. TURCIC: Well, I think in Laura's article she interviewed another former claims examiner that said that no such orders were ever given.

I am limited what I can say about Ann because there is some ongoing litigation that she has with some employment issues.

Ms. FRANK: I think you're referring to someone who is from the Denver office.

Mr. TURCIC: Correct.

Ms. FRANK: The Denver office has a much different rate of approval of claims than the Seattle office also.

Mr. TURCIC: I have--I looked into those types of allegations and I could find nothing to verify that. And in fact, the Inspector General is currently looking at it and I would just suggest that we wait until the Inspector General comes out, is investigating Ann's comments and see where it goes.

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BANKS: OK. Ann, thanks for your insight. I appreciate your calling us this evening.

Let's take another call here.

Don? Good evening, Don.

DON (Caller): Hello.

BANKS: Hello, Don. Hi. Can you give us your question or comment this evening? Thanks for being patient.

DON: Yes. To whom am I speaking?

BANKS: This is--I'm Tamara.

DON: Tamara.

BANKS: Yes.

DON: I would like to, if I may, address a question if she's available to hear me, Laura Frank.

BANKS: She absolutely is.

Ms. FRANK: I can. OK, go ahead.

DON: Yes. Ms. Frank?

Ms. FRANK: Yes.

DON: Yes. My name is Don Landers and I had enjoyed your series last week in the news on the "Deadly Denial" and it was extremely intelligent, very provocative.

I had called you twice and left a message on your message machine because I felt that I had some information that would be an interesting postscript to your series. And you did not return my call.

BANKS: Well, you have an opportunity now. Could you give us your question?

DON: Yes. Is this Laura?

Ms. FRANK: That was Tamara. This is Laura and I'm sorry. I have quite a few calls and emails that I have not yet been able to return, Don.

DON: I'll try to be brief because the individual who I spoke to me as I called in indicated that time was limited.

But I had been involved in a lawsuit back in, I believe it was '85, '86, that involved the safety violations that my own company that I was president of had violated dramatically. I was unaware of it until I did--was informed of safety violations going to the Rocky Flats plants in nuclear glove boxes which we manufactured at Savannah River at the time. And then previous to that to Kerr-McGee in Oklahoma.

Hey, I was--hello?

BANKS: Go ahead, Don. Can you get to your questions?

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DON: I was aware of these allegations only after I discovered really by accident and became involved in this lawsuit and was eventually terminated. I went to court with this, won my court trial--

BANKS: Don, Don--it's Tamara. Can you get to your question?

DON: Yeah, my question--

BANKS: Thank you.

DON: Well, first of all, I was curious if she didn't have any interest in a postscript, but my point is that the Department of Energy and the Department of Labor did not follow up on any of this, even though these were serious safety violations.

And I thought my question to her would have been on the phone did she follow up to see if any of the employees in Savannah River suffered any nuclear damage, etc.

BANKS: That's a good question, Don. Thank you. We'll let Laura answer.

Ms. FRANK: I can tell you, Don, that there have been claimants from every state in the nation. So, certainly there are claimants from Savannah River. Off the top of my head, I don't know how many there are.

But yes, there are--it was a significant site and there were quite a few claims from there. Yes.

And again, I apologize for not getting back. We were literally inundated with emails and calls from across the country. In fact, I told my editor we could essentially write the same series over, but use different people in the same examples--

BANKS: In different cities--

Ms. FRANK: Advocates who had strange things happen in their cases, widows like Dee Hasenkemp, who we just saw, who were asked to try to answer questions about top secret things that they're spouses did.

Mr. TURCIC: Laura, would you give me a list of the strange things that you talk about in your article because I would love to investigate every one of these strange events. You refer to strange things happen, but you gave no specifics.

Ms. FRANK: Well, I did, actually. In each of the cases of the advocates on the first state, Terry Berry, who we just heard from, found letters in George's file when they filed a Freedom of Information Request to obtain George's file. And I think it was maybe something like 4,000 pages that they received.

And in there were letters that Terry had written on behalf of the organization that she helped head that had nothing to do with the case.

Mr. TURCIC: And she wasn't--she wasn't writing as--she is George's--

Ms. FRANK: No, no, she--

Mr. TURCIC: She is George's authorized...

Ms. FRANK: She was acting as the head of....

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Mr. TURCIC: ...representative.

Ms. FRANK: Yes, that's right. But these were not letters that were submitted.

Mr. TURCIC: And you were critical of us if the authorized representative submitted information and we didn't put it in the case file.

Ms. FRANK: These were letters that Terry had written on behalf of the compensation program that had nothing to do with George's case file. They were letters--

Mr. TURCIC: She's the authorized representative of George.

Ms. FRANK: ...to government officials and so they had nothing to do with George's case file.

Mr. TURCIC: So, what is strange about that?

Ms. FRANK: And Janine Anderson--

BANKS: Let me--let me not get sidetracked on one case.

Let me get another call in here from Dr. Merritt.

Good evening, Dr. Merritt.

Dr. MAUREEN MERRITT (Caller): Hello.

BANKS: Yes, good evening.

Dr. MERRITT: Good evening. Hello, Mr. Turcic.

Mr. TURCIC: Yes.

Dr. MERRITT: This is Dr. Maureen Merritt.

Mr. TURCIC: H0w you doing?

Dr. MERRITT: Good, thanks. I'm the founder of New Mexico Alliance for Nuclear Workers Advocates out here in Los Alamos County and we just have two short questions for you this evening.

Mr. TURCIC: OK.

Dr. MERRITT: One is are you aware there is a strong groundswell of claimant advocate activity out here across the United States aimed at correcting what we perceive as the egregious wrongs of your program of the last seven years?

Mr. TURCIC: What would that be? Which aspect?

Dr. MERRITT: Well--

Mr. TURCIC: Don't you--

Dr. MERRITT: As Laura said, it's a complicated program and I don't have a laundry list in front of me...

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Mr. TURCIC: Oh, OK.

Dr. MERRITT: ...but I think that's been documented already.

Mr. TURCIC: OK.

Dr. MERRITT: The second part is, number two, in light of number one, what is the one piece of advice you would give your successor now that we understand you're stepping down as Director of the EEOICPA.

Mr. TURCIC: I'm retiring, yes.

Dr. MERRITT: OK. OK. You're making the distinction between retiring and--

BANKS: He's not going to be holding that job anymore is the bottom line, right.

Dr. MERRITT: Which is the bottom line, right.

BANKS: Doctor, thanks for your--

Dr. MERRITT: And these are not rhetorical questions. We, too, would like to have you, you know, respond.

Mr. TURCIC: Well, I believe that the most significant complaint that gets to me involves either the dose reconstruction process or the process of evaluating to add new special exposure cohorts.

And I was explaining to Charlie and I understand the frustration there, that our hands are tied as long as Part B requires the use of dose reconstruction or special exposure code work. That's the only way you can get radiation cancer approvals under Part B.

It may be time for Congress to look at a new--a different approach and an approach that wouldn't require dose reconstruction, wouldn't require, you know, an evaluation for a special exposure code work or wouldn't require all of the oversight and delays that are associated with the, you know, the advisory board and that whole process.

Dr. MERRITT: Can I--can I recharacterize or at least summarize what you just said, which is one of the things that we have been working on in terms of looking for Congressional reforms to this program.

I believe I hear you saying that your--we would like to scrap at least 50 percent or 60 percent of what the program says currently, which is to say the dose reconstruction portion of it in the SCCs, complicated as they are, and do a more simple form where people are compensated across the board.

Would that be safe to say?

Mr. TURCIC: That would be--yeah, that's safe to say.

Dr. MERRITT: OK.

Mr. TURCIC: But again, I just want to say that that is my opinion and not the opinion of the US Department of Labor.

Dr. MERRITT: I understand but I'm very--

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Mr. TURCIC: And that's what you asked me for.

BANKS: But she wants a bottom line answer.

Mr. TURCIC: That's what you asked me for, so that's what I'm giving you.

BANKS: Dr. Merritt, thank you so much for your call.

Dr. MERRITT: Thank you.

BANKS: You bet.

Patty--let's take another call from Patty.

PATTY (Caller): Hi.

BANKS: Good evening. What's your question or comment this evening?

PATTY: Well, good evening. Mr. Turcic, good evening.

Mr. TURCIC: Good evening.

PATTY: Miss you up in Pennsylvania.

Mr. TURCIC: Yes, how are you doing?

PATTY: I'm still vertical sucking air on my own.

BANKS: What's your question tonight?

PATTY: And just (inaudible). I want to thank you for doing this. I've been in the trenches here for 20 years for two AWE sites.

Mr. TURCIC: Uh-huh.

PATTY: And just got awarded the special code word.

What I'd like to know, Mr. Turcic...

Mr. TURCIC: Yes?

PATTY: ...is how again did the Department of Labor rationalize the clear discrimination in the amount of compensation awards between the DOE site and the AWE sites, i.e., the AWE sites gets clearly just \$150,000 period in the report in the medical benefits while the DOE sites can get up to \$400,000.

Mr. TURCIC: Correct.

PATTY: And in knowing you acknowledge that you know that there are several shortcomings to this and you just mentioned that maybe its time for Congress to do something different.

My question to you, sir, is have you gone to Congress to ask for an expansion of this act and if you have not as of yet will you do it before you go?

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BANKS: Patty, thanks for your--I'm going to let you go, Patty. We've got to wrap this up here.

If you can answer that in 30 seconds.

Mr. TURCIC: It's above my pay grade.

BANKS: For final comments, let me start with you, Laura. We're talking about your report and you certainly raised the level of dialogue on this issue.

Any final comments?

Ms. FRANK: Well, I think that we will be seeing some changes. I'm reporting in the paper tomorrow that Congressman Udall and Congressman Perlmutter are going to call for a GAO investigation into some of the issues that we raised. So, I think it's probably something that will--an issue that will be around for awhile.

BANKS: Great. Charlie?

Mr. WOLF: It's the same thing. Those guys they make 5,000 pages to do one thing.

BANKS: To do one thing.

Mr. WOLF: Every time. And it's very, very difficult to do that.

And the first thing he first said is that at the end here you've got a chance for people, because half these people are giving up because they can't survive, they can't do all of this information and...

BANKS: It's a lot of work for one person.

Mr. WOLF: ...a lot of people die than do anything else. But that's the first time I said anybody like that that's in (unintelligible).

BANKS: Greg.

Mr. AUSTIN: The Cold War Patriot members would be very supportive of some congressional changes and I urge Mr. Turcic in his final days before retirement, and hopefully each predecessor, I hope they will help create an environment within the Department of Labor that is more claimant friendly because I think that's the--we've got a lot of discussion tonight about a lot technicalities that highlights the complexities of the program.

BANKS: Very complex.

Mr. AUSTIN: But got a little lost as to how friendly the process is to the ill workers.

BANKS: There is some help out there.

That's all the time we have. We could go on for another hour talking about this.

For all of us here at STUDIO 12, I'm Tamara Banks. Thanks for joining us.

Good night.

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