



Chronic Beryllium Disease & Beryllium Sensitivity

Under the Energy Employees
Occupational Illness
Compensation Program Act
(EEOICPA)

We're here to help!

If you have any additional questions, please contact
your nearest Resource Center or contact the nearest
DOL district office by calling:

1-866-888-3322



U.S. DEPARTMENT OF LABOR
Employment Standards Administration
Office of Workers' Compensation Programs
Division of Energy Employees
Occupational Illness Compensation

Beryllium Diseases and the EEOICPA

The Energy Employees Occupational Illness Compensation Program Act (EEOICPA) provides compensation and medical benefits to employees of the Department of Energy (DOE), its predecessor agencies, its contractors and subcontractors, Section 5 Radiation Exposure Compensation Act (RECA) uranium workers, and Beryllium Vendor employees, who contracted beryllium illness as a result of covered employment. The EEOICPA is divided into two parts, B and E. Parts B and E are separate programs with unique criteria for establishing positive claims.

⇒ Who is eligible for benefits?

- Under Part B of the EEOICPA, an employee (or their eligible survivor) may be entitled to benefits if the employee was employed by the DOE, certain DOE contractors or subcontractors, or a designated beryllium vendor and if the employee was exposed to beryllium at a covered DOE facility or at a facility owned, operated or occupied by a beryllium vendor.
- Under Part E of the EEOICPA, benefits are extended to those employees (or their eligible survivors) who were employed with a DOE contractor or subcontractor and whose beryllium disease was the result of their exposure to a toxic substance at a covered DOE facility.
- Employees of beryllium vendors are not eligible for benefits under Part E of the EEOICPA.
- Under Part E of the EEOICPA, uranium miners, millers, and ore transporters as defined under Section 5 of RECA administered by the Department of Justice may be eligible for benefits.

Who are eligible survivors under Part B?

- **Spouse:** married to the covered employee for at least one year immediately prior to the date of the employee's death.
- **Children:** If no surviving spouse, a child, regardless of age, is eligible for compensation if the parent was an eligible employee.
- **Additional Survivors:** If no surviving spouse or children, in order of precedence: parents, grandchildren, grandparents.

Who are eligible survivors under Part E?

If the employee's death was caused, contributed to, or aggravated by Chronic Beryllium Disease, then the eligible survivors include:

- **Spouse:** married to the covered employee for at least one year immediately prior to the date of the employee's death.
- **Children:** If no surviving spouse, a child is eligible for compensation if at the time of the employee's death the child was:
 - Under the age of 18,
 - Under the age of 23 and a full-time student, continuously enrolled in an educational institution since age 18, or
 - Any age, if incapable of self support.

Establishing Exposure to Beryllium

To establish exposure to beryllium in the performance of duty, the employee must have been employed during a period when beryllium dust particles or fumes may have been present at a covered facility.

⇒ What is Beryllium Sensitivity?

Beryllium Sensitivity is an immune system allergic reaction to the presence of beryllium in the body as the result of inhaling beryllium dust particles or fumes.

⇒ Eligibility Criteria for Beryllium Sensitivity under both Parts B & E:

The medical evidence required to support a diagnosis of Beryllium Sensitivity under both Parts B & E consists of the following:

- Abnormal Beryllium Lymphocyte Proliferation Test (BeLPT), or
- Abnormal Beryllium Lymphocyte Transformation Test (BeLTT) that was performed on either blood or lung lavage cells.

⇒ What is Chronic Beryllium Disease (CBD)?

CBD is a progressive loss of lung function as a result of inhaling beryllium dust particles or fumes.

⇒ Eligibility Criteria for CBD under Part B:

The medical evidence required to support a diagnosis of CBD under Part B differs based on the date of diagnosis:

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If CBD was diagnosed on or after January 1, 1993, the medical documentation must include one abnormal beryllium lymphocyte proliferation test (BeLPT) or one abnormal beryllium lymphocyte transformation test (BeLTT) performed on either blood or lung lavage cells, together with lung pathology consistent with CBD and include one or more of the following:

- A lung biopsy showing granulomas or a lymphocytic process consistent with CBD;
- A Computerized Axial Tomography (CAT) scan showing changes consistent with CBD;
- A pulmonary function study or exercise tolerance test showing pulmonary deficits consistent with CBD.

If CBD was diagnosed before January 1, 1993, the medical documentation must include a history or epidemiological evidence of exposure to beryllium and at least three of the following criteria:

- Characteristic chest X-ray or computed tomography (CT) abnormalities;
- Restrictive or obstructive lung physiology testing or diffusing lung capacity defect;
- Lung pathology consistent with CBD;
- Clinical course consistent with a chronic respiratory disorder;
- Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test preferred).

Living employees must always meet the post January 1, 1993 standard.

The totality of the medical evidence submitted will be examined in order to determine if a diagnosis of pre or post January 1, 1993 CBD is met.

The eligibility criteria defined under Part B does not apply to the evaluation of CBD claims under Part E. However, if CBD is established under Part B, it is automatically established under Part E.

⇒ **Eligibility Criteria under Part E:**

The medical evidence required to support a diagnosis of CBD under Part E consists of the following:

- A diagnosis of CBD provided by a qualified physician.
- A qualified treating physician's opinion finds that it is "at least as likely as not" that exposure to beryllium was a significant factor in causing, contributing to, or aggravating the employee's CBD.

⇒ **What are the Benefits under Part B?**

- Medical Monitoring for **employees** diagnosed with **beryllium sensitivity**. Employees diagnosed with beryllium sensitivity do not receive a lump sum payment.
- A lump sum payment of \$150,000 for employees diagnosed with CBD and payment of their medical expenses from the filing date of their claim, but no earlier than July 31, 2001.
- Eligible survivors may receive a lump sum payment of \$150,000.

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⇒ What are the Benefits under Part E?

For illnesses determined to have resulted from exposure to a toxic substance at a covered DOE facility:

- Employees diagnosed with CBD receive payment of their medical expenses from the filing date of their claim, but no earlier than October 30, 2000.
- Employees may also be entitled to payments based on the level of their impairment and/or years of qualifying wage-loss up to a maximum of \$250,000.
- Eligible survivors may receive a lump sum payment of \$125,000.
- Eligible survivors may also be entitled to additional compensation for the employee's wage loss.

We're here to help!

If you have any questions, please contact your nearest Resource Center at:

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Denver Resource Center

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Hanford Resource Center

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Idaho Falls Resource Center

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