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## FAX TRANSMISSION

TO: Mr. Paul Ziemer

OF: NIOSH - Advisory Board on Radiation +  
Worker Health

FAX: (513) 533-6826

FROM: Sen. Schumer's DC office

PAGES: 3 (w/ cover)

DATE: 6/21/07

COMMENTS:

Staff contact:

Sarah Birmingham  
(202) 224-6542 (o)  
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Thank you.

# United States Senate

WASHINGTON, DC 20510

June 21, 2007

Mr. Paul L. Ziemer  
Chairman, Advisory Board on Radiation and Worker Health  
National Institute of Occupational Safety and Health  
Office of Compensation, Analysis, and Support  
4676 Columbia Parkway, MS C-46  
Cincinnati, OH 45226

Dear Mr. Ziemer:

I am writing to ask that when the Advisory Board on Radiation and Worker Health convenes next month, it rule that the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) not use proxy data in reconstructing doses. Instead, I urge you to declare a Special Exposure Cohort (SEC) for employees whose doses would have to be reconstructed with approximated data. Using proxy data has proven inaccurate, and many men and women have been denied compensation for their cancers when the government cannot be sufficiently certain that it is not the cause. The practice of using other facilities' information when reconstructing doses simply punishes nuclear workers for the government's errors.

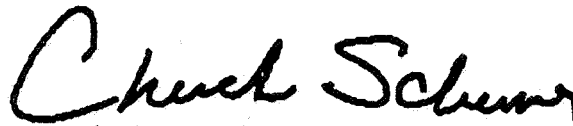
I have requested in the past that you approve the pending SEC application for the employees of Bethlehem Steel, and I ask that if you cannot abolish the use of proxy data in all cases, you at least declare an SEC in the most extreme cases, such as that of Bethlehem Steel. The National Institute of Occupational Health and Safety (NIOSH) has long known that the data for exposure of Bethlehem Steel's former employees are inadequate. The agency has made a good-faith effort to do accurate dose reconstructions using the proxy of Simonds Saw and Steel Company in Lockport, NY. However, the Simonds data cannot provide a sufficiently accurate approximation of the conditions at Bethlehem Steel. The Bethlehem records do not include workers' length of employment, their locations in the mill, or their duties, let alone details such as the radiation levels in various parts of the plant, the level of uranium powder in the air, or any other critical metrics that are necessary for a valid dose reconstruction. Accurately replicating all of these factors by using the conditions at Simonds is not possible.

In light of last Tuesday's ruling to create an SEC for employees of the Rocky Flats facility in Colorado, I respectfully request that you make the same classification for all men and women who have been exposed to unknowable conditions. Tuesday's ruling was a very good decision, and the time has come for NIOSH do the same for Bethlehem workers.

In fact, there is even more cause to create an SEC for Bethlehem workers. Whereas the employees at Rocky Flats were granted an SEC because of incomplete figures regarding their exposure to neutrons, all of the information regarding exposure of every type and length and intensity is absent for Bethlehem Steel's employees. If Rocky Flats merits an SEC, Bethlehem Steel most certainly does.

I urge you to apply that same rationale for an SEC for all of the ill and aging former employees of the Department of Energy. I appreciate your timely attention to this urgent matter and I look forward to your written response. If you have any questions, please do not hesitate to contact my staff, Sarah Bermingham, at (202) 224-6542.

Sincerely,

A handwritten signature in cursive script that reads "Chuck Schumer". The signature is written in dark ink and is positioned above the printed name.

Charles E. Schumer