



## ADVISORY BOARD ON RADIATION AND WORKER HEALTH

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The Honorable Tommy Thompson  
Secretary  
Department of Health and Human Services  
200 Independence Ave,  
Washington, DC 20201

Dear Secretary Thompson:

The Advisory Board on Radiation and Worker Health wishes to express its concern about the timeliness in issuing the Final Procedures for Designating Classes of Employees as Members of the Special Exposure Cohort (42 CFR Part 83). This rule is required pursuant to the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

The EEOICPA provides:

“...members of a class of employees at a Department of Energy facility, or at an atomic weapons employer facility, may be treated as members of the Special Exposure Cohort for purposes of the compensation program if the President, upon recommendation of the Advisory Board on Radiation and Worker Health, determines that –

- (1) it is not feasible to estimate with sufficient accuracy the radiation dose that the class received; and
- (2) there is a reasonable likelihood that such radiation dose may have endangered the health of members of the class.”

Section 42 USC 738(q) states that “The President shall request advice (of the ABRWH) after consideration of petitions by classes of employees ....The President shall consider such petitions pursuant to procedures established by the President.”

Procedures for Designating Classes of Employees as Members of the Special Exposure Cohort were first set forth in by HHS in a proposed

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The Honorable Tommy Thompson

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rulemaking in June 2002 with a public comment period that closed in August 2002. Revised rules were subsequently proposed in March 2003, and the comment period closed in May 2003. The Advisory Board on Radiation and Worker Health commented on both sets of proposed rules. As of February 6, 2004, a final rule has not been issued.

The Advisory Board, pursuant to EEOICPA, is charged with reviewing the scientific validity and quality of radiation dose reconstruction efforts performed by the National Institute for Occupational Safety and Health, and to advise the Secretary of Health and Human Services. In order for the Board to evaluate whether radiation dose estimates are being performed with sufficient accuracy, the Board will, in many cases, rely upon the criteria defined in this Final Rule.

Potentially eligible classes of workers have been and continue to be blocked from filing petitions to become members of the Special Exposure Cohort because these regulations have not been issued. Hence, the Board urges you to finalize the Special Exposure Cohort Rule and publish it in the Federal Register as soon as possible.

Sincerely,



Paul L. Ziemer, Ph.D.  
Chairman

Cc: Advisory Board members

