

January 23, 2008

Secretary Michael O. Leavitt
Department of Health and Human Services
200 Independence Avenue, S.W.
Washington, D.C. 20201

Dear Secretary Leavitt:

On behalf of Tri-Valley CAREs' 5,800 members, I would like to request expedited approval of the petition to add a class of workers from the Lawrence Livermore National Laboratory to the Special Exposure Cohort (SEC) under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA). Expedited approval of the Livermore Lab petition is necessary to ensure that sick workers or their survivors, many of whom have been waiting for over 6 years, will receive the compensation and medical assistance they deserve without further delay.

Tri-Valley CAREs has long advocated on behalf of sick workers. The organization was part of the original effort to enact EEOICPA, and we played a vital role in the establishment of a permanent Resource Center in Livermore, California. In addition to supporting several of our members in their SEC petitions and applications for compensation and medical assistance, Tri-Valley CAREs has submitted extensive comments on the Livermore Lab Site Profile and the Sandia-California Site Profile. Currently, I lead a support group for sick workers and their families and allies. We meet regularly to share strategies, encouragement, and updates on the program.

On January 8, 2008, the Advisory Board on Radiation and Worker Health voted unanimously to recommend adding a class of sick workers from Livermore Lab to the SEC. The proposed class includes all employees of the Department of Energy (DOE), its predecessor agencies, and DOE contractors or subcontractors who were monitored, or should have been monitored, for internal exposure to mixed fission and/or activation product radionuclides while working at the Lab. Sick workers must demonstrate that they worked at Livermore Lab for a number of work days aggregating at least 250 work days from January 1, 1950 through December 31, 1973, or in combination with work days under another class of the SEC. Workers whose jobs kept them in administrative facilities—e.g., library, cafeteria, offices—outside of radiological areas will not be included in the class.

As you are no doubt aware, final approval of the Livermore Lab SEC petition lies with you, the Secretary of Health and Human Services. Once your decision has been made, Congress will

have 30 days to reverse or expedite that determination. To date, Congress has never acted to oppose an SEC petition, and after 30 days your decision will become final.

The National Institute for Occupational Safety and Health (NIOSH) proposed adding the class of workers from Livermore Lab to the SEC. This action was the result of NIOSH's determination that it was infeasible to complete dose reconstructions for the proposed class members. While this decision is to be praised, it is unfortunate that it took NIOSH so long to realize that there were inadequate records to perform accurate dose reconstructions. During that time, a number of Tri-Valley CAREs' members were either denied compensation or passed away while awaiting a determination with regard to their applications. This situation is unacceptable and one way to partially remedy these injustices would be to expedite your approval of the Livermore Lab SEC petition.

Thank you for your consideration of this matter.

Sincerely,

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