



Tri-Valley CAREs

Sick Worker Newsletter

for former employees of
LLNL, SNL-CA, and LBNL
made ill by on the job exposure

Summer 2015

Sick Worker Support Group Meeting Announcement

Wednesday, June 10th at 12 (noon)

Livermore Public Library, Community Room A, 1188 So. Livermore Ave.

Current & former workers and their families or survivors are invited to join us. Light snacks and refreshments will be served

Please call (925) 443-7148, or email Scott Yundt at scott@trivalleycares.org for more information.

Help Expand LLNL's Special Exposure Cohort

Roughly 900 Lawrence Livermore National Lab (LLNL) workers or survivors have been approved for compensation under Part B of the Energy Employee Occupational Illness Compensation Program Act (EEOICPA). However, many advocates for sick nuclear workers, Tri-Valley CAREs included, believe that legitimate claims for benefits and compensation under EEOICPA are being denied at far too high a rate.

A majority of claims go through a "dose-reconstruction" process to establish a probability of causation that is based on inexact and incomplete science, which is fraught with inaccuracies, plagued by missing employment records and undermined with vague and incomplete job descriptions. As a result, only 30% of the Livermore Lab employee claims that go through the dose reconstruction process are eventually approved.

There is another way. EEOICPA provides that certain classes of claimants are exempt from the dose reconstruction requirement. They are called Special Exposure Cohorts (SEC). SECs allow for automatic approval for employees from specific facilities (or even buildings) during a specific time frame who have one or more of 22 possible cancers that the Department of Labor lists as radiogenic.

Currently, to qualify for compensation and benefits as a member of the LLNL SEC, one must be either a Department of Energy employee (or an employee of its predecessor agencies) or a Department of Energy contractor or subcontractor who worked at the Lawrence Livermore National Laboratory from January 1, 1950 through December 31, 1973 for at least 250 work days (a working year) who has developed one of the 22 eligible cancers.

The period of this SEC is insufficient. Nearly 700 LLNL claimants not covered by the SEC have been denied compensation. Many of those 700 denied claims are from employees who worked at Livermore after 1973 and have one of the 22 listed SEC cancers. However, they fail to reach the 50% "likelihood of causation" standard required by Part B's cumbersome radiation dose reconstruction process.

Albert Frowiss, an independent EEOICPA advocate focusing on LLNL, LBNL and SNL employees has filed a Special Exposure Cohort (SEC) petition for the LLNL post 1973 period. Because he was not an

Turn Over...

Special Exposure Cohort...

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LLNL employee, he needed a co-petitioner. His co-petitioner is a current LLNL technical management employee. The petition was qualified to extend the SEC period from 1974 to 1995 for both the Main Site and Site 300 (which would match the SEC period for Los Alamos National Lab employees). It was quickly approved by NIOSH/DCAS for funding and studies in January 2015. If approved, this petition would greatly expand the SEC for LLNL and would allow previously denied post-1973 claimants to reapply.

It is high time the SEC at LLNL be expanded. Under the EEOICPA statute, until facts prove otherwise, it is assumed that the involved agencies can do accurate dose reconstructions. Unfortunately, due to several already mentioned factors, post-1973 claimants often find their dose reconstructions to be grossly inaccurate. Challenging their findings is extremely difficult.

Additionally, according to Mr. Frowiss, studies by outside consultants to the President appointed Advisory Board on Radiation Worker Health have found that the Agencies are often wrong in their assumptions that they can accurately perform dose reconstructions at many sites across the complex.

Thus, former and current employees who might be impacted by a post 1973 SEC can have their voice heard by submitting simple, signed and dated statements. These are classified as F1, F2, F3 or F4 affidavits. They can contain information you have already submitted to the Department of Labor with your own EEOICPA claim.

For F1 affidavits....The basic statement should say that the signing person "potentially had radiation exposure during their employment at LLNL in the post 1973 timeframe and was not adequately monitored." The person signing should include contact info (phone/email/address) and their approximate period of employment at LLNL.

F2 affidavits are for people who indicate that their radiation monitoring records have been

lost, falsified or destroyed, or that there is no info regarding monitoring, source, source terms, or process from the work site.

F3 affidavits would be from a health physicist or other person with expertise in rad. dose reconstruction.

F4 would be attachment of a scientific or technical report.

You can send these to:



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Specifically, we know there is a concern about the absence of neptunium-specific or thorium-specific monitoring data. NIOSH has concluded that possible neptunium and/or thorium intakes may have gone unmonitored at LLNL, and therefore must be assigned using coworker methodologies. The information presently available to NIOSH does not provide evidence that the gross alpha bioassay measurements, upon which some coworker analyses are based, include the potential neptunium or thorium exposure scenarios of concern. Consequently, NIOSH has determined that an evaluation is warranted into the adequacy of the gross-alpha-based coworker dose methodology.

In addition to drafting an affidavit, individuals can potentially speak directly to NIOSH and other agency teams who will be at the Lab in the near future. A point of contact at LLNL is Michele Sundsmo (sundsmo1@llnl.gov) Radiation Safety Services Leader. She coordinates between employees, retirees and the visiting NIOSH/DCAS/ORAU teams. You can contact her directly to schedule interviews with the visiting teams. There is also an opportunity to turn on security clearances for a day so as to enable classified material to be discussed.

By Scott Yundt and Albert Frowiss