



Tri-Valley CAREs

Sick Worker Newsletter

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

Spring 2014

INTERIM CITIZEN'S BOARD FORMED

Advisory Board Will Oversee the Dep't of Labor's Implementation of the Energy Employees Occupational Illness Compensation Program

The Alliance of Nuclear Worker Advocacy Groups (ANWAG), of which Tri-Valley CAREs is a member, recently created an all-volunteer citizens' advisory board to monitor and address the many operational inadequacies that have been found in the Dep't of Labor's (DOL) Division of Energy Employee Occupational Illness Compensation's (DEEOIC).

Three entities, besides ANWAG, have recommended that DEEOIC be provided with an advisory board – the Government Accountability Office in 2010, the National Academy of Science's Institute of Medicine, in 2012 and Econometrica in 2005. The latter two organizations were contracted by DEEOIC to provide recommendations on the program, at a cost of almost two million dollars for these reports. Many of these recommendations require Congressional action which has been difficult to come by despite the known need.

Legislation was introduced in both the 112th and the 113th Congresses to create a governmental advisory board (S1423 and HR 2905). This governmental board would guarantee transparency in policy decisions and ensure that claims are decided in a consistent manner using the best science available. Unfortunately, despite the best efforts of the Congressional sponsors, including our local Representative, Eric Swalwell, who co-sponsored the bill, this legislation has stalled.

Until Congress passes this legislation, the newly created DEEOIC Interim Advisory Board (DIAB) will fulfill the function of providing oversight of the program and advising DEEOIC on the various problems and inconsistencies related to the claims adjudication process.

“DIAB will be beneficial to both DEEOIC and the claimant population,” stated Terrie Barrie ANWAG Founding Member and Secretary of DIAB. “The board includes members of academia, the legal profession, former workers and claimant advocates. All have a substantial amount of experience with this program.”

“The advocates and claimant representatives hear a variety of concerns from the claimants. They range from job categories missing from the Site Exposure Matrix to the reduction of home health care hours,” said Faye Vlieger who Chairs DIAB. “This Board will be able to identify the issues and offer recommendations.”

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Save the Date!

The next Sick Worker Support Group Meeting is **Thursday, May 1st at 12 (noon)** at the Livermore Public Library, Community Room A, 1188 So. Livermore Ave.

Current and former workers and their families are invited to join us. Please call (925) 443-7148, or email Scott Yundt at scott@trivalleycares.org for more information.

Sandia-Livermore Gets Streamlined Claim Status



Good news for some sick Sandia-Livermore employees: a Special Exposure Cohort petition was recently approved,

streamlining claim approval for employees with one of the 22 listed cancers (See list on page 2) who worked there before 1995.

To date, only 25% of Sandia – Livermore claimants who have applied have been approved for compensation and benefits under EEOICPA.

A group of former employees initiated this petition, and the approval occurred after the National Institute for Occupational Safety and Health (NIOSH) determined that it could not “reconstruct a dose” for claimants

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DIAB has adopted the responsibilities outlined in the draft legislation.

(1) advise the President concerning the review and approval of the Department of Labor site exposure matrix;

(2) conduct periodic peer reviews of, and approve, medical guidance for part E claims examiners with respect to the weighing of a claimant's medical evidence;

(3) obtain periodic expert review of evidentiary requirements for part B claims related to lung disease regardless of approval;

(4) provide oversight over industrial hygienists, Department of Labor staff physicians, and Department of Labor's consulting physicians and their reports to ensure quality, objectivity, and consistency.

The board will begin the oversight process by holding town hall meetings in the next few months to gather information from the claimants, authorized representatives and other interested parties. Information can also be submitted to www.diaboard.org. Findings and recommendations will be furnished to the White House, DEEOIC, the Ombudsman and Congress.

Tri-Valley CAREs Staff Attorney will keep track of the board's progress and will assist local claimants in submitting information to the board for their reports where relevant. If you are interested in submitting your information (denial letters, etc.) contact Scott at (925) 443-7148.

who worked at the site. Thus, for claimants who have a "known radiogenic cancer," their claims are automatically approved if they can prove eligible work time. Unfortunately, claimants who do not have one of those 22 cancers still must go through a dose reconstruction process, despite NIOSH's admission that it cannot accurately reconstruct dose for the site.

The SEC for Sandia-Livermore became effective on January 12th, 2014. The class officially includes:

"All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area of the Sandia National Laboratories-Livermore in Livermore, California, from October 1, 1957, through December 31, 1994, for a number of work days aggregating at least 250 work days, [one work year] occurring either solely under this employment or in combination with work days within the parameters established for one or more other classes of employees included in the Special Exposure Cohort."

If you, or a loved one, believe you may qualify for the new SEC status, contact Scott Yundt for information on how to file your claim. Additionally, if you believe your previously denied claim should be reconsidered under this newly established class, Scott can help you reopen your claim. He can be contacted at Tri-Valley CAREs, (925) 443-7148.

The 22 SEC eligible cancers are as follows:

- **Bone Cancer** (includes myelodysplastic syndrome, myelofibrosis with myeloid metaplasia, essential thrombocytosis or essential thrombocytemia, primary polycythemia vera, and chondrosarcoma of the cricoid (cartilage of the larynx))

- **Renal Cancers**

- **Lung Cancer** (other than in-situ lung cancer that is discovered during or after a post mortem exam)

If the onset of the disease was at least 2 years after first exposure:

- **Leukemia** (other than chronic lymphocytic leukemia)

If the onset of the disease was at least 5 years after first exposure:

- **Multiple myeloma** - a malignant tumor formed by the cells of bone marrow

- **Lymphomas** (other than Hodgkin's disease)

- **Primary cancer of the;**

Bile ducts

Brain

Breast (female and male)

Pancreas

Colon

Esophagus

Gall Bladder

Liver (except if cirrhosis or hepatitis B is indicated)



Stomach

Ovary

Thyroid

Urinary bladder

Pharynx

Salivary Gland

Small intestine