



## Senate Passes Resolution Honoring Sick Nuclear Workers with a National Day of Remembrance

The United States Senate introduced a resolution that would designate October 30, 2012 as a National Day of Remembrance for Nuclear Weapons Program Workers. (The Resolution is currently assigned to a congressional committee, but has a 98% chance of being agreed to). October 30 has remained the annual National Day of Remembrance for Nuclear Weapons Program Workers since 2009, and this year will mark the fourth annual day or remembrance.

As the resolution states, "These dedicated workers paid a high price for their service to develop a nuclear weapons program for the benefit of the United States, including having developed disabling or fatal illnesses." The resolution also "encourages the people of the United States to support and participate in appropriate ceremonies, programs, and other activities to commemorate October 30, 2012, as a national day of remembrance for past and present workers in the nuclear weapons program of the United States."

Since 2000, Tri-Valley CAREs has facilitated a support group for Lawrence Livermore National Laboratory, Lawrence Berkeley

National Laboratory and Sandia-Livermore National Laboratory workers who have been made ill by on the job exposure to radiation and toxic chemicals.



## SAVE THE DATE

**The next Sick Worker Support Group Meeting is on Tuesday, October 2nd, at 12:30-2:30 at the Livermore Public Library, Community Room A, 1188 So. Livermore Ave.**

Together we will observe the National Day of Remembrance for Nuclear Weapons Program Workers and recognize the sacrifices of these workers by sharing stories and memories of these individuals who worked at Livermore Lab, Berkeley Lab and Sandia, and who suffered illnesses from on-the-job related exposures to radiation and toxic chemicals. Feel free to bring pictures, stories and other memorabilia to share.

Current and former workers and their family are all invited to join us. Please call (925) 443-7148 for more information.

## Sick Energy Employee Support

Only 40% of claimants who apply for compensation and/or medical benefits from the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) are approved. The other 60% are denied approval for one reason or another. If you, or your loved one, were previously denied, there are many reasons that you might want to investigate reapplying for compensation from EEOICPA. For example, a new illness arose or a diagnosis changed since your denial, or a workplace was added to the program's covered locations that you also worked at and received exposures, or a Special Exposure Cohort was established that eases the burden of proof since your denial. EEOICPA is changing all of the time, so if you or someone you know has previously been denied, especially if it was more than 3 years ago, advise them to look into whether circumstances now merit a reopening of their case.

On another note, despite significant efforts by the Department of Energy and Department of Labor, I am repeatedly surprised with how many former Energy employees in my community (Livermore, California) are completely unaware of their possible EEOICPA claim. If you know a previous Energy employee who may be ill from exposures while on the job, or who has already died of an illness that could have been partially caused by on the job exposures, advise them or their loved ones to look into applying for benefits from EEOICPA. If you have received

## U.S. Department of Labor Approves Sandia National Laboratories in Albuquerque as part of Special Exposure Cohort, Allowing Compensation for Covered Employees

The Energy Employees Occupational Illness Compensation Program (EEOICP) began on July 31, 2001 with the Department of Labor's implementation of part B. Part E was further implemented on October 28, 2004. The mission of the program is to provide lump-sum compensation and health benefits to eligible Department of Energy nuclear weapons workers and lump-sum compensation to certain survivors if the worker is deceased. To apply for Part E and/or Part B, the Department of Labor collects medical, employment, and other information from the worker and makes a decision as to whether or not he or she may qualify for compensation and benefits.

EEOICPA also established Special Exposure Cohort (SEC), which allows eligible claims to be compensated without the completion of radiation dose reconstruction or determination of the probability of causation. To qualify under the SEC, a covered employee must have at least one of the 22 agency-specified cancers, and have worked for the specified period of time at one of the listed SEC work sites. (LLNL has an SEC for all employees who worked for at least 1 year from January 1, 1950 through December 31, 1973, but there is no SEC for Sandia, Livermore.)

Workers from Sandia National Laboratories in Albuquerque, New Mexico, filed a petition to EEOICPA and 42 C.F.R. Part 83. The workers petitioned for Sandia to be added to the SEC. The National Institute for Occupational Safety and Health (NIOSH) submitted relevant findings to the Advisory Board on Radiation and Worker Health, and on April 9, 2012, the Advisory Board submitted recommendations to the Secretary of Health and Human Services (HHS) to add the class of employees who worked at Sandia National Laboratories in Albuquerque.

One May 11, 2012, the Secretary of HHS designated the following class for addition to the SEC in a report to Congress:

"All employees of the Department of Energy, its predecessor agencies, and their contractors and subcontractors who worked in any area at Sandia National Laboratories in Albuquerque, New Mexico, from January 1, 1963 through December 31, 1994, for a number of work days aggregating at least 250 work days, 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."

Congress had the authority to reject the recommendation within a 30-day time frame, but did not do so. The SEC designation became effective as of June 10, 2012. Thus, if you, someone you know or a deceased loved one, qualifies for benefits under this new SEC for Sandia, Albuquerque, you should apply for benefits immediately. Feel free to call me for assistance.

Additionally, the recent establishment of a Sandia, Albuquerque SEC is a reminder that adding new groups of employees to the list of SEC worksites is possible, even for Sandia, Livermore employees. Congress allows for additional classes of employees to be added to the SEC through a petition process. The petition process is run by NIOSH on behalf of the Department of Health and Human Services. For instructions on submitting a petition and for help with questions regarding submitting a petition, see: <http://www.cdc.gov/niosh/ocas/how2add.html>. If you would like assistance in petitioning for an SEC at Sandia, Livermore please let me know. (925) 443-7148.

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compensation through an EEOICPA claim, I encourage you to tell other potential claimants of your success, in the hope that they will also submit successful claims.

Additionally, I often hear potentially eligible individuals complain that applying for benefits from the Act can be an overwhelming and complicated process. Unfortunately, the EEOICPA claim process can be a difficult quagmire. If you or someone you know needs help with their existing claim, starting a claim, or appealing a claim, they can appoint a friend or relative, or hire a professional to be their Authorized Representative. I have professionally helped almost a dozen claimants receive benefits as their Authorized Representative. I am also available to offer free advice and suggestions on any claim. There is a network of advocates around the country available to assist with claimants. For more info, feel free to contact me or the following resources.

Scott Yundt, Tri-Valley CAREs Staff Attorney: (925) 443-7149 or [scott@trivalleycares.org](mailto:scott@trivalleycares.org)

The Energy Employee Claimant Assistance Project: <http://www.eecap.org>

EEOICP Resource Centers: <http://www.dol.gov/owcp/energy/regs/compliance/ResourceMeetings/ResourceCenters.htm>