

Justice for Sick Nuclear Workers to Energy Dept. Facilities

Tri-Valley CAREs requests that Congress:

1. Support H.R. 1828 or S. 757, The Charlie Wolf Nuclear Workers Compensation Act. We ask that you cosponsor the Bill and ensure that it does not expire and is reintroduced.
2. Write a letter similar to the Rep. Mark Udall, Rep. Ed Permuter letter asking DOL make administrative and regulatory changes which will help streamline and provide a more equitable adjudication of long delayed claims.
3. Make sure that Special Exposure Cohorts continue to be a viable aspect of the program.
4. Support a Special Exposure Cohort for Sandia Livermore, other eligible sites and an expanded Livermore Lab SEC.

Background on The Energy Employees Occupational Illness Compensation Program Act (EEOICPA)

was passed in Congress to compensate American workers who worked for the US Department of Energy and certain contractors and who now have cancer and other illnesses due to on the job exposures. The findings in the law as enacted, state in part that:

“Since the inception of the nuclear weapons program ... a large number of nuclear weapons workers at sites of the Department of Energy and at sites of vendors who supplied the Cold War effort were put at risk without their knowledge and consent for reasons that, documents reveal, were driven by fears of adverse publicity, liability, and employee demands for hazardous duty pay...”

Part B of the Program went into effect on July 31, 2001 and Part E of the Program went into effect on October 29, 2004. The Department of Labor’s Office of Workers’ Compensation Programs is responsible for adjudicating and administering claims filed by employees or former employee or certain qualified survivors of the Act.

Employees must either belong to a Special Exposure Cohort and have developed a listed cancer, have a covered illness (Silicosis, Chronic Beryllium Disease) or must have a cancer that is determined by the National Institute of Occupational Safety and Health to be at least as likely as not to have resulted from their exposures in the workplace. Sick workers can apply under Part E for impairment and/or wage loss compensation if they developed an occupational illness as a result of exposure to toxic substances at a DOE facility.

Tri-Valley CAREs has monitored the program since its inception. We now facilitate a sick worker support group that helps workers get connected to other sick workers and share challenges, helpful tips and support. We’ve found that workers are very frustrated with the process because it is complicated, time consuming, and yields little benefit for claimants. Few workers have been awarded compensation and many die before ever being paid.

Current Statistics at Lawrence Livermore National Laboratory as of 3/9/10

Applications Filed: 2487 CASES

Final Decisions Denied: 810 out of 1859 that have reached final decision – 44% denied

Final Decisions Paid: 824 (**\$114,745,458** Million)

Referred to NIOSH for Dose Reconstruction: 787

From: <http://www.dol.gov/owcp/energy/regs/compliance/statistics/WebPages/LLNL.htm>

THE CHARLIE WOLF ACT S. 757 and HR1828

- S. 757 Sponsored by Sen. Mark Udall (CO), Cosponsored by Michael Bennet (CO), Bill Nelson (FL) and Tom Udall (NM)
 - Referred to the Committee on Health, Education, Labor, and Pensions.
- HR 1828 Sponsored by Rep. Jared Polis (D-CO2), Cosponsored by John Salazar [D-CO3], Ed Perlmutter [D-CO7], Mike Coffman [R-CO6], Diana DeGette [D-CO1], Bob Filner [D-CA51], Raul Grijalva [D-AZ7]
 - Referred to House Education and Labor Subcommittee on Workforce Protections

The purpose of the Charlie Wolf Act is to amend the Energy Employees Occupational Illness Compensation Program Act of 2000 to expand the category of individuals eligible for compensation, to improve the procedures for providing compensation, and to improve transparency, and for other purposes.

Members can write a letter to Department of Labor Secretary Hilda Solis urging her to reexamine the current DOL policies governing the EEOICPA procedures and gain administrative support the Charlie Wolf Act. We need Senators and Members of Congress to take the action needed to keep this bill alive and advocate for its passage.

SUMMARY OF THE CHARLIE WOLF ACT

Most Importantly, the Act Amends the Radiation Exposure Compensation Act to expand the diseases for which individuals who were exposed to radiation from nuclear testing may claim compensation to include chronic lymphocytic leukemia, posterior subcapsular cataracts, nonmalignant thyroid nodular disease, parathyroid adenoma, malignant tumors of the brain and central nervous system, bronchio-alveolar carcinoma, and benign neoplasms of the brain and central nervous system. Amends the Energy Employees Occupational Compensation Program Act of 2000 to expand the definition of "atomic weapons employee" to include an individual employed by a contractor or subcontractor of an atomic weapons employer for purposes of compensation under the Energy Employees Occupational Illness Compensation Program. Revises criteria used to determine established chronic beryllium disease compensable under the program. Expands the class of members of the Special Exposure Cohort to include any employee who is not covered by specified current requirements but was employed by the Department of Energy (DOE), or a DOE contractor or subcontractor, before January 1, 2006. Adds basal cell carcinoma and skin cancer to the list of compensable cancers. Changes the presumption for a finding of cancer compensable under the program to a standard of clear and convincing evidence that it was not sustained as a result of employment at the atomic weapons employer's facility. (Currently, a presumption for a finding of cancer will be made only if the cancer was at least as likely as not related to employment at the facility.) Requires that potential compensation claimants are given: (1) a list of physicians qualified to perform medical and impairment screenings; and (2) a written notice of benefits for which they may be eligible under the program. Specifies covered illnesses to include all forms of cancer, silicosis, asbestosis, mesothelioma, lung fibrosis, chronic obstructive pulmonary disease, chronic renal insufficiency, peripheral neuropathy, chronic encephalopathy, occupational asthma, and pneumoconiosis. Replaces the current requirements for compensation to the survivors of a contractor employee to require payment to them of the compensation the deceased contractor employee would otherwise have been paid. Requires payment of the compensation, if no survivors exist, to a claimant's estate. Includes radiation and heavy metals, or a combination of them, as toxic substances exposure to which may cause a covered illness. Extends from 60 days to one year after an adverse decision the statute of limitation period for filing a petition for judicial review in federal district court of any denial of a compensation claim. Expands the duties of the Office of the Ombudsman. Requires the promulgation of regulations for: (1) the direct payment to providers of the costs of personal care services and transportation expenses for claimants who receive medical benefits under the Act; (2) clear, concise, and easily understandable explanations of the claims process, including claim denials; and (3) the retention of records in DOE and the Department of Labor that might be used by claimants in the claims process. Requires claimants under the Act 120 days to respond to a request for information from the Secretary of Labor.

**For more information – Please contact Tri-Valley CAREs (Communities Against a Radioactive Environment)
(925) 443-7148 or www.trivalleycares.org**