THE ALLIANCE OF NUCLEAR WORKER ADVOCACY GROUPS
URGES EVERYONE TO CONTACT CONGRESS ON
MARCH 29, 2007

All of you are aware that the federal agencies responsible for the implementation of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA) have strayed so far from the path of the legislation passed in 2000 that the original intent of the program is no longer recognizable. Instead of timely and compassionate compensation for the Cold War Veterans, we have a bureaucratic monstrosity. Over $473 million has spent in administrative costs while about 20,000 claimants have been paid for their illnesses or relatives’ deaths.

Congressman Tom Udall made inquiries of DOL during the week on March 19, 2007 during the House Appropriations Subcommittee hearings. Numerous newspapers have reported on the delays and the ‘back room’ negotiations, which have resulted in a lack of compensation ever reaching the claimants.

It’s time to remember the original intent of the EEOICPA. The law was passed because workers were put in harm’s way, not protected and were lied to. Records were NOT kept. Workers were to be given the benefit of the doubt in the claims process.

The federal agencies assigned to administer the law have perverted the claims process putting politics ahead of science and apparently assuming that all claimants are money-grubbing, lying malingerers. The agencies appear to have assembled small bureaucratic empires spending millions to devise a maze of regulations that ensure that hundreds of people enjoy a long and prosperous career administering this program.

It is time to stop this waste, but we need your help to be heard. The claimants need a comprehensive reform bill passed this year, one that corrects the injustices of both Part B and Part E of the program.

As of March 25, 2007:
Part B  56,601 cases filed  **
   17,268 final decisions to approve
   15,775 cases paid
Part E  45,578 cases filed
   9,913 final decisions to approve ***
   4,871 cases paid
** Part B dose reconstruction cases
   23,587 cases sent to NIOSH for dose reconstruction
   16,912 cases with completed reconstructed dose
   4,210 with final decisions to approve
   4,115 cases paid
*** This statistic most likely includes claims approved for medical benefits only. For instance, some claimants have prescriptions or medical treatment covered, but have not had their wage loss or impairment claims approved or do not realize that compensation for wage loss or impairment is even available.
Don't know who to contact?

Find your Senator:
http://www.senate.gov/general/contact_information/senators_cfm.cfm

Find your Representative:
http://www.house.gov/house/MemberWWW.shtml

1. Remind your legislators that this issue is not going away.
2. Tell them about your claim.
3. Ask them to actively help reform EEOICPA.

Many legislators have already helped. If your legislator has helped or been active in a hearing or issued a press release or spoken to the press, be sure to thank them.

But more needs to be done and there is power in numbers. There are over 100,000 claimants under EEOICPA. If only 10% of us contacts Congress on March 29, 2007, Congress will realize how important this issue is.

Even if you have contacted your representatives before, a call, fax, or email on March 29 will help because we are doing this together on the same date. IT WILL HAVE AN IMPACT!

Here are a few ideas that could be mentioned during your call and that we would like to see in the legislation this year.

**Dose reconstruction is a failure.**
The Special Exposure Cohort (SEC) petition process is flawed and filled with conflicts of interest and delays. We've been patient for six years. It is time to designate all facilities SEC status.

Cancers that are not part of the 22 cancers on the SEC list go through the dose reconstruction process. If the facility was designated a member of the SEC, then the facility did not have enough information for NIOSH to reconstruct dose. If NIOSH cannot reconstruct dose for a cancer on the list, how can it be expected that NIOSH will have enough data to reconstruct dose for cancers NOT on the list? Another waste of taxpayer dollars and a sure denial of the cancer claim.

**Part E is a total mess.**
Payment is based on a person or surviving family member's ability to assemble documentation or get a doctor to assemble documentation (nearly impossible) to prove:

(1) the toxin was on the site (DOL seems nearly incapable of doing this),
(2) the toxin is in the body,
(3) the disease or condition is connected to the toxin,
(4) the body is impaired by the toxin and disease/condition,
(5) the person lost time at work/wages, AND
(6) all of this happened without monitoring, i.e. dosimetry and in many cases without good testing. (For example, a test similar to the beryllium test, the LPT or lung lavage.)

Remember 80% of the chemicals in commerce have no health studies done on them except to know how much exposure will kill you, NOT how much will make you sick. And, these studies were mostly done by the chemical industry!

This is so different and so unfair compared to Part B. For comparison purposes, here is Part B in a nutshell: If a person is a member of the special exposure cohort, they automatically receive an “apology payment” ($150,000) if the person or surviving family member qualifies and their cancer is on the list or the worker has or had beryllium disease or silicosis. Their disease is presumed to be the result of workplace exposure as spelled out in the law.

The burden of proof under Part E is impossible to reach for the average claimant and their physicians.

The presumptive list of diseases attributable to toxic exposure must be expanded. From what we have been able to gather, DOL currently has a VERY short list.

All claims that have been denied under Part E need to be reopened when the site exposure matrices of toxins and diseases ARE COMPLETED.

Fill out the House Judiciary Committee form located at http://judiciary.house.gov/contact.aspx

1. Ask them to hold hearings soon.
2. Tell them that both Part B and Part E need to be investigated.
3. Tell them the end result needs to be a comprehensive reform bill.
4. Tell them we need help.
5. The program needs to return to the original intent of the law.
6. Call Congressman Tom Udall's office and thank him for raising EEOICPA for the first time in a hearing of the 110th Congress. [202-225-6190]
Or simply say "EEOICPA needs to be fixed NOW!"

Contact the Senate Health, Education, and Labor Committee with the same message.
Email Address: Help_comments@help.senate.gov
Phone: 202-224-5375
Website: http://help.senate.gov/

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Send this to everyone you know - family, friends, business associate.
Ask them to help get the deserved compensation to the claimants.

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