September 16, 2011

VIA FAX
United States Senate
U.S. House of Representatives
Washington, D.C.

RE: Support for the **Charlie Wolf Nuclear Workers Compensation Act of 2011**
(H.R. 1828 and S. 757)

Dear Senator/Representative:

On behalf of the 1.2 million active and retired members of the United Steelworkers (USW) I write to urge you to support the **Charlie Wolf Nuclear Workers Compensation Act of 2011**.

The USW urges your support for this legislation in the interests of thousands of workers who have and continue to dedicate their lives to the nation’s nuclear weapons industries. Many of these workers labored in the presence of a variety of toxins that put them at elevated risk for cancer and other diseases. A substantial proportion of these workers have and continue to suffer through debilitating and life-threatening diseases. Many others have lost their lives as the result of their labor on behalf of our nation. Accordingly, the Congress needs to amend the Energy Employees Occupational Illness Compensation Act of 2000 (EEOICPA) so that it may live up to its charge to:

> **Ensure fairness and equity** for the civilian men and women who, for more than 50 years, have performed duties uniquely related to the nuclear weapons production and testing programs of the Department of Energy including predecessor agencies of the Department of Energy by establishing a program to provide **efficient, uniform and adequate** compensation .... (Emphasis added)

The provisions of the Charlie Wolf Act are designed to ameliorate deficiencies in EEOICPA identified through over a decade of experience by thousands of claimants and potential claimants, their health care providers and advocates. The USW, through its partnership with Queens College, carries out the Worker Health Protection Program (WHPP) for former Department of Energy (DOE) workers in the nuclear weapons industries. For over a decade this program has provided medical screening and consultation for ill workers. This has often involved helping former workers through the difficult and often confusing process of filing EEOICPA claims. Our experience with
EEOICPA is perhaps as great as any group outside the federal government. It provides us a broad and deep base with which to comment on the proposed amendments to EEOICPA contained in the Charlie Wolf Act.

Many of the proposed changes in the Charlie Wolf Act address historical shortcomings in the ways in which occupational exposure data was and was not gathered at DOE nuclear weapons facilities. These include improper or inadequate measurement protocols, methods and strategies as well of improper storage and retrieval of data and its provision to potential claimants. Further compounding these deficiencies are the historical inadequacies of the science and technologies at the times when exposures occurred. These problems undermined both exposure measurements and protections that should have been provided, but were not. These factors, both singly and collectively, undercut the fairness and equity these nuclear workers were promised by EEOICPA — fairness and equity they deserve for their sacrifices on behalf of our nation.

As anticipated in EEOICPA, inadequacies of existing data were to be ameliorated by the National Institute for Occupational Safety and Health (NIOSH), charged with exposure reconstruction and the Advisory Board on Radiation and Worker Health established under section 3624(a)(1) of EEOICPA charged with assessing the need for special cohort status for classes of claimants. In fulfilling their duties under EEOICPA, these two bodies have put forward substantial efforts to address the above defects. Nonetheless, the tools and guidance for these activities within EEOICPA have repeatedly proven insufficient. As a result, claimants have been denied a fair and equitable, efficient, uniform and adequate compensation system.

In addition, inadequate definitions of diseases covered by EEOICPA have left justified claims excluded. Claimants have also experienced widespread problems with the Department of Labor’s (DOL’s) administration and adjudication of claims. These issues are also addressed by the improved language of the Charlie Wolf Act.

The workers covered by the Charlie Wolf Act did not fail our nation. They made enormous sacrifices for us. As a nation, we cannot fail these workers. As a nation, we must make sacrifices for them. It is our duty. Let us honor our debt by passing the Charlie Wolf Act.

Sincerely,

Leo W. Gerard
International President
LWG/cdk