

Advisory Board on Toxic Substances and Worker Health

December 21, 2022

Mr. Martin J. Walsh
Secretary, U.S. Department of Labor
Frances Perkins Building
200 Constitution Ave.
Washington, DC

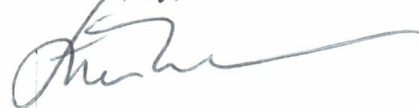
Dear Mr. Walsh:

I am pleased to transmit a recommendation of the Department of Labor Advisory Board on Toxic Substances and Worker Health in relation to the Board's advisory capacity to the Energy Employees' Occupational Illness Compensation Program (EEOICP). It was adopted unanimously **at our meeting on December 1, 2022 meeting**. It is:

Exposure Evaluations for Claimants Who Worked Widely Within a Department of Energy Site

The Board hopes that our input is useful to EEOICP. It remains an honor for the Board to be consulted on important issues that face the Program. I would be pleased to answer any questions.

Sincerely,



Steven Markowitz MD, DrPH
Chair
Advisory Board on Toxic Substances
and Worker Health

Exposure Evaluations for Claimants Who Worked Widely Within a Department of Energy Site

Advisory Board on Toxic Substances and Worker Health Recommendation

(Adopted by the Advisory Board on Toxic Substances and Worker Health,
December 1, 2022)

Recommendation

The Board recommends that the Department of Labor provide instruction to claims examiners, industrial hygienists, and contract medical consultant reviewers that, if there is evidence that a claimant's employment led to their routine duties being performed widely across a site, this be specifically noted in the claim file and that consideration be given in establishing toxic substance exposure and causation for exposures that are site-wide and not just limited to their work area of record.

Rationale

The Board recognizes that the Site Exposure Matrices is a very useful tool for identifying some potential exposures to toxic substances at Department of Energy sites in relation to claims for compensation. However, there is broad agreement that, due to the incomplete nature of historic data or other evidence concerning potential exposures that occurred at Department of Energy sites, the Site Exposure Matrices provide only a partial view of such potential exposures. This limitation is in part mitigated by other sources of exposure information that are used in the claims' evaluation process.

This limitation in the Site Exposure Matrices is most conspicuous for occupations whose work tasks routinely require that they work in many areas and buildings at a Department of Energy site. These occupations include, for example, security guards, firefighters, health physics technicians and others. We have noted very considerable variation in the number and types of toxic substances associated with these job titles at different sites with the Department of Energy complex.

To address the limitation in the Site Exposure Matrices for these occupations, the claims examiners can ensure a more informed and fairer evaluation of potential exposures for a defined and finite set of these occupations through identifying their claims and through the routine referral of their claims for an industrial hygiene evaluation, indicating in the request that it is accepted that the claimant may have had a broader profile of exposure to toxic substances than the Site Exposure Matrices indicates. Such a communication should also be made to any contract medical consultants who are providing evaluations of these claims.