



June 29, 2021

Dr. Steven Markowitz, Chair  
Advisory Board on Toxic Substances and  
Worker Health  
Queens College, Remsen Hall  
65-30 Kissena Boulevard  
Flushing, NY 11367

Dear Dr. Markowitz:

I am writing in response to the recommendations the Advisory Board on Toxic Substances and Worker Health (Advisory Board or Board) adopted from its meetings on April 22-23, 2021. You provided a portion of the recommendations in an April 30, 2021, letter addressed to Labor Secretary Martin Walsh. The Department of Labor (Department or DOL) received the Board's complete recommendations on May 4, 2021, and addresses each recommendation herein.

With regard to the Board's recommendations on including probable human carcinogens in the Site Exposure Matrices (SEM), the Board adopted the following recommendations.

1. *Toxic substances that are found to be probable human carcinogens (International Agency for Research on Cancer - IARC Group 2A) and that have limited human epidemiological evidence for specific human cancer sites as identified in table 1, should be linked to those cancer sites in the [SEM].*

DOL Response: The Department agrees to add health effect data to SEM that links the identified (Table 1) cancers to the noted toxic substances.

2. *The SEM should specify that IARC and National Toxicology Program (NTP) evaluations have been used in addition to HAZ MAP for the purpose of asserting linkages between toxic substances and human cancer sites.*

DOL Response: The Department agrees to update program information available to the public that health effect information listed in SEM originates from different sources including IARC and National Toxicology Program (NTP) evaluations.

3. *Data from IARC and NTP should be used in addition to HAZ MAP for health effects and linkages of toxic substances to cancers. At least on a yearly basis going forward, future IARC Group 2A (as well as Group 1) substance-human cancer site linkages identified by IARC or NTP should be updated in the SEM.*

DOL Response: The Department agrees to continue its regular collaboration with the Board on evaluating updated health effect data from different scientific organizations including IARC and the NTP.

The Board adopted the following recommendation regarding Covid-19 as a consequential condition under the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

*The Board recommends that any chronic health condition or risk factor that is listed by the US Centers for Disease Control and Prevention (CDC) as being associated with severe COVID-19 disease by meta-analysis, systematic reviews, cohort studies, case control studies, cross sectional studies, case cases/series or mixed evidence be considered to be presumed to be more likely to lead to symptomatic COVID -19 disease. That is, the diagnosis of symptomatic COVID-19 disease is a consequence of those chronic health conditions when it follows or coincides with the onset of those conditions. The Board recognizes the need to periodically review (at a minimum, annually) and update this recommendation based on the evolving scientific and medical knowledge on this topic.*

DOL Response: The Department agrees to add a presumptive standard that Claims Examiners will apply CDC guidance in establishing that diagnosed COVID-19 is consequential to an accepted work-related illness.

The Board adopted the following recommendations pertaining to asbestos presumptions.

- 1. The Department of Labor and contractor Paragon Technical Services (PTS) should re-evaluate the job titles of Chemical Engineers, Industrial, Health, & Safety Engineers, and Mechanical Engineers and add these titles to the list of occupations presumptively exposed to the asbestos under EEOICP.*

DOL Response: The Department agrees to coordinate a re-evaluation of the noted job titles with Paragon Technical Services and make agreed to alterations to the list of labor categories with a presumption of significant exposure to asbestos. In the event that changes are determined to be unwarranted, the Department will provide its analysis to the Board for review.

- 2. We request access to the Generic Profiles, including the Asbestos Generic profile, as cited in the PTS report.*

DOL Response: The Department agrees to provide the Board with all Generic Profile data.

- 3. We recommend that DOL clarify how DOE jobs that correspond to the job title "Maintenance and Repair, General Helper" are classified within the SEM and whether they are linked to asbestos exposure.*

DOL Response: The Department will collaborate with Paragon Technical Services to evaluate the links between “maintenance and repair, general helper” and asbestos to determine if SEM requires clarification. Depending on the outcome of this review, the Department agrees to update SEM to include any changes to the toxic substance profile for those labor categories. Otherwise, the Department will provide the Board with any analysis that does not lead to a change to the profiles of those jobs.

The Board adopted the following recommendation on the use of the six-minute walk test (6MWT) in impairment evaluations.

1. *The Board advises that the 6MWT is an entirely acceptable mechanism to measure the VO<sub>2</sub>max for the purposes of impairment assessment.*
2. *The best valid and available method to estimate a value of VO<sub>2</sub>max from the 6MWD for application in Table 5-12 of the AMA Impairment Guide is to use the equation derived by Ross et al (2010): Peak VO<sub>2</sub> (ml / kg /min) = 4.948 + 0.023\*6MWD (meters).*

DOL Response: The Department agrees to accept a 6MWT as a viable method for calculating VO<sub>2</sub>max, and it will provide staff guidance on the use of the calculation recommended by the Board.

On behalf of the Department, the Office of Workers’ Compensation Programs, Division of Energy Employees Occupational Illness Compensation, and the communities we serve, I look forward to the continued efforts of the Advisory Board.

Sincerely,



Christopher J. Godfrey  
Director, Office of Workers’ Compensation Programs