

## **EEOICPA MEMORANDUM**

Date: November 8, 2001

To: District Offices

From: Branch of Policies, Regulations and Procedures

Re: Lung Cancer as a Specified Cancer

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This memorandum addresses whether a CE can accept primary or secondary lung cancer as a specified cancer.

In the EEOICP regulations Section 30.5 (dd) (2), specified cancer means lung cancer (other than in situ lung cancer that is discovered during or after a post-mortem exam). Also see section 4(b) of the Radiation Exposure Compensation Act (42 U.S.C. 2210 note) and the Act.

There is no distinction made in the regulations concerning whether a diagnosed lung cancer must be primary or secondary for inclusion in the list of specified cancers. Accordingly, the CE may accept a primary or secondary diagnosis of lung cancer as a specified cancer.

If the claim is being considered for inclusion in the Special Exposure Cohort, the CE must ensure that the employee named in the claim developed lung cancer while they were living, and subsequent to their employment in a group or class designated as a member of the Special Exposure Cohort. The particular employment eligibility criteria for inclusion as a member of the Special Exposure Cohort must also be satisfied.