



April 19, 2016

The Advisory Board on Toxic Substances And
Worker Health For Part E Of The Energy Employees
Occupation Illness Compensation Program Act
Workers Compensation Programs Office
Office Of Workers Compensation Programs
United States Department of Labor
200 Constitution Avenue, NW
Washington, D.C. 20210

Re: Meeting April 26-28, 2016 in Room N-4215 A/B/C

Dear Members of the Board:

I write in my role as Vice-Chairman of the DEEOIC Interim Advisory Board (DIAB). DIAB is made up of citizen volunteers seeking to provide transparency and accountability for EEOICPA claimants. Submitted herewith are four reports prepared by DIAB for consideration by the board. Please include them in the official record of the first Board Meeting, to take place April 26th through the 28th, 2016.

The following are the titles of the four reports:

1. 4/3/2014 – Site Exposure Matrix Review: A Comparison between Site Processes and Labor Categories
2. 9/10/2014 – Review of DEEOIC's Evidentiary Standard for Causation of Illnesses
3. 9/15/2014 – Adjudication of Hearing Loss Claims
4. 6/17/2015 – As Likely As Not a Significant Factor: Procedure Manual Chapter 2-0700, Section 2.d.(2)

These reports address a number of the issues the Board is tasked with addressing. As described in the meeting notice:

The purpose of the Advisory Board is to advise the Secretary with respect to: (1) The Site Exposure Matrices (SEM) of the Department of Labor; (2) medical guidance for claims examiners for claims with the EEOICPA program, with respect to the weighing of the medical evidence of claimants; (3) evidentiary requirements for claims under Part B of EEOICPA related to lung disease; and (4) the work of industrial hygienists and staff physicians and consulting physicians of the Department of Labor and reports of such hygienists and physicians to ensure quality, objectivity, and consistency.

The first report addresses inconsistencies in the Site Exposure Matrix. The second report addresses the legal standard applied by the program under Part E. The third report addresses the adjudication of hearing loss claims which has become controversial based on the use by the Program of strict exposure and labor category requirements to deny certain claims without first referring those claims to medical consultants. The fourth report is a letter reiterating the deficiencies in the application of the Part E legal standard. While DIAB is a volunteer organization without the financial wherewithal to hire private consultants to address these issues in a comprehensive manner, we hope that these reports are useful to the Board as it sets its priorities and establishes its focus.

Respectfully Submitted,



R. Hugh Stephens
Vice-Chairman
2495 Main Street, Suite 442
Buffalo, New York 14214

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Enclos.