



# The Radiation Exposure Compensation Program: A Doorway to the EEOICP

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# RECA History



1942-1971:

U.S. purchased uranium ore to build its nuclear arsenal.

1963:

Limited Test Ban Treaty was signed by the U.S., prohibiting all aboveground nuclear detonations.

1990:

Congress passed the Radiation Exposure Compensation Act ("RECA")

1945-1962:

U.S. conducted 196 atmospheric nuclear tests.

- *Begay v. U.S.* (1985)
- *Allen v. U.S.* (1987)

Lawsuits filed against the U.S. alleged tortious failure to warn of the radiation dangers from uranium mining and nuclear test fallout. Both suits were dismissed; the courts noted Congress should address relief.

2000:

Congress amended RECA to include new diseases, covered areas, and claimant categories.



# Program Overview



The Radiation Exposure Compensation Act (“RECA”), 42 U.S.C. § 2210 note, established an administrative claims program to make partial restitution for diseases associated with radiation exposure resulting from efforts to promote the national security interests of the United States during the Cold War. DOJ determines whether a claim under RECA meets the statutory eligibility criteria.



No requirement to prove a causal connection between exposure to radiation and subsequent illness. Exposure to radiation is presumed if statutory eligibility criteria are met.



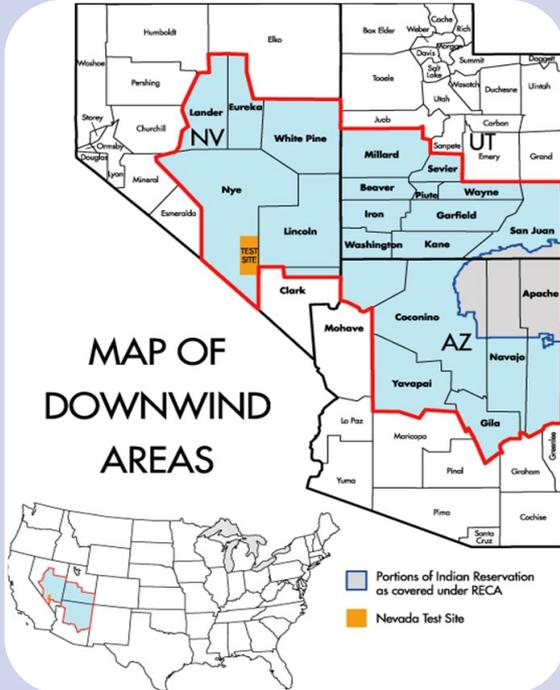
The Program uses existing records to decide claims quickly, reliably, and at a relatively low cost to the claimant. Reasonable doubt with respect to eligibility must be resolved in favor of the claimant.



Compensation is a one-time, lump sum payment of \$50,000 - \$100,000 depending on the context of presumed radiation exposure.



# Claimants under RECA



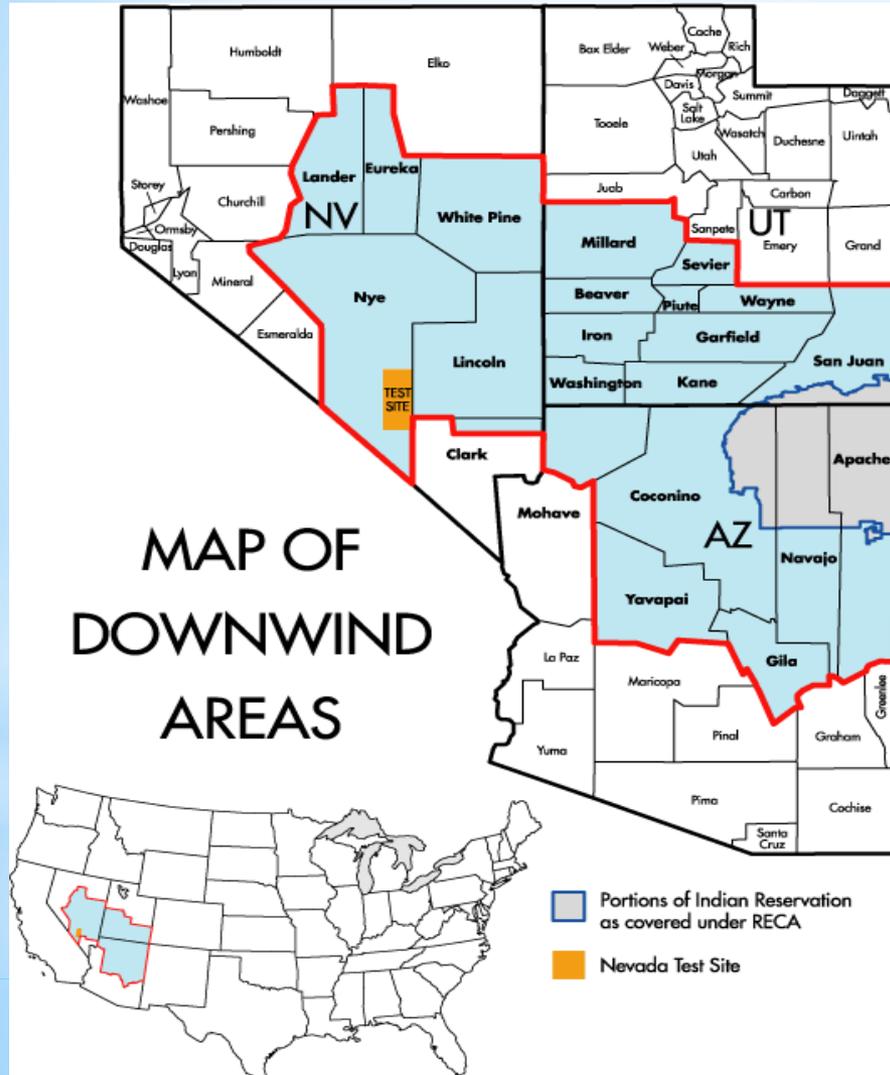
Downwinders  
\$50,000 if develop a covered cancer after presence in covered areas downwind from the Nevada Test Site.

Onsite Participants  
\$75,000 if develop a covered cancer after participation in an above-ground nuclear test at designated sites.

Uranium Workers  
\$100,000 if develop a covered illness after working in a covered uranium mine, mill, or ore transport operation.



# Downwinders



## Individuals who:

- Were physically present at any place within specified counties for at least two years (24 consecutive or cumulative months) during the period from January 21, 1951, to October 31, 1958; or
- Were physically present at any place within specified counties for the entire, continuous period from June 30, 1962, to July 31, 1962;

**AND**

subsequently contract a covered disease.



# Onsite Participants



- Government personnel and contractors who participated onsite in an above-ground nuclear test conducted by the United States

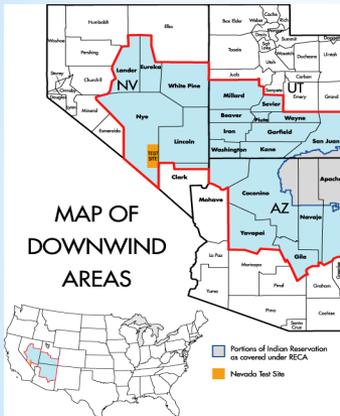
AND

subsequently contract a covered disease.

- “Onsite” means physical presence above or within
  - The Nevada Test Site;
  - The Pacific Test Sites;
  - The Trinity Test Site;
  - The South Atlantic Test Site;
  - Designated locations within a government installation where equipment used in an atmospheric nuclear detonation was decontaminated;
  - Designated locations used for the purpose of monitoring fallout from an atmospheric nuclear test conducted at the Nevada Test Site.



# Covered Diseases for Downwinders and Onsite Participants



Leukemia (other than chronic lymphocytic leukemia)

Multiple myeloma

Non-Hodgkin's lymphoma

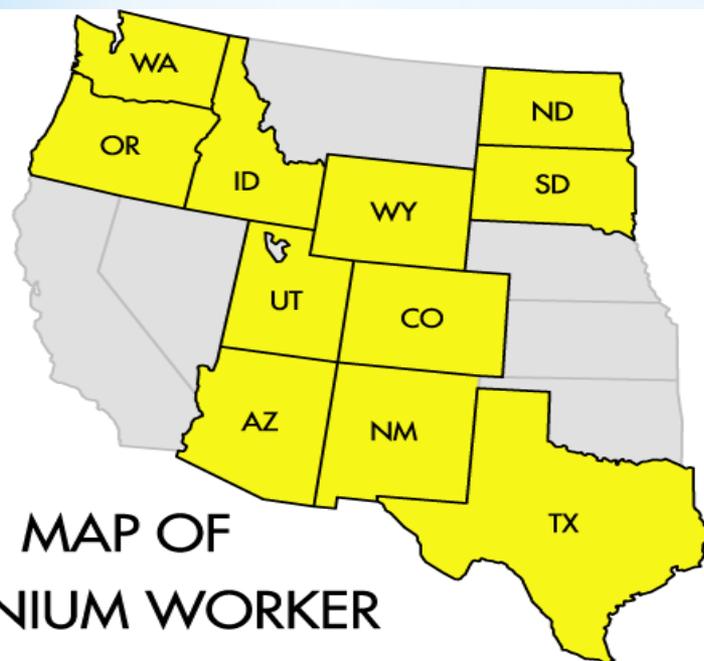
Primary cancers of the:

- thyroid
- male or female breast
- esophagus
- stomach
- pharynx
- small intestine
- pancreas
- bile ducts
- gall bladder
- salivary gland
- urinary bladder
- brain
- colon
- ovary
- liver (except if cirrhosis or hepatitis B is indicated)
- lung.





# Uranium Workers



MAP OF  
URANIUM WORKER  
STATES



## Any individual who:

- Was employed in a uranium mine, uranium mill, or uranium ore transporting operation located in a covered state between **January 1, 1942, and December 31, 1971;**

AND

- Was employed as a miner, miller, or ore transporter for at least one year during the statutory period; or if employed as a uranium miner, was exposed to 40 or more working level months (WLMs) of radiation during covered employment;

AND

subsequently contracts a covered disease.



# Covered Diseases for Uranium Workers



- **Uranium Miners**
  - Primary cancer of the lung
  - Fibrosis of the lung, pulmonary fibrosis, cor pulmonale related to fibrosis of the lung, silicosis, or pneumoconiosis



- **Uranium Millers and Ore Transporters**
  - Primary cancer of the lung
  - Fibrosis of the lung, pulmonary fibrosis, cor pulmonale related to fibrosis of the lung, silicosis, or pneumoconiosis
  - Renal cancer
  - Chronic renal disease



# Eligible Beneficiaries



1. The **surviving spouse**, provided that the marriage occurred at least one year prior to the individual's death;
2. If there is no surviving spouse; the natural, adopted, or step-children;
3. If there are no surviving children; the **parents**;
4. If there are no surviving parents; the natural, adopted, or step-grandchildren;
5. If there are no surviving grandchildren, the **grandparents**.



# How to File a RECA Claim



## 1) Obtain a RECA claim form

- Print at [www.justice.gov/civil/common/reca](http://www.justice.gov/civil/common/reca)
- Call to request at 1-800-729-7327

## 2) Complete the RECA claim form

- Claim form must be substantially completed and signed under penalty of perjury.
- Claim must be accompanied by supporting documentation. See the claim form check list, or call us at 1-800-729-7327.

## 3) Mail the RECA claim form to the Department of Justice

- Claim forms and supporting documentation must be mailed to the Radiation Exposure Compensation Program, U.S. Department of Justice, P.O. Box 146, Ben Franklin Station, Washington, D.C. 20044-0146.



# Authorized Representation Under RECA



## Privacy Act Compliance

5 U.S.C. § 552a - Records maintained on individuals

(b) Conditions of disclosure.--No agency shall disclose any record which is contained in a system of records by any means of communication to any person, or to another agency, except pursuant to a written request by, or with the prior written consent of, the individual to whom the record pertains . . .

## Fee Limitations in Statute and Regulation

### RECA SEC. 9: ATTORNEYS FEES

- (a) GENERAL RULE.—Notwithstanding any contract, the representative of an individual may not receive, for services rendered in connection with the claim of an individual under this Act, more than. . .
- (b) (1) 2 percent for the filing of an initial claim; and  
(2) 10 percent with respect to—  
(A) any claim with respect to which a representative has made a contract for services before [July 10, 2000]; or  
(B) a resubmission of a denied claim.

### 28 C.F.R. § 79.74(a)

Only qualified attorneys. . . may receive from a claimant or beneficiary any fee in connection with a successful claim.



# Deadline For RECA Claims: July 11, 2022



- Under RECA, “a claim to which this Act applies shall be barred unless the claim is filed within 22 years after [July 10, 2000].” Sec. 8(a).

**Claims POSTMARKED by July 11, 2022, will be deemed timely filed when received by the Radiation Exposure Compensation Program.**

- DOJ cannot accept electronically submitted claims. 28 C.F.R. 79.71(a).
- The filing deadline applies to all claims - including refiles of a previously denied claim.



# RECA & EEOICPA



If your RECA Mining, Milling, or Ore Transporting claim is approved:

- You may be eligible for **\$50,000** under Part B of EEOICPA.
- You may be eligible for **medical benefits** under Part B of EEOICPA.
- You may be eligible for an **impairment/wage loss** award under Part E of EEOICPA.

If your RECA Mining, Milling, or Ore Transporting claim is denied:

- You may still be eligible for an **impairment/ wage loss** award under Part E of EEOICPA.

If your RECA Downwind or Onsite claim is approved:

- You are **NOT** eligible for an award under EEOICPA for **cancer**.



# Questions?



U.S. Department of Justice  
Radiation Exposure Compensation Program  
P.O. Box 146  
Ben Franklin Station  
Washington, D.C. 20044-0146

Telephone: 1-800-729-RECP (1-800-729-7327)  
Email: [civil.reca@usdoj.gov](mailto:civil.reca@usdoj.gov)  
[www.justice.gov/civil/common/reca](http://www.justice.gov/civil/common/reca)

