



Exposure and Causation Presumptions

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Presentation Overview

- Define Health Effects
- Discuss Sources of Exposure Data
- Define Exposure & Causation Presumptions and Criteria
- Explain How Presumptive Standards are Developed and Updated
- Explain Role of the Advisory Board on Toxic Substances & Worker Health (ABTSWH or the Board)
- Case Example
- Causation Presumptions



Health Effects

- Health Effects – Relationship Between Disease and Toxic Substance Exposure
 - Toxic substance means a biological, chemical or radiological material that can result in illness or death
- Initial Factual Findings Required -
 1. Diagnosis of claimed illness(es)
 2. Department of Energy covered contractor or subcontractor employment
- Establishing potential relationship between occupational toxic substance exposure and diagnosed illness -
 - Site Exposure Matrix (SEM)
 - Medical Evidence Specific to Individual
 - Epidemiological Data



Establishing Toxic Substance Exposure Occurred

- Employment History
- Claim Forms
- Employment Records
 - Personnel Info
 - Medical
 - Industrial Hygiene
 - Dosimetry
- Online Resources
 - Studies/Reports
- Former Worker Screening
- Records
- Occupational History Questionnaire (OHQ)
- SEM
- Affidavits
- Claimant-Submitted Evidence
- Medical Health Science Experts



Programmatic Presumptions

- Presumptive standard means DEEOIC is granting an allowance that if certain evidence factors are satisfied, a factual finding is automatic:
 - Depending on job title or work process that occurred during specified time, assume certain exposures occurred
 - Assume a certain medical condition resulted from a duration of exposure to a specific toxic substance (compensable health effect)
- Derived from medical health science including industrial hygiene or epidemiological research
 - Consensus data agrees presumptive relationship exists and can be generalized reasonably to similar claim situations
 - Reported to staff in the staff Procedure Manual – Exhibit 15-4
- Exclusion from a presumption requires other avenues of claim development to determine compensability of claim, including physician review for causation



Benefits of Applying Presumptive Standards

- Expedites adjudication of claims – no need to undertake extensive exposure or medical assessment by subject matter experts
- Promotes positive decisional outcomes – development focuses on meeting the standard for acceptance
- Simplifies the decision-making process for claim staff – less complicated written decisions
- Additional presumptions may be added as science evolves or new data become available – e.g., recent updates for COVID-19, hearing loss and silicosis



The Role of the Advisory Board

- The Board was established in 2015 to advise the Secretary of Labor with respect to technical aspects of EEOICPA program.
- The Board has made several recommendations regarding exposure & causation presumptions. Recommendations have included suggested changes to presumptions for:
 - Hearing Loss (ototoxic agents)
 - Asbestos Exposure
 - Work-Related Asthma
 - Chronic Obstructive Pulmonary Disease (COPD)
 - Parkinsonism
 - Consequential COVID-19



Example - Asbestosis Presumption

- A. **Medical:** A medical diagnosis of asbestosis
- B. **Exposure:** Employee must have been employed for an aggregate of 250 days in a position that would have had significant asbestos exposure. This can be determined by existing asbestos exposure presumptions or an IH assessment.
- C. **Latency:** The diagnosis of asbestosis was made at least 10 years after initial exposure to asbestos in covered employment.



Example – Significant Asbestos Exposure Presumption (Prior to December 31, 1995)

- Automotive mechanic; Vehicle mechanic; Vehicle maintenance mechanic
- Boilermaker
- Carpenter; Drywaller; Plasterer
- Demolition technician; Laborer
- Electrical mechanic; Electrician; Floor covering worker
- Firefighters and Supervisors of Firefighters
- Furnace & saw operator; Furnace builder; Furnace operator; Furnace puller; Furnace technician; Furnace tender; Furnace unloader
- Glazier; Glass installer; Glazer
- Grinder operator; Mason (concrete grinding); Tool grinder; Maintenance mechanic (general grinding); Welder (general grinding); Machinist (machine grinding)
- Heating, Ventilation, and Air Conditioning (HVAC) Mechanics, Installers, and Repairer
- Insulation worker; Insulation trade worker; Insulator
- Ironworker; Ironworker-rigger
- Maintenance mechanic; Electrician; Insulator;
- Mason; Brick & tile mason; Concrete and terrazzo worker; Bricklayer, Tiler
- Millwright
- Heavy equipment operator; Operating Engineer
- Painter
- Pipefitter, Plumber steamfitter; Plumber/pipefitter; Plumbing & pipefitting mechanic; Plumbing technician, Steamfitter
- Precision Instrument and Equipment Repairers
- Roofer
- Sheet metal mechanic; Sheet metal fabricator/installer
- Stationary Engineers
- Welder; Welder burner;



Procedure Manual - Exhibit 15-4

- Procedure Manual Exhibit 15-4: Exposure and Causation Presumptions with Development Guidance for Certain Conditions, includes presumption criteria for 21 specific illnesses and includes commonly claimed conditions, such as:
 - Asbestosis
 - Asthma
 - 10 Different Types of Cancer
 - COPD
 - Consequential COVID-19
 - Hearing Loss
 - Parkinsonism
 - Pleural Plaques



Questions



Questions can also be submitted to DEEOIC-Outreach@dol.gov

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