



November 5, 2020

Subject: Addition Public Comments for the November 5-6, 202 Meeting of the Advisory Board on Toxic Substances and Worker Health

Dr. Steven Markowitz and Members of the Board:

I would like to submit additional comments to the Advisory Board on Toxic Substances and Worker Health regarding the reports submitted by the contract industrial hygienists (CIH). I have permission from the claimant to share this information.

My intent to share this with the Board is not to adjudicate this claim but to inform you of the new language from a report from a CIH from the Catawba Corporations.

III. Discussion

In response to information provided in the referral, it is important to note that merely being present in a building and/or area where a toxic agent is also present is not sufficient evidence to justify a significant exposure. Significant exposures are typically assigned to those claimants that performed work with the subject agent (i.e., those who performed particular work processes and in particular buildings/areas of the respective facility). Significant exposures are also assigned in those cases where a specific event or incident occurred and for which documentation and data can be provided. In other words, although a potential for exposure does exist if an agent is present in the workplace, the nature, extent and duration of any occupational exposure depends on the worker's involvement with the agent as well as with the physical and chemical properties of the subject agent.

This Board or even DEEOIC has not defined "significant exposure". Yet here we have an industrial hygienist explaining what they consider a "significant exposure" is.

This CIH report implies that only those employees who worked hands on with the toxic substance would have had significant or was present during an identified incident involving the substance would have had a significant exposure.

- What about the person who is assigned to perform a time study of the procedures and needs to work right behind the production employee?
- What about the person who is the clerk packer who worked side by side, on a daily basis, with the machinists?
- What about the guards who daily patrolled the production areas of the buildings to make sure the materials were safe?
- What about the administrative assistants whose office was right off the production area and needed to go into the production areas to collect or deliver documents to the crew?

Significant exposure did not begin and end with just the worker “...who performed particular work processes...” Those around the worker who was performing the procedure were also exposed.

The statute states that an exposure must be a significant **factor** in causing, contributing to, or aggravating a disease or condition. The statute does not state that the worker must experience a significant **exposure** to a toxic substance.

I respectfully request that the Board to explore the difference between “significant factor”, as mentioned in the statute, and “significant exposure”.

Sincerely,

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