

# **Energy Employees Occupational Illness Compensation Program**

Paducah Gaseous Diffusion Plant  
June, 2019

# What is the EEOICPA?

- ▶ Administered by the Labor Department's Division of Energy Employees Occupational Illness Compensation (DEEOIC).
- ▶ Provides lump-sum compensation and medical benefits to current and former nuclear weapons workers.
- ▶ Survivors of qualified workers may also be entitled to benefits.





# Agency Administration of the EEOICPA

Department of Labor



Department of Energy



Department of Health  
and Human Services



Department of Justice





# Program Eligibility

Part B (enacted 2000)



Part E (enacted 2004)

- Employment
- Medical
- Survivors





# Employee Eligibility

Employed By	Part B	Part E
DOE Contractors and Subcontractors	Yes	Yes
DOE Federal Employees	Yes	No
AWE Employees (Atomic Weapons Employer)	Yes	No
Beryllium Vendors	Yes	No
RECA	Yes	Yes

# Contractor Employment

- ▶ **Contractor** – entity engaged in a contractual business arrangement with DOE to provide services, produce material, or manage operations.

- ▶ **DOE Contractors at Paducah:**

**ENRICHMENT OPERATIONS CONTRACTORS:** Lockheed Martin Utility Services (1995-1999); Martin Marietta Utility Services (1993-1995); Martin Marietta Energy Systems (1984-1993); Union Carbide Corporation Nuclear Division (1952-1984).

**DEACTIVATION CONTRACTOR:** Fluor Federal Services Paducah Deactivation Project (July 2014–present).

**DUF6 CONVERSION CONTRACTORS** for design, construction and operation of the Depleted Uranium Hexafluoride Conversion Project: Babcock and Wilcox Conversion Services (2011-present); Uranium Disposition Services (2002-2011).

**REMEDIATION CONTRACTORS:** LATA Environmental Services of Kentucky (2010-present); Paducah Remediation Services-EM Remediation (2006-2010); Swift and Staley-EM Infrastructure Contractor (2005-present); Bechtel Jacobs Company (1998-2006); Lockheed Martin Energy Systems (1995-1998); Martin Marietta Energy Systems (1988\*\*-1995).

\* Note: Rights and liabilities pertaining to USEC are governed by the USEC Privatization Act (P.L. 104-134, April 26, 1996). This includes regulatory oversight by the Nuclear Regulatory Commission of that portion of the plant under USEC control.

\*\* Note: In 1988, DOE began its environmental remediation program.

# Subcontractor Employment



- ▶ Subcontractor – entity engaged in a contractual business arrangement with a DOE contractor to provide a service on-site.
- ▶ The mere presence of an employee on the premise of a facility does not confer covered employment.

# Required Components for Subcontractor Employment

- ▶ The claimed period of employment occurred during the covered time frame as alleged.
- ▶ A contract to provide **covered services** existed between the claimed subcontractor and a DOE contractor at the facility or the identified vendor (during the covered time frame).
- ▶ The employment activities (work or labor) took place on the premises of the covered facility.

# Survivor Eligibility

## Part B (enacted 2000)

- Spouse
- Children
- Parents
- Grandchildren
- Grandparents

## Part E (enacted 2004)

- Spouse (death related)
- Children
  - Less than age 18
  - Less than age 23 (full time student)
  - Medically incapable of self support



# Benefits

<u>Part B</u>	<u>Part E</u>
\$150,000 – Employee & Survivor	\$2,500 per % Impairment - Employee
\$50,000 RECA – Employee & Survivor	Annual Wage Loss \$10,000-\$15,000 - Employee
	\$125,000 – Survivor (+ lump-sum Wage Loss if eligible)
\$400,000 Lump-sum cap for B & E combined	
Employee Medical Care for Accepted Conditions	

# Part B: Special Exposure Cohort (SEC)

- ▶ Worker Group Designation
  - Presumption – occupational radiation caused cancer
  
- ▶ Employment
  - Worked particular location or specific process
  - Work day requirement – 250 work days
  
- ▶ Specified Cancer
  - 22 cancers **named in law**



# Approved SEC Periods

The statutory SEC classes describe employees for **Paducah**:



- An Employee that worked **before February 1, 1992**, and were monitored for radiation exposure with dosimetry badges or had jobs with similar exposures to those monitored.
- If the employee has a **specified cancer** he/she may receive a presumption that the cancer was related to exposure to radiation.

# Specified Cancer List for Workers

- ▶ The time period covered employee must also have at least one of the following types of cancer to qualify for compensation under the SEC:
  - Leukemia (other than chronic lymphocytic leukemia), provided the onset was at least 2 years after first exposure
  - Primary or Secondary Lung Cancer. (In situ lung cancer that is discovered during or after a post-mortem exam is excluded.)
  - Primary or Secondary Bone Cancer. This includes myelodysplastic syndrome, myelofibrosis with myeloid metaplasia, essential thrombocytosis or essential thrombocythemia, and primary polycythemia vera (also called polycythemia rubra vera, P. vera, primary polycythemia, proliferative polycythemia, spent-phase polycythemia, or primary erythremia). (Note: Cancer of the hard palate is not bone cancer.)
  - Primary or Secondary Renal Cancers.



# Specified Cancer List for Workers (continued)

- ▶ The following cancer is included (provided onset was at least 5 years after first exposure):
  - Multiple myeloma
  - Lymphomas (other than Hodgkin's disease). Waldenstrom's macroglobulinemia is considered to be a type of non-Hodgkin's lymphoma.
  - Primary cancer of the:

Bile Duct	Brain	Male or Female Breast	Urinary Bladder
Colon	Esophagus	Gall Bladder	Liver*
Ovary	Pancreas	Pharynx	Salivary Gland
Small Intestine	Stomach	Thyroid	

**\*Liver: Exception if Cirrhosis or Hepatitis B is indicated**



# Site Exposure Matrices (SEM)

- ▶ Public website which explores toxic substances present at DOE and RECA Section 5 facilities
  - Information in SEM is gathered from a variety of sources
  - Scientifically establishes links between toxic substances / illnesses

The screenshot shows the top portion of the OWCP SEM website. It features a dark red header with the United States Department of Labor logo and name. Below the header is a navigation bar with links for 'A to Z Index', 'Site Map', 'FAQs', 'DOL Forms', 'About DOL', and 'Contact Us'. A breadcrumb trail indicates the current page is 'SEM Introduction'. The main content area has a light blue background and contains a disclaimer, a welcome message, and a list of filters for site types (DOE sites, uranium mines, uranium mills, ore-buying stations, uranium transport). A search box labeled 'Site:' is present, followed by a 'Select' button and a link to 'Click here' for site lookup.

UNITED STATES  
DEPARTMENT OF LABOR

A to Z Index | Site Map | FAQs | DOL Forms | About DOL | Contact Us

DOL Home > OWCP > DEFOIC > SEM Introduction > SEM home page > Detailed SEM Data home

Office of Workers' Compensation Programs

Print This Page | Text Size | Help Guide

*The site specific information in this database reflects available data and may not be complete. The results should be used with a full understanding of the limitations of the current dataset.*

Welcome to the expanded version of the Site Exposure Matrix (SEM). It contains more data and provides more ways to look for information regarding toxic substances at facilities covered under Part E of the EEOICPA. In the expanded SEM, you can more easily identify interrelationships between buildings, work processes and exposure to toxic substances. For additional guidance on how to navigate the new and improved SEM, click on the Help Guide link in the menu above.

The information in this database is a reflection of the information that has been collected to date. DOL continues to enhance SEM as more information is collected and becomes available. Thus, SEM cannot be considered complete or final. If you have additional unclassified information, you are encouraged to submit it to the DOL using the Site-Related Information Submittal Form on this page.

Show DOE sites  Show uranium mines  Show uranium mills  Show Ore-buying stations  Show uranium transport

**Site:**

*or* [Click here](#) to locate a site by alias, description and owner/operator, if you cannot find the site you are looking for in the list above.



# Claimant Responsibilities

- ▶ File claim
- ▶ Collect / Copy / Submit relevant records for review
- ▶ Respond to information requests





# Claim Decision Process

## Recommended Decision (District Office)

- Preliminary Determination
- Review of written record
- Decision



## Final Decision (Final Adjudication Branch)

- Affirm decision or remand
- Claimant rights:
  - Reconsideration
  - Reopen of case
  - District Court

# Medical Eligibility

## Part B (enacted 2000)

- Cancer
- Covered Beryllium Illnesses
- Chronic Silicosis
- RECA Section 5 Awardees

## Part E (enacted 2004)

- Any condition related to toxic substances

# Medical Benefits

- ▶ Broad coverage for medical treatment costs linked to accepted work-related illnesses:
  - Office visits (including lab and radiology services)
  - Prescriptions
  - Medical travel expenses
  - Equipment (wheelchairs / supplies)
  - Home and vehicle modifications
  - Extended and hospice care
  - Home health care





# Program Regulations

## What do the regulations do?

- ▶ Provide framework for how claims are developed, decided and paid.
- ▶ Precursor to EEOICPA Procedure Manual (regulations are less detailed).
- ▶ The statute itself is not specific regarding how claims are to be adjudicated – regulations and procedure manual provide detailed processes.



## History of final regulations:

- ▶ First published: December 26, 2002 (part B)
- ▶ Published again: December 29, 2006 (part E)
- ▶ Latest publication: February 8, 2019 (effective April 9, 2019)

# New Program Regulations

## Purpose of the new regulations:

- ▶ Regulations had not been updated for over 10 years (despite changes to the procedure manual).
- ▶ The update of terms and program determinations regarding the claims process made since the last update of regulations.



## Changes made since the last publication that were already included in the procedure manual:

- ▶ Non-substantive updates to references.
- ▶ Reflects agreement of NIOSH to more visibly assist in the technical review of challenges to dose reconstructions.
- ▶ Conflict of interest policy concerning authorized representatives.
- ▶ Provides regulatory definition of what is required to change physicians, as outlined in the procedure manual.

# Changes in Regulations (since the last publication)

- ▶ Conform regulations regarding the processing / payment of medical bills and exclusion of providers of medical services to similar regulations in FECA.
  
- ▶ Standardization process for pre-authorization of home health care services:
  - New requirement for the claimant to complete a simple form asking for the name of their treating physician prior to requesting home health care.
  
- ▶ The remaining steps (including pre-authorization) are not new and are outlined in the procedure manual.



# Home Health Care Regulation Change Misperceptions

- ▶ The process for pre-authorization is new and burdensome.
  - Process itself is **not** new and has been in place for over a decade.
  
- ▶ Regulation prohibits claimant from changing physicians.
  - **Initial** choice of physician is guaranteed by statute.
  - Requirements to **change to another physician** are described in the procedure manual (credible reason, minimal evidence).
  
- ▶ Regulation requires the DOL to use a Medicare payment system that will reduce home care benefits.
  - DOL is not required to move to a new system, but may in future.
  - Only a portion of the system (pricing of a service when billing for home care is submitted) might be used, but **no reduction in services**.

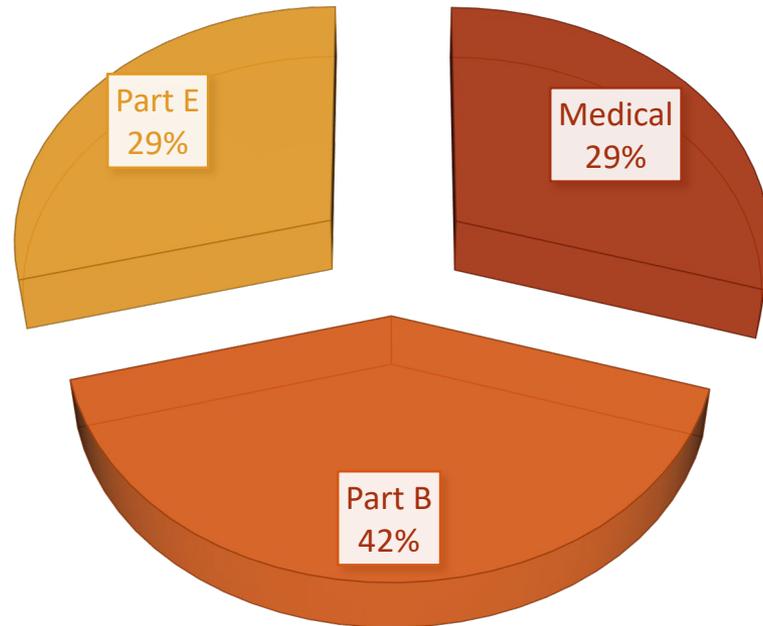




# EEOICPA Program Compensation

- ▶ **\$16.5 Billion Total Compensation**
- ▶ **\$6.8 Billion Part B**
- ▶ **\$4.8 Billion Part E**
- ▶ **\$4.9 Billion Medical**

Data as of May 12, 2019



# Paducah Gaseous Diffusion Plant Compensation

- ▶ **13,247 Cases**
- ▶ **7,312 Individual Employees**
- ▶ **\$952 Million Total Compensation**
- ▶ **\$421 Million Part B**
- ▶ **\$295 Million Part E**
- ▶ **\$236 Million Medical Bills**



Data as of May 12, 2019

# Claimant Assistance

- ▶ **Resource Centers – 11 locations nationwide**
  - Barkley Resource Center (Paducah, KY)  
Toll free number: (270) 534-0599
  
- ▶ **District Offices – 4 locations** (Cleveland, Denver, Jacksonville, Seattle)
  - Jacksonville District Office toll free number: (877) 336-4272
  
- ▶ **DEEOIC web site**
  - <http://www.dol.gov/owcp/energy/>
  - General program information
  - SEM website
  - Claimant Resources (Forms, Medical Benefits Information)
  - Medical Provider Resources (Enrollment, Bill Processing)



# DOL Resource Centers

- Manage Resource Center Operations
- Guide Claimants through the EEOICPA Process
- Comply with DOL Procedures
- Maintain Highest Level of Customer Service
- Claims Intake
- Conduct Occupational History Interviews
- Provide Medical Bill Payment Assistance
- Maintain Databases
- Conduct Outreach
- Support DEEOIC Special Projects
- Be Responsive to DEEOIC Guidance and Direction
- Communicate Daily with DEEOIC Management
- Ongoing Training for Staff





# DOL Resource Center Locations

- Buffalo, NY
- Denver, CO
- Dublin, CA
- Espanola, NM
- Idaho Falls, ID
- Las Vegas, NV
- North Augusta, SC
- Oak Ridge, TN
- Paducah, KY
- Portsmouth, OH
- Richland, WA

