



# **Assessing Toxic Exposure for Causation**

**Presenter**

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# Health Effects

- ▶ Health effects – relationship between disease and toxic exposure
- ▶ Sources of Health Effect Information
  - Site Exposure Matrix (SEM)
  - Human Epidemiological Data
  - Medical Evidence Specific to the Individual
  - Claimant Submitted Material for Consideration
- ▶ Applies to biological, chemical or radiological material that can result in illness or death



# Sources of Exposure Data

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



# Applying Presumptive Standards

- ▶ Exposure and causation criteria that bypass need for routine development
  - Programmatic criteria for compensability
  - See [Exhibit 15-4 of the DEEOIC Procedure Manual](#) for a complete listing of all presumptions
- ▶ Development occurs when presumption is not applied
- ▶ Program continues to evaluate changes to presumptive standards



# Establishing Causation

- ▶ Opinion from qualified physician that toxic substance exposure meets Part E causation standard
  - Claimant submitted medical opinions are usable and encouraged
  - Medical consultation in absence of substantive medical opinion from claimant's physician
- ▶ Difference between causation vs. aggravation/contribution
  - Aggravation/contribution is a more flexible threshold for compensability
  - Examiners "weigh" evidence to support outcomes



# Well Rationalized Opinion

- ▶ Explanation from qualified physician on basis for conclusion
- ▶ Supported by reference to applicable medical health science
  - Epidemiology studies/journals/periodicals
- ▶ Based on accurate information (work/medical history and exposure profile for a toxic substance)
- ▶ Broad statement of causation without any supporting rationale is not well-rationalized



## Strategies for Success

- ▶ Work with treating doctor
- ▶ Focus on aggravation and contribution
- ▶ Substantive opinion vs. simple causation statement
- ▶ Exposure details matter – write it down
- ▶ Check program resources – website
- ▶ Respond to development letters
- ▶ Use SEM correctly to support claim
- ▶ Avoid contradictions
- ▶ Professional interaction
- ▶ Focus on the unique features of each claim