

EEOICPA MEMORANDUM

Date: 10/29/01

To: District Offices

From: Branch of Policies, Regulations and Procedures

Re: Renal Cancers – Covered SEC Cancer

Section 30.5 (dd) of the regulations lists the specific types of cancer a member of the Special Exposure Cohort must be diagnosed with in order to be considered eligible for benefits. These types of cancer are defined in Section 3621(17) of the Energy Employees Occupational Illness Compensation Program Act (EEOICPA).

On July 24, 2001, Public Law 107-20 was signed into law. Section 2403 of Public Law 107-20 amended Section 3621(17) of the EEOICPA, effective October 1, 2001, by adding renal cancers to the list of SEC cancers.

Thus, any Special Exposure Cohort claim for renal cancer filed should be developed to ensure 1) the employee was a member of the Special Exposure Cohort ; and 2) medical evidence from a qualified medical specialist has been submitted which confirms a diagnosis of renal cancer and provides the date of diagnosis.

Inclusion in the Special Exposure Cohort precludes any need to establish causation between the renal cancer and covered employment through the dose reconstruction process. A causal relationship is presumed if the employee is included in the Special Exposure Cohort. However, a distinction is made between a diagnosis of renal cancer and a diagnosis of renal disease. The medical evidence submitted by the claimant should be carefully reviewed to determine which condition is being claimed. Renal cancer is defined as malignant tumors in all parts of the kidney including the renal pelvis. Renal disease is defined as a group of chronic conditions of the renal tissues that result in inflammation, fibrosis and ultimately may end in renal failure. Renal *cancer* is what is referred to in this amendment, rather than renal *disease*.

If it is determined the employee was not a member of the Special Exposure Cohort, the claim for renal cancer should be processed through the dose reconstruction process.