

EEOICPA CIRCULAR NO.15-06

December 17, 2014

SUBJECT: Post-1995 Occupational Toxic Exposure Guidance

After 1995, significant improvements in occupational safety and health programs, engineering controls, and regulatory enforcement existed throughout Department of Energy (DOE) facilities. These measures would have served to limit employees' exposures to toxic materials. Therefore, in the absence of compelling data to the contrary, it is unlikely that covered Part E employees working after 1995 would have been significantly exposed to any toxic agents at a covered DOE facility. As a result, the claims examiner (CE) can accept the following:

For employees diagnosed with an illness with a known health effect associated with any toxic substance present at a DOE facility after 1995, it is accepted that any potential exposures that they might have received would have been maintained within existing regulatory standards and/or guidelines.

If there is compelling, probative evidence that documents exposures at any level above this threshold or measurable exposures in an unprotected environment, the CE is to contact the Division of Energy Employees Occupational Illness Compensation (DEEOIC) Lead Industrial Hygienist (IH) for guidance on whether a formal IH referral is required.

Any findings of exposure, including infrequent, incidental exposure, require review of a physician to opine on the possibility of causation. This is necessary as even minimal exposure to some toxins may have a significant "aggravating or contributing" relationship to the diagnosed illness.

RACHEL P. LEITON

Director, Division of Energy Employees  
Occupational Illness Compensation

Distribution List No. 1: Claims Examiners, Supervisory Claims Examiners, Technical Assistants, Customer Service Representatives, Fiscal Officers, FAB District Managers, Operation Chiefs, Hearing Representatives, District Office Mail & File Sections