

## INDUSTRIAL HYGIENIST ISSUES

In one of the initial Advisory Board meetings the DEEOIC Director requested your assistance in standardizing Industrial Hygienist reviews. The Board in the October 2016 meeting suggested to the DEEOIC that the Industrial Hygienist conduct a personal interview of claimants. The DEEOIC did not implement that suggestion. Instead, in a thinly veiled attempt to avert criticism, the DEEOIC discontinued internal IH reviews of cases and retained an outside company which provides contract IH services. However, these new IH reports are actually much worse than the reports previously provided by DEEOIC IHs, as these contract IH's have no personal knowledge or experience relating to nuclear weapons production facilities. Much of what was done at these facilities is top secret and the facilities, operations, and occupational exposures are unlike anything an outside Industrial Hygienist has ever seen. None of this information is in a book and thus the contract IH cannot render a truly useful opinion.

Another problem with the current use of IHs, is that the claims examiners have been directed to not have the IH analysis the nature and extent of all the exposures that the employee had which SEM says are linked to the claimed condition. A claims examiner in the district office said she could only submit 7 toxic substances to the IH for review and if SEM showed more exposures then the claim examiner had to whittle them down. There are supposed to be email exchanges between the IH and the claim examiner, but these exchanges are never made a part of the claim file. When we object to the recommended decision not considering all of the employee's occupational exposures. The FAB hearing representative in the final decision can never explain

why the IH did not consider all of the employee's actual exposures and while you would think that such a case would require a remand order, FAB won't remand that issue because it is DEEOIC policy. This means that the FAB final decision is not a fair adjudication of my client's claim.

Another problem with the IH reviews, is that the claims examiners never provides the employment records from the facility to the IH, including records relating to industrial accidents, and documented incidents of acute exposure. If the IH is not advised about these actual exposures, then the IH report is both incomplete and misleading. The IH's appear to review the Occupational History interviews, but only to show that the employee may have had access to PPE, but never consider what the employee wrote regarding his actual exposures. This demonstrates a bias and shows that the IH is conducting an outcome based investigation designed to minimize the employee's exposures. If the IH report is not based on actual exposures or based on in person interviews, then it has almost no utility. Such IH reports seem to be just window dressing designed to just show that the DEEOIC was doing something. The current manner in which IHs are being used by DEEOIC is a useless farce. IH analysis can be a valuable tool in establishing a claim, but only if used correctly.

Stephanie Carroll

AtomicWorkerAdvocacy@gmail.com