

## Recommendation #1: Presumptions for Asbestos-related Diseases

(April 2017 Board meeting)

### *Revised Recommendation #1*

#### Presumptions for Asbestos-related Diseases

1. All DOE workers who worked as a maintenance or construction worker at a DOE site for 250 days or more prior to December 31, 1995 and who are diagnosed 15 years (or 10 years in the case of asbestosis) or more after the initiation of such work with 1 of 5 asbestos-associated conditions will be presumed to have had sufficient asbestos exposure that it was at least as likely as not that asbestos exposure was a significant factor in aggravating, contributing to, or causing such asbestos-associated conditions. The five asbestos-associated conditions are asbestosis, asbestos-related pleural disease, lung cancer, and cancer of ovary and larynx.
2. All DOE workers who worked as a maintenance or construction worker at a DOE site for 30 days or more prior to December 31, 1995 and who are diagnosed 15 years or more after the onset of such work with malignant mesothelioma of any bodily site will be presumed to have had sufficient asbestos exposure that it was at least as likely as not that asbestos exposure was a significant factor in aggravating, contributing to or causing the malignant mesothelioma.
3. All claims for one of the six asbestos-associated conditions named above that do not meet the exposure criteria described in items #1 and #2 above will be referred to an industrial hygienist for exposure assessment and to a CMC for evaluation of medical documentation and causation. These six conditions are asbestosis, asbestos-related pleural disease, malignant mesothelioma, lung cancer, and cancer of ovary and larynx.
4. Chronic obstructive pulmonary disease may have a contribution from asbestos exposure. However, claims for this disease should be evaluated as part of a broader set of presumptions for chronic obstructive pulmonary disease.

<b>Exposure criteria</b>	<b>Asbestos-specific Diseases</b> <u>Mesothelioma</u>	<b>Asbestos-specific diseases</b> <u>Asbestosis,</u> <u>Asbestos-related</u> <u>pleural disease</u>	<b>Other Asbestos-related Cancers</b> <u>Lung cancer,</u> <u>Cancer of ovary</u> <u>and larynx</u>
Duration	≥ 30 days	≥ 250 days	≥ 250 days
Job titles	Maintenance, Construction	Maintenance, Construction	Maintenance, Construction

Calendar years	≤ 1995	≤ 1995	≤ 1995
Latency (minimum)	15 years	10 years	15 years

## Rationale

In their response to this Board recommendation, DOL raised several issues:

1. DOL distinguishes between exposure and causation presumptions.
2. DOL requests documentation to justify expansion of List A job titles to a broader SOC categories of “maintenance and construction” titles, as the Board recommended.
3. DOL requests evidence that 2005 should be a threshold date before which significant asbestos exposure can be presumed for selected job titles.

## Board’s Approach to DOL Concerns

1. DOL’s distinction between exposure and causation presumptions represents a linguistic and procedural difference in approach from the Board’s recommendation. The Board’s recommendation essentially modifies DOL’s exposure presumption to define sets of exposure conditions that are sufficient to meet exposure requirements of a causal standard.
2. The Board and DOL agree on the following time-related exposure parameters: ≥250 days (except for mesothelioma, 30 days) minimum employment; and 15 years of latency, or time between onset of work in a listed job title at DOE and the date of diagnosis of N asbestos-related disease (except for asbestosis, 10 years).
3. The Board will provide scientific publications in support of including all DOE-relevant job titles in the maintenance and construction categories in this presumption.
4. To rely on a routinized and accepted categorization of DOE-relevant job titles, DOL should consider using the 2018 Update of the Standard Occupational Classification job

categories (see below) to identify standard job titles for maintenance and construction workers. This would require modification of the SEM.

5. The Board has not yet identified surveillance information that supports use of 2005 as a threshold date for presumed significant asbestos exposure. As a default and until such information is identified, the Board recognizes that DOE Order 440.1 issued in 1995 likely served as an important stimulus for change in DOE health and safety policy and procedures. The Board, therefore, agrees to the use of 1995 as a threshold date before which sufficient asbestos exposure occurred among maintenance and construction job titles, assuming the temporal requirements noted above, to meet a presumption of asbestos-related disease.

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## **2018 Standard Occupational Classification System**

### **Construction and Maintenance Occupations**

*(The groups in red are considered unlikely to have had routine exposure to asbestos in prior decades or were unlikely to represent job titles employed at DOE sites. All others are considered likely to be represented among job titles at DOE and to have had routine exposure to asbestos in prior decades.)*

### **47-0000 Construction and Extraction Occupations**

- 47-1000 Supervisors of Construction and Extraction Workers
  - 47-1010 First-Line Supervisors of Construction Trades and Extraction Workers
- 47-2000 Construction Trades Workers
  - 47-2010 Boilermakers
  - 47-2020 Brickmasons, Blockmasons, and Stonemasons
  - 47-2030 Carpenters
  - 47-2040 Carpet, Floor, and Tile Installers and Finishers
  - 47-2050 Cement Masons, Concrete Finishers, and Terrazzo Workers
  - 47-2060 Construction Laborers
  - 47-2070 Construction Equipment Operators
  - 47-2080 Drywall Installers, Ceiling Tile Installers, and Tapers
  - 47-2110 Electricians
  - 47-2120 Glaziers
  - 47-2130 Insulation Workers
  - 47-2140 Painters and Paperhangers
  - 47-2150 Pipelayers, Plumbers, Pipefitters, and Steamfitters
  - 47-2160 Plasterers and Stucco Masons
  - 47-2170 Reinforcing Iron and Rebar Workers
  - 47-2180 Roofers
  - 47-2210 Sheet Metal Workers

- 47-2220 Structural Iron and Steel Workers
  - 47-2221 Structural Iron and Steel Workers
- 47-2230 Solar Photovoltaic Installers
  - 47-2231 Solar Photovoltaic Installers
- 47-3000 Helpers, Construction Trades
  - 47-3010 Helpers, Construction Trades
- 47-4000 Other Construction and Related Workers
  - 47-4010 Construction and Building Inspectors
  - 47-4020 Elevator and Escalator Installers and Repairers
  - 47-4030 Fence Erectors
  - 47-4040 Hazardous Materials Removal Workers
  - 47-4050 Highway Maintenance Workers
  - 47-4060 Rail-Track Laying and Maintenance Equipment Operators
  - 47-4070 Septic Tank Servicers and Sewer Pipe Cleaners
  - 47-4090 Miscellaneous Construction and Related Workers

#### **49-0000 Installation, Maintenance, and Repair Occupations**

- 49-1000 Supervisors of Installation, Maintenance, and Repair Workers
  - 49-1010 First-Line Supervisors of Mechanics, Installers, and Repairers
- 49-2000 Electrical and Electronic Equipment Mechanics, Installers, and Repairers
  - 49-2010 Computer, Automated Teller, and Office Machine Repairers
  - 49-2020 Radio and Telecommunications Equipment Installers and Repairers
  - 49-2090 Miscellaneous Electrical and Electronic Equipment Mechanics, Installers, and Repairers
- 49-3000 Vehicle and Mobile Equipment Mechanics, Installers, and Repairers
  - 49-3010 Aircraft Mechanics and Service Technicians
  - 49-3020 Automotive Technicians and Repairers
  - 49-3030 Bus and Truck Mechanics and Diesel Engine Specialists
  - 49-3040 Heavy Vehicle and Mobile Equipment Service Technicians and Mechanics
  - 49-3050 Small Engine Mechanics
  - 49-3090 Miscellaneous Vehicle and Mobile Equipment Mechanics, Installers, and Repairers
- 49-9000 Other Installation, Maintenance, and Repair Occupations
  - 49-9010 Control and Valve Installers and Repairers
  - 49-9020 Heating, Air Conditioning, and Refrigeration Mechanics and Installers
  - 49-9030 Home Appliance Repairers
  - 49-9040 Industrial Machinery Installation, Repair, and Maintenance Workers
  - 49-9050 Line Installers and Repairers
  - 49-9060 Precision Instrument and Equipment Repairers
  - 49-9070 Maintenance and Repair Workers, General
  - 49-9080 Wind Turbine Service Technicians
  - 49-9090 Miscellaneous Installation, Maintenance, and Repair Workers