



March 15, 2019

Advisory Board on Toxic Substances and Worker Health
Washington, D.C. 20210

Dear Dr. Markowitz and Members of the Board:

On March 11, 2011, I provided via email a link to the 2017 Ombudsman's Report to Congress, <https://bit.ly/2F2Vsna>. My original thought was that the board might be interested in the complaints the Ombudsman's office receives.

However, after reviewing the report, I believe the information contained in it may be worthy of the Board's time to discuss the issues and consider inviting the Ombudsman, Malcolm Nelson, to present to the board during the April 24-25, 2019 in-person meeting.

Below are a few examples which are relevant to the board's charter:

- *...former security guards at the Iowa Ordnance Plant (IOP) who repeatedly questioned DEEOIC reliance on the information in SEM which indicated there were no known toxic substances to which security guards at IOP were exposed. These guards felt that if, instead of relying on the information in SEM, the CE or the IH had talked to them, they could have explained in detail why the information in SEM was incorrect.*
- *...claimants argued that DEEOIC often used the SEM database as the measure by which all other evidence was evaluated. Claimants complained that other evidence was deemed credible if it was consistent with the information found in SEM, or was rejected (or given little weight), if it was not consistent with the information found in SEM. Since they questioned the accuracy of SEM, claimants often found this reliance on SEM to be problematic.*
- *Moreover, as with the chemist discussed above, these former security guards argued that the SEM database search results were given too much weight. In particular, they argued that DEEOIC had summarily rejected information they provided simply because it was not in accord with SEM.*
- *...claimants were pleased when at a public meeting held in October 2016, the ABTSWH recommended that Circular No. 15-06 be rescinded, and were even more pleased when DEEOIC rescinded this circular on February 2, 2017. However, since February 2, 2017, claimants have*

complained of instances where reports by DEEOIC contract specialists and/or decisions issued by DEEOIC used language found in rescinded Circular 15-06.

- *Claimants also argued that subsection (e) made it very expensive to challenge DEEOIC's hearing loss policy. Claimants feared that trying to show that DEEOIC's standard was not based on a correct interpretation of available scientific evidence could quickly become cost prohibitive. Thus, the claimants we talked to were pleased to know that DEEOIC's policy on hearing loss was being reviewed by the ABTSWH.*

Thank you for your consideration. The Alliance of Nuclear Worker Advocacy Groups appreciates your service and commitment to improve the compensation program.

Sincerely,

A handwritten signature in cursive script that reads "Terrie Barrie".

Terrie Barrie
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