



**ANWAG**

Alliance of Nuclear Worker Advocacy Groups

October 24, 2016

Steven Markowitz, MD. Dr.Ph.  
Advisory Board on Toxic Substances and Worker Health  
U.S. Department of Labor, Office of Workers' Compensation Programs  
Room S-3522  
200 Constitution Ave. NW.  
Washington, DC 20210

Subject: Additional information following the Oak Ridge public meeting

Dear Dr. Markowitz and Members of the Board:

On behalf of the Alliance of Nuclear Worker Advocacy Groups (ANWAG) I would like to provide additional information for the Board's consideration.

During my verbal comments on October 18, 2016, I advised the Board that the Division of Energy Employees Occupational Illness Compensation determined that the standard of causation for Part E claims falls between the preponderance of evidence and reasonable suspicion. Page 8 of the 2011 District Medical Consultants Handbook discusses this issue.

[http://www.eecap.org/PDF\\_Files/DOL\\_Information/2011\\_dol\\_dmc\\_Redacted.pdf](http://www.eecap.org/PDF_Files/DOL_Information/2011_dol_dmc_Redacted.pdf)

It is our understanding that the Contract Medical Consultants employed by QTC utilized this handbook, at least during 2014.

I also mentioned that DEEOIC defined the term "significant factor" as "any factor". See "Comments on Interim Final Rules", Section 30.213

[https://www.regulations.gov/document?D=WCPO\\_FRDOC\\_0001-0001](https://www.regulations.gov/document?D=WCPO_FRDOC_0001-0001)

*"Because it is impossible to determine the extent to which any individual factor contributed to the development of cancer, OWCP has concluded that the only way to comply with the statutory mandate in Part E is, in effect, to interpret "a significant factor" as including any factor.*

*Accordingly, the determination made pursuant to HHS regulations issued under Part B whether there is a 50 percent probability that radiation was a factor in the development of cancer (i.e., that in the absence of work-related exposure to radiation, the cancer would not have occurred at all) will be deemed sufficient to establish that radiation was not only a factor, but was also a significant factor "in aggravating, contributing to, or causing" the cancer in question."*

Lastly, I suggested that the Board may want to consider the diseases covered under the Radiation Exposure Compensation Act (RECA) be presumptive under Part E for workers who were exposed to uranium. A short description of the RECA program can be found here

[https://www.justice.gov/sites/default/files/civil/legacy/2011/04/22/RECA\\_Categories\\_Summary.pdf](https://www.justice.gov/sites/default/files/civil/legacy/2011/04/22/RECA_Categories_Summary.pdf)

Thank you for the opportunity to provide this additional information to you.

Sincerely,

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

Terrie Barrie

ANWAG Founding Member