

# Energy Employees Occupational Illness Compensation Program Act (EEOICPA)



## Beryllium Diseases and Eligibility under the EEOICPA

Eligible employees suffering from beryllium diseases may be eligible for compensation under the EEOICPA. Under Part B of the EEOICPA, employees (or their eligible survivors) may be entitled to compensation and/or medical benefits if the employee was exposed to beryllium while working at a covered Department of Energy (DOE) facility or at a covered beryllium vendor, and the employee has medical evidence to support a diagnosis of a beryllium disease: either **Chronic Beryllium Disease (CBD)** or **beryllium sensitivity**. Under Part E of the EEOICPA, benefits may be extended to DOE contractor or subcontractor employees (or their eligible survivors) whose exposure to a toxic substance (beryllium) at a covered DOE facility was “at least as likely as not” a significant factor in causing, contributing to or aggravating their beryllium disease. Employees of beryllium vendors are not eligible for benefits under Part E of the EEOICPA. However, uranium miners, millers, and ore transporters as defined under Section 5 of the Radiation Exposure Compensation Act (RECA) may be eligible for Part E benefits.



### How do you establish exposure to Beryllium?

To establish exposure to beryllium in the performance of duty, the employee must have been employed at a covered facility while beryllium dust particles or fumes may have been present.

### What is Beryllium Sensitivity?

Beryllium Sensitivity is an immune system allergic reaction to the presence of beryllium in the body as the result of inhaling beryllium dust particles or fumes. The medical evidence required to support a diagnosis of beryllium sensitivity under both Parts B & E consists of an abnormal Beryllium Lymphocyte Proliferation Test (BeLPT) or Beryllium Lymphocyte Transformation Test (BeLTT) that was performed on either blood or lung lavage cells.

Eligible employees with beryllium sensitivity receive medical monitoring of their condition. If monitoring reveals that an employee's condition has progressed to CBD, additional medical benefits and compensation become available under Parts B and E.

### What is Chronic Beryllium Disease (CBD)?

CBD is a progressive loss of lung function as a result of inhaling beryllium dust particles or fumes. The particles cause non-caseating granulomas to form in the lungs, inhibiting normal lung function.

### What are the Eligibility Criteria for CBD under Part B?

The medical evidence required to support a diagnosis of CBD under Part B differs based on the date of diagnosis. If CBD was diagnosed on or after January 1, 1993, the medical documentation must include: an abnormal beryllium lymphocyte proliferation test (BeLPT), or an abnormal

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beryllium lymphocyte transformation test (BeLTT), performed on either blood or lung lavage cells; lung pathology consistent with CBD; plus any of the following:

- A lung biopsy showing granulomas or a lymphocytic process consistent with CBD
- A Computerized Axial Tomography (CAT) scan showing changes consistent with CBD
- A pulmonary function study or exercise tolerance test showing pulmonary deficits consistent with CBD

If CBD was diagnosed before January 1, 1993, the medical documentation must include a history of, or epidemiological evidence of, exposure to beryllium, plus three of the following criteria:

- Characteristic chest X-ray or computed tomography (CT) abnormalities
- Restrictive or obstructive lung physiology testing or diffusing lung capacity defect
- Lung pathology consistent with CBD
- Clinical course consistent with a chronic respiratory disorder
- Immunologic tests showing beryllium sensitivity (skin patch test or beryllium blood test)

## **What are the Benefits for CBD accepted under Part B?**

- Employees may receive a lump sum payment of \$150,000 and payment of medical expenses from the filing date of the claim
- Eligible survivors may receive a lump sum payment of \$150,000 (divided equally)

## **What are the Eligibility Criteria for CBD under Part E?**

Eligible DOE contractor employees must have medical evidence to support a diagnosis of CBD:

- A rationalized medical report including a diagnosis of CBD from a qualified physician (a diagnosis of sarcoidosis will qualify as CBD, where there is beryllium exposure), and
- A qualified physician's opinion that that exposure to beryllium was "at least as likely as not" a significant factor in causing, contributing to, or aggravating the employee's CBD
- DOE contractor employers who receive CBD acceptances under Part B are presumed eligible under Part E for their CBD
- A positive BeLPT result is necessary to establish beryllium sensitivity

## **What are the Benefits for CBD accepted under Part E?**

- Employees receive payment of medical expenses beginning on the date the claim is filed
- Employees are entitled to payments based on the level of their whole body impairment and/or years of qualifying wage loss, up to a maximum of \$250,000
- Eligible survivors may receive a lump sum payment of \$125,000, and if the employee had wage loss from CBD, possibly additional wage-loss compensation (divided equally)

**Questions?** Contact a DEEOIC Resource Center or District Office or phone toll-free: 866-888-3322.