

Department of Labor

Division of Energy Employees Occupational Illness Compensation Programs



The EEOICPA (Act)

- Administered by the Department of Labor
 - Division of Energy Employees Occupational Illness Compensation (DEEOIC)
- Provides lump-sum compensation and medical benefits to current and former nuclear weapons workers
- Survivors of qualified workers may also be entitled to benefits

Administration of the EEOICPA

- Agencies:
 - Department of Labor (DOL)
 - Department of Energy (DOE)
 - Department of Health and Human Services
 - National Institute for Occupational Safety and Health (NIOSH)
 - Department of Justice (DOJ)

Our Mission

- Our mission is to protect the interests of workers who were injured or became ill on the job, or their families, by making timely, appropriate, and accurate decisions on claims and providing prompt payment of benefits to eligible claimants.

Eligibility – Two Paths

Part B
(Enacted 2000)

- Employment
- Medical
- Survivors

Part E
(Enacted 2004)

- Employment
- Medical
- Survivors

Employee Eligibility

Employed By	Part B	Part E
DOE Contractors and Subcontractors	Yes	Yes
DOE Federal Employees	Yes	No
AWE Employees (Atomic Weapons Employer)	Yes	No
Beryllium Vendors	Yes	No
RECA	Yes	Yes

Eligibility – Medical

■ Part B

- Cancer
- Chronic Beryllium Disease
- Chronic Silicosis
- RECA Section 5 awardees

Part E

- Any condition related to toxic substances

Eligibility – Survivors

■ **Part B**

- Spouse
- Adult Children
- Grandchildren
- Grandparents

Part E

- Spouse (death related)
- Children (<age 18, <age 23 if full-time student, Medically incapable of self support)

Benefits

Part B	Part E
\$150,000 Employee + Survivor	Impairment \$2,500 per % (Employee)
\$50,000 RECA Employee + Survivor	Wage Loss \$10,000 -\$15,000 per year (Employee)
	\$125,000 Survivor (+ lump-sum Wage Loss if eligible)
\$150,000 CAP under Part B \$250,000 CAP under Part E \$400,000 CAP for B+E combined	
+ Medical Benefits for the accepted conditions	

Medical Benefits

- Medical Benefits are covered for the condition(s) we accept.
- Some of the items covered include:
 - Exams
 - Treatment
 - Medical Equipment
 - Travel
 - Home Health Care/Nursing Services
 - Prescriptions

Means of Verifying Employment

- DOE – Earnings Records
- DAR Records
- Oak Ridge Institute for Science and Education (ORISE)
- Corporate Verifiers
- SSA (Social Security Agency) Wage Data
- Other Sources
 - Affidavits
 - Records/documents created by state/federal agencies
 - Claimant's Personal Records

Part B: Dose Reconstruction & Probability of Causation (PoC)

- Part B Cancer Cases and Dose Reconstruction
 - NIOSH (National Institute for Occupational Safety & Health)
 - Level and extent of occupational radiation dose
- PoC
 - Scientific calculation of likelihood that radiation exposure caused cancer
 - NIOSH Computer System
 - PoC - 50% or greater for award

Part E: Causation

- Exposure to toxic substances
- Causation standard different than Part B
- Includes aggravation and contribution

Part E: Causation (cont'd)

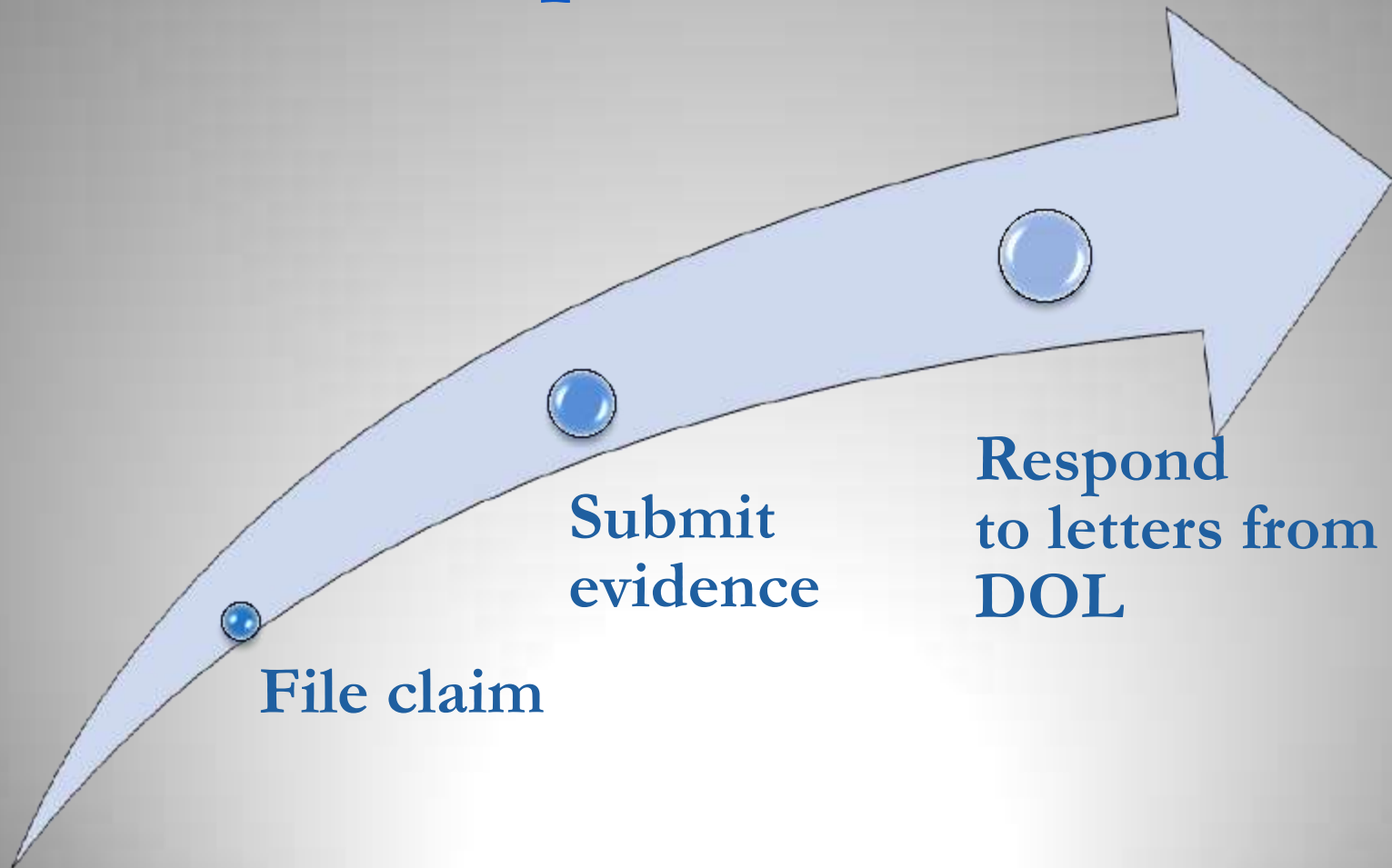
- DOL Tools:
 - Occupational History Questionnaire (OHQ)
 - Site Exposure Matrices (SEM)
 - DAR records (from DOE)
 - Former Worker Medical Screening Program (FWP) work history interviews
 - Other Sources: Affidavits/facility records

Site Exposure Matrices (SEM)

Website

- Toxic substances present at DOE and RECA Section 5 Facilities
- Information gathered from a variety of sources
- Scientifically established links between certain toxic substances and certain illnesses
- Public Version Available at: <http://www.sem.dol.gov>

Application – Claimant Responsibilities



DOL Responsibilities

Gather Evidence



Issue Recommended
Decision



Respond to Objections



Issue Final Decision



Pay Benefits

Covered Facilities Website

<https://ehss.energy.gov/Search/Facility/findfacility.aspx>

Claimant Resources

- **11 Resource Centers Nationwide**
- **4 District Offices**
 - Seattle, Denver, Jacksonville, Cleveland
- **5 FAB Offices**
 - Seattle, Denver, Jacksonville, Cleveland, and National Office
- **DEEOIC website: www.dol.gov/owcp/energy/**
 - General program information
 - SEM website
 - Forms
 - Sample decisions
 - Links to other sites

Program Statistics

Total Compensation Paid

\$10.95 billion in Part B & E compensation

115,558 Part B & E claimants paid

\$4.18 billion in medical bills

\$15.14 billion total compensation



Department of Energy Support to the Energy Employees Occupational Illness Compensation Program Act (EEOICPA)



Office of Environment, Health, Safety and Security
August 2018



DOE's Core Mandate

Work on behalf of the program claimants to ensure that all available worker and facility records and data are provided to DOL, NIOSH, and the Advisory Board.



DOE Responsibilities



- Respond via the SERT system to DOL and NIOSH requests for information related to individual claims (employment verification, exposure records).
- Provide support and assistance to DOL, NIOSH, and Advisory Board on large-scale research and site characterization projects through records research and retrieval efforts at various DOE sites.
- Conduct research, in coordination with DOL and NIOSH, on issues related to covered facilities designations.



Records Needed



Main areas:

- Human Resources
- Radiological monitoring
- Medical
- Industrial Hygiene
- Incident/accident
- Other (training, site badge/gate logs, security clearance, etc.)



Records Needed



Overall need from DOL:

- How long a worker was on site and exact dates
- Where specifically was the person working (building, facility, area, site, etc.)
- Workers job title and the standard job tasks for those titles (at the time worker was employed, because job tasks change over time)



Records Needed



Overall need from DOL:

- What was the worker exposed to? (documented exposure)
- What were the controls in place for that worker or workers in that job category
- What might the worker have been exposed to (potential or likely exposure)
 - For example, if a worker took training on how to handle a particular hazard, then it is at least likely that the individual worked with that substance at some point



Records Needed



Overall need from NIOSH:

- Individual Personnel Radiological monitoring
 - Actual bioassay, film badge, TLD, In-vivo readings etc., Annual summaries are typically not sufficient
 - Actual Radiological Work Permits and associated sign in sheets may be requested
- Site Radiological Monitoring Records
 - Radiation surveys, contamination surveys, air monitoring records, and log books may be requested
- Site Radiological Program Records
 - Documentation of how and why radiological program was implemented throughout plant history
 - May include monitoring programs, calibration procedures etc



Timeliness



- DOE has agreements with DOL and NIOSH to respond within 60 days, although in most cases we respond much sooner.
- Particularly for more recent workers where most of the records will be electronic, we should be responding considerably faster than 60 days
- If you are currently creating/managing DOE worker records, please keep EEOICPA in mind. In 10, 20 or 30 years, will these records be easily identified and accessible?



Volume of Records



- In FY17, responded to 18,522 records from over 25 different DOE locations.



Size of Records Packages (FY 2017)



- Average # of pages per Employment verification
 - 21
- Average # of pages per NIOSH Request
 - 46
- Average # of pages per DAR
 - 158
- Overall average # pages
 - 225



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Questions?