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
<table>
<thead>
<tr>
<th>Employed By</th>
<th>Part B</th>
<th>Part E</th>
</tr>
</thead>
<tbody>
<tr>
<td>DOE Contractors and Subcontractors</td>
<td>Yes</td>
<td>Yes</td>
</tr>
<tr>
<td>DOE Federal Employees</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>AWE Employees (Atomic Weapons Employer)</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>Beryllium Vendors</td>
<td>Yes</td>
<td>No</td>
</tr>
<tr>
<td>RECA</td>
<td>Yes</td>
<td>Yes</td>
</tr>
</tbody>
</table>
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

<table>
<thead>
<tr>
<th><strong>Part B</strong></th>
<th><strong>Part E</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td>$150,000 Employee + Survivor</td>
<td>Impairment $2,500 per % (Employee)</td>
</tr>
<tr>
<td><strong>$50,000 RECA Employee + Survivor</strong></td>
<td>Wage Loss $10,000 -$15,000 per year (Employee)</td>
</tr>
<tr>
<td></td>
<td>$125,000 Survivor (+ lump-sum Wage Loss if eligible)</td>
</tr>
<tr>
<td>$150,000 CAP under Part B</td>
<td></td>
</tr>
<tr>
<td>$250,000 CAP under Part E</td>
<td></td>
</tr>
<tr>
<td>$400,000 CAP for B+E combined</td>
<td></td>
</tr>
<tr>
<td>+ Medical Benefits for the accepted conditions</td>
<td></td>
</tr>
</tbody>
</table>
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

File claim

Submit evidence

Respond to letters from DOL
DOL Responsibilities

1. Gather Evidence
2. Issue Recommended Decision
3. Respond to Objections
4. Issue Final Decision
5. 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
DOE EEOICPA Contact:

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Telephone: (202) 586-2784
Questions?