

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES
CENTERS FOR DISEASE CONTROL
NATIONAL INSTITUTE FOR OCCUPATIONAL
SAFETY AND HEALTH

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ADVISORY BOARD ON RADIATION AND
WORKER HEALTH

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WORKER OUTREACH WORK GROUP

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WEDNESDAY,
AUGUST 12, 2009

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The Work Group meeting convened in the Zurich Room of the Cincinnati Airport Marriott Hotel, 2395 Progress Drive, Hebron, Kentucky, at 9:30 a.m., Michael H. Gibson, Chairman, presiding.

PRESENT:

MICHAEL H. GIBSON, Chairman
JOSIE BEACH, Member
WANDA I. MUNN, Member
PHILLIP SCHOFIELD, Member*

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ALSO PRESENT:

TED KATZ, Designated Federal Official
NANCY ADAMS, NIOSH Contractor*
ISAF AL-NABULSI, DOE*
TERRIE BARRIE, ANWAG*
ANTOINETTE BONSIGNORE, Linde Petitioner*
LARRY ELLIOTT, NIOSH OCAS
MARY ELLIOTT, ATL
EMILY GUNN, GAO*
EMILY HOWELL, HHS*
ARJUN MAKHIJANI, SC&A
JOHN MAURO, SC&A*
J.J. JOHNSON, NIOSH OCAS
MARK LEWIS, ATL
VERNON MCDUGALL, ATL*
KATHRYN ROBERTSON-DEMERS, SC&A
MARY JO ZACCHERO, ORAU Team
ABE ZEITOUN, SC&A

*Present via telephone

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P-R-O-C-E-E-D-I-N-G-S

9:35 a.m.

MR. KATZ: Good morning, everyone.

This is Ted Katz, the Acting Designated Federal Official for the Advisory Board on Radiation and Worker Health. This is the Worker Outreach Work Group, and we're getting started, as usual, with roll call, beginning with the Board members in the room.

CHAIRMAN GIBSON: Mike Gibson, Chair of the Work Group.

MEMBER MUNN: Wanda Munn, member of this Work Group.

MEMBER BEACH: Josie Beach, Work Group member.

MR. KATZ: And on the line, do we have Phil?

MEMBER SCHOFIELD: Phil Schofield, Board member.

MR. KATZ: Welcome, Phil.

MEMBER SCHOFIELD: Thanks.

MR. KATZ: I think that is all we

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1 expect of Board members; that's members of the
2 group.

3 In the room, the NIOSH ORAU team,
4 NIOSH ORAU and other OCAS contractors.

5 MR. ELLIOTT: Larry Elliott,
6 Director of OCAS.

7 MR. JOHNSON: J.J. Johnson, OCAS.

8 MR. LEWIS: Mark Lewis, ATL,
9 subcontractor for OCAS.

10 MR. KATZ: And on the line, do we
11 have any of the OCAS contractor team or OCAS
12 members?

13 MR. McDOUGALL: This is Vernon
14 McDougall from ATL.

15 MR. KATZ: Welcome, Vernon.

16 MS. ADAMS: Nancy Adams, NIOSH
17 contractor.

18 MR. KATZ: Hi, Nancy.

19 Okay, and in the room for SC&A?

20 DR. ZEITOUN: Abe Zeitoun,
21 supporting the Board.

22 MS. ROBERTSON-DeMERS: Kathy

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1 Robertson-DeMers from SC&A.

2 DR. MAKHIJANI: Arjun Makhijani,
3 SC&A.

4 MR. KATZ: And on the line, do we
5 have any SC&A staff?

6 DR. MAURO: Yes. John Mauro, SC&A.

7 MR. KATZ: Hi, John.

8 DR. MAURO: Good morning.

9 MR. KATZ: Okay, and then other
10 federal employees on the line?

11 MS. HOWELL: Emily Howell, HHS.

12 MS. AL-NABULSI: Isaf Al-Nabulsi,
13 DOE.

14 MR. KATZ: Welcome, Isaf.

15 MS. AL-NABULSI: Thanks.

16 MS. GUNN: Emily Gunn, GAO.

17 MR. KATZ: Emily Gunn, welcome.

18 MS. GUNN: Thank you.

19 MR. KATZ: Very good.

20 Then are there any members of the
21 public who would like to identify themselves
22 for the meeting?

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1 MS. BARRIE: This is Terrie Barrie
2 with ANWAG.

3 MR. KATZ: Hi, Terrie.

4 MS. BARRIE: Good morning.

5 MR. KATZ: Okay. Then just let me
6 remind everyone on the line to please mute
7 your phone except when you're addressing the
8 group, and use *6 if you don't have a mute
9 button, and then use *6 to come back on to
10 unmute your phone. Please don't put the phone
11 on hold at any point. Just hang up and call
12 back in if you need to leave for some time.

13 Thank you.

14 Mike, it's all yours.

15 CHAIRMAN GIBSON: Okay. Good
16 morning, everyone. Thanks for attending the
17 meeting here.

18 Do you all have the agenda? It's a
19 pretty full agenda.

20 Just for the workers and the reps
21 on the phone, we do have time scheduled in the
22 agenda at two o'clock for your comments. I

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1 just want to make you aware of that.

2 We are going to start out by the
3 first thing on the agenda -- is a review of
4 the mission statement that we approved at our
5 recent meeting here in Cincinnati.

6 It was kind of a fluid thing up
7 until the time we adopted the language, and
8 there seemed to be some concern by some of the
9 Board of the language. So I just wanted to
10 run it by the Work Group to see if everyone is
11 comfortable with the language or we have
12 anything we want to talk about or discuss that
13 we may want to take back to the Board next
14 time, an action to modify it or adopt it.

15 So the language as we adopted it
16 was:

17 The mission of the Advisory Board
18 on Radiation and Worker Health Worker Outreach
19 Work Group is to monitor and assess the
20 effectiveness of NIOSH and other sources of
21 assistance for potential EEOICPA claimants and
22 assure this information is available to as

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1 many current and former workers of the U.S.
2 weapons complex as possible.

3 MEMBER BEACH: Mike, one of the big
4 concerns was the word assesses, is that
5 correct?

6 CHAIRMAN GIBSON: I think one of
7 the Board members mentioned monitor and
8 assess, yes, monitor and assess was a concern
9 to them.

10 MEMBER MUNN: I think the concern,
11 as I understood it having been expressed, was
12 a clearer understanding being needed of what
13 we were thinking when we said assess, because
14 that word implies that there will be some sort
15 of evaluation made.

16 The question was, what type of
17 evaluation that would be? Is that, in fact,
18 our mission, as I understood the question
19 being asked by Dr. Lockey at the time?

20 CHAIRMAN GIBSON: I think that was
21 his concern, that in his opinion it appeared
22 that we were taking on some kind of management

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1 function, is I think the words I heard him
2 say.

3 But I guess, if you go back to the
4 language that is posted on the website
5 currently for this Work Group, it said the
6 Work Group should consider developing a formal
7 assessment instrument. So, earlier in the
8 language, it also says that we are to evaluate
9 the effectiveness of the program. I mean
10 that's kind of been out there for the world
11 anyway. So I don't know -- I don't see that
12 there is taking on any additional
13 responsibilities or trying to overstep anyone
14 else's bounds.

15 MEMBER MUNN: Perhaps we could
16 clarify, consider the possibility of another
17 word that would not carry as many implications
18 that might be of concern to others. I haven't
19 given much thought to what that word might be,
20 but I hoped others might as well.

21 So weren't there one or two
22 suggestions made, either out loud or under our

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1 breaths, during that Board meeting?

2 MR. KATZ: I mean what I think you
3 could say is to evaluate the effectiveness and
4 leave out monitor and assess and be saying the
5 same thing. I mean certainly all the Board's
6 work groups have these evaluative roles.
7 That's not going beyond the Board's function
8 whatsoever. That is what the Board does. It
9 does a lot of evaluation, and that's the
10 Board's role in this. It's not a management
11 function.

12 I'm somewhat indifferent about it
13 because really the rubber hits the roads with
14 your evaluation plan, not these few words that
15 you put at the top of the banner. But you
16 could just say evaluate. It would be the same
17 thing, and leave out monitor and assess.
18 Evaluate will cover any kind of activity you
19 want to do, to make judgments about how things
20 are going and to identify potential
21 improvements.

22 MEMBER MUNN: That's correct.

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1 CHAIRMAN GIBSON: Does the Work
2 Group believe that we should develop a formal
3 assessment plan, instrument? I thought that
4 was part of what, at least, I anticipated our
5 implementation plan to have. Part of the
6 agenda today I believe was to try to outline
7 what is an assessment and how do you rate and
8 how do you look at it fairly.

9 MEMBER MUNN: That was part and
10 parcel of our discussion last time.

11 CHAIRMAN GIBSON: Right.

12 MEMBER MUNN: Whether we would, in
13 fact, establish some sort of numerical or
14 other criteria that would give us a better
15 feel as to the effectiveness of the program,
16 since we don't have that currently in hand.
17 But that is going to be a long, difficult
18 discussion.

19 It certainly would appear to fall
20 under the aegis of the word evaluate. We
21 would not have to further define evaluate, it
22 seems.

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1 MEMBER BEACH: I agree with that.

2 MEMBER SCHOFIELD: I agree with
3 that comment there of Wanda.

4 MEMBER MUNN: So maybe Ted's
5 suggestion is the logical one, if we remove
6 the potentially confusing words that seem to
7 have a different definition for different
8 people, and simply leave the word evaluate.
9 If the verb is going to be evaluate, it covers
10 a multitude of activities, including the ones
11 that we may or may not establish in proper
12 terms.

13 CHAIRMAN GIBSON: Any other
14 comments?

15 Larry, does OCAS have any feelings,
16 pro, con, either way?

17 MR. ELLIOTT: I think I understood
18 Dr. Lockey's perspective, but I share Ted's
19 suggested option here and your discussion
20 about it. I think the word evaluate provides
21 more than ample opportunity for this Work
22 Group to do what you want it to do.

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1 It leaves out the opportunity for
2 some perspectives to interpret, if you use the
3 words monitor and assess, things that you
4 might not want to do. So I mean those might
5 drive somebody to say, if you're monitoring,
6 then you have to have certain periodic
7 scheduled events that happen that you want to
8 test or evaluate and get a pulse of. You may
9 not want to go there.

10 We welcome whatever review this
11 Work Group wants to perform.

12 MEMBER BEACH: I personally didn't
13 think we needed to take out monitoring, just
14 assess, and change assess to evaluate, but
15 leave monitor. So that was my thought on it.

16 Monitor and evaluate the effectiveness, I
17 have no problem with that.

18 MR. ELLIOTT: I think the only
19 problem with the word monitor that I heard at
20 the Board meeting was that it implies perhaps
21 more perpetuity in this Work Group than work
22 groups have. If the charge to the Work Group

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1 is ongoing and not discrete, then it becomes a
2 subcommittee.

3 MEMBER BEACH: It is going to be
4 ongoing, though, I believe.

5 MEMBER MUNN: Well, that is one of
6 the discussions. That's on our agenda and a
7 further discussion to come up.

8 MEMBER BEACH: Right.

9 MEMBER MUNN: But there are a
10 number of things that need to be said about
11 that, I think.

12 MR. KATZ: I mean, for the record,
13 I have sent a number of emails just before
14 this meeting. So one is on the issue of that,
15 of a subcommittee, which I think is premature
16 at this point.

17 But I am perfectly happy to pursue
18 that down the road, when we come to that point
19 where we need to. But at this time we would
20 just be engaging in more administrative work
21 without any benefit whatsoever to be creating
22 a subcommittee at this point. We would have a

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1 hard time even making the case for a
2 subcommittee since we haven't done any
3 evaluation yet. So we don't have the ongoing
4 activity to justify the subcommittee at this
5 point.

6 MEMBER MUNN: Nor have we had the
7 discussion.

8 MR. KATZ: Yes, anyway, that is
9 just a process thing down the road. I don't
10 think that is a big issue.

11 MR. ELLIOTT: But it could be one
12 of the outcomes of this working group, to say
13 what should be monitored, to say to the
14 Board --

15 MR. KATZ: Right.

16 MR. ELLIOTT: -- here's what we
17 think should be monitored, and whether that
18 requires a working group or the Board can
19 handle it or a subcommittee is necessary, let
20 the Board decide.

21 MR. KATZ: Absolutely. Absolutely.

22 CHAIRMAN GIBSON: I think we also,

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1 if we look back, I think we committed to Paul
2 that, when we come back to the implementation
3 plan, to give our recommendation again on
4 whether we thought this would be ongoing. I
5 think it is scheduled somewhere later on, in
6 June, and we can discuss the pros and cons or
7 what we do.

8 MR. KATZ: So evaluate covers
9 monitoring in a general sense. It doesn't
10 matter to me whether you include both terms or
11 keep them both. You cover the waterfront with
12 evaluate.

13 MEMBER MUNN: I would suggest we
14 remove monitor and assess and simply use the
15 word evaluate.

16 MEMBER SCHOFIELD: Either way you
17 look at it, we're going to have to evaluate
18 and then, after we look at that, definitely
19 you will have to make an assessment as to what
20 is important or is not important, what is
21 being done right, what things maybe are strong
22 and what things may be weak.

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1 MEMBER MUNN: And that's an
2 evaluation.

3 MEMBER SCHOFIELD: Right.

4 CHAIRMAN GIBSON: I guess where I'm
5 concerned is, you know, and this is very
6 probably insignificant, but every time
7 something changes in the program, it can tend
8 to cause an uproar. Again, from the original
9 language that was in there, we had evaluate,
10 we had assess, and no one seemed to have a
11 problem with it, whether it was the government
12 or the Board members or anyone else.

13 So I am willing to do anything that
14 the Work Group wants, but I don't see why this
15 is all of sudden an issue.

16 MR. KATZ: It is not an issue from
17 my perspective, which is what my preface was,
18 that what these words say doesn't matter too
19 much to me because the evaluation plan is
20 going to define what you do. So whatever kind
21 of banner you want to put up there that makes
22 you comfortable, I think you should do.

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1 MEMBER MUNN: One advantage to not
2 being prescriptive, however, is that it gives
3 you more flexibility in the long run. The
4 fewer prescriptive words you have
5 incorporated, the more flexibility you have.

6 CHAIRMAN GIBSON: The only counter
7 I would have to that, that it has been my
8 opinion at times the less prescriptive the
9 language is, the more times we are told that
10 is beyond the scope. That wasn't the intent.

11 Someone would have to go back and dig back
12 through the years of transcripts to see what
13 the intent was.

14 MEMBER BEACH: Have you recently
15 read your original motion, Mike?

16 CHAIRMAN GIBSON: No.

17 MEMBER BEACH: I have a copy of it,
18 if you want to look at it, but it is fairly
19 descriptive. Do you want it read for the
20 record?

21 DR. ZEITOUN: Yes, go ahead.

22 MEMBER BEACH: This goes back. It

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1 was on page 188. I believe it was February
2 8th or February 9th.

3 It said, the Work Group would be
4 trusted and tasked with reviewing all
5 activities of the Worker Outreach Program,
6 including but not limited to, No. 1., the
7 NIOSH ORAU approach to organizing the worker
8 outreach meetings; No. 2, to approach and to
9 look at how the meetings are conducted; No. 3,
10 the impact of the claimants and/or survivors'
11 information that is gathered at worker
12 outreach meetings that is included in the dose
13 reconstruction program, (b) the site profiles,
14 and (c) the site-specific petitions.

15 I just thought it was important,
16 when I found this, based on what we did our
17 mission statement to, but I didn't find it
18 until after this one was voted in.

19 CHAIRMAN GIBSON: Well, it's longer
20 than -- I mean one of our concerns, I think,
21 was we wanted to be short and sweet, so to
22 speak, in our mission statement and put more

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1 of the meat in the implementation.

2 But any other feelings? Wanda?
3 Phil?

4 MEMBER SCHOFIELD: It seems to me
5 you're going in the right track.

6 CHAIRMAN GIBSON: Could you say
7 that again, Phil?

8 MR. KATZ: He thinks we're going in
9 the right track.

10 CHAIRMAN GIBSON: Oh, okay.

11 MEMBER BEACH: I personally feel
12 strongly about leaving monitor and evaluate in
13 there. So that's how I feel.

14 CHAIRMAN GIBSON: I am comfortable
15 with that.

16 Wanda, are you comfortable with
17 that?

18 MEMBER MUNN: Yes. Yes, I'm
19 comfortable with it, with the monitoring. But
20 since one Board member has expressed concern
21 with assess, it seems to me that evaluate
22 ought to be able to incorporate any concerns

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1 that anyone has.

2 CHAIRMAN GIBSON: Okay. Phil, is
3 that all right with you?

4 MEMBER SCHOFIELD: Could you repeat
5 that?

6 CHAIRMAN GIBSON: We would
7 recommend, next time we meet as a Board, we
8 would recommend that we strike the word assess
9 and put the word evaluate.

10 MEMBER SCHOFIELD: I fully agree
11 with that.

12 CHAIRMAN GIBSON: Okay. Then
13 that's what we will do.

14 MR. KATZ: Going back to my emails,
15 the other email, the prior email that I sent,
16 I just made the point that this mission
17 statement as it is written right now focuses
18 on getting information to the claimants, but
19 it leaves out the function of obtaining
20 information from them that is included in the
21 original, which Josie just read, the original
22 idea, and which is in the actual evaluation

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1 plan that you're working on. It is not
2 reflected in this mission statement right now
3 and probably should be.

4 DR. MAKHIJANI: Can I just
5 supplement what Ted has just said? Our
6 original work that we did to support you, just
7 as a kind of background reminder for your
8 discussion, was to evaluate the NIOSH
9 procedures for the kind of worker outreach
10 that was in your original motion that Josie
11 just read.

12 And the comments were, how is it
13 being documented?, is all the expert
14 information about the workers' work being
15 documented?, when is it and is not used?, and
16 so on. That was reflected, I think, in your
17 original motion.

18 This particular mission statement
19 seems to be about information to and from
20 claimants, which is quite a different thing,
21 it seems to me. Of course, claimants are also
22 workers, and they give information that could

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1 be useful in site profiles, and so on. But I
2 think some of the things that are in our
3 original evaluations that led up to the
4 formation of the Work Group are not currently
5 in the mission statement.

6 DR. MAURO: This is John Mauro. I
7 would like to weigh in.

8 I agree with Arjun in that, in
9 thinking back over the years of doing our
10 work, and whether it is dose reconstruction,
11 audit, or it is a site profile review, or SEC,
12 the thing that struck me as being very
13 important is paying a lot more attention to
14 the information we're getting from the
15 claimants and petitioners, and making sure
16 that the product, whether it is dose
17 reconstruction or a site profile review, et
18 cetera, reflects the full range of information
19 that came in, giving it its appropriate
20 weight.

21 So I agree, I think that, in my
22 mind, I always thought that the power of the

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1 outreach and the role that would be played by
2 the outreach, we need to make sure that we
3 don't lose that connection, and make sure all
4 that information is obtained and finds its way
5 into the work products that are produced by
6 NIOSH.

7 MEMBER MUNN: Well, that has been
8 sort of a developmental process, has it not?
9 Originally, we were primarily concerned with
10 whether the process was established as it
11 should be.

12 But I don't think that our concern
13 so much in recent times has been process, as
14 making sure that the process captures the
15 information that is necessary for adequate
16 dose reconstruction to be done, which is more
17 reflective of the current mission statement
18 that we have just been discussing.

19 I don't have the feeling personally
20 that that has in any way lessened the concern
21 the Work Group has with regard to the process
22 and the organizations involved. It just seems

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1 to me that we fairly well-established how that
2 goes now. The operation is fairly mature, and
3 now it is a focus on information to make sure
4 that the process is handling the information
5 correctly, my interpretation.

6 CHAIRMAN GIBSON: Josie, is there a
7 sentence or part of a sentence that we may
8 consider moving up, recommend moving up to the
9 mission statement that would lead us to the
10 bulk of that, if it is inserted in our
11 implementation plan?

12 MEMBER BEACH: That is a pretty
13 darn long sentence, Mike. Let me pass it to
14 you and see if you can pick something out of
15 it. I highlighted where you started.

16 CHAIRMAN GIBSON: I don't see an
17 easy way to --

18 MR. KATZ: Can I make a suggestion?

19 CHAIRMAN GIBSON: Yes.

20 MR. KATZ: I think it would be
21 easy. So I think if you add ahead of what you
22 have here about monitor and evaluate, the

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1 piece that you're missing is you want to
2 evaluate the effectiveness of the program's
3 efforts to obtain and make use of information
4 from workers as well as, then, the rest of
5 what you have here. And if you just add that
6 clause, then you're covering the waterfront
7 because you're evaluating both how well the
8 program obtains and makes use of information
9 from workers as well as how well the workers
10 were informed about their rights, et cetera,
11 the process, the results.

12 DR. ZEITOUN: Can I use the same
13 terminology that NIOSH used before and say,
14 information-gathering process, the
15 effectiveness of the information-gathering
16 process and the effectiveness of such-and-
17 such-and-such, of passing the information to
18 the public? Which is exactly what was
19 presented last time. Do you remember that?

20 MEMBER MUNN: Yes.

21 DR. ZEITOUN: It was in the Board?

22 MEMBER MUNN: Yes, I do remember

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1 that.

2 DR. ZEITOUN: Yes. As Ted
3 mentioned, we concentrated on that element
4 only. However, that element, we did not
5 really pay attention to it, although it's part
6 of the original mission, which is the
7 gathering aspect.

8 MEMBER BEACH: Ted, can you repeat
9 what you said, please?

10 MR. KATZ: I will try to repeat
11 what I said.

12 So you want to add to the front of
13 this that you're evaluating the effectiveness
14 of the program's efforts to obtain and make
15 use of information for the workers at these
16 sites, workers and former workers.

17 MEMBER BEACH: Make use, okay.

18 MR. KATZ: And then you are just
19 adding that as well as and then and, and then
20 you have the rest of what you have here.

21 CHAIRMAN GIBSON: All right. I
22 think I like Ted's suggestion. The obtain is

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1 the information-gathering, but the make use of
2 is --

3 MR. KATZ: Correct.

4 DR. MAKHIJANI: I would say that
5 that really reflects what your original motion
6 was.

7 MR. KATZ: Yes. Exactly.

8 DR. MAKHIJANI: You captured it in
9 very few words.

10 CHAIRMAN GIBSON: Okay. So, Phil,
11 is that okay with you? Wanda, is that okay
12 with you?

13 MEMBER MUNN: You want to read it
14 all the way through now, the way the new
15 language --

16 CHAIRMAN GIBSON: I don't have that
17 inserted just yet.

18 MEMBER MUNN: Okay. Let's wait and
19 insert it, and then see how it reads.

20 CHAIRMAN GIBSON: Okay. Ted, you
21 were suggesting inserting it where now?

22 MR. KATZ: So ahead of to monitor

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1 and assess, ahead of that.

2 CHAIRMAN GIBSON: To obtain and
3 make use of --

4 MR. KATZ: So do you want me to try
5 to say it?

6 CHAIRMAN GIBSON: Yes.

7 MR. KATZ: I haven't written it
8 out, but The mission of the Advisory Board --
9 I'm just going to shorten that -- that the
10 Worker Outreach Work Group is to evaluate the
11 effectiveness of NIOSH activities, I would say
12 I guess, to obtain and make use of information
13 from workers and former workers, however you
14 want to do that. Then go on to and to monitor
15 and assess the effectiveness of NIOSH, blah,
16 blah, blah.

17 CHAIRMAN GIBSON: Okay, I must have
18 missed something on this. I thought you said
19 to add the obtain and make use of after the
20 effectiveness of NIOSH activities. Did you
21 insert that somewhere else?

22 MR. KATZ: So I am saying go

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1 through Work Group, is to evaluate the
2 effectiveness of NIOSH activities, to obtain
3 and make use of information from current and
4 former workers.

5 I guess to redo the last part,
6 current and former workers of the U.S. weapons
7 complex. Then you would go on to say, and,
8 and then you would just continue as you have,
9 to monitor and assess the effectiveness of
10 NIOSH. That would all continue as it is, but
11 just in terms of grammatical things, you
12 wouldn't need to repeat the U.S. weapons
13 complex. You could just end with is available
14 to as many of these current and former workers
15 as possible.

16 MEMBER SCHOFIELD: You know, Ted,
17 that statement about the weapons complex, I
18 don't think that really adds into it.
19 Considering a lot of these AWE sites really
20 were doing more, in many cases were just
21 assisting other facilities on a very short-
22 term basis --

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1 MR. KATZ: So, Phil, we could leave
2 out that U.S. weapons complex completely, that
3 phrase, because you all know what you're
4 talking about. It's very clear current and
5 former workers means workers involved at any
6 of these sites.

7 MEMBER SCHOFIELD: Right.

8 MR. KATZ: So I agree with you,
9 Phil, I think we could leave out that
10 terminology completely.

11 MEMBER MUNN: But they were
12 contracted members of the weapons complex at
13 the time they were doing the work.

14 MR. KATZ: Yes. It's just that you
15 know which workers. You know who the workers
16 are and the former workers.

17 MS. ROBERTSON-DeMERS: This is
18 Kathy.

19 Can we add something to current and
20 former workers and say worker representatives
21 also, because not everybody that NIOSH is
22 making contact with is a current or former

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1 worker?

2 MEMBER MUNN: Perhaps we should
3 say, claimants rather than workers.

4 MR. KATZ: Well, the
5 representatives aren't claimants, but no --

6 MS. ROBERTSON-DeMERS: No, it's not
7 just claimants either.

8 MR. KATZ: And their
9 representatives.

10 MEMBER BEACH: That wouldn't cover
11 the gathering-information part of it.

12 DR. MAKHIJANI: Like the
13 petitioner, one of the petitioners at Rocky
14 Flats was not a claimant, but she was a former
15 worker.

16 MR. KATZ: How is it looking?

17 CHAIRMAN GIBSON: Like a mess.

18 Okay. So I am just going to read
19 this out loud. It is probably not right yet.

20 The mission of the Advisory Board
21 on Radiation and Worker Health's Worker
22 Outreach Work Group is to evaluate the

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1 effectiveness of NIOSH activities, to obtain
2 and make use of information from U.S. current
3 and former workers and their representatives
4 or advocates, and to monitor and assess the
5 effectiveness of NIOSH activities -- I don't
6 have that other sources in there -- of
7 assistance for potential EEOICPA claimants,
8 assure the information is available to --

9 MEMBER SCHOFIELD: I like that
10 better.

11 MEMBER BEACH: Did you put in the
12 evaluate or did it say assess again?

13 CHAIRMAN GIBSON: It probably still
14 said assess.

15 MEMBER BEACH: Okay.

16 MR. KATZ: You want me to just help
17 you with it?

18 CHAIRMAN GIBSON: Yes.

19 Okay, let's try this.

20 The mission of the Advisory Board
21 on Radiation and Worker Health's Worker
22 Outreach Work Group is to evaluate the

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1 effectiveness of NIOSH activities, to obtain
2 and make use of information from current and
3 former workers and their representatives, and
4 to monitor and evaluate the effectiveness of
5 NIOSH and other sources of assistance for
6 potential EEOICPA claimants, and to assure
7 this information is available to as many of
8 these current and former workers as possible.

9 Is that okay, Phil?

10 MEMBER SCHOFIELD: Sounds good to
11 me. Wanda is our English teacher, though.

12 MEMBER MUNN: Well, I'm thinking
13 there are an awful lot of and's in there, and
14 then, and then, and then. But if it covers
15 the waterfront for everybody, then grammar is
16 secondary. The purpose is covered.

17 It's longer than I would like, but
18 so is most of the documentation that we
19 produce.

20 CHAIRMAN GIBSON: Well, Larry,
21 OCAS, any comments to the changes we are
22 proposing to the Board?

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1 MR. ELLIOTT: No comments from me.

2 CHAIRMAN GIBSON: SC&A?

3 DR. ZEITOUN: No comments.

4 CHAIRMAN GIBSON: Okay. Well, I
5 will get this sent out to the members of the
6 Work Group, and we can take this back to the
7 Board at the next Board meeting or in the
8 Board conference call. Okay.

9 MEMBER BEACH: Will you email that
10 to all of us?

11 CHAIRMAN GIBSON: Yes. Okay.

12 MEMBER MUNN: Perhaps we can all
13 have an opportunity to read it and later in
14 our agenda perhaps we can confirm that that
15 meets our needs.

16 CHAIRMAN GIBSON: What I'll do is
17 we will go ahead and get started on the next
18 item on the agenda, and while we are doing
19 that or during one of the breaks, I will go
20 ahead and email it to the Work Group members,
21 and that will give you time to look at it for
22 the rest of the day.

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1 MEMBER MUNN: Good. Great.

2 CHAIRMAN GIBSON: Okay. The next
3 thing on the agenda is we're going to get a
4 status report from NIOSH on the action items
5 from our June meeting. Then, following that,
6 we will have a status report from SC&A on the
7 action items.

8 MR. ELLIOTT: Okay. I will try to
9 hit the high spots and let J.J. or Mary fill
10 in.

11 We at the last meeting put up on
12 the Board a diagram, an explanation of how we
13 saw our worker outreach, what outreach means,
14 how we get information and we address that
15 information, et cetera.

16 And then I think an action item was
17 to provide that back to you in hard copy form
18 or in a form -- I think Abe's got a copy of
19 that with him today. So we did that.

20 We also talked about the status of
21 our tracking system, Outreach Tracking System,
22 that it was being populated. I think J.J. or

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1 Mary can fill us in on the advances or
2 progress we have made therein because I think
3 we have populated some more of it.

4 It is all the system that alerts --
5 I answered Ted's email the other day. This is
6 also the system that provides announcements
7 and notices of scheduled events that we see as
8 outreach efforts, such as today Laurie is with
9 the DOL Ombudsman's Office at Mound. So they
10 asked us to participate in their meeting
11 there, and Laurie is the representative doing
12 that.

13 So you will see those announcements
14 come to you as an email.

15 Ted, I apologize. When I looked
16 into it, I found out you weren't on the
17 distribution list, and you certainly should
18 have been.

19 So other action items, I'm not
20 recalling.

21 MEMBER BEACH: I had four of them
22 listed here.

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1 MR. ELLIOTT: Four of them? Oh,
2 good.

3 MEMBER BEACH: Do you want them?

4 MR. ELLIOTT: You're very well-
5 prepared, Josie, and I'm not.

6 MEMBER BEACH: I don't even know if
7 I got all of them there.

8 MR. ELLIOTT: So provide a copy of
9 the different databases that NIOSH maintains
10 worker comments. I don't know where we are at
11 on that. I don't know. I don't recall.

12 MEMBER SCHOFIELD: Larry, are those
13 different databases being combined into one?

14 MR. ELLIOTT: I guess I don't
15 recall this action item. So I'm not sure
16 what --

17 MEMBER BEACH: It was an early one
18 of our last meeting.

19 MR. ELLIOTT: The February meeting?

20 MS. ROBERTSON-DeMERS: Actually,
21 yes, I think it was from a previous meeting.

22 MEMBER BEACH: Yes.

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1 MR. ELLIOTT: I think we talked
2 about this a little bit at the last meeting,
3 that one of the prior ORAU systems is not
4 available, right? Was it Whisper or --

5 MEMBER BEACH: Whisper is still up.

6 MR. ELLIOTT: Whisper is still up,
7 but the one before that, Top Hat?

8 MEMBER BEACH: Top Hat, it was not.

9 MR. ELLIOTT: Top Hat is not
10 available.

11 You've got the access to the OTS,
12 the Outreach Tracking System. You don't have
13 that yet?

14 MEMBER BEACH: No. We have the
15 documents, but we haven't been able to get on.

16 MR. ELLIOTT: Is that because of
17 the IT security constraints?

18 MEMBER BEACH: Possibly, yes.

19 MR. ELLIOTT: Okay, we're still
20 dealing with the IT security constraints of
21 getting you access, but it is there. It is
22 what we would point to, where we maintain

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1 worker comments and how we have addressed
2 them. So, as soon as we get over the IT
3 security obstacles, you will have access to
4 that.

5 We were, I guess, to review the
6 outreach history document and wondering if it
7 provides useful information.

8 MS. ROBERTSON-DeMERS: I think that
9 was from a previous meeting also.

10 MS. ELLIOTT: The OTS is basically
11 the outreach history information. That is the
12 function of the OTS.

13 MR. ELLIOTT: Well, I don't recall
14 this being tasked to us. So I'm not going to
15 respond to this today. You know, if you need
16 me to respond to action items, I guess I
17 should have known about this or been aware of
18 this, but we didn't talk about this one at the
19 last meeting. I came here prepared to talk
20 about action items from this meeting or from
21 the most recent meeting.

22 So, NIOSH ATL to compile a list of

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1 outreach activities, including upcoming worker
2 outreach activities. So I think we have done
3 that, and we provide that in our notices.

4 MEMBER BEACH: The only question I
5 have on that, Larry, and I have a list of all
6 of the meetings so far, does that include all
7 the site expert meetings that you may call up
8 and just ask for one or two people? Will that
9 be included?

10 MR. ELLIOTT: Is that in there,
11 Mark?

12 MR. LEWIS: No. We go. Mary and I
13 are with ATL; that's captured, but from my
14 understanding, if you send some HPs or
15 somebody out there to capture data or
16 something, you know, I don't think that is in
17 there at all.

18 MS. ELLIOTT: No, it's not.

19 MEMBER BEACH: So we still need to
20 understand how you are going to inform us of
21 those.

22 MEMBER MUNN: But is that really

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1 worker outreach?

2 MR. LEWIS: I don't know if that
3 would be classified as worker outreach.

4 MR. ELLIOTT: I want to understand
5 what Josie is asking. I'm sorry. You're
6 asking to notify you folks of when we go out
7 to do a data capture?

8 MEMBER BEACH: Yes. I believe it
9 would be data capture.

10 MS. ROBERTSON-DeMERS: Well, I
11 think what she is saying is, for example, the
12 meeting that Brant held on the neutron issue
13 at Mound.

14 MEMBER BEACH: That was the biggie
15 for me. It was 12 people put it together.

16 MS. ROBERTSON-DeMERS: Yes. They
17 called in 12 workers to ask them about a model
18 that they had adopted.

19 MEMBER BEACH: They were looking,
20 they were soliciting specific information.

21 MR. ELLIOTT: I understand. I
22 understand the interest and motivation to

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1 participate in those. I don't know that we
2 have factored that motivation and interest
3 into our thinking here.

4 In some instances, those meetings
5 can be chilled very quickly by the number of
6 participants and who the participants are. So
7 we want to avoid that.

8 But I'm not using that as an excuse
9 or an obstacle toward accommodating your
10 interest. I think we have to work through
11 this one.

12 MS. ROBERTSON-DeMERS: Well, this
13 is Kathy. Can I make a suggestion?

14 MR. ELLIOTT: Sure.

15 MS. ROBERTSON-DeMERS: When I go
16 out and I do interviews, and NIOSH wants to
17 sit in on those interviews, I turn to the
18 interviewees and ask them if it's okay and if
19 they're okay. Then I'm okay.

20 MR. ELLIOTT: Very good suggestion.
21 That is certainly one good way of handling
22 it. I need to talk with the folks who do this

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1 regularly and get their feedback to this.

2 I thought where we were working on
3 an issue at a given site concurrently, I
4 thought there was an agreement that we would
5 notify, alert, make an opportunity available
6 for co-participation.

7 Where we're not in a concurrent
8 work situation at a site, you know, we are
9 going out and developing our technical basis
10 document and SC&A is not really involved in a
11 review or an SEC evaluation. I want to make
12 that distinction, and I'm okay, if the Board
13 and the DFO feel that they want to have a
14 participatory level of effort in that, we can
15 talk about that, too. But I think there is a
16 distinction where we're out developing
17 something on our own versus where we are
18 dealing with an SEC evaluation report or a
19 site profile review at the same time SC&A is
20 conducting their evaluation.

21 MEMBER MUNN: But this is a key
22 point we are discussing here. The key point

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1 we are discussing is whether all of NIOSH
2 activities that involve any other workers is
3 an outreach activity. This is far more
4 expansive than the term worker outreach in my
5 perception, and I think the perception of many
6 of the other Board members as well.

7 We've talked about worker outreach
8 in the context of making sure that workers are
9 aware of the program, how to participate in
10 the program, and what the law is, but we have
11 not talked about worker outreach in terms of
12 obtaining site data and technical data that
13 has to do with individual or other dose
14 reconstructions. That is an entirely
15 different aspect of the work that goes on
16 here.

17 If we are asking to be involved in
18 the Agency's technical work, then we need to
19 clarify that in our mission statement as well.

20 My personal feeling is that that is beyond
21 our purview.

22 CHAIRMAN GIBSON: I guess my

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1 comments would be Josie gave us this copy of
2 the original motion, and it clearly to me
3 states that we want to determine if the
4 information from the workers is being used in
5 the dose reconstruction, the site profiles
6 properly. So I think that is clearly within
7 at least the intent of the Board adopting this
8 Work Group. It may have gotten lost somewhere
9 in the time and in the language that we have
10 developed here, but I thought we were going to
11 try to pull that back out.

12 But the issue that we are
13 discussing here is, from my perspective, I
14 wanted to make sure that the workers in the
15 field, their information carries as much
16 weight and is used when appropriate in dose
17 reconstructions and site profiles, and if
18 there's meetings to go on with folks from the
19 sites, or formerly from the sites, that are
20 helping NIOSH essentially develop their
21 policies, their procedures, how they are going
22 to do business, I agree that it may be

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1 important for us to sit in on that. That is
2 going to help us assess how much the average
3 Joe out in the field, how much his information
4 is going to input the program as far as
5 opposed to how much weight is given to some of
6 the potentially technical people who were
7 formerly in a rad program.

8 MEMBER MUNN: But there is no
9 possible way we can evaluate that unless we
10 evaluate every technical exchange that goes on
11 with NIOSH, not only with the workers, but
12 with non-workers as well. If we are going to
13 say it is our job to evaluate how much weight
14 is given from the technical data that is
15 obtained, then we are going to say that this
16 Work Group has the responsibility to be
17 involved in every technical exchange that the
18 Agency is involved in, whether it is with
19 workers or whether it is with what you
20 consider non-workers.

21 I am not sure exactly what you
22 consider non-workers. From many perspectives,

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1 anyone who is involved in this program is in
2 one way or another a worker. But that is
3 really asking a great deal. That is not a
4 simple, straightforward, well, just tell us if
5 you're going out to do some data capture.

6 CHAIRMAN GIBSON: And I didn't mean
7 to indicate -- I mean we are not involved in
8 -- we are not going to be able to monitor and
9 assess every worker's input as a claimant. We
10 are going to do an assessment, figure out how
11 we want to monitor the program as an overview
12 of it.

13 So I certainly didn't mean to
14 indicate that we would be involved in every
15 technical discussion that OCAS has with a
16 group of workers.

17 MEMBER BEACH: And I think really
18 this discussion is a good discussion, but when
19 we get into how we're going to do our work, I
20 think that will cover most of what we are
21 talking about now. The document that is
22 before us that we are going to discuss later I

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1 think will cover it. It should cover it.

2 CHAIRMAN GIBSON: Yes, this is an
3 issue that --

4 MEMBER BEACH: A framework, I
5 should say.

6 CHAIRMAN GIBSON: Make sure it
7 doesn't get lost in the --

8 MEMBER BEACH: Right. Right.

9 DR. ZEITOUN: But, in reality, last
10 time we discussed, and it came from NIOSH when
11 they defined their outreach program, they
12 defined it, that it is a focus group that
13 always meets, and it's part of that outreach
14 program. So, if we say, outreach, we are
15 using what they gave us as their outreach
16 program, and we are talking about it.

17 Like, for example, this also came
18 with this document that they sent to us or
19 sent it to everybody. It said, there is an
20 audience. This are SEC evaluation report
21 issues: The audience is a focus group of
22 current and all former workers to discuss

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1 specific issues identified by OCAS or its
2 contractor during the SEC evaluation process.

3 This could cover certain issues of
4 this kind of nature. What's the neutron
5 issues? How the technology is, you know, so
6 we, as the Board, will learn the process with
7 them and along with them, so we can be in
8 parallel.

9 So some of it may not be needed,
10 but just looking at what NIOSH defined to us
11 last time on 6/16, this issue could be
12 covered. I'm just looking at this here.

13 MEMBER MUNN: What I'm trying to
14 get at here is the definition of data capture.

15 DR. ZEITOUN: Right, right, right.

16 MEMBER MUNN: It is one thing to
17 talk to workers about what transpires. It is
18 an entirely different thing to be looking
19 through records and capturing data.

20 MEMBER BEACH: In my mind, we
21 weren't talking about looking at the records.

22 MEMBER MUNN: With or without

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1 workers involved, and if you are saying, if we
2 are going to define interactions between the
3 Agency and workers as worker outreach, when
4 the purpose is to obtain data, then we need to
5 clarify that. It has not been clear to all of
6 us that interviewing workers with respect to
7 data is worker outreach. I guess if that is
8 what we are going to do, then that needs to be
9 clearly defined.

10 CHAIRMAN GIBSON: I thought I heard
11 Larry say that they met with some of the Mound
12 folks to discuss how to use their model. It
13 wasn't necessarily to get data from them, was
14 it? Or is there a distinction between that?

15 MR. ELLIOTT: It was to better
16 understand a technical issue about exposures.

17 MS. ROBERTSON-DeMERS: It was to
18 pass the model by the workers, so that they
19 could concur with it or not concur with it.

20 DR. MAKHIJANI: Just going back to
21 some of the earlier work in which I was
22 involved, and having helped with the draft

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1 document that is before you, it seems to me
2 that a central part of this is not about
3 individual dose reconstructions and the CATIs
4 and the information, which has been separately
5 evaluated under your Work Group, but the
6 systematic information that would affect the
7 understanding of the sites, what went on over
8 there, working conditions, the kind of thing
9 that we did when we got a diagram of the
10 Bethlehem Steel plant and we didn't understand
11 the full layout thing, and we consulted with
12 workers and created a diagram so we actually
13 understand how the uranium went from one place
14 to another, rather than something that would
15 affect one person's dose reconstruction.

16 I think, in my mind at least, that
17 is one of the main things that was captured by
18 what Ted said, obtain and use the information
19 from workers more in their capacity as site
20 experts. We are treating all workers as site
21 experts that have information that could help
22 the overall process, and not just their claim.

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1 At least that is how I am understanding it,
2 but maybe I am mistaken.

3 MR. ELLIOTT: I think we are on the
4 same page.

5 DR. MAKHIJANI: Okay. So it isn't
6 as broad as all interactions or all
7 conversations. I think it is more focused.

8 DR. ZEITOUN: And it has been
9 defined in the NIOSH Outreach Program itself
10 last time. It has been this is the type of
11 meetings and this is information-gathering
12 that includes smaller groups. We need to
13 refine what we understand are the certain
14 issues to really then define. That is why we
15 worked with that frame that was defined to us
16 last time, on 6/16.

17 MR. ELLIOTT: I kind of lost track
18 of what we're talking about here because I
19 envisioned that this working group would
20 somehow look at how we talk to workers, what
21 our purpose in talking to workers is, and how
22 that benefits the program.

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1 So, in that light, I think, yes,
2 you are going to have a presence in these
3 conversations, in these discussions, on
4 technical issues. I'm glad to hear it wasn't
5 data capture because that is a whole different
6 problem and ball game, and I don't consider
7 data capture outreach.

8 So what's the rub here? I'm lost
9 in what --

10 MEMBER BEACH: My original thought
11 was, when we were on the action item No. 3, to
12 compile a list of worker outreach activities,
13 and we have been sent those, and I just said I
14 wanted to be informed or we needed to be
15 informed of the smaller meetings, and was
16 there an avenue for us to be able to be
17 informed of those? That is kind of where we
18 got started.

19 MR. ELLIOTT: The smaller meetings.

20 MEMBER BEACH: The two or three --
21 the outreach where you are looking for
22 specific information on specific --

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1 MR. ELLIOTT: I don't make a
2 distinction in my mind. That's outreach.

3 MEMBER BEACH: But we just haven't
4 been notified of those. To this date, we have
5 not been notified of those. So that is where
6 my question came in.

7 MS. ELLIOTT: If I may make a
8 point, when we made those four types of
9 meetings, basically, we were talking about
10 trips that go out during the SEC evaluation
11 period when the HPs have questions that need
12 to be clarified from people who worked at the
13 site. So that is during the evaluation
14 process, before the evaluation report is
15 submitted to the Board.

16 The other ones, where they go out
17 to talk to site experts, are often after those
18 evaluation reports are submitted and the
19 working groups have questions, and that leads
20 to more investigation. So there is a
21 difference.

22 MR. ELLIOTT: So in that

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1 difference, you are saying you don't see that
2 latter part being outreach?

3 MS. ELLIOTT: Well, I am not going
4 to say that. Okay? I'm not going to say it
5 is not outreach, but it is connected in a
6 different way.

7 MR. ELLIOTT: It is not outreach in
8 my mind because it is not driven by our
9 interest to find, you know, to establish our
10 position. It is driven by the review process,
11 the deliberation process.

12 MS. ELLIOTT: Correct. That is my
13 point. That is what I am saying. That is the
14 bottom-line clarification right there.

15 MS. ROBERTSON-DeMERS: Well, this
16 is Kathy.

17 In the case of this Mound meeting,
18 we have already been tasked with reviewing the
19 SEC evaluation report, and NIOSH went out and
20 pulled together a group of experts, which is
21 what I would call a focus group, to obtain
22 information on neutron exposure.

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1 MR. ELLIOTT: In reaction to your
2 review comments.

3 MS. ROBERTSON-DeMERS: They were
4 developing a white paper.

5 MR. ELLIOTT: Yes. And so can I
6 stop you right there?

7 In that instance, when does it
8 become the Agency's prerogative to develop the
9 position without the Board or its technical
10 contractors' involvement? Is there a bright
11 line here? And if there is no bright line,
12 then how do you play into that? How do you
13 sit there and not drive the development of our
14 position or at the same time develop your
15 position? Do you see where I am coming from?

16 I am not trying to be obstructive
17 here. I am just trying to think through this.

18 MEMBER MUNN: This is the point I
19 was trying to make. There is a dividing line
20 somewhere.

21 MR. ELLIOTT: You perturb the
22 process, in my opinion, if you are even

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1 sitting in the room and you come out of the
2 room, you haven't said a word, but you come
3 out of the room and you have already got your
4 position, and you start taking your actions,
5 based upon what you heard.

6 So there is going to be some
7 interaction there. I mean we can all work
8 together to get done what we all want to do
9 here, and that is do the best thing for the
10 claimants. But I want to be clear about how
11 this is going to work.

12 DR. MAURO: This is John.

13 I think, Larry, you really brought
14 something that I haven't thought about, and I
15 think it is very important. I would like to
16 just jump in.

17 I think that there is a front end
18 and a back end of the process. I think that
19 way. Most of our discussions in the mission
20 statement, I guess when we were thinking, was
21 really oriented toward the front end of the
22 process.

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1 Now you are bringing in something
2 very important on the role of, let's say, the
3 Board and the Work Group on the back end of
4 the process. That is, okay, now we are moving
5 down a road where all the work products are
6 in, the site profiles are in, the evaluation
7 report is in, and we're in the process of
8 preparing white papers, where NIOSH is taking
9 some actions, perhaps SC&A is taking some
10 actions, gathering information.

11 I think when we are in that mode,
12 and this is just a thought, things become a
13 little simpler. What I mean by that is that
14 I guess I see the thing that I am most
15 interested in is that the information that is
16 gathered in that back end of the process is
17 recorded in a way that everyone has access to
18 it and could review it.

19 So that when we go into our
20 deliberations regarding the information we now
21 have available to us, the Board is in a
22 position to feel confident that all of the

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1 information that was gathered has been
2 documented and can be evaluated, so that
3 judgments could be made whether or not the
4 issue is being properly closed or dealt with.

5 It is a lot different, I would say,
6 this living dynamic that occurs in the back
7 end of the process is something that I would
8 say would be very difficult to monitor to
9 terms of as it is going on, but it is
10 certainly not difficult to monitor to see to
11 make sure that the information that was
12 gathered was, in fact, documented and it was,
13 in fact, taken into consideration in the
14 products, the white papers that are generated
15 as a result of that process.

16 So I never thought about that
17 distinction, but I think it is an important
18 distinction, the front end and the back end,
19 and the role of the Work Group in terms of
20 monitoring and assessing -- I'm sorry --
21 monitoring and evaluating the acquisition and
22 use of the information.

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1 We may want to make a distinction
2 here.

3 MEMBER MUNN: It seems that a
4 distinction is almost required. The
5 difference that Larry mentioned seems very
6 logical, the difference being the motivation.

7 With respect to worker outreach, it
8 is an outreach activity if it is an effort on
9 behalf of the Agency to incorporate workers
10 into the information-gathering process that is
11 ongoing.

12 If it is an interaction with
13 workers as a result of either an SC&A or a
14 Board request for such an action, then that's
15 not really a worker outreach. That is a
16 followup to a directive that has come from the
17 Board's contractor or from the Board. That
18 doesn't appear to be the same thing as a
19 worker outreach, per se.

20 MEMBER BEACH: Per the Procedure
21 012, it is considered one of the Outreach
22 Focus Work Group meetings, which is exactly

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1 what we are talking about. You are bringing a
2 group of individuals together for a specific
3 reason, and it is covered in this procedure.
4 So that is why I looked at it as a Work Group,
5 Worker Outreach.

6 DR. MAKHIJANI: I think we are
7 looking at two different things. I certainly
8 understand Larry's concern here.

9 If you are developing a draft
10 document internally, say a site profile on
11 something that hasn't been studied, published,
12 or presented to the Board, every institution
13 needs to have some room to develop, you know,
14 to be able to talk internally and publish a
15 document, go through their own internal review
16 process. We do that as SC&A.

17 So this thorium thing that just
18 came up must have gone through eight internal
19 circulations before it went out. It was a
20 complicated document, and it required a lot of
21 assessing the data. There's statisticians
22 involved, and so on. You want to be able to

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1 do that.

2 But there are two other things
3 where I think the confusion creeps in. One
4 was the original purpose where we started, if
5 I remember right, is NIOSH was conducting
6 outreach activities, gathering information
7 from workers. The idea wasn't that SC&A would
8 be evaluating the substance of what NIOSH was
9 gathering, but simply the process of gathering
10 that information, whether NIOSH would be
11 effective, whether it was being properly
12 documented, and whether the workers, what they
13 said meant anything to NIOSH, independently of
14 our views of whether the document you produced
15 was good, bad, indifferent material, led to
16 good or bad dose reconstruction, or whatever.

17 This other thing that we are
18 talking about with Mound, now we are in the
19 middle of an SEC evaluation process. The
20 evaluation report is published, and now we
21 actually have been working in parallel, and it
22 has gotten more and more mixed up because we

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1 are trying to be efficient. That is a third
2 issue.

3 I think we should keep these three
4 things separate because they have all gotten
5 mooshed into one discussion, and I think they
6 ought not to be in one discussion.

7 CHAIRMAN GIBSON: And that must be
8 spelled out in our implementation language.

9 DR. MAKHIJANI: Yes, I think we
10 should do that.

11 DR. MAURO: Well said, Arjun. I
12 agree. These differences are very important.

13 MR. ELLIOTT: Yes, I appreciate
14 your input.

15 CHAIRMAN GIBSON: So why don't we
16 try to move ahead with action items? It
17 sounds like this trying to develop this
18 implementation language is going to take the
19 better part of the day or more.

20 MR. ELLIOTT: Can I make it clear
21 for the record here? This Mound example
22 really stimulated the agreement that I spoke

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1 about, that when we are concurrently working
2 together on an issue, we agreed to include
3 each other in our interview process.

4 DR. ZEITOUN: Yes.

5 MR. ELLIOTT: We did. That is what
6 came out of this Mound experience. So it is
7 not like we are resisting. It is like this is
8 an evolution of understanding. We are walking
9 into these things and finding out here's a
10 better way to do it.

11 Certainly Hanford is a different
12 example where we have got concurrent efforts,
13 and all I can say is we have been tripping
14 over each other out there for too long. We
15 finally on our side have decided that we have
16 come to the realization that we aren't going
17 to find the data we need.

18 DR. MAKHIJANI: Yes. Well, you
19 know, then I think --

20 MR. ELLIOTT: And I hope you guys
21 will verify that for us -- that is where we
22 are at.

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1 DR. MAKHIJANI: No, and we have
2 tried to --

3 MR. ELLIOTT: We tried to work
4 together.

5 DR. MAKHIJANI: Nobody has done
6 this before, and we are all trying to conclude
7 it properly and efficiently. Hanford was an
8 experiment. That is I think why we tripped up
9 a little bit, because it was an experiment --

10 MR. ELLIOTT: That is the point.
11 We are evolving. We are coming together.

12 DR. MAURO: Yes, and, Larry,
13 thinking about this, the procedures that are
14 in place in terms of when we collaborate and
15 coordinate all of our activities when we are
16 at the back end of the process, in effect, the
17 Board and its contractor and NIOSH and its
18 contractors have already written a procedure
19 for very closely communicating and cooperating
20 in the back end of the process. So, in a way,
21 I think we have advanced tremendously in terms
22 of that part of the process.

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1 At the front end of the process,
2 where really SC&A has no involvement -- what I
3 mean by that is, when you are in the front end
4 preparing your ER, preparing your site
5 profile, SC&A is not active. That is, we have
6 not been asked to take any action, and
7 appropriately so, until NIOSH has an
8 opportunity to put its products out.

9 So it seems to me that built into
10 the back end of the process we already have
11 all of this very close interaction,
12 documentation, exchange of information,
13 evaluation of information. So, in a way, I
14 think we have matured very, very nicely in
15 terms of, and without realizing it, we've got
16 the outreach oversight, if you want to call it
17 oversight, of the Board because of the close
18 interaction between all our organizations in
19 the back end.

20 So maybe it is the front end that
21 is really the one that requires the most
22 attention. I throw that out just as a thought

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1 because it seems to me that, working through
2 Mound and working through most recently the
3 procedures we are using, and it was all driven
4 really because of efficiency, the need for and
5 the classification of information, and the
6 need to coordinate with DOE.

7 That all forced us to work very,
8 very closely together, document things in a
9 way that seems to work very well, and we are
10 getting even better at it. It is the front
11 end of the process where, that might in fact
12 be the one where there is a need for
13 monitoring and evaluating.

14 CHAIRMAN GIBSON: Okay. So does
15 that take us through the NIOSH action items?

16 MS. ROBERTSON-DeMERS: I had a
17 question.

18 At the last meeting, I think Arjun
19 brought up the audio tapes, and you were going
20 to go back to the Legal Department and ask
21 them.

22 MR. ELLIOTT: No, I was not. No,

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1 no. There's no action item on that. The
2 audio tapes are not a deliverable under the
3 contracts. The audio tapes are not going to
4 be retained. So I have no action item on
5 this. This has already been determined by
6 Office of General Counsel and the procurement
7 folks.

8 DR. MAKHIJANI: I guess that is the
9 piece we weren't clear on, whether it has
10 already been determined by the General
11 Counsel.

12 CHAIRMAN GIBSON: Okay. We will
13 move on to SC&A action items.

14 MS. ROBERTSON-DeMERS: Okay. We
15 still have an open action item to attend
16 worker outreach meetings. We originally went
17 to an unofficial information-gathering meeting
18 in Albuquerque during the Board meeting. We
19 still haven't gone to an information -- sorry,
20 that was an information-giving. We still
21 haven't gone to an information-gathering
22 meeting.

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1 MEMBER BEACH: So can I ask a
2 question here? Do you mind?

3 Does SC&A need the Work Group's
4 permission, for lack of a better word, to
5 attend the meetings that we are sent out or
6 can they automatically go to the ones that
7 they have the availability to go to?

8 CHAIRMAN GIBSON: I would say,
9 since the work groups charge them to help us
10 review the program, they could just make their
11 own decision, unless the government has some
12 problem --

13 MEMBER BEACH: It may be an email
14 to the Chair or --

15 CHAIRMAN GIBSON: Yes, I would like
16 to be informed.

17 MR. KATZ: Me, too. The DFO.

18 MEMBER BEACH: I know for me and my
19 schedule there's a couple here that I would
20 like to go to. Some of them you can't get to,
21 and I know SC&A is probably the same. So I
22 didn't know if we needed to come back to a

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1 meeting every time or we could just try to hit
2 the ones we were available for. Okay. I just
3 wanted to make sure that was clear.

4 DR. MAURO: This is John.

5 Procedurally, it is important to
6 keep in mind that usually SC&A is not tasked
7 to take any activity on a site profile that is
8 being developed or even an evaluation report
9 that is undergoing development.

10 MEMBER BEACH: This isn't for that,
11 John. This is just to attend the worker
12 outreach meetings that are on the schedule.

13 DR. MAURO: Right. No, no, and
14 that's fine. So, in effect, what we would be
15 saying is the Outreach Group may very well, as
16 part of its mission, task SC&A to perform
17 certain activities, participate in particular
18 meetings that might be related to a site
19 profile or an ER that we are not actually
20 evaluating, we haven't been asked to evaluate,
21 but, on behalf of the outreach aspect of it,
22 we would be tasked to do it.

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1 That's fine. I just wanted to make
2 it clear that normally we are not tasked on a
3 particular site until the work is done by
4 NIOSH and a work group is formed for that
5 review of that work product.

6 We are in the circumstance here
7 where, however, that will change. That is, we
8 might actually be tasked to do certain things
9 related to a site profile or an ER while it is
10 being developed, and that is fine, but that
11 would be a little bit different than the way
12 we did things before.

13 MR. KATZ: Yes, John. Let me just
14 add to that to say, in terms of doing this
15 right and for tasking and all, I mean I think
16 it would make sense to sort of develop your
17 evaluation plan and then figure out what sort
18 of meetings and where you want SC&A to attend
19 within the context of that evaluation plan,
20 rather than just sort of leaving it open-ended
21 for SC&A to attend what meetings it might
22 think would be useful, sort of open-ended like

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1 that without any kind of guidance.

2 MS. ROBERTSON-DeMERS: This is
3 Kathy.

4 I guess the question about that is,
5 we have an information-gathering meeting
6 coming up I think on September 2nd.

7 DR. MAKHIJANI: We? Who is the we?

8 MS. ROBERTSON-DeMERS: No, no,
9 NIOSH.

10 DR. MAKHIJANI: NIOSH. Just for
11 clarity.

12 MS. ROBERTSON-DeMERS: And I can
13 foresee that we will want to go to more than
14 just that one, if we can make arrangements to
15 go to that, in the future that we don't know
16 exist.

17 MR. KATZ: Sure. No, I understand
18 that, but I think some planning needs to be
19 done because OCAS certainly does planning
20 pretty far ahead of time in developing some of
21 these outreach meetings, too. I think it
22 would make sense to sort of get a roster of

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1 opportunities and look at sort of the nature
2 of the different characters of these different
3 activities, so that you are covering whatever
4 kind of complexity of different outreach
5 activities you mean to cover under the
6 evaluation plan.

7 As far as the Weldon Spring coming
8 up shortly, I mean if that is just sort of
9 opportune, that seems fine to me, but I just
10 think ultimately the Work Group is going to
11 want to have a pretty organized plan as
12 opposed to just sort of willy-nilly going to
13 this meeting or that meeting, and so on.

14 MR. LEWIS: I would need to know,
15 you know, if you were planning on attending,
16 too, because, like you said a while ago, I
17 need to make sure the audience is okay.

18 MS. ROBERTSON-DeMERS: Yes.

19 MEMBER MUNN: Well, that was,
20 hopefully, one of the issues that had been
21 asked that we address when we look at this
22 list of known meetings that we have. Let's

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1 hope that later in the day this entire group
2 can take a look at those and give some thought
3 to who sitting around this table might be
4 available to go to some of those meetings we
5 know about because, as Ted has already pointed
6 out, often our presence there is very helpful
7 and encouraging to the workers.

8 MR. KATZ: The other point I would
9 just make about this is you need a
10 methodology. I mean right now it is go and
11 attend, and that is not a methodology.
12 Really, that comes under the plan which you
13 are going to be developing because, otherwise,
14 it is going to be difficult for the SC&A staff
15 to know what exactly they are supposed to be
16 doing at these meetings other than paying
17 attention and taking notes.

18 MR. LEWIS: On this meeting coming
19 up -- this is Mark Lewis -- on this meeting
20 coming in September, I may add that it is more
21 of an informational-giving meeting than a
22 gathering meeting because, with this site, it

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1 is the first time I've got a chance to talk to
2 this local about Weldon Spring, and it is
3 their very first meeting. So I expect follow-
4 up meetings with them later, but this initial
5 one is to arm them with what they need to know
6 about the law and the site profile. It is an
7 introductory meeting, this next meeting.

8 MR. KATZ: Right. But, on that
9 point, the Board will have a methodology for
10 evaluating both the information-giving aspects
11 of these and the information-gathering and
12 making use of. I mean that all needs to sort
13 of be fleshed out.

14 Again, for what is coming up, since
15 it is opportune to sort of just familiarize,
16 to get familiar with what goes on at these, it
17 makes sense. But I wouldn't go far down the
18 road of just attending ad hoc versus attending
19 with a purpose and methodology under an
20 evaluation plan.

21 MS. ROBERTSON-DeMERS: Well, I
22 think that the methodology that we would use

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1 is compliance with OCAS PR-012.

2 CHAIRMAN GIBSON: Well, it seems to
3 me to put together an implementation plan and
4 just fleshing all this out is what we really
5 need to do. I mean everything we have done
6 today focuses into something that is going to
7 be in that plan or it is going to be excluded.

8 So, if we can just kind of finish
9 up the open action items, and let's take a 15-
10 minute break, and let's just get back. We can
11 start, just jump in.

12 We have the draft implementation
13 plan from SC&A. We can use that as a strawman
14 and just start down through, and see if we
15 can't get some framework around this.

16 MS. ROBERTSON-DeMERS: Yes, and the
17 other two action items I have down are:
18 prepare a mission statement, which we did at
19 the beginning, and then prepare a plan for
20 evaluating the effectiveness of worker
21 outreach, which is the implementation plan.

22 And that is all I had for our

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1 action items.

2 CHAIRMAN GIBSON: Okay. Let's take
3 a 15-minute break, and let's come back and get
4 into that draft implementation plan.

5 (Whereupon, the above-entitled matter went off
6 the record at 10:57 a.m. and
7 resumed at 11:17 a.m.)

8 MR. KATZ: We are back online.

9 CHAIRMAN GIBSON: Okay, we are back
10 from break.

11 The agenda at 11:00 calls for
12 defining the oversight role of the Board,
13 working group, contractor, and the NIOSH
14 program, and at 1:00 the agenda calls for
15 discussion of the evaluation criteria.

16 Unless there's any strong
17 objections, I propose that we just take this
18 whole two- or three-hour period and just move
19 right to the draft implementation plan that
20 SC&A sent out on the 22nd, I believe. Does
21 everyone have that available to them?

22 MEMBER SCHOFIELD: Twenty-second of

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1 which month?

2 CHAIRMAN GIBSON: June.

3 MEMBER SCHOFIELD: Okay, yes.

4 MEMBER BEACH: There's one that
5 says August 10th. Is that the one?

6 MS. ROBERTSON-DeMERS: Yes, it is
7 August 10th.

8 CHAIRMAN GIBSON: So does everyone
9 have that available to them?

10 What I propose we do, everything we
11 have discussed today leads to a deeper issue,
12 and in statements people agree and disagree
13 with certain things. Just to bring it all
14 down to a point, let's just try to get
15 something in writing in draft form somewhat
16 today, at least get closer to this program as
17 to what we agree and what we disagree on, so
18 that we can try to get this thing moving. Is
19 that acceptable with everyone?

20 MEMBER BEACH: Yes.

21 CHAIRMAN GIBSON: Okay. So, Kathy
22 or Arjun or Abe, if you guys want to start

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1 with the draft implementation plan, and if
2 there's issues that we don't see are defined
3 clearly enough or issues that we have
4 questions on, then let's just get into the
5 discussion.

6 MS. ROBERTSON-DeMERS: The very
7 first section of it is the mission statement,
8 which is obviously going to change, based upon
9 changes we made this morning.

10 CHAIRMAN GIBSON: Correct. We need
11 Board approval for that.

12 MS. ROBERTSON-DeMERS: That forms
13 the basis for the implementation plan in
14 total.

15 The first thing I did was to try
16 and define worker outreach. The first portion
17 of the implementation plan includes verbatim
18 what the NIOSH OCAS-0012 procedure says.

19 I also put in there the further
20 clarification that NIOSH provided in their
21 table, in their other attachments, describing
22 the meetings and processes on the 24th.

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1 Then there are some worker outreach
2 activities that we felt were important that
3 may or may not be incorporated into either the
4 first worker outreach procedure or OCAS 012.
5 I guess that is where we need to start.

6 CHAIRMAN GIBSON: Okay.

7 MEMBER BEACH: So are you right on
8 page 2 of 2 --

9 MS. ROBERTSON-DeMERS: Right.

10 MEMBER BEACH: -- under
11 "information-gathering?" Is that where you
12 are starting, Kathy?

13 MS. ROBERTSON-DeMERS: Actually,
14 I'm on page 1. That's where we define what
15 OCAS 012 has defined as worker outreach.

16 DR. MAKHIJANI: Yes, we are just
17 quoting.

18 MS. ROBERTSON-DeMERS: Right. Then
19 it continues on page 2 and into page 3.

20 CHAIRMAN GIBSON: Okay. So where
21 are the things that you said you added above
22 and beyond the NIOSH procedure and the handout

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1 they gave us after the June meeting?

2 MS. ROBERTSON-DeMERS: One of the
3 things that got kind of confusing with J.J.'s
4 response to the review of the original mission
5 statement was whether the Advisory Board
6 public comment periods were being included as
7 worker outreach.

8 So I guess that is not specifically
9 called out in OCAS 012, but is certainly a
10 part of worker outreach. And I am talking from
11 a generic standpoint, not about a particular
12 claim. Okay?

13 DR. MAKHIJANI: But, Kathy, just to
14 clarify, that is not NIOSH worker outreach,
15 right? That is the Advisory Board's open
16 public comment period, which we have talked
17 about this before in that it might require a
18 followup as to what is happening, whether
19 those comments are being taken into account.
20 But that would equally apply maybe to us --

21 MS. ROBERTSON-DeMERS: Right.

22 DR. MAKHIJANI: -- at SC&A as to

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1 NIOSH or, depending on how the Board decides,
2 I personally think that is kind of a separate
3 track that should be part of this in terms of
4 whether we are taking seriously into account
5 what workers say. But it is a little bit of a
6 separate track then, say, evaluating OCAS
7 PR-012 --

8 MS. ROBERTSON-DeMERS: Yes.

9 DR. MAKHIJANI: -- and how the --
10 NIOSH has done.

11 MR. ELLIOTT: -- covered under
12 PR-012.

13 MS. ROBERTSON-DeMERS: Right, it is
14 not covered under PR-012.

15 MR. ELLIOTT: We don't see it as
16 our effort to reach out. We see it as an
17 opportunity. If we hear matters of general
18 concern or even claimant-specific concerns, we
19 pull those aside, talk to the individual
20 claimant, and we deal with matters and general
21 concern in a different way. We take them up.
22 We talk about them in our scientific

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1 discussions within OCAS or our communications
2 discussions. How can we improve? What do we
3 make of that comment?

4 It is not transparent, I grant you
5 that. You don't know what we do, what we say
6 about those kind of things. We perhaps can
7 talk about ways to make it more transparent,
8 what we do with regard to what we hear at
9 public comment.

10 DR. MAKHIJANI: Yes, and so the
11 question, I guess, on that track that I have
12 is, is there a Board interest in making sure
13 that there's some followup on actionable
14 items, or whether there is a piece of
15 technical information that comes up, whether
16 it is falling through cracks or whether it is
17 actually being --

18 MR. KATZ: Well, just let me, this
19 is sort of in process, I think. Larry and I
20 have discussed issues related to the Board's
21 public comment session, and I've discussed
22 them, too, with John Mauro.

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1 DR. MAKHIJANI: Okay.

2 MR. KATZ: I would like to work on
3 something in this regard. But it is really,
4 as far as this Work Group is concerned, I mean
5 the Board is welcome to evaluate its own
6 outreach, but that is sort of a separate
7 issue, I think.

8 DR. MAKHIJANI: Yes, right.

9 MR. KATZ: So I am very interested
10 in the issue, absolutely, and I am trying to
11 work on something right now in terms of the
12 public comment session. Because I think all
13 of us on the Board, at OCAS, at SC&A, when we
14 sit at those public comment sessions, we all
15 feel it is a little bit unfortunate that it
16 isn't practical for it to be an interactive
17 session. So I am looking at options right now
18 for what can we do, so that people get a
19 little bit of feedback from those sessions.

20 DR. MAKHIJANI: And that was the
21 spirit of my comment, in the sense that it
22 seems to me like a separate track than what we

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1 were talking about before the break.

2 MR. KATZ: Right. Right. I agree.

3 I agree completely.

4 CHAIRMAN GIBSON: I think you need
5 to work on what you're talking about, but I
6 guess the question I would pose is, if someone
7 makes public comment and, for example, our
8 Chairman says, "There are NIOSH people in the
9 audience and they will meet with you. We will
10 point you to them." And then if there is a
11 followup, if they meet with the people and
12 there's going to be a followup, then I think
13 there would be some limited involvement there.

14 I think that would sort of trigger sort of a
15 worker outreach, in a way.

16 MS. ROBERTSON-DeMERS: Well, I
17 guess I am confused because you have Board
18 meetings on your diagram.

19 MR. ELLIOTT: We have Board
20 meetings on the diagram. It is an opportunity
21 for public health advisors to meet with
22 claimants. So we set up scheduled interviews

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1 with active claimants. That is an outreach
2 effort.

3 MS. ROBERTSON-DeMERS: From the
4 public health advisor?

5 MR. ELLIOTT: Yes. That is not to
6 be implied as our dealings with public comment
7 because I don't see that as outreach. I see
8 that as following up on either specific claim
9 matters or general matters of concern.

10 It may result in an outreach. What
11 we hear, what is revealed to us may say to us,
12 hey, you had better go find some --

13 DR. ZEITOUN: Follow up on that.

14 MR. ELLIOTT: That's happened more
15 and more, sure.

16 MEMBER MUNN: But, by far, the
17 Board's public comment sessions are focused on
18 individual claims. People have individual
19 concerns about their claim that they bring.

20 I would hazard a guess any
21 specificity at all to support it, that easily
22 90 percent of what we hear in public comment

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1 is on an individual basis. On the rare
2 occasions that we hear broader issues that
3 might be either generic in nature or encompass
4 more than one or two claims, that may be a
5 reasonable point for this group's focus, but
6 otherwise it does not appear to be applicable
7 generally.

8 MS. ROBERTSON-DeMERS: Well, when I
9 am bringing up these additional items, I don't
10 mean comments on specific claims, and I will
11 give you an example with the CATI interviews.

12 I'm talking generic issues. That is what we
13 need to say.

14 MR. ELLIOTT: I agree, Kathy, that
15 -- well, I don't know that I agree. I beg to
16 differ with you on that. I am not sure that I
17 hear 90 percent of the public comment being
18 claim-directed. I wouldn't even assign a
19 percentage to it because the claimant matters
20 are important and the general matters that are
21 brought up are as important.

22 Some of those general matters go to

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1 like Terrie Barrie being concerned about the
2 NIOSH review. That is a general matter. You
3 know, the -- John Funk's talking about the
4 Nevada Test Site workers and their plight,
5 that is a general matter, and whether badges
6 were left behind or not.

7 Those kind of things we take
8 seriously. We hear them out. So I think they
9 are equally important, claimant matters and
10 general matters. We do things to address them
11 when we hear them.

12 MEMBER MUNN: I was not making an
13 effort to dismiss them. What I was trying to
14 say was those matters may very easily be a
15 proper concern for this group in terms of
16 following up, but individual claims are not
17 though.

18 MR. ELLIOTT: Certainly.

19 CHAIRMAN GIBSON: Well, I guess my
20 only thoughts, even on the individual claims,
21 there are times when the individual gets done
22 speaking and the Chairman says, "Thank you for

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1 your comments and stuff," and that is
2 something that I think probably the whole
3 Board ought to do more about. But whether it
4 was something significant enough that it is
5 looked into, that NIOSH is going to meet that
6 person about that claim, then at least my
7 original thought is just that then becomes a
8 part of worker outreach.

9 It becomes a part of our mission as
10 far as evaluating how information is used and
11 applied, or whatever this language was we came
12 up with today.

13 I am not trying to make it
14 complicated and this one counts and this one
15 doesn't, but I just want to hash this out, and
16 let's decide what is scope and what is not. I
17 don't want to start circling back on issues
18 five pages later.

19 MS. ROBERTSON-DeMERS: Well, let me
20 deal with some of the other things that I
21 thought would be included in worker outreach.

22 That would be finished site expert

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1 interviews. They often provide generic
2 technical data. We need to make sure that
3 that data is being integrated into technical
4 work documents. That would be like NIOSH
5 going out to Hanford and reviewing a reactor
6 operator on neutron dosimetry and that type of
7 thing, which is a little bit different than
8 what Mark does.

9 As far as the CATI interviews, the
10 closeout interviews, and the public health
11 advisory interviews, from an individual
12 standpoint, when they are commenting on their
13 claim, that is not what I am talking about
14 here. I am talking about recurrent issues
15 that come up out of these items.

16 For example, one of the recurrent
17 issues that is coming up at Sandia National
18 Lab, Livermore, that came up in our own
19 evaluation interviews, but also frequently in
20 the CATI interviews, was the fact that they
21 visited other DOE complex sites frequently.
22 Something like that is important to the site

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1 profile.

2 So, in those terms, I am talking
3 about recurrent issues that have to do with
4 the sitewide population, and I think that that
5 is a part of what we need to evaluate.

6 CHAIRMAN GIBSON: Based on how the
7 worker input is being used?

8 MS. ROBERTSON-DeMERS: Used.

9 CHAIRMAN GIBSON: And not
10 specifically for this claim?

11 MEMBER MUNN: And how do we do
12 that?

13 MS. ROBERTSON-DeMERS: Well, we can
14 determine some criteria as to whether it is
15 pertinent to a subgroup or a group of workers.

16 CHAIRMAN GIBSON: As far as how we
17 do it, let's hear from OCAS, your comments
18 about this concern, and how is it --

19 MR. ELLIOTT: I don't understand
20 the concern. The concern, as I understand you
21 express it, is that many people who worked at
22 Sandia traveled to other sites. Many people

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1 who worked at Nevada Test Site traveled to
2 other sites. Many people who worked at
3 Lawrence Livermore traveled to the Nevada Test
4 Site.

5 So what's the rub here? What's the
6 issue? Because when we make a request to DOE
7 for dose information for these folks, we ask
8 for visitor badges, a visitor dose.

9 MS. ROBERTSON-DeMERS: Actually, in
10 this case, you are requesting visitor records
11 for those facilities that are named by the
12 individual in the CATI interview.

13 What I am saying is that, in the
14 course of our interviews, this is a much
15 larger issue than just one person. In fact,
16 the people at Sandia are saying, "That's why I
17 received a majority of low dose." Okay? But
18 if they don't call it out in their interview,
19 you are not requesting visitor data.

20 I think that this lends itself to,
21 one, a worker outreach meeting to obtain
22 additional information on this or, two,

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1 further consideration because it is recurrent.

2 This is not the only recurrent comment in the
3 CATI interviews. This is just one example.

4 CHAIRMAN GIBSON: So it is not this
5 particular issue. It is that there appears to
6 be recurrent issues in the program that you
7 have concern that may not be given the proper
8 weight --

9 MS. ROBERTSON-DeMERS: Yes.

10 CHAIRMAN GIBSON: -- possibly by
11 NIOSH?

12 MS. ROBERTSON-DeMERS: Yes.

13 MEMBER SCHOFIELD: If I could make
14 a quick comment on what Kathy was just talking
15 about, that is a common practice with people
16 from Sandia and Albuquerque, Livermore, and
17 people from Los Alamos that traveled to Pantex
18 and the Nevada Test Site on a weekly basis for
19 many of them; for anyone from a day to several
20 days. So this is actually almost a generic
21 thing for many of the people. Again, there
22 are large numbers over the years that have

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1 done this.

2 MEMBER MUNN: So let me recap. If
3 I'm understanding correctly, Kathy, what you
4 are saying is that it is your understanding
5 that, unless a worker or a claimant has
6 indicated visits to other sites in their CATI
7 interview, that their dose that may have been
8 received there would not be captured?

9 MS. ROBERTSON-DeMERS: Be
10 requested.

11 MEMBER MUNN: Would not be
12 requested.

13 MS. ROBERTSON-DeMERS: And it may
14 or may not occur in the home facility's
15 records.

16 But I guess I am using that example
17 because it comes up frequently in the CATI
18 interviews. It is frequent --

19 MR. ELLIOTT: The comment being?

20 MS. ROBERTSON-DeMERS: "We visited
21 other sites." Okay?

22 MR. ELLIOTT: So, once we hear

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1 that --

2 MS. ROBERTSON-DeMERS:
3 Generically. Generically.

4 MR. ELLIOTT: So, once we hear
5 that, we ask which sites, and then that
6 formulates our request.

7 MS. ROBERTSON-DeMERS: Actually,
8 there is no question on the interview that
9 asks that.

10 MR. ELLIOTT: There doesn't have to
11 be. It is a follow-up question. We can ask
12 the interview folks, but they should say,
13 "Well, which sites did you visit?" because
14 they know -- it is probably proceduralized at
15 ORAU. I don't know. We would have to look in
16 the procedures, and I am sure she is taking a
17 note.

18 But it is common sense that the
19 interviewer would say, which sites? Because
20 we are going to have to request your visiting
21 dose there.

22 MS. ROBERTSON-DeMERS: And I can

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1 guarantee you, as far as an official question,
2 it is not on there.

3 MR. ELLIOTT: I know it is not on
4 there, Kathy. I am not arguing that point. I
5 know it is not on there because -- this is an
6 OMB-approved instrument. It allows you to set
7 the stage for the questions you need answered,
8 and if you have follow-up questions, you don't
9 have to add those in the instrument. You can
10 use those. You know, there's a place on the
11 CATI where additional questions and responses
12 can be captured. That is what should be
13 happening here.

14 MS. ROBERTSON-DeMERS: Well, let me
15 take it to another level here.

16 MEMBER BEACH: It seems like we are
17 just getting a little bit off-track.

18 MS. ROBERTSON-DeMERS: Well, let me
19 take it to another level. If people are
20 visiting other sites frequently, spending two
21 weeks out of the month at another site, then
22 that is reflected in the site profile. In

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1 this case, it is briefly discussed.

2 Taking those comments, taking
3 generic worker comments and integrating them
4 into technical documents is part of what we
5 are about.

6 DR. MAKHIJANI: I think there's,
7 you know, again, a little confusion about what
8 we're trying to do here, and maybe I'm
9 offbase. But as I understand this
10 implementation plan that we are presenting,
11 the CATI thing is just an example. If
12 something comes up frequently, does NIOSH have
13 a procedure for extracting that and putting it
14 in the site profile or some generic document
15 that will alert the dose reconstructor to know
16 that?

17 So, for instance, there's a spouse
18 that is doing the interview. They may not be
19 able to give you that information.

20 MR. ELLIOTT: They may not know how
21 many places were visited.

22 DR. MAKHIJANI: That's right. So

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1 they won't know to tell you, even if you ask.

2 I think, as I understood this CATI item, it
3 is just one illustration of the kind of
4 information provided. So we are saying we are
5 not going to review CATIs as part of this. We
6 have already done that. We have given you
7 comments on the form, and through Wanda's
8 committee, we have gone through faithfully,
9 and it is done.

10 So I just want to clarify this. As
11 I understand the discussion, the CATI piece of
12 it is done. The concern in this context is if
13 something comes up repeatedly. So my concern
14 of longstanding has been, what happens for the
15 50 percent of claimants who are not workers,
16 who can't give you the information themselves?

17 So you need something to be able to
18 extract the frequently-occurring pieces of
19 technical information, whether it is some
20 radionuclide you didn't think about or some
21 time where monitoring might have started, to
22 take it out of the context of CATIs, or

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1 something that comes up in the CATI, whatever
2 comes up in contact with workers, that it is
3 reflected if it is a generic issue. That's
4 what I think -- so extracted from, you know,
5 what NIOSH is --

6 MR. ELLIOTT: I didn't take it as
7 another review of the CATI.

8 DR. MAKHIJANI: Yes, right.

9 MR. ELLIOTT: But I think this
10 should have come out in that review.

11 MR. KATZ: Can I just make a
12 suggestion? This is absolutely germane, I
13 mean this question. But it is sort of several
14 steps down in your evaluation.

15 This is then a criterion or
16 something you would be looking at in
17 evaluating intake. So are there frequent
18 issues that are being addressed? That is sort
19 of one of your questions, sort of how is
20 information being made use of? But it is a
21 very detailed single element within that, what
22 you would be developing this evaluation plan.

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1 DR. MAKHIJANI: Yes.

2 MR. KATZ: So it is not at the same
3 level as what sources do you go to for your
4 information, and so on, your general process
5 for doing the evaluation. It is a detailed
6 criterion.

7 MS. ROBERTSON-DeMERS: Well, I
8 think the definition of what worker outreach
9 is is relevant to this Working Group.

10 CHAIRMAN GIBSON: Well, I think it
11 is, too, but I think at this point, it seems
12 to me the question on the table is, are
13 recurring issues and how they are dealt with
14 part of this Work Group's function? Then, if
15 it is, if we decide it is, which I believe it
16 is, then when we get down further in the
17 weeds, as Ted said, then we will flesh out
18 this particular issue, other issues, how they
19 are dealt with, how we assess them.

20 Do we agree that reoccurring issues
21 and how they are dealt with is part of our
22 duty? I think so.

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1 MEMBER MUNN: Reoccurring issues
2 which are the result of outreach meetings are,
3 indeed, a part of what we are looking at here.
4 There shouldn't be any question about that.
5 Once we have identified that, then formulating
6 the larger question, which I think we have
7 already done, is what we need to focus on at
8 the outset, is this, this, and this of what we
9 are going to seek.

10 CHAIRMAN GIBSON: Josie, Phil, any
11 other additional comments?

12 MEMBER SCHOFIELD: No, just the one
13 comment I had because this is actually a
14 fairly generic issue as far as people visiting
15 other facilities throughout the complex. It
16 was not uncommon for people to go to Rocky
17 Flats, Savannah River. I know a lot of people
18 from Mound came to Los Alamos. So there was
19 this interchange. That almost is a generic
20 issue for the CATI interview.

21 MEMBER MUNN: But it seems it is of
22 no real concern whether it comes from the

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1 CATI, whether it comes from public comment,
2 whether it comes from activists, whether it
3 comes from claimants. The real question is,
4 if you have a recurring issue, how is it dealt
5 with, and is it being dealt with properly?

6 MS. ROBERTSON-DeMERS: I guess, if
7 I could ask a question, and this would
8 encompass all the non-OCAS PR-012 forms of
9 questioning or reaching out to workers.

10 Are we going to include reoccurring
11 issues? Is this going to facilitate some
12 action on NIOSH's part? Maybe that action is
13 already completed.

14 For example, if people raise
15 questions about high-fired oxide being handled
16 at a site, well, there is an OTIB. It has
17 already been addressed.

18 But are we going to address some of
19 the other issues that come up for more than
20 one claimant that reoccur?

21 CHAIRMAN GIBSON: Maybe I was
22 offbase here, but what I was trying to convey

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1 a minute ago is there are multiple reoccurring
2 issues. Are they, each one, dealt with? Is
3 it in our scope to see if they are dealt with
4 effectively?

5 MS. ROBERTSON-DeMERS: Yes.

6 CHAIRMAN GIBSON: And I believe
7 everyone around here said yes, and I think
8 OCAS even indicated they agreed. So I have
9 that down as that is one of the issues covered
10 in our scope.

11 MEMBER BEACH: I guess I would like
12 to decide as a Work Group what is our scope,
13 first of all, the framework of it, and then
14 take each one of those and decide how we are
15 going to do that.

16 CHAIRMAN GIBSON: Right.

17 MEMBER BEACH: So I guess, instead
18 of getting down into all the -- and that's
19 what I thought was a little offbase on that
20 last discussion because we need to develop the
21 framework of exactly what we are going to look
22 at first.

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1 CHAIRMAN GIBSON: I agree. I think
2 kind of what I would propose is all that SC&A
3 has come up with thus far about the definition
4 of worker outreach, not all of it, but that is
5 basically part of our scope. If we agree with
6 what's in the procedure, the types of things
7 that were included in NIOSH's handout to us
8 after the last meeting, that is two issues
9 that are our scope. We just discovered a
10 third issue in our scope, which is this
11 reoccurring issues.

12 The top section here is kind of a
13 defined scope by procedure and NIOSH's input
14 to us in these meetings, and we are also
15 defining scope in other ways as we go along
16 here.

17 DR. MAKHIJANI: Well, you know,
18 part of what I read in the first sections
19 here, we made a review of OTIB-0097, and we
20 had a bunch of findings. There was a
21 documentation procedure for that worker input.

22 I don't believe we really reviewed Whisper

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1 because it was not up when we finished 97.

2 MS. ROBERTSON-DeMERS: No, it
3 didn't include Whisper, which was a companion
4 document.

5 DR. MAKHIJANI: Thank you. So my
6 memory is still good for some things.

7 But now that NIOSH has a new
8 procedure and a new tracking system, a
9 starting point that you might consider might
10 be for us to review what's being resolved from
11 the prior findings in this new procedure, to
12 review some portions of this tracking system,
13 in that context, maybe attend a few of these
14 meetings to see how the outreach is being
15 conducted and documented, and so on.

16 Because we already have an
17 evaluation framework in our previous findings,
18 and we can set those aside if they've all
19 being resolved, and we can move ahead. If
20 not, then we've still got issues.

21 CHAIRMAN GIBSON: Yes, I agree that
22 that is a part of the evaluation, is a review

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1 of that procedure. If it effectively
2 incorporated the concerns, you know, a review
3 of the previous procedure 0097, then that to
4 me it is still further down on the
5 implementation. We have identified that the
6 procedure is part of our scope. So, if we get
7 our hands around exactly -- everyone agrees
8 with -- let's encompass our scope here, and
9 then we can move on down in the document.

10 MEMBER BEACH: I guess I just want
11 to list one, two, three, four, five of
12 everything that we feel is our responsibility
13 to review, real simple to start with. Then
14 take it apart from there.

15 CHAIRMAN GIBSON: I would like
16 that, too.

17 MEMBER BEACH: Okay.

18 CHAIRMAN GIBSON: Personally, I
19 don't think it is going to be simple. I
20 think, No. 1, is going to be OCAS PR-012 is in
21 our scope. However we define this handout
22 that was generated from our previous meetings

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1 would be No. 2.

2 MEMBER BEACH: Well, and then the
3 associated database, OTS, would be in our
4 scope.

5 DR. ZEITOUN: It should have been
6 addressed, too, you know, in the last meeting.

7 CHAIRMAN GIBSON: It is
8 incorporated in this or --

9 DR. ZEITOUN: It was discussed in
10 the last meeting, yes, I remember.

11 CHAIRMAN GIBSON: So was this in
12 your draft?

13 DR. ZEITOUN: We need to add that.
14 We need to add that.

15 MS. ROBERTSON-DeMERS: A lot of
16 these things are integrated into the
17 evaluation criteria.

18 MEMBER MUNN: Should we just open
19 up the chalkboard there, I mean the board, and
20 start to make a list of those things?

21 MEMBER BEACH: That sounds like a
22 great idea.

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1 DR. MAKHIJANI: Kathy, I didn't get
2 what you just meant, that this is part of the
3 evaluation criteria.

4 DR. ZEITOUN: At the end of the
5 document are certain evaluation criteria.

6 DR. MAKHIJANI: On pages 5 and 6?

7 DR. ZEITOUN: Yes.

8 DR. MAKHIJANI: Is that what you
9 are talking about?

10 DR. ZEITOUN: Yes.

11 MS. ROBERTSON-DeMERS: There is not
12 a listing.

13 MEMBER BEACH: I know.

14 MS. ROBERTSON-DeMERS: That is what
15 I call under the evaluation --

16 MEMBER BEACH: But I'd like to see
17 a list of what our mission is, and what our
18 mission is and what we are going to evaluate.

19 MR. KATZ: Could I make a
20 suggestion for a way to go about this? This
21 relates to what Arjun just said.

22 At the back of the document, you

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1 have evaluation objectives. They are not
2 complete, and I think I sent you guys an email
3 about it because they all relate to the
4 intake, I mean, of information, versus the
5 giving out. There's that side of the house
6 that needs to be addressed with evaluation
7 objectives, too.

8 But, anyway, that is sort of your
9 overarching framework. And all of this stuff,
10 sort of these bits and pieces that we just
11 were talking about that are within your scope
12 are going to come under your evaluation
13 objectives in a more detailed way, because you
14 have these general objectives for evaluation,
15 and then you are going to have to have sort of
16 a plan for how you fulfill that objective.
17 Then you will need criteria, and so on.

18 So, for example, the recurring
19 issues, is that a criterion? Are recurring
20 getting addressed or do they just continue to
21 sit on the shelf and pile up? So that is just
22 an example.

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1 So I think, if you start off by
2 just sort of framing out, do you have all the
3 evaluation objectives you need, that is your
4 big framework, and then if you build
5 underneath that with your specific processes,
6 how are you going to go about satisfying those
7 objectives, you will then have a whole plan
8 that is complete and you won't have to worry
9 about missing anything because everything will
10 fit under one of those, if you have a proper,
11 complete framework.

12 Then you can more readily go
13 forward and task SC&A, here's what we want to
14 get done in the next two months or three
15 months, and so on. But I think that would be
16 the most efficient, even though I know
17 everybody wants to talk about what is sort of
18 present on their mind as a concern.

19 CHAIRMAN GIBSON: So you are
20 talking about the evaluation objectives that
21 begin on page 5 of this draft that is being
22 offered?

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1 MR. KATZ: Yes. I would suggest to
2 you that there are more evaluation objectives
3 to be identified than are here right now, but
4 I think that would be the easiest way to do
5 this plan, develop this plan.

6 DR. MAURO: This is John.

7 I am going to second that because I
8 found that there's a lot of preamble material
9 here. In other words, we have our mission
10 statement. Then there is the section on
11 definition of worker outreach. That goes on
12 for a bit. Then there's applicable findings
13 from previous reviews.

14 But, to me, what we really are
15 talking about is you don't need all that.
16 What you need is you need to go right to the
17 evaluation objective one, because all of the
18 things we are talking about, all the things we
19 are concerned that we might be missing and not
20 doing, the question is, in other words,
21 notwithstanding how the information is
22 delivered or obtained, that is what it is. My

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1 guess is it may evolve.

2 For example, all the elements that
3 we try to parse out in this writeup from
4 reading PR-012 or from the discussion and the
5 chart, et cetera, that is all fine, and that
6 could change, but, ultimately, notwithstanding
7 how information is obtained and how
8 information is delivered, it is what it is.

9 The Work Group and the Board
10 ultimately is concerned that the information
11 that is obtained and delivered is done so in a
12 way that is satisfying to all concerned, and
13 that information is used in a way that is
14 meaningful.

15 So, in my mind, I don't think we
16 should be dwelling on all the preamble
17 material. I think we should move right on to
18 the objectives and say, listen, do these
19 objectives capture everything that we think
20 the Board and the Work Group should do?

21 By the way, I don't think SC&A's
22 name should be anywhere in this thing. This

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1 should be a Board-approved procedure that is
2 going to be implemented by a work group or a
3 subcommittee, and the degree to which the work
4 group or the subcommittee decides to implement
5 it and use their contractor is certainly their
6 choice, and how it is to be done.

7 So, to me, I think we could make
8 most progress by seeing whether or not we have
9 missed anything when we go to objectives one,
10 two, and three.

11 CHAIRMAN GIBSON: Josie, do you
12 think that would meet your concern?

13 MEMBER BEACH: Absolutely.

14 CHAIRMAN GIBSON: Okay. Is it okay
15 with that feature? Okay.

16 So the next question is, we have
17 two objectives. Do we go eat lunch and come
18 back fresh and get our heads around this or do
19 we just plow into it?

20 DR. ZEITOUN: I only have one
21 comment, just because it is really important
22 for me to address Josie's comment, too.

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1 NIOSH has done a lot of work into
2 their procedures and into explaining how they
3 are doing their program. They already define
4 it really in detail.

5 Trying to rehash it in this
6 implementation program is just redoing that.
7 I think we should use everything by reference
8 to what they have done and proceed with the
9 objectives, because the implementation plan
10 will be a huge document if we are going to go
11 with everything and rehash everything that
12 NIOSH already has prepared. I'm just thinking
13 this is big. It is a lot of information in
14 front of us.

15 CHAIRMAN GIBSON: And I am okay
16 with that, as long as once we reference a
17 procedure or something, we go to that
18 procedure and look at the specific point and
19 make sure it is addressing what is in this
20 document, so it doesn't circle back.

21 DR. ZEITOUN: Exactly. Exactly.

22 MEMBER MUNN: Well, then once we

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1 have identified whether these three evaluation
2 objectives that we have are the correct three,
3 or if there need to be more, then it would
4 seem logical that we would want to address the
5 findings that have already been put before us
6 and identify how those are going to be closed
7 in our efforts to meet these evaluation
8 objectives, whatever they turn out to be.

9 CHAIRMAN GIBSON: It could also be
10 part of our assessment of how this program is
11 working.

12 MEMBER MUNN: Yes.

13 CHAIRMAN GIBSON: Okay. Well,
14 let's try to stay on schedule here and take
15 lunch at 12:00. We will be back at 1:00 and
16 make some progress.

17 MR. KATZ: Thank you, everyone on
18 the phone, and we will rejoin you at
19 approximately 1:00.

20 (Whereupon, the above-entitled matter went off
21 the record at 12:00 p.m. and
22 resumed at 1:06 p.m.)

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1 down.

2 MR. ELLIOTT: We are on.

3 MR. KATZ: Yes, and I wasn't going
4 to run through the list.

5 Mike?

6 CHAIRMAN GIBSON: Okay. Well,
7 before we broke for lunch, we decided that we
8 were just going to go right to the evaluation
9 objectives. So, with that, we are back to
10 SC&A, and we will start at the evaluation
11 objective one that is included in the draft.
12 We will see if the three objectives cover what
13 we want, or should we add or modify?

14 MS. ROBERTSON-DeMERS: Okay. First
15 of all, these three objectives were loosely
16 based on the objectives defined by Mike when
17 he established the working group.

18 What we have is objective one. "Is
19 OCAS taking appropriate measures to solicit
20 worker input into site profiles, SEC
21 petitions, evaluations," and that probably
22 should say, "and other technical documents."

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1 No. 2, "Is OCAS obtaining and
2 documenting input from workers?"

3 No. 3, "Is OCAS giving thorough
4 consideration to information received from
5 workers through the worker outreach efforts
6 and adequately communicating the impact of the
7 substantive nature of the comments?"

8 DR. MAKHIJANI: You mean prior
9 consideration in preparation of its technical
10 documents or what do we mean there?

11 DR. MAURO: Yes, along those lines,
12 I have a suggestion here.

13 This is John.

14 No. 3, this is a suggestion. The
15 when I read it -- it says, "Is OCAS giving
16 thorough consideration to information received
17 from workers through the worker outreach
18 efforts?" And I suggest incorporating the
19 following words: "incorporating that
20 information as appropriate into OCAS work
21 products," comma, and then continue, "and
22 adequately communicating the impact of

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1 substantive comments to workers."

2 So I think that one little phrase
3 is needed because that captures the aspect of
4 it to make sure it is making it into the work
5 products.

6 MEMBER BEACH: John, can you --

7 DR. MAURO: I'm sorry, say it
8 again? Just write this phrase down and I'll
9 tell you where we are going to put it. Okay?

10 The phrase is: "incorporating that
11 information," comma, "as appropriate," comma,
12 "into OCAS work products." That's the phrase.
13 That phrase goes right after the word
14 "efforts." There is a comma after "efforts"
15 and then that phrase goes in.

16 MEMBER MUNN: Or perhaps a
17 semicolon after "efforts."

18 DR. MAURO: Yes, but I just want to
19 make sure that phrase makes it in because that
20 is covered in the bullets. The bullets do
21 take that into consideration, but I thought it
22 needed to be identified specifically in the

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1 objective.

2 MS. ROBERTSON-DeMERS: I think you
3 felt like we didn't have the other side of the
4 coin, the information-giving covered --
5 do you have any suggestions?

6 MR. KATZ: Yes. My general comment
7 is that, and actually there's a little bit of
8 mix in this last evaluation objective. But,
9 in general, these objectives cover well, I
10 think, all the intake of information and how
11 it is then used, but it doesn't address how
12 well the program is informing workers.

13 There is sort of a what, who, and
14 how I think that you might evaluate there,
15 which is what information, the what meaning
16 whether all the information that is
17 appropriate to be informing workers, are those
18 being provided? So that is sort of the
19 content. What are they being informed about?

20 Who, whether the information is
21 making it to the individuals that it should be
22 making it to.

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1 And the how, I guess if you wanted
2 to look at issues of timeliness and adequacy
3 of explanation, and so on.

4 But that is the general idea. I
5 haven't framed it in terms of the evaluation
6 objectives exactly, but that is the piece that
7 I think is missing from these evaluation
8 objectives.

9 MEMBER MUNN: Shouldn't that
10 perhaps be in the evaluation objective No. 4,
11 the communication aspect, rather than the
12 gathering of information?

13 MR. KATZ: No, I'm saying it is not
14 part of one, two, three, absolutely, I agree.
15 This would be in a separate objective or
16 objectives, however you end up framing it.

17 MEMBER MUNN: It would seem
18 appropriate to have a fourth evaluation
19 objective that focused specifically on
20 communication of necessary information,
21 whether it is relative to only information
22 necessary to file claims, but also covering

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1 feedback of perhaps responses to concerns that
2 have been raised, because that has been a
3 major topic here earlier this morning.

4 MEMBER BEACH: Kathy, did you get a
5 chance to formulate any wording for that?

6 MS. ROBERTSON-DeMERS: Not really,
7 but Ted's got a good start on that.

8 DR. MAKHIJANI: Could I suggest
9 something, based on what Ted said?

10 MR. KATZ: No, go ahead.

11 DR. MAKHIJANI: "What information
12 is NIOSH providing to workers regarding dose
13 reconstruction, site profiles, SECs,
14 evaluation reports, and other technical
15 documents, and how effectively is it
16 communicating that information to workers?"

17 I think we had a "when" item, too.

18 MEMBER MUNN: That was a lot of
19 words. "What information is NIOSH providing
20 to workers" --

21 DR. MAKHIJANI: Regarding,
22 basically, it is technical documents, and how

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1 effectively is it communicating that
2 information.

3 MEMBER MUNN: Well, is it only
4 technical documents? Is it not the entire
5 process?

6 DR. MAKHIJANI: I am repeating what
7 I heard. Maybe I didn't hear it well.

8 MEMBER MUNN: Tell me if my
9 perception is incorrect.

10 MS. ROBERTSON-DeMERS: Wanda, can
11 you give an example of something?

12 MEMBER MUNN: Well, worker outreach
13 at its very core, the initial point was
14 intended to advise the worker of the program,
15 how it operates, and how they could proceed in
16 becoming a claimant.

17 MS. ROBERTSON-DeMERS: So like the
18 website? Or the dose reconstruction reports?

19 MEMBER MUNN: This was really
20 Labor's job, that is the labor organization's
21 job, but it was incumbent upon the Board to
22 see that the proper direction was given to any

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1 potential claimant, and worker outreach was at
2 the outset concerned with making sure all of
3 the people who might be covered by the law
4 were, in fact, covered by it and tell them
5 where to go to get claims initiated.

6 MEMBER BEACH: Is that the spirit
7 of what you're --

8 MR. KATZ: No, because just to be
9 sort of parallel with the other objectives,
10 what I'm saying, the general, overarching
11 thing would be, if we are going to frame it as
12 a question to be sort of parallel, which I
13 think it should be, the general question is
14 then: is OCAS effectively informing workers
15 in relation to its dose reconstruction and
16 Special Exposure Cohort activities?

17 That is sort of the most general,
18 broad statement, because that is not the DOL
19 outreach business. That is not OCAS's
20 mission.

21 MR. ELLIOTT: When we talked about
22 information-giving, when I categorized it into

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1 information-gathering and information-giving,
2 our thinking is that that information-giving
3 should address the NIOSH responsibilities
4 under this program. So we feel obligated to
5 explain how we do dose reconstruction. We
6 have a pamphlet. We have a brochure. We have
7 a trifold thing to hand out to people on how
8 to file a petition.

9 We have the SEC counselor and
10 ombudsman, townhall meetings, which are
11 focused totally toward educating folks on the
12 petitioning process. That is information-
13 giving.

14 MEMBER MUNN: Right, and clearly
15 outreach.

16 MR. ELLIOTT: And clearly outreach,
17 and clearly not claim recruiting.

18 MEMBER MUNN: No.

19 MR. ELLIOTT: As you say, that's
20 DOL's job.

21 DR. MAURO: This is John.

22 There is no doubt that the three

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1 objectives here are very well-developed with
2 respect to obtaining how does the program
3 obtain information from knowledgeable
4 individuals out there and make use of that
5 information properly, and even communicate
6 back to those people who said, yes, we are
7 using the information that you gave us.

8 So these three objectives do not
9 include the topic that we are discussing right
10 now; namely, the initial communicating out to
11 the world at large, you know, what's the
12 program's about, et cetera, et cetera, et
13 cetera.

14 So I agree, maybe we do need a
15 fourth objective that goes toward this other
16 aspect of the program.

17 DR. MAKHIJANI: Well, let me try
18 again. Are we making notes?

19 (Laughter.)

20 "What information is NIOSH
21 providing to workers regarding various
22 responsibilities under EEOICPA" --

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1 DR. MAURO: Excellent. No. 4.

2 DR. MAKHIJANI: -- "dose
3 reconstruction, petition process, et cetera?"
4 Question mark. "Is it communicating that
5 information to workers effectively and in a
6 timely fashion?"

7 MEMBER MUNN: It's too long and too
8 much, but it covers the --

9 DR. MAKHIJANI: I broke it up into
10 two questions for your sake.

11 MEMBER MUNN: I know. I know.

12 DR. MAKHIJANI: That's why I
13 eliminated the "and."

14 (Laughter.)

15 MR. KATZ: To help you, Arjun, I
16 would just say, the question is what you want.

17 Then underneath that you have sort of sub-
18 issues. I'll agree you have to know what
19 information, you have to look at what
20 information is being provided, and so on, but
21 that is not the evaluation question.

22 MEMBER MUNN: The evaluation

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1 question is really: is the information being
2 provided adequate for --

3 MR. KATZ: Are they being
4 effectively informed --

5 MEMBER MUNN: Yes, are they being
6 effectively informed? Right.

7 MR. KATZ: -- in relation to the
8 dose reconstruction and SEC activities?

9 CHAIRMAN GIBSON: That sounds good.
10 Everyone agree?

11 MEMBER BEACH: Yes.

12 CHAIRMAN GIBSON: Any discussion?

13 MEMBER MUNN: Do we have the words?

14 MEMBER BEACH: He is working on it.

15 DR. MAKHIJANI: "Is NIOSH
16 effectively informing workers regarding its
17 various responsibilities under EEOICPA,
18 including explaining dose reconstruction, the
19 petition process, et cetera?"

20 MEMBER BEACH: And the other one
21 became a bullet?

22 DR. MAKHIJANI: That's the end of

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1 that objective.

2 Then I guess --

3 MR. KATZ: Yes, but it is not
4 informing them of its responsibilities. I
5 mean that is why I just made it very broad
6 because there's all sorts of informing. It is
7 about processes. It is about all sorts of
8 things. It is about opportunities that they
9 have, whether it is as a petitioner or as a
10 claimant. So there's a whole range of
11 information.

12 MEMBER MUNN: Adequately informing
13 them about all aspects of the program, really.

14 MR. KATZ: Adequately informing
15 them in relation to dose reconstruction and
16 SEC activities. I think that is as broad as
17 you can put it.

18 DR. MAURO: This is John again.

19 So it sounds like there's agreement
20 in concept on what the fourth objective is.
21 Maybe what we really need is some bullets that
22 -- okay, how do you do that, just like we have

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1 on the first three. There are bullets that
2 explore it a little further.

3 Now, once we get a basic concept
4 out, which I think we've got with Arjun's
5 words, the question is, do we need some
6 bullets underneath there?

7 MR. KATZ: Yes.

8 DR. MAURO: Okay, Arjun, got any
9 bullets?

10 DR. MAKHIJANI: No.

11 (Laughter.)

12 MR. ELLIOTT: Well, I'll give you
13 one. Can I give you one?

14 DR. MAKHIJANI: Yes, sure.
15 Absolutely.

16 MR. ELLIOTT: You know, we have
17 developed -- I have told you about a number of
18 things that have been developed to communicate
19 in this regard, getting information out. That
20 should be, in my opinion, one of the bullets.
21 You want to look at those things.

22 MEMBER BEACH: Review the

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1 developed --

2 MR. ELLIOTT: A review of all of
3 those developed communication vehicles.

4 DR. MAKHIJANI: Documents, and are
5 there other communication vehicles?

6 MR. ELLIOTT: Sure. There's --

7 MEMBER BEACH: Pamphlets.

8 MR. ELLIOTT: -- pamphlets.
9 There's workshops. There's the website.
10 There's --

11 MR. KATZ: Those are the things you
12 want to look at, but, I mean, you want, I
13 think, to answer questions like how well are
14 claimants receiving dose reconstruction, being
15 informed about the dose reconstruction
16 process, and their opportunities thereunder.
17 That is sort of a question that you would look
18 at. Then there's all sorts of things you go
19 to look at, documents, et cetera, and ways,
20 means of communication that you will look at
21 when you evaluate that.

22 The same with the petitioners, how

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1 well are the petitioners being supported to
2 submit and pursue their petitions? Then
3 there's a whole variety of support means that
4 are in place that you would look at, including
5 the counselors, both Denise, the ombudsman,
6 and in-house, Laurie Breyer's work, and so on.

7 But those are all details. Those
8 are all activities that you would look at to
9 examine how well that work is getting done.

10 CHAIRMAN GIBSON: So we define them
11 in the bullets?

12 MR. KATZ: Yes. One, in general,
13 would focus on dose reconstructions, but I
14 mean I think you want them to be well-informed
15 about their rights in the process and their
16 opportunities, whatever, to provide
17 information, and their understanding of --

18 MS. ROBERTSON-DeMERS: Now what
19 about the process itself? Because a lot of
20 them, you know, are going to go out and talk
21 to people, are still having trouble
22 understanding the process itself.

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1 MR. KATZ: That's a question
2 though. Because I think OCAS's aim is for
3 every claimant that gets a dose reconstruction
4 to have some general understanding of what
5 services have been provided there, right?

6 MR. ELLIOTT: Successful if
7 understanding.

8 MR. KATZ: Well, and that's the
9 aim. It's challenging.

10 MR. ELLIOTT: Some are going to
11 understand better than others.

12 MS. ROBERTSON-DeMERS: And we need
13 to make sure that they understand the
14 difference between the regular dose
15 reconstruction process and the SEC process
16 because they often get them interchanged.

17 CHAIRMAN GIBSON: They could go
18 even further down to where we've heard
19 complaints, misunderstandings of people where
20 they have a dose reconstruction and it's PoC
21 of 45. They redo the dose reconstruction and
22 do a best estimate, and still the --

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1 MR. ELLIOTT: Overestimate.

2 CHAIRMAN GIBSON: -- upper estimate
3 comes out lower. Like, if I give you more
4 information --

5 MR. KATZ: That's another just sort
6 of example of the sort of things you would be
7 looking at in how well are they being
8 informed.

9 DR. MAKHIJANI: Okay. So now I
10 have three bullets.

11 Now the overall question, as I have
12 it, is: "Is NIOSH effectively informing
13 workers about dose reconstruction, the
14 petition process, and other aspects of
15 radiation?"

16 Then the bullets are:

17 "Examine the communication vehicles
18 that NIOSH has developed."

19 "Communicate with claimants,
20 including pamphlets, claimant meetings, the
21 website, media announcements, et cetera."

22 "Evaluate whether NIOSH's

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1 communications result in an understanding
2 among claimants of their rights in the
3 process, and determine if claimants understand
4 the dose reconstruction process as a result,
5 and the differences between dose
6 reconstruction and the SEC process."

7 That's what I had so far.

8 MS. ROBERTSON-DeMERS: And I have
9 one more, I think.

10 Within their understanding of the
11 process, they need to know how their input in
12 their CATI interview is being used in their
13 dose reconstruction.

14 MR. KATZ: Again, that's another --
15 when you are looking at how well they are
16 being informed, you know, that is an issue
17 that can come up to be certain. But I mean
18 that is just a detail, like these other things
19 are details.

20 But you will come up with a plan
21 for what you consider to be a well-informed,
22 say, claimant for a dose reconstruction. You

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1 will come up with a plan for how do you
2 evaluate whether the things are being done
3 that are needed to produce a well-informed
4 claimant for a dose reconstruction, and then
5 you will look at the processes and see, well,
6 are they doing all these things?

7 The same would go for the SEC
8 petition process.

9 MEMBER MUNN: That is another one
10 of those things that we looked at fairly
11 extensively when we were looking at the CATI
12 process and procedures. Of course, there is
13 no reason why this group can't go through that
14 all over again, but we looked very closely at
15 the preliminary information that was given to
16 the claimant, and we had numerous discussions
17 about the flexibility of the interviewer to
18 ask additional questions and to fill in
19 additional information.

20 So that the claimant, by the time
21 they finished the CATI, really should have had
22 a full understanding that their information

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1 would be used to the extent that it could be,
2 and that they were not taking a test of some
3 sort that was a pass or fail. Their
4 information would all be used as it was
5 applicable to the claim. That was the major
6 concern in the Procedures Group when we were
7 looking at it.

8 MS. ROBERTSON-DeMERS: Can I ask a
9 more generic question here? Now, Ted, you
10 keep referring to a plan, and I thought we
11 were working on an implementation plan. What
12 are we working on?

13 MR. KATZ: I think you are, but
14 right now you are trying to frame out the plan
15 in a general sense.

16 MS. ROBERTSON-DeMERS: Okay.

17 MR. KATZ: I am just saying that
18 some of these issues you are raising are
19 details that you would look at under that
20 plan, but they are not the plan itself. It is
21 not the general framework.

22 DR. MAURO: Yes. This is John.

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1 I just had an idea. See, a lot of
2 very specific examples are given that are the
3 result of many years of experience on where
4 the claimants, petitioners, et cetera,
5 sometimes misunderstand. We only know that
6 through the school of hard knocks, you know,
7 going through it.

8 Couldn't we have a bullet that says
9 something to the effect that, in providing the
10 information -- I am going to give you a
11 concept now. Of course, we have to get the
12 words right, but that we take into
13 consideration, based on past experience, areas
14 where the petitioners, claimants, et cetera,
15 may have misunderstood the process.

16 In other words, we don't actually
17 identify the specific things, such as the
18 example you gave before about the bounding 45
19 percent and then the doses come down. But
20 there are a whole litany of things like that
21 that have caused some concern by claimants. I
22 don't think we should identify them here, but

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1 we should say something to the effect that
2 some effort is made to help inform the
3 petitioners, et cetera, of areas that we know
4 from past experience sometimes cause some
5 confusion.

6 That would be like an overarching
7 bullet that would capture the sensibility.
8 Then, when we later on, for example, if we are
9 all going to do any kind of review function or
10 the Work Group is going to do a review
11 function, we will then at that point say, yes,
12 it looks like every effort was made to cover
13 all these important issues, but someone else
14 may say, "But, wait a minute, there are a
15 couple of things that we saw before maybe in
16 the future you want to address."

17 So we could pick it up at the back
18 end, but at least we have a placeholder that I
19 guess informs the process that an effort will
20 be made to try to anticipate or provide them
21 with information that we know could be
22 confusing, without identifying what those

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1 things are.

2 MR. KATZ: To me, that makes a lot
3 of sense, John. I mean that is just like that
4 is a generic issue, as would be ensuring that
5 workers are aware of their rights in the
6 process, appeals, et cetera, their rights for
7 the dose reconstruction process or their
8 rights for the SEC petition process, and their
9 opportunities for participation in the SEC
10 process.

11 Right, those are all sort of
12 general areas that I think you can frame
13 generally in this plan, and then you go forth
14 and see how everyone is doing.

15 DR. MAURO: Yes, rather than try to
16 actually articulate them explicitly here; I
17 don't think that will work.

18 MR. KATZ: Right.

19 MR. ELLIOTT: You might think of it
20 as a checklist under each objective, and
21 perhaps even agree that the checklist can be
22 expanded at will.

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1 DR. MAURO: Perfect.

2 MR. ELLIOTT: Because you might
3 come into a situation that you hadn't thought
4 of, but it should have been on the list
5 anyway.

6 CHAIRMAN GIBSON: Well, we are kind
7 of specific in the other objectives, and they
8 are overarching in one way, but they do spell
9 out certain things. So we have to at least be
10 consistent, however you want to word it.

11 The third objective, the second-
12 from-the-last bullet, we call out work groups
13 that result with the workers providing the
14 comments, and how substantive comments were
15 related to SEC evaluation reports or other
16 technical documents. So it is framed
17 generally, broadly, but it is defined. It
18 should be consistent.

19 MR. KATZ: It is very hard to do
20 this, just in my opinion, it is very hard to
21 do this in committee. But I guess one value
22 of all being together is to think about things

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1 that you want to see that they get addressed
2 as the framework is fleshed out. Then maybe
3 people can contribute by email, because it is
4 very hard to write sort of this kind of
5 procedural document live.

6 CHAIRMAN GIBSON: Okay.

7 MR. KATZ: But maybe people raise
8 issues that they think will need to be
9 captured, and then actually writing the
10 framework to cover all that could get done --

11 CHAIRMAN GIBSON: So we agree with
12 objective four, the first sentence. Then we
13 can just work on the bullets individually.

14 MR. KATZ: Yes, and discuss them. I
15 mean you can discuss them here as to, well,
16 here's something I want to make certain
17 somehow that gets evaluated. You know, other
18 ideas people have for that, I think lay it out
19 now, because then it will help everybody in
20 thinking about the framework, to make certain
21 that it covers all that.

22 So any thoughts anyone has --

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1 CHAIRMAN GIBSON: That and/or any
2 other objectives we want to list today.

3 MR. KATZ: Yes.

4 DR. MAKHIJANI: To remind, I have
5 these three bullets that I wrote down, maybe
6 just for people to elaborate on.

7 So one is examining the
8 communication vehicles, like the pamphlets and
9 PowerPoints and letter notifications and the
10 website, and so on. I have that list from the
11 NIOSH.

12 Then evaluate whether NIOSH's
13 communication is resulting in an understanding
14 by claimants of their rights in the process,
15 rights to file a petition, how it might be
16 done, et cetera.

17 And determine if claimants
18 understand the dose reconstruction process,
19 its results, and the differences between dose
20 reconstruction and the SEC process.

21 Then we might add a bullet, and
22 that's what I wrote down of the discussion

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1 that was going on.

2 MEMBER BEACH: Well, and I wonder
3 if we might go through each of the objective
4 bullets and either add to those or -- some of
5 them are pretty long. I wonder if we could
6 separate them out into more than just that one
7 big paragraph bullet.

8 MS. ROBERTSON-DeMERS: I was going
9 to add maybe one thing, and maybe this is
10 under one of the three. But we need to
11 evaluate the existing procedure as it relates
12 to information-giving meetings.

13 MEMBER BEACH: I think it is
14 covered under one of these.

15 MR. KATZ: Yes. I mean that is a
16 process for doing that.

17 MEMBER MUNN: Didn't we say under
18 No. 2, 3 --

19 MEMBER BEACH: Well, that is what
20 I'm saying. Let's just go through bullet by
21 bullet and make sure we are happy with the
22 wording, if that is okay with you, Mike?

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1 CHAIRMAN GIBSON: Yes.

2 MEMBER BEACH: Unless you have a
3 better idea?

4 MS. ROBERTSON-DeMERS: Yes, I guess
5 I was meaning not just from the information-
6 gathering, but information-giving side also.

7 CHAIRMAN GIBSON: Okay. Let's go
8 to objective one.

9 "Is OCAS taking appropriate
10 measures to solicit worker input into site
11 profiles and SEC petition evaluation?" Then I
12 think Arjun or someone suggested adding, "and
13 other documents."

14 MEMBER BEACH: "Other technical
15 documents."

16 CHAIRMAN GIBSON: "Other technical
17 documents."

18 MEMBER BEACH: I think that is what
19 Kathy said.

20 DR. MAKHIJANI: Yes, "and other
21 technical documents."

22 CHAIRMAN GIBSON: Okay. Then let's

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1 go to the first bullet and see if we want to
2 modify that or add to it.

3 MEMBER BEACH: I just thought it
4 would be nice if we could shorten these from
5 paragraphs to maybe bullets, unless they need
6 to stay together.

7 CHAIRMAN GIBSON: That probably
8 kind of goes to what Ted had said earlier
9 about just defining things and breaking them
10 down deeper in the document. Is that what you
11 meant, Ted?

12 MR. KATZ: Yes. I mean this is a
13 general idea, and then I would, under it, sort
14 of lay out some specifics as to how that is
15 going to get achieved.

16 MS. ROBERTSON-DeMERS: You could
17 get rid of the second sentence if you wanted
18 to stay more generic.

19 MEMBER BEACH: I think we don't
20 necessarily want to be generic here.

21 DR. MAKHIJANI: Well, one thing we
22 could put at the top of this whole list of

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1 objectives is a checklist will be prepared for
2 examination of each objective specified in a
3 bullet point. So when we go away from here,
4 maybe one of the things that SC&A could do for
5 you is to take each of these bullet points and
6 prepare this checklist that I think Ted or
7 somebody was talking about a checklist. I
8 think it was Ted who mentioned the checklist.

9 But like the procedures checklist,
10 you actually have a checklist that will be the
11 specific criteria for evaluation and how we
12 will go about this under each of these
13 objectives.

14 CHAIRMAN GIBSON: Let me ask this
15 to OCAS and SC&A. When you all do your own
16 evaluations or assessments of something on
17 yourself internally, one of your groups, do
18 you have an in-house resident expert that
19 develops that process, the evaluation, and how
20 to implement it? Could we see an example of,
21 if there's no personal data, could we see an
22 example of how that operates? We have the

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1 same question to SC&A, John.

2 MS. ROBERTSON-DeMERS: There is
3 technically the last review.

4 CHAIRMAN GIBSON: I just wondered,
5 if we got that type of input for the Work
6 Group, if that would help us determine how we
7 want to put ours together.

8 MR. ELLIOTT: I would be happy to
9 share examples of assessments. In fact, some
10 of them the Board has seen in the past.

11 An assessment in our shop is
12 tailored to what we are trying to evaluate,
13 and it is driven by different people. J.J.
14 actually works on that team, on Grady
15 Calhoun's team. He gets tapped every once in
16 a while to do an assessment. So they have to
17 write up an assessment plan. They have to
18 follow the plan and provide a report at the
19 end. There's usually corrective actions
20 recommended.

21 So I think you are doing what you
22 need to do here. I don't know that our

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1 providing examples would step you along any
2 faster or farther, Mike, but I can do that,
3 absolutely.

4 CHAIRMAN GIBSON: Not an example,
5 but just what you talked about. You have a
6 team, and do they have a generic background
7 criteria of how to write up a plan, how to
8 write up an assessment, or is it tailored just
9 to each --

10 MR. ELLIOTT: I don't know. Do you
11 want to speak to this, J.J.?

12 I mean there is a format. There is
13 a document format that is used both for the
14 plan and the report.

15 CHAIRMAN GIBSON: Is there
16 educational knowledge that people have that
17 would help us put this together?

18 MR. JOHNSON: I can go back and
19 look at our procedures. If we have something
20 out there that is worth putting out, I will do
21 that.

22 MR. ELLIOTT: Yes, we can do that,

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1 too. But, to answer your question, I mean
2 J.J. has had training -- he even carries a
3 certificate -- in doing this kind of
4 assessment work. So, yes, there are those
5 kind of people.

6 Does that answer you?

7 CHAIRMAN GIBSON: Yes, that's good.

8 MS. ROBERTSON-DeMERS: Well, are
9 you talking about, for example, what we look
10 at when we look at a site profile, and the
11 process of reviewing, and the elements?

12 CHAIRMAN GIBSON: No. I am looking
13 at something Larry just answered. J.J. is
14 certified as the assessment person, if you
15 will. I just wondered --

16 MR. JOHNSON: Certified Quality
17 Auditor.

18 MR. ELLIOTT: Certified Quality
19 Auditor.

20 MEMBER MUNN: He is the QA guy,
21 makes sure it's right.

22 MR. ELLIOTT: Yes, quality

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1 assurance is what we are talking about.

2 MEMBER MUNN: That is what it is.

3 MR. ELLIOTT: You do an assessment
4 to assure that you are performing against your
5 requirements that you established, whatever
6 those may be, quality or production or --

7 CHAIRMAN GIBSON: Okay. Does the
8 Work Group believe that we may need to try to
9 tap some kind of resource to help us --

10 MEMBER BEACH: Well, maybe, but I
11 think what we need to do right now is look at
12 the objectives that we have right now today.
13 For an instance, for the first objective one,
14 we are saying, "Is OCAS taking appropriate
15 measures to solicit worker input into site
16 profiles, SEC petition evaluation, and other
17 technical documents?"

18 Then we look at bullet No. 1.
19 Let's just say what I would do is I would get
20 rid of "discuss" and I would start the
21 sentence with, "Examine the procedures by
22 which OCAS solicits worker involvement,"

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1 period, and then go from there. "Do we need
2 to make any recommendations for improvement?"

3 That would be sentence No. 2.

4 But let me just break these apart
5 and spell out what we want that evaluation to
6 be. If we need to add something, add another
7 bullet or add another sentence, but let's
8 start with what we have, and then decide if we
9 need something more.

10 MR. KATZ: All right. So just to
11 add onto what Josie just said, so we are
12 starting with the first bit, "Examine the
13 procedures by which OCAS solicits..." So then
14 you need a plan for what documents do you need
15 from OCAS that may document some of this.
16 Then, also, you will need a plan for --
17 because I will bet not all of it is
18 documented. In a sense, I think some of it is
19 in people's heads who run these operations.
20 Then you will need sort of a plan for who do
21 we interview to get this information for how
22 it is solicited.

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1 MEMBER BEACH: Maybe if we get the
2 sentences --

3 MR. KATZ: Yes.

4 MEMBER BEACH: -- the plan could
5 come together. We may not have everything we
6 need today to do that, but at least get the
7 basics under each one of those.

8 MR. KATZ: Yes. Yes. I mean then
9 you have a plan, and then you can figure out
10 who is going to do the work --

11 MEMBER BEACH: Yes.

12 MR. KATZ: -- to fulfill the plan,
13 yes.

14 CHAIRMAN GIBSON: Let's just try to
15 walk down through these sentences then and do
16 that, and keep in mind that we have about 20
17 minutes before it is time for public comment.

18 Since that is on the agenda, I want to --

19 MR. KATZ: Yes, absolutely.

20 CHAIRMAN GIBSON: Okay. So, Josie,
21 go ahead.

22 MEMBER BEACH: Okay, the very first

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1 one, and I just got rid of "discuss" and I
2 started with, "Examine the procedures by which
3 OCAS solicits worker involvement." Then we
4 can come back later and type in whatever the
5 checklist that SC&A was talking about. They
6 can put in all the procedures that we need.

7 Then do we need to make any
8 recommendations for improvements as necessary?

9 Is that relevant? We already know that is
10 what we are about, right? So we can probably
11 get rid of that?

12 MEMBER MUNN: It seems extraneous,
13 yes.

14 MEMBER BEACH: Because that is what
15 we are here for.

16 Then the next sentence, "This would
17 include how OCAS determines whether an
18 outreach meeting is to be conducted for a
19 facility and how OCAS advertises this
20 ability." I think that needs to be broken up
21 into two sentences, personally.

22 MR. KATZ: Yes, but I think

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1 probably a whole set of questions you want to
2 ask. How does OCAS determine --

3 MEMBER BEACH: How does OCAS
4 determine -- yes. So, if anybody is better at
5 sentences than I am -- so, "How does OCAS
6 determine whether an outreach meeting is to be
7 conducted for a facility?" Period. Then, "How
8 does OCAS advertise," and I don't know if I
9 would say, "the opportunities for input." We
10 might want to reword that.

11 MS. ROBERTSON-DeMERS: "How does
12 OCAS inform?," you know, "inform workers of
13 the worker outreach opportunities."

14 MEMBER BEACH: Okay, that sounds
15 good.

16 Is somebody capturing all these?

17 MR. ELLIOTT: This could actually
18 be maybe sub-bullets under that, your short
19 sentence there, "Examine the procedures..."
20 There are things you want to do in the
21 examination or things you want answered by the
22 examination.

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1 MEMBER BEACH: Right.

2 MR. KATZ: And these are just two
3 questions that I had. Whether we have more
4 questions about that, it's open.

5 MEMBER BEACH: Okay.

6 MR. KATZ: These were just obvious
7 ones to me.

8 MEMBER MUNN: What were your
9 obvious ones?

10 MR. KATZ: What we just specified.

11 MEMBER MUNN: Oh, all right.

12 MR. KATZ: Because this was one of
13 the bullets I wrote.

14 MEMBER BEACH: I don't know if we
15 want them as sub-bullets to the bullet or
16 actual bullets.

17 DR. ZEITOUN: Actually, if it is
18 the same purpose, it could be sub-bullets.

19 MEMBER MUNN: Yes, right.

20 DR. ZEITOUN: Let's exactly go back
21 to what Ted was saying earlier. Instead of
22 going to many points, just go to one point and

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1 later on you can even expand on these sub-
2 bullets later.

3 MR. KATZ: Because the next bullet,
4 as it stands right now, is another process.
5 See, this is one process.

6 MEMBER BEACH: Right.

7 MR. KATZ: Looking at what is the
8 documentation for how they do their work, and
9 again, interviewing people, whatever else you
10 have to do to flesh that out.

11 But then the second was, well, once
12 you know how they do their work and what their
13 sort of game plan is, looking at some examples
14 to see how that was actually implemented, in
15 effect, just to summarize what I have there.

16 So then you will need a game plan
17 for selecting some actual case examples that
18 you want to delve into to see how it works.

19 MS. ROBERTSON-DeMERS: Okay. So,
20 for bullet No. 2, you could say, "Examine
21 several examples to focus solicitations and
22 followup associated with particular work

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1 products." Period.

2 MEMBER MUNN: Period, yes, because
3 what we decide to do with it may change from
4 this.

5 MS. ROBERTSON-DeMERS: I don't
6 know. We haven't gotten there yet.

7 MEMBER MUNN: We know we are going
8 to do what's here.

9 MS. ROBERTSON-DeMERS: And then,
10 "Determine whether procedures were followed"
11 -- "and effective" would be a separate bullet.

12 DR. ZEITOUN: But that is the
13 common sense of the examination, to determine
14 if they are acceptable or not. So you don't
15 need to say anything --

16 MEMBER MUNN: Instructionally, just
17 examine the examples of --

18 DR. ZEITOUN: Yes.

19 MEMBER MUNN: -- solicitations --

20 DR. ZEITOUN: Examine --

21 MEMBER MUNN: -- "and followup
22 associated with several particular work

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1 products." So take out "particular."

2 MEMBER BEACH: So, Kathy, would you
3 repeat that?

4 MS. ROBERTSON-DeMERS: "Examine
5 several examples of OCAS solicitations and
6 followup associated with several particular
7 work products."

8 MEMBER MUNN: Did you say,
9 "implementation" in there?

10 MS. ROBERTSON-DeMERS: No.

11 MEMBER MUNN: "Examine several
12 examples of OCAS implementation" --

13 MR. KATZ: No, "solicitations."

14 MEMBER MUNN: So we took out
15 "implementation" entirely?

16 MR. KATZ: It was never in there.

17 MEMBER MUNN: I know, I put it in
18 there.

19 (Laughter.)

20 Because I thought that's what we
21 were talking about.

22 MEMBER BEACH: Arjun has got some

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1 words in here. Would you read that?

2 DR. MAKHIJANI: Yes. In the spirit
3 of how we did the first one, the second one
4 would be, as Kathy said, "Examine several
5 examples of OCAS solicitation and followup
6 associated with several particular work
7 products."

8 Then under it there would be three
9 questions:

10 "Were the procedures followed and
11 effective in practice?"

12 "Did OCAS make an appropriately
13 extensive effort to obtain adequately broad
14 and substantial participation from workers?"

15 And "Are there additional or
16 improved methods for OCAS to consider?"

17 We're just splitting it up like we
18 did before.

19 MEMBER BEACH: Yes, that looks
20 good.

21 Because, Kathy, I wasn't quite sure
22 what you meant by "particular work products."

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1 I guess if that is going to be in there, it
2 needs to be --

3 MR. KATZ: That's my wording,
4 "particular work products," but I meant you
5 are actually going to be looking at some
6 specific case examples. As opposed to the
7 front end where you are just learning how they
8 do their business, now you are going to say,
9 okay, well, let's see how it worked for Site
10 Profile X, TBD-X, or for SEC petition Y,
11 whatever. But I mean you are going to want to
12 look at how it worked in actuality.

13 MEMBER BEACH: Right.

14 MR. KATZ: For that, obviously, you
15 can't do it across the waterfront. You are
16 going to have to choose a few examples.

17 MEMBER BEACH: Some specific
18 examples.

19 MR. KATZ: Yes.

20 MEMBER BEACH: All right.

21 CHAIRMAN GIBSON: Okay. Is there
22 anything else under objective one?

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1 MEMBER BEACH: Is there anything we
2 could add for site profiles? Because we talk
3 about soliciting worker input into site
4 profiles. Has anything captured that?

5 I think the spirit of that is, what
6 happens once a worker gives their input?

7 MR. KATZ: That goes to the next
8 objective?

9 MEMBER BEACH: Does it go to the
10 next one?

11 MR. KATZ: Yes. I mean this is
12 really just saying how the net is thrown out
13 there in the first place versus what is hauled
14 in.

15 MEMBER BEACH: Okay. I just want
16 to make sure the net is capturing
17 everything --

18 MR. KATZ: Yes.

19 MEMBER BEACH: -- under that
20 objective, since it is listed under objective
21 one in the very first sentence.

22 MR. KATZ: Objective one is how

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1 OCAS is soliciting it. Objective two is, is
2 OCAS obtaining and documenting the input from
3 the workers? Then three is, how is it being
4 put to use?

5 MEMBER BEACH: Okay. Got it.

6 DR. MAKHIJANI: That would be
7 several examples. There would be a site
8 profile. That would be it, I presume.

9 MEMBER BEACH: Okay, I got it.

10 MR. ELLIOTT: Sure. Impact, site
11 profile was changed based upon worker input.

12 DR. MAKHIJANI: Yes.

13 MR. ELLIOTT: It says that right up
14 in the revision of the document. They could
15 ask, "How many site profiles have been changed
16 because of worker input? Let's see them."

17 DR. MAKHIJANI: Right.

18 MEMBER BEACH: Yes.

19 MR. KATZ: Yes, and you could look
20 at a site profile where there might have been
21 a lot of input and no changes, and look at
22 what happened there and why.

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1 CHAIRMAN GIBSON: So do we need
2 anything else under one?

3 MEMBER MUNN: Not for the first
4 draft, I think.

5 MEMBER BEACH: Yes.

6 CHAIRMAN GIBSON: Evaluation,
7 objective No. 2. "Is OCAS obtaining and
8 documenting input from workers?" How do we
9 want to change and modify this?

10 MEMBER MUNN: Probably bullet two,
11 we can stop after "ORAU." We know what we are
12 going to do.

13 MS. ROBERTSON-DeMERS: Actually, I
14 think that would be ATL now, right? Under
15 bullet two? Or NIOSH and its contractors?

16 MEMBER BEACH: Yes. Yes.

17 MS. ROBERTSON-DeMERS: Although the
18 fourth bullet, "Evaluate the conduct of worker
19 outreach" --

20 MEMBER BEACH: Arjun is working on
21 breaking that up a little bit.

22 MR. LEWIS: Can I ask, in what ways

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1 you evaluate? I mean like the demeanor of the
2 people, the procedure? What ways are you
3 talking about evaluating?

4 MS. ROBERTSON-DeMERS: Like if you
5 say that you are going to inform the people
6 that the audio tapes are just for your purpose
7 of developing the minutes, did you do that?

8 MR. LEWIS: So you are talking
9 about procedures evaluation?

10 MS. ROBERTSON-DeMERS: Yes.

11 DR. MAKHIJANI: Kathy, this fourth
12 bullet isn't transparent to me.

13 MEMBER BEACH: So which part of it?
14 Which part of it?

15 DR. MAKHIJANI: I am lost in this.
16 "Will include participation in select worker
17 outreach and solicitation." I am confused as
18 to what we are trying to do there.

19 MS. ROBERTSON-DeMERS: We are
20 trying to evaluate the meeting itself. We are
21 at the meeting and we are trying to evaluate
22 it.

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1 MEMBER MUNN: What aspect of it?
2 Whether it is conducted properly? Whether it
3 is getting the information out? Whether there
4 is adequate participation? Whether it is
5 adequately interactive? Whether it is long
6 enough?

7 MS. ROBERTSON-DeMERS: Well, first
8 of all, whether they are following their
9 procedures. There are certain elements that
10 are outlined when they conduct a meeting that
11 they have to do.

12 MEMBER MUNN: So, "Evaluate
13 outreach meetings in light of established
14 procedure." or "to assure conformance to
15 procedure?"

16 MR. LEWIS: It seems to me the main
17 thing for having an outreach meeting is to get
18 the information. It is not whether or not we
19 are following things by the "T" --

20 MEMBER MUNN: Right.

21 MR. LEWIS: -- or our own
22 procedures. The bottom line, to me, is, do we

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1 effectively get the information to and from
2 the people? Everything else is fine and dandy
3 that we are talking about here, but when I'm
4 sitting here and I'm doing a meeting, I don't
5 want to have to worry about somebody
6 critiquing me while I'm doing my meeting with
7 these people. That's a conflict of interest
8 to me. So I hope you appreciate my position
9 on this.

10 MEMBER MUNN: Absolutely.

11 MR. LEWIS: I mean I am speaking
12 right off my heart of hearts, but I don't want
13 to sit there and do a meeting and wonder what
14 someone sitting in there from you guys is
15 saying, whether you're rating me on my
16 procedure or are you listening to what these
17 people are saying.

18 So I think we need to have a clear
19 understanding here with that, if you don't
20 mind.

21 MS. ROBERTSON-DeMERS: Let me give
22 you an example where this would play in. A

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1 part of this is they do a worker outreach
2 meeting, and they prepare minutes. The
3 minutes are sent back to some of the
4 participants, all of the participants, however
5 it is done.

6 We would be interested in knowing
7 that that happened.

8 MEMBER BEACH: So that has to be
9 clear in the way we are saying this then.

10 MR. ELLIOTT: But we can check that
11 by the tracking system.

12 MEMBER BEACH: Right, and the
13 website, it's there.

14 MS. ROBERTSON-DeMERS: And who is
15 responsible?

16 DR. MAKHIJANI: Kathy, I must say
17 that I am confused about these bullets
18 because, as Larry said, we have this -- what
19 happens after the meeting is over is what the
20 Outreach Tracking System reflects, the
21 meeting, what happened to the minutes. You
22 know, did the minutes reflect what happened in

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1 the meeting? Did the workers respond?

2 There's a set of things that
3 happened after the meeting. But my question
4 was about this fourth bullet, which is about
5 what happens during the meeting.

6 I am confused. At least that is
7 what I was trying to think. I'm just trying
8 to listen and think, and I don't know which
9 one I'm thinking about.

10 MS. ROBERTSON-DeMERS: Think of the
11 objectives as preparation to the meeting, the
12 meeting, and after the meeting.

13 MEMBER BEACH: Okay. So how the
14 meeting was prepared?

15 MS. ROBERTSON-DeMERS: How they
16 prepared.

17 DR. MAKHIJANI: No. 1.

18 MS. ROBERTSON-DeMERS: And I am
19 talking about the three objectives.

20 DR. MAKHIJANI: Right. So we did
21 the No. 1, preparation.

22 MS. ROBERTSON-DeMERS: Preparation.

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1 Now we're in the meeting.

2 DR. MAKHIJANI: Okay.

3 MEMBER BEACH: So objective two
4 covers in the meeting?

5 MS. ROBERTSON-DeMERS: During the
6 meeting and the activities that take place up
7 to the point where it is put into the OTS
8 system.

9 MEMBER BEACH: So the only bullet
10 we are talking about --

11 MS. ROBERTSON-DeMERS: So action
12 items are followed through on.

13 Then the last would be, okay, now
14 that you have conducted these action items,
15 have they been adequately reflected in the
16 work documents?

17 MEMBER BEACH: Okay. So the fourth
18 bullet is what we are trying to --

19 MS. ROBERTSON-DeMERS: No, I'm
20 talking the objectives here.

21 MR. KATZ: She has gone back to the
22 objectives.

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1 MEMBER BEACH: Right.

2 MR. KATZ: Let me see if I can help
3 with this evaluation, objective two. Because
4 I have sort of a bit of, I think, Arjun's
5 confusion about the fourth bullet under
6 objective two because the second bullet is,
7 "Review a sample of interviews and meetings
8 where above procedures were implemented by
9 NIOSH or NIOSH's contractors to determine
10 whether procedures were followed and
11 effective."

12 Under that bullet two, for example,
13 you would consider both what information is
14 obtained and how well it is documented. So,
15 for example, I mean one of the things I know
16 that gets done in the interviews, and probably
17 gets done with these meetings, too, is the
18 information is fed back to the participants,
19 so they have an opportunity to say, "That's
20 what I meant" or "That's not what I meant."
21 So that is sort of part of the quality --

22 MEMBER BEACH: That's covered in

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1 the fifth bullet.

2 MR. KATZ: No, I know. What I am
3 saying is there are more bullets here than
4 there probably needs to be because some of
5 this comes under --

6 MEMBER BEACH: Oh, I see.

7 MR. KATZ: -- the three first
8 bullets, I think.

9 If you are evaluating how well the
10 meeting is obtaining and documenting
11 information, you would be looking at something
12 like that. Did they confirm that what they
13 thought they heard they actually heard from
14 the participants, and that's what the
15 participants meant? That is just an example.

16 If, during a meeting, the meeting
17 facilitator did some things that sort of
18 quashed participation, that would be an issue,
19 right? You would be concerned if somehow it
20 wasn't really facilitated, but in a sense it
21 sort of closed people down. That would be,
22 again, how well are we obtaining information.

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1 That's just examples, but I think
2 those come under looking at a sample of
3 meetings and interviews, how it went.

4 MS. ROBERTSON-DeMERS: I don't mean
5 to say that looking at the meetings is just
6 about looking at whether you are following the
7 procedures. It is also about, "X" kind of
8 meeting, does it do what it intended to do?

9 So, if you want to gather
10 information, are you gathering information
11 effectively as a part of that meeting? If you
12 are giving information, are you giving
13 information that you are supposed to be giving
14 to that type of meeting?

15 So it is more than just the
16 procedures.

17 MR. LEWIS: I guess the word
18 "conduct" is one --

19 MEMBER BEACH: We can take
20 "conduct" out of that. That's just a word.

21 DR. ZEITOUN: I am going to give
22 you an example. I had a meeting before --

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1 this is when I was doing NEPA. Part of the
2 evaluation, self-evaluation of the
3 contractors, we evaluated ourselves. Some of
4 the issues that came in one of the meetings,
5 that I wish we had posters there, we would
6 understand the subject better. So, a week
7 later, when we put this second meeting, we
8 already prepared posters.

9 The issue here is we were going to
10 be sitting, the Board, the contractor will be
11 sitting among the members, and they will
12 understand the issues that would improve and
13 come back to you and say, "This issue could
14 make it better."

15 I have gone through that when I was
16 doing NEPA work before, when I did the scoping
17 meetings. We self-evaluate to ensure that the
18 next meeting will be better, the next meeting
19 will be better, and that is the whole purpose.

20 I think this is what I read in-
21 between the lines of the purpose of it. It is
22 not sitting trying to evaluate you or evaluate

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1 the presentations. It is the issue of how it
2 becomes better.

3 MR. LEWIS: I needed to hear that
4 comment.

5 DR. ZEITOUN: Right.

6 MR. LEWIS: I needed to hear this
7 discussion.

8 DR. ZEITOUN: Right. I think it
9 should be improved to make it in a more
10 positive tone because we are not here -- I
11 don't believe that we are here just trying to
12 catch something. It's not the issue.

13 The issue, I know it and I went
14 through it before, and it becomes a better way
15 of exchanging information. If somebody raises
16 an issue -- and a lot of the public are
17 nitpickers. Sometimes they need other things.
18 They need more information.

19 If the more information can help
20 portray the program, then do it. It doesn't
21 matter. And that is our job, is to make this
22 evaluation. I think this is what I read in-

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1 between these lines. I think this is the
2 purpose of it, if we can reflect it.

3 MEMBER MUNN: Mary was trying to
4 say something.

5 MS. ELLIOTT: I would like to point
6 out that the procedure -- every meeting is not
7 A, B, C, D, E, F, G.

8 DR. ZEITOUN: Correct, correct.

9 MS. ELLIOTT: They're all very
10 different, depending on how our stakeholders
11 are reacting at meetings to what they're
12 hearing. Sometimes they go into a totally
13 different thing than what we expected them to,
14 and it's beneficial. Every single time they
15 interact and give us good information, it is
16 beneficial.

17 DR. ZEITOUN: Good.

18 MS. ELLIOTT: So we can't predict
19 that they are all going to be the same, and
20 they have not been.

21 DR. ZEITOUN: Sure. I am not
22 saying that I am expecting all of them to be

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1 the same, but there are certain methodologies
2 of communications --

3 MS. ELLIOTT: Correct.

4 DR. ZEITOUN: -- which there are
5 experts doing this communication.

6 MS. ELLIOTT: Correct.

7 DR. ZEITOUN: They can add to the
8 value of the exchange, and that is all this
9 is.

10 MEMBER MUNN: But the bottom-line
11 question here or bullet here should be for us
12 to evaluate whether the objective of the
13 meeting was being achieved. That is really
14 what we want to know.

15 I have seen Mark at work many
16 times, and he has a real talent at getting to
17 the nub of what the people in the audience
18 want to hear. He gets them to tell him what
19 they want to hear.

20 Whether that follows any process or
21 not is secondary to the question: is the
22 objective of this meeting being met, which in

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1 my mind is the question for No. 4.

2 MR. ELLIOTT: I think it is
3 important for us to talk about where the line
4 is. I think what I hear from Mark's concern
5 is that he doesn't want to be facilitating or
6 running one of these meetings and be worried
7 about whether or not he is making a misstep in
8 the evaluator's eyes.

9 So are there meetings that we
10 should really focus and target to, to make
11 sure that you have the ability to observe,
12 versus others that you would agree to exclude
13 yourself from because we think it is just too
14 difficult to conduct a meeting? I would like
15 to go there and have that kind of a discussion
16 at some point.

17 I would also like to make sure that
18 -- because my people find it hard enough to do
19 their job.

20 MEMBER BEACH: And on that note, we
21 are not going to try to critique your people.

22 It is the process that we are wanting to look

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1 at. This is a work-in-progress.

2 MR. ELLIOTT: Right.

3 MEMBER BEACH: This is draft number
4 one.

5 MR. ELLIOTT: Right.

6 MEMBER BEACH: We are still trying
7 to figure out what we are doing.

8 MR. ELLIOTT: And I think you have
9 ample opportunity to make decisions about when
10 and where you choose to intervene at that
11 level. Okay?

12 What I am saying there, I believe
13 that once you find you have access to this
14 Outreach Tracking System, you are going to
15 find it very helpful in doing your reviews
16 because, as Mary passed across to me just a
17 moment ago, you would be able to go into that
18 system today if you had access -- I'm sorry
19 you don't -- but you could go in there today
20 and see what's going on with the meeting
21 tomorrow in Kansas City. I don't know whether
22 any of you are going to go or not, but there's

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1 a presentation already approved and loaded up.

2 MS. ELLIOTT: It is not in the
3 system yet. I just got it this morning.

4 MR. ELLIOTT: Oh, well, I approved
5 it earlier in the week. So it is not in the
6 system yet, but it is going into the system.
7 So you can see what kind of communication
8 vehicles are being prepared. You would see in
9 the tracking system what the purpose of the
10 meeting, who the attendees are, what's the
11 function, what's the desired outcome. So it
12 is going to help you, I think.

13 MEMBER BEACH: Realize this Work
14 Group is two years in the making. So a lot of
15 the things that we have problems with have
16 probably been fixed, and we are going to find
17 that out through this process.

18 Are you ready, Arjun, for the
19 bullets?

20 CHAIRMAN GIBSON: It is time now to
21 shift to public comments. Then, if time
22 allows, we will get back to evaluation three.

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1 Or if not, we will decide what our homework
2 assignments are for the next meeting.

3 So, at this time, if there is
4 anyone on the line, any workers, claimants,
5 workers' advocates or representatives, please
6 identify yourselves and make your comments.

7 MS. BARRIE: This is Terrie Barrie
8 from ANWAG.

9 CHAIRMAN GIBSON: Hi, Terrie.

10 MS. BARRIE: How is everyone?

11 CHAIRMAN GIBSON: Good. Go ahead.

12 MS. BARRIE: Yes, I just have a few
13 comments.

14 First of all, Mike, I really,
15 really appreciate that this working group
16 allows the public to make a few statements. I
17 still wish that the other working groups would
18 adopt this plan.

19 One question, or not one question.

20 When I received the agenda yesterday, it
21 mentioned action items, and I couldn't find my
22 notes on what they were. So I decided to go

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1 to NIOSH's website and look up the transcript.

2 The transcripts were not there. So I had no
3 idea, and another advocate came to me with the
4 same problem of what the action items were.

5 That would have been really helpful
6 to follow along with these meeting, if the
7 transcripts were posted there when they should
8 have been.

9 MR. KATZ: Terrie, can I just
10 interject right here with this? The
11 transcripts take time to be produced, and they
12 take a minimum of 30 days just for them to get
13 a draft to us. Then they have to be reviewed
14 and then quality issues have to be addressed.

15 Now the Board is discussing, and I think is
16 on the path of, having actually a work group
17 chair review the transcript before it goes up,
18 too. So there is just necessary time that
19 goes into that.

20 We get these transcripts up as soon
21 as we can, but there's nothing that can be
22 done.

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1 MR. ELLIOTT: I don't have it. It
2 is not that it is in OCAS's hand and we
3 haven't loaded it up.

4 MR. KATZ: No, it's not.

5 MR. ELLIOTT: We don't have it.

6 MS. BARRIE: Okay. I thought there
7 was an agreement for the working groups to
8 have their transcripts up in 45 days. Am I
9 wrong about that?

10 MR. KATZ: There is an agreement --
11 no, the 45 days actually applies to the Board,
12 full Board meetings. The work groups come
13 secondary to the full Board meetings, and we
14 would love to get them all up in 45 days, but
15 it simply can't be done.

16 This Work Group met in June, late
17 in June, I think.

18 MS. BARRIE: Right. It looks like
19 June 16th, I think.

20 MR. KATZ: Right.

21 MS. BARRIE: So it is right around
22 two months, and that is why I thought, you

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1 know, I think the Idaho one was published.

2 So maybe my suggestion would be
3 that, if they are not published, maybe the
4 Board members can have a little bit more
5 detailed agenda, so the advocates can follow
6 along.

7 And the other part that is a
8 concern is, and Larry mentioned this earlier
9 today, about when I raise issues, that they
10 are taken seriously, which I do believe. But
11 I don't get any feedback. Like, for instance,
12 the Rocky Flats SEM for Building 460 is a
13 serious concern to me because it says that
14 there was radioactive materials in that
15 building, and supposedly it was a cold
16 building.

17 I understand that DOL had sent
18 NIOSH the documents for them to review. I am
19 wondering how long that process is going to
20 take. Is there going to be a white paper
21 released? Will I need to FOIA that white
22 paper? How will I know if a white paper is

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1 available?

2 So I think a little bit more
3 transparency, openness, just communication
4 would be a great help to the advocates.

5 MR. ELLIOTT: I have no idea what
6 you're referring to at the last there, Terrie.

7 I am not aware of DOL sharing any information
8 with us for review at this point on a
9 building.

10 MS. BARRIE: Okay. Well, I will
11 send it to you.

12 MR. ELLIOTT: Well, I appreciate
13 that.

14 MS. BARRIE: Okay.

15 CHAIRMAN GIBSON: Okay, thanks,
16 Terrie.

17 Anyone else on the line?

18 MS. BONSIGNORE: Yes. This is
19 Antoinette Bonsignore for the Linde Ceramics
20 facility and ANWAG.

21 CHAIRMAN GIBSON: Okay. Glad to
22 have you. Go ahead.

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1 MS. BONSIGNORE: Well, there are
2 three issues I would like to address.

3 The first being that, on July 16th,
4 ANWAG had a teleconference with the Department
5 of Labor, Rachel Leiton in particular, as well
6 as other members of her staff, to address some
7 issues that the advocates are concerned with
8 with regard to the program.

9 It became quite clear to all of the
10 advocates who participated in the call that
11 input is needed from NIOSH and the Advisory
12 Board in any future teleconferences that the
13 advocates schedule with Ms. Leiton. I had
14 addressed this issue with Lew Wade and with
15 Dr. Melius about a month ago.

16 Our next teleconference is going to
17 be on August 25th with Ms. Leiton and her
18 staff. I think it is incumbent upon NIOSH and
19 the Advisory Board or representatives from
20 NIOSH and the Board to participate in this
21 teleconference.

22 CHAIRMAN GIBSON: Okay. Thank you

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1 very much. I will see if one or more of the
2 Work Group members can't try to participate,
3 and I will send an email to Paul Ziemer and
4 let him send it out to the rest of the
5 Advisory Board.

6 MR. KATZ: Mike?

7 Do you want a member of the Linde
8 Work Group meeting to participate in this
9 phone call?

10 MS. BONSIGNORE: I would like any
11 member of the Advisory Board to participate,
12 and also any member, any staff member, from
13 NIOSH to participate as well.

14 The teleconference is not Linde-
15 specific. It is advocates from all of the
16 facilities are participating in it.

17 MR. KATZ: Okay.

18 MR. ELLIOTT: I am sorry.
19 Antoinette, this is Larry Elliott.

20 So this is a conference call that
21 ANWAG has established with Rachel Leiton?

22 MS. BONSIGNORE: Yes.

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1 MR. ELLIOTT: And you're proposing,
2 you're suggesting, you're strongly
3 encouraging, I think, that NIOSH and/or a
4 Board presence be there, included?

5 MS. BONSIGNORE: Absolutely.

6 MR. ELLIOTT: Okay. I will talk to
7 Rachel about this, as far as our
8 participation. The Board, Ted and the Board
9 can decide how they participate, but I will
10 talk to Rachel about our participation,
11 because we certainly want to be a participant
12 in those kinds of discussions where our work
13 is talked about.

14 MS. BONSIGNORE: Yes. Well, just
15 to elaborate on that point, many of the issues
16 that we were addressing with Ms. Leiton, she
17 was unable to discuss with us because, as she
18 put it, "That is a NIOSH issue and I have no
19 authority to discuss that point."

20 That became a repeated refrain for
21 many of the issues that we were raising.

22 MEMBER MUNN: Antoinette, this is

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1 Wanda Munn, a Board member.

2 MS. BONSIGNORE: Yes.

3 MEMBER MUNN: What is the topic of
4 these telecommunication conferences?

5 MS. BONSIGNORE: Well, we are
6 putting together, we are actually right now
7 putting together the agenda for that meeting.

8 I can forward that to Larry, if he would
9 like.

10 MR. ELLIOTT: I would appreciate
11 that, Antoinette.

12 MS. BONSIGNORE: Okay.

13 MR. ELLIOTT: You have my email, I
14 think.

15 MS. BONSIGNORE: Yes, I believe I
16 do.

17 MR. ELLIOTT: Okay.

18 MEMBER MUNN: I think we would be
19 hard-pressed to find a member of the Board who
20 would eagerly leap forward to participate in
21 the conference without pretty clear
22 understanding of what the topics were and what

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1 part they might be playing, other than just
2 listening.

3 MS. BONSIGNORE: Well, how would I
4 be able to facilitate this then?

5 MEMBER MUNN: I believe that if you
6 send your information to Larry, I suspect that
7 he would be glad to forward that to the full
8 Board.

9 MR. ELLIOTT: I will certainly
10 forward it, yes.

11 MS. BONSIGNORE: Okay.

12 MEMBER MUNN: And at that time, my
13 personal feeling is I can't speak for the
14 other members of the Board, but the Board,
15 generally speaking, prefers to have all of the
16 information that is applicable to the Board
17 provided to it in its entirety, rather than
18 having a single member bring information to
19 it. But that depends largely on the scope and
20 specificity of the topic that you are going to
21 be covering, I think.

22 MEMBER SCHOFIELD: Antoinette, this

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1 is Phillip.

2 I have been following the emails on
3 the agenda from you and Terrie.

4 MS. BONSIGNORE: Right.

5 MEMBER SCHOFIELD: Parts of the
6 agenda definitely, you know, could be things
7 addressed by NIOSH, but a big portion of that
8 is actually out of our reach. It is in the
9 Department of Labor's jurisdiction.

10 It would be helpful, though, if
11 some of that information, those same questions
12 were forwarded to the Board, so people can at
13 least understand some of the concerns people
14 have.

15 MS. BONSIGNORE: Okay.

16 MEMBER SCHOFIELD: I haven't been
17 forwarding these emails because I have kind of
18 kept them, unless I'm specifically released
19 from you, I've kind of kept them in
20 confidence.

21 MS. BONSIGNORE: Right. Well, I've
22 provided, you know, I was providing Dr. Melius

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1 with updates about the meetings.

2 I think maybe the more optimal way
3 for us to proceed is for me to, or Terrie to,
4 start providing those updates to Dr. Ziemer.

5 MEMBER SCHOFIELD: Well, I mean a
6 lot of the questions and the concerns that
7 have been addressed by the various members of
8 ANWAG definitely would be of interest to Board
9 members.

10 MS. BONSIGNORE: Okay.

11 MEMBER SCHOFIELD: But, like I
12 said, I do get most of these from you or
13 Terrie, and I appreciate that.

14 MS. BONSIGNORE: Right.

15 MEMBER SCHOFIELD: But, also, I
16 don't feel I'm free, without explicit --

17 MS. BONSIGNORE: I understand.

18 MEMBER SCHOFIELD: -- to release
19 those. Whereas, if you were to forward them
20 to Paul or even Larry Elliott --

21 MS. BONSIGNORE: Right.

22 MEMBER SCHOFIELD: -- I think all

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1 of us would benefit from seeing some of those
2 questions because some of them definitely have
3 an impact on what we are doing.

4 MS. BONSIGNORE: Absolutely. I
5 agree with you, and we will start doing that.

6 Thank you.

7 MR. ELLIOTT: Yes, Antoinette, this
8 is Larry Elliott one more time.

9 I would certainly want to say here
10 that we would welcome hearing any NIOSH-
11 related concerns.

12 MS. BONSIGNORE: Okay.

13 MR. ELLIOTT: You know, I don't
14 expect DOL to answer for us on those. So, if
15 you can share those with us, we will certainly
16 try our best to respond.

17 MS. BONSIGNORE: Okay. Thank you
18 very much.

19 The second issue I wanted to raise
20 dealt with the discussion that preceded the
21 public comment period about worker outreach
22 agenda items.

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1 I am particularly interested in
2 getting more information about the way NIOSH
3 decides whether program evaluation reports
4 will be issued upon the issuance of revised
5 site profiles, and what the checks and
6 balances are for that process.

7 MR. ELLIOTT: This is Larry
8 Elliott. I'll speak here.

9 Is that a suggestion for the
10 working group's consideration in their
11 evaluation plan or are you asking of NIOSH to
12 provide you with some information or
13 background in that regard?

14 MS. BONSIGNORE: Both.

15 MR. ELLIOTT: Both?

16 MS. BONSIGNORE: And just to
17 elaborate, this is a particular issue for
18 Linde Ceramics right now because there was a
19 revised site profile issued in November of
20 2008, but there was no program evaluation
21 report issued at that time. Many of the
22 claimants that I work with have submitted

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1 requests to the Department of Labor to have
2 their cases reopened based upon the issuance
3 of that revised site profile, and those
4 requests have been summarily denied.

5 MR. ELLIOTT: Yes. Okay. So I
6 need to hear again, if you would, frame what
7 you are really asking for. Because the first
8 time I thought I heard you wanted to know how
9 a site profile is squared up against an SEC
10 evaluation report, but now you are talking
11 about a program evaluation review.

12 MS. BONSIGNORE: Right.

13 MR. ELLIOTT: Or did I mishear you
14 on the first one? It's the program evaluation
15 review?

16 MS. BONSIGNORE: Yes, it's the
17 program evaluation review.

18 MR. ELLIOTT: Sure. Okay.

19 MS. BONSIGNORE: The workers are
20 confused as to the fact that there have been
21 changes in the site profile. There have been
22 changes that were implemented from the SC&A

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1 audit from July of 2006. Yet, their claims
2 are not being re-evaluated. Workers who have
3 had their claims denied --

4 MR. ELLIOTT: Yes.

5 MS. BONSIGNORE: -- under the
6 previous site profile, their claims are not
7 being re-evaluated to determine, at the very
8 least, whether NIOSH should redose those
9 claims.

10 MR. ELLIOTT: Yes. Okay. I
11 understand clearly now what you're seeking.

12 Where to start? There's not an
13 automatic rework of denied dose
14 reconstructions, denied claims with dose
15 reconstructions, when we issue a new revised
16 site profile.

17 What our rule requires us to do is
18 say, is the change in the site profile going
19 to possibly increase dose substantially for a
20 set of claims? And if it does, if the answer
21 to that is yes, then we have to go through
22 what we call this program evaluation review,

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1 where those claims that are so affected, where
2 an increase in dose might be factored into a
3 rework, those have to be identified; those
4 have to be screened within this process and
5 identified. Those are requested from the
6 Department of Labor for rework.

7 MS. BONSIGNORE: Okay.

8 DR. MAURO: This is John Mauro.

9 One of the tasks that we were
10 directed to perform, oh, it must have been
11 about a year ago, as part of the Procedures
12 Review Committee under Ms. Munn, was to review
13 the PER procedure and process and how it was
14 actually implemented on one particular PER.

15 So we do have on the record a
16 review of that procedure itself --

17 MS. BONSIGNORE: Okay.

18 DR. MAURO: -- that is being used
19 by OCAS for dealing with the program
20 evaluation reports and how they are selected,
21 implemented, and actually the implementation
22 of one for one actual site, where there was a

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1 full-scale implementation of a PER and a
2 review of potentially-affected dose
3 reconstructions.

4 Certainly, we haven't done anything
5 like that for Linde, but we have done it for
6 others.

7 You may get an idea, and I don't
8 have it at my fingertips, but certainly I
9 could find the work because all of it has been
10 published. It's all on the --

11 MS. BONSIGNORE: Yes, I've seen the
12 web page.

13 DR. MAURO: Okay, very good. Very
14 good.

15 MR. ELLIOTT: John, that wasn't on
16 a site. That one review was on lymphoma, was
17 it not?

18 DR. MAURO: That's correct. I'm
19 sorry. Yes, you're absolutely right.

20 MR. ELLIOTT: Just so everybody
21 understands here, a PER can be site-specific,
22 and in other instances it is across sites,

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1 like the Super S PER was across a number of
2 sites.

3 MS. BONSIGNORE: My concern is
4 that, from what you're telling me, Larry, is
5 that NIOSH makes a decision whether the
6 changes in the site profile will potentially
7 affect dose estimates for denied claims. Am I
8 correct?

9 MR. ELLIOTT: Yes. Our rule says
10 that, if there's a potential for -- I think
11 the words are -- a substantial increase in
12 dose, and we take a very conservative view of
13 that, meaning that we don't see it being as
14 much as 5 rem, it could be 5 millirem. That's
15 an increase in dose. We want to apply that to
16 those denied claims that are affected.

17 MS. BONSIGNORE: Okay. So that
18 evaluation is done by NIOSH. My question is,
19 is there any oversight of that decisionmaking
20 process?

21 MR. ELLIOTT: Well, I think the
22 Board, as you heard, has reviewed that

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1 procedure and that process.

2 MEMBER MUNN: Yes, we have.

3 MR. ELLIOTT: They're not, I don't
4 believe, you're not all done with that. You
5 have the opportunity, the Board has the
6 opportunity to pick up and look at any other
7 PERs and/or the process itself.

8 MEMBER MUNN: And as of this
9 moment, so far as I know, the reviews that
10 have been made have not found any deficiency
11 in the process that is currently active.

12 MR. ELLIOTT: Yes. The other thing
13 to understand about this is that, as I
14 understand it from the Department of Labor, if
15 a claimant wants to file an appeal on their
16 recommended decision, that they know of a
17 change in a site profile or a program
18 evaluation review, and they don't feel their
19 claim has been addressed under that, that the
20 FAB will reopen that for us to respond to that
21 specifically.

22 MS. BONSIGNORE: That's not

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1 accurate. I have about, I would say, about 10
2 workers who have filed requests to have their
3 claims reopened, and the response from the
4 Department of Labor has been, because NIOSH
5 has not issued a program evaluation report,
6 the issuance of the revised site profile does
7 not qualify as new evidence under the cited
8 section of the CFR.

9 MR. ELLIOTT: Well, that is
10 interesting to hear, Antoinette. I'm sorry
11 and disturbed by what you say. I think that I
12 don't have anything that I can use to convince
13 DOL otherwise. I think I would encourage you
14 all to go back to DOL and say what you're
15 saying.

16 MS. BONSIGNORE: Well, I have. I
17 have, but essentially, what they are telling
18 us is that their hands are tied until NIOSH
19 issues a program evaluation report, and that
20 they have no authority to remand cases to be
21 redosed or even re-evaluated to determine if
22 they should be redosed because NIOSH has not

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1 issued a program evaluation report.

2 MR. KATZ: Antoinette, this is all
3 very informative, and I think everybody
4 appreciates hearing about this here.

5 I mean, to get back to your point
6 about the Board or oversight, so the Board has
7 looked at -- has as a general charge, and it
8 is in the contract for SC&A to help the Board
9 with it, to the extent it gets tasked to help,
10 to look at PERs or the PER process. But I
11 think this is an interesting question, you
12 know, to raise for the Board, which is whether
13 it wants to ever look at the decisions to
14 issue a PER. I don't think that has been the
15 focus of the Board, to look at the decisions.

16 MS. BONSIGNORE: Right.

17 MR. KATZ: OCAS does inform the
18 Board when it does issue a PER. I mean it
19 keeps the Board informed as it does, but I
20 mean there has never been any kind of analysis
21 of when is a PER issued and when it is not. I
22 think that is an interesting issue which

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1 certainly we can share. It is not really this
2 Work Group's terrain, but we can certainly
3 share that with the full Board, that issue,
4 which I think the Board will be interested in
5 considering.

6 MS. BONSIGNORE: Thank you. That
7 was the point that I was trying to get to.

8 MR. KATZ: Right.

9 MS. BONSIGNORE: I guess I wasn't
10 expressing it well. So I would appreciate any
11 action on that issue specifically.

12 DR. MAURO: Ted, this is John.

13 This is interesting in that it goes
14 to the heart of the meeting we are having
15 right now. Would this, what we are talking
16 about right now, would this be something that
17 would be embraced by this Work Group and
18 followed up on to see the degree to which this
19 concern, as expressed by an interested member
20 of the public, a claimant, petitioner, et
21 cetera, was, in fact, adequately addressed?
22 Would this be something that would be within

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1 the mandate of this Work Group?

2 MR. KATZ: Well, John, I mean this
3 is just raised now.

4 DR. MAURO: No, no, no, but I guess
5 we're actually struggling with defining scope.

6 MR. ELLIOTT: Well, it's within my
7 scope, John. I have taken a note that I need
8 to follow up and determine whether or not a
9 Linde PER is on the horizon, first of all.

10 Secondly, I need to follow up with
11 the Department of Labor and Rachel Leiton and
12 see, you know, is this a District Office
13 issue, where they are telling one set of
14 claimants from one site one thing, but if I go
15 to another District Office, I know they are
16 telling another set of claimants a different
17 thing?

18 So I've got some to-do's already on
19 my list from this, just so that the folks
20 around this table know what happens when I
21 hear one of these matters of general concern
22 raised. So I have a to-do list here.

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1 MR. KATZ: But down the road, when
2 this Work Group is actually engaged in
3 evaluation, as opposed to planning, as it is
4 doing now, yes, this is exactly one of those
5 examples that the working group could follow
6 up on.

7 DR. MAURO: Good note. And that's
8 why I raised the question --

9 MR. KATZ: Yes. Thank you.

10 DR. MAURO: -- because it helps us
11 appreciate the richness of the scope.

12 MR. KATZ: Right. I think that's
13 nice.

14 MS. BONSIGNORE: Okay. Thank you
15 very much.

16 One last very brief issue with
17 regard to the SEC petitioning process. Back
18 in February of this year, I suggested that the
19 Board consider establishing a blanket policy
20 of tasking SC&A to review any petition
21 evaluation report wherein NIOSH is not
22 recommending SEC status. I wanted to know if

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1 there has been any further consideration of
2 that suggestion.

3 MR. KATZ: Could you repeat? I
4 missed something there. I'm aware of your
5 communication to the Board about the Linde. I
6 am not aware of a request to the Board that it
7 start a process of evaluating any petition
8 that was not qualified, if that is what I just
9 heard you say.

10 MS. BONSIGNORE: Yes. Yes, I
11 submitted a letter to Dr. Ziemer back in
12 February requesting that the Board consider
13 instituting a blanket policy. As far as I
14 know, there has been no disposition of that
15 request.

16 MR. KATZ: Okay. I don't recall
17 that letter because I guess I recall a later
18 one that came much later, where you asked him
19 to do some tasking of SC&A, which I have
20 addressed and we know about with respect to
21 the Linde one. I don't recall the one from
22 February to the Board. Normally, those go

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1 through me, so I see them. Maybe I have just
2 forgotten.

3 MS. BONSIGNORE: Okay.

4 MR. KATZ: So let me just give you,
5 though, some context about that.

6 Mike, if it is okay with you, I
7 will send a note to the Board about this other
8 issue that Antoinette raised.

9 I can also send one about this,
10 Antoinette, on your behalf.

11 MS. BONSIGNORE: Okay.

12 MR. KATZ: But let me just let you
13 know as context that the Board had a working
14 group that looked at, that spent some time
15 looking at the petition qualification process,
16 and concluded its work. You know, I don't
17 recall --

18 MR. ELLIOTT: Made recommendations.

19 MR. KATZ: Made recommendations.
20 It didn't consider an ongoing process of
21 looking at every petition that doesn't
22 qualify.

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1 I think Dr. Ziemer has told you, it
2 seems like, in the full Board meeting in a
3 comment about this general issue, or maybe it
4 was Dr. Melius. The Board decided it did not
5 want to be in the business of evaluating the
6 qualification of petitions. That came about
7 during the consideration of the SEC rule, as
8 we were promulgating the SEC rule.

9 But in any event, I will raise this
10 issue to the Board since you have raised it
11 here.

12 MS. BONSIGNORE: If I may just
13 clarify, I am not talking about the actual
14 qualification. I am talking about, once the
15 petition is qualified, and NIOSH issues a
16 petition evaluation report, and if NIOSH is
17 not recommending that SEC status be granted --

18 MR. KATZ: Oh, oh, I'm so sorry. I
19 completely missed that.

20 MS. BONSIGNORE: Okay.

21 MR. KATZ: I'm sorry, I completely
22 missed that.

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1 So you're saying that you want it
2 to be automatic that SC&A evaluate?

3 MS. BONSIGNORE: Exactly.

4 MR. KATZ: Oh, well, I mean, again,
5 I don't want to speak for the Board, but the
6 Board uses discretion in using its contractor.

7 There are petitions. It seems to me, I
8 cannot think of a case where the Board hasn't
9 involved SC&A in a -- well, maybe there are,
10 actually. I think I can think of cases where
11 the Board has, even where OCAS has recommended
12 against adding a class, the Board has
13 concurred without involving SC&A in some
14 simple cases. So I am not sure that they want
15 a blanket policy of contracting with SC&A for
16 tasking SC&A.

17 MS. BONSIGNORE: Okay. Well, if I
18 may just comment on that, the reason why I
19 requested that the Linde petition evaluation
20 report be evaluated by SC&A in advance of the
21 full presentation of that petition to the
22 Board was in order for the petitioners to be

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1 able to understand the reasons why NIOSH is
2 recommending SEC status not be granted.

3 That is the problem here. When
4 petition evaluation reports are issued,
5 petitioners are at a loss to understand the
6 complexities of why NIOSH is recommending that
7 SEC status not be granted. Therefore, when
8 petitioners go before the full Board to
9 provide a presentation on that petition, we
10 are at a disadvantage in trying to counter the
11 arguments that have been presented by NIOSH.

12 MR. KATZ: Well, a couple of
13 things, just to say -- and I don't want to
14 drag this out too long. But one, when NIOSH
15 presents, as the normal course of business,
16 NIOSH presents an evaluation report to the
17 Board, that is just the first step. It is the
18 first step for the petitioners, too, to
19 present to the Board, but it is not the last
20 opportunity for petitioners to engage the
21 Board.

22 So the Board takes that first

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1 presentation and then any initial other input
2 from the petitioners, and its own thoughts, to
3 consider how to task SC&A. That is important
4 that that occur, generally speaking. That is
5 important because that gives the whole Board
6 an opportunity to help direct SC&A before a
7 Working Group is involved with SC&A on a more
8 sort of iterative, constant basis in
9 evaluating that petition.

10 I think we need to have -- I don't
11 want to have this whole discussion with
12 everyone captive here, but there are reasons
13 why the Board operates the way it does. I
14 would be glad to explain those more in detail.

15 MS. BONSIGNORE: Okay. The only
16 thing I would like to add is that the fact
17 that SC&A has provided a report on the
18 petition evaluation report from NIOSH just a
19 couple of weeks ago that I've been able to
20 start reviewing it has been very helpful to
21 me.

22 I think it would be very helpful

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1 for that kind of information to be provided to
2 petitioners at the earliest possible date.
3 The Board may disagree with that, but from a
4 petitioner perspective, I have found it to be
5 a very useful tool.

6 MR. KATZ: Thank you.

7 MS. BONSIGNORE: Thank you.

8 MR. ELLIOTT: I could see that,
9 Antoinette. This is Larry Elliott.

10 I understand, essentially, you are
11 suggesting a process change, where the
12 evaluation report from NIOSH that recommends a
13 denial of a class would be picked up by and
14 reviewed scrupulously by the Board, its
15 contractor, and then you are better able to
16 present your case.

17 MS. BONSIGNORE: Yes, exactly.

18 MR. ELLIOTT: Yes.

19 MS. BONSIGNORE: Because you know,
20 I don't believe anyone at NIOSH or on the
21 Board would suggest that the technical nature
22 of petition evaluation reports or dose

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1 reconstruction reports are readily accessible
2 to a layperson.

3 MR. ELLIOTT: I understand and
4 agree. We try to make them as readable and
5 layperson-friendly as we can, but the nature
6 of the subject impedes our ability to do that.

7 MS. BONSIGNORE: Right.

8 MR. ELLIOTT: Let me just follow
9 up. You know, J.J. stepped out of the room
10 here and made a phone call back to the office.

11 Just so that you know, there is a program
12 evaluation review and report on the horizon
13 for Linde. It is about one to two months
14 away.

15 MS. BONSIGNORE: Okay.

16 MR. ELLIOTT: So with that armed in
17 my arsenal, now I will go to Rachel Leiton and
18 I will ask her about what's going on with the
19 Linde claims, are those folks being told
20 something different than other sites in other
21 Districts are being told? Because it may be
22 that they know about this PER coming up, but I

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1 doubt it.

2 MS. BONSIGNORE: Right.

3 MR. ELLIOTT: But at any rate, yes,
4 there is a PER on the horizon. I thought
5 there was. It is one to two months away --

6 MS. BONSIGNORE: Okay.

7 MR. ELLIOTT: -- before we issue
8 it. Then, in that, we would identify those
9 Linde claims that are so affected and need to
10 be reworked.

11 MS. BONSIGNORE: Okay. Thank you.
12 Thank you very much. I will relate that
13 information to the Linde workers.

14 MR. ELLIOTT: Thank you.

15 MEMBER BEACH: Let me ask a
16 question. Ted, if she wrote a letter or
17 presented a letter to the Board, isn't it the
18 responsibility of the Board to send her back
19 an official letter? Or am I missing
20 something?

21 MR. KATZ: Dr. Ziemer sends back
22 letters from individuals, and he gets the

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1 approval of the Board when it is from
2 congressional staff.

3 MEMBER BEACH: So is this one case
4 where maybe --

5 MR. KATZ: This is one case -- I
6 just don't know about what happened with the
7 response.

8 MEMBER BEACH: Because I kind of
9 remember the letter, but I don't -- yes, the
10 response should be forthcoming, I would think,
11 unless it didn't require that.

12 MR. KATZ: Right, it should be --
13 or it should have been, she said it was in
14 February, so it should have happened already.

15 MEMBER BEACH: Right.

16 MR. KATZ: But I will follow back
17 on whether -- I will have to find the original
18 correspondence and check with Dr. Ziemer about
19 the response because I don't believe I ever
20 saw the response.

21 MEMBER BEACH: I don't, either.

22 MR. KATZ: I could be mistaken. I

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1 have an incredibly bad memory for some things.

2 MS. BONSIGNORE: Okay. Thank you
3 very much.

4 CHAIRMAN GIBSON: Okay. Thank you.
5 Are there any other workers or
6 representatives, advocates, on the line?

7 (No response.)

8 Any other public comments?

9 (No response.)

10 Okay. If not, do we want to go
11 back to this work evaluation or do we want
12 to --

13 MEMBER BEACH: I don't think we
14 ever finished the third. I know Arjun has the
15 words here.

16 CHAIRMAN GIBSON: We didn't finish
17 the second.

18 MEMBER BEACH: We didn't finish the
19 second?

20 CHAIRMAN GIBSON: Yes, didn't
21 finish the second. Go back to the third.
22 Finish the second and go to the third.

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1 MEMBER BEACH: Arjun has been
2 working on both of them.

3 DR. MAKHIJANI: I took notes on the
4 second. I am happy to read my notes.

5 MR. ELLIOTT: I bet they're
6 bulleted, too.

7 (Laughter.)

8 DR. MAKHIJANI: Bulleted, sub-
9 bulleted, sub-sub-bulleted.

10 (Laughter.)

11 CHAIRMAN GIBSON: Go ahead.

12 DR. MAKHIJANI: Okay. Under the
13 first bullet, "Review all NIOSH procedures," I
14 wrote down two of them. I don't know how many
15 there are. Actually, Kathy has been tracking
16 this.

17 This would be OCAS PR-012 and
18 OTIB-31. Are there others, Kathy?

19 MS. ROBERTSON-DeMERS: PROC-0031.

20 DR. MAKHIJANI: PROC-0031, is it?
21 Okay. Sorry about that.

22 MR. ELLIOTT: Let me just say this:

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1 in certain aspects of the program, there are
2 procedures. Like, in the CATI procedure, you
3 know, there is a procedure for CATI and it
4 speaks to doing certain things that you might
5 be interested in. So there are a number of
6 those kinds of ancillary procedures that you
7 haven't listed there.

8 MS. ROBERTSON-DeMERS: Can I ask a
9 question? Is there a procedure on documenting
10 communications with site experts?

11 MR. ELLIOTT: I would have to get
12 back to you. I don't believe -- I don't know
13 the answer to that question.

14 DR. MAURO: This is John Mauro.
15 I see that in this first bullet,
16 Arjun, you started to list specific
17 procedures.

18 DR. MAKHIJANI: Yes.

19 DR. MAURO: It seems to me that --
20 well, I will throw my hat in the ring. I
21 don't think we should be doing that in this
22 document, and I think it should be up to the

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1 tasking of its contractor; namely, that is,
2 given a mandate to review procedures under
3 objective No. 2 --

4 DR. MAKHIJANI: We are not going to
5 do any of this. We are just writing the list.

6 MEMBER BEACH: This is just the
7 list.

8 DR. MAURO: Okay. So this is not
9 something --

10 DR. MAKHIJANI: I am presuming
11 that, before we do anything, the Work Group is
12 going to say do or do not do it. I am just
13 trying to --

14 DR. MAURO: I hear you. Then my
15 question is, the list, the two that you just
16 mentioned, are they going to go in as part of
17 this bullet?

18 DR. MAKHIJANI: It says, "Review
19 all NIOSH procedures." So I assume that we
20 should make a little list for the Working
21 Group to see what they want done.

22 DR. MAURO: Well, I would argue

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1 that it shouldn't go in the implementation
2 procedure, the thing we are working on. That
3 should be something that is deliberated by the
4 Work Group and judged by the Work Group,
5 whether they want to look at a particular
6 procedure.

7 Because once you open that door, as
8 pointed out by Larry, there are a lot of
9 ancillary procedures whereby you might miss
10 one. I would sooner say here's the place
11 where ambiguity is going to serve us better.
12 That is, the Work Group could make its own
13 judgments. When the Work Group meets in the
14 future, one of the items on the agenda would
15 be, okay, is there anything we should be doing
16 under evaluation objective two at this time
17 that we think would benefit --

18 MEMBER BEACH: So, John, what you
19 are saying is leave this general and let us
20 task those things later? Is that what I am
21 hearing?

22 DR. MAURO: Yes, as a living

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1 process, rather than try to be prescriptive at
2 this point in time.

3 I think, as long as it is agreed
4 that, listen, one of the objectives is to
5 review procedures, and what those procedures
6 are is something that will be judged in the
7 future.

8 DR. MAKHIJANI: When in doubt, be
9 vague, a very good motto.

10 (Laughter.)

11 DR. MAURO: Well, I don't want to
12 be vague. I mean I think when you start to
13 become that prescriptive here now, it creates
14 expectations or constraints that I don't think
15 will serve us well.

16 DR. MAKHIJANI: All I have done now
17 is make a list.

18 DR. MAURO: Okay.

19 (Laughter.)

20 DR. MAKHIJANI: For pure pleasure.

21 MEMBER MUNN: That's good. We will
22 need to see it anyway.

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1 DR. MAKHIJANI: Mike?

2 CHAIRMAN GIBSON: Yes, go ahead.

3 DR. MAKHIJANI: Okay. The next
4 one, in the next bullet I addressed that one
5 there, and then the fifth bullet, which Ted I
6 think had suggested be consolidated.

7 So, "Review a sample of interviews
8 and meetings where the above-referenced
9 procedures were implemented by NIOSH and its
10 contractors to determine whether procedures
11 were followed and effective in practice."

12 So under that, there are a bunch of
13 questions: "What information was obtained?
14 How was the information documented? Did
15 workers have opportunity to comment on the
16 record of the meeting, including meeting
17 minutes? Did they avail themselves of the
18 opportunity, and were their comments
19 incorporated?"

20 Next -- oh, okay, I should stop
21 there. I have just been trying to follow the
22 discussion and write it down. One or two

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1 things were, to be honest, from a sidebar here
2 with Josie.

3 Then the next one is, "Evaluate
4 completeness and adequacy of the Outreach
5 Tracking System. Does the OTS reflect the
6 breadth and depth of information provided by
7 workers at the meetings?"

8 I don't know whether that is
9 superfluous or --

10 MEMBER MUNN: That was back in
11 bullet three, right?

12 DR. MAKHIJANI: Yes, that is bullet
13 three.

14 Bullet four, "Evaluate the conduct
15 of outreach meetings." I deleted the stuff I
16 didn't understand and replaced it by, "Was the
17 meeting approach open enough to enable workers
18 to provide input to the extent they wanted,
19 and did the participants feel that meeting
20 achieved the stated purpose?"

21 So this implies that we might do a
22 little survey, but we may not want to. I mean

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1 I just wrote this down from what I was
2 hearing, and then I also heard what Mark said.

3 So I just want to call attention to that
4 because I am sensitive to what --

5 MEMBER MUNN: The first question
6 that rises to mind is, how do we do that?

7 DR. MAKHIJANI: Yes. Well, that is
8 why I am raising it. I am just trying to
9 document the discussion, not tell you what I
10 think.

11 Then the fifth bullet already
12 incorporated the second bullet.

13 You should now tell whether you
14 like this or want changes.

15 CHAIRMAN GIBSON: I think it pretty
16 much -- I think it is the flavor of the
17 discussions we had. So I think that will be
18 good for us to work from.

19 DR. MAKHIJANI: Okay.

20 MEMBER BEACH: Homework, right?

21 CHAIRMAN GIBSON: Homework, yes.

22 MEMBER MUNN: No question about it.

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1 DR. MAKHIJANI: I have this in edit
2 mode from the thing that Kathy sent. So one
3 thing I could do is simply send it in edit
4 mode, so you can see what all changes have
5 been made.

6 CHAIRMAN GIBSON: Did you have time
7 to look at evaluation No. 3 or objective No.
8 3?

9 DR. MAKHIJANI: I was instructed to
10 do so by my neighbor.

11 CHAIRMAN GIBSON: Okay. Good.

12 (Laughter.)

13 Go right ahead.

14 DR. MAKHIJANI: Okay. In No. 3,
15 okay, so we already looked at the objective.
16 Then, under the first bullet, "Examine the
17 process by which NIOSH and its contractor
18 evaluate worker input."

19 Under that, I had just one
20 question. "How does NIOSH catalog and
21 consider worker input for inclusion into its
22 technical documents such as site profiles?"

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1 So that is a process question of how NIOSH
2 follows up internally and its contractors.

3 The second bullet, "Conduct a
4 systematic review of worker outreach databases
5 at a point in time in relation to its impact
6 on technical documents."

7 Then, under that, "Select a sample
8 of site profiles and SEC evaluation reports
9 where worker outreach meetings have been done
10 to document whether and how worker input has
11 been considered and included, and evaluate if
12 exclusions were appropriate."

13 So that is what I got of the sense
14 of what was there.

15 And the last bullet, "Evaluate
16 NIOSH's tracking system for identifying trends
17 in worker comments." This was something that
18 came up earlier that Kathy said. "Has NIOSH
19 documented repetitive or recurring issues on a
20 sitewide or programwide basis?"

21 So that is No. 3.

22 MEMBER MUNN: Arjun, could you read

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1 that again, please?

2 DR. MAKHIJANI: "Evaluate NIOSH's
3 tracking system for identifying trends in
4 worker comments. Has NIOSH documented
5 repetitive or recurring issues on a sitewide
6 or programwide basis?"

7 MEMBER MUNN: Okay. Thank you.

8 DR. MAKHIJANI: So that is what I
9 had. Well, we hadn't discussed three. I just
10 did this at my own liberty because I was
11 instructed to do so.

12 CHAIRMAN GIBSON: Does that sound
13 good to work from for everyone else so far?

14 MEMBER MUNN: It is certainly a
15 good place to start.

16 MEMBER BEACH: So is it appropriate
17 to do some tasking or --

18 CHAIRMAN GIBSON: Tasking of SC&A.

19 MEMBER BEACH: SC&A in preparation
20 for our next meeting or thoughts?

21 CHAIRMAN GIBSON: Well, I think we
22 could have SC&A help us, send this out in

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1 draft edit form to us group members, so we can
2 take a stab at it. Then they could also try
3 to hone it up a little bit on their own.

4 DR. MAKHIJANI: Before sending it
5 to you? Before sending it to you, because I
6 would like to send this to Kathy, with your
7 permission.

8 CHAIRMAN GIBSON: Yes, absolutely.

9 DR. MAKHIJANI: Since I have been
10 kind of taking liberties with her work.

11 CHAIRMAN GIBSON: Sure.

12 MEMBER MUNN: Yes, you certainly
13 have.

14 CHAIRMAN GIBSON: And then, Josie,
15 are there some other actions or tasks?

16 MEMBER BEACH: Well, I was just
17 wondering, we keep throwing around tasking
18 SC&A with reviewing OCAS Procedure 0012. Is
19 that something we can have them do at this
20 time? Then, of course, the associated
21 database, once we have access to it.

22 MEMBER MUNN: We haven't done 0012?

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1 MEMBER BEACH: No, we have not done
2 0012, 97 was done and kind of thrown out at
3 the last meeting, kind of.

4 DR. MAKHIJANI: What happened with
5 97 was it was a partial review. We had
6 reviewed the paper document, and it is being
7 rescinded, and there was another database at
8 the time, the Whisper database, which we
9 didn't have access to at that time. So we
10 didn't review that.

11 MEMBER BEACH: But there were
12 findings still kind of floating that may
13 pertain to 0012 that could be incorporated in
14 the review of 0012, I believe.

15 DR. MAKHIJANI: That's right. So
16 that has been rendered obsolete, but we don't
17 have a measure of where we are until we look
18 at the new procedure, until you ask us to look
19 at the new procedure.

20 CHAIRMAN GIBSON: It is obviously
21 going to be part of the scope of our
22 implementation plan. I guess I would ask

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1 SC&A, do you think it is appropriate to do it
2 now? Would it have benefit now? Or should we
3 wait until we get more meat on the
4 implementation? Or do you have what you need
5 to look at now?

6 MEMBER BEACH: Can I add to that?
7 There are some other associated procedures
8 that we might want them to look at, like 031.

9 I haven't had a chance to look at it, but I
10 know there is some worker outreach in that
11 procedure. I just didn't want to limit it to
12 0012.

13 CHAIRMAN GIBSON: Here is my
14 concern, and I will just let SC&A make their
15 -- I don't want them to review a procedure and
16 then, once we walk down through this thing and
17 get it set in stone, the review has missed
18 something that we have added with this.

19 So do you think --

20 MS. ROBERTSON-DeMERS: I think it
21 would benefit the implementation plan.

22 CHAIRMAN GIBSON: Could you speak

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1 up?

2 MS. ROBERTSON-DeMERS: I think that
3 if we did it simultaneously, obviously, the
4 implementation plan is going to come before
5 the release of the view of the OCAS 0012
6 procedure, but it would help us in defining
7 some of what should be in the implementation
8 plan.

9 CHAIRMAN GIBSON: Okay.

10 DR. MAURO: We do have precedent
11 for doing things like this. Very often, it is
12 sort of like an iterative process. You are
13 trying to lay out an overarching procedure,
14 and you do that without actually doing a
15 little bit of implementing it. But you do a
16 little implementing, and then you have learned
17 from that.

18 That all happened, by the way, with
19 the surrogate data. If you recall, we were
20 tasked to help write an overarching, help the
21 Work Group with an overarching set of
22 guidelines for surrogate data. But in

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1 parallel, we were actually to review the use
2 of surrogate data in a couple of cases. I
3 think it was Texas City and Blockson, I
4 believe. I'm not sure.

5 But in any event, what I'm getting
6 at is the idea of doing these things in
7 parallel is sometimes very helpful because it
8 enriches your understanding on both ends.

9 So we are certainly prepared to
10 review one or more procedures while we are
11 helping the Work Group develop its overarching
12 implementation procedure.

13 DR. MAKHIJANI: Yes, I agree with
14 John and Kathy with one caveat. We haven't
15 looked at the tracking system, and it is new.

16 We shouldn't put a completed document on the
17 table until we have done that, so we don't
18 repeat the kind of problem that occurred last
19 time where we did a paper review and we hadn't
20 had access to Whisper. There was a lot of
21 confusion in the discussion of the procedure
22 because of that, I think. I see Larry is

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1 nodding his head.

2 DR. MAURO: Yes. Is it loaded?

3 I'm sorry, this is John.

4 How far in terms of maturation of
5 the attached -- I know there were a number of
6 attachments that were part of PROC-0012 where
7 you will be populating a database. If that
8 database really isn't very well-populated yet,
9 it would be premature for us to move forward.

10 MS. ELLIOTT: The database actually
11 begins in June of 2007, when ATL became
12 attached directly with OCAS. There are
13 historical documents and things in question
14 that have not been populated, and that is
15 being worked out.

16 DR. MAKHIJANI: But since 2007, the
17 meetings that you have had are documented in
18 OTS.

19 MR. JOHNSON: July.

20 DR. MAKHIJANI: Yes, so about two
21 years.

22 MS. ELLIOTT: Yes. The first

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1 meeting was at the end of July. It is pretty
2 much complete.

3 DR. MAKHIJANI: The other thing I
4 would request, if we are going to go down this
5 road, is that we actually attend a couple of
6 these meetings, you know, an on-the-ground
7 feeling for the procedure and how it is
8 working.

9 I agree with Mark, and everybody
10 who has done these meetings or interviews
11 knows that they have a momentum of their own.

12 You have to respect what people are saying.
13 It is sort of not different than CATIs or any
14 other kind of thing.

15 It would help in the implementation
16 plan and refine the stuff, and give you -- you
17 know, maybe what we ought to do is go down the
18 road and give you a progress report on how all
19 of this stuff is going at the next Work Group
20 meeting, so you have an idea.

21 CHAIRMAN GIBSON: Here's my
22 feelings, unless the rest of the Work Group

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1 overrides me.

2 The main objective is to get the
3 implementation plan, have it ready for the
4 next full Board meeting. If doing the
5 procedure review and developing this plan
6 slows the process down, then I don't want to
7 do it. If it is not going to slow the process
8 down, that's fine. But I think we need to
9 work on this first, so we can get a final
10 product out before the Board.

11 DR. MAKHIJANI: I think Kathy would
12 probably have the best judgment --

13 DR. ZEITOUN: I have one comment to
14 add to Mike's. I think that reviewing the
15 procedures is going to help for one reason,
16 because we talked earlier, before lunch,
17 before the break, that we are going to have --
18 in the implementation, we are going to use
19 many things that the NIOSH has produced -- and
20 Larry is nodding his head -- by reference, to
21 make it a readable document, instead of just
22 going and recreating the whole program from

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1 scratch.

2 So this would be allowing us to add
3 this into perspective. So the review is going
4 to help, and this will not impede the progress
5 in developing the implementation plan. It
6 actually may enhance it and make it better.
7 That is one.

8 The second thing, I am really
9 encouraging everybody around the table here,
10 and whoever listens, if you have any comments
11 on what we have now, because it is really
12 interesting that I am sitting here with a
13 document that has been in circulation for a
14 while, and there are a lot of good comments
15 coming up. It is better for us to know it,
16 and we go and finetune this document in a
17 meeting like that, so it becomes more and
18 meets your objectives of trying to get it out
19 to the Board.

20 So if there are any more comments
21 on this document right now, please produce it
22 to us, so let us work and make something more

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1 productive to you in the next meeting.

2 DR. MAURO: Abe, I've got a
3 question though.

4 DR. ZEITOUN: Yes.

5 DR. MAURO: During the conversation
6 on tasking SC&A, I got the sense that the next
7 round on revising this implementation plan is
8 in the hands of the Work Group, not in SC&A's
9 hands. Is that correct?

10 DR. ZEITOUN: I think we are going
11 to be helping them. That is what I understand
12 from Mike.

13 DR. MAURO: Well, yes. So the lead
14 on putting this together -- certainly, we are
15 always there to help.

16 DR. ZEITOUN: We are going to be
17 drafting it for them, and they will make the
18 final decision. We don't make final
19 decisions.

20 DR. MAURO: No, I just want to know
21 whether we are tasked to make -- in other
22 words, Arjun has done some editing.

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1 DR. ZEITOUN: It is going to come
2 to Kathy, and we are going to centralize
3 everything in one document.

4 DR. MAURO: Oh, okay. Then we will
5 turn that --

6 DR. ZEITOUN: And we will work with
7 Mike and the Board members to finalize
8 everything. Then the whole thing will be
9 done.

10 DR. MAURO: Okay. So I guess,
11 Mike, the action item then is we'll quickly
12 put together another version of this
13 implementation plan, that we will do the best
14 we can to capture the sensibility that was
15 communicated during this meeting, and get that
16 into your hands within a week. Then, at that
17 point, it becomes a working document within
18 the Work Group. Of course, we will be on the
19 sidelines to help out any way you would like,
20 but it really will be in your hands at that
21 time.

22 DR. ZEITOUN: John, can I say

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1 something? The week is really hasty here
2 because we are talking about reviewing some of
3 the procedures to be encompassed in the
4 implementation plan. So for you to say a
5 week, I didn't hear that from Mike.

6 DR. MAURO: Oh, no, I know that.
7 But what I did hear is that our role now is to
8 capture what was communicated and not do too
9 much research.

10 This is important. You see, we
11 have a meeting, a lot was said, and there's a
12 sensibility that we have that we could quickly
13 put on paper and change the construct and the
14 content of the draft procedure.

15 Now the next tier, of course, is,
16 oh, let's do a little more homework. You
17 know, there's more things we can do before we
18 revisit this construct.

19 In my mind, well, I want to make a
20 suggestion. We turn something around quickly,
21 so that the Work Group says, "Okay, yes, I
22 believe this is a faithful representation of

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1 the discussions we had." Then, at that point,
2 then the Work Group could make its judgments
3 on where do we go from here.

4 Otherwise, if we spend a lot of
5 time doing special research, that is an open-
6 ended problem. I would rather avoid open-
7 ended problems. I would rather keep it
8 simple.

9 Let's get what we believe to be a
10 faithful representation of the dialog we had
11 today into the Work Group's hands. Then let
12 the Work Group decide what the next step is.
13 That really makes it a lot easier for us in
14 terms of turning something around and putting
15 it back in the hands of the Work Group.

16 Because if we have to do some
17 procedure reviews and other investigations,
18 I'm always worried that is an open-ended thing
19 and that it never ends.

20 MEMBER BEACH: And John, with that
21 in mind, I want to ask Mike -- Mike, what's
22 your plan from here? Are you planning on

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1 trying to reconvene the Work Group before the
2 next Board meeting, so we have a chance?

3 So maybe once we decide that, then
4 you can come up with a timeline for SC&A?

5 CHAIRMAN GIBSON: Yes.

6 MEMBER BEACH: Does that make
7 sense?

8 CHAIRMAN GIBSON: I would like to
9 get the draft document, as we believe it
10 exists for today, out within a week or so.
11 Let the Board members, Work Group members take
12 a stab at it. That is not to say for SC&A to
13 stop. We want you to keep providing your
14 input also. Let's try to schedule a meeting
15 maybe within a month.

16 MEMBER BEACH: So basically, they
17 turn around what we did today to us to review.
18 We give our review back to them. It is a
19 working document until we meet back, say,
20 whenever the next Work Group meeting is, with
21 them reviewing 0012? Okay.

22 I just wanted to make sure I was

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1 clear.

2 CHAIRMAN GIBSON: That is what I
3 think would be the best.

4 Any other comments?

5 MEMBER MUNN: Yes. In Procedures,
6 we have agreed two meetings ago, which would
7 have been about three months ago, that when we
8 have procedures under review and have findings
9 that we were in the process of resolving, when
10 those procedures refer directly to a specific
11 site or to an existing work group, we will not
12 attempt to resolve those findings. We will
13 refer them to the site-specific work group or
14 in this case, it would be to the Worker
15 Outreach Work Group.

16 I just want you to be aware of the
17 fact that that's what I was talking about at
18 our last Board meeting when I mentioned that
19 this had transpired, and that we would be
20 transmitting those things to work group chairs
21 in the future.

22 So with that in mind, I want you to

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1 be aware of the fact that, if you are asking
2 SC&A to review this procedure and to respond
3 with findings, the resolution of those
4 findings will be in the hands of this Work
5 Group, not in the hands of Procedures.

6 MEMBER BEACH: Right. Right.

7 MEMBER MUNN: Okay. I just wanted
8 to make sure.

9 DR. MAURO: And this is John.

10 And what I heard, too, is that we
11 are not going to allow the review of PROC-0012
12 to impede progress made on development of the
13 implementation plan. It will enrich it to the
14 extent it can, since the idea sounds like they
15 will be moving in parallel. The degree to
16 which what we learn as we do the review of
17 PROC-0012 could feed into the finalization of
18 the draft of the implementing procedure,
19 great. But what I am hearing is, though, we
20 don't want to hold up -- because we don't know
21 what we are going to run into when we start
22 reviewing a procedure.

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1 What I am hearing is we do not want
2 to hold up progress on the implementation.
3 You take a best shot at the implementation,
4 and the degree to which the review of
5 PROC-0012 could help that, great, but we
6 shouldn't deliberately, let's say, hold up
7 progress on implementation while PROC-012 is
8 moving forward.

9 CHAIRMAN GIBSON: Right. To me, I
10 don't want to rush the plan, but it is time to
11 get the plan in motion and it is time we start
12 doing something for the workers and the
13 claimants.

14 If, throughout the process of these
15 reviews, procedures, and everything else, we
16 find we will need to change the recommendation
17 plan, then we will take it back to the Board
18 and we will modify it.

19 DR. MAURO: Yes, I see it that way,
20 yes.

21 CHAIRMAN GIBSON: But it is time to
22 get it out there and make something.

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1 MR. KATZ: So just two
2 clarifications. One, did you task PROC-0012?

3 CHAIRMAN GIBSON: Yes, as long as
4 it doesn't impede the progress --

5 MR. KATZ: Okay. Good. No, I just
6 wanted to be clear myself on that.

7 Then, secondly, we have a Board
8 teleconference on September 8th, I believe.
9 Paul, in response to the email that I sent
10 that I discussed at the beginning of this
11 meeting, said that we could discuss the charge
12 during the teleconference. We've gotten that,
13 more or less, hammered out. Do you want to
14 address that at the teleconference or do you
15 want that to wait for the rest of it, for
16 October? It's up to you.

17 CHAIRMAN GIBSON: If we have a
18 period of time for updates and stuff, we could
19 give a brief update, but I would rather
20 concentrate on having the plan ready for the
21 full Board meeting in October.

22 MR. KATZ: Okay. Well, then I will

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1 just leave that. I won't put it as a separate
2 agenda item. You can cover that in your
3 update.

4 CHAIRMAN GIBSON: Okay.

5 MR. KATZ: Is that what you would
6 prefer?

7 CHAIRMAN GIBSON: Yes.

8 MR. KATZ: That's fine. I just
9 wanted to be clear with that.

10 MEMBER MUNN: The Board does need
11 to make the charge, correct?

12 MR. KATZ: Yes.

13 MEMBER MUNN: The Board needs to
14 make the charge to SC&A.

15 MR. KATZ: Not to SC&A, no. We are
16 just talking about the charge for the Work
17 Group.

18 MEMBER BEACH: What about the
19 mission statement?

20 MR. KATZ: That is what I am
21 talking about, the mission statement.

22 MEMBER BEACH: Oh, okay.

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1 MR. KATZ: That is what I am
2 talking about, whether you want the mission
3 statement --

4 CHAIRMAN GIBSON: The revised
5 mission statement.

6 MR. KATZ: -- the revised mission,
7 whether you want to bring that up for this
8 teleconference or do you want that to wait
9 until October?

10 CHAIRMAN GIBSON: No, we can do
11 that at this time --

12 MR. KATZ: Okay. That is what I am
13 asking about.

14 CHAIRMAN GIBSON: I'm sorry.

15 MR. KATZ: No, that's all right.

16 DR. ZEITOUN: So just the mission,
17 right, the mission statement?

18 MR. KATZ: Okay. Then I will have
19 that as a separate agenda item, and you can do
20 the rest of your Work Group update after we
21 discuss that.

22 CHAIRMAN GIBSON: Yes.

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1 MEMBER MUNN: But I was talking
2 about the procedure, the charge to SC&A to
3 proceed.

4 MR. KATZ: Yes, the Work Group can
5 task that.

6 MEMBER MUNN: Oh, really?

7 MR. KATZ: The work groups task all
8 the time, SC&A work.

9 DR. MAKHIJANI: Mike, what I have
10 for our team is that we send you these
11 revisions that we have been discussing by
12 August 19th, which is a week from today.

13 DR. ZEITOUN: Actually, we have a
14 little problem because the people who are
15 going to be working are going to be in
16 Savannah River next week. So give us 10 days,
17 if it is okay with you.

18 CHAIRMAN GIBSON: Sure. Okay.

19 DR. MAKHIJANI: I mean I am just
20 reading out what I have in terms of what's
21 final.

22 DR. ZEITOUN: Yes, 10 days will be

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1 fine. Is that okay, Mike?

2 CHAIRMAN GIBSON: Yes.

3 DR. MAKHIJANI: So August 21st?

4 That would make it Friday of next week.

5 DR. ZEITOUN: Fine.

6 DR. MAKHIJANI: And SC&A to start
7 reviewing PROC-0012 and post-August 21
8 continue working on the implementation plan in
9 light of continuing review by the working
10 group, right? The Working Group will send us
11 comments?

12 CHAIRMAN GIBSON: Yes.

13 DR. MAKHIJANI: And then send a
14 redraft for consideration to the working group
15 a week prior to the next working group
16 meeting? Will that be adequate? Or two weeks
17 or whatever? I don't know when you want to
18 cut off that.

19 CHAIRMAN GIBSON: Yes.

20 DR. MAKHIJANI: Does that seem
21 reasonable?

22 CHAIRMAN GIBSON: Yes.

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1 DR. MAURO: I've got a question for
2 the Work Group. During this meeting, we
3 discussed the three -- certainly, the mission
4 statement, and of course we now have a new
5 draft mission statement that I think everyone
6 is comfortable with.

7 We also discussed the three
8 objectives and the language, you know, the
9 bolded three objectives, and I think we added
10 a fourth.

11 MEMBER MUNN: Yes, we did.

12 DR. MAURO: And I think that there
13 was general agreement on the language in that
14 part of it.

15 So what I am hearing now is the
16 main mission that we are going to try to do 10
17 days from now is put the bullets in in a way
18 that it meets the intent of the discussions we
19 had.

20 So in terms of what we have
21 accomplished, I guess, we now have a revised
22 mission statement. We now have four

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1 evaluation objectives that we agree on the
2 statements. What we are still working on,
3 though, are the bullets that sort of further
4 develop what will be done on the subject --

5 DR. ZEITOUN: John, we have to add
6 also the comments that Josie raised earlier --

7 DR. MAURO: Go ahead.

8 DR. ZEITOUN: -- defining the
9 framework of what we are evaluating. That is
10 what we reached before the lunch. So we are
11 going to reference in the document also, by
12 reference, what's the outreach program that we
13 are evaluating, and we are using the
14 objectives towards.

15 DR. MAURO: I think I have a
16 question though.

17 DR. ZEITOUN: So it becomes
18 comprehensive.

19 DR. MAURO: Well, then my question
20 is, do we still have ambiguity on what the
21 evaluation objectives are, the overall, one,
22 two, three, and now No. 4?

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1 MEMBER BEACH: Yes, we do.

2 DR. MAURO: We do? Okay. I'm
3 sorry. Good.

4 DR. MAKHIJANI: Well, they are not
5 settled certainly. The working group said
6 they are going to work on it still.

7 DR. MAURO: Oh, okay.

8 DR. MAKHIJANI: Right?

9 DR. MAURO: And that's why I asked
10 the question, because I wasn't quite sure
11 whether we settled on that or not. I know we
12 didn't settle on the bullets, but I wanted to
13 know whether we settled on the objectives, but
14 that is up in the air also. Okay.

15 DR. ZEITOUN: That's a work in
16 progress.

17 DR. MAURO: Okay.

18 DR. ZEITOUN: You are right, John.

19 MEMBER BEACH: So can we talk about
20 the next meeting, okay, before some of us have
21 to run off?

22 CHAIRMAN GIBSON: Yes. So what

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1 time looks good, Ted, as far as -- I know
2 there are some problems with the shiftover.

3 MR. KATZ: Give me a general
4 framework for how far out you want me to look.

5 MEMBER BEACH: How does October
6 15th look? I know a bunch of us are already
7 going to be here.

8 MR. KATZ: Well, October 15th --

9 MEMBER MUNN: Well, there's the
10 6,000 --

11 MEMBER BEACH: That is on the 14th.

12 MR. KATZ: Yes.

13 MEMBER MUNN: Hasn't it been
14 settled on the 14th?

15 MR. KATZ: It's not settled because
16 we haven't heard yet back from Dr. Poston.

17 MEMBER MUNN: I see.

18 MR. KATZ: Everyone else has said
19 okay with the 14th. So it is pretty likely
20 that that will be on the 14th.

21 So there is the 15th.

22 CHAIRMAN GIBSON: That's a week

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1 before the full Advisory meeting, right?

2 MEMBER MUNN: Yes, it is.

3 MR. KATZ: But it is kind of brutal
4 to have a full week of work group meetings
5 right before the full Advisory. But you know,
6 it is worse for me than it is for you guys.

7 MEMBER BEACH: What about the last
8 week in September?

9 MR. KATZ: Now September, that we
10 would have to -- let's see, the last week of
11 September is what you are saying?

12 MEMBER BEACH: Yes.

13 MR. KATZ: Let's see what we have.

14 MR. ELLIOTT: We are tied up on the
15 morning of the 30th.

16 MR. KATZ: Yes, it can't be the
17 30th. I'm just checking which of those days.

18 DR. MAKHIJANI: There is an Oak
19 Ridge Hospital Work Group meeting on the 7th.

20 So you might want to follow up and connect it
21 with that.

22 MR. KATZ: Wait. Wait.

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1 DR. MAKHIJANI: I don't know who is
2 on the Work Group.

3 MR. KATZ: Wait. I thought we were
4 in September, the last week of September.

5 MEMBER BEACH: We were, but he
6 jumped ahead to October.

7 DR. MAKHIJANI: I was just pointing
8 out that there is a Cincinnati meeting on
9 October 7th.

10 MR. KATZ: Oh, right. There's
11 that, too.

12 DR. MAKHIJANI: In my calendar at
13 least, there is nothing around it indicated.
14 We might want to join it before or after.

15 MR. KATZ: Yes, that is exactly
16 what I am checking right now. We have,
17 actually, the Procedures the day before. Then
18 Oak Ridge is on the 7th. So the 8th of
19 October, how does that work for all of you?

20 CHAIRMAN GIBSON: How about toward
21 the end of September?

22 MR. KATZ: Okay, you want to do it

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1 earlier?

2 CHAIRMAN GIBSON: I think after
3 this next meeting, I don't think everything is
4 going to be locked in stone. I would just
5 like to have a few weeks to maybe have to work
6 out some final details and email it back and
7 forth.

8 MR. KATZ: Okay. And October 8th
9 doesn't give you enough time? Okay.

10 CHAIRMAN GIBSON: No. It's just a
11 bad day.

12 MR. KATZ: Okay. So it's a bad
13 day, okay.

14 So then it would have to be the
15 28th or the 29th of September because the next
16 is the beginning of the fiscal year, and the
17 first couple of days of the fiscal year we
18 don't even know if we have money.

19 (Laughter.)

20 That is the way the federal budget
21 process works. It's a real problem.

22 MEMBER BEACH: How is the 29th?

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1 MS. ROBERTSON-DeMERS: I think we
2 are talking about the week of the 22nd.

3 MR. KATZ: No, no, we are talking
4 about the week of the 28th. So does the 29th
5 work?

6 CHAIRMAN GIBSON: Give me your
7 thoughts.

8 MR. KATZ: Anybody have a problem
9 with the 29th?

10 MEMBER MUNN: I can't be there, but
11 I could call in. I can't be there.

12 MR. KATZ: Can you be by
13 teleconference?

14 MEMBER MUNN: Maybe. I will be
15 lost somewhere in Utah. Who knows? If the
16 Senator there will allow me to call.

17 MEMBER BEACH: So was the 1st --
18 oh, you said October 1st was --

19 MR. KATZ: October 1st will not
20 work for an in-person meeting. Now if you
21 want a teleconference, that can work.

22 CHAIRMAN GIBSON: It would probably

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1 have to be a face-to-face.

2 MR. KATZ: Okay. Then the 28th or
3 the 29th, those are your options.

4 MEMBER BEACH: Either one is fine
5 for me.

6 MEMBER SCHOFIELD: We are talking
7 September here, right?

8 MR. KATZ: Yes, we are, Phil,
9 September 28th or 29th. Do those work for
10 you?

11 MEMBER SCHOFIELD: The 29th would
12 work better for me than the 28th.

13 CHAIRMAN GIBSON: Okay, the 29th it
14 is.

15 MR. KATZ: Now if you were a
16 subcommittee, you couldn't do this because
17 there's not enough notice time.

18 MEMBER MUNN: And I still hope that
19 at some juncture, either on this agenda or on
20 an upcoming one, we can continue to discuss
21 that, that subcommittee issue.

22 CHAIRMAN GIBSON: Yes.

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1 MEMBER MUNN: So you'll start at
2 9:30 that morning?

3 CHAIRMAN GIBSON: Yes, 9:30 would
4 be good.

5 MR. KATZ: 9:30, I will set it up.
6 That means, all of you Board members, you
7 need to get your travel in for that by this
8 Friday, if you want to do this, this Friday.

9 CHAIRMAN GIBSON: Let's be sure,
10 everyone, to get to work on this, and don't
11 have any 3:30 flights next time.

12 (Laughter.)

13 MEMBER BEACH: Okay. So we will
14 make it a full day?

15 CHAIRMAN GIBSON: No, I'm just
16 kidding. I just hope we can get something
17 done.

18 MR. ELLIOTT: Are there any action
19 items?

20 CHAIRMAN GIBSON: I didn't catch
21 any for NIOSH.

22 MEMBER BEACH: I thought we got a

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1 lot done.

2 MR. ELLIOTT: I have some personal
3 action items, but none that this working group
4 is expecting of NIOSH OCAS.

5 CHAIRMAN GIBSON: None that I
6 jotted down, unless I missed something. I
7 think it is just the Work Group and SC&A --

8 MR. KATZ: Yes, everybody has a
9 task to flack SC&A with any ideas.

10 DR. ZEITOUN: Probably there is one
11 issue, the database, if we can expedite it.
12 But yes, that is the only one, yes.

13 MR. ELLIOTT: Get you access.

14 DR. ZEITOUN: Yes. And your inputs
15 to any comments to be forwarded to us.

16 CHAIRMAN GIBSON: We will adjourn,
17 I guess.

18 MR. KATZ: We are adjourned. Thank
19 you, everyone on the telephone.

20 (Whereupon, the above-entitled
21 matter went off the record at 3:20 p.m.)

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